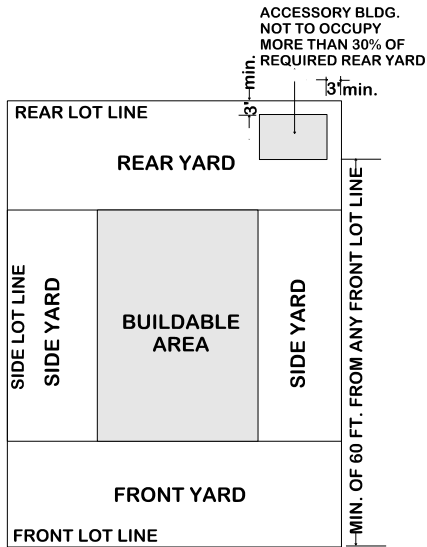
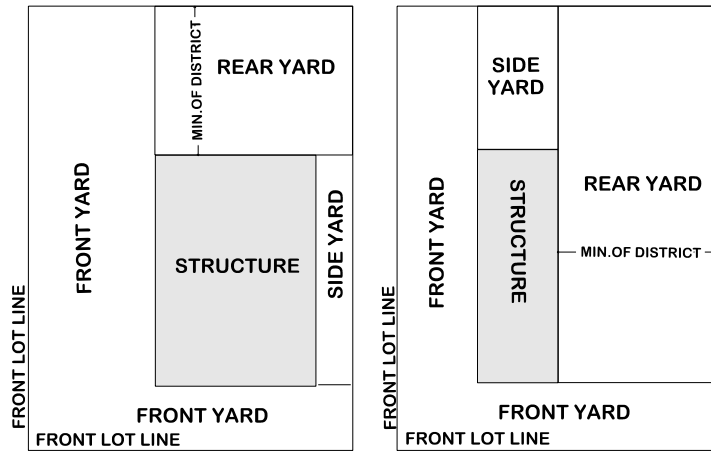


A-1 ILLUSTRATION OF LOT, YARD AND BUILDING REQUIREMENTS

BUILDABLE AND NON-BUILDABLE AREAS



REAR YARDS ON CORNER LOTS

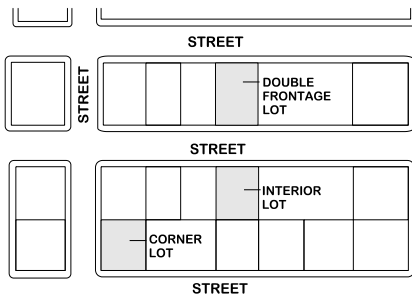


REAR YARD OPTION 1

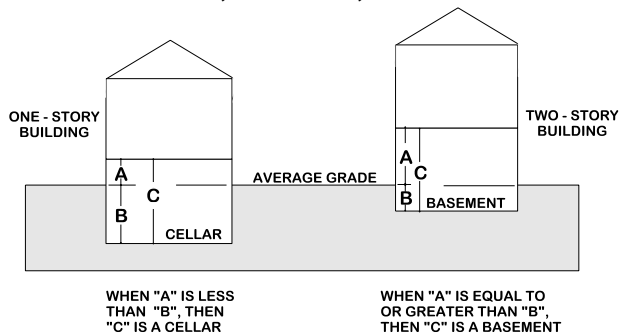
REAR YARD OPTION 2

On corner lots the rear yard is generally considered to be parallel to the street upon which the lot has its least dimension as depicted in "Rear Yard Option 1". However, the rear yard may be approved parallel to the street upon which the lot has its greatest dimension, if the minimum distance from the structure to the rear property line complies with the minimum rear yard setback required in the zone district as depicted in "Rear Yard Option 2".

LOT TYPES



CELLAR, BASEMENT, AND STORY



A-2 RECOMMENDED PLANT LIST

A-2.1 Recommended Canopy Trees

Botanical/Common Name	Height at Maturity
Acer rubrum (Red Maple)	65'
Acer saccharum (Sugar Maple)	90'
Fraxinus americana 'Rosehill' (Rosehill Ash)	90'
Fraxinus pennsylvanica 'Marshall's Seedless (Marshall's Seedless Ash)	80'
Gleditsia triacanthos inermis 'Shademaster' (Shademaster Honeylocust)	70'
Quercus rubra (Red Oak)	90'
Tilia cordata (Littleleaf Linden)	60'
Ulmus hollandica (New Dutch Elm)	70'

A-2.2 Recommended Understory Trees

Botanical/Common Name	Height at Maturity
Amelanchier laevis (Allegheny Serviceberry)	30'
Crataegus species (Hawthorne)	15-28'
Koelreutaria paniculata/Goldenraintree)	30'
Malus species & cultivars (Crabapple)	10-30'
Pyrus calleryana 'Aristocrat' (Aristocrat Pear)	30'

A-2.3 Recommended Evergreen Trees

Botanical/Common Name	Height at Maturity
Picea abies (Norway Spruce)	90'
Pinus nigra (Austrian Pine)	80'
Pinus strobus (White Pine)	100'

A-2.4 Recommended Deciduous Shrubs

Botanical/Common Name	Height at Maturity
Forsythia intermedia (Border Forsythia)	8'
Hamamelis virginiana (Common Witchhazel)	12'
Hydrangea quercifolia (oakleaf Hydrangea)	5'
Ligustrum obtusifolium regelianum (Regal Privet)	6'
Lonicera fragrantissima (Winer Honeysuckle)	10'
Myrica pennsylvanica (Northern Bayberry)	12'
Spiraea vanhouttei (Vanhoutte Spirea)	6'
Viburnum dentatum (Arrowwood Viburnum)	8'
Viburnum prunifolium (Blackhaw Viburnum)	10'

A-2.5 Recommended Evergreen Shrubs

Botanical/Common Name	Height at Maturity
Juniperus pfitzeriana (Pfitzer Juniper)	8'
Taxus media 'densiformis (Dense Yew)	4'
Taxus media 'Hicksii' (Hick's Yew)	10'

A-3 GUIDELINES

A-3.1 AUTOMATIC TELLER MACHINES (ATM'S)

The specifications for the ATM should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience, identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

- a. Size Will not exceed maximum 8 ft. length, 3 ft. width, 8 ft. height.
- b. Location The location of such drive-in and/or walk-up ATM will be so designed that it will not interfere with the circulation of pedestrian or vehicular traffic on the surrounding parking lot or the adjoining streets, alleys, or sidewalks.
- c. Signage Will not exceed maximum 15% of surface area positioned on the structure (name & logo)
- d. Lighting Will utilize existing lighting plan, and supplemented only with self contained operational/security lighting.
- e. Stacking & Circulation Will provide minimum of five spaces designed to not prohibit use of required parking.
- f. Number of Stations Will not exceed maximum of one per Planned District.
- g. Parking Will maintain parking requirements for the existing district.

A-3.2 OUTSIDE LIGHTING

- a. Height Range by Activity Level* low: 10 ft. to 16 ft. medium: 10 ft. to 24 ft. high: 10 ft. to 32 ft. (also should not exceed permitted building height)
- b. Average Illuminance by Activity Level* low: 1.0 footcandle medium: 2.0 footcandle high: 3.0 fc
- c. Maximum Illumination (footcandles) by Activity Level* low: 5.0 footcandle medium: 10.0 footcandle high: 15.0 footcandle
- d. Uniformity of Illumination (maximum/minimum footcandle ratio) should not exceed 15:1
- e. Illumination of Access Drive should not exceed average footcandles maintained at adjacent public road
- f. Color Rendition
- g. Metal Halide or Quartz Incandescent Luminaires should be used where color quality may affect the public interest.
 1. High Pressure Sodium Luminaires should only be used where cost and energy efficiency are essential and color quality will not adversely affect the public interest.
 2. Mercury Vapor and Low Pressure Sodium Luminaires are unacceptable if within public view.
- h. Glare Control
 1. All outdoor lighting for non-residential uses should be located, screened, or shielded so adjacent lots in residential districts are not directly illuminated.
 2. No outdoor lighting should be of such an intensity or brilliance as to cause glare or to impair the vision of drivers, pedestrians, employees or neighbors.
 3. Perimeter lighting should be a cut-off ("shoe box" type) fixture that results in not more than .5 footcandle at adjacent residential property lines.

NOTES:

*Examples of Activity Levels for Open Parking Facilities

High: Regional shopping centers, motorist services at expressway interchanges, major league athletic facilities, major cultural or civic facilities

-
- Medium: Community shopping centers, multi-family dwellings, office parks, hospitals, commuter lots, community facilities (cultural, civic, recreational)
- Low: Neighborhood shopping centers, educational facilities, churches, local commercial uses.

A-3.3 OUTSIDE STORAGE OF MERCHANDISE AT SELF-SERVICE GASOLINE/CONVENIENCE STORE, & GENERAL RETAIL FACILITIES

The specifications for outside storage should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

- a. Location
 1. Outside storage should comply with all required building setbacks.
 2. No outside storage should be permitted directly in front of the building (i.e., pedestrian or vehicular access
 3. Outside storage should be located so that the dispensing area is at all times in clear view of the attendant and so such storage does not create any obstacle between the dispensing area and the attendant control area.
 4. No outside merchandise display or storage shall be permitted with the required front yard.
- b. Size
 1. Outside storage should be limited to a maximum of ten (10) percent of the building interior sales floor area measured in square feet.
 2. No single outside storage area should contain more than fifty (50) percent of the square footage allowable.
- c. Advertising
 1. No advertising of merchandise located in outside storage areas is permitted.
 2. Vehicles should not be part of the outside storage display.

A-3.4 AUTOMOBILE, MOTOR VEHICLE AND BOAT SALES, STORAGE LOTS, DEALERSHIPS – NEW AND USED, MOTOR VEHICLE or BOAT REPAIR ESTABLISHMENTS

Motor vehicle sales lots or dealerships as well as repair establishments shall ensure safe site ingress and egress and onsite vehicular traffic circulation. Visibility, convenience, identification, community character and proper integration with the surrounding area shall be achieved through acceptable compliance with the following standards;

- a. Streetscape and Residential Buffers
 1. All vehicle storage, sales and repair lots or yards shall provide a minimum 10 foot wide streetscape buffer in accordance with Section 14-8 Streetscape Buffer.
 2. All vehicle storage, sales and repair lots or yards shall provide a minimum 10 foot wide residential boundary buffer regardless of overall development IRS, when adjacent to any residential use of district, in conformance with Section 14-7 Boundary Buffer.
- b. Interior Site Landscape and design Standards
 1. All interior site landscaping requirements shall apply for all impervious parking surface areas dedicated to parking, display, storage and/or repair staging in conformance with 12-6.2 Total Landscaping.

-
2. Required customer parking areas shall conform to minimum design and layout standards per 12-4 Design of Parking Areas.
- c. Storage or Repair of Wrecked, Inoperable or Abandoned Motor Vehicles or Boats
1. No wrecked, inoperable or abandoned vehicles or boats shall be stored outside on any motor vehicle or boat sales or dealership lot.
 2. The exterior storage of any inoperable or abandoned vehicle or boat on the lot of any permitted motor vehicle or boat repair establishment shall be restricted to vehicles on the premises solely for the purpose of repair and or restoration provided no such vehicle or boat remains outside for more than 30 days prior to its repair.
 3. No automobile, motor vehicle or boat repair shall be performed outside on any automobile or motor vehicle and boat sales or repair establishment

A-4 PETITION FOR ZONING REFERENDUM (SEE OHIO REVISED CODE SECTION 3501)

The form of a petition calling for a zoning referendum and the statement of the circulator shall be in substantially the following form:

"PETITION FOR ZONING REFERENDUM"

(if the proposal is identified by a particular name or number, or both, these should be inserted here).

A proposal to amend the zoning map of the Unincorporated area of Green Township, Hamilton County, Ohio, adopted _____ (date) (followed by a brief summary of the proposal).

To the Board of Trustees of Green Township of Hamilton County, Ohio:

We, the undersigned, being electors residing in the Unincorporated area of Green Township, included within the Northeast Green Township Zoning District, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which the governor was elected, request the Board of Trustees of Green Township to submit this amendment of the zoning resolution to electors of _____ Township, residing within the Unincorporated area of the township included in the Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the next primary or general election to be held on _____ (date) pursuant to Section 303.12 of the Ohio Revised Code.

Signature Street Township Precinct County

STATEMENT OF CIRCULATOR

_____ (name of circulator) declares under penalty of election falsification that (s)he is an elector of the state of Ohio and resides at the address appearing below his/her signature hereto; that (s)he is the circulator of the foregoing part petition containing (number) signatures; that (s)he witnessed the affixing of every signature; that all signers were to the best of his/her knowledge and belief qualified to sign; and that every signature is to the best of his/her knowledge and belief the signature of the person whose signature it purports to be.

Signature of circulator

Address
City/village/township, zip code

“THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH.”

A-5: ZONING APPLICATION REQUIREMENTS

A-5.1 LETTER

- A. The location and size of the property
- B. Clear and accurate description of the proposed construction or use of the property
- C. Specific sections of the zoning resolution that the proposed site plan is in violation of, and from which a variance is being requested (BZA applications only)
- D. State the hardship, facts and reasons why the variance sought should be granted (BZA applications only)

A-5.2 SITE PLAN (Provide up to 14 copies upon request)

- A. Surveyor's Seal
- B. Name of person(s) preparing plan
- C. Title, name of owner and name of builder
- D. North Arrow (North to top of plan)
- E. Property lines, property dimensions, street name(s), site size
- F. Existing and proposed buildings and other structures
- G. Distance from structures to property lines
- H. Paving, Parking areas, driveways, walks, etc.
- I. Parking space, aisle and drive dimensions & parking analysis (when applicable)
- J. Identify land uses on parcels adjoining the proposed site
- K. Streetscape and boundary buffer yards and interior landscape (when applicable)
- L. Existing and proposed grades
- M. Easements & purpose of easements

A-5.3 LANDSCAPE AND LIGHTING PLAN – When applicable – (Provide 14 copies)

- A. Landscape Architects Seal
- B. Streetscape buffer yard width and location
- C. Boundary buffer yard(s) width and location
- D. Interior landscape areas width and location
- E. Detailed schedule of planting materials including type, caliper and location within each yard or area
- F. Location of any exterior light fixtures or poles

A-5.4 STRUCTURAL DRAWING (Provide 7 sets of Elevation Drawings)

A-5.5 APPLICATIONS (Complete 1 copy)

- A. Applications are available in the department
- B. Call (513) 574-4848 and applications can be mailed

A-5.6 LIST OF OWNERS

- A. Typewritten list of names and addresses of property owners within 200 ft. of the property requesting the variance
- B. List may be prepared from the County Auditor's current tax list

A-5.7 FEES

- A. Fee is required for all applications filed
- B. Call (513) 574-4848 for fee amounts
- C. Fees are non-refundable

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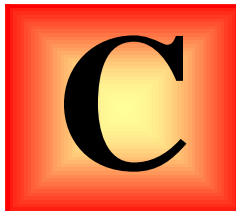


TABLE OF CONTENTS

1	PURPOSE, TITLE, APPLICABILITY, INTERPRETATION AND LEGAL EFFECT
2	DEFINITIONS
3	DISTRICTS AND ZONING MAP
4	RESIDENTIAL DISTRICTS
5	COMMERCIAL DISTRICTS
6	OFFICE DISTRICTS
7	SPECIFIC PLAN DISTRICTS
8	SPECIAL PUBLIC INTEREST (SPI) OVERLAY DISTRICTS
9	NONCONFORMITIES AND REDEVELOPMENT EXCEPTIONS
10	ACCESSORY USES AND STRUCTURES
11	TEMPORARY USES
12	VEHICULAR USE AREAS
13	SIGNS
14	BUFFER YARDS AND RESOURCE PROTECTION
15	GENERAL LANDSCAPE MATERIAL STANDARDS
16	AMENDMENTS
17	CONDITIONAL USES
18	PLANNED UNIT DEVELOPMENT OVERLAY AND PUD REVIEW PROCEDURES
19	DECISION MAKING/ADMINISTRATIVE BODIES AND OFFICIALS
20	ZONING CERTIFICATES, GENERAL APPLICATION PROCEDURES AND FEES
21	VARIANCES
22	APPEALS TO THE BOARD OF ZONING APPEALS
23	ADMINISTRATIVE INTERPRETATIONS
24	ENFORCEMENT
A	APPENDIX
I	INDEX

PURPOSE, TITLE, APPLICABILITY, INTERPRETATION AND LEGAL EFFECT

1-1 AUTHORITY AND PURPOSES.

This Resolution is adopted pursuant to the authority granted to the Township by Section 519.01 et seq. of the Ohio Revised Code for the following purposes (without indicating order or priority): To promote the public health, safety, morals, and general welfare of the TOWNSHIP;

- a. To help secure safety from fire, flood, panic and other dangers;
- b. To enable the Township to implement adopted objectives and policies related to land use;
- c. To facilitate implementation of township land use plans duly adopted by the Regional Planning Commission;
- d. To facilitate revitalization and redevelopment of blighted areas by zoning for more appropriate uses;
- e. To encourage compatibility between different proposed land uses in the Township and to protect the character of existing residential, office, and commercial development areas of the Township from the encroachment of incompatible uses;
- f. To conserve and protect property and property values;
- g. To secure the most appropriate use of land;
- h. To facilitate adequate but economical provision of public improvements.

1-2 TITLE.

This resolution shall be known and may be cited and referred to as the "Zoning Resolution for the Unincorporated Territory of Northeast Green Township, Green Township, Ohio," "Zoning Resolution" or "Resolution".

1-3 JURISDICTION.

These provisions shall apply to all unincorporated land areas of Green Township that are subject to Township zoning pursuant to voter approval in accordance with the requirements of the Ohio Revised Code. Those areas are indicated on the Official Zoning District Map(s) on file with the office of the Green Township Zoning Secretary and the Hamilton County Regional Planning Commission.

1-4 INTERPRETATION.

The provisions of this Resolution shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this Resolution, these provisions shall be held to be the minimum requirements for the promotion of public health, safety, morals, convenience, comfort, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties. However, where this Resolution imposes a greater restriction upon the use of buildings or premise or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Resolution shall govern. For the purposes of this Resolution, the following additional rules of interpretation shall apply:

- a. In the event of a conflict between the text of these provisions and any caption, figure, illustration, table, or map, the text of these provisions shall control.
- b. The words "shall", "must", and "will", as used in these provisions, are mandatory and indicate an obligation to comply with the particular provisions to which they apply.
- c. The word "may" as used in these provisions is permissive.

-
- d. Words used or defined in one tense or form shall include other tenses and derivative forms.
 - e. Words used in the singular shall include the plural and words used in the plural shall include the singular unless the context of the particular usage clearly indicates otherwise.
 - f. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
 - g. Headings and captions used throughout this resolution are for convenience and reference only and shall in no way be held to explain, modify, amplify, or aid in the interpretation or meaning of any provision in this resolution. Statements of intent or purpose statements used throughout this resolution are for general information only and shall in no way be held to be requirements or standards.

1-5 SEVERABILITY.

It is hereby declared to be the intent of the Township that nothing in this Resolution shall be construed to conflict with the laws of the State of Ohio or to limit additional requirements, if any, imposed by law. This Resolution and the various articles, sections, paragraphs, sentences, clauses or phrases are severable. If any article, section, paragraph, sentence, clause or phrase of this Resolution shall be declared unconstitutional by the decree of any court of competent jurisdiction, such constitutionality shall not affect any of the remaining articles, sections, paragraphs, sentences, clauses or phrases of this Resolution.

1-6 AMENDMENT OF PREEXISTING ZONING RESOLUTION AND ESTABLISHMENT OF ZONING DISTRICTS.

- a. The Zoning Resolution adopted by the Green Township Board of Trustees on August 10, 1953 and as amended through February 25, 2002, together with all Zoning District Maps which are a part of such Resolution, is hereby superseded and amended to read as set forth in this Resolution. However, this Resolution, including the Zoning District Maps, shall be deemed a continuation of the previous Resolution and not a new enactment, insofar as the substance of revisions of the previous Resolution are included in this Resolution, whether in the same or different language. This Resolution shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by the previous Resolution, to questions of conforming and nonconforming uses, buildings and structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.
- b. To the extent that this Resolution reestablishes zoning districts of the same land use category and with the same district designation and names, these districts and their boundaries as indicated on the Zoning District Maps under the preexisting Zoning Resolution shall be deemed as continuing until such time as they may be amended pursuant to the provisions of this Resolution. Zoning districts which are not reestablished by this Resolution, as indicated on Table 1-6, are hereby repealed and shall be indicated as repealed on the Zoning District Maps as of the effective date of this Resolution.
- c. To the extent that this Resolution establishes zoning districts of the same land use category, but different names from those under the preexisting Resolution, these new district names shall replace the old zoning district names on the Zoning District Maps in accordance with Table 1-6, but shall retain their existing boundaries.
- d. Zoning districts established by this Resolution in addition to the zoning districts established under the preexisting Zoning Resolution are indicated in Table 1-6 and shall become effective upon the adoption of such Zoning District Map amendments by the Board of Township Trustees as are necessary to give effect to the new districts.
- e. The Planned Unit Development (PUD) Overlay District as provided for in *Chapter 18* is hereby adopted as a zoning district map amendment to the official zoning map and is applicable to all land within the jurisdiction of these regulations in accordance with the provisions of *Chapter 18* and Section 3-2.

**TABLE 1-6
DISTRICT EQUIVALENCIES, DELETIONS AND ADDITIONS**

ZONING RESOLUTION DISTRICTS REESTABLISHED AND ESTABLISHED		PREEXISTING ZONING RESOLUTION DISTRICTS	
Residential Districts		Residential Districts	
A	Residential	"A"	Residence District
B	Residential	"B"	Residence District
C	Residential	"C"	Residence District
Commercial Districts		Office and Commercial Districts	
O	Office	"O"	Office District
D	Retail Business	"D"	Retail Business District
Overlay Districts		Overlay Districts	
SPI-NQ	Special Public Interest-Neighborhood Quality		
SPI-SC	Special Public Interest-Suburban Center/Corridor		
PUD	Planned Unit Development		
Specific Plan Districts		Planned Districts (see Section 3-4)	
CUP	Community Unit Plan Overlay District	"PUD"	Planned Unit Development District
DD	Planned Retail Business District	"DD"	Planned Retail/Multi-Family Residence District
OO	Planned Office District	"OO"	Planned Office/Multifamily Residence District

1-7 REDEVELOPMENT EXCEPTION.

To the extent that this Resolution establishes new standards for landscape, buffers, building heights, building setbacks and yard requirements, such new standards, as specified in Section 1-7.2 below, shall not apply to the first redevelopment of developed sites when a zoning certificate was issued prior to 04/01/03. Redevelopment shall include the following whenever a zoning certificate is required:

- a. additions or expansions or reconstruction of any existing use,
- b. the change of an existing use to another use permitted in the existing zone district, or
- c. the expansion of any existing vehicular use area for a permitted use lawfully established prior to **04/01/02**

In order to utilize a Redevelopment Exception, the owner of such use must demonstrate, through the submission of a redevelopment plan in accordance with Chapter 20 (Zoning Certificate, General Application Procedure and Fees), that the proposed redevelopment, expansion or other construction activity meets all of the criteria in Section **1-7.1**.

1-7.1 Redevelopment Exception Criteria.

Any proposed redevelopment shall be permitted without full compliance with this Zoning Resolution as provided in Section **1-7.2** if the redevelopment meets the following criteria:

- a. The proposed redevelopment must be located on a site that is one (1) acre or less if any building is proposed to be expanded or reconstructed (this maximum site size is not applicable if the proposed redevelopment or construction activity is limited to expansion of a vehicular use area without any building additions, expansion or reconstruction);

-
- b. The proposed redevelopment must not result in more than a twenty percent (20%) increase of required parking spaces (as measured under Chapter 12 (Vehicular Use Areas) of this Zoning Resolution for the existing and proposed use);
 - c. The proposed redevelopment must not result in more than ten (10) additional parking spaces being constructed;
 - d. The proposed redevelopment must be only for a use currently permitted as-of-right or permissible as a PUD or conditional use in a zone district that is not a Specific Plan District (previously referred to as Planned Districts);
 - e. The proposed redevelopment must conform to the Standards for Redevelopment exceptions in Chapter 9; and
 - f. The proposed redevelopment must result in the first issuance of a Zoning Certificate on the site (including all contiguous parcels under the same ownership at the time of application) since **04/01/02** and a complete Zoning Certificate application must be filed prior to **04/01/03**.

1-7.2 Exceptions Authorized.

Redevelopment in accordance with the criteria in Section 1-7.1 shall be exempt from the following provisions of this Zoning Resolution:

- a. Chapter 5 (Commercial Districts), and Chapter 7 (Special Purpose Districts) where such standards in any of these chapters is inconsistent with the Dimensional Standards for Redevelopment (which establishes previously adopted height and setback requirements) listed in Chapter 9 (Uses permitted as-of-right or permissible as a PUD or Conditional Use in single family districts are not entitled to the redevelopment exception);
- b. Section 10-9 (Drive-In or Drive-Through Service Windows);
- c. Section 12-6 (Landscaping for Vehicular Use Areas);
- d. Section 12-8 (Off-Street Loading Requirements);
- e. Chapter 14 (Buffer Yards and Resource Protection); and
- f. Chapter 15 (General Landscape Material Standards).

The opportunity to redevelop without being subject to application of the entirety of this Zoning Resolution is provided only once for each eligible site. Developments to which the entire Zoning Resolution does not apply will be issued a “Redevelopment Zoning Certificate” as provided in Chapter 20. Additional modifications may be requested through variance or PUD application.

1-8 INITIAL EFFECTIVE DATE.

This Resolution shall be in full force and effect from and after the earliest period allowed by law and, in accordance with Section 1-6, shall supersede the regulations and Zoning District Maps of the Zoning Resolution initially effective on dates as indicated below, and as subsequently amended. The Zoning Resolution shall be in full force and effect after the earliest period allowed by law: Green Township Precincts C, J, V, EE as delineated on November 15, 1953.

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2-1 DEFINITIONS GENERALLY.

For the purposes of this Resolution, certain terms and words are defined and are used in this Resolution in that defined context. Any words not herein defined shall be construed as defined in the Hamilton County Building Code and in normal dictionary usage.

2-2 ADDITIONAL DEFINITIONS.

Additional definitions relating to specific portions of this Resolution are found in Chapter 13 (Signs).

2-3 DEFINITIONS.

For the purposes of this Resolution, the following terms shall have the following meanings:

A

ABUTTING. Having a common border with, or being separated from such common borders by an alley or easement.

ACCESSORY APARTMENT. A single dwelling unit apartment intended for use as a complete independent living facility that is in the same structure as, under the same ownership as, and subordinate to a residence constructed as a single-family residence, and with one of the two dwelling units occupied as the principal residence of the owner.

ACCESSORY USE OR STRUCTURE. An accessory structure or use: (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Resolution. An accessory structure attached to a principal building in a substantial manner by a wall or roof shall be considered part of the principal building.

ADJUSTMENT (OF PLANS). A change in the development plan wherein written conditions or recorded easements are not modified and the revised (adjusted) plan is in substantial conformity with the intent of the previously approved plan (PUD's, S-PUD's, & SPI's).

ADMINISTRATIVE OFFICIAL. Primary authority for administering the duties of the Northeast Green Township Zoning Commission as required by this Resolution; responsibilities may be assigned to one or more individuals by the administrative head (Secretary/Executive Director) of the Green Township Development Department. The staff person or persons to whom such administrative functions are assigned shall be referred to in this resolution as the "Administrative Official." (See responsibilities in Chapter 19)

AGGRIEVED PARTY OR PERSON. Any owner of a legal or equitable interest in property on which development proposed under these regulations has been denied approval, or any person whose legal right has been invaded or infringed or whose pecuniary interest is directly affected, as distinct from any damages to the rest of the community, by a government act complained of.

AGRICULTURE, RURAL. (1) Farming, ranching or pasturage; (2) Agriculture, aquaculture and fishing lakes, horticulture, ornamental horticulture, floriculture, viticulture and wine-making, olericulture, pomiculture; (3) Production or cultivation of land for mushrooms, timber, nursery stock, sod, tobacco, field crops, and without limitation, other such agricultural and horticultural commodities; (4) Dairying, and dairy production; (5) Animal or poultry husbandry, and the production of poultry and poultry products, livestock, equine or furbearing animals, and

wildlife native to this state, including breeding, raising, shearing, grazing or other feeding; (6) Beekeeping and related apiarian activities and the production of honey, beeswax, honeycomb, and related products; (7) Any activities listed in (1)-(6) above when carried on by agriculturally oriented groups such as 4-H Clubs, Future Farmers of America; (8) On-site storing, handling, and processing incidental to the production of the foregoing agricultural or horticultural products or commodities; (9) Accessory uses and activities directly related to any of the activities listed in (1)-(8) above including wholesale selling of products, commodities and animals; (10) Farm markets where fifty per cent or more of the gross market income is derived from produce raised on farm(s) owned or operated by the market owner, in a normal crop year. The term "rural agriculture" shall not include suburban agriculture.

AGRICULTURE, SUBURBAN. (1) Farming, pasturage, horticulture, floriculture, or viticulture on lots of one acre or less in platted subdivisions, or in unplatted subdivisions with 15 or more lots that are contiguous or separated only by right-of-way, where at least 35% of the lots are developed; or (2) dairying, and animal or poultry husbandry on lots of five acres or less in any platted subdivision, or in any unplatted subdivision resulting in 15 or more lots, each smaller than five acres and contiguous or separated only by right-of-way, where at least 35% of the lots are developed.

AIRPORT. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

ALLEY. A public or private way which is less than thirty (30) feet wide is dedicated for public use by vehicles and pedestrians and which affords only a secondary means of access to abutting property.

ATHLETIC/PLAY FIELD, PRIVATE. An outdoor athletic field or play field operated by a nonprofit club, association, or other nonprofit organization.

AUDITORIUM. A room, hall, or building used for public gatherings.

B

BAR. A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises, where **no** kitchen service is provided for on premises food preparation for onsite consumption.

BAR-TAVERN/Restaurant/Cafe. A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises, where limited kitchen service is provided for food preparation for on premise consumption.

BASEMENT. A story having less than one-half (½) its height above grade. The portion of a basement above grade is counted as a story for the purpose of height regulation.

BOARD. The Board of Trustees of Green Township.

BOARDING HOUSE. A building other than a hotel where meals only or lodging and meals are provided for compensation for three (3) but not more than twenty (20) persons.

BOARD OF ZONING APPEALS (BZA). The Green Township Board of Zoning Appeals as established by this Resolution.

BUFFER OR BUFFERYARD. An area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use. No part of this buffer is to be used for active recreation, parking, or interior access drives. A buffer may include a wall, fence or berm, connecting driveways, underground utilities and permitted signage as provided in accordance with the provisions of Chapter 14 or any other related chapter.

BUFFER, BOUNDARY. A linear area adjacent to the side and/or rear property line that is set aside to separate, screen, and soften the detrimental impacts of different uses or intensities upon one another and upon the surrounding neighborhood.

BUFFER, STREETScape. A linear area adjacent to the front property line extending from side lot-line to side lot-line that is set aside to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.

BUILDABLE AREA. Space remaining on a lot after the minimum zoning requirements for yards, setbacks, coverage and allowances for panhandles, easements and restrictions have been met.

BUILDING. A temporary or permanent structure having a roof supported by walls and which can be used for the shelter, housing, or enclosure of persons, animals, motor vehicles, boats and other goods.

BUILDING, HEIGHT OF. The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and other structures.

BUILDING LINE. The line indicating the minimum horizontal distance required between the street right-of-way line and the building or any projection thereof other than a step or uncovered porch, establishing a minimum front yard setback.

BUILDING, PRINCIPAL. A building containing the principal use of the lot.

BULK. The three dimensional space occupied by a structure or building, defined by its height, width, and depth.

C

CALIPER. A measurement of the size of a tree equal to the diameter of its trunk measured four (4) inches above natural grade for trees having calipers less than or equal to six (6) inches diameter; and measured as the diameter at breast height (DBH of 4 ½ feet above grade) for tree calipers greater than six (6) inches diameter.

CANDLEPOWER. The total luminous intensity of a light source expressed in foot-candles measured at ground level. Maximum (peak) candlepower is the largest amount of foot-candles emitted by any lamp, light source, or luminaries.

CELLAR. A story having more than one-half (½) of its height below grade. A cellar is counted as a story for the purpose of height regulation only if used for purposes other than storage, utilities or the quarters of a janitor or watchman employed on the premises.

CEMETERY. An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

CHURCH / PLACE OF WORSHIP. A building used principally for religious worship.

CLINIC, MEDICAL, DENTAL, OR OPTICAL. A use or structure intended or used primarily for the testing and treatment of human medical, dental, or optical disorders, but not including overnight boarding of patients.

CLUB. A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, recreational, charitable, political, patriotic or athletic purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

CLUB, PRIVATE. Lands and facilities operated by or for a group or association of persons, and their guests, which are not available for unrestricted public access or use.

COLLEGE OR UNIVERSITY. An institution of higher education authorized by the State to offer baccalaureate or graduate degrees.

COMMERCIAL ACTIVITY. An occupation, employment or enterprise which is carried on for profit by the owner, lessee or licensee, except for activities carried on by a not-for-profit organization which utilizes the proceeds of such activities solely for the purposes for which it is organized.

COMMERCIAL OFFICE. A use or structure where business or professional services are made available to the public, including but not limited to financial institutions, tax preparation, accounting, architectural, legal services, medical laboratories, optical laboratories, dental laboratories, psychological counseling, real estate and securities brokering, professional consulting services, and hotels and motels, but not including the cutting or styling of hair, or recreational facilities or amusements.

COMMERCIAL RETAIL BUSINESS (SALES AND SERVICES). A building, property, or activity, where the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer. In addition, it shall include the provision of personal services, including but not limited to barber shops, beauty parlors, laundry and dry cleaning establishments, tailoring shops, shoe repair shops and similar establishments.

COMPOST BIN. A fixed or moveable structure made up of fencing or other material for the purpose of containing and cultivating compost.

CONDITIONAL USE. A use permissible within a district other than a principally permitted use, requiring application for a Conditional Use Certificate and approval by the Board of Zoning Appeals as stated in Chapter 17.

CONSTRUCTION DEBRIS. Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including but not limited to houses, buildings, industrial or commercial facilities, or roadways and as regulated in the Ohio Revised Code.

CONTINUING CARE RETIREMENT FACILITY. A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing (self-contained apartments), and medical care.

CULTURAL FACILITY. Establishments providing cultural, historic, or educational services to the public and which are not operated for profit. Typical uses include museums, outdoor drama theaters (not drive-ins), botanical gardens, and zoos.

D

DANCE CLUB, CONCERT CLUB or SHOW CLUB A commercial business establishment or activity that provides assemblage space with limited or no fixed seating for dancing, concerts, talent shows or similar and related activities in a public or member only setting. Dance or Concert clubs shall include all-age venues or clubs, as well as premises that have a State of Ohio liquor license and /or dining facilities that provide space for concert performances, stage shows, talent shows, dancing, or dance events without fixed auditorium style seating.

DAY CARE, ADULT. A place that provides community based programs designed to meet the health, social and related needs of functionally impaired adults during daytime hours.

DAY CARE CENTER, CHILD. Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) or more children at one time or four (4) or more children under two years of age at one time. For the purposes of this definition, any children under six years of age who are related to the provider of child day care and who are on the premises shall be counted.

DAY CARE, CHILD TYPE A. A permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if, for the latter, four (4) or more children are under two years of age. Any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

DAY CARE, CHILD TYPE B. A permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two years of age at one time. Any children under six years of age who are related to the provider and who are on the premises shall be counted.

DENSITY, GROSS. The quotient of the total number of dwelling units divided by the gross area of a site (including public rights-of-way), expressed in gross dwelling units per acre. (Total number of dwelling units ÷ Total gross acreage = Gross Density)

DENSITY, NET. The quotient of the total number of dwelling units divided by the area of the site consisting of the gross area minus the area for rights-of-way and easements for public streets, expressed in net dwelling units per acre. For calculation of preliminary or conceptual plans where actual location and area of right-of-way is not yet determined, the net density shall be based on 82% of the gross area. (Total number of dwelling units ÷ Total gross acreage less R.O.W. and easements for public streets = Net Density)

DEVELOPER. Any person seeking approval under these provisions for any form of development.

DEVELOPMENT. Any manmade change to improved or unimproved real estate that requires a Zoning Certificate or other approval under this Resolution. For the purposes this Resolution, the following activities or uses shall be considered "development":

- a. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.
- b. A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- c. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
- d. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- e. Subdivision of land.

"Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity is not development. Reference to particular types of operations is not intended to limit the scope of this definition.

DEVELOPMENT PLAN, PRELIMINARY. A plan for the specific development and specific use of a parcel as a planned unit development pursuant to the requirements of Chapter 18, submitted prior to the submission of a final development plan and indicating such items and features as are required pursuant to the provisions of Chapter 18.

DIAMETER AT BREAST HEIGHT (DBH). A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½) feet above natural grade.

DISTRICT, ZONING. A portion of the unincorporated territory of Green Township established pursuant to Chapter 3 within which certain regulations and requirements apply pursuant to the provisions of this Resolution. The administrative approval of planned unit developments (PUD-1 or PUD-2) within the Planned Unit Development Overlay District shall neither create a new district under the provisions of this Resolution nor be deemed an amendment to this Resolution for the purpose of Section 519.12 of the Ohio Revised Code.

DORMITORY. A building used as a group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

DRAINAGEWAY. A minor watercourse identified by the presence of an intermittent or perennial waterway or by the presence of the following seasonally saturated soil types as identified by a soil survey prepared by the U.S. Department of Agriculture, Soil Conservation Service: Ave Silt Loam; Avonburo Silt Loam, Dana Silt Loam; Fincastle Silt Loam; Henshaw Silt Loam; Markland Silt Clay Loam; Patton Silt Clay Loam; Raub Silt Loam;

Rossmore Silt Loam; Wakeland Loam; Xenia Silt Loam, and also including any area of less than one-quarter acre which meets the definition of a wetland as defined herein, except for size.

DRIP LINE. The perimeter of the circular area surrounding the trunk of a tree measured as one (1) foot of radius from the centerline of the trunk for each one (1) inch caliper or a vertical line extending from the outermost branches of a tree to the ground.

DRIVE, ACCESS. The connecting access linkage between any roadway and off-street parking area having no parking along the drive.

DRIVE, ENTRY. That part of an access drive leading to a vehicular use area that encompasses the first thirty feet from the right-of-way or easement of the street and a parking setback of eight feet from the curb or pavement of the drive.

DRIVE, PRIVATE. A shared means of vehicular ingress and egress located within an easement of access serving rear or panhandle lots, not dedicated to a political subdivision by recorded instrument that is maintained by the party or parties using such private drive for private access.

DRIVEWAY. A private way, other than a street or alley, to one lot of record for the use of vehicles and pedestrians.

DRIVE-IN OR DRIVE-THROUGH FACILITY. An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product or to be entertained while remaining in a motor vehicle on the premises.

DWELLING. Any structure or portion thereof which is designed or used for residential purposes

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, but not including a tent, cabin, recreational vehicle or other temporary or transient structure or facility. A Dwelling unit shall include a Modular Industrialized Unit but shall not include a Manufactured HUD Unit, a Mobile home or recreational vehicle and camping equipment or a Manufactured Home except “permanently-sited manufactured homes” that conform to the requirements for permanently-sited manufactured housing as that term is defined in this chapter within the definition of “Residential, Single Family Dwelling Unit – Detached.”

E

EASEMENT. A recorded right or privilege of a person, other than the owner or tenant, to use land for a specific purpose.

EASEMENT OF ACCESS. An easement for immediate or future use, to provide vehicular access and accommodation for utilities, from a street to a lot, a principal building or an accessory building.

EDUCATIONAL FACILITIES (PUBLIC AND PRIVATE). Any building used for education or instruction on an elementary or secondary level, approved under the regulations of the State

EQUINE. A horse, pony, mule or ass.

EFFECTIVE DATE. The date that amendments to this zoning resolution were effective.

EFFECTIVE DATE, INITIAL. The date that this zoning resolution was first established and in effect as specified in **Section 1- 8** of this resolution.

F

FAMILY. A person or group of persons occupying a premises and living as a single housekeeping unit, including a “family home” as herein defined, but as distinguished from a group occupying a boarding house, fraternity/sorority house, hotel or other type of contractual living quarters.

FAMILY HOME. A residential facility shared by at least six (6) but not more than eight (8) mentally retarded or developmentally disabled individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. This definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

FARM MARKET. The use of any land for a roadside produce stand where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed 800 square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

FESTIVAL, TEMPORARY. A time of celebration, characterized by a program of cultural events or entertainment, which takes place for a specified, temporary duration.

FINANCIAL INSTITUTION. A building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to banks, facilities for automated teller machines ("ATMs"), credit unions, savings and loan institutions and mortgage companies. "Financial Institution" shall not include any use or other type of institution which is otherwise listed in the Table of Permissible Uses for each category of zoning district or districts under this Resolution.

FLOOR. The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA, GROSS. The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center line of party 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 line of party walls, including the floor area of accessory buildings and structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space or areas occupied by mechanical equipment, toilet or rest rooms.

FOOT-CANDLE. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

FRONTAGE, BUILDING. The length of an enclosed building facing a public or private street.

FRONTAGE, STREET OR LOT. The length of right-of-way or easement of access along the front yard or yards of a lot as measured at the Building Line.

G

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats and trailers of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on.

GARAGE, STORAGE. Any building or premises used for storage of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GOVERNMENT FACILITY. Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. Includes but not limited to police and fire stations, government buildings, and similar uses and facilities.

GRADE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet (1829 mm) from the building, between the building and a point six (6) feet (1829 mm) from the building.

GRANNY COTTAGE. Temporary detached residential unit on a single-family lot subordinate in size, location, and appearance to the primary residence and providing complete housekeeping facilities for the exclusive use of the occupants. The owner of the principal residence and lot must live in one of the dwelling units on the lot and at least one occupant of the principal residence and one of the detached units must be related by blood, marriage, adoption or other legal relationship.

GREENHOUSE. A glassed or translucent enclosure used for the cultivation or protection of plants.

GROUP HOME. A residential facility shared by nine (9) to sixteen (16) handicapped individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

H

HALFWAY HOUSE. An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and rehabilitation for prison parolees and juveniles.

HANDICAP. With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. This definition does not include current illegal use of, or addiction to, a controlled substance. As used in this definition, the following terms and phrases have the following meanings:

- a. "physical or mental impairment": Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary, hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

- b. "major life activities": Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- c. "has a record of such an impairment". A history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- d. "is regarded as having an impairment":
 1. A physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
 2. A physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 3. Having none of the impairments defined in Paragraph (a) of this definition but is treated by another person as having such an impairment.

HOBBY BREEDER. One who breeds occasional litters of dogs, cats, or other household pets for recreation for the purpose of, but not limited to, improving the physical and mental soundness of the breed and who may improve the breeding program by exhibiting in conformation, hunting, performance, or other tests.

HOME OCCUPATION. Any occupation or profession conducted entirely within a dwelling and carried on by the inhabitants thereof, and which is an accessory use clearly incidental and secondary to the use of the structure for dwelling purposes in connection with which there is no display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Home occupations shall not include any retail or wholesale business of any kind or any similar intensity of activities regardless of remuneration involving in-person transactions on the premises.

HOSPITAL. An institution providing health services and medical or surgical care to persons, primarily temporary in-patients, with illness, disease, injury, deformity, or other physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities. "Hospital" does not include institutions for the permanent care of, or occupation by, the poor, infirm, incurable or insane.

HOTEL OR MOTEL. A building containing more than four individual rooms for the purpose of providing, for periods not exceeding thirty days, overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception.

I

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities.

IMPERVIOUS SURFACE RATIO (ISR). The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

INDUSTRIALIZED UNIT (MODULAR). A modular structure which complies with the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code as amended and as authorized by the Board of Building Standards pursuant to Ohio Revised Code Section 3781.01 et seq. as amended and to which is affixed a permit, sticker, plate or other recognized, official identification indicating such compliance. The structure is composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

INDUSTRIAL USE. The assembly, fabrication or processing of goods and materials, or any operation or facility including buildings, equipment structures, or stationary items used for industrial purposes.

INDUSTRIAL, EXCAVATION/EXTRACTION USE. Any operation, including buildings, equipment, structures and other stationary items which are used for the extraction and processing of sand, gravel and other materials or the filling of land.

INSTITUTIONAL USE. A building, structure or land used for educational, religious, human care or similar types of public or quasi-public purposes. This category shall include but not be limited to schools, universities, churches and other places of worship, cemeteries, correctional facilities, halfway houses, nursing and convalescent homes, day care centers, continuous care retirement facility and hospitals.

INTERIOR PARKINGLOT LANDSCAPING. An area set aside, usually as an island in a parking lot, to provide environmental relief. The interior buffer will help to define spaces and indicate directions for pedestrian and vehicular circulation.

J

JUNK VEHICLE. See VEHICLE, INOPERABLE OR ABANDONED

K

KENNEL, COMMERCIAL. A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other household pets for financial or other compensation.

KENNEL, PRIVATE. The home and premises of a hobby breeder.

L

LAKE. A natural or artificial body of water encompassing an area of two (2) or more acres which retains water year round.

LAKE, COMMERCIAL FISHING/PAY LAKE. A private or publicly owned lake or pond, where a fee is charged in exchange for the permission to fish.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LIGHT, CUTOFF. An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

LIGHT, NON-CUTOFF. An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground, as illustrated in Section 12-7.

LIGHTING, OUTDOOR. Any source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public streets by a government agency or public utility.

LIVESTOCK. Hoofed mammals, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas, and other species typically raised for food, fiber or draft. Also includes domestic fowl and game birds.

LOT. A parcel of land resulting from the subdivision of a larger parcel of land and occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required under the provisions of this Resolution.

LOT AREA. The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement for a public street or handle of a panhandle lot shall be included in the calculation of the lot area, nor shall the public right-of-way cross the lot area.

LOT, CORNER. A lot abutting upon two (2) or more public or private streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one hundred thirty-five (135) degrees. A corner lot abutting public streets, or abutting private streets that provide vehicular access to driveways must have two required front yards. A corner lot is not created by having frontage on a private drive as defined herein.

LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DEVELOPED. A lot with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code.

LOT, DOUBLE FRONTAGE. A lot with opposite ends abutting on public or private streets.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, PANHANDLE. A lot also known as a “rear lot” or a “flag lot” which utilizes a narrow strip of land or stem not a building site to provide access to, or legal frontage on, a public street, or a private street in a PUD. The panhandle of such lot is not considered a building site, nor is the area of such panhandle included in calculating the lot area.

LOT, REVERSE. A lot intended to have its rear yard abutting any road frontage.

LOT LINES. The lines bounding a lot.

LOT LINE, FRONT. In the case of an interior lot, the line separating the lot from the street.

LOT LINE, REAR. The lot line(s) generally opposite the front lot line.

LOT LINE, SIDE. Any lot lines not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

LOT OF RECORD. A lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to adoption of zoning. For the purpose of these regulations, any improvement plan of a subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County 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 distance between the side lot lines measured along the front yard setback.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

M

MANUFACTURED HOME. A nonself-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, 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. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expanded rooms, cabinets, and other projections containing interior space, but do not include bay windows. For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connections to utilities and the like.

MINI-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.

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 (8) feet or more in width and more than thirty five (35) feet in length which when erected on site is 320 or more square feet, that is transportable in one more sections and which does not qualify as a manufactured home or industrialized unit.

MODIFICATION (OF STANDARDS). A change in a specification or requirement where strict adherence to a written regulation due to unusual site conditions serves no meaningful purpose or makes it physically impossible to achieve compliance.

MODULAR HOME. See Industrialized Unit.

MOORING OR FLOAT. An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

N

NATURAL RESOURCES. All natural areas of lakes, ponds, wetlands, floodplains, drainageways, forests, and steep slopes as defined in this Chapter or in Chapter 14.

NONCOMPLYING STRUCTURE. Any structure lawfully existing on the effective date of this Resolution, or any amendment thereto, which is in noncompliance with the standards and regulations of this Resolution or any amendment thereto.

NONCONFORMING USE. Any use lawfully being made of any land, building, or structure on the initial effective date of this Resolution or any amendment thereto which is not permitted as-of-right or by Redevelopment Exception and not permissible as a Conditional Use or as a Planned Unit Development under this Resolution or any amendment thereto in the District in which it is situated.

NURSERY. A place where the primary activity is the on-site growing of plants, trees and shrubs for sale.

NURSING OR CONVALESCENT HOME. A home, institution, building or residence, public or private, whether operated for profit or not, presently licensed pursuant to Ohio law, which provides maintenance, personal care or nursing to ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator. The definition of nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.

O

OCCUPANCY (Commercial) The number of individuals permitted by Building Code, Fire Code or by specific Federal or State Statute legally permitted to congregate in a specific location, based on the size, construction, function, or use of the specific location, building or portion of a building. .

OPEN SPACE. Land used for recreation, resource protection, hillside, floodway, lake, pond, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

OWNER. Any full owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or equitable title to the whole or to part of a structure or land.

P

PARCEL. Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARK AND RIDE FACILITY. Parking lot provided to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting.

PARKING LOT. An area of land devoted to unenclosed parking spaces for five or more vehicles.

PARKING SPACE. A paved area either within a structure or in the open, including stacking spaces, exclusive of driveways, access drives and aisle, permanently reserved for the parking of a motor vehicle and connected to a street or alley by a surfaced driveway of adequate width to permit easy movement of the vehicle to and from such space.

PATIO AREA. A roofless inner space or space adjoining a residence which is used for dining or recreation.

PERSON. An individual, corporation, governmental agency, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PET, HOUSEHOLD. Domesticated animals that share the same domicile or premises with humans; are dependent upon humans for food, water and shelter; and are kept as companions, including but not limited to dogs, cats, caged birds of a variety of species, rodents, rabbits, and nonpoisonous reptiles and amphibians, that are not included in the definitions of livestock and exotic wildlife.

PLANNED UNIT DEVELOPMENT (PUD). A type of development that enables residential, commercial or office uses to be developed alone or in combination under one unified plan of development under more flexible standards pursuant to the standards and procedures set forth in Chapter 18 of this Resolution. (See PUD-1 and PUD-2 for explanation of alternative processes for administrative approval.)

POND. A natural or artificial body of water of less than two (2) acres which retains water year round.

PRINCIPAL USE. The primary purpose or function that a lot serves or is proposed to serve.

PROJECT AREA. Any area of land, regardless of the number of individual parcels or zone districts contained or proposed therein on which development is proposed under these regulations.

PUBLIC SERVICE. A building, structure, or place used by or for the general populous, owned or operated by a government organization. This category shall include but not be limited to police and fire stations, government buildings and storage yards, government facilities such as libraries, as well as park and rides, and other similar uses and facilities.

PUD. (See Planned Unit Development)

PUD-1. Planned unit development whose net density or intensity requires Township Zoning Commission approval. (See “Planned Unit Development”)

PUD-2. Planned unit development whose net density or intensity requires both Township Zoning Commission and Board of County Commissioner approval. (See “Planned Unit Development”)

PUD PLAN (PLANNED UNIT DEVELOPMENT PLAN). A plan for the use and development of the tract showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, height, type, and other pertinent details for buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas, landscaping and buffering, impervious surface ratio, density, yards and other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

PUD Plans are required in the following two types of Planned Unit Developments:

- a. a plan which is submitted to the Township Zoning Commission within the established PUD Overlay District for administrative approval (PUD-1) or recommendation to the Board of Trustees for administrative approval (PUD-2). (Note: The administrative approval creates an alternative set of overlay regulations, available at the election of the property owner, for a specific development plan but does not preclude the development of the property for other uses permitted in an underlying non-PUD district.)
- b. a plan submitted to the Township Zoning Commission as a part of the zone amendment process for legislative approval of a Specific Plan District. (Note: The legislative approval requires compliance with a PUD Plan and conditions of approval by the Board of Trustees and precludes the development of the property for any use that does not comply with the approved PUD Plan. The rezoning can be initiated only by the property owner.)

R

RECREATION CENTER, INTERNAL. Buildings or facilities owned or operated as a non-profit enterprise by a condominium, homeowners, or property owners association with the intent that their usage be only by residents of the development.

RECREATION, COMMERCIAL. A public or private indoor or outdoor recreation facility operated as a commercial activity, including but not limited to batting cages, bowling alleys, drag strips, raceways, golf driving ranges, gun-firing ranges, mechanical rides, miniature golf courses, racquet clubs, arenas, amphitheaters, stadiums, health and fitness facilities, and swimming pools.

RECREATION, COMMUNITY FACILITY, PRIVATE. A building or facility operated by a private or non-profit group for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to country clubs, athletic fields, golf courses, swim/tennis facilities, and YMCAs.

RECREATION, COMMUNITY FACILITY, PUBLIC. A building or facility operated by a governmental agency for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to athletic fields, golf courses, swim/tennis facilities, parks, playgrounds, wildlife reservations, forests, senior centers, and recreation centers.

RECREATION, CULTURAL, and ENTERTAINMENT. A public or private facility, of a non-commercial nature, designed and equipped to be used for sport, leisure, cultural, or entertainment activities including internal recreation centers, private and public community recreation facilities, and cultural facilities, but excluding commercial recreation facilities.

RESEARCH LABORATORY. A place equipped for experimentation, testing and analysis, and observation and study for scientific research.

RESIDENTIAL FACILITY. A home or facility in which a person with a mental illness, mental retardation or developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a mental illness, mental retardation or developmental disability resides.

RESIDENTIAL USE. A home, abode, dwelling unit or place, where a family or individual(s) live, where such a place has areas for living and eating within the structure. This category includes but is not limited to single-family detached units, single-family detached units in PUD's (clustered, patio-dwelling, and zero lot-line), multi-family units, and manufactured or mobile homes as well as uses such as bed & breakfast facilities, granny cottages, group homes, and day care /Type A.

RESIDENTIAL, MULTI-FAMILY. Two or more attached dwelling units sharing one or more common walls between any two units and/or stacked one above another. This category shall include but not be limited to two-family, three-family, apartments, townhouses, dormitories, fraternities and sororities, and boarding houses.

RESIDENTIAL, SINGLE-FAMILY CLUSTERED. A building intended or used primarily for residential purposes to be occupied by one family, and located in a grouping of structures that are arranged closer to one another than District setback requirements would normally allow to provide open space and/or conservation of natural features and which are built as part of a Planned Unit Development at a net density permitted in the underlying zone districts.

RESIDENTIAL, SINGLE FAMILY DWELLING UNIT -- DETACHED. A dwelling designed for and occupied by not more than one family as that term is defined in this Resolution and surrounded by open space or yards and which has no roof, wall or floor in common with any other dwelling unit. The type of construction of such units shall conform either to the OBOA (Ohio Building Officials Association), or CABO (Council of American Building Officials) One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code (ORC 303.212) definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

-
- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
 - b. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
 - c. Be connected to appropriate utilities.
 - d. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
 - e. Have at least 900 square feet of living area.
 - f. Have conventional residential siding (i.e. lap, clapboard, shake masonry, vertical natural materials), a 6-inch minimum eave overhang including appropriate guttering and a minimum "A" roof pitch of 3:12.
 - g. Have removed its indications of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
 - h. Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county Auditor upon its placement on its permanent foundations, and such surrender shall be notice to the Auditor to tax said structure as real estate from that day forward.
 - i. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district, (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD construction and safety standards for manufactured housing).

RESIDENTIAL, TWO-FAMILY. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

RESIDENTIAL, THREE-FAMILY. A building consisting of three (3) dwelling units whether one above the other or side by side, and which share a common entrance or entrance way, or have separate entrances or entrance ways, in a single building occupying one (1) lot.

RESIDENTIAL, TOWNHOUSE. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

RESIDENTIAL, ZERO LOT-LINE. A building or portion thereof designed for residential purposes. The dwelling unit is a single-family detached unit that is placed against one of the side lot lines to allow more open and yard space.

RESTAURANT. An establishment where prepared and ready-to-consume food is available to the general public for consumption on or off the premises.

RESTAURANT-Tavern An establishment where prepared and ready-to-consume food is available to the general public for consumption on or off the premises and alcoholic beverage consumption occurs as a supplement to the preparation and sale of food for onsite consumption.

RIGHT-OF-WAY (R.O.W.). A strip of land dedicated by recorded instrument occupied or intended to be occupied by a public street or railroad and within which may be located electric transmission lines, gas pipe lines, water mains, sanitary sewers or storm sewers

S

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, and satellite microwave antennas.

SCHOOL. A privately-owned or publicly-owned pre-school, elementary school, middle school, junior high school, high school, or vocational or professional school, with no rooms regularly used for housekeeping or sleeping rooms.

SCREEN. A method of reducing the impacts of noise and unsightly visual intrusions with less offensive or more harmonious elements which is 100 % opaque.

SHOPPING CENTER. A group of two or more retail establishments and/or restaurants, planned and developed with a unified design of buildings with off-street parking, landscaped areas, and service areas and pedestrian malls or plazas provided on the property as part of the unified design.

SHRUB. A plant that at the time of planting, is at least eighteen inches (18") tall above the highest root, or of a size requiring a two (2) gallon pot.

SHRUBS, HEDGE. Plants that at maturity will range in height from 7 feet to 15 feet and are spaced from 3 to 6 feet on center depending upon the variety.

SHRUBS, BLOOMING. Plants that flower or undergo change in leaf color. They range in height from 2 to 14 feet.

SIGN. Any object, device, display or structure, or part thereof, situated outdoors or indoors and visible from the exterior of the building or structure, that is used to advertise, identify display direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; nor does it include works of art which in no way identify a product or business logo. See related sign definitions that are listed in Chapter 13.

SITE AREA, GROSS. The computed area contained within the lot lines which includes rights-of-way, either as an easement or dedicated.

SITE AREA, NET. The computed area contained within the lot lines, less any land within rights-of-way and easements for public streets.

SOLAR PANEL (PV) A single photovoltaic panel or group of photovoltaic panels that convert solar energy to electricity or other energy source for consumer or commercial consumption.

SOLID WASTE. Any unwanted residual solid or semisolid material resulting from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. "Solid waste" does not include any material that is an infectious waste or a hazardous waste.

STABLE. A structure and/or land use in or on which equines are bred, boarded, trained, or kept for sale or hire.

STADIUM. A structure or facility designed, intended, or used primarily for athletic or entertainment events and containing seating for spectators of those events, but not including a raceway or drag strip.

STEEP SLOPES. Land area where the inclination of the land's surface from the horizontal is twenty percent (20%) or greater.

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 be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

STREAM. A shallow watercourse that flows year round generally less than 40 feet wide.

STREET, MAJOR ARTERIAL. A street which serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.

STREET, COLLECTOR. A street which provides both land access and traffic circulation within residential, commercial, and industrial areas. It differs from an arterial in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets.

STREET, MINOR ARTERIAL. Public streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function which, with proper land planning, may be limited so long as the abutting land use is not materially and adversely affected by such limitation.

STREET, LOCAL. Streets having the primary purpose of providing access to individual properties that abut them. Local streets serve residential, commercial, and industrial land uses providing links for short-distance trips and access to the collector and arterial system on a local level. Frontage roads may also be considered local streets.

STREET, PRIVATE. A shared means of vehicular ingress and egress located within an easement of access serving as frontage for lots in a residential PUD, not dedicated to a political subdivision by recorded instrument that is maintained by the party or parties using such private street for private access.

STREET, PUBLIC. A publicly dedicated or owned right-of-way constructed to 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 property.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, areas improved for parking, backstops for tennis courts and pergolas.

STRUCTURE, PRINCIPAL. A structure containing the principal use of the lot.

SUMMER CAMP. A publicly or privately owned facility providing outdoor recreational activities and shelter for one or a group of persons, usually children, for a temporary period of time.

T

TEMPORARY USE. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent building or structure.

TERMINAL, TRUCK. A structure or land primarily used for the temporary storage of goods awaiting transfer or wholesale distribution by means of motor carrier transportation.

THEATER, MOVIE AND DRAMA, INDOOR. A building in which movies are screened before a live audience, or in which dramatic performances are carried out with fixed seating.

THEMED SPECIAL PURPOSE VENUE. A building or portion of a building used for a special themed production or event typically associated with legal or social holidays or events (such as Haunted Houses or similar attraction) located in a commercial setting.

THOROUGHFARE PLAN. An officially adopted plan by the Board of County Commissioners and Regional Planning Commission which provides guidance in the development of future transportation networks capable of safely accommodating traffic volumes generated by growth and development.

TRAILER, UTILITY. Any towed vehicle open or enclosed specifically designed for the purpose of transporting equipment, tool, supplies, materials, or goods of a similar nature that will not permit temporary human habitation for travel, recreation, vacation or other transient purposes.

TRAILER, RV. Any towed or self-propelled vehicle constructed, re-constructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for temporary human habitation for travel, recreation, vacation or other primarily transient purposes, as opposed to a mobile home as defined in this Resolution; or office use, or storage or conveyance of machinery, tools or equipment, including those vehicles that are attached to an automobile or truck for the sole purpose of transportation.

TRAILER, LIVESTOCK. Any towed vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

TRAILER, TEMPORARY OFFICE. Any enclosed towed vehicle specifically designed to serve as a temporary office or commercial purpose, where human habitation is limited to regular business hours or to specific special events.

TREES, CANOPY. A deciduous tree which at maturity will shed its leaves annually and provide shade. (See Section 15-3)

TREES, EVERGREEN. A coniferous tree with needles or a broadleaf tree which retains its leaves throughout the year. (See Section 15-3)

TREE, UNDERSTORY. A lower growing tree which screens, flowers, defines space and provides seasonal interest. (See Section 15-3).

U

USE. The purpose of activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

PERMITTED. Any use which is identified with a “P” in applicable Tables.

PERMISSIBLE. Any use which is identified in “PUD-1”, “PUD-2” or “C” in applicable or with a “S-PUD” in applicable Tables.

V

VEHICLE, COMMERCIAL. A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

VEHICLE, INOPERABLE OR ABANDONED. A motor vehicle which is stored outdoors and so damaged, wrecked, dismantled, unlicensed or in other condition as to be inoperative. Without limiting the term, a motor vehicle is abandoned if its state registration as displayed on the license plate has been removed or expired for more than 90 days. This definition shall not be deemed to include farm machinery other than automobiles or trucks.

VEHICLE, OPERABLE UNLICENSED ON RESIDENTIAL PROPERTY. Any vehicle which through parcel size, condition, visibility, adverse impact, duration or location which has received a Temporary Zoning Certificate.

VEHICULAR STORAGE YARD. Fleet storage or other inactive vehicle storage, which is not accessible to vehicular traffic of the general public.

VEHICULAR USE AREA. All areas subject to vehicular traffic including parking lots, access-ways, loading areas and service areas.

VETERINARY FACILITY. A structure or building set up for the medical care of animals, including offices, clinic space and indoor kennels for detaining animals, but not including outdoor kennel areas.

VIDEO GAME PARLOR. A place in which a collection of electronic, coin-operated games are played.

W

WAREHOUSING. The indoor storage and/or sale of goods, materials, or merchandise for shipment to or processing on other property.

WATERCOURSE. A course or channel in which water flows, consisting of bed, banks, and water; includes rivers, creeks, and other streams confined in a channel, but not necessarily flowing all the time. Gullies, ravines, swales, sloughs, and similar depressions do not ordinarily constitute watercourses.

WATERWAY. A body of water, such as a lake, pond, continuously flowing stream, creek, river, channel, or canal which functions as a water route.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomlands, and similar areas. Size is not a limitation. Wetlands are also identified as areas that contain hydrophytic vegetation, hydric soils, and wetland hydrology.

WHOLESALE. The sale of goods to retailers or jobbers rather than consumers.

WILDLIFE, EXOTIC. Indigenous or non-indigenous wildlife, including those animals that could be considered dangerous but not limited to lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarundi, bears, hyenas, wolves or coyotes, or any life-threatening reptiles and arachnids, including but not limited to crocodilians, poisonous reptiles and tarantulas.

WIND ENERGY CONVERSION SYSTEM/ WINDMILL/TURBINE/ (Commercial) A mechanical devise used for the purpose of converting naturally occurring wind or wind energy into consumable power through direct generation or battery charging for commercial purposes or commercial distribution or consumption off-site.

WIND ENERGY CONVERSION SYSTEM/WINDMILL/TURBINE/ (Private) A mechanical devise used for the purpose of converting naturally occurring wind or wind energy into consumable power through direct generation or battery charging for primary use on the property on which the device is installed.

Y

YARD. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

(See Appendix 1: Building and Yard Requirements)

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the horizontal distances from the main building (or any projection thereof, other than the projection of the usual steps or entranceway) to:

- a. the right-of-way line
- b. the easement line (where vehicular access to the lot is provided by a private street or a private drive)
- c. the terminus of the easement (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of an easement located outside the panhandle area)

d. the terminus of the panhandle (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of the panhandle area or the terminus of an easement located inside the panhandle area).
(See Appendix 1: Building and Yard Requirements)

YARD, REAR. A yard extending across the area of a lot between the side lot lines and being the horizontal distances between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. (See Appendix 1: Building and Yard Requirements)

YARD, REQUIRED. A front, side or rear yard that runs parallel to a property line, the depth of which shall be determined by the minimum setbacks established for the zone district in which the lot is located. In measuring a required yard for the purpose of determining the minimum width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line or applicable easement line and the nearest portion of the main building or projection thereof (excluding the projection of the usual steps or entranceway) external building projections shall be used. On panhandle lots, where the front yard is measured from an easement line inside the panhandle area, the main building must also be setback from the property line of the panhandle a distance not less than the minimum side yard requirement of the district. (See Appendix 1: Building and Yard Requirements)

YARD, SIDE. A yard being the minimum horizontal distance between the main building or any projection thereof, and the side line of the lot extending from the front yard to the rear yard. (See Appendix 1: Building and Yard Requirements)

Z

ZONING CERTIFICATES. A written certification that a structure, use or parcel of land is or will be in compliance with the requirements of this Resolution, and in compliance with all other conditions of approval.

ZONING COMPLIANCE PLAN. A site plan for the specific development and specific use of a parcel or tract of real estate required to obtain a Zoning Certificate, as further described in Section 20-1.2 The Zoning Compliance Plan shall show the specific use or uses, illustrated by a plat, drawn to scale, showing the boundaries of such parcel or tract, the location, size, height and use of all existing structures, and the exact location and pertinent details of proposed buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas and buffering accompanied by a detailed description of the plat identifying the impervious surface ratio, density and requirements for yards, parking, landscaping and buffers, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

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3-1 DISTRICTS.

In order to carry out the purposes of this Resolution, Green Township is divided into the following zoning districts:

- a. Residential Districts
 1. A Residential ("Lowest" Density)
 2. B Residential
 3. C Residential
- b. Commercial Districts
 1. O Office
 2. D Retail Business
- c. Special Public Interest Overlay Districts
 1. SPI-NQ Special Public Interest-Neighborhood Quality
 2. SPI-SC Special Public Interest-Suburban Center/Corridor
- d. Planned Unit Development Overlay District (PUD) (see applicability in Sections 1-6(e) and 18-2)
 1. PUD Planned Unit Development
- e. Specific Plan Districts
 1. CUP Community Unit Plan Overlay District
 2. DD Planned Retail/Multi-Family District
 3. OO Planned Office/Multi-Family District

3-2 PERMITTED USES.

The uses permissible with a Permitted Use Zoning Certificate, a Conditional Use Zoning Certificate, or a Planned Unit Development (PUD) Zoning Certificate are summarized in the Table of Permissible Uses found in Table 3-10. When used in connection with a particular use in the Table of Permissible Uses, the designations "P", "PUD-1", "PUD-2", "C", and "S-PUD" shall have the following meanings:

3-2.1 Permitted Use.

The letter "P" means the use is permitted as-of-right in the indicated zoning district with a Permitted Use Zoning Certificate issued by the office of the Administrative Official certifying that the plats and plans for the proposed use comply with all applicable provisions of the Northeast Green Township Zoning Resolution.

3-2.2 Planned Unit Development - 1.

The designation "PUD-1" means that based upon the intensity of land use, established in conjunction with Table 3-10, the Table of Permissible Uses, the use is permissible in the indicated zoning district, with a PUD Zoning Certificate issued by the office of the Township Zoning Inspector certifying:

- a. approval of a PUD Plan for the project area by the Northeast Green Township Zoning Commission pursuant to Chapter 18; and

- b. approval of a Zoning Compliance Plan certifying that the plats and plans for the proposed use comply with all other applicable provisions of the Zoning Resolution, including all conditions of approval.

3-2.3 Planned Unit Development - 2.

The designation “PUD-2” means that based upon the intensity of land use, established in conjunction with Table 3-10, the Table of Permissible Uses, the use is permissible in the indicated zoning district, with a PUD Zoning Certificate issued by the office of the Township Zoning Inspector certifying:

- a. approval of the proposed PUD-2 by the Board of Township Trustees because the proposed development exceeds the maximum density or intensity of use established for PUD-1 approval pursuant to Chapter 18; and
- b. that the plats and plans for the proposed use comply with all other applicable provisions of the Northeast Green Township Zoning Resolution, including all conditions of approval.

3-2.4 Conditional Use.

The letter “C” means that the use is permissible in the indicated zoning district, provided it is listed in Table 17-12 in Chapter 17, in Table 3-10, the Table of Permissible Uses, or in any other part of this Resolution, with a Conditional Use Zoning Certificate issued by the office of the Township Zoning Inspector certifying:

- a. approval of the proposed conditional use by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Chapter 17, and
- b. that the plats and plans for the proposed use comply with all other applicable provisions of the Northeast Green Township Zoning Resolution, including all conditions of approval.

3-2.5 Specific PUD.

The designation “S-PUD” means that the use is permissible in the indicated zoning district, with a PUD Zoning Certificate issued by the office of the Township Zoning Inspector certifying:

- a. approval of a zone amendment and PUD Plan for the specific use by the Board of Township Trustees pursuant to Chapter 16 and Chapter 7, and
- b. that the plats and plans for the proposed use comply with all other applicable provisions of the Northeast Green Township Zoning Resolution, including all conditions of approval.

3-2.6 Change of Use (Commercial)

A change in the commercial use of a building or a portion of a building or lot that requires or results in an overall increase in required or actual parking of more than 20% above the preceding actual or required parking for the use - use or uses as determined by Table 12-10 shall be required to comply with all applicable site and buffer landscape standards pursuant to Chapter 14

3-3 ZONING MAP.

The Board of Township Trustees, upon recommendation of the Township Zoning Commission, shall adopt a Zoning Map, in accordance with Section 1-6, which shall set out and delineate the zoning districts established by Section 3-1 with relation to all land within the jurisdiction of these regulations. The Zoning Map is hereby designated, established and incorporated as part of these provisions, and the original, which shall be on file at the office of the Rural Zoning Commission, shall be as much a part of these provisions as if it were fully described in these provisions.

3-4 STATUS OF PLANNED DISTRICTS.

Areas of the Township identified on the Zoning Map which are designated “DD” Planned Retail/Multi-Family Residence District, and “OO” Planned Office/Multi-Family Residence District, prior to the effective date of this Resolution shall continue to be designated as planned development districts as authorized by Ohio Revised Code Section 519.021 and the covenants and conditions as contained in the Board of Township Trustees’ Resolution of approval and development plans approved and in effect at the time of their development shall be retained. Adjustments and revisions shall be administered in accordance with procedures provided for in Chapter seven (7).

3-5 ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS.

The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Resolution.

3-5.1 Height Of Institutions Related To Yards.

Public or private service buildings, hospitals (except as otherwise provided), institutions or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is setback from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built.

3-5.2 Height of Single Family Dwelling Related to Side and Rear Yard.

Single-family dwellings in the “A”, “B” and “C” Residential Districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

3-5.3 Structures Exempt from Height Limit.

Church spires, domes, flagpoles, aerials, antennas, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage tower or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height

3-5.4 Rear Yard on Double Frontage Lots.

Rear Yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way line and shall contain no accessory structures.

3-5.5 Rear Yards Adjacent to Alleys.

In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one half of the alley width may be included as a portion of the rear or side yard as the case may be.

3-5.6 Construction in Required Yard.

Every part of a required yard shall be open to the sky unobstructed, except as otherwise provided in Section 3-5 and except for accessory buildings in a rear yard, and except for the ordinary projections of awnings, bay windows, skylights, sill, belt courses, cornices, wing walls, and ornamental features projecting not to exceed thirty (30) inches in the A Residential District and not to exceed eighteen (18) inches in all other Districts. In residential districts additions to existing single family dwellings may maintain existing side yard setbacks established by the building on the lot if all other setbacks are met.

3-5.7 Low Projections in Required Front and Rear Yards.

Terraces, uncovered porches, platforms, patios, decks, handicapped ramps and ornamental features which do not extend more than three (3) feet above grade may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement.

3-5.8 Stairways and Balconies in Required Yards.

Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues may be permitted but not closer than two (2) feet to any lot line in any case.

3-5.9 Required Yard for Multiple Family Dwellings.

For the purpose of the yard requirements, a two-family or multiple dwelling shall be considered as one building occupying a single lot.

3-5.10 Projection of Porches in Required Front Yards.

A covered, unenclosed or screened porch attached to the main structure may project into a required front yard for a distance not exceeding ten (10) feet.

3-5.11 Front Yards on Infill Sites.

Where forty (40%) percent or more of the lots in a subdivision are occupied by buildings, the minimum front yard on any lot shall not be less than the average depths of the front yards of the two buildings on each side and within one hundred (100) feet of such lot, or where there is a building within one hundred (100) feet of the lot on one side only, the minimum front yard shall be the same as that of such adjacent building, provided, however, that no yard shall be required to exceed seventy-five (75) feet in the "A" Residential Districts or to exceed fifty (50) feet in any other district requiring a front yard.

3-5.12 Limitation of One Main Building on Lot.

Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot except as specifically provided hereinafter in Section 3-5.13.

Where a proposed building/development is located on several lots of record, such parcels shall be consolidated prior to issuance of a Zoning Certificate. Furthermore, all accessory structures shall be located on the same parcel as the principal use.

3-5.13 Yard Requirements Where Lot Includes More Than One Main Building.

Where a lot is used for institutional, commercial, or multiple family purposes, and where the zoning compliance plan is specifically approved therefore by the Township Zoning Inspector, more than one main building may be located on the lot, but only when such buildings conform to all yard and open space requirements at the perimeter of the lot for the district in which the lot is located.

3-6 AGRICULTURE REGULATIONS.

Except as hereinafter provided, nothing contained in this Resolution shall regulate the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure, for lots that are five (5) acres or greater. Lots greater than one acre and less than five acres are subject to Suburban Agriculture uses per Table 3-10.

3-7 AGRICULTURAL AND SUBURBAN AGRICULTURAL USES.

A building or premises shall be used only in accordance with the following requirements if listed as "permitted" in Table 3-10:

3-7.1 Agricultural Setbacks.

Agriculture on lots as provided in this section provided any buildings, structures, exterior storage, refuse, livestock pens, or supplies shall be at least one hundred (100) feet from every property line of adjacent parcels in residence or office districts and further provided that specific agricultural uses listed in this article shall comply with specific standards for such uses.

3-7.2 Greenhouse Setbacks.

Greenhouses over one-hundred thirty square feet in size on lots as provided in this section shall be at least sixty (60) feet from every property line of adjacent parcels in residence or office districts, provided any

exterior storage or refuse or supplies and the heating plant shall be at least one hundred (100) feet from every property line of adjacent parcels in residence districts.

3-7.3 Agricultural Accessory Uses.

Accessory buildings and uses customarily incident to any permitted agricultural or suburban agricultural use:

- a. Compost piles or bins, on lots as provided in section 3-6, and 3-7 which are located on the premises and at least twenty-five (25) feet from every property line.
- b. Roadside stands, or farm markets, on exempt lots as provided in section 3-6, where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

3-8 DAIRYING, AND ANIMAL AND POULTRY HUSBANDRY REGULATIONS.

Except as hereinafter provided, nothing contained in this Resolution shall prohibit the use of any land for dairying, and animal and poultry husbandry or the construction or use of buildings or structures incident to the use for such agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building, or structure, for lots that are five (5) acres or greater. Lots greater than one acre and less than five acres are subject to agricultural setback limitations per Section 3-7, provisions of Section 3-9 and Suburban Agriculture uses per Table 3-10.

3-9 DAIRYING, AND ANIMAL AND POULTRY HUSBANDRY USES.

A building or premises shall be used only in accordance with the following requirements if listed as “permitted” in Table 3-10:

3-9.1 Veterinary Facilities and Animal Care.

In any residential district veterinary facilities or other animal care facilities, including livery stables, riding academies, and grooming parlors on lots as provided in Section 3.8, are permitted if any outside animal enclosure or outside run is at least one hundred (100) feet from any property line of adjacent parcels in residence or office districts

3-9.2 Veterinary Facilities in Office Districts.

In the “O” Office District, veterinary facilities are permitted only without outside runs.

3-9.3 Veterinary Facilities in Retail Districts.

In the “D” Retail Business District, veterinary facilities or other animal care facilities, including livery stables, riding academies, and grooming parlors, on lots as provided in Section 3.8, are permitted if any outside animal enclosure or outside run is at least one hundred (100) feet to any property line of adjacent parcels in residence or office districts.

3-9.4 Agricultural Accessory Uses.

Accessory buildings and uses customarily incident to any of the uses in section 3.8, including:

- a. Household Pet /Private Kennel Enclosures. The keeping of household pets provided, however, that any exterior enclosure in which household pets are kept shall be located in the rear yard and such enclosure (except property line fences) shall be at least twenty (20) feet from every property line.
- b. Livestock Enclosures. The keeping of livestock, on lots as provided in section 3-8, provided, however, that any such accessory buildings or enclosures (including all fences), for such animals or fowl, other than household pets, shall be at least one hundred (100) feet from every property line.

Table 3-10- Table of Permissible Uses

Zoning Certificates (Designations and Requirements)	P = Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the Northeast Green Township Zoning Inspector
	PUD-1 = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Northeast Green Township Zoning Commission
	PUD-2 = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Board of Township Trustees
	C = Permissible with a Conditional Use Zoning Certificate after public hearing and administrative approval by the Board of Zoning Appeals
	S-PUD = Permissible with a Planned Unit Development Zoning Certificate after legislative approval of a zoning amendment to a Specific Plan District by the Board of Township Trustees
Zoning Districts	A-C = Single Family Residence Districts including A, B and C
	O = Office District/Multi-Family
	D = Retail Business District/Multi Family
	DD = Planned Multi-Family District/Retail/Multi-Family
	OO = Planned Office District/Multi-Family
Intensity	ISR = Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)

Permissible Uses By District					
Zoning District	A-C	O	D	DD	OO
Residential Uses					
Single Family Dwelling Unit					
Detached	P	PUD-1	PUD-1	S-PUD	S-PUD
Low Density (Based on Underlying Zone)	PUD-1	PUD-1	PUD-1	S-PUD	S-PUD
Moderate Density (Max 9.7 DU/A)		PUD-1	PUD-1		S-PUD
High Density (Max 14.5 DU/A)		PUD-2	PUD-2		S-PUD
Accessory in home Day Care Child- Type A	C	PUD-1	PUD-1	S-PUD	S-PUD
Accessory in home Day Care Child- Type B (Six children or less)	P	P	P	S-PUD	S-PUD
WITH Group Home	C			S-PUD	S-PUD
Multi-Family					
Low Density Duplex (2-unit building) Max Density (5.8 DU/A)	PUD-1	P	P	S-PUD	S-PUD
Moderate Density (Max 9.7 DU/A)		P	P	S-PUD	S-PUD
High Density (Max 14.5 DU/A)			PUD-1	S-PUD	S-PUD
<i>(Table Continued Next Page)</i>					

Zoning District	A-C	O	D	DD	OO
Commercial Uses					
Office					
Low Intensity (Max ISR= .60)		P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)		PUD-1	P	S-PUD	S-PUD
High Intensity (ISR over .75)		PUD-1	PUD-1	S-PUD	S-PUD
<p>Note: The following office uses are permissible in the zone Districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below*):</p> <ol style="list-style-type: none"> 1.) Accounting Services 2.) Architectural Services 3.) Banking or Financial Institution 4.) Banking with Drive-in or Drive-through Facility 5.) Dental Laboratories 6.) Funeral Home or Mortuary 7.) Legal Services 8.) Medical Laboratories 9.) Medical Office or Clinics 		<ol style="list-style-type: none"> 10.) Optical Laboratories 11.) Professional Consulting Services 12.) Psychological Counseling 13.) Real Estate and Securities Brokering 14.) Tax Preparation Services 15.) Art Gallery or Interior Decorating Service 16.) General Office Uses, with no onsite sale of a commodity 17.) Insurance Sales and Consultation 			
Retail					
Low Intensity (Max ISR= .60)			P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)			PUD-1	S-PUD	S-PUD
High Intensity (ISR over .75)			PUD-2	S-PUD	S-PUD
Dance/Concert Clubs (Occupancy greater than 100)			C		
<p>Note: The following retail business uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:</p> <ol style="list-style-type: none"> 1.) Amusement Park 2.) Art Gallery, Antique Store, Interior Decorator Service 3.) Automobile and Truck Rental 4.) Automobile Part Sales 5.) Automobile, Motorcycle, Truck, Recreational Vehicle and Trailer Sales, Rental Service 6.) Batting Cage 7.) Barber Shops & Beauty Salons 8.) Billiard Parlor or Pool Room 9.) Bowling Alley 10.) Building Materials, Sales & Distribution 11.) Car Wash - full service 12.) Convenience Store (with or without gas pumps) 13.) Delicatessens, Bakeries, Produce/Meat Markets 14.) Drive in or Drive through Facility 		<ol style="list-style-type: none"> 15.) Durable Goods (furniture, appliance, ect,) sales & service 16.) Dry Cleaning 17.) Gasoline Service Station (with repair) 18.) General Retail- soft goods (clothing, fabric, gifts, jewelry) 19.) Grocery & Drug Stores 20.) Health & Fitness Clubs/Swimming & racquet clubs open to the public for a fee 21.) Machinery & Equipment sales, rental and service 22.) Miniature Golf Course 23.) Photo Lab, Camera sales or service, Media studio 24.) Restaurant/Bar with or without drive in 25.) Service Establishments: (Dry Cleaning or Laundry Pick Up, Stations, Print Shops, Tailoring, Shoes or Hat Repair) 26.) Shopping Center (mixed-use retail) 27.) Skating Facility 28.) Studio: Art, Dance, Gymnastics, Music 29.) Theater, Movie or Live Performance Space 30.) Themed Special Purpose Venue 31.) Dance Club/Concert Club occupancy less than 100 32.) Mechanical and Home Improvement Contractor 			
Adult Entertainment Establishment					
Low Intensity (Max ISR= .60)			PUD-2		
Moderate Intensity (Max ISR= .75)					
High Intensity (ISR over .75)					
<i>(Table Continued Next Page)</i>					

Zoning District	A-C	O	D	DD	OO
Recreation, Community Facility – Private (nonprofit or privately owned and operated country clubs, swim and tennis facilities/clubs & YMCA’s); athletic fields & golf courses					
Low Intensity (Max ISR= .60)	C	P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR=.75)	C	PUD-1	PUD-1	S-PUD	S-PUD
High Intensity (ISR over .75)	C	PUD-2	PUD-1	S-PUD	S-PUD
Campground or Summer Camp (Public or Private)	C				
Recreation Center, Internal (Public or Private)	C				
Recreation, Community Facility – Public (public owned or operated athletic fields, golf courses, swim/tennis facilities, parks, playgrounds, wildlife reserves, forests, senior centers, recreation centers, cultural and entertainment facilities)					
All Intensities	P	P	P	S-PUD	S-PUD
Cultural and Entertainment Facility (museum, outdoor drama theater (not drive-in), botanical garden and zoo)					
Low Intensity (max ISR=.60)	C	P	P	S-PUD	S-PUD
Moderate Intensity (max ISR=.75)	C	PUD-1	PUD-1	S-PUD	S-PUD
High Intensity (ISR over .75)	C	PUD-2	PUD-2	S-PUD	S-PUD
Agricultural Uses					
Rural Agriculture on Lots greater than 5 acres	EXEMPT IN ALL DISTRICTS				
Suburban Agriculture Minimum lot size 1-acre	P	P	P	P	P
Note: The following suburban agriculture uses are permitted as-of-right in the zone districts indicated above with a Permitted Use Zoning Certificate subject to compliance with the regulations for Agricultural Uses in Chapter 3: 1) Aquaculture & Fishing Lakes 2) Floriculture 3) Horticulture 4) Ornamental Horticulture 5) Olericulture	6) Pomiculture 7) Viticulture & Winemaking 8) Private Compost Piles 9) Farm Markets (Accessory Use) 10) Beekeeping 11) Keeping of Household Pets 12) Kennel (private) 13) Club Activities 14) Future Farmers of America Activities Farming of Trees, Mushrooms, Sod, Tobacco & Field Crops				
Other Agriculture Uses (lots greater than 5 acres)					
Greenhouses	C	P	P		
Farm Markets (Principal Use)	P				
Keeping Of Exotic Wildlife					
Commercial Kennel	P	P	P	S-PUD	S-PUD
<i>(Table Continued Next Page)</i>					

Zoning Categories	A-C	O	D	DD	OO
Kennel (Commercial)					
Lots greater than 1 acre		P	P	S-PUD	
Lots 1 acre or less					
Riding Stables					
Lots greater than 1 acre	P	P	P		
Lots 1 acre or less					
Veterinary Facility (without outside run)					
Lots greater than 1 acre		P	P		
Lots 1 acre or less			P		
Veterinary Facility (with outside run)					
Lots greater than 1 acre		PUD-1	P		
Lots 1 acre or less			PUD-1		
Institutional and Public Service Uses					
Institutional					
Low Intensity (Max ISR= .60)	C	P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)	C	PUD-1	PUD-1	S-PUD	S-PUD
High Intensity (ISR over .75)	C	PUD-2	PUD-2	S-PUD	S-PUD
<p>Note: The following institutional uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below):</p> <ol style="list-style-type: none"> 1) Day Care Center, Child 2) Hospital 3) Continuing Care Retirement Facility 					
Cemetery	C	P	P	S-PUD	S-PUD
Correctional Facility					
Halfway House					
Church					
Low Intensity (Max ISR= .50)	P	P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)	PUD-1	P	P	S-PUD	S-PUD
High Intensity up to 90% ISR @ existing Building/Site > .75 ISR			P		
Nursing and Convalescent Home					
Low Intensity (Max ISR= .60)		P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)		PUD-1	PUD-1	S-PUD	S-PUD
High Intensity (Max ISR over .75)		PUD-2	PUD-2	S-PUD	S-PUD
<i>(Table Continued Next Page)</i>					

Permissible Uses (Cont.)					
Zoning Categories	A-C	O	D	DD	OO
Schools (pre-school, elementary, junior high, middle, high, vocational & professional)					
Low Intensity (Max ISR= .60)	C	P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)	C	PUD-1	PUD-1	S-PUD	S-PUD
High Intensity (Max ISR over .75)	C	PUD-1	PUD-1	S-PUD	S-PUD
University or College					
Low Intensity (Max ISR= .60)	C	P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)	C	PUD-1	PUD-1	S-PUD	S-PUD
High Intensity (Max ISR over .75)	C	PUD-2	PUD-2	S-PUD	S-PUD
Public Service Uses					
Low Intensity (Max ISR= .60)	P	P	P	S-PUD	S-PUD
Moderate Intensity (Max ISR= .75)	P	P	P	S-PUD	S-PUD
High Intensity (Max ISR over .75)	PUD-1	PUD-1	PUD-1	S-PUD	S-PUD
<p>Note: The following public service (government owned or operated) uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:</p> <ol style="list-style-type: none"> 1) Government Facility 2) Government Storage Yard 3) Library 4) Park and Ride Facility 5) Police and Fire Station 					

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4-1 GENERAL PROVISIONS.**4-1.1 Statement of Intent.**

The Residential Districts are intended to provide a range of housing choices to meet the needs of Green Township's residents, and, to offer a balance of housing types and densities, while promoting harmonious development of residential communities in the Township and to help implement housing policies and other plans adopted by the Township.

4-1.2 Accessory Uses and Structures.

Accessory uses and structures shall be permitted in the "A", "B", "C" Districts subject to the provisions of Chapter 10.

4-1.3 Conditional Uses.

Conditional uses in Residential Districts are listed in Table 3-10. Further information on the criteria, standards, and procedures for conditional uses are contained in Chapter 17.

4-1.4 Signs.

Signs that are permitted in the "A", "B", and "C" Districts are subject to the provisions of Chapter 13.

4-1.5 Lot Area, Lot Width, Building Height and Yard Standards.

All uses and structures permitted in the "A", "B", and "C", Districts shall comply with the following provisions and the lot area, lot width, building height and yard requirements set forth in the Tables in Section 4-4 and 4-5 found at the end of this Chapter.

- a. Front Yard Setback Alignment with Adjacent Lots. Alignment setbacks and/or front yard depths are not required to exceed the average minimum depths of the existing front yards on the lots adjacent to them on each side, if the lots are within the same block and within one hundred (100) feet of each other.
- b. Front Yard Requirements on Corner Lots. Lots that have a double frontage are required to have a front yard on one (1) street side of the corner lot, and a side yard on the other street side not less than double the side yard requirement. No accessory building shall project beyond the front yard line on either street.

Additional height and yard requirements and exceptions are contained in Section 3-5.

4-1.6 Parking Standards.

All uses and structures permitted in the "A", "B", and "C", Districts shall comply with the parking requirements set forth in Chapter 12.

4-1.7 Buffer Yards and Resource Protection.

All uses and structures in the "A", "B", and "C", Districts shall comply with the provisions of Chapters 14, 15 and any other appropriate Chapter.

4-1.8 Redevelopment Standards.

Redevelopment approved in accordance with Section 1-7 of this Zoning Resolution is exempt from the provisions identified in Section 1-7.2 and any provision of Section 4-3 (Multi-family Residential District) that is inconsistent with the Standards for Redevelopment established in Chapter 9.

4-2 THE A, B AND C RESIDENTIAL DISTRICTS.

4-2.1 Purpose.

The purpose of the “A”, “B”, and “C” Districts established by Section 3-1 is to protect and support the development of single-family housing in conjunction with appropriate accessory uses and public and institutional uses. The standards of these districts are intended to maintain a suitable environment for family living at various densities and in various types of housing, including single-family detached and clustered housing under specified conditions which provides flexibility in the organization of site elements and building location.

4-2.2 Permitted Uses.

The uses specified as Permitted (“P”) Uses in the Table of Permissible Uses found in the Table in Section 3-2 are permitted as of right in the “A”, “B”, and “C” Districts with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

4-2.3 Planned Unit Developments.

In addition to the uses specified as Planned Unit Developments (“PUD”) in the Table of Permissible Uses found in the Table in Chapter 3, the following densities are permitted in the A, B, and C Districts as PUD’s provided they are approved as PUD-1’s by the Zoning Commission pursuant to the standards and procedures for planned unit developments set forth in Chapters 4 and 18 and comply with all applicable requirements of this Resolution. For calculation of density on preliminary plans where the actual location of rights-of-way or easements for public streets is not yet determined, the net density shall be based on 82% of the gross area.

- a. “A” District: single-family detached dwellings at a maximum net density of 3.00 units per acre.
- b. “B” District: single-family detached dwellings at a maximum net density of 4.25 units per acre.
- c. “C” District: single-family detached dwellings at a maximum net density of 5.8 units per acre.

4-2.4 Maximum Height and Minimum Lot Area, Bulk and Yard Requirements.

The maximum height and minimum lot area, bulk and yard, and accessory building requirements for low density residential uses in the “A”, “B”, and “C” Districts are set forth in the Table in Section 4-6 found at the end of this Chapter.

4-2.5 Single Family Planned Unit Development (PUD) Standards for Zero-Lot-Line or Duplex Dwellings and Single-Family Detached, Clustered Dwellings

Subject to the provisions of Section 4-2.3, as applicable, developments of patio dwellings, zero-lot-line dwellings, and duplex clustered dwellings shall comply with the density requirements for single-family detached dwellings for residential district in which they are located and the minimum lot size, bulk and other site development requirements set forth below. Minimum perimeter setbacks shall conform to district setback requirements.

- a. Zero-Lot-Line or Duplex Dwellings. Each dwelling shall be located on an individual lot which is set on or within six (6) feet of the side lot line. No windows shall be located on the wall of the dwelling nearest to the side lot line. Either a six (6) foot maintenance easement shall be provided on the neighboring property or the dwelling may be set back six (6) feet from the line and a recreation, planting, and use easement may be granted to the adjacent lot owner. The minimum standards for a zero-lot-line dwelling are as follows:

Minimum Lot Area (sq. ft.):	5,000
Minimum Interior Yards	
Front (ft.):	20
Rear (ft.):	30
Side (ft.):	6 ^a
Minimum Building Spacing (ft.):	12 ^b
Minimum Lot Width (ft.):	45
Minimum Setback from Interior Right-of-Way or access easement (ft.):	20

^a Standard applicable when units are set back from the lot line and a use/maintenance easement is provided.

^b Standard applicable for two unit buildings when units are set back from the lot line and/or a use/maintenance easement is provided.

**EXAMPLE OF SITE PLAN
ZERO-LOT-LINE DWELLING**



- b. Clustered Dwellings. Each dwelling type consists of a single-family detached residence located on an individual lot, which has private yards on all sides of the house. The minimum standards for single-family detached clustered dwellings other than the types specified in Sections 4-2.5(a) and (b) are:

Minimum Lot area (sq. ft.):	6,000
Minimum Interior Yards	
Front (ft.):	25
Rear (ft.):	30
Side (ft.):	6
Minimum Lot Width (ft.):	60
Minimum Setback from Interior Right-of-way or access easement (ft.)	25

**EXAMPLE OF SITE PLAN
CLUSTERED DWELLINGS**



4-3 D MULTI-FAMILY RESIDENTIAL DISTRICT/O MULTI FAMILY DISTRICT.

4-3.1 Purpose.

The purpose of the “D” Multi-Family District is to provide opportunities for low to high-density residential development where sufficient infrastructure is available prior to development. This district permits a broad range of housing types including single-family and multi-family dwellings as well as low-intensity uses that retain a residential character.

4-3.2 Permitted Uses.

In addition to the uses specified as Permitted ("P") in the Table of Permissible Uses found in the Table in Chapter 3, low intensity residential uses are permitted as of right in the “D” District (at net densities of 9.6 dwelling units or less per acre) with a Permitted Use Zoning Certificate provided that they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

4-3.3 Planned Unit Developments.

In addition to the uses specified as Planned Unit Developments ("PUD") in the Table of Permissible Uses found in Chapter 3 the following types of residential developments are permitted in the “D” District at intensities listed in Chapter 3 as Planned Unit Developments provided they are approved as PUD-1's by the Township Zoning Commission, or as PUD-2's by the Board of Township Trustees if the proposed development exceeds any of the moderate land use intensity standards enabling PUD-1 approval. PUD's are subject to the standards and procedures set forth in Chapter 18 provided they comply with all other applicable requirements of this Resolution:

- a. Single-Family Detached Dwellings in PUD's.
- b. Multi-Family dwellings
 - 1. Apartment style
 - 2. Two Family
 - 3. Three Family

4. Townhouse

4-3.4 Minimum Lot Area, Lot Width and Yard Requirements.

The minimum lot area, lot width, bulk and yard requirements for low intensity residential and office uses in the “D” District are found in the Table in Section 4-5.

4-3.5 Maximum Building Height.

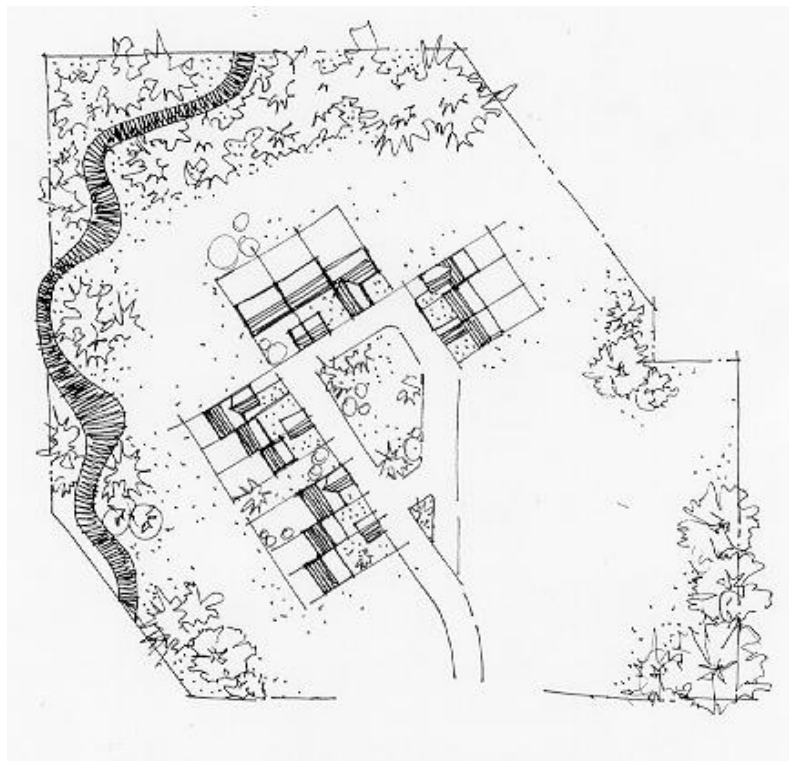
The maximum building height permitted in the “D” District, exclusive of developments approved through the PUD procedure, for principal buildings, is as per Section 4-6. Maximum height for accessory structures shall be one story or 15 feet, whichever is less.

4-3.6 Standards for Townhouse Dwellings.

Rows of attached townhouses shall be no more than eight (8) units each. The minimum standards for a townhouse dwelling are as follows:

Minimum Lot Area: (sq. ft. per unit)	2,400
Minimum Lot Width (ft.):	18
Minimum Yards (per structure)	
Front (ft.):	20
Rear (ft.):	30
Minimum Setback from Interior Right-of-way or access easement (ft.)	20

**EXAMPLE OF SITE PLAN
TOWNHOUSE DWELLINGS**



**TABLE 4-4 LOT AREA STANDARDS
LOT AREA, LOT WIDTH, MAXIMUM HEIGHT AND YARD REQUIREMENTS FOR LOW DENSITY
USES PERMITTED AS OF RIGHT IN RESIDENTIAL DISTRICTS**

DIMENSIONS	DISTRICTS				
	A	B	C	D	O
MAXIMUM HEIGHT					
I. Principal Building					
A. Stories (<i>whichever is less</i>)	2.5	2.5	2.5	3.5	3.5
B. Feet (<i>whichever is less</i>)	35	35	35	45	45
LOT REQUIREMENTS					
I. Minimum Lot Size Per Unit					
A. Single-family detached (sq. ft.)	15,000@	8,000@	6,000@	6,000	6,000
B. Multi-Family					
1. Apartment style (sq. ft.)	NA	NA	NA	6,000	6,000
2. Two-Family (sq. ft.)	NA	NA	NA	6,000	6,000
3. Three-Family (sq. ft.)	NA	NA	NA	6,000	6,000
4. Townhouse (sq. ft.)	NA	NA	NA	6,000	6,000
II. Minimum Lot Width					
A. Single-family detached (ft.)	80	60	50	50	50
B. Multi-Family					
1. Apartment style (ft.)	NA	NA	NA	100	100
2. Two-Family (ft.)	NA	NA	NA	50	50
3. Three-Family (ft.)	NA	NA	NA	80	80
4. Townhouse (ft.)	NA	NA	NA	18	18
MINIMUM YARD REQUIREMENTS					
I. Front Yard					
A. Single-family detached (ft.)	40	40	35	35	35
B. Multi-Family*					
1. Apartment style (ft.)	NA	NA	NA	30	30
2. Two-Family (ft.)	NA	NA	NA	30	30
3. Three-Family (ft.)	NA	NA	NA	30	30
4. Townhouse (ft.)	NA	NA	NA	20	30
II. Side Yards (<i>each</i>)					
A. Single-family detached (ft.)	10a	8	6	6	6
1. Total	(30a)				
2. Minimum	(8a)				
B. Multi-Family*					
1. Apartment style (ft.)	NA	NA	NA	10	10
2. Two-Family (ft.)	NA	NA	NA	15	15
3. Three-Family (ft.)	NA	NA	NA	15	15
4. Townhouse (ft.)	NA	NA	NA	15	15
III. Rear Yard					
A. Single-family detached (ft.)	45	30	30	30	30
B. Multi-Family*					
1. Apartment style (ft.)	NA	NA	NA	40	40
2. Two-Family (ft.)	NA	NA	NA	30	30
3. Three-Family (ft.)	NA	NA	NA	30	30
4. Townhouse (ft.)	NA	NA	NA	25	25

NOTE: @ Minimum lot sizes in all residential districts require public sewer service at issuance of a Zoning Compliance Certificate, without sewer service, the minimum lot size shall be one-acre (43,560 Sq. Ft.)

* Subject to the standards contained in Chapter 4.

a 8' reduced side yard setback permitted with a combined total of 30'

TABLE 4-5
LOT AREA, LOT WIDTH, MAXIMUM HEIGHT AND YARD REQUIREMENTS FOR SINGLE FAMILY
DETACHED DWELLINGS IN PLANNED UNIT DEVELOPMENTS (PUD'S)

DIMENSIONS	DISTRICTS				
	A	B	C	D	O
MAXIMUM HEIGHT					
Principal Building					
Stories (<i>whichever is less</i>)	2.5	2.5	2.5	3.5	3.5
Feet (<i>whichever is less</i>)	35	35	35	45	45
Minimum Lot Size Per Unit					
Zero-lot-line (sq. ft.)	5,000	5,000	5,000	5,000	5,000
Duplex (sq. ft.)	5,000	5,000	5,000	5,000	5,000
Clustered (sq. ft.)	6,000	6,000	6,000	6,000	6,000
Minimum Lot Width					
Zero-lot-line (ft.)	45	45	45	45	45
Zero-lot-line (ft.)	38	38	38	38	38
Clustered (ft.)	50	50	50	50	50

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5-1 GENERAL PROVISIONS.

5-1.1 Statement of Intent.

The D-Retail Commercial District, is intended to provide controlled and harmonious settings for office, multi-family and business/commercial developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to encourage high quality of design in multi-family, office and business/commercial developments, and to help implement land use plans, thoroughfare plans and corridor studies adopted by the Township.

5-1.2 Impact Controls and General Restrictions.

- a. Mechanical Equipment to be Screened. All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.
- b. Refuse Control. Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing complete screening from public streets and residential districts or any districts with permitted uses in accordance with Chapter 10.
- c. Sensory and Nuisance Impacts. Processes, equipment, and goods for sale shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.

Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, so as not to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

Any use or dissemination of sensory or fire, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is hereby declared a public nuisance and shall be unlawful.

No outdoor speakers or paging systems may be located within 100' of any residential property line,

- d. Lighting. On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located in accordance with Chapter 12.
- e. Permanent Outdoor Storage or Display.
 1. The outdoor storage or display of merchandise materials or inventory shall not encroach into areas used for pedestrian circulation or required parking.
 2. The outdoor storage or display of materials, merchandise, or inventory shall not be located in any required pervious surface area including buffers or streetscape areas within the lot.
 3. The outdoor storage or display of materials, merchandise, or inventory shall not include the use of banners, pennants, point of sale displays or strings of pennants.
 4. Outdoor storage areas shall be required to be fully screened with opaque fencing not to exceed eight (8) feet in height.
 5. No commercial construction equipment (such as; skid-steer loaders, rollers, compactors, bulldozers, excavators, dump-trucks, crains, portable generators, project lighting or similar equipment or vehicles may be stored outside in any commercial district.

5-1.3 Accessory Uses and Structures.

Accessory uses and structures shall be permitted in the D District subject to the provisions of Chapter 10.

5-1.4 Conditional Uses.

Conditional uses in the Commercial Districts are listed in Chapter 3. Further information on the criteria, standards, and procedures for conditional uses is contained in Chapter 17.

5-1.5 Planned Unit Developments.

The uses specified as Planned Unit Developments, PUD-1's in the Table of Permissible Uses found in Section 3-2 require approval by the Northeast Green Township Zoning Commission pursuant to the standards and procedures for Planned Unit Developments set forth in Chapter 18 and all other applicable requirements of this Resolution. Proposed office and retail uses whose intensity exceeds the maximums indicated in Table 3-10 for PUD-1's require PUD-2 approval by the Board of Township Trustees pursuant to Chapter 18.

5-1.6 Signs.

On premises signs are permitted in the "D" District subject to the provisions of Chapter 13.

5-1.7 Lot Area, Bulk and Yard Standards.

All uses and structures permitted in the D District shall comply with the lot area, bulk and yard requirements set forth in Table 5-3 found at the end of this Chapter. Additional bulk and yard requirements and exceptions are contained in Section 3-5.

5-1.8 Parking Standards.

All uses and structures permitted in the D District shall comply with the parking requirements set forth in Chapter 12.

5-1.9 Buffer Yards and Resource Protection.

All uses and structures permitted in the D District shall comply with the provisions of Chapters 14 and 15.

5-1.10 Redevelopment Standards.

Redevelopment approved in accordance with the applicable sections of Chapter 1 of this Zoning Resolution shall be exempt from provision of this Chapter that is inconsistent with Standards for Redevelopment as defined in Chapter 9.

5-2.1 Permitted Uses.

The uses defined as low intensity commercial uses in the Table of Permissible Uses found in Table 3-10 are permitted as of right in the "D" District with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

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TABLE 5-3
LOT AREA, BULK AND YARD REQUIREMENTS IN COMMERCIAL DISTRICTS FOR LOW
INTENSITY USES PERMITTED AS OF RIGHT

REQUIREMENT ²	D RETAIL BUSINESS Multi-Family DISTRICT
A. MAXIMUM HEIGHT	
1. Principal Building	
A. Height (ft.)	35
B. LOT REQUIREMENTS	
1. Minimum Lot Area (sq. ft.)	10,000
2. Minimum Lot Width (ft.)	75
C. MINIMUM YARD REQUIREMENTS ¹	
1. Front Yard (ft.)	30
2. Side Yards (ft. each)	5
3. Rear Yard (ft.)	20
D. MAXIMUM IMPERVIOUS SURFACE RATIO²	.60

NOTES:

- ¹ Also see buffer yard requirements in Chapter 14.
- ² These standards may be exceeded up to the maximums specified in Chapter 3 if approved as a PUD-1 with appropriate modifications in the above standards pursuant to Chapter 18. Proposed commercial uses that exceed PUD-1 standards in Section 3-2 shall require PUD-2 approval by the Board of Township Trustees with appropriate modifications on the above standards pursuant to Chapter 18.

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6-1 GENERAL PROVISIONS.

6-1.1 Statement of Intent.

The O-Office District is intended to provide controlled and harmonious settings for office development and multi-family developments to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to encourage high quality of design in office and, to help implement land use plans, thoroughfare plans and corridor studies adopted by the Township.

6-1.2 Impact Controls and General Restrictions.

- a. Mechanical Equipment to be Screened. All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.
- b. Refuse Control. Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing complete screening from public streets and residential districts or any districts with permitted uses in accordance with Chapter 10.
- c. Sensory and Nuisance Impacts. Processes, equipment, and goods for sale shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.

Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, so as not to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

Any use or dissemination of sensory or fire, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is hereby declared a public nuisance and shall be unlawful.

- d. Lighting. On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located in accordance with Chapter 12.

6-1.3 Accessory Uses and Structures.

Accessory uses and structures shall be permitted in the "O" District are subject to the provisions of Chapter 10.

6-1.4 Conditional Uses.

Conditional uses in the Commercial Districts are listed in Chapter 3. Further information on the criteria, standards, and procedures for conditional uses is contained in Chapter 17.

6-1.5 Planned Unit Developments.

The uses specified as Planned Unit Developments, PUD-1's in the Table of Permissible Uses found in Chapter 3 require approval by the Northeast Green Township Zoning Commission pursuant to the standards and procedures for Planned Unit Developments set forth in Chapter 18 and all other applicable requirements of this Resolution. Proposed office and retail uses whose intensity exceeds the maximums

indicated in Chapter 3 for PUD-1's, will require PUD-2 approval by the Board of Township Trustees pursuant to Chapter 18.

6-1.6 Signs.

On premises signs are permitted in the "O" District subject to the provisions of Chapter 13.

6-1.7 Lot Area, Bulk and Yard Standards.

All uses and structures permitted in the "O" District shall comply with the lot area, bulk and yard requirements set forth in the Table found at the end of this Chapter. Additional bulk and yard requirements and exceptions are contained in Chapter 3.

6-1.8 Parking Standards.

All uses and structures permitted in the "O" District shall comply with the parking requirements set forth in Chapter 12.

6-1.9 Buffer Yards and Resource Protection.

All uses and structures permitted in the "O" District shall comply with the provisions of Chapters 14 and 15.

6-1.10 Redevelopment Standards.

Redevelopment approved in accordance with the applicable sections of Chapter 1 of this Zoning Resolution shall be exempt from provision of this Chapter that are inconsistent with Standards for Redevelopment as defined in Chapter 9.

6-2 PERMITTED USES

The purpose of the "O" District established in Chapter 3, is to provide locations that are suitable for the establishment and operation of professional, institutional and governmental office uses.

6-2.1 Purpose.

The uses defined as low intensity office uses in the Table of Permissible Uses found in Chapter 3 are permitted as of right in the "O" District with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

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TABLE 6-3
LOT AREA, BULK AND YARD REQUIREMENTS IN COMMERCIAL DISTRICTS FOR LOW
INTENSITY USES PERMITTED AS OF RIGHT

REQUIREMENT ²	O OFFICE-Multi Family DISTRICT
A. MAXIMUM HEIGHT	
1. Principal Building	
A. Height (ft.)	35
B. LOT REQUIREMENTS	
1. Minimum Lot Area (sq. ft.)	7,500
2. Minimum Lot Width (ft.)	75
C. MINIMUM YARD REQUIREMENTS ¹	
1. Front Yard (ft.)	30
2. Side Yards (ft. each)	10
3. Rear Yard (ft.)	20
D. MAXIMUM IMPERVIOUS SURFACE RATIO²	.60

NOTES:

- ¹ Also See buffer yard requirements in Chapter 14.
- 2** These standards may be exceeded up to the maximums specified in Chapter 3 if approved as a PUD-1 with appropriate modifications in the above standards pursuant to Chapter 18. Proposed commercial uses that exceed PUD-1 standards in Chapter 3 shall require PUD-2 approval by the Board of Township Trustees with appropriate modifications on the above standards pursuant to Chapter 18.

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SPECIFIC PLAN DISTRICTS ("DOUBLE LETTER DISTRICTS")

7-1 GENERAL PROVISIONS.

Specific Plan Districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Within a Specific Plan District, the township zoning, subdivision, and platting regulations need not be uniform, but may vary in order to accommodate unified development and to promote the purposes of Specific Plan Districts.

7-2 SPECIFIC PLAN DISTRICTS ("DOUBLE LETTER" DISTRICTS)

7-2.1 Purpose.

The purpose of Specific Plan Districts is to encourage innovative design and efficiency in the use of land, resources and utilities on sites where, at the election of the property owner, a legally binding and unified plan for the specific use and specific development of the tract assures a harmonious relationship with existing and potential development of the surrounding property. The Specific Plan Districts enable property to be developed under flexible standards based on public review and legislative approval of a comprehensive site plan without the need to conform to uniform zoning requirements of traditional zoning districts.

7-2.2 Classification.

Specific Plan Districts shall be classified by categories, according to the provisions as described herein, and each adopted Specific Plan District shall be shown on the official Zoning Map. The six categories of Specific Plan Districts include:

- a. CUP Community Unit Plan Overlay Districts (single-family)
- b. DD Planned Retail/Multiple Residence Districts
- c. OO Planned Office/Multiple Residence Districts

7-2.3 Procedure for District Designation

- a. Applicant. The owner or owners of a tract of land, in accordance with the zone amendment procedures in Chapter 16, shall submit a PUD Plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in, this chapter.
- b. Approval Criteria. In determining whether a Specific Plan District shall be approved or recommended for approval, the Administrative Officer, Regional Planning Commission, Northeast Green Township Zoning Commission and Green Township Board of Trustees should consider the Standards for Amendments (Chapter 16), the Standards for PUD Plans (Chapter 18) and the guidelines for each Specific Plan District in the Appendix.
- b. Property Owner Acceptance, Recording and Certification of Compliance. The PUD Plan and supplemental regulations contained in the Resolution of approval by the Green Township Board of Trustees shall be incorporated in the Amendment to the Zoning Resolution as an integral part of the zoning regulations applicable to the real estate in accordance with the following procedure:
 - c. Within ten days after the close of the public hearing by the Green Township Board of Trustees, the property owner shall submit a PUD plan, to the Administrative Official, incorporating the following on the plan:

-
- d. all revisions to the proposed PUD Plan and all conditions, covenants and related revisions as may be required by the recommendations of the Rural Zoning Commission and as modified by majority vote of the Board of Trustees, and
 - e. a Deed of Acceptance of the PUD Plan and the Amendment executed by the owner of the real estate.
 - f. Within ten days after receipt of the revised PUD Plan and executed Deed of Acceptance, the Board of Trustees shall act on the proposed Amendment pursuant to the requirements outlined in Chapter 16.
 - g. After the effective date of the zoning amendment, the clerk of the Board of Trustees shall cause such Amendment to be recorded in the land records applicable to the real estate in the office of the Recorder of Hamilton County.
 - h. Zoning Compliance Plan. After the zoning amendment is recorded, the property owner may submit a Zoning Compliance Plan pursuant to the procedures set forth in Chapter 18 for obtaining a Zoning Certificate.

7-2.4 Permissible Uses.

The uses specified in the Table of Permissible Uses found in the Table in Chapter 3 may be permitted in Specific Plan Districts provided that the district shall be laid out and developed as a unit according to a PUD (planned unit development) Plan, as defined in Chapter 2, approved for the specific use or uses and which complies with all other applicable requirements of this Resolution.

7-2.5 Lot Area, Bulk, Height, and Yard Requirements.

Except as modified by the Board of Trustees' Resolution of approval for any Specific Plan District, the maximum height and bulk, and the minimum lot area and yard requirements shall be as follows:

- a. The requirements for the "CUP" Overlay District shall be the same as the underlying single-family Residence District in Chapter 4. Nothing in this section shall be deemed to enable modification of the maximum net density for single family districts pursuant to Chapter 4.
- a. The requirements for the "DD" District is set forth in Chapter 7 except that the maximum density for each Planned Multiple Residence District shall be set forth in the Board of Township Trustees' Resolution of approval.
- b. The requirements for the "OO" District is set forth in Chapter 7 except that the maximum density for each Planned Multiple Residence District shall be set forth in the Board of Trustees' Resolution of approval. .

7-2.6 Supplemental Regulations.

The standards for each Specific Plan District adopted by the Board of Trustees may further restrict the regulations for land use and may relax or further restrict the regulations for lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for each Specific Plan District upon finding that conditions peculiar to a specific site and the achievement of the Standards for Amendments (Chapter 16) and Standards for PUD Plans (Chapter 18) require supplemental regulations. Any such supplemental regulations shall be set forth in the Resolution establishing such Specific Plan District or in an amendment thereto.

7-2.7 Violation of Supplemental Regulations and PUD Plan.

The supplemental regulations, including conditions, covenants and the PUD Plan, for each Specific Plan District approved in accordance with this Chapter shall be an integral part of the Zoning Resolution and any departure or any modification, except when specifically approved in accordance with Chapter 18, shall be a violation of the Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in Chapter 24.

7-2.8 Adjustments to Zoning Compliance Plans and PUD Plans.

Adjustments to Zoning Compliance Plans and PUD Plans pertaining to Specific Plan Districts shall be filed and processed pursuant to the procedures set forth in Chapter 18.

7-2.9 Appeals.

The appeal of administrative decisions pertaining to Specific Plan Districts shall be filed and processed pursuant to the procedures set forth in Chapter 18.

**TABLE 7-3
LOT AREA, BULK AND YARD REQUIREMENTS IN DOUBLE LETTER COMMERCIAL/MULTIPLE RESIDENCE DISTRICTS**

REQUIREMENT ²	“OO” DISTRICT	“DD” DISTRICT
A. MAXIMUM HEIGHT		
1. Principal Building		
A. Height (ft.)	45	45
B. LOT REQUIREMENTS		
1. Minimum Lot Area (sq. ft.)	20,000	20,000
2. Minimum Lot Width (ft.)	100	100
C. MINIMUM YARD REQUIREMENTS ¹		
1. Front Yard (ft.)	25	25
2. Side Yards (ft. each)	Yard setback shall equal the height of Building adjacent to closest property line—minimum 20	Yard setback shall equal the height of Building adjacent to closest property line—minimum 20
3. Rear Yard (ft.)	Yard setback shall equal the height of Building adjacent to closest property line—minimum 40	Yard setback shall equal the height of Building adjacent to closest property line—minimum 40
D. MAXIMUM IMPERVIOUS SURFACE RATIO²	.75	.75

NOTES:

¹ Also See buffer yard requirements in Chapter 14.

² These standards may be exceeded up to the maximums specified in Chapter 3.

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SPECIAL PUBLIC INTEREST(SPI) OVERLAY DISTRICTS

8-1 GENERAL PROVISIONS.

8-1.1 Statement of Intent.

An overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to, but not necessarily more restrictive than the "base" or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations control.

8-1.2 Definition.

A Special Public Interest (SPI) District is defined as a geographic area exhibiting or planned to contain special and distinctive characteristics that are of significant value or importance to the public. These characteristics include natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views or other similar natural features, or have physical development features such as substantial public investment in public improvements or community plans that coordinate public and private investment, or have characteristics that include institutional uses or neighborhood support services in residential neighborhoods or village developments in suburban metropolitan areas. An SPI district shall be classified according to an SPI category type, and the characteristics of each SPI district shall be in accord with the characteristics of its type as described in this Chapter.

8-1.3 Purposes.

The purposes of SPI regulations are to assist the development of land and structures to be compatible with a larger planning area beyond the immediate vicinity of the site and to protect or improve the quality of the environment in those locations where the characteristics of the environment or the amount of public investment are of significant public interest and are vulnerable to damage or loss of public opportunity by the cumulative effect of development in such planning areas permitted under conventional zoning regulations. SPI regulations are required to protect the public and property owners in the district:

- a. From blighting influences that might be incrementally caused, extended or worsened by the application of conventional land use regulations to properties and areas of sensitive and special public interest;
- b. From significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;
- c. From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;
- d. From significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
- e. From soil erosion, stream situation and development on unstable land;
- f. From the loss or destruction of mature and/or valuable trees and other natural resources;
- g. From the detrimental cumulative effects of incremental development decisions in suburban centers, corridors, neighborhoods and villages on:
 1. conservation and correction of the character, integrity, safety, access and circulation;
 2. preservation and enhancement of pedestrian safety and views from the public right-of-way;
 3. balance of convenience and compatibility between residential and nonresidential areas;

-
4. coordination of useful and attractive signage and streetscape elements; and
 5. minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

8-1.4 Identification.

The location of all SPI districts shall be shown on the Zoning Map as an overlay zone superimposed in specific areas over existing zoning district areas.

8-1.5 Applicability.

Except as otherwise provided herein and in other sections of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control property in the SPI district. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district, the provisions of the SPI district shall prevail. The adoption of an SPI district shall not have any affect on a previously approved zoning certificate or PUD Plan during the period of validity of such approval.

8-1.6 Creation.

The Board of Township Trustees may, from time to time, create SPI districts as defined and containing the characteristics, as set forth in Sections 8-2 through 8-5 of this Chapter.

8-1.7 Procedure.

The establishment or adoption of SPI districts shall be in accordance with the following procedures.

- a. Adoption of Special Public Interest Strategy. Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Public Interest (SPI) Overlay District, an SPI strategy shall be duly adopted by the Regional Planning Commission. The strategy shall contain:
 - a boundary map for the proposed overlay district,
 - justification for establishment of the proposed overlay district standards and boundaries including development goals and policies for the area within the proposed boundary, and
 - the specific supplemental standards proposed for achieving the SPI strategy.

The strategy shall describe in words and/or illustrations the special and distinctive characteristics of public interest that are to be protected, improved or achieved and the related specific and measurable standards or development features that will be required for coordinated implementation of the plan. The SPI Strategy may contain goals, policies and standards for the following physical elements: location of buildings; architectural character of buildings; signage; public spaces; streetscape; building and land use mix; diversity and unifying elements; perimeter buffers; provision of utilities such as sewage disposal; pedestrian and vehicular circulation; parking; open space, landscaping and other elements essential to the achievement of adopted community goals. Prior to the adoption of any SPI Strategy copies thereof shall be forwarded for review and comment to the appropriate citizen or township groups and township trustees representing the community within the SPI boundary.

- b. Adoption of Zoning Text and Map Amendment. The Board of Township Trustees, pursuant to procedures for zoning amendments in Chapter 16, shall approve, deny or modify such standards and boundary recommended in the SPI strategy and incorporate same in the resolution establishing any specific SPI district as a supplement to this Chapter. In the SPI District the adopted specific standards shall serve as supplemental requirements to the regulations of the underlying district in reviewing all requests for zoning certificates within the Overlay District boundary.

8-1.8 Supplemental SPI District Regulations.

SPI district standards adopted by the Board of Township Trustees may relax or further restrict the underlying zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for specific SPI districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require

supplemental regulations. Any such supplemental regulations shall be set forth in the resolution establishing such SPI district or in an amendment thereto.

8-1.9 Classification.

SPI districts shall be classified by categories, according to the provisions and qualifications as described herein, and each adopted SPI district shall be shown on the official Zoning Map. The two categories of SPI overlay districts include:

- a. Neighborhood Quality (SPI-NQ)
- b. Suburban Center / Corridor (SPI-SC)

8-2 SPECIAL PUBLIC INTEREST - NEIGHBORHOOD QUALITY DISTRICTS.

Special Public Interest (SPI) Neighborhood Quality Districts shall be identified as - SPI-NQ Overlay Districts.

8-2.1 Legislative Findings and Specific Purpose.

Balancing the benefits of growth and development of institutions and neighborhood support services with the livability of adjacent residential neighborhoods requires protection over and above the protection provided by conventional zoning regulations as follows:

- a. To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions;
- b. To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;
- c. To require the development and maintenance of buffer yards on institutional and other nonresidential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;
- d. To promote compatibility between nonresidential uses and surrounding residential uses, and
- e. To plan for unusual intensity or density of development.

8-2.2 Characteristics.

SPI-NQ districts shall be limited to geographic areas included in an SPI-Neighborhood Quality Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and which contain or are planned to contain all of the following characteristics:

- a. Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses;
- b. Close proximity of diverse land uses to a residential neighborhood.

8-2.3 Designation.

The SPI-Neighborhood Quality Districts, which meet the characteristics, contained in Section 8-2.2 is listed below and is illustrated on the official zoning map. The adopted specific standards for each Neighborhood Quality District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[NEIGHBORHOOD QUALITY DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF TOWNSHIP TRUSTEES]
[LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC OVERLAY DISTRICT]

8-3 SPECIAL PUBLIC INTEREST-SUBURBAN CENTER/CORRIDOR DISTRICTS.

Special Public Interest (SPI) Suburban Center or Suburban Corridor Districts shall be identified as SPI-SC Overlay Districts.

8-3.1 Legislative Findings and Specific Purpose.

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community orientation. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

- a. Preventing the deterioration of property and the extension of blighting conditions;
- b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;
- c. Preventing the creation of influences adverse to the physical character of the area.

8-3.2 Characteristics.

SPI-SC districts shall be limited to geographic areas included in a SPI-Suburban Center or SPI-Suburban Corridor Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and which contain or are planned to contain the following characteristics:

- a. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a sociogeographic neighborhood, community, or region;
- b. An area that has received or been approved for substantial public investment.
- c. An area that is planned for unusual intensity or density of development.

8-3.3 Designation.

The SPI-Suburban Center Districts and Suburban Corridor District which meet the characteristics contained in Section 8-2.2 is listed below and is illustrated on the official zoning map. The adopted specific standards for each Suburban Center/Corridor District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[SUBURBAN CENTER/CORRIDOR QUALITY DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF TOWNSHIP TRUSTEES LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC OVERLAY DISTRICT]

8-4 DEVELOPMENT AUTHORIZATION

8-4.1 Applications; Contents.

Applications for zoning certificates in SPI districts shall be made to the Administrative Official Inspector pursuant to Chapter 20. Said applications shall be made on such form or forms as may be provided. The information required for submission shall demonstrate the compliance of the proposed improvement, construction or development with the specific standards for the SPI district as well as all requirements of the underlying district not in conflict with the SPI standards.

8-4.2 Modification Procedure.

Any supplemental regulations adopted pursuant to this Chapter may be modified as provided in Section 8-6.3 after public hearing upon a finding by the Zoning Commission that the modifications will result in public benefit through substantial improvements related to any of the following conditions:

- a. Provision will be made for substantial usable open space where the slope does not exceed 10 percent for the use of the occupants of the area;
- b. Usable open space will be created for the public by the dedication of public areas or space;
- c. The restoration of plant materials will be accomplished by the planting of trees, shrubs, and ground covers;
- d. Utility and other service distribution lines will be placed underground;
- e. An improvement in public safety will result;

-
- f. An improvement in energy conservation will result;
 - g. The use of creative site planning and design in order to provide for efficient use of land and an improved environment will result.

8-4.3 Modification Limits.

Upon having made the findings set forth in Section 8-4.2 the regulations set forth therein may be modified by the Zoning Commission up to the following limits:

- a. The gross dwelling unit density and floor area limitations of any area proposed for development shall remain unchanged and conform to the basic overall density and floor area limitations of the supplemental regulations in the SPI District. However, lot dimensions, building height, building setbacks, parking requirements, front, side, and rear yard requirements or other specific development standards may be modified to provide for a more functional and desirable use of the property.
- b. Height limitations may be removed, provided such additional stories to dwelling structures:
 - 1. Shall not increase gross dwelling unit densities or floor area as set forth in the approved development plan;
 - 2. Shall result in appropriate reduction in building coverage and adherence to the objectives set forth in this chapter; and
 - 3. Shall not adversely affect surrounding structures.

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NONCONFORMITIES AND REDEVELOPMENT EXCEPTIONS

9-1 GENERAL PROVISIONS.

9-1.1 Purpose.

This Chapter regulates the continued existence of uses, structures and lots lawfully established prior to the effective date of this Resolution that do not conform to the regulations of this Resolution applicable in the zoning districts in which such uses, structures and lots are located. The continued existence of nonconforming uses is frequently inconsistent with the purposes for which such regulations are established. Thus their gradual elimination is generally desirable. The regulations of this Chapter generally permit such nonconformities to continue without specific limitation of time but are generally intended to restrict further investments in such uses that would make them more permanent or less desirable. The regulations also restrict further investment in noncomplying structures and lots of record that would increase the degree of noncompliance.

This Chapter recognizes, through provisions for compatible nonconforming uses, that the improvement of a nonconforming use may be desirable in unique circumstances to achieve additional protection of adjacent property and benefit the surrounding neighborhood.

This Chapter also recognizes, through provisions for Redevelopment Exceptions, that new standards for landscape, buffers, height and setback requirements may conflict with the investment backed expectations of owners of developments that existed prior to the adoption of these regulations and therefore allows limited exception from such regulations to minimize the affect of these standards on existing property rights.

9-1.2 General Scope of Regulations.

These regulations apply to the following categories of nonconformities:

- a. Nonconforming uses of land and of complying structures;
- b. Noncomplying structures;
- c. Noncomplying lots of record.

Development that is approved in accordance with the Redevelopment Exception provisions of Chapter 1 shall not be classified as any category of nonconformity.

Development that was approved as-of-right prior to 02/01/02 and only permissible as a PUD or Conditional Use by this Resolution shall not be classified as a nonconforming use.

9-1.3 Exception for Repairs Pursuant to Public Order.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a nonconforming structure in accordance with an order of a public official charged with protecting the public safety that declares such structure to be unsafe and orders its restoration to a safe condition. This is provided such restoration is not otherwise in violation of the various provisions of this Chapter prohibiting the repair or restoration of partial structures or signs.

9-1.4 Nonconforming Accessory Uses and Structures.

No use, structure or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has been voluntarily discontinued for two (2) years or more, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

9-1.5 Burden of Establishing Legality of Nonconformity.

The burden of establishing that any nonconforming use lawfully exists under the provisions of this Resolution shall, in all cases, be upon the owner of such nonconformity and not upon the Township.

9-1.6 Inventory and Notice of Nonconforming Uses.

Within two (2) years after the effective date of this Resolution, or any amendment thereto creating new nonconformities, or such longer period as may be required, the Township Zoning Inspector shall inventory all nonconforming uses and determine the names and addresses of the owners of record thereof. For each such nonconformity inventoried, the Zoning Inspector shall determine the nature and extent of the nonconformity.

Upon making such determination, the Zoning Inspector shall notify the aforesaid owner or lessee in writing by registered mail of his determination. Such inventory and notices shall be kept on file by the Zoning Inspector and shall be a matter of public record.

The determinations of the Zoning Inspector made pursuant to this section shall be subject to appeal to the Board of Zoning Appeals pursuant to Chapter 22 in the same manner as other rulings and interpretations.

This Section does not relieve the burden establishing the legality of the nonconforming use from the property owner. It also does not relinquish the establishment of a nonconforming use if the inventory is not performed or completed.

9-1.7 Zoning Certificate for Legal Nonconformity.

The owner of any nonconforming use may at any time apply to the Administrative Official for a Nonconforming Use Zoning Certificate to establish the legality of such nonconformity as of a specified date. Such application shall be filed and processed pursuant to the provisions of Chapter 20.

Any person receiving a notice pursuant to Section 9-1.6 above shall be required, within sixty (60) days of the receipt of such notice, to apply to the Zoning Inspector for a Nonconforming Use Zoning Certificate with respect to the identified nonconformity. Unless an appeal from the determination of the Zoning Inspector has been filed, such application shall be accompanied by an affidavit acknowledging the Zoning Inspector's determination. This affidavit shall be kept on file by the Zoning Inspector and shall be a matter of public record.

If, upon reviewing an application for a Nonconforming Use Zoning Certificate for a nonconformity, the Zoning Inspector determines that the use in question was lawfully existing at the time of the adoption of the provision creating the nonconformity in question, and remains lawfully existing subject only to such nonconformity at the time of such application, and that any required affidavit is in order, the Zoning Inspector shall issue a Nonconforming Use Zoning Certificate evidencing such facts and setting forth the nature and extent of the nonconformity. Otherwise, the Zoning Inspector shall decline to issue such certificate and shall declare such use of land or structure to be in violation of this Resolution.

9-2 NONCONFORMING USES OF LAND AND STRUCTURES.

9-2.1 Authority to Continue.

Any lawfully existing use of land or of any structure, which becomes nonconforming through an amendment of this Resolution or the Zoning Map, may be continued. So long as no structural alterations are made, it may be changed to another nonconforming use or a more restricted use permitted as-of-right in the zoning district in which it is located.

9-2.2 Nonconforming Use Discontinued.

If a lawfully existing nonconforming use of land or of any structure is voluntarily discontinued for two (2) years or more, any future use shall conform to all the regulations of the zoning district in which it is located, unless approved by the Board of Zoning Appeals according to the provisions of Section 9-5.

9-2.3 Ordinary Repair and Maintenance of Structures.

Normal maintenance and incidental repair, replacement and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a nonconforming use or that is accessory to a nonconforming use of land.

9-2.4 Structural Alteration.

Except as authorized by the Board of Zoning Appeals no structure that is devoted in whole or in part to a nonconforming use, or that is accessory to a nonconforming use of land, shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, space or other nonconformity or increase the degree of any existing parking, loading, bulk, yard, space or other nonconformity of such structure.

9-2.5 Enlargement of Structure.

Except as authorized by the Board of Zoning Appeals no structure that is devoted in whole or in part to a nonconforming use or that is accessory to a nonconforming use of land, shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. Except as authorized by the Board of Zoning Appeals, no such enlargement shall create any new parking, loading, bulk, yard, space or other nonconformity or increase the degree of any existing parking, loading, bulk, yard, space or other nonconformity of such structure.

9-2.6 Extension of Use Prohibited.

Except as authorized by the Board of Zoning Appeals, a nonconforming use of land or of a structure shall not be extended. Such prohibited activity, unless otherwise authorized by the Board, shall include:

- a. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this Resolution or any amendment thereto that causes such use to become nonconforming;
- b. An extension of such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Resolution or any amendment hereto that causes such use to become nonconforming; and
- c. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Resolution, or any amendment hereto that causes such use to become nonconforming.

9-2.7 Moving.

No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No structure that is accessory to a nonconforming use of land, and is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

9-2.8 Damage or Destruction.

If a structure, housing a nonconforming use, is completely destroyed, by any means, the structure shall not be restored and the nonconforming use shall not be resumed without authorization by the Board of Zoning Appeals following a public hearing. The restored nonconforming use shall be accomplished without increasing the degree of any parking, loading, bulk, yard, space or other nonconformity existing prior to such damage or destruction.

9-3 NONCOMPLYING STRUCTURES

9-3.1 Authority to Continue.

Any noncomplying structure that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions of this Chapter.

9-3.2 Repair, Maintenance, and Alterations.

Any noncomplying structure may be repaired, maintained or altered (including expansion); provided, however, that any such repair, maintenance or alteration shall not create any new nonconformity nor increase the degree of the existing nonconformity of all or any part of such structure.

9-3.3 Moving.

No noncomplying structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

9-3.4 Damage or Destruction.

Any noncomplying structure that is damaged or destroyed by any means not within the control of the owner thereof to the extent of more than sixty percent (60%) of the cost of replacement of such structure new shall not be restored unless its restoration has been authorized by the Board of Zoning Appeals following a public hearing. However, no repairs or restorations shall be made unless restoration pursuant to the Zoning Certificate is actually begun within one (1) year after the date of such partial damage or destruction and is diligently pursued to completion. The determination of the extent of damage or destruction under this Section shall be based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The Zoning Inspector shall make the estimate for this purpose.

This Section shall not apply to any residential dwellings, to any structures accessory to such dwellings, or to any signs as provided in Chapter 13.

9-4 NONCOMPLYING LOTS OF RECORD.

9-4.1 Authority to Utilize for Dwellings.

In any district in which dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Resolution, a dwelling of the type permitted in the district in which the lot is located and that complies with all minimum setback requirements may be erected on a legal nonconforming lot.

9-4.2 Regulations for Single Family Use of Noncomplying Lots.

Any lot of record on the initial effective date of this Resolution may be used for any single family dwelling when such use is permitted in the district, irrespective of the width or area of said lot in compliance with Section 9-4.1.

9-4.3 Other Uses of Nonconforming Lots.

In any district in which dwellings are not permitted as-of-right, a legal nonconforming lot of record may be used for any use permissible in the district in which it is located if, but only if, the development of such lot meets all requirements of the district in which it is located, including impervious surface ratio and yard requirements, except lot area, width and depth requirements.

9-5 STANDARDS FOR REDEVELOPMENT EXCEPTIONS

9-5.1 Dimensional Standards.

Redevelopment approved in accordance with the exception provisions of Chapter 1 shall comply with the following standards instead of the dimensional requirements provided elsewhere in this Resolution for yard, height, lot area, lot width or impervious surface ratio.

REQUIREMENT	D/O Multi-Family Residence	NON-RESIDENTIAL	
		O Office	D Retail Business
MAXIMUM HEIGHT	45	45	45
Adjacent to residential			
Adjacent to non-residential			
MAXIMUM STORIES	3	3	3
MINIMUM LOT WIDTH			
Residential Use (Ft.)	50		
Non-residential Use (Ft.)		60	60
MINIMUM LOT AREA (Sq. Ft.)			
Single-Family Dwelling (Sq. Ft.)	5,000	5,000	5,000
Other Residential (Sq. Ft. per unit)	5,000	5,000	5,000
Non-Residential uses (Sq. Ft.)	5,000	5,000	5,000
MINIMUM FRONT YARD (Ft)	30	30	30
Minimum Side Yard (Ft.)			
Adjacent to residential (Ft.)			5
2.5 Story (Ft.)	20	20	20
3 Story (Ft.)	25	25	25
Adjacent to non-residential (Ft.)	10	10	10
MINIMUM REAR YARD			
2.5 Story (Ft.)	25	25	25
3 Story (Ft.)	35	35	35
Adjacent to residential (Ft.)	25	35	35
Adjacent to non-residential (Ft.)	25	35	25
MAX. IMPERVIOUS SURFACE RATIO	None	None	None

9-5.2 Landscaping and Screening Standards.

Development that is approved in accordance with the exception provisions of Chapter 1 shall comply with the following standards.

Off-street parking areas for ten (10) vehicles or more shall be effectively screened on each side, which adjoins or faces premises either used for residential purposes or located in any Residence District. Such screening shall consist of a solid masonry wall or solid fence not less than four and not more than six feet in height, or a tight screen of hardy evergreen shrubbery not less than four (4) feet in height may be used. Any such screen shall be maintained in good condition. The space between such screen and the adjoining side or front lot line shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

9-5.3 Buffer Yards.

No part of a parking area for five (5) vehicles or more shall be closer than ten (10) feet to the side or rear lot line(s) of any lot used for residential purposes or located in a residential district. In no case shall any parking area be closer than five (5) feet to the established right-of-way line of any street. The area within such setback shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. No entrance to or exit from a parking area of five (5) vehicles or more shall be closer than fifty (50) feet to the right-of-way line of an intersecting street.

9-5.4 Parking In Required Front Yard.

Off-street parking spaces shall be prohibited in the required front yard in the "O" Office District but may be permitted in the side or rear yard subject to the other provisions in Section 9-5.4.

9-5.5 Loading Standards.

Development that is approved in accordance with the exception provisions of Chapter 1 shall comply with the following standards for Off-Street Loading Requirements.

Size: 10 feet wide x 25 feet long x 14 feet high.

One loading space is required for the following uses: institutional and public service buildings; recreation, cultural, and entertainment uses, retail/commercial buildings 15,000 sqft, and shopping centers. One additional loading space for each additional 50,000 sq. ft., or major fraction thereof.

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CHAPTER
10

ACCESSORY USES AND STRUCTURES

10-1 GENERAL AUTHORIZATION.

Except as otherwise expressly provided or limited in this Chapter, accessory uses and structures are permitted in any zoning district in connection with any principal use lawfully existing within such district provided such uses and structures conform to all applicable requirements of this Resolution. Any accessory use or structure may be approved in conjunction with the approval of the principal use.

10-2 ZONING CERTIFICATES.

No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Chapter and all other applicable regulations of this Resolution has first been issued in accordance with Chapter 20 unless otherwise stated below.

A satellite dish antenna as stipulated in Section 10-6 shall be exempt from all zoning regulations and shall not require a zoning certificate. Other accessory uses not requiring Zoning Certificates but subject to the minimum yard requirements of this chapter include ornamental landscape structures (Section 10-3.4), swing sets, jungle gyms and other play devices not requiring a building permit (Section 10-3.5), dumpsters and trash handling areas (Section 10-5) and automobile rental (Section 10-10).

10-3 USE LIMITATIONS.

In addition to the applicable use limitations of the district in which it is located, no accessory use or structure shall be permitted unless it complies with the following restrictions:

10-3.1 Principal Structure Permit Required.

No accessory use or structure shall be approved, established or constructed before the principal use is approved in accordance with these regulations. Accessory buildings that are to be used for storage materials necessary for the construction of the principal structure may be erected upon a lot prior to the construction of that structure but only after a permit for the principal structure has been issued.

10-3.2 Signs Prohibited.

No sign, except as expressly authorized by this Chapter, Chapter 13, or Chapter 17 shall be maintained in connection with an accessory use or structure.

10-3.3 Location.

No accessory use or structure shall be located in the front or side yard and the total combined area of all accessory structures shall not occupy more than thirty (30%) percent of the required area of the rear yard. Where the principal structure is at least two hundred (200) feet from the right-of-way, an accessory structure may be located within the front or side yard but must be at least one hundred (100) feet from the right-of-way, and all district setback requirements shall be maintained. In the case of panhandle lots, the area of the panhandle shall not be used for calculating the lot area or be counted towards setback from the right-of-way line or edge of easement.

10-3.4 Decorative Features in Front and Side Yards.

Ornamental landscape structures such as fountains, ponds, and other decorative features shall not occupy more than thirty (30) percent of the front or side yard area and shall not exceed five (5) feet in height.

10-3.5 Play Devices in Rear Yards.

Swing sets, jungle gyms, and other play devices excluding those accessory uses specified in Section 10-13 shall be located in the side or rear yard and must maintain a minimum setback of ten (10) feet from every property line. No permitted play device shall exceed ten (ten) feet in height.

10-4 HOME OCCUPATIONS.

A home occupation shall be permitted in any zoning district as an accessory use to any permitted dwelling unit in accordance with the following standards.

10-4.1 General Standards.

- a. Maximum Area. The home occupation shall be conducted only within the closed living area of the dwelling unit or existing accessory structure, and shall not occupy more than twenty percent (20%) of the total floor area of the dwelling unit;
- b. Use of Accessory Structures. If the home occupation is conducted within an existing accessory structure, then that structure shall also serve as the garage or storage structure for the residents of the dwelling unit;
- c. Outside Appearance. There shall be no change in the outside appearance of the dwelling unit or accessory structure, or other visible evidence of the home occupation other than one sign not exceeding (2) two square feet in area, non-illuminated which shall be mounted flat against the wall of the structure.
- d. Commodity and Stock Prohibited. No commodity or stock in trade shall be displayed or stored outside or inside the premises;
- e. Nuisance Prohibited. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage, vibration, heat, glare or other nuisances outside the dwelling unit or accessory structure in which it is located.
- f. Employees Prohibited. No persons shall be employed other than members of the immediate family residing on the premises.
- g. Additional Traffic Generation Prohibited. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- h. Essential Residential Character. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Resolution, but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance to be changed by the occurrence of non-residential activities.

10-4.2 Uses Prohibited as Home Occupations.

Home occupations shall not, under any circumstance, be deemed to include the following activities nor any other activities similar in kind or intensity of use: nursing homes; funeral homes, mortuaries and embalming establishments; restaurants; bed and breakfast establishments; clinics, hospitals or the general practice of medicine or dentistry; clubs, including fraternities and sororities; instruction of persons; day care centers or type A day care home; retail or wholesale business; warehousing; beauty shop; barbershop; tailoring shops; shoe or hat repair; drop-off or pick-up station. On-premise consultation, sales or transaction shall be limited and incidental to Home Occupation activity in conformance with Section 10-4.1.

10-5 DUMPSTERS AND TRASH HANDLING AREAS FOR NON-SINGLE-FAMILY DISTRICTS.

The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances:

10-5.1 Setbacks

Dumpsters, trash handling areas and related screening, shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

10-5.2 Location of Screen

Any such accessory use or structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties located in a residential, office, or commercial district.

10-5.3 Height and Construction of Screen

Any fence or wall required under this Section shall have a height no greater than seven (7) feet and no less than five feet (5'). Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five percent (25%) of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three inches (3") and with no greater than twenty-five percent (25%) of the fence surface left open between posts and/or planks.

10-5.4 Required Landscaping

In addition to fencing and screening required in 10-5.3, and buffering requirements of Chapter 14 all dumpster and trash handling areas located within 25 feet of a residential district or use shall be located in such a manner that one or more sides facing or visible to adjacent residential uses shall be screened with an additional evergreen landscape buffer not less than 10 feet in width planted with a minimum of one evergreen shrub per 2.5 feet of fence or wall surrounding the dumpster or trash handling area.

10-6 SATELLITE DISH ANTENNAS.

A satellite dish antenna, as defined in Chapter 2, restricted to the sole purpose of receiving and amplifying microwave signals, for television reception shall be permitted in all Districts subject to the following conditions and restrictions:

10-6.1 Applicability

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

- a. An earth station (ground mounted) antenna that is two meters (78.74 inches) or less in diameter and located or proposed to be located in a commercial or industrial zoning district.
- b. An earth station (ground mounted) antenna that is one meter (39.37 inches) or less in diameter and located in any zoning district.

10-6.2 Site Plan.

A plan for a wall or roof mounted satellite dish or a ground mounted satellite dish antenna that is not exempted under 10-6.0 shall be submitted to the Administrative Official indicating the proposed height, diameter, location, setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite dish antenna.

10-6.3 Standards.

- a. Approval of a wall or roof mounted satellite antenna, over 36 inches in diameter and attached to the main building shall be subject to the following standards.
 1. Location. In all zone districts wall or roof mounted satellite dish antennas shall be prohibited on the front elevation of the building.

-
2. Setbacks. In all zone Districts wall or roof mounted satellite dish antennas shall not be permitted to project into any required side or rear yard area.
- b. Approval of a ground mounted satellite dish antenna shall be subject to the following standards:
1. Location.
 - In the “A”, “B”, & “C” Districts satellite dish antennas shall be located in the rear of the property beyond the rear building line.
 - In all other zone Districts, ground mounted satellite dish antennas shall also be permitted in the interior side yard.
 2. Setbacks. Ground mounted satellite dish antennas shall provide the following minimum setbacks:
 - In all zone Districts, fifteen (15) feet from the rear and side yard lot lines.
 - Front Yard. In no case shall a ground mounted satellite dish antenna be located closer to the front or side street of a lot or building site than the main or principal building unless otherwise authorized by Section 10-3.3.
 - Setback from Power Lines. Satellite dish antennas or any appurtenances thereto, shall be located at least eight (8) feet from any power line over two hundred-fifty (250) volts.
 3. Landscaping. Ground-mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Administrative Official. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan.
 4. Diameter. The diameter of such antenna shall not exceed the following:
 - In the “A”, “B”, & “C” Districts, six (6) feet.
 - In the all other Districts, ten (10) feet.
 5. Height. Ground-mounted antennas shall be limited to a maximum height of twelve (12) feet above grade in the Districts, and a maximum height of fifteen (15) feet above grade in all other Districts.
 6. Ground Coverage. The ground coverage of satellite dish antennas shall be counted in computing the ground coverage for auxiliary and accessory use structures located upon the building site.
 7. Number Permitted. Only one satellite dish antenna shall be allowed for each principal building.
 8. Installation. The installation or modification of a satellite dish antenna shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the Hamilton County Township Building Code.
 9. Maintenance. Satellite dish antennas, appurtenances, landscaping, and screening shall be kept and maintained in good condition.

10-7 FENCES AND WALLS.

The restrictions set forth below shall apply to all fences and walls located in all Districts, except for fences and walls surrounding public utility structures or radio, television, or microwave transmission or relay towers. See Section 14-6 for additional fence and wall standards.

10-7.1 Height and Open Face Area in Front Yard.

No fence or wall located in the front yard shall be built to a height greater than three feet, six inches (42”) and shall have an open face area of no less that 50 percent or when constructed to a height of not more than four feet (4’) above grade, shall have an open face area of no less than 75 percent. Fences and walls as provided in Sections 10-5.3 and 10-7.4 shall be exempt from these height and openness requirements.

10-7.2 Height in Side and Rear Yard.

Privacy fences or walls located in the side or rear yard may be built to a height of six feet (6') above the average grade between vertical structural components as measured at the base of the vertical structural component. Trim or structural support elements may project above the main body of the fence by up to six inches provided any such projections are uniformly distributed throughout the length of the fence and are not installed in an attempt to increase the overall height of the fence. Fences and walls as provided in Sections 10-5.3 and 10-7.4 shall be exempt from these height requirements. Such fences or walls may be solid in construction. Any privacy fence shall be constructed to be durable, of wood, metal, PVC or wrought iron. Fence posts shall be structurally stable. **The finished side of the fence shall face out from the installing property and shall face the adjacent property or street.**

10-7.3 Entrance Walls in Front Yard.

An entrance wall or one set of entrance walls constructed on opposite sides of the entrance street or drive shall be allowed in a front yard in accordance with the following requirements:

- a. It is part of a single family development containing at least ten (10) dwelling units or a multi-family, commercial or industrial development having a minimum of 500 ft. of lot frontage.
- b. It is constructed at a maximum height of six (6) feet above grade and does not extend into the sight distance triangle.
- c. Signage on such entrance wall shall be subject to size and illumination standards contained in Chapter 13.

10-7.4 Retaining Walls.

All retaining walls shall be setback from adjoining property lines a minimum of two (2) feet in all zoning districts. Walls over forty-eight inches (48") in height shall be setback an additional one foot for every foot of height over forty-eight inches (48"). In no case shall the resulting setback be greater than the yard setback requirement of the underlying district.

10-8 DAY CARE CENTERS AS ACCESSORY TO NON-RESIDENTIAL USE.

A day care center receiving state certification pursuant to the Ohio Revised Code shall be permitted as accessory to any non-residential use in accordance with the following requirements:

10-8.1 Area of Outdoor Play Space.

At least fifty (50) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas, said play area may be located within the required rear yard. The minimum outdoor play area shall be 250 square feet in size.

10-8.2 Location and Enclosure of Outdoor Play Space.

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').

10-8.3 Parking Standards.

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.

10-9 DRIVE-IN OR DRIVE-THROUGH SERVICE WINDOWS.

A drive-in service window, ATM (automatic teller machine), photo drop off or other similar type facility shall be permitted only as an accessory use in the "O" and "D" Districts (except as provided in Chapter 1), in accordance with the following requirements:

10-9.1 Principal Use.

The principal use shall be a retail establishment, office, or restaurant located on the same lot.

10-9.2 Setbacks.

Any freestanding drive-in service window shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

10-9.3 Circulation and Stacking Space.

The amount of stacking space and circulation patterns on the lot shall be at least five (5) spaces per window lane, calculated from the first customer contact point, and shall be adequate to keep traffic from backing up into the street.

10-9.4 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.

10-10 AUTOMOBILE RENTAL. CAR SALES LOTS

Automobile rental shall be permitted as an accessory use only where the principal use is a retail automobile dealership, tool rental or hotel or motel. Where the principal use is a hotel or motel, automobile rental shall be permitted as an accessory use only in accordance with the following requirements:

10-10.1 Signs.

No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and

10-10.2 Parking.

No more than ten (10) automobiles that are not currently leased to customers shall be parked on the same property as the hotel or motel.

10-10.3 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.

10-11 HELIPORTS.

A heliport shall be permitted as an accessory use only in any non-residential district provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

10-12 DETACHED GARAGE, STORAGE STRUCTURES AND OTHER DETACHED STRUCTURES AS ACCESSORY TO RESIDENTIAL USES ONLY.

Detached private garages, storage barns, and other detached structures shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses, in accordance with the following requirements:

10-12.1 Area and Height.

No more than 1,032 square feet in area and 19.5 feet in height.

10-12.2 Setback.

No detached garage or storage barn requiring the issuance of a Building Permit from the Hamilton County Building Department shall be closer than five feet (5') from any property line.

Storage barns or sheds that do not require a building permit shall be located no closer than three feet (3') from any property line.

10-12.3 Location.

No detached garage or storage barn shall be located in the front or side yard except as otherwise stipulated in Sections 10-3.1 and 10-3.3.

10-13 PRIVATE SWIMMING POOLS, TENNIS COURTS, BASKETBALL COURTS.

Swimming pools (measured from the edge of water), tennis courts and independent basketball courts and similar active recreation areas shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses provided they are located behind the rear line of the principal structure and at least ten feet (10') from all property lines. Fixed lighting for these uses shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated.

10-14 PRE-SCHOOL AND ELEMENTARY SCHOOLS AS ACCESSORY TO EXISTING CHURCHES.

10-14.1 Building Location

All buildings shall be setback from any property line the minimum distance that is required in the District in which it is located. An additional two (2) feet shall be added to the setback requirement for each foot of building height which exceeds the maximum height permitted (not to exceed 45 feet in height).

10-14.2 Building Type

All accessory structures shall be designed to reflect the main building and the use of temporary, portable or modular structures shall be prohibited.

10-14.3 Location and Enclosure of Outdoor Play Space

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').

10-15 FESTIVALS AND ANY OTHER FUNDRAISERS AS ACCESSORY TO EXISTING CHURCHES.

10-15.1 Festivals, Bingo or any other Fund Raising Activity

All fund raising activities shall follow the regulations set forth in Chapter 11 Temporary Uses.

10-15.2 Temporary Tents used at Festival and other Fundraiser Activities

All temporary tents used at festivals or other Fundraisers shall be regulated by Chapter 11 Temporary Uses, specifically 11-4.7 - Tents.

10-15.3 Temporary Signs

All temporary signs shall follow the regulations in Chapter 13 – Signs.

10-16 ON-SITE STORAGE or REFUSE CONTAINERS AND STRUCTURES

Storage containers (such as PODS) or similar items and refuse containers (dumpsters) for personal and/or private use that are not permanently installed on the property shall be considered temporary uses regulated by Chapter 11, Temporary Uses specifically 11-4.8.

10-17 PRIVATE AND RESIDENTIAL WIND ENERGY CONVERSION SYSTEMS AND SOLAR PANELS

10-17.1 Private Wind Energy Conversion Systems and Freestanding Solar Panel Installation Location

Private Wind Energy Conversion Systems and Freestanding Solar Panel Arrays are permitted to be located within the required rear yard in compliance with Section 10-3. Without a specific variance granted by the Northeast Green Township Board of Zoning Appeals no such structure or device shall be located within twenty five feet (25') of a property line, or a setback equal to at least half the overall height of the structure whichever is greater.

10-17.2 Height Limitations for Private Wind Energy Conversion Systems and Freestanding Solar Panel Installations

No private Wind Energy Conversion System or Freestanding Solar Panel Array may exceed eighty five feet (85') in height as measured from the base at ground level to the maximum operating height without prior approval from the Green Township Board of Zoning Appeals.

10-17.3 Building Mounted Wind Energy Conversion Systems and Freestanding Solar Panel Installations and Zoning Certificate Exemptions

No private Wind Energy Conversion System shall be mounted on or attached to any structure without specific approval from the Green Township Board of Zoning Appeals. Any Solar Panel attached or located on the roof or wall of any single-family residential structure or accessory structure installed in such a manner that it does not project more than three feet from the surface to which it is attached shall be exempt from the issuance of a Zoning Certificate. Any Solar Panel attached to any commercial structure in such a manner that it does not project more than five feet (5') from the surface to which it is attached shall be exempt from the issuance of a Zoning Compliance Certificate. Installations exceeding these limits shall require approval by the Green Township Board of Zoning Appeals.

10-17.4 Noise Restrictions for Wind Energy Conversion Systems

Noise levels shall be controlled to prevent sound levels beyond the property line. Noise levels generated from any Wind Energy Conversion System shall not exceed 65 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 55 decibels between the hours of 10:00 PM and 7:00 AM as measured at the property line.

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11-1 AUTHORIZATION.

Temporary uses as defined in Chapter 2 and as hereinafter-specified are permitted in accordance with the provisions set forth in this Chapter.

11-2 ZONING CERTIFICATE REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION.

11-2.1 Certificate Required.

Except as provided in Section 11-4.1, no temporary use shall be established or maintained unless a Zoning Certificate evidencing the compliance of such use with the provisions of this Resolution shall have first been issued in accordance with the provisions of Chapter 20.

11-3 USE LIMITATIONS.

11-3.1 General Limitations.

Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by Section 11-4. No temporary use shall be permitted if it would have significant negative impact on any adjacent property or on the area as a whole.

11-3.2 Hours and Days of Operation.

No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Administrative Official in the Zoning Certificate required by Section 11-2. This determination shall be based on the nature of the temporary use and the character of the surrounding area.

11-3.3 Traffic.

No temporary use shall be permitted if the Administrative Official, upon review of the application, finds that additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects of surrounding streets and uses which cannot be adequately mitigated by the applicant.

11-3.4 Conflicts with Other Temporary Uses.

No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

11-3.5 Sign Limitations.

Signs shall be in accordance with regulations contained in Chapter 13.

11-3.6 Parking.

Before approving any temporary use, the Administrative Official shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use. This shall be done on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. The Administrative Official shall approve such temporary use only if

such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Administrative Official, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

11-3.7 Additional Conditions.

Every temporary use shall, in addition, comply with any other conditions as the Administrative Official may reasonably impose to achieve the purposes of this Resolution or to protect the public health, safety, and welfare.

11-4 PERMITTED TEMPORARY USES.

Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:

11-4.1 House, Apartment, Garage and Yard Sales.

House, apartment, garage, and yard sales are permitted in any Residential District, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three (3) consecutive days and no more than three (3) such sales shall be conducted from the same residence in any twelve-(12) month period. No zoning certificate shall be required for such use.

11-4.2 Outdoor Art, Craft and Plant Shows, Exhibits and Sales.

Outdoor art, craft and plant shows are permitted in any Office, Retail Business and Light Industrial Districts; provided, however, that any such use shall require the specific prior approval of the Administrative Official on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three (3) days.

11-4.3 Christmas Tree Sales.

Christmas tree sales are permitted in any Office or Retail Business districts. Such use shall be limited to a period not to exceed thirty-five (35) days. In all residential districts tree sales are limited to not-for-profit, religious, philanthropic or civic group or organizations on property owned or leased by such group or organization. Display of Christmas trees need not comply with the yard requirements of this Resolution, except that no tree shall be displayed so as to obstruct the sight triangles..

11-4.4 Contractor's Offices and Equipment Sheds.

Contractor's offices and equipment sheds are permitted in any district when accessory to a construction project. No such use shall contain any sleeping accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

11-4.5 Model Units, Including Real Estate Offices.

Model units, including Real Estate offices, are permitted in any district when serving as an accessory use to a new development. No such use shall contain any sleeping accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

11-4.6 Festivals and Circuses.

Festivals and circuses are permitted in any district when sponsored by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization. Commercial festivals and circuses are permitted in any Office or Retail Business District; provided, however, that any such use shall require the specific prior approval of the Administrative Official on the

basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days.

Such use need not comply with the yard requirements of this Resolution except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight triangle defined in Chapter 14. Such use need not comply with the maximum height requirements of this Resolution. The concessionaire responsible for the operation of any such carnival or circus shall submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles.

In the event that a temporary use does not require the approval of the County Building Department the applicant or concessionaire shall provide written approval of the Township Fire Department.

11-4.7 Tents.

Tents are permitted in all districts in connection with any permitted, accessory or temporary use. No tent shall be allowed to remain for a period of more than two (2) days longer than the use with which it is associated or, in the absence of any such period, ten (10) days. Unless waived in writing by the Administrative Official, every tent shall comply with the bulk and yard requirements of the district in which it is located.

11-4.8 On-Site Storage or Refuse Containers and Structures

Temporary storage containers (such as PODS), structures and refuse containers (dumpsters) for personal and/or private use shall be permitted in all single-family districts for a period not to exceed 60 days during any calendar year, without the issuance of a Zoning Certificate. For structures or containers installed to store household goods during a specific improvement project on the principal structure on the property on which the container is located the 60 day period may be extended for an additional 60 days provided a valid Building Permit has been issued by the Hamilton County Building Department.

11-4.9 Parking in the Required Front Yard – Residential Districts

One private boat, watercraft or recreational vehicle is permitted to be parked in a required residential front yard for a period not to exceed 21 days in any calendar year when actively marketed for sale as advertised in a general circulation newspaper or dedicated internet sales web site. No such boat or recreational vehicle parking shall be permitted on an unpaved surface.

One private passenger vehicle may be parked on unpaved portions of the required front yard for a period not to exceed 14 days within any 90 day period, for the purpose of displaying the vehicle for sale, This provision shall apply only to the sale of private passenger vehicles registered to the owner or occupant of the property on which the vehicle is located, No other vehicle parking within the required front yard parking shall be permitted on unpaved surfaces.

11-5 BULK AND YARD REGULATIONS.

Except as expressly provided otherwise in Section 11-3 above, every temporary use shall comply with the bulk and yard requirements of the district in which such temporary use is located.

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12-1 PURPOSE.

The purpose of this Chapter is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of vehicular use areas on adjacent properties, to enhance vehicular use areas with landscape elements for improved traffic circulation and visual amenities and to promote the safety and welfare of the public. To accomplish this purpose minimum requirements are established, while more landscaping may be included depending on site-specific conditions.

12-2 APPLICABILITY.

12-2.1 New and Expanded Uses.

The off-street parking and loading requirements of this Chapter shall apply to any application for a permit for the erection of a new building. The off-street parking and loading requirements of this Chapter shall apply only to the area of the alteration, addition or change of use. For an alteration, addition or change of use of an existing building; or for an alteration, development or change of land use that requires more parking; or for changes of the capacity of an existing parking area or parking structure.

Vehicular use areas for redevelopment sites as specified in Chapter 1 are exempt from the requirements of Section 12-6 (Landscaping for Vehicular Use Areas) and Section 12-8 (Off-Street Loading Requirements).

12-2.2 Existing Uses.

The off-street parking and loading requirements of this Chapter shall not apply to buildings and land uses legally in existence on the effective date of amendment of this Resolution unless modified in the manner stated in Section 12-2.1 and further provided that any parking or loading facilities now serving such buildings or uses shall not in the future be reduced below these requirements.

12-2.3 Maintenance.

The duty to provide and maintain all parking areas shall be the joint responsibilities of the owner, operator and lessee of the use for which vehicular use areas are required. All commercial parking areas required by the Zoning Resolution shall be maintained with a uniformed paved surface free of major defects. All required spaces shall be striped and all internal circulation and aisle markings clearly visible.

12-2.4 Plan Review.

For any off-street parking area required under this Chapter, and for any other proposed parking area for ten (10) more vehicles, a plan shall be submitted with the application for a Zoning Certificate to the Administrative Official for review for compliance with these regulations and for any other applicable regulations. Any such parking plan shall show the number of parking spaces, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types and location of vegetation to be planted in them, typical cross sections of pavement, stormwater drainage facilities, and any other relevant information requested by the Administrative Official.

12-3 NUMBER OF OFF-STREET PARKING SPACES.

Except as otherwise provided in this Section, off-street parking spaces for each new principal use on a parcel shall be provided according to the units of measurement indicated for that use in Table 12-9, Schedule of Off-Street Parking Requirements, found at the end of this Chapter.

12-3.1 Computation of Required Spaces.

The following provision shall govern the computation of the number of off-street parking spaces required.

- a. Fractions. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction $\frac{1}{2}$ or less shall be disregarded and any fraction over $\frac{1}{2}$ shall require one (1) parking space.
- b. Bench Seating Calculation. In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty inches (20") of such seating facilities shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities,
- c. Use of Maximum. When parking spaces are required on the basis of the number of faculty, staff, students or employees, the maximum number present at any one time shall govern.
- d. Interpretation. For uses not expressly listed in Table 12-9, found at the end of this Chapter, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Administrative Official.

12-3.2 Spaces for the Handicapped.

Parking spaces shall be provided in accordance with the provisions of the Ohio Basic Building Code.

12-3.3 Shared Parking.

Joint use of up to fifty percent (50%) of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels provided that the developer can demonstrate to the Administrative Official that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. This shall be guaranteed by a written agreement from the Owner or between the Owners involved and which binding on all future owners or assigns which shall be submitted with the required plan. Shared parking spaces shall be located no more than three hundred feet (300') from the uses they are intended to serve.

For shopping centers, parking requirements may be located on adjoining parcels if the parking requirements for the entire shopping center are met, the total number of required parking spaces are located within 300 feet from the uses they are intended to serve, and there is a recorded agreement from the Owner or between the Owners involved and which is binding on all future owners or assigns which shall be submitted with the required plan.

12-4 DESIGN OF PARKING SPACES AND AISLES.

Each required parking space shall meet the minimum dimensional requirements set out in Table 12-4 and illustrated in Figure 12-4A.

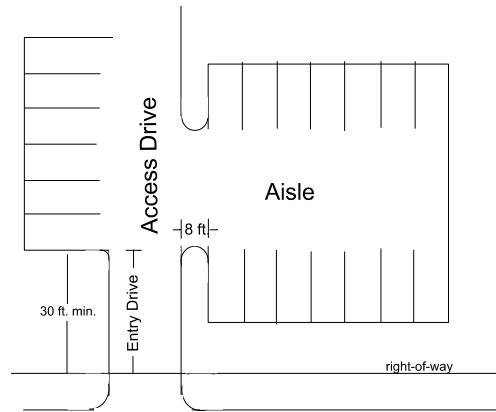
12-4.1 Aisles.

Each required parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table 12-4 and illustrated in Figure 12-4A.

12-4.2 Access.

All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives wherever possible. Parking shall be restricted along entry drives within ten (10) feet of the right-of-way or easement line (and at greater distances as may be required by the Township Zoning Commission depending on the traffic generation and parking lot size) or within eight (8) feet of the curb or pavement edge of such restricted entry drive area. The parking setback areas along the entry drive, as required in this section, must be a pervious surface consisting of grass or other landscaping material excluding pavement, gravel or other rock material.

Illustration 12-4A



12-4.3 Maneuverability Areas.

In order to promote adequate maneuverability, the following provisions shall be followed:

- a. **Turn-Around Area.** Where more than five (5) parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
- b. **Back-Up Area.** Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.

12-4.4 Handicapped Parking Spaces.

The dimension of parking spaces serving handicapped persons shall conform to the requirements of the Ohio Basic Building Code.

12-4.5 Surface and Drainage.

Every off-street parking lot shall be surfaced with an asphaltic or Portland cement binder pavement providing an all-weather, durable, and dustless surface. Individual stalls shall be graded to drain so as to dispose of all surface water within the parking area in accordance with the regulations of the Hamilton County Department of Public Works. No surface water from parking areas shall accumulate or drain over a public sidewalk. Interior landscaped areas may be used for surface drainage.

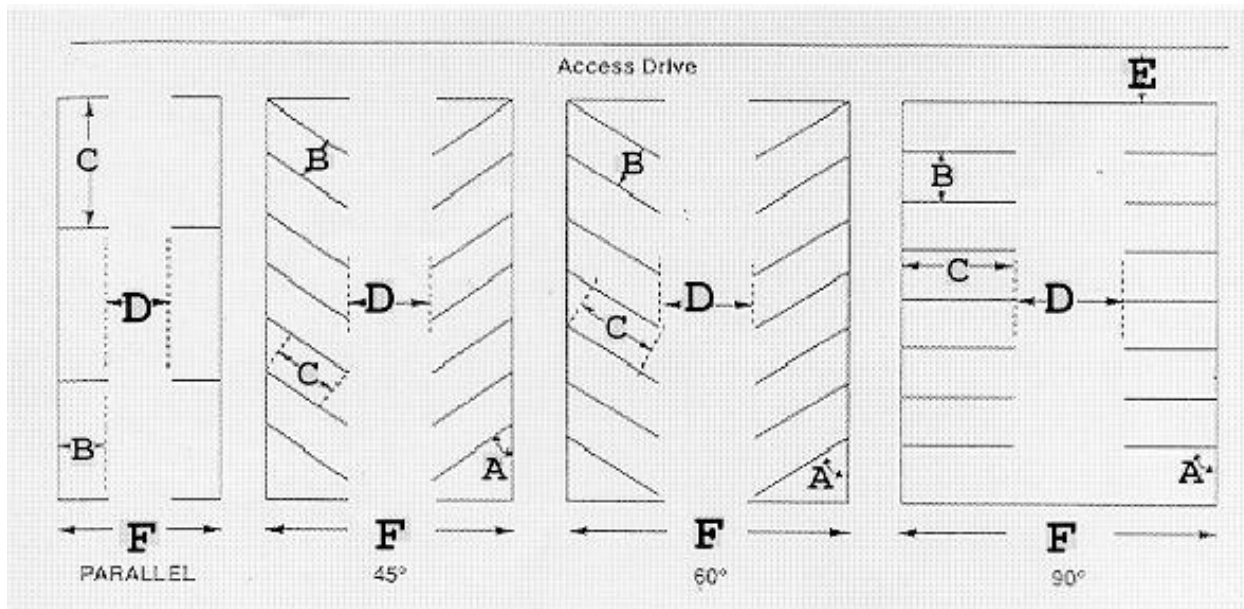
12-4.6 Lighting.

Fixed lighting shall comply with the provisions contained in Section 12-7 and be so arranged to prevent direct glare of beams onto any public or private property or street.

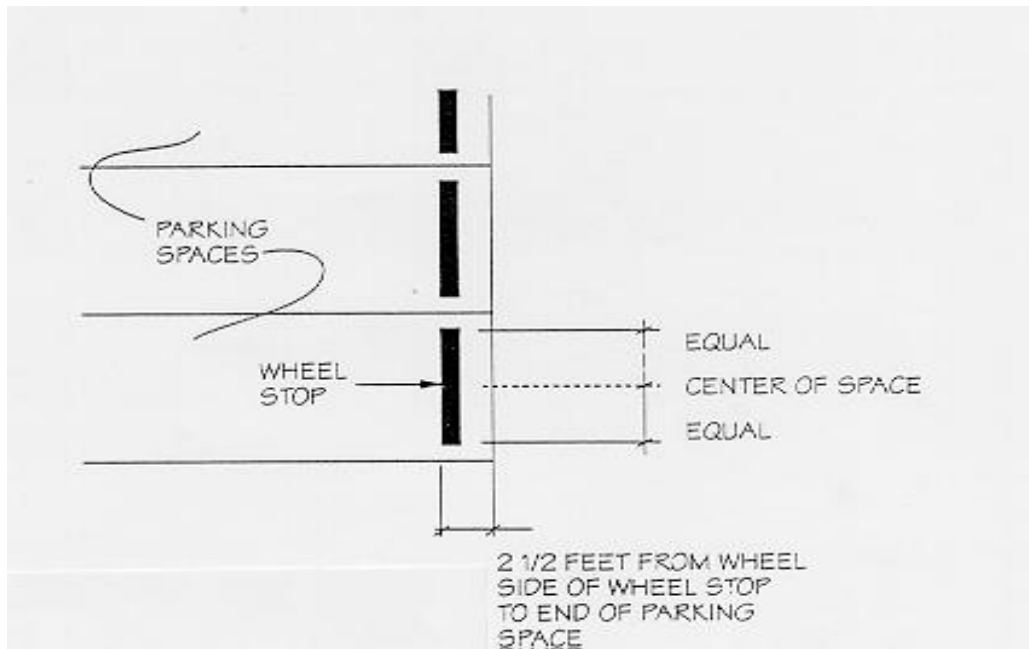
**TABLE 12-4
PARKING STALL AND AISLE DIMENSIONS**

A	B	C	D		E	F	
PARKING ANGLE	STALL WIDTH	LENGTH OF STALL	AISLE WIDTH		WIDTH OF ACCESS DRIVE	BAY WIDTH (CENTER TO CENTER WIDTH OF TWO ROW BAY WITH AISLE BETWEEN)	
			ONE WAY	TWO WAY		ONE WAY	TWO WAY
0°	9 ft.	23 ft.	12 ft.	18 ft.	20 ft.	24 ft.	30 ft.
30° – 53°	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	42 ft.	49 ft.
54° – 75°	9 ft.	19 ft.	18 ft.	22 ft.	20 ft.	52 ft.	56 ft.
76° – 90°	9 ft.	19 ft.	22 ft.	24 ft.	20 ft.	60 ft.	62 ft.

**FIGURE 12-4A
PARKING STALL AND AISLE LAYOUT**



**FIGURE 12-4B
WHEEL STOP PLACEMENT**



12-4.7 Wheel Stops and Continuous Curbs.

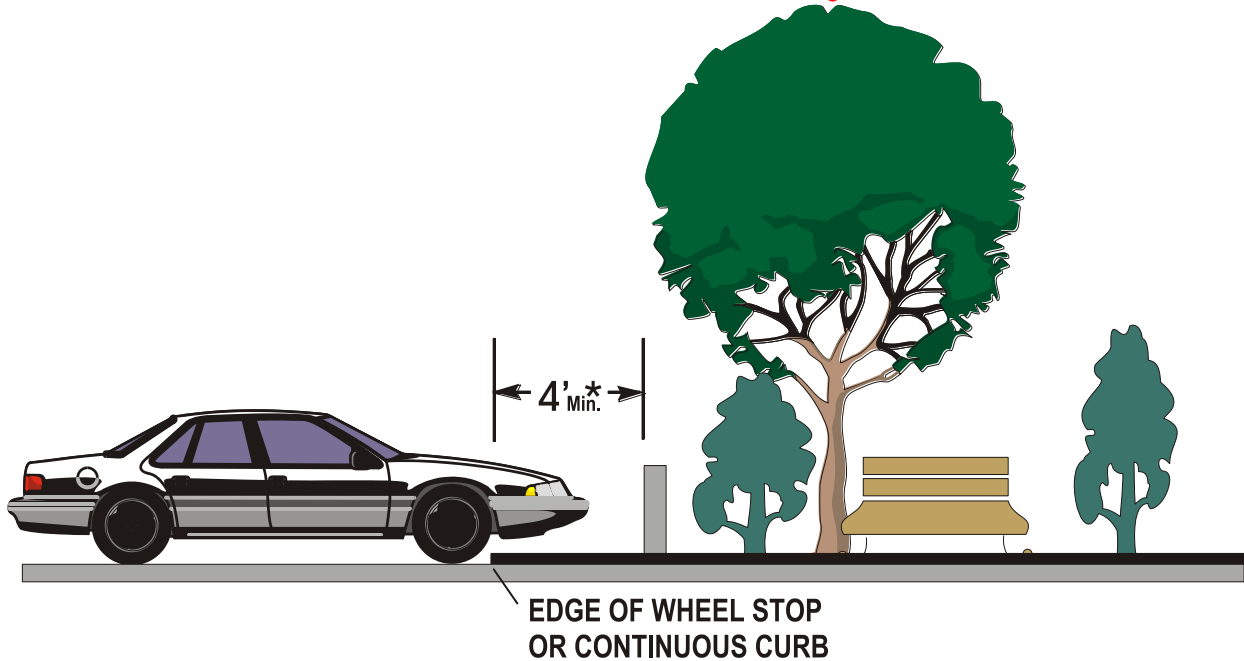
Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.

- a. **Wheel Stops.** Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six inches (6") in height, six inches (6") in width, and eight feet (8') in length. Wheel stops shall be placed as shown in Figure 12-4B and securely attached to the ground and may be used only at the end of parking stalls.
- b. **Continuous Curbs.** Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six inches (6") in height and six inches (6") in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops.
- c. **Placement.** The wheel stop or continuous curb shall be located a minimum of four feet (4') from any structures, buildings, walls, or plant material, excluding groundcover (as shown in Figure 12-4C) to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be specified to determine if the landscape meets the setback requirements.
- d. **Stall Dimensions.** Where continuous curbs are used, the paved area of the parking stall length required in Table 12-4 and illustrated in Figure 12-4A (Dimension 'C') may be reduced by two and one-half feet (2½) as shown in Figure 12-4D provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the parking stall length required in Table 12-4 and illustrated in Figure 12-4A (Dimension 'C') shall not be reduced. If the wheel stop or continuous curb is located adjacent to a sidewalk, the sidewalk shall be constructed to a minimum dimension of 5 1/2 feet to provide a clear sidewalk area of not less than three feet (3') for pedestrian access.

12-4.8 Slope.

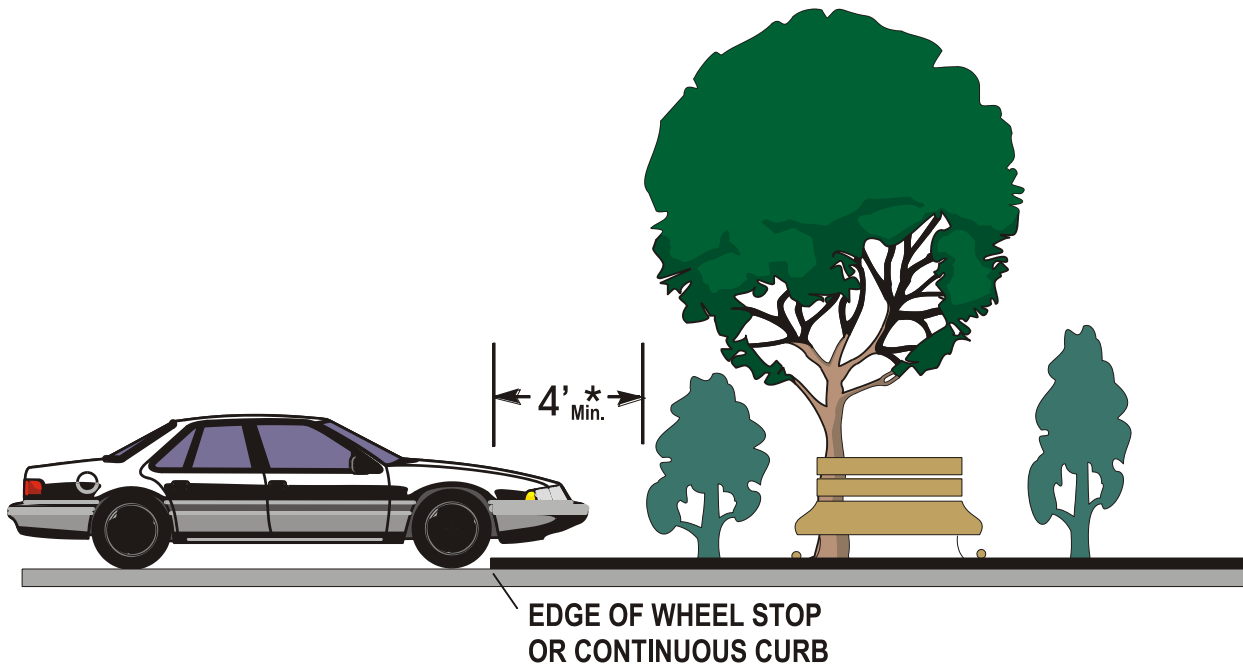
No area of any parking lot, excluding entry drives, shall have a slope in excess of seven percent (7%). Entry drives or drives that connect parking areas shall not have a slope in excess of eleven percent (11%).

**FIGURE 12-4C
STRUCTURE AND PLANTING SETBACK REQUIREMENTS**



(1) STRUCTURE SETBACK REQUIREMENTS

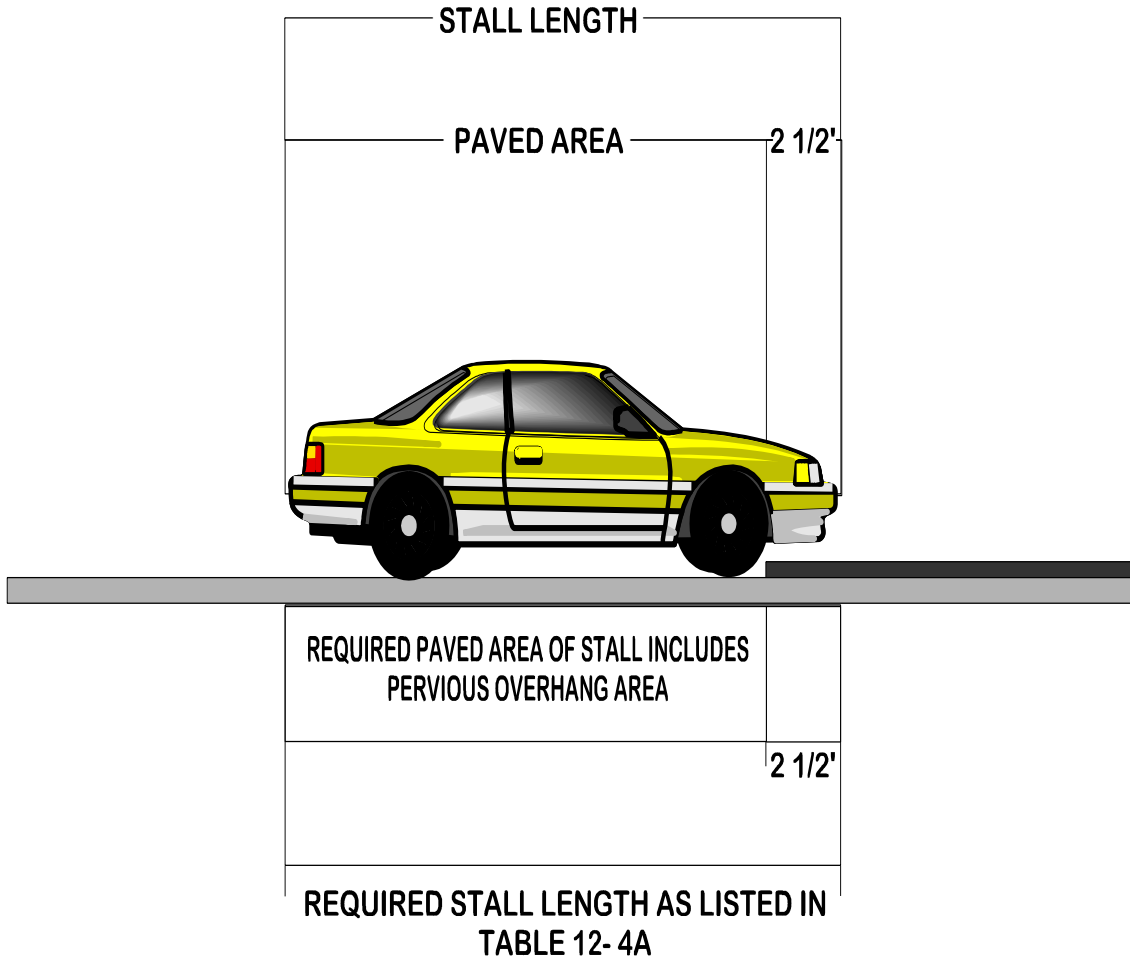
* The minimum distance shall be 5 ½ ft. when adjacent to a sidewalk



(2) PLANTING SETBACK REQUIREMENTS

* The minimum distance shall be 5 ½ ft. when adjacent to a sidewalk

**FIGURE 12-4D
PAVEMENT AREA ADJUSTMENT WITH CONTINUOUS CURB USAGE**



12-5 LOCATION OF REQUIRED PARKING SPACES.

12-5.1 Off-Street Parking.

Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to Section 12-3.3.

12-5.2 Residential Parking.

All driveways and parking areas must be surfaced with asphalt, Portland cement, block paver stones, or similar treatment providing an all-weather, durable and dustless surface. This requirement shall apply to any residential parking space and the first 100 ft. of the drive, as measured from the edge of pavement of a public or private street. All parking areas must comply with the drainage requirements of the Hamilton County Department of Public Works and design requirements of the County Engineer's Office. Parking on unpaved or unimproved surfaces in a residential district is prohibited except as provided in Section 11-4.9.

No residential parking area or garage, in a residential district or on a parcel being used for residential purposes, shall be utilized for more than one (1) commercial car, pickup truck, van or other commercial

vehicle owned or normally operated by a resident of the premises. The outdoor parking or storage of commercial vehicles that exceed twenty-one feet (21') in length, seven and one half feet (7.5') in height, or have permanent external commercial markings or signs exceeding a total of eight (8) square feet shall be prohibited in all residential districts.

The outdoor storage or parking of a single commercial utility trailer, equipment transport trailer or similar non-motorized accessory vehicle with a bed length not exceeding eight feet (8') in length is permitted on paved surfaces in the side or rear yard only, provided no boat, trailer, R.V. or Mobile Home is parked or stored on the same property. The outdoor parking of commercial utility trailers, equipment transport trailers and similar non-motorized accessory vehicles exceeding an eight foot (8') bed length is prohibited in all residential districts.

12-5.3 Parking of Boat, Trailer, R.V. or Mobile Home.

In any Residential District the outdoor storage of a boat, trailer, or mobile home shall be prohibited, except one (1) trailer as defined in Chapter 2 or one (1) boat may be parked or stored in the rear or side yard. No occupancy for human habitation shall be maintained or business conducted therein while such trailer or boat is so parked or stored. The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

12-5.4 Parking of Inoperable or Abandoned Vehicles.

The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts. The location and duration or temporary parking or storage of an unlicensed operable vehicle may be approved by the Township Zoning Inspector through the issuance of a Temporary Zoning Certificate on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

12-5.5 Traffic Patterns.

All parking garages and lots shall be located and designed to encourage minimal routing of traffic along public rights-of-way contiguous to blocks that contain primary education facilities or recreation sites designed for children or which have over fifty percent (50%) of their frontage developed with single-or two-family dwellings.

12-6 LANDSCAPING FOR VEHICULAR USE AREAS.

12-6.1 Applicability.

- a. Scope. The application of the landscape regulations established by this Section shall be limited to the same scope as defined in Sections 12-2.1 and 12-2.2 of this Chapter.
- b. Exception. Vehicular use areas containing less than twenty (20) parking spaces or classified as a redevelopment exception in accordance with Section 1-7 shall be exempt from the requirements of this Section 12-6.
- c. Total Parking. Total parking provided is located in more than one location on a site and each location contains less than twenty (20) parking spaces, each such area shall be exempt from Section 12-6 if separated on all sides by at least twenty feet (20') of non-paved area.
- d. Alteration or expansion. Where an existing vehicular use area containing less than twenty (20) contiguous parking spaces is expanded and thereby contains twenty (20) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.

12-6.2 Total Landscaping Required.

The total landscaping required in vehicular use areas is 22 sq. ft. per parking and stacking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required per parking space.

12-6.3 Interior Landscaping Standards.

Interior landscaping shall comply with the following standards:

- a. Design. Landscape areas shall be peninsular or island types. This shall include landscaped parking islands or peninsulas, natural or landscaped detention basins located in the front or side yards, and the required streetscape landscaping area.
- b. Location. All parking spaces must be at least within 125 feet of a landscaped area.
- c. Minimum Area. The minimum landscape area shall be one hundred (100) square feet.
- d. Surface. Any landscape area provided under this Section shall not contain bare soil. Any ground area shall be covered with stones, mulch, vegetative ground cover, or other surface permeable by water.
- e. Retention Basins. Natural or landscaped detention basins may count toward minimum square footage landscaping requirements when the basins are in the front or side yards.
- f. Traffic Visibility. No landscaping shall obscure visibility at vehicular intersections with the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least five feet (5') above the ground and shrubs or groundcover shall not exceed two feet (2') in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.
- g. Minimum Width. No interior landscaping area shall be less than ten feet (10') by ten feet (10').

12-6.4 Determination of Interior Landscape Requirements.

The Landscape Requirements shall apply to all parking lots requiring twenty spaces or more. The landscape requirements shall be computed as follows:

- a. Interior Landscape Area Requirement. To determine the landscape area, multiply the Landscape Area Requirement of 22 sq. ft. per parking and stacking space (Sec. 12-6.2) by the total number of parking spaces on the lot. (Reminder: Applicability only required as outlined in Section 12-2.1)
- b. Planting Requirements. To determine the minimum number of canopy trees, use the rate of one (1) canopy tree for each ten (10) parking spaces for retail uses and two (2) canopy trees for each 10 parking spaces for non-retail uses. Any fractional number of trees should be calculated to the next highest whole number.
- c. To determine the total number of required shrubs, multiply the total number of required canopy trees by three (3). One canopy tree may substitute for 3 shrubs. Trees and shrubs do not have to be equally spaced, but may be grouped.

12-6.5 Overlap.

When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Chapter, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

12-6.6 Credit.

Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements if they meet the standards established in this Chapter and in Chapter 15 Credit for Existing Landscape Materials.

12-6.7 Plant Installation and Maintenance Standards.

All new plant material as part of the requirements for this Chapter shall be in accordance with Chapter 15, General Landscape Material Standards.

12-6.8 Modifications.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Zoning Commission or the Board of Zoning Appeals (per Section 12-6.9) may, upon proper application by the property owner, and upon making findings of fact, modify the requirements of this Chapter provided the existing or resulting landscape features of the development site comply with the spirit and intent of this Chapter, Chapter 14 and other related Chapters.

12-6.9 Authority

The authority to approve landscape modifications resides with the Commission or Board that approves each specific type of zoning request.

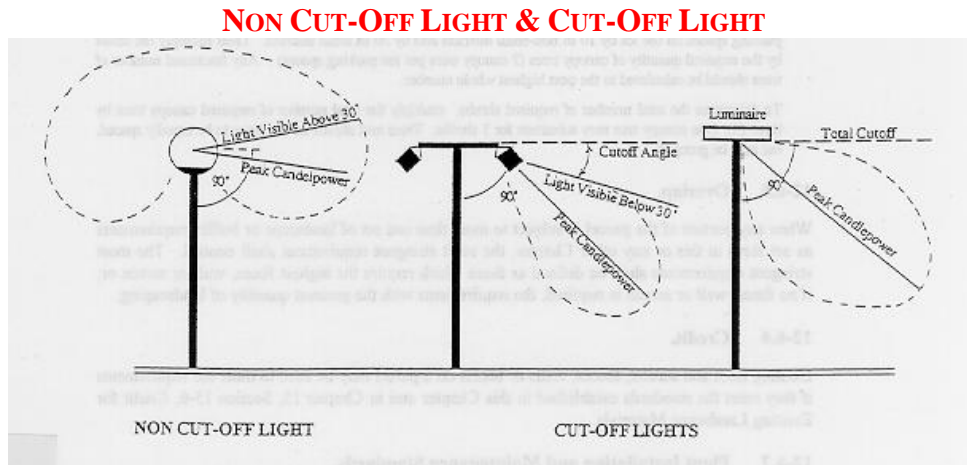
12-7 OUTDOOR LIGHTING.

The following restrictions shall apply to any outdoor lighting located in any district on parcels where there are parking spaces for ten (10) or more vehicles.

12-7.1 Height

All outdoor lighting shall be designed, located, and mounted at heights no greater than sixteen feet (16') above grade for non-cutoff lights and thirty-two feet (32') above grade for cutoff lights. A greater height may be authorized in any district by a Variance approved pursuant to, Chapter 21.

Cutoff and non-cutoff lights are illustrated below:



12-7.2 Illumination

All outdoor lighting shall be designed and located with a maximum illumination of 0.5 foot-candles at the property line.

12-7.3 Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

12-7.4 Color and Glare

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.

12-7.5 Luminaire Type

Outdoor light lamps shall be of types recommended by the Administrative Official.

12-7.6 Factors for Evaluation

The following factors shall be considered in the evaluation of lighting plans:

- a. Pole Height
- b. Type of Luminaire
- c. Site Coverage - average maintained
- d. Uniformity: (1) Maximum:Minimum (2) Average:Minimum
- e. Intensity at Property Line

12-7.7 Location

Outdoor lighting need not comply with the yard requirements of this Resolution, except that no such light shall obstruct sight triangles as defined in Section 14-9.

12-8 OFF-STREET LOADING REQUIREMENTS.

12-8.1 Scope of Application.

The application of the loading regulations established by this Section shall be limited to the same scope as defined in Sections 12-2.1 and 12-2.2 of this Chapter.

12-8.2 Number of Off-Street Loading Spaces Required.

Off-street loading spaces shall be provided for retail commercial, uses in accordance with the schedule set forth below. Loading spaces shall not conflict with or overlap with the area used for parking.

SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES	
Gross Floor Area of Structure (square feet)	Number of Required Loading Spaces
0 – 14,999	0
15,000 - 50,000	1
50,001 - 100,000	2
100,001 - 200,000	3
200,001 - 400,000	4
Each additional 200,000	1

12-8.3 General Standards.

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below.

- a. Location of Required Loading Spaces. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded.

- b. Dimensions. No required loading space shall be less than twelve feet (12') in width or thirty-five (35') feet in length or have a vertical clearance of less than fourteen feet (14').
- c. Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. Access to and from loading spaces shall be approved by the Administrative Official.
- d. Surface and Drainage. Every loading space shall meet the surface and drainage requirements of Section 12-4.5.
- e. Screening. All operations, material, and vehicles within any loading space that are visible from public streets or from residential uses shall be screened. The screening material shall be at least six feet (6') in height, 100 percent opaque, and shall meet the requirements for screening as set forth in Chapter 15, Section 15-4.

12-9 VEHICULAR STORAGE YARD REQUIREMENTS.

12-9.1 Minimum Setbacks.

Any vehicular storage yard shall be located behind the minimum building and yard setback limits for the site.

12-9.2 Screening.

All vehicular storage yards that are visible from public roads or Residential Districts shall be screened. The screening material shall be at least six (6) feet in height, and shall meet the requirements for screening as set forth in Chapter 15, Section 15-4.

TABLE 12-10	
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
RESIDENTIAL USES	FORMULA
Accessory Apartment	Two spaces for apartment + two for single-family house
Apartments/Attached condominium units	Two spaces for each efficiency or one-bedroom unit; two spaces for each unit with two bedrooms, 2.5 spaces for units with three or more bedrooms
Day Care, Child, Type A + Adult	One space per four children of licensed capacity + one space per employee. Adult Day Care – one space per 5 of capacity + 1.5 spaces per employee
Granny Cottage	One space per bedroom
Group Home	One space per employee on shift of max. employment + two visitors spaces or one space per employee plus one space per two residents where residents can own vehicles
Single-Family, Two-Family	Two garage spaces for each unit
Townhouse, Three-Family, Multifamily	Two spaces for each efficiency, one-bedroom & two bedroom unit; and 2.5 spaces for units with three or more bedrooms
COMMERCIAL USES	FORMULA
Amphitheater, Arena, Auditorium, Banquet, Exhibition or Meeting Halls, Stadium	One space for each three seats or one space per 50 sq. ft. of net floor area where fixed seating is not available
Amusement Park	One space for each three persons at capacity
Art Gallery, Antique Store, Interior Decorator Service	One space per 300 sq. ft. of net floor area
Automobile and Truck Rental	One space per 400 sq. ft. of net floor area
Automobile Sales (Accessory Service)	One space per 400 sq. ft. of net floor area of sales, shop or garage + one space per employee
Automobile Service	Two spaces per service bay (excluding the bay)+ one space per employee and one space per vehicle used in operation of the service

TABLE 12-10
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Banking / Financial Institution (Drive-in Service Window - Sec. 10-9)	One space per 400 sq. ft. of net floor area + stacking space for drive-in service lane (Sec 10-9)
Batting Cage	One space per cage + one space per employee
Barber Shops & Beauty Salon	One space per 100 square feet of net floor area
Billiard Parlor or Pool Room	One space per 100 square feet of net floor area
Bowling Alley	Six spaces per lane
Building Materials, Sales and Distribution	One space per 400 sq. ft. of net floor area
COMMERCIAL USES, cont.	FORMULA
Car Wash, Self Service	Four stacking spaces for each stall + two drying spaces for each stall
Carpet, Furniture and Appliances, Sales & Rental	One space per 400 sq. ft. of net floor area
Convenience Store (with gas pumps)	One space per 200 sq. ft. of net floor area + one space per pump + one space per employee
Dance Club or Concert Club	Three spaces per each four permitted occupants based on total occupancy per the Fire Marshal & one space for each on duty employee
Delicatessens, Bakery Goods, Meat, Fruit & Vegetable Markets	One space per 150 sq. ft. of net floor area.
Drag Strips, Raceways	One space for each three seats
Drive-In or Drive-Through Facility	Five stacking spaces per lane + one space per employee if entirely drive-through
Funeral Home or Mortuary	One space per 75 sq. ft. of parlor or chapel space or one per five seats, whichever is greater, but not less than 20 spaces
Health & Fitness Facility	One space per 200 sq. ft. net floor area
Gasoline Service Station (with repair)	One space per pump + one space per employee + two spaces per service bay (excluding the bay space) and one space per vehicle used in operation of the service
Golf Driving Range	One space for each driving tee + one per employee
Grocery Store,	One space per 167 sq. ft. of net floor area
Gun Firing Range	One space for each station + one per employee
Heliport	One space for each four seats in waiting area + one space for each two employees on maximum shift
Machinery, Boat, Truck, Farm & Construction Equipment Sales, Rental & Service	One space per 1000 sq. ft of net floor area + one space per 2,500 sq. ft. of outdoor display area + one space per employee.
Mechanical and Home Improvement Contractors office, or showroom warehouse (electric, HVAC, plumbing and kitchen/bath related uses)	Three parking spaces for the first 1,000 sq. ft. or fraction thereof, plus one space per 400 sq. ft. of net floor area in excess of 1,000 sq. ft. for office uses. Inventory, showroom and storage space one space per 500 sq. ft.
Miniature Golf Course	Two spaces per hole + one space for each 100 sq. ft. of net floor area for other indoor game activities
Motorcycle, Sales & Service	One space per 400 sq. ft. of net floor area
Office (excluding medical)	Three parking spaces for the first 1,000 sq. ft. or fraction thereof, plus one space per 400 sq. ft. of net floor area in excess of 1,000 sq. ft.
Office, Medical / Clinic	Six spaces + One space per 200 sq. ft. of net floor space in excess of 1000 sq. ft.
Photo Lab, Picture, TV or Sound Studio	One space per one and one-half employees + one space per facility vehicle
Recycling Drop-off Facility	One space per drop-off and five stacking spaces per lane + one space per employee

TABLE 12-10
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Bar	One space per 75 sq. ft. of gross floor area + <i>one space for each 2 employees</i>
Restaurant/Bar	One space for each table, or booth in dining area plus one space for each 50 sq.ft of interior and/or exterior net square footage dedicated to liquor sales, plus one space for each 2 employees
Restaurant	One space per 100 sq. ft gross floor area plus one space for each 2 employees
Restaurant Drive-In	Five stacking spaces per lane
Retail, Sales and Service	One space per 200 sq. ft. of net floor area
Service Establishments: Dry Cleaning or Laundry Pick-Up Stations, Print Shops, Tailoring, Shoe or Hat Repair	One space per 300 sq. ft. of net floor area
Shopping Center	One space per 222 sq. ft of net floor area of general retail space + additional spaces, as required herein, for associated offices, theaters, and restaurants
Skating Facility	One space per 250 square feet of net floor area
Studio: Art, Dance, Gymnastics, Music	Five spaces, plus one space for each 150 sq. ft. of net floor area in excess of 500 sq. ft.
Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Facilities Open To The Public For A Fee	One parking space for each 50 square feet of pool area; eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
Theater, Motion Picture or Live Performance	One space per three seats
Themed Special Purpose Venue	On-site parking at a rate of one space per employee on duty or performing plus 1 space per 2 permitted total occupancy or equivalent by agreement provided off-site.
INSTITUTIONAL USES	FORMULA
Cemetery	One space per employee
Church or Temples without school or community facility.	One space per five seats or bench seating in the main assembly room, plus added spaces for accessory uses if applicable
Correctional Facility	One space per employee + one space per 25 inmates
Day Care Center, Child, Pre-School	One space per employee + one space for each facility vehicle stored on the lot + one parking space for each six children
Halfway House	One space per bed + one per employee
Hospital	One parking space per bed
Nursing, Convalescent Home, & Continuing Care Facility	One space per six residents + one space per employee
School, Elementary (K-6)	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
School, Junior High/Middle School	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
School, Senior High	One space per employee + twelve visitor spaces, plus one space per six students
School, Vocational / Professional	One space per employee + one space per two registered student capacity
University or College	One space per two employees + one space per four students
PUBLIC SERVICE USES	FORMULA
Government Buildings	One space per 250 sq. ft. of net floor area or one space per four patrons, whichever is greater
Government Storage Yard	One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area
Library	One space per 400 sq. ft. of net floor area

TABLE 12-10
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Police & Fire Stations	Two (2) spaces per employee on maximum shift + one space per facility vehicle
Telecommunication Towers	One space
RECREATIONAL, CULTURAL & ENTERTAINMENT USES	FORMULA
Athletic/Play Field	Ten spaces per acre
Botanical Garden	Four spaces per acre of grounds
Campground	One space per campsite + one space per employee
Club, Private	One space for each 50 square feet of net floor area used for assembly, game room, dancing or dining, plus one for each sleeping room
Community (recreation) Center	One space per 200 sq. ft. of net floor area
Golf Course	Four spaces for each hole + one space for 100 sq. ft. of net floor area in any cocktail lounge, bar, or similar facility.
Museum	One space per 400 sq. ft. of net floor area
Outdoor drama theater (not drive-in)	One space for each three seats
Parks, Playgrounds	Four spaces per acre
Tennis or Racquet Clubs, and Similar Recreation Facilities	Eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
Recreation center, Internal	One space per 250 sq. ft. of net floor area
Summer Camp	One space per employee + one space per each camp vehicle + one space per five users at maximum capacity
Swim Facility	One parking space for each 50 square feet of pool area + one per employee
Zoo	One space per 2000 sq. ft. of land area
AGRICULTURAL USES	FORMULA
Farm Market	One space per 150 sq. ft. of net floor area
Fishing Lake	One space per 150 sq. ft. of net floor area + five spaces per acre of lake
Kennel, Commercial	One space per 1000 sq. ft. of net floor area + one space per employee + one drop-off space per twenty kennel spaces.
Nursery, Greenhouse	One space per 250 sq. ft. of indoor net floor area + one space per 1000 sq. ft. of net outdoor sales / display areas + one space for each 1.5 employees
Stable	One space per 4 stalls + one space per employee
Veterinarian Facility	Three parking spaces for the first 750 sq. feet or fraction thereof, plus one space for each 300 square feet of net floor area in excess of 750 square feet

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13-1 PURPOSE.

The purpose of this Chapter is to regulate and encourage the orderly development of signs so as to protect the public health, safety welfare of the Township while recognizing the need for adequate business identification, informational and advertising communication and the value of visual attractiveness.

13-2 SCOPE.

The regulations of this Chapter shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance and relocation of any sign that is visible from any street, sidewalk or public or private common open space. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. The regulations of this Chapter dictate the types, location and physical standards of signs that are permissible for specified uses, subject to the sign permit procedures of this Chapter. The regulations of this Chapter shall be in addition to any provisions of Chapter 5516 of the Ohio Revised Code and the Ohio Basic Building Code (OBBC) applicable to the construction and maintenance of signs.

13-3 DEFINITION OF TERMS.

Words, terms, or phrases, not otherwise defined in this section, shall have, for the purpose of this Resolution, the meaning or meanings attributed to them in English usage current at the time of adoption of this Resolution, and words used in the present tense shall include the future. The word "shall" is mandatory and not permissive. For the purposes of this Chapter, signs and their features and characteristics shall be defined and classified as follows:

A. FREESTANDING SIGNS	
Pole Sign	A permanent freestanding sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a pylon sign.
Ground Sign	A permanent freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a monument sign.
B. BUILDING SIGNS	
Awning / Canopy Sign	A building sign that is mounted or painted on or attached to an awning or canopy and does not project vertically above or horizontally beyond the physical dimensions of such awning or canopy.
Marquee Sign	A building sign attached to a marquee, canopy or awning projecting from or supported by the building at main entrances.
Projecting Sign	A building sign which projects more than 18 inches from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over street right-of-way, and not less than 8.5 feet at its lowest point, above sidewalk or ground level.
Wall Sign (Facia Sign)	A building sign which is attached directly to a building wall and which does not extend more than eighteen (18) inches therefrom nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.
Window Sign	A building sign permanently affixed to, in contact with, or inside a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.
C. TEMPORARY SIGNS	
Temporary Sign	A sign which is neither permanently anchored to the ground nor permanently affixed to a structure, nor mounted on a chassis, and intended to be removed after a limited period of display.
Balloon Sign	A temporary sign on an inflated nonporous object filled with air or other gas.
Banner Sign	A temporary sign in the nature of a flag, pennant, streamer or ribbon
Construction Sign	A temporary sign located on premises, which provides information pertaining to the builder, owner, project, or the contractor constructing the development.

C. TEMPORARY SIGNS, CONT.	
Development or Business, New	A temporary sign used to identify a business or development that begins commercial activity at a new location or that changes its name. Such sign shall be removed following the construction of the tenant's permanent sign.
Event Sign, Commercial	A temporary sign used to display a commercial message related to a special event, offer, service or other similar advertisement.
Event Sign, Non-Commercial	A temporary sign used to display a non-commercial message such as: Now Hiring, Now Placing, etc.
Festival Banner Sign	A temporary sign on a banner related to public festivals installed on public property or in the public right-of-way.
Festival Device Signs	A temporary sign on balloons, umbrellas and similar devices.
Flag, Pennant or Other Moving or Animated Sign	Any temporary sign or part of such sign that changes physical position by any movement or rotation of that gives the visual impression of such movement or rotation.
Political Campaign Sign	A temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election.
Public Event Banner Sign	A temporary sign on a banner, which provides information on current or upcoming public events, attached to a facility owned or controlled by the County or any agency thereof and which is not be installed more than 2 weeks before the event.
Real Estate Sign	A temporary sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
D. MISCELLANEOUS SIGN TERMS	
Abandoned Sign	Any outdoor advertising sign left in place after a business has ceased to operate at the location. A sign may be considered abandoned 45 days after the identified business has vacated the premises
Bench Sign/Billboard	Any outdoor advertising sign attached to a bench, chair, table, bus shelter or similar item.
Billboard (<i>Outdoor Advertising Sign</i>)	A type of off-premises sign, classified as a business use, generally but not limited to a rigidly assembled sign, display, or device, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" or "poster panels" are generally designed so that the copy or poster on the sign can be changed and the advertising space may be leased.
Billboard, Bulletin (<i>Outdoor Advertising Sign</i>)	A standardized advertising sign with a face area not exceeding 672 sq. ft. (14 ft. x 48 ft.), excluding temporary embellishments, cut outs or extensions as herein defined.
Billboard, Junior Poster Panel (<i>Outdoor Advertising Sign</i>)	A standardized advertising sign with a face area not exceeding 72 sq. ft. (6 ft. x 12 ft.), excluding temporary embellishments, cut-outs, or extensions as herein defined. Also called an Eight-Sheet poster.
Billboard, Poster Panel (<i>Outdoor Advertising Sign</i>)	A standardized advertising sign with a face area not exceeding 300-sq. ft. (12 ft. x 25 ft.), excluding temporary embellishments cut-outs or extensions as herein defined. Also called a 30-sheet poster.
Billboard Cut-out	A treatment employed to enhance the quality of a sign by removal, deletion, or omission of any portion of the sign.
Billboard Embellishment	A temporary treatment employed to enhance the quality of a sign that reflects a community design theme, an historic period or artistic style.
Billboard Extension	A treatment employed to enhance the quality of a sign by addition of a sign face area or projection thereof.
Bulletin Board, Institutional	A sign located on the property owned or operated by a public, religious, institutional, school, library, community center or similar institution that is used to identify the name of the institution or organization and the announcement of its services or activities.
Canopy	See Awning / Canopy Sign Definition
Changeable Copy Sign	An sign designed so that the characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign; also known as a reader board.
Clear Sight Distance Triangle	The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See Chapter 14, Section 14-9, Figure 14D.
Clearance (<i>of a Sign</i>)	The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade. (Compare "Height")
Directional or Informational Sign	An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, and which may include the identification of the building or use but does not include any advertising message.

Facade	That portion of an enclosed building facing the street or that wall of a building through which there is primary access for customers. Where more than one business occupies the same building the facade for each business shall be that portion of the building occupied by the business which faces the street or which provides the primary access.
Face Change	The removal or replacement of an existing surface display panel where the remaining structural frame is not changed. The changing of the copy or poster on bulletin boards and billboards is not considered a face change.
Flashing Sign	A sign that uses an intermittent, moving or flashing light source to attract attention.
Frontage, Building	Total lineal feet of enclosed building length along the facade that fronts the principal dedicated street, or the facade that contains the main entrance to the building.
Frontage, Street or Lot	Total lineal feet of right-of-way or easement of access along the front yard of a lot.
Frontage, Principal	The street which the developer selects to be the main entrance.
Frontage, Secondary	The street which the developer selects to be the secondary access to the development.
Gas Pump Signs	Informational matter appearing on gasoline pumps as purchased or installed.
Government Sign	Any temporary or permanent sign erected and maintained for any official governmental purpose.
Height (of a Sign)	The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade. (Compare: "Clearance") When base of the sign structure is below grade of street, measure height from grade of street. When base of the sign structure is above grade level of street, measure height from ground grade.
Historical Marker	A type of memorial sign limited in content to the identification of an historical building or structure or the site of an historical event.
Identification Sign	A sign giving the name, trademark of other readily recognized symbol or address, or any combination thereof, of a building, business, development or establishment on the premises where it is located.
Illuminated Sign	A sign either internally or externally illuminated.
Joint Identification Sign	A sign which serves as common or collective identification for a group of businesses operating on the same building lot. Such signs may name the businesses included but carry no other advertising.
Logo	A business trademark or symbol.
Maintenance	The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
Marquee	Any fixed hood (other than a canopy or awning), which is supported solely by the building to which it is attached, consisting of metal or other incombustible material and which included a sign or advertising announcement. The location of marquees shall be restricted to the main entrance to a building.
Memorial Plaque	A plaque designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.
Nonconforming Sign	Any sign which was lawfully erected in compliance with applicable regulations of the Township and maintained prior to the effective date of this Zoning Resolution, and which fails to conform to all applicable standards and restrictions of this Resolution.
Off-Premises Directional Sign	A sign designed to guide vehicular and/or pedestrian traffic to places of worship, to businesses, to places that provide commodities, services, entertainment or attractions at a location other than the premises on which the sign is erected.
Off-Premises (Off-Site) Advertising Sign	An advertising sign, whose message relates to a business, service, commodity, or profession being conducted, sold or offered at a location other than the premises on which the sign is erected.
Official Flag or Emblem	A flag or emblem of a government or of a membership organization.
On-Premises (On-Site) Sign	A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered on the premises on which the sign is erected.
Portable Sign or Moveable Sign	A sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer, vehicle (where the primary purpose is to advertise) or frame capable of being moved from place to place.
Premises	Any tract or tracts of land which comprise a single, integrated development or use of such land. For the purpose of this Chapter 13, an outparcel along the perimeter of a shopping center or similar multi-tenant use, that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.
Roof Sign	A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Public Service Sign or Device	A sign or device displaying only the time, temperature, stock market quotations or civic messages by means of a lampbank.
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D. MISCELLANEOUS SIGN TERMS, CONT.	
Sign	Any object, device, or structure, or part thereof, situated outdoors or indoors and intended to be visible from the exterior of the structure which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem on any nation, organization or nations, state, county, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product or business logo.
Sign Graphics	Any lettering, numerals, figures, designs, symbols or other drawing or images used to create a sign.
Sign Structure or Support	Any structure that supports or is capable of supporting a sign, including decorative cover.
Snipe Sign	A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.
Surface Display Area	All solid surface areas of a sign, excluding air space. Structural members bearing no sign copy shall not be included
T-Frame Sign	A sign whose structure or frame is in the form of a "T" upon which one or more sign faces may be hung or otherwise attached.
Variable Message Sign	A sign containing a computer generated message such as a public service, time, temperature or date, where different copy changes of a public service or commercial nature are shown. on the same lampbank or message facility.
Vending Machine Sign	Any sign fastened to or painted on a vending machine which directly relates to the product contained in the machine.
Vehicular Sign	Signs on parked vehicles or boats visible from the public right-of-way or shoreline where the primary purpose of the vehicle or boat is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purpose of this ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
Visible	Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.
Warning Sign	A sign limited in content to messages conveying warning, caution or danger.

13-4 ZONING CERTIFICATE AND PERMITS.

13-4.1 Zoning Certificate Required.

Unless expressly exempted in Section 13-4.2, no sign shall be erected, enlarged, expanded, altered (including face changes), relocated or reconstructed on private or public property unless a Sign Zoning Certificate evidencing the compliance of such sign with the provisions of this Chapter 13 shall have first been issued by the Zoning Inspector.

13-4.2 Exemptions.

The following signs and sign-related activities shall be exempt from the provisions of this Chapter 13 and shall not require a zoning certificate:

- a. Routine Maintenance. Routine sign maintenance including cleaning re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.
- b. Signs Permitted in all Districts. Signs permitted in all districts as listed in Section 13-9.
- c. Poster Changes. Outdoor advertising signs shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of Sec. 13-4.3.
- d. Copy Changes. The change of a message relating to on site or off site changeable copy signs such as those displaying gasoline prices, sale items, special events or lottery information.

13-4.3 Nonconforming or Noncomplying Signs.

Signs existing on or before the effective date of this resolution shall be allowed face changes provided that a zoning certificate shall be obtained except as specified in Sec. 13-4.2 (c). If the size of an existing sign face or the size of the overall structure is increased, the structure is relocated, the structure is replaced, or the structure is damaged to an extent greater than 70% of its estimated replacement value (unless damage was caused by vandalism, an act of God, or automobile or similar accident) then said sign shall be ordered removed by the Zoning Inspector.

13-5 GENERAL STANDARDS.

Unless expressly exempted by Section 13-4.2 above, all signs within the Township shall conform to the following general standards.

13-5.1 Illumination.

- a. Location and Design of Light Source. Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded and directed so as not to be directly visible from any public street or residence. If ground lighting is used to illuminate a sign, the receptacle or device should not protrude more than twelve (12) inches and must be fully screened from view by landscaping material.
- b. Level of Illumination. In no event shall the illumination of any off-site advertising sign exceed 70 foot candles at the sign face.
- c. Flashing Lights Prohibited. Except when expressly permitted by this Chapter, no flashing, moving, laser generated, strobe, blinking or intermittent lights shall be permitted on or as part of any sign. This does not pertain to electronic message signs unless they negatively affect traffic safety.
- d. Changeable Copy Message signs or boards shall be permitted in accordance with all size restrictions per Chapter 13. No message shall blink, flash or contain animated movement at interval cycles of less than 90 seconds

13-5.2 Height

- a. Height of Building Signs.
 1. Building Signs shall be located within the limits of the outside wall of the building.
- b. Height of Freestanding Signs.
 1. Freestanding signs in the Residential districts are permitted at a maximum height of five (5) feet.
 2. Freestanding signs in the Office districts are permitted at a maximum height of twelve (12) feet.
 3. Freestanding signs in the Retail districts are permitted at a maximum height of twenty-eight (28) feet.
 4. Freestanding signs are permitted within the Clear Sight Distance Triangle at a maximum height of three (3) feet or as provided in section 13-5.5.

13-5.3 Minimum Setback.

All signs, or any part thereof, shall be setback a minimum of 10 feet (5 feet for directional signs) from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines. A side yard setback adjoining a residential district shall be the same as that specified for the adjoining residential district.

13-5.4 Obstruction of Accessways.

No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required accessway.

13-5.5 Traffic Safety.

- a. Confusion with Traffic Signals. No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic regardless whether or not it meets other size, location and setback requirements of this Section 13-5.
- b. Obstruction of Clear Sight Distance Triangles Prohibited. No freestanding sign, nor any part of a freestanding sign other than supporting poles or braces shall be located with clearance lower than nine (9) feet from grade unless the entire sign is three (3) feet or less from grade within the area of any sight distance triangle as defined in Section 13-3.

13-5.6 Signs in Rights-of-Way.

Except as otherwise authorized by the County Engineer or the State of Ohio, no sign except government signs authorized by this Chapter shall be placed in or extend into or over any public property or right-of-way.

13-5.7 Sign Identification.

All signs shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign.

13-5.8 Sign Maintenance.

The owner of an on-site or off-site sign shall be liable to maintain such sign, including its illumination sources, in compliance with this Chapter and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good-working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

13-5.9 Sign Allotment, Maximum Size and Location.

Signs shall be located along the street frontage or building frontage from which the allotment is computed.

13-6 SIGN MEASUREMENT

(See diagrams in Figure 13-6A)

13-6.1 Area of a Freestanding Sign.

The area of a freestanding sign shall be determined by computing the visible surface display area, i.e. all solid surface areas excluding air space and architectural features. If the angle separating two faces of a V-shaped sign is more than 45 degrees or 24 feet, the sign faces visible from one point are added cumulatively as one sign face.

13-6.2 Area of Building Signs.

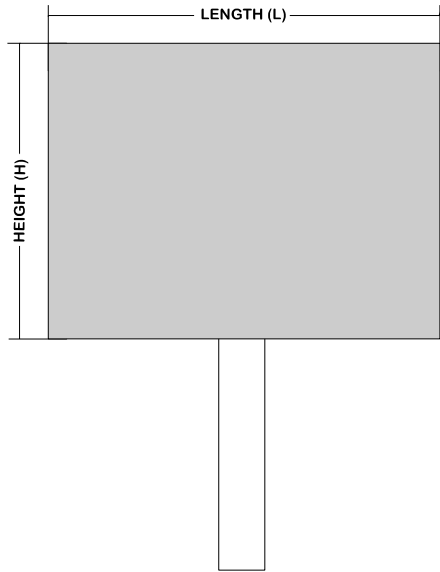
The area of a building sign shall be determined by computing all visible surface display area, that is the words, numbers, and/or graphics that are totally enclosed by a frame or graphic design. In the case of words containing lower case letters mounted individually to the wall of the building, the area of the sign is the square footage area that is measured by taking the height of the lower case letters multiplied by the total word length.

13-6.3 Exceptions.

In a residential development where the sign identifying the name of the development is attached to a wall or fence, the area of the sign shall be calculated as a building sign per Section 13-6.2.

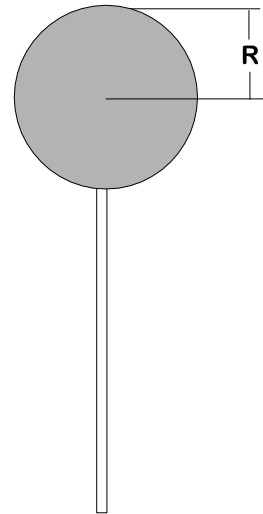
**FIGURE 13-6A: SIGN FACE AREA MEASUREMENT
(VISIBLE SURFACE DISPLAY AREA)**

**POLE OR PYLON SIGN
(SINGLE OR MULTIPLE SUPPORT)**



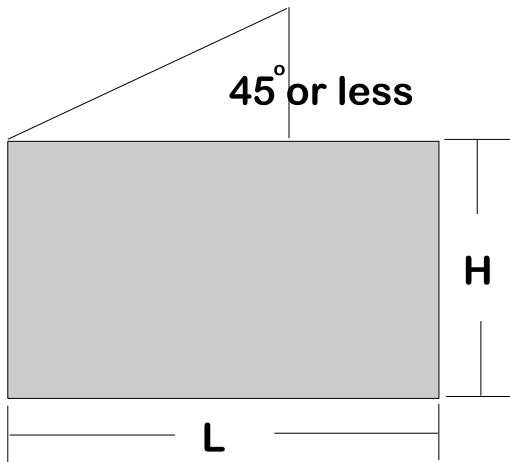
SIGN FACE AREA = (L) X (H)

POLE OR PYLON SIGN

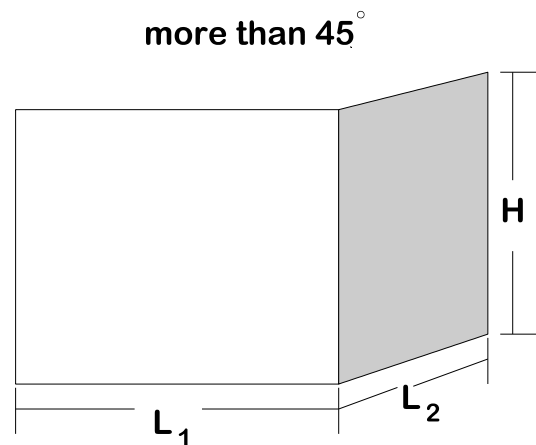


SIGN FACE AREA = 3.14 R²

V-SHAPED SIGN



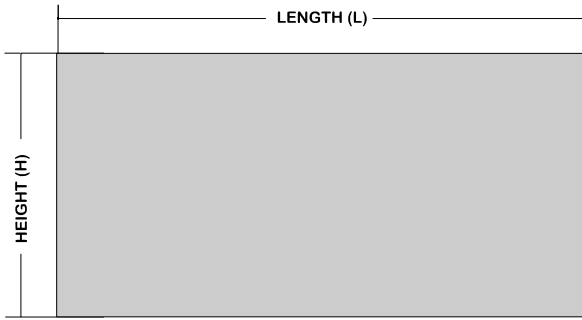
SIGN FACE AREA = (L) X (H)



**SIGN FACE AREA = (L₁ + L₂) X H
(considered as one face)**

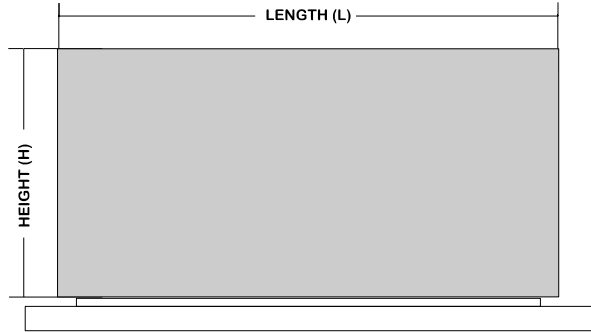
**FIGURE 13-6A (CONTINUED):
SIGN FACE AREA MEASUREMENT**

GROUND SIGN



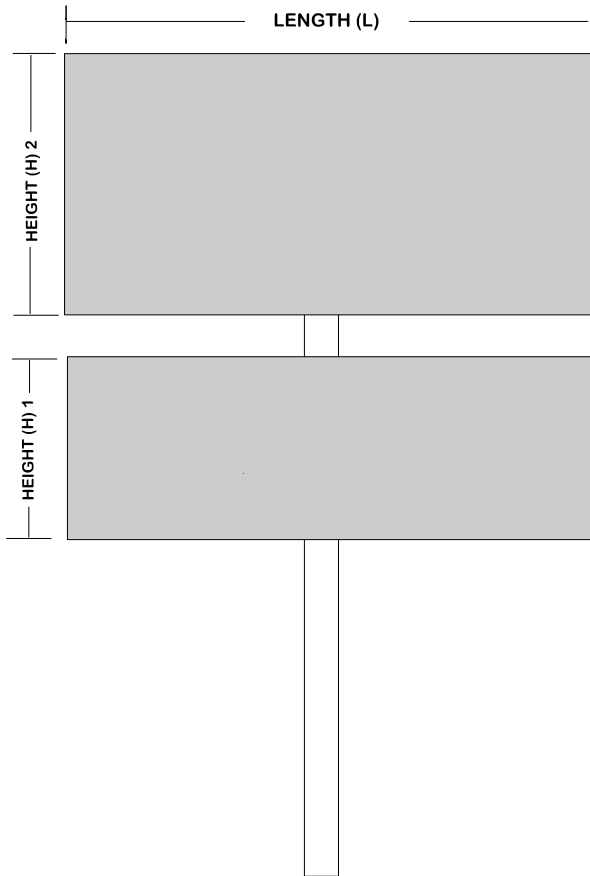
SIGN FACE AREA = (L) X (H)

GROUND MONUMENT SIGN

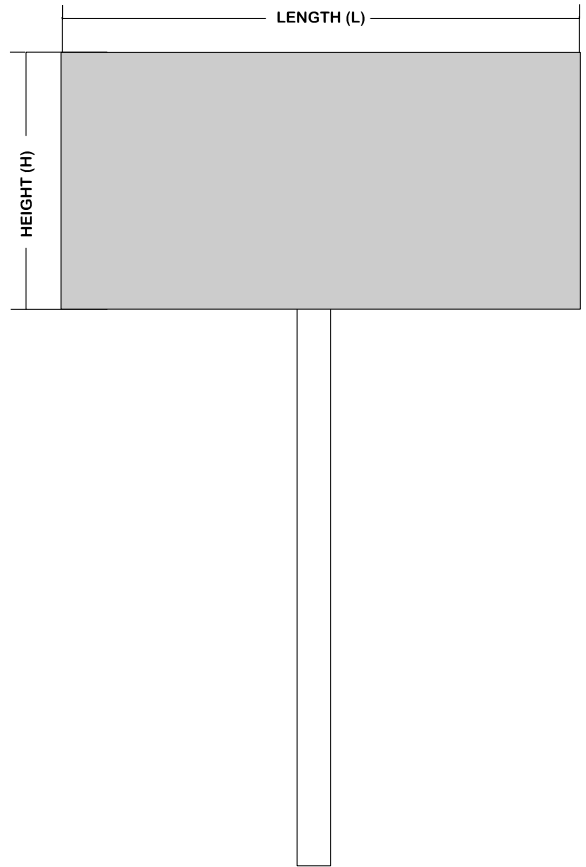


SIGN FACE AREA = (L) X (H)

STACKED OR DECKED SIGNAGE



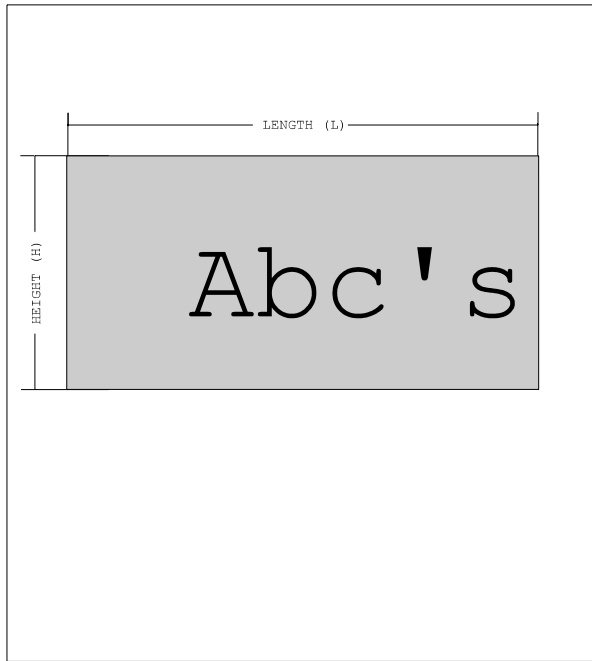
SIGN FACE AREA = (L) X (H₁ + H₂)



SIGN FACE AREA = (L) X (H)

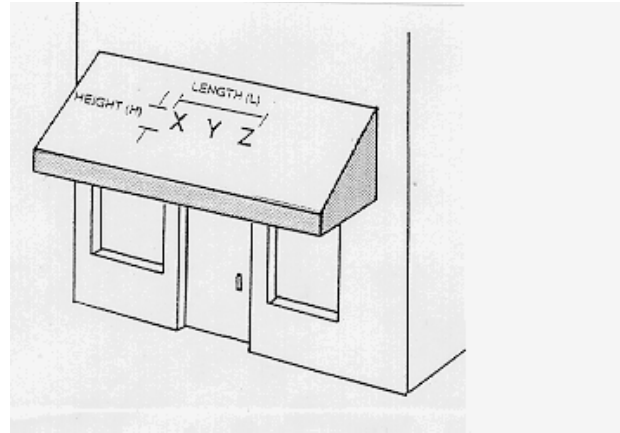
**FIGURE 13-6A (CONTINUED)
SIGN FACE AREA MEASUREMENT**

WALL SIGN
(with frame or graphic enclosure)



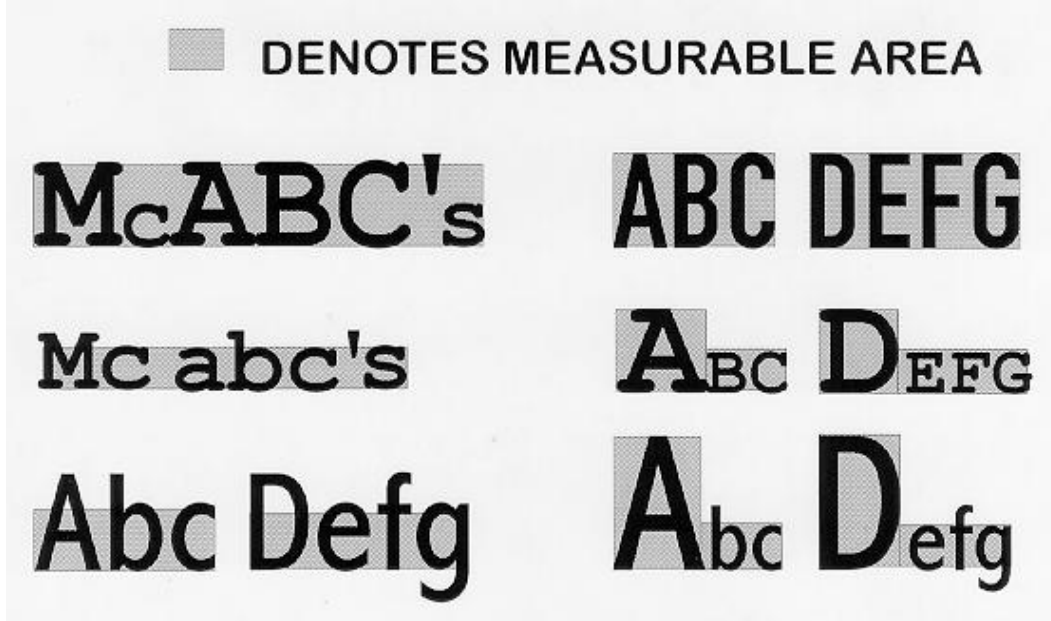
SIGN FACE AREA = (L) X (H)

AWNING SIGN



SIGN FACE AREA = (L) X (H)

WALL SIGNS
(LETTERS MOUNTED INDIVIDUALLY WITHOUT ANY FRAME OR GRAPHIC ENCLOSURE)



SIGN FACE AREA = (L) X (H)

13-7 SIGNS SPECIFICALLY PROHIBITED IN ALL ZONING DISTRICTS.

The following signs, in addition to all other signs not expressly permitted by this Chapter 13, are prohibited in all zoning districts and shall not be erected, or maintained:

- a. Roof Signs.
- b. Signs that move or give the appearance of moving, including pennants, streamers, flags in excess of sixty (60) square feet, other than government flags and other signs, unless otherwise approved as part of Localized Alternative Sign Regulations pursuant to Section 13-15. (This section does not prohibit variable message signs or signs designed with periodic rotation).
- c. Flashing Signs. Signs containing any flashing or running lights or lights creating an illusion of movement, excluding holiday decorations and time and temperature devices which display time and temperature messages only.
- d. Signs which imitate or are easily confused with official traffic signs and use words such as "stop", "look", "danger", "go slow", "caution", or "warning," except where such words are part of the name of a business or are accessory to parking lots.
- e. Signs which are structurally unsafe or hazardous.
- f. Portable signs, except as permitted temporarily in Section 13-12.2
- g. Snipe signs.
- h. Bench signs except as may be authorized by a Conditional Use in the "D" Retail District.
- i. Vehicular signs.
- j. Abandoned signs

13-8 PERMITTED SIGNS.

No Sign Zoning Certificate shall be issued unless the type of proposed sign is permitted in the zoning district in which the sign is to be located as indicated in this chapter, the sign meets the general standards in Section 13-5, the standards for off-site advertising signs set forth in Section 13-15 and the sign does not, by itself or cumulatively with other existing or planned signs, exceed these regulations.

13-9 SIGNS PERMITTED IN ALL ZONING DISTRICTS

13-9.1 Sign Permitted in all Zoning Districts Exempt from Zoning Certificates

The following signs are permitted in all zoning districts without a fee and without issuance of a zoning certificate subject to the requirements stated herein. All signs in this section, unless otherwise stated below, shall be setback a minimum of 10 feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines.

- a. Identification signs including house numbers legible from the street, and nameplates (fraternal, social, apartment and professional) identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in display surface area.
- b. Nameplates and identification signs attached to the building for churches and fraternal organizations, and not exceeding twelve (12) square feet.
- c. Memorial plaques and historic markers, including those containing the names of buildings and dates of construction and not exceeding two (2) square feet in display surface area.
- d. For sale signs attached to vehicles.
- e. Flags bearing the official design of a nation, state, county, municipality, institution or organization and not exceeding 60 square feet.
- f. Traffic, or other government signs, also private traffic control signs which conform to the requirements of the Ohio Manual of Uniform Traffic Control Devices.
- g. Public Park and playground signs.

-
- h. Non-illuminated signs proclaiming religious or other noncommercial messages not exceeding twelve (12) square feet in surface display area in any residential district nor thirty-two (32) square feet in any other zoning district.

Exception: Political campaign signs shall be exempt from the provisions of the Zoning Resolution.
 - i. Non-illuminated real estate signs advertising the sale or lease of property or building where the sign is located, not exceeding one per street frontage and twelve (12) square feet of surface display area in any residential district nor thirty-two (32) square feet in any other zoning district.
 - j. One temporary event (not portable or moveable) sign per public street frontage subject to the following:
 - 1. Signs installed must be related to festivals or other seasonal events occurring on the institutional property.
 - 2. Total surface display area shall not exceed twelve (24) square feet in Residential Districts and thirty-two (32) square feet in all other Districts.
 - 3. Sign height shall not exceed eight (8) feet unless attached to the wall of the building.
 - 4. Placement shall be wholly within the property boundaries to which the sign pertains.
 - 5. The sign shall be located on the property for a period not to exceed thirty (30) days.
 - 6. Signs in Residential Districts shall not be illuminated.
 - k. One temporary (not portable or moveable) construction sign as defined in Section 13-3, per public street frontage subject to the following:
 - 1. Total surface display area shall not exceed sixteen (16) square feet in a Residential District and thirty-two (32) square feet in all other Districts.
 - 2. Sign height shall not exceed eight (8) feet.
 - 3. Placement shall be wholly within the property boundaries to which the sign pertains.
 - 4. The sign shall not be erected prior to issuance of a building permit for the proposed construction, and shall be removed upon issuance of a Certificate of Occupancy.
 - l. One temporary (not portable or moveable) construction sign related to improvement occurring on the site such as windows, siding, painting, etc. subject to the following:
 - 1. Total surface display area shall not exceed six (6) square feet.
 - 2. Sign height shall not exceed three (3) feet.
 - 3. The sign shall not be erected prior to beginning the start of the project and shall be removed within seven (7) days following completion.
 - m. Trespassing, safety or caution signs, not exceeding two (2) square feet in area.
 - n. On-Premises directional and informational signs not exceeding four (4) square feet and forty-two (42) inches in height, for pedestrians and vehicles using such words as "Entrance," "Exit," "Parking," "One-Way" but not including any advertising message or corporate logo.
 - o. Gasoline pump signs appearing on legally installed pumps identifying the brand of fuel or the business selling fuel.
 - p. On-premises yard sale or garage sale signs not exceeding six (6) square feet provided they are erected no more than seven (7) days prior to the sale nor displayed for more than seven (7) consecutive days.
 - q. Searchlights may be used on a commercial property to advertise a Grand Opening Event only, but shall not be utilized for more than 18 hours.

13-9.2 Sign Permitted in all Zoning Districts Requiring a Zoning Certificate

The following signs are permitted in all zoning districts with the issuance of a zoning compliance certificate subject to the requirements stated herein.

- a. Institutional bulletin boards or identification signs located on the premises of the institution to which the sign pertains and not exceeding forty eight (48) square feet in surface display area per side, maximum of 2 sides with a maximum height of eight (8) feet, if the signs are located at least twenty (20) feet for the property line.

-
- b. Portable signs on institutional property identifying special events, when the sign pertains to a specific event occurring on the subject property, subject to the following:
 - 1. The use of portable signs is limited to 30 days per use certificate, for no more than four (4) uses per year
 - 2. An application for a use certificate must be filed prior to the placement of the sign; said application shall clearly state the type of event planned, dates of the event and the specific dates the sign will be on site.

13-10 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.

The following regulations apply to those properties located in the “A”, “B”, & “C” Residential Districts. Any sign not expressly permitted by Section 13-9 or by these district regulations is prohibited. Unless otherwise stated each of the following sign type shall be constructed for on premise advertising purposes only.

13-10.1 Building and Freestanding Signs.

- a. Home Occupation. One (1) non-illuminated name plate not exceeding two (2) square feet in surface display area and attached flat against a building wall shall be permitted.
- b. Multi-Family Residential Uses and Other Permissible Uses:
 - 1. Building Signs. One identification wall sign not exceeding eight (8) square feet of sign surface area for each fifty (50) feet of building frontage shall be permitted provided the total surface area of building signs and freestanding signs as measured collectively, shall not exceed 32 square feet.
 - 2. Freestanding Signs. Uses having less than 100 feet of lot frontage shall not have a freestanding identification sign. Uses having at least 100 feet of lot frontage may have one freestanding sign not to exceed 32 square feet of sign surface area provided the total surface area of building and freestanding signs as measured collectively, shall not exceed 32 square feet. (See General Standards Section 13-5 for height and setback requirements).

13-10.2 Outdoor Advertising Signs.

Outdoor Advertising Signs or Billboards are prohibited in all Residential Districts.

13-11 SIGNS PERMITTED IN THE “O” OFFICE DISTRICT.

These regulations apply to those properties located in the “O” Office District. Any sign not expressly permitted by Section 13-9 or by these district regulations is prohibited. Unless otherwise stated each of the following signs shall be constructed for on-premise advertising purposes only.

13-11.1 Temporary Signs & Outdoor Advertising Signs.

Temporary and portable signs are prohibited in the “O” Office-Residence District. Outdoor advertising signs are prohibited in the “O” Office-Residence District.

13-11.2 Freestanding Signs.

An office park containing two or more buildings with more than one-hundred (100) feet of frontage shall be permitted one joint identification sign for each principal entrance on a public street, with a limit of two (2) signs per office park or parcel, neither of which may exceed twenty-eight (28) square feet of surface area. In addition, each building or lot in such office park shall be permitted one building mounted sign with a single face which may not exceed twenty-four (24) square feet of sign surface area per Section 13-11.4.

Office buildings occupying individual parcels with a minimum of seventy-five (75) feet of frontage on a public roadway are permitted one ground-mounted identification sign not exceeding twenty-four square feet in size and five (5) feet in height.

The placement of all freestanding signs in the “O” Office District shall comply with applicable general requirements of Section 13-5.

13-11.3 Tenant Identification Signs

Tenant identification signs, the content of which is related solely to the name and address of multiple occupants of the premises are permitted when such signs are attached to the building or installed adjacent to a driveway or within fifteen (15) feet of a principle entrance to the building, are illuminated by indirect lighting and do not exceed twelve (12) square feet.

13-11.4 Building Signs.

One Sign identifying the building or the occupant(s) not exceeding twenty-four (24) square feet may be mounted to the façade of the building that faces the principal dedicated street or internal driveway.

13-12 SIGNS PERMITTED IN D RETAIL

The following regulations shall apply to those properties located in the “D” Retail District. Any sign not expressly permitted by Section 13-9 or by these district regulations is prohibited. Unless otherwise stated each of the following signs shall be constructed for on-premise advertising purposes only.

13-12.1 Temporary Signs.

One temporary (not portable or moveable) sign for any of the following events shall be permitted for each business. Such signs may have two faces with each sign face area as follows:

EVENT	Maximum Size	Maximum Time
Non-commercial Event	32 sq. ft.	30 consecutive days no more than 2 times per year
Commercial Event	48 sq. ft.	30 consecutive days up to 4 times per calendar year

13-12.2 Portable or Movable Signs.

Any freestanding sign, including but not limited to "A" frame, or inverted "T" shaped structures, including those signs mounted on wheeled trailers, shall be permitted for retail uses only in accordance with the following provisions:

- a. Portable signs are permitted for grand openings, advertising special events or sales, charitable or community-related events. Being temporary in nature, such portable signs may be permitted for a period not to exceed thirty (30) consecutive days up to four times per calendar year per establishment.
- b. All illuminated portable signs shall comply with the requirements of Section 13-5.1 and the National Electric Code.
- c. No portable sign shall be located in the site triangle.
- d. No portable sign shall exceed 48 square feet in surface display area.
- e. Only one portable sign shall be permitted per property.

13-12.3 Freestanding Signs.

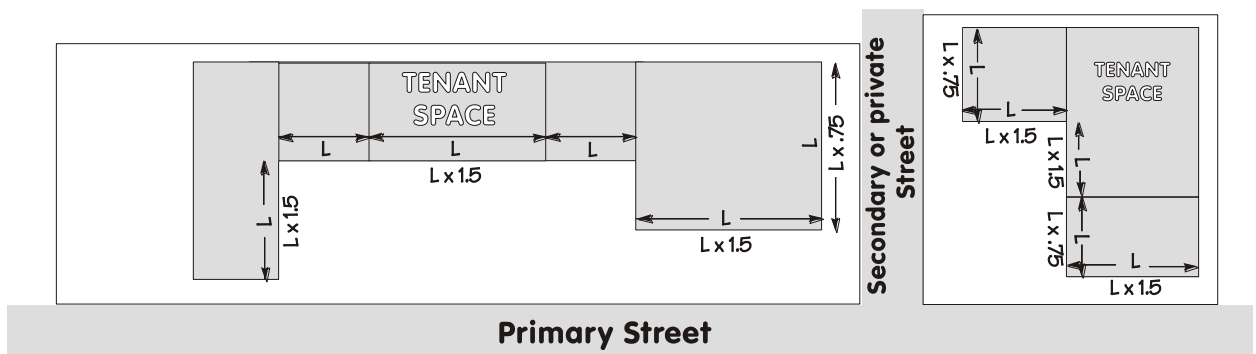
- a. Businesses and other permitted uses having less than 60 feet of lot frontage shall not have a freestanding sign unless approved by Conditional Use permit per Section 13-13.1.
- b. Businesses and other permitted uses having street frontage between greater than 60 linear but not less than 349 linear feet are permitted 1 free standing advertising or business sign not to exceed 80 square feet, provided the sign employs no motion or intermittence of its illuminator. (See Section 13-5 for height and setback standards).

- c. Businesses and other permitted uses having street frontage in excess of 350 linial feet shall be permitted a second 80 square foot monument style advertising or business sign not to exceed 80 square feet and 12 feet in height, provided the sign employs no motion or intermittence of its illuminator and is located in a dedicated landscape area at least twice the size of the sign.
- d. Multi-Tenant Shopping Centers with more than 5 tenants and at least 50,000 square feet of contiguous building square footage shall be permitted one 150 square foot monument style sign not to exceed 20 feet in height for the purpose of providing identification for the shopping center and/or individual tenants, if placed in a dedicated landscaped area at least twice the size of the sign. Additional signage shall be permitted in conformance with lot frontage standards of this section. Regardless of street frontage a second monument style sign not to exceed 80 square feet in size and 12 feet in height shall be permitted provided it is not located on the same street frontage as the primary sign and is not located within within 150 feet of any other freestanding sign on the premises.

13-12.4 Building Signs.

- a. Any business or other permissible use shall be permitted 1.5 square foot of Building Sign surface area for each foot of Building Frontage as measured along the length of the building façade that fronts the principal dedicated street, or the façade that contains the main entrance to the building. For other Building Frontage, signs may not exceed .75 square foot of sign surface area per foot of building frontage.
- b. Where a building such as a shopping center contains multiple tenants, building signs may be calculated by individual unit as measured from interior wall to interior wall of the tenant space. Each tenant shall be permitted 1.5 square foot of Building Sign surface area for each foot of building frontage that fronts the principal dedicated street, or the façade that contains the main entrance to the building. For tenant space facing another street frontage, such as a secondary public street, private street or private access drive, signs may not exceed .75 square foot of sign surface area per foot of building frontage occupied by the tenant space.
- c. Building sign square footage on corner lots with a secondary frontage may be transferred to a free-standing sign if approved through a conditional use permit as per Section 13-14.
- d. No single building mounted wall sign shall **exceed fifty square feet**. Where the frontage calculations permit, additional or secondary signage is permissible up to the total allowable square footage.

Where wall signage cannot be calculated in the manner indicated above, refer to 13-15 "Localized Alternative Sign Regulations."



**FIGURE 13-12A
SHOPPING CENTER SIGNAGE**

13-12.5 Outdoor Advertising Signs.

Outdoor Advertising Signs are prohibited in all commercial districts.

13-13 SIGNS PERMITTED WITH CONDITIONAL USE ZONING CERTIFICATE.

A Conditional Use Zoning Certificate must be obtained as part of the application for a Sign Zoning Certificate, pursuant to the procedures of Chapter 17, for signs identified in this Section.

13-13.1 Freestanding On Premise Advertising Signs in Retail Districts with Lot Frontages of 60 Feet or Less as measured at the building setback line.

- a. Not more than one freestanding sign per lot shall be permitted.
- b. Minimum setback of 10 feet from the right-of-way, 5 feet from all other property lines.
- c. Height shall not exceed 18 feet.
- d. Minimum distance from grade shall be not less than 9 feet or maximum height of 3 feet when located in a sight distance triangle. (See Figure 14D).
- e. Maximum surface display area shall not exceed 24 square feet each face or side.
- f. No sign shall be located within 20 feet of any existing freestanding on-premise sign located on any property on the same side of the street.

13-14 LOCALIZED ALTERNATIVE SIGN REGULATIONS.

13-14.1 Submission of Regulations.

A shopping center, office park, or institutional campus, such as universities or medical centers, having multiple tenants, entrances, or buildings, may establish localized alternative sign regulations pertaining only to a particular center, district or campus, as an alternative to the sign regulations that would otherwise be required under this Chapter 13, if approved as a PUD-1 pursuant to the provisions of Chapter 18. If, and to the extent that localized alternative sign regulations are approved as a PUD-1, such local sign regulations shall govern.

13-14.2 Conditions for Approval.

No localized alternative sign regulations shall be approved as a PUD-1 unless the regulations are binding upon all real property and premises in the area (e.g., shopping center, medical center, university campus) to which the regulations are intended to apply.

13-14.3 Application Procedures.

Persons desiring to obtain approval of localized alternative sign regulations pursuant to this Section shall submit proposed regulations to the Administrative Official, together with any additional material requested by the Administrative Official. The Administrative Official shall review the regulations and pursuant to the provisions of Chapter 18, shall recommend to the Township Zoning Commission approval, approval with modifications, or disapproval of such regulations.

13-14.4 Private Signage Agreements.

Nothing in this Chapter 13 shall prevent any persons from establishing, by deed restrictions or private agreement, sign regulations which are more stringent than those set forth in this Chapter, said agreements shall not be enforced by the Zoning Administrator without the adoption of a Localized Alternative Sign Plan.

13-14.5 Changes to Approved Localized Alternative Sign Regulations.

Alternative localized sign regulations which have been approved as a PUD-1 pursuant to Chapter 18 may be amended or varied only pursuant to the procedures and standards in Chapter 18 for the original approval.

13-15 ENFORCEMENT.

13-15.1 Violations.

- a. Failure to Obtain Required Zoning Certificate or Permits. Any person who erects, alters or moves any sign for which a Zoning Certificate or permit is required after the effective date of this Chapter shall be deemed a violation of this Zoning Resolution subject to the procedures and penalties described in Chapter 24 of this Resolution.
- b. Continuing Violations. Each day that a violation continues following the issuance of a citation shall be deemed a separate offense.

13-15.2 Penalties for Violations.

Penalties shall be imposed pursuant to Chapter 24 of this Zoning Resolution.

13-15.3 Revocation of Zoning Certificate/Sign.

All rights and privileges acquired under the provisions of this Chapter 13 are mere licenses, revocable by the Board of Zoning Appeals in accordance with the following procedure:

- a. Time Limit and Options. A person or entity assessed of a penalty pursuant to Chapter 24 must select one of the following options after receipt of the written notice of violation:
 1. Abatement of the violation within thirty (30) days; or
 2. Within twenty (20) days of receipt of the written notice, submit in writing to the Administrative Official a request for an appeal to be heard before the Board of Zoning Appeals specifying the factual or legal issues to be contested. The procedures for filing an appeal are outlined in Chapter 22. All administrative fees associated with the appeal shall be applicable, however, timely submission of such appeal prior to the issuance of a citation shall abate the imposition of a citation and any additional penalty associated therewith.
- b. Effect of Board of Zoning Appeals Hearing. A final decision is made by the Board of Zoning Appeals which may reverse the order of the Zoning Administrator or uphold such order resulting in the assessment of a penalty pursuant to 13-15.3E. An appeal before the Board of Zoning Appeals shall be conducted pursuant to the Rules of Procedure for the Board.
- c. Citation. Following the expiration of the written notice of violation, if the violation has not been abated or an appeal filed through the aforementioned procedure, a citation will be issued. Once such citation has been issued the collection or appeal of such assessment shall be through the Municipal Court of Hamilton County.
- d. Appeal. Any person or entity who is aggrieved by a final decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County.
- e. Fee. A fee equal to double that required by Section 20-1.3 shall be charged for Zoning Certificates issued pursuant to Section 13-4 following the location, construction, re-construction, enlargement, structural alteration or changing the sign without obtaining a zoning certificate.

13-16 VARIANCES.

13-16.1 Variances.

Any party refused a zoning certificate for a sign application due to size, height or setback regulations, may appeal the decision of the Administrative Officer to the Board of Zoning Appeals.

13-16.2 Procedures.

Appeals and variances to the Board of Zoning Appeals shall follow the procedures in Chapters 21; Variances, and Chapter 22; Appeals to the Board of Zoning Appeals.

13-17 SIGN ADVISORY COUNCIL.

The Rural Zoning Commission and the Hamilton County Board of Commissioners has establish a Sign Advisory Council for the purpose of periodically reviewing implementation of the provisions of the County Zoning Resolution relating to all signage and code enforcement, new sign technology, or other issues which may relate to signage.

When applicable the Green Township Board of Trustees may consider the recommendations of the Sign Advisory Council and propose appropriate changes to the Zoning Code in conformance with Chapter 16 section 16.3.

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CHAPTER
14

BUFFER YARDS AND RESOURCE PROTECTION

14-1 PURPOSE.

The purpose of this Chapter is to require buffering between non-compatible land uses, provide coordinated streetscapes, protect sight triangles, and to protect, preserve and promote the character and value of surrounding neighborhoods as well as, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas and landscaping in accordance with the standards and requirements set forth below.

14-2 APPLICABILITY.

No structure on land which abuts a right-of-way or boundary between two Land Use Classes as defined in Table 14A shall be developed, or redeveloped, unless a buffer yard, if required as indicated in Table 14B, is established in accordance with the requirements of this Chapter.

- a. Redevelopment Exception. Redevelopment that is approved in accordance with the provisions of Section 1-7 shall be exempt from the requirements of this Chapter.

14-3 TYPES OF BUFFER YARDS.

The following types of buffer yards shall be required, as applicable, in accordance with the provisions of this Chapter or other related chapter.

14-3.1 Boundary Buffer.

The purpose of the boundary buffer is to separate adjacent non-compatible land uses and screen and soften the detrimental impacts of such non-compatible uses upon one another and upon the surrounding neighborhood. The boundary buffer, which is a linear area adjacent to the side and/or rear property line, may vary in width depending on site conditions and on the level of screening required for line of sight, noise suppression or other nuisance related purpose.

14-3.2 Streetscape Buffer.

A streetscape buffer is located in a linear area adjacent to the front property line extending from side lot-line to side lot-line. The purpose of the streetscape buffer is to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles.

14-4 PLAN REVIEW.

For any buffer required by this Chapter, a plan shall be submitted with the application for Zoning Certificate to the Administrative Official to review for compliance with these regulations and any other applicable regulations. The plan shall show:

- a. the topography of the site;
- b. the location of driveway entrances;
- c. provisions for vehicular and pedestrian circulation;
- d. the location of sidewalks on or adjacent to the property;
- e. the location of utilities, barriers, shelters, and signs;

-
- f. the location of landscaped areas and the types, quantity, sizes and location of vegetation to be planted in the areas of existing vegetation and existing and proposed topography and
 - g. any other relevant information requested by the Administrative Official.

14-5 MODIFICATIONS AND WAIVERS.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer, the Zoning Commission or the Board of Zoning Appeals (per Section 14-5.1) may, upon proper application by the property owner, and upon making findings of fact, modify and/or waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Chapter, Chapter 12, Section 12-6 and other related chapters.

14-5.1 Authority

The authority to approve landscape modifications resides with the Commission or Board that approves each specific type of zoning request.

14-6 GENERAL STANDARDS FOR BUFFER YARDS.

14-6.1 Responsibility for Installation of Buffer.

The boundary buffer area shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "Owner").

14-6.2 Location.

Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. On sloped areas the boundary buffer should be located to maximize its screening effectiveness. Streetscape buffers shall be located along the public right-of-way and may be required along private street easements.

14-6.3 Structures within Required Buffer.

No structure 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 the street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the boundary buffer area.

14-6.4 Adjacent Parcels Owned by Same Owner.

When both parcels are owned and being developed by the same owner, the buffer may be placed on either adjoining parcel or astride the boundary.

14-6.5 Adjacent Parcels Owned by Different Owners.

When adjoining parcels have different owners the buffer shall be placed on the parcel being developed. However, a buffer that meets the requirement of both parcels may be placed astride the boundary if a written agreement, signed by both owners, is filed with the Administrative Official, is recorded in the real property records of the County and runs with the property.

14-6.6 Existing Fence, Wall, Berm or Landscaping on Adjacent Parcel.

When the adjoining parcel has an existing fence, wall, berm, or landscaping within ten feet (10') of a developing parcel boundary that fulfills the buffer requirements of the developing parcel, the existing landscape material on the adjacent lot may be used towards the requirement for the boundary buffer required for that boundary edge only. All credits for existing landscape material must be in accordance

with Section 15-6, and other related chapters. Any additional landscape material necessary to meet the boundary buffer requirements shall be added.

14-6.7 Existing Development on Both Sides.

Where development already exists on both sides of a property line, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this Chapter given the location of existing buildings and driveways. If the width available for the buffer is less than fifty percent (50%) of the minimum required buffer width, then a solid fence or wall meeting the standards of Chapter 15, Section 15-2, shall be located at the side of the buffer facing the proposed development.

14-7 BOUNDARY BUFFER.

To determine the type of boundary buffer required between two adjacent parcels, the following procedure and standards shall be utilized:

14-7.1 Procedure.

- a. Identify the Land Use Class of the Developing Parcel. Refer to Table 14A to determine the Land Use Class of the proposed use and intensity.
- b. Identify the Land Use Class of each Adjoining Parcel. Refer to Table 14A to determine the Land Use Class of the adjoining use and intensity.
- c. Determine the Boundary Buffer Requirement for each Edge of the Developing Parcel. Refer to Table 14B and determine if the Boundary Buffer Requirement will be Buffer A, Buffer B or none. Figures 14A and 14B indicate Landscape Material Requirements for Boundary Buffers A and B, respectively.
- d. Determine Width of Buffer. For each Boundary Buffer (A or B), alternative widths may be utilized. The width of each buffer defines the Landscape Material Requirements. For each width range, options for Landscape Material Requirements are given as minimum number of plants required per one hundred (100) linear feet.
- e. Determine Length of Buffer. Measure the length of the property boundary requiring the buffer and subtract any length covered completely by a clear sight triangle under Section 14 -9.
- f. Determine Landscape Material Requirements. Divide the length of the Required Boundary Buffer (the result of 14-7.1(e) above) by one hundred (100). Multiply the result by the number of plants for the required boundary buffer shown in Figures 14A or 14B for the selected width. Any fractional number of plants (shrubs and trees) should be calculated to the next highest whole number.
- g. Location and Placement of Landscape Material Requirements. All landscape material requirements shall remain within the designated area and shall otherwise meet the standards of the Boundary Buffer. Although landscape material requirements typically are located within each 100 foot increment, their placement may vary in order to screen objectionable views.
- h. Change of use or Expansion. Any change of use for a commercial property involving the expansion of the building, change in parking requirements, or change in intensity of use shall require the installation of a streetscape buffer and residential landscape buffer.

FIGURE 14A: ALTERNATIVES FOR BOUNDARY BUFFER A

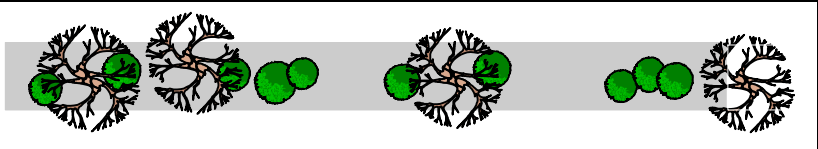
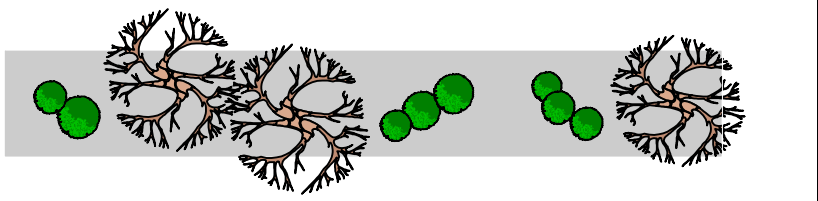

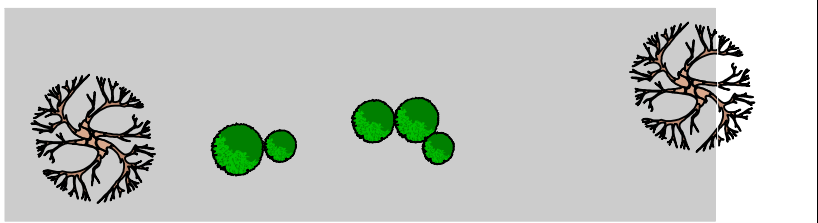
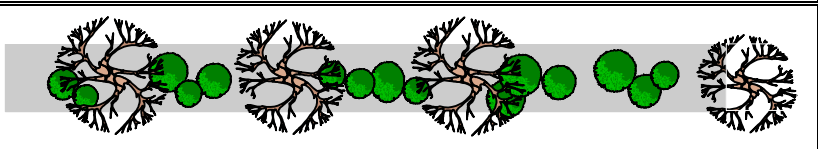
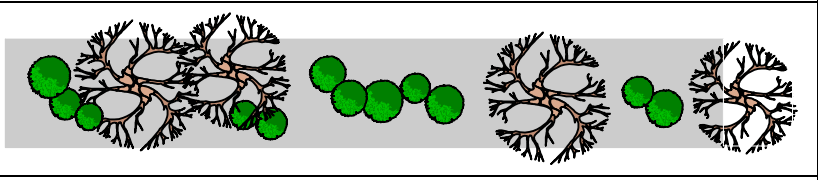
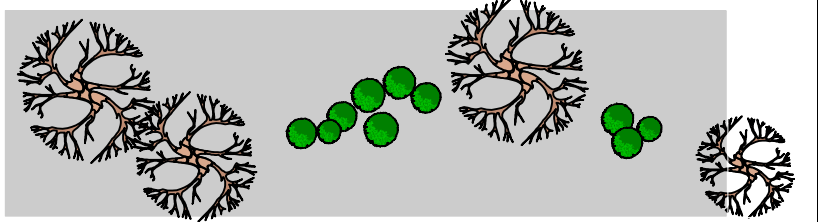
Minimum Width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	10
15 ft.		2.8	8
20 ft.		2.3	6.5
25 ft.		1.9	5

FIGURE 14B: ALTERNATIVES FOR BOUNDARY BUFFER B

Minimum Width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	15
15 ft.		3.3	12.5
25 ft.		3.3	10

Notes:

1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A fence, wall, or berm 6 ft. to 8 ft. in height may be used and can substitute for shrub requirements

**TABLE 14A
CLASSIFICATION OF LAND USES**

LAND USE	LAND USE INTENSITY ¹ (See note below if intensity of adjoining parcel is unknown)		LAND USE
RESIDENTIAL			
Single/Two Family Detached and Detached in PUD's	Maximum 5.8 DU/A	LOW	I
Multi-Family	Maximum 9.7 DU/A	MOD	II
	GREATER THAN 9.7 DU/A	HIGH	II
COMMERCIAL			
Office	Maximum .60 ISR	LOW	II
	Maximum .75 ISR	MOD	III
	GREATER THAN .75 ISR	HIGH	IV
Retail Business (Sales and Service)	Maximum .60 ISR	LOW	II
	Maximum .75 ISR	MOD	III
Retail Bar, Restaurant Dance/Concert Club	GREATER THAN .75 ISR	HIGH	IV
	Maximum .60 ISR	LOW	III
	Maximum .75 ISR	MOD	III
	GREATER THAN .75 ISR	HIGH	IV
INSTITUTIONAL; PUBLIC SERVICE; AND RECREATION, CULTURE & ENTERTAINMENT			
	Maximum .60 ISR	LOW	II
	Maximum .75 ISR	MOD	III
	GREATER THAN .75 ISR	HIGH	IV
AGRICULTURAL			
Rural		LOW	I
Suburban		LOW	I

NOTES:

ISR = IMPERVIOUS SURFACE RATIO

DU/A = DWELLING UNITS PER ACRE

¹The land use class of a developed adjoining parcel shall be classified as low intensity if the impervious surface (ISR) is not known.

The land use class of a vacant adjoining parcel shall be classified as low intensity for the use typically permitted in the existing zone district.

**TABLE 14B
MINIMUM BUFFER YARDS FOR ADJOINING LAND USE***

LAND USE CLASS OF DEVELOPMENT PARCEL	I	II	III	IV	Adjoining R.O.W.
I	---	---	---	---	C**
II	A	---	---	---	C
III	B + 10 ft.	B	---	---	C
IV	B + 20 ft.	B + 15 ft.	B + 10 ft.	---	C

NOTES:

Each 20 foot increment required in Land Use Class IV can be substituted by an additional contiguous "B" Buffer strip.

Each 10 feet increment required in Land Use Class IV and Land Use Class V can be substituted by an additional contiguous "A" Buffer strip.

When the land use of an adjoining parcel is a nonconforming use, the boundary buffer width should be based on the land use intensity of the existing use or the underlying zoning, whichever is more restrictive.

* Greater boundary buffers may be required in approvals of Conditional Uses and PUD's when necessary to protect adjacent land uses.

** Only required in Land Use Class I if parking area for 5 or more vehicles is within 50 feet of the R.O.W.

Buffer Yards:

- A = Boundary buffer requirements in Figure 14A
B = Boundary buffer requirements in Figure 14B
C = Streetscape buffer requirements in Figure 14C

14-7.2 Overlap.

When any portion of the parcel is subject to more than one set of landscape requirements as set forth in this Chapter, Chapter 12, and other related chapters, the most stringent requirement will control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

14-7.3 Credit.

Existing vegetation, fences, walls or berms on a parcel may be counted toward the requirements for any class of buffer provided that it meets the standards established in Chapter 15, Section 15-6, and Credit for Existing Landscape Materials.

14-8 STREETScape BUFFER.

All parcels with Land Use Classes II through IV, as defined in Table 14A, with frontage on a public road and all parking areas in Class I for five (5) or more vehicles (in all Land Use Classes) within 50 feet of the right-of-way shall provide a streetscape buffer along the property line abutting the right-of-way of the public road when developed or redeveloped.

14-8.1 General Standards.

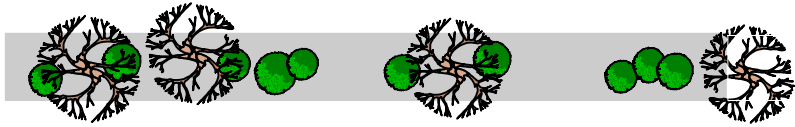
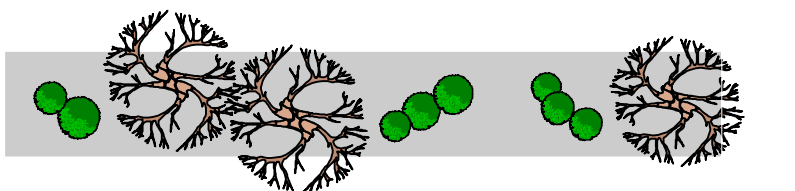
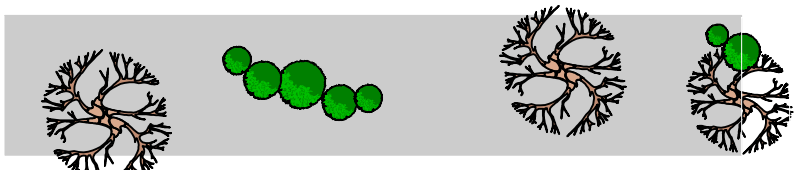
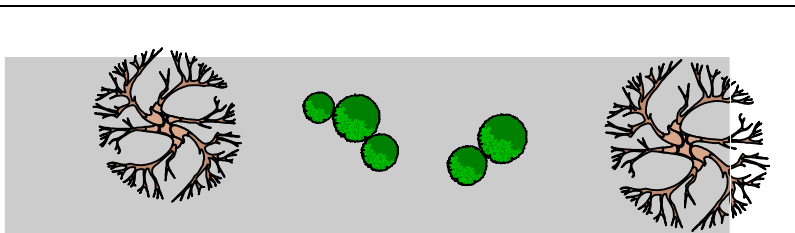
- a. Location and Depth. The streetscape buffer shall have a depth of ten feet (10') or greater, shall be located adjacent to the right-of-way and shall extend along the entire road frontage.
- b. Parking Prohibited. No parking or pavement shall be allowed in the streetscape buffer except for intersecting drives or required walkways.
- c. Specifications. Landscape Material shall be required in accordance with Figure 14C and Chapter 15, General Landscape Material Standards.
- d. Sight Triangle. When in a sight triangle, all Landscape Material shall meet the standards set forth in Section 14-9.

14-8.2 Determination of Streetscape Buffer Requirements.

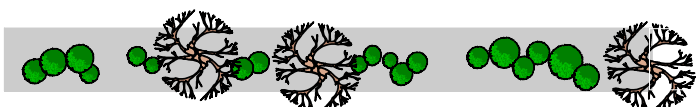
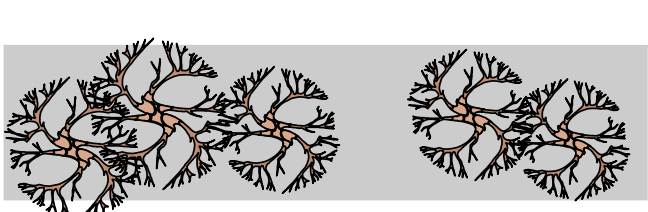
To determine the required landscape materials the following procedure shall be followed:

- a. Determine Width of Buffer. Although the width of the buffer is typically measured parallel to the property line, design variations are allowed. The width of each streetscape buffer defines the landscape material requirements and, for each width range, options for landscape material requirements are given as minimum number of plants required per one hundred (100) linear feet.
- b. Determine Length of Buffer. Measure the length along the street right-of-way which requires the buffer and subtract any length covered by a clear sight triangle under Section 14-9.
- c. Determine Landscape Material Requirements. Divide the length of the required boundary buffer (the result of 14-8.2 (b) above) by one hundred (100). Multiply the result by the number of plants for the required boundary buffer shown in Figure 14C for the selected width and type of use. Any fractional number of plants (shrubs and trees) should be calculated to the next highest whole number.
- d. Location and Placement of Landscape Material Requirements. All landscape material requirements shall remain within the streetscape buffer area or in the vehicular use area where such area abuts the streetscape strip and shall otherwise meet the standards of the streetscape buffer. Although landscape material requirements typically are located within each 100 foot increment, their placement may vary in order to screen objectionable views.

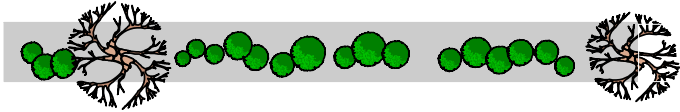
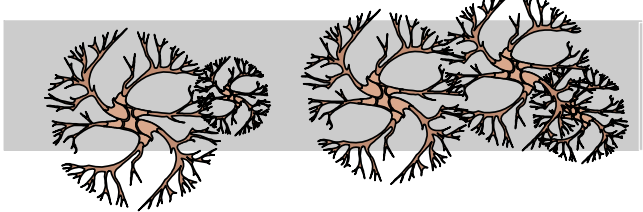
**FIGURE 14C: STREETScape BUFFERS
ALTERNATIVES FOR COMMERCIAL STREETScape BUFFERS**

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	10
15 ft.		2.8	8
20 ft.		2.3	6.5
25 ft.		1.9	5

ALTERNATIVES FOR OFFICE STREETScape BUFFERS

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1 10 ft.		2.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		5 (or existing woodland area)	

ALTERNATIVES FOR RESIDENTIAL STREETSCAPE BUFFERS

Maximum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1 10 ft.		1.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		2.5 (or existing woodland area)	

Notes:

1. Berms shall be a minimum 3 ft. height.
2. A fence or wall, in compliance with Section 10-7.1, may be used and substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.
4. One canopy tree may substitute for 3 shrubs up to 50% of the shrub requirements.

14-9 CLEAR SIGHT DISTANCE AT STREET AND ACCESS DRIVE INTERSECTIONS

14-9.1 Purpose.

To insure that landscape materials do not constitute a driving hazard, a "clear sight triangle" will be observed at all street and access drive intersections.

14-9.2 Definition.

A clear sight triangle is the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See Figure 14D.

14-9.3 Design.

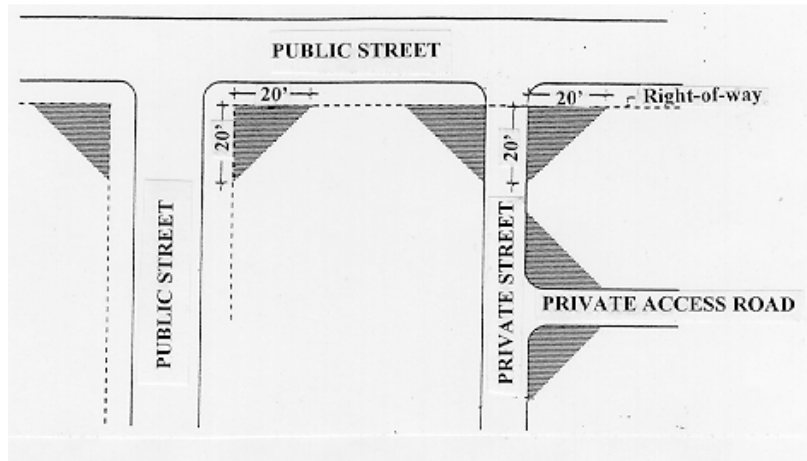
The entire area of the clear sight triangle should be designed as illustrated in Figure 14D to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine (9) feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.

14-9.4 Restrictions within Clear Sight Triangles.

- a. Within the sight triangle no landscape material with a mature height greater than twelve inches (12") 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 (9) feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to the following:
 1. Existing natural grades which, by reason of natural topography, rise twelve (12) or more inches above the level of the center of the adjacent intersection;

2. Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.
- b. The restrictions contained in this Section 14-9.4 shall also apply to any areas outside the clear sight distance triangle that fall within the sight distance requirements of the County Engineer.

**FIGURE 14D
CLEAR SIGHT TRIANGLE**



14-10 WOODLAND PRESERVATION.

To be eligible for landscape requirement credits the following criteria must be met:

14-10.1 Quantity of Woodland.

The minimum amount of woodland preserved shall be one-eighth of an acre (5,445 sq.ft.). The woodland canopy shall be contiguous and fifty percent (50%) of the canopy shall be from trees that have a 10" DBH or greater.

14-10.2 Location.

Any woodland area eligible for credit must be located within one hundred feet (100') of the principal building or an impervious surface that directly serves the principal use on the site and physically located within a required buffer area.

14-10.3 Credit.

If the above conditions are met, credit may be granted as follows:

- a. Landscape Reduction Bonus. The landscape requirements, specified in this and other related chapters, that are applicable to the site may be reduced or eliminated upon the determination by the Administrative Official that the Woodland Preservation area amenities fully compensate for the reduced or eliminated landscape requirements. The existing landscape materials shall be verified as Woodland Preservation Credit through the submission of a landscape plan including a Landscape Architect seal or an affidavit signed by the owner, applicant, architect, engineer or surveyor.
- b. Parking Reduction Bonus. The Zoning Commission may approve a reduction of up to ten percent (10%) of the required number of parking spaces if adequate parking will remain on the subject site and if land area for required number of spaces remains available for future development on the subject site.
- c. Intensity Reduction Bonus. The Zoning Commission may approve an increase in the intensity (maximum ISR) up to ten percent (10%) of the district limits for any use permissible as a PUD.

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CHAPTER
15

GENERAL LANDSCAPE MATERIAL STANDARDS

15-1 PURPOSE.

The purpose of this Chapter is to assure that, in conjunction with the purposes of Chapters 12, 14, and other related chapters all landscape requirements of this Resolution are effectively achieved with high quality landscape elements and to provide flexibility and incentives to retain existing landscape material elements where appropriate. Redevelopment that is approved in accordance with the provisions of Section 1-7 shall be exempt from the requirements of this Chapter.

15-2 STANDARDS FOR USE OF WALLS, FENCES OR BERMS.

Whenever a landscape material requirement in Chapters 12, 14, and other related chapters includes a wall, fence or berm, such wall, fence or berm shall meet the following requirements:

15-2.1 Walls.

Any wall shall be constructed to be durable, in brick, stone or other masonry materials, with fifty percent (50%) or less of the wall surface left open.

15-2.2 Fences.

Any fence shall be constructed to be durable, of wood, metal, PVC or wrought iron. Fence posts shall be structurally stable. The finished side of the fence shall face out from the developing property and shall face the adjacent property or street. Chain link fencing may not be used to meet the requirements of Chapters 12, 14, and other related chapters.

15-2.3 Berms.

Berms shall be physical barriers made of earth, which block or screen the view similar to a hedge, fence, or wall. In no event shall a berm have a slope of greater than 3:1 (three feet of horizontal distance for each one-foot rise in elevation). Any berm shall be stabilized to prevent erosion immediately after its construction and shall be landscaped within the next planting season in accordance with the landscaping requirements in Chapters 12, 14, and other related chapters.

15-2.4 Relationship of Plant Material with Wall or Fence.

- a. Where a wall or fence which is 50% or less open is used as part of a landscaping requirement, all of the required plantings accompanying the wall or fence shall be located between the wall or fence and the adjacent property of the lowest intensity use.
- b. Where a fence is 50% or more open, as in a wrought iron type fence, the shrub requirement shall be increased by 25% (multiply the required quantity by 1.25). When a fence is 50% or more open, the required plantings accompanying the fence may be located on either side of the fence provided that at least 50% (by quantity) of the shrub requirement is on the street side or the side of the adjacent property of less intensity. Trees may be placed on either side of the fence.

15-3 PLANT INSTALLATION STANDARDS.

The following standards shall apply to all new plant material installed as part of a buffer required under the provisions of Chapters 12, 14, and other related chapters.

15-3.1 Species of Plant Material.

To meet the requirements of Chapters 12, 14, and other related chapters, plants shall be species listed in the Appendix 1 entitled, Recommended Plant Material List or shall be otherwise approved as appropriate for this region by a licensed Landscape Architect or Certified Horticulturist.

15-3.2 Quality and Installation.

- a. All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.
- b. All plant material shall be free from disease and damage.
- c. All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.
- d. All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of "American Standards for Nursery Stock", after all construction activity in the area of the new planting has ceased.

15-3.3 Size.

- a. Canopy Trees shall be deciduous trees with a minimum of twelve feet (12') overall height or a minimum caliper of 2 1/2 inches when installed, and have an expected height of at least 35 feet at maturity.
- b. Evergreen Trees shall be a minimum of five feet (5') in height when installed.
- c. Understory Trees shall be a minimum of five feet (5') in height in clump form or 1-1/2" caliper in single stem form when installed.
- d. Shrubs shall be at least eighteen inches (18") in height or twenty-four inches (24") in spread when installed.

15-4 SCREENS.

The objective of providing a screen is to visually hide whatever is behind the screen. The screen shall be 100% opaque. The following standards for each screening material shall be required:

15-4.1 Plant Material Height Requirements.

When plant material is used as screening it shall meet all height requirements in accordance with Chapters 12 and 14. Height requirements will be considered met when plants are selected whose height at maturity meet the required height as indicated on the list in the Appendix 2 entitled, Recommended Plant Material List or as certified by a licensed Landscape Architect or Certified Horticulturist.

15-4.2 Planting Requirements.

To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as defined in Section 15-4. Recommended spacing to achieve this is as follows:

- a. Spreading evergreen trees should be planted eight feet (8') on center. Narrow evergreen trees should be planted four feet (4') on center. Designation of evergreen trees as spreading or narrow shall be certified by a licensed Landscape Architect or certified Horticulturist.
- b. Evergreen shrubs should be planted at a maximum of 4' on center.

15-4.3 Combination of Materials.

Plant material may be used in conjunction with fences, walls and berms but the overall effect shall be a continuous 100% opaque screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a 100% opaque screen.

15-4.4 Approved Plant List

Plant materials used shall be on the list in Appendix 1 or shall be equivalent to plants on the list as certified by a licensed Landscape Architect or certified Horticulturist.

15-5 MAINTENANCE RESPONSIBILITIES FOR ALL LANDSCAPE MATERIALS.

All landscape material must be properly maintained in order for the buffer or screen to fulfill its purpose. The owner of the property and any tenant on the property where required landscaping is located shall be jointly and severally responsible for the maintenance of all landscape materials. Such maintenance shall include all actions necessary to keep plantings healthy and orderly in appearance and to keep walls, fences and berms in good repair and neat appearance.

Any landscape material which fails to meet the minimum requirements of this Section at the time of installation shall be removed and replaced with acceptable materials. All unhealthy or dead plant material shall be replaced within one year or by the next planting period, whichever comes first. All buffer materials shall be protected from damage by motor vehicles or pedestrians that could reduce the effectiveness of the buffer.

15-6 CREDIT FOR EXISTING LANDSCAPE MATERIALS.

The intent of this Section is to provide for the opportunity to protect and preserve existing woodlands and established plant material.

15-6.1 Trees.

Credit may be given for existing Canopy Trees, Evergreen Trees and Understory Trees as follows:

- a. Existing healthy trees may be preserved and used to fulfill landscape requirements for any required planting provided they are in accordance with the standards set forth in this Chapter and in Chapters 12, 14, and other related chapters.
- b. Trees may be credited only one time towards any one buffer, screen or other landscape requirements set forth in this Chapter and in Chapters 12, 14, and other related chapters. Trees must be located within the required landscape area to which it will be credited.
- c. Trees which conform to these standards and are proposed to be used for credit shall generally have location, species, and caliper or height indicated on the required landscape plan.
- d. Trees shall be credited according to the following criteria in the quantities shown:

Minimum Caliper	Minimum Surrounding Landscape Area	Minimum width of Landscape area	Number of Trees Credited
36" or greater	350 sf	15 ft.	7
26 - 36"	300 sf	15 ft	5
13 - 25"	250 sf	10 ft	3
4 - 12"	150 sf	5 ft	2
2 1/2"	100 sf	5 ft	1

- e. To be credited, a tree must have the minimum landscape area surrounding the tree according to Section 15-6.1(d) above or the area of the dripline of the tree, whichever is greater. The surrounding landscape area required for each credited tree may overlap the surrounding landscape area required by other existing trees to be credited by 50% of the required area. The surrounding landscape area shall be undisturbed land.
- f. If any preserved tree dies, one tree shall be replaced for each tree credited against such a preserved tree. The required landscape plan shall indicate the quantities of trees credited and the location of the surrounding landscape area for each tree credited.

15-6.2 Shrubs.

Shrubs may be credited on a one to one basis toward landscape material requirements if the following criteria are met:

- a. Existing healthy shrubs may be used to fulfill landscape requirements for any required planting provided they conform to the standards set forth in this Chapter and in Chapters 12, 14, and other related chapters.
- b. Shrubs may be credited only one time towards any one buffer, screen or other landscape requirement. Shrubs must be located within the required area for the buffer or screen to which it will be credited.
- c. Shrubs which conform to these standards and are proposed to be used for credit shall have location, species, and height indicated on the required landscape plan.
- d. If any shrub used for credit dies, one shrub shall be replaced for each shrub credited to that shrub.

15-6.3 Protection During Construction.

If trees or shrubs are to be credited towards landscaping requirements they shall be protected during all phases of construction as follows:

- a. Prior to any site demolition or grading, barriers shall be constructed around existing trees and shrubs to be preserved.
 1. Barriers around trees to be preserved shall include the minimum of surrounding landscape area as required by Section 15-6.1(d) or the area under the drip line of the tree whichever is greater.
 2. Barriers around shrubs to be preserved shall include the area within three feet of the shrub mass.
 3. When large machinery is to be used on the site, these barriers shall be sturdy fences or a similar barrier and shall be made more visible by high visibility orange paint or construction flagging. When large machinery is not to be on site, high visibility construction flagging or similar device shall clearly delineate the protected area.
- b. The following activities are prohibited during demolition and construction under tree canopies and within any areas enclosed by protective fencing as required by this section:
 1. Placing backfill or storing material;
 2. Moving or storage of construction equipment;
 3. Changing site grades within the dripline of trees or within three feet (3') of shrubs or changing site grades so that drainage flows into or collects near protected trees or shrubs;
 4. All other construction activity not previously mentioned.

15-6.4 Credit for Fences, Walls, and Berms.

- a. Fences, walls, and berms may be credited towards fulfilling any landscape material requirements provided they conform to the standards set forth in this Chapter and Chapters 12, 14, and other related chapters.
- b. All fences, walls and berms may be credited only one time towards any one buffer or screen requirement. All such fences, walls and berms must be located within the required area for the buffer or screen to which it will be credited.

16-1 PURPOSE.

The purpose of this Chapter is to provide standards and procedures for making amendments to the text of this Zoning Resolution and the Zoning Map. The amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments of general significance or application that are necessary in light of changed conditions or changes in public policy.

16-2 AUTHORITY.

The text of this Zoning Resolution and the Zoning Map may be amended from time to time by the passage of a resolution duly adopted by the Board of Township Trustees in accordance with the procedures set forth in this Chapter.

16-3 PARTIES ENTITLED TO INITIATE AMENDMENTS.

An amendment to the text of the Zoning Resolution or to the Zoning Map may be initiated by motion of the Zoning Commission, by passage of a resolution by the Board of Trustees, or by the filing of an application with the Northeast Green Township Zoning Commission by one or more of the owners or lessees of property located within the area proposed to be changed or affected by the proposed amendment. Specific Plan Districts may be initiated only by the filing of an application with the Northeast Green Township Zoning Commission by the owner of the property proposed to be changed by the proposed amendment.

16-4 STANDARDS FOR AMENDMENTS.

The decision of the Board of Trustees to amend the text of the Zoning Resolution or to amend the Zoning Map is within the sound legislative discretion of the Board. As a part of the review by the Board, for any amendment to the text of the Zoning Resolution or to the Zoning Map, the following factors, where applicable, should be considered:

- a. The recommendations of the professional planning and zoning staff of Northeast Green Township, the Regional Planning Commission, and the Northeast Green Township Zoning Commission.
- b. The reports submitted by reviewing governmental agencies.
- c. The comments received at the public hearing concerning the proposed amendment.
- d. The relationship to the public health, safety, morals and general welfare.
- e. Compatibility with the goals and objectives, if any, of adopted plans for land use, transportation, utilities, community facilities and other plan elements and with adopted objectives and policies related to land use.
- f. The economic viability of the proposed district.
- g. The location of the subject property and the compatibility of the proposed use with the character of the area.
- h. The existing and proposed site features of the subject property.

16-5 REVIEW PROCEDURE FOR AMENDMENTS – PUBLIC MEETINGS AND HEARINGS REQUIRED.

16-5.1 Application.

An applicant for a zone amendment shall file an application on a form or forms provided by the Administrative Official.

16-5.2 Schedule of RPC Meeting

Within seven (7) days of submission of an application determined to be complete pursuant to Chapter 20, and the payment of the applicable fees, the applicant shall submit the requisite number of copies of the same material to the Hamilton County Regional Planning Commission. The Regional Planning Commission shall schedule a staff review, between the Regional Planning Staff, Applicant and the Township Administrative Official. Upon satisfactory review by the RPC staff and in conformance with the rules and schedules established by the RPC, the Regional Planning Commission shall schedule a public review hearing.

16-5.3 Regional Planning Commission Recommendation.

Upon receipt of the motion, certification of resolution, or the application, along with the copy of the proposed text and map changes, the Regional Planning Commission shall at its regular meeting recommend the approval or denial of the proposed amendment or the approval of some modification of the amendment pursuant to the standards in Section 16-4. This recommendation shall be submitted to the Zoning Commission.

16-5.4 Northeast Green Township Zoning Commission Recommendation.

Upon receipt of the recommendation of the Regional Planning Commission the Zoning Commission shall set a date for a public hearing not less than twenty (20) nor more than forty (40) days from the date of initial receipt of the RPC Resolution.

The public hearing will be scheduled to recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment pursuant to the standards in Section 16-4. The Northeast Green Township Zoning Commission shall then submit its recommendation together with the proposed text and map changes and the recommendation of the Regional Planning Commission to the Board of Trustees.

16-5.5 Staff Recommendation.

Within thirty (30) days of the submittal of any application for development approval determined to be complete pursuant to Chapter 20, the Administrative Official shall forward a written advisory staff report to the Regional Planning Commission recommending approval, approval with conditions, or disapproval. The advisory staff report shall include:

- a. A summary of comments and concerns of applicable departments, agencies and officials;
- b. The standards and criteria used in evaluating the application pursuant to Section 16-4;
- c. The reasons for the recommendation;
- d. The actions or modifications, if any, that may be necessary to obtain approval in accordance with regulations and adopted community plans.

16-5.6 Green Township Board Trustees Action.

- a. Schedule of Hearing. Upon receipt of the recommendation from the Northeast Green Township Zoning Commission, the Board of Trustees shall hold a public hearing within forty-five (45) days in accordance with the procedures outlined in Section 16-7.
- b. Decision. Within twenty (20) days after the public hearing, the Board shall either adopt or deny the recommendation of the Northeast Green Township Zoning Commission or adopt some modification of the recommendation by the Northeast Green Township Zoning Commission. In making its decision, the Board shall consider the factors contained in Section 16-4. In the event the Board denies or modifies the recommendation of the Northeast Green Township Zoning Commission, the unanimous vote of the Board shall be required.
- c. Effective Date. An amendment adopted by the Board of Trustees shall become effective in thirty (30) days after the date of adoption unless within that time period a petition for zoning referendum is presented in accordance with the requirements of the Ohio Revised Code. (see Appendix 4)

16-6 REFERENDUM.

16-6.1 Petition Time Limit.

Within thirty (30) days after the date of adoption of an amendment by the Board, a petition may be presented to the Board of Trustees requesting that the Board submit the amendment to the electors of that area, for approval or rejection, at a special election to be held on the day of the next primary or general election.

16-6.2 Petition Signatures.

The petition must be signed by the number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which the governor was elected.

16-6.3 Petition Content.

Each part of the petition for zoning referendum shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion or application, as the case may be, furnishing the name by which the amendment proposal is known and a brief summary of its contents. Each petition and Statement of the Circulator shall, in addition, conform to the rules specified in Section 3501.38 of the Ohio Revised Code as shown in Appendix 4.

16-6-4 Effect of Referendum.

No amendment for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take effect immediately.

16-7 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

An amendment to the text of the Zoning Resolution or to the Zoning Map, initiated by any one of the three methods described in Section 16-3, shall require notification of required public hearings in accordance with the following procedures.

16-7.1 Published Notice.

Notice of the public hearing shall be given by the Northeast Green Township Zoning Commission or Board of Trustees, as the case may be, by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

16-7.2 Mailed Notice.

The Zoning Commission or the Board of Trustees, as the case may be, shall provide notice for map and text amendments according to the following situations. When the proposed zone map amendment involves the rezoning or redistricting of ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed at least ten (10) days before the date of the public hearing. That notice shall be mailed to all owners of property within, contiguous to, directly across from, and within two hundred (200) feet of the area proposed to be rezoned or redistricted. When the proposed zone map amendment involves the rezoning or redistricting of more than 10 parcels of land as listed on the county auditor's current tax list, or when a text amendment is proposed, the Zoning Commission shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice as required in Section 16-7.1.

16-7.3 Content of Published and Mailed Notices.

Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:

- a. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
- b. The name of the zoning commission that will be conducting the hearing;
- c. The nature of the proposed amendment;
- d. The current and proposed zoning classification of the property named in the proposed amendment;
- e. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- g. A statement that after the conclusion of the hearing the matter will be submitted to the Board of Trustees for its action.

16-8 APPEAL OF DECISION.

Any party adversely affected by the decision of the Board of Trustees or by the Effect of Referendum may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

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17-1 PURPOSE.

Conditional uses are those uses having some special impact or uniqueness which require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public benefit against the local impact, the amelioration of any adverse impacts through special site planning, and development techniques and contributions to the provision of public improvements and rights-of-way.

17-2 AUTHORITY.

The Board of Zoning Appeals may, in accordance with the procedures and standards set out in this Chapter, and other regulations applicable to the district in which the subject property is located, approve by resolution those uses listed as conditional uses in the Table in Section 17-12, in the Table of Permissible Uses in Chapter 3, or in any other part of this Resolution.

17-3 EFFECT OF CONDITIONAL USE LISTING.

17-3.1 Compliance with Zoning Requirements.

The listing of a conditional use in the Table in Section 17-15, in a Table of Permissible Uses in Chapter 3, or in any other part of this Resolution does not constitute an assurance or presumption that such conditional use will be approved except as provided in Section 17-3.2. Rather, **each proposed conditional use shall be evaluated by the Board of Zoning Appeals on an individual basis.** This shall be done in relation to its compliance with the standards and conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

17-3.2 Compliance with Other Requirements.

Nothing in this Chapter shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law. However, reasonable conditions may be required by the BZA in order to satisfy the purposes as outlined in section 17-1.

17-4 REVIEW PROCEDURE FOR CONDITIONAL USE APPLICATIONS.

17-4.1 Applicant.

An application for a Conditional Use Zoning Certificate may be filed with the Board of Zoning Appeals by the owner, lessee, or other person having a legal or equitable interest in the subject property.

17-4.2 Application.

An applicant for a conditional use shall file a plan and an application on forms provided by the Administrator of the Board of Zoning Appeals. The plan for the use and development of the tract shall demonstrate that the general and specific criteria have been met.

17-4.3 Scheduling of Hearing and Transmittal of Application.

Within five (5) days after filing of an application determined to be complete pursuant to Chapter 20, the Administrative Official shall:

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- a. set a date for a public hearing not less than thirty (30) nor more than sixty-two (62) days after filing of a complete application.
 - b. transmit a copy of the application and plan, together with the date of the scheduled hearing, to the Regional Planning Commission for staff review and recommendation.

17-4.4 Staff Report.

Within twenty (20) days after the filing of a complete application, the Administrative Official shall prepare and transmit to the Board of Zoning Appeals a written report incorporating or summarizing comments of other departments, agencies, and officials. A recommendation shall be included, setting forth whether the application for a conditional use should be approved, approved with modifications, or denied and reasons for such recommendation.

17-4.5 Notice and Hearing.

The Board of Zoning Appeals (BZA) shall hold a public hearing. Notice of the hearing shall be given at least ten (10) days before the hearing by notice in writing sent by the Administrative Official to the applicant and the owners within two hundred (200) feet in all directions. Notice shall also be published in one or more newspapers of general circulation in the County. Upon the hearing, any party may appear in person or by attorney.

17-4.6 Decision.

Within twenty one (21) days after the close of the public hearing, the BZA shall, (1) approve the conditional use; (2) approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the conditional use.

17-4.7 Notification of Decision.

Following the decision of the Board of Zoning Appeals, the BZA shall return to the applicant one copy of the resolution and submitted plans permanently marked to show either (1) approval of the conditional use; (2) approval of the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapproval of the conditional use.

17-5 COORDINATED REVIEW AND APPROVAL OF APPLICATIONS.

When an application for a Conditional Use Zoning Certificate is filed, applications shall be filed with the Board of Zoning Appeals for all other required approvals, including variances.

17-5.1 Notice of Applications for Additional Approvals.

Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

17-5.2 Procedures and Action by Board of Zoning Appeals.

Whenever an applicant files applications for other approvals pursuant to this Section, the Board of Zoning Appeals shall review and process all such applications at the same public hearing. In reviewing such combined applications the Board of Zoning Appeals shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

The Board of Zoning Appeals shall act on any such combined application within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. The Secretary of the Board of Zoning Appeals shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

17-6 GENERAL CONSIDERATIONS FOR CONDITIONAL USES.

In approving an application for a Conditional Use Zoning Certificate, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth below, as well as the designated specific criteria for specific uses contained in Section 17-7.

- a. Spirit and Intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with district uses. The proposed use and development will be in harmony with the general and specific purposes for which this Resolution was enacted and for which the regulations of the district in question were established and complies with all additional standards imposed on it by the particular provisions of this Resolution authorizing such use.
- b. No Adverse Effect. The proposed use and development shall not have an adverse effect upon adjacent property, or the public health, safety, morals, and general welfare.
- c. Protection of Public Interests. The proposed use and development should respect, to the greatest extent practicable, the natural, scenic, and historic features of significant public interest.
- d. Consistent with Adopted Plans. The proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Hamilton County Regional Planning Commission or Board of Trustees.

17-7 SPECIFIC CRITERIA PERTAINING TO CONDITIONAL USES.

In addition to the general considerations contained in Section 17-6, each conditional use is subject to one or more specific criteria as identified in the Table in Section 17-12. The following list contains all the specific criteria with each preceded by a number for reference in the Table in Section 17-12.

- a. Site shall contain a minimum of 1 acre and all buildings shall not occupy over 20 percent of the total area of the site.
- b. Site shall contain a minimum of 20 acres.
- c. Interment shall not be within 50 feet of any property line, and any mausoleum, crematory, or other structure shall be at least 100 feet from every property line.
- d. Any structure (except fences), parking area, or storage area shall be setback at least 100 feet from every property line.
- e. Setbacks from any adjacent residential property line shall be a minimum of 50 feet for all buildings and 25 feet for all parking areas.
- f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.
- g. Use shall have direct access to a collector or arterial street.
- h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.
- i. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic.
- j. The use shall be located within 300 feet of an arterial highway.
- k. The facility shall be reasonably accessible, either by its location or transportation provided by the applicant, to medical, recreational, and retail services as well as to employment opportunities that may be required by its residents
- l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.
- m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
- n. The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.
- o. Landscaping shall be installed in accordance with one of the following buffers as described in detail in Chapter 14:
 1. Boundary Buffer A (shown in Figure 14 A);
 2. Boundary Buffer B (shown in Figure 14 B);

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3. Streetscape Buffer (shown in Figure 14C);
- p. Signage shall be regulated as follows:
 1. No signs shall be erected for purposes of identification except a permitted street address sign;
 2. One sign permitted at a maximum of 12 square feet and non-internally illuminated;
 3. One building mounted sign permitted at a maximum of 24 square feet;
 4. Subject to sign standards in Chapter 13.
 - q. The conditional use shall be subordinate to the principal permitted use with regard to usage and character.
 - r. Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence.
 - s. All exterior lighting shall be directed away from adjacent residential properties.
 - t. Documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant shall be submitted as part of the application.
 - u. Security measures shall be submitted as part of the application.
 - v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby their grievances may be filed and resolved.
 - w. A refuse collection plan shall be submitted as part of the application.
 - x. Meals shall be served only to guests or residents of the facility and not to the general public.
 - y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of property.
 - z. An emergency response plan shall be submitted detailing safety measures and response procedures.
 - aa. There shall be central management of the use to assure seasonal occupancy only (between April 1 and December 31).
 - bb. Shall not be located within 1,000 feet (measured property line to property line) of residentially used property, retirement home, nursing home, hospital, church property, school property, park and recreation property, day care or nurseries or public libraries.
 - cc. Shall not be located within 500 feet (measured property line to property line) of other such adult entertainment activity of any kind.
 - dd. Other Approvals. Proof shall be provided by the applicant in a form satisfactory to the Board of Zoning Appeals that the proposal has been approved by all agencies and governmental entities with jurisdiction, and conforms to all applicable requirements.

17-8 ACCESSORY USES TO CONDITIONAL USES.

Any use or structure that is accessory to a conditional use shall be processed in the same manner as prescribed in this chapter for conditional uses. If an application for an accessory use is made concurrently with an application for the primary conditional use, they may be considered together as one application. Whether processed in conjunction with a primary conditional use or as a later supplement to an existing primary conditional use, the accessory use shall meet the appropriate specific criteria listed in Section 17-7 as well as the general conditions contained in Section 17-6.

17-9 ADDITIONAL REGULATIONS PERTAINING TO CONDITIONAL USES.

In addition to the general standards contained in Section 17-6, the specific criteria contained in Section 17-7, all conditional uses are subject to the following regulations:

17-9.1 Additional Conditions.

The Board of Zoning Appeals may impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, timing of implementation, and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a conditional use. Such conditions are intended to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services or to assure compliance with general or specific standards. However, such conditions shall not be used as a device to authorize as a

conditional use that which is intended to be temporary in nature. All such conditions, including the designated specific criteria for a particular use, shall be expressly set forth in the resolution granting the Conditional Use Zoning Certificate. Violation of any such condition, limitation, or specific criteria shall be a violation of this Resolution and shall constitute grounds for revocation of the Conditional Use Zoning Certificate.

17-9.2 Effect of Approval of Conditional Use.

The approval of a proposed conditional use by the Board of Zoning Appeals shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the Township, including but not limited to, a Conditional Use Zoning Certificate, a building permit, a certificate of occupancy and subdivision approval and any applicable public agency permits.

17-9.3 Certification of Conditional Use Plan Compliance.

Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to Chapter 20, Section 20-2.2, including any additional conditions required in conjunction with the approval by the Board of Zoning Appeals. Within fourteen (14) days of receipt of the completed application, the Administrative Official shall either (1) certify that the Zoning Compliance Plan complies with the BZA approval; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the BZA approval.

17-9.4 Affidavit of Compliance with Conditions.

Whenever any proposed conditional use authorized pursuant to this Chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Administrative Official so stating. Such affidavit shall be accompanied by a nonrefundable fee as established by the Board of Trustees upon recommendation of the Administrative Official, to recover the Township's actual direct cost of an inspection to verify that such conditions and limitations have been met.

17-9.5 Limitations on Conditional Use Approval.

The approval of a proposed conditional use by the Board of Zoning Appeals shall be deemed to authorize only the particular use for which it was issued, and such authorization shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twenty four (24) consecutive months or more.

Except when otherwise provided in the Resolution for approving a conditional use, a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

17-9.6 Amendments to Conditional Uses.

A Conditional Use Zoning Certificate may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Chapter for its original approval.

17-10 PERIOD OF VALIDITY.

Subject to an extension of time granted by the Board of Zoning Appeals, no Conditional Use Zoning Certificate shall be valid for a period longer than one (1) year unless a building permit is issued.

17-11 APPEAL OF DECISION.

Any party aggrieved by the decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

17-12 LIST OF CONDITIONAL USES. (SEE TABLE 17-15 AT THE END OF THIS CHAPTER)

17-13 ADDITIONAL REGULATIONS PERTAINING TO TELECOMMUNICATION TOWERS IN AREAS ZONED FOR RESIDENTIAL USE

17-13.1 Purpose and Intent

The following regulations are intended to minimize adverse health, safety, public welfare or visual impacts of telecommunications facilities in areas zoned for residential use through buffering, siting, design and construction, and reduction of the need for new towers. It is the further purpose and intent of this Section to provide for authorization of telecommunications facilities in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community. These regulations shall not unreasonably discriminate against providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services. This section is intended to exercise, to the fullest extent permitted by law, the power of the Green Township Board of Trustees to regulate Telecommunication Towers in areas zoned for residential use. This section shall also govern the maintenance and removal of buildings and structures that are used in the provision of telecommunications service.

17-13.2 Authority and Scope

Except in accordance with Ohio Revised Code 519.211 and the provisions of this section of the Northeast Green Township Zoning Resolution, no person shall, in an area zoned for residential use, locate, erect, construct, reconstruct, change, alter, remove or enlarge any telecommunications tower.

Whenever a notice has been received or an objection has been lodged, in the manner prescribed in Ohio Revised Code Section 519.211 regarding a telecommunications tower in an area zoned for residential use, the Board of Zoning Appeals shall, upon application, have the power to issue at its discretion a Conditional Use Zoning Certificate after public hearing, allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such telecommunication facility if it finds that the applicant has satisfied all of the applicable requirements herein.

In the event of any inconsistency between this Section 17.13 and other provisions of the Northeast Green Township Zoning Resolution, the provision of this Section shall prevail.

17-13.3 Exceptions:

- a. A Zoning Certificate shall be granted as-of-right, without the need for public hearing, to permit the construction of a new telecommunications facility in an area zoned for residential use if that new tower or antenna is added to an existing tower (including electrical transmission towers and other utility towers), and if such installation extends less than 25 feet above the original height of the structure on which it is mounted.
- b. Telecommunications towers not located in an area zoned for residential uses are exempt from zoning.
- c. Telecommunications towers located in an area zoned for residential use are exempt from zoning unless within 15 days after the date of mailing of the applicant's notice sent under division (B) (3) of Ohio Revised Code Section 519.211:
 1. A contiguous property owner gives written notice to the Board of Trustees requesting that the tower be subjected to zoning regulations, or
 2. A member of the Board of Zoning Appeals or Board of Trustees, makes an objection to the proposed location of the telecommunication tower.

17-13.4 Definitions.

The following definitions shall apply to this Section:

Co-location. The use of a telecommunications tower by more than one wireless telecommunications provider. Co-location also includes the location of telecommunications towers or antennas with other facilities such as water tanks, electrical transmission towers or other utility facilities.

Telecommunication. The technology that enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems (also referred to as wireless communication).

Telecommunications Tower. Any free-standing structure, or any structure to be attached to a building or other structure, proposed to be owned or principally used by a public utility or other person or entity engaged in the provision of wireless telecommunication services; in an area zoned for residential use; proposed at a height greater than that permitted within the applicable zone, or an attached structure proposed at a height greater than either the height of the building or structure to which it is to be attached or that permitted within the applicable zone; proposed to have attached to it radio frequency transmission or reception equipment. Towers may be constructed as: a "monopole," meaning one cylindrical column in the air; a "lattice tower," meaning three or more vertical legs trussed together; or a "guyed tower," meaning a structure that, because it is less substantial, is secured to the ground by wires, cables or similar material. Such towers may be related to, but are not limited to, radio and television transmission, microwave, commercial mobile, common carrier, cellular telephone, and personal communications services. The tower site may include separate buildings or accessory structures used to house any supporting electronic equipment.

- (B)(1) As used in this division, "telecommunications tower" means any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:
- (a) The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
 - (b) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
 - (c) The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
 - (d)(i) The free-standing 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 free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
 - (ii) 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.
 - (e) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

17-13.5 Application Procedure.

The following procedures shall be in addition to any procedures required by this Chapter 17 pertaining to conditional uses and the Ohio Revised Code pertaining to telecommunications towers.

Pre-application Conference. Any person or company intending to construct or to apply for the placement or operation of a telecommunications tower or antenna within a residential district or an "area zoned for residential use" as defined in Section 17.13-4 shall first schedule a pre-application conference with the Zoning Administrator or designee. The purpose of the pre-application conference is to discuss the needs of the applicant, evaluate the impact of the proposed tower on adjacent property and neighborhoods, discuss possibilities of co-location, identify alternative suitable sites that may minimize the negative impact on residential areas, and clarify application process and requirements.

17-13.6 Documentation.

Any request filed under this Section for review of a proposal to construct a telecommunications tower or antenna shall include the following:

a. Analysis of Co-location Alternatives. Unless co-locating, certification, supported by evidence, must be submitted indicating that co-location of the proposed telecommunications facility with an existing approved tower cannot be accommodated. The applicant's certification shall include a listing of all existing towers, a description of each existing site, and a discussion of the ability or inability to co-located on each existing site according to the following scope of analysis:

- For a tower proposed to exceed a height of 200 feet, analysis must include all towers within a 1 1/2 mile radius,
- For a tower proposed to exceed a height of 100 feet but less than 200 feet, analysis must include all towers within a 1 mile radius,
- For a tower proposed to be built at a height less than 100 feet, analysis must include all towers with a 1/2-mile radius.

1. Reasons for not co-locating on a site would include, but not be limited to, the following:

- No existing telecommunications towers are located within the above radius of the site;
- Existing telecommunications towers are not of sufficient height to meet the applicant's engineering requirements;
- Existing telecommunications towers do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
- Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the telecommunications tower, or the existing or planned equipment of the telecommunications tower would cause interference with the applicant's planned equipment which cannot be reasonably prevented;
- Unwillingness of the owner of the existing telecommunications tower to allow the siting or enter into a co-location proposal; or
- Existing telecommunications towers do not provide an acceptable location for requisite coverage for the applicant's communications network.

b. Analysis of New Tower Site Alternatives. Unless co-locating, certification, supported by evidence, must be submitted indicating that a proposed new site for a telecommunications tower is an essential location. The applicant's certification shall include a listing of potential sites, a description of each potential site (including ground elevations), and a discussion of the ability or inability of the site to host a telecommunications tower according to the following scope of analysis:

- For a tower proposed to exceed a height of 200 feet, analysis must include all towers within a 1 1/2 mile radius,
- For a tower proposed to exceed a height of 100 feet but less than 200 feet, analysis must include all towers within a 1 mile radius,
- For a tower proposed to be built at a height less than 100 feet, analysis must include all towers within a 1/2-mile radius.

Potential sites that should be considered (in order from most preferred to least preferred) include: existing telecommunications towers and utility towers, public land in non-residential district, commercial districts, office districts, and residential districts.

1. Reasons for not locating on a potential site would include, but not be limited to, the following:

- Unwillingness of the site owner to site a telecommunications tower on commercially reasonable terms;
- Topographic limitations of the site;
- Adjacent impediments that would obstruct adequate transmission;
- Physical site constraints that would preclude the construction of a telecommunications tower;
- Technical limitation of the telecommunications system;

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- Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network.
- c. Analysis of Visual Impact. The applicant for a Conditional Use Certificate to construct a telecommunications tower shall submit, subject to a non-site owner's permission to enter upon the land, a pictorial representation, such as a silhouette drawing, photograph, etc., of the proposed telecommunications facility from a point 400 feet from the facility in each of the four compass directions showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.
 - d. Expert Review. Prior to granting a Conditional Use Certificate, the Board of Zoning Appeals may require that the applicant's proposal and analysis be reviewed by an independent qualified consultant(s), at the cost of the applicant. Special review fees, not to exceed \$2,500.00 may be established to cover the costs of staff and/or external expert review of requests filed under this section.
 - e. Agreement to Enable Co-location. In the event of the construction of a new tower by the applicant, the applicant shall agree to the shared use of such facilities, when technically feasible, by other telecommunication companies upon payment of reasonable fees to the owner, or agreement to reciprocal terms for co-location involving other site(s), provided such shared use does not violate any law, rule or regulation. Any new towers shall be designed to accommodate antennas for more than one use. Such agreement shall be incorporated on the conditional use plan.
 - f. Agreement to Accommodate Public Safety Antennas. The applicant shall agree to accommodate the communications antennas of the Township police, fire, ambulance and other government departments at no charge where technically feasible. Such agreement shall be incorporated on the conditional use plan.
 - g. Consistency with Adopted Plans. A justification statement demonstrating that the proposed construction is in agreement with any plans, relating to telecommunications towers, duly adopted by the Green Township Board of Trustees.
 - h. Agreement to Submit an Annual Network Inventory. On or before January 1st of each calendar year each applicant (having conditional use approval of a telecommunications tower or facility) shall provide a listing of the present locations of the applicant's telecommunications towers and/or facilities in Green Township. With each application, the applicant shall provide any changes to the "annual" plan that have occurred since January 1st or verify the continued accuracy of the plan submitted. Such agreement shall be incorporated on the conditional use plan.
 - i. Guarantee of Removal if Abandoned. To ensure the removal of all improvements at any abandoned telecommunications facility in an area zoned for residential use, any applicant filing a request, except for multi-user co-location towers, under this Section shall deposit with the Board of Zoning Appeals and to the benefit of the Board of Trustees a letter of credit, a performance bond, or other security acceptable to the Trustees. Performance Bonds are to be issued by a bonding agency certified and licensed by the State of Ohio. The Administrative Official shall recommend the amount of the bond required covering the costs in association with the removal of the improvements and the restoration of the land to its original condition prior to the construction of the telecommunications tower. Verification of the performance bond, line of credit or other security issued to guarantee the removal and restoration of the land, are to be submitted to the BZA Staff on or before January 1 of each calendar year while the telecommunications tower is in use. Any guarantee submitted shall be irrevocable and shall provide for the Board of Trustees to collect the full amount of the guarantee if the applicant fails to maintain the guarantee. A change in ownership, lessee, or successor by merger requires the issuance of a new guarantee. The new guarantee shall be submitted to the Board of Zoning Appeals Administrator for approval and submission to the Board of Trustees. The owner or lessee shall enter into a written agreement with the property owner to remove all improvements made in association with the construction of the tower and restore the property to its original state when the telecommunications tower is no longer in use and or at the time of the termination of the lease agreement.
 - j. Other Approvals. Proof shall be provided by the applicant in a form satisfactory to the Board of Zoning Appeals that the proposal has been approved by all agencies and governmental entities with jurisdiction, and conforms to all applicable requirements of the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.

17-13.7 Specific Criteria Pertaining To Telecommunications Towers.

At the time of filing of a request under this Section, the applicant shall provide information demonstrating compliance with the requirements listed below.

- a. Design. A new tower built in an area zoned for residential use shall, to the extent economically and technologically feasible, be designed, engineered and constructed as follows: (a) a tower 75 feet tall or less shall be designed, engineered and constructed to support antennas installed by one or more wireless communication service provider; (b) a tower more than 75 feet tall but less than 150 feet tall shall be designed, engineered and constructed to support antenna installed by two or more wireless communication service providers, and (c) a tower 150 feet tall or more shall be designed, engineered and constructed to support antenna installed by three or more wireless communication service providers. Monopole tower installations are required unless it is demonstrated that another type of tower is required for safety purposes or for co-location or multiple use requirements of the Board of Zoning Appeals.
- b. Lot Size. Lot size shall be the minimum for the zoning district in which the telecommunication tower is to be built. Sufficient ground space should be provided to enable multiple equipment structures in accordance with co-location requirements and plans.
- c. Setbacks for Towers. Telecommunication towers shall be located so as to establish a clear zone for falling tower debris, ice and/or the collapse of the tower. Towers shall be located such that the distance from the base of the tower to any adjoining property line of a residential use or district is a minimum of 100 percent of the proposed tower height and a minimum of 50 percent of the proposed tower height from any adjoining nonresidential use or district.
- d. Setbacks for Accessory Structures. All structures, except fences and underground shelters, shall be located at least 50 feet from the property line of any residentially zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.
- e. Underground Shelters. Underground equipment shelters are encouraged in residential districts, and may be required by the Board of Zoning Appeals.
- f. Fences. Fencing shall be utilized for aesthetics and public safety. Razor wire fencing shall be prohibited. Barbed wire fencing may be used to enclose the facility and shall, if used, have barbed wire strands not less than 7 feet and not more than 10 feet above grade and be a minimum of 30 feet from any residential property line.
- g. Screening and Landscaping. Existing on-site vegetation shall be maintained to the greatest extent possible. In addition, landscaping or appropriate screening shall be required to screen the support structure and any other ground level features. In general, landscaping should soften the appearance of the tower site. The Board of Zoning Appeals may permit a combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping.
- h. Signs. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed 5 square feet in area.
- i. Lights. Telecommunications towers and accessory facilities shall not be equipped with lights unless such lighting is required due to factors outside of the applicant's control or for security precautions.
- j. Visual Impact. Telecommunications towers and accessory facilities shall be constructed using designs and materials that reduce visual impact to the extent economically and technologically feasible. Facilities which have a greater visual impact should be permitted (for example -- taller, lighting required, larger ground space used) when the greater visual impact of a particular facility eliminates the need to construct other facilities in an area zoned for residential use, thus resulting in a reduced total visual impact. Towers and accessory facilities shall be designed, painted, located, landscaped and otherwise constructed so as to reduce visual impact of the facility in the area zoned for residential use to the extent economically and technologically feasible.
- k. Abandonment. The applicant (or its successor) shall, within 30 days of permanently ceasing operation of a telecommunication tower, provide written notice of abandonment to the zoning inspector. An unused telecommunication tower may stand no longer than 12 months following abandonment. All costs associated with demolition of the tower and associated equipment buildings shall be borne by the

most recent tower operator or record unless such costs are the contractual or legal responsibility of another party.

- l. Discontinuance. If the use of any telecommunications tower is discontinued, the owner shall provide the Board of Zoning Appeals with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the tower will not be reused, the owner shall have 180 days from submittal of the FCC notice to the BZA to obtain a demolition permit and remove the tower that will not be reused. If the tower is to be reused, the owner shall have no more than 12 months from submittal of the FCC notice to the BZA in which to commence new operation of the tower that is to be reused. Upon failure to commence new operation of the tower that is to be reused within 12 months, the tower shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the tower that is presumed abandoned. If the owner fails to remove a tower in the time provided by this paragraph, the BZA may cause the demolition and removal of the tower and recover its costs of demolition and removal from the Guarantee deposited by the applicant pursuant to Section 17-13.6 (9) above.
- m. Annual Declaration. Every applicant, owner or operator of a telecommunications tower in an area zoned for residential use shall annually file with the BZA, on or before January 1st of each year, a declaration that each and every tower that it then maintains is used by that applicant for wireless communication purposes.
- n. Maintenance. Any owner of property used as a telecommunications tower site shall maintain such property and all structure in good condition and free from trash, outdoor storage, weeds and other debris.

17-13.8 Modifications.

Where the Board of Zoning Appeals finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements of this Section are not necessary or desirable for the protection of surrounding property or the public health, safety or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the Board of Zoning Appeals may modify or waive such requirement, either permanently or on a temporary basis. **Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.**

17-13.9 BZA Action.

Any decision to deny a request to place, construct or modify a telecommunications tower or antenna shall be in writing and supported by substantial evidence contained in a written record of the proceedings of the Board of Zoning Appeals. The BZA may not deny an application for a telecommunications tower or antenna as a conditional use if the denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services. Further, the BZA may not deny an application for a telecommunications tower or antenna as a conditional use on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commissioner's regulations concerning such emissions.

17-14 ADDITIONAL REGULATIONS PERTAINING TO ADULT ONLY ENTERTAINMENT ESTABLISHMENTS

17-14.1 Definitions.

The following definitions shall apply to adult only entertainment uses:

ADULT BOOK STORE. Adult bookstore means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films or mechanical or non-mechanical devices, which constitute adult materials.

ADULT MATERIAL. Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and;

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1. which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
 2. which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

ADULT MOTION PICTURE THEATER. Adult Motion Picture Theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting and deriving a majority of its gross income from adult material for observation by patrons therein.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT. Adult only entertainment establishment means an establishment which features services which constitute adult material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute adult material.

BOTTOMLESS. Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

NUDE (NUDITY). Nude means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

SEXUAL ACTIVITY. Sexual activity means sexual conduct or sexual contact or both.

SEXUAL CONDUCT. Sexual conduct means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Sexual contact means any touching of an erogenous zone of another, including without limitation to the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. Sexual excitement means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

TOPLESS. Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

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TABLE 17-15
CONDITIONAL USES

SPECIFIC USES	CONDITIONAL USES BY DISTRICT*			Specific Criteria for Conditional Uses (Numbers as per Sec. 17-7)
	A-C	O	D	
RESIDENTIAL USES:				
Accessory Apartment	C			m, p1, q, y
Bed and Breakfast	C			f, h, m, p2, s, x
Day Care, Type A	C			e, g, h, i, n, p1, r, s, y
Granny Cottage	C			e, n, p1,
Group Home	C			f, h, k, m, n, p1, s, t, u, v, w, x, z,
COMMERCIAL USES:				
Adult Entertainment Or related activity (see definitions in Section 17-14)			C	j, f, g, p3, o3, s, t, y, bb, cc
Dance/Concert Clubs (Occupancy greater than 100)			C	a, g, h, i, o, u, v, w, y, z, dd
INDUSTRIAL USES:				
Mini-Storage Facility			C	e, g, o3, p3, u
Telecommunications Towers * = Conditional Use if located within 300 feet of a Residential District	C	*	*	See Section 17-13 for criteria and applicability
Warehouse as accessory use			C	e, h, l, p1, q, s
INSTITUTIONAL USES:				
Cemetery	C			b, c, g, o1, o3, p3, s
Correctional Facility			C	b, g, i, o2, o3, p3, q, (s), t, u, v, y
Day Care Center, Child/Adult		C		h, i, l, o1, o3, p2, r, s
Hospital		C	C	e, f, g, h, i, o2, o3, p3, s, y
School	C			i, o1, o3, p3, s
University or College	C			a, d, l, o1, o3, p3, s, w, z
PUBLIC SERVICE USES:				
Government Facility	C			h, i, o1, s
Library	C			e, g, h, o1, o3, p2, s, y
Park and Ride Facility		C	C	e, g, h, i, l, o1, o3, p2, s, y

**TABLE 17-15
CONDITIONAL USES**

SPECIFIC USES	CONDITIONAL USES BY DISTRICT*			Specific Criteria for Conditional Uses (Numbers as per Sec. 17-7)
	A-C	O	D	
RECREATIONAL, CULTURAL & ENTERTAINMENT USES:				
Botanical Garden	C			e, f, h, p4, s
Museum	C			d, g, h, l, o2, o3, p3, s, y
Recreation, Community Facility – Private	C			e, f, l, h, p2, r, s, v, w, y,
Athletic/Play Field, private	C			h, l, o1, p3, s, u, v, w, y, aa
Club, Private	C			f, g, h, n, o2, o3, p4, s, y
Golf Course	C			b, e, f, h, p3, s, x
Recreation Center, Internal	C			a, e, h, l, n, o1, p2, r, s, v
Summer Camp	C			d, h, i, l, o1, o3 p2, s, u, z, aa
Swim/Tennis Facility	C			d, h, i, l, n, o2, o3, p2, q, r, s, u, y

***Zone Districts:**

- A-C = "A", "B", & "C" Residential Districts
- D = Retail Business District
- O = Office District

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CHAPTER
18

**PLANNED UNIT DEVELOPMENT OVERLAY AND
PUD REVIEW PROCEDURES**

18-1 PURPOSE.

The purpose of the Planned Unit Development (“PUD”) Overlay District is to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services, orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to neighboring properties. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as-of-right by the underlying district regulations.

18-2 DISTRICT DESIGNATION AND APPLICABILITY.

The PUD District is an overlay of alternative regulations, including procedures and standards that are applicable to all land within the jurisdiction of these regulations in accordance with the provisions of this chapter. The PUD Overlay District is established on the official zoning map in accordance with Section 1-6 and Chapter 3. This overlay district enables individual property owners to request administrative approval of PUD plans on their property in accordance with the provisions of this chapter.

18-3 AUTHORITY.

The Board of Trustees and the Zoning Commission may, in accordance with the procedures and standards set out in this Chapter and other regulations applicable to the district in which the subject property is located, approve a development plan for a PUD for any use listed as a PUD in the Table of Permissible Uses found in Chapters 4, 5, 6 and 7.

18-3.1 Approval of PUD-1 Applications.

Proposed planned unit developments whose net densities or intensities fall within the PUD-1 range, as shown in the Table of Permissible Uses in Chapter 3 shall require administrative approval of a PUD Plan (Planned Unit Development Plan) by the Zoning Commission and certification of a Zoning Compliance Plan by the Administrative Official.

18-3.2 Approval of PUD-2 Applications.

Proposed planned unit developments whose net densities or intensities fall within the PUD-2 range, as shown in the Table of Permissible Uses in Chapter 3 shall require review and recommendation of a PUD Plan (Planned Unit Development Plan) by the Zoning Commission, approval of a PUD Plan by the Board of Trustees and certification of a Zoning Compliance Plan by the Administrative Official.

18-3.3 Approval of Modifications of Specific Requirements.

The specific requirements in this Resolution for lot areas, height, yards, buffers, perimeter setbacks, parking (including provision of compact car spaces), landscaping, signs, lighting, and noise shall apply to all planned unit developments unless they are modified by the Zoning Commission or Board of Trustees with specific findings that the general standards in section 18-7 will still be met. Nothing in this section shall be deemed to enable modification of the average net density (dwelling units per acre) or intensity (impervious surface ratio) requirements for PUD-1 and PUD-2 applications.

18-4 EFFECT OF PUD LISTING.

18-4.1 Compliance with Zoning Requirements.

The listing of a use in the Table of Permissible Uses or in any district regulation as being permitted with a PUD Zoning Certificate does not constitute an assurance or presumption that a proposed development plan

will be approved except as provided in Section 18-4.2. Rather, the Zoning Commission or Board of Trustees shall evaluate each proposed development plan, as the case may be, on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether approval of the development plan is appropriate at the particular location and in the particular manner proposed.

18-4.2 Compliance with Other Requirements.

Nothing in this Chapter shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law.

18-5 REVIEW PROCEDURE FOR PUD PLANS.

18-5.1 Pre-application Conference.

Prior to preparing or submitting a complete application for PUD Plan approval pursuant to Section 18-5.2, an applicant shall meet with the Administrative Official to present the concept of the proposed development and to discuss the procedures and standards for development plan approval. The pre-application conference is intended to facilitate the filing and consideration of an innovative development plan and complete application consistent with adopted plans and applicable zoning regulations. No representation made by the Administrative Official during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.

18-5.2 Applicant.

The owner or lessee of the subject property or other person having a legal or equitable interest in the subject property may file a PUD Plan application with the Administrative Official.

18-5.3 Application.

An applicant for a planned unit development shall file an application on a form or forms provided by the Administrative Official with a PUD Plan. The plan for the use and development of the tract may be submitted as either: (a) a conceptual plan, showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, type, and other pertinent details for buildings, buffer/landscape areas, parking areas, signage, lighting, access, circulation patterns, and other details as requested; or (b) a detailed plan meeting the requirements of a Zoning Compliance Plan as defined in Chapter 2. The Zoning Commission and the Board of Trustees may approve the PUD, as the case may be, on the basis of such conceptual or detailed plan provided said plan otherwise complies with all regulations.

18-5.4 Staff Report.

The Administrative Official shall prepare and transmit to the Zoning Commission prior to its public hearing a written report incorporating or summarizing comments of other departments, agencies and officials. A recommendation shall be included, setting forth whether the PUD application should be approved, approved with modifications, or denied and reasons for such recommendation.

18-5.5 Zoning Commission Hearing and Decision.

Within ten (10) to forty-five (45) days following receipt of the PUD application determined to be complete, the Commission shall hold a public hearing. At the conclusion of the public hearing, the Commission shall, on the basis of written findings relative to the standards set forth in Section 18-7, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

18-5.6 Notification of Decision.

The Administrative Official shall notify the applicant of the decision or recommendation of the Zoning Commission, as the case may be, as follows:

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- a. PUD-1. The action of the Zoning Commission, and one copy of the submitted plans permanently marked to show such decision, shall be transmitted to the applicant.
 - b. PUD-2. The recommendation of the Zoning Commission shall be transmitted to the applicant and such recommendation together with the staff report and the complete application shall be transmitted to the Board of Trustees for action pursuant to Section 18-5.8.

18-5.7 Board of Trustees Hearing and Decision on PUD-2 Application.

Following the recommendation of the Zoning Commission regarding a PUD-2 application, the Board of Trustees shall hold a public hearing within forty-five (45) days. At the conclusion of such hearing the Board shall, on the basis of written findings relative to the standards set forth in Section 18-7, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

18-5.8 Effect of PUD Plan Approval.

The approval of a PUD Plan by the Zoning Commission or by the Board of Trustees as being in compliance with standards of approval pursuant to Section 18-7 shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 519.12 of the Ohio Revised Code, and subject to appeal, pursuant to Chapter 2506. of the Revised Code.

18-5.9 Period of Validity.

Subject to an extension of time granted by the Zoning Commission, no PUD Plan (for PUD-1, PUD-2, or S-PUD approvals) shall be valid for a period longer than eighteen (18) months unless a building permit is issued.

18-6 COORDINATED REVIEW AND APPROVAL OF APPLICATIONS.

When an application for approval of a PUD also requires a zone amendment or any other zoning approvals, the applicant shall indicate that fact on the application when submitted to the Administrative Official. At the time of filing the application for a PUD, applications shall be filed with the Zoning Commission for all other required approvals.

18-6.1 Notice of Applications for Additional Approvals.

Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

18-6.2 Procedures and Action.

Whenever an applicant files applications for other approvals pursuant to this Section, the Zoning Commission and Board of Trustees shall review and process all such applications at the same public hearing. In reviewing such combined applications, the Zoning Commission and Board of Trustees shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

Any such combined application shall be acted on within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. The Administrative Official shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

18-7 GENERAL STANDARDS FOR PUD PLAN APPROVAL.

In determining whether a PUD Plan filed pursuant to this Chapter shall be approved or recommended for approval, the Administrative Official, the Zoning Commission, and the Board of Trustees shall apply the following general standards.

- a. Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located;

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- b. Applicability of and consistency with adopted objectives and policies of the Township related to land use and other Township plans duly adopted by the Green Township Board of Trustees;
 - c. Compatibility with surrounding land uses;
 - d. Whether the size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site;
 - e. Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;
 - f. Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;
 - g. Whether significant scenic or historic features, as identified in plans duly adopted by the Township or the Regional Planning Commission, are adequately conserved;
 - h. Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan;
 - i. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;
 - j. The adequacy of the provisions for visual and acoustical privacy.

18-8 ZONING COMPLIANCE PLAN -- CERTIFICATION OF PUD PLAN COMPLIANCE.

18-8.1 Review.

Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to Chapter 20, including any modifications required in conjunction with the approval by the Zoning Commission or by the Board of Trustees, as the case may be.

18-8.2 Conveyance.

Any land identified on the PUD Plan as common open space to be conveyed to an owners association shall be so conveyed subject to a covenant restricting the common open space to the uses specified in the Zoning Compliance Plan and providing for the maintenance of the common open space in a manner which assures its use for the purposes intended. All such conditions, easements and open space covenants shall specifically provide for enforcement by the Township.

18-8.3 Decision.

Within seven (7) days of receipt of the completed application the Administrative Official shall either (1) certify that the Zoning Compliance Plan complies with the approved PUD Plan; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the approved PUD Plan.

18-8.4 Effect.

A Zoning Compliance Plan as finally approved and certified in accordance with the provisions of this Chapter shall not be modified, except pursuant to Section 18-9.

18-9 ADJUSTMENTS TO PUD PLAN.

Adjustments to an approved PUD Plan or previously approved Zoning Compliance Plan may be considered minor or major and shall be reflected on a Zoning Compliance Plan. Such adjustments may be considered provided there is no modification of written conditions of approval or of recorded easements. Further, any modifications must be in substantial conformity with the intent of the PUD approval. For any adjustments of a technical or engineering nature, the applicant shall submit a report from the appropriate public agency assuring compliance with agency regulations.

18-9.1 Minor Adjustments.

The Administrative Official has the authority to consider minor adjustments through the procedure defined in Section 18-8. Minor adjustments shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was initially anticipated. No adjustment shall result in a violation of any standard or requirement of this Resolution nor create or extend any previously approved variance. Minor adjustments shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved PUD plan.

18-9.2 Major Adjustments.

Any adjustment to the PUD Plan within the criteria of Section 18-9 but not authorized by Section 18-9.1 shall be considered a major adjustment. The Zoning Commission, following notice to all property owners whose properties are located within two hundred (200) feet of the PUD, shall hold a public hearing within ten (10) to forty five (45) days of receipt of the completed Zoning Compliance Plan application. At the conclusion of the public hearing, the Commission may approve an application for a major adjustment to the PUD Plan not requiring a modification of written conditions of approval or recorded easements. Findings shall be made that any changes in the plan as approved will be in substantial conformity with the intent of such PUD Plan. If the Commission determines that a major adjustment is not in substantial conformity with the intent of such PUD Plan as approved, then the Commission shall review the request in accordance with the procedures set forth in Section 18-5.

18-10 APPEALS.

18-10.1 Appeal of Zoning Commission Decision.

Any party aggrieved by the administrative decision of the Zoning Commission for a PUD-1 or a major adjustment concerning compliance with PUD standards adopted by the Board of Trustees may appeal within thirty (30) days of the date of decision to the Board of Trustees.

18-10.2 Appeal of Administrative Official's Decision.

Any party aggrieved by the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan in the case of a PUD-1 or a PUD-2 approval or a decision regarding a minor adjustment, may appeal within thirty (30) days of the date of decision to the Zoning Commission.

18-10.3 Appeal of Township Trustees Decision.

Any party aggrieved by the administrative decision of the Board of Trustees in the case of a PUD-2 approval or a decision on an appeal pertaining to a PUD-1 or PUD adjustment may appeal to the Court of Common Pleas of Hamilton County on the grounds that such decision was unreasonable or unlawful.

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CHAPTER
19

**DECISION MAKING/ADMINISTRATIVE BODIES
AND OFFICIALS**

19-1 GREEN TOWNSHIP BOARD OF TRUSTEES.

The Board of Trustees has the following powers and duties in connection with the implementation of this Resolution:

- a. To initiate by resolution amendments or supplements to the text of this Resolution and to the Zoning Map;
- b. To consider and adopt, reject or modify amendments or supplements to the text of this Resolution and to the Zoning Map;
- c. To consider and approve, approve with conditions, or disapprove PUD Plans for PUD-2s (planned unit developments requiring Board of Trustees final approval);
- d. To modify specific requirements in this resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUD-2s after making specific findings of compliance with general standards
- e. To hear and decide appeals concerning planned unit developments pursuant to Chapter 18, Sections 18-10.1 and 18-10.2;
- f. To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Resolution.

19-2 ZONING COMMISSION.

19-2.1 Creation.

The Zoning Commission exists pursuant to Section 519. 04 of the Ohio Revised Code.

19-2.2 Membership.

The Zoning Commission consists of (5) members, appointed by the Trustees, who must be residents of the unincorporated territory of Northeast Green Township included in the area zoned and alternates as permitted by Ohio law.

19-2.3 Jurisdiction and Authority.

The Zoning Commission has the following powers and duties in connection with the implementation of this Resolution:

- a. To submit a plan, including both text and maps, representing its recommendations for the carrying out, by the Board of Trustees, of the powers, purposes and provisions set forth in the Ohio Revised Code, including additions to territory in which the Township's Zoning Plan is in effect;
- b. To initiate amendments to this Resolution, to certify amendment requests to the Regional Planning Commission, to cause required notice and public hearings to be held, and to determine the extent and method of additional notice beyond that required;
- c. To make recommendations to the Board of Trustees on proposed amendments to this Resolution and on PUD Plans for PUD-2s (planned unit developments requiring Board of Trustees final approval for increases in development intensity);
- d. To approve PUD Plans for PUD-1s (planned unit developments requiring Zoning Commission final approval for increases in development intensity or clustering of single family density);
- e. To hear and decide appeals of the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan for a PUD-1;

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- f. To maintain a file on the Official Zoning District Map(s);
 - g. To modify supplemental regulations in SPI Special Public Interest Districts after public hearing in accordance with conditions and limits;
 - h. To determine required setbacks for parking along entry drives based on traffic generation and parking lot size;
 - i. To modify landscaping requirements for vehicular use areas;
 - j. To prepare Development Plan Guidelines for outdoor lighting;
 - k. To approve localized alternative sign regulations in Planned Unit Developments;
 - l. To review woodland preservation plans and reduce the required number of parking spaces up to ten percent (10%) and vary the intensity up to ten percent (10%) of the district limits for PUD-1s;
 - m. To review riparian buffer plans and reduce or eliminate requirements for landscaping and bufferyards;
 - n. To modify or waive bufferyard and landscaping requirements consistent with general standards and the spirit and intent of the resolution;
 - o. To modify the minimum area requirement for Planned Unit Developments;
 - p. To approve major adjustments to Zoning Compliance Plans, not requiring a modification of written conditions of approval or recorded easements, after public hearing;
 - q. To modify specific requirements in this resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUD-1s after making specific findings of compliance with general standards.

19-2.4 Officers.

The officers of the Commission are a Chairman and a Vice-Chairman and such other officers as it may provide for in the adopted Organization, Procedure and Rules and Regulations of the Commission.

19-2.5 Meetings; Records.

The Commission holds meetings and makes and keeps a record of all meetings.

19-2.6 Quorum and Vote.

The quorum of the Commission and matters requiring a vote is three.

19-2.7 Conflicts.

No member of the Zoning Commission may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Commission. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of 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 ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of Trustees and are for the unexpired term.

19-3 BOARD OF ZONING APPEALS.

19-3.1 Creation.

The Green Township Board of Zoning Appeals is created pursuant to Section 519.13 of the Ohio Revised Code.

19-3.2 Membership.

The Board of Zoning Appeals consists of five (5) members, appointed by the Trustees, who must be residents of the unincorporated territory of Northeast Green Township included in the area zoned. The terms of all members must be of such length and so arranged that the term of one member will expire each year. Each member serves until a successor is appointed and qualified. Vacancies are filled by the Trustees and are for the unexpired term and alternates as provided by Ohio law.

19-3.3 Jurisdiction and Authority.

The Board of Zoning Appeals has the following powers and duties in connection with the implementation of this Resolution:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Resolution pursuant to the procedures and standards set forth in Chapter 22;
- b. To authorize variances from the terms of this Resolution pursuant to the procedures and standards for variances set forth in Chapter 21;
- c. To decide conditional use requests pursuant to the procedures and standards set forth in Chapter 17.

19-3.4 Officers.

The officers of the Board of Zoning Appeals are a Chairman and a Vice-Chairman and such other officers as it may provide for.

19-3.5 Minutes; Records.

The Board of Zoning Appeals holds meetings and keeps a record of all meetings.

19-3.6 Quorum and Vote.

The quorum of the BZA and matters requiring a vote is three.

19-3.7 Conflicts.

No member of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the BZA. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of 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 ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of Trustees and are for the unexpired term.

19-4 TOWNSHIP ZONING INSPECTOR.

The Township Zoning Inspector has the following powers and duties in connection with the implementation of this Resolution:

- a. To administer and enforce this Resolution;
- b. To issue various Zoning Certificates for buildings, structures or uses certifying compliance with the provisions of this Resolution and to deny or revoke such Certificates due to lack of compliance;
- c. To certify that completed buildings, structures or uses comply with the provisions of this Resolution and supplemental conditions of approval;
- d. To investigate and resolve all complaints which allege violation of this Resolution;
- e. Periodically inspect all planned development district projects installed prior to the enactment of this Resolution, and all projects encumbered by covenants, and other such conditions imposed by this Resolution;

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- f. To inspect all projects controlled by this Resolution to ensure that provisions required herein which require perpetual maintenance, adjustment or revision, as so maintained, adjusted, or revised;
 - g. To estimate the extent of damage or destruction of a structure housing a nonconforming use pursuant to Chapter 9, Sections 9-2.8 and 9-3.4;
 - h. To inventory, provide notice and maintain a public record of existing and new legal nonconformities and to review and approve applications for nonconforming use zoning certificates;

19-5 ADMINISTRATIVE OFFICIAL.

The Administrative Official has primary responsibility for administering the duties of the Zoning Commission as required by this Resolution. These duties may be assigned to one or more individuals by the Administrative Official (Secretary/Executive Director) of the Northeast Green Township Zoning District. The staff person or persons to whom such administrative functions are assigned shall be referred to in this Resolution as the "Administrative Official". The Administrative Official has the following powers and duties in connection with the implementation of this Resolution:

- a. To determine completeness of rezoning applications and to make recommendations on proposed amendments to the text of this Resolution and the Zoning Map to the Regional Planning Commission, the Zoning Commission and to the Board of Trustees;
- b. To schedule, provide notice of, and conduct public prehearing conferences required by this Resolution or by Zoning Commission Bylaws;
- c. To make recommendations on proposed conditional uses to the Board of Zoning Appeals;
- d. To make recommendations on proposed PUD's to the Zoning Commission and the Board of Trustees;
- e. To make recommendations on proposed localized alternative sign regulations to the Zoning Commission;
- f. To make recommendations on proposed modifications and waivers of standards for buffer yards to the Zoning Commission;
- g. To maintain an official record of buffer agreements between different owners of adjacent parcels;
- h. To administer revocation of zoning certificates and assessment of penalties for violation of sign regulations;
- i. To review and certify compliance of Zoning Compliance Plans with PUD Plans;
- j. To review and certify compliance of off-street parking plans for five or more vehicles submitted with applications for zoning certificates;
- k. To review and certify compliance of buffer plans submitted with applications for zoning certificates;
- l. To determine compliance with general criteria for:
 - 1. minimum landscape requirements for screening ground-mounted antennas,
 - 2. maximum hours and days of operation, maximum traffic, adequacy of off-street parking, adequacy of the parcel size, traffic access and absence of undue adverse impact on other properties for temporary uses,
 - 3. bulk and yard requirements for temporary tents,
 - 4. required parking spaces for uses not expressly listed herein,
 - 5. joint use of required parking spaces;
 - 6. access to and from loading spaces
 - 7. reduction of landscape requirements in lieu of woodland preservation;
- m. To authorize minor adjustments in Zoning Compliance Plans for PUD's in accordance with criteria for approval of final location of structures, circulation elements, open space, and landscape buffers;
- n. To authorize minor adjustments in type of landscape elements for PUD Zoning Compliance Plans;
- o. To make recommendations to the Board of Trustees regarding establishment and revision of fees for Zoning Certificates and applications;
- p. To hold pre-application conferences with PUD applicants to review and advise on proposed development concepts;

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- q. To provide notice to Townships following receipt of PUD applications;
 - r. To determine completeness of applications;
 - s. To make administrative interpretations of zoning regulations and permitted and conditional uses in accordance with standards for such interpretation.
 - t. To administer and enforce this Resolution;
 - u. To issue various Zoning Certificates for buildings, structures or uses certifying compliance with the provisions of this Resolution and to deny or revoke such Certificates due to lack of compliance;
 - v. To certify that completed buildings, structures or uses comply with the provisions of this Resolution and supplemental conditions of approval;
 - w. To investigate and resolve all complaints which allege violation of this Resolution;
 - x. Periodically inspect all planned development district projects installed prior to the enactment of this Resolution, and all projects encumbered by covenants, and other such conditions imposed by this Resolution;
 - y. To inspect all projects controlled by this Resolution to ensure that provisions required herein which require perpetual maintenance, adjustment or revision, as so maintained, adjusted, or revised;
 - z. To estimate the extent of damage or destruction of a structure housing a nonconforming use pursuant to Chapter 9, Sections 9-2.8 and 9-3.4;
 - aa. To inventory, provide notice and maintain a public record of existing and new legal nonconformities and to review and approve applications for nonconforming use zoning certificates.

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ZONING CERTIFICATES, GENERAL APPLICATION PROCEDURES AND FEES

20-1 ZONING CERTIFICATE.

Except as expressly provided otherwise in this Resolution, no land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose whatsoever until the Administrative Official or Inspector has issued a Zoning Certificate. The Zoning Certificate shall state the zoning districts in which the proposed use is located and that the proposed uses and structures comply with the provisions of this Resolution. The Zoning Certificate shall also identify whether the proposed use is a Permitted Use, a Planned Unit Development, a Conditional Use, a Redevelopment Exception or a Nonconforming Use. No change of use shall be made in any building or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, without the issuance of a Zoning Certificate. No Zoning Certificate shall be issued to make a change unless the changes are determined to be in conformity with the provisions of this Resolution.

20-1.1 Application for Zoning Certificate.

Application for a Zoning Certificate of the type required by the provisions of this Resolution shall be made to the Zoning Administrator or Inspector prior to the application for a construction permit at the Department of the Building Commissioner for Hamilton County. A record of all Zoning Certificates issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property or building affected.

20-1.2 Zoning Compliance Plan.

Each application for a zoning certificate shall be accompanied by a specified number of zoning compliance plans and construction drawings, drawn to scale. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a registered surveyor. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started.

Prior to issuance of the first zoning certificate (except zoning certificates for entry walls, construction trailers or other accessory or temporary uses) for the development or redevelopment of any multi-tenant condominium development or multi-tenant condominium structure (including consolidation or division of units within a structure), all building, floor and unit numbers for the entire development, shall be included on the Zoning Compliance Plan.

20-1.3 Fee.

The fee for a Zoning Certificate shall be established, from time to time, by the Board of Trustees upon recommendation of the Administrative Official.

20-1.4 Period of Validity.

Subject to an extension of time by the Administrative Official, no Zoning Certificate shall be valid for a period longer than one (1) year unless a building permit application is submitted in compliance with the zoning certificate.

20-2 GENERAL APPLICATION PROCEDURES.

All applications for zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution shall be submitted in accordance with the following procedures.

20-2.1 Application.

Submission of an application on a form or forms provided by the Administrative Official shall be required for zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution.

20-2.2 Determination of Completeness of Any Application.

Within eight (8) days after receipt of an application for an approval described in Section 20-2.1, the Administrative Official shall determine if the application is complete. If the applicant is unable to furnish the required plans, fees or forms, then the applicant will be notified.

20-2.3 Effect of Determination.

The time limits for completion of the application review and the rendering of a final decision or Certification of Compliance as provided for specifically in the chapters of this Resolution governing approvals of zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution, shall commence on the date that the Administrative Official determines that the application is complete.

20-3 FEES.

A schedule of non-refundable fees in connection with applications for a zoning amendment, a Zoning Certificate, or any other type of approval required by the provisions of this Resolution shall be established by the Board of Trustees and revised from time to time upon recommendation by the Administrative Official. The current Fee Schedule shall be made available upon request at the office of the Administrative Official.

20-4 ZONE DISTRICT CERTIFICATION.

The existing zoning of a specified parcel or parcels can be certified by the Administrative Official upon receipt of the applicable fee and a written request to the Zoning Commission specifying the property's Book, Page and Parcel number and street address.

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21-1 PURPOSE.

The variance procedure is intended to provide a means by which relief may be granted from unforeseen particular applications of this Resolution that create practical difficulties or particular hardships. When such difficulties or hardships may be more appropriately remedied, if at all, pursuant to other provisions of this Resolution, the variance procedure is inappropriate.

21-2 AUTHORITY.

The Board of Zoning Appeals, pursuant to Section 519.14 of the Ohio Revised Code, shall have the authority to grant variances from the provisions of this Resolution, but only in compliance with the standards enumerated in this Chapter.

21-3 PARTIES ENTITLED TO SEEK VARIANCES.

Applications for variance may be filed on forms approved by the Board by any person having a legal or equitable interest in the property affected.

21-4 PROCEDURE.

21-4.1 Application.

An application for a variance shall be filed with the Administrative Official of the Board, on forms provided by the Administrative Official.

21-4.2 Public Hearing.

Upon receipt of a complete application for a variance, the Board of Zoning Appeals shall, within a reasonable length of time but no longer than sixty-two (62) days from the receipt of the application, hold a hearing. Notice of the public hearing shall be given in writing to the property owners within 200 feet of the subject property and by one (1) publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of the public hearing. Upon the hearing, any party may appear in person or by attorney.

21-4.3 Action by Board of Zoning Appeals.

Within thirty (30) days following the close of the public hearing, the Board of Zoning Appeals shall render its decision, granting or denying the variance pursuant to the standards and procedures set out in this Chapter. The Board may delay its decision pending revised plats or plans that may be required.

21-4.4 Special Procedures in Connection with Other Applications.

Whenever it is determined a variance is needed in addition to a Zone Amendment, Conditional Use approval or Zoning Compliance Plan approval, the Board of Zoning Appeals shall not decide an application for such variance until a final approval has been rendered by the Zoning Commission and/or the Board of Trustees, as applicable.

21-5 AUTHORIZED VARIANCES.

21-5.1 Authority of the Board of Zoning Appeals.

The Board of zoning Appeals shall have the following powers;

- a. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution, as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Resolution will result in unnecessary hardship or practical difficulty, and so that the spirit of the Resolution shall be observed and substantial justice done. Further, in authorizing such variance, the Board may impose restrictive terms and conditions to accompany the variance authorized.
- b. To permit the extension of a District where the boundary line of a district divides a tract of not more than one (1) acre in area and held in a single ownership on the effective date of this Resolution, provided such extension shall not exceed one hundred (100) feet.
- c. To permit, where the boundary line of a District divides a tract of ten (10) acres or more under a single ownership, adjustment of such line to conform with the topography of the ground where such a tract has been subdivided and when a preliminary subdivision plan for such a tract has been approved by the Zoning Commission of Green Township, provided such a variation does not extend for a distance of more than five hundred (500) feet and does not come closer than three hundred (300) feet to any boundary of the tract.
- d. To interpret the provisions of this Resolution in a way to carry out the intent and purpose of the plan, as shown upon the Map fixing the several Districts accompanying and made a part of this Resolution, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- e. To permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare, so that the spirit of the Resolution shall be observed and substantial justice done..- least to grant relief
- f. To authorize by the grant of a special zoning certificate after public hearing, the locations of any of the following uses, including such buildings and structures as are necessary for their operation, in a District from which they are prohibited by this Resolution.
 - i. Parking lots on land not more than two hundred (200) feet from the boundary of a Business District.
 - ii. Riding stables or fishing lakes, including the sale of food and refreshments.
 - iii. The location and erection and use of a tower that is to be used in the provision of cellular telephone communication services in areas zoned for residential as provided in Chapter 17.
 - iv. The location, erection and use of a commercial power generating wind turbine or windmill tower

21-5.2 Decisions of the Board of Zoning Appeals

The Board shall act by Resolution in which three (3) members concur and every variation granted or denied shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation.

21-6 STANDARDS FOR VARIANCES.

21-6.1 General Standard.

No variance shall be granted pursuant to this Chapter that is greater than the minimum variation necessary to relieve the unnecessary hardship or practical difficulty demonstrated by the applicant. Such a showing shall demonstrate that the variance being sought satisfies each of the standards set forth in this Section.

a. Unique Physical Condition.

The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or the extraordinary physical conditions peculiar to and inherent in the subject property.

b. Not Self-Created.

The aforesaid unique physical condition is not the result of any action or inaction of the owner or was created by natural forces or was the result of governmental action, other than the adoption of this Resolution, for which no compensation was paid.

c. Denied Substantial Rights.

The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same general or specific provisions of the Zoning Resolution.

d. Not Merely Special Privilege.

The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not commonly available to owners or occupants of other lots subject to the same provisions of the Zoning Resolution, nor merely an inability to make more money from the use of the subject property. However, where the standards herein set out exist, the existence of an economic hardship may be considered.

e. Resolution Purposes.

The variance would not result in a use or development on the subject property that would not be in harmony with the general and specific purposes for which this Resolution and the provision from which a variance is sought were enacted.

f. Essential Character of the Area.

The variance would not result in a use or development on the subject property that:

- i. would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
- ii. would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;
- iii. would substantially increase hazardous conditions in the public streets due to traffic or parking;
- iv. would unduly increase the danger of flood or fire;
- v. would unduly tax public utilities and facilities in the area; or
- vi. would endanger the public health or safety.

21-7 VARIANCE LESS THAN REQUESTED.

A variance less than or different than that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

21-8 CONDITIONS ON VARIANCES.

The Board of Zoning Appeals may impose such specific conditions and limitations concerning construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this Resolution and shall constitute grounds for revocation of the variance.

21-9 EFFECT OF GRANT OF VARIANCE.

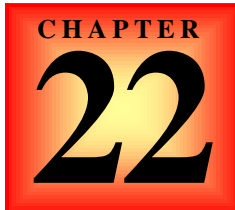
The grant of a variance shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure. It shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by Township regulations, including, but not limited to, a Zoning Certificate, a building permit, a certificate of occupancy, and subdivision approval.

21-10 LIMITATIONS ON VARIANCES.

Subject to an extension of time granted upon application to the Board of Zoning Appeals, no variance shall be valid for a period longer than one (1) year unless applications for permits or approvals referenced in this Chapter have been filed; building permits issued and construction is diligently pursued to completion.

A variance shall be deemed to authorize only the particular construction, development, action or event for which it was issued and shall automatically expire and cease to be of any force or effect if such construction, development, action or event shall be removed and not replaced within one (1) year following such removal unless extended in writing by the Board of Zoning Appeals.

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APPEALS TO THE BOARD OF ZONING APPEALS

22-1 PURPOSE.

The purpose of this Chapter is to set forth the standards and procedures by which administrative relief may be taken from any order, requirement decision or determination made by the Administrative Official.

22-2 AUTHORITY.

The Board of Zoning Appeals shall have authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution.

22-3 PARTIES ENTITLED TO APPEAL.

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any Officer of the Township affected by any decision of the Administrative Officer.

22-4 PROCEDURE.

Appeals to the Board of Zoning Appeals shall be taken in accordance with the following procedures.

22-4.1 Organization.

The Board shall organize, and adopt rules in accordance with the provisions of this Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

Appeals to the Board shall be taken within thirty (30) days following the order, requirement, decision, or determination being appealed by filing with the Officer from whom the appeal is taken and with the Board, in such number of duplicate copies as the Board may from time to time require, a notice of appeal specifying the grounds therefor.

22-4.2 Fees.

Nonrefundable application and hearing fees shall accompany the notice of appeal. Such fees are established by the Board from time to time with the approval of the Board of Trustees, to help defray administrative costs and costs of a hearing.

22-4.3 Stay of Proceeding.

An appeal to the Board shall stay all proceedings in furtherance of the action in respect to which the appealed order, requirement, decision or determination was made unless the Officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of facts stated in writing to the Board a stay would, in that Officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Court of Common Pleas of Hamilton County upon notice to the Board and to the Officer, and for good cause shown.

22-4.4 Public Hearing Notice.

Upon receipt of the notice of appeal, the Board shall, within a reasonable length of time but no longer than sixty-two (62) days from the receipt of the notice of appeal, hold a hearing of the appeal in accordance with its procedures as provided in Section 22-4. Notice of the public hearing shall be given in writing to the property owners within 200 feet of the subject property and by one (1) publication in one or more newspapers of general circulation in the County, at least ten (10) days before the date of the public hearing. Upon the hearing, any party may appear in person or by attorney.

22-4.5 Action by Board of Zoning Appeals.

Within one hundred twenty (120) days following the filing of a notice of appeal and within thirty (30) days after the closing of the public hearing, the Board shall render its decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the appealed order, requirement, decision or determination. The failure of the Board to render a decision within the one hundred twenty (120) days, or such longer period of time as may be agreed to by the applicant, shall constitute a decision favorable to the applicant. Within ten (10) days following such decision or the expiration of such period without a decision, the Board shall publish notice and mail a certificate of such decision or failure to act to all parties entitled thereto.

22-4.6 Decisions of Board of Zoning Appeals

The Board shall act by Resolution in which three (3) members concur and every variation granted or denied shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation.

22-5 RIGHT TO GRANT VARIANCE IN DECIDING APPEALS.

In any case where the notice of appeal is accompanied by an application for a variance in accordance with Chapter 21, the Board may grant a variance as part of the relief sought on approval, but only in strict compliance with the provisions of Chapter 21.

22-6 APPEAL OF DECISION.

Any party adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

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ADMINISTRATIVE INTERPRETATIONS

23-1 AUTHORITY.

The Administrative Official, subject to the procedures, standards, and limitations of this Chapter, may render interpretations, including use interpretations, of the provisions of this Resolution and of any rule or regulation issued pursuant to it.

23-2 PURPOSE.

The interpretation authority established by this Chapter is intended to recognize that the provisions of this Resolution, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this Resolution in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Resolution but rather is intended only to allow authoritative application of that content to specific cases.

23-3 PARTIES ENTITLED TO SEEK INTERPRETATIONS.

Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

23-4 PROCEDURE.

23-4.1 Application.

Applications for interpretations of this Resolution shall be filed on a form provided by the Administrative Official and shall contain the following information:

- a. The specific provision or provisions of this Resolution for which an interpretation is sought.
- b. The facts of the specific situation giving rise to the request for an interpretation.
- c. The precise interpretation claimed by the application to be correct or incorrect.
- d. When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.
- e. When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

23-4.2 Action on Application.

Within thirty (30) days following the receipt of an application for interpretation determined to be complete pursuant to Chapter 20, Section 20-2.2, the Administrative Official shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Administrative Official to act within thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 30-day period.

23-5 STANDARDS FOR USE INTERPRETATIONS.

The following standards shall govern the Administrative Official and the Board of Zoning Appeals on appeals from the Administrative Official in issuing use interpretations:

- a. Any use defined in Chapter 2 of this Resolution shall be interpreted as therein defined.
- b. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.
- c. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
- d. If the proposed use is more closely similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a Conditional Use Zoning Certificate and all the specific criteria where appropriate for such use pursuant to Chapter 17.
- e. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

23-6 EFFECT OF FAVORABLE USE INTERPRETATIONS.

No use interpretation finding that a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the regulations of the Township including, but not limited to: a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and development plan approval.

23-7 LIMITATIONS ON FAVORABLE USE INTERPRETATIONS.

Subject to an extension of time granted by the Administrative Official, no use interpretation finding a use to be permitted or specially permitted in a particular district shall be valid for a period longer than one (1) year from the date of issuance unless applications for permits or approvals referenced in Section 23-6 have been filed, building permits issued, and construction is diligently pursued to completion.

A use interpretation, finding a particular use to be permitted or specially permitted in a particular district, shall be deemed to authorize only the specific use for which it was issued. Such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall for any reason be discontinued for a period of twelve (12) consecutive months or more, unless extended in writing by the Administrative Official or the Board of Zoning Appeals.

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24-1 COMPLAINTS REGARDING VIOLATIONS.

Whenever the Zoning Inspector receives a written, signed complaint alleging a violation of this Resolution, the Zoning Inspector or the Administrative Official shall investigate the complaint within ten (10) working days and take whatever action is warranted, and inform the complainant in writing as to what actions have been or will be taken.

24-2 PERSONS LIABLE.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Resolution may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

24-3 PROCEDURES UPON DISCOVERY OF VIOLATIONS.

24-3.1 Initial Written Notice

If the Zoning Inspector finds that any provision of this Resolution is being violated, a written notice shall be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it and the time period allowed for corrections. Additional written notices may be sent at the Zoning Inspector's discretion.

24-3.2 Final Written Notice

A written final notice (the initial written notice may be the final notice) may be sent by first class mail. It shall state what action the Zoning Inspector intends to take if the violation is not corrected and shall advise that the Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the provisions of Chapter 22.

24-3.3 Citation

If no action is taken within the time period allowed for correction, cessation, or appeal to the Board of Zoning Appeals, a citation shall be issued. The violator shall within twenty-(20) days pay the citation to the Clerk of Courts or the matter will be scheduled for court hearing. If no action is taken within these twenty (20) days, additional citations may be issued each day the violation remains in noncompliance. Each day the violation occurs after the citation is issued is a separate offense. Subsequent violations of a similar nature occurring at the same address within a twelve (12) month period, shall be deemed the same violation, and subject to citation pursuant to Table 24-6.

24-3.4 Emergency Enforcement

Notwithstanding the foregoing, in cases where delay would pose a danger to the public health, safety, or welfare, the Zoning Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 24-4.

24-4 PENALTIES AND REMEDIES FOR VIOLATIONS.

24-4.1 Civil Penalty and Appeals

Any act constituting a violation of the provisions of this Resolution or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or Zoning Compliance Plan approval, shall subject the offender to a civil penalty in accordance with Table 24-6 found at the end of this Chapter. A civil penalty may not be appealed to the Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 24-3 and did not appeal to the Board of Zoning Appeals within the prescribed time.

24-4.2 Other Enforcement Actions

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

24-4.3 Multiple Citations

Each day that any violation continues (for each citation) after notification by the Zoning Inspector that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Chapter.

24-4.4 Multiple Remedies.

Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Resolution.

24-5 ZONING CERTIFICATE REVOCATION.

24-5.1 Grounds for Revocation.

A Zoning Certificate may be revoked by the Zoning Administrator or Inspector in accordance with the provisions of this section if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Chapter, or any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

24-5.2 Procedure.

Before a Zoning Certificate may be revoked, all of the notice, hearing and other requirements shall be complied with. The notice shall inform the certificate holder of the alleged grounds for the revocation.

- a. The burden of presenting evidence sufficient to authorize the Zoning Inspector to conclude that a certificate should be revoked for any of the reasons set forth in Section 24-5.1 shall be upon the party advocating that position.
- b. The action to revoke a Zoning Certificate shall include a statement of the specific reasons or findings of fact that support the decision.

24-5.3 Notice.

Before a Zoning Certificate may be revoked, the Zoning Inspector shall give the recipient of the certificate ten (10) days notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the certificate is revoked, the Zoning Inspector shall provide to the holder of the Zoning Certificate a written statement of the decision and the reasons therefor.

24-5.4 Effect of Revocation.

No person may continue to make use of land or buildings in the manner authorized by any Zoning Certificate after such certificate has been revoked in accordance with this section.

24-5.6 Revocation by Closure or Discontinuance of Commercial Uses

Any Zoning Certificate shall be considered revoked upon closure of a business or discontinuation of a use, for more than 90 days, regardless of ownership or management. To continue or resume occupancy after a 90 day suspension of business shall require the issuance of a new Compliance Certificate.

24-6 Penalties

Whoever violates any provision of this zoning resolution shall be fined not more than \$500 for each offense, pursuant to Section 519.99, or any other applicable section of the Ohio Revised Code.

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