



ANDERSON TOWNSHIP, OHIO

## **ZONING RESOLUTION**

As Amended: May 19, 2016    Effective: November 3, 1987

**ZONING RESOLUTION**  
**for the**  
**UNINCORPORATED TERRITORY**  
**of**  
**ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO**

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**A RESOLUTION** to provide for dividing the unincorporated territory of Anderson Township into districts (zones) and in such districts to regulate the location, use, height, number of stories and size of buildings and other structures, the percentage of lot areas which may be occupied, set back building lines, sizes of yards and other spaces, the density of population; to provide for the making of amendments or supplements to such regulations and the boundaries of the districts or zones; to provide for a Township Board of Zoning Appeals; to provide to enforcement of and to prescribe penalties for violation of the provisions hereof.

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Whereas, by the provisions of Section 519.01 et seq. of the Ohio Revised Code, the Board of Township Trustees of Anderson Township is empowered to establish districts (zones) within the unincorporated territory of Anderson Township and to provide regulations therein for the purpose of promoting public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with the comprehensive plan, and

Whereas, the Board of Township Trustees before availing itself of the powers conferred upon it by said sections, passed a resolution declaring its intention to proceed under the provisions thereof, and

Whereas, a Township Zoning Commission has been created and established in accordance with the provisions of said sections, to submit a plan, including both text and maps, representing its recommendations for the carrying out by the Board of Township Trustees of the powers, purposes and provisions set forth therein, and

Whereas, the Township Zoning Commission, after a comprehensive study and mapping of present land uses and the zoning in contiguous incorporated areas, the neighborhood and community boundaries and population trends, the limits of sewerable areas and the major thoroughfares; has prepared and recommended districts (zones), and appropriate regulations to be enforced therein, and public hearings thereon have been held at which all owners of property in the township affected were given ample opportunity, after public notice as required by law, to file their protest or criticisms, if any, and;

Whereas, said districting or zone plan has been before the Regional Planning Commission for study and recommendations, and its recommendations have been submitted to the Township Zoning Commission for consideration and hearings, prior to certification to the Board of Township Trustees are required by law, and

Whereas, after certification, a public hearing was held, on the districting or zone plan by the Board of Township Trustees; notice of which hearing was given by publication in a newspaper of general circulation as required by law;

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**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO, AS FOLLOWS:**

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ARTICLE 1

# General

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## ARTICLE 1

# General

### 1.1 Purpose, Jurisdiction, and Interpretation

- A. Purpose:** For the purpose of promoting health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with the provisions of Section 519.01 et seq. of the Ohio Revised Code, it is hereby provided as follows:
- B. Title:** This resolution shall be known and may be cited and referred to as the "Zoning Resolution" to the same effect.
- C. Jurisdiction:** These provisions shall apply to all unincorporated land areas of Anderson Township, Hamilton County, Ohio pursuant to prior 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 Anderson Township.
- D. 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, convenience, comfort, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul

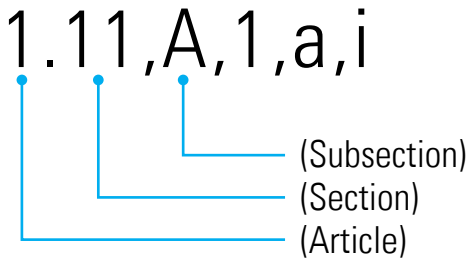
any easements, covenants, building restrictions or other agreements between parties. However, where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations 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:

1. 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.
  2. 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.
  3. The word "may" as used in these provisions is permissive.
  4. Words used or defined in one tense or form shall include other tenses and derivative forms.
- E. 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.

## 1.2 How to Use This Document

**A. Structure:** The structure of the text of this ordinance is as follows: Article (indicated by 1, ect.), Section (indicated by 1.1, etc), and subsequent Subsections (indicated by A, 1, a, ect.). Below is an example of this format:



- 1 ..... (Article)
- 1.11..... (Section)
- A ..... (Subsection)
- 1 ..... (Subsection)
- a..... (Subsection)
- i ..... (Subsection)

**B. Applicable Districts:** Zoning district designations are located in various places throughout the document. If one of these identifiers appears within a section, then that section will apply to the corresponding zoning district. A complete list of the identifiers can be found at the beginning of **Article 1.3**



**Residence District**



**Multiple Residence District**



**Business District**



**Office District**



**Industrial District**



**Special District**

**C. Defined Words:** Words used in a special sense in this Zoning Resolution are defined in: **Article 6**. All other words shall have the meaning inferred from their context in this Resolution or their ordinarily accepted definitions.

**D. Meanings:** The following rules of construction shall apply to the text of this Resolution:

1. The particular and specific provisions of this Resolution shall supersede any general requirements that are established by it.
2. The words "shall" "must" and "will" are always mandatory and not discretionary. The words "may" and "should" are permissive.
3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
4. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."
5. The word "person" includes an individual, a corporation, a partnership, an incorporated



association, or any other similar entity.

6. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either . . . or,” the use of the conjunction is defined as follows:
  - a. “And” means that all the connected items, conditions, provisions, and events apply together and not separately.
  - b. “Or” means that the connected items, conditions, provisions, or events apply separately or in any combination.
  - c. “Either... or” means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
7. The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind or character.
8. The word “Township” means Anderson Township, Ohio, and the word “state” means the State of Ohio.

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### 1.3 Districts and Boundaries

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**A. Districts:** In order to classify, regulate and restrict the location of trades, industries, residences, recreation, and other land uses and the location of buildings designed for specified uses; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and limit the percentages of lot areas which may be occupied, set back building lines, sizes of yards and other open spaces within and surrounding such buildings, the density of population; the unincorporated territory

of Anderson Township, Hamilton County, Ohio, is hereby divided into twenty-two (22) classes of “Districts”. All such regulations are uniform for each class or kind of building or structure or use throughout each class of District, and said Districts shall be known as:

- AA** Residence District
- A-30** Residence District
- A** Residence District
- A2** Residence District
- B** Residence District
- B2** Residence District
- C** Residence District
- D** Residence District
- DD** Planned Multiple Residence District
- MHP** Mobile Home Park District
- O** Office District
- O1** Limited Office District
- OO** Planned Office District
- E** Retail Business District
- EE** Planned Business District
- ID** Industrial Development District
- FF** Planned Light Industrial District
- GG** Planned Heavy Industrial District
- EF** Excavation and Landfill District
- H** Riverfront District
- HD** Historic District
- FPM** Flood Plain Management

**B. Boundaries:** The boundaries of these Districts are indicated upon the District Maps of the unincorporated area of Anderson Township, Hamilton County, Ohio, which maps are made a part of this Resolution. The said District Maps of the unincorporated area of Anderson Township, Hamilton County, Ohio, and all the notations, references and other matters shown thereon

shall be as much a part of this Resolution as if the notations, references and other matters set forth by said Maps were all fully described herein; which District Maps are properly attested and are on file in the Office of the Board of Township Trustees.

- C. All territory which may hereafter become a part of the unincorporated area of Anderson Township, Hamilton County by the disincorporation of any village, town, or city, or portion thereof, shall automatically be classed as lying and being in the "B" Residence District until such classification shall have been changed by an amendment to the Zoning Resolution as provided by law.
- D. Whenever any street, alley or other public way is vacated by official action of the Trustees, the zoning Districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended Districts.
- E. Whenever a court declares by a judgment or decree that is final (whether because no appeal is taken or no further appeal can be taken from such judgment or decree), that the zoning of a specific lot or tract is unconstitutional or unreasonable because it is too restrictive, the property affected shall thereupon be subject to the next less restrictive District; provided, however, that where the court in such judgment or decree, declares that the property may be used for a particular use or uses because the Trustees have no right to prohibit such use or uses on the property, then such property shall be subject to the regulations applicable to the most restrictive District in which the particular use or uses, declared proper by the court, are permitted; and provided, further, that such regulations shall be applicable to the property for not to exceed one hundred eighty (180) days after the aforesaid court judgment or decree becomes final or until the appropriate zoning classification can be established in accordance with Section 519.12 of the Ohio Revised Code.

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## 1.4 Non-Conforming Uses

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- A. The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enactment of this Resolution or amendment thereto, may be continued although such use does not conform with the provisions of this Resolution or amendment. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- B. Whenever the use of any dwelling building or structure and of any land or premises becomes non-conforming through an amendment of this Resolution or Maps, such use may be continued and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.
- C. In the event that a non-conforming use of any dwelling, building or structure and of any land or premises is voluntarily discontinued for two (2) years or more, any future use thereof shall be in conformity with the provisions of this Resolution.
- D. Except as hereinafter provided in **Article 2.12** no existing building or premises devoted to a use not permitted by this Resolution in the District in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, or structurally altered, unless the use thereof is changed to a use permitted in the District in which such building or premises is located. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this resolution.

- E. When a building, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than sixty (60%) percent of its reproduction value, it shall not be restored, unless the relocation of such use shall have been authorized by the Board in the manner provided in **Article 2.12**.
- F. Nothing in this Resolution shall be interpreted as authorization for or approval of the continuance of the use of any activity, land, building or premises in violation of zoning regulations in effect at the time such use was begun.

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## 1.5 General Provisions

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**A.** Except as hereinafter provided:

1. No structure or land shall be used, and no structure or other development shall be located, extended, converted, substantially improved, or structurally altered without full compliance with all the applicable provisions of this Resolution.
2. In any Residence District, placing a boat, trailer, mobile home, manufactured home, or junk automobile shall be prohibited, except that outside the "FPM" Flood Plain Management Overlay District, one (1) trailer as defined in **Article 6** or one (1) boat may be parked or stored in an enclosed garage or in the rear yard area, and further excepted that one junk automobile may be parked in a completely enclosed accessory building in any single family residence district. In a multiple family district, the above restrictions shall apply, except that boats and trailer that are owned by the residents of the property shall be located within the rear yard area or within the area allowed for main buildings. When located within the area allowed for main buildings, the boat or trailer shall be set back a minimum of

100 feet from the front property line and 25 feet from any side property line. No occupancy for human habitation shall be maintained or business or storage 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 Residence District shall not be removed, except when the trailer is parked in a completely enclosed garage or accessory building, nor shall any such trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

3. The minimum yards and other open spaces, including the density of population, provisions contained in this Resolution for each and every building existing on the effective date of this Resolution, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other building.
4. 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.

**B.** The subdivision of any parcel of land into two or more parcels, sites or lots, any one of which is less than five (5) acres in area, as defined in Chapter 711, Plats of the Ohio Revised Code, shall be considered evidence that any such parcels, sites or lots are not used for agriculture.

**C.** Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this Resolution; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework including structural parts of the second floor shall have

been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution.

- D. In the event of any conflict in the provisions of this Resolution and the provisions of Chapter 519 of the Ohio Revised Code, the latter shall prevail.
- E. In addition to the notification requirements specified in Section 519 of the Ohio Revised Code, the Zoning Inspector may post notification of a public hearing on or about the property that is the subject of the hearing. The Zoning Inspector shall have the authority to enter on the property to the extent necessary to place such notification.
- F. **Human Remains Provisions:** When human remains are unearthed in the course of excavation work in the construction of a project authorized by an Anderson Township Zoning Certificate, the work in the immediate vicinity of such human remains shall cease forthwith, and the owner or owner's representative shall call in the Hamilton County Sheriff and notify the Zoning Inspector. If the Sheriff, with whatever consultations he deems appropriate, determines that the human remains do not constitute evidence of a crime, the owner or owner's representative shall consult at the owner's expense with an archeologist to determine whether the human remains are prehistoric with respect to the location at which found. If the human remains are determined not to be prehistoric, they shall be reburied in accordance with applicable law. If the human remains are determined to be prehistoric, the Zoning Inspector shall immediately notify The Ohio Council for Native American Burial Rights (the "Council") or The Ohio Center for Native American Affairs (the "Center"), or any successor to the Council or the Center, that at its option the human remains (and any artifact physically attached thereto or determined by the archaeologist to have been so attached at the time such human remains were originally buried) are available for ceremonial reburial if claimed and receipted for within three (3) days by a duly authorized representative thereof. During the three (3) day

period, the human remains and any such artifacts shall be accorded reasonable protection by the owner at the site where they were unearthed. If the human remains and any such artifacts are not so claimed and receipted for, they shall be reburied or otherwise disposed of by the owner in accordance with applicable law.

- G. **Severability:** It is the intention of Anderson Township that all sections of this Resolution be considered as severable, and that if any section is declared to be invalid that all other sections remain in effect.

## ARTICLE 2

# Administration

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## ARTICLE 2 Administration

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### 2.1 Zoning Certificates

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- A.** Except as 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 in part for any purpose whatsoever until a zoning certificate is issued by the Anderson Township Zoning Inspector stating that the building, structure, sign and use comply with the provisions of this Resolution. No change of use shall be made in any building, structure, sign, or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, except for single-family dwelling purposes, without a zoning certificate being issued therefore by the Anderson Township Zoning Inspector. No zoning certificate shall be issued to make a change unless the changes are in conformity with the provisions of this Resolution.
- B.** Nothing in this Section shall prevent the continuance of a non-conforming use as herein before authorized unless a discontinuance is necessary for the safety of life or property.
- C.** A zoning certificate shall be applied for prior to or coincidentally with the application for a construction permit. A record of all zoning certificates shall be kept on file in the office of the Anderson Township Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- D.** A zoning certificate shall be required of all Non-Conforming Uses. Application for the zoning certificate for Non-Conforming Uses shall be filed within twelve (12) months from the effective date of this Resolution.
- E.** A non-refundable fee, to be determined by the Trustees of Anderson Township, shall be paid at the time an application for a zoning certificate, a certificate of occupancy, or any other requested permit or authorization is submitted.
- F.** The Director of Planning and Zoning may revoke a zoning certificate where there has been a violation of the provisions of this resolution or a misrepresentation of fact on the permit application. The Director of Planning and Zoning shall issue a written statement contemporaneous with his decision, explaining the reasons for revocation. Appeals from such decisions may be made to the Anderson Township Board of Zoning Appeals, pursuant to **Article 2.12.C**.

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## 2.2 Plats

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- A.** Unless otherwise directed by the Anderson Township Zoning Commission (ATZC), each application for a zoning certificate shall be accompanied by a plat and plan in duplicate drawn to scale, showing the actual shape and dimensions of the lot to be built upon or used, the exact size and location on the lot of the buildings, structures and accessory buildings existing, and the lines within which the proposed building or structure shall be erected or altered, 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. One (1) copy of such plats and plans shall be returned to the applicant when such plats and plans shall have been approved by the Anderson Township Zoning Inspector. All dimensions shown on these plats and plans relating to the location and size of the lot to be built upon shall be based on an actual survey. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started. Site plans that are required for new structures shall show the exact location of the structure in relation to all property and rights-of-way lines, and plans shall be signed by an Ohio Registered Surveyor.

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## 2.3 Boundaries of Districts

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- A. Rules Where Uncertainty May Arise:** Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Maps accompanying and made a part of this Resolution, the following rules apply:

1. The District boundaries are the center lines of streets or alleys, unless otherwise shown, and where the Districts designated on the Maps, accompanying and made a part of this Resolution are bounded approximately by street or alley center lines, such center lines shall be construed to be the boundary of the Districts.
2. Where the District boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the District boundaries shall be construed to be the lot lines and where the Districts designated on the Maps accompanying and made a part of this Resolution are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the Districts unless the boundaries are otherwise indicated on the Maps.
3. In unsubdivided property, the District boundary lines on the Maps accompanying and made a part of this Resolution shall be determined by dimensions or the use of the scale appearing on the Maps.

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## 2.4 Interpretation, Purpose and Conflict

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- A.** In interpreting and applying the provisions of this Resolution and any amendments thereto, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. Wherever the regulations of this Resolution require a greater width or size of yards or other open spaces or require a lower height of building or less number of stories or require greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restrictive use of land, or impose other higher standards than are required in any other resolution on regulation, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other resolution, regulation,

private deed restriction or private covenant is the more restrictive, then those requirements shall govern.

- B.** With respect to the unincorporated portion of Anderson Township, this Resolution shall replace and supersede a Zoning Resolution for the unincorporated territory of Hamilton County, Ohio, heretofore adopted pursuant to the provisions of Ohio law.

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## 2.5 Amendments

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- A.** Amendments or supplements to the Zoning Resolution may be initiated by motion of the Anderson Township Zoning Commission (ATZC), by the passage of a resolution therefore by the Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the ATZC. Upon adoption of such motion, certification of such resolution, or the filing of such application, the procedure provided in Section 519.12 of the Ohio Revised Code shall be followed. In the event the Trustees deny or modify the recommendations of the ATZC, the majority vote of the Trustees shall be required. Be it further provided, that no amendment or supplement to the Zoning Resolution shall be adopted except by a vote of a majority of the Trustees.
- B.** Such amendment or supplement adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Trustees a petition, signed by a 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 per cent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which governor was elected, requesting the

Trustees to submit the amendment or supplement to the electors of such area for approval or rejection, at the next primary or general election.

- C.** No amendment or supplement for which 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 immediate effect.

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## 2.6 Repeal

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- A.** The Township Zoning Resolution and Map may be repealed in the following manner: The Trustees (a) may adopt a resolution upon its own initiative, and (b) shall adopt a resolution if there is presented to it a petition signed by a number of qualified voters residing in the unincorporated area of the Township included in the zoning plan equal to not less than eight (8%) per cent of the total vote cast for all candidates for governor in such area at the last preceding general election, at which a governor was elected, requesting the questions of whether or not the plan of zoning in effect in said Township shall be repealed to be submitted to the electors residing in the unincorporated area of the Township included in the zoning plan, at the next primary or general election. In the event a majority of the vote cast on said questions in the township is in favor of repeal of zoning, then said regulations shall no longer be of any force or effect in the township. No more than one such election shall be held in any two calendar years.

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## 2.7 Enforcement

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- A.** It shall be the duty of the Anderson Township Zoning Inspector to enforce this Resolution.



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## 2.8 Applicable Provisions

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- A.** This Resolution has been passed under the authority of Section 519.01 et seq. of the Ohio Revised Code and embraces the provisions thereof regarding enforcement and penalties for violations.
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## 2.9 Validity

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- A.** This Resolution shall in all respects be construed so as to conform with the provisions and requirements of Ohio law, including, but not limited to, the provisions of Chapter 519 of the Ohio Revised Code.
- B.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.
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## 2.10 Violations and Penalties

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- A.** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change maintain or use any building or to use any land in violation of any regulation in or any provision of this Resolution or any amendment or supplement thereto.
- B.** Any person, firm or corporation violating any regulation, provision, amendment or supplement to this Resolution, or failing to obey any lawful order of the Anderson Township Zoning Inspector issued in pursuance thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to fines allowed under Ohio Revised Code 519.99. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change,

maintenance or use continues may be deemed a separate offense.

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## 2.11 Remedies

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- A.** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any regulation, provision, amendment or supplement of this Resolution, the Trustees, the Prosecuting Attorney, the Anderson Township Zoning Inspector or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
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## 2.12 Township Board of Zoning Appeals

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- A.** A Township Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, to be appointed by the Trustees who shall be residents of the unincorporated territory of Anderson Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office or other cause by the Trustees upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 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 shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

**B.** 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, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Trustees in the Anderson Township Planning and Zoning office and shall be a public record.

**C.** Appeals to the Board may be taken by any person aggrieved or by any Officer of the Township affected by any decision of the administrative Officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the Officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The Officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township at least ten days before the date of hearing, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Hamilton County as provided by law.

**D.** The Board shall have the following powers:

1. 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.
2. 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 impose practical difficulties, so that the spirit of the Resolution shall be observed and substantial justice done.
  - a. Standards to be considered and weighed in determining whether a property owner seeking a use variance has encountered unnecessary hardships in the use of his/her property are as follows:
    - i. There are exceptional or extraordinary circumstances, or conditions applying to the subject property that do not apply generally to other properties in the same District or Vicinity;
    - ii. The special circumstances or conditions do not result from actions of the property owner or any of the predecessors in title;
    - iii. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant that is possessed by owners of other properties in the same District or Vicinity; and
    - iv. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the District or Vicinity in which the property is located.

- b. Standards to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his/her property include, but are not limited to the following:
- i. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - ii. The variance is substantial;
  - iii. The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - iv. The variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
  - v. The property owner purchased the property with knowledge of the zoning restrictions;
  - vi. The property owner's predicament can be feasibly obviated through some method other than a variance.
  - vii. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
3. To permit the extension of a District where the boundary line of a District divides a tract of not more than one acre in area and held in a single ownership on the effective date of this Resolution, provided such extension shall not exceed 100 feet.
4. To permit, where the boundary line of a District divides a tract of more than ten (10) acres under a single ownership, adjustment of such line to conform with the topography of the ground where such a tract is being subdivided and when a preliminary subdivision plan for such a tract has been approved by the Regional Planning Commission of Hamilton County, provided such 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.
5. To interpret the provisions of this Resolution in a way to carry out the intent and purpose of the plan, as shown upon the Maps 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 maps aforesaid.
  6. To permit a variation in the yard requirements of any District where there are practical difficulties in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.
  7. To authorize a Special Zoning Certificate for any of the Conditional Uses in the "ID" Industrial Development District set forth in **Article 3.16.C**. In authorizing such Conditional Uses, the Board of Zoning Appeals shall employ the performance standards described in **Article 3.16.F** and shall also consider the compatibility of such uses with surrounding uses and the effect of such uses upon the health, safety, and morals of the community.
  8. To authorize by the grant of a special zoning certificate after public hearing, the location 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.
    - a. In determining whether to grant a special zoning certificate pursuant to this section the Board shall consider and apply the following standards:
      - i. Spirit and Intent. The proposed use and development shall comply with the spirit

and intention of the Zoning Resolution and with District purposes.

- ii. No Adverse Affect. The proposed use and development shall not have an adverse affect upon adjacent property, or the public health, safety, and general welfare.
  - iii. Protection of Public Services: The proposed use and development should respect, to the greatest extent practicable, any natural, scenic, and historic features of significant public interest.
  - iv. Consistent with Adopted Plans. The proposed use and development shall, as applicable, be harmonious with and in accordance with the general objective of the Township’s comprehensive plan and/or Zoning Resolution.
- b. Private airports or landing fields.
  - c. Parking lots on land, the farthest point of which shall not be more than 200 feet from the boundary of an Office, Limited Office, Commercial or Industrial Districts.
  - d. To authorize by the grant of a special zoning certificate after public hearing, the ingress and egress to an Office, Limited Office, Commercial or Industrial District through a more restricted district.
  - e. Riding stables or fishing lakes, including the sale of food and refreshments.
  - f. To authorize by grant of a special zoning certificate after public hearing the location and erection and use of private radio transmitter and/or tower in a district in which it is prohibited.
  - g. To authorize in its discretion, the alteration and conversion of single-family dwelling to

a two-family dwelling, provided, however, the dwelling was in existence at the time of the adoption of this resolution that there be no enlargement of the existing building, that no living unit contain a total of less than three hundred (300) square feet of floor area and that the minimum lot area contained in the lot or tract of land will be twenty (20%) per cent greater than the lot area required in the District in which they are located.

- h. The restoration of a non-conforming use damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60%) per cent of its reproduction value.
  - i. In granting such special zoning certificate, the Board may impose such special conditions as it shall deem desirable under the circumstances, to reduce the adverse effect of the above uses upon the preservation of the character and development of the District in which such uses are located.
- 9. To grant the extension of a non-conforming use or building upon a lot or tract of land occupied by such use or building, where such extension is necessarily incident to the existing use, provided, however, that the floor area of such extension or extensions shall not exceed in all fifty (50%) percent of the floor area of the existing building or buildings devoted to a non-conforming use on the effective date of this Resolution.
  - 10. To grant a Conditional Zoning Certificate for any of the Conditional Uses in a Single Family Residence District set forth in **Article 5.4**. In authorizing such Conditional Uses, the Board of Zoning Appeals shall employ the performance standards described in **Article 5.4.G** and shall also consider the compatibility of such uses with surrounding uses and the effect of such uses upon the health, safety, and morals of the

community.

- E.** In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken.
- F.** 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.

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### **2.13 When Effective**

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- A.** This Resolution shall be in full force and effect from and after the earliest period allowed by law.

ARTICLE 3

# Zoning Districts

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## ARTICLE 3

# Zoning Districts



### 3.1 "AA" Residence District Regulations

**A.** The regulations set forth in this Section, or set forth elsewhere in this resolution, when referred to in this Section, are the District Regulations in the "AA" Residence District.

**B. Use Regulations:** A building or premises shall be used only for the following purposes permitted and conditional use purposes. Conditional uses require the issuance of a conditional use zoning certificate, after public hearing, by the Board of Zoning Appeals, as outlined in **Article 5.4** of this Resolution.

1. Permitted Uses: The following describes permitted uses for the AA residence district.
  - a. 3.1,C,1 Agricultural
  - b. 3.1,C,2 Cemeteries (including mausoleums)
  - c. 3.1,C,9 Public and Private Forests
  - d. 3.1,C,11 Platted Subdivision
  - e. 3.1,C,13 Single Family Dwelling

- f. 3.1,C,14 Accessory Buildings
- g. 3.1,C,15 Day Care Center, Type B
2. Conditional Uses: The following describes conditional uses for the AA residence district.
  - a. 3.1,C,3 Church, Sunday School, and Other Places of Worship
  - b. 3.1,C,4 Country Clubs, Swimming, and Tennis Clubs
  - c. 3.1,C,5 Community Fire House
  - d. 3.1,C,6 Golf Course
  - e. 3.1,C,7 Greenhouses
  - f. 3.1,C,8 Hospitals and Assorted Institutions
  - g. 3.1,C,10 Public Properties (Parks etc.)
  - h. 3.1,C,12 Schools (Public and Private)
  - i. 3.1,C,16 Adult Family Home
  - j. 3.1,C,15 Day Care Center, Type A

### **C. Use Descriptions**

1. Agriculture, as provided in Section 3.1,C,11.
2. Cemeteries, including mausoleums, provided that any mausoleum shall be at least one hundred (100) feet from every property line

and provided further that any new cemetery shall contain an area of twenty (20) acres or more.

3. Church, Sunday School, and other places of worship.
4. Country clubs, swimming and tennis clubs; provided that any structures, except fences, and any parking areas necessary to the operation shall be at least one hundred (100) feet from every property line.
5. Community fire house.
6. Golf course, except miniature courses and practice driving tees; including such buildings and uses necessary for its operation except those the chief activity of which is a service customarily carried on as a business provided the site on which the course is located shall contain at least twenty (20) acres.
7. Greenhouses, provided any exterior storage or refuse or supplies and the heating plant shall be at least one hundred (100) feet from every property line.
8. Hospitals and institutions of an educational, religious, charitable, philanthropic nature provided the site upon which such uses are located shall contain at least five (5) acres and that such buildings shall not occupy over ten percent (10%) of the total area of the site.
9. Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor.
10. Publicly owned or operated properties including parks, playgrounds and community centers. A preliminary subdivision plan for such a tract has been approved by the Regional Planning Commission of Hamilton County, provided such
11. In any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some

of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:

- a. Any buildings or structures incidental to the use of land for agricultural purposes, including but not limited to riding stables, or animal hospitals or kennels for the boarding of animals shall, on lots of five (5) acres or less, be set back at least one hundred (100) feet from every property line.
  - b. Dairying and animal and poultry husbandry shall not be permitted on lots of five (5) acres or less when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that its subject to the tax on manufactured and mobile homes under Section 4503.06 of the Ohio Revised Code. After thirty-five (35) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.
  - c. The provision of this Section shall be construed so as to conform to all applicable Sections of the Ohio Revised Code.
12. Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools, provided no rooms are regularly used for housekeeping or sleeping rooms.
  13. Single family dwellings.



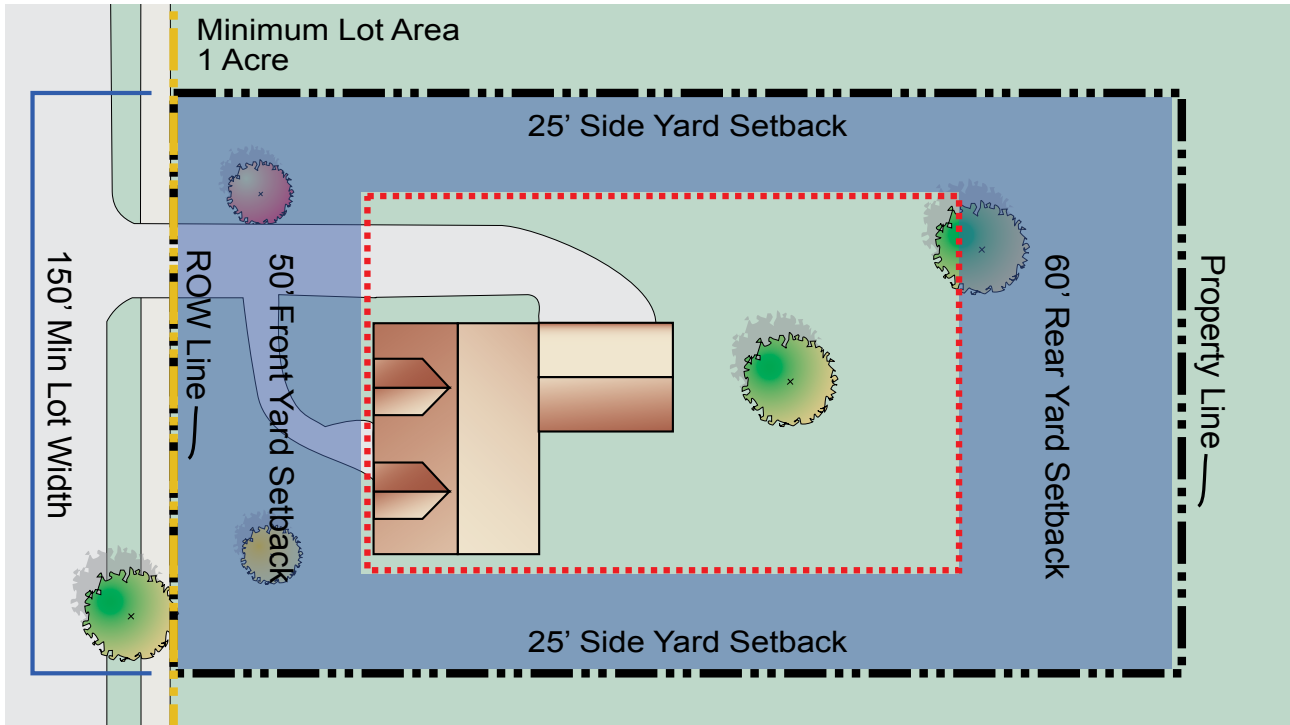
14. Accessory buildings and uses customarily incident to any of the above uses, including:
  - a. Quarters for domestic employees employed on the premises as provided in the "AA" Residence Districts.
  - b. A private garage or parking spaces, provided that this section shall not be deemed to permit parking of a truck or other commercial vehicle on the premises other than as defined in Article 6.
  - c. A private stable, subject to the requirements of Section 3.1,E,11,a.
  - d. Home Occupations.
  - e. The keeping of animals and fowls as pets, provided, however, that any building or enclosure for such animals or fowls, other than for not more than two adult dogs or cats, shall be at least one hundred (100) feet from every property line.
  - f. Farm Markets where 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.
  - g. Temporary buildings incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work.
15. Day Care Center, Type B
16. Adult Family Home. This section shall be interpreted so as to comply with Ohio Revised Code Section 3722.03.

**D. Lot and Yard Standards**

1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**.

2. Area Regulations: (See Illustration on Next Page)
  - a. Front Yard:
    - i. There shall be a front yard having a depth of not less than fifty (50) feet provided, however, no alignment setbacks or front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
    - ii. Where lots have a double frontage, the required front yard shall be provided on both streets.
    - iii. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.
  - b. Side Yard: Except as hereinafter provided in **Article 5.2**, there shall be a side yard on each side of a building which yard shall have a width of not less than twenty-five (25) feet.
  - c. Rear Yard: Except as hereinafter provided in **Article 5.2** there shall be a rear yard having a depth of not less than sixty (60) feet.
  - d. Intensity of Use: Except as hereinafter provided in **Article 5.2**, every lot or tract of land shall have a minimum width of one hundred fifty (150) feet at the building line and an area of not less than one (1) acre.

Illustration 3.1: Lot Area Regulations (AA District)





**3.2 "A-30"  
Residence District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this resolution, when referred to in this Section, are the District Regulations in the "A-30" Residence District.

**B. Use Regulations:** A building or premises shall be used only for purposes permitted in **Article 3.1.B.1**. Conditional Uses shall match those permitted in **Article 3.1.B.2**.

**C. Lot and Yard Standards**

1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**.
2. Area Regulations: (See Illustration Below)
  - a. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each

of such lots are within the same block and within one hundred (100) feet.

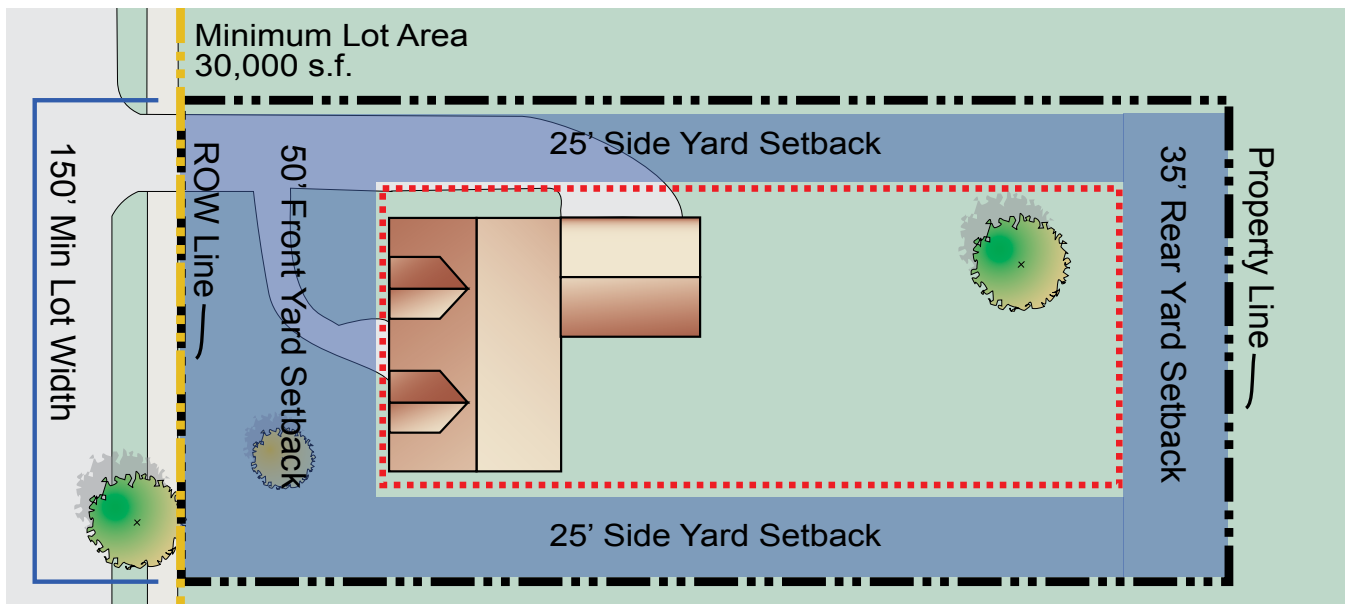
- i. Where lots have a double frontage, the required front yard shall be provided on both streets
- ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

b. Side Yard: Except as hereinafter provided in **Article 5.2**, there shall be a side yard on each side of a building which yard shall have a width of not less than twenty-five (25) feet.

c. Rear Yard: Except as hereinafter provided in **Article 5.2**, there shall be a rear yard having a depth of not less than thirty-five (35) feet.

3. Intensity of Use: Except as hereinafter provided in **Article 5.2** every lot or tract of land shall have a minimum width of one hundred fifty (150) feet at the building line and an area of not less than thirty thousand (30,000) square feet.

**Illustration 3.2: Lot Area Regulations (A-30 District)**





**3.3 "A"  
Residence District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "A" Residence District.

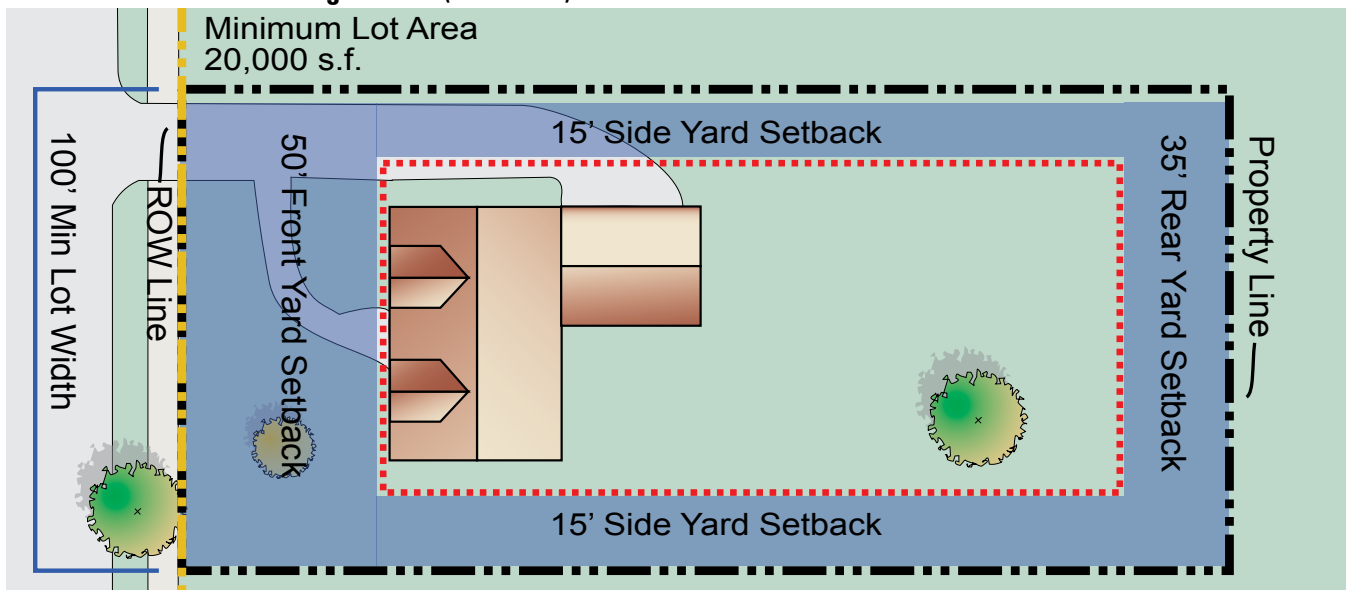
**B. Use Regulations:** A building or premises shall be used only for purposes permitted in **Article 3.1.B.1**. Conditional Uses shall match those permitted in **Article 3.1.B.2**.

**C. Lot and Yard Standards**

1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**.
2. Area Regulations: (See Illustration Below)
  - a. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

- i. Where lots have a double frontage, the required front yard shall be provided on both streets
  - ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.
- b. Side Yard: Except as hereinafter provided in **Article 5.2** there shall be a side yard on each side of a building which yard shall have a width of not less than fifteen (15) feet.
  - c. Rear Yard: Except as hereinafter provided in **Article 5.2** there shall be a rear yard having a depth of not less than thirty-five (35) feet.
  - d. Intensity of Use: Except as hereinafter provided in **Article 5.2** every lot or tract of land shall have a minimum width of one hundred (100) feet at the building line and an area of not less than twenty thousand (20,000) square feet.

**Illustration 3.3: Lot Area Regulations (A District)**



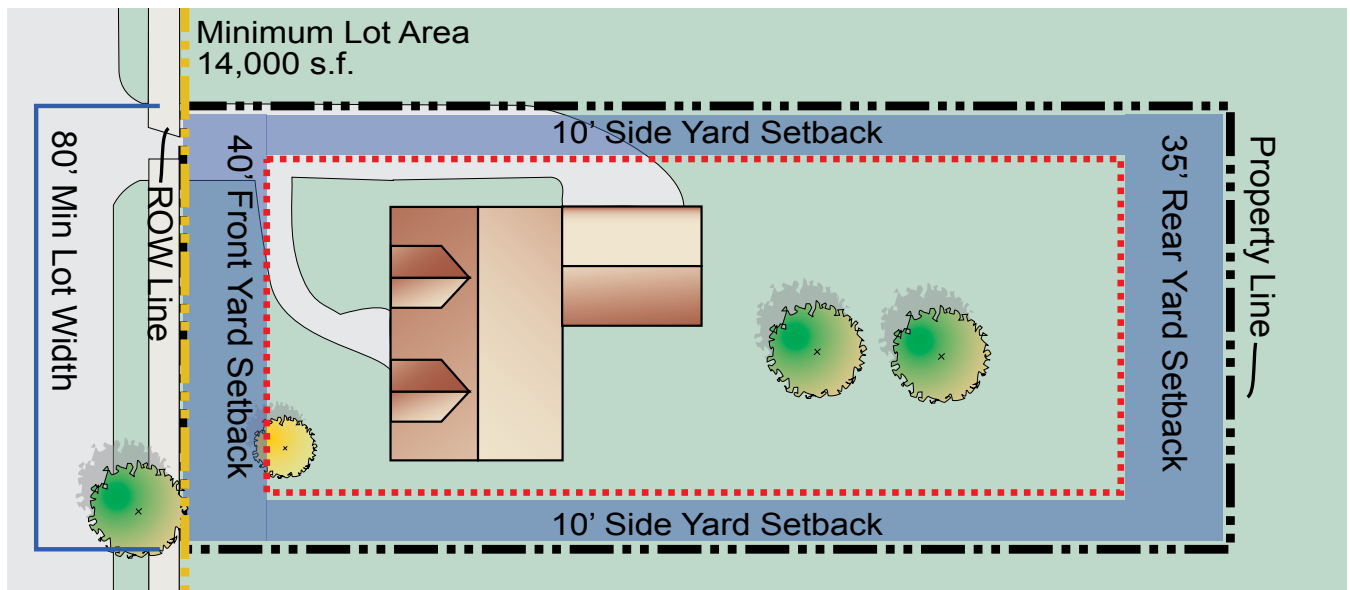


**3.4 "A-2"  
Residence District Regulations**

- A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution when referred to in this Section, are the district regulations in the "A 2" Residence District.
- B. Use Regulations:** A building or premises shall be used only for purposes permitted in **Article 3.1.B.1**. Conditional Uses shall match those permitted in **Article 3.1.B.2**.
- C. Lot and Yard Standards**
  - 1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**
  - 2. Area Regulations: (See Illustration Below)
    - a. Front Yard: There shall be a front yard having a depth of not less than forty (40) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

- i. Where lots have a double frontage, the required front yard shall be provided on both streets
- ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.
- b. Side Yard: Except as hereinafter provided in **Article 5.2** there shall be a side yard on each side of a building, which yard shall have a width of not less than ten (10) feet.
- c. Rear Yard: Except as hereinafter provided in **Article 5.2** there shall be a rear yard having a depth of not less than thirty-five (35) feet.
- d. Intensity of Use: Except as hereinafter provided in **Article 5.2** every lot or tract of land shall have a minimum width of eighty (80) feet at the building line and an area of not less than fourteen thousand (14,000) square feet.

**Illustration 3.4: Lot Area Regulations (A2 District)**





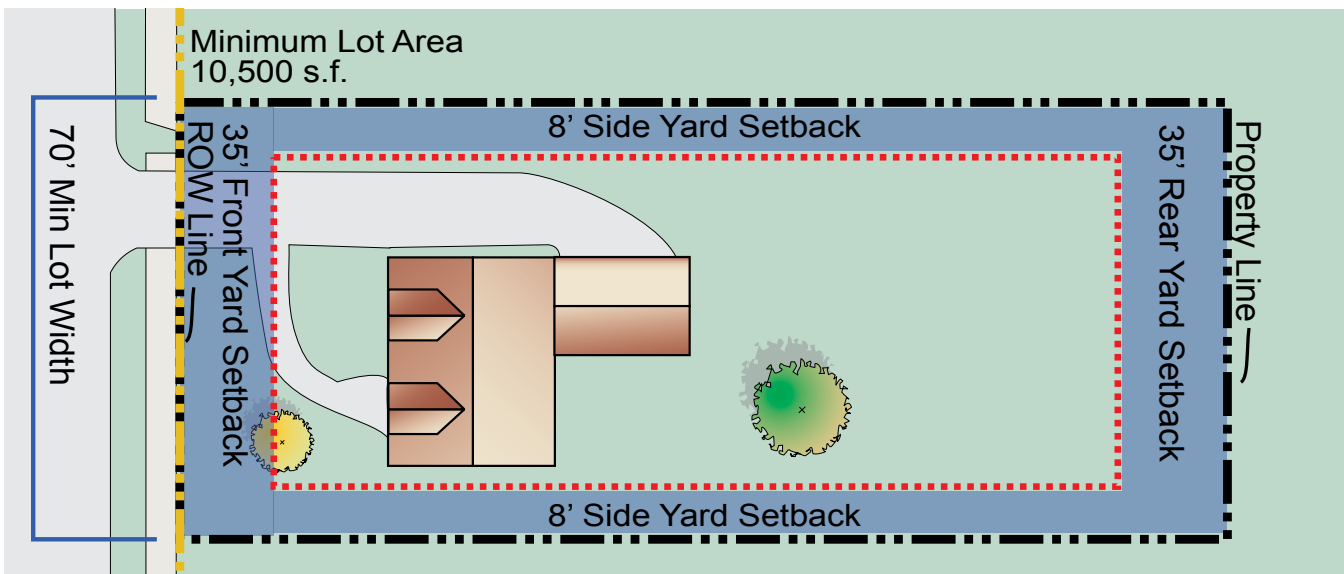
**3.5 "B"  
Residence District Regulations**

- A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "B" Residence District.
- B. Use Regulations:** A building or premises shall be used only for purposes permitted in **Article 3.1.B.1**. Conditional Uses shall match those permitted in **Article 3.1.B.2**.
- C. Lot and Yard Standards**
  - 1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**.
  - 2. Area Regulations: (See Illustration Below)
    - a. Front Yard: There shall be a front yard having a depth of not less than thirty-five (35) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and

within one hundred (100) feet.

- i. Where lots have a double frontage, the required front yard shall be provided on both streets
- ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.
- b. Side Yard: Except as hereinafter provided in **Article 5.2**, there shall be a side yard on each side of a building, which yard shall have a width of not less than eight (8) feet.
- c. Rear Yard: Except as hereinafter provided in **Article 5.2**, there shall be a rear yard having a depth of not less than thirty-five (35) feet.
- d. Intensity of Use: Except as hereinafter provided in **Article 5.2**, every lot or tract of land shall have a minimum width of seventy (70) feet at the building line and an area of not less than ten thousand five hundred (10,500) square feet.

**Illustration 3.5: Lot Area Regulations (B District)**





**3.6 "B-2"  
Residence District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "B-2" Residence District.

**B. Use Regulations:** A building or premises shall be used only for purposes permitted in **Article 3.1.B.1**. Conditional Uses shall match those permitted in **Article 3.1.B.2**.

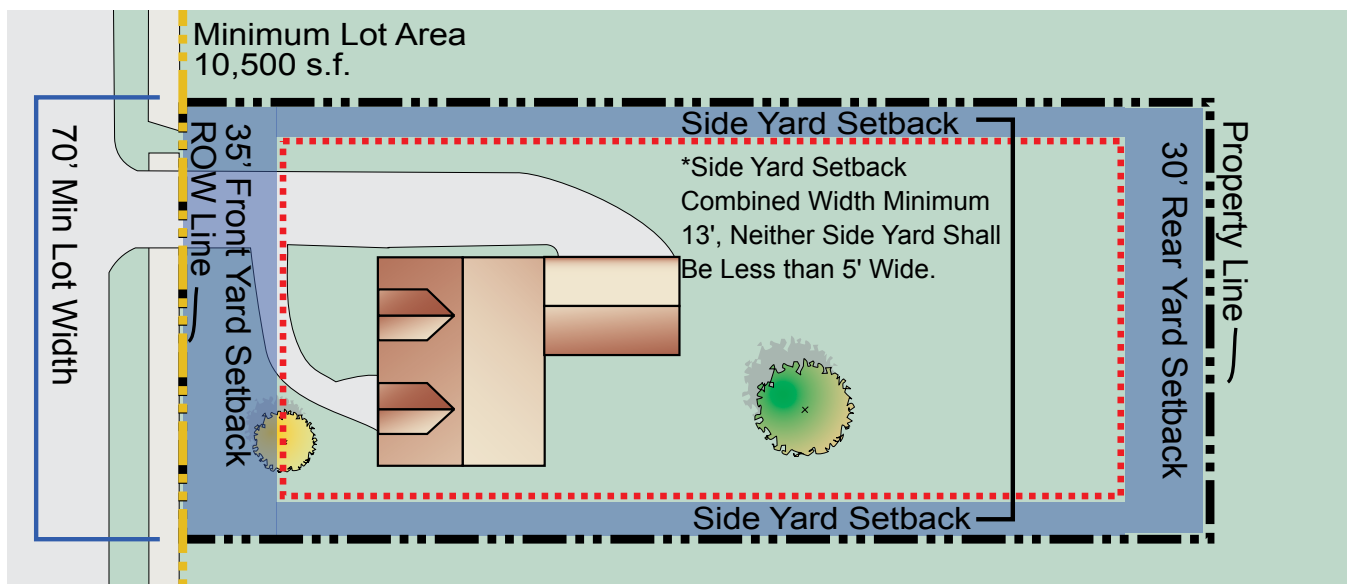
**C. Lot and Yard Standards**

1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**.
2. Area Regulations: (See Illustration Below)
  - a. Front Yard: There shall be a front yard having a depth of not less than thirty-five (35) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each

side, if each of such lots are within the same block and within one hundred (100) feet.

- i. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.
- b. Side Yard: Except as hereinafter provided in **Article 5.2**, there shall be a side yard on each side of a building, which yard shall have a combined width of not less than thirteen (13) feet, and provided further that neither side yard shall be less than five (5) feet wide.
  - c. Rear Yard: Except as hereinafter provided in **Article 5.2**, there shall be a rear yard having a depth of not less than thirty (30) feet.
  - d. Intensity of Use: Except as hereinafter provided in **Article 5.2**, every lot or tract of land shall have a minimum width of sixty (60) feet at the building line and an area of not less than seventy-five hundred (7,500) square feet.

**Illustration 3.6: Lot Area Regulations (B2 District)**



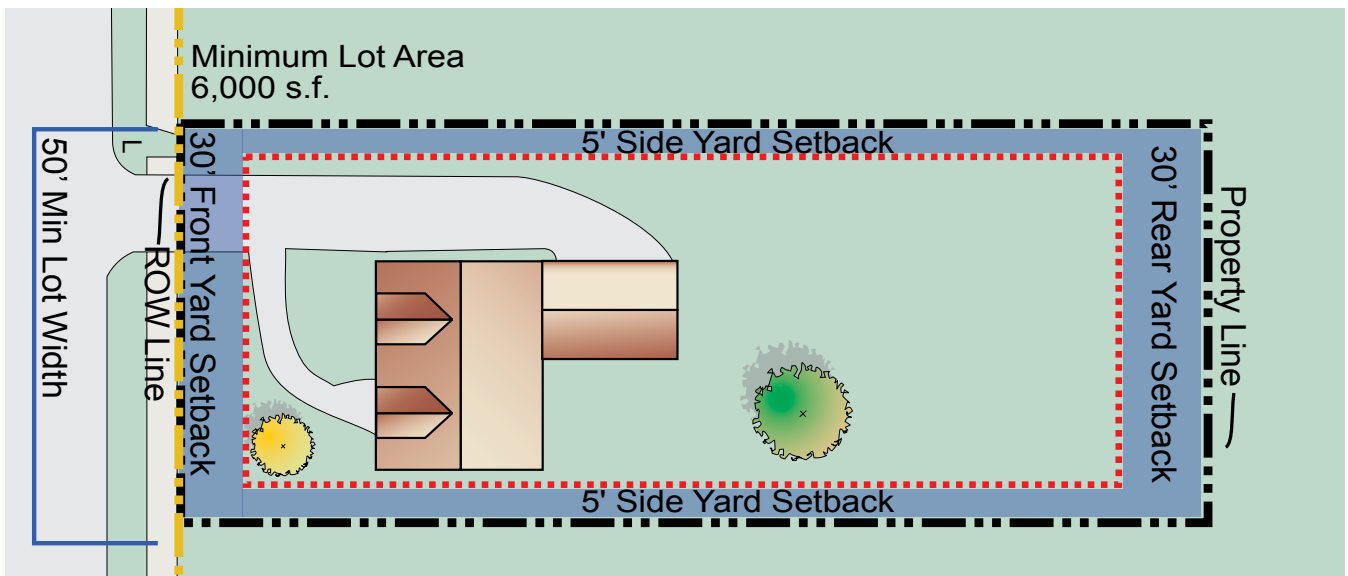


**3.7 "C"  
Residence District Regulations**

- A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "C" Residence District.
- B. Use Regulations:** A building or premises shall be used only for purposes permitted in **Article 3.1.B.1**. Conditional Uses shall match those permitted in **Article 3.1.B.2**.
- C. Lot and Yard Standards**
  1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**.
  2. Area Regulations: (see below illustration)
    - a. Front Yard: There shall be a front yard having a depth of not less than thirty (30) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent to each side, if each of such lots are within the same block and within one hundred (100) feet.

- i. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.
- b. Side Yard: Except as hereinafter provided in Article **Article 5.2**, there shall be a side yard on each side of a building, which yard shall have a width of not less than five (5) feet.
  - c. Rear Yard: Except as hereinafter provided in **Article 5.2**, there shall be a rear yard having a depth of not less than thirty (30) feet.
  - d. Intensity of Use: Except as hereinafter provided in **Article 5.2**, every lot or tract of land shall have a minimum width of fifty (50) feet at the building line and an area of not less than six thousand (6,000) square feet.

**Illustration 3.7: Lot Area Regulations (C District)**







**3.8 "D"  
Residence District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "D" Residence District.

**B. Use Regulations:** A building or premises shall be used only for the following purposes permitted and conditional use purposes. Conditional uses require the issuance of a conditional use zoning certificate, after public hearing, by the Board of Zoning Appeals, as outlined in **Article 5.5** of this Resolution.

1. Permitted Uses: The following describes permitted uses for the D residence district.
  - a. 3.8,C,1 Agriculture;
  - b. 3.8,C,2 Single and two family dwellings;
  - c. 3.1,C,3 Multiple dwellings;
  - d. 3.1,C,4 Boarding and lodging houses;
  - e. 3.1,C,5 Fraternities, sororities, dormitories and lodges;
  - f. 3.1,C,6 Public and private forest and wild life reservations;.
  - g. 3.1,C,7 Accessory Buildings;
  - h. 3.1,C,15 Day Care Center, Type B.
2. Conditional Uses: The following describes conditional uses for the D residence district.
  - a. 3.1,C,5 Cemeteries;
  - b. 3.1,C,6 Places of Worship (Church/Sunday School etc.);
  - c. 3.1,C,7 Clubs;
  - d. 3.1,C,8 Fire House;

- e. 3.1,C,10 Golf Course;
- f. 3.1,C,11 Hospitals and Assorted Institutions;
- g. 3.1,C,10 Public Properties (Parks etc.);
- h. 3.1,C,14 Rest Home, Day Care Center, Nursery School;
- i. 3.1,C,15 Schools;
- j. 3.1,C,18 Adult Family Home.

**C. Use Descriptions**

1. Agriculture, as provided in **Article 3.1,C,11**.
2. Single and two family dwellings.
3. Multiple dwellings.
4. Boarding and lodging houses.
5. Cemeteries, including mausoleums; provided that any mausoleum shall be at least one hundred (100) feet from every property line and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
6. Church, Sunday School, and other places of worship.
7. Clubs
8. Community fire house.
9. Fraternities, sororities, dormitories and lodges, except those the chief activity of which is a service customarily carried on as a business.
10. Golf course, except miniature courses and practice tees; including such buildings and uses necessary for its operation except those the chief activity of which is a service customarily carried on as a business.
11. Hospitals, except animal hospitals, and institutions of an educational, religious, charitable, philanthropic nature.

12. Public and private forest and wild life reservations or similar conservation projects, including the usual buildings therefor.
13. Publicly owned or operated properties including parks, playgrounds and community centers.
14. Rest home, convalescent home, day care center, nursery school, prekindergarten, kindergarten, or similar private school; located on a site of not less than one (1) acre.
15. Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools.
16. Accessory buildings and uses customarily incident to any of the above uses, including:
  - a. Private garage.
  - b. Storage garages, where the lot is occupied by a multiple dwelling, hospital or institutional building.
  - c. Home occupation.
  - d. The keeping of animals and fowls as pets provided, however, that any building or enclosure for such animals or fowls, other than for not more than two (2) adult dogs or cats, shall be at least one hundred (100) feet from every property line.
  - e. Temporary buildings incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work.
17. Day Care Center, Type B
18. Adult Family Home. This section shall be interpreted so as to comply with Ohio Revised Code Section 3722.03.

**D. Lot and Yard Standards**

1. Height Regulations: No building shall exceed

three (3) stories or forty-five (45) feet in height, except as hereinafter provided in **Article 5.2.**

2. Area Regulations:
  - a. Front Yard: A 30' front yard setback is required.
  - b. Side Yard: Except as hereinafter provided in **Article 5.2;**
    - i. For buildings not exceeding two and one-half (2-1/2) stories in height, there shall be a side yard on each side of such building, which yard shall have a width of not less than five (5) feet.
    - ii. There shall be a side yard on each side of a three (3) story building which yard shall have a width of not less than ten (10) feet.
  - c. Rear Yard: Except as hereinafter provided in **Article 5.2;**
    - i. For buildings not exceeding two and one-half (2-1/2) stories in height, there shall be a rear yard having a depth of not less than thirty (30) feet.
    - ii. A three (3) story building shall have a rear yard of not less than forty (40) feet in depth.
3. Intensity of Use:
  - a. Every lot or tract of land on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the building line and an area of not less than five thousand (5,000) square feet.
  - b. Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than three thousand (3,000) square feet per family, except that the area regulation shall not apply to dormitories, fraternities or

sororities where no cooking is done in individual rooms or apartments. Every lot on which there is erected a building for any other use permitted in the "D" Residence District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet.

- c. Where a lot or tract of land has less width or area than herein required and was of record on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non dwelling use permitted in this Article.



### 3.9 "DD" Planned Multiple Residence District Regulations

- A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "DD" Planned Multiple Residence District. It is the purpose of this district to provide sites for the uses permitted herein at appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.
- B. Use Regulations:** Any use permitted in **Article 3.8.B.1** may be permitted in the "DD" Planned Multiple Residence District provided, however, that the district shall be laid out and developed as a unit according to an approved development plan as defined in **Article 6**, in order that the specific use or uses may be properly integrated with the surrounding area, and provided further, that a service establishment such as a restaurant, a bar, barber shop, beauty shop, and the like, principally serving the residents and having no entrance except from within the building may be permitted after review by the ATZC which may consider the recommendation of the Regional Planning Commission, and found to be warranted by the size of the development.
- C. Procedure:** The owner or owners of a tract of land adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in this Section. The development plan shall show the details defined in **Article 6**, in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

#### D. Height and Area Requirements

1. No building shall exceed three (3) stories or forty (40) feet in height unless such building is set back from the street line a distance of not less than its height and is set back from all other property lines a distance of thirty (30) feet plus two (2) feet for each foot in height in excess of forty (40) feet.
2. No building shall be closer than forty (40) feet to any front or rear lot line, or closer than fifteen (15) feet in the case of a one or two-story building, or closer than thirty (30) feet in case of a three-story building, to any side lot line.
3. The lot area per apartment shall not be less than: twenty-five hundred (2500) square feet for an apartment of two bedrooms or more; two thousand (2000) square feet for one-bedroom apartment and fifteen hundred (1500) square feet for an efficiency apartment.
4. Where part or all of the off-street parking spaces required for a multi-family dwelling are provided within the principal building or buildings, the minimum lot area per dwelling unit specified in this section may be reduced by a maximum of twenty per cent (20%), in accordance with the following formula:  
**a / b x 20%, where:**  
**a = the number of spaces provided within the building, and**  
**b = the number of spaces required for the multi-family dwelling**
5. In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the yard requirements as prescribed in this Subsection, unnecessary or undesirable, the ATZC may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The ATZC

may consider the recommendation of the Regional Planning Commission at its public hearing.

**E. Parking Requirements:** Off-street parking spaces shall be provided on the basis of at least one and one-half spaces for each efficiency apartment, or one-bedroom apartment and two spaces for each apartment of two bedrooms or more.

**F. General Requirements:**

1. The size and location of the tract in relation to surrounding property shall be such that in the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the ATZC specifically makes a finding that the development will be harmoniously related to the overall neighborhood.
2. In furthering this objective, the location and arrangement of buildings, parking structures and areas, walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs or pedestrian walks.
3. No sign or displays or advertising of merchandise and services offered in the shops shall be visible from outside the building.
4. Reasonable additional requirements as to landscaping, lighting, screening, access ways and building setbacks may be imposed by the ATZC for the protection of adjacent property. The Regional Planning Commission may make recommendations, which reference such additional requirements.

**G. Violation of Plan:** The development plan approved in accordance with this Section and

**Article 5.1** shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, except when specifically approved in accordance with **Article 5.1** shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefore in **Article 2.10**.



**3.10 "O"  
Office District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution when referred to in this Section, are the district regulations in the "O" Office District.

**B. Use Regulations:** A building or premises shall be used only for the following purposes:

1. Any use permitted in **Article 3.8.B.1**.
2. Hotels and motels, including a restaurant, provided that such restaurant is subordinate and incident to the hotel or motel, and provided further that the floor of the restaurant does not exceed twenty-five percent (25%) of the floor area of the hotel or motel.
3. Office buildings devoted exclusively to professional services, banking, and other similar financial services, the management of commercial, industrial, religious, public institutions. The uses permitted by this subordinate section shall not include the manufacture or sale of commodities, unless such sale is incidental and subsidiary to the principal service rendered, but may include the display or storage of commodities incidental to the principal use, provided that the gross floor area of any one tenant or occupant devoted to such display or storage shall not exceed ten percent (10%) of the total floor area occupied by such tenant or occupant, and provided further that no display or commodities shall be visible from the exterior of the building.
4. Restaurants, pharmacies, and other accessory services subordinate and incident to the principal uses permitted by this section when conducted and entered only from within the principal building, and where

there is no display or advertising pertaining to such accessory service visible from the exterior of the building and health, wellness or fitness facilities, when associated with or related to medical offices, medical clinics or rehabilitation services provided that (i) such health, wellness or fitness facilities are located in or attached to the same Building where the associated or related medical offices, medical clinics or rehabilitation services are located (ii) the associated or related medical offices, medical clinics or rehabilitation services occupy at least 20% of the space in such building and (iii) the site upon which such building is located contains at least five (5) acres.

5. Funeral homes, including the display or storage of incidental commodities, provided that the gross floor area devoted to such display or storage shall not exceed ten percent (10%) of the total floor area occupied by the principal use.
6. Studios for the broadcasting of radio, facsimile and television, including rooms, spaces, and aerials incident to the operation of such studios.
7. Storage garages and other accessory buildings devoted to uses customarily incident to the use of the principal building when located on the same lot as the principal building and not involving the sale, display or storage of commodities.

**C. Lot and Yard Standards**

1. Height Regulations: No building shall exceed three (3) stories or forty-five (45) feet in height, except as hereinafter provided in **Article 5.2**.
2. Area Regulations:
  - a. Front Yard: A 30' front yard setback is required.
  - b. Side Yard: Except as hereinafter provided

in **Article 5.2;**

- i. For buildings not exceeding two and one-half (2-1/2) stories in height, there shall be a side yard on each side of such building, which yard shall have a width of not less than five (5) feet.
- ii. There shall be a side yard on each side of a three (3) story building which yard shall have a width of not less than ten (10) feet.
- c. Rear Yard: Except as hereinafter provided in **Article 5.2;**
  - i. For buildings not exceeding two and one-half (2-1/2) stories in height, there shall be a rear yard having a depth of not less than thirty (30) feet.
  - ii. A three (3) story building shall have a rear yard of not less than forty (40) feet in depth.

**D. Intensity of Use:**

- 1. Every lot or tract of land on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the building line and an area of not less than five thousand (5,000) square feet
- 2. Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than three thousand (3,000) square feet per family, except that the area regulation shall not apply to dormitories, fraternities or sororities where no cooking is done in individual rooms or apartments. Every lot on which there is erected a building for any other use permitted in the "O" OFFICE DISTRICT REGULATIONS shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet
- 3. Where a lot or tract of land has less width or area than herein required and was of record

on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Section.



**3.11 "0-1"  
Limited Office District**

**A.** The regulations set forth in this Section or set forth elsewhere in this Resolution when referred to in this Section, are the district regulations in the "0-1" Limited Office District.

**B. Use Regulations:** A building or premises shall be used only for the following permitted use purposes.

1. The following describes Permitted Uses for the 0-1 Limited Office district.
  - a. 3.11,D,1 Office
  - b. 3.11,D,2 Restaurants, Pharmacies, Accessory
  - c. 3.11,D,3 Funeral Homes
  - d. 3.11,D,4 Day Care Center
  - e. 3.11,D,5 Storage Garages

**C. Use Descriptions**

1. Office buildings devoted exclusively to professional services, banking and other similar financial services, the management of commercial, industrial, religious, public institutions. The uses permitted by this subordinate section shall not include the manufacture or sale of commodities, unless such sale is incidental and subsidiary to the principal service rendered, but may include the display or storage of commodities incidental to the principal use, provided that the gross floor area of any one tenant or occupant devoted to such display or storage shall not exceed 10% of the total floor area occupied by such tenant or occupant, and provided further that no display or commodities shall be visible from the exterior of the building.
2. Restaurants, pharmacies and other accessory

services subordinate and incident to the principal uses permitted by **Article 3.10.B.4** when conducted and entered only from within the principal building, and where there is no display or advertising pertaining to such accessory service visible from the exterior of the building.

3. Funeral homes, including the display or storage of incidental commodities, provided that the gross floor area devoted to such display or storage shall not exceed 10% of the total floor area occupied by the principal use.
4. Day Care Center or Nursery School, including outdoor recreation areas in the rear and side yard not less than 20 feet from any residential district. The 20-foot setback shall be landscaped with a tight screen of a mix of evergreen plants not less than six (6) feet high.
5. Storage garages and other accessory buildings devoted to uses customarily incident to the use of the principal building, when located on the same lot as the principal building and not involving the sale, display or storage of commodities.

**D. Lot and Yard Standards**

1. Height Regulations: No building shall exceed three (3) stories or forty-five (45) feet in height, except as hereinafter provided in **Article 5.2**.
2. Area Regulations:
  - a. Front Yard: A 30' front yard setback is required.
  - b. Side Yard: Except as hereinafter provided in **Article 5.2**;
    - i. For buildings not exceeding two and one-half (2-1/2) stories in height, there shall be a side yard on each side of such building, which yard shall have a width of not less than five (5) feet.



- ii. There shall be a side yard on each side of a three (3) story building which yard shall have a width of not less than ten (10) feet.
- c. Rear Yard: Except as hereinafter provided in **Article 5.2**:
  - i. For buildings not exceeding two and one-half (2-1/2) stories in height, there shall be a rear yard having a depth of not less than thirty (30) feet.
  - ii. A three (3) story building shall have a rear yard of not less than forty (40) feet in depth.

**E. Intensity of Use:**

1. Every lot or tract of land on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the building line and an area of not less than five thousand (5,000) square feet
2. Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than three thousand (3,000) square feet per family, except that the area regulation shall not apply to dormitories, fraternities or sororities where no cooking is done in individual rooms or apartments.
3. Every lot on which there is erected a building for any other use permitted in the "O-1" LIMITED OFFICE DISTRICT shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet
4. Where a lot or tract of land has less width or area than herein required and was of record on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Section.



### 3.12 "00" Planned Office District Regulations

- A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "00" Planned Office District. It is the purpose of this district to provide sites for the uses permitted herein at appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.
- B. Use regulations:** Any use permitted in **Article 3.10.B** may be permitted in the "00" Planned Office District, provided, however, that the district shall be laid out and developed as a unit according to an approved development plan for the specific use or uses, as defined in **Article 6**, in order that the use may be properly integrated with the surrounding area.
- C. Procedure:** The owner or owners of a tract of land adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purpose of, and meeting the requirements set forth in this Section. The development plan shall show the details defined in **Article 6**, in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for harmonious relationship with the surrounding property and the protection thereof.
- D. Height and Area Requirements:**
1. No building shall exceed thirty-five (35) feet in height unless such building is set back from the street line a distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of ten (10) feet, plus two (2) feet for each foot of height in excess of thirty-five (35) feet.

2. No building shall be closer than thirty (30) feet to any front or rear lot line, or closer than ten (10) feet to any side lot line. Adopted plans for specific areas may recommend a front yard setback of less than thirty (30) feet.
3. In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the yard requirements, as prescribed in this Subsection, unnecessary or undesirable, the ATZC may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The ATZC may consider the recommendation of the Regional Planning Commission at its public hearing.

**E. Parking and Loading Requirements:**

Off-street parking and loading spaces shall be provided in accordance with the requirements of **Article 5.3**.

**F. General Requirements:**

1. The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the ATZC specifically makes a finding that the development will be properly integrated in the overall neighborhood.
2. In furthering this objective, the location and arrangement of buildings, parking structures and area, walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking loading or access ways shall be landscaped with grass, trees and shrubs or

pedestrian walks.

3. Reasonable additional requirements as to landscaping, lighting, screening, access ways and building setbacks may be imposed by the ATZC for the protection of adjacent property. The Regional Planning Commission may make recommendations which reference additional requirements.

**G. Violation of Plan:** The development plan approved in accordance with this Article and **Article 5.1** shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, except when specifically approved in accordance with **Article 5.1** shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefore in **Article 2.10**.



**3.13 "MHP" Mobile Home Park District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution when referred to in this Section, are the district regulations in the "MHP" Mobile Home Park District. It is the purpose of this district to provide sites for mobile homes at appropriate locations in relation to the existing and potential development of their surroundings and in relation to other uses and community facilities to afford a proper setting for such uses and proper relation to other land uses and the comprehensive plan.

**B. Use Regulations:** Land or premises within the "MHP" Mobile Home Park District shall be used only for mobile homes and manufactured homes and accessory buildings and uses customarily incident thereto.

1. Procedure: The owner or owners of a tract of land (except land situated within the "FPM" Flood Plain Management Overlay District) comprising not less than ten (10) acres may submit a plan for the use and development of the tract of land for a mobile home park as provided herein. Such plan for development of the area shall be filed with the Township Zoning Commission and shall be referred to the Regional Planning Commission for study and report. The Regional Planning Commission shall recommend the approval or denial of the plan or approval of some modifications thereof and submit the plan, together with a report stating its findings and recommendations, to the Township Zoning Commission for public hearing and recommendation thereon to the Board of Township Trustees for final public hearing and determination. If the report of the Regional Planning Commission recommends approval of the plan, it shall state the reasons for approval and shall include

specific evidence and facts showing that the proposed mobile home park meets the following requirements:

2. General Requirements: Each mobile home park shall comply with the rules of the Ohio Department of Health, Public Health Council, Mobile Home Parks, Chapter 3701 27 inclusive, and with Sections 3733.01 to 3733.20 inclusive, of the Ohio Revised Code, and other requirements imposed by the Hamilton County Health Department and any others required by law, in addition to the provisions of **Article 3.10** of this Resolution.
3. Design Requirements:
  - a. The location and planning of the mobile home site and the amount, arrangement and treatment of open space shall be designed to ensure a satisfactory living environment and shall be carried out in consideration of property adjacent to the area included in the plan and ensure that such adjacent property will not be adversely affected.
  - b. To this end there shall be established and maintained an open space landscaped buffer within the mobile home park along its exterior boundaries. This buffer shall not be less than forty (40) feet or the required front yard, whichever is greater, along the front lot line, or less than fifty (50) feet along any other line, except that where topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the buffer requirements, as prescribed herein, unnecessary or undesirable, ATZC, which may consider the recommendation of the Regional Planning Commission, may modify such requirements to the extent warranted by such physical conditions, provided the surrounding property and the public welfare are adequately protected, and areas not used for access, parking,

circulation, building and service shall be completely and permanently landscaped and the entire site maintained in good condition. The buffer required herein shall be maintained as open space and landscaping in its entirety, and no areas used for access, parking, circulation, building or service or other accessories of the mobile home park shall be located within any part of such buffer. Recommendations of the Regional Planning Commission are subject to the approval of the Anderson Township Zoning Commission.

- c. The number of mobile homes and manufactured homes shall not exceed seven (7) such units per net usable acre of the site. The net usable acreage shall be deemed to be the total area of the site, excluding any public street right-of-way and excluding the open space buffer required in **Article 3.13.B.3.b.**
- d. All mobile homes and manufactured homes, accessory buildings and uses, including the recreation areas required herein, shall be located within the area determined and defined as the net usable area.
- e. Permitted accessory buildings and uses shall include management offices, laundry facilities, recreation areas and, where specifically approved as a part of the park plan, other recreation facilities and the sale of convenience goods and services exclusively for and to occupants of the mobile home park.
- f. Every mobile home park shall provide one or more recreation areas easily accessible to all residents of the park. The aggregate size of such areas shall be not less than one hundred (100) square feet for each lot, and no individual recreation areas shall be less than three thousand (3,000) square feet. Such recreation areas shall be graded and arranged and provided with appropriate equipment for full recreational use of the area. No such recreation area shall be located in any part of the buffer.
- g. Each mobile home park shall abut and have access to a public street, and each mobile home and manufactured home lot shall have direct access to the private internal road system, either by direct frontage or by means of a ten-foot, hard-surfaced driveway. Such internal road system shall be constructed to provide a permanent pavement of at least twenty-six (26) feet, including curbs and gutters. Off-street parking spaces shall be provided in the ratio of two (2) spaces for each mobile home and manufactured home lot; such spaces shall be within two hundred (200) feet from the mobile home and manufactured home or homes served. No parking space shall be located within any part of the buffer.
- h. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated, and all mobile home and manufactured home stands shall be connected by walks to the common walk system, to the parking spaces, to the paved streets, and to all service buildings.
- i. Each mobile home and manufactured home stand shall be equipped with a concrete slab or with concrete ribbons of adequate thickness and size to support the mobile home and manufactured home load during all seasons. Where concrete ribbons are used, the area between such ribbons shall be filled with crushed rock.
- j. Each mobile home park shall be adequately lighted for safety at night, all such lights shall be so located and shielded to prevent direct illumination of any area outside the park.

- k. Each mobile home park shall be provided with public water supply and a water distribution system installed in accordance with County specifications. Where a public sanitary sewer is reasonably accessible, the park shall be provided with sanitary sewerage connected thereto, including a lateral connection to each mobile home lot, subject to the review and approval of the Metropolitan Sewer District, the Hamilton County Health Department, and the State Department of Health. Where a public sanitary sewer is not available and not reasonably accessible in the combined judgment of the Regional Planning Commission and the Metropolitan Sewer District, an alternate means of sewage disposal, such as a community sewage treatment plan may be considered, subject to review and approval of officials having jurisdiction. An individual sewage disposal system shall not be permitted.
- l. Each park shall be graded and drained to prevent the standing of storm water and the method of drainage including treatment of both paved and unpaved areas shall be subject to approval of the Hamilton County Department of Public Works.

**C. Additional Requirements:** In addition to the foregoing, the ATZC may impose such other conditions, requirements or limitations concerning the design, development and operation of such mobile home park as it may deem necessary for the protection of adjacent properties and the public interest. ATZC may consider the recommendation of the Regional Planning Commission.

**D. Enlargement:** Any enlargement or extension of an existing mobile home park shall be treated as if it were a new establishment and shall be subject to the provisions of **Article 3.13.B.1** and the other provisions of this Section. No enlargement or extension of a mobile home park shall be permitted unless the existing park is made to conform substantially with all the requirements for new construction of such establishment.

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**3.14 "E" Retail Business District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section 43q, are the district regulations in the "E" Retail Business District.

**B. Use Regulations:** A building or premises may be used for any purpose except the following:

1. Any use prohibited or requiring a conditional use certificate in the "ID" Industrial Development District, except dwellings.
2. Animal hospitals and structures where small animals are boarded, if closer than one hundred (100) feet to any Residence District and outside runs if closer than two hundred (200) feet to any Residence District.
3. Automobile body and fender repairing, including painting, except where incidental to a garage, commercial.
4. Automobile wrecking or salvage, or the storage of junk automobiles.
5. Bakeries, employing more than five (5) persons on the premises.
6. Blacksmith or horse-shoeing shops.
7. Breweries and Distilleries, as differentiated from Microbreweries and Micro-Distilleries as defined in Article 6 of this Resolution.
8. Building material storage yards.
9. Carting, express, hauling or storage yards.
10. Contractor's plant or storage yards.
11. Coal, coke or wood yards of more than fifty (50) ton capacity.
12. Crematories, except in a cemetery.
13. Dyeing and cleaning works, employing more

than five (5) persons on the premises or using a cleaning fluid that has a petroleum base.

14. Laundries, employing more than five (5) persons on the premises.
15. Livery stables or riding academies.
16. Lumber yards or planing mills.
17. Metal working or welding shops.
18. Milk distributing stations, other than retail business conducted on the premises.
19. Mobile homes as defined in **Article 6** of this Resolution.
20. Stone or monumental works, employing more than five (5) persons on the premises.
21. Storage, baling or treatment of junk, iron, rags, bottles or scrap paper.
22. Storage warehouses.
23. Wholesale warehouses or businesses.
24. Any kind of manufacture or treatment other than manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

**C. Lot and Yard Standards**

1. Height Regulations: No building shall exceed three (3) stories or forty-five (45) feet in height, except as hereinafter provided in **Article 5.2.**
2. Area Regulations:
  - a. Front Yard: There shall be a front yard having a depth of not less than thirty (30) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent to each side, if each of such lots are within the same block and within one hundred (100) feet.



- i. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.
- b. Side Yard: Except as hereinafter provided in **Article 5.2**;
- i. For dwellings not exceeding two and one-half (2-1/2) stories in height, there shall be a side yard on each side of such building, which yard shall have a width of not less than five (5) feet.
  - ii. There shall be a side yard on each side of a three (3) story dwelling which yard shall have a width of not less than ten (10) feet.
  - iii. In all other cases, a side yard is not required except on the side of a lot adjoining Districts, in which cases there shall be a side yard of not less than five (5) feet.
- c. Rear Yard: Except as hereinafter provided in **Article 5.2**;
- i. There shall be a rear yard having a depth of not less than thirty-five (35) feet for all dwellings.
  - ii. In all other cases, a rear yard is not required except where a lot abuts upon the "A-A", "A", "A-30", "A-2", "B", "B-2", "C", "D", "D-D", or

"CUP" Residence Districts in which case, there shall be a rear yard of not less than fifteen (15) feet.

- d. Intensity of Use:
- i. Every lot or tract of land on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the building line and an area of not less than five thousand (5,000) square feet.
  - ii. Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than three thousand (3,000) square feet per family, except that the area regulation shall not apply to dormitories, fraternities or sororities where no cooking is done in individual rooms or apartments. Every lot on which there is erected a building for any other use permitted in the "D" Residence District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet
  - iii. Where a lot or tract of land has less width or area than herein required and was of record on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non dwelling use permitted in this Section.



### 3.15 "EE" Planned Business District Regulations

- A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "EE" Planned Business District. It is the purpose of this district to provide sites for retail business uses at appropriate locations for service and in appropriate relation to their surroundings to afford an attractive setting in harmony with the environs.
- B. Use Regulations:** Any use permitted in the "E" Retail Business District may be permitted in the "EE" Planned Business District, provided, however that the district shall be laid out and developed as a unit according to an approved development plan for the specific use or uses, as defined in **Article 6**, in order to provide for business and retail shopping facilities properly integrated with the surrounding area and at appropriate locations for service.
- C. Procedures:** The owner or owners of a tract of land adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in, this Section. The development plan shall show the details defined in **Article 6**, in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.
- D. Height and Area Requirements:**
1. No building shall exceed thirty-five (35) feet in height, unless such building is located at a distance of not less than its height from all side and rear lot lines, and occupies no more than ten (10) per cent of the total area of the tract.

2. No building shall be closer than thirty (30) feet to any street line or closer than thirty-five (35) feet to any other boundary line of the tract that abuts any more restricted district.
3. The aggregate ground area occupied by all buildings shall not exceed twenty-five (25) percent of the entire area of the tract.
4. In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the requirements of this Subsection unnecessary or undesirable, the ATZC may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The ATZC may consider the recommendation of the Regional Planning Commission at its public hearing.

**E. Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of **Article 5.3**.

**F. General Requirements:**

1. The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the ATZC specifically makes a finding that the development will be properly integrated in the overall neighborhood.
2. Adequate provision shall be made for traffic circulation into and out of the development, in addition to the provision for through traffic movements on the access street or streets, and to this end, the means of location of all ingress and egress and the provisions for traffic movement and circulation, including additional traffic lanes, where needed,

shall be subjected to approval of the County Engineer. The installation of additional lanes for deceleration or turning movements may be required, and traffic controls, as needed, may be imposed to provide for safe and efficient traffic circulation by and within the development.

3. Service drives or other areas shall be provided for off-street loading, in such a way that trucks will not block the passage of other vehicles or impede circulation on any other public or private drive or street.
4. All drives, parking areas, loading areas, and walks shall be paved with hard surface material meeting the approval of the County Engineer.
5. The location and arrangement of building, parking areas, walks, access ways, lighting and appurtenant facilities shall be adjusted to the surrounding land uses, and no part of any area for parking shall be located within twenty (20) feet of any side line of a residential lot, either existing or to be created in the future. Any part of the area not used for building or other structures or for parking, loading or access ways, shall be landscaped with grass, trees and shrubs or pedestrian walks.
6. All mechanical equipment for heating, cooling, air conditioning or similar purposes, which may create either noise or fumes, if not within the main building shall be located at least one hundred (100) feet from all property lines within or adjacent to a Residence District.
7. Reasonable additional requirements as to landscaping, lighting, signing, screening, access ways and building setbacks may be imposed by the ATZC for the protection of adjacent property. The Regional Planning Commission may make recommendations, which reference additional requirements.

- G. Violation of Plan:** The development plan approved in accordance with this Article and **Article 5.1** shall be an integral part of the Zoning Resolution and any departure from this plan or modification thereof, except when specifically approved in accordance with **Article 5.1**, shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in **Article 2.10**.



**3.16 "ID" Industrial Development District Regulations**

**A. Purpose:** The regulations set forth in this Section, or set forth elsewhere in the Resolution when referred to in this Section, are the district regulations in the "ID" Industrial Development District. The purpose of this district is to improve the quality of commercial, research, and industrial use and enhance its value and to provide a significant area where commercial, research, and industrial development may be encouraged and guided for the benefit of the total community.

**B. Permitted and Prohibited Uses:** A building or premises may be used for any purpose except the following prohibited uses:

1. Uses in conflict with any applicable resolution of Anderson Township or Hamilton County, or any applicable law of the State of Ohio or the United States of America.
2. Dwellings except those used for watchmen or operators whose continuous presence is reasonably necessary on the premises. However, the floor area of any dwelling which is a Non-Conforming Use as of the effective date of this amendment may be increased by not more than 50% of the floor area existing as of the effective date of this amendment.
3. Except as provided in **Article 5.3.0.1.i**, mobile homes as defined in **Article 6** and manufactured homes as defined in **Article 6** of this Resolution or structures not meeting building code requirements for permanent structures.
4. Abattoirs, tanneries, slaughter houses or stockyards.
5. Acid manufacture or wholesale storage thereof.

6. Cement, lime, gypsum or plaster of paris manufacture.
7. Distillation of bones.
8. Explosive manufacture or storage, including fireworks.
9. Fat rendering.
10. Fertilizer manufacture.
11. Dumps; temporary or permanent disposal or dumping of any unwanted residual solid or semisolid material which results from industrial, commercial, research, agricultural, or community operations, or any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form. The foregoing, by way of example and not of limitation, includes garbage, construction debris, radioactive material, products derived from petroleum or petroleum distillates, offal, dead animals or animal parts or products, and any combustible material. The foregoing does not include earth, sand, rock, or concrete, or any non-hazardous noncombustible material. "Disposal or dumping" means any discharge, deposit, injection, spilling, leaking, emitting, or placing into or on any land or ground or surface water or aquifer or into the air, unless such disposal or dumping constitutes storage or treatment, or, as to discharges or emissions into the air, is permitted by applicable state or federal law or regulation.
12. Gas manufactures.
13. Glue manufacture, except as incidental to a permitted or Conditional Use.
14. Petroleum or petroleum products refining or processing.
15. Smelting or chemical reduction of ores, minerals or metallurgical products.
16. Manufacture, storage, processing or use of

radioactive material, except where incidental to a permitted or Conditional Use.

17. Incinerators, except as incidental to a permitted or Conditional Use, or when operated solely to control emissions, and then only as permitted by applicable state or federal law or regulation.
18. Crematoria.
19. Paper manufacture.
20. Junk yards and waste separation facilities.
21. Adult Entertainment or related activity (including activities described in **Article 4.2, C.**

**C. Conditional Uses:** Except as provided in **Article 3.16.D**, no building or premises shall be used for any of the following uses until and unless a special zoning certificate shall have been authorized and issued by the Board of Zoning Appeals in the manner provided in this Article and in **Article 2.12** of this Resolution:

1. Extraction and Related Operations: Extracting, excavating, mining or processing of sand, rock and/or gravel.
2. Processing, Manufacturing and Other Operations: Processing, manufacturing or storage of mulch, compost or related materials.
3. Food Processing: Food processing, distillation, or packing.
4. Storage and Distribution Facilities: Storage or wholesale distribution facilities, warehouses or transportation terminals, except as incidental to permitted uses or authorized Conditional Uses.
5. Legitimate Recycling Facilities: Facilities that accept only source separated recyclables, except scrap tires, and/or mixed recyclables which are currently recoverable utilizing existing technology; OR Facilities that: (a.) accept mixed or source separated solid waste streams; and (b.) recover for beneficial use not less than sixty percent of the volume of solid wastes brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year; and c. properly

dispose of not more than forty percent of the total volume of solid wastes brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year. "Recycling" means processing a material using such methods, including but not limited to, screening, sorting, or shredding, for use in a beneficial manner that does not constitute disposal.

6. Floodplain Uses: Any use in the floodplain, including the floodway, flood fringe, and the special flood hazard area.
7. Regulated Substances: Any facility used for or permitting the storage, use, or local transport of Regulated Substances, as defined in this section in areas having a Pollution Potential Index of 180 or higher, or areas with gravel pits or quarries, all as shown on the Map of Ground-Water Pollution Potential of Hamilton County, published by the Ohio Department of Natural Resources, 1989 edition, as the same may be from time to time revised ("GWPP Map").
  - a. Regulated Substances subject to Conditional Use review are defined as substances, chemicals or mixtures that are determined by the United States Environmental Protection Agency (USEPA), the Ohio Environmental Protection Agency (OEPA), or any other federal or state agency, to pose any health hazard. Regulated Substances shall also include:
    - i. Hazardous or toxic substances and materials, including any substance designated pursuant to Section 111(b)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. §1321(b)(2)(A)), any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. §9602) as amended by the Superfund Amendment and Reauthorization Act; any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (41

U.S.C. §6921); any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act (33 U.S.C. §1317(a)); any hazardous air pollutant listed under Section 112 of the Clean Air Act (42 U.S.C. §7412); any imminently hazardous chemical, substance or mixture with respect to which the administrator of USEPA has taken action pursuant to Section 7 of the Toxic Substances Control Act (15 U.S.C. §2606); any hazardous or toxic substance or material identified by any other federal or state environmental law or regulation, all as the same may be from time to time amended.

- ii. Any substance for which there is credible scientific evidence that acute or chronic health effects may result from exposure, including carcinogens, toxic and highly toxic agents, reproductive toxins, nephrotoxins, neurotoxins, agents which act on a hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
- iii. Mixtures of chemicals or substances which have been tested as a whole and have been determined to be a health hazard.
- iv. Mixtures of chemicals or substances which may not have been tested as a whole but which contain any chemical or substance which has been determined to be a health hazard.
- v. Except as provided below, any petroleum product including crude oil or any fraction thereof, non-solid petroleum derivatives, natural gas liquids, liquified natural gas, or except where used directly for utility purposes, natural gas or synthetic gas usable for fuel (or mixtures of natural

gas and such synthetic gas).

- b. Regulated Substances shall not include:
  - i. Substances or chemicals after they have been packaged for personal or household use, such as food or drink.
  - ii. Substances or chemicals after they have been packaged for consumer use or commercial products for use solely for janitorial or minor maintenance purposes.
  - iii. Oils and fluids within electric utility transformers, switches or other electrical apparatus.
  - iv. Liquid fuels, not to exceed 55 gallons per building, securely stored above ground for the purpose of fueling one or more generators to provide back-up or emergency power.

**D. Regulatory Review Process**

1. Determination of whether a chemical or substance is a Regulated Substance within the meaning of this Article, and the applicability of any exceptions, shall be made by the Zoning Inspector. The Applicant may appeal the decision to the Board of Zoning Appeals.
2. The Zoning Inspector and Board of Zoning Appeals, in making determinations regarding Regulated Substances, may rely upon information supplied by the USEPA or OEPA. Determination of whether a substance or chemical is a Regulated Substance also may be made upon review of any Material Safety Data Sheet (MSDS) provided by the Applicant or any manufacturer, or upon review of the most recent USEPA Title III List of Lists (which is acknowledged not to be a comprehensive listing of hazardous and toxic substances).
3. The Zoning Inspector and Board of Zoning

Appeals, in making any determination of whether a chemical or substance is a Regulated Substance, the applicability of exceptions, and establishing and enforcing performance standards may retain independent consultants and use the services of independent OEPA-approved laboratories to advise them.

4. The cost of any independent consultants or independent laboratory analysis, testing, or review shall be paid by the Applicant. No such costs shall be assessed, and no independent consultation or testing required, unless the Applicant has obtained all other necessary zoning approvals, which may be conditioned upon obtaining such independent consultation or testing.
5. As provided in **Article 2.1.E** of this Resolution, any person who seeks Non-Conforming Use status for any Regulated Substance shall make application for a zoning certificate for Non-Conforming Use within twelve (12) months from the effective date of this amendment, and, in connection therewith, shall detail by affidavit the kinds and quantities of each Regulated Substance used or located on the Applicant's premises at that date.
6. Any person who seeks the approval of the Board of Zoning Appeals for a Conditional Use as provided in this Resolution or who seeks expansion of an existing Non-Conforming Use shall provide a written statement describing any emissions which are expected to result from such use, and shall also demonstrate compliance with **Article 3.16.F.5** of this Resolution.

**E. Operations**

1. Certain Existing Operations: Existing operations involving the extraction, excavation, mining or processing of sand, rock, and/or gravel shall be allowed to continue to operate strictly in accordance

with the extent of operations authorized by permits issued by the Ohio Department of Natural Resources and in existence at the time of the adoption of this Section if true copies of such permits are filed with the Township Director of Planning and Zoning within thirty (30) days after the adoption of this Section, and to such extent no Conditional Use permit shall be required for such uses. For purposes of this **Article 3.16.E.1** any change in the type of method or methods of extracting, excavating, mining or processing operations which were in use prior to or at the time of adoption of this Section shall not be considered to be an existing operation and shall require an application for, and approval of, a Conditional Use permit under this Section.

2. Existing Operations, Functions and Procedures: Existing industrial operations and business functions or processes related thereto shall be permitted to continue lawful operations being conducted as of the effective date of this amendment, without obtaining a Conditional Use permit for such operations. Furthermore, no Conditional Use permit shall be required if such operations are modified to utilize new procedures in connection with existing operations in an existing building. Such modifications may include but are not limited to manufacturing processes, research techniques, distribution practices, transportation requirements, and maintenance practices or requirements. However, any exception to the requirement of a Conditional Use permit for modification as described in this paragraph must comply with all applicable state and federal laws, rules and regulations. If the operation's modification would result in any net gain in emissions, measured against emissions reported to the USEPA for 1994, the applicant must demonstrate, through a risk assessment analysis performed in accordance with the latest procedures approved by USEPA there for by a

toxicologist or other qualified professional approved by the Director of Planning and Zoning, that such net gain will not result in any adverse health impact. A written statement confirming compliance with the requirements of this paragraph shall be submitted with any application for a zoning certificate.

**F. Performance Standards for Conditional**

**Uses:** As authorized in Article 2.12.D.7 of this Resolution, the Board of Zoning Appeals shall employ the following performance standards in approving Conditional Uses:

1. **Modifications by Board of Zoning Appeals:** In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the requirements of this section unnecessary or undesirable, the Board of Zoning Appeals may modify such requirements to the extent warranted provided the surrounding property and the public welfare are adequately protected.
2. **Emissions:** In the case of emissions, applicable U.S. and Ohio Environmental Protection Agency regulations shall be observed, and the Board of Zoning Appeals may rely on expert testimony from parties who by education, training and experience are recognized experts.
3. **Regulated Substances:** Once it has been determined that a proposed use may involve one or more Regulated Substances, the Anderson Township Board of Zoning Appeals shall establish and enforce necessary and appropriate performance standards to protect the public health, safety and welfare and the environment. The Board of Zoning Appeals shall consider any information supplied by the Applicant; a report and recommendation of the Anderson Township Zoning Inspector and such other relevant information as may be requested or submitted. In any application

for a special zoning certificate for a use involving any Regulated Substance, the Applicant shall indicate how it will comply with the requirements set forth below. Noncompliance with any such requirements shall be grounds for revocation of such special zoning certificate:

- a. Observation of all federal, state and local environmental laws including all applicable USEPA and OEPA Rules and Regulations.
- b. Use of Best Management Practices ("BMPs") and Best Available Technology ("BAT"), unless alternative practices or technology are shown to be equally effective, to control the use, storage or transport of Regulated Substances. BMPs mean a practice or combination of practices that is the most effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of emissions or pollution generated. BMPs may include structural and non-structural practices, conservation practices and operation and maintenance procedures, including those as may be defined from time to time by USEPA, OEPA or the Hamilton County Soil and Water Conservation District. Best Available Technology means the best technology, treatment techniques or other means for preventing or reducing the release or discharge of regulated substances into the environment, taking into consideration efficacy under field conditions and cost.
- c. Implementation of BMP and BAT primary and secondary containment measures.
- d. Implementation of sufficient security measures to prevent accidental or unauthorized use.
- e. Installation and maintenance of ground



water monitoring wells or equivalent devices where determined by the Board of Zoning Appeals to be necessary.

- f. Development and implementation of emergency response plans with sufficient equipment to rapidly contain accidental discharges or releases. Emergency response plans, including applicable floor plans and Material Safety Data Sheets, shall be filed with local emergency response agencies and kept up to date.
  - g. Development and implementation of hazardous material and emissions management plans where determined by the Board of Zoning Appeals to be necessary.
4. Vibration and Shock: No vibration or shock perceptible to a person of normal sensibilities at or beyond the property line shall be permitted.
  5. Nuisances: In order to prevent the operation or use of any facility or property from constituting a nuisance to or upon surrounding property, all odor, dust, smoke, gas, emissions, noise or similar nuisance shall be so located on the tract that such use does not create a nuisance at or beyond any boundary line of the tract, and evidence shall be submitted, consisting of testimony or a certified statement by a competent authority in the field affected, to clearly demonstrate that the use will not create a nuisance. The best practical means known for the abatement of a nuisance caused by odor, dust, smoke, gas, emissions, noise or similar nuisance shall be employed in a manner approved by the Board of Zoning Appeals.
  6. Landscaping and Other Requirements: Reasonable additional requirements as to landscaping, lighting, screening, fencing, access ways, building setbacks, and building sitting may be imposed by the Board of Zoning Appeals for the protection of adjacent property.
  7. Consideration of Enhancements: In

reviewing Conditional Use applications, the Board of Zoning Appeals shall consider enhancements proposed by the Applicant to the transportation network, the working environment, and the neighborhood as positive reasons for granting the application. Such enhancements may include but shall not be limited to:

- a. Provision for on-site or nearby childcare facilities;
- b. Bicycle transportation facilities, including bicycle lockers, bicycle racks, bicycle lanes, and shower/changing areas; and
- c. Public transit facilities including bus shelters, park-n-ride lots, and helicopter landing areas.

**G. Lot and Yard Standards**

1. Height Regulations: No building shall exceed thirty-five (35) feet in height unless it is set back from all property lines a distance not less than two times the building height, provided that no building shall exceed fifty (50) feet in height.
2. Area Regulations:
  - a. Minimum Lot Size: The minimum lot size in the "ID" Industrial Development District shall be 20,000 square feet.
  - b. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet from the street line or as otherwise provided in **Article 5.2** et seq. A planting strip of twenty (20) feet shall be established and maintained within the required front yard in accordance with **Article 3.16.H.2**.
  - c. Corner Lots: Where a lot is located at the intersection of two or more streets, the front yard requirements of **Article 3.16.G.2.b** shall apply to each street side of the corner lot, except that the buildable width of such lot shall not thereby be reduced to less than twenty-eight (28) feet, and no accessory building

shall project beyond the front yard line on either street.

- d. Side Yard: In any case where the Industrial Development District abuts a Residence District, there shall be a side yard of not less than fifty (50) feet along the line of abutment, which side yard shall be landscaped or preserved in its natural state in accordance with **Article 3.16.H**. In other cases, a side yard of not less than ten (10) feet is required.
- e. Rear Yard: In any case where the Industrial Development District abuts a Residence District, there shall be a rear yard, which rear yard shall be not less than fifty (50) feet along the line of abutment and landscaped or preserved in its natural state in accordance with **Article 3.16.H**. In other cases, a rear yard of not less than ten (10) feet is required.
- f. Setback from Residential Property Line: There shall be not less than 100 feet between any existing residential property line and any building located on a separate lot in the Industrial Development District.

**H. Landscaping and Preservation Requirements**

- 1. Open Space and Landscaping: Maximum site coverage by buildings on any lot or tract shall not exceed 30%. Maximum site coverage by buildings, paved areas and other hard surfaces shall not exceed 75%. At least 25% of any developed tract shall be landscaped or preserved in its natural state in accordance with this section.
- 2. Landscaping and Preservation of Natural Areas. Where landscaping (including grass, trees, ground cover, decorative plantings and water) or the preservation of natural areas is permitted or required

under this Article, the following provisions shall apply:

- a. Where a planting strip is established and maintained in a front yard pursuant to **Article 3.13.G.2.b**, a minimum ratio of two (2) three (3) inch caliper shade trees or three (3) two (2) inch caliper grouped ornamentals shall be planted within the twenty (20) foot wide planting strip for each twenty-five (25) feet or fraction thereof of linear footage. If the front yard is across from or adjacent to a residential zone, the Board of Zoning Appeals may require a wider planting strip as needed to provide further protection for the residential area.
- b. In all areas not used for buildings or other structures or for roads, walks, sidewalks, parking areas or access ways, all existing trees with a diameter of eight (8) or more inches measured twenty-four inches above the ground shall remain and be preserved unless otherwise approved by the Board of Zoning Appeals. All such trees shall be protected during construction so as to prevent root, trunk or branch injury or dismemberment.
- c. All water courses shall be retained and preserved in their natural states unless otherwise approved by the Board of Zoning Appeals.
- d. Stormwater detention and retention basins shall be designed and incorporated in landscaped or natural areas as natural appearing ponds or as architectural design features.
- e. It is recommended that all landscaping be in accordance with the Landscape Guidelines of the Anderson Township Comprehensive Plan as from time to time amended.

- f. All landscaped areas shall be maintained in accordance with prevailing practices of commercial landscapers.
3. Protection of Surface Water and Ground Water: No discharge other than water which does not violate applicable U.S. and Ohio Environmental Protection Agency regulations may be allowed to enter any surface water, ground water, or aquifer. Special measures shall be taken to contain and dispose of any potentially harmful discharge in compliance with such regulations.
  4. Stormwater Management: Stormwater runoff from the post development condition shall not exceed the peak rate of runoff from the same area before development for all 24 hour storms with frequencies of 2, 5, and 10 years. The peak runoff rate for storms greater than 10 years but less than or equal to 50 years shall be the 10 year pre-development rate (i.e., detention/retention will be required to hold the difference between the 10 year pre-development and 50 year post development runoff rate).
    - a. All artificial lighting shall be designed, shielded and installed to minimize visual impact on adjacent residential properties. In areas adjoining residential properties, intensity shall not exceed .1 (one-tenth) foot-candle at any property line and the light source shall not exceed twelve (12) feet in height.
    - b. There may be certain channels, watercourses, or other stormwater runoff carriers that would be damaged or flooded by the additional runoff or extending the time of discharge from detention/retention basins. For areas in question, the Zoning Inspector may require the developer to provide study data. Where the study indicates, the Zoning Inspector may require additional controls. At the discretion of the Zoning

Inspector, the Hamilton County Soil and Water Conservation District and other agencies may be asked for assistance.

5. Little Miami River: A naturally forested buffer shall be maintained a horizontal distance of 120 feet outward from the normal high water mark on the bank of the Little Miami River. This area shall exist to preserve the topography, trees, natural vegetation, water quality and river habitat, and to prevent erosion, sedimentation and damage from flooding. Permitted uses of this area are limited to those activities such as fishing, hiking, nature study, or other similar activities, which do not degrade or detract from a naturally forested condition. Therefore, no cutting of trees or natural vegetation shall be permitted, except (a) cutting of noxious weeds (as defined in R.C. §5579.04, as from time to time amended), (b) to remove up to 15% of trees or natural vegetation to facilitate permitted uses, or (c) to remove up to 15% of the tree canopy (i.e., the foliage of the tree only) to facilitate viewing of the river. No alteration of the land surface, placing of fill, structures (excepting public utilities) or impervious surfaces shall be permitted, except that dead or diseased trees which are determined by the Zoning Inspector to constitute a hazard may be removed.
  - a. When construction outside the 120 foot buffer zone is within 500 feet of the normal high water mark of the River and not beyond the present right of way of Roundbottom Road, special precautions during construction shall be taken to avoid detriment to the River. Such precautions shall include but are not limited to such landscaping, buffering, erosion control and similar measures as are reasonably necessary to protect and preserve the natural condition of the River.

**I. Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of **Article 5.3** of this Resolution.

**J. Sidewalks and Fencing**

1. All new developments and substantial additions (meaning those which result in thirty per cent (30%) or greater increase in square footage) to existing developments shall provide sidewalks along the abutting public street frontage.
2. Fences that are more than 75% open may be erected on any part of the property.

**K. Other Requirements:** To accomplish the objectives of the Industrial Development District, including mitigation of conflicts within the Industrial Development District and between the Industrial Development District and other zoning districts, the following requirements are prescribed for all uses:

1. Ingress and egress to the lot or tract and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities shall be compatible with adjacent land uses. No part of any parking or loading areas or access drive thereto shall be located within fifty (50) feet of any Residence District or within sixty (60) feet of any existing residential property line, and no parking or loading area shall be closer than fifty (50) feet to any street line of a County or State road and not closer than 20 feet to any Township or private street. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the lot or tract which is a front yard or side yard and is not used for buildings or other structures, or for parking, loading or access, shall be landscaped or preserved in its natural state in accordance with **Article 3.13.H.2**.
2. No open storage of materials, inventory or equipment shall be permitted within two

hundred (200) feet of any Residence District or existing residential property line Any other such open storage visible from any property line of the lot or tract shall, notwithstanding Article 5.2, 9, be screened by a solid fence or wall or dense row of foliage not less than eight (8) feet in height, the design of which is compatible with surrounding uses. Dumpsters, utility boxes and other unsightly appurtenances shall be screened in the same manner.

3. Provisions shall be made, subject to approval of the Hamilton County Board of Health, Ohio E.P.A., Metropolitan Sewer District of Greater Cincinnati, and Hamilton County Department of Public Works, or the lawful successors to their respective duties, as appropriate, for satisfactory disposal of all liquid and solid wastes concomitant with the development.
4. Except as provided in **Article 3.16.D.4**, all costs of any independent verification or determination required in an ID District by the Zoning Inspector or the Board of Zoning Appeals prior to or during review of an application, or subsequent to issuance of a zoning certificate, shall be paid by the Applicant or certificate holder.

**L. Human Remains Provisions:** When human remains are unearthed in the course of excavation work in the Industrial Development District, the work in the immediate vicinity of such human remains shall cease forthwith, and the owner or owner's representative shall call in the Hamilton County Sheriff and notify the Zoning Inspector. If the Sheriff, with whatever consultations he deems appropriate, determines that the human remains do not constitute evidence of a crime, the owner or owner's representative shall consult at the owner's expense with an archeologist designated by the Zoning Inspector to determine whether the human remains are prehistoric with respect to the location at which found. If the human remains are determined not to be

prehistoric, they shall be reburied in accordance with applicable law. If the human remains are determined to be prehistoric, the Zoning Inspector shall immediately notify The Ohio Council for Native American Burial Rights (the "Council") or The Ohio Center for Native American Affairs (the "Center"), or any successor to the Council or the Center deemed bona fide by the Zoning Inspector, that at its option the human remains (and any artifact physically attached thereto or determined by the archaeologist to have been so attached at the time such human remains were originally buried) are available for ceremonial reburial if claimed and receipted for within three (3) days by a duly authorized representative thereof. During the three (3) day period, the human remains and any such artifacts shall be accorded reasonable protection by the owner at the site where they were unearthed. If the human remains and any such artifacts are not so claimed and receipted for, they shall be reburied or otherwise disposed of by the owner in accordance with applicable law.

**M. Variations or Conflicts:** In the event of any variation or conflict in the provisions of this Section and the provisions of any existing section of the Anderson Township Zoning Resolution, the provisions of this Section shall prevail.

**N. Headings and Captions:** The headings and captions in this Section are for convenience purposes only and shall not be considered a part of or affect the construction or interpretation of any provision of this Section.

**O. Land Use Planning Study:** "The Land Use Planning Study" for the Ancor area of Anderson Township is to be considered and implemented as a guideline by the Anderson Township Zoning Commission, the Anderson Township Board of Zoning Appeals, and the Anderson Township Board of Trustees in all decisions and determinations regarding the Industrial Development District.



### 3.17 "FF" Planned Light Industrial District Regulations

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "FF" Planned Light Industrial District. It is the purpose of this district to provide space at appropriate locations for types of business and industry free of conflict with their surroundings so as to provide more attractive locations for such uses and to afford opportunities for employment closer to residence with a corresponding reduction of travel time between home and work.

**B. Use Regulations:** Any use permitted in [Article 3.16](#) may be permitted in the "FF" Planned Light Industrial District, provided however, that the district shall be laid out and developed as a unit according to an approved development plan for the specific use or uses, as defined in [Article 6](#), in order that the use may be properly integrated with the surrounding area.

**C. Procedure:** The owner or owners of a tract of land adjoining an existing Industrial District, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in, this Section. The development plan shall show the details defined in [Article 6](#), in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

1. The development plan shall be accompanied by a description of the proposed operations in sufficient detail to indicate the effect of the operations with respect to traffic congestion, noise, glare, air or water pollution, and fire or safety hazards.

#### D. Height and Area Requirements:

1. No building shall exceed thirty-five (35) feet in height, unless it is set back from all property lines a distance not less than two times the building height.
2. No part of any building or structure shall be closer than one hundred (100) feet to any Residence District boundary or closer than fifty (50) feet to any other boundary line of the tract, other than the boundary of an existing Industrial District, or to any street line.
3. The aggregate ground area occupied by all buildings shall not exceed thirty-five (35) per cent of the entire area of the tract.
4. In a case where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the yard requirements, as prescribed in this section, unnecessary or undesirable, the ATZC may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The ATZC may consider the recommendation of the Regional Planning Commission at its public hearing.

**E. Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of [Article 5.3](#).

**F. General Requirements:** To accomplish the objectives of this district, the following requirements are prescribed:

1. **Traffic and Access:** In general, the development shall be related to major or secondary highways or to other industrial or business districts to avoid access over residential uses, and to this end no "FF"

Planned Light Industrial District shall be located where the main vehicular approach thereto is over a residential street (not a major or secondary highway) or through a residential district, unless the character and operation of the use are such, and it can be clearly demonstrated, that no more than fifty (50) vehicles in both directions combined would travel to and from the use daily.

2. Ingress and egress to the development and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities shall be adjusted to the surrounding land uses. No part of any parking and loading areas and access drives thereto shall be located within fifty (50) feet of any Residence District, and no parking or loading area shall be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs.

3. No open storage of materials or equipment shall be permitted on the tract.
4. Provisions shall be made, subject to approval of the Hamilton County Board of Health, Ohio E.P.A., Metropolitan Sewer District, and Hamilton County Department of Public Works as appropriate for satisfactory disposal of all liquid and solid waste concomitant with the development.
5. Reasonable additional requirements to landscaping, lighting, screening, fencing, access ways and building setbacks may be imposed by the ATZC for the protection of adjacent property. The Regional Planning Commission may make recommendations, which reference such additional requirements.

**G. Violation of Plan:** The development plan approved in accordance with this Article and **Article 5.1** shall be an integral part of the Zoning Resolution and any departure from this plan or modification thereof, except when specifically approved in accordance with **Article 5.1**, shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in **Article 2.10**.



### 3.18 "GG" Planned Heavy Industrial District Regulations

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district regulations in the "GG" Planned Heavy Industrial District. It is the purpose of this district to provide space at appropriate locations for uses and to afford opportunities for employment closer to residences with a corresponding reduction of travel time between home and work.

**B. Use Regulations:** Any use, except mobile homes as defined in [Article 6](#), or manufactured homes as defined in [Article 6](#), of this Resolution, may be permitted not in conflict with any resolution of Anderson Township of Hamilton County or law of the State of Ohio regulating nuisances provided however, that the operation of the use shall be so controlled and the District so laid out and developed plan for the specific use or uses, as defined in [Article 6](#) that the use may be properly integrated with the surrounding area.

**C. Procedure:** The owner or owners of a tract of land adjoining an existing industrial district, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in this Section. The development plan shall show the details defined in [Article 6](#), in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

1. The development plan shall be accompanied by a description of the proposed operations in sufficient detail to indicate the effects of the operation with respect to traffic congestion, noise, glare, air or water pollution, and fire or safety hazards.

#### D. Height and Area Requirements:

1. No building shall exceed thirty-five (35) feet in height, unless it is set back from all property lines a distance not less than two times the building height.
2. No part of any building or structure shall be closer than two hundred (200) feet to Residence District boundary line, or closer than fifty (50) feet to any other boundary line of the tract, other than the boundary of an existing Industrial District, or to any street line.
3. The aggregate ground area occupied by all buildings shall not exceed forty (40) per cent of the entire area of the tract, physical features of the tract or its relation to surrounding property may make complete compliance with the yard requirements, as prescribed in this section, unnecessary or undesirable, the ATZC may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The ATZC may consider the recommendation of the Regional Planning Commission at its public hearing.

**E. Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of [Article 5.3](#).

**F. General Requirements:** To accomplish the objectives of this district, including avoidance of traffic and residence conflicts, the following requirements are prescribed:

1. The development shall be located in relation to major or secondary highways or to other industrial or business districts in a way to provide easy access to the use and to avoid the use of residential streets, and to this end, the same specifications concerning traffic and access prescribed in [Article 3.19, F.1](#), for the "FF" Planned Light Industrial District shall apply in the "GG" District.



2. Ingress and egress to the development and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities shall be adjusted to the surrounding land uses. No part of any parking and loading areas or access drives thereto shall be located within 50 feet of any Residence District, and no parking or loading area shall be closer than 50 feet to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs.
3. No open storage of materials or equipment shall be permitted within two hundred (200) feet of any Residence District; any other open storage of materials or equipment visible from any property line of the tract shall be screened by a solid masonry wall not less than eight (8) feet in height, the design of which is approved by the ATZC after reviewed by the Regional Planning Commission.
4. In order that the operation of the use may not have an effect on surrounding property, all odor, dust, smoke, gas, noise, or other industrial concomitants shall be so abated or the use shall be so located on the tract that such use is free from offense at all boundary lines of the tract, and evidence shall be

submitted, based on testimony or certified statements by competent authorities in the fields affected, to clearly demonstrate that the use will be free of offense.

5. Provisions shall be made, subject to approval of the Hamilton County Board of Health, Ohio E.P.A., Metropolitan Sewer District, and Hamilton County Department of Public Works as appropriate for satisfactory disposal of all liquid and solid waste concomitant with the development.
6. Reasonable additional requirements as to landscaping, lighting, screening, fencing, access ways and building setbacks may be imposed by the ATZC for the protection of adjacent property. The Regional Planning Commission may make recommendations which reference such additional requirements.

**G. Violation of Plan:** The development plan approved in accordance with this Article and **Article 5.1** shall be an integral part of the Zoning Resolution and any departure from this plan or modification thereof, except when specifically approved in accordance with **Article 5.1** shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in **Article 2.10**.



### 3.19 "EF" Excavation and Landfill District

**A. Purpose:** In recognition of the deposits of sand, gravel and other minerals in Anderson Township, Hamilton County and the need therefor as well as the need for proper and sanitary disposal of solid wastes, the "EF" Excavation and Landfill District is hereby established. Such district shall be delineated and the operations therein controlled to permit extraction of the materials or the filling of the land in a manner compatible with and not adversely affecting other uses of land in the surrounding area.

**B. Use Regulations:** Within the "EF" Excavation and Landfill District, a building or premises shall be used only for the following purposes:

1. Agriculture
2. Excavation of sand, gravel, and other minerals
3. Disposal of solid waste
4. Location of temporary processing plant or equipment for the extracting, processing and stock piling of sand and gravel, which plant or equipment shall be removed within a period of four months following cessation of the operation.

**C. Required Conditions:** The following standards and conditions shall be complied with in the extraction of sand, gravel and other minerals and in disposal of solid wastes in the "EF" District.

1. All equipment used in the operation shall be placed and operated in a manner to minimize noise, vibration and dust.
2. All access ways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as

may be necessary.

3. No excavation of gravel or sand or other materials shall be permitted nearer than fifty (50) feet to the boundary of the "EF" District, and the operation shall be screened by the mounding of the removed topsoil and other overburden around the extraction area to hide objectionable views from adjacent roads and other properties and to deflect and reduce the noise. The location and height of such screening shall be shown on the plans for the operation and restoration of the area submitted for review by the Ohio Department of Natural Resources and the Regional Planning Commission.
4. In order to insure adequate lateral support, all sand and gravel excavations shall be located at least fifty (50) feet and backfilled to at least one hundred (100) feet from the right-of-way line of any existing or platted street, road, highway or railway, except that such excavation may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road or highway where officially approved by the Hamilton County Engineer.
5. No excavation of sand and gravel shall be made from the banks or beds of the Little Miami River. No excavation shall be made from the banks or beds of any other major stream, Ohio River, unless approved by the Hamilton County Engineer and, where appropriate, by the Miami Conservancy District or the U. S. Corps of Engineers, with the finding that such excavation will not impair the lateral support needed for permanent stream levees.
6. All excavations of gravel or sand shall either be made to a depth of at least five (5) feet below the water-producing depth or shall be graded or backfilled with non-noxious and non-inflammable solids to assure (a) that the excavated area will not collect and

retain stagnant water or (b) that the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area. The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than three (3) feet horizontal to one (1) foot vertical and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Soil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes or grasses where re-vegetation is possible. Where flood water exists, soil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded and seeded as herein prescribed.

7. All sanitary landfills shall be in accordance with the provisions of the Ohio Sanitary Code and shall be subject to approval of the Ohio Environmental Protection Agency and the Hamilton County Department of Public Works.

**D. Restoration Requirements:** In order to avoid the creation of unusable land after the excavation or landfill operation is completed and to permit instead, the continued use of the land for purposes of the Township's overall land use plan, and to avoid health and safety hazards from open pits, stagnant water and other adverse land features, and to prevent depreciation of the area, a land use plan, such as that described in Chapter 1514 of the Ohio Revised Code, shall be prepared and submitted to the ATZC. Such plan shall include a statement of intended future uses of the area in keeping with the aforesaid land use plan and shall show the approximate sequence in which the excavation or landfill and reclamation measures are to occur, the approximate timing of the reclamation of the various parts of the area and the measures to be undertaken to prepare the site adequately for its intended future use or uses in keeping with the

land use plan. The plan shall comply with all the other mining and reclamation requirements of Chapter 1514 of the Ohio Revised Code.

- E. Before the beginning of any operation in the "EF" Excavation and Landfill District, the plan for restoration of the area shall be reviewed and approved by the ATZC and in the case of a sanitary landfill, such plan shall likewise be reviewed and approved by the Hamilton County Department of Public Works. Such approval by the ATZC and/or Department of Public Works is in addition to the approval required by the Ohio Department of Natural Resources, Division of Reclamation, with respect to surface mining and the Ohio Environmental Protection Agency with respect to sanitary landfills.



**3.20 "H"  
Riverfront District Regulations**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the "H" Riverfront District.

**B. Use Regulations:** The following uses are permitted within the "H" Riverfront District:

1. Floodway: The following uses shall be allowed within the Floodway area of the "H" Riverfront District.
  - a. Agriculture
  - b. Marina facilities limited to harbors, launching ramps, and fuel dispensing facilities.
  - c. Recreation areas including but not limited to driving ranges, fee golf courses, boat docks, fishing lakes, sale of bait and the rent or leasing of recreational equipment provided any building (as permitted in **Article 3.20.B.3**) or illuminated areas will be at least two hundred (200) feet from any Residence District.
  - d. Loading areas, parking areas, and airport landing strips.
  - e. River terminal uses limited to conveyers and barge loading and unloading facilities, and enclosed storage facilities which comply with the provisions of **Article 3.20.B.2.e**. The tract upon which such uses are located shall have direct access to both a navigable stream, as defined in **Article 6**, and a highway or its service road where access to the highway is controlled.
2. Floodway Fringe: The following uses shall be allowed within the Floodway Fringe area of the Base Flood Plain and other areas of the "H" Riverfront District, outside of the

floodway.

- a. All uses permitted within the Floodway area of the "H" Riverfront District.
- b. Detached single family dwellings, but not including mobile homes as defined in **Article 6** and manufactured homes as defined in **Article 6** of this Resolution.
- c. Extraction of sand, gravel, and other materials, provided such use complies in full with the requirements of **Article 3.19**, "EF" Excavation and Landfill District.
- d. Marina facilities, including those allowed by **Article 3.20.B.1.b**, structures for the operation, sale, and/or rental of watercraft and accessories, and incidental repair, storage and maintenance of boats. Any bar, restaurant, or cocktail lounge, is permitted if incident to a permitted marina facility.
- e. Storage of equipment, machinery, and materials heavier than water, but not including solid waste material or garbage. The site for such uses shall be located within 300 feet of a major highway as defined in **Article 6**. No building for such uses or outside storage areas shall be closer than 200 feet to any Residence District.
- f. Summer camp, campgrounds, and cabin groups which provide central management and control to assure seasonal occupancy only between April 1 and October 31; provided that in the case of campgrounds the site shall be not less than 10 acres.
- g. River terminals, including conveyers, barge loading and unloading facilities, enclosed storage, and allied material storage facilities, which comply with the provisions of **Article 3.20.B.1.e**

3. Accessory structures and accessory uses to any use permitted within the "H" Riverfront District, provided that structures meet all provisions of this Section, **Article 5.2** and **Article 4.4**.

**C. Lot and Yard Standards**

1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in this article. In the case of uses or structures permitted by this Article, two (2) feet of additional setback shall be required from all streets or property lines for each one (1) foot of additional height. In no case shall any uses or structures permitted by this Article be greater than forty- five (45) feet in height, as measured from grade as defined in **Article 6**.
2. Area Regulations:
  - a. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
    - i. Where lots have a double frontage, the required front yard shall be provided on both streets
    - ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.
  - b. Side Yard: Except as hereinafter provided in **Article 5.2** there shall be a side yard on each side of a building which yard

shall have a width of not less than fifteen (15) feet.

- c. Rear Yard: Except as hereinafter provided in **Article 5.2** there shall be a rear yard having a depth of not less than thirty-five (35) feet.
- d. Intensity of Use: Except as hereinafter provided in **Article 5.2** every lot or tract of land shall have a minimum width of one hundred (100) feet at the building line and an area of not less than twenty thousand (20,000) square feet.

**Table 3.9: Other District Lot Standards**

Regulation	AA	A-30	A	A-2	B	B-2	C	D
Minimum Lot Size	1 Acre	30,000 s.f.	20,000 s.f.	14,000 s.f.	10,500 s.f.	7,500 s.f.	6,000 s.f.	3,000 s.f or 10,000 s.f.
Minimum Lot Width (measured at building line)	150'	150'	100'	80'	70'	60'	50'	50' or 60'
Front Setback (feet)	50'	50'	50'	40'	35'	35'	30'	30'
Side Setback (feet)	25'	25'	15'	10'	8'	13' Total (5' min, 1 side)	5'	5' or 10'
Rear Setback (feet)	60'	35'	35'	35'	35'	30'	30'	30' or 40'
Maximum Height	35' Or 2.5 stories							

For reference information please see standards located within **Article 5.2** and individual district standards located within this Article.

**Table 3.9: Other District Lot Standards (continued)**

Regulation	DD	O	01	OO
Minimum Lot Size	1,500, 2,000 or 2,500 s.f.	3,000 s.f.	3,000 s.f.	N/A
		5000 s.f.	5000 s.f.	
		10,000 s.f.	10,000 s.f.	
Minimum Lot Width (measured at building line)	N/A	50' or 60'	50' or 60'	N/A
Front Setback (feet)	40'	30'	30'	30'
Side Setback (feet)	15' or 30'	5' or 10'	5' or 10'	10'
Rear Setback (feet)	40'	30' or 40'	30' or 40'	40'
Maximum Height	40' Or 2.5 stories			

For reference information please see standards located within **Article 5.2** and individual district standards located within this Article.

**District Reference**

**[3.1 "A-A" Residence District Regulations](#)**

**[3.2 "A-30" Residence District Regulations](#)**

**[3.3 "A" Residence District Regulations](#)**

**[3.4 "A-2" Residence District Regulations](#)**

**[3.5 "B" Residence District Regulations](#)**

**[3.6 "B-2" Residence District Regulations](#)**

**[3.7 "C" Residence District Regulations](#)**

**[3.8 "D" Residence District Regulations](#)**

**[3.9 "DD" Planned Multiple Residence District Reg](#)**

**[3.10 "O" Office District Regulations](#)**

**[3.11 "O-1" Limited Office District](#)**

**[3.12 "OO" Planned Office District Regulations](#)**

**[3.13 "MHP" Mobile Home Park District Regulations](#)**

**[3.14 "E" Retail Business District Regulations](#)**

**[3.15 "EE" Planned Business District Regulations](#)**

**[3.16 "ID" Industrial Development District](#)**

**[3.17 "FF" Planned Light Industrial District Reg](#)**

**[3.18 "GG" Planned Heavy Industrial District Reg.](#)**

**[3.19 "EF" Excavation and Landfill District](#)**

**[3.20 "H" Riverfront District Regulations](#)**

**Table 3.9: Other District Lot Standards (continued)**

Regulation	E	EE	ID	FF	GG	EF*15	H
Minimum Lot Size	3,000 s.f.	N/A	20,000 s.f.	N/A	N/A	N/A	20,000 s.f.
	5000 s.f.						
	10,000 s.f.						
Minimum Lot Width (measured at building line)	50' or 60'	N/A	N/A	N/A	N/A	N/A	100'
Front Setback (feet)	30'	30' or 35'	50'	50'	50'	N/A	50'
Side Setback (feet)	0, 5' or 10'	30' or 35'	10' or 50'	50'	50'	N/A	15'
Rear Setback (feet)	0', 15' or 35'	30' or 35'	10' or 50'	50'	50'	N/A	35'
Maximum Height (feet)	45'	35'	35' or 50'	35'	35'	N/A	35' or 45'
Minimum Planting Strip (within front yard)	N/A	25%	20'	35%	40%	N/A	N/A
Setback From Residential Property Line	N/A	N/A	100'	100'	200'	N/A	N/A

For reference information please see standards located within **Article 5.2** and individual district standards located within this Article.



**District Reference**

**[3.1 "A-A" Residence District Regulations](#)**

**[3.2 "A-30" Residence District Regulations](#)**

**[3.3 "A" Residence District Regulations](#)**

**[3.4 "A-2" Residence District Regulations](#)**

**[3.5 "B" Residence District Regulations](#)**

**[3.6 "B-2" Residence District Regulations](#)**

**[3.7 "C" Residence District Regulations](#)**

**[3.8 "D" Residence District Regulations](#)**

**[3.9 "DD" Planned Multiple Residence District Reg](#)**

**[3.10 "O" Office District Regulations](#)**

**[3.11 "O-1" Limited Office District](#)**

**[3.12 "OO" Planned Office District Regulations](#)**

**[3.13 "MHP" Mobile Home Park District Regulations](#)**

**[3.14 "E" Retail Business District Regulations](#)**

**[3.15 "EE" Planned Business District Regulations](#)**

**[3.16 "ID" Industrial Development District](#)**

**[3.17 "FF" Planned Light Industrial District Reg](#)**

**[3.18 "GG" Planned Heavy Industrial District Reg.](#)**

**[3.19 "EF" Excavation and Landfill District](#)**

**[3.20 "H" Riverfront District Regulations](#)**

ARTICLE 4

# Overlay and Special Districts

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## ARTICLE 4

# Overlay and Special Districts

## 4.1 Planned Unit Development Overlay and PUD Review Procedures

**A. 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.

**B. 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 Section. The PUD Overlay District is established on the official zoning map in accordance with Ohio Revised Code 519.01. This overlay district enables individual property owners to request administrative approval of PUD plans on their property in accordance with the provisions of this Section.

### C. Authority

1. The Anderson Township Board of Trustees and the Anderson Township Zoning Commission may, in accordance with the procedures and standards set out in this Section and other regulations applicable to the district in which the subject property is located, approve a development plan for a PUD for any of the uses below, except that areas of the Township that are currently zoned EE, OO, DD, FF, GG, or CUP, as well as conditional uses as governed by the Board of Zoning Appeals, may not be considered as a PUD:
  - a. Residential uses in any area zoned AA, A-30, A, A-2, B, B-2, C, D, and MHP, provided the net density is equal to or less than that permitted in the existing zoning district.
  - b. Any non-residential use that is permitted within a single family zoning district, that has an impervious surface area (ISR) that is equal or greater than .60.
  - c. Any non-residential development in an area zoned E, O, O-1, H, EF, ID, and HD, that has an impervious surface area (ISR) that is equal or greater than .60.
2. Approval of PUD Applications: Proposed planned unit developments whose net densities or intensities fall within the PUD

range, as stated in **Article 4.1.C.1** shall require administrative approval of a PUD Plan (Planned Unit Development Plan) by the Anderson Township Zoning Commission and certification of a Zoning Compliance Plan by the Director of Planning and Zoning.

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 Anderson Township Zoning Commission or Anderson Township Board of Trustees with specific findings that the general standards in **Article 4.1.G** will continue to be met. Nothing in this Subsection shall be deemed to enable modification of the average net density (dwelling units per acre) requirements for PUD applications.

**D. Effect of PUD Listing**

1. Compliance with Zoning Requirements: The listing of a use in this section as being permitted with a PUD Zoning Certificate does not constitute an assurance or presumption that a proposed development plan will be approved. Rather, each proposed development plan shall be evaluated by the Anderson Township Zoning Commission or Anderson Township Board of Trustees, 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 Section 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.
2. Compliance with Other Requirements: Nothing in this Section shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law.

**E. Review Procedures for PUD Plans**

1. Pre-application Conference: Prior to preparing or submitting a complete application for PUD Plan approval pursuant to **Article 4.1.E.2** an applicant shall meet with the Director of Planning and Zoning 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 Director of Planning and Zoning during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.
2. Applicant: A PUD Plan application may be filed with the Director of Planning and Zoning by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.
3. Application: An applicant for a planned unit development shall file an application on a form or forms provided by the Director of Planning and Zoning 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 **Article 6**. The PUD may be approved by the Anderson Township Zoning Commission and the Anderson Township

Board of Trustees, as the case may be, on the basis of such conceptual or detailed plan provided said plan otherwise complies with all regulations.

4. Staff Report: The Director of Planning and Zoning shall prepare and transmit to the Anderson Township 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.
5. Anderson Township Zoning Commission Hearing and Decision: Within ten (10) to forty-five (45) days following receipt of the PUD application determined by the Department of Planning and Zoning to be complete, the Commission shall hold a public hearing in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission. At the conclusion of the public hearing, the Commission shall, on the basis of written findings relative to the standards set forth in **Article 4.1.G**, either
  - a. Approve the PUD Plan;
  - b. Approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or
  - c. Disapprove the PUD Plan.
6. Notification of Decision: The Director of Planning and Zoning shall notify the applicant of the decision or recommendation of the Anderson Township Zoning Commission via letter and Resolution. The action of the Anderson Township Zoning Commission, and one copy of the submitted plans permanently marked to show such decision, shall be transmitted to the

applicant.

7. Notification of Decision: The approval of a PUD Plan by the Anderson Township Zoning Commission or by the Anderson Township Board of Trustees as being in compliance with standards of approval pursuant to **Article 4.1.G** shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 519.02 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 519.12 of the Ohio Revised Code.
8. Upon final approval of a PUD Plan by the Anderson Township Zoning Commission or by the Anderson Township Board of Trustees in the PUD Overlay District, the Director of Planning and Zoning shall revise the official zoning map, removing the base zoning district designation and adding the PUD designation. This action shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 519.021 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 519.12 of the Ohio Revised Code.

**F. Coordinated Review and Approval of Applications.** When an application for approval of a PUD also requires other zoning approvals, the applicant shall indicate that fact on the application when submitted to the Director of Planning and Zoning. At the time of filing the application for a PUD, applications shall be filed with the Anderson Township Board of Zoning Appeals for any other required 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.

**G. General Standards for PUD Plan Approval.** In determining whether a PUD Plan filed pursuant to this Article shall be approved or recommended for approval, the Director of Planning and Zoning, the Anderson Township Zoning Commission, and

the Anderson Township Board of Trustees shall apply the following general standards.

1. Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located;
2. Applicability of and consistency with adopted objectives and policies of the Township and County related to land use, as well as Township plans duly adopted by the Board of Anderson Township Board of Trustees and Hamilton County Regional Planning Commission, including, but not limited to the Anderson Township Comprehensive Plan;
3. Compatibility with surrounding land uses;
4. 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;
5. 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;
6. Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;
7. Whether significant scenic or historic features, as identified or contained in plans duly adopted by the Board of Anderson Township Board of Trustees and Hamilton County Regional Planning Commission, are adequately conserved;
8. Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan;

9. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;
10. The adequacy of the provisions for visual and acoustical privacy.
11. Whether the development includes an appropriate amount of, and appropriate access to, dedicated open space.
12. Whether the development will be detrimental to present and potential surrounding uses.
13. The consistency of the development with recommendations from Township, County, State and/or Federal agencies.
14. Whether the development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.

**H. Zoning Compliance Plan** – Certification of PUD Plan Compliance

1. Review. Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Director of Planning and Zoning shall review the application to determine if it is complete and acceptable pursuant to **Article 2.1** including any modifications required in conjunction with the approval by the Anderson Township Zoning Commission or by the Anderson Township Board of Trustees, as the case may be.
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.

- a. A deed and covenant as described herein shall be recorded with the Recorder of Hamilton County. A copy of the recorded deed shall be delivered to both the Township Department of Planning and Zoning within thirty (30) days of final approval of the PUD Plan.
- 3. Decision. Within seven (7) days of receipt of the completed application, the Director of Planning and Zoning 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.
- 4. Effect. A Zoning Compliance Plan as finally approved and certified in accordance with the provisions of this Article shall not be modified, except pursuant to **Article 4.1.J**.
- I. 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 recorded easements or of written conditions of approval contained in an Anderson Township Zoning Commission’s Resolution. 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.
  - 1. Minor Adjustments. The Director of Planning and Zoning has the authority to consider minor adjustments through the procedure defined in **Article 6**. 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.

- 2. Major Adjustments. Any adjustment to the PUD Plan within the criteria of **Article 4.1** but not authorized by **Article 4.1.J** shall be considered a major adjustment. The Anderson Township Zoning Commission, following notice by the Department of Planning and Zoning 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 or recorded easements or of written conditions of approval contained in an Anderson Township Zoning Commission’s Resolution. 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 **Article 4.1.E**.

**J. Appeals**

- 1. Appeal of Zoning Commission Decision. Any party aggrieved by the administrative decision of the Anderson Township Zoning Commission for a PUD or a major adjustment concerning compliance with PUD standards may appeal within thirty (30) days of the date of decision to the Anderson Township Board of Trustees.
- 2. Appeal of Director of Planning and Zoning’s Decision. Any party aggrieved by the decision of the Director of Planning and Zoning concerning the certification of a Zoning Compliance Plan in the case of a PUD approval or a decision regarding a minor adjustment, may appeal within thirty (30) days of the date of decision to the Anderson Township Zoning Commission.

3. Appeal of Anderson Township Board of Trustees Decision. Any party aggrieved by the administrative decision of the Anderson Township Board of Trustees in the case of a PUD approval or adjustment may appeal a final order to the Court of Common Pleas of Hamilton County pursuant to Chapter 2506 of the Ohio Revised Code.
  - a. The regulations and maps of the Zoning Resolution are in full force and effect from and after in Anderson Township.

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## 4.2 Community Unit Plan

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**A.** The owner or owners of any tract of land may submit to the Trustees a plan for the use and development of the tract of land for residential and related purposes as hereinafter provided in **Article 4.2.A.3**. Such plan for development of the area shall be referred to the Regional Planning Commission for study and report. The plan together with a report stating the findings and recommendations of the Regional Planning Commission shall be filed with the ATZC and Anderson Township Trustees. The report shall state the reasons for recommendation and shall include specific evidence and facts showing the proposed community unit plan meets the following conditions:

1. That the location and planning of building sites and the amount, arrangement and treatment of open space will ensure a satisfactory living environment and will be carried out in consideration of property adjacent to the area included in the plan and insure that such adjacent property will not be adversely affected.
2. That the plan is consistent with the objectives of this Section to further the best use of the land in relation to its size, configuration, location and physiography,

and to produce a residential environment of sustained desirability.

3. That the buildings shall be used only for single-family dwellings and such accessory buildings and uses customarily incident to such use if the area of the Community Unit Plan is less than thirty (30) acres, or only for single family, two family or multiple dwellings, or other residentially related activities and customary accessory uses if the area of the Community Unit Plan is more than thirty (30) acres in area. In the case of a Community Unit Plan of fifty (50) acres or more one (1) area may be included in such plan as a shopping center for parking and commercial buildings and uses as regulated in the "E" Retail Business District not to exceed one (1) acre for each hundred (100) lots or dwelling units or fraction thereof.
  4. That the average lot area per family contained in the site, excluding streets, will not be less than the lot per family required in the District in which the development is located.
- B.** Following a review by the Regional Planning Commission, the plan shall then be referred to the ATZC for public hearing and report to the Trustees as provided for amendment or supplements to the Zoning Resolution in accordance with Sec. 519.12 of the Ohio Revised Code.
- C.** If the Trustees approve the plan, then zoning certificates may be issued even though the use of land, the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plan do not conform in all respects to the District Regulations of the District in which it is located. The Trustees may also by the same procedure, authorize the revision or remodeling of any existing community unit plan that does not conform in all respects with the District Regulations of this Resolution.
1. No Zoning Certificate shall be issued for



actual construction until and unless a final Development Plan, as defined in **Article 6** shall have been reviewed and approved by the ATZC with a determination that such plan is consistent with the approved plan and the purposes and intent of this Section. The ATZC may approve variations in the Final Development Plan not in violation of any standards and requirements prescribed in this Section, and provided that the variations remain completely in harmony with the approved plan and within the spirit of the Resolution. The ATZC may take into consideration recommendations of the Regional Planning Commission relative to such variations.

- D. Application may be filed for amendment of the District Map coincidentally with the submitting of a Community Unit Plan in accordance with this Article. In this case, the application for amendment of the zoning classification and the plan for the use and development of the tract of land may be considered together and the hearings and recommendations therefor may be combined. When such amendment and plan are combined, however, any approval shall be conditioned on carrying out the plan.

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### 4.3 "HD" Historic District

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**A. Purpose and Intent.** A property owner may file a plan for the Historic District, said district being a Planned District subject to **Article 5.1** of this Resolution and may be approved when in accordance with this Section.

1. The purpose of this Section is:
  - a. To safeguard the heritage of the Township by preserving sites and structures which reflect elements of the community's cultural, social, economic, political, or architectural history, and

- b. To protect and improve the attractiveness of the community as a place to live, visit, and do business.
2. The intent of this Section is:
  - a. To allow additional means for economic support for the rehabilitation, restoration, preservation, and maintenance of historic properties by allowing specific additional uses of the property,
  - b. To allow uses of historic properties that will complement and support the character of the historic property, and
  - c. To allow additional uses of historic properties where such uses will not have an adverse impact on surrounding properties.

#### B. Historic Property Qualifications

1. As part of the application for a Historic District, applicants shall demonstrate that their property:
  - a. Is formally recognized by an appropriate local (e.g., Cincinnati Preservation Association or Anderson Township Historical Society), State or Federal agency as historically significant, or
  - b. Substantially meets at least one of the criteria and related standard under each of the following headings:
    - i. Historic Significance
    - ii. Architectural Significance
    - iii. Influence on Immediate Surroundings
3. The specific standards and criteria for each heading are as follows:
  - a. Historic Significance
    - i. Association with an important person.

Standard: A person who was significant in national, state, or local history owned the property, was related to the owner, stayed at the property, or accomplished something significant at the property.

- ii. Association with an important event.
- iii. Rarity.

Standard: The structure is one of the last of its kind in the Township or local area.

- iv. Archaeological significance.

Standard: The site has yielded, or is likely to yield, information important to prehistoric or historic understanding.

- v. Age of structure.

Standard: The structure is at least 50 years old.

b. Architectural Significance

- i. Association with an architectural period or style.

Standard: The structure has design elements which reflect a particular architectural period or style, or which reflect a unique mix of periods or styles.

- ii. Association with a notable architect or builder.

Standard: The structure was designed by an architect of national or regional note, or by one of the more important students or apprentices of this architect.

- iii. Association with important building or structural techniques.

Standard: The design of the structure

employs early use of an important building technique, or the design of the structure employs a building or structural technique which is no longer used.

- iv. Richness of architectural detail.

Standard: Distinctive details, such as stained glass, tile roof, ornamentation, stonework, landscaping, ornamental woodwork (exterior or interior), or similar details, characterize the structure.

c. Influence On Immediate Surroundings

- i. Role of structure in surrounding environment.

Standard: The structure stands out in a complementary way either because of its size or pivotal location, or the structure blends in as a part of a cluster of similar or compatible buildings.

- ii Degree to which original design has been modified or other changes.

Standard: The structure has never been modified or modifications which have been made do not significantly alter the original design of the structure.

**C. Uses.** Uses permitted in the Historic District for historic properties shall complement and support the particular historic property under consideration. Allowed uses shall include:

1. Bed and breakfast and similar overnight accommodations wherein meal service, when provided, is to overnight guests only and the maximum stay shall be two weeks;
2. Museums and similar cultural facilities;
3. Art galleries;

4. Offices, as restricted by applicable statutes and regulations;
5. Antique shops;
6. Two-family dwellings;
7. Restaurants;
8. Craft shops;
9. Club houses or facilities for private or public clubs, where food or beverage services are provided only to members and guests of members;
10. Similar enterprises and commercial establishments of the same general standard which, in the opinion of the Zoning Commission, meet the purpose and intent of this Section.

**D. Development Standards.** The Zoning Commission may impose such requirements on hours of operation, landscaping, lighting, and signage as it deems necessary to meet the purpose and intent of the Section.

1. Vehicular access shall be limited to avoid traffic problems and reduce negative impacts on nearby properties.
2. Hours of operation for any use involving food or beverage services, entertainment or other use not normally carried on in a residential area, shall be restricted as necessary to preserve the quiet and residential character of the environs, but in no event shall the hours of operation begin before 7:00 A.M., or continue past midnight.

**E. Yard and Setback Standards**

1. Minimum setbacks for front yards shall conform to the average established setbacks of existing buildings within 300 feet. Parking areas shall be well screened and shall not encroach upon the front yard setback required by restrictive adjoining zoning district.

2. Unless specifically permitted by the Zoning Commission, all new parking areas shall be located in the rear yard of the property.

**F. Parking Standards**

1. Sufficient off-street parking shall be provided in accordance with the Township Parking Regulations to insure that no patrons, guests, or other users of the property park on the street, or on abutting property.
2. Parking areas shall be located no closer than 25 feet from any adjacent property line, and shall be effectively screened by landscaping, or attractive fencing or both landscaping and fencing.

**G. Procedure:** The Historic District shall be a Planned District and therefore shall be subject to requirements specified in **Article 5.1**, General Development Plan Provisions.

1. The owner of land on which a historic development is located or is proposed to be located may submit a request to amend the zoning on the owner's property to "Historic District." Such request shall include a preliminary plan for the use and development of the property, documentation showing how the site satisfies the Historic Property Qualifications of this Section, and other materials as specified in the Submission Requirements for Amendment to the Anderson Township Zoning Resolution.
2. The application shall be subject to the standard zoning amendment process of Anderson Township, as specified by Ohio Revised Code Section 519.12, including public notification and public hearings conducted by the Anderson Township Zoning Commission and the Board of Trustees.
3. The Zoning Commission and the Board of Trustees shall employ as necessary relevant guidelines such as the Secretary of the Interior's Standards for Rehabilitation

and the Advisory Council on Historic Preservation's Treatment of Archaeological Properties: A Handbook in reviewing the application. The Director of Planning and Zoning shall submit the application to local and state historic preservation organizations for review and comment.

- 4. Upon approval of the Historic District Zoning Amendment, the applicant shall submit a Final Development Plan conforming to the preliminary plan and the approving Resolution. No Zoning Certificate for construction or use shall be issued until and unless the Final Development Plan is approved by the Anderson Township Zoning Commission.
- 5. The qualification of the site as a historic property as required in Paragraph B herein and the conformance to conditions of the Final Development Plan shall be and remain a condition of approval for the Historic District for an historic property. Alteration, addition, modification, demolition, or reconstruction of the historic property without approval shall constitute a zoning violation.

**4.4 "FPM" FLOOD PLAIN MANAGEMENT OVERLAY DISTRICT REGULATIONS**

**A.** The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the "FPM" Flood Plain Management Overlay District.

**B. District Map Boundaries and Elevations.**

- 1. The boundaries of the "FPM" Flood Plain Management Overlay District shall include all that territory within the jurisdiction of this Resolution, which is defined as being within the Special Flood Hazard Areas of Unincorporated Anderson Township Hamilton

County, Ohio.

- 2. The following scientific and engineering reports, and accompanying maps and profiles, identify, in whole or in part, Special Flood Hazard Areas within unincorporated Anderson Township, Hamilton County, Ohio, and shall be used to determine the elevation and planar extent of the "FPM" Flood Management Overlay District, and are hereby adopted by reference and declared to be a part of this Resolution

- a. Storm Drainage and Open Space Master Plan for Hamilton County, Ohio (Consoer, Townsend and Associates, December, 1966);
- b. Flood Insurance Study for the County of Hamilton, Ohio (Federal Emergency Management Agency, December, 1981, and as amended).
- c. Flood Boundary and Floodway Map for Unincorporated Hamilton County, Ohio, June 1, 1982, and as amended.
- d. Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio, June 1, 1982, and as amended.

- 3. Where the Flood Insurance Study and the Storm Drainage and Open Space Master Plan provide information for the same reaches of streams, the information which is most restrictive as to elevation and planar extent shall be used.

**C. Use Regulations:** A structure or premises shall only be used for the purposes permitted by the applicable underlying Zone District, except that when a proposed use, structure or premises is also located within the "FPM" Flood Plain Management Overlay District, **Article 4.4, F** of this resolution shall take precedence.

**D. General Conditions:** It shall be unlawful to use any land or structure, or to locate, extend, convert, substantially improve, structurally alter,

or otherwise develop any land or structure within the "FPM" Flood Plain Management Overlay District unless such development meets all the applicable conditions and standards set forth in regulations governing the National Flood Insurance Program (44 CFR Section 59.1 et seq.).

## 4.5 Sexually Oriented Businesses

**A. Purpose:** It is the purpose and intent of this Section to regulate sexually oriented businesses to promote the health, safety, and morals of the citizens of the Township and to establish reasonable and uniform regulations to prevent any deleterious location or concentration of sexually oriented businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material or expression, including sexually oriented materials. Similarly, it is not the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

**B. Definitions:** For the purposes of this Section, certain terms and words are defined within **Article 6** of this resolution.

### C. Establishment and Classification of Businesses Regulated

1. Sexually oriented businesses include the following: adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escort

agency, or nude model studio, all as defined in **Article 6**.

2. The establishment of a sexually oriented business shall be permitted only in the "ID" (Industrial Development) District and shall be subject to the restrictions herein.

### D. Location Restrictions and Requirements for Sexually Oriented Businesses:

Sexually oriented businesses shall be established, operated, and permitted only as provided in this Section. A zoning certificate shall be required prior to the establishment of a sexually oriented business. In addition, any sexually oriented business shall be subject to the following restrictions:

1. No sexually oriented business shall be established or operated within one thousand feet of: (a) any religious institution; (b) any school; (c) any public building or public park; (d) any residential district.
2. No sexually oriented business shall be operated within one thousand feet of another such business, which includes those defined in **Article 6**.
3. Nothing in this Section shall prohibit a person from appearing in a state of nudity for a modeling class operated:
  - a. By a proprietary school, licensed by the State of Ohio; a college, junior college, or university supported entirely or partly by taxation;
  - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - c. In a structure:
    - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

- ii. Where in order to participate in a class a student must enroll at least three days in advance of the class;
- iii. Where no more than one nude model is on the premises and available for viewing at any one time.

**E. Measurement of Distance.**

1. Distances shall be measured in a straight line, without regard to intervening structures or topography (i.e., as measured on a map).
2. The distances shall be measured from the exterior faces (including architectural projections) of the exterior walls of the principal building containing the sexually oriented business.
3. The distances shall be measured to the exterior faces (including architectural projections) of the exterior walls of any principal building containing another sexually oriented business, any religious institution, or school.
4. If the sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space in a multi-tenant building, and not from that of the entire multi-tenant building.
5. If another sexually oriented business or any religious institution or school is located within a tenant space, then the distances shall be measured to the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.
6. Regarding distance measurements to a residential district, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior

walls of the principal building containing the sexually oriented business to the closest point of the residential district as established by the Anderson Township Zoning Map. If the sexually oriented business is located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.

7. Regarding distance measurements to a park, public building, or school not within a tenant space, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business to the closest point of the parcel line (as established by the Hamilton County Auditor) of the parcel containing the park, public building or school. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.

**F. Zoning Certificate Required.**

1. No sexually oriented business shall be permitted to operate without a valid Zoning Certificate for a sexually oriented business issued by the Township. Upon request, the Director of Planning and Zoning or his/her designee shall provide an applicant for a sexually oriented business an application for a commercial zoning certificate, which shall serve as the required application form.
2. Any person desiring to operate a sexually oriented business shall file with the Township an original and two copies of all materials required for submission.
3. An application fee shall also be submitted in

accordance with the schedule determined by the Board of Township Trustees.

4. All property included in a sexually oriented business must meet all the underlying conditions applicable in the "ID" District.
5. The completed application shall also contain the following information and shall be accompanied by the following documents:
  - a. A map, drawn to scale and marked to show the location of all land uses and zoning districts within one thousand feet of the principal building or tenant space in which the sexually oriented business is proposed to be located. For purposes of this Section, a use shall be considered existing or established if it is in existence or owned and designated for specific use at the time an application is submitted.

#### **G. Approval of Application.**

1. The Director of Planning and Zoning or his/her designee shall approve the application for a zoning certificate unless:
  - a. An applicant has failed to provide information required by this Article or the application for the issuance of a zoning certificate.
  - b. The applicant has falsely answered a question or request for information on the application form.
  - c. The application fee required by this Article was not paid.
  - d. The proposed business does not comply with the zoning locational requirements or other legally mandated requirements for a sexually oriented business.
2. If the Director of Planning and Zoning or his/her designee denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial. The applicant shall be given an opportunity to correct identified deficiencies.

3. The Director of Planning and Zoning or his/her designee shall issue the zoning certificate or provide notice and reasons of denial within ten days of the submission of the application.

**H. Nonconforming Use:** Any sexually oriented business lawfully operating on the effective date of this Section that is in violation of this Section shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within one thousand feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location is the conforming use and the later established business(es) is or are nonconforming.

**I. Appeal of Denial or Revocation:** After denial of an application or revocation of a zoning certificate, the applicant or permittee may seek review of such administrative action by the Board of Zoning Appeals pursuant to [Article 2.12](#), of this Resolution.

#### **J. Advertising and Lighting**

1. No sign, advertisement, promotional material or display of any type shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, public or semi-public areas, nor the public right-of-way of any street or roadway except as permitted under [Article 4.4.J.4](#).
2. No displays or exhibits of materials and/or performances at such sexually oriented business shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
3. The operator of a sexually oriented business shall not allow any portion of the interior premises to be visible from outside the premises.

4. Pursuant to **Article 5.5**, each conforming sexually oriented business shall be permitted both wall and freestanding signs which announce the name of the business. No off-premise or portable signs shall be permitted.
5. All off- street parking areas and premise entries of the sexually oriented business shall meet the requirements for parking under **Article 5.3** of this Resolution and shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
6. Nothing contained in this Section shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Resolution as it may be amended from time to time, or those of any subsequently enacted resolutions.



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ARTICLE 5

# Development Standards

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## ARTICLE 5

## Development Standards

## 5.1 General Development Plan Provisions

- A.** In any Planned District, for purposes of flexibility, the plan for the use and development of the tract may be illustrated by a plat showing the areas within which buildings, structures, and parking spaces may be located and the use and maximum size and height of buildings, rather than the exact location, shape, size, height and arrangement thereof, and the Amendment or Supplement of this Resolution may be adopted on the basis of such initial plan; provided, however, that said plan is otherwise in compliance with the development plan, as defined in **Article 6**, with respect to location of vehicular and pedestrian access, landscaping, and other specifications, conditions and limitations; and provided, further, that no building permit shall be issued for actual construction until and unless a Final Development Plan, as defined in **Article 6** shall have been reviewed and approved by the ATZC with a determination that the plan is consistent with the intent of this Resolution and that property adjacent to the area will not be adversely affected.
- B.** If the Final Development Plan is found to comply with the foregoing conditions and with the specifications in the definition of “development plan” as defined in **Article 6** and of the appropriate Planned District Regulations, the plan shall be approved and incorporated in the Amendment or Supplement to the Zoning

Resolution as an integral part of the zoning regulations applicable to the real estate. Every such final development plan shall comply with the following procedures and provisions.

1. The owner of the real estate shall execute a Deed of Acceptance of the final development plan and the Amendment or Supplement, and shall attach same to the Amendment or Supplement following approval of the final development plan by the ATZC.
2. Following adoption of the Amendment or Supplement and approval of the Amendment or Supplement and approval of the final development plan, the Clerk of the Board of Township Trustees shall cause such Amendment or Supplement to be recorded in the land records applicable to the real estate in the office of the Recorder of Hamilton County.
3. The ATZC may approve variations from the preliminary development plan not in violation of any of the standards and requirements prescribed in this Section, provided that the variations remain completely in harmony with the general purpose and intent of the preliminary development plan and of this Resolution.
4. Any application for a substantial variation from the preliminary development plan shall be treated as an Amendment or Supplement to this Resolution and shall be governed by the provisions of law and this Resolution applicable thereto.

**C. Major and Minor Modifications of a Final Development Plan:**

The following provisions establish the various methods by which an applicant can modify the features of a Final Development Plan. These provisions shall apply to all Final Development Plans approved for developments in Community Unit Plan (CUP), EE, OO, DD or GG Districts. For any modifications that are of a technical or engineering nature as determined by the Director of Planning and Zoning or his/her designee, the applicant must submit a report from the appropriate public agency assuring compliance with agency regulations, in addition to meeting the requirements as listed below.

1. Minor Modification: The Director of Planning & Zoning or his/her designee has the authority to consider and approve Minor Modifications to a Final Development Plan provided such modifications are limited to altering the location of structures, circulation elements, enlargement or relocation of open space or grading where such alterations will comply with the intent of all regulations as established by the Anderson Township Zoning Resolution and by the approving Resolution for the development as adopted by the Board of Township Trustees. In no case shall a Minor Modification consist of an increase in impervious surface area, square footage of buildings, the grading or location of structures over an existing sanitary sewer, or lighting above what is allowed by the Anderson Township Zoning Resolution or by Resolution of the Board of Anderson Township Trustees. Nor shall a Minor Modification consist of the reduction of open space, landscaping or buffer, or a change of use(s), or increase in signage as originally approved in the Preliminary Development Plan.
2. Major Modification: Any modification to the approved Final Development Plan that fails to meet the requirements set forth in **Article 5.1.C.1**, but does not infringe

upon a specific requirement or standard as set forth in the development's approving Resolution as adopted by the Board of Township Trustees shall be considered a Major Modification to the Final Development Plan. The Anderson Township Zoning Commission, following notice to all property owners whose properties are located within two hundred (200) feet of the legal property boundaries of the subject development, shall hold a meeting within 14 days of said public notice to consider the Major Modification application. For approval, there shall be findings that any proposed changes to the Plan will be in substantial conformance with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees. The applicant will be notified of the Zoning Commission's decision within one week from the date of such decision. If the proposed modification has been approved, a new Zoning Certificate shall be issued.

3. Substantial Modification: If the Director of Planning & Zoning or his/her designee or the Anderson Township Zoning Commission determines that the proposed modification to the Final Development Plan does not meet the above requirements, or that the proposal would be in direct conflict with the specific provisions of the approving Resolution as adopted by the Board of Township Trustees, then the proposal will be considered pursuant to the provisions as set forth in §519.12 and related sections of the Ohio Revised Code and **Article 2.5** of the Anderson Township Zoning Resolution. Any application for a final development plan that occurs more than one year after the effective date of the approving resolution for the site shall be subject to a public hearing and governed by the provisions of law and this Resolution applicable thereto.

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## 5.2 Additional Use, Height and Area Regulations and Exceptions

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- A.** 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.
1. Public or public 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 set back 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.
  2. Single-family dwellings in the "AA", "A-30", "A", "A-2", "B", "B-2" and "C" Residence 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. In the "A-2" and "B" Residence Districts an enclosed garage when attached to the main building may extend into the required side yard but shall not be closer than five (5) feet to the side lot line, provided further that there shall be no living quarters above or behind said garage.
  3. Church spires, domes, flagpoles, aerials, antennas, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyers, stage towers or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected anywhere on the property to the maximum height permitted for structures in the zoning district in which they are located,

provided they are setback one (1) foot for each two (2) feet in height from the closest property line.

4. Any lot of record on the effective date of this Resolution may be used for any single-family dwelling irrespective of the width or area of said lot; the width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot; the depth of the rear yard of any such lot need not exceed twenty (20%) percent of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than three (3) feet and ten (10) feet respectively.
5. Buildings on through lots and extending through from street to street may waive the requirement for a rear yard by furnishing an equivalent open space in lieu of such required rear yard.
6. 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.
7. Accessory buildings or uses which are not a part of the main building shall be located in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building or use which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard and shall be located not less than sixty (60) feet from any front lot line, except on corner or double frontage lot where the accessory building or use need only be outside the front or side yard setback area.
  - a. The width of the required rear yard is to be calculated by using the minimum lot width at the narrowest portion of the building line. Accessory buildings shall be no greater than fifteen (15) feet in height, 1 ½ stories, except when the setbacks

for a primary structure in the respective zoning district are met, at which point the maximum height shall not exceed that otherwise permitted in the zoning district in which they are located. Swimming pools, less than one hundred and fifty (150) square feet, containing less than twenty-four (24) inches of water, and not requiring any mechanical water circulation, shall not be subject to this section.

8. Accessory buildings or uses which 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 the main building but only after a zoning certificate has been issued for the principal structure. No accessory building shall be used for dwelling purposes except by domestic employees employed on the premises as provided in the "AA" Residence Districts.

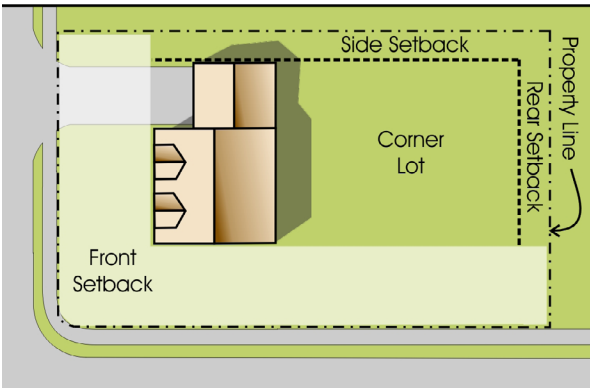


Illustration 5.1: Lot Corner Diagram

9. Every part of a required yard shall be open to the sky unobstructed, except as otherwise provided in **Article 5.2.A.2** and except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sill, belt courses, cornices and ornamental features projecting not to exceed thirty (30) inches in "AA", "A-30", "A", "A-2", or "B" Residence Districts and not to exceed twelve (12) inches in all other Districts. This requirement shall not prevent construction of fences not exceeding six (6)

feet in height in the rear yard, or fences more than seventy-five (75) percent open and not exceeding four (4) feet in height in front and side yards, or basketball goals, provided they are not in the public right of way.

10. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement. In the "E", "F" and "G" Districts canopies may be erected over service station pump islands. No canopy shall be closer than five (5) feet to a front right-of-way line and shall not be more than eighteen (18) feet above the ground nor less than fourteen (14) feet above the ground. On a corner lot no canopy shall be closer than (10) feet to an intersection of the front right-of-way line.
11. 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 by the Anderson Township Zoning Inspector or upon the recommendation of the Hamilton Township Building Inspector to the Anderson Township Building Inspector when placed so as not to obstruct light and ventilation but not closer than two (2) feet to any lot line in any case.
12. For the purpose of the yard requirements, a two-family or multiple dwelling shall be considered as one building occupying a single lot.
13. An open unenclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.
14. Where forty (40) percent or more of the frontage is 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

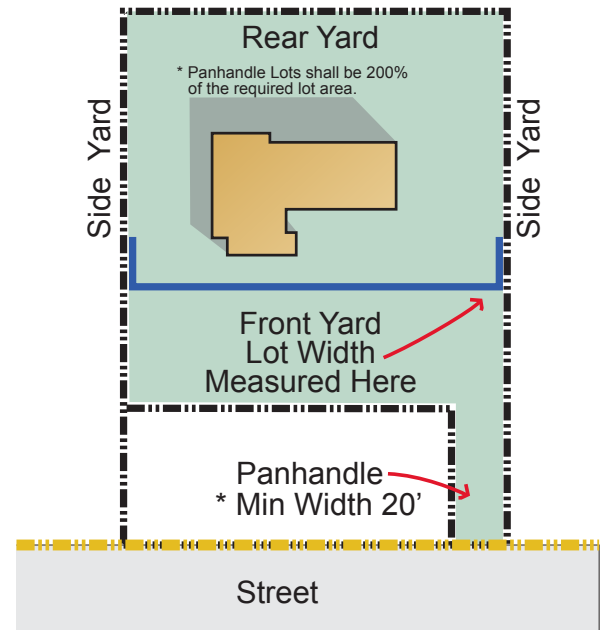
where there is a building within one hundred (100) feet of the lot on one side only, the minimum front yard shall be the same as that of such adjacent building, provided, however, that no yard shall be required to exceed seventy-five (75) feet in the "AA", "A-30", or "A" Residence Districts or to exceed fifty (50) feet in any other district requiring a front yard.

15. Where a lot is used for institutional, commercial or industrial purposes, or, where a site plan is specifically approved therefore by ATZC or multiple dwelling purposes, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
16. No lot on which there is located a nonconforming use shall be reduced in area or width so as not to conform with the lot area per family and lot width requirements for the district in which such lot is located, nor shall any existing yard be reduced so as not to conform with the yard requirements thereof.

**B. Yard and Lot Standards**

1. Lot Area and Frontage Requirements: All portions of lots, including (but without implied limitation) panhandle lots, shall have a minimum of twenty (20) feet of width at every point and at the street line except as allowed otherwise by an approved Planned District or Community Unit Plan. Limited access highways shall not be considered streets to calculate street frontage. Publicly owned properties shall be exempt from lot frontage requirements. In addition, lots must meet the minimum requirements for lot width and area specified in each zoning district.

- a. Panhandle Lots. Panhandle lots shall have a minimum area that is not less than two-hundred (200) percent of the minimum area required in the respective zoning district. The panhandle portion of the lot shall not be included in determining the required minimum area of a panhandle lot. The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.



**Illustration 5.2: Lot Panhandle Diagram**

- b. Irregular shapes of land, panhandles, and other narrow appendages to lots with less than forty (40) feet of width at any point shall not be included in determining the required minimum lot area.
- c. The front line of a lot shall be that line which is closest to and most nearly parallel with the public street providing access to the lot, unless a different line is established by a plan submitted to and approved by the Zoning Inspector. Limited access highways shall not be considered public streets to calculate front yard areas. The approval shall be based upon a compatible alignment and spacing between the buildings.

- d. Private drives that provide access to three or more lots shall be considered streets for purposes of establishing setbacks and yard requirements. The lots, including panhandle lots, adjacent to a private drive at its intersection with a public street shall not be included in the calculation for purposes of determining the number of lots served by the private drive. A front yard setback to a private street shall be no less than a minimum front yard setback as required in the zoning district measured from the building to the edge of the pavement and shall be no less than the minimum side yard setback from the building to the property line. In either case, the area between the building and such private drive shall be considered the front yard. Creation of a private drive or a public street shall not cause an existing dwelling to be non-conforming because of setbacks.
- e. Building setback lines indicating the front, rear and side yards shall be approved by the Zoning Inspector and indicated on all proposed lots that are panhandle, pie shaped, or other irregularly shaped lots where the front of the lot is not apparent within the definition of the Zoning Resolution. These setbacks shall be a part of and recorded with a plat designating the division of the land.
- f. In the event of any conflict of this Subsection B with any other provisions of the Resolution, this Subsection B shall prevail.

**C. Satellite Dish Antennas:** A satellite dish antenna, as defined in **Article 6**, is restricted to the sole purpose of receiving and amplifying microwave signals for television reception and shall be permitted in all Districts subject to the following conditions and restrictions:

1. Applicability: The following categories of

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

- a. 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.
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 **Article 5.2.C.1** shall be submitted to the Zoning Inspector indicating the proposed height, diameter, location, and setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite dish antenna.
  3. Standards for Wall or Roof Mounted Satellite Antenna: 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:
    - a. Location: In all zoning districts, wall or roof mounted satellite dish antennas shall be prohibited on the front elevation of the building.
    - b. Setbacks. In all zoning districts, wall or roof mounted satellite dish antennas shall not be permitted to project into any required side or rear yard area.
  4. Approval of a ground mounted satellite dish antenna shall be subject to the following standards:
    - a. Location:
      - i. In the AA, A-30, A, A-2, B, B-2, C, D, D-D, H, MHP, or "CUP" Residence Districts satellite dish antennas shall be located in the rear of the property



- beyond the rear building line.
- ii. In all other zoning districts, ground mounted satellite dish antennas shall also be permitted in the interior side yard.
- b. Setbacks. Ground mounted satellite dish antennas shall provide the following minimum setbacks:
  - i. Rear Yard and Side Yard. In all Zoning Districts, the setback shall be, fifteen feet (15’).
  - ii. 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 is permitted for the main or principal building unless otherwise authorized.
  - iii. Setback from Power Lines. Satellite dish antennas, or any appurtenances thereto, shall be located at least eight feet (8’) from any power line over two hundred-fifty (250) volts.
- c. Landscaping. Ground-mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Zoning Inspector. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan.
- d. Diameter. The diameter of such antennas shall not exceed the following:
  - i. In the AA, A-30, A, A-2, B, B-2, C, D, D-D, H, MHP, or “CUP” Residence Districts, ten feet (10’).
  - ii. In all other districts, twelve feet (12’).
- e. Height. Ground-mounted antennas shall be limited to a maximum height of twelve feet (12’) above grade in the AA, A-30, A, A-2, B, B-2, C, D, D-D, H, MHP, or “CUP” Residence Districts, and a maximum

- height of fifteen feet (15’) above grade in all other districts.
  - f. 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.
  - g. Number Permitted. Only one satellite dish antenna shall be allowed for each principal building.
  - h. Installation. The installation or modification of a satellite dish antenna shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the Hamilton County Building Code.
  - i. Maintenance. Satellite dish antennas, appurtenances, landscaping, and screening shall be kept and maintained in good condition.
- D.** The outdoor storage of household furnishings is prohibited, unless such items are stored in a fully enclosed, accessory structure.
- E.** Subdivision entry structures including walls, fences, gatehouses, and ornaments may be allowed on each corner of an entrance street to a subdivision subject to the following limitations:
1. The structures shall not be within an existing or planned right-of-way.
  2. The structures shall not block vehicular or pedestrian sight distance or otherwise create a safety problem in connection with an existing or planned right-of-way.
  3. The structures shall not exceed six (6) feet in height for a perimeter of ten (10) feet, shall not exceed five (5) feet in height for a perimeter of twenty (20) feet, and shall not exceed four (4) feet in the balance of the front yard area of the frontage lots. The above listed height limitations may be increased by not more than twenty (20)

percent when the structures front to a county or state right-of-way.

- a. In subdivisions with more than ten (10) lots, the above listed height and perimeter limitations may be increased by an additional twenty (20) percent.
- 4. The perimeter of entry structures with a depth dimension from front to back that exceeds two (2) feet shall be measured along the front, rear and sides of the respective portion of the structure.
- 5. Entry structures may be lighted between 6:00 A.M. and 11:00 P.M., provided the source of the lighting is not visible from off the premises.

**F. Pavement in Front Yards of Residential**

**Uses:** The impervious surface ratio (ISR), of the required front yard shall not exceed fifty (50) percent. ISR calculations shall include porches, sidewalks, driveways, and/or other permanent impervious surfaces, which project into the required front yard (excluding the public right-of-way).

**G. Telecommunications Tower:** This Subsection G is intended to exercise to the fullest extent permitted by law the power of the Board of Trustees of Anderson Township to regulate telecommunications towers and related facilities, and accordingly this Subsection G shall also govern the removal of buildings or structures that are used in the provision of such service. Except in accordance with Ohio Revised Code Section 519.211 which is hereby incorporated by reference, and the provisions of this Subsection G of the Anderson Township Zoning Resolution, no person shall, in an area zoned for residential use, locate, erect, construct, reconstruct, change, alter, or enlarge any telecommunications tower. Whenever any person desires to locate, erect, construct, reconstruct, change, alter, or enlarge a telecommunications tower in an area of the Township zoned for residential use, such person shall provide evidence satisfactory to the

Township Board of Trustees of strict compliance with Ohio Revised Code Section 519.211(B).

If the Board of Trustees receives notice from a property owner under division (B) (3) (a) (111) of Ohio Revised Code Section 519.211 within the time specified in that division, or if a Board member makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under division (B) (3) (b) of Ohio Revised Code Section 519.211, the Board shall request that the clerk of the Township send the person proposing to construct the tower written notice that the telecommunications tower is subject to the power conferred by and in accordance within division (B) (2) of Ohio revised Code 519.211. The notice shall be sent no later than five (5) days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing the notice to the person, Sections 519.02 to 519.25 of the Ohio Revised Code shall apply to the telecommunications tower.

Whenever a notice has been received or an objection has been lodged in the foregoing manner regarding a telecommunications tower, the Township Board of Zoning Appeals shall, upon application, have the power to issue at its discretion a Special Zoning Certificate after public hearing, allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such telecommunications tower if it finds that the applicant has satisfied all of the applicable standards herein and that the application should be permitted.

- 1. Definitions: See **Article 6:** Definitions.
- 2. Goals, Guidelines, and Objectives: The goals, guidelines and objectives are set forth to assist industry and governmental officials as they consider the location of new telecommunications tower and the addition to, or reconstruction of,

existing telecommunications towers in Anderson Township. When Anderson Township Zoning authorities decide any matter concerning telecommunications towers, such authorities shall consider and determine whether there has been direct compliance with the performance standards of **Article 5.2.G.3** and whether the totality of the circumstances surrounding the telecommunications tower in question furthers the goals, guidelines and objectives expressed in the numbered paragraphs set forth below.

- a. Existing telecommunications tower sites should be used to the fullest, even if this necessitates the reconstruction or the expansion of existing telecommunications towers;
- b. Telecommunications tower and other related facilities should not be constructed in areas zoned for residential use in any fashion (height, location, etc.) that would require the telecommunications tower to be equipped with lights except in circumstances that warrant such construction by clear and convincing evidence.
- c. Consistent with technological constraints, telecommunications tower and related facilities should be constructed using designs and materials that minimize visual impact.
- d. Telecommunications and related facilities which have a comparatively greater visual impact (for example, taller, lighting required, larger ground space used, etc.) should be permitted only when the greater visual impact of a particular telecommunications tower eliminates the need to construct additional telecommunications towers, thus resulting in a reduced total visual impact.

- e. Creative approaches are encouraged in locating telecommunications towers that will blend in with their surroundings while minimizing the adverse visual effects of telecommunications towers. Such creative approaches may include camouflage of telecommunications towers, if the camouflage is not itself more offensive than the telecommunications tower.
- f. Township officials and citizens are encouraged not only to consider each telecommunications tower in its own right (i.e., is that telecommunications tower needed? Is the telecommunications tower appropriately sized? Will co-location be facilitated? etc.), but also to consider the overall inclination and efforts of the proponents of any new or reconstructed telecommunications tower to implement and further the guidelines set forth herein.
- g. Township officials and citizens are encouraged to be involved in the efforts of industry to locate telecommunications towers in Anderson Township and elsewhere by expressing to school boards, public utility companies, community groups and other governmental bodies the nature of their experience (e.g., satisfactory? difficult? cooperative?) with various companies that seek to locate telecommunications towers in Anderson Township or that already have telecommunications towers in Anderson Township.
- h. The Township supports the development of telecommunications tower on public land such as parks, schools, and Township facilities. In the event of such use, the rent paid by the wireless communication service provider should be used to enhance the services provided to the public by the entity that provided

the location for the telecommunications tower.

- i. Co-location with government telecommunications towers is encouraged.

3. Performance Standards:

- a. The location of all telecommunications towers in Anderson Township (including those permitted as a matter of right) shall be subject to the granting of a Zoning Certificate. A Special Zoning Certificate to erect the telecommunications tower shall be granted or denied in accordance with the following regulations. Except as set forth below, where the location of certain types of telecommunications towers in certain locations is permitted as of right, the location of telecommunications towers that meet the following regulations shall be considered a Conditional Use and shall require a Conditional Use Permit.
- b. With the application for a Special Zoning Certificate, a development plan meeting the standard requirements for appeals to the Board of Zoning Appeals shall be submitted. In addition, the applicant must provide the following:
  - i. The location of all of the applicant's existing telecommunications towers within the Township.
  - ii. The general location of the applicant's planned future telecommunications towers in the Township and contiguous political subdivisions.
  - iii. For each location shown on the plan, there must be a schedule showing:
    - The type and size of telecommunications tower at each location.

- The type of equipment located or proposed on each tower.
- The space available on the telecommunications tower for additional equipment.
- The ground network, if any, served by the telecommunications tower.
- A site plan showing the parcel on which any existing telecommunications tower is located.

- c. A Zoning Certificate for a new telecommunications tower in an area of the Township zoned for residential use shall be granted only if the telecommunications tower and the erection of the telecommunications tower comply with the applicable objectives of **Article 5.2.G.2** and the required Performance Standards herein.
- d. An applicant for a telecommunications tower in an area zoned for residential use shall demonstrate by clear and convincing evidence that its tower antennas cannot be located on any other communication towers or facility in the vicinity, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the "clustering" of telecommunications towers within an area. Whenever feasible, the use of an existing telecommunications tower, owned either by the applicant or another entity, shall be utilized. In the event of the construction of new telecommunications tower by the applicant, the applicant shall agree to the shared use of such telecommunications towers, when technically feasible, by other telecommunication companies in accordance with **Article 5.2.G.3.m**, upon payment of reasonable fees to the owner when such shared use does not violate

- any state or federal law.
- e. An application shall be disapproved unless the applicant demonstrates that technically suitable and feasible sites are not available in a nonresidential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.
  - f. Every such applicant, owner or operator of a telecommunications tower shall annually file with Anderson Township Zoning Inspector, on or before January 1 of each year, a declaration that each and every telecommunications tower which it then maintains in Anderson Township is used by that applicant for wireless communication purposes.
  - g. Within thirty (30) days after an existing telecommunications tower ceases to be used by the original applicant thereof as a wireless telecommunications tower, the applicant for that telecommunications tower shall give written notice to the Anderson Township Zoning Inspector of the fact that the telecommunications tower is no longer used by the applicant as a telecommunications tower.
  - h. Telecommunications towers shall be removed within twelve (12) months of ceasing operation, unless Board of Zoning Appeals authorizes non-removal of the telecommunications tower and related facilities.
  - i. Any telecommunications tower mounted on an existing structure (except for existing communications towers) shall be of a color which matches, or is compatible with, the structure on which it is located.
  - j. Except as provided in paragraph 11, below, a new telecommunications tower site located in an area zoned for

residential use shall not be located any closer to any adjoining property also in an area zoned for residential use than as follows: (a) telecommunications towers less than 75 feet in height shall be located no closer than 250 feet; (b) telecommunications towers between 75 feet high and less than 150 feet in height shall be located no closer than 500 feet; and (c) telecommunications towers 150 feet in height or higher shall be located no closer than 750 feet. (d) Notwithstanding anything herein contained to the contrary, a telecommunications tower shall be constructed no closer than 110 percent of its height to a property zoned for residential use.

- k. New telecommunications towers to be located on public land owned by the Forest Hills Local School District, the Anderson Township Park District, the Hamilton County Park Board, the Board of Township Trustees or any other political subdivision in an area zoned for residential use are encouraged, but shall be constructed no closer than 110 percent of the tower's height to a property zoned for residential use, or residential property line. In no case shall a tower be closer than 50 feet from the adjoining property line.
- l. Micro antennas are permitted in all Districts. A micro antenna may be located as a matter of right on existing buildings, poles or other existing support structures or on newly erected structures provided that the new structure has a significant purpose other than support of the micro antenna. Supporting equipment for a micro antenna shall be: (a) hidden inside the support structure to which the micro antenna is attached; (b) hidden underground; or (c) enclosed in a structure that is otherwise permitted

in the zone where the micro antenna is erected and designed to blend in with the neighborhood where the micro antenna is erected.

- m. New telecommunications towers built in an area zoned for residential use shall be designed, engineered and constructed as follows: (a) telecommunications towers less than 75 feet in height shall be designed, engineered and constructed to support antennas installed by one or more wireless communication service providers; (b) telecommunications towers between 75 feet in height and less than 150 feet in height shall be designed, engineered and constructed to support antennas installed by two or more wireless communication service providers; and (c) telecommunications towers 150 feet in height or higher shall be designed, engineered and constructed to support antennas installed by three or more wireless communication service providers.
- n. All sections of this amendment shall be interpreted so as to conform with the provisions of Ohio Revised Code Section 519.211(A) and in a manner consistent with the provisions of other sections of the Ohio Revised Code. In the event of any inconsistency between this amendment and other provisions of the Anderson Township Zoning Resolution, the provisions of this amendment shall prevail.
- o. All buildings and structures shall be architecturally compatible with the architecture of the adjacent buildings and structures and shall be designed, painted, located and landscaped so as to minimize visual impact. All telecommunications tower and landscaping shall be continually maintained.
- p. Screen fencing shall be utilized for aesthetics and public safety. Razor wire

fencing shall be prohibited. Barbed wire fencing may be used to enclose the telecommunications tower 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 thirty (30) feet from each property line.

- q. Landscaping to be approved by the Board of Zoning Appeals shall be incorporated into the site plan in order to buffer the installation from adjacent land uses.
- r. Monopole installations are to be used where feasible.
- s. The applicant shall demonstrate that the proposed telecommunications tower, including its height, is the least aesthetically intrusive telecommunications tower for the neighborhood and function.
- t. The applicant shall comply with such other requirements as are included by Sections 519.01 519.25 of the Ohio Revised Code.
- u. 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, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission, or the successors to their respective functions.
- v. Any special zoning certificate issued under this section shall be revocable and may be revoked if any continuing condition of the certificate has been violated.
- w. No antenna shall be permitted on property designated as an individual landmark or as a part of a Historic District, unless such antenna has been approved in accordance with this Zoning

Resolution.

- x. No antenna owner, lessee, officer or employee thereof shall fail to cooperate in good faith to accommodate other competitors in their attempts to use the same tower or building for other antennas. If a dispute arises about the feasibility to accommodate another competitor, the Zoning Inspector may require a third party technical study, at the expense of either or both parties, to resolve the dispute.
4. Expert Review: If expert review of technical data submitted by an applicant for a telecommunications tower in an area zoned for residential use is in the opinion of the Zoning Inspector required for purposes of evaluation, the applicant shall reimburse Anderson Township for the actual cost for such review not exceeding \$2500. One or more experts may be selected by the Zoning Inspector for such review, which may include, but is not limited to legal services and engineering services.
  5. Severability: Should any section, paragraph, sentence, clause, phrase, or word of this Subsection G be declared invalid or unconstitutional by a court or agency of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases or words of this Subsection G, all of which will remain in full force and effect.

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### 5.3 Parking, Loading, and Access

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**A. Purpose:** The purpose of this Section is to prevent or alleviate the congestion of public streets, to minimize any detrimental effects of vehicular use areas on adjacent properties, to

enhance vehicular use areas with landscape elements, and to promote the health, safety, and morals of the public.

**B. Applicability:** A parking and loading plan shall be submitted with the application for a zoning certificate for all uses. Parking and loading spaces for vehicles shall be provided in all districts and in connection with all uses at the time any use or building is enlarged, extended, increased, erected, used, or occupied in accordance with this Section except as set forth below or within the regulations of this Section:

1. Applications for a zoning certificate where there is a change of use and no proposed increase in the existing or required number of parking spaces, or no modification to the parking lot layout, shall not require a parking review, but must meet the requirements set forth in **Article 5.3.D.1.f** and **Article 5.3.E**. Applications under these same conditions are required to demonstrate compliance with **Article 5.3.K** if the subject property is a non-residential use and is adjacent to a residential district, in which case, the application for a zoning certificate shall demonstrate that lighting levels along the property line(s) adjacent to the residential district are in compliance with **Article 5.3.K**.
2. Applications for a zoning certificate where there is a proposed increase in the existing or required number of parking spaces, or a modification to the parking lot layout, shall be required to meet all requirements of this Section with the exception of **Article 5.3.J** and **Article 5.3.L** where the applicant shall demonstrate that, at a minimum, any new parking areas are in full compliance with these Subsections. Applications under these same conditions are not required to demonstrate compliance with **Article 5.3.K** unless the subject property is a non-residential use and is adjacent to a residential district, in which case, the application for a zoning certificate shall

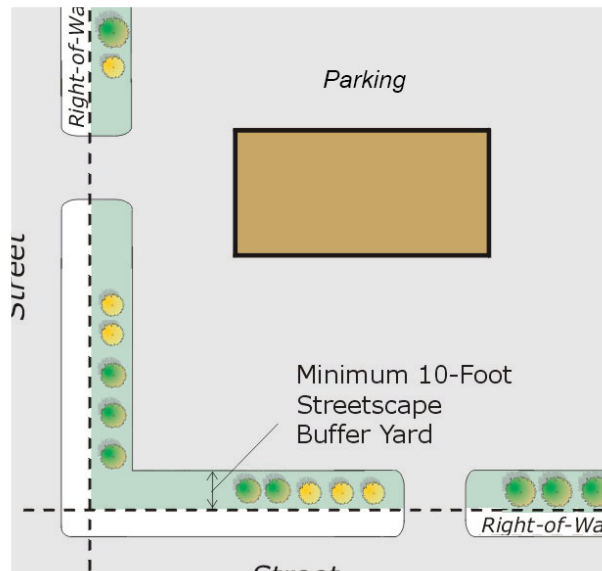
demonstrate that lighting levels along the property line(s) adjacent to the residential district are in compliance with [Article 5.3.K](#).

3. Applications for a zoning certificate where a building or use, constructed or established prior to the effective date of this Section, is enlarged in floor area or area used by fifty (50) percent or more shall be required to meet all requirements of this Section.

**C. Parking And Loading Plan Elements**

1. A parking and loading plan for any single-family and two-family dwelling shall include and illustrate the following:
  - a. Boundaries of the property and all right-of-ways;
  - b. Number and location of parking spaces or parking garages; and
  - c. The location, layout, and access for any driveway.
2. A parking and loading plan for all uses except single-family or two-family dwellings shall illustrate the following:
  - a. Boundaries of the property and all right-of-ways;
  - b. Number of parking spaces;
  - c. The arrangement of parking aisles;
  - d. The location of driveway entrances;
  - e. Provisions for vehicular and pedestrian circulation;
  - f. Access for safety-service vehicles;
  - g. A lighting plan illustrating the maximum foot-candle illumination across the site and at all property lines. The lighting plan shall specify the height of all light poles and any other lighting requirements;
  - h. The location of sidewalks, wheel stops, lighting, and curbs on or adjacent to the property;

**Illustration 5.3: 10' Streetscape Buffer Yard**



- i. The location of bus shelters, signs, boundary walls, and fences;
- j. The location of landscaping in and adjacent to parking areas and the types and location of vegetation to be planted;
- k. The location of mass transit connections and access drives with adjacent properties; and
- l. Other information as required by the Director of Planning and Zoning.

**D. General Design Requirements For Parking And Loading Areas:**

All off-street parking and loading areas shall meet the following provisions unless otherwise provided for in these regulations.

1. Location and Setback Requirements
  - a. Parking spaces shall be located on the same lot as the principal use they serve.
  - b. Parking lots shall be located, to the maximum extent feasible, to the rear and side of buildings.
  - c. Parking areas and other paved areas and/or structures shall be set back from the edge of buildings to provide for sidewalk and landscape treatments in front of the



building. See Illustration 5.3.

- d. There shall be a ten (10) foot streetscape buffer beginning at the right-of-way line of any street. The area within such buffer shall be landscaped with natural vegetation, including, but not limited to, grass, hardy shrubs, or evergreen ground cover and maintained in good condition. See Illustration 5.3. A sidewalk, as well as a decorative masonry wall, maximum 2' high and subject to the approval of the Director of Planning and Zoning per the recommendations of a Township-adopted Plan, may be installed within this buffer yard area.
- e. No part of a parking area for five (5) vehicles or more shall be closer than ten (10) feet from the property line adjacent to the residence district or property devoted to residential use. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.
- f. All off-street parking areas for five (5) vehicles or more shall be screened on any side that adjoins or faces a property in any Residence District or property devoted to residential use. Such screening shall consist of a fence that presents a solid appearance, to be constructed of wood, brick, stone, or other material of similar appearance, of not less than four (4) and not more than six (6) feet in height. A tight screen of hardy evergreen shrubbery of not less than four (4) feet in height may be used as an alternative to the solid masonry wall or solid fence. For uses or properties subject to **Article 5.3.L** Landscaping and Buffering, the more restrictive landscaping, screening, or buffering shall apply.
- g. 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 intersecting public streets or signalized intersection.

2. Access

- a. Adequate access to a public street, easement, or shared access to an adjacent property shall be provided for each parking space with a driveway width of at least twenty-four (24) feet wide at the property line for all multi-family dwellings and non-residential uses.
- b. Sidewalks to a Right-of-Way
  - i. Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
  - ii. The sidewalk shall be constructed of asphalt, concrete, or of hard surface pavers.
  - iii. The sidewalk may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.
- c. Sidewalks Along a Public Street
  - i. Any use or building established after the adoption of this Article shall be required to provide a four (4) foot wide sidewalk along all public streets for the full length of street frontage. The Director of Planning and Zoning may, upon agreement with the applicant, waive a portion or all of this requirement if funds are allocated for the construction of an offsite

**Illustration 5.4: Entry Drive Required Dimensions**



sidewalk, beneficial to the community and consistent with the intent of the Anderson Trails plan, which provides for non-vehicular paths or sidewalks connecting neighborhoods to attractions such as schools, parks, retail centers, etc.

- ii. Any established use or building that is expanded more than fifty (50) percent of the floor area after the adoption of this Section shall be required to install a four (4) foot wide sidewalk along all public streets for the full length of street frontage.
- iii. Any use or building where there is a change of use or an expansion of less than fifty (50) percent of the floor area, except as required above, may provide a four (4) foot wide sidewalk along a public street as an option for reducing the number of required optimal parking spaces. See Illustration 5.2.
- iv. All sidewalks shall meet the minimum design requirements of the appropriate regulatory agency

- d. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within thirty (30) feet of the right-of-way. See Illustration 5.4.
- e. Driveways shall be placed so that loading and unloading activities will not hinder vehicular ingress and egress.
- f. To the maximum extent feasible, all uses shall provide paved, concrete, or paver pedestrian linkages to existing trail systems, parks, schools, adjacent developments, and mass transit stations or stops. Such pedestrian linkages shall be a minimum of four (4) feet in width.
- g. To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.
- h. Curb definitions shall be maintained, prohibiting continuous access along the frontage of a site so as to comply with the Hamilton County Thoroughfare Plan and/or Beechmont Corridor Plan.

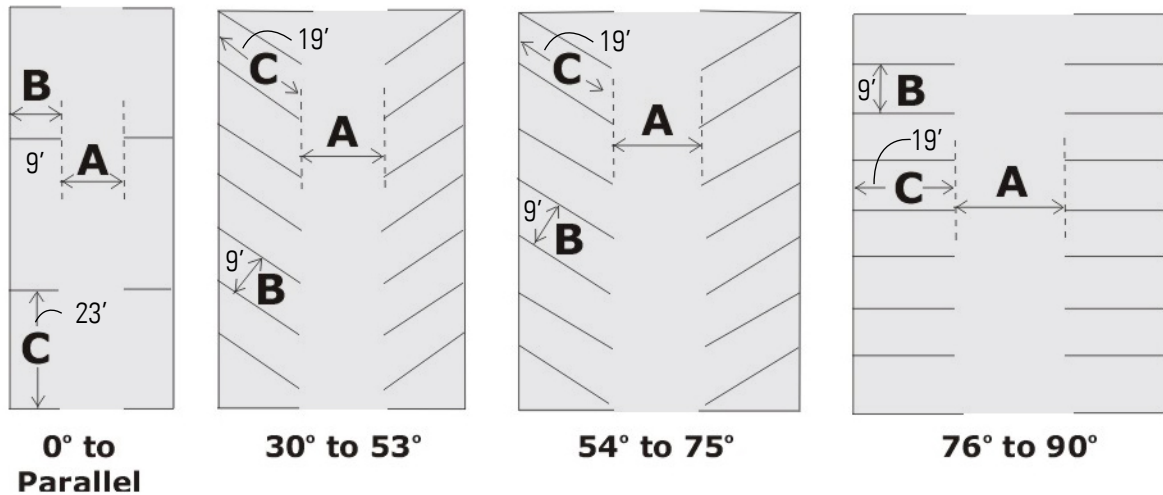
### 3. Design Standards

- a. Dimensions: The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls shall conform to the minimum standards set forth in Table 5.3 and Illustration 5.5.
- b. Maneuverability Areas: The following provisions shall be followed to maintain efficient maneuverability:
  - i. Turn Around Area: Where more than three (3) parking spaces are served by a single driveway, a turnaround area shall be provided, or other provision made, to permit cars to exit the parking lot without backing onto any

**Table 5.3 :Minimum Parking Standards:**

Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet) "B"	Parking Stall Length (Feet) "C"
0 – Parallel	12	20	9	23
30 °– 53 °	13	20	9	19
54 °-75 °	18	22	9	19
76 °-90 °	22	24	9	19

**Illustration 5.5: Minimum Parking Standards:**

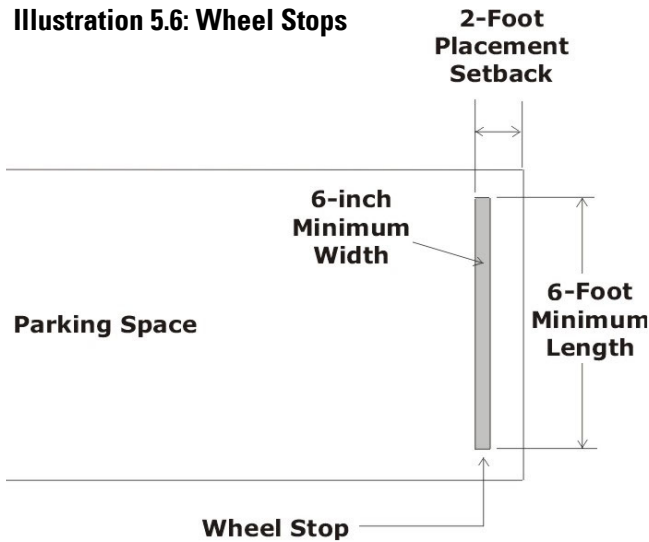


- street or sidewalk. See maneuvering aisle widths in
- ii. Back-Up Area: Each parking space shall be provided with a sufficient back-up area so as to permit egress in one maneuver, consisting of one backward and forward movement. See maneuvering aisle widths in Illustration 5.5.
- c. Surface
  - i. All off-street parking areas, driveways, and aisles in single-family residential districts shall be graded and surfaced so as to be a

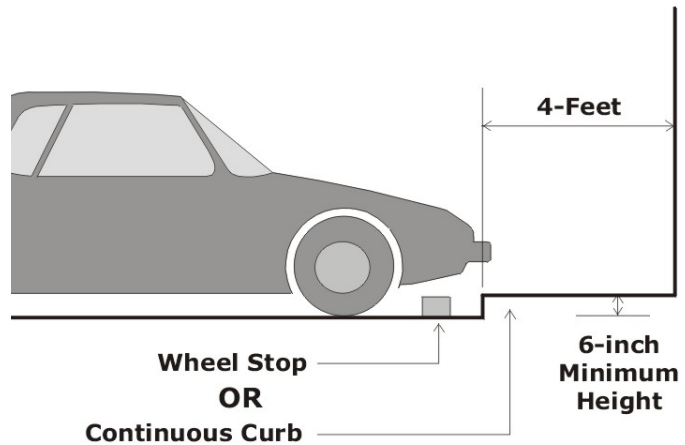
solid surface and dust free. Pavers that allow for grass to grow through them may be permitted as part of a permitted shadow parking area as described in **Article 5.3,I,1.**

- ii. Parking areas and aisles in all districts shall be paved with an asphalt or concrete surface.
- d. Wheel Stops: Each wheel stop shall be a singular block of reinforced concrete, stone or other durable material with a minimum height of six (6) inches and a minimum length of six (6) feet. Wheel stops are to be securely attached to the ground and may be used only at the end

**Illustration 5.6: Wheel Stops**



**Illustration 5.7: Placement**



of parking stalls. Wheel stops may be attached no less than two (2) feet from the rear edge of the parking space. See Illustrations 5.6 and 5.7.

- e. Continuous Curbs: Continuous curbs shall be made of asphalt, concrete, stone or other similar material and shall have a minimum height of six (6) inches and a minimum width of six (6) inches. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and maneuverability areas that are not protected by wheel stops. See Illustration 5.7
  - f. Placement: Wheel stops and/or continuous curbs shall be located a minimum of four (4) feet from any structures, buildings, walls, or plant material, excluding ground cover, to prevent a vehicle from driving onto the landscaped area or hitting any structure or plant material at the edge of a parking area. See Illustration 5.7
  - g. Striping: The individual parking spaces (stalls) shall be striped according to the approved layout of the parking area.
4. Parking Requirements for Physically Disabled: Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and

shall include all necessary markings, striping, and signage.

- 5. Fire Code: All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by Anderson Township and as approved by the Township's Fire and Rescue Staff.
- 6. Vision Clearance Triangle To insure that landscaping and other materials do not constitute a driving hazard, a vision clearance triangle will be observed at all street and access drive intersections. Ground cover and trees with at least eight (8) feet of limbless trunk shall be permitted within the vision clearance triangle. The distance requirements for and definitions of the vision clearance triangle shall be set forth in **Article 5.5.C.5** of the Anderson Township Zoning Resolution.
- 7. Maintenance of Parking Areas
  - a. Every off-street parking space required by these regulations shall be provided with satisfactory access to a street, easement, shared access road, or alley by means of a solid and dust free driveway that meets the requirements of **Article 5.3.D.1 and 2**, and all parking areas shall be developed and maintained in accordance with the provisions of this Section.
- 8. Dumpsters & Trash Handling Areas for Non-Single Family Districts

- a. The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances:
  - b. 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 the dumpster is located or the trash handling area is constructed.
  - c. Location of Screen: Any such accessory use shall be screened by a fence or wall from the view from any public street and any abutting property located in a residential, office, or commercial district.
  - d. Height and Construction of Screen: Any fence or wall required under this Section shall have a height no greater than eight feet (8') 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. The service side of the dumpster shall be screened with steel reinforced solid wood gates. Such gates are to remain closed unless the unit is being serviced.
9. Bicycle Parking: All non-residential uses shall contain two bicycle parking spaces, with locking accommodations and placed within reasonable access to the main entrance, for each 50 parking spaces. The space shall be at least two (2) feet by six (6) feet in size.

**E. Required Number Of Parking Spaces:**

All off-street parking areas shall meet the following provisions unless otherwise provided for in these regulations.

1. Rules for Computing Parking Spaces:
  - a. The following rules shall apply when computing parking spaces:
  - b. On-Street Parking: On-street parking spaces shall not be counted toward off-street parking space requirements.
  - c. Multiple Uses: Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.
  - d. Fractions: When a measurement of the number of required spaces results in a fractional number, any fraction of ½ or less shall be rounded down to the next lower whole number and any fraction of more than ½ shall be rounded up to the next higher whole number.
  - e. Area Measurements: In a non-residential building, unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors.
  - f. Occupancy- or Capacity- Based Standards:
    - i. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.
    - ii. In hospitals, bassinets shall not be counted as beds.
    - iii. In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

- g. Unlisted Uses: Upon receiving an application for a use not specifically listed in the parking schedule below, the Director of Planning and Zoning shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.
  - i. If the Director of Planning and Zoning determines that there is no use similar in use, intensity or size, they may require the applicant to prepare a parking study. The study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Director of Planning and Zoning, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.
  - ii. This parking study is required to ensure that the number of parking spaces provided will meet the purpose of these regulations as set forth in **Article 5.3.A**.
2. Number of Required Spaces
    - a. Table 5.7 illustrates the optimal number of parking spaces required for each use within Anderson Township.
    - b. The applicant may vary from the optimal number of parking spaces in accordance with **Article 5.3.F**.

**Table 5.7: Required Parking Spaces by Use**

USE	OPTIMAL REQUIRED PARKING SPACES
<i>Residential Uses</i>	
Assisted living, children’s home, convalescent home	1 space per 2 beds.
Boarding houses, rooming houses, dormitories	1 space per bed.
Convents or monasteries	1 space per 20 people.
Elderly housing	1 space per bed.
Single –family dwellings	2 spaces per dwelling unit.
Two-family dwellings	2 spaces per dwelling unit.
Efficiency, one bedroom apt.	1.5 spaces per dwelling unit.
Two or more bedroom apts.	2 spaces per dwelling unit.

**Table 5.7: Required Parking Spaces by Use (continued)**

USE	OPTIMAL REQUIRED PARKING SPACES
<i>Commercial Uses</i>	
Amphitheaters, auditoriums, stadiums, theaters, and other places of assembly	1 space per 4 fixed seats or 1 space per 4 persons based on maximum building capacity established by Township Fire Department, whichever is greater.
Amusement centers, arcades, aquariums, banquet halls, exhibition halls	1 space per 2 persons, or 1 per 1,000 square feet, whichever is greater..
Animal hospital or veterinary clinics	4 spaces per 1,000 square feet.
Automotive service or incidental body repair	3 spaces per 1,000 square feet of floor area, excluding services bays, plus 1 space per service bay (service bay may not be counted as a parking space).
Automotive, truck, boat, or other vehicle sales or rental	10 spaces per 1,000 square feet of indoor floor area, plus one space per 1,000 square feet of outdoor sales area.
Automotive fuel sales	4 spaces per 1,000 square feet of floor area, excluding services bays, plus 1 space per fuel pump or service bay (service bay may not be counted as a parking space).
Automotive washes	2 spaces per washing bay (washing bay may not be counted as a parking space).
Bars and taverns	15 spaces per 1,000 square feet.
Bed and Breakfast Establishment	2 spaces for the owner or operator, plus 1 space for each bedroom rented to the public.
Boat harbors or boat rental establishments	1 space per 2 boat berths.
Commercial schools for dance, music, or similar uses	1 space per 2 students.
Funeral homes	1 space per 50 square feet
Hotels and motels	1 space per room or suite.
Outdoor displays, sales or storage	1 space per 750 square feet.
Personal services including barber shops and beauty salons	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater.
Printing and plumbing shops, laundries, dry cleaning plants, and similar service establishments	1 space per 2 employees
Pool or billiard hall	10 spaces per 1,000 square feet.
Restaurant	10 spaces per 1,000 square feet or 1 space for each 4 seats, whichever is greater.
Retail commercial uses	4 spaces per 1,000 square feet
Self-storage facility	1 space per two storage units.
Service commercial uses	4 spaces per 1,000 square feet.
Shopping Center	4 spaces per 1,000 square feet.
Telecommunication structures	1 space per structure.

**Table 5.7 :Required Parking Spaces by Use (continued)**

USE	OPTIMAL REQUIRED PARKING SPACES
<i>Commercial Uses</i>	
Wholesale, bulk goods, hardware, furniture, or similar sales	2.5 spaces per 1,000 square feet.
<i>Office Uses</i>	
Banks or financial institutions	3 spaces per 1,000 square feet.
Broadcasting/recording studios	2 spaces per 1,000 square feet plus 1 seat per 3 fixed seats.
Medical and dental clinics or office	5 spaces per 1,000 square feet.
Office uses	3 spaces per 1,000 square feet.
<i>Manufacturing/Industrial Uses</i>	
Industrial or manufacturing uses	1.5 spaces per 1,000 square feet.
Laboratories	2.5 spaces per 1,000 square feet.
Warehousing or storage	1 space per 2,000 square feet.
Commercial schools for dance, music, or similar uses	1 space per 2 students.
<i>Institutional/Public/Recreational Uses</i>	
Bowling alley	5 spaces per bowling lane.
Churches, temples, and other places of worship	1 space per 5 fixed seats in the main assembly room or 1 space per 5 persons, based on maximum building capacity established by Township Fire Department, whichever is greater.
Colleges, universities and other graduate institutions	1 space for each 5 classroom seats plus 1 space for each auditorium seat.
Elementary or middle/junior schools	3 per classroom.
Golf courses	8 spaces per hole.
Golf driving ranges	2 spaces per tee.
Hospitals	1 space for every 2 patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4 spaces per 1,000 square feet.
Libraries, Museums and Galleries	3 spaces per 1,000 square feet.
Miniature golf courses	2 spaces per hole.
Nursery schools and day care centers	1 space for each 5 students.
Organizational clubs and lodges	10 spaces per 1,000 square feet or 1 space per 2 persons based on maximum building capacity established by Township Fire Department, whichever is greater.
Racquetball, handball and tennis courts	5 spaces per court.
Senior high schools	1 space per 5 students.
Skating rinks	5 spaces per 1,000 square feet.
Swimming pool	20 spaces per 1,000 square feet of pool area.
Volleyball courts	16 spaces per court.

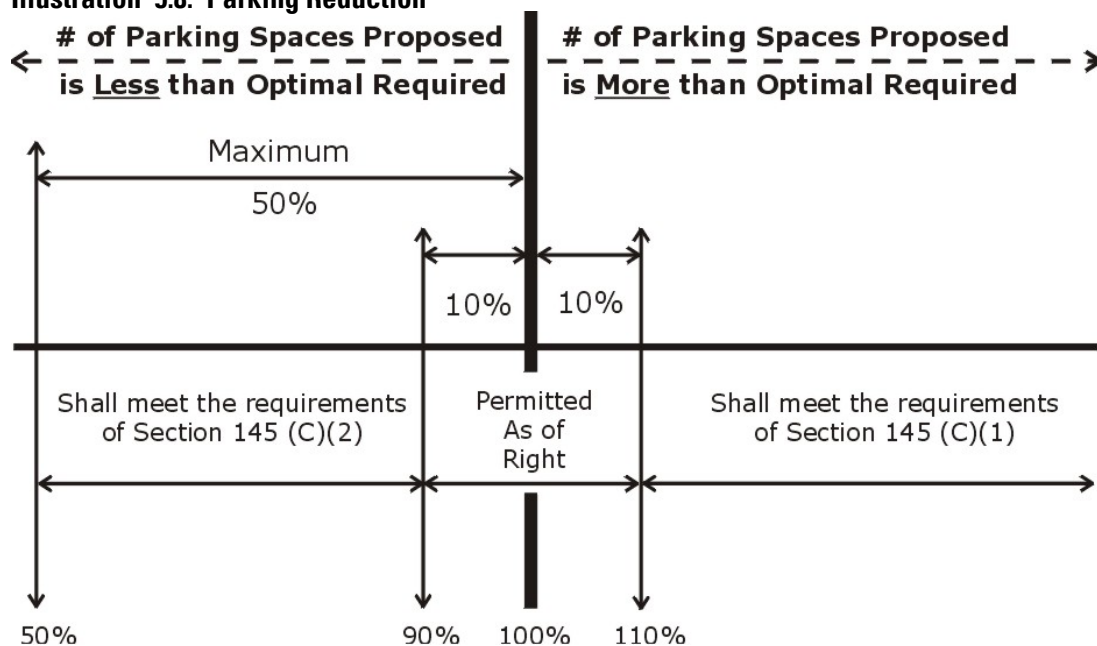


**F. Adjustments to Required Parking:** The applicant for all uses except single-family and two-family dwellings may vary from the optimal number of parking spaces in accordance with the following provisions. See Illustration 5.8.

1. Parking Spaces in Excess of Optimal Number of Spaces
  - a. The applicant may provide a number of spaces equal to the optimal number of spaces or up to ten (10) percent more as of right.
  - b. The Director of Planning and Zoning may permit a number of spaces in excess of ten (10) percent of the optimal number of required spaces. The applicant shall be required to demonstrate a need for the additional spaces and shall meet the additional landscaping regulations set forth in [Article 5.3.L.5](#).
2. Parking Spaces Less than the Optimal Number of Spaces
  - a. The applicant may provide a number of spaces equal to the optimal number of spaces or up to ten (10) percent less as of right.

- b. The Director of Planning and Zoning may permit a total reduction of up to a maximum of fifty (50) percent of the optimal number of spaces upon compliance with all other subsections of this Section. Ten (10) percent of the spaces may be reduced as of right in accordance with [Article 5.3.F](#) but the remaining percentage, with a maximum reduction of fifty (50) percent of the spaces may be permitted only if the applicant complies with one or more of the following:
  - i. The provision of off-site parking spaces, shared parking spaces, shadow parking spaces, or an approved alternative as defined in [Article 5.3.G](#) is equal to the requested reduction in optimal number of spaces.
  - ii. A reduction of up to ten (10) percent of the optimal number of spaces may be permitted provided that one access point to the adjacent street with the highest traffic capacity is closed. This ten (10) percent shall be a portion of the maximum fifty (50) percent reduction allowed in [Article 5.3.F](#).

**Illustration 5.8: Parking Reduction**



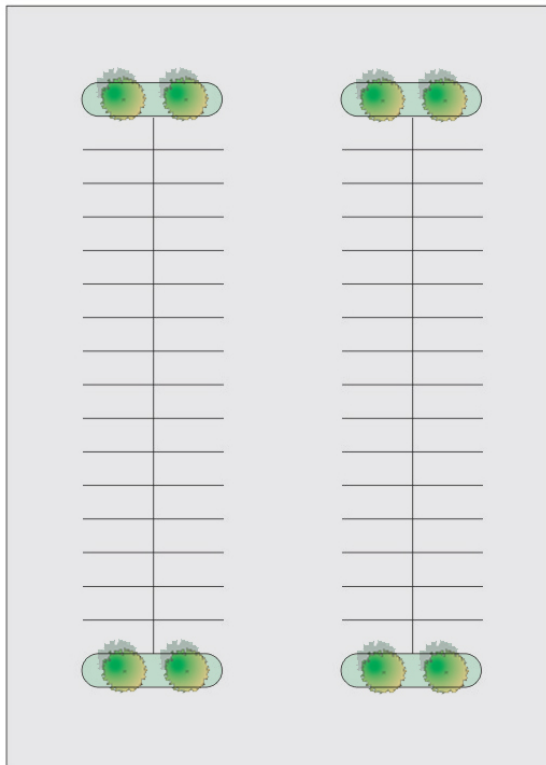
- iii. A reduction of up to twenty-five (25) percent of the optimal number of spaces may be permitted provided that two or more access points to the adjacent street with the highest traffic capacity are closed thereby creating only one access point to the street. This twenty-five (25) percent shall be a portion of the maximum fifty (50) percent reduction allowed in **Article 5.3.F**.
- iv. A reduction of up to one (1) percent of the optimal number of spaces may be permitted for every twenty (20) lineal feet of street frontage where a four (4) foot wide paved sidewalk will be created. There shall be no more than a ten (10) percent reduction permitted

as a portion of the maximum fifty percent reduction and all such sidewalks shall be built to the design standards as required by the Hamilton County Subdivision Regulations.

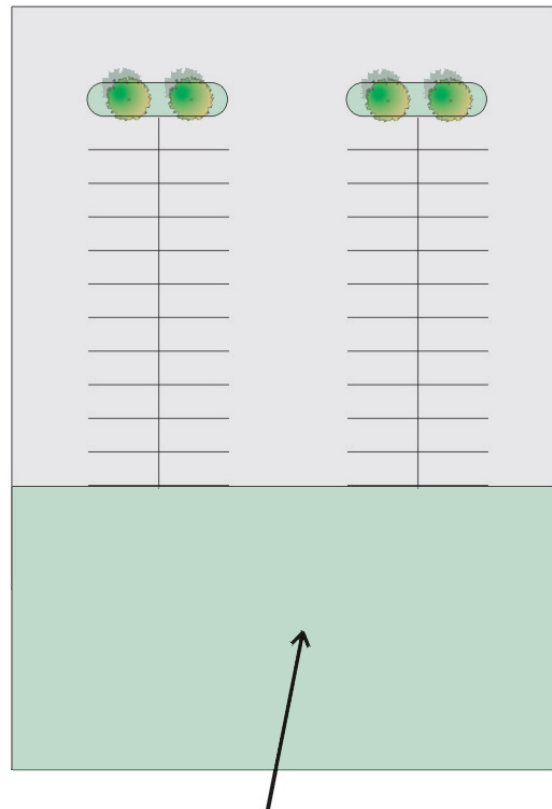
**G. Alternative Parking**

- 1. Shadow Parking: A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavers provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with **Article 5.3.F**. See Illustration 5.9.
  - a. The Parking and Loading Plan submitted with the zoning certificate application shall denote the location and layout of that portion of the parking area that

**Illustration 5.9: Shadow Parking**  
**Parking to Full Requirements**  
**(Typical)**



**Shadow Parking**



Landscaped until Additional  
 Parking Spaces are Necessary

- currently is deemed unrequired. The Plan shall indicate that the "shadow" parking spaces will be constructed according to these regulations in the event that the Director of Planning and Zoning determines at any time that all or any portion of this parking is necessary.
- b. At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
  - c. At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be considered to be as open space or other non-paved areas required by other provisions of this Section.
  - d. The current owner of record shall initiate construction of the approved "future" parking area(s), as identified on the approved Parking and Loading Plan, within three (3) months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Director of Planning and Zoning, stating that such parking is determined to be necessary.
2. Shared Parking: A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following standards and is authorized in accordance with **Article 5.3.F**.
    - a. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
      - b. Two (2) directional signs directing vehicles to shared parking facilities may be permitted provided that they are each four (4) square feet or less in area.
      - c. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
        - i. A sufficient number of spaces is provided to meet the highest demand of the participating uses;
        - ii. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Director of Planning and Zoning, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them;
        - iii. The shared parking spaces will not be located in excess of 500 feet from the uses they are intended to serve;
        - iv. A shared parking agreement is submitted and approved by the Anderson Township Attorney or the Prosecuting Attorney, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development; and

- v. The approved shared parking agreement is filed with the application for a zoning certificate and is filed with the County Recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.
  - d. No zoning certificate will be issued until proof of recordation of the agreement is provided to the Director of Planning and Zoning.
3. Off-Site Parking: A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards and is authorized in accordance with **Article 5.3.F**.
- a. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
  - b. Two (2) directional signs directing vehicles to shared parking facilities may be permitted provided that they are each four (4) square feet or less in area.
  - c. No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
  - d. Off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
  - e. In the event that an off-site parking area is not under the same ownership as the

principal use served, a written agreement shall be required.

- f. An off-site parking agreement shall be submitted and approved as to form by the Anderson Township Attorney or the Prosecuting Attorney. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
  - g. The approved off-site parking agreement shall be filed with the application for a zoning certificate and shall be filed with the County Recorder and recorded in a manner as to encumber all properties involved in the off-site parking agreement.
  - h. No zoning certificate will be issued until proof of recordation of the agreement is provided to the Director of Planning and Zoning.
4. Other Eligible Alternatives: The Board of Zoning Appeals may approve, as a conditional use, any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Board of Zoning Appeals that the proposed plan will meet the purpose of this Section as set forth in **Article 5.3.A**, and will do at least as good a job of protecting surrounding neighborhoods, maintaining traffic circulation patterns and promoting quality urban design than would otherwise result from strict compliance with otherwise applicable off-street parking standards.

**H. Vehicle Stacking Space Requirements:**

Vehicle stacking spaces for drive through facilities shall be provided according to the following provisions:

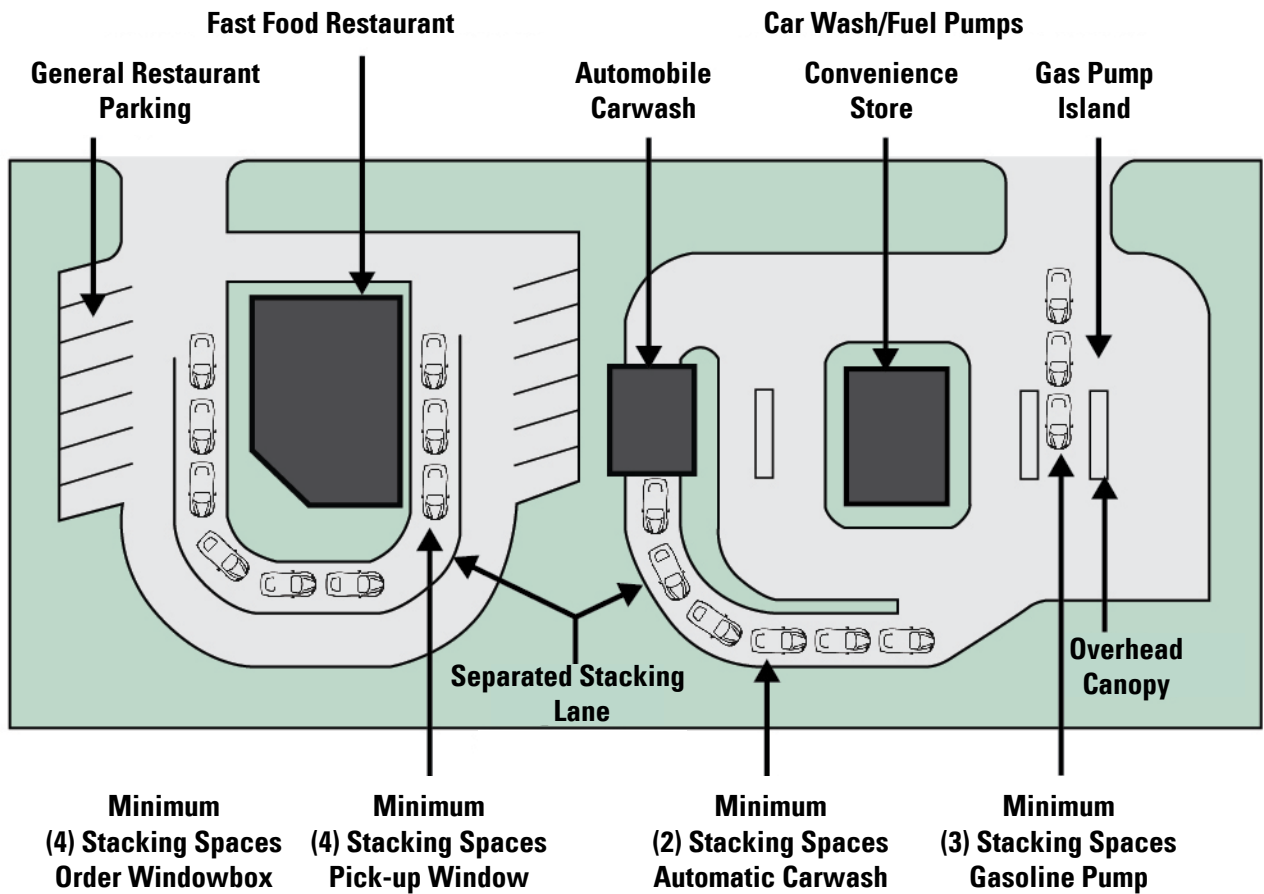
- 1. Minimum Number of Stacking Spaces: The number of required stacking spaces shall be as provided for in Illustrations 5.10 and 5.11.

**Table 5.10: Minimum Stacking Space**

ACTIVITY	MINIMUM STACKING SPACES (per lane)	MEASURED FROM:
Financial Institution or Automated Teller Machine (ATM)	4	Teller or Window
Restaurant	8	Pick up Window
Full Service Automotive Wash	7	Entrance
Self-Service Automotive Wash	2	Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the Director of Planning and Zoning *(See note below)	

\*Any other use shall be required to document proof that the article provided number and location of stacking spaces are adequate to meet the purpose of this Section as set forth in **Article 5.3.A**.

**Illustration 5.11: Vehicle Stacking Spaces**



2. Design and Layout

- a. Stacking spaces shall be a minimum of 9 feet by 20 feet in size.
- b. Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces.
- c. Stacking spaces shall be separated from other internal driveways by surface markings. Raised medians may be required where deemed necessary by staff for the purpose of traffic movement and safety.

**I. Parking and Storage of Recreational Vehicles and Equipment:**

Outside parking of recreational vehicles and equipment are subject to the following provisions:

1. General Requirements:

- a. Vehicles or equipment stored or parked on a trailer intended for such use shall count as one recreational vehicle. (For example, a boat on a trailer)
- b. No recreational vehicle or mobile home shall be used for the purpose of permanent habitation, living, or housekeeping purposes in Anderson Township.
- c. There shall be a minimum setback of three (3) feet from the side and rear lot lines.
- d. The recreational vehicle shall be maintained and be in good condition and safe for effective performance of the function for which it is intended. The exterior of the vehicle shall be intact.
- e. Recreational vehicles shall be roadworthy. Vehicles that require a license shall be properly licensed, operable, and tagged.

- f. The wheels or any similar transporting devices of any trailer permitted within any Residence District shall not be removed, except when the trailer is parked in a completely enclosed garage or accessory building, nor shall any such trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.
- g. One (1) recreational vehicle may be parked or stored openly in the rear yard or within an enclosed garage or other permitted building on any single-family lot outside the "FPM" Flood Plain Management Overlay District.
- h. The following recreational vehicles may be parked or stored on any multi-family lot outside the "FPM" Flood Plain Management Overlay District:
  - i. One (1) recreational vehicle may be parked or stored openly in the rear yard or within an enclosed garage or other permitted building, or within the area allowed for main buildings;
  - ii. When located within the area allowed for main buildings, the recreational vehicle shall be set back a minimum of one hundred (100) feet from the front property line and twenty-five (25) feet from any side property line.
- i. The temporary use of one (1) or more trailers for construction office or storage, as well as dumpsters, for construction purposes may be permitted on any premises, provided such use is also located outside the "FPM" Flood Plain Management District and a Zoning Certificate is issued by the Director of Planning and Zoning specifying location of the trailer or dumpster. The duration of such temporary use shall be no earlier than thirty (30) days prior to commencement of construction and shall

not exceed twelve (12) months during construction, or the thirty (30) days after the completion of construction, whichever comes first. The Director of Planning and Zoning may grant extensions for the use of such temporary trailers for twelve (12) month intervals during construction or thirty (30) days after completion of construction, whichever comes first, as well as require documentation of construction activities.

- j. Portable Storage Containers – Residential use properties are permitted one (1) portable storage container for thirty (30) consecutive days per year. The container must be situated on a paved surface out of the right of way or easement of access and set back a minimum of ten (10) feet from the edge of pavement, whichever is the greater setback, and a minimum of three (3) feet from all other property lines. A portable storage container is intended to provide “temporary” storage for moving and similar short-term purposes. A temporary/accessory residential use zoning certificate is required before the container is placed on-site

2. Vehicles Permitted in a Residential District

- a. Parking of vehicles accessory to a residential use shall be limited to those vehicles actually used by the resident for personal use, agricultural use, or temporary parking for guests. Vehicles not in keeping with residential character shall not be permitted.
- b. No truck, construction equipment, or other vehicle of a business or industrial nature shall be parked upon a residential lot except:
  - i. A pickup truck not to exceed fourteen-thousand (14,000) pounds of Gross Vehicle Weight Rating (GVWR) tons and twenty (20) feet in length with a standard bed, special tool boxes, or cap not to exceed a total height of

eight (8) feet in height. No tow truck, stake body, or dump truck may be parked on a residential lot;

- ii. A passenger van not to exceed one ton and twenty (20) feet in length. No step van or chassis van shall be parked on a residential lot without approval from the Board of Zoning Appeals.
- c. In no case shall a residential zoned parcel be used for the parking or storing of a semi trailer or tractor.
- d. Outside parking of automobiles, station wagons, personal pick-ups, and passenger vans shall be located not closer than three (3) feet to a side or rear lot line, except in the case of a legal nonconforming driveway location.

**J. Off-Street Loading Requirements**

- 1. Minimum Number of Required Spaces: The number of loading spaces required is as follows:
  - a. Uses such as public buildings, educational, religious and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple dwellings and similar uses shall be required to have one (1) loading space plus one (1) additional loading space for each 100,000 square feet of floor area, or fraction thereof in excess of 100,000 square feet.
  - b. Uses such as banks and financial institutions, medical or dental clinics, business or professional offices, business, dancing or other commercial schools, theaters, bowling alleys, skating rinks or other places of amusement in the “E” Retail Business District shall be required to have one (1) loading space plus one (1) additional loading space for each 100,000 square feet of floor area,

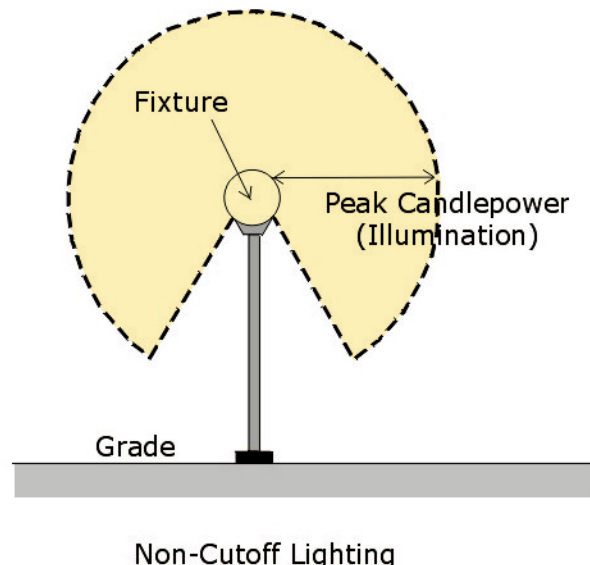
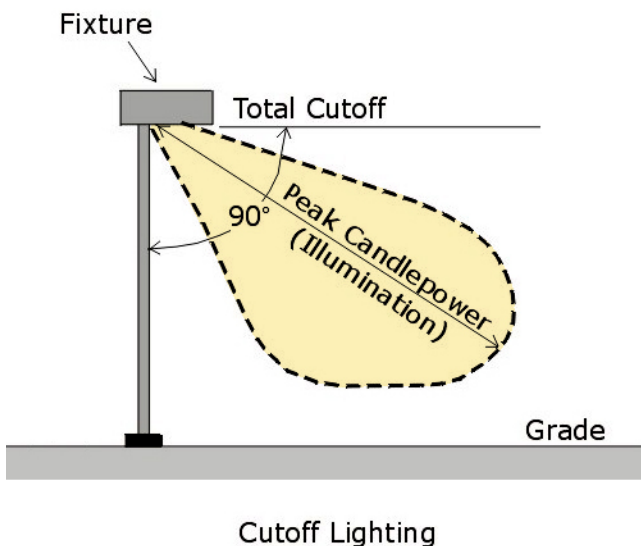
or fraction thereof in excess of 100,000 square feet.

- c. Retail and wholesale stores, eating and drinking establishments and all other commercial uses shall be required to have one (1) loading space plus both of the following:
  - i. One (1) additional loading space for each 20,000 square feet of floor area, or fraction thereof in excess of 10,000 square feet up to 50,000 square feet.
  - ii. One (1) additional space for each 100,000 square feet of floor area, or fraction thereof in excess of 50,000 square feet.
- d. Uses in the "ID" Industrial Development District shall be required to have one (1) loading space plus both of the following:
  - i. One (1) additional loading space for each 20,000 square feet of floor area, or fraction thereof in excess of 20,000 square feet up to 60,000 square feet.
  - ii. One (1) additional space for each 100,000 square feet, or fraction thereof in excess of 60,000 square feet.

2. Minimum Design Standards

- a. Each loading space shall have access to a dedicated public street or alley.
- b. The minimum area for each loading space, excluding the area needed to maneuver, shall be ten (10) feet wide and twenty-five (25) feet long with a height clearance of fourteen (14) feet.
- c. Loading areas shall be surfaced with an asphalt or concrete surface.
- d. No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- e. Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.
- f. Single-bay loading docks shall provide sufficient area for the largest vehicle using the facility to maneuver without encroaching upon a street right-of-way.
- g. No separate driveway shall be provided to serve only loading areas.

Illustration 5.12: Lighting Diagram





**Table 5.13 Illumination Permitted**

DISTRICT TYPE	Maximum Illumination (Foot Candles)	
	Non-Cutoff Lighting	Cutoff Lighting
Residential Districts	0.10	0.10
Office Districts	0.30	0.50
Business, Industrial, and "EF" Districts	0.30	0.75
"FPM", "H" and "HD" Districts	0.30	0.30

**K. Lighting For Non-Single Family Uses**

1. Height: All outdoor lighting shall be designed, located, and mounted at heights no greater than ten (10) feet above grade for non-cutoff lights and twenty-four (24) feet above grade for cutoff lights.
2. Lighting Types: Non-cutoff lights are to be used for decorative purposes only. Interior lighting of parking and loading areas shall be accomplished by using cutoff lights, with flat lenses to reduce glare. See Illustration 5.12.
3. Illumination
  - a. See Table 5.13 for the maximum illumination permitted at the property line in each district type, as demonstrated by a photometric drawing.
  - b. Where a zoning district abuts another district with a different maximum illumination requirement, the maximum illumination permitted at the property line shall be that of the less intense district.
4. 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.
5. Color and Glare
  - a. 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.

- b. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area.

**L. Landscaping and Buffering:** Parking and loading areas shall be designed to minimize the visual impact of parked cars as viewed from public right-of-ways and adjacent properties through the use of plantings and earth berms in accordance with the following provisions:

1. Plant Protection: All planting beds shall be provided with weed barriers, mulched, and provided with a permanent edge or curbing.
2. Plant Sizes: At the time of installation, plantings required by this Subsection L shall be no smaller than the following:
  - a. All deciduous trees shall have a minimum size of 2 inches Diameter at Breast Height (DBH).
  - b. All evergreen trees shall have a minimum height of 6 feet.
  - c. All ornamental trees shall have a minimum size of 2 inches DBH.
  - d. All shrubs shall be from 5 gallon or greater containers.
3. Location
  - a. All required landscaping shall be located outside of any adjacent right-of-way.
  - b. All required landscaping elements shall be located on the property it serves.

4. Maintenance
  - a. The owner shall be responsible for the upkeep and continued maintenance of the required landscape materials pursuant to the maintenance standards set forth in this provision.
  - b. The owner shall be responsible for regular maintenance of all required landscape areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter, that shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other needed maintenance in accordance with generally accepted horticultural practices.
  - c. The owner shall be responsible for the maintenance, repair or replacement of landscape structures (walls, architectural features, etc.) to a structurally sound condition.
  - d. Required plant materials, if dead, diseased, or severely damaged, shall be removed and replaced by the owner as soon as possible, but no later than thirty (30) days after receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) notifying the owner of violation of this provision from the Director of Planning and Zoning. If notification occurs outside of a typical planting season, the owner shall be required to remove the plant materials within thirty (30) days of notification but may postpone planting until the next earliest planting season.
  - e. Replacement plants must be of the same sizes and species as shown on the approved landscape plan or must be equivalent in terms of quality and size. Such replacement will not be considered an amendment to the approved plan.
- f. Failure to regularly maintain as described in these maintenance requirements shall constitute a violation of this provision.
5. Parking Perimeter Landscaping
  - a. Applicability: All parking lots containing five (5) or more spaces shall provide perimeter landscaping pursuant to this Section. Single-family and two-family dwellings shall be exempt from these requirements.
  - b. Minimum Planting Requirements
    - i. A minimum of one (1) shade or evergreen tree per thirty (30) lineal feet of parking surface frontage and one (1) shrub per ten (10) lineal feet of parking surface frontage shall be planted along the perimeter of any parking area when adjacent to all dedicated streets.
    - ii. For parking areas adjacent to a side or rear lot line of a residence district or property devoted to residential use, a minimum of one (1) evergreen or shade tree per 30 lineal feet of parking surfaces and one (1) shrub per five (5) lineal feet of parking surfaces shall be planted along the perimeter of the parking area.
    - iii. All fences utilized for screening shall be oriented so as to face the better side toward the residential district.
  - c. General Requirements
    - i. Perimeter planting areas shall be designed to maintain and protect visibility at driveways and access points.
    - ii. Perimeter landscaping shall provide a semi-opaque screen during the winter season.
    - iii. Berms may be utilized as part of the perimeter landscaping provided there is no adverse impact on visibility at

driveways and access points

- iv. Where walls or fences are utilized within perimeter landscaping, a minimum of one (1) evergreen tree and three (3) shrubs shall be required for every forty (40) linear feet of wall or fence and shall be planted on the side of the fence or wall facing the surrounding streets, walks, parks, trails and other public use properties.
- v. Where a lot is surrounded on the rear and/or side lot lines by a similarly intense use or where it is part of a larger development, the requirement of perimeter landscaping on the lot line adjacent to the similar use or development shall be waived.
- d. Additional Perimeter Landscaping Requirements: In cases where the parking and loading plan illustrate a number of spaces that exceed the optimal number of spaces by more than ten (10) percent, the applicant shall be required to provide the following for perimeter landscaping:
  - i. Two (2) times the minimum required setback and/or planting area as required in this Subsection 5.
  - ii. One (1) additional shade or evergreen tree for every thirty (30) lineal feet of parking area and one (1) additional shrub for every ten (10) lineal feet of parking area, or the landscaping requirements of any adopted Township policy or plan, whichever is greater.
- 6. Parking Lot Interior Landscaping
  - a. Applicability: All parking lots with twenty (20) or more parking spaces shall comply with these interior parking lot landscaping requirements. Landscaping used to fulfill the perimeter parking lot landscaping requirements as outlined in **Article 5.3.L.4**

shall not be considered for products of satisfying these interior parking lot landscaping requirements.

- b. Minimum Planting Requirement: A minimum of 10 percent of the total interior parking lot area shall be landscaped with planted islands. A minimum of 1 tree and 2 shrubs shall be planted in interior islands for every 2,500 square feet of parking lot.
- c. General Requirements:
  - i. Each individual landscaped island shall include a minimum of 1 tree and 2 shrubs.
  - ii. Landscaped islands shall be at least 170 square feet in size with the smallest dimension of pervious surface being 6 feet to allow for adequate root aeration and expansion. Any landscaped island that is less than 170 square feet in area may not be used in the minimum 10% interior landscaping requirement calculation.
  - iii. Plant materials shall be chosen and arranged to maximize the shading of parking spaces.
  - iv. Plant materials shall be arranged to minimize obstruction of parking spaces as well as visibility and access on- and off-site.
  - v. Landscaped islands shall be dispersed throughout the parking area in order to break up large areas of surfaced parking.
  - vi. Landscaped islands shall be installed with curbs made of asphalt, concrete, stone or other similar material and shall have a minimum height of six (6) inches and a minimum width of six (6) inches

**M. Definitions:** See **Article 6**

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## 5.4 Conditional Uses in Single and Multi-Family Residence Districts

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**A. Definition:** Conditional uses are those uses having some special uniqueness which requires a careful review of their location, design, configuration and special impact to determine in accordance with fixed standards, the desirability of permitting their establishment on a specific site. They are considered provisional in nature and established at the discretion of the Board of Zoning Appeals.

**B. Purpose:** The purpose of this Section is to enable new uses which may be appropriate in a particular district after balancing the public benefit against the local impact, the reduction of any adverse impact through special site planning, development techniques, and contributions to the public improvements and rights-of-ways.

**C. Authority:** The Board of Zoning Appeals may, in accordance with the procedures and standards set out in this Section, and other regulations applicable to the district in which the subject property is located, grant a conditional use zoning certificate for those uses listed as conditional uses in **Article 5.4.I**, or in any other part of this Resolution.

### D. Effect Of Conditional Use Listing

1. Compliance with Zoning Requirements - The listing of a conditional use in this section 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 **Article 5.4.D.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 Article and with 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.

2. Compliance with other requirements: Nothing in this Article shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law. However, reasonable conditions may be required by the Board of Zoning Appeals in order to satisfy the purposes as outlined in **Article 5.4.B**.

### E. Review Procedure For Conditional Use Applications

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.
2. Application - An applicant for a conditional use shall file a plan and an application on forms provided by the Zoning Administrator. The plan for the use and development of the tract shall demonstrate that the general and specific criteria have been met.
3. Scheduling of Hearing and Transmittal of Application - Within five (5) days after filing of an application determined to be complete pursuant to **Article 2.12**, the Zoning Administrator shall: (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 Board of Zoning Appeals for staff review and recommendation.
4. Staff Report - Within forty (40) days after the filing of a complete application, the Zoning Administrator shall prepare and transmit to the Board of Zoning Appeals a written report incorporating or summarizing comments of other departments, agencies, and officials as may be appropriate to the

scope of development. A recommendation shall be included, setting forth whether the application for a conditional use should be approved, approved with modifications, or denied and set forth findings of fact and conditions for such recommendation.

5. Notice and Hearing - The Board of Zoning Appeals (BZA) shall hold a public hearing in accordance with the adopted Procedures, Rules and Regulations of the BZA. Notice of the hearing shall be given at least ten (10) days before the hearing by notice in writing sent by the BZA Administrator to: the applicant, the Board of Trustees, and the owners of property 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.
6. Decision - Within forty (40) days after the close of the public hearing, the BZA shall, (1) grant a conditional use certificate; (2) grant the conditional use certificate subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the conditional use.
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) granting of the conditional use; (2) granting of the conditional use subject to either specified approvals or modifications necessary to achieve full compliance with all standards; or (3) denial of the conditional use.

**F. 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.

1. Notice of Applications for Additional Approvals - Whenever an applicant files an application for other approvals pursuant to thi Subsection F, all required notices shall include reference to the request for any and all additional approvals.
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.
3. 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.

**G. General Considerations for Conditional Uses**

1. 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 in **Article 2.12.D.8**, as well as the designated specific criteria for specific uses contained in **Article 5.4.H**.

**H. Specific Criteria Pertaining to Conditional**

**Uses:** In addition to the general considerations contained in this section each conditional use is subject to one or more specific criteria as identified in this Section. The following list contains all the specific criteria with each preceded by a letter for reference in **Article 5.4.1**

1. Conditional Use Criteria:

- a. Site shall contain a minimum of 5 acres and all buildings shall not occupy over 10 percent of the total area of the site.
- b. Site shall contain a minimum of 20 acres.
- c. Site shall contain a minimum of 30 acres.
- 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. No building shall be located within the floodway.
- 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:
  - i. Boundary Buffer of 10 feet with 3.3 canopy trees and 10 shrubs at per 100 l.f.
  - ii. Boundary Buffer of 20 feet with 2.8 canopy trees and 8 shrubs at per 100 l.f.
- p. Signage shall be regulated as follows:
  - i. No signs shall be erected except

- those exempt under **Article 5.5.D.3.**
- ii. One sign permitted subject to sign standards in **Article 5.5.F.3.**
- iii. Subject to sign standards in **Article 5.5.F.4.**
- 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. Proposed 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 resident's grievances may be filed with the Township and resolved by the facility.
- 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 the tract.
- z. An emergency response plan shall be submitted detailing safety measures and

response procedures.

- aa. No structure, storage area, or vehicular use area shall be located closer than:
  - i. 100 feet to a residential use or district.
  - ii. 200 feet to a residential use or district.
- bb. The facility shall be centrally located and surrounded on all sides by the development the facility serves.
- cc. Coverage of the required rear yard by the accessory unit shall not exceed 10 percent, and coverage of the entire lot by the accessory unit and the principal unit shall not exceed 20 percent.
- dd. The unit shall contain a maximum of 900 sq. ft. and not exceed 15 ft. in height.
- ee. The terms of continuation of this use and those under which it shall eventually be removed or terminated are to be specified in the application and contained within the approving Resolution.
- ff. There shall be central management of the use to assure seasonal occupancy only.

**I. Uses Requiring Conditional Use Certificate In Single Family And Multi Family Residence Districts:**

The following uses shall require a conditional use zoning certificate. The specific criteria that are required for each area identified with letters corresponding to the items found in **Article 5.4.H.1:**

1. Accessory Apartment – **(m), (p,i), (q), (y);**
2. Bed and Breakfast – **(f),(h),(p,ii),(s),(x);**
3. Day Care, Type A or Day Care Center, Adult or Child – **(e),(g),(h),(i),(j),(n),(p,ii),(r),(s),(y);**
4. Granny Cottage – **(n),(p,i),(cc),(dd),(ee);**

5. Group Home – **(f), (k), (m), (n), (p,i), (s),(t), (v)**
6. Cemetery – **(b),(d), (g), (o,i), (p,iii), (s);**
7. Church, Sunday School, and other places of worship – **(h), (l), (o,i), (p,iii), (s);**
8. Government facility, including, but not limited to community fire house, library, park and ride facility, etc. – **(e), (f), (h), (i), (o,i), (p,iii);**
9. Hospitals and institutions of an educational, religious, charitable, philanthropic nature – **(a), (e), (f), (g), (h),(i),(o,i), (p,iii), (s), (y);**
10. Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools, provided no rooms are regularly used for housekeeping or sleeping rooms – **(h),(l),(o,i),(p,iii), (s);**
11. College or University – **(d), (h),(l), (o,i), (p,iii),(s);**
12. Campground, Public or Private – **(h),(l),(p,iii),(u),(z),(ff);**
13. Cultural facility, including, but not limited to:
  - a. Botanical garden – **(e), (f), (h), (p,iii), (s);**
  - b. Museum – **(g),(h),(l),(o,ii),(p,iii),(s),(y);**
  - c. Outdoor drama theaters (not drive in's) – **(a), (d), (h),(l), (o,i), (p,iii), (s), (y);**
  - d. Zoo – **(a),(b), (g), (h), (l),(o,i), (p,iii), (s), (x), (y),(z), (aa,i);**
14. Recreation, Private or Public Community Facility, including, but not limited to:
  - a. Athletic/play field – **(h), (l), (o,i), (p,iii), (s), (u), (v), (w), (y);**
  - b. Country clubs – **(d),(f),(g), (h), (n), (o,ii), (p,ii), (s), (y);**
  - c. Swimming and tennis clubs – **(d), (e), (h), (i), (l), (n), (o,ii), (p,iii), (q), (r), (s), (u), (y);**

- d. Golf course – **(b), (d),(f), (h), (p,iii), (s), (x);**
- e. Recreation center-internal – **(d), (h), (l), (n), (o,i), (p,ii), (s);**
- f. Summer camp – **(b),(j), (k), (p,iii), (s), (u), (z), (ff);**

**J. Accessory Uses To Conditional Uses**

1. Any use or structure that is accessory to a conditional use shall be processed in the same manner as prescribed in this article 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 **Article 5.4.H** as well as the general conditions contained in **Article 5.4.G**.

**K. Additional Regulations Pertaining To Conditional Uses:**

In addition to the general standards contained in **Article 5.4.G** the specific criteria contained in **Article 5.4.H** all conditional uses are subject to the following regulations.

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.

2. Effect of Approval of Conditional Use: The granting of a proposed conditional use zoning certificate 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 County, including but not limited to, a Conditional Use Compliance Plan Certification, a building permit, a certificate of occupancy and subdivision approval.
3. Certification of Conditional Use Plan Compliance - Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Zoning Administrator shall review the application to determine if it is complete pursuant to **Article 2.1** including any additional conditions required in conjunction with the approval by the Board of Zoning Appeals. 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 BZA approval; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the BZA approval.
4. Affidavit of Compliance with Conditions: Whenever any proposed conditional use authorized pursuant to this Article 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 Township Zoning Inspector 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.

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.
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 Article for its original approval.
  - L. 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.
  - M. 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 as authorized by Chapter 2506 of the Ohio Revised Code.

**Table 5.14 Conditional Use Criteria Chart**

Conditional Use	Critical Letter Code: 5.4,H,1	Criteria
Accessory Apartment	(m), (p,i), (q), (y)	<p>a. Site shall contain a minimum of 5 acres and all buildings shall not occupy over 10 percent of the total area of the site.</p> <p>b. Site shall contain a minimum of 20 acres.</p> <p>c. Site shall contain a minimum of 30 acres.</p> <p>d. Any structure (except fences), parking area, or storage area shall be setback at least 100 feet from every property line.</p> <p>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.</p> <p>f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.</p> <p>g. Use shall have direct access to a collector or arterial street.</p> <p>h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.</p> <p>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.</p> <p>j. No building shall be located within the floodway.</p> <p>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.</p> <p>l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.</p> <p>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.</p> <p>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.</p>
Bed and Breakfast	(f),(h),(p,ii),(s),(x)	
Day Care, Type A, or Day Care Center (adult or child)	(e),(g),(h),(i),(j),(n),(p,ii),(r),(s),(y)	
Granny Cottage	(n),(p,i),(cc),(dd),(ee)	
Group Home	(f), (k), (m), (n), (p,i), (s),(t), (v)	
Cemetery	(b),(d), (g), (o,i), (p,iii), (s)	
Church, Sunday School, and other places of worship	(h), (l), (o,i), (p,iii), (s)	
Government facility, including, but not limited to community fire house, library, park and ride facility, etc	(e), (f), (h), (i), (o,i), (p,iii)	
Hospitals and institutions of an educational, religious, charitable, philanthropic nature	(a), (e), (f), (g), (h),(i),(o,i), (p,iii), (s), (y)	
Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools, provided no rooms are regularly used for housekeeping or sleeping rooms	(h),(l),(o,i),(p,iii), (s)	
College or University	(d), (h),(l), (o,i), (p,iii),(s)	
Campground, Public or Private	(h),(l),(p,iii),(u),(z),(ff)	
Cultural facility, including, but not limited to:		
Botanical garden	(e), (f), (h), (p,iii), (s)	
Museum	(g),(h),(l),(o,ii),(p,iii),(s),(y)	
Outdoor drama theaters (not drive in's)	(a), (d), (h),(l), (o,i), (p,iii), (s), (y)	
Zoo	(a),(b), (g), (h), (l),(o,i), (p,iii), (s), (x), (y),(z), (aa,i)	
Recreation, Private or Public Community Facility, including, but not limited to:		
Athletic/play field	(h), (l), (o,i), (p,iii), (s), (u), (v), (w), (y)	
Country clubs	(d),(f),(g), (h), (n), (o,ii), (p,ii), (s), (y)	
Swimming and tennis clubs	(d), (e), (h), (i), (l), (n), (o,ii), (p,iii), (q), (r), (s), (u), (y)	
Golf course	(b), (d),(f), (h), (p,iii), (s), (x)	
Recreation center-internal	(d), (h), (l), (n), (o,i), (p,ii), (s)	
Summer camp	(b),(i), (k), (p,iii), (s), (u), (z), (ff)	

- o. Landscaping shall be installed in accordance with one of the following buffers:
  - i. Boundary Buffer of 10 feet with 3.3 canopy trees and 10 shrubs at per 100 l.f.
  - ii. Boundary Buffer of 20 feet with 2.8 canopy trees and 8 shrubs at per 100 l.f.
- p. Signage shall be regulated as follows:
  - i. No signs shall be erected except those exempt under Article 5.5, D,3,
  - ii. One sign permitted subject to sign standards in Article 5.5,F,3.
  - iii. Subject to sign standards in Article 5.5,F,4.
- 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. Proposed 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 resident's grievances may be filed with the Township and resolved by the facility.
- 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 the tract.
- z. An emergency response plan shall be submitted detailing safety measures and response procedures.
- aa, No structure, storage area, or vehicular use area shall be located closer than:
  - i. 100 feet to a residential use or district.
  - ii. 200 feet to a residential use or district.
- bb. The facility shall be centrally located and surrounded on all sides by the development the facility serves.
- cc. Coverage of the required rear yard by the accessory unit shall not exceed 10 percent, and coverage of the entire lot by the accessory unit and the principal unit shall not exceed 20 percent.
- dd. The unit shall contain a maximum of 900 sq. ft. and not exceed 15 ft. in height.
- ee. The terms of continuation of this use and those under which it shall eventually be removed or terminated are to be specified in the application and contained within the approving Resolution.
- ff. There shall be central management of the use to assure seasonal occupancy only.

## 5.5 Signage

**A. Purpose and Intent.** All subsections in this Section are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of residents and visitors to speak freely. Sign regulations, including provisions to control the type, design, size, location, motion, illumination, enforcement and maintenance thereof, are established in order to achieve, among others, the purposes listed below. These regulations do not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, § 11 of the Ohio Constitution.

1. It is the intent of this Section to establish reasonable regulations governing the size, character, and location of signs within the Township in the interest of the safety and general welfare of the citizens, business concerns, and other affected sectors of the community, in order to:
  - a. Minimize the possibility that sign size, location, or character will create hazards adversely affecting the public safety, and to eliminate any conflict between traffic control signs and other signs which would be hazardous to the safety of the motoring public or pedestrians.
  - b. Establish sign limitations which allow a reasonable capability for identification and advertisement.
  - c. Provide sign regulations which are directly related to land use and therefore to the functional and economic need for signs of varying sizes, types, and locations.
  - d. Create a more aesthetic environment, and to preserve property values, without unreasonably limiting the right of individuals to employ signs in the legitimate use of their property, while

also being aesthetically harmonious with an overall urban design for the area, in accordance with commonly accepted community planning and design practices, and Township plans.

- e. Provide for the size, lighting and spacing of off-premise advertising signs according to customary use and to provide special rules for retail areas which are abutting residential districts.
- f. Facilitate the effective enforcement and prosecution of this Article while preserving the right of the individual to due process.
- g. Provide for reasonable and appropriate methods for identifying establishments by relating the size, type and design of signs to the size, type and design of the establishment.

**B. Definitions.** See [Article 6](#).

**C. General Rules, Regulations and Limitations.**

1. All signs shall be deemed accessory uses.
2. A sign shall be erected, maintained or continued only if it is in full compliance with the regulations for the Zone in which it is located, and all applicable provisions and regulations of this Section, except that nonconforming signs may be maintained or continued pursuant to [Article 5.5.C.3](#).
3. Compliance with the provisions of this Article shall be according to the following:
  - a. When erected all signs shall comply with plans approved by Anderson Township and the subsections contained within this section.
  - b. Within thirty (30) days upon vacation of a business from a premises, any sign face referencing such business shall be covered, painted, removed or otherwise modified to obscure or conceal the sign message.

- c. A nonconforming sign shall immediately lose its nonconforming designation and shall be immediately removed in its entirety, including supporting structure above finished grade level, or modified to conform if:
- i. The sign is relocated;
  - ii. The sign identifies one or more businesses or other activities conducted on the premises on which the sign is located and all businesses and other activities conducted on the entire premises cease for a period of three (3) months, or in the case of a multi-tenant center, if the use of more than 50% of the square footage of such property has ceased. For the purposes of this section, the annual closing of a purely seasonal business or other activity shall not be considered a cessation of such business or other activity; however, temporary uses of the site for less than ninety (90) consecutive days in operation shall not constitute an activity;
  - iii. The sign is structurally altered to an extent greater than fifty (50%) percent of the estimated replacement value;
  - iv. The sign is enlarged;
  - v. The sign is damaged or replaced to an extent of greater than fifty (50%) percent of the estimated replacement value;
  - vi. The sign is a temporary sign;
  - vii. The sign violates [Article 5.5.C.7](#); [Article 5.5.C.9](#); [Article 5.5.C.10](#); [Article 5.5.C.15](#); [Article 5.5.C.20](#); or [Article 5.5.C.21](#).
4. A sign shall lose its nonconforming designation and shall be immediately removed or modified to conform if it is damaged fifty (50%) percent or less of its estimated replacement value and repairs or reconstruction is not completed within one hundred twenty (120) days from the date of such damage or destruction.
  5. No sign except for signs authorized by a government agency shall be located, or shall be permitted in the traveled way, or within a vision clearance area as defined within this Subsection 5. A vision clearance area is a triangular area formed by the intersection of any combination of right-of-way, private roads, public roads, alleys or driveways and extending vertically from a height of 36 inches above grade to ten (10) feet above grade. The triangular area is formed with the apex at the intersection of the curb lines or edge of pavement extended, with the sides of the triangle extending along the curb line twenty (20) feet from the apex, and with a line connecting the ends of the sides to form the third side. No support structure for a sign may be located in a vision clearance area unless the combined total width is twelve (12) inches or less and the combined total depth is twelve (12) inches or less.
  6. Except as otherwise provided for in this Section, no sign shall be permitted which displays flashing, moving or intermittent lights and symbols or lights, letters and symbols of changing degrees of intensity. Flashing, intermittent or moving lights by themselves, with or without written messages or graphics, are prohibited when placed so as to be open to the outdoor public view.
  7. No sign shall be erected, maintained or continued which is fraudulent or obscene.
  8. No off-premise sign shall be permitted

except as specifically permitted in **Article 5.5.G.6**.

9. No sign shall be erected, maintained or extended over or into any street, right-of-way, public way or alley right-of-way, unless specifically provided for within this Article.
10. No sign shall be erected, maintained or continued which constricts the access or the flow of air through any window or door which is required by applicable building or fire codes.
11. Except as otherwise provided for in this Section, no sign, handbill, poster, advertisement or notice of any kind, whether political or otherwise, shall be fastened, placed or painted on or to any curbstone (except address numbers 4" high), utility service equipment, hydrant, bridge, culvert, drinking fountain, trash container, courtesy bench, rest station building, tree, sidewalk, street, street sign, or other structure which is in the public right-of-way or which constitutes public property.
12. All signs must be capable of being removed without altering the building structure or affecting its integrity.
13. If a free-standing sign identifies one or more businesses or other activities conducted on the premises on which the sign is located and all businesses and other activities conducted on the entire premises cease for a period of three (3) months, then such free-standing sign shall be immediately removed in its entirety, including supporting structure above finished grade level. For the purpose of this section, the cyclical cessation of a purely seasonal business or other activity shall not be considered a cessation of such business or other activity.
14. If more than one free-standing sign exists on a premises, and such sign does not conform to the requirements of **Article 5.5.G.1** of the Anderson Township Zoning Resolution, and such sign is no longer being maintained or used for a period of three (3) months, then such free-standing sign shall be immediately removed in its entirety, including supporting structure above finished grade level. For the purpose of this section, the annual closing of a purely seasonal business or other activity shall not be considered a cessation of such business or other activity; however, temporary uses of the site for less than ninety (90) consecutive days in operation shall not constitute a business or activity. Also, in the case of a multi-tenant center, if the use of more than 50% of the square footage of such property has ceased, then this Subsection 14 shall apply.
15. No radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound or noise-making or transmitting device or instrument shall be allowed, permitted or continued in connection with any sign, nor may it be used separately for advertising purposes in any district or for attention-gaining for commercial purposes.
16. Any sign using electronic technology for changeable copy message boards which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.
17. All signs herein permitted shall be constructed and maintained in a professional manner. The owner of such signs, as well as the owner of the premises where such signs are located, shall maintain said signs free from dirt and other such debris. All lettering, illustrations, and other such art work contained on said signs, including any structure used to support a sign, shall be constructed and maintained in a professional manner, free from fading and illegibility and not exhibiting any signs of disrepair.
18. Signs Associated with Nonconforming Land Uses: All signs associated with a legal nonconforming land use shall be permitted as if the business or use were located in

the most restrictive zoning district allowing such land use. No new signs associated with nonconforming land uses may be erected, except replacements which are the same or smaller in size than the sign being replaced. In the event that a sign associated with a nonconforming land use is moved, its new location must conform to the setback requirements for a primary building in the district in which the nonconforming land use is located.

19. The Zoning Commission shall have the authority to amend the regulations in this Section after review by the Commission to address the needs of the owner and public in "DD", "EE", "FF", "GG" and "OO" Planned Zoning Districts and Community Unit Plans.
20. Illumination of Signs. Light Sources to illuminate signs shall be shielded from all adjacent residential districts and all streets. In no case shall the lighting fail to comply with the standards specified in Chapter 17, in the section labeled "Floodlighted Signs" of the "I.E.S. LIGHTING HANDBOOK 1987 APPLICATIONS VOLUME", Published by: Illuminating Engineering Society of North America, Copyrighted in 1987, Editor: John E. Kaufman, P.E. FIES or lighting/illumination standards found in **Article 5.3.K.3; 4; and 5**, of this Resolution.
21. No search lights, strobe lights or beacons are permitted in any district.
22. In the event of any conflict between this Section and the remainder of the Zoning Resolution, this Section shall control.

#### **D. Exemptions to the Certificate Requirement**

1. Transportable signs and other signs that are affixed to a service or other delivery vehicle, parked within Anderson Township, are limited in size to two (2) square feet, and must not extend any higher than 18" above the vehicle surface to which they are affixed.

2. Window signs - Window signs shall be permitted in any zone district, but shall not exceed 20% of a glass door panel or 50% of a window area.
3. The following signs described in this Subsection 3 shall be permitted in any district without a fee, in addition to any other sign permitted in thi Section. All signs in this Sebsection 3 shall be set back a minimum of 10 feet from the edge of pavement, or at the edge of right-of-way, whichever is the greater setback, and 5 feet from all other property lines, and shall not create a safety hazard.
  - a. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps or similar devices.
  - b. Signs which are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Hamilton County or Anderson Township.
  - c. Hand-held signs not set on or affixed to the ground.
  - d. Monuments and markings within a cemetery.
  - e. Any address numbers required by Anderson Township or other safety organization, unless larger than twelve (12) inches in height.
  - f. Two permanent signs not to exceed one (1) square foot per side and a maximum of 2 sides are allowed in any zone district. Said signs shall not be animated or illuminated.

**E. Temporary Signs.** The following restrictions apply to temporary signs:

1. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.
2. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.
3. No temporary sign, which is eight (8) square feet or less in size, shall be illuminated by anything other than non-reflected daylight, except by variance issued by the Board of Zoning Appeals
4. Temporary signs shall be set back a minimum of ten (10) feet from the edge of pavement, or at the edge of right-of-way, whichever is the greater setback, five (5) feet from all other property lines, five (5) feet from any other temporary sign, and shall not create a safety hazard.
5. The maximum overall height limit of temporary signs shall not exceed the maximum allowable height for a freestanding sign in the district in which the property is located, or ten (10) feet in districts where freestanding signs are prohibited.
6. Violations of zoning regulations applying to temporary signs shall be corrected within 24 hours of written notification of the violation or be subject to citation. Use of temporary displays on days without approval by zoning certificate, when required, or beyond the stated date of approval, when applicable, shall be deducted from the allotted number of days.
7. Temporary signs that are eight (8) square feet or less in size shall be permitted in single family and multi family residence districts without a fee, in addition to any other sign permitted in this Section, and such signage does not require a zoning certificate.
8. Each premises in "O", "O-1", "OO", "E", "EE", "H", "ID", "FF", and "GG" Districts, may display temporary signs, the total size being sixteen (16) square feet or less per premises, to be displayed in a maximum of two (2) signs, and not to exceed ten (10) feet in height, without a fee, in addition to any other sign permitted in this Section, and such signage does not require a zoning certificate.
9. Temporary signs described below require a zoning certificate, and shall be permitted in addition to any other sign permitted in this Section.
10. Temporary signs greater than eight (8) square feet in size are permitted in single family and multi family residence districts. Such signs shall be limited to one sign per premises and shall not exceed thirty-two (32) sq. ft. per side with a maximum of two (2) sides, and shall not be illuminated. Such signs shall be displayed for not more than twelve (12) days per zoning certificate, and not to exceed forty-eight (48) days per year.
11. Temporary signs greater in square footage than those exempted in **Article 5.5.E.7 and 8** are permitted in any office, retail, industrial or riverfront district, subject to the following limitations:
  - a. Such signs shall be limited to one sign per premises and shall not exceed thirty-two (32) sq. ft. per side with a maximum of two (2) sides. A property having more than 400 feet of street frontage shall be allowed to display one sign for each 400 feet of street frontage or part thereof, with a minimum distance of 175 feet between signs. Corner properties may use either street frontage, but not both street frontages, to determine the total length of the developed property.
  - b. Such signs shall be displayed for not



- more than twelve (12) days per zoning certificate, and not to exceed forty-eight (48) days per year, per establishment.
- c. New businesses shall be allowed an additional promotional display period of up to twenty (20) consecutive days, during which a temporary sign may be displayed. This display period allowed for new businesses shall not run concurrently with display periods otherwise allowed in this section, but signage is subject to the same limitations of this section.
  - d. Temporary signage in lieu of permanent signage. Except as otherwise specified in this Section, the use of one temporary sign per premises shall be permitted only for periods not to exceed forty (40) consecutive days (extensions may be granted by the Zoning Inspector, maximum of 2 extensions, totaling a maximum of 120 days per year) and only with the issuance of a Special Temporary Use Zoning Certificate from the Zoning Inspector. The Special Temporary Use Zoning Certificate will be issued only under the following conditions:
    - i. When new construction of improvements on the premises has been completed, in total compliance with this Zoning Resolution, and the permanent sign has not been installed, or installed but not completed.
    - ii. When an existing sign has been damaged and is being repaired, and said sign is the principal means of visual advertisement for the premises.
    - iii. The temporary sign must be removed upon the installation of the a permanent sign;
    - iv. The maximum size of temporary signs under this section shall not exceed the total square footage of that allowed by this resolution for the proposed new sign or damaged existing sign.
  - e. No property shall display temporary signage, except as otherwise allowed or exempted by another section of this Resolution, for more than six (6) months per calendar year.
- F. Residential Districts.** The following restrictions apply to signs in residential districts:
1. Signs in this section may be lighted between 6:00 A.M. and 11:00 P.M., the source of which is not visible from off the premises. Except as otherwise provided in this Article, signs permitted in the "A-A", "A-30", "A", "A-2", "B", "B-2", "C", "D", "DD" Districts and Community Unit Plans shall be limited to the following.
  2. Signs that identify residential subdivisions or other single, two-family, or multi-family premises of two acres or more in total land area are permitted, subject to a maximum of twenty (20) sq. ft. of surface area for each main entrance into the premises; maximum overall height of the sign shall not exceed ten (10) feet. Surface area within the above limitations may be allocated between both sides of an entrance street if both sides are on the premises.
  3. Signs that identify single, two-family, or multi-family premises of less than two acres in total land area having six or more dwelling units, as well as selected Conditional Uses (identified in **Article 5.4**), are permitted, subject to a maximum of twelve (12) sq. ft. of surface area per premises, maximum overall height not to exceed ten (10) feet. Surface area within the above limitations may be allocated between both sides of an entrance street if both sides are on the premises.

4. Signs that identify churches, non-profit organizations, swim clubs, tennis clubs, schools, parks, golf courses, public buildings, agricultural uses, and similar permitted uses are allowed, subject to one (1) freestanding sign per premises, with a maximum of forty (40) square feet of surface area per side, maximum of two (2) sides. Such freestanding signs shall not exceed ten (10) feet in height and shall be setback at least ten (10) feet from edge of pavement and out of right-of-way and at least five (5) feet from all other property lines. In addition, wall signs are allowed, subject to a maximum of twenty (20) square feet per building. Wall signs may project up to six (6) feet from the building wall, and a minimum ground clearance above pedestrian areas shall be eight (8) feet.

#### G. Sign Allocations:

1. **Freestanding Signs.** The following restrictions apply to freestanding signs:
  - a. One free-standing sign is permitted per premises in "O", "O-1", "OO", "E", "EE", "H", "ID", "FF", and "GG" Districts only, except that on premises with developed property having more than 400 feet of street frontage, additional signs are permitted on a single premise subject to a maximum of one free-standing sign for each 400 feet of street frontage or part thereof and a minimum distance of 175 feet between signs. Corner properties may use either street frontage, but not both streets, to determine total length of developed property. Businesses shall be allowed to retain one existing legal freestanding sign if adjoining properties become integrated into a single premise. To the maximum extent feasible, freestanding signs shall be located within a landscaped area, equal to or greater than the surface area of the sign.
  - b. Minimum front yard setback of leading edge of sign is ten (10) feet from edge of pavement or at the edge of right-of-way, whichever is the greater setback.
  - c. Minimum side and rear yard setbacks of leading edge of a sign is to be ten (10) feet from property line.
  - d. Maximum height from finished grade level is ten (10) feet in "O", "O-1" and "OO" Districts, fifteen (15) feet in "E" and "EE" Districts, and twenty-five (25) feet in "H", "FF", "ID" and "GG" Districts.
  - e. Maximum surface area per side (limit 2 sides) is to be thirty-two (32) sq. ft. in "O", "O-1" and "OO" Districts, one hundred (100) sq. ft. in "E", "EE" Districts and one hundred fifty (150) sq. ft. in "H", "FF", "ID" and "GG" Districts or zero point five (0.5) sq. ft. per side of sign for each lineal foot of developed property along a public street frontage, whichever is less. Corner properties may use either street frontage to determine surface area of the sign.
  - f. A property owner shall be permitted up to fifty (50) sq. ft. per side of signage even if the property frontage falls below the 100 lineal feet in the "E", "EE", "H", "FF", "ID" and "GG" Districts only.
  - g. Any freestanding sign being permitted shall include the street number of the property (not less than 4 inches high).
  - h. In order to use a bonus formula, an applicant for a permit must present all relevant bonus calculations. An owner of premises may elect one of the following three sign area bonus formulas:
    - i. Bonus Formula 1: For premises where the full allowed sign area (single face) of freestanding sign is not utilized, the unused area may be multiplied by two (2) and added to the permissible wall sign area, not to exceed the maximum per structure allowed in **Article 5.5.G.2.a.**
    - ii. Bonus Formula 2: For premises with multiple businesses or other users, where the freestanding sign has a

minimum of 75% of the allowable sign area permanently allocated as main center identification and a maximum of 25% as user identification, then the main center identification portion of the sign may be increased by a maximum of 25% of the allowable sign area.

- iii. Bonus Formula 3: To encourage the use of monument style signs, for premises where the owner chooses to limit the maximum height of a freestanding sign to 6 feet, the sign support structure shall not be calculated in determining the total surface area of the sign.
  - iv. For the purpose of this Subsection h:
    - Main Center Identification is defined as identification of the premises as a whole.
    - User Identification is defined as identification of individual businesses or other users on the premises.
2. **Wall Signs.** The following restrictions apply to wall signs:
- a. Maximum sign area in "O", "O-1", "OO" Districts is 20% of the facade area or forty (40) sq. ft. of total surface area per facade, whichever is less, except as specified in **Article 5.5.G.1.h**. Maximum sign area in "E", "EE", "H", "FF", "ID" and "GG" Districts is 20% of facade area or two hundred fifty (250) sq. ft. of total surface area per structure, whichever is less, except as specified in **Article 5.5.G.1.h**. Façade areas greater than 2,500 sq. ft. shall be permitted to have up to 375 sq. ft. of sign area, and facade areas greater than 5,000 sq. ft. shall be permitted to have up to 500 sq. ft. of sign area. The number of signs or their placement on the structure is not restricted to the facade used for surface area calculation.
  - b. Maximum projection from facade surface

shall be six (6) feet. Minimum ground clearance above pedestrian areas shall be eight (8) feet.

- c. Wall signs are prohibited in residential districts, except for permitted nonresidential uses located in residential districts, such as churches, non-profit organizations, swim clubs, tennis clubs, schools, parks, golf courses, public buildings and similar permitted uses. Where wall signs are allowed in residential districts, they shall not exceed twenty (20) square feet per building. Wall signs may project up to six (6) feet from the building wall, and a minimum ground clearance above pedestrian areas shall be eight (8) feet.
3. **Variable Message Signs.** The following restrictions shall apply to variable message signs:
- a. One variable message sign per street frontage per premises is permitted in "E", "EE", "H", "FF", "ID", "O-1", "O", "OO", and "GG" Districts only.
  - b. Variable message signs are prohibited in residential districts, except signs that identify conditional uses found in **Article 5.4**.
  - c. Any sign using electronic technology for changeable copy message boards which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.
  - d. Maximum height from finished grade level shall not exceed that allowed in **Article 5.5.G.1.d** and minimum front, side and rear yard setbacks shall not exceed those allowed in **Article 5.5.G.1.b and c**.

- e. Maximum sign area per sign side, limit 2 sides, is 50% of the permitted total of freestanding or wall signage per side.
  - f. No message, graphic, display or part thereof shall be visible for less than ten (10) seconds. During such interval, the entire message, graphic or display shall not be moving, flashing, scintillating, animating nor changing in color or light intensity or visibly changing in any other manner. Maximum brightness levels for variable message signs shall not exceed twelve (12) foot-candles, measured from the nearest point of any highway or public road. All such signs shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
  - g. The display change interval, which is defined as the time period between when one message, graphic or display becomes illegible and the next message graphic or display first reaches legibility, shall be .3 seconds or less.
  - h. Variable message signs shall not be permitted on or as part of an off-premise advertising sign.
4. **Directional Signs.** The following restrictions apply to directional signs:
- a. One (1) directional sign is permitted per driveway for uses as described in **Article 5.5.F4** and in "O", "O-1", "OO", "E", "EE", "H", "FF", "ID" and "GG" Districts only.
  - b. Minimum side yard setback of leading edge of sign is five (5) feet.
  - c. Maximum height shall not be more than three (3) feet above finished grade level of the adjoining pavement surface.
  - d. Maximum sign area per sign side, is four (4) sq. ft., limit 2 sides per sign, for uses as described in **Article 5.5.F4** and in "O", "O-1" and "OO" Districts and six (6) sq. ft. in "E", "EE", "H", "FF", "ID" and "GG" Districts.
5. **Private Traffic Control Signs.** The following restrictions apply to private traffic control signs:
- a. Private Traffic Control Signs are permitted in all Zoning Districts. There is no limit to the number of Private Traffic Control Signs.
  - b. Minimum setback is ten (10) feet from edge of pavement or at the edge of right-of-way, whichever is the greater setback, and five (5) feet from all other property lines.
  - c. Maximum height from finished grade level is eight (8) feet.
  - d. Maximum sign area per sign side is four (4) sq. ft., limit 2 sides.
6. **Off-Premise Business Signs.** Permanent off-premise business signs shall be allowed only if permitted by the State of Ohio (O.D.O.T.).
- a. An off-premise business sign allowed under this Subsection 6 may be used as a political sign in addition to any other permitted use.
  - b. Off-Premise business Signs are permitted in "E", "EE", "H", "FF", "ID" and "GG" Districts and are subject to the limitations of this Article.
  - c. Maximum sign area is three hundred (300) sq. ft. per side (limit 2 sides) except that in neighborhood retail areas the maximum sign area is seventy-two (72) sq. ft. per side (limit 2 sides).
  - d. Minimum front yard setback of leading edge of sign is the same set back as building regulations provide for permitted building in the district in which the sign is located. No leading edge of any sign shall be closer than fifty (50) feet to a residential district.

- e. Maximum height from finished grade level is thirty-five (35) feet.
- f. Minimum distance between off-premise advertising signs measured by radius from all existing off-premise advertising signs, wherever located, is 500 radial feet, but not more than one sign within 1000 radial feet from the center point of any 4 way intersection as defined in this article.
- g. Operating time for lighting is 6:00 A.M. - 12:00 Midnight.
- h. Minimum side and rear yard setbacks of leading edge of sign to nearest property line is fifteen (15) feet (except that no leading edge shall be closer than fifty (50) feet to a residential zone).
- i. Variable message signs shall not be permitted on or as part of an off-premise advertising sign.
- j. Illumination of signs: Light sources to illuminate signs shall be shielded from all adjacent residential districts and all streets. In no case shall the lighting exceed standards specified in Chapter 17, in the section labeled "Floodlighted Signs" of the "I.E.S. LIGHTING HANDBOOK 1987 APPLICATIONS VOLUME", Published by: Illuminating Engineering Society of North America, Copyrighted in 1987, Editor: John E. Kaufman, P.E. FIES.
- k. Prohibited Advertising. No person shall advertise any tobacco product, alcohol or alcoholic beverage on any off-premise advertising sign, whether constructed prior to or since the adoption of this section and located within 500 feet of any school, hospital, park or church.
- l. Scenic Riverfront View. There shall be no off-premise advertising signs erected on the south side of State Route 52, from 500 feet east of the eastbound ramp from the I-275 Connector, thence eastward to the township line, or on the north

side of Roundbottom Road at any point where the road is 400 feet or closer to the Little Miami River, regardless of zone classification.

#### **H. Zoning Certificates, Fees & Administration.**

1. Every sign requiring a Zoning Certificate in existence at the time of adoption of this Resolution shall be registered by the owner within one hundred-eighty (180) days after the adoption of this Resolution, on forms provided by the Township Zoning Department.
2. Except as otherwise provided within this Resolution, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Township Director of Planning and Zoning an application in writing and obtaining a Zoning Certificate.
3. When a Zoning Certificate has been issued by the Zoning Inspector, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said Zoning Certificate.
4. The following changes shall require a Zoning Certificate, but no fee:
  - a. The electrical maintenance, or repainting of a conforming sign.
  - b. The repair of a conforming sign.
5. Application for a Zoning Certificate shall be made upon the forms provided by the Zoning Inspector and shall include, but not be limited to, the following information:
  - a. Name, address, and telephone number of applicant, property owner and sign contractor.
  - b. Location by street address of the proposed sign.
  - c. Drawing to scale showing the design proposed; the size & style of letters, lines and symbols; method of illumination; details and specifications of construction.

- d. Site Plan showing the exact location of the sign in relation to the building, all property lines, and rights-of-way lines and plans.
  - e. Any other information or requirements as requested by the Zoning Inspector (such as Ohio Department of Transportation approval).
6. The Township shall have the right to assess a Zoning Certificate fee for each sign, which is nonrefundable and set by separate resolution.
  7. It shall be the duty of the Signage Inspector or Zoning Inspector, who shall be the enforcing officer, upon the filing of an application for a Zoning Certificate, to examine such plans and specifications and the premises upon which it is proposed to erect the sign. If it shall appear that the proposed structure is in compliance with all the requirements of this Resolution, the Signage Inspector or Zoning Inspector shall then issue the Zoning Certificate within fifteen (15) business days. If not, he shall state in writing to the applicant his reason(s) for denial within ten (10) business days of the date of application.
  8. If an otherwise lawful sign is erected, altered or relocated without a Zoning Certificate as required by this Resolution, the owner of such sign may subsequently obtain a Zoning Certificate for such sign upon compliance with all applicable provisions of this Resolution and the payment of all applicable fees, together with a late filing fee to be established by the Anderson Township Board of Trustees.
  9. It shall be the responsibility of the Zoning Inspector to register and keep records of all conforming and nonconforming signs.
  10. The Signage Inspector or Zoning Inspector is authorized to remove any illegal sign located

in the right of way or on public property in the interest of public safety and welfare and cite the owner of such sign. Signs removed by the Zoning Inspector will be held in storage on Township premises and may be disposed of unless claimed within two (2) weeks.

**Illustration 5.15: Site Vision Triangle**

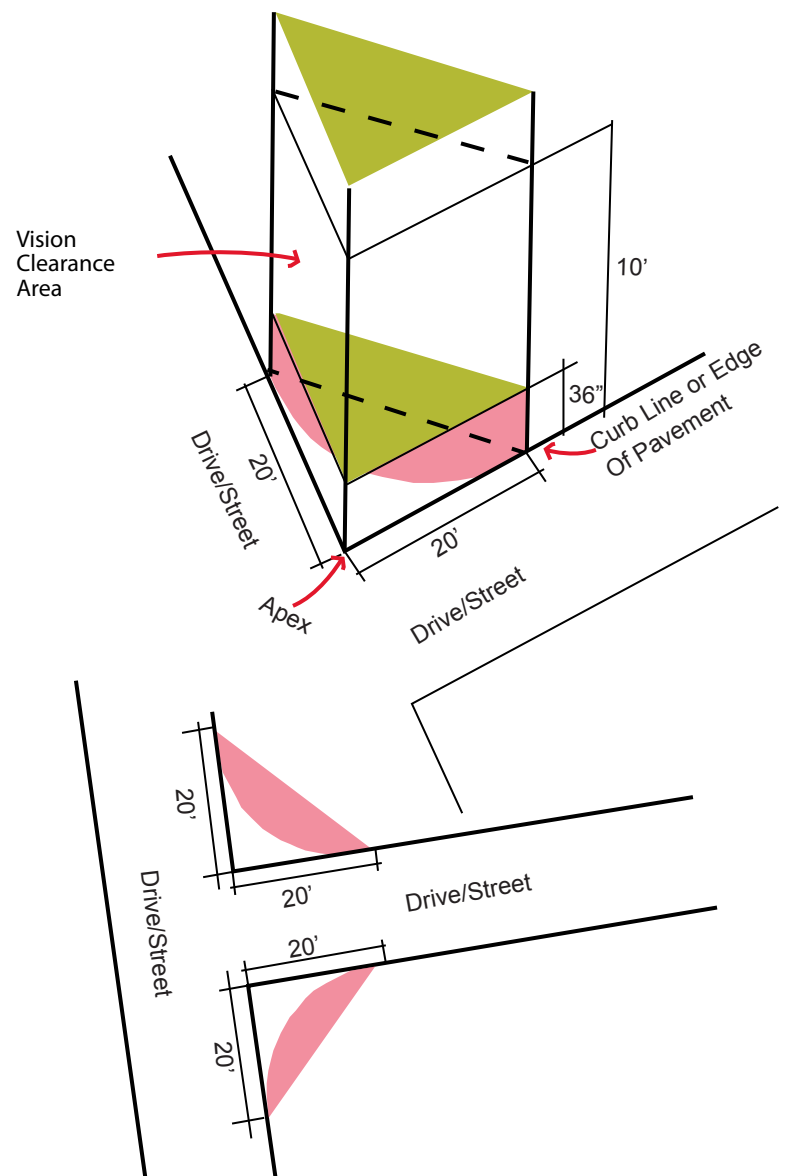
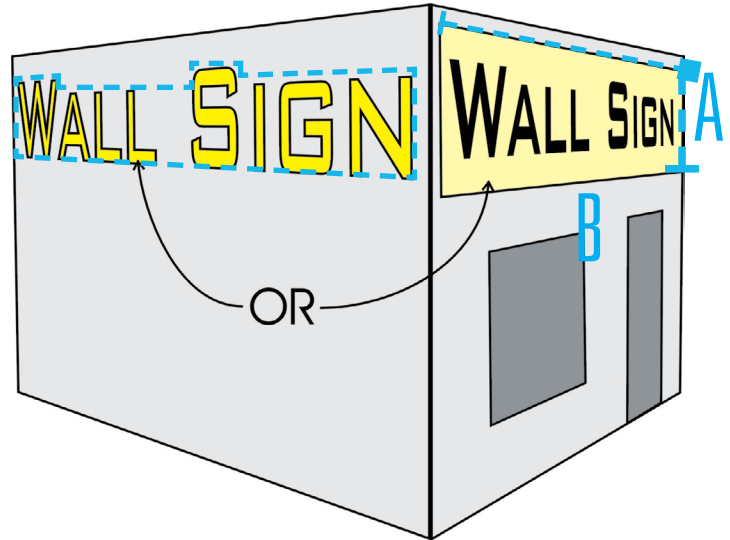
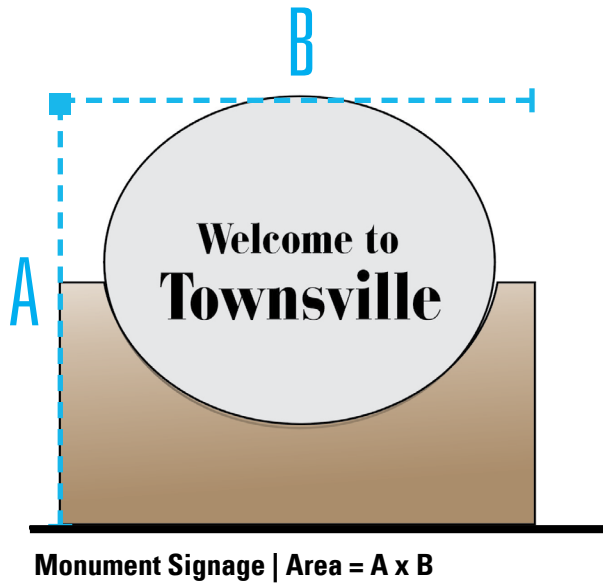
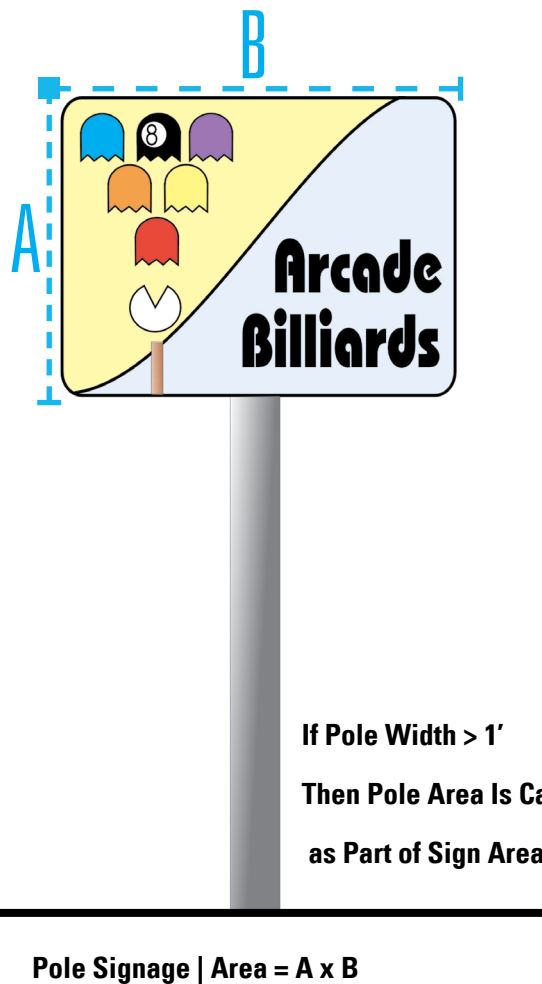


Illustration 5.16: Sign Area Measurement Calculations



If Channel Letter Signage Then Draw  
Box Around Letters and Calculate Area Within



If Pole Width > 1'  
Then Pole Area Is Calculated  
as Part of Sign Area

ARTICLE 6

# Definitions

6.1 Definitions..... **140**



## ARTICLE 6

# Definitions

### 6.1 General Definitions

General Definitions: Words, terms, and phrases not otherwise defined in this Article shall have, for the purpose of this Resolution, the meaning or meanings attributed to them in current English usage. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not directory.

## A

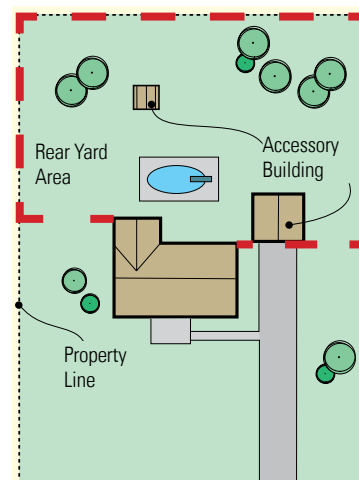
**ATZC:** Anderson Township Zoning Commission.

**Abutting or Adjoining:** To physically touch or border upon; or to share a common property line or border.

**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 Building or Use:** A subordinate building, structure or use which is naturally and normally incidental to the main building or use and erected at

the same time or after the construction of the main building. An accessory building attached to the main building in a substantial manner by a wall or roof shall be considered part of the main building.



Accessory Building Diagram

**Adjacent:** The same as "Abutting or Adjoining."

**Adult Arcade:** An establishment where for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Bookstore, Adult Novelty Store or Adult Video Store:**

An establishment which derives fifty percent or more of its revenue from, or maintains fifty percent or more of its in-store inventory (either measured by display area or retail value) in, one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas;
2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or related to sexual activities.
3. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such an establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the materials which depict or describe specified anatomical areas or specified sexual activities and one or more of the fifty percent thresholds in this definition is met.
4. Beverages are served, in which persons appear in a state of nudity in the performance of their duties.

**Adult Family Home:** A residence or a facility that provides accommodations for three to five unrelated adults with supervision and personal care services to at least three of these unrelated adults. This definition shall include 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

**Adult Motel:** A motel, hotel or similar commercial establishment which:

1. Offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which specifically advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
2. Offers a sleeping room for rent for a period of time less than ten hours; or
3. Offers a sleeping room for rent on a prorated hourly basis; or
- 4.. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.

**Adult Motion Picture Theater:** A commercial establishment used for a principal purpose of presenting motion pictures characterized by their emphasis on portrayals of specified anatomical areas or on specified sexual activities.

**Adult Theater:** A theater, concert hall, auditorium, or similar building used for a principal purpose of presenting live acts characterized by their emphasis on individuals in a state of nudity or in specified sexual activities.

**Agriculture:** Farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed-yard.

**Alley:** A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

**Alter:** To change in any way, including but not limited to reconstruction, redesign, re-illumination that changes the lighting design, sign face replacement that changes the sign face design, sign face change, and painting in a different color than the existing color, excluding changes in changeable copy on signs.

**Apartment:** A room or a suite of rooms in a dwelling intended, designed or used as a residence by a single family.

**Apartment, Efficiency:** An apartment consisting of a single room for living and sleeping purposes, together with kitchen and sanitation facilities.

**Apartment House:** See Dwelling, Multiple.

**Applicant:** Unless otherwise specified, an owner or other person with a legal property interest, including, a subdivider, developer, or other agent of the landowner, who has filed an application for subdivision or development.

**Article:** A section of the Anderson Township Zoning Resolution.

## B

**Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Basement:** A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulation.

**Bed and Breakfast:** A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for not longer than two continuous weeks. No kitchen facilities may be provided for use by guests.

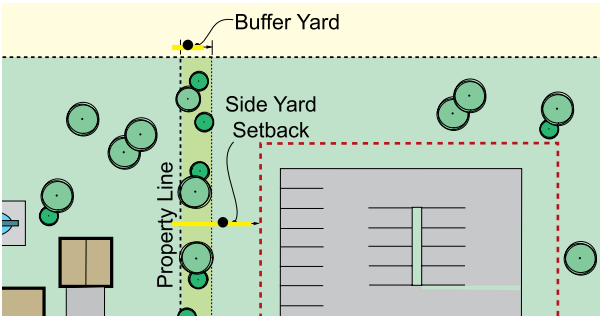
**Berm:** In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses.

**Board:** The Township Board of Zoning Appeals as created by this Resolution.

**Boarding House:** A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for three (3) but not more than twenty (20) persons.

**Brewery:** A large-scale facility for the brewing of beer for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasting or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

**Buffer:** A landscaped area 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 screening and softening the effects of the land use, no part of which buffer is used for recreation or parking.



Buffer Diagram

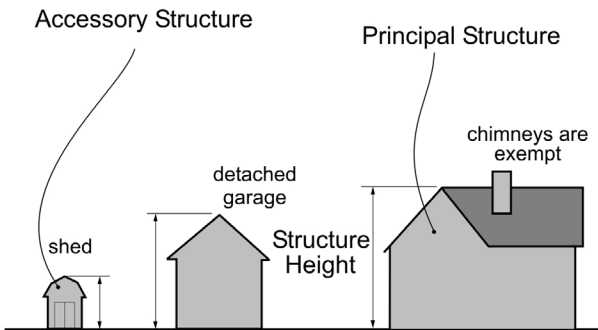
**Buildable Area:** Space remaining on a lot after the minimum zoning requirements for yards, setbacks, building width, and allowance for panhandles and other restrictions have been met.

**Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and when separated, except by dividing walls, each portion of such building so separated shall be deemed a separate building.

**Building Frontage:** Total lineal feet of the building length of that facade which fronts the principal dedicated street, or that facade upon which the main entrance to the building is situated.

**Building Line:** The line indicating the minimum horizontal distance required between the street line and the building or any projection thereof other than a step or uncovered porch.

**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.



Building Height Diagram

**Building, Public:** Any facility intended for use by the

public and owned by or leased or rented to the Forest Hills Local School District, the Anderson Township Park District, the Hamilton County Park Board, the Board of Township Trustees or any other political subdivision.

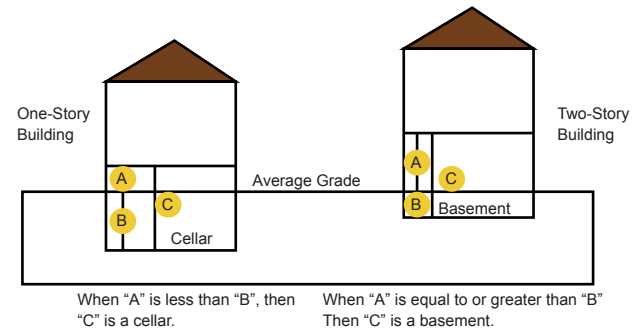
**Business Day:** Any day other than Saturday, Sunday or a state or federally designated holiday.

**Business, New:** A business which begins commercial activity at a new location or a business which changes its name.

**Business Sign:** A permanent sign which directs attention to a business, profession or industry or to products sold, manufactured or assembled or to services or entertainment offered upon the premises where such sign is displayed.

## C

**Campground:** Any land or open-air location where



one or more persons erect or occupy a temporary shelter, such as a tent or recreational vehicle, providing outdoor recreational facilities, for a temporary period of time; includes camps and summer camps.

**Cellar:** A story having more than one-half (1/2) 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.

Cellar Diagram

**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 or site used principally for religious worship.

**Clinic:** An office or a group of offices where physicians, surgeons or dentists practice together in treating the sick or injured, but not including rooms for overnight lodging 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 or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Club, Country:** A golf course, including a clubhouse and incidental facilities, owned or operated by a club.

**College or University:** An institution of higher education authorized by the State to offer associates, baccalaureate or graduate degrees.

**Commemorative Plaque:** A permanent sign which memorializes the historical, political, social, religious, scientific or educational significance of the premises.

**Construction, Beginning of:** Completion of the in-ground permanent foundations for one or more buildings of a Development Plan.

**Contiguous:** See "Abutting or adjoining."

**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.

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## D

**Day Nursery or Day Care Center:** Any place which provides care for five (5) or more children for a fee, but not including overnight lodging.

1. Day Care Center, Adult: A place that provides community based programs designed to meet the health, social and related needs of functionally impaired adults during daytime hours.

2. 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.
3. Day Care Center, 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.
4. Day Care Center, 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.

**DBH:** See "Diameter at Breast Height."

**Developed Property:** All real property or a portion thereof that is improved with buildings, paved parking or storage areas, or that is actively and directly used for agriculture, lumbering, mining, recreation or similar activities. "Buffering" and similar open space areas shall not be included in the developed portion of the property except where such areas are required as setbacks.

**Development Plan:** A plan for the specific development and specific use of a parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and

pedestrian ways and parking areas, both public and private, and all landscaped areas to be erected and maintained thereon; and further explained by such specifications, conditions and limitations as may be imprinted on the plat, or contained in the Amendment or Supplement to the Resolution incorporating the development plan as an integral part of the zoning regulations applicable to the real estate.

**Development:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Diameter at Breast Height (DBH):** Shall mean the trunk diameter of a tree, measured in inches at a height of 4.5 feet from the ground, or in the case of a tree that is divided into multiple trunks below 4.5 feet, as measured at the most narrow point beneath the point of trunk division.

**Directional Sign:** A permanent sign designed to direct the flow of vehicular or pedestrian traffic in or out of a premises.

**Director of Planning and Zoning:** Shall mean the Director of the Anderson Township Department of Planning and Zoning or his or her designee.

**Distillery:** A large-scale facility for distilling of liquor for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasting or retail space.

**District:** A section or sections of the unincorporated territory of Anderson Township, Hamilton County, for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area of lots are uniform.

**Drive-in Establishment:** One in which persons are served in cars or food is eaten or can be eaten in cars or where services are provided to or operations conducted for persons in cars.

**Drive Through Facility:** Shall mean an establishment that encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**Driveway:** Shall mean a private roadway providing access to a street or highway from a building or structure.

**Dwelling:** A building or portion thereof designed, intended or used exclusively for residence purposes and including kitchen and sanitation facilities. The term "dwelling" does not include a tent, cabin or trailer.

**Dwelling, Single-Family:** A building designed for or occupied exclusively by one family.

**Dwelling, Two-Family:** A building designed for or occupied exclusively by two families.

**Dwelling, Multiple:** A building or portion thereof designed for or occupied by more than two families, including housing for the elderly.

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## E

**EPA:** Environmental Protection Agency.

**Erect:** To build, construct, reconstruct, alter, relocate, modify, attach, hang, place, suspend, or affix, and shall also include the painting of signs, except the repainting of signs in the same color (s).

**Escort Agency:** A person or business association who or which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. Escort means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person, to privately model lingerie or to privately perform a striptease for another person, or to provide sexual activities for another person.

**Establishment:** A distinct office or distinct place of business from which a business or other activity, or more than one related business or activity, is conducted. Single offices in which more than one business activity is conducted are considered one establishment.

**Estimated Replacement Value:** The cost which

would be currently incurred by a sign owner to replace the existing sign with a new sign of substantially the same size, copy, materials and other characteristics.

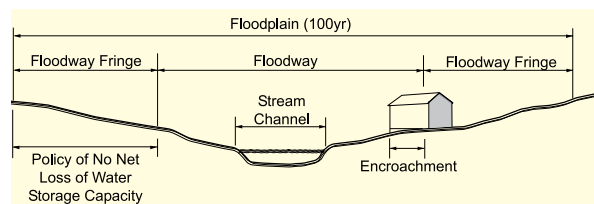
## F

**Facade:** That portion of a building including a canopy or awning 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.

**Family:** A person or a group of persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

**Federal Aid Primary (FAP):** See Primary System.

**Finished Grade Level:** The normal grade of premises



after development. Any mounding at the base of a sign above the normal grade shall not be considered as raising finished grade level.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulations or run off of surface waters from any source.

**Floodplain:** Any land area susceptible to being inundated by water from any source.

### Floodplain Diagram

**Flood Plain Management Definitions:** Certain terms used in this Resolution are defined as set forth in regulations governing the National Flood Insurance Program (44 CFR Section 59.1), and in Flood Plain

Management Definitions (Hamilton County Regional Planning Commission, June, 1982).

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway Fringe:** The area of the base flood plain outside the floodway.

**Floor Area, Gross:** Shall mean the sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross Floor Area shall include all areas used for storage, elevator shafts, and mechanical equipment.

**Floor Area, Net:** For the purpose of calculating parking spaces, shall mean the sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor or areas that are used primarily for storage, elevator shafts, and mechanical equipment, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

**Freestanding Sign:** Any permanent sign supported by a permanent structure such as a pole, wall or fence, or mounted directly to the ground, but not including any sign attached to a building.

**Frontage:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

## G

**Garage, Private:** An accessory building housing no more than four (4) motor vehicles owned or normally operated by a resident of the premises.

**Garage, Commercial:** A facility that without discrimination performs all customary repair services for automobiles, or other motorized or nonmotorized equipment owned by the general public.

**Garage, Storage:** Any building or premises used for housing only, 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, libraries, and similar uses and facilities.

**Grade:**

1. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

**Granny Cottage:** Temporary detached living 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 unit 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 residence or facility that provides accommodations for six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three of these unrelated adults. This definition shall include 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.

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## H

**Highway, Major or Secondary:** An officially designated state or federal numbered highway or other road designated as a major street on the official Motorway Plan of Hamilton County.

**Historical Motor Vehicle:** Any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

**Home Occupation:** Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is customary for purely domestic or household purposes. Home occupation shall not include barber shops, beauty shops, shoe or hat repair, or tailoring shops or



any type of pickup station or any similar commercial activities.

**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 in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.

**Household Furnishings:** An item found and utilized within the interior of a dwelling, including, but not limited to, beds, appliances, upholstered furniture, and other utilitarian household goods.

**Housing for the Elderly:** Two or more dwelling units specifically designed for the needs of elderly persons and conforming to the requirements of State or Federal programs providing for housing for the elderly.

I

**Institution:** A public or quasi-public establishment serving a nonprofit purpose, as for a religious, educational or charitable use.

**Intersection, 4 Way:** The place where two or more roads, highways, private drives, or alleys or any combination of these join one another at, or approximately at, right angles, or any other angle designated with a signal head in all four directions.

**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. For the purposes of calculating the impervious surface ratio for determining the intensity of a use, pervious pavement or pavers, gravel and

other similarly paved areas shall be counted as 100% impervious.

J

**Junk Automobile:** A motor vehicle which is wrecked, dismantled, or inoperative; without limiting the term a motor vehicle is a junk automobile if:

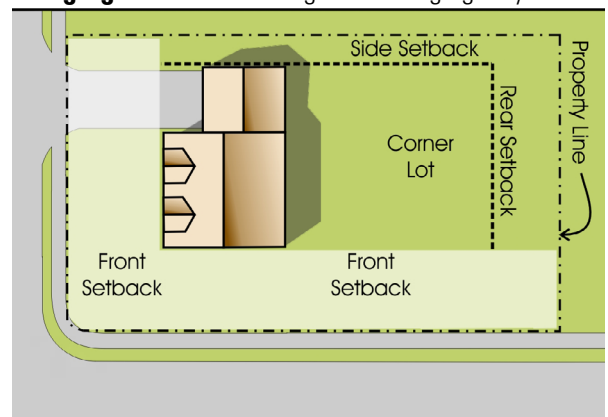
1. It has remained at or near the same location for a period of thirty consecutive days or more; or
2. Its state registration has been expired for more than thirty days.

L

**Limited Access Highways:** Public roadways, as defined by the Hamilton County Engineer or Ohio Department of Transportation. In Anderson Township, these routes include Interstate 275 and U.S. Route 52 in their entirety, and Five Mile Road north of Beechmont Avenue and south of Clough Pike.

**Loading Area/Dock:** An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**Lodging House:** A building where lodging only is



Lot Corner Diagram

provided for compensation to three (3) or more but not more than twenty (20) persons.

**Lot:** A parcel of land occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street or place.

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, and in either case forming an interior angle or less than one hundred and thirty-five (135) degrees.

**Lot, Depth of:** The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (ss).

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution. For the purpose of these regulations, any preliminary plan of a subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County or a Planning Commission of a municipality

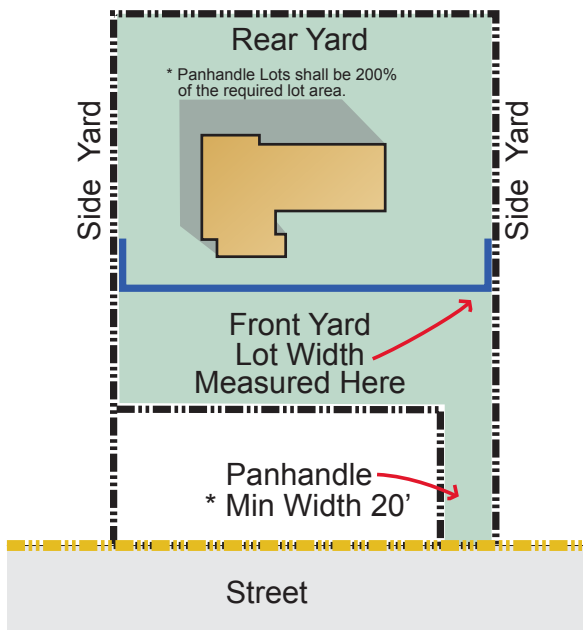
same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

**Lot, Panhandle:** A lot, also known as a “rear lot” or “flag lot”, which utilizes a narrow strip of land or stem, which is not a building site, to provide access to, or legal frontage on, a public street or a private street. Panhandle lots shall include but not be limited to all lots that do not meet the minimum lot width requirement within 200% of the front yard setback of the respective zoning district.

## M

**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, type, size, location, motion, or illumination of the sign.

**Manufactured Home:** Any nonself-propelled vehicle transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure’s exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but not to include bay windows. A manufactured home shall be an establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasting or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year. Each label certifying that it is



thereof, on or after January 1, 1945, shall have the Lot Panhandle Diagram

built in compliance with Federal Manufactured Housing Construction and Safety Standards.

**Massage Parlor:** A place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

**Maximum Extent Feasible:** No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**Micro Antenna:** Defined as antennas and transmission facilities only with no supporting structures other than brackets. Micro antennas shall be equal to or less than 5 feet in height and with an area of not more than 580 square inches.

**Micro Brewery:** An establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasting or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

**Micro Distillery:** An establishment that is primarily used for the production of spirits in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasting or retail space.

**Mobile Home:** A transportable, factory-built dwelling, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured

Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

**Modular Home:** Factory-built certified as meeting the (local or) State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be to the same standards as site-built homes and shall be installed on a permanent foundation.

## N

**Navigable Stream:** The Ohio River; the Little Miami River, from its mouth at the Ohio River north and east to mile 7.1.

**Neighborhood Retail Areas:** Areas zoned for retail use within a radius of 1500 feet of the intersections of Salem and Sutton, Salem and Beacon, Salem and Burney, Clough and Royal Green, Clough and Hunley, Clough and Eight Mile, Roundbottom and YMCA and Five Mile and Kellogg Roads.

**Nonconforming Use:** Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform with the Use Regulations of the District in which it is situated.

**Nonconforming Sign:** A permanent sign existing on any premises which was legal on the effective date of the applicable section or sections of this Resolution and which does not conform with the provisions of this Resolution.

**Non-Profit Organizations:** An organization exempt from taxation under Sec. 501 (c) (3), (4), (7), (8), (10) or (19) of the Internal Revenue Code, Title 26, United States Code, as in effect on the effective date of this Article, and/or incorporated under Chapter 1702 of the Ohio Revised Code pertaining to non-profit corporations.

**Nude Model Studio:** Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly

depicted by other persons.

**Nudity or State of Nudity:** The showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
2. The female breast with less than a fully opaque covering on any part of the nipple.

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## O

**Off-Premise Business Sign:** A permanent sign which directs attention to a business, commodity, or commercial or non-commercial service or entertainment which is not conducted, sold or offered upon the premises where such sign is located or affixed.

**Operator (Sexually Oriented Business):** Means and includes the owner, permit holder, custodian, manager, operator or person in charge of any sexually oriented business.

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## P

**Parking Aisle:** The driveway or access drive by which a car enters and departs a parking space.

**Parking Space:** A graded and surfaced area of not less than 180 square feet in an area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street, alley or parking aisle.

**Parking Lot:** A parcel of land devoted to unenclosed parking spaces.

**Permanent Sign:** A sign which is either permanently anchored to the ground or permanently affixed to a structure and not constructed of materials of temporary durability.

**Person:** An individual, proprietorship, partnership,

corporation, association, or other legal entity..

**Place:** An open unoccupied space at least thirty (30) feet wide, other than a street, permanently reserved as the principal means of access to abutting property.

**Portable Storage Containers –** A portable structure, crate or other container which is used for packing, moving and/or temporary storage, and which: (1) is owned, rented, borrowed or leased by the user and/or (2) is part of a moving and storage service whereby a service provider typically delivers and leaves a storage container, leaves it for packing by a customer, and subsequently picks up the container, after which it is typically moved to a company warehouse or the customer’s destination.

**Premise:** Any tract or tracts of land which comprise a single, integrated development or use of such land.

**Primary System:** That portion of the state highway system as designated, or as may hereafter be designated by the state as part of the federal-aid primary system of highways, which designation has been approved by the Secretary of Transportation of the United States, pursuant to 70 Stat. 374 (1956), 23 U.S.C. 103.

**Private Traffic Control Signs:** Permanent signs placed on private property, which relates to such property and which is used to direct on site pedestrian or vehicular traffic. Private Traffic Control Signs may include but are not limited to messages such as private drive, no trespassing, tenant parking only, reserved, and the like.

**Public Park:** Public land which has been designated for park or recreational activities including a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, open space, wilderness area, or similar public land within the Township which is under the control, operation, or management of the Board of Township Trustees, the Board of County Commissioners, the Anderson Township Park District, the Hamilton County Park District, the State of Ohio, the U.S. Government, or a nonprofit corporation

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## R

**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, Private Community Facility:** 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, Public Community Facility:** 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.

**Recreational, 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.

**Religious Institution:** Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

**Roof Sign:** A permanent sign erected or constructed wholly upon or over the roof of any building and supported on the roof structure. Signs which are an integral part of the roof design and whose structural members are not visible shall be considered wall signs and not roof signs.

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## 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 orbitally based uses. This definition is meant to include but not limited to what are commonly referred to as satellite earth stations, TVROs, 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.

**Sexual Encounter Establishment:** A business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

1. Establishment means and includes any of the following:
  - a. The opening or commencement of any such business as a new business;
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this Article;
  - c. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
  - d. The relocation of any such sexually oriented business.

**Shopping Center:** A group of stores or shops for retail sales and services designed and developed as a unit, where the uses of such stores or shops are not

otherwise specifically designated.

**Shrub:** A woody plant consisting of several small stems from the ground or small branches near the ground, which may be deciduous or evergreen.

**Specified Anatomical Areas:** Means and includes any of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
2. The female breast with less than a fully opaque covering on any part of the nipple.
3. Specified Sexual Activities means and includes any of the following:
4. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breast;
5. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
6. Masturbation, actual or simulated;
7. Human genitals in a state of sexual stimulation, arousal or tumescence;
8. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this definition.

**Special Flood Hazard Area:** All that area within Zones A1-A30 and the unnumbered A Zones on the Flood Insurance Rate Map for Unincorporated Anderson Township, Hamilton County, Ohio, and all that area within the unincorporated territory of Hamilton County, Ohio, designated as being within the flood plain of various streams in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

**Sign:** Any device and its supporting structure, including any writing, word, number, pictorial, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, insignia, or similar feature which is placed in a manner that the communication, announcement, message, attraction, advertisement,

or promotion inherent to the device is visible or appears to be intended to be visible to persons on adjoining property or nearby public rights-of-way, and is used for purposes of advertisement, announcement, declaration, demonstration, identification or expression.

**Sign Inspector:** The individual appointed as such by the Board of Township Trustees of Anderson Township, Ohio, or his or her designee, whose responsibilities include, but are not limited to, the issuance of zoning certificates for signage and removal of illegal signs.

**Sign Support Structure:** Any part of the supporting structure, including decorative cover of a freestanding sign, that is greater than twelve (12) inches in width or diameter, shall be calculated as part of the total surface area of the sign, except when using Bonus Formula #3 under **Article 5.5**.

**Surface Area:** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or any figure or similar character together with any frame or other material or color forming an integral part of a display. The area of such sign shall be determined by computing the minimum area of a polygon which completely encloses the sign face and in which polygon no interior angle is greater than 180 degrees. Canopy, awnings or other translucent material, which are back lighted, shall be considered part of the surface area. Surface areas that intersect at an interior angle greater than 90 degrees shall be considered one surface area.

**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. (See Illustration).

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

**Street:** All property dedicated or intended or used, whether public or private, for vehicular and pedestrian movement, including street, highway, freeway or other motorway right-of-way, and, except where limited or controlled access, affording the principal means of access to abutting property.

- a. Street right-of-way: Includes pavement, and sidewalks and all of the land between opposite property lines.
- b. The dividing line between a lot, tract or parcel of land and the contiguous right-of-way.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground including, but without limiting the generality of the foregoing, signs, areas improved for parking, backstops for tennis courts, fences, swimming pools and pergolas.

**Structural Alterations:** 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.

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## T

**Telecommunications Tower:** Any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the criteria contained in Ohio Revised Code Section 519.211 (B). Telecommunications tower 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 is secured to the ground by wires, cables or similar material.

**Temporary Sign:** A sign for use for six (6) months or less, not for permanent use, including transportable signs which are not incidental to identifying a delivery or service vehicle. The material of which the sign may be made (cloth, canvas, light metal, plastic, cardboard) or the manner in which the sign is affixed to the ground or structure are of a nature not suitable for permanent display because exposure to the elements may unreasonably deface the message, discolor or tear the material or loosen the method by which a sign is anchored.

**Tenant Space:** A securable area separated from other areas by walls and doors that is available for lease or rent within a multi-tenant building, such as tenant spaces typically found within an office building, shopping mall, or strip center.

**Trade Stimulators:** A device, other than a sign, which seeks to attract attention through the use of a balloon or other display. This may or may not be related to the primary use of the property.

**Transportable Sign:** A temporary sign that is movable when mounted on a chassis, truck bed, or trailer, which may be illuminated, that may display a changeable message face on one or more sides.

**Trailer:** The word "trailer" shall include trailer coach, automobile trailer, camp car or any towed or self-propelled vehicle constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for:

- a. Temporary human habitation for travel, recreation, vacation, or other primarily transient purposes, as opposed to a mobile home as defined in in this Article or manufactured home as defined in this Article of this Resolution; or
- b. 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 transporting goods or farm animals.

**Trustees:** Board of Anderson Township Trustees.

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## V

**Variable Message Signs:** A permanent sign or graphic object which is displayed in a series of electric lights, movable parts, or other image producing devices, and whose message or graphic changes in form, color, intensity or any other manner more than once in a 24 hour period.

**Variance:** A means by which relief the Board of Zoning Appeals may, because of special conditions, authorize an exception to a strict rule or literal enforcement of the Anderson Township Zoning Resolution, and grant relief from particular

unforeseen applications of the Resolution which create practical difficulties or unnecessary hardships relating to specific property.

**Vehicle Stacking Space:** A lane or area that is specifically designated for cars to “stack” in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

**Vehicular Use Area:** All areas subject to vehicular traffic including parking lots, access-ways, loading areas and service areas.

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## W

**Wall, Dividing:** A wall which is common to two or more units of a building, such as a wall separating adjoining townhouses or group houses in a building group.

**Wall Sign:** A permanent sign attached to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building.

**Window Sign:** A sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

**Warehousing:** The indoor storage and wholesale of goods, materials or merchandise for shipment to or processing on other property, and for sale to retailers and jobbers rather than consumers.

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## 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. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

- a. **Yard, Front:** A yard extending across the front of a lot between the side lot lines and being

the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entrance-way.

- b. **Yard, Rear:** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard is generally considered to be parallel to the street upon which the lot has its least dimension. 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 zoning district.
- c. **Yard, Side:** A yard between the main building and the sideline of the lot extending from the front yard to the rear yard.

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## Z

**Zoning Compliance Plan** - A site plan for the specific development and specific use of a parcel or tract of real estate is required to obtain a Zoning Certificate, as further described in Article 2.1. 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 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, 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 Director of Planning and Zoning. 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

**Zoning Inspector:** For the purposes of this Resolution, this refers to the Township officials directed by the Board of Township Trustees to administer and enforce the Zoning Resolution.



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