

**Report to Colerain Township  
Zoning Commission  
June 10, 2008  
8:30 p.m.**



**Planning & Zoning Department**

Project: Text and Map Amendments

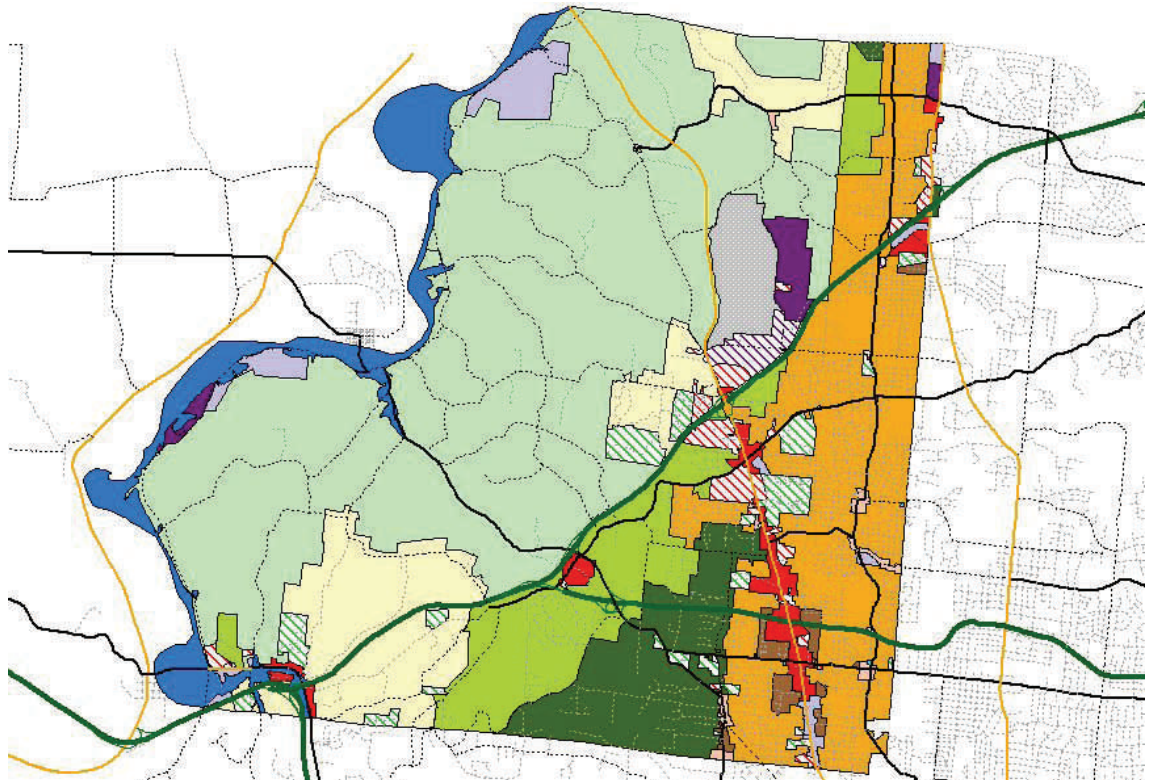
Case No.: ZA2008-01

Prepared By: Susan H. Roschke

Action Requested: Zoning Text Amendment

Proposal: Modifications of Article 9 and 16 regarding sexually-oriented business location and regulation

Applicant: Colerain Township Zoning Commission



**PURPOSE:**

To improve development regulations in Colerain Township by:

- Adding Section 9.6 to establish an overlay district where sexually-oriented businesses (SOB) may be located.
- Adding a definition to Article 16.
- Adding an overlay to the Colerain Township Zoning Map.

**REQUEST:**

On March 18, 2008, the Colerain Township Zoning Commission initiated a text amendment to modify two sections of the Colerain Township Zoning Resolution. Following is an analysis of the proposed modifications (see attached full text of additions).

To review the current Colerain Township Zoning Resolution, see [http://www.egovlink.com/public\\_documents300/colerain/published\\_documents/Zoning%20Department/Zoning%20Resolution.pdf](http://www.egovlink.com/public_documents300/colerain/published_documents/Zoning%20Department/Zoning%20Resolution.pdf)

The added Section establishing a SOB Overlay District is designed in accordance with the Ohio Attorney General's advice on regulation of sexually-oriented businesses. The AG has provided a model township resolution for regulating SOBs which further lists elements of zoning which may be regulated in support of the resolution.

Section 9.6.1 (new section)

This Section defines the purpose of the SOB Overlay in accordance with Ohio Revised Code.

Section 9.6.2 (new section)

This Section defines the proposed location of the SOB Overlay. This Overlay was developed by the Colerain Township Land Use Advisory Board. Areas were selected where future commercial development is anticipated, where access is appropriate to such development, and where required distances to sensitive sites may be maintained.

Overlay Map (new overlay)

Please see the attached Map, showing overlay areas and current zoning.

Sections 9.6.3—9.6.10 (new sections)

These Sections define the development standards of the SOB Overlay in accordance with Ohio Revised Code as well as recommendations from two statewide seminars on this topic and various zoning regulations in place in other communities.

The distance from sensitive sites was selected as a common standard in many codes, including Hamilton County. The spacing requirement was also a common standard, including in Hamilton County and Cincinnati codes.

Interior requirements were designed in accordance with existing regulations in other communities and with the recommendations presented in the seminars referred to above.

Signage is permitted in accordance with the existing Zoning Resolution, but limited to 32 square feet, as is done in Hamilton County.

Section 16.2 (new definition)

Text to be added: "**Sexually-Oriented Business** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult entertainment establishment, sexual encounter establishment, adult motion picture theater, or adult theater, as defined in Ohio Revised Code 2907.39 ."

This text is taken directly from the AG's model.

**PREVIOUS ACTION:**

Zoning Commission	Initiated by motion and Transmitted to RPC	03-18-2008
Regional Planning Commission	Recommendation of Approval by 7-0 vote	05-01-2008
Zoning Commission	Recommendation of Approval by 4-1 vote	05-20-2008

**ADDITIONAL INFORMATION:**

The Township will also consider the model township regulations for licensing sexually oriented businesses, in addition to these zoning amendments.

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Submitted for the Board's consideration,

Susan H. Roschke, Ph.D.  
Planning & Zoning Administrator