

COLERAIN TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. 53-07

RESOLUTION ADOPTING AMENDMENTS TO PROVISIONS OF  
ZONING RESOLUTION RELATING TO ACCESSORY STRUCTURE  
REQUIREMENTS (CASE ZA 2007-07)

Whereas, the Board of Trustees on October 9, 2007 conducted a public hearing pursuant to Ohio Revised Code Section 519.12, on certain text amendments to the Colerain Township Zoning Resolution initiated by the Colerain Township Zoning Commission as Colerain Case No. ZA 2007-07, and at the conclusion of the public hearing voted 2 -1 to approved the proposed changes attached hereto as Exhibit A.

NOW, THEREFORE, be it RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that:

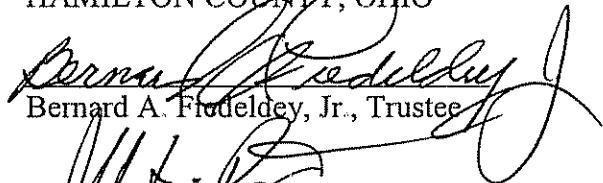
The Board does hereby accept the recommendation of the Colerain Township Zoning Commission, and adopts the amendments to the Colerain Township Zoning Resolution attached hereto as Exhibit A.

Adopted in regular session on this 13<sup>th</sup> day of November, 2007.

Attest:

  
Heather Harlow, Township Fiscal Officer

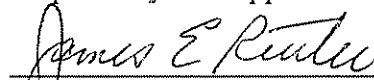
BOARD OF TRUSTEES  
COLERAIN TOWNSHIP,  
HAMILTON COUNTY, OHIO

  
Bernard A. Fiedeldej, Jr., Trustee

  
Jeffrey F. Ritter, Trustee

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Keith N. Corman, Trustee

Prepared by and Approved as to form:

  
James E. Reuter (0011414)  
3025 W. Galbraith Road  
Cincinnati, Ohio 45239-4222  
(513) 521 - 8400  
Attorney for Board of Trustees

## **Amendments to Accessory Structure Requirements as Recommended by the Colerain Township Zoning Commission, September 18, 2007**

### **8.3 Site Development Standards**

8.3.1 All buildings and lots shall meet the minimum site development standards set forth in Table 8-2 unless otherwise specified in use-specific regulations of Section 7.4 (Agricultural and Residential Use Specific Regulations) or Section 8.4 (Business Use-Specific Regulations) as referenced in Table 8-1 above.

8.3.2 One or more principal uses may be permitted on a single lot within any business zoning district.

8.3.3 Access to any lot in a business zoning district through a residential zoning district shall be prohibited unless authorized as a conditional use through the Board of Zoning Appeals.

8.3.4 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 100 feet from all property lines within or adjacent to a residential zoning district.

***8.3.5 All structures on a lot within any business zoning district, excluding fences, shall be located outside of all setbacks and buffers.***

### **10.2 Accessory Buildings and Uses**

#### **10.2.1 General Provisions**

##### **(A) General Development Standards**

Accessory uses or structures shall be permitted provided:

- (1) The building or use is incidental to and customarily found in connection with a principal building or use permitted in the district in which is located;
- (2) It is subordinate to and serves the principal building or use;
- (3) It is subordinate in size, area, extent, and purpose to the principal building or use;
- (4) It is located on the same lot as the principal use for which it serves;
- (5) An owner applies for and receives a Zoning Certificate unless exempted by this Section;
- ~~(6) The maximum height of an accessory use or building shall be 15 feet but in no case shall the accessory use or building exceed the height of the principal structure;~~
- ~~(7)~~ (6) Accessory uses shall be prohibited in any open space area that is preserved by covenant including, but not limited to, open spaces in any planned development or open space residential development;

~~(8)~~ Accessory buildings and uses shall be located a minimum of 10 feet from all lot lines;

~~(9)~~ (7) Accessory uses and buildings established prior to the effective date of this Resolution which do not comply with the setback or coverage requirements of this section shall still be considered in compliance with this Resolution. Any further structure modification of pre-existing accessory uses and buildings shall be in compliance with this Resolution; and

~~(10)~~ (8) No accessory buildings may occupy more of the lot than the footprint of the principal building; or occupy more than 30 percent of the rear yard, whichever is less.

*(9) The total of all accessory buildings shall not occupy more than 30 percent of the rear yard; and*

*(10) Accessory buildings and uses shall also meet any district- and use-specific standards in this and other articles of this Resolution.*

### **10.2.3 Permitted Accessory Buildings /Structures in Residential Districts**

*(A)* The following are permitted accessory buildings or structures that shall count toward the maximum 30 percent coverage established in Subparagraph 10.2.1 (A) (10) and shall require a Zoning Certificate.

~~(A)~~ *(1)* Accessory dwelling units under the following provisions:

~~(1)~~ *a.)* They are located fully within the principal structure;

~~(2)~~ *b.)* There is no separate entrance;

~~(3)~~ *c.)* There is no separate address; and

~~(4)~~ *d.)* Only one dwelling unit, in addition to the principal dwelling unit, may be permitted on any lot in the R-1, R-2, R-3, R-4, or R-5 Districts.

~~(B)~~ *(2)* Private garages.

~~(C)~~ *(3)* Storage garages in the R-6 Multi-Family District when the garages are related to a permitted multi-family dwelling use and are solely for the use of tenants of such multi-family dwelling.

~~(D)~~ *(4)* Tool sheds and other similar structures.

~~(E)~~ *(5)* Roadside stand under the following provisions:

~~(1)~~ *a.)* A roadside stand shall only be permitted where 50 percent or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the market operator in a normal crop year;

~~(2)~~ *b.)* The structure shall not exceed 800 square feet;

~~(3)~~ *c.)* The structure and any related parking areas shall be set back 60 feet from all lot lines; and

~~(4)~~ *d.)* That one ground mounted sign may be permitted provided it does not exceed 12 square feet in sign area, 6 feet in height, and is externally illuminated.

~~(F)~~ ~~(6)~~ Tennis courts or other ball courts;

~~(G)~~ ~~(7)~~ Any outdoor swimming pool, lake, bathhouse, tennis court, or other recreational facility designed for the use of the occupants of the dwelling and their guests. Such facilities shall comply with the following conditions and requirements.

~~(1)~~ *a.)* Indoor pools are excluded from these regulations when the pool enclosure is attached to the principal building;

~~(2)~~ *b.)* The facility, decks and associated structures shall meet the accessory use and building setbacks;

~~(3)~~ *c.)* The swimming pool, lake, or the entire property, on which said pool or lake is located, shall be walled or fenced in accordance with the requirements of the Hamilton County Building Department;

~~(4)~~ *d.)* The fencing for an above ground pool under 4 feet tall may be located on the outer pool wall;

~~(5)~~ *e.)* Above-ground pools that have a wall height of 4 feet or higher shall not be required to have a wall surrounding the pool or property;

~~(6)~~ *f.)* Any pool for the use of the occupants of a multi-family dwelling containing over 3 dwelling units shall meet the structural and sanitary requirements of the Ohio Department of Health;

~~(7)~~ *g.)* The facility meets the outdoor lighting requirements of Section 12.9 (Outdoor Lighting); and

~~(8)~~ *h.)* The pool or lake will be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

*(B) Accessory buildings/structure in residential districts shall have a maximum height of 15 feet, but in no case shall the accessory building/structure exceed the height of the principal building.*

*(C) Accessory buildings/structures in residential districts shall be located a minimum of 10 [for as revised by ZA2007-04 currently under consideration] feet from all lot lines.*

#### **10.2.4 Accessory Buildings and Uses in Business Districts**

(A) Accessory Dwelling Units

(1) One accessory dwelling unit may be permitted in the B-2, B-3, or I-1 District for the following uses:

- a.) Funeral services;
- b.) Storage facilities or warehouses that may require 24-hour security;
- c.) Other uses as reviewed and authorized by the Board of Zoning Appeals.

(2) All accessory dwelling units must meet the yard setback requirements for the zoning district in which it is located.

(B) Any use which is accessory and customarily found in conjunction with, and required for, the full utilization and economic viability of the principal use that meets the definition of an accessory use, and which complies with the applicable standards of the district in which it is located, shall be permitted in the B-1, B-2, B-3, O-1, or I-1 District.

~~(C) Permitted accessory buildings or uses shall comply with the general provisions of this section;~~

~~(D)~~ (C) The total gross floor area of all accessory buildings in a business district shall not exceed 50 percent of the gross floor area of the principal building or structure.