

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 5:30 pm on the 13th day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Unger, Greg Insco, Raj Rajagopal

Mr. Unger introduced the following resolution and moved its adoption:

RESOLUTION NO. 12-18

**RESOLUTION MAKING FURTHER AMENDMENTS TO
COLERAIN TOWNSHIP SIDEWALK PLAN**

WHEREAS, on May 11, 1993, the Board of Trustees, by unanimous vote, approved a motion to require sidewalks in all new subdivisions; and

WHEREAS, on September 14, 1993, the Board of Trustees adopted, by Resolution, a "Plan for Sidewalks in Colerain Township" (the "Original 1993 Sidewalk Plan") which stated the specific Township policy that "Sidewalks should be installed on both sides of all public streets in Colerain Township prior to approval of any subdivision Record Plat. This requirement should be on all township, county, and state roads"; and

WHEREAS, the Board of Trustees supplemented and amended the Original 1993 Sidewalk Plan on March 14, 2006, via Resolution 13-06 in a number of ways including, but not limited to, allowing a developer to make a request to the Board of Trustees with respect to a waiver or relief from the requirements of the Township's Sidewalk Plan that would be determined on a case by case basis; and

WHEREAS, The Board of Trustees supplemented and amended the Original 1993 Sidewalk Plan on August 9, 2016, via Resolution 40-16 to modify the cost equation from the Original 1993 Sidewalk Plan to consider updated sidewalk size standards and to consider inflation since the original adoption; and

WHEREAS, there has been question regarding the applicability of the sidewalk requirement and waiver process for large lot single-family residential developments on existing parcels or lots of record not found within a platted subdivision; and

WHEREAS, the Board of Trustees wishes to more clearly state the applicability of the 1993 requirement for sidewalks in all new subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE COLERAIN TOWNSHIP BOARD OF TRUSTEES, 3 members elected thereto concurring:

1. The Board of Trustees reaffirms the specific objectives and policy statements contained in the Original 1993 Sidewalk Plan and subsequent resolutions including, but not limited to, Resolution 13-06 and Resolution 40-16, and hereby supplements and amends the said plan as set forth below.
2. Applicability:

The requirement for the construction of public sidewalks within the fronting street right-of-way when no sidewalks currently exist shall apply to the following:

- A. The development of all new non-residential and multi-family residential structures.
- B. The expansion of any non-residential or multi-family residential structures by over 50% of the existing floor area.
- C. The construction of a single family structure within a current or future subdivision with a Preliminary Plat date of approval after May 11, 1993.
- D. The construction of a single family structure on any existing parcel or lot of record that is one acre in size or smaller.

The requirement for public sidewalks within the public right-of-way shall *NOT* apply to the construction of a new single family house that is constructed on a lot or parcel of record greater than one acre in size and is not within a platted subdivision.

The requirement for public sidewalks within the public right-of-way shall *NOT* apply to the development of a property with a Current Agricultural Use Valuation ("CAUV") agricultural exemption unless the property is being split or subdivided for a non-agricultural use.

Timing for Request for Waiver:

- A. It is the policy of the Colerain Township Trustees that applicable sidewalks be constructed and completed prior to the issuance of a Certificate of Occupancy of a development unless the construction of the sidewalk is impractical and a waiver for the construction of the sidewalk is granted by the Colerain Township Trustees.
- B. The Request for Waiver must be submitted prior to the earliest of the following:
 - (1) Approval of a Preliminary Plat for a new subdivision.
 - (2) The request for a minor lot split for any non-residential parcel regardless of size, multifamily parcel regardless of size, or single family parcel one acre in size or smaller.
 - (3) Approval of a Zoning Certificate for new applicable development on an existing lot or parcel of record.
- C. If a Request for Waiver is approved by the Colerain Township Trustees, the payment in lieu of construction of the sidewalk must be received by Colerain Township prior to the issuance of a Zoning Certificate for development of the applicable property.

3. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of the Resolution upon its first reading.


5. This Resolution shall take effect on the earliest date permitted by law.

Mr. Rajagopal seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger aye, Mr. Insko Ay, Mr. Rajagopal aye

ADOPTED this 13th day of February, 2018.

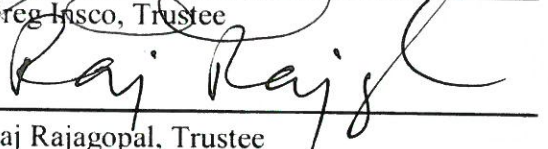
BOARD OF TRUSTEES:



Dan Unger, Trustee

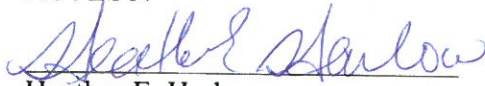


Greg Insko, Trustee




Raj Rajagopal, Trustee

ATTEST:



Heather E. Harlow,
Fiscal Officer

Resolution prepared by and approved as to form:



Lawrence E. Barbieri (0027106)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 13th day of February, 2018.



Heather E. Harlow,
Colerain Township Fiscal Officer