

## PURPOSE, TITLE, APPLICABILITY, INTERPRETATION AND LEGAL EFFECT

### 1-1 AUTHORITY AND PURPOSES.

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

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

### 1-2 TITLE.

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

### 1-3 JURISDICTION.

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

### 1-4 INTERPRETATION.

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

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

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

**1-5 SEVERABILITY.**

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

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

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

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

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

**1-7 REDEVELOPMENT EXCEPTION.**

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

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

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

**1-7.1 Redevelopment Exception Criteria.**

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

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

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

#### **1-7.2 Exceptions Authorized.**

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

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

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

#### **1-8 INITIAL EFFECTIVE DATE.**

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

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