

**RESOLUTION G2024-38**

**RESOLUTION TO INITIATE CHANGES TO AMEND ARTICLE IX-A “O” RESIDENCE DISTRICT, ARTICLE X “E” RESIDENCE DISTRICT, ARTICLE XIII-B “OO” PLANNED RESIDENCE DISTRICT, AND ARTICLE XIII-C “EE” PLANNED RESIDENCE DISTRICT REGULATIONS, AND SECTION 144 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS OF THE SYMMES TOWNSHIP ZONING RESOLUTION AND DISPENSING WITH THE SECOND READING**

**WHEREAS**, the Board of Trustees of Symmes Township, Hamilton County, Ohio, administer their own zoning resolution and contract with Hamilton County Regional Planning to enforce the code; and

**WHEREAS**, these amendments are initiated to improve the zoning resolution regulations to be more uniform and consistent and to address issues that have arisen through zoning administration since the last set of amendments; and

**WHEREAS**, The Township Trustees hereby approve the initiation of these text amendments to Article IX-A, Article X, Article XIII-B, Article XIII-C and Section 144 which will improve the zoning resolution and the administration thereof.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Symmes Township, Hamilton County, Ohio:

**Section 1.** That the Board of Trustees of Symmes Township of Hamilton County, Ohio hereby approves the initiation of amendments for Article IX-A as the Board believes the Amendment is in keeping with good land use planning and is not in conflict with the best interest of the Township and the public at large.

**Section 2.** **ARTICLE IX-A “O” RESIDENCE DISTRICT REGULATIONS** shall be amended as follows:

**ARTICLE IX-A “O” ~~RESIDENCE~~ OFFICE DISTRICT REGULATIONS (WITH SUBSERVIENT OFFICE AND BUSINESS USES).**

**Section 3.** SECTION 95 shall be amended as follows:

The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “O” Residence District with Subservient Office and Business Uses. Any references in the Zoning Resolution to “O” Office District, “O” District or “O” Residence District or equivalents thereof shall hereinafter be read to mean “O” Residence *Office* District (with Subservient Office and Business Uses).

**Section 4.** SECTION 96.1 USE REGULATIONS shall be amended as follows:

~~The “O” Residence District shall be an area zoned for residential use in a residential zoning classification with primary uses devoted to residential dwelling units, such as:~~

- ~~1. Single and two family dwellings;~~
- ~~2. Multiple Dwellings.~~

**Section 5.** SECTION 96.2 USE REGULATIONS shall be amended as follows:

*The purpose of this Office District “O” is to provide space in the township for primarily small to medium scale office development. These areas shall accommodate development that may require access to primary thoroughfares.* ~~Also permitted with the “O” Residence District are establishments engaged primarily in sales and service directed to individuals and families such as:~~

- ~~1. Agriculture, on lots as provided in Section 53, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence or Office Districts and further provided that the specific agricultural uses listed in this Article shall comply with specific standards for such uses;~~
- ~~2. Boarding and lodging houses;~~
- ~~3. 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;~~
- ~~4. Church, Sunday School, and other places of worship;~~
- ~~5. Clubs;~~
- ~~6. Community Fire House;~~
- ~~7. 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;~~
- ~~8. Fraternities, sororities, dormitories, and lodges, except those the chief activity of which is a service customarily carried on as a business;~~

9. 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.
- ~~10. 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 fifty (50) acres;~~
- ~~11. Greenhouses, on lots as provided in Section 53, provided any exterior storage, or refuse or supplies and the heating plant shall be at least one hundred (100) feet from every property lines of adjacent parcels in Residence Districts;~~
12. 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 such buildings shall not occupy over 10 percent (10%) of the total area of the site;
13. Hotel and motels, including a restaurant that is subordinate and incidental 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;
14. Office buildings devoted exclusively to professional services, banking and other similar financial services, the management of commercial, industrial, religious, and 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 principle service rendered, but may include the display or storage or commodities incidental to the principal use, provided that the gross floor area or 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;
- ~~15. Public and private forests and wildlife preservations or similar conservation projects, including the usual buildings therefore;~~
16. Publicly owned **buildings** or operated properties including parks, playgrounds, and community centers;
17. Rest homes, convalescent homes, day care centers, nursery schools, prekindergarten, kindergarten, or similar private schools; located on a site not less than one (1) acre;
18. Restaurants, pharmacies, and other accessory services subordinate and incidental to the principal uses permitted by Section 96.2(13), when conducted and entered only from within the principal building, and when there is no display or advertising pertaining to such accessory service visible from the exterior of the building;

19. Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools.
20. Signs as defined in Article XXXI;
21. 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;
22. Studios for the broadcasting of radio, facsimile and television, including room, spaces, and aerials incidental to the operation of such studios;
23. Telecommunications tower provided for in Ohio Revised Code 591.211, provided however, if such tower is located within a 100-foot radius of any Residential Dwelling, the installation of said tower shall be in accordance with Sections 54, 54.1, Article XXXV and Section 393 of the Symmes Township Zoning Resolution and the Ohio Revised Code Section 519.211. For the purposes of this subsection, a Residential Dwelling means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence; and
24. Veterinary facilities without outside runs.

**Section 6.** **SECTION 98.4-1 INTENSITY OF USE REGULATIONS** shall be amended as follows:

~~Every lot or tract 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.~~

**Section 7.** **SECTION 98.4-2 INTENSITY OF USE REGULATIONS** shall be amended as follows:

~~Every lot or tract of land on which there is erected a two family or a multiple dwelling unit shall have a minimum width of fifty (50) feet at the building line and an area of not less than four thousand three hundred fifty six (4,356) 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" ~~Residence~~ *Office* District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet.

**Section 8.** **SECTION 98.4-3 INTENSITY OF USE** shall be amended as follows:

~~Where a lot or tract of land has less width or area than herein required and was on record on the effective date of this Resolution, that lot or tract of~~

land may be use only for single family dwelling purposes, or for any other non-dwelling use permitted in this Article.

**Section 9.** SECTION 98.5 TRANSITION REGULATIONS shall be amended as follows:

**Transition Regulations.** The following regulations shall apply to uses other than single family detached homes and multi-family homes located in the “O” Residence District when constructed adjacent to or abutting any “A-A”, “A”, “A-2”, “B”, “B-2”, “C”, “D”, “DD” Residence Districts or residential uses in order to provide a transition, screening and buffering between incompatible land uses;

**Section 10.** SECTION 98.9 ADDITIONAL REQUIREMENTS shall be amended as follows:

**Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the “O” Residence *Office* District shall conform to the other requirements of the Resolution, included Article XIV, Article XXXI, and Article XXXII.

**Section 11.** TABLE OF CONTENTS PAGE shall be amended as follows:

IX-A Section 95 “O” Residence *Office* District (~~with subservient Office and Business Uses~~).

X Section 101 “E” Residence *Retail* District (~~with subservient Retail~~) Regulations.

XIII-B Section 136 “OO” Planned Residence *Office* District (~~with subservient Office and Business Uses~~).

XIII-C Section 137 “EE” Planned Residence *Retail* District (~~with subservient retail~~) Regulations.

**Section 12.** ARTICLE IV DISTRICTS AND BOUNARIES THEREOF shall be amended as follows:

“O” Residence *Office* District (~~with Subservient Office and Business Uses~~)

“OO” Planned Residence *Office* District (~~with Subservient Office and Business Uses~~).

**Section 13.** ARTICLE XIII-B “OO” PLANNED RESIDENCE DISTRICT REGULATIONS (WITH SUBSERVIENT OFFICE AND BUSINESS USES) shall be amended as follows:

ARTICLE XIII-B “OO” PLANNED ~~RESIDENCE~~ *OFFICE* DISTRICT REGULATIONS (~~WITH SUBSERVIENT OFFICE AND BUSINESS USES~~)

**Section 14.** SECTION 136 shall be amended as follows:

The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “OO” Planned ~~Residence~~ *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.

**Section 15.** SECTION 136.1 USE REGULATIONS shall be amended as follows:

**Use Regulations.** Any use permitted in the “O” ~~Residence~~ *Office* District may be permitted in the “OO” Planned ~~Residence~~ *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 Section 31.3-55, in order that the use may be properly integrated with the surrounding area.

**Section 16.** SECTION 136.4 TRANSITION REGULATIONS shall be amended as follows:

**Transition Regulations.** The following regulations shall apply to “OO” Planned ~~Residence~~ *Office* District uses located or constructed adjacent to or abutting any “A-A”, “A”, “A-2”, “B”, “B-2”, “C”, “D”, or “DD” Residence District or residential use in order to provide a transition, screening and buffering between incompatible land uses.

**Section 17.** SECTION 136.9 ADDITIONAL REQUIREMENTS shall be amended as follows:

**Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the “OO” Planned ~~Residence~~ *Office* District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

**Section 18.** SECTION 144 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS shall be amended as follows:

**Access, Development and Maintenance of Parking Areas.** Every off-street parking space required by these regulations shall be provided with

satisfactory access to a *paved public* street ~~or alley~~ by means of a surfaced driveway *connecting the required parking space(s) to a paved public street within a publicly dedicated and accepted right-of-way*, and all parking area(s) shall be developed and maintained in accordance with the following requirements:

**Section 19.** ARTICLE X “E” RESIDENCE DISTRICT (WITH SUBSERVIENT RETAIL) REGULATIONS shall be amended as follows:

ARTICLE X “E” ~~RESIDENCE~~ **RETAIL** DISTRICT ~~(WITH SUBSERVIENT RETAIL)~~ REGULATIONS.

**Section 20.** SECTION 101 shall be amended as follows:

The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “E” ~~Residence~~ **Retail** District ~~with Subservient Retail~~. Any references in the Zoning Resolution to “E” Retail Business District, “E” Retail ~~or “E” Residence District~~ equivalents thereof shall hereinafter be read to mean “E” **Retail** District ~~(with Subservient Retail)~~.

**Section 21.** SECTION 102 USE REGULATIONS shall be amended as follows:

~~The “E” Residence District shall be an area zoned for residential use in a residential zoning classification with primary uses devoted to residential dwelling units, such as:~~

- ~~1. Single family dwelling;~~
- ~~2. Two family dwelling;~~
- ~~3. Multiple family dwelling;~~
- ~~4. Attached condominiums and townhouse;~~
- ~~5. Boarding house;~~
- ~~6. Dormitory, fraternity, or sorority house;~~
- ~~7. Nursing, convalescent, and continuing care home or facility.~~

**Section 22.** SECTION 102.2 USE REGULATIONS shall be amended as follows:

~~Also permitted with~~ The “E” ~~Residence~~ **Retail** District *shall be an area zoned for retail type uses that* are consumer type establishments engaged primarily in retail sales directed to individuals and families, such as:

1. Food store, including grocery and convenience stores;
2. Drug store;
3. Book and stationary store;
4. Apparel store;
5. Florist shop;
6. Antique store;
7. Sporting goods store;

8. Jewelry store;
9. Optical goods store;
10. Furniture, home furnishings and office equipment and office supply store;
11. Beverage, including liquor;
12. Restaurant, including drive-thru facilities;
13. Funeral homes;
14. Monument sales and display;
15. Drive-thru commercial facilities;
16. Silk-screening;
17. Sale of swimming pools and accessories;
18. Graphic and printing stores;
19. Videos, sales and repairs;
20. Sale of pet and pet supplies;
21. Carpet store;
22. Collectibles store;
23. Motel and hotel;
24. Ceramic and ceramic supplies;
25. Private mailbox store;
26. Technical sales and supply;
27. Bed and breakfast;
28. Art gallery and framing;
29. Building and home improvement material sales;
30. Convenience store with gas pumps;
31. Shopping center;
32. Vehicle sales and service.

**Section 23.** **SECTION 102.3 USE REGULATIONS** shall be amended as follows:

Also permitted with the “E” ~~Residence~~ **Retail** District are establishments engaged primarily in providing products and services sales to individuals and families in the fields of finance, insurance, and real estate, such as:

1. Bank, including drive-thru;
2. Credit agency other than banks;
3. Investment firm and company; and
4. Real estate and insurance company.

**Section 24.** **SECTION 102.4 USE REGULATIONS** shall be amended as follows:

Also permitted with the “E” ~~Residence~~ **Retail** District are establishments engaged in providing a variety of services to individuals and families, such as:

1. Personal services such as barber and beauty shops, shoe repair shop, laundry and dry cleaning;

2. Miscellaneous business services such as advertising, news syndicates and employment services;
3. Medical and dental office buildings and out-patient clinics;
4. Engineering and architectural services;
5. Legal services;
6. Accounting, auditing, and bookkeeping services;
7. Libraries and museums;
8. Indoor recreation facilities, including bowling alleys, tennis clubs and racquetball courts and similar indoor recreational facilities;
9. Printing, blueprinting, newspaper printing, telegraph services;
10. Indoor movie establishment and theatrical playhouse;
11. Outdoor recreation establishment including batting cages, driving ranges and miniature golf facilities;
12. Car wash; and
13. Telecommunications tower provided for in Ohio Revised Code 591.211, provided however, if such tower is located within a 100-foot radius of any Residential Dwelling, the installation of said tower shall be in accordance with Sections 54, 54.1, Article XXXV and Section 393 of the Symmes Township Zoning Resolution and the Ohio Revised Code Section 519.211. For the purposes of this subsection, a Residential Dwelling means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence; and

**Section 25.** SECTION 104.4 INTENSITY OF USE shall be amended as follows:

~~Section 104.4-1 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.~~

**Section 26.** SECTION 104.4-2 INTENSITY OF USE shall be amended as follows:

~~SECTION 104.4-2 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 four thousand three hundred fifty six (4,356) 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, or any other use permitted in the "E" Residence *Retail* District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet.~~

**Section 27.** SECTION 104.4-3 INTENSITY OF USE shall be amended as follows:

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.~~ The intensity of use regulations are the same as those in the “E” ~~Residence~~ **Retail** District.

**Section 28.** **SECTION 106 ADDITIONAL REQUIREMENTS** shall be amended as follows:

**Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the “E” ~~Residence~~ **Retail** District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

**Section 29.** **ARTICLE XIII-C “EE” PLANNED RESIDENCE DISTRICT REGULATIONS (WITH SUBSERVIENT RETAIL)** shall be amended as follows:

ARTICLE XIII-C “EE” PLANNED ~~RESIDENCE~~ **RETAIL** DISTRICT REGULATIONS (~~WITH SUBSERVIENT RETAIL~~)

**Section 30.** **SECTION 137** shall be amended as follows:

The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “EE” Planned ~~Residence~~ **Retail** District. 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 environ**ments**.

**Section 31.** **SECTION 137.1 USE REGULATIONS** shall be amended as follows:

Any use permitted in the “E” ~~Residence~~ **Retail** District may be permitted in the “EE” Planned ~~Residence~~ **Retail** 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 Section 31.3-55, 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.

**Section 32.** **SECTION 137.9 ADDITIONAL REQUIREMENTS** shall be amended as follows:

**Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the “EE” Planned ~~Residence~~ **Retail** District

shall conform to the other requirements of this Resolution, including Article XIV, Article XXXI, and Article XXXII.

**Section 33.** In an effort to promote consistency through this Zoning Resolution, these amendments shall also include all other instances of the “O”, “OO”, “E” and “EE” districts not specifically identified herein that may conflict with these specific amendments.

**Section 34.** It is hereby certified that all formal actions of the Board of Trustees of Symmes Township, Hamilton County, Ohio relating to the adoption of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 35.** Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

**Section 36.** This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

**ADOPTED APRIL 2, 2024 – RESOLUTION G2024-38**

Vote Record: MS. LEIS \_\_\_\_\_ MR. BRYANT \_\_\_\_\_ MR. BECK \_\_\_\_\_

**BOARD OF TRUSTEES:**

\_\_\_\_\_  
Jodie L. Leis, President

\_\_\_\_\_  
Kenneth N. Bryant, Vice-President

\_\_\_\_\_  
Philip J. Beck, Trustee

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Joseph C. Grossi, Fiscal Officer

\_\_\_\_\_  
Jeff Forbes, Law Director