

RESOLUTION G2020-92

RESOLUTION TO APPROVE A TEXT AMENDMENT TO SECTIONS 51 GENERAL PROVISIONS, SECTIONS 62, 66, 70, 74, 78 AND 82 RESIDENTIAL DISTRICTS, SECTION 143 RESIDENTIAL PARKING, SECTION 171 ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS, SECTION 191 ZONING CERTIFICATES, SECTION 319 SIGNS IN RESIDENTIAL DISTRICTS, SECTION 342 ACCESSORY USES AND STRUCTURES, AND SECTION 346 FENCES AND WALLS 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, a request has been made to add requirements for sidewalks along major roadways in the township where sidewalks have been identified on an approved map adopted by the Township Trustees to the resolution; and

WHEREAS, the township continues to receive complaints about property maintenance items even after the Trustees decided not to pursue a property maintenance code because a portion of the residents in the township did not feel it was necessary; and

WHEREAS, it was recognized by the residents that problems existing in the township with maintenance of certain properties and that certain items from the property maintenance code be included in the text amendments; and

WHEREAS, The Township Administrator recommends that a provision be included that requires the construction of sidewalks along major street thoroughfares and general fence and wall maintenance standards so that all fences and walls are kept in general good repair; and

WHEREAS, The Township Administrator also recommends other changes to the resolution that include setbacks for all accessory buildings, structures and uses be consistent in all residential districts, that all new driveway aprons be paved, concrete or pavers, that commercial vehicles, trailers, campers, boats, RV's will not be permitted to park on the street, that zoning certificates should expire after one year, fences should be setback from fire hydrants, and electronic signs be permitted in residential districts for government and semi-public uses such as churches; and

WHEREAS, the Symmes Township Board of Trustees does hereby approve and accept several text amendments as recommended by the Township Administrator.

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 approve several zoning text amendments for Sections 51 General Provisions, Sections 62, 66, 70, 74, 78 and 82 Residential Districts, Section 143 Residential Parking, Section 171 Additional Use, Height and Area Regulations, Section 191 Zoning Certificates, Section 319 Signs in Residential Districts, Section 342 Accessory Uses and Structures, and Section 346 Fences and Walls 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. **SECTION 51.4 GENERAL PROVISIONS** shall be added as follows:

Sidewalks shall be required in accordance with Hamilton County Engineer standards, for all residential or commercial property along any major roadway or thoroughfare (County or State) that has been identified for sidewalks according to the adopted sidewalks plan for Symmes Township. Such sidewalks shall be required to be installed at the time of development of a parcel as that term is defined in Section 31.3-54 and shall extend the entire frontage of the parcel or parcels being developed.

Section 3. **SECTION 62.14-3 A-A RESIDENCE DISTRICT** shall be amended as follows:

Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least *five (5)* feet from every property line.

Section 4. **SECTION 66.14-3 A RESIDENCE DISTRICT** shall be amended as follows:

Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least *five (5)* feet from every property line.

Section 5. **SECTION 70.14-3 A-2 RESIDENCE DISTRICT** shall be amended as follows:

Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least *five (5)* feet from every property line.

Section 6. **SECTION 74.14-3 B RESIDENCE DISTRICT** shall be amended as follows:

Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least *five (5)* feet from every property line.

Section 7. **SECTION 78.14-3 B-2 RESIDENCE DISTRICT** shall be amended as follows:

Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least *five (5)* feet from every property line.

Section 8. **SECTION 82.14-3 C RESIDENCE DISTRICT** shall be amended as follows:

Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least *five (5)* feet from every property line.

Section 9. **SECTION 143.3 RESIDENTIAL PARKING** shall be amended as follows:

On any residentially used parcel or Residence District, other than “O” and “E” Residence Districts, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front yard. This restriction shall not apply to driveways providing access from the street to the parking area or to a required parking area serving a detached dwelling. *In addition to any other requirements of this Resolution, all new driveways will include a paved “non-gravel, non-dirt” apron within the ROW. All parking areas must comply with the drainage requirements of the Hamilton County Stormwater and Infrastructure Division.* Within ten feet (10’) of the right-of-way, the maximum width of the driveway shall be twenty-four feet (24’) in a Single Family of “MHP” Manufactured Home Park District. No residential parking area or garage shall be utilized for more than one (1) commercial vehicle owned or normally operated by a resident of the premises and such vehicle shall not exceed one and one-half (1 ½) tons capacity. *No commercial vehicles or trailers shall be permitted to park on any public street.*

Section 10. **SECTION 143.4 PARKING OF BOAT, TRAILER, CAMPERS, RV OR MOBILE HOME** shall be amended as follows:

In any residence district, other than the “O” and “E” Residence Districts, placing of a boat, trailer, *Camper, RV* or mobile home shall be prohibited, except that outside the flood plain area one (1) trailer as defined in Section 31.3-221 or one (1) boat may be parked or stored in a garage or other accessory building or rear yard in any Residence District. No occupancy for human habitation shall be maintained or business conducted therein while such trailer or boat is so parked or stored. The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a

temporary or permanent location on the ground. *No boats, trailers, campers, or RV's shall be permitted to park on any public street.*

Section 11. **SECTION 171.7 ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS** shall be amended as follows:

Accessory buildings which are not a part of the main building shall be built in the rear yard and not less than *five (5)* feet from the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard and shall be located not less than sixty (60) feet from any front lot line.

Section 12. **SECTION 191 ZONING CERTIFICATES** shall be amended as follows:

Except as provided in Article V, no building, *structure* or sign shall hereafter be located, constructed reconstructed, enlarged, or structurally altered nor shall any work be started upon same until a Zoning Certificate for same has been issued by the Symmes Township Zoning Inspector which certificate shall stated that the proposed building, *structure* and use comply with all the provisions of this Resolution. *The Zoning Certificate shall only be valid for one-year after the date of issuance.*

Section 13. **SECTION 319 SIGNS FOR RESIDENCE DISTRICTS, OTHER THAN THE “O” AND “E” DISTRICTS** shall be added as follows:

319. Variable Message Centers. The following restrictions shall apply to variable message center signs within the Residence Districts that identify churches, non-profit organizations, swim clubs, tennis clubs, schools, parks, golf courses, public buildings and other similar permitted uses:

319.1-1 One variable message center sign may be constructed per lot or compound as a part of the square footage permitted in the freestanding ground mounted sign.

319.1-2 All variable message center signs shall conform to the following requirements:

- 1. No part of the variable message sign shall be closer than ten (10) feet to any right-of-way line.*
- 2. No part of any variable message sign shall be closer than ten (10) feet to any adjacent property line.*
- 3. Any variable message sign shall conform to all the height and area requirements applicable to the freestanding ground mounted sign of which they are a part.*

4. Maximum sign area permitted for use as a variable message sign is limited to 25% of the total sign area permitted on the freestanding ground mounted sign (max 2 sides).

5. Functional limits and parameters on time of day and temperature displays may be in five (5) second intervals. No other message, graphic or display shall be moving, flashing, scintillating, animating nor changing in color or light intensity or visible changing in any other manner.

6. The display change interval, which is defined at the time period between when one message, graphic or display becomes illegible and the next message graphic or display just reaches legibility, shall be .3 seconds or less.

Section 14. SECTION 342.5 PLAY DEVICES IN REAR YARDS shall be amended as follows:

Play Devices in Rear Yards. Swing sets, jungle gyms, *tree houses*, and other play devices excluding those accessory uses specified in Section 351 shall be located in the rear yard and must maintain a minimum setback of *five (5)* feet from every property line.

Section 15. SECTION 346 FENCES AND WALLS shall be amended as follows:

The restrictions set forth below shall apply to all fences and walls located in all districts, except for fences and walls surrounding public utility structures or radio, television or microwave transmissions or relay towers. ***All fences must be setback five feet (5) from all fire hydrants.***

Section 16. SECTION 346.5 Fence/Wall Maintenance Standards. ***Any fence/wall in any district shall be maintained and kept in good condition and good repair including repairing or replacing damaged or deteriorated sections and maintaining the orientation of the fence/wall in an upright position such that the fence/wall does not sag or lean and in no case is allowed to hang over an adjacent property or public right-of-way.***

Section 17. 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 18. 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 19. This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED NOVEMBER 3, 2020 – RESOLUTION G2020-92

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:

Joseph C. Grossi, Fiscal Officer

APPROVED AS TO FORM:

Jeff Forbes, Law Director