

RESOLUTION G2022-52

RESOLUTION TO APPROVE TEXT AMENDMENT TO SECTION 31 DEFINITIONS, SECTION 94 TRANSITION REGULATIONS, SECTION 104 & 105 “E” RESIDENCE DISTRICT, SECTION 115 “F” LIGHT INDUSTRIAL DISTRICT, SECTION 124 “G” HEAVY INDUSTRIAL DISTRICT, SECTION 134 “H” RIVERFRONT DISTRICT, SECTION 135 “DD” PLANNED MULTI-FAMILY RESIDENCE DISTRICT, SECTION 136 “OO” PLANNED RESIDENCE DISTRICT, SECTION 137 “EE” PLANNED RESIDENCE DISTRICT, SECTION 138 “FF” PLANNED LIGHT INDUSTRIAL DISTRICT, SECTION 139 “GG” PLANNED HEAVY INDUSTRIAL DISTRICT, SECTION 143.2 SHARED PARKING, SECTION 146 OUTDOOR LIGHTING, SECTION 171 ADDITIONAL USE, HEIGHT, AND AREA REGULATIONS AND EXCEPTIONS, AND SECTIONS 320.4 & 321.5 VARIABLE MESSAGE CENTERS, SECTION 386 SPECIFIC CRITERIA PERTAINING TO CONDITIONAL USES, AND TABLE 35-1 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 change certain sections of our zoning resolution to help out the local businesses that may want to locate in our area for the future especially when they are redeveloping an existing lot or building; and

WHEREAS, a request has been made from residents to add language into our code that defines a short-term rental and the rules surrounding a short-term rental; and

WHEREAS, The Township Administrator also recommends other changes to the resolution that include deck locations and limits to accessory structures; and

WHEREAS, the Hamilton County Regional Planning Commission met on March 3, 2022, and recommended approval with revisions; and

WHEREAS, the Symmes Township Zoning Commission met and held a public hearing on March 16, 2022, and recommended approval with revisions; and

WHEREAS, the Symmes Township Board of Trustees held a public hearing on May 3, 2022, and does hereby approve and accept several text amendments as recommended by the business community, residents of the community, and the Township Administrator and modified by the Regional Planning Commission and the Symmes Township Zoning Commission.

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 Section 31 Definitions, Sections 94 Transitions Regulations, Section 104 & 105 “E” Residence District, Section 115 “F” Light Industrial District, Section 124 “G” Heavy Industrial District, Section 134 “H” Riverfront District, Section 135 “DD” Planned Multi-Family Residence District, Section 136 “OO” Planned Residence District, 137 “EE” Planned Residence District, Section 138 “FF” Planned Light Industrial District, Section 139 “GG” Planned Heavy Industrial District, Section 143.2 Shared Parking, Section 146 Outdoor Lighting, Section 171 Additional Use, Height, and Area Regulations and Exceptions, Section 320.4 and Section 321.5 Variable Message Centers Regulations, Section 386 Specific Criteria Pertaining to Conditional Uses and Table 35-1 as the Board believes the Amendments are 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 DEFINITIONS 31.3-192 SHORT-TERM RENTAL** shall be added as follows:

A dwelling unit or portion thereof, which is offered or provided to a guest by a short-term rental owner or operator for a fee for a term of less than ~~one (1) year~~ ***thirty (30) days***.

Section 3. **SECTIONS 94.5-2, 104.1, 105.2, 115.2, 124.4-2, 134.5-1, 135.4-2, 136.4-2, 137.3, 137.4-2, 138.4-2, & 139.4-2 HEIGHT AND AREA REQUIREMENTS** shall be amended as follows:

94.5-2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10) feet** for front yards and twenty-five (25) feet for side yards.

104.1 There shall be a front yard having a depth of not less than fifty (50) feet. Parking areas shall be setback at least ~~twenty (20)~~ **ten (10) feet** from the front lot line.

105.2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty-five feet (25) for side yards.

115.2 The minimum setback for parking area shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty-five (25) feet for side yards.

124.4-2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty-five (25) feet for side yards.

134.5-1 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty-five (25) feet for side yards.

136.4-2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty (20) feet for side yards.

135.4-2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten** feet for front yards and twenty (20) feet for side yards.

137.3 (2) No Building shall be closer than fifty (50) feet to any street line. Parking areas shall be setback at least ~~twenty (20)~~ **ten (10)** feet.

137.4-2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty (20) feet for side yards.

138.4-2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty (20) feet for side yards.

139.4-2 The minimum setback for parking areas shall be ~~twenty (20)~~ **ten (10)** feet for front yards and twenty (20) feet for side yards.

Section 4. **SECTION 143.2 SHARED PARKING** shall be amended as follows:

Shared Parking. Up to 50 percent (50%) of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls, night clubs, **RESTAURANTS** or cafes and up to 100 percent (100%) of the parking spaces required for a church may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, schools, **CHURCHES** and similar uses not normally open, used or operated during the same hours as those listed in (a); provided that a written agreement thereto is properly executed and filed to assure the retention of the parking spaces for such purposes. Such agreement shall be properly drawn and executed by the parties concerned, approved as to form by the Township Law Director, and shall be filed with the application for a building permit.

Section 5. **SECTION 146.1 OUTDOOR LIGHTING** shall be amended as follows:

All outdoor lighting shall be cutoff fixtures and designed, located, and mounted at heights no greater than fifteen (15) ***in all residential districts other than the "O" and "E" Residence districts and twenty-four (24)*** feet above grade ***in all other districts*** for lights. Outdoor lighting requirements are illustrated in Figure 14D.

Section 6. **SECTION 171 ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS** shall be amended as follows:

171.10 Terraces, ~~uncovered porches~~, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required front or rear yard but shall not be any closer to any side lot line than the side yard requirement.

171.13 An open, unenclosed or screened porch, *deck*, or paved terrace may project into a front yard *or rear yard* for a distance not exceeding ten (10) feet.

Section 7. **SECTION 320.4 VARIABLE MESSAGE CENTERS FOR SIGNS IN THE O OR OO DISTRICT** shall be amended as follows:

Section 320.4. Variable Message Centers. The following restrictions shall apply to variable message center signs with the “O” or “OO” District.

Section 320.4-1. One variable message center sign may be constructed per development as a part of the square footage permitted in the freestanding ground mounted sign.

Section 320.4-2. All variable message center signs shall conform to the following requirements:

- 1. No part of any variable message center sign shall be closer than ten (10) feet to any right of way line.*
- 2. No part of any variable message center sign shall be closer than ten (10) feet to any adjacent property line.*
- 3. Any variable message sign shall conform to all of 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 center sign is limited to twenty-five percent (25%) of the total sign area permitted on the freestanding ground mounted sign per side (max two 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 not 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 as 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.*
- 7. Such signs shall be equipped with an auto dimming photocell system to ensure that the brightness of the sign will adjust to the amount of natural light depending on the time of day or weather conditions.*

Section 8. **SECTION 321.5 VARIABLE MESSAGE CENTERS FOR SIGNS IN THE E OR EE DISTRICT** shall be amended as follows:

Section 321.5-2 (4) Maximum sign area permitted for use as a variable message center sign is limited to ~~twenty-five percent (25%)~~ ***fifty percent (50%)*** of the total sign area permitted on the freestanding ground mounted sign or the freestanding pole sign.

7. ***Such signs shall be equipped with an auto dimming photocell system to ensure that the brightness of the sign will adjust to the amount of natural light depending on the time of day or weather conditions.***

Section 9. **SECTION 386 SPECIFIC CRITERIA PERTAINING TO CONDITIONAL USES.**

- ii. *All properties used for short-term rentals are required to have rental property insurance.*
- jj. *All properties used for short-term rentals shall have proper screening as required by the Board of Zoning Appeals if appropriate.*

Section 10. **TABLE 35-1.**

<i>RESIDENTIAL USES</i>									
	<i>AA-C</i>	<i>D</i>	<i>MHP</i>	<i>O</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>Criteria</i>
<i>Short Term Rentals</i>	<i>C</i>	<i>C</i>						<i>C</i>	<i>f, h, l, m, p1, s, t, v, w, x, y, z, ii, jj</i>

Section 12. 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 13. 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 14. This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED MAY 19, 2022 – RESOLUTION G2022-52

Vote Record: Ms. Leis _____ Mr. Beck _____ Mr. Bryant _____

BOARD OF TRUSTEES:

Jodie L. Leis, President

Philip J. Beck, Vice-President

Kenneth N. Bryant, Trustee

ATTEST:

Joseph C. Grossi, Fiscal Officer

APPROVED AS TO FORM:

Jeff Forbes, Law Director