

RESOLUTION G2020-43

RESOLUTION TO INITIATE 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 Administrator recommends that a provision be included that requires the construction of sidewalks along major street thoroughfares; and

WHEREAS, The Township Administrator also recommends other changes to the resolution that include general maintenance standards so that all buildings and structures are kept in general good repair, setbacks for all accessory buildings, structures and uses be consistent in all residential districts, that all new driveways be paved or concrete and must conform to new setbacks, 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 or any other utilities, 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 initiate several text amendments.

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 initiate 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 on both sides of the street, in accordance with Hamilton County Engineer standards, for all lots platted in a subdivision, minor subdivision or any residential or commercial property along any major roadway or thoroughfare that has been identified for sidewalks according to the adopted sidewalks plan for Symmes Township after the effective date of this Resolution which are located in the AA, A, A2, B, B-2, C, D, O, E, DD, OO, and EE Zoning Districts.

Section 3. **SECTION 51.5 GENERAL PROVISIONS** shall be added as follows:

General Maintenance Standards. Any lot in any district shall be maintained and kept in good condition and good repair including all structures, buildings, accessory buildings, fences, pools and play structures. All property owners are expected to: mow grass on a regular basis, cut weeds or brush, maintain landscaping and materials on a regular basis, remove fallen trees or branches in a timely manner, paint or cover exterior surfaces when needed; repair or replace damaged or deteriorated fences which must stand in the upright position (90 degrees from the ground); keep property free of trash, junk, and debris; repair driveways as needed; and other maintenance related items that are necessary to ensure the health, safety and welfare of the residents of Symmes Township and to facilitate and maintain the highest possible property values and to enhance the quality of life in our community.

Section 4. **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 ~~three (3)~~ *five (5)* feet from every property line.

Section 5. **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 ~~three (3)~~ *five (5)* feet from every property line.

Section 6. **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 ~~three (3)~~ *five (5)* feet from every property line.

Section 7. **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 ~~three (3)~~ *five (5)* feet from every property line.

Section 8. **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 ~~three (3)~~ *five (5)* feet from every property line.

Section 9. **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 ~~three (3)~~ *five (5)* feet from every property line.

Section 10. **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. *All new driveways and parking surfaces shall be paved or a concrete surface and cannot be located any closer than the side yard setback stipulated for the district where the structures are located. In the case of a panhandle lot, the driveway can be less than the required setback width only if the drainage has been addressed and does not affect the adjacent neighbor’s yard.* 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 11. **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 12. 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 ~~three (3)~~ ***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 13. SECTION 191 ZONING CERTIFICATES shall be amended as follows:

Except as provided in Article V, no building 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 state that the proposed building 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 14. 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 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 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 15. 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 ~~three (3)~~ *five (5)* feet from every property line.

Section 16. 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 or any public utilities.*

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 JUNE 2, 2020 – RESOLUTION G2020-43

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:

Kevin C. McDonough, Law Director