

RESOLUTION G2022-25

RESOLUTION TO INTIATE A TEXT AMENDMENT TO SECTION 31 DEFINITIONS, SECTION 51 GENERAL PROVISIONS, SECTIONS 137 “EE” PLANNED RESIDENCE DISTRICT, SECTION 143.2 SHARED PARKING, SECTION 146 OUTDOOR LIGHTING, SECTION 171 ADDITIONAL USE, HEIGHT, AND AREA REGULATIONS AND EXCEPTIONS, SECTION 320.4 VARIABLE MESSAGE CENTER, SECTION 321.4 WALL SIGNS, SECTION 321.5 VARIABLE MESSAGE CENTERS AND SECTION 351 DETACHED GARAGE, STORAGE, STRUCTURES AND OTHER DETACHED STRUCTURES 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, The Township Administrator also recommends other changes to the resolution that include deck locations; and

WHEREAS, the Symmes Township Board of Trustees does hereby approve and accept several text amendments as recommended by the business community and 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 137 “EE” Planned Residence District, Section 143.2 Shared Parking, Section 146 Outdoor Lighting, Section 171 Additional Use, Height, and Area Regulations and Exceptions, Section 321.5 Variable Message Centers Regulations 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 137.3 HEIGHT AND AREA REQUIREMENTS** shall be amended as follows:

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.

Section 3. **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, 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, 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.

Furthermore, up to 50% of the parking spaces required for a restaurant may be provided and used jointly by offices and churches not normally open, used or operated during the same hours as the restaurant 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 4. **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)~~ **twenty-four (24)** feet above grade for lights. Outdoor lighting requirements are illustrated in Figure 14D.

Section 5. **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 6. **SECTION 321.4-1 WALL SIGNS WITHIN THE E AND EE DISTRICT** shall be amended as follows:

All wall signs shall conform to the following requirements:

1. Any property or business shall be permitted 1.5 square feet of building sign surface area for each linear foot of building frontage (façade) facing the public street on which the principal access is located. For other building frontages, signs may not exceed .75 square feet of sign surface area for each linear foot of building frontage facing a public street.
2. The maximum projection from the façade surface shall be six (6) feet. The minimum ground clearance above pedestrian areas shall be eight (8) feet.
3. *The maximum number of wall signs permitted shall be one (1) per building facade. In the case of multiple tenants or multiple facades, one sign for each business is permitted or if there are multiple building facades for one business, one sign per façade is permitted that faces the roadway.*

Section 7. 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 up to a maximum of ~~thirty-five (35)~~ **seventy-five (75)** square feet per side (max of 2 sides).

Section 8. SECTION 351 DETACHED GARAGE, STORAGE, STRUCTURES AND OTHER DETACHED STRUCTURES shall be added as follows:

Section 351.4 Maximum Number of Detached Structures Permitted.

Section 351.4-1. On parcels of less than one (1) acre, no more than one structure is permitted.

Section 351.4-2. On parcels more than one (1) acre, no more than two structures are permitted.

Section 9. 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.

Section 10. SECTION 51.5 GENERAL PROVISIONS shall be added as follows:

Short-term Rentals, as defined herein, shall not be permitted in any Residence District.

Section 11. 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.

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 FEBRUARY 8, 2022 – RESOLUTION G2022-25

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