

AGENDA

THE HAMILTON COUNTY REGIONAL PLANNING COMMISSION
Room 805, County Administration Building
138 East Court Street
Cincinnati, OH 45202

FEBRUARY 5, 2015

Administrative Session – 12:30 PM
Public Hearing – 1:00 PM
Development Review Session – immediately following Public Hearing

David Okum, Vice-Chairperson/Presiding Officer

1. ADMINISTRATIVE SESSION

SESSION CALLED TO ORDER
ROLL CALL OF COMMISSIONERS

ADMINISTRATIVE ACTIONS:

- A. ADM05: Disposition of Minutes, January 8, 2015 Regular Meeting
- B. ADM06: RPC Financial Report

PROGRAM REPORTS:

Zoning Services	Systems / Data Products
Planning Partnership	Community Planning
Community Development	OKI Board of Trustees
Other Reports	

2. PUBLIC HEARING (1:00 PM)

SESSION CALLED TO ORDER

LAND USE PLAN:

- A. NAME: LUP Miami 2015-01; Land Use Plan Update
- REQUEST: To consider adoption of the 2014 Miami Township Land Use Plan Update
- INITIATED BY: Miami Township Board of Trustees
- LOCATION: Miami Township

3. DEVELOPMENT REVIEW SESSION (immediately following Public Hearing)

SESSION CALLED TO ORDER

COUNTY ZONING MAP AMENDMENT:

- A. NAME: Harrison 2015-01; Harrison Avenue Car Lot Expansion
- REQUEST: From: A SPI-SC Residence
To: EE SPI-SC Planned Retail
- PURPOSE: To demolish a residence and expand an adjacent auto sales display area
- APPLICANT: James Ritter, Professional Design Associates (applicant); TT Projects LLC/Marilyn Bourquein (owner)
- LOCATION: 9902 Harrison Avenue, north of the intersection of Old Harrison Avenue and Harrison Avenue (Book 560, Page 50, Parcel 42 & 128)

TOWNSHIP ZONING TEXT AMENDMENT:

- A. NAME: Delhi ZC2015-02; Text Amendments
- REQUEST: To amend the Delhi Township Zoning Resolution to replace Article 14 – Parking and Loading Regulations and Article 31 – Signs with new versions of each article and to include other minor amendments to other sections of the Resolution
- PURPOSE: To replace existing parking and signage chapters with new parking and signage chapters, including new regulations and graphics, and to include other minor changes to definitions and references.
- INITIATED BY: Delhi Township Zoning Commission

- B. NAME: Symmes 2015-01; Text Amendments
REQUEST: To amend the Symmes Township Zoning Resolution to revise Article 3 – Definitions, Article 5 – General Provisions, Article 14 – Parking and Loading Regulations, and Article 35 – Conditional Uses
PURPOSE: To revise the language and regulation of residential facilities within Symmes Township to be consistent with the language of the Ohio Revised code including definitions, permitted locations, and dispersion of such facilities.
INITIATED BY: Symmes Township Board of Trustees
- C. NAME: Symmes 2015-02; Text Amendments
REQUEST: To amend the Symmes Township Zoning Resolution to revise Article 25 – Enforcement and Article 28 – Violations and Penalties
PURPOSE: To revise language of the enforcement and zoning violation penalties sections to be consistent with the enforcement rules and procedures of the Hamilton County Municipal Court for administration of zoning citations in Symmes Township.
INITIATED BY: Symmes Township Board of Trustees

3. ADJOURNMENT

NOTE: Individuals with disabilities requiring special accommodations to participate in or attend any meeting or hearing should call the Planning & Development Department at 946-4550 seven days prior to the meeting.

>>>>FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM, PLEASE CALL 946-4550<<<<

**HAMILTON COUNTY
REGIONAL PLANNING COMMISSION**

RECORD OF PROCEEDINGS JANUARY 8, 2015

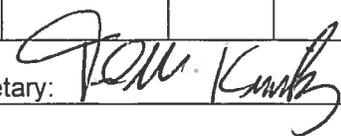
PAGE 1

SUMMARY OF ACTIONS

PRESIDING OFFICER: Obert
MEMBERS PRESENT: Franke, Linnenberg, Obert, Okum, Simpson (arrived 12:46), Sprague, Stillpass
MEMBERS ABSENT: None
STAFF PRESENT: Kinskey, Huth, Fazzini, Snyder, Ambrosius
LOCATION: Room 805, Administration Building
TIME: 12:30 AM – 2:20 PM

	AGENDA ITEM	RPC ACTION	VOTE		
ADMINISTRATIVE ITEMS:	ADM01: Disposition of Minutes, December 4, 2014 ADM02: RPC Financial Report ADM03: Approve Travel ADM04: Election of 2015 Officers (Jim Obert, Chair; David Okum, Vice-Chair)	Approval Approval Approval Approval	5-0-1 6-0-0 6-0-0 7-0-0		
	AGENDA ITEM	RPC ACTION	VOTE		
PRELIMINARY SUBDIVISION PLANS:	Colerain 15-01; Zillig Commercial	Approval	7-0-0		
	AGENDA ITEM	AMENDMENT REQUEST	RPC ACTION	VOTE	CONDITIONS & CODES
COUNTY ZONING MAP AMENDMENT:	Green 2015-01; Artis Senior Living	From: C Single-Family Residence To: OO Planned Office	Approval	7-0-0	1, 2, 3
TOWNSHIP ZONING MAP AMENDMENT:	Colerain ZA2014-09; Chick-Fil-A	Major Modification to an approved Final Development Plan in an existing PD-B Planned Development	Approval	7-0-0	1, 2

ATTEST: Chairman:

Secretary: 

CONDITIONS AND CODES

1. Approval subject to standard covenants.
 2. Approval subject to conditions recommended in the staff report.
 3. Approval subject to conditions recommended by the RPC.
 4. Approval pending receipt of favorable reports.
- R = Received and accepted for processing.
 C = Confirmed approval after review of compliance with conditions.
 P = Postponed by applicant.
 W = Withdrawn by applicant.

ABBREVIATIONS IN MINUTES

- MSD - Metropolitan Sewer District
 ODOT- Ohio Department of Transportation
 SCS - US Soil conservation Service, Hamilton County Soil & Water Conservation Dist
 DPW - Hamilton County Department of Public Works
 ENG - Hamilton County Engineer
 ZNG - Hamilton County Zoning Administrator
 FPO - Township Fire Prevention Officer
 TPZ - Township Planning/Zoning Officer
 TT - Township Trustees

ADMINISTRATIVE ITEMS

ADM01: DISPOSITION OF MINUTES

MOTION: To approve the minutes of the Regular Meeting of the Regional Planning Commission, December 4, 2014.

Moved: Okum Second: Linnenberg

VOTE: AYE: 5 Franke, Linnenberg, Obert, Okum, Stillpass

NAY: 0

ABSTAIN: 1 Sprague

ACTION: APPROVAL

ADM02: RPC FINANCIAL REPORT

MOTION: To approve the RPC Financial Report for December 2014 as presented.

Moved: Linnenberg Second: Sprague

VOTE: AYE: 6 Franke, Linnenberg, Obert, Okum, Sprague, Stillpass

NAY: 0

ABSTAIN: 0

ACTION: APPROVAL

ADM03: APPROVE TRAVEL

MOTION: To approve staff travel to the American Planning Association 2015 National Conference in Seattle, April 18-21 at a cost not to exceed \$2,000.00.

Moved: Linnenberg Second: Okum

VOTE: AYE: 6 Franke, Linnenberg, Obert, Okum, Sprague, Stillpass

NAY: 0

ABSTAIN: 0

ACTION: APPROVAL

ADM04: ELECTION OF 2015 OFFICERS

MOTION: To appoint Jim Obert as Chair and David Okum as Vice-Chair

Moved: Franke Second: Linnenberg

VOTE: AYE: 7 Franke, Linnenberg, Obert, Okum, Simpson, Sprague, Stillpass

NAY: 0

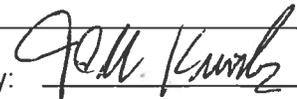
ABSTAIN: 0

ACTION: APPROVAL

ADJOURNMENT: The meeting was adjourned at 2:20 PM

ATTEST: Chairman: _____

Secretary: _____



Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – JANUARY 8, 2015

PAGE 3

SUBDIVISION: COLERAIN 2015-01; ZILLIG COMMERCIAL

TYPE: Preliminary Plan
TOWNSHIP: Colerain Township
LOCATION: 5560 Blue Rock Road on the southeastern corner of Blue Rock Road and Springdale Blue Rock Connector (Book 510, Page 230, Parcels 74-77 and Page 201, Parcel 43)
ZONING: B-2 General Business District and R-4 Suburban – Medium Residential District
MINIMUM LOT SIZE: B-2 – 1 acre; R-4 – 14,000 sq. ft.
TOTAL LOTS: 7 lots
TRACT SIZE: 19.0 acres
IMPROVEMENTS: Sanitary Sewer Type: MSD
Water Service Type: GCWW
Pavement Width: 37 ft.
ROW / Easement: 60 ft.

STAFF RECOMMENDATION: Approval

SPEAKERS: J. Huth, S. Huber

ISSUES DISCUSSED: (Summary of Topics)
Staff Comments:
1. **J. Huth** - Review of staff report

Applicant Comments:
1. **S. Huber** – Zillig is the business currently on the site, and it will continue to operate as is until future development occurs in the area. Our intent is to go through this subdivision process and not a zone change. However, a zone change might be necessary at a later date.
2. We are in agreement with the staff finding regarding sidewalks.

Public Official Comments/Correspondence:
1. Colerain Township has indicated through correspondence that it is in favor of the subdivision.

MOTION:
(Re: Preliminary Plan) To consider approval of the Preliminary Plan for Zillig Commercial Subdivision based on the findings in the staff report.

Moved: Linnenberg Second: Sprague

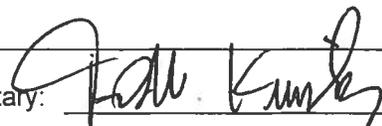
VOTE: AYE: 7 Franke, Linnenberg, Obert, Okum, Simpson, Sprague, Stillpass
NAY: 0
ABSTAIN: 0

MOTION:
(Re: Record Plats) Move to consider approval of all Final Record Plats for Zillig Commercial Subdivision, subject to certification by the Subdivision Administrator that the Final Plan is in conformance with the Preliminary Subdivision Plan approved by the Planning Commission and the Improvement Plan as approved by the Subdivision Administrator.

Moved: Franke Second: Sprague

VOTE: AYE: 7 Franke, Linnenberg, Obert, Okum, Simpson, Sprague, Stillpass
NAY: 0
ABSTAIN: 0

ACTION: Approval per motion

ATTEST: Chairman: _____ Secretary: 

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – JANUARY 8, 2015

PAGE 4

ZONE AMENDMENT: GREEN 2015-01; ARTIS SENIOR LIVING

REQUEST: FROM: C Single-Family Residence
To: OO Planned Office

PURPOSE: To construct a 72-unit assisted living facility for seniors with memory disorders, including a 36-space parking lot and one driveway onto Bridgetown Road

APPLICANT: Thomas Jones, Artis Senior Living (applicant); Jenny E. Dawson Tr., Simon & Edna Generoso Tr. (owners)

LOCATION: On the south side of Bridgetown Road, approximately 240 feet east of Lakewood Drive (Book 550, Page 170, Parcels 136 & 137 AND Book 550, Page 173, Parcels 150 & 228)

TRACT SIZE: 7.55 gross acres; 7.13 net acres

REPORTS: RECEIVED: DPW, MSD
PENDING: FPO, CWW, HCSE, ODOT, TT

SPEAKERS: E. Fazzini, A. Goetzman, T. Jones

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **E. Fazzini** – Review of staff report.

Applicant Comments:

1. **T. Jones** – I have no issues with the first seven conditions.
2. We are concerned about the placement of the cross-easement and the requirement for the placement of the driveway. There has been much thought into the placement of the building and any movement of it or the parking lot would be detrimental to the overall site plan.
3. There is a significant slope difference between our facility and the adjoining residences. Any change in the location of the parking lot and drive will put them more in line with the residential properties.
4. We are planning to build immediately and would like the ability to decide the location of the cross-access easement to the property to the west which is more speculative.
5. We are not going to take the drive to the property line. If we paved to the property line, a retaining wall would be required. If another development does come in we would have to tear it down, so we would prefer not to build it at this time.
6. If future development occurs on the other lot, we will collaborate with other property owner on the placement of the cross-access easement.

Public Official Comments:

1. **A. Goetzman** – Trustees will review this at their meeting on January 12.

Commissioner Comments:

1. **Commissioner Franke** – Set placement of the easement is not necessary at this time. The first property developed should dictate the best place for the easement.
2. **Commissioner Sprague** – The Zoning Compliance Plan will set the restrictions for the property.

MOTION:
(re: consistency)

To accept staff findings that consistency with the adopted land use plan is required, and that the zone amendment can achieve consistency with the adopted land use plan.

Moved: Sprague

Second: Linnenberg

VOTE:

AYE: 7 Franke, Linnenberg, Obert, Okum, Simpson, Sprague, Stillpass
NAY: 0
ABSTAIN: 0

MOTION:

To consider approval of case Green 2015-01; Artis Senior Living, a request for a Zone Amendment from C Residence to OO Planned Office with conditions per Attachment A.

Moved: Franke

Second: Simpson

VOTE:

AYE: 7 Franke, Linnenberg, Obert, Okum, Simpson, Sprague, Stillpass
NAY: 0
ABSTAIN: 0

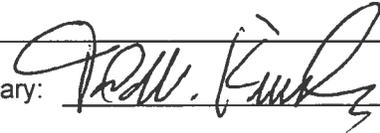
**RPC
RECOMMENDATION:**

(To the Hamilton County Rural Zoning Commission)
Approval with Conditions

ATTEST:

Chairman: _____

Secretary: _____



Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

Attachment A

The Regional Planning Commission recommends approval of case Green 2015-01; Artis Senior Living, a request for a zone amendment from C Residence to OO Planned Office, with the following conditions:

Conditions:

1. That a landscape plan in compliance with the requirements of Sections 12-6, 14-7, and 14-8 of the Zoning Resolution and Conditions #2 and #3 below shall be submitted as part of the Zoning Compliance Plan.
2. That the 1.94 acre proposed woodland preservation area in the rear of the site shall remain undisturbed as indicated on the landscape plan.
3. That four additional evergreen trees shall be planted within the boundary buffer on the western property line adjacent to the proposed privacy fence.
4. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
5. That all mechanical equipment shall be screened in compliance with the requirements of the Zoning Resolution and details shall be submitted as part of the Zoning Compliance Plan.
6. That the site shall be permitted a maximum of one freestanding monument sign along Bridgetown Road at a maximum of 12 ft. in height and 50 sq. ft. in area.
7. That the use and development of the residential lot fronting Lakewood Drive be restricted to the current proposal and that no access drives, structures, or buildings be permitted on the lot other than necessary utility improvements connecting to Lakewood Drive.
8. That a 30-foot access easement for future vehicular use shall be identified to the western property line to permit the adjacent property to connect through the subject site to Bridgetown Road to be effective if/when this adjacent property is developed as an office use with access to Lakewood Drive, and that this easement shall ALLOW FOR CONNECTION TO ~~align with the rear parking area approved for~~ the adjacent office development.
9. That a paved access drive be constructed within the 30-foot access easement from the end of the parking lot to the western property line at such time the adjacent development is constructed.

Note: Revisions of the Staff recommendations as approved by the Regional Planning Commission are crossed out if deleted (i.e. ~~deleted by RPC~~) and shown underlined and in uppercase if added (i.e. ADDED BY RPC).

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – JANUARY 8, 2015

PAGE 5

ZONE AMENDMENT: COLERAIN ZA2014-09; CHICK-FIL-A

REQUEST: Major Modification to an approved Final Development Plan in an existing PD-B Planned Development Business District

PURPOSE: To modify the approved development plan to remove a portion of an existing shopping center parking lot to allow for a Chick-Fil-A Restaurant with a drive-thru and associated parking lot

APPLICANT: Chick-Fil-A, Inc. (applicant); Hauck Holdings Colerain LLC (owner)

LOCATION: On the southeastern corner of the Colerain Avenue and Mall Road intersection (Book 510, Page 102, Parcel 303 AND Page 103, Parcel 303))

TRACT SIZE: 0.71 acres

SPEAKERS: J. Huth, G. Milz, D. Liening

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **J. Huth** – Review of Staff Report

Public Official Comments:

1. **G. Milz** – We have had conversations with the applicant regarding the streetscape buffer. Colerain Township requires a 15 ft. streetscape buffer and we will work with the applicant for compliance.
2. We require eight stacking spaces per lane.
3. This property is overparked – there is a lot of parking that is never used.
4. The Township feels that more density and development closer to the road is good.
5. Landscaping around the dumpster is required and Colerain is negotiating with the applicant regarding placement, etc.

Applicant Comments:

1. **D. Liening** – We can make modifications to the site plan to accommodate approximately 15% open space.
2. Parking analysis, lighting plan, and signage plan will be provided to Colerain Township prior to the Zoning Commission hearing.
3. We will maximize the streetscape buffer and get as close to 15 ft. as possible.
4. We will shift the landscape island to break up the parking.
5. We may request variances from Colerain regarding signage.

MOTION: I move to accept staff findings that consistency with the adopted land use is not required

Moved: Okum

Second: Stillpass

VOTE:

AYE:	7	Franke, Linnenberg, Obert, Okum, Simpson, Sprague, Stillpass
NAY:	0	
ABSTAIN:	0	

Attachment A

The Regional Planning Commission recommends approval of case Colerain 2014-09; Chick-Fil-A, a request for a Major Modification to an existing PD-B Planned Development Business District, with the following conditions:

Conditions:

1. That the development shall contain a minimum of 15% common open space in compliance with Table 9-2 of the Zoning Resolution.
2. That outdoor lighting shall meet the requirements of Article 12 of the Zoning Resolution.
3. That a detailed parking analysis shall be provided for the entire shopping center that meets Section 13.3 of the Zoning Resolution.
4. That a minimum 15-foot streetscape buffer yard shall be provided along Colerain Avenue and Mall Drive in compliance with Section 14.5.1 of the Zoning Resolution.
5. That a minimum of 15% landscaping shall be provided within the parking areas in compliance with 14-6.1 of the Zoning Resolution.
6. That parking area landscaping islands shall be installed in compliance with Section 14.6.2(B) of the Zoning Resolution.
7. That all freestanding and building signage shall comply with Article 15 of the Colerain Township Zoning Resolution.

Note: Revisions of the Staff recommendations as approved by the Regional Planning Commission are crossed out if deleted (i.e. ~~deleted by RPC~~) and shown underlined and in uppercase if added (i.e. ADDED BY RPC).

Planning Partnership



HAMILTON COUNTY
Regional
Planning
Commission

ANNUAL MEETING

Friday March 27, 2015

11:00 a.m. to 1:30 p.m.

Lunch Provided

Cooper Creek at the Blue Ash Golf Course

4040 Cooper Road, Cinti., OH 45241
Augusta Room

11:00 a.m. Registration

11:30 a.m. Lunch

11:45 a.m. Program

Free Parking



Keynote Speaker:

Michael Garfield

COO of Mercy Health in Cincinnati

Topic:

**Healthcare, Planning & Public Health:
the Mercy Health Perspective**



Registration Deadline Tuesday March 11, 2014

No charge for official Planning Partnership Representatives.

\$30 for all others and general public.

Fee includes lunch buffet

Checks can be made payable to:

Hamilton County Regional Planning Commission

Please note that we no longer accept credit cards

No reservations will be accepted at the door

RSVP in advance to:

<http://www.hamiltoncountyohio.gov/pd/calendar.asp>

Jay Springer

jay.springer@hamilton-co.org

(513) 946-4459

if needed, an invoice can be provided.

Agenda:

- 11:00 a.m. Registration & Networking
- 11:30 a.m. Buffet Lunch
- 11:45 a.m. WELCOME
- 11:50 a.m. Call Meeting to Order
Pledge of Allegiance
Roll Call of Representatives
Approval of Minutes of Previous Meeting

PRESENTATIONS

- 12:00 p.m. Keynote Speaker - Michael Garfield
- 1:00 p.m. Annual Report of the Planning Partnership & RPC

NEW BUSINESS

- 1:15 p.m. Election of Officers
- 1:20 p.m. Frank F. Ferris II Planning Award
- 1:25 p.m. Closing Remarks
- 1:30 p.m. Adjourn

2015 NOMINATION FORM

Frank F. Ferris II Community Planning Awards

Encouraging excellence in planning has been a role of the Hamilton County Regional Planning Commission since its inception. The **Frank F. Ferris II Community Planning Awards** honor local planning commissions and planning committees that demonstrate excellence in the development and implementation of plans.

Each year's award winners offer proof that the leadership and partnership of local planning commissions and planning committees help create great communities. We invite you to participate in the celebration of the best in planning in Hamilton County by nominating a local planning commission or planning committee whose efforts have contributed to the elevation of planning principles, greater awareness of the value of planning, and improved quality of life.

AWARD CATEGORIES

1. Development of a Plan

A plan that is a significant advancement to the science and art of planning. Entries may include, but are not limited to, comprehensive plans and specialized plans such as: housing plans, capital improvement plans, environmental/resource conservation plans, park and recreation plans, transportation plans, development plans, reuse or redevelopment plans, and economic development plans.

Criteria Role of Local Planning Commissions or Committees

How did the local planning commission or committee play a significant role in the planning process?
How does the success of this effort increase recognition of the planning commission/committee's role in the planning process?

Public Participation

To what extent did the public participate in the effort? How far did the effort go to solicit input from those who historically have been left out of the planning process? How has the nominated effort gained support and acceptance from the public sector?

Collaboration

How and when was the affected population brought into the planning process for this initiative?

Effectiveness/Results

How has the submission addressed the need or problem that prompted its initiation?

Location

Is the nominated plan located within Hamilton County?

Completion within the past calendar year

Was the plan completed during the last 12 months?

Public Sector

Was the planning commission or committee appointed by the local governing body?

2. Implementation of a Plan

Implementation is a significant advancement to the cause of planning. This category emphasizes results and demonstrates how a project, program, or tool implemented a plan. Entries may include such things as regulations and codes, growth management guidelines or ordinances, acquisition efforts, public and private partnerships, or tax abatement initiatives.

Criteria Role of Local Planning Commission or Committee

How did the local planning commission or committee play a significant role in the planning process?
How does the success of this effort increase recognition of the planning commission/committee's role
in the planning process?

Collaboration

To what extent did collaboration between leadership and competing interests lead to implementation?

Effectiveness/Results

How have these results made a difference in the lives of the people affected?

Location

Is the nominated project located in Hamilton County?

Completion within the past calendar year

Was the submission the result of a project, program, or tool that was implemented during the last
12 months?

Public Sector

Was the planning commission or committee appointed by the local governing body?

DEADLINE FOR SUBMISSIONS IS THURSDAY FEBRUARY 26, 2015

The Regional Planning Commission will vote on a winner on March 5, 2015. The winner will be
recognized at the **Planning Partnership Annual Meeting on March 27, 2015** at Cooper Creek Event
Center.

To nominate a project for the Frank F. Ferris II Planning Awards

Please submit 2 copies of the following application and include a **one page brief description** (with graphics
if possible) of the nominated project telling why you feel it warrants recognition based on the award criteria.

Planning Commission/Committee (Nominee): _____

Contact Person: _____

Address: _____

Phone: _____ FAX: _____

Nominations and Questions can be directed to:

Jay Springer
Hamilton County Regional Planning Commission
138 East Court Street, Room 801 Cincinnati, Ohio 45202

946-4459 FAX
946-4475
jay.springer@hamilton-co.org



STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON FEB 05, 2015

**LAND USE PLAN
CASE:**

LUP MIAMI 2015-01

LAND USE PLAN UPDATE

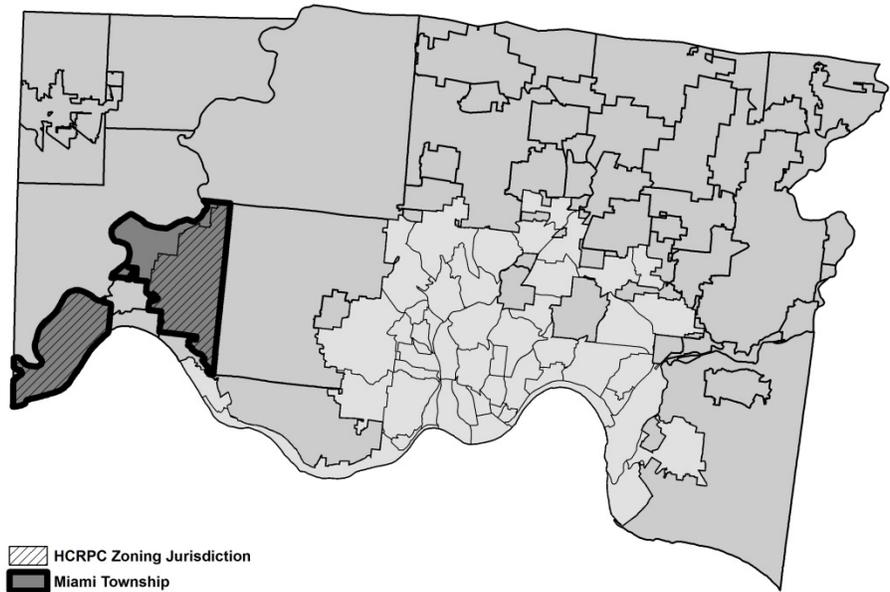
REQUEST: To consider adoption of the 2014 Miami Township Land Use Plan Update

INITIATED BY: Miami Township Board of Trustees

**TOWNSHIP
LAND USE PLAN
HISTORY:**

- Miami Township Land Use Policy and Strategy Plan adopted: 4/27/1993
- Latest Land Use Plan Update adopted: 9/03/2009

LOCATION: Miami Township, Hamilton County



**STAFF
RECOMMENDATION:** **ADOPTION** of the 2014 Miami Land Use Plan Update

BACKGROUND:

The Miami Township Land Use Policy and Strategy Plan was adopted in April 1993 as an effort to address forecasted growth within the unincorporated areas of the Township. The Township's main points of focus were preserving its rural character, improving its capital facilities, extending its zoning, diversifying its tax base, and coordinating with adjacent incorporated areas in planning activity.

The most recent land use plan adoption was considered current through September 2014, at which point another five-year review of the document's text and maps was necessary as per HCRPC bylaws. The review process began in September with primary involvement from the Miami Township Trustees, Land Use Planning Committee, and HCRPC staff. HCRPC staff was contracted by the Township to help facilitate events, create maps, and provide technical guidance as necessary. Following meetings, an open house, and a public hearing, the Trustees approved the final land use plan update on December 29.

Recent development trends in the Township have not required considerable updates to the plan's text. The Trustees and committee felt that the existing document is still relevant to the desired future of the Township. However, Miami Township has proposed additional language concerning the Bridgetown Road / Shady Lane area to reflect a growing commercial presence. The plan's maps have also been adjusted to convey changes in land use and to align everything with current jurisdictional boundaries.

**TOWNSHIP FINDINGS
AND
RECOMMENDATIONS:**

Miami Township has recommended updating the plan to show desired land uses as well as fix discrepancies between jurisdictional boundaries and geographic extents of the land use plan. The most substantial update to the document is the section outlining the plan for Bridgetown Road near its intersection with Shady Lane. The area has developed as the primary commercial center for the Township which now includes a strip center and gas station along with stores and offices.

While it is the desire of the Township to keep a residential character in the area through architectural and design standards, it does see benefit in promoting local-scale commercial development to serve the surrounding community. Recently vacated land along Bridgetown Road across from Jandaracres Drive (where Miami Heights School was located) offers an opportunity for more commercial uses. Rather than waiting for development pressures to incrementally affect the single-family homes between the existing Shady Lane / Bridgeton Road retail area and the prospective Jandaracres Drive / Bridgetown Road retail area, the Township has decided to take a proactive approach to define a coordinated general retail area.

As such, an addendum was added to the existing text of the land use plan to guide commercial expansion and prevent haphazard development. The new text contains several strategies that apply to the whole Bridgetown Road focus area, including already existing retail property. A land use plan map was also added to

illustrate the boundaries of the area impacted by the addendum and to show the desired future uses of the properties within.

**RPC STAFF
FINDINGS:**

Staff has reviewed the proposed 2014 Miami Township Land Use Plan Update and finds the recommended changes to be appropriate. The remaining elements of the plan, which would be readopted with no changes, have guided the Township for the last 5 years and remain valid.

Staff finds that the Bridgetown Road / Shady Lane area addendum and land use plan map are good tools to achieving Miami Township's vision for expansion of neighborhood retail in a controlled, low-intensity manner. The included strategies discuss ways to guide appropriate commercial development along Bridgetown Road that responsibly meets the needs of residential growth in the Township.

A portion of northern Miami Township has not adopted zoning, and therefore is not subject to the Hamilton County Zoning Resolution. A zoning ordinance was created for this area to be considered by voters in 2012, but it ultimately failed. The land use plan did not accurately reflect desired zoning districts at that time which complicated the zoning ordinance's creation; thus, amendments were made to the land use plan map in the area as part of the update process to help guide potential zoning adoption in the future.

Additionally, changes were made in the land use plan map to follow Miami Township's borders more precisely, giving a more accurate representation of where the land use plan bears weight. The current boundaries of Mitchell Memorial Forest, owned by the Hamilton County Parks District, were also updated in the map. Therefore, staff supports adoption of the 2014 Miami Township Land Use Plan Update as submitted by the Township Trustees.

**RECOMMENDED
MOTION:**

To consider adoption of case LUP Miami 2015-01, Land Use Plan Update, as recommended by the Miami Township Trustees.

NOTE: Recommendations and findings prepared by the staff of the Hamilton County Regional Planning Commission reflect the opinions of the staff but may not necessarily reflect the recommendation of any Commission.

Prepared by:



Timothy A. Hawk

Development Services Intern

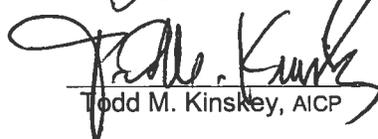
Reviewed By:



Bryan D. Snyder, AICP

Development Services Administrator

Approved By:



Todd M. Kinskey, AICP

Executive Director

LUP AMENDMENTS and FINDINGS
Miami Township Land Use Plan Update
February 5, 2015

Area	Land Use Plan	Land Use Plan	Findings (1)					Rationale for Recommendations (R)
	Adopted	Proposed	A	B	C	D	E	
Bridgetown Road / Shady Lane	Single Family Residence; Transitional Mixed Use; Public, Semi-Public, Inst	Neighborhood Retail; Green Space	X	X		X		R5; R7
Northern Miami Township	Rural Residence; Single Family Residence; Transitional Residence; Heavy Industry; Light Industry; Public, Semi-Public, Inst; Green Space	Rural Residence; Single Family Residence; Multi-Family Residence; Heavy Industry Light Industry; Public, Semi-Public, Inst; Green Space		X		X		R2
Mitchell Memorial Forest	Rural Residence; Single Family Residence; Public, Semi-Public, Inst	Rural Residence; Single Family Residence; Public, Semi-Public, Inst		X				R11

Notes:

- 1) Before any land use plan amendment is adopted by the Regional Planning Commission, the Commission must make a specific finding that one or more of the following apply, and such finding shall be recorded in the minutes and records of the Regional Planning Commission:
 - a) That major changes of an economic, physical, or social nature have occurred within the planning area which were not anticipated in the adopted plan which have substantially altered the basic character of the area; or
 - b) That new information not available when the plan was adopted substantially altered the basis or rationale for a portion of the plan; or
 - c) That major changes have occurred outside the planning area which have rendered parts of the plan unrealistic or unattainable; or
 - d) That detailed sub-area plans have revealed the need for a plan amendment; or
 - e) That the plan or part thereof was inappropriate or improper when adopted and that a sufficient basis exists for admission of a mistake or need for change in adopted plans or policies
- 2) One of the following rationales is also used for justification of any recommended changes.

Rationale for Recommendations (R):

1. Existing land use or zoning district allows uses and intensity that would be incompatible with limited lot size or other site constraints
2. Existing land use or zoning district allows uses and intensity that would be incompatible with and detrimental to adjacent and nearby uses.
3. Existing land use or zoning district allows uses and intensity that, by itself or through cumulative effects, would be inconsistent with or undermine critical elements of the Land Use Plan.
4. Existing land use or zoning district creates undesirable potential for inappropriate redevelopment (on site) to more intensive uses since the district is more permissive than required for existing other appropriate and reasonable uses.
5. Existing land use or zoning district creates undesirable land use patterns since the district, being excessively restrictive, would not enable appropriate development alternatives.
6. Existing land use or zoning district creates undesirable potential for inappropriate zone amendments (off-site) for higher intensity development since the district is excessively permissive compared to adjacent zoning.
7. Existing land use or zoning district lacks standards or incentive for achieving adequate development coordination with adjacent interrelated sites.
8. Existing land use or zoning district lacks standards for allowing reasonable alternative land uses and achieving transitional uses that will effectively terminate the spread of higher intensity uses and conserve adjacent desirable land uses.
9. Existing zoning district is generally appropriate.
10. Existing land use or intensity is generally appropriate.
11. Existing land use or intensity is generally inappropriate

LAND USE PLAN

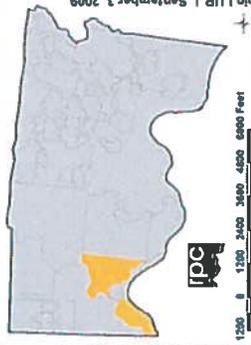
Existing

Land Use Designations

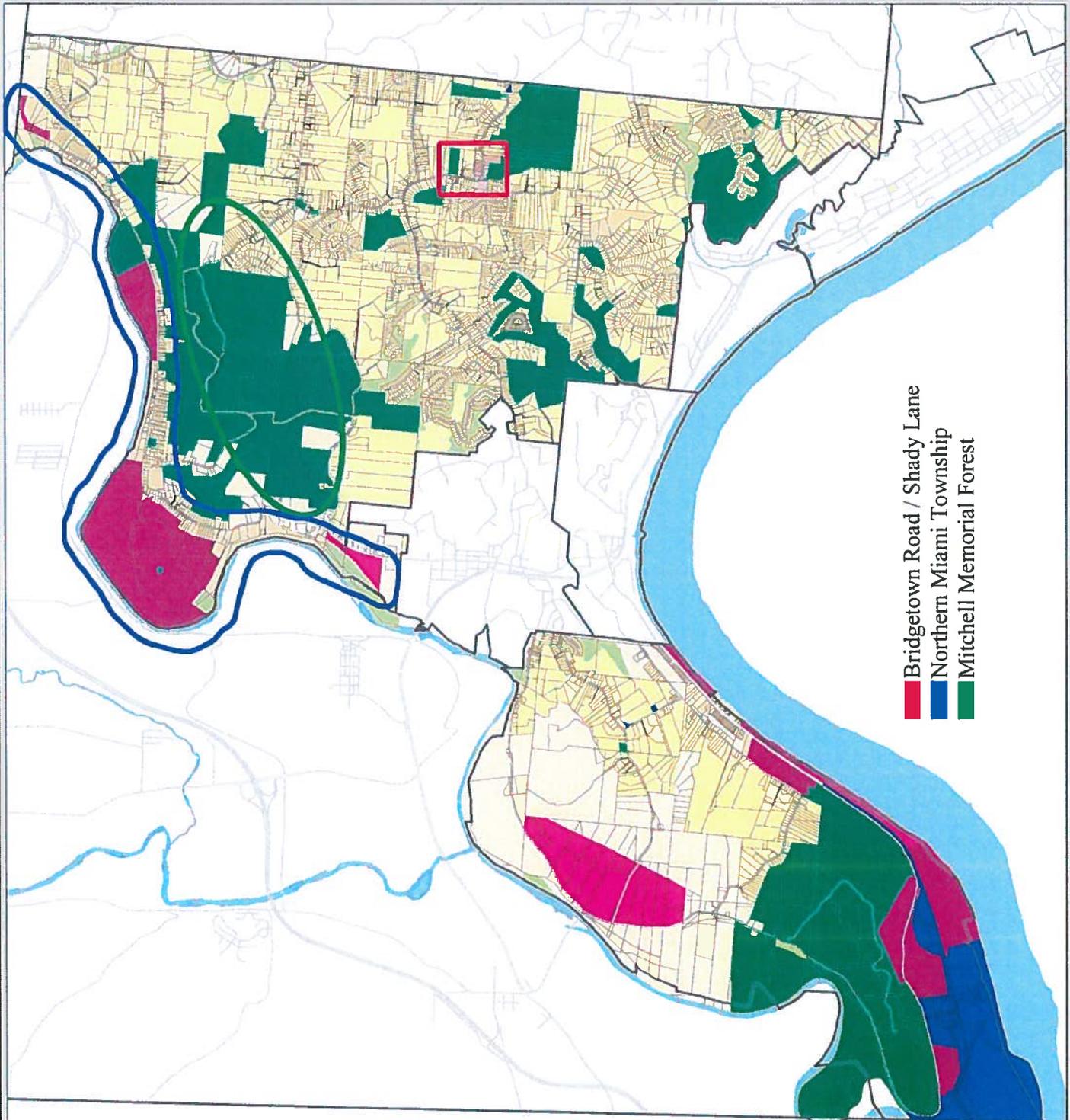
- Rural Residence
- Single Family Residence
- Transitional Residence
- Single Family Cluster
- Attached Single Family
- Multi-Family Residence
- Special Purpose Residence
- Transitional Mixed Use
- General Office
- Retail - Neighborhood
- Retail - General
- Planned Mixed Use Employment
- Industry - Light
- Industry - Heavy
- Public, Semi-Public, Institutional
- Green Space & Agriculture
- Utility

This map was created by the Hamilton County Regional Planning Commission to assist in the administration of local land use regulations. Neither Hamilton County nor the Cincinnati Area Geographic Information System assumes any legal responsibility.

MIAMI TOWNSHIP



Prepared by
The Hamilton County Regional Planning Commission
 JANUARY 2015



- Bridgetown Road / Shady Lane
- Northern Miami Township
- Mitchell Memorial Forest

LAND USE PLAN

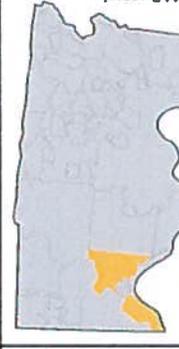
Proposed

Land Use Designations

- Rural Residence
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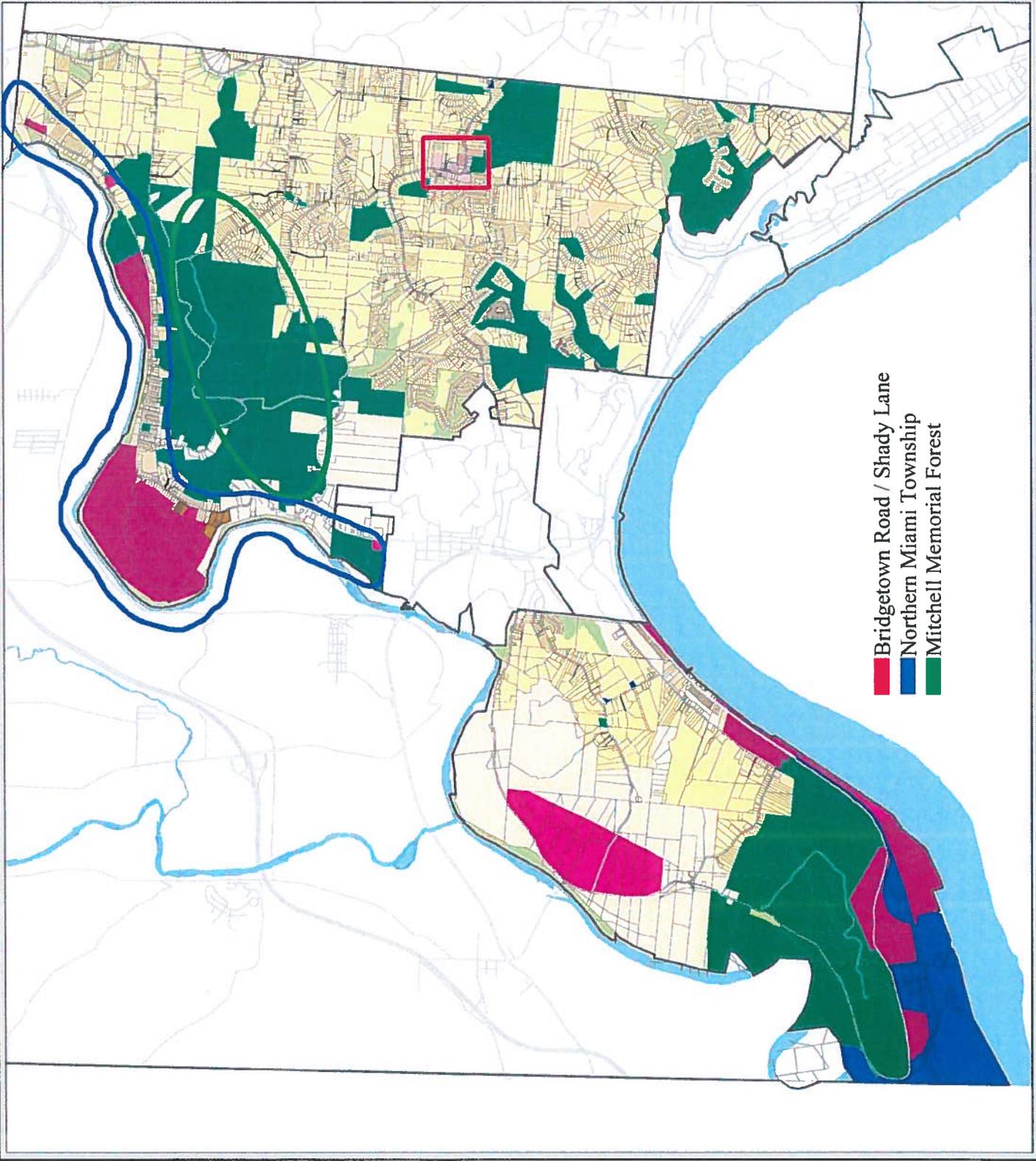
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MIAMI TOWNSHIP

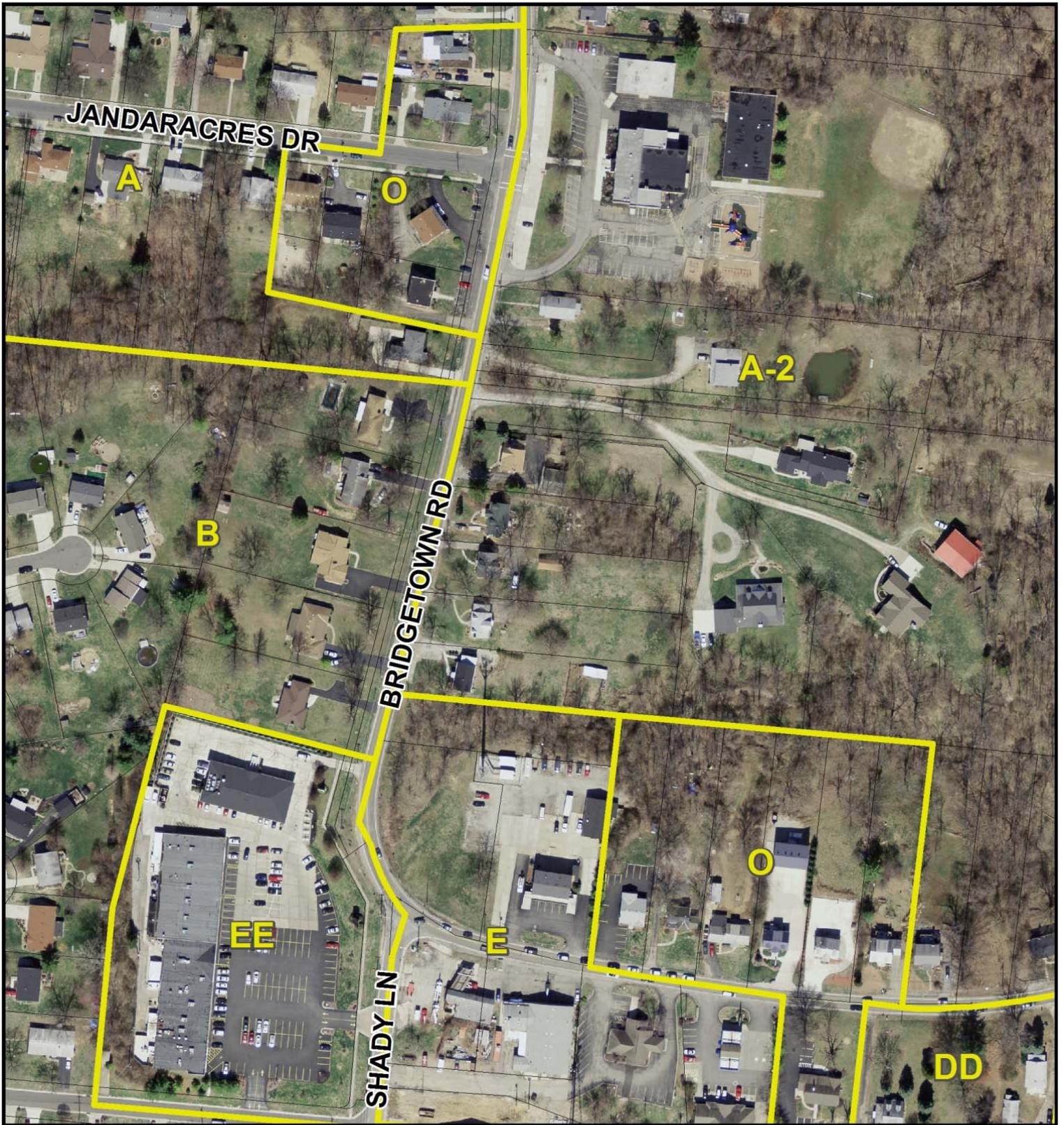


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Prepared by
**The Hamilton County
 Regional Planning Commission**
 JANUARY 2018



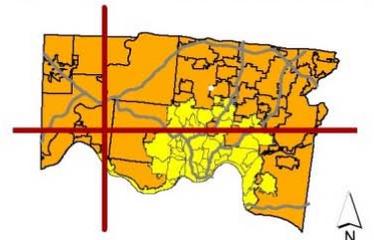
- Bridgetown Road / Shady Lane
- Northern Miami Township
- Mitchell Memorial Forest



VICINITY MAP

Case: LUP MIAMI 2015-01

Request: Land Use Plan Update



Printed: February 5, 2015
 Printed By: Tim Hawk

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LAND USE PLAN

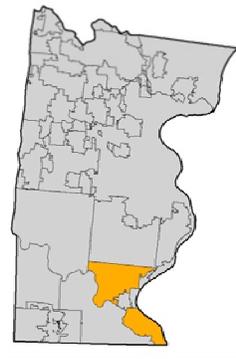
Land Use Designations

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EXISTING

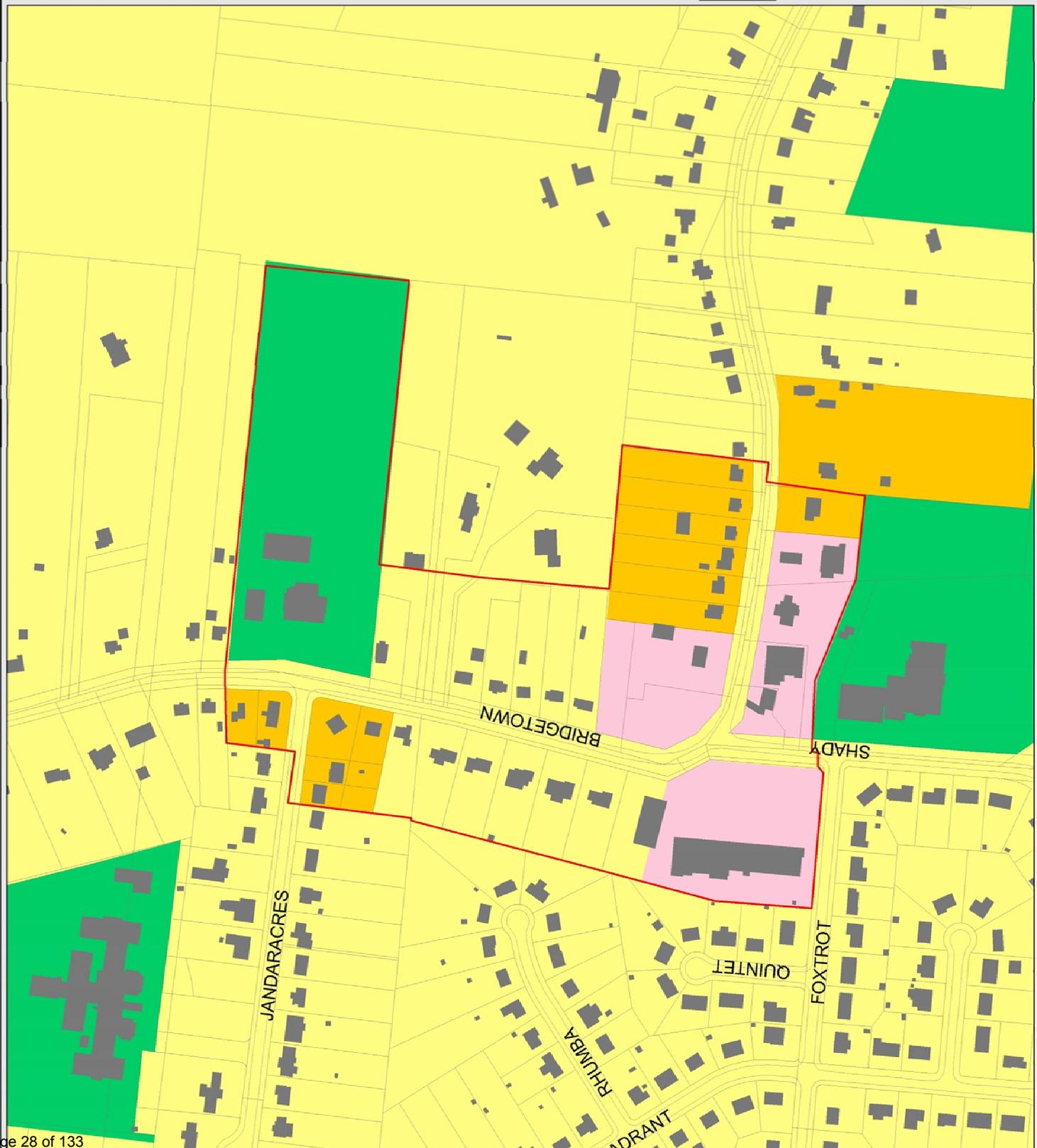
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MIAMI TOWNSHIP



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HAMILTON COUNTY
Regional Planning Commission
Prepared: NOVEMBER 2014



LAND USE PLAN

Land Use Designations

- Rural Residence
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PROPOSED

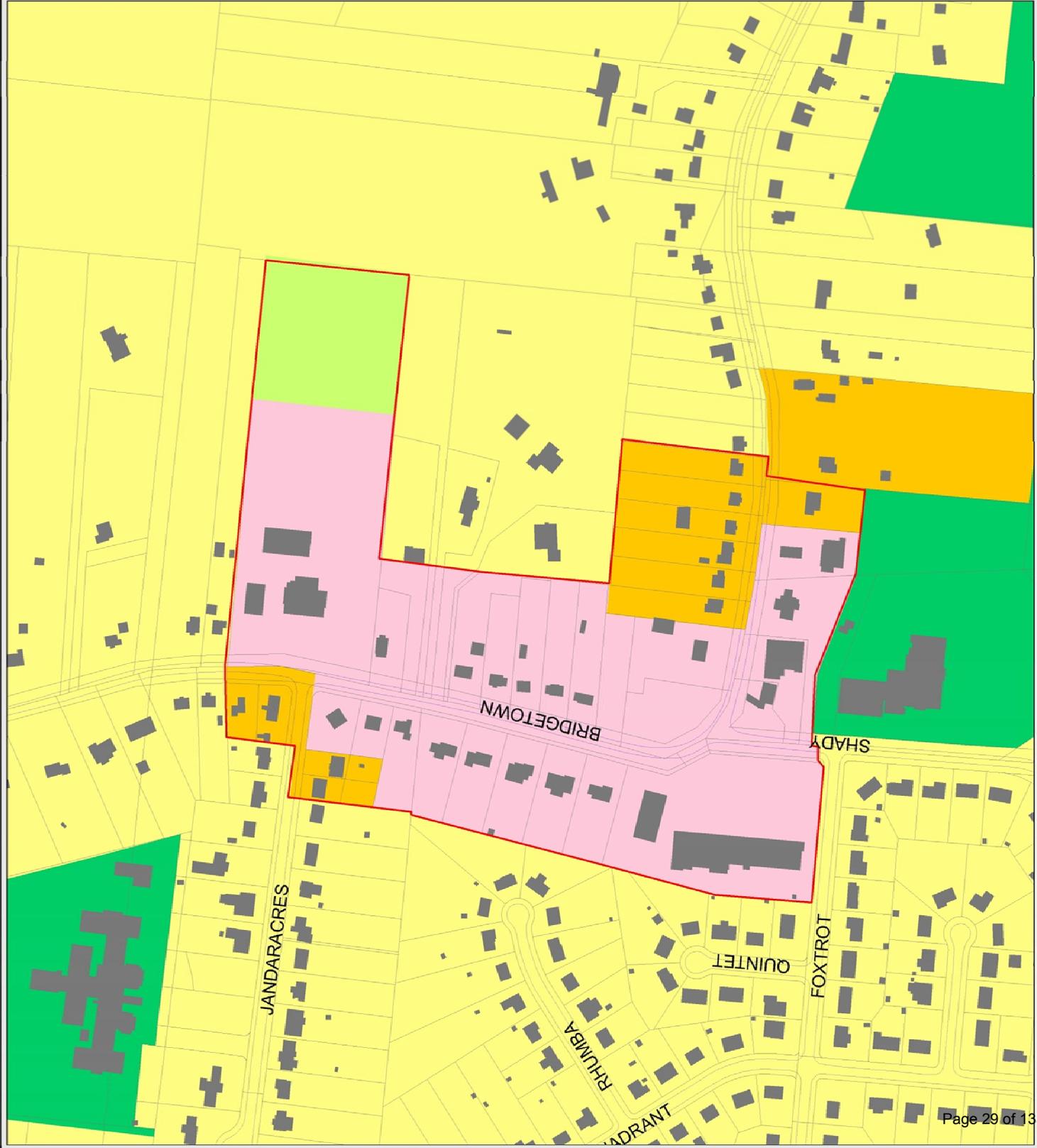
MIAMI TOWNSHIP

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HAMILTON COUNTY
Regional Planning Commission
Prepared: NOVEMBER 2014



PROPOSED LAND USE PLAN TEXT ADDITION

ADDENDUM 1- BRIDGETOWN ROAD/SHADY LANE AREA

1.4 AREA SUMMARY

The Bridgetown Road/Shady Lane Area Plan is part of the 2014 Miami Land Use Plan Update which began in September 2014 and was completed in November 2014. The Bridgetown Road/Shady Lane Area is the primary retail center in the unincorporated portion of Miami Township. Retail structures in this area date from the 1950s (existing pharmacy building). Substantial residential growth has fueled increased demand for retail resulting in the construction of a strip center (updated in 2000), bank (1991), convenience store/gas station (1993), automotive uses (1966, 1981) and conversion of residencies to office uses. A school district consolidation project yielded a developable parcel to the north of the existing retail area. The site on Bridgetown Road east of Jandaracres Drive created an opportunity to expand the retail area to meet existing and future demand, diversify Township land uses and enhance the quality of life of Township residents.

1.2 STUDY AREA

The study area includes all property having frontage on Bridgetown Road from Jandaracres Drive, to 7525 Bridgetown Road. The study area also includes property on Shady Lane between Bridgetown Road and Foxtrot Drive.

It is the intent of this plan to create a defined retail area that will not see further expansion in the future. If in the future there is a market for additional commercially zoned property, the Township will consider the creation of a new area rather than the extension of the Bridgetown Road/Shady Lane Area to avoid creating a commercial strip along Bridgetown Road.

1.3 AREA STRATEGIES

The overall concept of the Bridgetown Road/Shady Lane Area Plan is to preserve the residential character of the area while allowing low intensity commercial uses to enable appropriate development alternatives.

The portion of the Bridgetown Road/Shady Lane Area between Jandaracres Drive and the existing retail uses at the Shady Lane intersection will likely transition from primarily residential uses to retail as they experience development pressure from the existing retail area at Shady Lane and the existing office designated properties at Bridgetown Road and Jandaracres Drive. The strategy to maintain the residential character of the area, mentioned above, does not reflect a desire to encourage single-family home conversion to commercial use. Rather, developments in this portion of the area should include new construction that maintains a residential character. Due to the small size and limited depth of the majority of properties in this section of the area, new developments should also include the consolidation of several parcels to provide enough space so that they can be adequately buffered from existing residential uses. In addition to these considerations, commercial developments throughout the area should be consistent with the following:

1. Provide streetscape landscaping that meets or exceeds the requirements of the Hamilton County Zoning Resolution along Bridgetown Road and additional landscaping along secondary residential streets to achieve a transition from Bridgetown Road to the front yard setbacks of adjacent residential homes.
2. Provide additional buffering for single-family homes behind development parcels fronting on Bridgetown Road, including consideration of landscaped mounding, privacy fencing, and/or additional landscaping.

3. Building materials, roof styles, and building orientations should be consistent with the residential character of other existing developments in the Bridgetown Road/Shady Lane Area (i.e. brick facades with stone, stucco or wood/vinyl used for architectural details only, pitched roofs, façade variations and articulations, and entrances oriented towards Bridgetown Road or Shady Lane)
4. Access easements should be provided, where feasible, between compatible developments in the area to enable connection of parking areas and to limit the number of curb-cuts.
5. Sidewalks should be constructed along the west side of Bridgetown Road to connect to the existing sidewalks on Jandaracres and at the Bridgetown Road/Shady Lane intersection.
6. Signage should be limited to one ground-mounted sign per development with a maximum of 50 square feet in area and 12 feet in height and where a landscape area is provided around the base of the sign.
7. Generally, larger, more intense commercial development sites (i.e. sites more than 1 acre, buildings greater than 10,000 square feet, Floor Area Ratio higher than 30%) should be encouraged to provide greater amounts of open space, landscaped drainage areas and landscaped islands within parking lots rather than maximizing the amount of building and parking area on the site.
8. Smaller developments (i.e. sites smaller than 20,000 square feet, lots narrower than 100 feet in width, developments containing fewer than 4,000 square feet of building area) are not encouraged in the area and consideration should be given to consolidating parcels and potential development proposals to encourage larger redevelopment sites.
9. The conversion of single family residences for multi-family or retail use should be discouraged and conversion of single-family homes for office use should only be considered where two or more parcels are included in a development site with a consolidated access plan to provide for reduced curb cuts onto Bridgetown Road.
10. Large expanses of parking area and lots that include more parking spaces than the minimum number required by the Zoning Resolution should be strongly discouraged. Stormwater best management practices such as filter strips, bio infiltration swales, tree infiltration beds, etc. should be used to breakup large expanses of parking spaces.
11. The appropriateness of any use other than single family should be considered only after submittal of a landscape buffer plan that adequately screens the detrimental impacts of commercial uses and related vehicular use areas if the proposed use will abut a single family use or zone district. Such review should occur only through the Planned Unit Development process. The development plan should provide for coordinated development of parcels adjacent to the existing retail center at Bridgetown Road and Shady Lane and the office designated properties at Bridgetown Road and Jandaracres Drive to avoid leapfrogging existing single family parcels.

These characteristics can be achieved through implementation of zoning amendments consistent with the above strategy statements and the specific land use recommendations depicted graphically on the Land Use Plan Map found at the end of this Section.

Due to the potentially changing nature of the Bridgetown Road/Shady Lane Area, the township may consider the completion of a detailed area study for this area in the future. Such study, if completed, should be consulted as part of the review for any development within the Bridgetown Road/Shady Lane Area.

1.4 CERTIFICATE OF PLAN ADOPTION

The final stage in the approval process is Hamilton County Regional Planning Commission adoption of land use plans. The Certificate of Plan Adoption for the Miami Township Land Use Plan Update – 2014, including the Bridgetown Road/Shady Lane Area Plan, is on file at the offices of the Hamilton County Regional Planning Commission.



STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON FEBRUARY 5, 2015
FOR CONSIDERATION BY THE RURAL ZONING COMMISSION ON FEBRUARY 19, 2015

**ZONE
AMENDMENT
CASE:**

HARRISON 2015-01

HARRISON AVENUE CAR LOT EXPANSION

REQUEST: FROM: "A SPI-SC" Residence
TO: "EE SPI-SC" Planned Retail

PURPOSE: To demolish a residence and expand an adjacent auto sales display area

APPLICANT: James Ritter, Professional Design Associates (applicant); TT Projects LLC/Marilyn Bourquein (owner)

LOCATION: Harrison Township: 9902 Harrison Avenue, north of the intersection of Old Harrison Avenue and Harrison Avenue (Book 560, Page 50, Parcels 42 & 128)

SITE DESCRIPTION: Tract Size: 0.53 acres (net)
Frontage: 125 feet on Old Harrison Avenue
Topography: Flat
Existing Dvlpmt: Single-family residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	"B-4" (City of Harrison) and "A SPI-SC" Residence	Interstate 74
South:	"A SPI-SC" Residence	Undeveloped
East:	"A SPI-SC" Residence	Single-family
West:	"E SPI-SC" Retail	Hirlinger Used Cars

ZONING JURISDICTION: Hamilton County Commissioners

SUMMARY OF RECOMMENDATIONS: **APPROVAL with Conditions**

PROPOSED USE: The applicant is proposing to use an existing single-family home site for the purpose of expanding the existing auto sales display area on the adjacent commercial site to the west (Hirlinger Used Cars- 9912 Harrison Avenue). A 45-space parking lot has been proposed with one driveway onto Old Harrison Avenue. A 30-foot cross-access easement proposed to the property to the south to provide future cross-access should the adjacent site redevelop as commercial in the future. Two 15-foot tall, double-mounted pole lights have been proposed on 3-foot concrete bases within the parking lot. A 4-foot chain link fence has been proposed behind the streetscape buffer along the front row of parking along Old Harrison to connect to the existing chain link fence on the site to the west and a 6-foot vinyl privacy fence has been proposed behind the boundary buffer along the eastern property line. No signage has been proposed and the impervious surface ratio for the site would be 71%.

ZONING PETITION HISTORY: The site is part of a SPI overlay district that was approved in 2003. The SPI district designation provides special regulations for development that occurs within its area.

STAFF REVIEW CONFERENCE: A Public/Staff Review Conference was held at 7:00 pm on November 20, 2014, at the Harrison Township Civic Center. The meeting was attended by the property owner, civil engineer, township officials, and the two adjacent residents to the south. Issues raised at the meeting included the southern boundary buffer, existing trees to be cleared, privacy fencing, right-of-way dedication, and lighting concerns.

ANALYSIS: **Land Use Plan Consistency**

Applicable Policies and Recommendations: The Regional Planning Commission has an adopted a Land Use Plan for Harrison Township. The adoption and review history of the Plan is as follows:

- RPC Initial Adoption: February 2001
- Last Land Use Plan Update Approved: December 2012

Findings:

- *The Harrison Township Land Use Plan Map designates the site as “Planned Mixed Use Employment Area”, which is defined as developments containing some combination of office, retail, light industrial or compatible uses developed with a consistent theme and containing architectural, landscape, streetscape, and signage standards. Typically a campus-style planned development with multiple uses that are created in separate buildings or within single buildings, sharing a common image and circulation system.*
- *The proposal is an orderly expansion of an adjacent existing retail use, is not at a scale that would allow for a campus-style development and contains no buildings.*
- *Therefore, staff finds that the proposed planned retail zoning would be consistent with the adopted Land use Plan Map.*
- *The Land Use Plan was completed as part of the Harrison Township 2020 Comprehensive Plan, which contains specific Land Use Strategies for certain areas and sites.*

- *The proposed development is part of Site No. 30 of the Land Use Plan, which covers several lots between I-74 to the north and Old Harrison and Harrison Avenues to the south on both sides of the Dry Fork Road interchange. The strategy for this area (Strategy 2) states: “Concentrate planned mix use employment development south of I-74 including the area known as the Harrison Township Commerce Center and along Dry Fork Road north of I-74”.*
- *Part of the rationale for this strategy includes increasing the tax base of existing commercial uses in the area to enhance community identity, services and facilities easily accessible to the expressway.*
- *The proposed development would be an expansion of an existing used car dealership that currently has easy access to the expressway as it is on the southeast corner of the I-74/Dry Fork Road interchange. The proposal would also provide ample screening from the existing residences to the east along Harrison and would provide cross-access to this area in accordance with the SPI regulations should these sites redevelop as commercial in the future. Staff recommends this cross-access be required as condition of approval.*
- *Therefore, staff finds that the proposal is consistent with Land Use Plan Map and text of the Comprehensive Plan.*

**RECOMMENDED
MOTION:**

To accept staff findings that consistency with the adopted land use plan is required and that the zone amendment can achieve consistency with the adopted land use plan.

ANALYSIS (CONT.):

Thoroughfare Plan Consistency

Applicable Policies and Recommendations: The Hamilton County Thoroughfare Plan designates Old Harrison Avenue as a Local Road with a required right-of-way of 60 feet (30 feet from centerline).

Findings: *The site currently has 36 feet of right-of-way from centerline. Therefore, no additional dedication is needed.*

Zoning Compliance

The site plan meets the minimum standards of the Hamilton County Zoning Resolution and the “EE SPI-SC” Planned Retail Special Public Interest district, with the following exceptions.

Section 12-6.4 – Parking Lot Interior Landscaping

This section states that development is required to provide 286 sq. ft. of parking lot landscape area with a minimum of 2 canopy trees and 6 shrubs.

Findings: *The applicant has indicated compliance with the shrub planting requirement within two peninsulas adjacent to the driveway but has requested that the two required canopy trees be waived as they would be adjacent to a drywell and would impede snow plowing in the rear of the site where a landscape island could be accommodated. Staff recommends this requirement be met as there are other*

areas of the site away from the drywell that could contain the required trees. Trees could be added in the area of the propose shrubs alongside the driveway or within peninsulas in the rear or eastern row of parking.

Section 12-7 – Outdoor Lighting

This section states that a maximum illumination of 0.5 footcandles is permitted at all property lines.

Findings: *The applicant proposed to exceed this requirement along the Old Harrison Avenue right-of-way to the south, western property line adjacent to the existing car lot, and I-74 right-of-way to the north. Staff supports a variance to the western property line as the site in question and the adjacent site should be treated as one for the purpose of lighting as the proposed development is an expansion of the adjacent site. The applicant has stated that lot has an irregular shape and that the proposed 1.6 footcandle level adjacent to I-74 will not be distinguishable. However, staff does not support a variance to the lighting requirement along either right-of-way because the proposal is a new development and there is no reason lighting cannot be modified to meet this requirement. Staff recommends a lighting plan in compliance with the requirements of the Zoning Resolution along each right-of-way be submitted as part of the Zoning Compliance Plan.*

CONCLUSION:

Based on the above findings there is sufficient reason for staff to support the request. The proposal is consistent with the Harrison Township Land Use, Comprehensive Plans and Thoroughfare Plan. With interior parking lot landscaping and lighting levels along each right-of-way in compliance with the Zoning Resolution, staff finds that the development would be appropriate in this location.

RECOMMENDED MOTION:

To find consistency with the adopted land use plan and to recommend approval of case Harrison 2015-01; Harrison Avenue Car Lot Expansion, a request for zone amendment from “A SPI-SC” Residence to “EE SPI-SC” Planned Retail subject to the standard covenants for planned districts and the following conditions and variance:

Conditions:

1. That a 30-foot access easement for future vehicular use shall be identified to the eastern property line to permit the adjacent property to connect through the subject site to Old Harrison Avenue to be effective if/when this adjacent property is developed as commercial.
2. That a landscaping plan in compliance with Sections 12-6, 14-7 and 14-8 of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
3. That a lighting plan in compliance with Section 12-7 of the Zoning Resolution and Variance #1 shall be submitted as part of the Zoning Compliance Plan.

Variance:

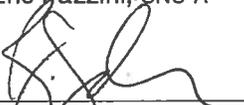
1. Section 12-7.2 – That there be no maximum illumination level on along the western internal property line where a maximum illumination level of 0.5 footcandles is required.

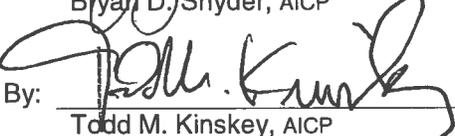
**AGENCY
REPORTS:**

Dept. Public Works (DPW):	Conditionally Approved
City of Harrison Sanitary Sewer:	Report not yet received
Fire Prevention Off. (FPO):	Report not yet received
Cincinnati Water Works (CWW):	Report not yet received
H. C. Soil & Water (HCSW):	Approved
Hamilton County Engineer (HCE):	Right-of-way per Collector
Twp. Trustees (TT):	Report not yet received

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared By:  Senior Planner
Eric Fazzini, CNU-A

Reviewed By:  Development Services Administrator
Bryan D. Snyder, AICP

Approved By:  Planning & Development Director
Todd M. Kinskey, AICP

SITE PHOTOS



View northwest down Old Harrison Ave from southern property line of site



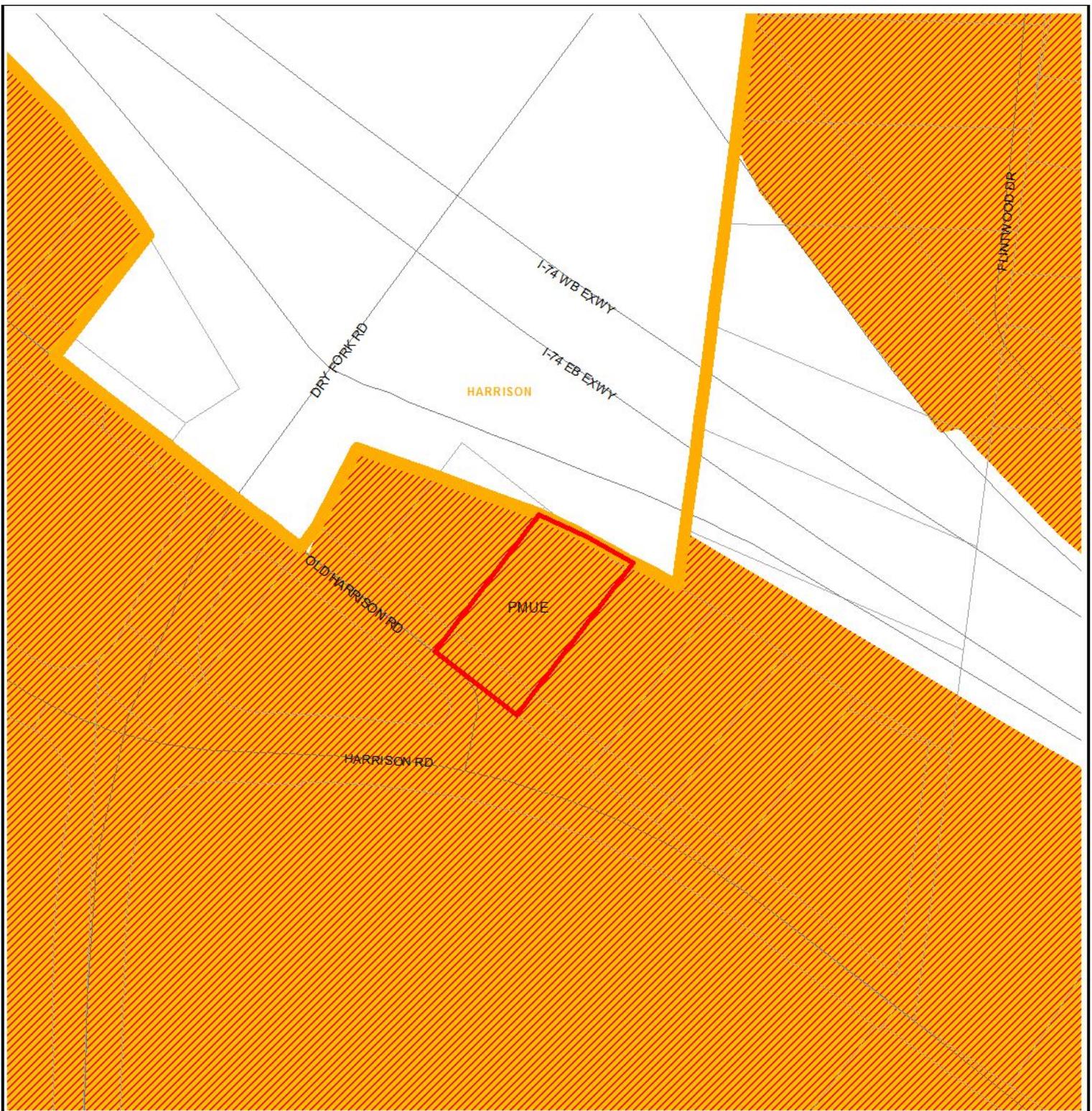
Site in question looking north towards I-74



Looking southeast towards adjacent residences



Looking southwest at intersection of Old Harrison Ave and Harrison Ave



Land Use Plan Legend:

- | | |
|--|--|
|  Rural Residence |  Retail - Neighborhood |
|  Single Family Residence |  Retail - General |
|  Transitional Residence |  Planned Mixed Use Employment |
|  Single Family Cluster |  Industry - Light |
|  Attached Single Family |  Industry - Heavy |
|  Multi-Family Residence |  Public, Semi-Public, Institutional |
|  Special Purpose Residence |  Green Space & Agriculture |
|  Transitional Mixed Use |  Utility |
|  General Office | |

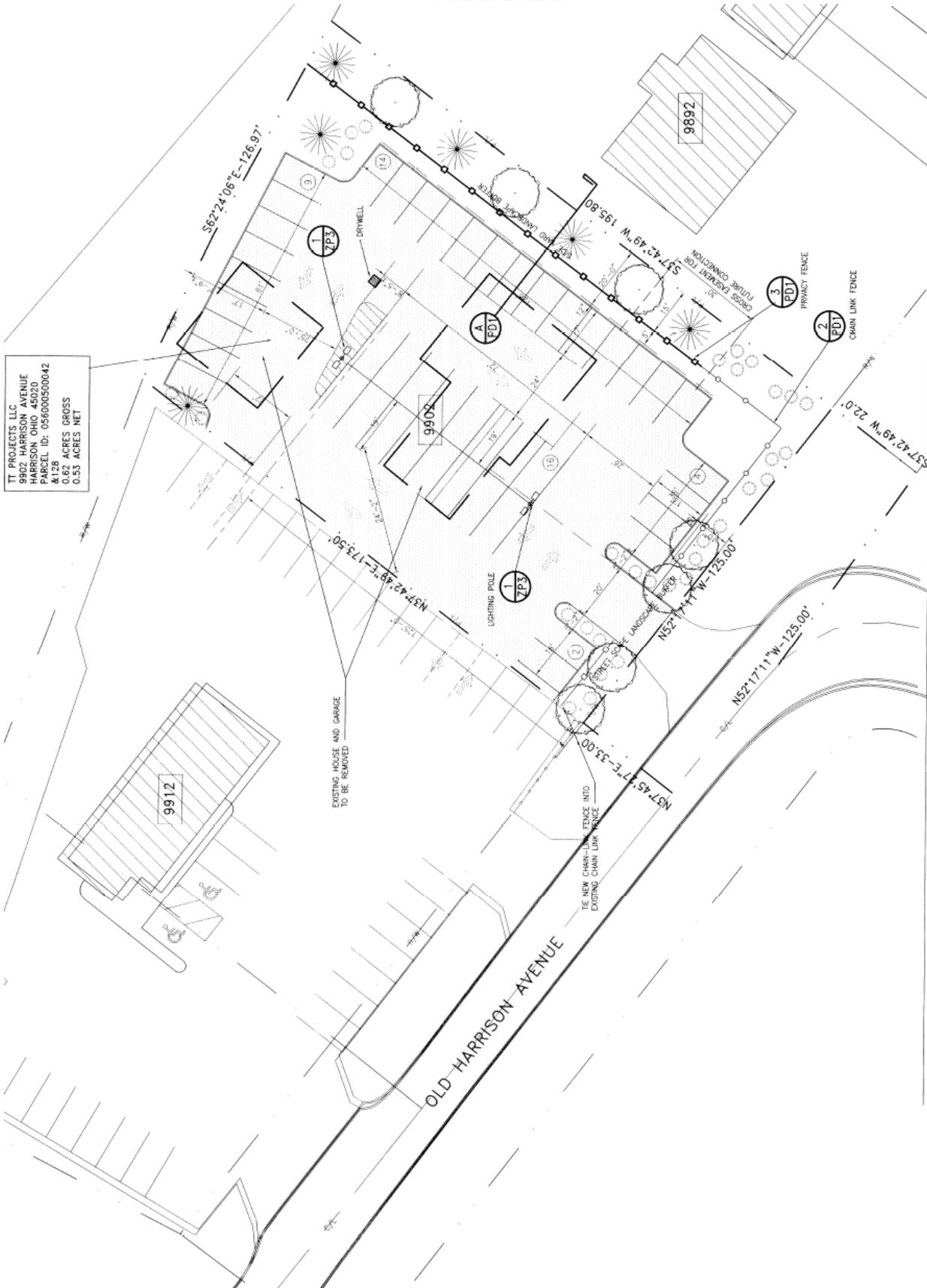
Harrison Township Land Use Plan Map

ZONE CASE: Harrison 2015-01



THE HAMILTON COUNTY
RPC Regional Planning
Commission 01/27/2015

SITE PLAN



TT PROJECTS LLC
9902 HARRISON AVENUE
HARRISON OHIO 45020
PARCEL ID: 056000500042
& 128
0.62 ACRES GROSS
0.53 ACRES NET

PROPOSED SITE & LANDSCAPING PLAN
SCALE 1" = 20'-0"

LIGHTING PLAN



APPLICANT LETTER



PROFESSIONAL DESIGN ASSOCIATES INC

architects - engineers - planners

January 23, 2015

Hamilton County Planning & Development Department
138 E Court Street, Room 801
Cincinnati, Ohio 45202-6202



HAMILTON COUNTY
PLANNING & DEVELOPMENT

**RE: ZONE CHANGE AT 9902 HARRISON AVENUE
HARRISON, OHIO 45030**

Dear Board Members:

TT Projects LLC, owned by Ms. Marilyn Bourquein is the owner of the property at 9902 Harrison Avenue. She is also the owner of the property at 9912 Harrison Avenue which is directly to the west of the parcel under consideration. The parcel directly to the west is leased to Hirlinger Chevrolet by Ms. Bourquein, and is used for the display of autos and as a sales center. Due to Hirlinger Chevrolets active business they are looking for more space to show and park automobiles.

Ms. Bourquein would like to assist Hirlinger Chevrolet's expanding business by altering the property at 9902 Harrison Avenue into an added parking and display area. In order for an expansion to take place a zone change is required, thus this application is being submitted for consideration. We are requesting a Zone change from "A-SPI-SC" to "EE-SPI-SC".

The existing property is a single family residence on a .53 acre lot. The house was built about 1949 and is in reasonable condition considering its age. The house has been vacant for approximately one year, has encountered some vandalism and was previously the house was used as a rental unit.

The Dry Fork/I-74 area has seen rapid commercial development during the last five years. Hirlinger Chevrolet has remodeled their sales building; the convenience store has been rebuilt and improved; the sandwich shop has been added onto; and commercial development is in the planning stages on multiple parcels in the area.

This parcel at 9902 Harrison Avenue and three adjacent parcels to the east have been identified in the Hamilton Land Use Plan as probable commercial uses and worthy of zone change consideration. This makes sense; as these parcels are on a spur of old Harrison Avenue that was left over as a result of the reconfiguration of Dry Fork Road, Harrison Avenue, and I-74.

14-258

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Hamilton County Planning & Development Department
January 23, 2015
Page 2

9902 Harrison Avenue and the three adjacent parcels abut I-74 to the north and the Harrison Avenue spur to the south. To the west is the heavily trafficked Dry Fork Road interchange, to the east is an electrical contractor's shop and offices. Thus the four residential parcels are surrounded by commercial development and a freeway.

In time the 9902 Harrison Avenue property will become commercial use and the other three houses will eventually become commercial use as this is no longer a residential neighborhood.

The proposed zone change would allow for an expanded parking area for Hirlinger Chevrolet. The construction of a new parking lot with the proper landscape buffers along the street and to the residential parcel to the east, would allow for controlled development according to the Hamilton County Zoning Codes.

It should be noted that we are requesting a waiver for the landscape island adjacent to the drywell. Over time landscape materials can clog the drywell, also the landscape island in the middle of this small parking lot hampers snow plowing. A close review of the lighting shows a number of spot lighting levels exceed 0.5 foot candles at the lot perimeter. This is a normal condition of a computer program with a predetermined light fixture on an irregular shaped lot. The human eye cannot distinguish between 0.5 foot candles & 1.6 foot candles on an exterior parking lot adjacent to a freeway; thus we are asking for consideration on this matter.

The proposed zone change will not alter the character of the neighborhood and seems to be a logical expansion of the ongoing development of the Dry Fork/I-74 interchange.

Hopefully the need for a zone change has been properly explained for your consideration. We look forward to your questions and input.

Sincerely,
PROFESSIONAL DESIGN ASSOCIATES, INC.



James T. Ritter, Architect (OH #5932 exp. 12/31/15)
President

JTR/ds

14-258





HAMILTON COUNTY

Regional Planning Commission

STAFF REPORT

FOR CONSIDERATION BY REGIONAL PLANNING COMMISSION ON FEBRUARY 5, 2015

**TEXT
AMENDMENT
CASE:**

DELHI ZC2015-02

TEXT AMENDMENTS

INITIATED BY: Delhi Township Zoning Commission

REQUEST: To amend the Delhi Township Zoning Resolution to replace Article 14 – Parking and Loading Regulations and Article 31 – Signs with new versions of each article and to include other minor amendments to other sections of the Resolution

PURPOSE: To replace existing parking and signage chapters with new parking and signage chapters, including new regulations and graphics, and to include other minor changes to definitions and references

**SUMMARY OF
RECOMMENDATIONS APPROVAL**

**PROPOSED
AMENDMENT:**

The Township is proposing to amend the Zoning Resolution to provide new parking and signage regulations, reorganize existing parking and signage regulations, adjust the definition of shopping center, and fix references within the code. These text amendments were initiated by the Delhi Township Zoning Commission on January 21, 2015 and submitted to RPC for review the following day. The proposed amendments, attached at the end of the report, indicate that the entire parking and signage chapters of the Zoning Resolution are being removed and replaced. However, the actual changes mostly include reorganizing existing language from both chapters.

The substantive changes to the parking chapter include addition of applicability standards, alternative parking options, streetscape buffer requirements, maintenance requirements, access management regulations, bicycle parking requirements, lighting regulations, a revised table of required parking calculations, and other general development guidelines. The changes to the signage chapter include applicability standards, reorganization and simplification of signage regulations in various commercial and industrial districts, measurement rules, lists of signs permitted without a permit and prohibited in all districts, reduction of the permitted pylon sign height from 45 feet to 25 feet in all commercial and industrial districts, and other general construction and maintenance standards.

ANALYSIS:

The staff of the Regional Planning Commission has reviewed the proposed text amendments and finds that generally, the proposed amendments would be an improvement to the existing regulations. Staff has also identified several issues identified below.

Findings for Article 14 – Parking and Loading Regulations

- Sections 142-1 (E) & (F) create new streetscape buffer requirements along all frontages and continue a requirement for screening along property lines adjacent to residential districts. The addition of a specific streetscape buffer requirement would be an improvement over existing regulations. However, there are no specifics as to type or amount of landscaping required in either buffer area, in addition to other mentions of landscape requirements elsewhere in the article. The streetscape buffer includes a list that allows grass or other materials. This could result in the argument that grass is all that is required to be considered a landscaped area. In addition, since these requirements are in the parking chapter, they would only apply to screening for parking lots specifically. The township may want to pursue the creation of a separate streetscape and boundary buffer chapter that could include specific buffering requirements and clarify required buffer locations.
- Section 142-6 (C) and 142-8 relate to outdoor dining/seating areas and dumpsters. Both of these are generally considered as accessory uses rather than parking and loading uses. Outdoor seating is generally located adjacent to a building and not within a parking lot and dumpster enclosures are generally considered as structures not related to the requirements for parking lots. Both of these uses would better be placed in a new Accessory Use article or included in the existing General Provisions article.

- Section 143-6 (B) creates “Other Eligible Alternatives” for the required number of off-street parking spaces. However, the language of this section allows the zoning inspector to permit alternatives to the provision of required off street parking spaces if the applicant demonstrates that the proposed parking plan “would do at least as good a job” of accomplishing a list of goals that would otherwise result from strict compliance with the required parking standards. This gives the zoning inspector the ability to essentially grant a parking variance depending on subjective compliance with non-specific goals. This could open the township up to lawsuits and claims that the decision to grant or not grant reduced parking was made arbitrarily and not in accordance with any codified standards. Delhi Township legal representation should review this issue specifically prior to adoption.
- Section 143-7 (E) (v) states that the township may require the owner of a property to provide acceleration and/deceleration lanes where such improvements are necessary. It is questionable whether or not the township has the authority to unilaterally require off-site improvements within public rights-of-way. This is a power generally left to the discretion of the Hamilton County Engineer to enforce as part of the traffic impact study review and approval process. Township legal representation should also review this issue prior to adoption.

Findings for Article 31 – Signs

- Section 313-1 (C) states that the sign area for a sign with more than one face shall be computed by adding together the area of all sign faces. However, the standard for measurement of signs states that the area is calculated per side for a two sided sign. The intent of this section should be clarified.
- Section 316-6 in the list of prohibited signs states: “Off-premises signs, unless otherwise expressly permitted. Billboards are permitted per ORC.” The existing code states that Outdoor Advertising is considered a business use and permitted in the retail and industrial districts. However, there is no mention of outdoor advertising in these specific articles or in the sign chapter. There are currently no regulations for the maximum height, area, or spacing of billboards. The inclusion of the language proposed above for this new section would also not include any regulations for billboards. The township may want to consider adoption of specific standards for the regulation of billboards in the future, including maximum size, area, and minimum spacing requirements to prevent the continued over concentration of these uses.
- Section 318-1 (C) (ii) states that one monument sign may be permitted for any nonresidential use in a residential zoning district. This language was most likely intended to permit signs for churches, schools, and other permitted institutional uses. However, as it reads, the section may also be used by nonconforming businesses in residential districts to argue that they too can erect new monument signs as they could be included in “any nonresidential use.”
- Section 318-2 (B) includes the permitted wall signs for nonresidential districts. However, no maximum size or calculation for permitted wall signage is included in this section. This appears to be a mistake as maximum size is currently included in the existing code.

- Sections 318-2 (C) & (D) include provisions for monument signs and pole signs in nonresidential districts. However, the way these sections are written, they may mistakenly indicate that one monument sign and one pole sign are permitted where the intent is to allow one or the other. The existing sign regulations clearly state that a pole sign may be permitted as an alternative to a permitted monument sign. Similar language should be included to clarify the intent of one sign per property.
- The above sections also indicate lighting that employs “motion or intermittence” is permitted for monument or pole signs. The intent of this language is unclear as it could allow strobe-effect lighting or could be used to indicate that moving images on electronic signs are permitted. The intent of this language should be clarified.
- Section 318-2 (E) indicates that directional signs may be 10 square feet in size. This is large for a directional sign, as they are typically regulated at 4 or 6 square feet in area, and it is unclear whether commercial logos are permitted on these signs. There is a concern that business owners may use this section to allow what amounts to additional freestanding signage.
- Section 319-2 (C) would allow temporary signs to be displayed no more than 90 consecutive days without being removed or replaced. Allowing the signs to be replaced every 90 days would allow a “temporary” sign to be located on a premises continually as long as it is replaced every 90 days.
- Section 320-2 states that the Township “shall remove or cause to be removed” any sign from the public right-of-way. There are two issues with this section. First, the legality of the township removing signs from the right-of-way should specifically be reviewed by township legal representation. Second, nonconforming signs within the right-of-way are generally permitted to remain unless a change occurs to the sign that requires the sign to comply. The intent of this section should be clarified to specifically exempt or include nonconforming signs from the removal requirement.
- In addition to the above issues, staff also finds that the township should consider the addition of standards for electronic signs. As proposed, it appears that electronic signs would be permitted in the retail and industrial districts. However, there are no specific standards for electronic message centers or digital signs. The Township may want to consider inclusion of clear language as to where these type of signs are permitted and standards for message display time, change of copy type and time limitations, maximum illumination, video and scrolling/movement prohibitions, auto dimming photocell requirements, etc.

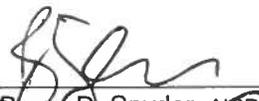
CONCLUSION:

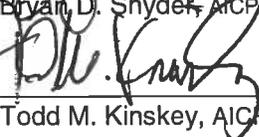
Generally, staff finds that the proposed text amendments would result in an improved set of development regulations that specifically enhance the signage and parking regulations. Staff finds that the issues identified above should be reviewed by township staff and legal representation prior to final adoption. However, the proposed amendments would be an overall improvement to the Delhi Township Zoning Resolution. With this review completed prior to adoption, staff finds that the proposed text amendments would be appropriate.

**RECOMMENDED
MOTION:**

To consider approval of case Delhi ZC2015-01; Text Amendments, a request for approval of zoning text amendments to the Delhi Township Zoning Resolution as initiated by the Delhi Township Zoning Commission.

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report does not include detailed analysis of compliance with local zoning standards since the site is located in a township that is not a member of the Hamilton County Regional Planning Commission. The report is also prepared in advance of public hearings and often in advance of other agency reviews. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:  , Development Services Administrator
Bryan D. Snyder, AICP

Approved by:  , Planning & Development Director
Todd M. Kinskey, AICP



ZONING COMMISSIONERS

Charles Fehr
Neil O'Connor
Jayne Patton
Kevin Rhodes
Dale Weisker

**DELHI TOWNSHIP
ZONING COMMISSION**

MOTION NO. 2015-1

CASE NO. Z.C. 2015-2

**MOTION INITIATING ZONING RESOLUTION TEXT AMENDMENT
RE: PARKING & SIGN REGULATIONS**

WHEREAS, Section 519.12 of the Ohio Revised Code provides in part that amendments to the Zoning Resolution may be initiated by Motion of the Delhi Township Zoning Commission; and

WHEREAS, the Zoning Commission desires to revise Sections 31.38-2 and 327.1-6 as well as Articles XIV and XXXI of Zoning Resolution to update and expand the regulations affecting parking & loading and sign regulations; and

WHEREAS, the Zoning Commission has reviewed and discussed the existing and suggested modifications to the Zoning Resolutions' parking & loading and sign regulations.

NOW, THEREFORE, BY MOTION DULY MADE AND CARRIED, the Delhi Township Zoning Commission moves that an amendment to the Zoning Resolution is hereby initiated as follows:

1. That the text of Sections 31.38-2 and 327.1-6 be amended in the form attached hereto as Exhibit "A", with additions to said text appearing in underlined text and deletions ~~lined through~~.
2. That the text of Article XIV being deleted is in the form attached hereto as Exhibit "B.1".

3. That the text of Article XIV being amended is in the form attached hereto as Exhibit "B.2".
4. That the text of Article XXXI being deleted is in the form attached hereto as Exhibit "C.1".
5. That the text of Article XXXI being amended is in the form attached hereto as Exhibit "C.2".

Adopted at the meeting of the Delhi Township Zoning Commission this 21st day of January 2015.

VOTE RECORD: Mr. Fehr aye, Mr. O'Connor absent, Ms. Patton aye, Mr. Rhodes aye,
Mr. Weisker aye

ZONING COMMISSION:

Shirley Patton
Ken Holey
Charles J. Fehren
Dale J. Weisker

Thomas R. Stahlheber
 Thomas R. Stahlheber, Secretary

- Sec. 31.38-2 Shopping Center: A group of two or more stores and/or shops primarily for retail sales and services, restaurants, and offices, together with the space for parking, landscaping, pedestrian areas and services designed and developed as a unit. Outbuildings and/or outlots are considered part of a shopping center if they are integrated into the overall design of the development and contain at least one (1) of the following characteristics:
- a. Cross-access or parking agreements
 - b. Shared signage
 - c. Common maintenance and/or landscaping

- Sec. 327.1-6 Off street parking regulations shall be indicated in Article XIV, ~~except that the number of required off street parking spaces in the DPCO District is reduced by twenty (20%) percent.~~

ARTICLE XIV
PARKING AND LOADING REGULATIONS

~~Sec. 141 In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Sec. 142 of this Article) off-street parking spaces in accordance with the following requirements:~~

- ~~1. Amusements, outdoor, such as amusement parks, carnivals, midway shows and similar uses—One parking space for each 1,000 square feet of lot area used for such purposes.~~
- ~~2. Animal hospitals—Three parking spaces for the first 750 square feet or fraction thereof, plus one space for each 300 square feet of floor area in excess of 750 square feet.~~
- ~~3. Appliance stores—One parking space for each 400 square feet of floor area.~~
- ~~4. Art galleries and similar uses—Ten parking spaces for the first 2,000 square feet or fraction thereof, plus one additional space for each 300 square feet of floor area over 2,000 square feet.~~
- ~~5. Art Studios—One parking space for each 300 square feet of floor area.~~
- ~~6. Assembly halls without fixed seats—One parking space for each 50 square feet of floor area used for assembly, exhibition, dining or dancing.~~
- ~~7. Automobile sales and/or repair—One parking space for each 400 square feet of floor area.~~
- ~~8. Bakeries—One parking space for each two employees on maximum work shift, plus one space for each four employees on any next larger work shift.~~
- ~~9. Banks and similar financial institutions (other than drive-in)—One parking space for each 400 square feet of floor area, plus one space for each two employees.~~
- ~~10. Banks, drive-in—One parking space for each 400 square feet of floor area, plus one space for each two employees, plus reservoir space (for waiting vehicles) of four car spaces per teller window.~~
- ~~11. Barber shop—One parking space for each 100 square feet of floor area.~~

- ~~12. Beauty shop—One parking space for each 100 square feet of floor area.~~
- ~~13. Boat harbors, boat rental establishments and the like—One parking space for each two boat berths.~~
- ~~14. Boat sales and service—One parking space for each 1,000 square feet of floor area.~~
- ~~15. Boarding and lodging houses—One parking space for each sleeping room.~~
- ~~16. Bottling plants and similar industrial establishments—One parking space for each two employees on maximum work shift, plus one space for each four employees on any next larger shift.~~
- ~~17. Bowling alleys—Five parking spaces for each alley, plus one space for each 100 square feet of floor area or for each four seats, whichever is greater in any cocktail lounge or restaurant.~~
- ~~18. Broadcasting studios—One parking space for each 600 square feet of floor area, plus one space for each three seats in an auditorium.~~
- ~~19. Car washes (except self service)—Four parking spaces, plus one parking space for each gasoline pump, plus reservoir space (for vehicles waiting to be washed) of three car spaces for each ten feet of the building length.~~
- ~~20. Car washes, self service—Four parking spaces for each stall.~~
- ~~21. Childrens and old peoples homes—One parking space for each six beds, plus one space for each two employees.~~
- ~~22. Clinics, medical and dental—Six parking spaces for the first 1,000 square feet or fraction thereof, plus one parking space for each 200 square feet of floor area in excess of 1,000 square feet.~~
- ~~23. Churches or temples—One parking space for each eight seats or bench seating spaces in the main assembly room.~~
- ~~24. Clubs—One parking space for each 50 square feet of floor area used for assembly, game rooms, dancing or dining, plus one space for each sleeping room~~

- ~~25. Colleges and universities—One parking space for each five classroom seats, plus one space for each three seats in an auditorium.~~
- ~~26. Commercial or proprietary schools—One parking space for each two students.~~
- ~~27. Convalescent homes—One parking space for each six beds, plus one space for each two employees.~~
- ~~28. Convention or exhibition halls without fixed seats—One parking space for each 50 square feet of floor area used for assembly, exhibition, dining or dancing.~~
- ~~29. Convents and monasteries—One parking space for each 20 resident persons.~~
- ~~30. Country clubs not open to the public generally—one parking space for each five members.~~
- ~~31. Creameries—One parking space for each two employees on maximum work shift, plus one space for each four employees on any next larger work shift.~~
- ~~32. Dance halls—One parking space for each 50 square feet of floor area used for assembly or dancing.~~
- ~~33. Dancing school—One parking space for each two students.~~
- ~~34. Day care centers or nurseries—Two parking spaces plus one parking space for each six children.~~
- ~~35. Dwellings—Two parking spaces for each dwelling unit in a single family dwelling in the "AA", "A", and "A-2" Districts; one parking space for each dwelling unit in a single family dwelling in other Districts; one and one-half parking spaces for each dwelling unit in a two-family dwelling or a one-bedroom or efficiency apartment in a multiple dwelling; two parking spaces for each apartment in a multiple dwelling of two bedrooms or more.~~
- ~~36. Elderly, housing for—One parking space for each two units plus one space for each two employees.~~
- ~~37. Floor covering stores—One parking space for each 400 square feet of floor area.~~

- ~~38. Food stores, retail, including groceries, delicatessens, bakery goods, meat, fruit and vegetable markets—One parking space for each 150 square feet of floor area.~~
- ~~39. Fraternities, sororities, dormitories—One parking space for each three residents.~~
- ~~40. Frozen food locker—One parking space for each 400 square feet of floor area.~~
- ~~41. Funeral homes and mortuaries—One parking space for each 50 square feet of floor area in assembly rooms, parlor and service rooms.~~
- ~~42. Furniture stores—One parking space for each 400 square feet of floor area.~~
- ~~43. Golf courses not open to the public generally—One parking space for each five members.~~
- ~~44. Golf courses, open to the public generally—25 parking spaces, plus eight spaces for each hole, plus one space for each 100 square feet of floor area in any cocktail lounge, bar or similar facility.~~
- ~~45. Gymnasiums—One parking space for each five seats or seating places.~~
- ~~46. Hardware stores—One parking space for each 400 square feet of floor area.~~
- ~~47. Health spas—One parking space for each 100 square feet of floor area.~~
- ~~48. Hospitals and similar institutions for human care—One parking space for each bed.~~
- ~~49. Hotels—One parking space for each sleeping room.~~
- ~~50. Household equipment stores—One parking space for each 400 square feet of floor area.~~
- ~~51. Laboratories—One parking space for each two employees on maximum work shift, plus one space for each four employees on any next larger work shift.~~
- ~~52. Laundries, dry cleaning plants, and similar service establishments—One parking space for each two employees.~~

- ~~53. Libraries—Ten parking spaces for the first 2,000 square feet or fraction thereof, plus one additional space for each 300 square feet of floor area over 2,000 square feet.~~
- ~~54. Lodges—One parking space for each 50 square feet of floor area used for assembly, game rooms, dancing or dining, plus one space for each sleeping room.~~
- ~~55. Machinery or similar sales—One parking space for each 400 square feet of floor area.~~
- ~~56. Manufacturing and processing establishments and similar industrial establishments—One parking space for each two employees on maximum work shift, plus one space for each four employees on any next larger work shift.~~
- ~~57. Motels and tourist homes—One parking space for each sleeping unit or suite.~~
- ~~58. Museums—Ten parking spaces for the first 2,000 square feet or fraction thereof, plus one additional space for each 300 square feet of floor area over 2,000 square feet.~~
- ~~59. Music schools—One parking space for each two students.~~
- ~~60. Night clubs, cafes and similar recreation or amusement establishments—One parking space for each 100 square feet of floor area or one space for each four seats, whichever is greater.~~
- ~~61. Nursing and rest homes—One parking space for each six beds, plus one space for each two employees.~~
- ~~62. Offices, business, insurance and other professional (except medical and dental offices)—Three parking spaces for the first 1,000 square feet or fraction thereof, plus one space for each 400 square feet of floor area in excess of 1,000 square feet.~~
- ~~63. Offices, medical and dental—Six parking spaces for the first 1,000 square feet or fraction thereof, plus one parking space for each 200 square feet of floor area in excess of 1,000 square feet.~~
- ~~64. Photography studios—One parking space for each 300 square feet of floor area.~~

- ~~65. Plumbing shops—One parking space for each two employees.~~
- ~~66. Pool room, billiard parlor or game room—One parking space for each 100 square feet of floor area.~~
- ~~67. Printing shops—One parking space for each two employees.~~
- ~~68. Restaurants—One parking space for each 100 square feet of floor area or one space for each four seats, whichever is greater.~~
- ~~69. Restaurants, drive-in—One parking space for each 40 square feet of floor area.~~
- ~~70. Retail stores, general, including department stores, variety stores, drugs, books, flowers, jewelry, clothing, music stores and newsstands—One parking space for each 200 square feet of floor area.~~
- ~~71. Sanitariums—One parking space for each six beds, plus one space for each two employees.~~
- ~~72. Schools, elementary and junior high—One parking space for each three seats in any auditorium, or one space for each classroom, whichever is larger.~~
- ~~73. Schools, senior high—One parking space for each three seats in any auditorium, or three spaces for each classroom, whichever is larger.~~
- ~~74. Self-service establishments such as laundromats—One parking space for each 200 square feet of floor area.~~
- ~~75. Service establishments such as shoe or hat repair, tailoring, dressmaking, drycleaning or laundry pickup stations—One parking space for each 300 square feet of floor area.~~
- ~~76. Service station or filling station—Three parking spaces, plus one space for each gasoline pump or each grease rack.~~
- ~~77. Shopping centers—Five and one-half parking spaces for each 1,000 square feet of floor area, including storage space except basement or cellar storage.~~
- ~~78. Skating rinks—One parking space for each 300 square feet of floor area used for roller skating and/or one parking space for each 200 square feet used for ice skating.~~

- ~~79. Stadiums or sports arenas—One parking space for each five seats or seating places.~~
- ~~80. Swimming clubs not open to the public generally—One parking space for each five members.~~
- ~~81. Swimming pools open to the public for a fee—One parking space for each 50 square feet of pool area; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or hand ball court.~~
- ~~82. Tennis clubs not open to the public generally—One parking space for each five members.~~
- ~~83. Tennis or racquet clubs, and similar recreation facilities open to the public for a fee—Eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or hand ball court.~~
- ~~84. Theaters and other places of assembly with fixed seats—One parking space for each four seats.~~
- ~~85. Veterinarians—Three parking spaces for the first 750 square feet or fraction thereof, plus one space for each 300 square feet of floor area in excess of 750 square feet.~~
- ~~86. Warehouses—One parking space for each two employees on maximum work shift or for each 2,000 square feet of floor area, whichever is greater.~~
- ~~87. Wholesale establishments—One parking space for each two employees on maximum work shift or for each 2,000 square feet of floor area whichever is greater.~~

~~Sec. 142—In computing the number of parking spaces required, the following rules shall govern:~~

- ~~1. "Floor area" shall mean the gross floor area, measured from the exterior surface of exterior walls or from the center line of walls separating buildings, including all such space except porches, garages, or parking area, areas occupied by mechanical equipment, toilet or rest rooms, and any basement or cellar space used for storage or incidental purposes.~~

~~In hospitals, bassinets shall not be counted as beds.~~

~~In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.~~

~~2. "Shopping Center" shall mean a group of stores or shops for retail sales and services designed and developed as a unit, where the uses of such stores or shops are not otherwise specifically designated.~~

~~3. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.~~

~~4. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.~~

~~5. The requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature.~~

~~6. Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged or changed in use to create a need for an increase of 50 percent or more in the parking spaces required in Sec. 141 for such a building or use as it existed prior to the enlargement or change, said building or use shall then and thereafter comply with the parking regulations set forth herein.~~

~~Sec. 143 All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other nonresidential building served (measured from each parking space to the nearest corner of the building served).~~

~~Sec. 143.1 Up to fifty percent of the parking spaces required for (A) theaters, public auditoriums, bowling alleys, dance halls, night clubs, cafes, and up to one hundred percent 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 written agreement thereto is properly executed and filed to assure the intention 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 attorney or the prosecuting attorney, and shall be filed with the application for a zoning~~

certificate.

Sec. 144 ~~Development and Maintenance of Parking Areas. Every off-street parking space required by these regulations shall be provided with satisfactory access to a street or alley and shall be developed and maintained in accordance with the following requirements:~~

- ~~1. Screening. Except for single family dwellings having off-street parking areas for less than five (5) vehicles all parking areas shall be effectively screened on each side which adjoins or faces premises in any Residence District. Such screening shall consist of a solid masonry wall or solid fence not less than four and not more than six feet in height, or a tight screen of hardy evergreen shrubbery or natural or existing screening not less than four feet in height may be used. Any such screen shall be maintained in good condition. The space between such screen and the adjoining property lines shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.~~
- ~~2. Distances. No part of a parking area for five vehicles or more shall be closer than ten feet to the side lot line of any lot in a residential district, except that this limitation shall not apply within the required rear yard. No entrance to or exit from a parking area for five vehicles or more shall be closer than 50 feet to any street intersection.~~
- ~~3. Surfacing. All off-street parking areas, driveways and aisles shall be graded and permanently surfaced with impervious paving materials (including asphaltic or Portland cement binder, paver stones or other like materials, but not including gravel) so to provide a durable and dustless surface and proper disposal of surface water.~~
- ~~4. Lighting. Any lighting used to illuminate any parking area shall be arranged so to direct the light away from adjoining premises in any Residence District.~~
- ~~5. Parking in the Required Front Yard. Off-street parking spaces shall be prohibited in the required front yard in any Residence District and in the "O" Office District but may be permitted in the side or rear yard subject to the provisions of this section. For Single Family dwelling purposes, parking may be permitted on access drives where such drives lead to the required off-street parking spaces either within the principal building, in an accessory structure or in the side or rear yard.~~

Sec. 145 ~~Off-Street Loading Requirements. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:~~

- ~~1. In any district where permitted, for public buildings, educational, religious and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple~~

~~_____ dwellings and similar uses, one loading space, plus one additional
_____ loading space for each 100,000 square feet, or major fraction thereof, of
_____ floor area in excess of 100,000 square feet.~~

~~_____ 2. In the "E" Retail Business District, for banks and financial institutions,
_____ medical or dental clinics, business or professional offices, business,
_____ dancing or other commercial schools, theaters, bowling alleys, skating
_____ rinks or other places of amusement, one loading space plus one
_____ additional loading space for each 100,000 square feet, or major fraction
_____ thereof, of floor area in excess of 100,000 square feet.~~

~~_____ For retail and wholesale stores, eating and drinking places and all other
_____ commercial uses, one loading space plus one additional loading space
_____ for each 20,000 square feet, or major fraction thereof, of floor area in
_____ excess of 10,000 square feet, up to 50,000 square feet, plus one
_____ additional space for each 100,000 square feet of floor area or major
_____ fraction thereof in excess of 50,000 square feet.~~

~~_____ 3. In the "F" Light Industrial District, one loading space plus one
_____ additional loading space for each 20,000 square feet or major fraction
_____ thereof, of floor area in excess of 20,000 square feet up to 60,000 square
_____ feet, plus one additional space for each 100,000 square feet or major
_____ fraction thereof in excess of 60,000 square feet.~~

~~_____ Each loading space shall be at least 10 feet in width, 25 feet in length and 14 feet in height
_____ and shall be located on the same lot as the use served. All loading spaces shall be
_____ permanently surfaced with impervious paving materials (including asphaltic or Portland
_____ cement binder, paver stones, or other like materials, but not including gravel) so to
_____ provide a durable and dustless surface and proper disposal of surface water and shall be
_____ located so as to be accessible from a street or alley without interfering with traffic.~~

ARTICLE XIV
PARKING AND LOADING REGULATIONS

Sec. 141 Applicability

All vehicular use areas (e.g., parking spaces, loading spaces, stacking spaces, driveways, etc.) shall be provided in conformance with the provisions of this Article prior to occupying or using any building, structure, land, or portion thereof.

1. New and Expanded Uses

The requirements of this Article shall apply to all buildings or uses constructed or established after the effective date of this Resolution.

2. Existing Uses

Whenever an existing building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

3. Maintenance

The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the responsibility of the property owner where the vehicular use areas are required.

4. Plan Review

For any off-street parking, loading, or vehicular use area required under this Article with five or more parking spaces, a parking and loading plan shall be submitted with the application for a zoning permit or certificate of occupancy. The required contents of the plan shall be established by the zoning inspector.

Sec. 142 General Standards Applicable to All Vehicular Use Areas

1. Location and Setback Requirements

- A. All parking spaces required herein shall be located on the same lot with the building or use served, except as provided for in Section 143.6: Alternative Parking Options, and except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other nonresidential

building served (measured from each parking space to the nearest corner of the building served).

- B. Parking lots shall be located, to the maximum extent feasible, to the rear and side of buildings.
- C. Parking areas and other paved areas and/or structures adjacent to principal buildings shall be set back from the edge of such buildings to provide for sidewalks and landscape treatments.
- D. There shall be a 10 foot streetscape buffer, located outside of rights-of-way, along all public and private streets/drives in all commercial districts. The area within such buffer shall be landscaped with natural vegetation, including, but not limited to, grass, hardy shrubs, or evergreen groundcover and maintained in good condition.
- E. No part of a parking area for five or more vehicles shall be closer than 10 feet from the property line adjacent to any Residence District or property devoted to residential use. A screening buffer no less than 30" in height shall be required within the setback consisting of landscaping or walls and shall be maintained in good condition.
- F. Off-street parking spaces shall be prohibited in the required front yard in any Residence District and in the "O" Office District but may be permitted in the side or rear yard subject to the provisions of this section. Parking on driveways providing access to and from off-street parking spaces may be allowed within the required front yard.

2. Maintenance

- A. All vehicular use areas shall be maintained and kept free from debris, litter, junk, or rubbish.
- B. All signs, markers, or any methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in neat and legible condition.
- C. All landscaping, screening materials, and landscape areas shall be maintained in good condition and kept free from debris, litter, junk, rubbish, weeds, or overgrowth.
- D. The owner shall, at his own expense, maintain all paved surfaces and repair any disintegration of the surface by patching or resealing when such disintegration takes place.

3. Storage

Vehicular use areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours, except where expressly permitted in this Resolution as an accessory use to the principal use on the lot.

4. Fire Code

All plans for parking and loading shall conform to all requirements set forth in the fire code as adopted by the Delhi Township Fire Department, or as approved by the Delhi Township Fire Department.

5. Drainage

All vehicular use areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

6. Other Uses within Required Vehicular Use Areas

- A. No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area.
- B. Outdoor display, sales, or storage of any merchandise within any required vehicular use area shall not be permitted, except where located in areas determined not to impact site safety and circulation as approved by the zoning inspector.
- C. Outdoor dining/seating areas may be permitted as an accessory use to a restaurant or similar use as approved by the zoning inspector, and are subject to the following standards.
 - i. Outdoor dining/seating areas in public or private rights-of-way shall be prohibited.
 - ii. Outdoor dining/seating areas on private property shall be regulated as follows:
 - a) Additional parking spaces shall be required for outdoor dining/seating areas when such areas exceed 50 percent of the floor area of the principal use, as defined in Table 143-1: Minimum Off-Street Parking Standards.
 - b) Permanent railings, landscaped buffer areas, or fencing shall be provided around the dining/seating area.
 - c) The location of the outdoor dining/seating area is subject to review by the Township zoning inspector to ensure that access to the building and pedestrian walkways are not obstructed.

- d) Outdoor dining/seating areas shall not be fully covered or enclosed. The outdoor dining/seating area may be partially covered or covered by temporary means with the approval of the zoning inspector.

7. Striping

Individual parking and loading spaces shall be striped according to the approved layout of the vehicular use area.

8. Dumpster, Trash Handling, and Service Areas

- A. All ground mounted mechanical equipment and solid waste disposal facilities shall be screened from public rights-of-way and adjoining properties, and shall be prohibited in buffer yards.
- B. A visual screen consisting of walls, mounds, or plant materials, or a combination thereof, is required to screen such equipment and disposal facilities. A wall constructed of the same materials as the principal structure shall be used to screen solid waste containers, and a gate shall be required on the fourth side where access is provided. The gates shall be opaque enough to shield from view the interior of the service area. If an adjacent building provides screening on one side of the service area, only two sides need to be screened, with a gate required in front of the service area. The screening shall be at least one foot higher than the item to be screened, but shall not exceed 10 feet in height, and shall extend along three sides of the service area. Plant materials used for required screens around service areas shall be of an evergreen variety.

Sec. 143 Off-Street Parking Requirements

1. Floor Area Definition

“Floor area” shall mean the gross floor area, measured from the exterior surface of exterior walls or from the center line of walls separating the buildings, including all such space except porches, garages, or parking area, areas occupied by mechanical equipment, toilet or rest rooms, and any basement or cellar space used for storage or incidental purposes.

2. Units of Measure

In computing the number of parking spaces required, the following rules shall govern:

A. On-Street Parking

On-street parking spaces shall not be counted toward off-street parking space requirements.

B. Occupancy- or Capacity-Based Standards

- i. In hospitals, bassinets shall not be counted as beds.
- ii. In the case of benches, pews, and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining parking requirements.

C. Reservoir Spaces

Vehicle reservoir/stacking spaces that are required for drive-thru facilities shall not count toward off-street parking space requirements, and shall be required as defined in Table 143-1: Minimum Off-Street Parking Standards. Vehicle reservoir/stacking spaces shall meet the minimum off-street parking space size requirements per Section 143.7.A. Dimensional Requirements.

D. Unlisted Uses

The requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, subject to approval by the zoning inspector.

E. Fractional Spaces

Where fractional spaces result, the parking spaces required shall be constructed to be the lesser whole number.

3. Required Number of Parking Spaces

Table 143-1: Minimum Off-Street Parking Standards defines the number of parking spaces required for each use within the Township.

TABLE 143-1: MINIMUM OFF-STREET PARKING STANDARDS	
USE	REQUIRED NUMBER OF PARKING SPACES
RESIDENTIAL USES	
Assisted Living and Retirement Homes	1 space per 2 units, plus 1 space per 2 employees
Boarding and Lodging Houses	1 space per 6 beds, plus 1 space per 2 employees
Dwellings, located in a Commercial District	1 space per dwelling unit
Dwellings, Multiple-Family	1.5 spaces per dwelling unit
Dwellings, Single-Family in "AA", "A", and "A-2" Districts	2 spaces per dwelling unit
Dwellings, Single-Family in "B", "B-2", and "C" Districts	1 space per dwelling unit
Family/Group Homes	1 space per 6 beds, plus 1 space per 2 employees
Institutional Housing	1 space per 6 beds, plus 1 space per 2 employees
BUSINESS AND MIXED USES	
Amusements (outdoor)	1 space per 1,200 square feet of lot area
Animal Hospitals and Veterinarians Offices	1 space per 300 square feet of floor area
Appliance Stores	1 space per 500 square feet of floor area
Art Studios	1 space per 350 square feet of floor area

TABLE 143-1: MINIMUM OFF-STREET PARKING STANDARDS

Use	Required Number of Parking Spaces
Assembly Halls (without fixed seating) and Convention or Exhibition Halls (without fixed seating)	1 space per 60 square feet of floor area used for assembly, exhibition, dining, or dancing
Automobile Sales and/or Repair	1 space per 500 square feet of floor area
Bakeries (commercial and retail)	1 space per 2 employees
Banks and Similar Financial Institutions	1 space per 500 square feet of floor area, plus reservoir space for 4 vehicles per drive-thru teller window
Barber and/or Beauty Shops	1 space per 120 square feet of floor area, or 2 spaces per chair/station, whichever greater
Boat Harbors and/or Rental Shops	1 space per 2 boat berths
Boat Sales and Service	1 space per 1,200 square feet of floor area
Bowling Alleys	5 spaces per alley
Broadcasting Studios	1 space per 750 square feet of floor area
Car Washes (except self service)	4 spaces, plus 1 space per fuel pump, plus reservoir space for 1 vehicle per stall
Car Washes (self service)	1 space per stall, plus reservoir space for 2 vehicles per stall
Clinics, Medical and Dental	1 space per 200 square feet of floor area
Clubs, Dance Halls, and/or Lodges	1 space per 60 square feet of floor area used for assembly, game rooms, dancing, or dining, plus 1 space per sleeping room
Commercial or Proprietary Schools (including Dance and Music Schools)	1 space per 2 students
Country Clubs	1 space per 5 members
Day Care Centers or Nurseries	2 parking spaces, plus 1 space per 6 children
Floor Covering Stores	1 space per 500 square feet of floor area
Food Stores, Retail (including groceries, delicatessens, bakery goods, and meat, fruit, and vegetable markets)	1 space per 500 square feet of floor area
Funeral Homes and Mortuaries	1 space per 60 square feet of floor area in assembly rooms, parlors, and service rooms
Furniture Stores	1 space per 500 square feet of floor area
Gymnasiums, Stadiums, or Sports Arenas	1 space per 5 seats
Hardware Stores	1 space per 500 square feet of floor area
Health Spas	1 space per 120 square feet of floor area
Hotels and Motels	1 space per sleeping room
Household Equipment Stores	1 space per 500 square feet of floor area
Laundries, Dry Cleaning Plants, and Similar Service Establishments	1 space per 2 employees
Machinery or Similar Sales	1 space per 500 square feet of floor area
Night Clubs, Cafes, Pool Rooms, Billiard Parlors, Game Rooms, and Similar Recreation or Amusement Establishments	1 space per 120 square feet of floor area
Offices, Business, Insurance, and Other Professional	1 space per 400 square feet of floor area
Offices, Medical and Dental	1 space per 200 square feet of floor area
Outdoor Dining (with floor area exceeding 50% of the principal use)	1 space per 120 square feet of outdoor dining area
Photography Studios	1 space per 400 square feet of floor area
Plumbing Shops	1 space per 2 employees
Printing Shops	1 space per 2 employees
Restaurants	1 space per 120 square feet of floor area
Restaurants, Drive-in/Drive-thru	1 space per 50 square feet of floor area

TABLE 143-1: MINIMUM OFF-STREET PARKING STANDARDS

USE	REQUIRED NUMBER OF PARKING SPACES
Retail Stores, General (including department stores, variety stores, books, flowers, jewelry, clothing, music stores, and newsstands)	1 space per 250 square feet of floor area
Self-Service Establishments (such as Laundromats)	1 space per 250 square feet of floor area
Service Establishments (such as shoe or hat repair, tailoring, dressmaking, dry cleaning, or laundry pickup stations)	1 space per 400 square feet of floor area
Shopping Centers	1 space per 300 square feet of floor area
Skating Rinks	1 space per 400 square feet of floor area
Swimming and/or Tennis Clubs (not open to the public generally)	1 space per 5 members
Swimming Pools (open to the public for a fee)	1 space per 60 square feet of pool area
Tennis or Racquet Clubs, and Similar Recreational Facilities (open to the public for a fee)	5 spaces per court
Theaters and Other Such Places of Assembly (with fixed seating)	1 space per 4 seats
INSTITUTIONAL AND PUBLIC USES	
Colleges and Universities	1 space per 3 students, plus 1 space per non-student employee
Convents and Monasteries	1 space per 6 beds, plus 1 space per 2 employees
Fraternities, Sororities, Dormitories	1 space per 3 residents
Golf Courses (not open to the public)	1 space per 5 members
Golf Courses (open to the public)	25 spaces, plus 8 spaces per hole
Libraries, Museums, and Galleries	1 space per 250 square feet of floor area
Religious Places of Worship	1 space per 8 seats in the main assembly room
Schools, Elementary and Junior High	1 space per 3 seats in any auditorium or gymnasium, or 1 space per classroom, whichever is greatest
Schools, Senior High	1 space per 3 seats in any auditorium or gymnasium, or 3 spaces per classroom, whichever is greatest
MANUFACTURING, INDUSTRIAL, AND VARIOUS USES	
Bottling Plants and Similar Industrial Establishments	1 space per 2 employees on maximum work shift
Creameries	1 space per 2 employees on maximum shift
Laboratories	1 space per 500 square feet of floor area
Manufacturing and Processing Establishments	1 space per 800 square feet of floor area
Warehouses	1 space per 2,000 square feet of floor area
Wholesale Establishments	1 space per 2,000 square feet of floor area

4. Bicycle Parking Requirements

- A. All nonresidential uses shall provide bicycle racks or other accommodations to allow for the storage of bicycles within 50 feet of the main entrance.
- B. The location of bicycle racks should not obstruct access to building entrances or vehicular use areas.

5. **Parking Requirements for Physically Disabled**

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

6. **Alternative Parking Options**

The following are methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot.

A. **Shared Parking**

Subject to approval by the zoning inspector, up to 50 percent of the parking spaces required for (A) theaters, public auditoriums, bowling alleys, dance halls, night clubs, cafes, and up to 100 percent of the parking spaces required for churches may be provided and used jointly with (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 uses and hours of operation are determined to be compatible by the zoning inspector and that written agreement shall be properly drawn and executed by the parties concerned, approved as to form by the Township attorney or the prosecuting attorney, and shall be filed with the application for a zoning certificate.

B. **Other Eligible Alternatives**

The zoning inspector may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the zoning inspector that the proposed plan would do at least as good a job of protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design than would otherwise result from strict compliance with otherwise applicable off-street parking standards.

7. **Development and Maintenance of Parking Areas**

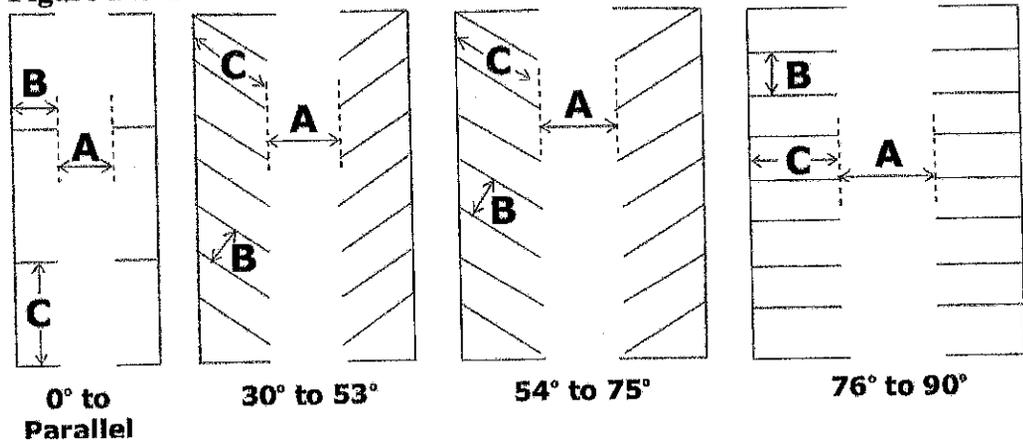
Every off-street parking space required by this Article shall be provided with satisfactory access to a street or alley and shall be developed and maintained in accordance with the requirements of this section.

A. **Dimensional Requirements**

Parking stalls shall conform to the minimum standards set forth in Table 143-2: Parking Area Dimensions and Figure 143-1.

TABLE 143-2: PARKING AREA DIMENSIONS				
ANGLE OF PARKING (DEGREES)	ONE-WAY MANEUVERING SPACE WIDTH (FEET) "A"	TWO-WAY MANEUVERING SPACE WIDTH (FEET) "A"	PARKING SPACE WIDTH (FEET) "B"	PARKING SPACE LENGTH (FEET) "C"
0 - Parallel	12	21	Parking stalls shall have a minimum area of 180 square feet	
30 - 53	14	21	Parking stalls shall have a minimum area of 180 square feet	
54 - 75	19	22	Parking stalls shall have a minimum area of 180 square feet	
76 - 90	22	24	Parking stalls shall have a minimum area of 180 square feet	

Figure 143-1



B. Screening

- i. Except for single-family dwellings having off-street parking areas for less than five vehicles, all residential parking areas for five or more vehicles, excluding the driveway area, and all non-residential parking areas shall be effectively screened on each side which adjoins or faces premises in any Residential District, and each side having frontage on a public street.
- ii. Such screening shall consist of a solid masonry wall, or a tight screen of hardy evergreen shrubbery or dense natural screening, not less than four feet in height.
- iii. The space between such screen and the adjoining property lines or right-of-way shall be landscaped with grass, hardy shrubs, or evergreen ground cover.
- iv. Any such screen shall be maintained in good condition.

C. Distances

- i. No part of a non-residential parking area for five vehicles or more shall be closer than 10 feet to the side or rear lot line of any lot in a Residence District.
- ii. No entrance to or exit from any parking area for five vehicles or more shall be closer than 50 feet to any street intersection.

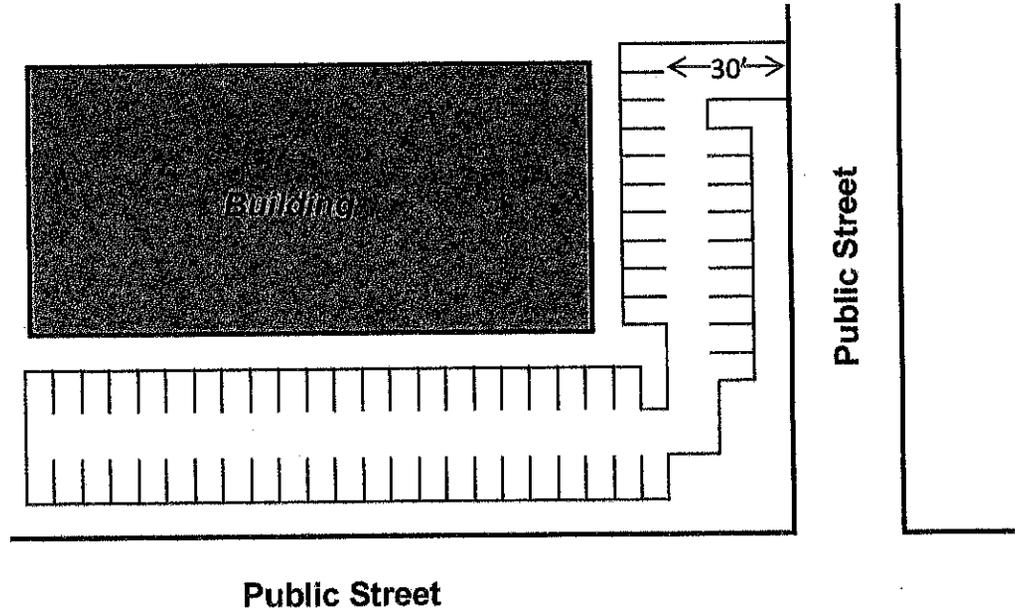
D. Surfacing

All off-street parking areas, driveways and aisles shall be graded and permanently surfaced with impervious paving materials (including asphaltic or Portland cement binder, paver stones or other like materials, but not including gravel) so to provide a durable and dustless surface and proper disposal of surface water.

E. Access

- i. Cross access easements to adjacent parcels shall be provided in order to achieve better circulation throughout the Township and to minimize driveway cuts along public roads. If only one of the adjacent parcels is subject to review, this cross access easement requirement shall be established during development review, prohibiting the applicant from denying cross access from adjacent parcels. At the establishment of the easement, shared maintenance agreements shall be filed with the Hamilton County Recorder and provided to the zoning inspector for Township files. All cross access easements shall comply with Hamilton County's access management requirements.
- ii. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within 30 feet of the right-of-way. See Figure 143-2.

Figure 143-2



- iii. Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
- iv. To the maximum extent feasible, primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.
- v. The Township, and/or the applicable governing agency, may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need for such improvements.

F. Lighting for Non-Single Family Uses

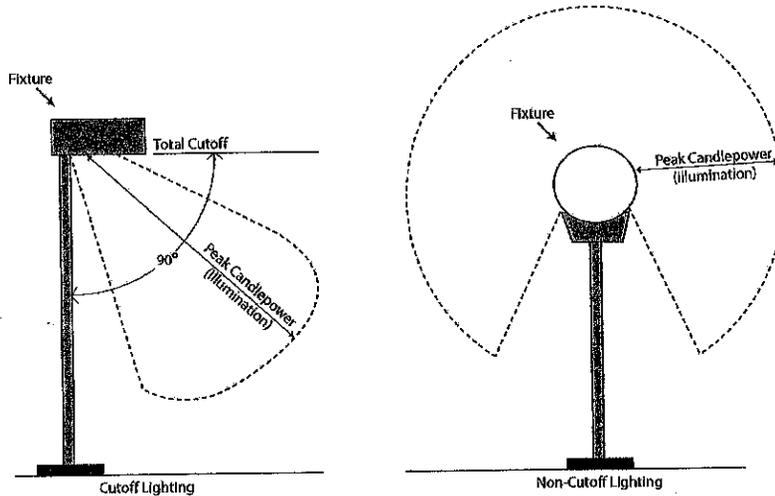
i. Height

All outdoor lighting fixtures shall be designed, located, and mounted at heights no greater than 10 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights.

ii. Lighting Types

Interior lighting of parking and loading areas shall be accomplished by using cutoff lights, with flat lenses to reduce glare. Non-cutoff lights are to be used for decorative purposes only. See Figure 143-3.

Figure 143-3



iii. Illumination

- a) The maximum illumination permitted at the property line in each district type, as demonstrated by a photometric drawing, shall be as shown in Table 143-3: Illumination Levels.

DISTRICT TYPE	MAXIMUM ILLUMINATION (FOOT CANDLES)	
	NON-CUTOFF LIGHTING	CUTOFF LIGHTING
Residence District	0.00	0.00
Office and "DD" Districts	0.30	0.50
Business and Industrial Districts	0.30	0.75

- b) Where a zoning district abuts another district with a different maximum illumination requirement, the maximum illumination requirement permitted at the property line shall be that of the less intense district.

iv. Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in Residence Districts are not directly or indirectly illuminated.

v. Color and Glare

- a) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- b) Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area.

Sec. 144 Off-Street Loading Requirements

- 1. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with Table 144-1: Loading Space Requirements.

TABLE 144-1: LOADING SPACE REQUIREMENTS	
USES	LOADING SPACE REQUIREMENTS
Public buildings, educational, religious, and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple dwellings, and similar uses	1 loading space, plus 1 loading space per 100,000 square feet, or major fraction thereof, of floor area in excess of 100,000 square feet
In the "E" Retail Business District and "EE" Planned Business District: Banks and similar financial institutions, medical or dental clinics, business or professional offices, business, dancing, or other commercial schools, theaters, bowling alleys, skating rinks, or other places of amusement	1 loading space, plus 1 loading space per 100,000 square feet, or major fraction thereof, of floor area in excess of 100,000 square feet
In the "E" Retail Business District and "EE" Planned Business District: Retail and wholesale stores, restaurants, and all other commercial uses	1 loading space; plus 1 loading space per each 20,000 square feet of floor area in excess of 10,000 square feet, up to 50,000 square feet; plus 1 loading space per 100,000 square feet in excess of 50,000 square feet
All uses in the "F" Light Industrial District and "FF" Planned Light Industrial District	1 loading space; plus 1 loading space per each 20,000 square feet of floor area in excess of 20,000 square feet up to 60,000 square feet; plus 1 loading space for each 100,000 square feet in excess of 60,000 square feet

2. All required loading spaces shall be located on the same lot as the use served.
3. Each loading space shall be at least 10 feet in width, 25 feet in length, and 14 feet in height.
4. All loading spaces shall be permanently surfaced with impervious paving materials (including asphaltic or Portland cement binder, paver stones, or other like materials, but not including gravel) so to provide a durable and dustless surface and proper disposal of surface water and shall be located so as to be accessible from a street or alley without interfering with traffic.

ARTICLE XXXI
SIGNS

Sec. 310 ~~General Provisions:~~

Sec. 310.1 ~~This Article establishes the minimum regulations for the display of signs in order to encourage an attractive visual environment for businesses to inform and direct the general public, protect and enhance the physical appearance of the Township, insure public safety along major streets, and provide businesses with a format for on premises street advertising.~~

Sec. 310.2 ~~Temporary signs constructed in such a manner which permits such sign to move on wheels and/or be pushed or pulled by a motor vehicle, and/or contain a marquee type sign on a trailer, and/or be a marquee type sign affixed to a trailer or other such apparatus as to permit it to be towed or moved in such other manner from place to place on a premises, and which may or may not be internally illuminated and may or may not contain flashing type lighting is hereby prohibited.~~

Sec. 310.3 ~~Non-Conforming signs:~~

Sec. 310.3 1 ~~The lawful use of any sign as existing and lawful at the time of enactment of this resolution or amendment thereto, may be continued although such sign does not conform with the provisions of this resolution or amendment.~~

Sec. 310.3 2 ~~Whenever a sign becomes non-conforming through an amendment of this resolution or maps, the use of such sign may be continued as long as it is kept in good repair and maintained in safe condition.~~

Sec. 310.3 3 ~~It shall be the responsibility of the Delhi Township Zoning Department to register and keep records of all non-conforming signs, and advise the owners of such signs of their being classified as non-conforming signs.~~

Sec. 310.3 4 ~~A non-conforming sign shall immediately lose its non-conforming designation if: the sign is altered in any way in structure or copy (except for changeable marquee signs and normal maintenance); the sign is relocated; the sign is replaced; the sign is part of an establishment which discontinues its operation for a period of two (2) years; the sign is structurally altered or enlarged; the sign is reprinted (excluding normal touchup, repainting, or routine maintenance repainting); or the sign is damaged to an extent of greater than sixty percent (60%) of the~~

~~estimated replacement value.~~

~~Sec. 310.4 All signs and outdoor advertising as herein permitted shall be constructed and maintained and illuminated in a reasonable, workmanlike manner. The owner of such signs and/or outdoor advertising, as well as the owner of the premises where such signs and/or outdoor advertising are located, shall maintain said signs and/or outdoor advertising free from dust, dirt, and other such debris. All lettering, illustrations, and other such art work contained on said signs and/or outdoor advertising shall be constructed and maintained in a reasonable, workmanlike manner, free from faded, illegible, and incomplete designs. No such sign and/or outdoor advertising shall be constructed, maintained, or illuminated in such a manner so as to create or allow the obstruction of vision of drivers, pedestrians, or the general public, or a fire or safety hazard.~~

~~Sec. 311 General definitions:~~

~~Sec. 311.1 Words, terms or phrases, not otherwise defined in this section, or in Article III of this Resolution, shall have, for the purposes of this Resolution, the meaning or meanings attributed to them in current English usage. Words used in the present tense shall include the future; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not directory.~~

~~Sec. 311.2 Advertising Sign: A sign, billboard, or sign board which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.~~

~~Sec. 311.2.1 Off site advertising sign: Any sign, billboard, advertisement, logo, or symbol which directs attention to any business, professional service, or similar activity which is conducted at a location other than where the sign is located.~~

~~Sec. 311.2.2 On site advertising sign: Any sign, advertisement, announcement, logo, or symbol attached to, painted, or illuminated, directly or indirectly upon any land or building which directs attention to any business, professional service, or similar activity which is conducted on the premises where the sign is located.~~

~~Sec. 311.3 Agricultural sign: An advertising sign directing attention to a business, commodity or service conducted, sold or offered upon the premises where such sign is located, and which premises meets the definition of the term "Agriculture" as defined in this Resolution (See Sec. 31.2~~

~~_____ "Agriculture").~~

~~Sec. 311.4 Building: (See Section 31.9 "Building")~~

~~Sec. 311.5 Bulletin board sign: Any sign or structure located on the property of a
_____ public, institutional, religious, or charitable organization which is used
_____ to identify the name of the institution or organization and to announce
_____ their activities.~~

~~Sec. 311.6 Construction sign: A sign which, by symbol or name, identifies a
_____ development (a new residence, a residential-commercial alteration or
_____ addition, a subdivision, neighborhood, shopping center or commercial or
_____ industrial park, etc.) and which is located on a lot where construction is
_____ in progress, which may indicate the name of the project, the architect,
_____ engineer, contractor, or other similar information concerning the project.~~

~~Sec. 311.7 Corner parcel sign: An advertising sign directing attention to a business,
_____ commodity or service conducted, sold or offered upon a parcel which
_____ fronts more than one dedicated street right of way as depicted on the
_____ maps of the Hamilton County Auditor's Plat Book. Such signs shall not
_____ exceed a number of one (1) for each street frontage.~~

~~Sec. 311.8 Credit card sign: An identification and/or advertising sign which
_____ displays any credit card which is accepted to be used at the premises
_____ upon which such sign is displayed.~~

~~Sec. 311.9 Directional sign: Any sign which serves solely to provide special
_____ information such as direction and/or warning.~~

~~Sec. 311.10 Facade: Any exterior wall of a building.~~

~~Sec. 311.11 Free Standing Pole: (See Section 31.44 "Structure").~~

~~Sec. 311.12 Free standing sign: A sign which is supported by one or more columns
_____ or other type of base, and/or upon the ground.~~

~~Sec 311.12-1 Free standing ground sign: Any free standing sign, other than a pole
_____ mounted sign, independently supported by and anchored to the ground or
_____ mounted on a decorative wall or fence.~~

~~Sec 311.12-2 Free standing pole sign: A sign mounted on a free standing pole or other
_____ similar support.~~

~~Sec. 311.13 Grade level: A practically horizontal surface of land area around,
_____ adjacent to, and upon which a sign or light stanchion rests.~~

~~Sec. 311.14 — Ground sign: (see Section 311.12-1 "Free standing ground sign")~~

~~Sec. 311.15 — Home occupation sign: An advertising sign pertaining to an occupation or profession carried on within a residential premises. (See also Section 31.26 "Home Occupation").~~

~~Sec. 311.16 — Identification sign: A sign which displays only the same address and/or use of the premises upon which the sign is located or the product or service offered therein.~~

~~Sec. 311.17 — Illuminated sign: A sign which is lighted by one of the following means:~~

~~Sec 311.17-1 — Back lit: The sign's light is shielded and/or completely enclosed by the sign face.~~

~~Sec 311.17-2 — Indirectly lit: A sign which is neither lighted internally nor has an external source of light specifically directed at it, but which depends on the general illumination of the area (e.g. parking lot, traffic or pedestrian areas) for its illumination.~~

~~Sec 311.17-3 — Internally lit: A sign which is made of translucent material with internal lights.~~

~~Sec. 311.18 — Interior parcel sign: An advertising and/or identification sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at or upon an interior parcel as defined by the Hamilton County Auditor's Plat Book.~~

~~Sec. 311.19 — Light stanchion: A structure (See section 31.44 "Structure") whose primary function is the support of some light source. Such light stanchion does not include utility poles or other such poles utilized by a utility company (or other such company).~~

~~Sec. 311.20 — Logo: An identifying statement (i.e.: motto, trademark, symbol, etc.).~~

~~Sec. 311.21 — Marquee sign: A sign designed to allow frequent message changes, which may be controlled electronically (e.g. time and temperature sign); or manually controlled (utilizing changeable letters or words).~~

~~Sec. 311.22 — Motion or intermittence: Changing of physical position by any movement or rotation or visual impression of such movement or rotation.~~

- ~~Sec. 311.23 Non-Conforming sign: A sign in existence prior to the effective date of this Resolution (and any pertinent amendment thereto) which does not conform with the provisions of this Resolution and must also comply with sections 310.3 through 310.3-4 of this Resolution. (See also Article XV: "Non-Conforming Uses").~~
- ~~Sec. 311.24 Notification sign: A sign which issues a warning, announcement, attention, or notice relating to a public, charitable, or religious institutional use.~~
- ~~Sec. 311.25 Pole sign: (See Section 311.12-2 "Free standing pole sign")~~
- ~~Sec. 311.26 Political sign: A sign which announces the candidacy of a person or slate of persons running for elective office, or a political party or an issue.~~
- ~~Sec. 311.27 Real estate sign: A sign which advertises or announces the sale, rental, or lease of the premises on which the sign is located.~~
- ~~Sec. 311.28 Sign: A name, identification, description, display, illustration, or logo which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.~~
- ~~Sec. 311.29 Sign face: The surface of the sign upon or against which any message of the sign is exhibited.~~
- ~~Sec. 311.30 Square footage: The sum of multiplying the height of the surface area times the width of the surface area of a sign. In the event that independent letters, logos, symbols, etc., are utilized the above formula shall determine such signs' square footage by computing the minimum area of a polygon which completely encloses the sign face and in which polygon no interior angle is greater than 180 degrees.~~
- ~~Sec. 311.31 Street frontage: That facade (See section 311.10 "Facade") which fronts a dedicated street right of way, or that facade upon which the main entrance to the premises is situated.~~
- ~~Sec. 311.32 Surface area: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or any figure or similar character together with any frame or other material or color forming an integral part of a display. The area of such sign shall be determined by computing the minimum area of a polygon which~~

~~_____ completely encloses the sign face and in which polygon no interior angle
_____ is greater than 180 degrees.~~

~~Sec. 311.33 Temporary sign: Any sign which is movable and which is not
_____ permanently attached to the ground, a structure, or other sign, and is
_____ designed or constructed in such a manner that it can be moved or
_____ relocated without involving any structural or support changes.~~

~~Sec. 311.33.1 "A Frame" type sign: A one or two sided sign which is constructed in
_____ the figuration of a capital "A" or an inverted "V".~~

~~Sec. 311.33.2 "Thomas" type sign: A one or two sided sign constructed so that the
_____ sign face is supported by springs, or other similar support, attached to a
_____ wood or metal base which prevents said sign from toppling easily, and
_____ which may or may not flex when pressure is applied to the sign face.~~

~~Sec. 311.34 Wall sign: A sign which is fixed to, painted on, or carved into any
_____ exterior wall of a premises which carries the name of the business,
_____ person, firm, or corporation occupying the premises and the principal
_____ goods or services rendered.~~

~~Sec. 312 Signs in the "A-A", "A", "A-2", "B", "C", and "D" Residence District.~~

~~Sec. 312.1 Real Estate Sign: Advertising signs shall be permitted provided that the
_____ following requirements are adhered to. Such signs shall: relate solely to
_____ the lease, hire, or sale of the building or premises; not be situated in any
_____ street right-of-way; not exceed twelve (12) square feet in surface area for
_____ any one side; be removed as soon as the premises are leased, hired, or
_____ sold (See figure 1).~~

~~Sec. 312.2 Bulletin Board Sign: Notification signs shall be permitted provided that
_____ the following requirements are adhered to. Such signs shall: relate
_____ solely to a public, charitable, or religious institutional use of the
_____ premises; not exceed twelve (12) square feet in surface area for any one
_____ side (See figure 2). Permit required.~~

~~Sec. 312.3 Agricultural Sign: Advertising signs shall be permitted provided that
_____ the following requirements are adhered to. Such signs shall, not be
_____ situated in any street right-of-way (See figure 1).~~

~~Sec. 312.4 Construction Sign: Signs incidental to construction shall be permitted
_____ provided that the following requirements are adhered to. Such signs
_____ shall: be situated no less than ten (10) feet from any street right-of-way
_____ (in any direction); be removed upon completion or abandonment of the~~

~~construction work; be placed at the discretion of the Delhi Township Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 312.5 Home Occupation Sign: Signs pertaining to an occupation or profession carried on within a residential premises shall be permitted provided that the following requirements are adhered to. Such signs shall: be attached to the main structure on the premises; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (See figure 5); not exceed two (2) square feet in surface area.~~

~~Sec. 312.6 Political Sign: Political signs shall be permitted provided that the following requirements are adhered to. Such signs shall be situated not less than ten (10) feet from any street right of way (in any direction) and not be displayed more than ninety (90) consecutive days without being removed or replaced (See figure 1).~~

~~Sec. 312.7 Ground Sign: Identification signs may be attached to a free standing ground sign provided that the following requirements are adhered to. Such signs shall: not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name and use of the premises; not exceed ten (10) feet in height; be situated not less than ten (10) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from any adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 313 Signs in the "O" Office District.~~

~~Sec. 313.1 Wall Sign: Identification signs may be attached to a building provided that the following requirements are adhered to. Such signs shall: relate solely to the name and business of the occupant of the premises; be attached to a facade facing a street frontage; not exceed beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (see figure 5); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 5). Permit required.~~

~~Sec. 313.2 Ground Sign: Identification signs may be attached to a free standing ground sign provided that the following requirements are adhered to. Such signs shall: not exceed the number of one (1) per lot (see also~~

~~Section 311.7); relate solely to the name and/or business of the occupant(s) of the premises; not exceed ten (10) feet in height; be situated not less than ten (10) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 313.3 Real Estate Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right of way; not exceed twelve (12) square feet in surface area for any one side; be removed as soon as the premises are leased, hired, or sold (See figure 1).~~

~~Sec. 313.4 Bulletin Board Sign: Notification signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to a public, charitable, or religious institutional use of the premises; not exceed twelve (12) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 313.5 Agricultural Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: not be situated in any street right of way (See figure 1).~~

~~Sec. 313.6 Construction Sign: Signs incidental to construction shall be permitted provided that the following requirements are adhered to. Such signs shall: be situated no less than ten (10) feet from any street right of way (in any direction); be removed upon the completion or abandonment of the construction work; be placed at the discretion of the Delhi Township Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 313.7 Home Occupation Sign: Signs pertaining to an occupation or profession carried on within a residential premises shall be permitted provided that the following requirements are adhered to. Such signs shall: be attached to the main structure on the premises; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (See figure 5); not exceed two (2) square feet in surface area.~~

~~Sec. 313.8 Political Sign: Political signs shall be permitted provided that the following requirements are adhered to. Such signs shall be situated not less than ten (10) feet from~~

any street right-of-way (in any direction) and not be displayed more than ninety (90) consecutive days without being removed or replaced (See figure 1).

Sec. 314 ~~Signs in the "E" Retail Business District.~~

Sec. 314.1 ~~Wall Sign: Advertising and/or identification signs may be attached to a building provided that the following requirements are adhered to. Such signs shall: relate solely to the name (trade name, business name, corporate name) or use of the premises; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (see figure 5); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right-of-way). Permit required.~~

Sec. 314.2 ~~Pole Sign: Advertising and/or identification signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a ground sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises; not exceed forty five (45) feet in height; have no sign face less than ten (10) feet from grade level; be situated not less than ten (10) feet from any street right-of-way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right-of-way); not exceed one hundred fifty (150) square feet in surface area for any one side (See figure 3). Permit required.~~

Sec. 314.3 ~~Ground Sign: Identification signs may be attached to a free standing ground sign provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a pole sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises, or its products and services; not exceed ten (10) feet in height; be situated not less than fifteen (15) feet from any street right-of-way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from any adjacent property or any dedicated street right-of-way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 314.4 Marquee Sign: Advertising and/or identification signs, when mounted on a free standing pole sign, may include a marquee provided that the following requirements are adhered to. Such signs shall: follow the requirements established and described in Section 314.2 or 314.3; may reference an item of public interest (See figure 3). Permit required.~~

~~Sec. 314.5 Directional Sign: Directional signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: be situated not less than ten (10) feet from any street line (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way; not exceed ten (10) square feet in surface area for any one side (See figure 4). Permit required.~~

~~Sec. 314.6 DELETED~~

~~Sec. 314.7 DELETED~~

~~Sec. 314.8 Credit Card Sign: Advertising and/or identification signs shall be permitted provided that the following requirements are adhered to. Such signs shall: not exceed a number of two (2) for each street frontage; have no sign face less than ten (10) feet from grade level; be attached to an existing sign or light stanchion; not exceed a dimension of twelve (12) inches by eighteen (18) inches for any one side of each such sign.~~

~~Sec. 314.9 Real Estate Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right of way (in any direction); not exceed twelve (12) square feet in surface area for any one side; be removed as soon as the premises are leased, hired or sold (See figure 1).~~

~~Sec. 314.10 Bulletin Board Sign: Notification signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to a public charitable, religious institutional use of the premises; not exceed twelve (12) square feet in surface area for any one side (See figure 2).~~

~~Sec. 314.11 Agricultural Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: not be situated in any street right of way (See figure 1).~~

~~Sec. 314.12 Construction Sign: Signs incidental to construction shall be permitted provided that the following requirements are adhered to. Such signs shall: be situated no less than ten (10) feet from any street right of way~~

~~(in any direction); be removed upon the completion or abandonment of the construction work; be placed at the discretion of the Delhi Township Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 314.13 Home Occupation Sign: Signs pertaining to an occupation or profession carried on within a residential premises shall be permitted provided that the following requirements are adhered to. Such signs shall: be attached to the main structure on the premises; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (See figure 5); not exceed two (2) square feet in surface area.~~

~~Sec. 314.14 Political Sign: Political signs shall be permitted provided that the following requirements are adhered to. Such signs shall be situated not less than ten (10) feet from any street right of way (in any direction) and not be displayed more than ninety (90) consecutive days without being removed or replaced (See figure 1).~~

~~Sec. 315 Signs in the "F" Light Industrial District:~~

~~Sec. 315.1 Wall Sign: Identification signs may be attached to a building provided that the following requirements are adhered to. Such signs shall: relate solely to the name (trade name, business name, corporate name) or its products or services; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (see figure 5); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not exceed one hundred fifty (150) square feet in surface area for any one side. Permit required.~~

~~Sec. 315.2 Pole Sign: Advertising and/or identification signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a ground sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises; not exceed forty five (45) feet in height; have no sign face less than ten (10) feet from grade level; be situated no less than ten (10) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not exceed one hundred fifty (150) square feet in surface area for any one side (See figure 3). Permit required.~~

~~Sec. 315.3 — Ground Sign: Identification signs may be attached to a free standing ground sign provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a pole sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises, or its products and services; not exceed ten (10) feet in height; be situated not less than fifteen (15) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from any adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 315.4 — Directional Sign: Directional signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: not exceed a number of two (2) for each parcel; if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not exceed ten (10) square feet in surface area for any one side (See figure 4). Permit required.~~

~~Sec. 315.5 — Real Estate Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right of way (in any direction); not exceed twelve (12) square feet in surface area for any one side; be removed as soon as the premises are leased, hired, or sold (See figure 1).~~

~~Sec. 315.6 — Bulletin Board Sign: Notification signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to a public, charitable, or religious institutional use of the premises; not exceed twelve (12) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 315.7 — Agricultural Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: not be situated in any street right of way (See figure 1).~~

~~Sec. 315.8 — Construction Sign: Signs incidental to construction shall be permitted provided that the following requirements are adhered to. Such signs shall: be situated no less than ten (10) feet from any street right of way (in any direction); be removed upon completion or abandonment of the~~

~~_____ construction work; be placed at the discretion of the Delhi Township
_____ Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 315.9 Political Sign: Political signs shall be permitted provided that the following requirements
are adhered to. Such signs shall be situated not less than ten (10) feet from any street
right of way (in any direction) and not be displayed more than ninety (90) consecutive
days without being removed or replaced (See figure 1).~~

~~Sec. 316 Signs in the "DD" Residence District.~~

~~Sec. 316.1 Real Estate Sign: Advertising signs shall be permitted provided that the
following requirements are adhered to. Such signs shall: relate solely to
the lease, hire, or sale of the building or premises; not be situated in any
street right of way (in any direction); not exceed twelve (12) square feet
in surface area for any one side; be removed as soon as the premises are
leased, hired, or sold (See figure 1).~~

~~Sec. 316.2 Agricultural Sign: Advertising signs shall be permitted provided that
the following requirements are adhered to. Such signs shall: not be
situated in any street right of way (See figure 1).~~

~~Sec. 316.3 Construction Sign: Signs incidental to construction shall be permitted
provided that the following requirements are adhered to. Such signs
shall: be situated no less than ten (10) feet from any street right of way
(in any direction); be removed upon completion or abandonment of the
construction work; be placed at the discretion of the Delhi Township
Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 316.4 Home Occupation Sign: Signs pertaining to an occupation or
profession carried on within a residential premises shall be permitted
provided that the following requirements are adhered to. Such signs
shall: be attached to the main structure on the premises; not extend
beyond the boundaries of the facade upon which it is attached, and not
project more than eighteen (18) inches therefrom in an outward direction
(See figure 5); not exceed two (2) square feet in surface area.~~

~~Sec. 316.5 Political Sign: Political signs shall be permitted provided that the following requirements
are adhered to. Such signs shall be situated not less than ten (10) feet from any street
right of way (in any direction) and not be displayed more than ninety (90) consecutive
days without being removed or replaced (See figure 1).~~

~~Sec. 316.6 Ground Sign: Identification signs may be attached to a free standing
ground sign provided that the following requirements are adhered to.
Such signs shall: not exceed the number of one (1) per lot (see also~~

~~Section 311.7); relate solely to the name and use of the premises; not exceed ten (10) feet in height; be situated not less than ten (10) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from any adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 317 Signs in the "OO" Office District.~~

~~Sec. 317.1 Wall Sign: Identification signs may be attached to a building provided that the following requirements are adhered to. Such signs shall: relate solely to the name (trade name, business name, corporate name) or use of the premises; be attached to a facade facing a street frontage; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (See figure 5); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not exceed fifty (50) square feet in surface area. Permit required.~~

~~Sec. 317.2 Ground Sign: Identification signs may be attached to a free standing ground sign provided that the following requirements are adhered to. Such signs shall: not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name and/or business of the occupant(s) of the premises; not exceed ten (10) feet in height; be situated not less than ten (10) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from any adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 317.3 Real Estate Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right of way; not exceed twelve (12) square feet in surface area for any one side; be removed as soon as the premises are leased, hired, or sold (See figure 1).~~

~~Sec. 317.4 Agricultural Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: not be situated in any street right of way (See figure 1).~~

~~Sec. 317.5 Construction Sign: Signs incidental to construction shall be permitted provided that the following requirements are adhered to. Such signs shall: be situated no less than ten (10) feet from any street right of way (in any direction); be removed upon completion or abandonment of the construction work; be placed at the discretion of the Delhi Township Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 317.6 Political Sign: Political signs shall be permitted provided that the following requirements are adhered to. Such signs shall be situated not less than ten (10) feet from any street right of way (in any direction) and not be displayed more than ninety (90) consecutive days without being removed or replaced (See figure 1).~~

~~Sec. 317.7 Home Occupation Sign: Signs pertaining to an occupation or profession carried on within a residential premises shall be permitted provided that the following requirements are adhered to. Such signs shall: be attached to the main structure on the premises; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (See figure 5); not exceed two (2) square feet in surface area.~~

~~Sec. 318 Signs in the "EE" Retail Business District.~~

~~Sec. 318.1 Wall Sign: Advertising and/or identification signs may be attached to a building provided that the following requirements are adhered to. Such signs shall: relate solely to the name (trade name, business name, corporate name) or use of the premises; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (see figure 5); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way). Permit required.~~

~~Sec. 318.2 Pole Sign: Advertising and/or identification signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a ground sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises; not exceed forty five (45) feet in height; have no sign face less than ten (10) feet from grade level; be situated not less than ten (10) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not be situated less than two hundred (200) feet from any Residence District;~~

~~not exceed one hundred fifty (150) square feet in surface area for any one side (See figure 3). Permit required.~~

~~Sec. 318.3 Ground Sign: Identification signs may be attached to a free standing ground sign provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a pole sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises, or its products and services; not exceed ten (10) feet in height; be situated not less than fifteen (15) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from any adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit required.~~

~~Sec. 318.4 Directional Sign: Directional signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: be situated not less than ten (10) feet from any street line (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not exceed ten (10) square feet in surface area for any one side (See figure 4). Permit required.~~

~~Sec. 318.5 Real Estate Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right of way (in any direction); not exceed twelve (12) square feet in surface area for any one side; be removed as soon as the premises are leased, hired, or sold (See figure 1).~~

~~Sec. 318.6 Agricultural Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall: not be situated in any street right of way (See figure 1).~~

~~Sec. 318.7 Construction Sign: Signs incidental to construction shall be permitted provided that the following requirements are adhered to. Such signs shall: be situated no less than ten (10) feet from any street right of way (in any direction); be removed upon the completion or abandonment of the construction work; be placed at the discretion of the Delhi Township Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 318.8 Political Sign: Political signs shall be permitted provided that the following requirements are adhered to. Such signs shall be situated not less than ten (10) feet from any street right of way (in any direction) and not be displayed more than ninety (90) consecutive days without being removed or replaced (See figure 1).~~

~~Sec. 319 Signs in the "FF" Light Industrial District.~~

~~Sec. 319.1 Wall Sign: Identification signs may be attached to a building provided that the following requirements are adhered to. Such signs shall: relate solely to the name (trade name, business name, corporate name) or its products or services; not extend beyond the boundaries of the facade upon which it is attached, and not project more than eighteen (18) inches therefrom in an outward direction (see figure 5); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not exceed one hundred fifty (150) square feet in surface area for any one side. Permit required.~~

~~Sec. 319.2 Pole Sign: Advertising and/or identification signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a ground sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises; not exceed forty five (45) feet in height; have no sign face less than ten (10) feet from grade level; be situated no less than ten (10) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right of way); not exceed one hundred fifty (150) square feet in surface area for any one side (See figure 3). Permit required.~~

~~Sec. 319.3 Ground Sign: Identification signs may be attached to a free standing ground sign provided that the following requirements are adhered to. Such signs shall: be permitted at a premises as an alternative to the utilization of a pole sign; not exceed the number of one (1) per lot (see also Section 311.7); relate solely to the name (trade name, business name, corporate name) or use of the premises, or its products and services; not exceed ten (10) feet in height; be situated not less than fifteen (15) feet from any street right of way (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from any adjacent property or any dedicated street right of way); employ no motion or intermittence; not exceed fifty (50) square feet in surface area for any one side (See figure 2). Permit~~

_____ required.

~~Sec. 319.4 Directional Sign: Directional signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall be situated not less than ten (10) feet from any street line (in any direction); if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right-of-way); not exceed ten (10) square feet in surface area for any one side (See figure 4). Permit required.~~

~~Sec. 319.5 Real Estate Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right-of-way (in any direction); not exceed twelve (12) square feet in surface area for any one side; be removed as soon as the premises are leased, hired or sold (See figure 1).~~

~~Sec. 319.6 Agricultural Sign: Advertising signs shall be permitted provided that the following requirements are adhered to. Such signs shall not be situated in any street right-of-way (See figure 1).~~

~~Sec. 319.7 Construction Sign: Signs incidental to construction shall be permitted provided that the following requirements are adhered to. Such signs shall be situated no less than ten (10) feet from any street right-of-way (in any direction); not exceed twenty four (24) square feet in surface area for any one side; be removed upon the completion or abandonment of the construction work; be placed at the discretion of the Delhi Township Zoning Inspector (See figure 1). Permit required.~~

~~Sec. 319.8 Political Sign: Political signs shall be permitted provided that the following requirements are adhered to. Such signs shall be situated not less than ten (10) feet from any street right-of-way (in any direction) and not be displayed more than ninety (90) consecutive days without being removed or replaced (See figure 1).~~

ARTICLE XXXI
SIGNS

Sec. 310 Purpose

This Article establishes the minimum regulations for the display of signs in order to encourage an attractive visual environment for businesses to inform and direct the general public, protect and enhance the physical appearance of the Township, ensure public safety along major streets, and provide businesses with a format for on-premises advertising.

Sec. 311 Applicability

1. The regulations contained within this Article shall apply to all signs and to all zoning districts.
2. No sign shall be erected, established, modified, created, or maintained in the Township without the issuance of a zoning permit and the payment of fees unless otherwise exempted in this Article.
3. No zoning permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.
4. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable electrical code in effect.
5. No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of any applicable building or fire codes in effect.
6. Changes of sign panels require the issuance of a zoning permit.

Sec. 312 Definitions

1. Advertising Sign

A sign, billboard, or sign board which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.

A. On-Site Advertising Sign

Any sign, advertisement, announcement, logo, or symbol attached to, painted, or illuminated, directly or indirectly upon any land or building which directs attention to any business, professional service, or similar activity which is conducted on the premises where the sign is located.

2. Agricultural Sign

An advertising sign directing attention to a business, commodity or service conducted, sold or offered upon the premises where such sign is located, and which premises meets the definition of the term "Agriculture" as defined in this Resolution (See Sec. 31.2 "Agriculture").

3. "A-Frame" Type Sign

A one or two sided sign which is constructed in the figuration of a capital "A" or an inverted "V".

4. Building

See Section 31.9 "Building".

5. Construction Sign

A temporary sign that is posted on the site of a development project or subdivision that is currently under construction. Such signs may be posted following the approval of the subdivision by the appropriate regulatory agency and may remain posted throughout the duration of construction. Such signs may indicate the name of the project, the architect, engineer, contractor, or other similar information concerning the project. Such signs must be removed upon the completion or abandonment of the construction work.

6. Development Sign

A sign which, by symbol or name, identifies a development (a subdivision, neighborhood, shopping center or commercial or industrial park, etc.) and which is located at a primary entrance to the development.

7. Directional or Way Finding Sign

Any sign which serves solely to provide special information such as direction and/or warning.

8. Façade

Any exterior wall of a building.

9. Grade Level

A practically horizontal surface of land area around, adjacent to, and upon which a sign or light stanchion rests.

10. Ground Sign

See Section 312.15: "Monument Sign".

11. Identification Sign

A sign which displays only the same address and/or use of the premises upon which the sign is located or the product or service offered therein.

12. Illuminated Sign

A sign which is lighted by way of an internal, external, or indirect light source.

13. Logo

An identifying statement (i.e.: motto, trademark, symbol, etc.).

14. Marquee Sign

A sign designed to allow periodic or intermittent message changes, which may be controlled electronically (e.g. time display, temperature display, fuel price display, current sales or specials, events, and messages), or manually controlled (utilizing changeable letters or words).

15. Monument Sign

Any freestanding sign independently supported by and anchored to the ground or mounted on a decorative wall or fence.

16. Motion or Intermittence

Changing of physical position by any movement or rotation or visual impression of such movement or rotation.

17. Non-Conforming Sign

A sign in existence prior to the effective date of this Resolution (and any pertinent amendment thereto) which does not conform to the provisions of this Resolution and must also comply with Section 310 of this Resolution. (See also Article XV: "Non-Conforming Uses".)

18. Notification Sign

A sign which issues a warning, announcement, attention, or notice.

19. Pole Sign

A sign mounted on a freestanding pole or other similar support.

20. Sight Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See Figure 312-1.

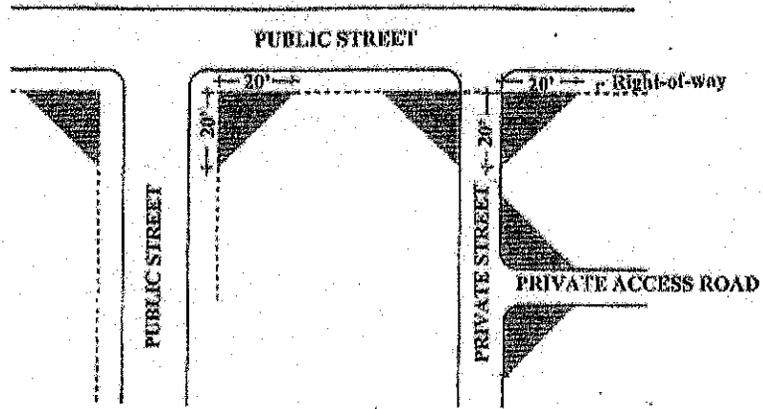


Figure 312-1: Sight triangle locations and measurements.

21. Sign

A name, identification, description, display, illustration, or logo which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

22. Sign Face

The surface of the sign upon or against which any message of the sign is exhibited.

23. Square Footage

The sum of multiplying the height of the surface area times the width of the surface area of a sign. In the event that independent letters, logos, symbols, etc., are utilized, the above formula shall determine such sign's square footage by computing the minimum area of a polygon which completely encloses the sign face and in which polygon no interior angle is greater than 180 degrees.

24. Street Frontage

That façade (See Section 312.8: "Façade") which fronts a dedicated street right-of-way or access drive, or that façade upon which the main entrance to the premises is situated.

25. Surface Area

The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or any figure or similar character together with any frame or other material or color forming an integral part of a display. The area of such sign shall be determined by computing the minimum area of a polygon which completely encloses the sign face and in which polygon no interior angle is greater than 180 degrees.

26. Temporary Sign

Any sign which is not permanently attached to the ground, a structure, or other sign, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

27. "Thomas" Type Sign

A one or two sided sign constructed so that the sign face is supported by springs, or other similar support, attached to a wood or metal base which prevents said sign from toppling easily, and which may or may not flex when pressure is applied to the sign face.

28. Wall Sign

A sign which is fixed to, painted on, or carved into any exterior wall of a premises which carries the name of the business, person, firm, or corporation occupying the premises and the principal goods or services rendered.

Sec. 313 Computations and Rules of Measurement

The following shall control the computations of sign area and sign height:

1. Sign Face or Area

- A. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed.
- B. The calculation for the sign face area does not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined by the zoning inspector to constitute an integral part of the sign design or is determined to be designed to attract attention. See Figure 313-1.

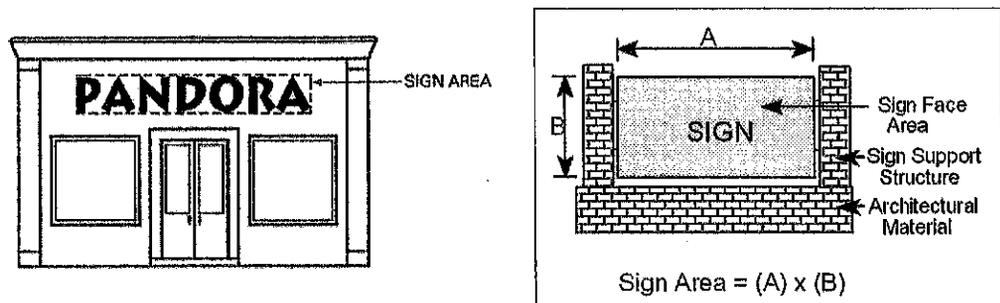


Figure 313-1: Illustration of sign area calculations for a wall sign (left) and a monument sign (right).

- C. The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces.
- D. In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.
- E. When calculating sign area, fractional amounts may be rounded to the nearest whole number.

2. Street and Building Frontage
 - A. When calculating street frontage, only the street frontage that lies in the unincorporated area of the Township shall be used in the calculation.
 - B. For multi-occupant buildings and structures, the portion of a building or structure that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
 - C. The building frontage is the length of an outside building wall which fronts a dedicated street right-of-way or access drive.
3. Sign Height
 - A. The height of a sign shall be computed as the distance from the average natural grade at the base of the sign or support structure to the top of the highest attached component of the sign.
 - B. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the average natural grade, where the sign is to be located, prior to the addition of the sign.
4. Sign Setbacks
 - A. The required setbacks for a sign shall apply to all elements of the sign including its frame and base.
 - B. The setback of a freestanding sign shall be measured horizontally from the nearest edge of any part of the sign structure to the street right-of-way line or lot line, as applicable.

Sec. 314 Signs Not Requiring a Zoning Permit

The following signs do not require a zoning permit from the zoning inspector. Each sign exempt from the permit process shall still comply with any applicable height, area, and locational standards established in this Article.

1. Flags of reasonable, customary size and color that contain emblems and insignia of any governmental agency or political subdivision.
2. Commemorative plaques placed by a local, state, or federally recognized historical agency, or a government entity.
3. Interior signs within a stadium, open-air theater, shopping center, parks, arena or other use, which signs are intended to be viewed only by persons within such stadium, open-air theater, shopping center, parks, arena, or other use.
4. Temporary signs as established in Section 319.

Sec. 315 Signs Exempt from this Article

The following signs and messages are exempt from the regulations of this Article.

1. Signs bearing no commercial message and installed by employees or officials of a township, city, county, state or federal agency in the course of their governmental duties.
2. Other signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.
3. Reflectors and safety signs or devices used to mark driveways, towers and potentially dangerous structures or situations provided such signs and devices do not display commercial messages.
4. Signs required by a state or federal statute.
5. Signs required by an order of a court of competent jurisdiction.
6. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message necessary to identify the use.

Sec. 316 Prohibited Signs

The following signs are specifically prohibited in the Township:

1. Signs in the right-of way other than those specifically permitted in this Article (See also Section 315: Signs Exempt from this Article).
2. Pennants, banners (except under Section 319: Temporary Signs), streamers, flags intended for advertising or commercial purposes and similar type devices intended to attract the attention of drivers or pedestrians.
3. Roof signs and signs that extend above or beyond the building façade, except as otherwise specifically permitted in this Article.
4. Signs emitting sounds.
5. All portable advertising signs (mobile signs either on wheels or designed to be on wheels, etc.) and signs mounted, attached, painted, etc. on trailers, boats or motor vehicles except those on licensed commercial, delivery and service vehicles.
6. Off-premises signs, unless otherwise expressly permitted. Billboards are permitted per ORC.
7. Flashing, moving, blinking, racer type, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, ribbons, spinners, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
8. Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.
9. Permanent signs erected or attached to accessory structures.

Sec. 317 General Construction

1. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
2. Permanent signs shall be constructed and erected to withstand wind pressures and shall be fastened, suspended or supported so that they will not be a menace to persons or property.
3. No sign shall be erected so as to project over and obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building or structure.
4. No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.
5. No sign shall be placed in the sight triangle of any intersection (See Section 312.20: Sight Triangle).
6. No sign and/or outdoor advertising shall be constructed, maintained, or illuminated in such a manner so as to create or allow the obstruction of vision of drivers, pedestrians, or the general public, or a fire or safety hazard.

Sec. 318 Permitted Signs

The following are provisions for permitted, permanent signs that require a zoning permit:

1. Permanent Signs Permitted in Residence Districts

The following are the permanent signs permitted in the "A-A", "A", "A-2", "B", "B-2", "C", "D", and "DD" Residence Districts along with all applicable standards:

A. Wall Signs on Dwellings

Wall signs in residence districts are limited to home occupation signs as prescribed in Section 31.26: Home Occupation.

B. Development Signs

Up to two wall signs or one permanent monument sign may be permitted for any subdivision or multi-family dwelling development provided that the sign meets the following requirements:

i. General Standards

- a) Each sign may have a maximum sign area of 24 square feet not including any fencing, wall, supporting brick, stone, or any other material used to frame, brace or otherwise provide structural support for the sign on which the sign is located.
- b) No such sign or any portion of the structure shall exceed six feet in height.

c) The sign may only be illuminated through an external light source.

ii. Monument Sign

a) A maximum of one such permanent sign may be permitted for the primary development or subdivision entrance on a collector or arterial street as determined by the zoning inspector.

b) Such signs are permitted to be the principal use of the property if it is associated with the adjacent development or subdivision and located within either an easement or in a common area.

c) Such signs shall be set back five feet from any public right-of-way and 20 feet from any adjacent lot lines.

d) If an applicant proposes to use a monument sign, no wall signs shall be permitted.

iii. Wall Signs

a) A maximum of two such signs may be permitted for the primary development or subdivision entrance on a collector or arterial street as determined by the zoning inspector.

b) Such signs shall be mounted to a decorative wall or fence, constructed in compliance with the provisions of this Resolution, and shall generally run parallel with the street.

c) Such signs shall be set back five feet from any public right-of-way with no minimum setback from adjacent lot lines.

d) If an applicant proposes to use wall signs, no monument sign shall be permitted.

C. Signs for Agricultural or Nonresidential Uses

i. For information on signage for home occupations, refer to Section 318.1.A.

ii. One on-site, permanent monument sign may be permitted for any nonresidential use in a residential zoning district provided the sign meets the following requirements:

a) Such signs shall be set back five feet from any public right-of-way and 10 feet from any adjacent property lines. The sign shall also be set back 20 feet from the property lines of any adjacent residential uses.

b) Such signs may have a maximum sign area of 24 square feet.

c) No such signs or any portion of the structure shall exceed six feet in height.

d) Up to 50 percent of such sign's area may include manual, non-electronic changeable copy signage.

e) Such signs may only be illuminated through an external light source.

iii. One on-site, permanent monument sign shall be permitted on any lot that is used primarily for an agricultural use provided the lot has a minimum area of five acres and the sign meets the same standards as established in paragraph 318.1.C.ii above.

2. Permanent Signs Permitted in Nonresidential Districts

All signs in nonresidential districts shall be on-premises signs, accessory to the principal use.

A. Permitted Signs

i. Table 318-1: Summary Table of Permitted Signs, illustrates a summary of sign types permitted within each nonresidential zoning district. The symbol “P” shall mean the specific sign type is permitted within the applicable zoning district subject to all other applicable standards established in this Article, including regulations for the specific sign type defined in this section.

	O	I	F	OO	IS	IF	Dirco	Sta Station
Wall Signs	P	P	P	P	P	P	P	318.2.B
Monument Signs	P	P	P	P	P	P	P	318.2.C
Pole Signs		P	P		P	P	P	318.2.D
Directional and Way Finding Signs	P	P	P	P	P	P	P	318.2.E
Agricultural Signs	P	P	P	P	P	P	P	318.2.F
Menu Board Signs		P	P		P	P	P	318.2.G
Marquee Signs [1]		P	P		P	P	P	318.2.H
Notes: [1] Marquee signs featuring non-electronic changeable copy referencing items of public interest are permitted on the premises of institutional uses located in any zoning district and shall be subject to the requirements of the zoning district in which they are located.								

ii. For information on signage for home occupations, refer to Section 318.1.A.

B. Wall Signs

Advertising or identification signs may be attached to a building or structure provided that the following requirements are adhered to:

i. Such signs shall not extend beyond the boundaries of the façade upon which they are attached and shall not project more than 18 inches therefrom in an outward direction.

ii. If illuminated, such signs shall be back lit, internally lit or indirectly lit.

C. Monument Signs

- i. Number of Signs
 - a) One monument or pole sign per street frontage is permitted on lots containing single uses in zoning districts where freestanding monument signs are permitted.
 - b) One monument or pole sign per street frontage is permitted on the premises of a shopping center (See Section 31.38-2: Shopping Center) or lots containing multiple uses in zoning districts where freestanding monument signs are permitted.
- ii. Maximum Height

The maximum sign height for such signs shall be 10 feet.
- iii. Maximum Sign Area

The maximum area for such signs shall be 50 square feet for any one side.
- iv. Minimum Setback

Such signs shall be set back a minimum of five feet from any right-of-way and 20 feet from any adjacent lot lines.
- v. Lighting

Such signs may be back lit, internally lit or indirectly lit, and may employ motion or intermittence.

D. Pole Signs

- i. Number of Signs
 - a) One pole or monument sign per street frontage is permitted on lots containing single uses in zoning districts where freestanding pole signs are permitted.
 - b) One pole or monument sign per street frontage is permitted on the premises of a shopping center (See Section 31.38-2: Shopping Center) or lots containing multiple uses in zoning districts where freestanding pole signs are permitted.
- ii. Maximum Height

The maximum sign height for such signs shall be 25 feet.
- iii. Maximum Sign Area

The maximum area for such signs shall be 150 square feet for any one side.
- iv. Minimum Setback

Such signs shall be set back a minimum of 10 feet from any right-of-way and 20 feet from any adjacent lot lines.
- v. Lighting

Such signs may be back lit, internally lit or indirectly lit, and may employ motion or intermittence.

E. Directional and Way Finding Signs

Directional and way finding signs may be mounted on a freestanding pole or other such support, provided that the following requirements are adhered to:

- i. Such signs shall be set back a minimum of 15 feet from any street right-of-way.
- ii. Such signs shall not exceed 10 square feet in surface area for any one side.

F. Agricultural Signs

Agricultural advertising signs shall be permitted provided that such signs are set back at least five feet from any right-of-way and 10 feet from any adjacent property lines, and 20 feet from the property lines of any adjacent residential uses.

G. Menu Board Signs

- i. Up to two such signs for each stacking lane in a drive-through facility shall be allowed provided collectively such signs do not exceed 50 square feet in sign area. Any additional attachments such as pictures or photographs of food and/or other items shall be included within the maximum signage area.
- ii. Such signs shall not exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- iii. Such signs shall be internally illuminated.
- iv. Such signs shall be reviewed and approved as part of the zoning permit for the drive-through establishment or, when such signs are to be added, as part of a separate zoning permit application.

H. Marquee Signs

- i. In the "E", "EE", "F", and "FF" Zoning Districts, an electronic or manual marquee sign may be included on a monument sign, pole sign or wall sign, provided that such signs shall adhere to all regulations applicable to the sign type on which they are included.
- ii. In the "O" and "OO" Zoning Districts, a manual, non-electronic marquee sign may be included on a monument sign, pole sign, or wall sign, provided that such signs shall adhere to all regulations applicable to the sign type on which they are included.

Sec. 319 Temporary Signs

1. Generally

Temporary signs (See Section 312.26: Temporary Sign) may include, but are not limited to, political signs, real estate signs, garage/yard sale signs, contractor signs, construction signs, promotional signs, banners, A-Frame type signs, Thomas-type signs, and special event signs.

2. Standards that Apply to All Temporary Signs
 - A. Such signs shall not exceed 16 square feet in area.
 - B. Such signs shall be set back a minimum of five feet from any roadway, outside any street right-of-way, and outside any sight triangles.
 - C. Such signs may not be displayed more than 90 consecutive days without being removed or replaced.
 - D. Such signs shall be durable and weather-resistant.
 - E. Such signs shall not be mounted, attached, affixed, installed, or otherwise secured by any means to any permanent sign, accessory structure, light pole, utility pole or tree/landscape material.
 - F. Such signs shall not be mounted, attached, affixed, installed, or otherwise secured by any means so as to protrude above the roof of a structure.
 - G. Such signs shall not be illuminated by anything other than daylight or ambient lighting.
 - H. No temporary signs shall be located in any right-of-way.

Sec. 320 Enforcement and Maintenance

1. Maintenance Standards

All signs and/or outdoor advertising as herein permitted shall be constructed, maintained and illuminated in a reasonable, workmanlike manner.

2. Removal of Unlawful Sign in the Public Rights-of-Way

Signs, other than those installed by the Township, County, City, State, or Federal government, are specifically prohibited in any public right-of-way. The Township shall remove or cause to be removed from any public right-of-way any sign other than governmental signs as referenced above.

Sec. 321 Non-Conforming Signs

1. The lawful use of any sign as existing and lawful at the time of enactment of this Resolution or amendment thereto, may be continued although such sign does not conform to the provisions of this Article.
2. Whenever a sign becomes non-conforming through an amendment of this Resolution or maps, the use of such sign may be continued as long as it is kept in good repair and safe condition.
3. It shall be the responsibility of the Township Department of Development Services to register and keep records of all non-conforming signs, and advise the owners of such signs of their being so classified. A non-conforming sign shall immediately lose its non-conforming designation and must comply with the regulations of this Article if:
 - A. The sign structure is altered in any way;
 - B. The sign is relocated;
 - C. The sign is replaced;
 - D. The sign is part of an establishment which discontinues its operation for a period of two years;
 - E. The sign face is enlarged; or
 - F. The sign is completely destroyed.



HAMILTON COUNTY

Regional Planning Commission

STAFF REPORT

FOR CONSIDERATION BY REGIONAL PLANNING COMM. ON FEBRUARY 5, 2015

**TEXT
AMENDMENT
CASE:**

SYMMES 2015-01

TEXT AMENDMENTS

INITIATED BY: The Symmes Township Board of Trustees

REQUEST: To amend the Symmes Township Zoning Resolution to revise Article 3 – Definitions, Article 5 – General Provisions, Article 14 – Parking and Loading Regulations, and Article 35 – Conditional Uses

PURPOSE To revise the language and regulation of residential facilities within Symmes Township to be consistent with the language of the Ohio Revised code including definitions, permitted locations, and dispersion of such facilities

**SUMMARY OF
RECOMMENDATIONS: APPROVAL**

**PROPOSED
AMENDMENT:**

The Township is proposing to amend the Zoning Resolution to remove the existing definitions of Family Home, Group Home, and Residential Facility, remove references to the above from the definitions of Family and Residential Use, add a new Section 54.2 to address Residential Facility definitions, permitted locations, and dispersion requirements, change Group Home to Residential Facility in the parking chapter, change Group Home to Residential Facility meeting the larger standard of the ORC in the Conditional Use chapter, and remove the larger Residential Facilities from the list of allowable conditional uses in single-family districts. These amendments have been proposed to update the language of the Zoning Resolution to conform to the terminology used in the Ohio Revised Code (ORC), which no longer defines residential facilities as either Family Homes or Group Homes, and to propose a 1,000-foot separation between permitted Residential Facilities in accordance with the dispersion language of the ORC. The proposed amendments would not change the way these uses are permitted in the township with the exception of the new spacing requirement and the removal of the larger residential facilities from the list of Conditional Uses in single-family zones.

ANALYSIS:

The regulation of Residential Facilities through zoning has become a somewhat confusing process. While the ORC states clearly that Residential Facilities up to a certain number of residents must be permitted in all residential districts subject to the same standards as any other single-family use, and larger facilities must be merely permissible in multi-family zones, the differentiation between these two sizes depends on minor differences in the type of mental illness or disability. As a result, one section of the ORC allows Residential Facilities of up to 5 residents to be considered as a single-family use and another section allows between 6 and 8 residents. Correspondingly, one section allows conditional use regulation of Residential Facilities between 6 and 16 residents and another between 9 and 16 residents.

Staff began working with township officials on the issue of Residential Facilities in 2014 at the request of several residents and at the direction of the Symmes Township Zoning Commission and Board of Trustees. Township officials, in conjunction with staff and township legal counsel, proposed the requested amendments after detailed review of the existing regulations and changes to the ORC. To prevent the possibility that changes to state law again affect the language of the Zoning Resolution, the specific definitions of these facilities were removed and the proposed text would now simply reference the definitions contained in the ORC.

The proposed amendments also include two significant changes to administration of residential facilities. First, there would be a spacing requirement of 1,000 feet between residential facilities. This is supported by the dispersion language of the ORC, which permits spacing requirements to prevent “excessive concentration of licensed residential facilities.” There is no specific distance in the ORC and there has been no clear standard defined through court action. Second, the changes would remove the larger residential facilities, formerly known as group homes, from the list of conditional uses in all single-

family districts. This is also supported by the language of the ORC, which specifically states that such uses must only be permitted in multi-family districts and may be considered as conditional uses. Therefore, staff finds that the proposed amendments would be consistent with state law and would be appropriate additions to the Symmes Township Zoning Resolution.

CONCLUSION:

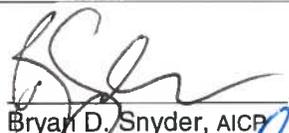
Generally, staff supports the modification to the Zoning Resolution related to regulation of residential facilities. The proposed amendments would be consistent with state law regulations related to these facilities and would constitute an improvement to the Zoning Resolution. Therefore, staff finds these new regulations to be appropriate.

RECOMMENDED MOTION:

To consider approval of case Symmes 2015-01; Text Amendments, a request for approval of zoning text amendments to the Symmes Township Zoning Resolution related to residential facilities as initiated by the Symmes Township Board of Trustees.

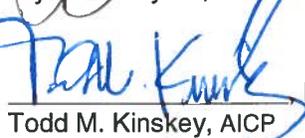
NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report does not include detailed analysis of compliance with local zoning standards since the site is located in a township that is not a member of the Hamilton County Regional Planning Commission. The report is also prepared in advance of public hearings and often in advance of other agency reviews. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:


Bryan D. Snyder, AICP

Development Services Administrator

Approved by:


Todd M. Kinskey, AICP

Planning & Development Director



RESOLUTION G2015-01

RESOLUTION INITIATING AMENDMENTS TO ARTICLE V GENERAL PROVISIONS
OF THE ZONING RESOLUTION FOR SYMMES TOWNSHIP, HAMILTON COUNTY,
OHIO TO ADD SECTION 54.2 – RESIDENTIAL FACILITIES AND RELATED

WHEREAS, pursuant to Ohio Revised Code Chapters 5119 and 5123, depending on the applicable code section and subject to specific requirements, certain residential facilities are allowed in single family or multiple-family residential districts as a permitted use, conditionally permitted use or special exceptions; and

WHEREAS, the applicable sections of the Ohio Revised Code require such residential facilities to comply with requirements and regulations that are uniformly imposed upon all structures within the district or zone as well as permit the political subdivision to limit the excessive concentration of such residential facilities;

WHEREAS, Symmes Township desires to adopt the provisions set forth in Chapters 5119 and 5123 related to the residential facilities subject to certain limitations;

WHEREAS, pursuant to Article XXIII, Section 231 of the Symmes Township Zoning Resolution and Ohio Revised Code §519.12, amendments to the zoning resolution may be initiated by the passage of a resolution by the Board of Township Trustees;

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

Section 1. Pursuant to Article XXIII, Section 231 of the Symmes Township Zoning Resolution and Ohio Revised Code §519.12(A)(1), the Board of Trustees of Symmes Township hereby initiates a text amendment of Article V General Provisions to add Section 54.2 – Residential Facilities and to amend Article III Definitions and all references thereto as set forth on Attachment “A” attached hereto and incorporated herein by reference. The Resolution shall be certified to the Township Zoning Commission upon passage.

Section 2. The Board of Trustees, 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 this first reading. This action was taken in open meetings in accordance with law. This Resolution shall be effective immediately.

RESOLUTION G2015-01

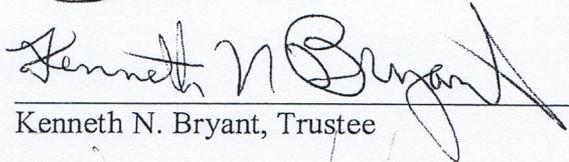
ADOPTED JANUARY 6, 2014

Vote Record: Mr. Beck Aye Mr. Bryant Aye Mrs. Leis Aye

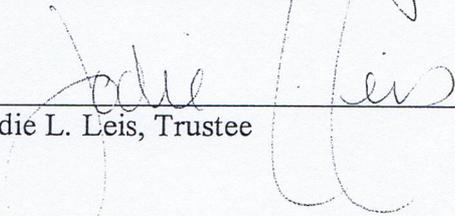
BOARD OF TRUSTEES:



Philip J. Beck, Trustee



Kenneth N. Bryant, Trustee



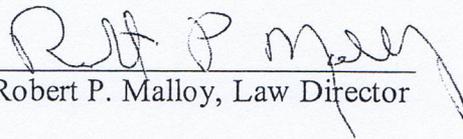
Jodie L. Leis, Trustee

ATTEST:



Carol A. Sims, Fiscal Officer

APPROVED AS TO FORM:



Robert P. Malloy, Law Director

ATTACHMENT A

ARTICLE III. DEFINITIONS

- Sec. 31.3-72** **Family:** A person or group of persons occupying a premises and living as a single housekeeping unit, ~~including a “family home” as hereinafter defined,~~ but as distinguished from a group occupying a boarding house, fraternity/sorority house, hotel or other type of contractual living quarters.
- Sec. 31.3-73** ~~**Family Home:** A residential facility shared by at least six (6) but not more than eight (8) mentally retarded or developmentally disabled individuals plus paid professional support staff provided by a sponsoring agency either living with the residences [sic] on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment [sic] which shall require a Special Zoning Certificate. This definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. [Deleted].~~
- Sec. 31.3-93** ~~**Group Home:** A residential facility shared by nine (9) to sixteen (16) handicapped individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. [Deleted].~~
- Sec. 31.3-172** ~~**Residential Facility:** A home or facility in which a person with a mental illness, mental retardation or developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a mental illness, mental retardation or developmental disability resides. [Deleted].~~
- Sec. 31.3-173** **Residential Use:** A home, abode, dwelling unit or place, where a family or individual(s) live; where such a place has areas for living and eating within the structure. This category includes but is not limited to single-family detached units, single-family detached units in PUDs (clustered, patio-dwelling, and zero lot-line), multi-family units, and manufactured or mobile homes as well as uses such as bed & breakfast facilities, granny cottages, ~~group homes,~~ Residential Facility and day care/Type A.

ARTICLE V. GENERAL PROVISIONS

Sec. 54.2 Dispersion Requirements for Residential Facilities.

54.2-1 The term “Residential Facility” as used in this Section shall have the meaning set forth in R.C. §5119.34(A)(9) and §5123.19(A)(5), as applicable and as previously and hereinafter amended.

54.2-2 Subject to the provisions of this Section, R.C. §5119.341 and §5123.19, any person may operate a Residential Facility that meets all of the requirements of Ohio Revised Code §5119.341(A) or §5123.19(O) (including licensure requirements and other regulations set forth in the Ohio Revised Code and the Ohio Administrative Code applicable to such Residential Facility) as a permitted use in any residential district. However, in any single family residential district a Residential Facility shall not exceed the number of residents specified in R.C. §5119.341(A) or 5123.19(O).

54.2-3 Subject to the provisions of this Section, R.C. §5119.341 and §5123.19, any person may operate a Residential Facility that meets all of the requirements of Ohio Revised Code §5119.341(B) or §5123.19(P) (including licensure requirements and other regulations set forth in the Ohio Revised Code and the Ohio Administrative Code applicable to such Residential Facility) as a conditionally permitted use in D, O, MHP, E, DD, OO, and EE districts. Article XXXV of the Zoning Resolution shall govern all applications for a Conditional Use Zoning Certificate made pursuant to this Subsection. Such a Residential Facility is prohibited in A-A, A, A-2, B, B-2 and C Residence districts.

54.2-4 Any Residential Facility that meets the requirements of Subsections 54.2-2 or 54.2-3 above shall also comply with the following:

- A. All requirements and regulations related to area, height, yard, architectural compatibility, site layout, screens, fences, signs, parking, permitting, health, fire, safety, building standards or others that are uniformly imposed upon all similar structures within the applicable district or zone;
- B. As set forth in R.C. §5119.341(D)(1) and §5123.19(P)(3), in order to regulate the excessive concentration of Residential Facilities, no Residential Facility shall be located within one thousand (1000) feet of any other Residential Facility measured in a straight line from the property line of one Residential Facility to the nearest point of the property line of another Residential Facility.

54.2-5 In the event of a conflict between the provisions of the Ohio Revised Code, the Ohio Administrative Code and this Section 54.2, the provisions of the Ohio Revised Code followed by the Ohio Administrative Code followed by this Section 54.2 shall govern and prevail in that order.

ARTICLE XIV. PARKING AND LOADING REGULATIONS

Sec. 141.44 **Group Home Residential Facility**: One space per employee, plus one space per five (5) residents.

TABLE 35-1

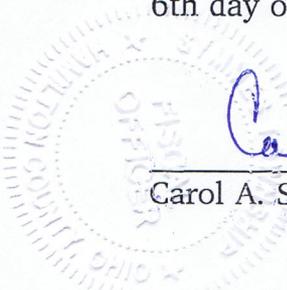
CONDITIONAL USES

SPECIFIC USES	Conditional Uses By District								Specific Criteria Letters as Per Sec. 386
	AA-C	D	MHP	O	E	F	G	H	
RESIDENTIAL USES:									
Accessory Apartment	C							C	m, p1, q, y
Bed and Breakfast	C	C						C	f, h, m, p2, s, x
Day Care Type A	C	C	C					C	e, g, h, i, n, p1, r, s, y
Granny Cottage	C	C							n, p1, cc, dd, ee
<u>Group Home Residential Facility that meets the requirements of R.C. §5119.341(B) or R.C. §5123.19(P)</u>	C	C	C	C	C				f, k, m, n, p1, p4, s, t, v
COMMERCIAL USES:									
Marina, including Lounge and Restaurant								C	e, h, l, p3
Veterinary facility, riding	C	C		C					a, aa1
Restaurant or Bar as accessory to office use				C					o, p1, q
Adult Entertainment or Related activity (see definitions in Section 392)						C	C		p3, t, y, gg, hh
Transient Vendor	C	C	C	C	C	C	C	C	See Section 394
INDUSTRIAL USES:									
Flammable Liquids/ Gases, Heating Fuel Dist. & Storage								C	j, l, p1, u, y, z, aa2
Mini-Storage Facility					C				e, g, o, p3, u
River Activities:									
Loading, Parking								C	h, l, p, y, bb
Outside Storage								C	l, o, p1, y, aa1
River Terminal Uses and Airport Landing Strips								C	l, p2, y, aa2
Telecommunications Towers (*Conditional Use if located within 300 feet of a Residential District)	C	C	C	C	C	*	*	*	See Section 393
Vehicle Storage Yard						C			o, p3, y, aa1
Warehouse as accessory use				C	C				e, h, l, p1, q, s

CERTIFICATE OF FISCAL OFFICER

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution G2015-01 adopted by this Board of Symmes Township in regular session the 6th day of January, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Fiscal Officer of Symmes Township this 6th day of January, 2015



Carol A. Sims

Carol A. Sims, Fiscal Officer



HAMILTON COUNTY

Regional Planning Commission

STAFF REPORT

FOR CONSIDERATION BY REGIONAL PLANNING COMM. ON FEBRUARY 5, 2015

**TEXT
AMENDMENT
CASE:**

SYMMES 2015-02

TEXT AMENDMENTS

INITIATED BY: The Symmes Township Board of Trustees

REQUEST: To amend the Symmes Township Zoning Resolution to revise Article 25 – Enforcement and Article 28 – Violations and Penalties

PURPOSE To revise the language of the enforcement and zoning violation penalties sections to be consistent with the enforcement rules and procedures of the Hamilton County Municipal Court for administration of zoning citations in Symmes Township

**SUMMARY OF
RECOMMENDATIONS: APPROVAL**

**PROPOSED
AMENDMENT:**

The Township is proposing to amend the Zoning Resolution to make minor changes to the enforcement and zoning violation penalty sections. The changes are intended to bring the zoning violation enforcement process into compliance with the requirements of the Hamilton County Municipal Court (Housing Court). The amendments include changing zoning violations from civil penalties to minor misdemeanors, removing the increased penalties for continued violations, and amending the Table of Penalties to state that violations are subject to the maximum fine permissible as a minor misdemeanor (currently \$150). The proposed amendments are necessary to allow the continued enforcement of zoning violations by the Municipal Court.

ANALYSIS:

Symmes Township has had Township Trustee zoning jurisdiction since 1996 but contracts with Hamilton County zoning staff to administer all aspects of the Zoning Resolution, including enforcement of zoning violations. Zoning violations in Symmes Township have been handled as misdemeanor citations through the Hamilton County court process and since adoption of zoning in 1996. However, during this time the text of the Resolution referred to the violations as civil penalties. During a recent review of zoning resolution language by court officials, this discrepancy was found and the court notified staff that they would no longer be able to process zoning violation citations for Symmes Township. Staff met with court officials and identified the necessary changes to allow continued enforcement of Symmes Township zoning violations.

Staff began working on the issue in 2014 in conjunction with township officials and township legal counsel. The requested amendments were drafted after review of the existing regulations, enforcement procedures in other Ohio townships with Trustee zoning, and zoning enforcement language of the ORC. This review found that other townships do enforce zoning through issuance of minor misdemeanor citations, there is no court case history to suggest that this is not permissible, and the ORC does not specifically state what type of penalty is constituted by a zoning violation. The proposed language would satisfy the court officials and would allow zoning violations to again be administered through Housing Court.

CONCLUSION:

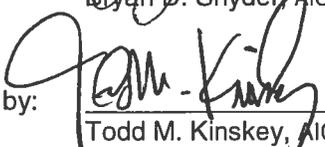
Generally, staff supports the modification to the Zoning Resolution related to zoning enforcement. The proposed amendments would be consistent with state law and would allow continued enforcement of the Symmes Township Zoning Resolution. Therefore, staff finds these new regulations to be appropriate.

**RECOMMENDED
MOTION:**

To consider approval of case Symmes 2015-02; Text Amendments, a request for approval of zoning text amendments to the Symmes Township Zoning Resolution related to zoning enforcement as initiated by the Symmes Township Board of Trustees.

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report does not include detailed analysis of compliance with local zoning standards since the site is located in a township that is not a member of the Hamilton County Regional Planning Commission. The report is also prepared in advance of public hearings and often in advance of other agency reviews. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:  _____, Development Services Administrator
Bryan D. Snyder, AICP

Approved by:  _____, Planning & Development Director
Todd M. Kinskey, AICP

RESOLUTION G2015-02

RESOLUTION INITIATING AMENDMENTS TO ARTICLES XXV (ENFORCEMENT)
AND XXVIII (VIOLATIONS AND PENALTIES) OF THE ZONING RESOLUTION
FOR SYMMES TOWNSHIP, HAMILTON COUNTY, OHIO

WHEREAS, the Board of Trustees relies on the Municipal Court of Hamilton County, Ohio (Municipal Court) and other courts to assist in the enforcement of the Symmes Township, Hamilton County, Ohio Zoning Resolution (Zoning Resolution); and

WHEREAS, the Municipal Court has advised that certain modifications to the Zoning Resolution are necessary and appropriate in order for that Court to exercise jurisdiction in the enforcement of the Zoning Resolution; and

WHEREAS, the Symmes Township Board of Trustees desires to continue to seek the assistance of the Municipal Court in the enforcement of the Zoning Resolution; and

WHEREAS, Articles XXV (Enforcement) and XXVIII (Violations and Penalties) address the terms of enforcement of the Zoning Resolution.

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

Section 1. Pursuant to Article XXIII, Section 231 of the Symmes Township Zoning Resolution and Ohio Revised Code §519.12(A)(1), the Board of Trustees of Symmes Township hereby initiates a text amendment to Articles XXV (Enforcement) and XXVII (Violations and Penalties) as set forth on Attachment "A" attached hereto and incorporated herein by reference. The Resolution shall be certified to the Township Zoning Commission upon passage.

Section 2. The Board of Trustees, 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 this first reading. This action was taken in open meetings in accordance with law. This Resolution shall be effective immediately.

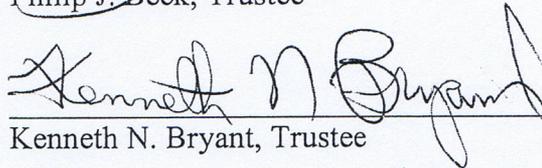
RESOLUTION G2015-02

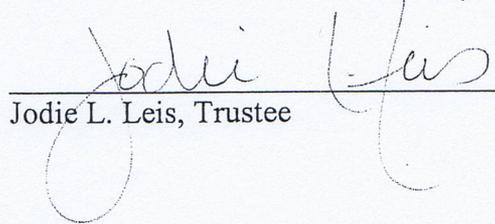
ADOPTED JANUARY 6, 2014

Vote Record: Mr. Beck Aye Mr. Bryant Aye Mrs. Leis Aye

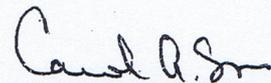
BOARD OF TRUSTEES:


Philip J. Beck, Trustee

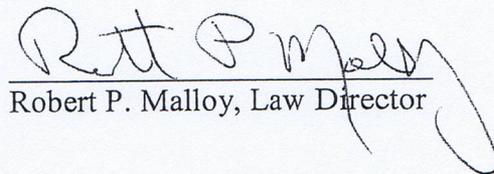

Kenneth N. Bryant, Trustee


Jodie L. Leis, Trustee

ATTEST:


Carol A. Sims, Fiscal Officer

APPROVED AS TO FORM:


Robert P. Malloy, Law Director

ATTACHMENT A

ARTICLE XXV ENFORCEMENT

Sec. 251 It shall be the duty of the Symmes Township Zoning Inspector to enforce this Resolution.

Sec. 251.1 **Complaints Regarding Violations.** Whenever the Zoning Inspector receives a written, signed complaint alleging a violation of this Resolution, the Zoning Inspector shall investigate the complaint within ten (10) working days and take whatever action is warranted, and inform the complainant in writing as to what actions have been or will be taken.

Sec. 251.2 **Persons Liable.** The owner, tenant, or the occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Resolution may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Sec. 251.3 **Procedures Upon Discovery of Violation**

1. If the Zoning Inspector finds that any provision of this Resolution is being violated, a written notice (the initial written notice may be the final notice) shall be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it and the time period allowed for the corrections. It shall also state what action the Zoning Inspector intends to take if the violation is not corrected and shall advise that the Zoning Inspector's decision or order may be appealed to the Township Board of Zoning Appeals in accordance with the provisions of Article XVIII. Additional written notices may be sent at the Zoning Inspector's discretion.
2. If no action is taken within the time period allowed for correction, cessation or appeal to the Township Board of Zoning Appeals, a citation shall be issued. The violator shall pay the citation within twenty (20) days to the Clerk of Courts or the matter will be scheduled for court hearing. If no action is taken within these twenty (20) days, additional citations may be issued each day the violation remains in noncompliance, ~~each one with increased penalties attached~~. Each day the violation occurs after the citation is issued is a separate offense.
3. Notwithstanding the foregoing, in cases where delay would seriously pose a danger to the public health, safety, or welfare, the Zoning Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 281.

(STT Res. Z9705 eff. Dec. 4, 1997)

**ARTICLE XXVIII
VIOLATIONS AND PENALTIES**

Sec. 281 It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation in or any provision of this Resolution or any amendment or supplement thereto.

Sec. 281.1 Any act constituting a violation of the provisions of this Resolution or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or ~~Zoning Compliance Plan~~Final Development Plan approval, shall subject the offenders to a ~~civil penalty~~minor misdemeanor citation and penalty in accordance with the fee schedule at the end of this Section. A ~~civil penalty~~minor misdemeanor citation may not be appealed to the Township Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 251.3 and did not appeal to the Township Board of Zoning Appeals within the prescribed time. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 281.2 This Resolution may also be enforced by any appropriate equitable action.

Sec. 281.3 Each day that any violation continues (for each citation) after notification by the Zoning Inspector that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section.

Sec. 281.4 Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Resolution.

Sec. 282 **Zoning Certificate Revocation**

Sec. 282.1 A Zoning Certificate may be revoked by the Zoning Inspector in accordance with the provisions of this Section if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Section, or any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

Sec. 282.2 Before a Zoning Certificate may be revoked, all of the notice, hearing and other requirements shall be complied with. The notice shall inform the certificate holder of the alleged grounds for revocation.

1. The burden of presenting evidence sufficient to authorize the Zoning Inspector to conclude that a certificate should be revoked for any of the reasons set forth in Section 282.1 shall be upon the party advocating that position. (STT Res. Z9705 eff. Dec. 4, 1997)
2. The action to revoke a Zoning Certificate shall include a statement of the specific reasons or findings of fact that support the decision.

Sec. 282.3 Before a Zoning Certificate may be revoked, the Zoning Inspector shall give the recipient of the certificate ten (10) days notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation and of the right to

obtain an informal hearing on the allegations. If the certificate is revoked, the Zoning Inspector shall provide to the holder of the Zoning Certificate a written statement of the decision and reasons therefore.

Sec. 282.4 No person may continue to make use of land or buildings in the manner authorized by any Zoning Certificate after such certificate has been revoked in accordance with this Section.

Sec. 283 **Judicial Review.** Any decision of the Board of Township Trustees, the Symmes Township Zoning Commission, or the Zoning Inspector granting, revoking or denying a Zoning Certificate, and every final decision of the Township Board of Zoning Appeals shall be subject to review by the Court of Common Pleas.

Table of ~~Civil~~ Penalties for Zoning Violations

Type of Violation	Cost Per Day		
	1st Violation	2nd* Violation	3rd** Violation
(1) Junk Vehicle	\$25.00	\$50.00	\$100.00
(2) Storage of Boat, Trailer or other type of RV	\$25.00	\$50.00	\$100.00
(3) Main Structure	\$25.00	\$50.00	\$100.00
(4) Accessory Structure (Fences, Signs, Pools, Sheds, etc.)	\$25.00	\$50.00	\$100.00
(5) Yard Requirements	\$25.00	\$100.00	\$100.00
(6) Usage	\$50.00	\$100.00	\$100.00
(7) Violation of Terms	\$50.00	\$100.00	\$100.00
(8) Failure to obtain Zoning Certificate	\$25.00	\$50.00	\$100.00

~~*A second violation means a second violation of the same type per property with the same ownership.~~

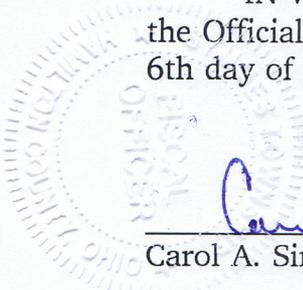
~~**A third violation means a third violation of the same type per property with the same ownership.~~

MERGE ALL CELLS UNDER “COST PER DAY” AND REPLACE WITH: “SUBJECT TO MAXIMUM FINE PERMISSIBLE AS A MINOR MISDEMEANOR, NOT TO EXCEED MAXIMUM AMOUNT PERMITTED FOR ZONING VIOLATIONS PER ORC SECTION 519.99”

CERTIFICATE OF FISCAL OFFICER

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution G2015-02 adopted by this Board of Symmes Township in regular session the 6th day of January, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Fiscal Officer of Symmes Township this 6th day of January, 2015



Carol A. Sims

Carol A. Sims, Fiscal Officer