

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 7-15-2014 WAIVE RULES? YES NO
FINAL ACTION DATE: 8-5-2014 VOTE: YES NO

SUSPENSION OF TWO READING RULE:

YES	NO
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

DENISE LINGO
 JAMES WOLF
 JENNIFER MOODY
 GERALDINE BRANDY
 ROBERT PARSONS
 JEANNE GEORGE
 JUDY PETERSEN
 TOTALS

ADOPTION OF ORDINANCE:

YES	NO
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<input checked="" type="checkbox"/>	<u> </u>
<u>6</u>	<u>0</u>

ORDINANCE NO. 14-1709

An Ordinance Adopting a Zoning Map Amendment for "CBD" Downtown Core Business District and Assorted Zoning Code Amendments, Additions, Modifications and Deletions

WHEREAS, the City Council has been reviewing various Zoning Code (Chapter 155) revisions for many months, and

WHEREAS, the Planning Commission has recommended specific revisions to the Zoning Code (Chapter 155),

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY, STATE OF OHIO:

Section 1. That Section 155.003 of the Zoning Code is hereby amended to add the following definitions:

“COMMERCIAL TRACTOR.” Every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry and load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both.

“DOMESTIC.” Of or relating to the family or the household in Residence Districts. (Insert definition from Black’s Law Dictionary)

“HOME RETAIL SALES.” Retail sales of items in connection with a Home Occupation that are produced or processed on or off the premises, which are accessory to the main Residential use, which shall only be conducted wholly within enclosed buildings, and which

Proposed Additions/Deletions/Modifications to the Mt. Healthy Zoning Code

- I. DEFINITIONS pg. 2
- II. GENERAL PROVISIONS pg. 3
- III. PARKING REGULATIONS pg. 8
- IV. SIGNS BY ZONING DISTRICT pg. 8
- V. NONCONFORMING USES pg. 9
- VI. PENALTY pg. 9
- VII. CORE BUSINESS DISTRICT pg. 10
- VIII. MISCELLANEOUS pg. 14

I. DEFINITIONS

Insert the following text into Sec. 155.003 DEFINITIONS:

“COMMERCIAL TRACTOR.” Every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry and load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both.

“DOMESTIC.” Of or relating to the family or the household in Residence Districts. (Insert definition from Black’s Law Dictionary)

“HOME RETAIL SALES.” Retail sales of items in connection with a Home Occupation that are produced or processed on or off the premises, which are accessory to the main Residential use, which shall only be conducted wholly within enclosed buildings, and which sales and/or storage does not occupy more than twenty-five (25) percent of a detached accessory building.

“HOME OCCUPATIONS.” Gainful home occupations may be permitted in residential districts in accordance with the provisions of Sec. 155.005(H) and include home crafts such as baking, dressmaking, millinery, weaving and home decorating; services such as repairing furniture and radios and sharpening tools; office space for business or services such as real estate, selling or taking orders for merchandise and contracting work; and home professional office such as accountant, architect, engineer, artist, lawyer, musician, physician, and similar.

“PARKING, PARKED & PARK.” The stationary placement of any vehicle for a continuous period under 72 hours.

“UNIQUE DOMESTIC ANIMALS.” Domestic animals, other than traditional pets such as dogs and cats, that are permissible in Residence Districts in accordance with Sec. 155.005(J).

“VEHICLE, RECREATIONAL.” A vehicle or a vehicular portable structure designed and constructed to be primarily used for recreational purposes or for the purpose of a temporary dwelling used for travel, recreation or vacation. Recreational vehicles may include, but are not limited to trailers, boats, jet skis and other personal watercraft, snowmobiles, and the following uses:

- (a) “Travel Trailer” means a non self-propelled recreational vehicle including tent type fold out camping trailer or a fifth-wheel.

- (b) "Motor Home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
- (c) "Truck Camper" means a non self-propelled recreational vehicle, without wheels for road use and designed to be placed upon and attached to a pick-up style body. Truck camper does not include truck covers, which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
- (d) "Van with Luggage Rack" means a van with luggage rack and/or extended top larger than a permitted residential vehicle.

"VEHICLE, RESIDENTIAL." Any motor vehicle, including a truck, which shall not exceed any of the following dimensions, 7'-10" in height, 24' in length or 8' in width.

II. GENERAL PROVISIONS

Remove the current text for HOME OCCUPATION and insert the following text into 155.005 GENERAL PROVISIONS:

(H) HOME OCCUPATION: Home Occupations are recognized as reasonable uses in Residence Districts and potential incubators for small business growth. It is the purpose and intent of this Section to encourage Home Occupations while preserving and protecting the residential character of Residence Districts. It is also the intent of this section to encourage the relocation of home grown businesses to the Business Districts once they grow beyond compatibility with Residence Districts. Home Occupations in Residence Districts shall comply with the following standards:

- 1) In addition to the residential owners or occupants functioning as proprietor, one (1) additional full-time equivalent employee or multiple employees that constitute a full-time equivalent may participate in the Home Occupation;
- 2) The occupation is conducted wholly within a building and the space used for production and sale does not occupy more than twenty-five percent (25%) of the floor area of a detached building;
- 3) Merchandise sales are permitted in accordance with "Home Retail Sales" as defined in Section 155.003;
- 4) No mechanical equipment shall be used which shall create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot to the extent that is not otherwise typical for purely domestic or household purposes;

- 5) No sign other than nameplate may be used not more than four (4) square feet in area;
- 6) The residential character of the dwelling exterior or accessory building shall not be changed; and
- 7) Trucks or other mobile equipment that are not consistent with the definition of Residential Vehicle and are associated with the Home Occupation shall not be parked overnight in driveways or open yards, and the occupation must not attract any greater number of automobiles to the premise than otherwise permitted in the Codified Ordinances.

Insert the following text for (J) UNIQUE DOMESTIC ANIMALS into 155.005 GENERAL PROVISIONS:

(J) UNIQUE DOMESTIC ANIMALS: Unique domestic animals such as chickens and similar fowl, pot belly pigs, small ponies and similar nontraditional pets are reasonable accessories in Residence Districts. It is the purpose and intent of this section to allow unique domestic animals while preserving and protecting the residential character of Residence Districts. It is also the intent of this section to distinguish ownership of unique domestic pets from otherwise permitted agricultural uses. Unique domestic animals in Residence Districts shall comply with the following standards:

- 1) No more than twelve (12) chickens or similar fowl on any residential lot of one-half (1/2) acre or less with shelter setbacks at three (3) feet minimum from rear and side lot lines;
- 2) No more than twenty-four (24) chickens or similar fowl on any residential lot of greater than one-half (1/2) acre up to and including one (1) acre with shelter setbacks at ten (10) feet minimum from rear and side lot lines;
- 3) Any residential lot greater than one (1) acre may increase the number of chickens or similar fowl by twelve (12) for each half acre (1 to 1.5 acre equals 36; greater than 1.5 to 2 acres equals 48, etc.) with shelter setbacks at fifteen (15) feet minimum from rear and side lot lines;
- 4) Roosters as defined by the American Poultry Association shall not be permitted in any residential zoned district of less than two (2) acres. No more than one (1) rooster is permitted on any residential zoned district of two (2) acres or more;
- 5) Other unique domestic animals as defined, to include potbelly pigs, pigmy goats, small ponies and similar shall be limited to no more than two (2) on any residential lot one (1) acre or more in area, and one (1) additional unique domestic

animal may be permitted on any residential lot over two (2) acres, with shelter setbacks at ten (10) feet minimum from rear and side lot lines. **Planning Commission may grant Conditional Use approval in accordance with Sec. 155.126 for additional unique domestic animals on a case by case basis.**

- 6) Chickens, similar fowl, and other unique domestic animals shall be contained on premises by approved fencing or similar means of containment and not allowed to roam free on any neighboring property or public right-of-way.

Insert the following text for (K) RECREATIONAL VEHICLES IN RESIDENCE DISTRICTS into 155.005 GENERAL PROVISIONS:

(K) RESIDENTIAL AND RECREATIONAL VEHICLES IN RESIDENCE DISTRICTS:

Accessory off-street parking in Residence Districts for residential, recreational and other vehicles shall be provided as required. Recreational vehicles such as motor homes, travel trailers, campers and similar vehicles as defined in Sec. 155.003 DEFINITIONS are reasonable accessories in Residence Districts. It is the purpose and intent of this section to allow recreational vehicles while preserving and protecting the residential character of Residence Districts and limiting or prohibiting commercial or other vehicles. The following table establishes regulations for parked or stored vehicles in Residence Districts:

Location	Vehicle Types (See Notes 1, 2 and 11)										Comments
	Residential Vehicle		Recreational Vehicle A (Notes 3, 4 & 10 apply)		Recreational Vehicle B (Notes 3, 5 & 10 apply)		Recreational Vehicle C (Notes 3, 6 & 10 apply)		Other Vehicles Note 7 & 11		
	P	S	P	S	P	S	P	S	P	S	
Front Yard: Driveway or other Paved Surface	PM	PM	PM	NP	NP	NP	NP	NP	NP	NP	
Side Yard: Driveway or other Paved Surface	PM	PM	PM	PM	PM*	PM*	PM*	PM*	NP	NP	Note 8 Applies
Rear Yard: Driveway or other Paved Surface	PM	PM	PM	PM	PM*	PM*	PM*	PM*	NP	NP	Note 8 Applies
Enclosed Structure	PM	PM	PM	PM	PM*	PM*	PM*	PM*	NP	NP	Note 9 Applies

LEGEND: **P – Parking, Parked or Park as defined in Sec. 155.003**
S – Storage, Stored or Store as defined in Sec. 155.003
PM – Permitted
PM* – Side and Rear Yard Setbacks Required
NP – Not Permitted

NOTES:

1. No temporary or permanent human occupancy shall occur within the vehicle except for loading, unloading, effecting minor repairs or maintenance, or in the process of actual transportation. Temporary occupancy may only occur within a recreational

vehicle as defined in Sec. 155.003 and may not occur while the vehicle is being stored on a residential lot.

2. All parked or stored vehicles shall be parked or store on an approved surface per Sec. 155.120(E) of this ordinance. Those wishing to store or park their vehicles on an unpaved surface can only obtain permission through Planning Commission approval.
3. Recreational vehicle stored on a designed transport trailer shall be considered one unit. More than one recreational vehicle per residential lot shall require Planning Commission approval.
4. Recreational vehicles that do not exceed 24 feet in length.
5. Recreational vehicles that are greater than 24 feet in length but do not exceed 35 feet in length.
6. Recreational vehicles that exceed 35' in length but are less than or equal to 40' in length.
7. Other vehicles that are not specifically listed in this ordinance are not permitted.
8. Enclosed structures must comply with all zoning regulations.
9. No vehicle shall exceed 14' in height or 40' in length.
11. Vehicles used in conjunction with providing a service to a residence or residential district and that otherwise would not be permitted by this ordinance, shall be permitted to be parked in a residential district for the duration of the service.

Side and Rear Setbacks. Recreational vehicles designated PM* in the above table shall comply with the following setbacks:

- 1) Recreational Vehicles greater than twenty-four (24) feet but less than or equal to thirty-five (35) feet in overall length and up to ten (10) feet in height shall maintain a side and rear yard setback of no less than five (5) feet;
- 2) Recreational Vehicles greater than twenty-four (24) feet but less than or equal to thirty-five (35) feet in overall length and greater than ten (10) feet up to fourteen (14) feet in height shall maintain a side and rear yard setback of no less than ten (10) feet;
- 3) Recreational Vehicles greater than thirty-five (35) feet but less than or equal to forty (40) feet in overall length and up to ten (10) feet in height shall maintain a side and rear yard setback of no less than ten (10) feet;
- 4) Recreational Vehicles greater than thirty-five (35) feet but less than or equal to forty (40) feet in overall length and greater than ten (10) feet up to fourteen (14) feet in height shall maintain a side and rear yard setback of no less than twenty (20) feet;

III. PARKING REGULATIONS

Replace Sec. 155.120(B)(2) with the following:

- (a) For Civic and Public Uses to include theaters, art galleries, libraries, museums, theaters, churches and places of worship, club and community centers, and other places of assembly, there shall be on the premise one (1) parking space per 400 square feet of net area. For the assembly parts of the building, such as the sanctuary or a gymnasium, one space per each four (4) seats, or one space for each ten (10) square feet of assembly floor area shall be included.
- (b) Civic and Public Uses may make arrangements with adjacent business establishments that normally have different hours of operation to share up to but not more than fifty (50%) percent of the required parking spaces. Such arrangement shall be provided in writing to the Building Official for approval.

IV. SIGNS BY ZONING DISTRICT

Insert the following in Sec. 155.141(A):

155.141(A)(16). No commercial vehicle may be parked on a business premise or an industrial lot for a time period exceeding forty-eight hours for the purpose of advertising a product or serving as a business sign.

Insert the following in Sec. 155.142(B)(4)(c):

155.142(B)(4)(c)4. Signs of a temporary or portable nature that are mounted on wheels or stanchions shall not be permitted in any district, except temporary sidewalk signs, as expressly permitted in certain districts.

155.142(B)(4)(c)5. Portable sidewalk signs shall be limited to one per business and shall be no larger than eight (8) square feet in area, professionally designed and constructed in a workmanlike manner, containing no writing or attachments other than the sign surface, and may have a portion of the sign left blank for hand-written daily specials or sales. Such signs must advertise only items or services that are provided in the business adjacent to the location of the sidewalk sign. Such a sign may also or alternatively bear one or more noncommercial messages, provided that the sign is owned and maintained by a business

adjacent to the location of the sidewalk sign. The sign shall be removed outside of the hours of the business establishment to which they are adjacent and they shall not be illuminated. The sign must be placed in such a way that pedestrians shall have an unimpeded pathway of at least three (3) feet in width. If this unimpeded distance is unable to be achieved due to the narrow configuration of the sidewalk, then such a sign may be permitted if approval is granted by the Planning Commission.

Remove the following text in Sec. 155.142(3)(a) and re-letter the subsequent sections:

The VM sign area cannot exceed 25 percent of the allowable signage permitted on the site, nor can the VM sign area exceed 25 percent of the maximum size of any otherwise permitted sign.

V. NONCONFORMING USES

*Insert the following **Bold** text into Sec. 155.122(D)(2):*

155.122(D)(2). Should such nonconforming structure or nonconforming portion of structure, **except a one or two-family residence**, be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;

*Remove ~~strikethrough~~ text and insert **Bold** text into Sec. 155.122(E)(5) as follows:*

155.122(E)(5). When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for ~~two~~ **one year** (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not hereafter be used except in conformity with the regulations of the district in which it is located;

VI. PENALTY

*Remove ~~strikethrough~~ text and insert **Bold** text into Sec. 155.999(B) as follows:*

Sec. 155.999(B). Any person, firm or corporation violating any regulation, provision, amendment or supplement of this ~~chapter~~ **ordinance**, or failing to obey any lawful order of

the city building inspector issued in pursuance thereof, shall be deemed guilty of a misdemeanor **Misdemeanor of the Fourth Degree in accordance with Sec. () of the Codified Ordinances of the City of Mt. Healthy** and, upon conviction thereof, shall be fined not more than \$1,000 ~~\$2,000~~.

VII. CORE BUSINESS DISTRICT

Insert the following text/sections for the new "CBD" Downtown Core Business District (map outlining the new district and a list of parcels contained within the new district will be attached to enacting legislation):

"CBD" DOWNTOWN CORE BUSINESS DISTRICT REGULATIONS



Sec. 155.077 PURPOSE AND INTENT

- (A) Consistent with the Mt. Healthy Comprehensive Plan, a central business district of approximately twenty-eight (28) acres is created to differentiate the city center from the surrounding business, residential and other districts. Increased density, shared and/or municipal parking, reduced setbacks, encouragement of direct pedestrian street front access to shops, offices and services, and a limit on or a prohibition on undesirable uses specific only to the “CBD” district are herewith implemented as zoning tools to encourage development of the city center.

Sec. 155.078 USE REGULATIONS

(A) Permitted Uses.

- (1) All permitted uses in the “E” and “E-1” Retail Business District unless prohibited in subsection B below.
- (2) Dwellings located on second floor and above.

(B) Prohibited Uses.

- (1) All prohibited uses in the “E” and “E-1” Retail Business District.
- (2) Drive-Thru Restaurants.
- (3) Day Care Centers.
- (4) Car Washes
- (5) Nursing Homes and similar facilities for the treatment of the aged or infirm.
- (6) Group Care Homes any Category as defined in this ordinance.
- (7) The Sale of Used Goods, notwithstanding permitted sales of Antiques as defined in Sec. 155.003 “ANTIQUÉ STORE.”
- (8) Thrift shops as defined in Sec. 155.003 “THRIFT SHOP.”
- (9) Automotive rental, sales, service and repair as defined in Sec. 155.003 “AUTOMOTIVE REPAIR” and “AUTOMOTIVE SERVICE STATION.”
- (10) Sales and storage in open yards, notwithstanding permitted display of items sold at retail within a retail establishment as follows:
 - a) The display of items which are sold at retail within a retail establishment may take place on the sidewalk outside the business as long as the items displayed are sold at retail within the business, the display occurs only within the area encompassing the width of the building, the items are removed outside business hours, and the display utilizes an area that still allows a minimum of six (6) feet unimpeded width for pedestrian traffic.

(11) Other uses deemed by Planning Commission as inappropriate in the “CBD” Core Business District.

(C) Conditionally Permitted Uses.

- (1) Taverns and Night Clubs.
- (2) Outside dining, consumption of food and beverage.
- (3) Churches and other similar places of religious assembly.

(D) Notwithstanding permitted display of items sold at retail, outside dining, consumption of food and beverage, and other activities approved by Planning Commission, all permitted uses shall be conducted wholly within enclosed buildings.

(E) Trash containers and dumpsters shall be screened from public view by an enclosure consisting of 6-foot solid fence or wall. A suitable buffer of dense evergreen landscaping may be substituted for the fence or wall when approved by Planning Commission.

Sec. 155.079 AREA, YARD AND HEIGHT REGULATIONS

(A) Front Yard. No front yard setback from street right-of-way shall be required along Hamilton Avenue. Front yard setback in the District along Harrison and Perry shall be no less than the required front yard setback of any adjacent district. Setback for parking along Harrison and Perry may be reduced to five (5) feet with at least fifty (50%) of the setback area landscaped unless otherwise approved by Planning Commission.

(B) Maximum Front Yard. New structures with frontage on Hamilton Avenue must be no further than ten (10) feet from street right-of-way, which may be extended by an additional ten (10) feet for up to thirty (30%) percent of the façade length as long as the additional front yard depth is used for outdoor dining, pedestrian walkways, or a formally landscaped plaza. Planning Commission may grant relief of maximum front yard requirements for expansion of existing buildings or parking.

(C) Side Yard. No side yard setback required unless adjoining a Residence District, in which case there shall be a side yard on not less than five (5) feet. Cross access of adjoining parking areas is encouraged.

(D) Side Yard on Corner Lot. Side yards on corner lots shall be consistent with minimum and maximum front yard setbacks. Parking setback for side yard on corner lot (side street) as allowed in the rear yard shall have a setback of five (5) feet from street right-of-

way and at least fifty (50%) of the setback area shall be landscaped unless otherwise approved by Planning Commission.

(E) Rear Yard. The intent of the “CBD” district is to encourage rear yard parking. The intent is also to allow flexibility. No rear yard setback for any use in the district is required.

(F) Height. No building shall exceed four stories or forty-five (45) feet in height unless otherwise approved by the Planning Commission.

(G) Coverage. The aggregate ground area occupied by all buildings shall not exceed fifty (50%) percent unless otherwise approved by Planning Commission.

(H) Off-street parking and loading spaces shall be provided as required by Sec. 155.120

Insert the following text into Sec. 155.126(F) CHURCHES AND SIMILAR PLACES OF RELIGIOUS ASSEMBLY IN “CBD” DISTRICT:

(F) Churches and Similar Places of Religious Assembly in “CBD” District.

(1) Purpose and Intent. Consistent with the Vision and Goals of the Mt. Healthy Comprehensive Plan, limited Conditional Use approval of Churches and similar places of religious assembly would provide places of destination and offer complementary uses to the “CBD” district. Consideration should be given to the “CBD” district as a whole, and approvals should be proportioned to allow a larger percentage of commercial uses overall.

(2) Development Standards. Development in the “CBD” District shall be consistent with Sec. 155.077 PURPOSE AND INTENT with guidance as needed from the Mt. Healthy Comprehensive Plan. The following standards and criteria shall be considered as part of the approval process:

(a) Front, side, and rear yard setbacks for building and parking shall comply with the regulations established in Sec. 155.079(A), (B), (C), (D), (E).

(b) Height and Coverage (density) shall comply with the regulations established in Sec. 155.079(F), (G).

(c) Conditional Use approvals for churches and similar places of religious assembly shall not exceed 7% of total land area in the District, either for single or multiple sites. Once approvals are granted that total 7% of total land area in the District, no more approvals for Churches and Similar Places of Religious Assembly shall

be granted. The “CBD” District contains approximately twenty-eight (28) acres. 7% equals approximately two (2) acres.

- (d) Applications for Conditional Use approval shall first be reviewed by the Architectural Review Board. Design of the proposed building and grounds shall be consistent with the general appearance of the downtown and in accordance with the Standards and Criteria in Sec. 155.132 Architectural Review Board.
- (e) Parking shall be in compliance with Sec. 155.120 Off-Street Parking and Loading Regulations, which may, upon Planning Commission approval, include provisions and allowances for shared parking and the use of available Municipal parking.

VIII. MISCELLANEOUS

*Remove ~~strikethrough~~ text and insert **Bold** text into Sec. 155.010(A)(11) as follows:*

Sec. 155.010(A)(11). The keeping of small animals **for agriculture use**, provided, however, that buildings housing animals be at least fifteen (15) feet from adjacent property lines and that the lot or tract of land have an area of not less than one (1) acre.

*Insert the following **Bold** text into Sec. 155.010(B)(4):*

Sec. 155.010(B)(4). Home occupations **as regulated in Sec. 155.005(H) HOME OCCUPATIONS** and the keeping of not more than two roomers or boarders.

*Insert the following **Bold** text into Sec. 155.010(B)(4):*

Sec. 155.010(B)(5). The keeping of animals and fowl as pets or for domestic use **as regulated in Sec. 155.005(J) UNIQUE DOMESTIC ANIMALS.**