

Pat Moeller
Mayor

Eric Pohlman
Vice Mayor

Carla Fiehrer
Council Member

Susan Vaughn
Council Member

Michael Ryan
Council Member

Timothy Naab
Council Member

Robert Brown
Council Member

Call to Order

Offering of Prayer – Vice Mayor Eric Pohlman

Pledge of Allegiance

Special Presentations by City Council or the City Manager/ Proclamations/ Verbal Reports

1. Coronavirus/Covid-19 Presentation Update by Health Commissioner Kay Farrar
2. HYPE Presentation by Pastor Shaquila Mathews

Audience of Citizens

Individuals who wish to make comments regarding items scheduled on the Agenda may speak during this part of the agenda or may reserve the right to speak specifically when that item is up for a vote on Council floor. Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address City Council are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

For the time being only those who wish to speak regarding a specific agenda item will be permitted to give their comments in person. If Citizens wish to have an issue addressed by City Council or City Administration they should email those questions or comments to the City Clerk at: nick.garuckas@hamilton-oh.gov. The City Clerk may read your comments into the record during the appropriate Council Meeting. If comments are submitted far enough in advance of an upcoming meeting, an official City response may also be read into the record. You must still provide your name and address for the record. Please be concise with potential comments.

Consent Agenda

The Consent Agenda is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Agenda. Anyone may request an item on this calendar to be "pulled" off the Consent Agenda and considered separately. Agenda items pulled from the Consent Agenda will be considered separately under Pulled Consent Items.

- Approval of Minutes
- All Staff Reports
- Receive and File Council Information
- Caucus Reports

Committee of the Whole

The Committee of the Whole is intended to allow the City Council to consider all reports on the Consent or Caucus Agendas under suspended rules that would normally apply to the City Council. City Council may ask questions, provide direction, or comment on reports.

Unless City Council states otherwise this section of the agenda will not be held at this time.



Caucus Agenda May 13, 2020

1. [Recommendation Relative to the approval of a liquor permit stock change for J M Barneys Inc 1st Floor & Basement & Beer Garden 2504 Benninghoffen Avenue, Hamilton, OH 45015.](#)
2. [Recommendation Relative to Change Order #1 – Contract No. 17-43 – Main/Millville/Eaton Intersection Project.](#)
3. [Recommendation Relative to Change Order #1 - Contract #20-03 Interior Renovations Fire Station 24 \(Megen Const.\).](#)
4. [Report relative to options for resident disposal of refuse at Hamilton’s transfer station in accordance with Rumpke refuse collection contract.](#)
5. [Recommendation Relative to approving, adopting, and enacting the 2020 Replacement Pages to the 1998 Codified Ordinances of the City of Hamilton, Ohio, and repealing matters in conflict therewith.](#)
6. [Recommendation Relative to a Request for a Conditional Use Approval to operate a Major Automotive Repair Business at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue. This property is located in an I-2 Industrial Zoning District.](#)
7. [Recommendation Relative to a Request to approve changes to the City of Hamilton Zoning Ordinance \(HZO\), by amending the Sections 1108.00 – Glossary; Section 1121.00 - B-2 Community Business District; Section 1122.00 - B-3 Central Business District; Section 1123.00 - I-1 Limited Industrial District; and Section 1124.00 I-2 - Industrial District.](#)
8. [Recommendation Relative to a Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio by 1\) revising Section 1111, Commercial Design Standards \(Concrete Material & Class 4 vehicle storage as Conditional Use\); 2\) revising Section 1110, Residential Design Standards for detached Accessory Structures; 3\) revising Section 1131, Special Provisions of the Zoning Ordinance, pertaining to New Residential Structures on substandard lots. \(City of Hamilton, Applicant\).](#)
9. [Recommendation Relative to a Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio, to add five \(5\) new land use types to the zoning code:](#)
 1. [Supportive Housing, Large](#)
 2. [Supportive Housing, Small](#)
 3. [Clinic, High Intensity](#)
 4. [Clinic, Low Intensity](#)
 5. [Inpatient Rehabilitation Facility](#)

These icons illustrate which strategic goals Council Actions align to

<p>Work</p> <p>I Generate \$125 mm in new private investment</p>	<p>Live</p> <p>P Exceed total county growth rate median home sale prices</p>	<p>Play</p> <p>R Generate \$40mm in investment for recreational amenities</p>
<p>J Increase gross wages paid by Hamilton employers by \$100mm</p>	<p>O General Operations & Government Business</p>	<p>E Engage 500,000 participants in special events, arts, & recreation activities</p>



Council Actions Pertaining to Legislative Items:

New Legislation:

3. [An ordinance vacating a portion of Short Street Alley, portion located at 1157 Central Avenue, situated in the Second Ward, City of Hamilton, Butler County, Ohio. \(City of Hamilton, Applicant\). \(First Reading\).](#) **1 P**
4. [An ordinance to approve the Final Plat for 1157 Central Avenue \(Dedication of Part of Lot 26270 & Vacation of part of an existing 12' wide Alley\), situated in the Second Ward of the City of Hamilton, Butler County, Ohio. \(Hamilton Convenience, LLC, Property Owner\). \(First Reading\).](#) **1 P**
5. [An ordinance authorizing the execution of the Excess Energy Sales Schedules with American Municipal Power, Inc. \(AMP\). \(First Reading\).](#) **0**
6. [An ordinance making supplemental appropriations for current expenses and other expenditures of the City of Hamilton, during the fiscal year ending in December 31, 2020. \(Two Readings\).](#) **0**
7. [A resolution authorizing and directing the filing of a grant application with the Ohio Department of Transportation \(ODOT\) Safety Funding Program for Improvements to the High Street \(SR 129\) / Hampshire Drive Intersection.](#) **1 0**

Audience of the City Manager

Audience of City Council

Executive Session

Adjournment



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Recommendation Relative to the approval of a liquor permit stock change for J M Barneys Inc 1st Floor & Basement & Beer Garden 2504 Benninghoffen Avenue, Hamilton, OH 45015.

- | | |
|--------------------------|-----------------------------------|
| <input type="checkbox"/> | 1 st Reading Date: N/A |
| <input type="checkbox"/> | 2 nd Reading Date: |
| <input type="checkbox"/> | Resolution Date: |
| <input type="checkbox"/> | Public Hearing Date: |

Dear Mayor and Members of Council:

Notification has been received from the Ohio Department of Liquor Control relative to a request for a stock change for J M Barneys Inc., 1st Floor & Basement & Beer Garden, 2504 Benninghofen Ave., Hamilton, OH 45015.

Per Ohio Revised Code, 4303.13 (D-1 permit), 4303.14 (D-2 permit), 4303.15 (D-3 permit), the holder of this type of permit is an owner of a retail food establishment or a food service operation authorized to sell beer, wine, bottled cocktails, cordials and other mixed beverages at retail, either in glass or container, for consumption on the premises where sold or not for consumption on the premises where sold or for resale in original packages if containers are not more than five and one-sixth gallons. No sales of intoxicating liquor shall be made after one a.m.

The appropriate City departments have investigated this request and found no valid reason to object to this request. I recommend that Council direct the City Clerk to notify the Ohio Department of Liquor Control that the City has no objections.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Amy K. Bach
City Manager's Office

Choose Strategic Goal(s)

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Recommendation Relative to Change Order #1 - Contract No. 17-43 - Main/Millville/Eaton Intersection Project

<input type="checkbox"/> 1 st Reading Date: N/A
<input type="checkbox"/> 2 nd Reading Date:
<input type="checkbox"/> Resolution Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract No. 17-43 - Main Street/Millville Avenue/Eaton Avenue Intersection Improvement Project was awarded to Sunesis Construction Company in the amount of \$2,385,902.05. The second lowest bidder was Ford Development Corporation with a bid of \$2,699,486.29.

The Department of Engineering is submitting a supplement to this contract for approval so the contractor can be paid for work performed that was not part of the original scope of work. The contract was a unit price contract so there were various changes (both increases and decreases) in the quantities of items of work performed. The change order reflects these adjustments as well as the request by a property owner to provide utility services to a Main Street business which occurred after the project was awarded to Sunesis Construction Company. Thus, the work was performed on a time-and-material basis.

The Department of Engineering is requesting a change order be issued increasing the current contract value amount of \$2,385,902.05 by \$60,884.50 for a total of \$2,446,786.55. There would be no change in the order of the bidders. Funds are available in Fund 279 Stormwater Capital Improvement Fund, Fund 311 Infrastructure Renewal Capital Improvement Fund, Fund 515 Natural Gas Capital Improvement Fund, Fund 525 Electric Capital Improvement Fund and Fund 531 Water Capital Improvement Fund. Fund 545 Wastewater (Sanitary) Capital Improvement Fund will receive a credit.

This is being reported to City Council in accordance with Section 9.02, Alteration in Contracts, of the City of Hamilton Charter, which permits the alteration of contracts with the approval of City Council.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.



Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Richard A. Engle, P.E.
Director of Engineering

Choose Strategic Goal(s)

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Recommendation Relative to Change Order #1 - Contract #20-03 Interior Renovations Fire Station 24 (Megen Construction Company.).

<input type="checkbox"/> 1 st Reading Date: N/A
<input type="checkbox"/> 2 nd Reading Date:
<input type="checkbox"/> Resolution Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #20-03 Interior Renovations Fire Station 24 for the Department of Public Safety was awarded to Megen Construction Company in the amount of \$194,000.00. The second lowest bidder was Arcon Builders, Ltd. in the amount \$216,919.00.

The original scope of the Contract was to provide renovations to the interior of Fire Station 24. These renovations included updating restroom and shower facilities, creating separate female living quarters and upgrading the electrical, plumbing, and mechanical systems.

The Project was budgeted at \$300,000.00 using CDBG funding. With the awarded contract amount of \$194,000.00 there is an available CDBG budget of \$106,000.00 for additional renovations.

With the remaining available CDBG budget of \$106,000.00, the Public Safety Department is requesting that those funds be used to address the rapidly deteriorating conditions of Fire Station 24's exterior, primarily the leaking roof. This exterior work would include complete roof, gutter and downspout replacement, painting of all exterior wood surfaces, and overhead door repairs. Megen Construction Company has provided an estimate of \$121,545.00 to perform this additional work. The City's Project Management Team feels this price is fair and reasonable, and the Public Safety Department would like this work to promptly proceed in order to address the exterior concerns.

Therefore, it is recommended that a change order be issued to Megen Construction Company in the amount of \$121,545.00 increasing the current value of the Contract from \$194,000.00 to \$315,545.00 and extending the Substantial and Final Completion dates by five (5) weeks after the notice to proceed. Funds are available from fund codes 920.810.910.075 (\$106,000) and 100.150.153.640.260 (\$15,545).

This is being reported to City Council in accordance with Section 9.02, Alterations in Contracts, of the City of Hamilton Charter, which permits the alteration of contracts with approval of City Council.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.



Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

John Hoskinson
Purchasing Agent

Choose Strategic Goal(s)

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
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City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Report relative to options for resident disposal of refuse at Hamilton's transfer station in accordance with Rumpke refuse collection contract.

<input type="checkbox"/> 1 st Reading Date: N/A
<input type="checkbox"/> 2 nd Reading Date:
<input type="checkbox"/> Resolution Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

As part of the City's contract with Rumpke for curbside refuse and recycling collection, the City is entitled to two (2) "free transfer station days." When the contract was negotiated and adopted by Council, the intent of the free transfer station days was to allow the City to identify two (2) Saturdays (or any other day) each year when City of Hamilton residents could dispose of one car/truckload of refuse at the transfer station at no cost to them.

Upon internal discussion regarding the implementation of the free transfer station days, City staff expressed concerns about traffic congestion with the potential to cause long vehicle backups along North 3rd Street at the entrance to the transfer station. There were also concerns about residents' ability to utilize the free transfer station days if the City is limited to providing the service on only two (2) days throughout the entire year.

As an alternative to the two (2) free transfer station days, Staff approached Rumpke about a voucher concept where every Rumpke customer in the City would receive a voucher valid for free refuse drop off at the transfer station at the resident's convenience. Rumpke discussed this concept internally and informed Staff that Rumpke could offer one (1) voucher to each customer to utilize for free refuse drop off at the transfer station at the resident's convenience. Due to the more convenient nature of the voucher program, Rumpke expressed concerns about taking in more tonnage than they had anticipated with the two (2) free days as originally negotiated in the contract, which is why they are offering to provide only one (1) voucher. If City Council decides to opt for the voucher program, Rumpke will monitor the program in 2020, and if they receive less tonnage than expected, they will consider providing two (2) vouchers to customers for remaining four (4) years of the contract.

If City Council opts for the proposed voucher program, each resident would bring a copy of their most recent utility bill and photo ID to the transfer station. The transfer station attendant will cross-reference our utility customer database to operate and audit the use of vouchers. Once the transfer station attendant verifies the resident's information, the attendant will allow the resident to dispose of their items at the transfer station. The voucher program is limited to one (1) voucher per household/customer and is valid for one car/truck load of items to be disposed. Only residential vehicles will be permitted (cars, vans, pickup trucks, small dump trucks) for voucher disposal at the



transfer station. Rumpke will not validate vouchers for residents who arrive for disposal with large and/or commercial vehicles full of refuse.

Staff recognizes some properties are residential rental properties and utilities may or may not be in the tenant's name. In the event a utility bill is not in the tenant's name, the landlord will have discretion to allow the tenant to utilize the voucher. Alternatively, the landlord could opt to retain the voucher and may utilize it at a later date to accommodate a clean out of a rental property prior to renting to new tenants.

Staff is presenting the transfer station voucher alternative as a way to make the service more convenient and useful for residents city-wide. Staff is seeking direction from City Council on which alternative they prefer and requests Council to approve one of the following options.

OPTION 1 | Two (2) Free Transfer Station Days

- City Staff and Rumpke will identify two (2) mutually agreeable dates where residents may dispose of one car/truck load of refuse at the transfer station at no cost.

OPTION 2 | One (1) Transfer Station Voucher per Customer

- Each customer permitted to dispose of one car/truck load of refuse at the transfer station at their convenience by providing the most recent copy of their utility bill and a photo ID.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Adam Helms
Director of Resident Services

Choose Strategic Goal(s)

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
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- O** General Operations/ Government Business



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

- | | |
|-------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> | 1 st Reading Date: 5-27-20 |
| <input checked="" type="checkbox"/> | 2 nd Reading Date: 6-10-20 |
| <input type="checkbox"/> | Resolution Date: |
| <input type="checkbox"/> | Public Hearing Date: |

RE: Recommendation relative to approving, adopting, and enacting the 2020 Replacement Pages to the 1998 Codified Ordinances of the City of Hamilton, Ohio, and repealing matters in conflict therewith.

Dear Mayor and Members of Council:

Historically, the City has undertaken this recodification on an annual basis. The last recodification was adopted by City Council in June of 2019 for updates through March of 2019. By updating our Codified Ordinances, new ordinances are placed into one (1) comprehensive book and updates in State of Ohio (State) law are incorporated as well. Additionally, the City’s online Codification index is updated to reflect all relevant State and local code changes. This Codification is for one (1) year, or technically thirteen (13) months. In the future, the City Clerk may decide to move toward half-year updates. This will be a new tactic to determine if updating the ordinances every six (6) months makes the Codification quicker and if the average price of two (2) Codifications per year average out to about the same cost. This method will be used at the discretion of the City Clerk, who will evaluate at half-a-year whether enough ordinances have been passed that warrant an update to the Codified Ordinances.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Nicholas Garuckas
City Clerk

Choose Strategic Goal(s)	
<input type="checkbox"/>	I Generate 125mm in new private investment
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<input type="checkbox"/>	R Generate \$40mm in investment for recreational amenities
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<input checked="" type="checkbox"/>	O General Operations/ Government Business



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Request for a Conditional Use Approval to operate a Major Automotive Repair Business at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue. This property is located in an I-2 Industrial Zoning District.

<input checked="" type="checkbox"/>	1 st Reading Date: 5-27-20
<input checked="" type="checkbox"/>	2 nd Reading Date: 6-10-20
<input type="checkbox"/>	Resolution Date:
<input checked="" type="checkbox"/>	Public Hearing Date: 5-27-20

Dear Mayor and Members of Council:

Mr. Ihab Kaldas is requesting a Conditional Use Approval to operate a Major Automotive Repair Business at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue.

This property is located in an I-2 Industrial Zoning District. Per Section 1124.39.5 (Major Auto Repair) of the Hamilton Zoning Ordinance (HZO), a major automotive repair business requires a Conditional Use Approval in the I-2 Industrial Zoning District.

Background Information:

The project encompasses three addresses and five separate parcels.

- 1001 Fairview Avenue, parcel#P6461045000046 which has an existing 6500-square foot commercial/industrial building on it.
- 1000 Fairview Avenue, parcel #P6461045000036 which has an existing 4900-square foot commercial/industrial building on it.
- 1015 Symmes Avenue consists of three parcels #P6461045000023 thru 025 all of which are vacant. These three adjacent lots are 18,600-square feet in area.

All of these properties were formally owned by G & M Metal Products, which closed in 2019.

Plans:

The plans propose the following improvements to the buildings:

1. Restoring the exterior facades of both buildings. This includes, cleaning, and painting the exterior walls and replacing the gutters and downspouts as necessary.
2. Repairing the roof of both buildings
3. Cleaning and maintaining the landscaping of the backyard of both buildings.
4. Installing six (6) Hydraulic Lifts in one of the buildings. The building is equipped with existing electrical service, which will permit this installation without additional wiring.



The business will service vehicle fleet customers and will not have regular retail customers.

The plans indicate that 1001 Fairview Avenue will be used primarily for auto repair with a small office area. The plans indicate that six (6) automobile lifts will be installed in this building. There are two (2) existing overhead roll up doors that will be used to bring vehicles in and out of the building.

The existing building at 1000 Fairview Avenue will be used for automobile repair and storage. There is an existing overhead roll-up door that will be use to bring vehicles in and out of the building. There are three (3) off street parking spaces at this address

The three (3) parcels at 1015 Symmes Avenue will be paved with asphalt and striped for parking of vehicles awaiting repair and for employees. A six-foot (6 ft) high aluminum, picket panel fence will enclose this parking area. The fence will be setback ten (10) feet from all property lines.

The plans propose the setback outside the fenced parking lot will be landscaped with twelve (12) shrubs along the Symmes Avenue frontage and three (3) shrubs at the southwest corner along Zimmerman Avenue.

Statutes:

Per Section 1124.39.5 HZO,(Major Auto Repair) a major automotive repair business requires a Conditional Use Approval from the Planning Commission and City Council.

Section 1155.30 (Conditional Uses – Application and Review, General Standards) contains specific findings outlined within the HZO for review and approval of a Conditional Use by the Planning Commission.

Planning Commission Recommendation:

At their May 7, 2020 meeting, Planning Staff anticipates that the Planning Commission will likely recommend that City Council approve the Conditional Use Certificate, allowing the operation of a major auto repair, with the below thirteen (13) conditions of approval.

Basis for Recommendation/Approval:

In reviewing an application for a Conditional Use, the Planning Commission shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following nine (9) criteria, general standards for a conditional use:

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the



extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.

- (5) The proposed Conditional Use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding streets.
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
- (8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (9) The proposed Conditional Use will not impede the normal and orderly development.

Planning Staff has determined that the proposed use meets all of the above listed requirements. The proposed Auto Repair Business aligns with the Plan Hamilton Land Use Map for this area.

Conditions of Approval:

1. The proposed fence around the parking area will be setback a minimum of ten (10) feet from the Zimmerman Avenue and Symmes Avenue right-of-way lines.
2. The proposed fence around the parking area will be setback a minimum five (5) feet from the edge of the alley and side property lines.
3. The setback areas outside the fence along the Zimmerman Avenue and Symmes Avenue right of ways shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c will be required for each site plan:
 - a) Bushes: three Per Required Tree
 - b) Flowering Perennials Plants: 6 per Required Tree
 - c) Trees: one Per Required Tree
4. The landscape plans shall be amended to comply with the recommendations of the City Arborist.
5. The fenced parking area will have a solid evergreen hedge a minimum of 4-feet in height along the east side of the fence between the parking area and the residential buildings there.
6. All repairs or services shall be performed within an enclosed building.
7. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.



8. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations
9. No vehicles shall be kept on the property for salvaging of parts and equipment to repair other vehicles.
10. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
11. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
12. No outdoor storage of any material or waste shall be permitted on site.
13. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 HZO.

In the event of any changes to the conditions of approval from the Planning Commission, the staff report to City Council will be revised to reflect as such.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

LJ Bagford

Joshua A. Smith
City Manager

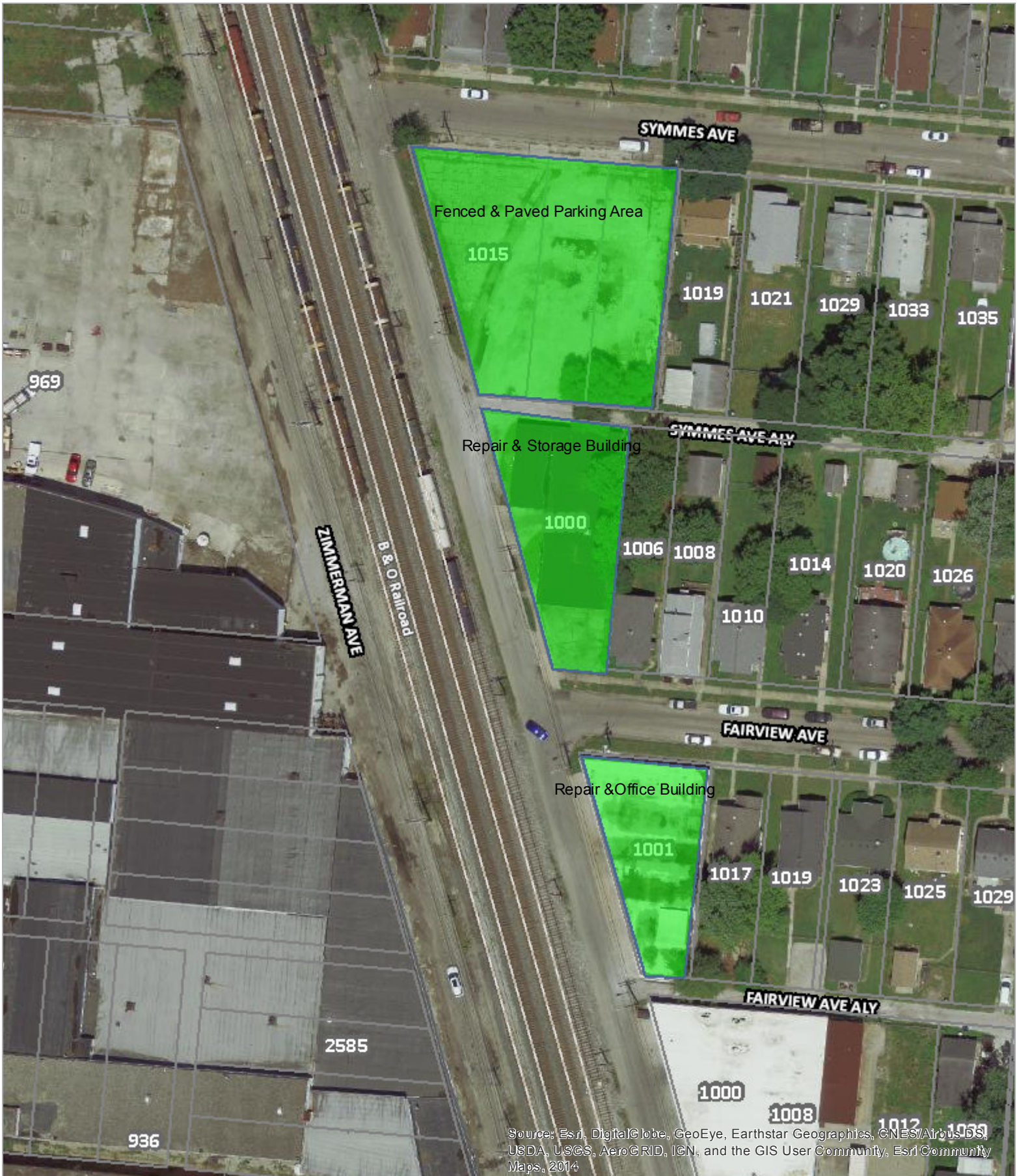
Larry Bagford
Planning & Zoning Specialist

Choose Strategic Goal(s)	
<input checked="" type="checkbox"/>	I Generate 125mm in new private investment
<input checked="" type="checkbox"/>	J Increase gross wages paid by Hamilton Employers by \$100mm
<input type="checkbox"/>	P Exceed total county growth rate median home sale prices
<input type="checkbox"/>	R Generate \$40mm in investment for recreational amenities
<input type="checkbox"/>	E Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	O General Operations/ Government Business

Attachments:

- 1) Exhibit A - Location Map
- 2) Exhibit B - Zoning Map
- 3) Exhibit C - Recommended Conditions of Approval
- 4) Exhibit D - Proposal Plans
- 5) Exhibit E - Planning Commission Report: May 7, 2020





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014



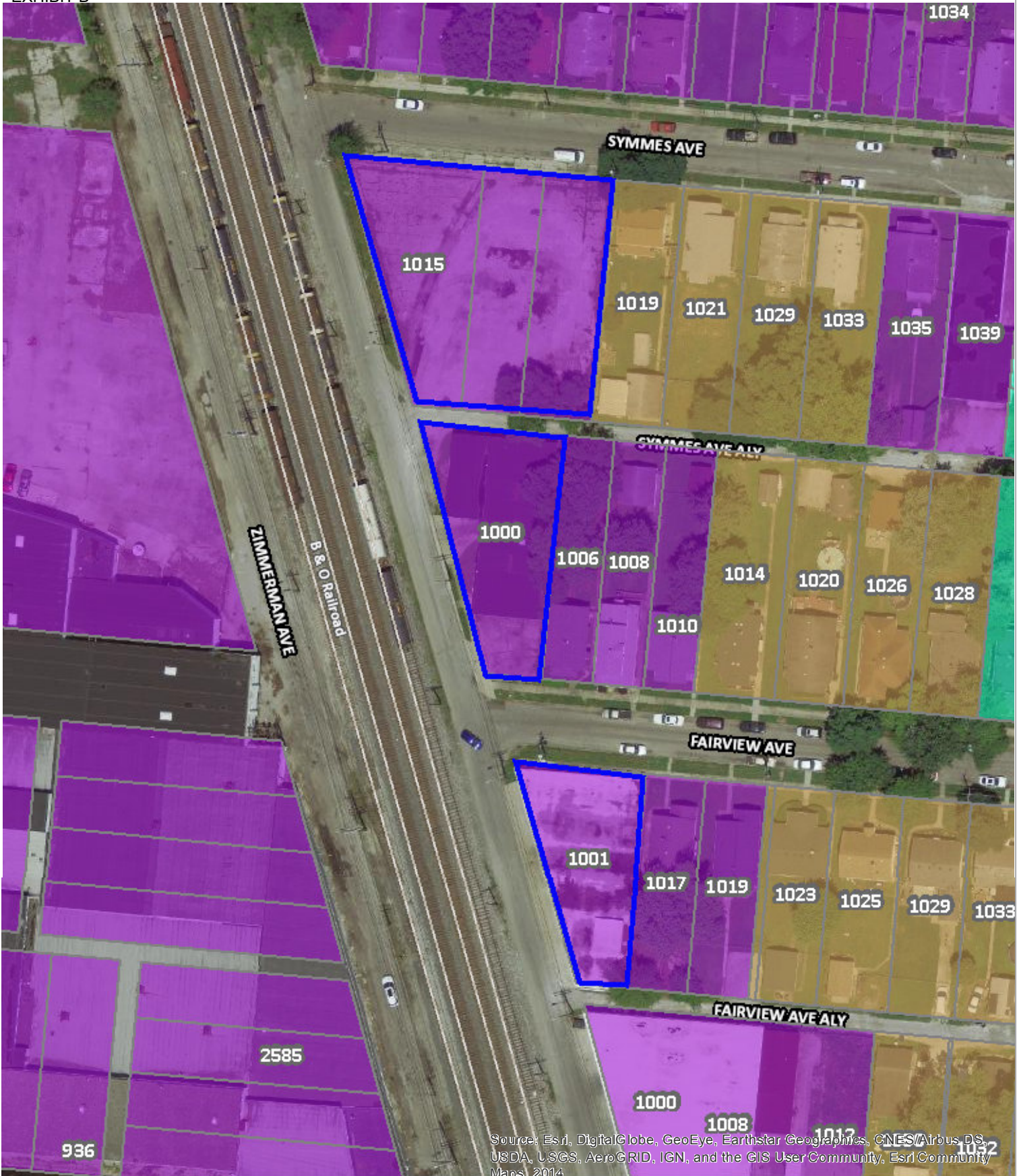
Areas



1000, 1001 Fairview & 1015 Symmes



Site Address Points



Areas

Override 1
 Site Address Points

1000 & 1001 Fairview Zoning Map



EXHIBIT C

Recommended Conditions of Approval for Automotive Repair Business at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue.

BASIC INFORMATION		
Applicant/Property Owner	Ihab Kaldas - Applicant Cuttel Investments- Property Owners	
Architect/Engineer/Consultant	Tess Architects	
Size of Property	Approximately .76 Acres	
Current Zoning	I-2 Industrial District	
Requests	Request for a Conditional Use to Operate an Automotive Repair Business	
Size of Revision	N/A - Exiting Buildings	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	I-2 Industrial District
South	Boat Manufacturer	I-2 Industrial District
East	Single Family Residential	I-2 Industrial District and R-3 One to Three Family Residential
West	Railroad Tracks	I-2 Industrial District

1. The proposed fence around the parking area will be setback a minimum of ten (10) feet from the Zimmerman Avenue and Symmes Avenue right-of-way lines.
2. The proposed fence around the parking area will be setback a minimum five (5) feet from the edge of the alley and side property lines.
3. The setback areas outside the fence along the Zimmerman Avenue and Symmes Avenue right of ways shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c will be required for each site plan:
 - a) Bushes: three Per Required Tree
 - b) Flowering Perennials Plants: 6 per Required Tree
 - c) Trees: one Per Required Tree
4. The landscape plans shall be amended to comply with the recommendations of the City Arborist.
5. The fenced parking area will have a solid evergreen hedge a minimum of 4-feet in height along the east side of the fence between the parking area and the residential buildings there.
6. All repairs or services shall be performed within an enclosed building.

7. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
8. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations
9. No vehicles shall be kept on the property for salvaging of parts and equipment to repair other vehicles.
10. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
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CONDITIONAL USE APPLICATION

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

PROPERTY ADDRESS: 1000-1001 FAIRVIEW AVE & SYMMES

Property Owner: CUTTELL INVESTMENTS

Owner's Mailing Address: _____

Email Address: _____ **Phone Number:** _____

Applicant's Name (If different from owner): IHAB KALDAS

Applicant's Mailing Address: 1244 BARRISTER COURT WEST CHESTER OH 45069

Email Address: IHABKALDAS@GMAIL.COM **Phone Number:** 513-807-1600

Architect / Engineer: TES ARCHITECTS

Mailing Address: 121 WINSTON AVE HAMILTON OH 45013

Email Address: TOM@TESARCHITECTS.COM **Phone Number:** 630-391-1074

Previous Legal Use of Property: INDUSTRIAL I2- MACHINERY SHOP / METAL FABRICATION

Date Previous Use Discontinued: _____

Proposed New Use of Property: AUTOMOTIVE SERVICE & MINOR REPAIRS

PLEASE NOTE:

Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

CERTIFICATION:

I certify that all of the information contained in this Application is complete, true, and accurate.

Applicant's Signature:

Date: 3/11/20

Property Owner's Signature:

Date: 03/12/2020

For questions or more information, please contact Planning at 513 785-7350 | www.hamilton-city.org

March 3, 2020

City of Hamilton Planning Department
345 High St Suite 330
Hamilton Oh 45011
Attention: Mr. Larry Bagford, Planning & Zoning Specialist

Reference: Pre Application Meeting-Request for Conditional Permitted Use
P6461045000036-1000 FAIRVIEW AVE
P6461045000046-1001 FAIRVIEW AVE
P6461045000025-SYMMES
P6461045000024-SYMMES
P6461045000023-SYMMES

Gentlemen:

This correspondence is to serve as introduction for an application to obtain an approval for a Conditional Permitted zoning use within the City Of Hamilton for the above referenced properties.

The Background

The Kaldas Properties, interred into a Purchase Contract with Cuttell Investments to purchase 1000 Fairview Avenue, 1001 Fairview Ave and an adjacent 3 parcel parking lot on Symes Avenue (the above referenced properties). The properties which consist of 2 buildings on each side of Fairview Avenue and the adjacent Symes Avenue parking lot are zoned Industrial (I2). The Kaldas Properties intends to operate an Automotive Repair/Maintenance Facility for Fleet Customers within the 2 buildings, and use the parking lot for employees parking and vehicle parking. It is our understanding that this type of business is a Conditional Permitted use within this zoning type.

The Proposed Business

This proposed business will have 10 employees (auto technicians, parts coordinators, drivers and supervisor). The business hours will be Monday thru Friday 9 am to 6 pm and Saturday 9 am to 2 pm. The business will strictly service existing fleet clients only and will provide vehicle pickup and delivery

KALDAS PROPERTIES, LLC

***7244 Barrister Court
West Chester OH 45069
Phone 513-807-1600***

A decorative graphic consisting of several overlapping dark gray rectangular shapes of varying sizes and orientations, located in the bottom right corner of the page.

service to these clients. This means there will be no physical clients present at the site nor will it requires any signage. In another word this is not a retail auto repair business. The business operation will be inside the building only; there will be no activities outside the buildings. The operation of the business will fully comply with all the conditions specified within the pertinent section of the Zoning ordinance (Section 1124.39.6 related to Automotive Service and Minor Repair)

The Project Scope and Improvements.

The proposed project scope will include the following:

1. Restoring the exterior facades of both buildings. This includes, cleaning, repointing and painting the exterior walls and replacing the gutters and downspouts as necessary.
2. Repairing the Roof of both buildings
3. Cleaning and maintaining the landscaping of the backyard of both buildings.
4. Installing 6 Hydraulic Lifts in one of the Buildings. The building is equipped with existing electrical service which will permit this installation without additional wiring.
5. Installing security/privacy fence on the perimeter of the parking lot on Symes Avenue. This parking lot will be used for employees parking and staging client's vehicles that are going to be repaired.

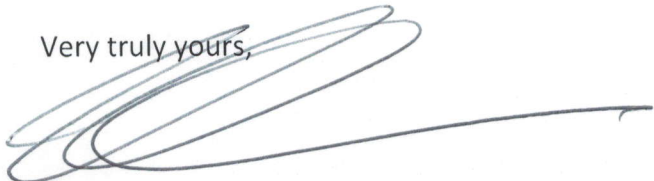
Proposed Site Plan/ Building Plan

There will be no Additional Site work, alteration to the structures, the driveways, the overhead doors or the existing doors or windows.

I am available at any time to answer any questions or concerns regarding this matter.

Thank you for your time and your considerations.

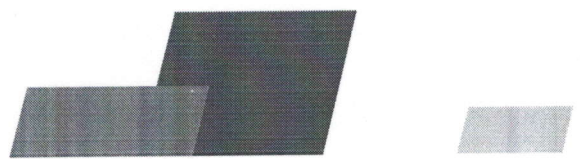
Very truly yours,

A handwritten signature in black ink, appearing to read 'Ihab Kaldas', with a long horizontal flourish extending to the right.

Ihab Kaldas, President
Kaldas, Properties

KALDAS PROPERTIES, LLC

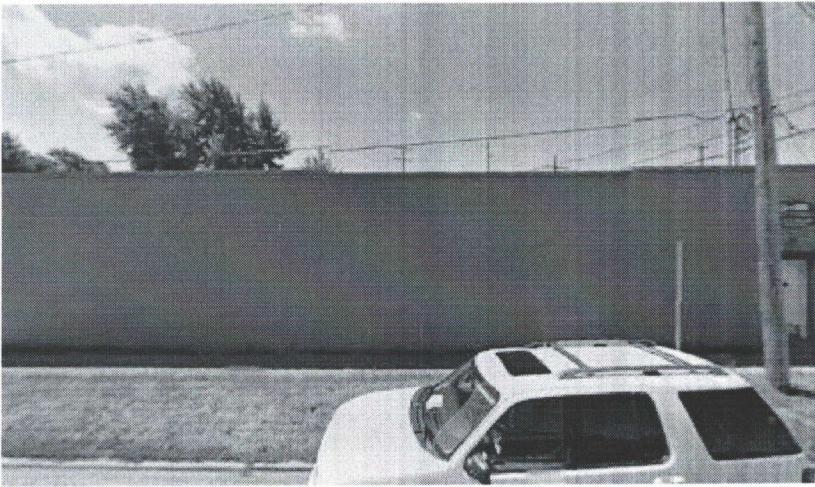
***7244 Barrister Court
West Chester OH 45069
Phone 513-807-1600***



Google Maps 1001 Fairview Ave



Map data ©2020 50 ft



1001 Fairview Ave

Hamilton, OH 45015



Directions



Save



Nearby



Send to your phone



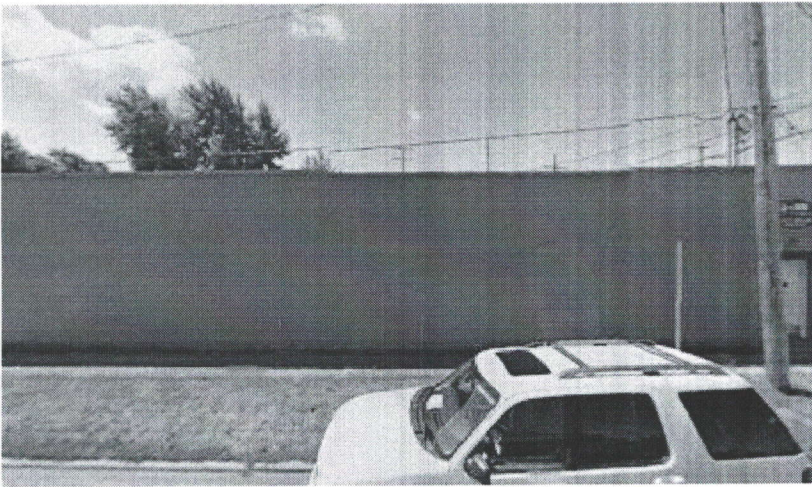
Share

Photos

Google Maps 1001 Fairview Ave



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 50 ft



1001 Fairview Ave

Hamilton, OH 45015



Directions



Save



Nearby



Send to your phone

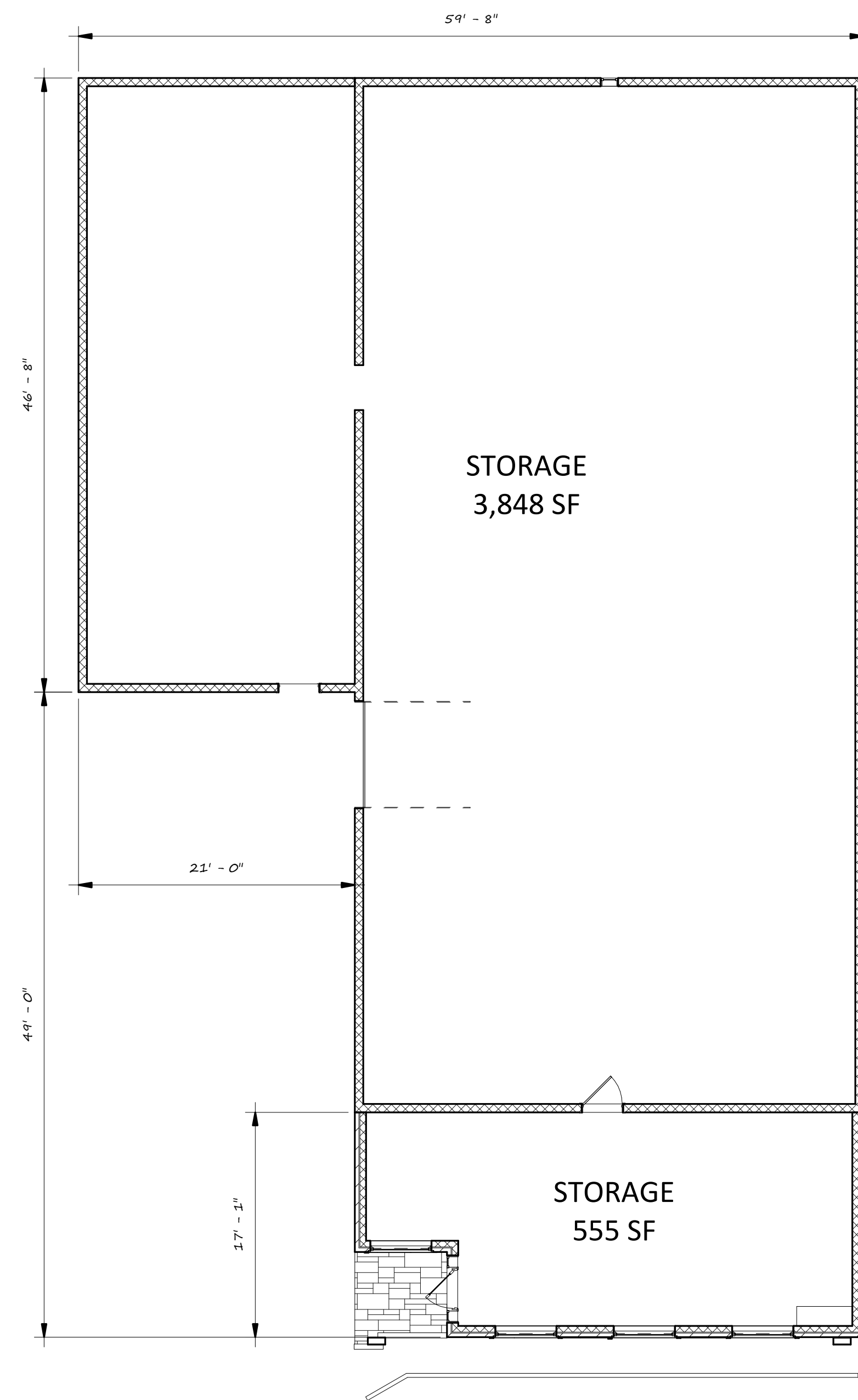


Share

Photos

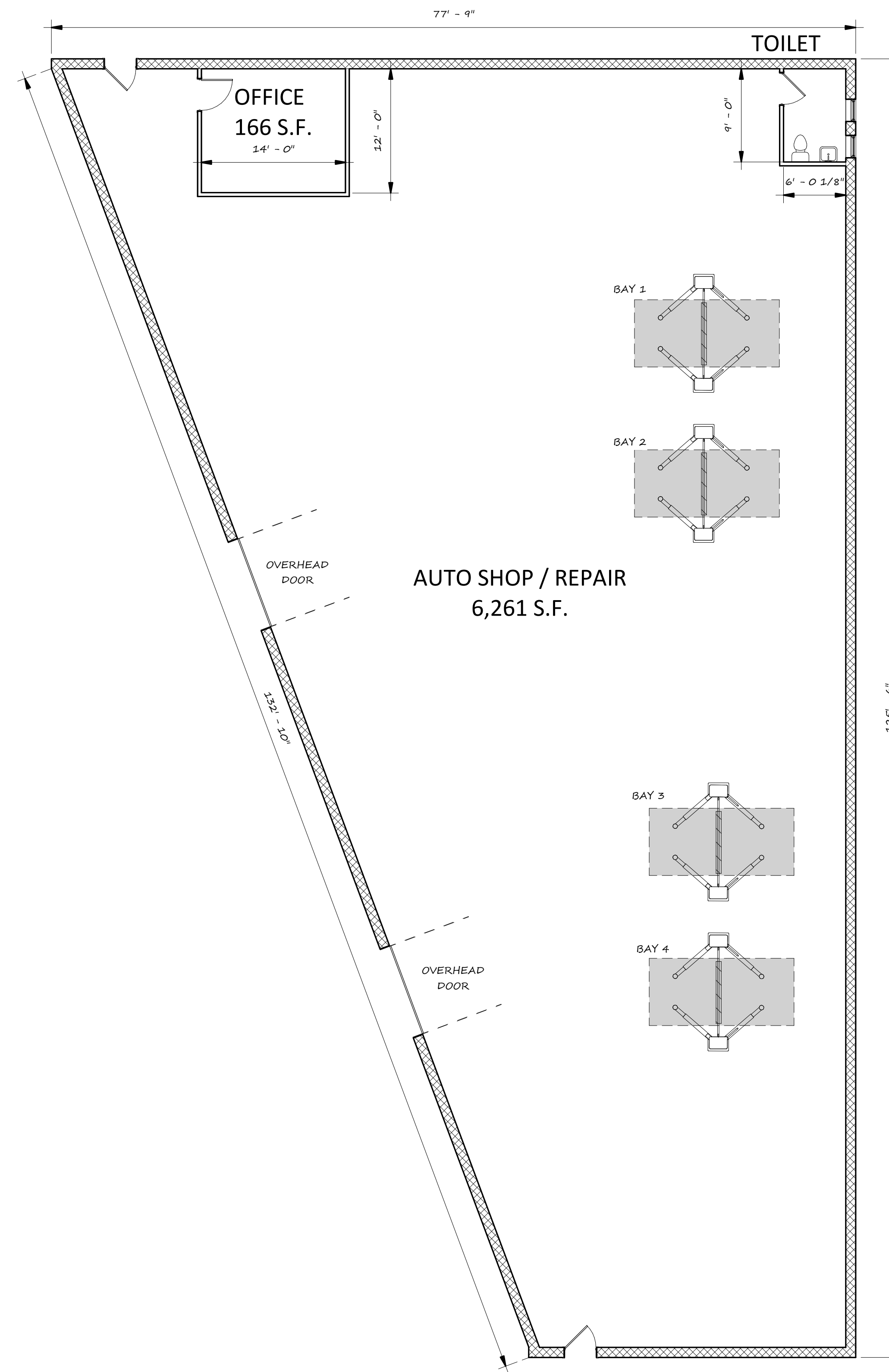
Revisions

Revision Number	Revision Date



1000 FAIRVIEW - FLOOR PLAN

SCALE: 1/8" = 1'-0"

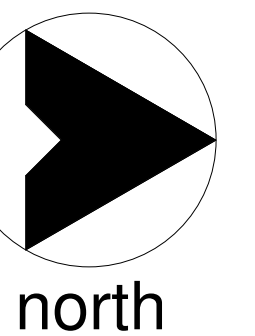


1001 FAIRVIEW - FLOOR PLAN

SCALE: 1/8" = 1'-0"

SCHEMATIC DRAWINGS
AUTO REPAIR SHOP
1001 FAIRVIEW AVE.
HAMILTON, OHIO

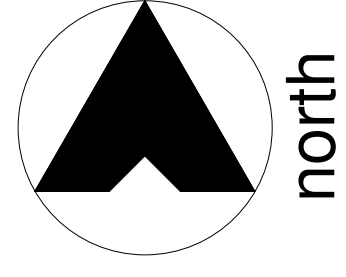
121 WINSTON DRIVE
HAMILTON, OHIO 45013
630-391-1074
tom@tesarchitects.com



TES # 2020-009
Drawn: TES
Date: 4-5-2020

A-2

TES #	2020-009
Drawn:	Author
Date:	3-20-2020

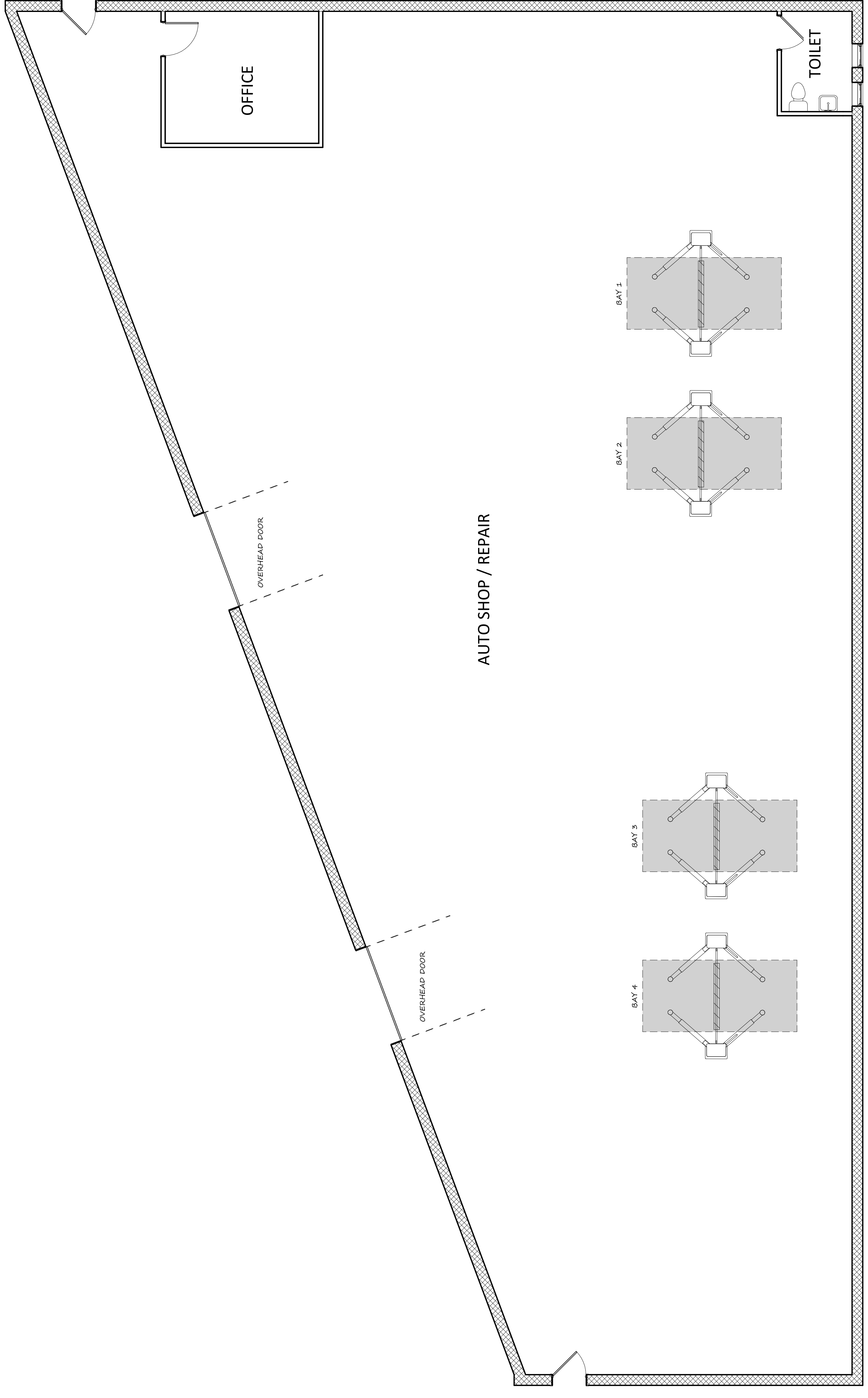


121 WINSTON DRIVE
HAMILTON, OHIO 45013
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SCHEMATIC DRAWINGS
AUTO REPAIR SHOP
1001 FAIRVIEW AVE.
HAMILTON, OHIO

Revisions	
Revision Number	Revision Date

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TES Architects P.C.

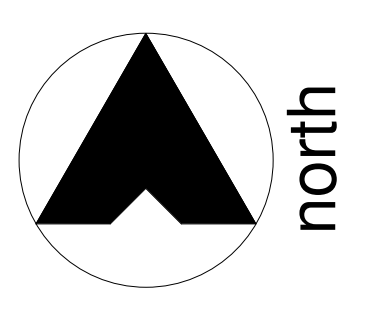


Revisions	
Revision Number	Revision Date

Copyright 2020
TES Architects P.C.

SCHEMATIC DRAWINGS
AUTO REPAIR SHOP
1001 FAIRVIEW AVE.
HAMILTON, OHIO

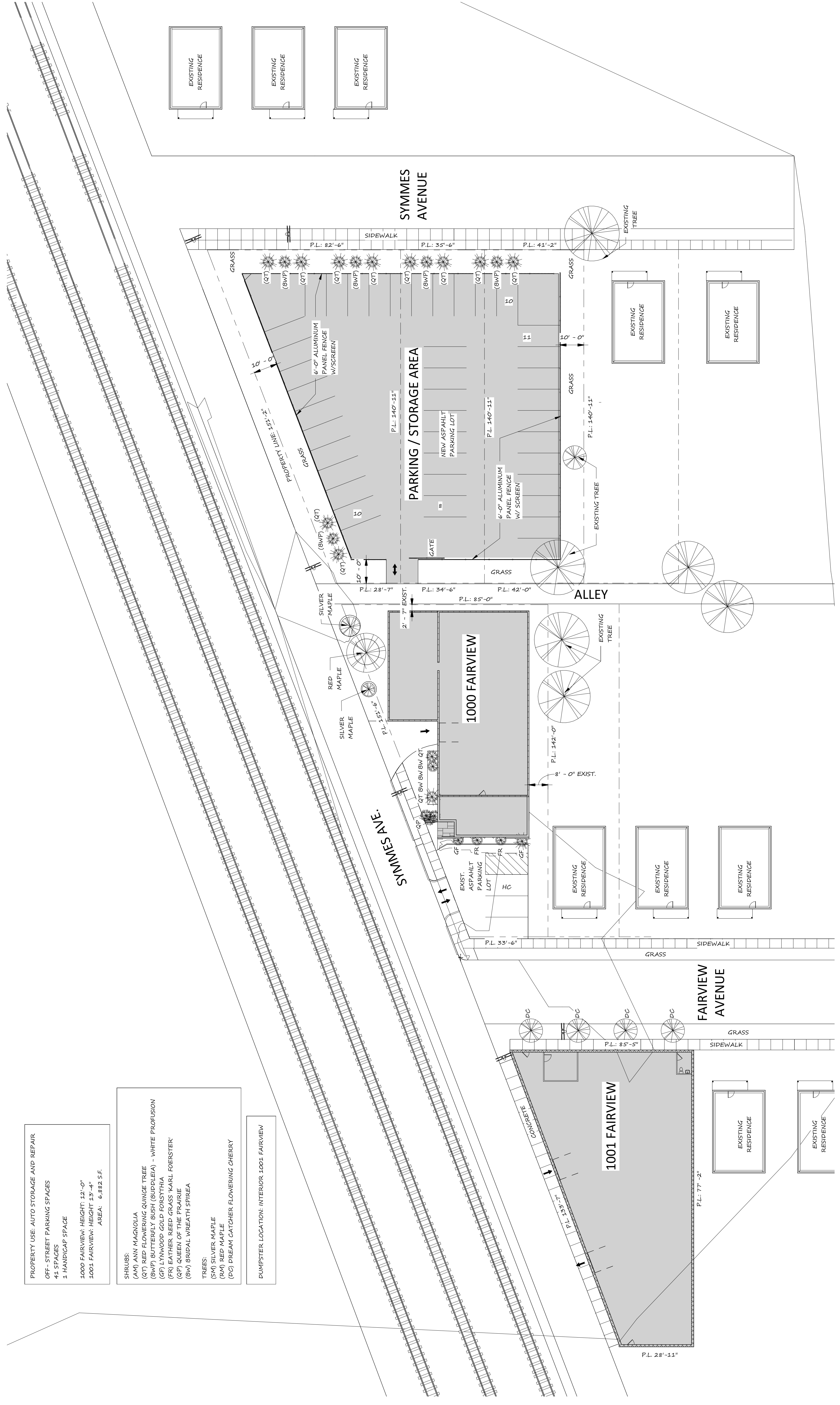
TES architects
 ARCHITECTURE FOR A GREENER PLANET
 630-391-1074
 tom@tesarchitects.com
 121 WINSTON DRIVE
 HAMILTON, OHIO 45013



TES #	2020-009
Drawn:	TES
Date:	4-5-2020

A-1

ALL DIMENSIONS ARE APPROXIMATE AND BASED ON CURRENT INFORMATION AVAILABLE. ADDITIONAL ENGINEERING IS REQUIRED FOR EXACT PROPERTY DIMENSIONS.



PROPERTY USE: AUTO STORAGE AND REPAIR
 OFF-STREET PARKING SPACES
 43 SPACES
 1 HANDICAP SPACE
 1000 FAIRVIEW: HEIGHT: 12'-0"
 1001 FAIRVIEW: HEIGHT: 13'-4"
 AREA: 6,882 S.F.

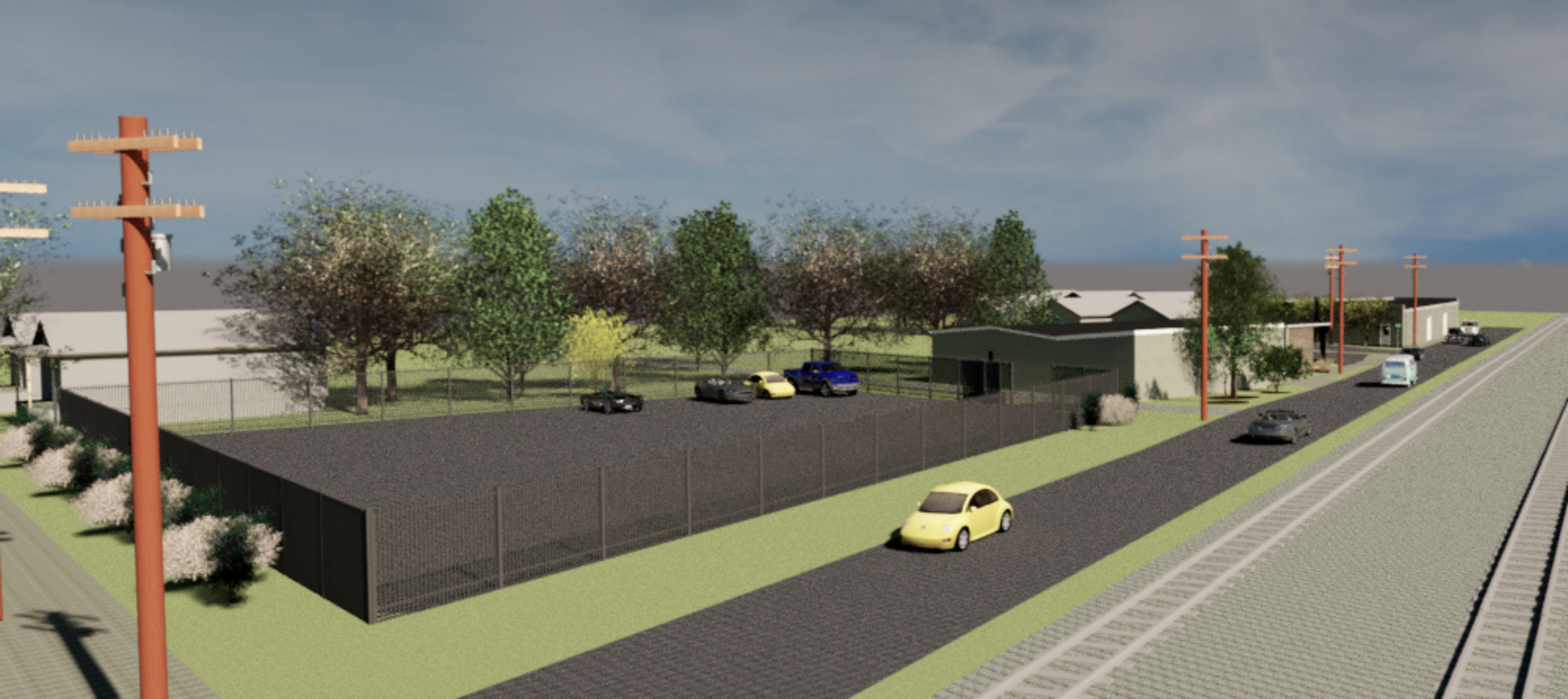
- SHRUBS:**
 (AM) ANN MAGNOLIA
 (QT) RED FLOWERING QUINCE TREE
 (BWP) BUTTERFLY BUSH (BUDDLEIA) - WHITE PROFUSION
 (GF) LYWOOD GOLD FORSYTHIA
 (FR) LEATHER REED GRASS 'KARL FOERSTER'
 (QP) QUEEN OF THE PRAIRIE
 (BW) BRIDAL WREATH SPIREA
- TREES:**
 (SM) SILVER MAPLE
 (RM) RED MAPLE
 (DC) DREAM CATCHER FLOWERING CHERRY

DUMPSTER LOCATION: INTERIOR 1001 FAIRVIEW

SITE PLAN

SCALE: 1" = 20'-0"

















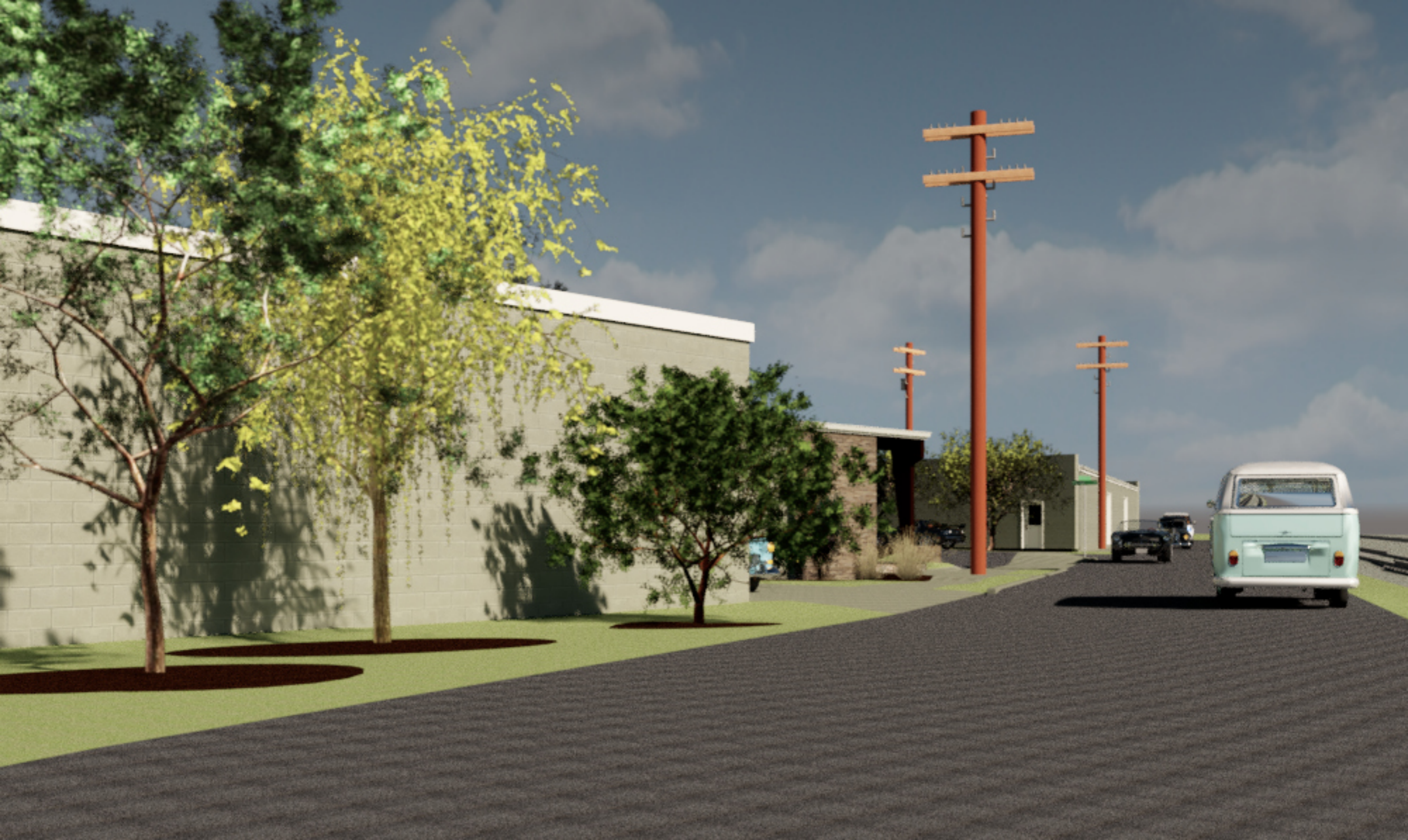




EXHIBIT E

For the Planning Commission Meeting of May 7, 2020

To: Planning Commission
From: Larry Bagford, Planning & Zoning Specialist
Ed Wilson, AICP, Associate Planner II
Date: April 22, 2020

Subject: **AGENDA ITEM #2–New Business**
1000 & 1001 Fairview Avenue and 1015 Symmes Avenue
Conditional Use Request to operate an Automotive Repair Business with a request for one (1) variance.

APPLICANT: Ihab Kaldas
LOCATION: 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue
REQUEST: Request for a Conditional Use to Operate an Automotive Repair Business and a variance to the ten (10) foot front yard setback requirement

BASIC INFORMATION		
Applicant/Property Owner	Ihab Kaldas - Applicant Cuttel Investments- Property Owners	
Architect/Engineer/Consultant	Tess Architects	
Size of Property	Approximately 0.76 Acres	
Current Zoning	I-2 (Industrial) District	
Requests	Request for a Conditional Use to Operate an Automotive Repair Business	
Size of Revision	N/A - Existing Buildings	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	I-2 (Industrial) District
South	Boat Manufacturer	I-2 (Industrial) District
East	Single Family Residential	I-2 (Industrial) District and R-3 (One to Four Family) Residential
West	Railroad Tracks	I-2 (Industrial) District

Section A: Introduction and Background

Section A.1: Project Overview

Report continued on the next page





Mr. Ihab Kaldas is requesting a Conditional Use Approval to operate a Major Automotive Repair Business at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue. This property is located in an I-2 (Industrial) Zoning District. Per Section 1124.39.5 of the Hamilton Zoning Ordinance (HZO), Major Automotive Repair requires a Conditional Use Approval in the I-2 (Industrial) Zoning District. Mr. Kaldas is also seeking a variance to the ten (10) foot front yard setback requirement as part of the Conditional Use application.

Section A.2: Existing Site Conditions

The project encompasses three (3) addresses and five (5) separate parcels.

- 1001 Fairview Avenue, (Parcel#P6461045000046) which has an existing 6,500-square foot commercial/industrial building on the property.
- 1000 Fairview Avenue, (Parcel #P6461045000036) which has an existing 4,900-square foot commercial/industrial building on the property.
- 1015 Symmes Ave consists of three (3) parcels #P6461045000023 thru 025 all of which are vacant. These three adjacent lots are 18,600-square feet in area.

Section A.3: History

All of these properties were formally owned by G & M Metal Products, which closed in 2019.

Section B: Petition Review

Section B.1: Submitted Request

Mr. Kaldas is requesting conditional use approval as required by the zoning ordinance in order to perform automotive repair utilizing the referenced properties at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue.

Section B.2: Review of Applicant Submittal Materials

The plans and application submitted indicate the business will be open from 9:00 AM until 6:00 PM Monday thru Friday and 9:00 AM until 2:00 PM on Saturdays. The plans propose a starting staff of ten (10) employees.

The business will service vehicle fleet customers and will not have regular retail customers.

Report continued on the next page





The plans indicate that 1001 Fairview Avenue will be used primarily for auto repair with a small office area. The plans indicate that six (6) automobile lifts will be installed in this building. There are two (2) existing overhead roll up doors that will be used to bring vehicles in and out of the building.

The existing building at 1000 Fairview Avenue will be used for automobile repair and storage. There is an existing overhead roll-up door that will be use to bring vehicles in and out of the building. There are three (3) off street parking spaces at this address. Plans indicate that the existing lot will be restriped.

Section B.3: Off-Street Parking / Storage Area

The three (3) parcels at 1015 Symmes Avenue will be paved with new asphalt and striped for parking of vehicles awaiting repair and for employees. A six-foot (6') high aluminum, picket panel fence will enclose this parking area. The fence will be setback ten (10) feet from all property lines. Ingress and egress onto this lot will be through rear alley access (Symmes Avenue Alley).

There are 41 off-street parking spaces proposed for the site.

- 39 spaces at 1015 Symmes Avenue
- 2 existing restriped spaces at 1000 Fairview Avenue

Section B.4: Landscaping

The plans propose the setback outside the fenced parking lot will be landscaped with twelve (12) shrubs along the 1015 Symmes Avenue frontage and three (3) shrubs at the southwest corner along Zimmerman Avenue.

The plans propose four (4) trees be planted in the Fairview Avenue curb lawn in front of 1001 Fairview Avenue. Three (3) trees and ten (10) shrubs are proposed for the landscaping at 1000 Fairview Avenue, located primarily along the Symmes Avenue frontage.

Section B.5: Other Proposed Improvements

The plans also propose the following improvements to the buildings:

1. Restoring the exterior facades of both buildings. This includes, cleaning, and painting the exterior walls and replacing the gutters and downspouts as necessary.
2. Repairing the roof of both buildings

Report continued on the next page





3. Cleaning and maintaining the landscaping of the backyard of both buildings.
4. Installing six (6) Hydraulic Lifts in one of the buildings. The building is equipped with existing electrical service, which will permit this installation without additional wiring.

Section C: Interdepartmental Review

The plans were circulated for Interdepartmental Review and there were following comments:

From the City Arborist:

1. Substitute [Frontier Elm \(Ulmus 'Frontier'\)](#) for the silver maple trees. Silver maple are weak wooded trees and susceptible to storm damage.
2. Substitute [Green Column Black Maple \(Acer nigrum 'Greencolumn'\)](#) for the red maple tree. Red Maple does better in acidic soils found east I-71 in Ohio. Our spoils in Hamilton are clay loam and high pH or basic. Red maples are susceptible to many insect pests, diseases and micronutrient deficiencies.
3. Substitute [Yoshino Cherry \(Prunus yedoensis\)](#) for Dream Catcher Flowering Cherry. Dream Catcher Cherry is susceptible to many insect pests, diseases and micronutrient deficiencies.
4. Substitute Summer Sweet ([Clethra alnifolia](#)) for the White butterfly bush. Butterfly bushes are non-native and found to be invasive.

Section D: Statutes

Section D.1: Conditional Use

Per Section 1124.39.5 HZO; automotive repair requires a Conditional Use Approval from the Planning Commission and City Council.

Section 1155.30 (Conditional Uses – Application and Review, General Standards) contains specific findings outlined within the HZO for review and approval of a Conditional Use by the Planning Commission.

Section 1155.30 (Conditional Uses, Variances) contains four (4) specific criteria for review of variances associated with a conditional use application.

Report continued on the next page





In reviewing an application for a Conditional Use, the Planning Commission shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following nine (9) criteria, general standards for a conditional use:

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.
- (5) The proposed Conditional Use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding streets.
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
- (8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (9) The proposed Conditional Use will not impede the normal and orderly development.

Report continued on the next page





Section D.3: Plan Hamilton

Plan Hamilton is the updated Comprehensive Plan for the city; a living document meant to guide zoning and land use decisions for the present and the future. Conditional Uses should be compared with the recommendations of Plan Hamilton.

In Plan Hamilton's Future Land Use Plan, this area is designated as Urban Mixed Use, which includes a mix of residential, commercial and light industrial uses.

Section E: Staff Basis / Comments

Planning Staff has determined that the proposed use meets all of the above listed requirements. The proposed Auto Repair Business aligns with the Plan Hamilton Land Use Map for this area.

Section F: Notification

Notices were sent to 75 property owners within 500 feet of the subject property. As of the printing of this report, we have had no responses or other inquiries.

Section G: Recommendation:

Planning Commission may recommend approval, amend, or deny the conditional use application. Planning Staff recommends that a conditional use approval is granted to allow an automotive repair business to operate at 1000, & 1001 Fairview Avenue and the property at 1015 Symmes Avenue shall be used as parking for the same business.

Planning Commission may recommend approval, amend, or deny the variance of a 10 foot front yard setback at 1000 Fairview Avenue. Planning Staff recommends that the variance be granted.

If Planning Commission chooses to approve, the Planning Department recommends the following motion:

- 1) That the Planning Commission takes action to recommend that City Council approve of the conditional use application to allow an automotive repair business at 1000 & 1001 Fairview Avenue and allow 1015 Symmes Avenue as parking for the same business.

The recommendations and motions are subject to the following 13 conditions:

Report continued on the next page





Section H: Conditions of Approval:

1. The proposed fence around the parking area will be setback a minimum of ten (10) feet from the Zimmerman Avenue and Symmes Avenue right-of-way lines.
2. The proposed fence around the parking area will be setback a minimum five (5) feet from the edge of the alley and side property lines.
3. The setback areas outside the fence along the Zimmerman Avenue and Symmes Avenue right of ways shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c will be required for each site plan:
 - a) Bushes: three Per Required Tree
 - b) Flowering Perennials Plants: 6 per Required Tree
 - c) Trees: one Per Required Tree
4. The landscape plans shall be amended to comply with the recommendations of the City Arborist.
5. The fenced parking area will have a solid evergreen hedge a minimum of 4-feet in height along the east side of the fence between the parking area and the residential buildings there.
6. All repairs or services shall be performed within an enclosed building.
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9. No vehicles shall be kept on the property for salvaging of parts and equipment to repair other vehicles.
10. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.

Report continued on the next page





11. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
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13. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 HZO.

Report continued on the next page





Section I: Attachments

The following attachments are listed in chronological order as they appear in the report.

- 1) Exhibit A – Proposal Plans
- 2) Exhibit B - Location Map
- 3) Exhibit C – Zoning Map
- 4) Exhibit D – Notice of Public Hearing Letter
- 5) Exhibit E – Recommended Conditions of Approval

Report continued on the next page





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Report continued on the next page





Exhibit A – Proposal Plans

1000 Fairview Avenue, Conditional Use Application

City of Hamilton BUTLER COUNTY OHIO  **Planning Department**
345 High Street, 3rd floor
Hamilton, Ohio 45011

Planning | 2020

CONDITIONAL USE APPLICATION

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

PROPERTY ADDRESS: 1000-1001 FAIRVIEW AVE @ SYMMES

Property Owner: CUTTELL INVESTMENTS

Owner's Mailing Address: _____

Email Address: _____ Phone Number: _____

Applicant's Name (If different from owner): IHAB KALDAS

Applicant's Mailing Address: 7244 BARRISTER COURT WEST CHESTER OH 45069

Email Address: IHABKALDAS@GMAIL.COM Phone Number: 513-807-1600

Architect / Engineer: TES ARCHITECTS

Mailing Address: 121 WINSTON AVE HAMILTON OH 45013

Email Address: TON@TESARCHITECTS.COM Phone Number: 630-391-1074

Previous Legal Use of Property: INDUSTRIAL I2- MACHINE SHOP / METAL FABRICATION

Date Previous Use Discontinued: _____

Proposed New Use of Property: AUTOMOTIVE SERVICE & MINOR REPAIRS

PLEASE NOTE:
Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

CERTIFICATION:
I certify that all of the information contained in this Application is complete, true, and accurate.

Applicant's Signature: _____ **Date:** 3/11/20

Property Owner's Signature: _____ **Date:** 03/12/2020

For questions or more information, please contact Planning at 513 785-7350 | www.hamilton-city.org

Continued on the Next Page Page 8 of 10

Report continued on the next page





KP

March 3, 2020

City of Hamilton Planning Department
345 High St Suite 330
Hamilton Oh 45011
Attention: Mr. Larry Bagford, Planning & Zoning Specialist

Reference: Pre Application Meeting-Request for Conditional Permitted Use
P6461045000036-1000 FAIRVIEW AVE
P6461045000046-1001 FAIRVIEW AVE
P6461045000025-SYMMES
P6461045000024-SYMMES
P6461045000023-SYMMES

Gentlemen:

This correspondence is to serve as introduction for an application to obtain an approval for a Conditional Permitted zoning use within the City Of Hamilton for the above referenced properties.

The Background

The Kaldas Properties, interred into a Purchase Contract with Cuttell Investments to purchase 1000 Fairview Avenue, 1001 Fairview Ave and an adjacent 3 parcel parking lot on Symes Avenue (the above referenced properties). The properties which consist of 2 buildings on each side of Fairview Avenue and the adjacent Symes Avenue parking lot are zoned Industrial (I2). The Kaldas Properties intends to operate an Automotive Repair/Maintenance Facility for Fleet Customers within the 2 buildings, and use the parking lot for employees parking and vehicle parking. It is our understanding that this type of business is a Conditional Permitted use within this zoning type.

The Proposed Business

This proposed business will have 10 employees (auto technicians, parts coordinators, drivers and supervisor). The business hours will be Monday thru Friday 9 am to 6 pm and Saturday 9 am to 2 pm. The business will strictly service existing fleet clients only and will provide vehicle pickup and delivery

KALDAS PROPERTIES, LLC

*7244 Barrister Court
West Chester OH 45069
Phone 513-807-1600*

Report continued on the next page





KP

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The Project Scope and Improvements.

The proposed project scope will include the following:

1. Restoring the exterior facades of both buildings. This includes, cleaning, repointing and painting the exterior walls and replacing the gutters and downspouts as necessary.
2. Repairing the Roof of both buildings
3. Cleaning and maintaining the landscaping of the backyard of both buildings.
4. Installing 6 Hydraulic Lifts in one of the Buildings. The building is equipped with existing electrical service which will permit this installation without additional wiring.
5. Installing security/privacy fence on the perimeter of the parking lot on Symes Avenue. This parking lot will be used for employees parking and staging client's vehicles that are going to be repaired.

Proposed Site Plan/ Building Plan

There will be no Additional Site work, alteration to the structures, the driveways, the overhead doors or the existing doors or windows.

I am available at any time to answer any questions or concerns regarding this matter.

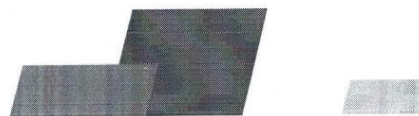
Thank you for your time and your considerations.

Very truly yours,

Ihab Kaldas, President
Kaldas, Properties

KALDAS PROPERTIES, LLC

*7244 Barrister Court
West Chester OH 45069
Phone 513-807-1600*



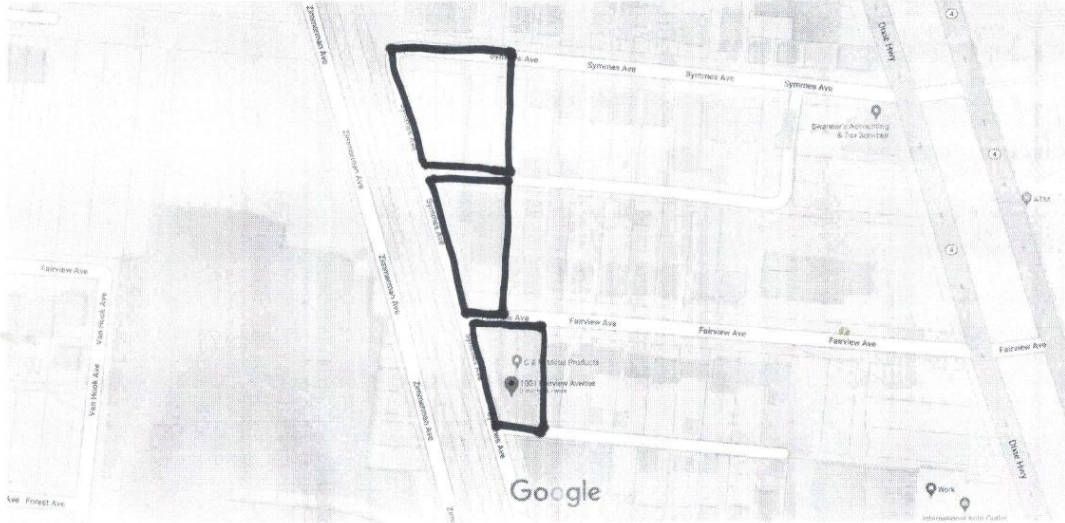
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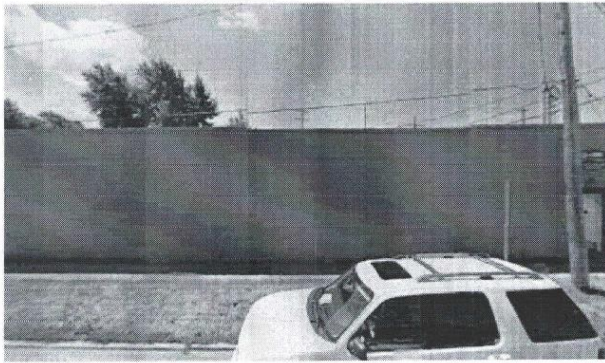
3/10/2020

1001 Fairview Ave - Google Maps





Google Maps 1001 Fairview Ave



Map data ©2020 50 ft



1001 Fairview Ave
 Hamilton, OH 45015

- 
Directions
- 
Save
- 
Nearby
- 
Send to your
phone
- 
Share

Photos

<https://www.google.com/maps/place/1001+Fairview+Ave,+Hamilton,+OH+45015/@39.3712909,-84.5500727,19z/data=!4m5!3m4!1s0x8840463b165a...> 1/2

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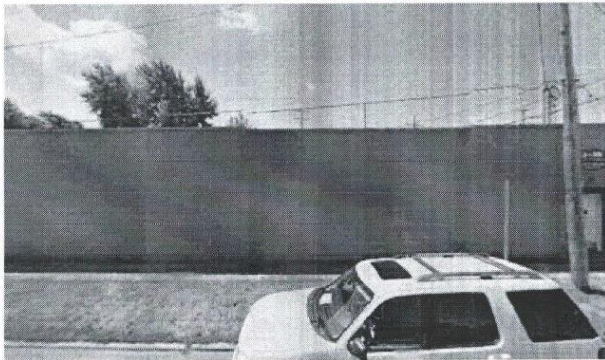
3/10/2020

1001 Fairview Ave - Google Maps

Google Maps 1001 Fairview Ave



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 50 ft



1001 Fairview Ave

Hamilton, OH 45015



Directions



Save



Nearby



Send to your phone



Share

Photos

<https://www.google.com/maps/place/1001+Fairview+Ave,+Hamilton,+OH+45015/@39.3712495,-84.5501813,205m/data=!3m1!1e3!4m5!3m4!1s0x884...> 1/2

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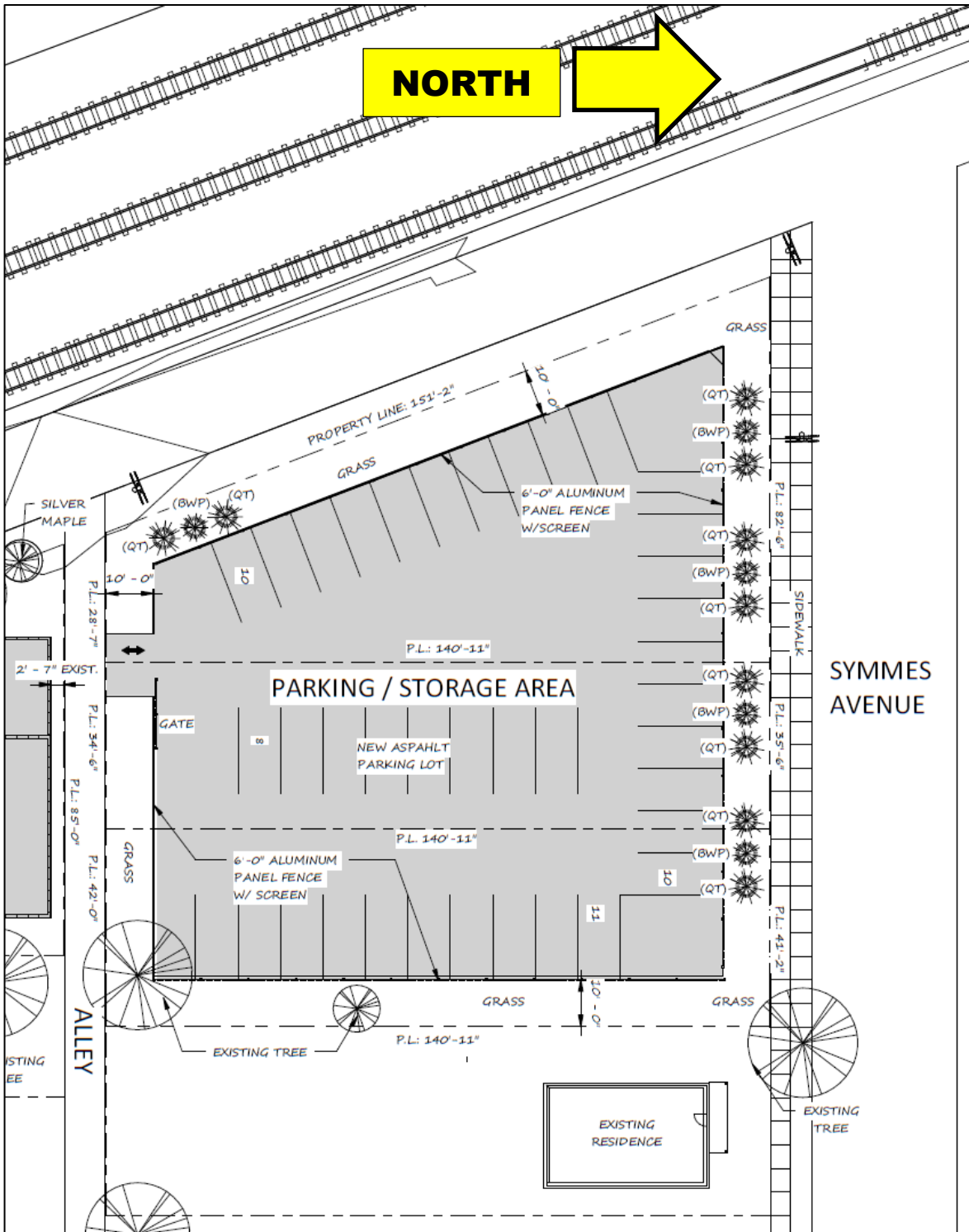


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Showing a close up of 1015 Symmes Avenue, Site Plan



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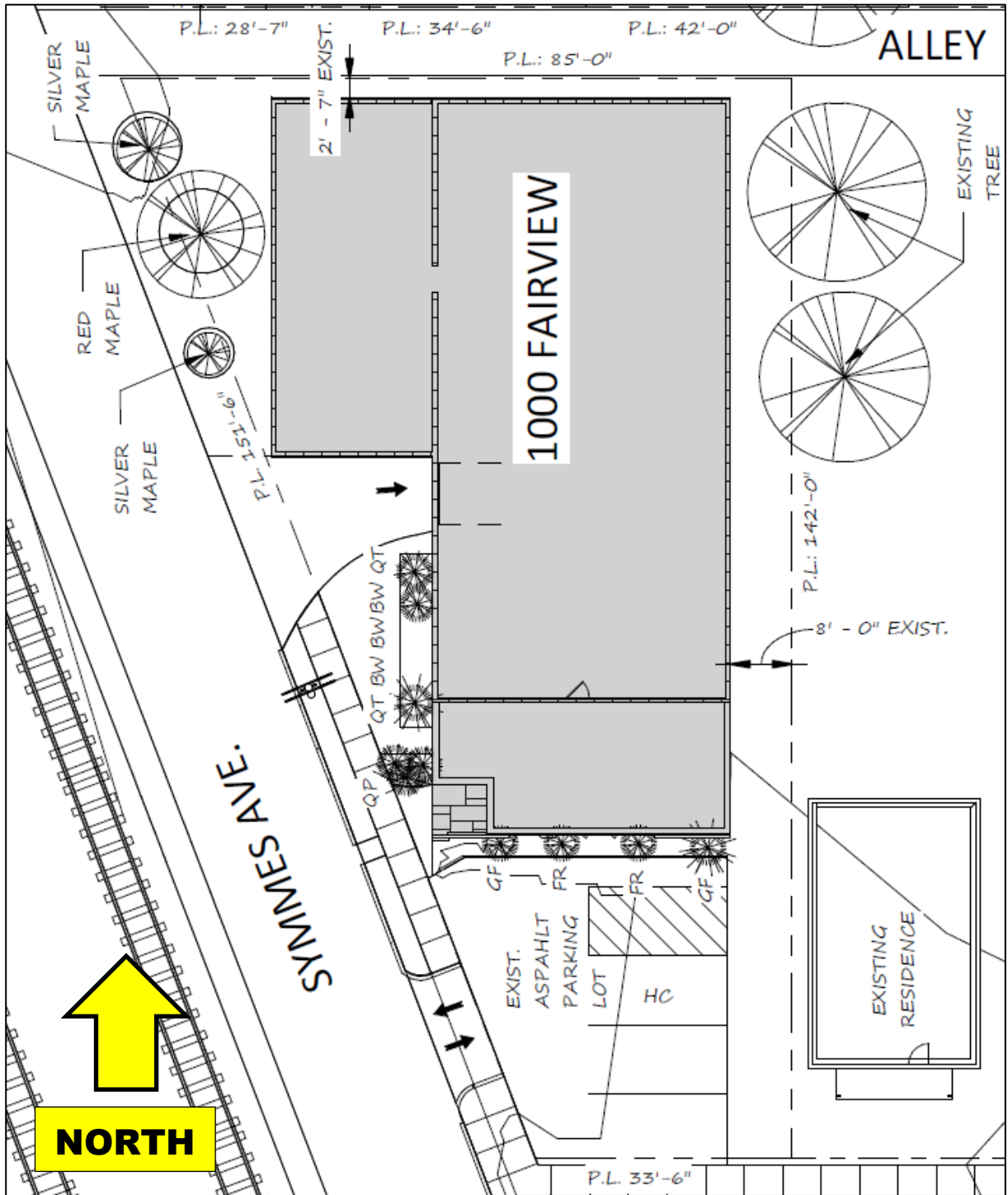


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Showing a close up of 1000 Fairview Avenue, Site Plan



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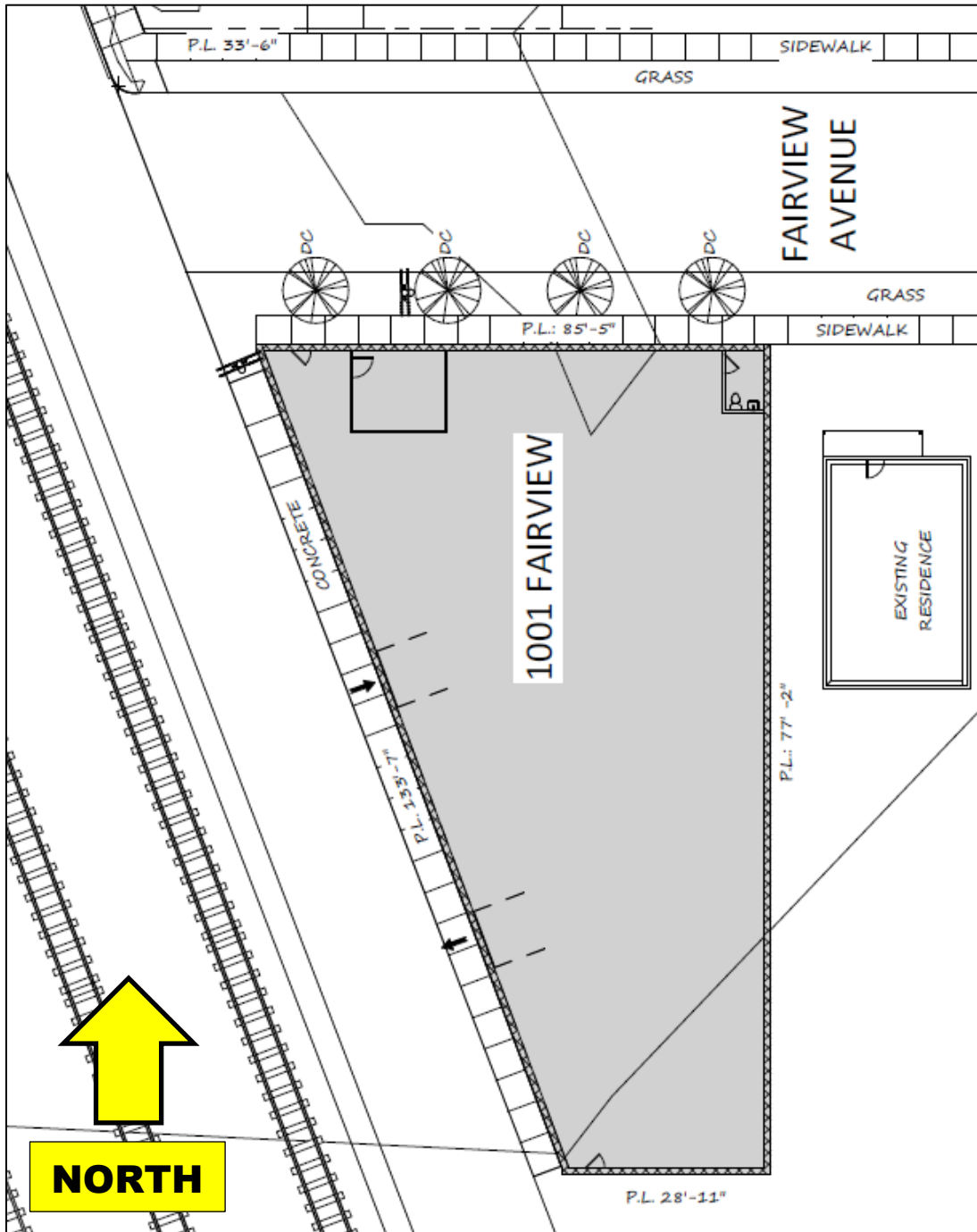


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Showing a close up of 1001 Fairview Avenue, Site Plan



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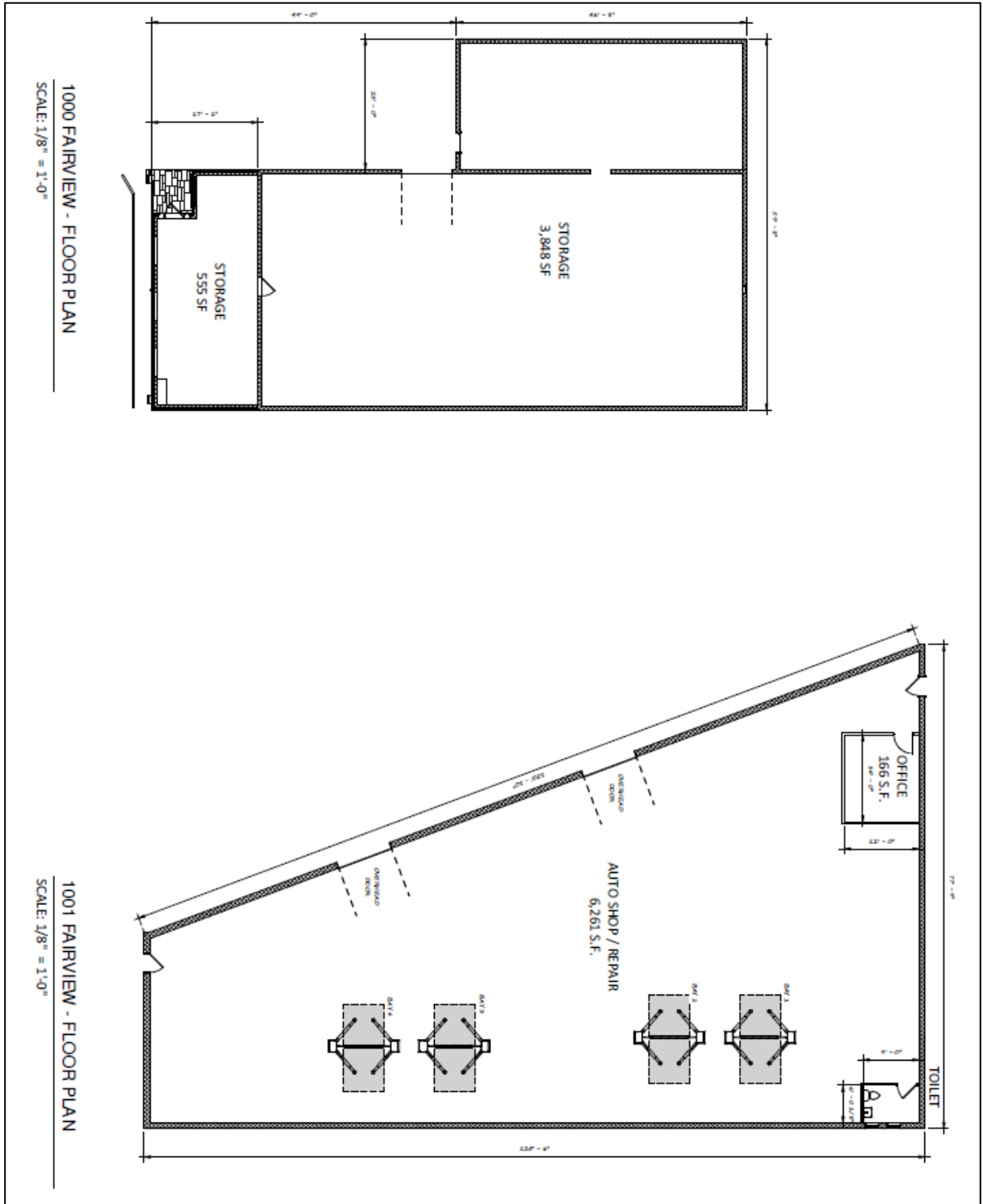


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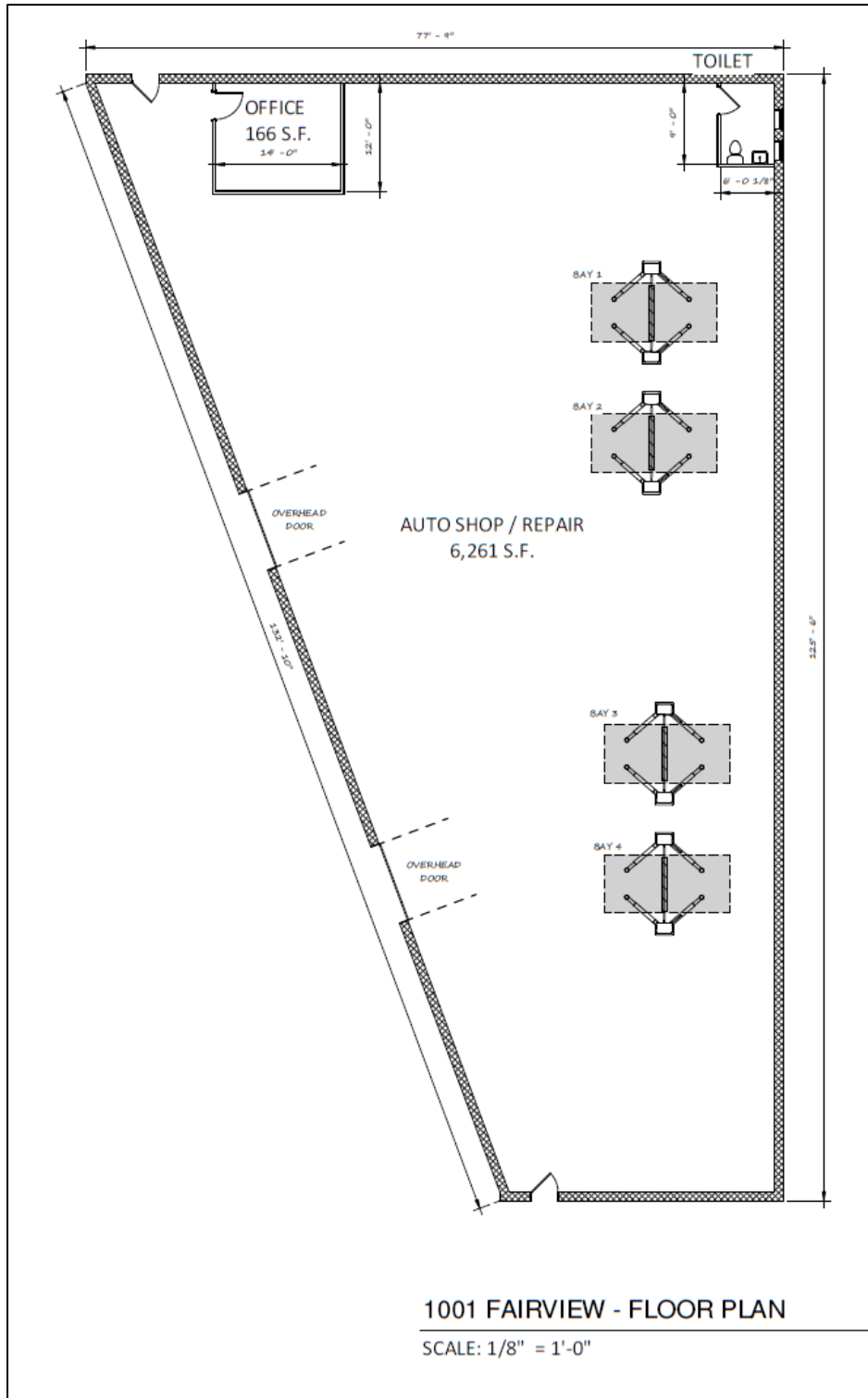
Building Floor Plans for 1000 & 1001 Fairview Avenue



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**Showing a close up of - 1001 Fairview Avenue, Floor Plan
 Auto Shop / Repair**

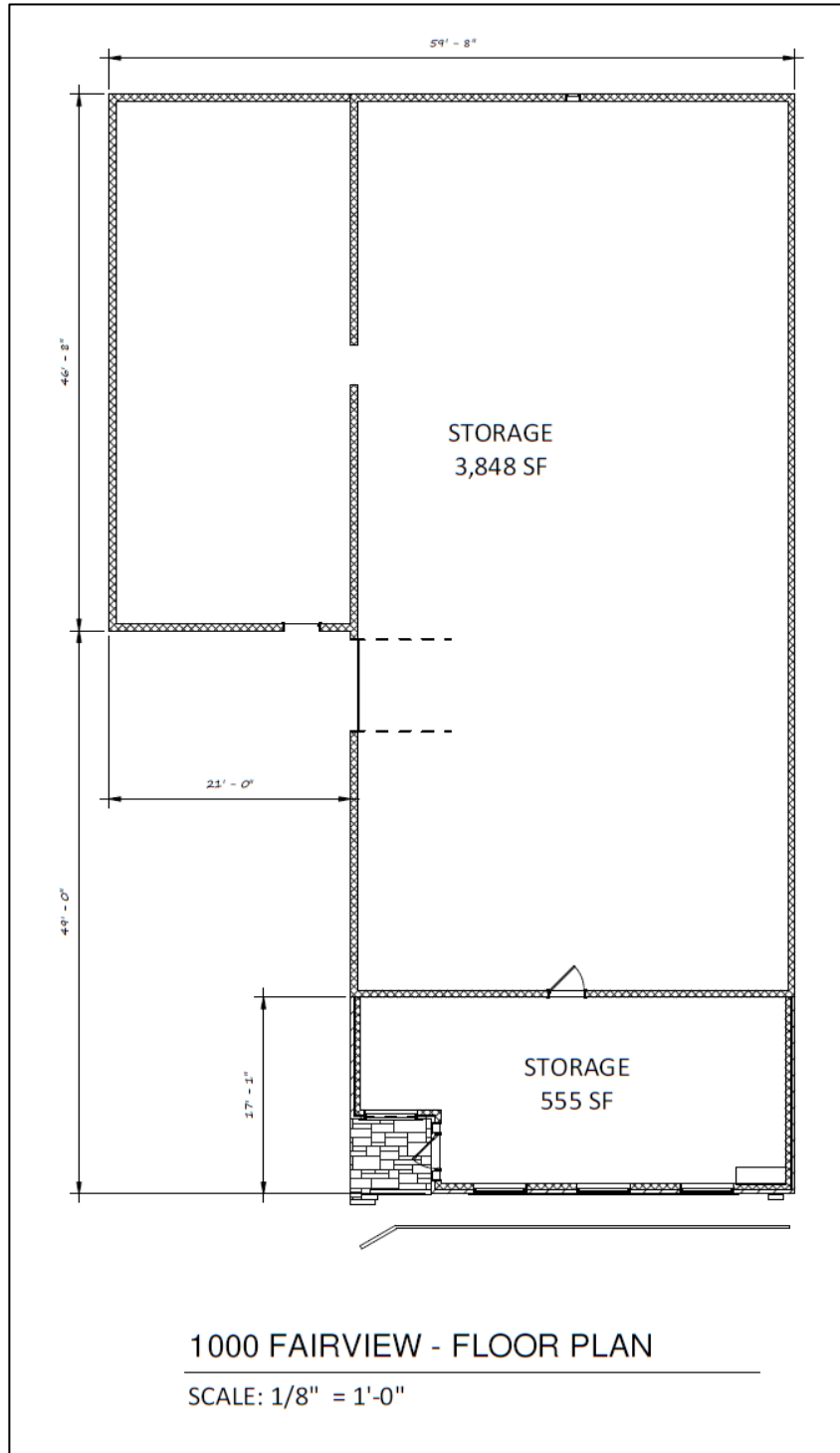


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**Showing a close up of - 1000 Fairview Avenue, Floor Plan
Primarily Storage**



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Applicant – Site Renderings



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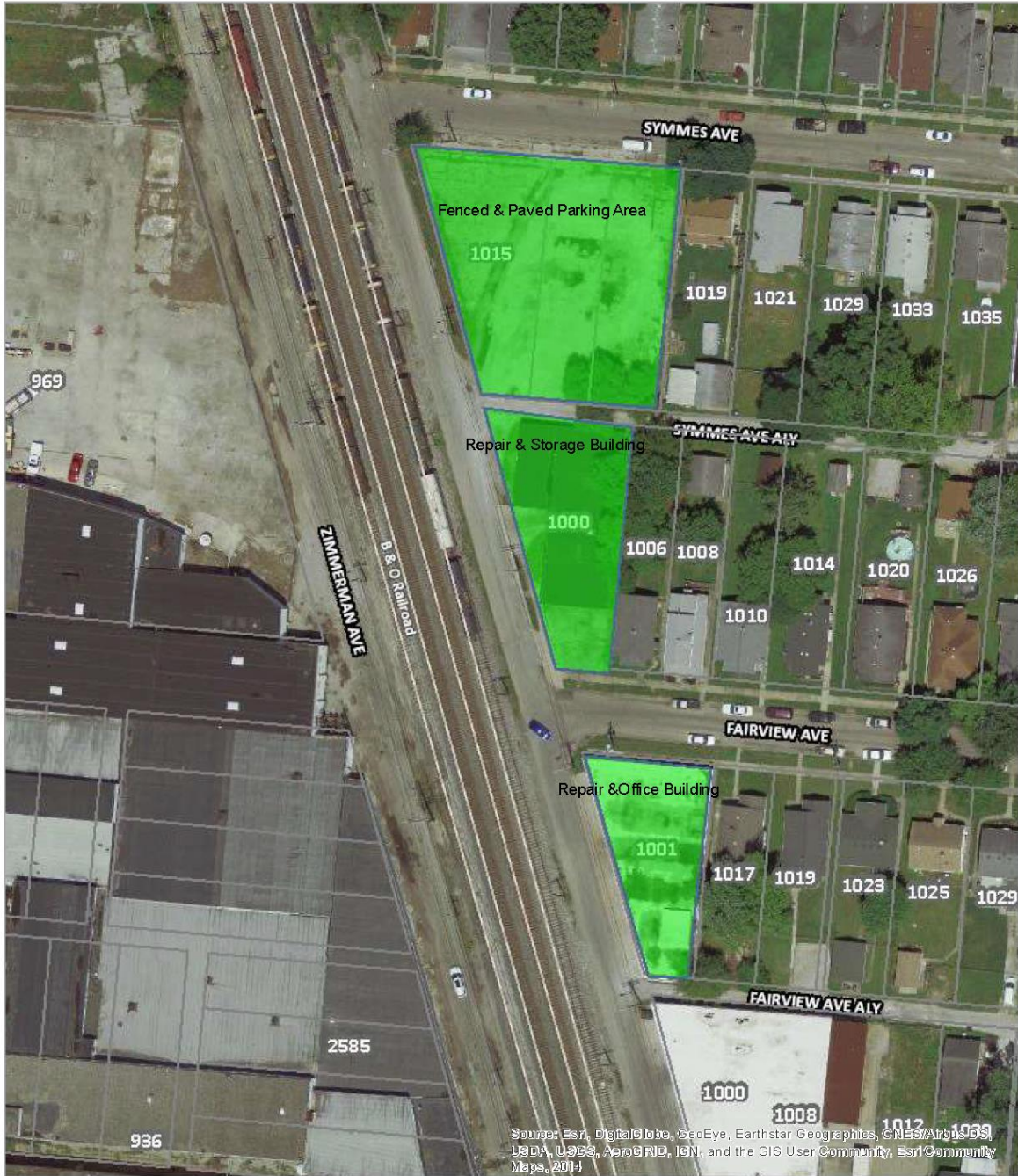


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Exhibit B - Location Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014

1000, 1001 Fairview & 1015 Symmes

City of Hamilton BUTLER COUNTY OHIO

Date: 4/23/20 20
The information contained in this map is a public resource. For general information only, it is provided for use only as a graphical representation. The City of Hamilton is not responsible for any errors, omissions, or inaccuracies in the information contained herein. The user assumes all liability for any errors. Any reliance on the information is the sole responsibility of the user.
1 inch = 94 feet

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Exhibit C – Zoning Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014

1000 & 1001 Fairview Zoning Map

City of Hamilton BUTLER COUNTY OHIO

Areas
Override 1
Site Address Points

Date: 4/24/20 20
The information contained in this map is a public resource for general information and is provided for use only as a graphical representation. The City of Hamilton is not responsible for any errors or omissions. Any reliance on the information is the sole responsibility of the user.
1 inch = 94 feet

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Exhibit D – Notice of Public Hearing Letter

February 19, 2020

NOTICE OF PUBLIC HEARING

LOCATION: 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue
APPLICANT: Ihab Kaldas
REQUEST: The applicant is requesting a Conditional Use Approval to operate an Automotive Repair Business. The site is located within an I-2, Industrial Zoning District.

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday, May 7, 2020 at 1:30 P.M.** in the Council Chambers of the City Building located at 345 High Street and via Zoom Webinar, at: <https://zoom.us/j/93410265331>. Or dial: 1 312-626-6799 then dial the Webinar ID: 934 1026 5331 when prompted.

You are a property owner within 500 feet of the subject property and as such are required by statute to be notified of this public hearing.

An application and plans for this project as well as the Commission Bylaws are on file in our office and available for your review. These materials, in addition to future updates and reports completed by staff during the review process, can be found online at:

<https://www.hamilton-city.org/266/Planning-Commission>.

The hearing is open to the public. However, due to the State of Emergency related to COVID-19, the Planning Department is encouraging those who are comfortable participating in the public hearing remotely to do so. Those participating via webinar or phone call will still have an opportunity to provide input. Please use a computer or download the Zoom app for smartphones to participate using the following information:

Zoom Webinar Link: <https://zoom.us/j/93410265331>
the Webinar ID: 934 1026 5331.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing.

If you have any questions, please visit the Planning Department located at 345 High Street, Hamilton, Ohio, or contact **Larry Bagford**, of the City of Hamilton Planning Department at **785-7350**.

Report continued on the next page





Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011



Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011

Sincerely,

LJ Bagford

Larry Bagford, CFM
Planning & Zoning Specialist

See Reverse Side for Public Hearing Notification Map

Report continued on the next page



Exhibit E – Recommended Conditions of Approval

**Recommended Conditions of Approval for Automotive Repair Business at
1000 & 1001 Fairview Avenue and 1015 Symmes Avenue.**

BASIC INFORMATION		
Applicant/Property Owner	Ihab Kaldas - Applicant Cuttel Investments- Property Owners	
Architect/Engineer/Consultant	Tess Architects	
Size of Property	Approximately .76 Acres	
Current Zoning	I-2 Industrial District	
Requests	Request for a Conditional Use to Operate an Automotive Repair Business	
Size of Revision	N/A - Exiting Buildings	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	I-2 Industrial District
South	Boat Manufacturer	I-2 Industrial District
East	Single Family Residential	I-2 Industrial District and R-3 One to Three Family Residential
West	Railroad Tracks	I-2 Industrial District

1. The proposed fence around the parking area will be setback a minimum of ten (10) feet from the Zimmerman Avenue and Symmes Avenue right-of-way lines.
2. The proposed fence around the parking area will be setback a minimum five (5) feet from the edge of the alley and side property lines.
3. The setback areas outside the fence along the Zimmerman Avenue and Symmes Avenue right of ways shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c will be required for each site plan:
 - a) Bushes: three Per Required Tree
 - b) Flowering Perennials Plants: 6 per Required Tree
 - c) Trees: one Per Required Tree
4. The landscape plans shall be amended to comply with the recommendations of the City Arborist.

Report continued on the next page





5. The fenced parking area will have a solid evergreen hedge a minimum of 4-feet in height along the east side of the fence between the parking area and the residential buildings there.
6. All repairs or services shall be performed within an enclosed building.
7. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
8. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations
9. No vehicles shall be kept on the property for salvaging of parts and equipment to repair other vehicles.
10. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
11. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
12. No outdoor storage of any material or waste shall be permitted on site.
13. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 HZO.

Report continued on the next page



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 1 st Reading Date: 5-27-2020 |
| <input checked="" type="checkbox"/> | 2 nd Reading Date: 6-10-2020 |
| <input type="checkbox"/> | Resolution Date: |
| <input checked="" type="checkbox"/> | Public Hearing Date: 5-27-2020 |

RE: Request to approve changes to the City of Hamilton Zoning Ordinance (HZO), by amending the Sections 1108.00 – Glossary; Section 1121.00 - B-2 Community Business District; Section 1122.00 - B-3 Central Business District; Section 1123.00 - I-1 Limited Industrial District; and Section 1124.00 I-2 - Industrial District.

Dear Mayor and Members of Council:

Planning Staff is proposing amendments to the Conditional Use standard recommendations pertaining to Automotive Businesses.

Background Information

The current conditional use standards for automobile related businesses (Automobile and Other Vehicle Sales and Rentals, Car Washes, Vehicle Repair and Vehicle Fueling Stations) are repetitive and include provisions that are inappropriate for some of the uses to which they are applied. They are also confusing for the public to understand and apply in accordance with the vision for the City's future.

The proposed changes will eliminate three (3) repetitive uses from four (4) different chapters of the Zoning Ordinance, by consolidating where appropriate and eliminating excessive verbiage.

Attached this report are the sections of the Zoning Ordinance reflecting the proposed changes to the text. Items ~~struck through in red~~ are to be deleted. Proposed new language is highlighted in yellow.

The bullet points of the individual conditions associated with the uses have been changed to a letter and numbering system that will clarify ordinance citations in reports and notices.

In addition, there is a clean final draft (Attachment – Exhibit B) that shows the new text as it will appear in the ordinance.

Notification

The Planning Department posted a notice of public hearing for the May 7, 2020 Planning Commission and a notice of public hearing for the May 27, 2020 City Council on the City Website, Planning Commission page, per the recently revised statutes of Section 1180.00 of the Hamilton Zoning Ordinance (HZO).



As of the writing of this report, the Planning Department has received no inquiries pertaining to the proposed text amendments.

Planning Commission Recommendation:

This report was written before the May 7, 2020 Planning Commission Meeting. Planning Staff has recommended approval of the text amendments utilizing the following motion:

- 1) That the Planning Commission take action to recommend to City Council that they hold a public hearing, prepare legislation, and approve the text amendments to the City of Hamilton Zoning Ordinance as presented and contained within the attachments submitted within the Planning Staff report.

Planning Staff anticipates that the Commission will likely recommend that City Council approve the proposed zoning text amendments. In the event of any changes to the proposed text changes from the Planning Commission, the staff report to City Council will be revised to reflect as such.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Joshua A. Smith
City Manager

Caucus Report Prepared By:

LJ Bagford

Larry Bagford
Planning & Zoning Specialist

Choose Strategic Goal(s)

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business

Attachments:

- 1) Exhibit A - Existing Conditional Uses Sections with additions highlighted and deletions marked though
- 2) Exhibit B - Proposed Text Amendments to City of Hamilton Zoning Ordinance -Clean Copy
- 3) Exhibit C - Planning Commission Staff Report: May 7, 2020



General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:

https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20H%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf

EXHIBIT A

Proposed Text Amendments to City of Hamilton Zoning Ordinance

Words to be **deleted** are ~~lined through~~ - Words to be **added** are **highlighted**

~~Automobile and Other Vehicle Sales: (OR 2014-8-72)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

Automobile and Other Vehicle Sales or Rentals including Boat, Trailer, Recreational Vehicles, Farm Machinery, Power Equipment and Other Motor Vehicles - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- B. Minimum lot area 20,000 square feet.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the ~~City of Hamilton Street Designation~~ City of Hamilton Roadway Functional Classification Map.
- D. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- ~~E. Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- ~~F. Display of automobiles for sale, or awaiting minor repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- G. Display of motor vehicles for sale, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage
- ~~H. The outdoor display area for vehicles shall be setback a minimum of five (5) feet from the side and rear property lines. All areas not used for parking or display of motor vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- I. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- ~~J. Any repair and services area must be located within an enclosed building.~~

- K. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- ~~L. No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- M. No unlicensed vehicles except for the inventory of new or used motor vehicles for sale.
- ~~N. The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.~~
- ~~O. Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- ~~P. Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building~~
- ~~Q. Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.~~
- R. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- S. There shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits
- T. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- U. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing thirty (30) days to achieve compliance or be subject to the Penalties listed in in Section???? herein.

~~Minor Auto Repair: (REVISED OR2019-9-85)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

Automotive and Other Vehicle Repair - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards. Minimum lot area of 20,000 square feet
- B. Minimum lot width of 100 feet
- C. Facilities that are located on a corner lot shall have a minimum lot frontage of 100 feet on each street.
- ~~D. Major Auto Repair Outdoor Automobile Storage. Any space devoted to the storage of motor vehicles awaiting Major Auto Repair (as defined in Section 1108.00) must be located behind the principal structure or screened from the view of any public right of way. Screening may be accomplished by a solid wall, fence, or landscaping. All screening must be a minimum of six (6) feet in height.~~
- E. ~~Any repair and services area must be located within an enclosed building.~~
- F. Motor Vehicles awaiting repair shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage. The area for parking vehicles awaiting repair shall setback a minimum of five (5) feet from the side and rear property lines.
- G. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
- H. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- ~~I. No junk, inoperative or unlicensed automobiles, shall be permitted outside of any building, with the exception of an inventory of new or used automobiles for sale and automobiles awaiting repair. Automobiles awaiting repair may not be stored on the lot for more than thirty (30) days.~~
- ~~J. The only automobile repair services permitted to be performed outside of a building shall limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repairs such as fuse, light bulb, and, windshield wiper replacements.~~
- K. All repairs or services shall be performed within an enclosed building except the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- L. No vehicles shall be kept on the property for the purpose of salvaging parts and equipment to repair other vehicles.
- ~~M. Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- N. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations.
- ~~O. Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building at all times.~~
- P. **Building Openings.** There ~~may~~ **shall** not be any openings, **any rollup or other type of automobile sized access doors** in side walls, rear walls or roofs within fifty (50) feet of a residential district, unless the openings are stationary windows or required fire exits. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved

by the City Traffic Engineer.

- Q. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- R. No outdoor storage of any material or waste shall be permitted on site.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

Automotive Service and Minor Repair: (REVISED 2019-9-85)

As Defined in Section 1108.00 and must comply with the following conditions:

- ~~Minimum lot area of 20,000 square feet.~~
- ~~Minimum lot area with accessory Car Wash of 40,000 Square Feet.~~
- ~~Minimum lot width of 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.~~
- ~~Facilities that are located on a corner lot shall have a minimum lot frontage of 100 feet on each street.~~
- ~~Any automobile awaiting repair may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than thirty (30) days.~~
- ~~Automobiles awaiting repair, shall be located on a paved surface and shall have a minimum setback of ten (10) feet from any property line. The area for parking of vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least (10) feet, whichever is greater. All areas not used for parking of vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- ~~An accessory automated car wash is permitted within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. The location of access drives shall be placed as far as possible from the closest intersection.~~
- ~~Vacuuuming or steam cleaning equipment may be located outside a building, but shall be placed a minimum of fifty (50) feet from any adjoining residential property and at least twenty (20) feet from a public right of way.~~
- ~~Parking and related driveways and paved areas may be erected in a front yard, but not less than twenty (20) feet from any property line.~~
- ~~Any repair services area must be located within an enclosed building.~~
- ~~No junk, inoperative or unlicensed automobiles shall be permitted outside of any building, with the exception of an inventory of new or used automobiles for sale and automobiles awaiting repair. Automobiles awaiting repair may not be store on the lot for more than thirty (30) days.~~
- ~~The only automobile repair and services permitted to be performed outside of a building shall be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants, and minor repair such as fuse, light bulb and windshield wiper replacements.~~
- ~~Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- ~~Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.~~
- ~~Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.~~
- ~~Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.~~
- ~~Proposed building and site plans shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~

Automobile Washing Facilities (Car Wash): (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

Automobile and Other Vehicle Washing Facilities /Car Wash - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area 20,000 square feet.
- B. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the ~~City of Hamilton Street Designation.~~ City of Hamilton Roadway Functional Classification Map.
- D. ~~Automobile washing~~ Motor vehicle washing structures shall be located at least ~~fifty (50)~~ 50 feet from any adjoining residential property.
- E. A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an automobile washing facility from adjoining residential property.
- F. All automated ~~automobile~~ motor vehicle washing facilities shall be located entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- G. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than ~~fifty (50)~~ 50 feet to any adjoining residential property and at least ~~twenty (20)~~ 20 feet from a public right-of-way.
- H. Off-street parking and waiting space shall be provided for auto washing facilities as specified in Section 1137.27.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- I. Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- J. No vehicles for sale shall be parked on the property.
- K. Vehicle repair shall not be allowed on the property.
- L. ~~Any repair and services area must be located within an enclosed building.~~
- M. ~~No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- N. No junk, inoperative or unlicensed vehicles, or parts shall be permitted on the property.
- O. ~~The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.~~
- P. ~~Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- Q. ~~Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.~~
- R. Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- S. ~~Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.~~
- T. ~~Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~
- U. ~~Proposed building, additions and the entire site shall comply with Section 1111.00 Commercial Design Standards.~~
- V. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.

W. No outdoor storage of any material or waste shall be permitted on site.

X. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing thirty (30) days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

~~Farm Implements Sales: (OR 2014 8 72)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

- ~~• Minimum lot area 20,000 square feet.~~
- ~~• Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.~~
- ~~• Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be store on the lot for more than 30 days.~~
- ~~• Display of automobiles for sale or awaiting minor repair, shall be located on a paved service and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- ~~• Any repair and services area must be located within an enclosed building.~~
- ~~• No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- ~~• The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.~~
- ~~• Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- ~~• Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.~~
- ~~• Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.~~
- ~~• Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.~~
- ~~• Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~

~~Automotive Service Stations when accessory to a principal permitted use.~~

Automobile and Other Motor Vehicle Fueling Stations - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area 12,000 square feet required.
- B. Minimum lot area with accessory Car Wash 20,000 square feet.
- C. Minimum lot width of 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- D. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- E. Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- F. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- G. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- H. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- I. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- J. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- K. No junk, inoperative or unlicensed vehicles shall be permitted on site for more than 24 hours, unless the property has a conditional use approval for vehicle repair.
- L. No vehicles for sale shall be parked on the property.
- M. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- N. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- O. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

1129.30 Form-Based Zoning Districts: Permitted Uses

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS												ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1		UCP-2
Automotive Services, Farm Implements														See 1121.33 – applies to all
Automotive Service Stations								C		C	P			See 1122.22; 1122.33
Automobile repair Automotive and Other Vehicle Repair								C		C	C			See 1122.22
Body and Fender Shops								C		C	C			See Table Note [1]
Automobile and Other Vehicle Washing Facilities / Car Washes								C		C	C			
Commercial Parking Garages and Lots						C		P	C	P	P	P	P	See 1122.32
Paint Shops								C		C	C			
Repair Garages								C		C	C			
Trailer Lots														
Used Car Lots														
Auto Sharing Service										C		P	P	

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:

https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20H%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf

EXHIBIT B

Proposed Text Amendments to City of Hamilton Zoning Ordinance
Clean Copy

Automobile and Other Motor Vehicle Fueling Stations - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area 12,000 square feet required.
- B. Minimum lot area with accessory Car Wash 20,000 square feet.
- C. Minimum lot width of 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- D. New proposed structures shall comply with the Commercial Design Standards listed in Section 1111.00 Herein.
- E. Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- F. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- G. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- H. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- I. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- J. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- K. No junk, inoperative or unlicensed vehicles shall be permitted on site for more than 24 hours, unless the property has a conditional use approval for vehicle repair.
- L. No vehicles for sale shall be parked on the property.
- M. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- N. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- O. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

Automobile and Other Vehicle Sales or Rentals including Boat, Trailer, Recreational Vehicles, Farm Machinery, Power Equipment and Other Motor Vehicles - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. New proposed structures shall comply with the Commercial Design Standards listed in Section 1111.00 Herein.
- B. Minimum lot area 20,000 square feet required.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map
- D. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- E. Display of motor vehicles for sale, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage
- F. The outdoor display area for vehicles shall be setback a minimum of five (5) feet from the side and rear property lines.
- G. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- H. No unlicensed vehicles except for the inventory of new or used motor vehicles for sale.
- I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- J. There shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- K. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- L. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- M. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

Automotive and Other Vehicle Repair - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. New proposed structures shall comply with the Commercial Design Standards listed in Section 1111.00 Herein.
- B. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- C. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- D. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Any space devoted to the storage of motor vehicles awaiting repair shall be located behind the principal structure and shall be enclosed by a six (6) feet high opaque fence so as to be screened from the view of any public right-of-way.
- G. All repairs or services shall be performed within an enclosed building except the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- H. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
- I. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations.
- J. No vehicles shall be kept on the property for salvaging parts and equipment to repair other vehicles.
- K. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- L. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- M. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- N. No outdoor storage of any material or waste shall be permitted on site.
- O. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

Automobile and Other Vehicle Washing Facilities /Car Wash - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- B. Minimum lot area 20,000 square feet required.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- D. Motor vehicle washing structures shall be located at least 50 feet from any adjoining residential property.
- E. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- F. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- G. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- G. Motor vehicle washing structures shall be located at least 50 feet from any adjoining residential property.
- H. A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a motor vehicle washing facility from adjoining residential property.
- I. All automated motor vehicle washing facilities shall be located entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- J. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjoining residential property and at least 20 feet from a public right-of-way.
- K. Off-street parking and waiting space shall be provided for motor vehicle washing facilities as specified in Section 1137.27.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- L. Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- M. No vehicles for sale shall be parked on the property.
- N. Vehicle repair shall not be allowed on the property.
- O. No junk, inoperative or unlicensed vehicles or parts shall be permitted on the property.
- P. Building Openings. There may not be any openings inside walls or rear walls within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Q. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- R. No outdoor storage of any material or waste shall be permitted on site.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

1129.30 Form-Based Zoning Districts: Permitted Uses

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS												ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1		UCP-2
Automotive Services														See 1121.33 – applies to all
Automotive and Other Vehicle Repair							C		C	C			See 1122.22	
Body and Fender Shops							C		C	C			See Table Note [1]	
Automobile and Other Vehicle Washing Facilities / Car Washes							C		C	C				
Commercial Parking Garages and Lots						C	P	C	P	P	P	P	See 1122.32	
Paint Shops							C		C	C				
Repair Garages							C		C	C				
Trailer Lots														
Used Car Lots														
Auto Sharing Service									C		P	P		

EXHIBIT C

For the Planning Commission Meeting of May 7, 2020

To: Planning Commission
From: Larry Bagford CFM, Planning & Zoning Specialist
Ed Wilson, AICP, Associate Planner II
Date: April 14, 2020

Subject: **AGENDA ITEM #3 – New Business**
Zoning Text Amendments pertaining to clarification of Automotive Related Conditional Uses.

APPLICANT: City of Hamilton, Planning Department

REQUEST: To Amend sections of the City of Hamilton Zoning Ordinance (HZO):
Section 1108.00 - Glossary
Sections 1121.39.27, 1122.36, 1123.36 and 1124.39.4 - Automobile and Other Vehicle Sales
Sections 1121.39.6, 1122.37.1, 1123.38.2 and 1124.39.6 – Automotive Service and Minor Repair
Sections 1121.39.28, 1123.38.3 and 1124.39.7 - Automobile Washing Facilities
Section 1129.30, Permitted Uses (Use Chart) for the Form-Based Zoning Districts

To Delete:
Sections 1122.37, 1123.38.1 and 1124.39.5 – Major Automotive Repair
Section 1122.33 – Automotive Service Stations – when an accessory use
Sections 1121.33, 1123.38.4 and 1124.39.8 – Farm Implement Sales

To Add Sections 1121.33, 1122.33, 1123.38.4 and 1124.39.8 -
Automobile and Other Motor Vehicle Fueling Stations

BASIC INFORMATION	
Applicant/Property Owner	City of Hamilton – Planning Department
Architect/Engineer/Consultant	N/A
Size of Property	N/A
Current Zoning	N/A
Proposed Zoning	N/A
Comp. Plan Land Use Designation	N/A
Special Purpose/CRA	N/A



Section A: Introduction & Background:

The current conditional use standards for automobile related businesses are repetitive and inconsistent, making them confusing for the public to understand and apply in accordance with the vision for the City's future.

The proposed changes will eliminate three (3) repetitive uses from four (4) different chapters of the zoning ordinance, by consolidating where appropriate and eliminating excessive verbiage.

Attached this report are the sections of the zoning ordinance reflecting the proposed changes to the text. Items ~~struck through in red~~ are to be deleted. Proposed new language is highlighted in yellow.

The bullet points of the individual conditions associated with the uses have been changed to a letter and numbering system that will clarify ordinance citations in reports and notices.

In addition, there is a clean draft (Attachment -Exhibit B) that shows the new text as it will appear in the ordinance.

Section B: Petition Review

The proposal consists of a text amendment to the Hamilton Zoning Ordinance (HZO), amending various sections pertaining to auto-related uses.

In all cases, the amended and added use categories would remain as Conditional Uses within their respective Zoning Districts. The proposed changes would primarily impact the following zoning districts and sections of the zoning ordinance.

- B-2 (Community Business District), Section 1121.00
- B-3 (Central Business District), Section 1122.00
- I-1 (Limited Industrial District), Section 1123.00
- I-2 (Industrial District), Section 1124.00



Section B.1: Proposed Amendments, Changes

Amending:

- Automobile and Other Vehicle Sales

Revised to: Automobiles and Other Motor Vehicles Sale or Rent (Boat, Trailer, Recreational Vehicles, Farm Machinery, Power Equipment, and Other Motor Vehicle)

Sections 1121.39.27, 1122.36, 1123.36 and 1124.39.4

The proposed revision is a clarification and consolidation of automotive and vehicle sales. There are also proposed changes to the required conditions for this use that are in line with recent applications and Staff review of the zoning ordinance.

- Automotive Service and Minor Repair

Revised to: Automotive and Other Vehicle Repair

Sections 1121.39.6, 1122.37.1, 1123.38.2 and 1124.39.6

The proposed revision is a clarification and consolidation of the automobile repair uses with revised conditions for the use.

Staff reviewed the automotive service and major auto repair uses compared to existing conditions in the city and best practices in the Planning field. The proposed revision would consolidate both auto repair uses under one definition. Auto repair proposals that are larger in scope and scale would have further conditions of approval recommended by Staff when required.

- Automobile Washing Facilities - of the Hamilton Zoning Ordinance

Revised to: Automobile and Other Vehicle Washing Facilities / Car Wash

Sections 1121.39.28, 1123.38.3 and 1124.39.7

Propose changes to the required conditions for this use that are in line with recent applications and Staff review of the zoning ordinance.

- Form-Based Zoning Districts, Permitted Uses (Use Chart) - of the Hamilton Zoning Ordinance - Section 1129.30

The proposed changes would be reflective of the other revisions pertaining to automotive related uses, including updating of use categories.



Section B.2: Proposed Deletions

To Delete:

- Major Auto Repair
Sections 1122.37, 1123.38.1 and 1124.39.5

With this deletion, all auto repair would be interpreted as Automotive and Other Vehicle Repair. All other instances of Major Auto Repair within the Zoning Ordinance would be revised to reflect the change.

- Automotive Service Stations – when an accessory use
Section 1122.33

Automotive Service Stations will be deleted and replaced with a proposed new use category: Automobile and Other Motor Vehicle Fueling Stations. All other instances of Automotive Service Stations within the Zoning Ordinance would be revised accordingly.

- Farm Implement Sales
Sections 1121.33, 1123.38.4 and 1124.39.8

With this deletion, Farm Implement Sales would be interpreted as Automobile and Other Vehicle Sales or Rent. All instances of Farm Implement Sales within the Zoning Ordinance would be revised to reflect the change.

Section B.3: Proposed Additions:

To Add/Revise:

- New land use category:
Automobile and Other Motor Vehicle Fueling Stations (Fuel Station)
Sections 1121.33, 1122.33, 1123.38.4 and 1124.39.8

With this deletion, all auto repair would be categorized as Automotive and Other Vehicle Repair. All instances of Major Auto Repair within the Zoning Ordinance would be revised to reflect the change.



Section C: Notification

The City of Hamilton posted notification of the zoning text amendments on the Planning Department's website, per Section 1180.00 of the Hamilton Zoning Ordinance. Staff posted the notification on April 21, 2020, located on the Planning Commission's website (see Commission Website, here; see Notice, here)

At the time of writing this report, Planning staff has received no phone calls concerning the proposed text amendments.

Section D: Statutes:

Section 1180.00 of the Hamilton Zoning Ordinance provides the basis and process for the amendment of the Zoning Ordinance, Ordinance No. 7503.

Section E: Recommendation:

The Planning Commission can approve, amend, or deny the proposed zoning text amendments. If the Planning Commission approves of the proposed text amendments to the Hamilton Zoning Ordinance, the Planning Department recommends the following motion:

- 1) That the Planning Commission take action to recommend to City Council that they hold a public hearing, prepare legislation, and approve the text amendments to the City of Hamilton Zoning Ordinance as presented and contained within the attachments submitted within the Planning Staff report.

Specific sections proposed for amendment are as follows:

To Amend:

Section 1108.00 - Glossary

Sections 1121.39.27, 1122.36, 1123.36 and 1124.39.4 - Automobile and Other Vehicle Sales;

Sections 1121.39.6, 1122.37.1, 1123.38.2 and 1124.39.6 - Automotive Service and Minor Repair

Sections 1121.39.28, 1123.38.3 and 1124.39.7 - Automobile Washing Facilities - of the Hamilton Zoning Ordinance

Section 1129.30, Permitted Uses (Use Chart) for the Form-Based Zoning Districts

To Delete:

Sections 1122.37, 1123.38.1 and 1124.39.5 - Major Automotive Repair

Section 1122.33 - Automotive Service Stations - when an accessory use Sections 1121.33, 1123.38.4 and 1124.39.8 - Farm Implement Sales



To Add

Sections 1121.33, 1122.33, 1123.38.4 and 1124.39.8 - Automobile and Other Motor Vehicle Fueling Stations

Section F: Staff Comments / Basis for Recommendation

1. The proposed text amendments address repetition and inconsistencies concerning the automobile related businesses, clarifying them for the public and other users of the Zoning Ordinance.
2. The proposed text amendments align the Hamilton Zoning Ordinance with State of Ohio best practices.
3. The revised and new conditions associated with the automobile related uses reduce the intensity and impact of the uses, protecting the public, health, safety and welfare.

Section G: Attachments:

1. Exhibit A – Proposed Text Amendments, Deletions and Additions to the Hamilton Zoning Ordinance.
2. Exhibit B – Clean Draft of New Ordinance Text without the Mark-ups.
3. Exhibit C – Public Hearing Notices for Zoning Text Amendment Requests.



Exhibit A – Proposed Text Amendments, Deletions and Additions to the Hamilton Zoning Ordinance.

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:

https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20H%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf

EXHIBIT A

Proposed Text Amendments to City of Hamilton Zoning Ordinance

Words to be **deleted** are [lined through] - Words to be **added** are highlighted

~~Automobile and Other Vehicle Sales: (OR 2014-8-72)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

Automobile and Other Vehicle Sales or Rentals including Boat, Trailer, Recreational Vehicles, Farm Machinery, Power Equipment and Other Motor Vehicles - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.**
- B. Minimum lot area 20,000 square feet.**
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the ~~City of Hamilton Street Designation~~ City of Hamilton Roadway Functional Classification Map.**
- D. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.**
- ~~E. Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- ~~F. Display of automobiles for sale, or awaiting minor repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- G. Display of motor vehicles for sale, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage**



- H. The outdoor display area for vehicles shall be setback a minimum of five (5) feet from the side and rear property lines. ~~All areas not used for parking or display of motor vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- I. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
a) Bushes: 3 Per Required Tree
b) Flowering Perennials Plants: 6 Per Required Tree
c) Trees: 1 Per Required Tree
- J. ~~Any repair and services area must be located within an enclosed building.~~
- K. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- L. ~~No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- M. No unlicensed vehicles except for the inventory of new or used motor vehicles for sale.
- N. ~~The only automobile repair and services permitted to be performed outside of a building shall include but no be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.~~
- O. ~~Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- P. ~~Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building~~
- Q. ~~Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.~~
- R. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- S. There shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits
- T. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- U. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing thirty (30) days to achieve compliance or be subject to the Penalties listed in in Section???? herein.

~~Minor Auto Repair: (REVISED OR2019-9-85)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~



Automotive and Other Vehicle Repair - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards. Minimum lot area of 20,000 square feet
- B. Minimum lot width of 100 feet
- C. Facilities that are located on a corner lot shall have a minimum lot frontage of 100 feet on each street.
- ~~D. Major Auto Repair Outdoor Automobile Storage. Any space devoted to the storage of motor vehicles awaiting Major Auto Repair (as defined in Section 1108.00) must be located behind the principal structure or screened from the view of any public right-of-way. Screening may be accomplished by a solid wall, fence, or landscaping. All screening must be a minimum of six (6) feet in height.~~
- ~~E. Any repair and services area must be located within an enclosed building.~~
- F. Motor Vehicles awaiting repair shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage. The area for parking vehicles awaiting repair shall setback a minimum of five (5) feet from the side and rear property lines.
- G. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
- H. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- ~~I. No junk, inoperative or unlicensed automobiles, shall be permitted outside of any building, with the exception of an inventory of new or used automobiles for sale and automobiles awaiting repair. Automobiles awaiting repair may not be stored on the lot for more than thirty (30) days.~~
- ~~J. The only automobile repair services permitted to be performed outside of a building shall limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repairs such as fuse, light bulb, and, windshield wiper replacements.~~
- K. All repairs or services shall be performed within an enclosed building except the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- L. No vehicles shall be kept on the property for the purpose of salvaging parts and equipment to repair other vehicles.
- ~~M. Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- N. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations.
- ~~O. Indoor Storage. Used or discarded automotive parts or equipment, not including~~



~~hazardous materials as mentioned above must be stored inside a building at all times.~~

- P. ~~Building Openings.~~ There ~~may~~ shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within fifty (50) feet of a residential district, unless the openings are stationary windows or required fire exits. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Q. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- R. No outdoor storage of any material or waste shall be permitted on site.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.



~~Automotive Service and Minor Repair: (REVISED 2019-9-85)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

- ~~• Minimum lot area of 20,000 square feet.~~
- ~~• Minimum lot area with accessory Car Wash of 40,000 Square Feet.~~
- ~~• Minimum lot width of 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.~~
- ~~• Facilities that are located on a corner lot shall have a minimum lot frontage of 100 feet on each street.~~
- ~~• Any automobile awaiting repair may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than thirty (30) days.~~
- ~~• Automobiles awaiting repair, shall be located on a paved surface and shall have a minimum setback of ten (10) feet from any property line. The area for parking of vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least (10) feet, whichever is greater. All areas not used for parking of vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- ~~• An accessory automated car wash is permitted within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. The location of access drives shall be placed as far as possible from the closest intersection.~~
- ~~• Vacuuming or steam cleaning equipment may be located outside a building, but shall be placed a minimum of fifty (50) feet from any adjoining residential property and at least twenty (20) feet from a public right-of-way.~~
- ~~• Parking and related driveways and paved areas may be erected in a front yard, but not less than twenty (20) feet from any property line.~~
- ~~• Any repair services area must be located within an enclosed building.~~
- ~~• No junk, inoperative or unlicensed automobiles shall be permitted outside of any building, with the exception of an inventory of new or used automobiles for sale and automobiles awaiting repair. Automobiles awaiting repair may not be store on the lot for more than thirty (30) days.~~
- ~~• The only automobile repair and services permitted to be performed outside of a building shall be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants, and minor repair such as fuse, light bulb and windshield wiper replacements.~~
- ~~• Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- ~~• Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.~~
- ~~• Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.~~
- ~~• Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.~~
- ~~• Proposed building and site plans shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~



~~Automobile Washing Facilities (Car Wash): (OR 2014-8-72)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

Automobile and Other Vehicle Washing Facilities /Car Wash - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area 20,000 square feet.
- B. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the ~~City of Hamilton Street Designation.~~ City of Hamilton Roadway Functional Classification Map.
- D. ~~Automobile washing~~ Motor vehicle washing structures shall be located at least ~~fifty (50)~~ 50 feet from any adjoining residential property.
- E. A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an automobile washing facility from adjoining residential property.
- F. All automated ~~automobile~~ motor vehicle washing facilities shall be located entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- G. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than ~~fifty~~ 50 feet to any adjoining residential property and at least ~~twenty~~ 20 feet from a public right-of-way.
- H. Off-street parking and waiting space shall be provided for auto washing facilities as specified in Section 1137.27.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- I. Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be place as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- J. No vehicles for sale shall be parked on the property.
- K. Vehicle repair shall not be allowed on the property.
- L. ~~Any repair and services area must be located within an enclosed building.~~
- M. ~~No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- N. No junk, inoperative or unlicensed vehicles, or parts shall be permitted on the property.
- O. ~~The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.~~
- P. ~~Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- Q. ~~Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.~~
- R. Building Openings. There may not be any openings in side walls, rear walls or roofs



within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.

- S. ~~Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.~~
- T. ~~Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~
- U. ~~Proposed building, additions and the entire site shall comply with Section 1111.00 Commercial Design Standards.~~
- V. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- W. No outdoor storage of any material or waste shall be permitted on site.
- X. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing thirty (30) days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.



Farm Implements Sales: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- ~~Minimum lot area 20,000 square feet.~~
- ~~Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.~~
- ~~Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be store on the lot for more than 30 days.~~
- ~~Display of automobiles for sale or awaiting minor repair, shall be located on a paved service and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- ~~Any repair and services area must be located within an enclosed building.~~
- ~~No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- ~~The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.~~
- ~~Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- ~~Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.~~
- ~~Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.~~
- ~~Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.~~
- ~~Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~



~~Automotive Service Stations when accessory to a principal permitted use.~~

Automobile and Other Motor Vehicle Fueling Stations - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area 12,000 square feet required.
- B. Minimum lot area with accessory Car Wash 20,000 square feet.
- C. Minimum lot width of 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- D. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- E. Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- F. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- G. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- H. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- I. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- J. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- K. No junk, inoperative or unlicensed vehicles shall be permitted on site for more than 24 hours, unless the property has a conditional use approval for vehicle repair.
- L. No vehicles for sale shall be parked on the property.
- M. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- N. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- O. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.



1129.30 Form-Based Zoning Districts: Permitted Uses

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS													ADDITIONAL REQUIREMENTS
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1	UCP-2	
Automotive Services, Farm Implements														See 1121.33 -- applies to all
Automotive Service Stations								C		C	P			See 1122.22; 1122.33
Automobile repair Automotive and Other Vehicle Repair								C		C	C			See 1122.22
Body and Fender Shops								C		C	C			See Table Note [1]
Automobile and Other Vehicle Washing Facilities / Car Washes								C		C	C			
Commercial Parking Garages and Lots						C		P	C	P	P	P	P	See 1122.32
Paint Shops								C		C	C			
Repair Garages								C		C	C			
Trailer Lots														
Used Car Lots														
Auto Sharing Service										C		P	P	



Exhibit B – Clean Draft of New Ordinance Text without the Mark-ups.

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:

https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20H%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf

EXHIBIT B

Proposed Text Amendments to City of Hamilton Zoning Ordinance
Clean Copy

Automobile and Other Motor Vehicle Fueling Stations - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- I. Minimum lot area 12,000 square feet required.
- J. Minimum lot area with accessory Car Wash 20,000 square feet.
- K. Minimum lot width of 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- L. New proposed structures shall comply with the Commercial Design Standards listed in Section 1111.00 Herein.
- M. Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- N. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- O. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- P. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- P. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- Q. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- R. No junk, inoperative or unlicensed vehicles shall be permitted on site for more than 24 hours, unless the property has a conditional use approval for vehicle repair.
- S. No vehicles for sale shall be parked on the property.



- T. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- U. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- V. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

Automobile and Other Vehicle_Sales or Rentals including Boat, Trailer, Recreational Vehicles, Farm Machinery, Power Equipment and Other Motor Vehicles - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. New proposed structures shall comply with the Commercial Design Standards listed in Section 1111.00 Herein.
- B. Minimum lot area 20,000 square feet required.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map
- D. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- E. Display of motor vehicles for sale, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage
- F. The outdoor display area for vehicles shall be setback a minimum of five (5) feet from the side and rear property lines.
- G. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- H. No unlicensed vehicles except for the inventory of new or used motor vehicles for sale.
- I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- J. There shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- K. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- L. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- M. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30



days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

Automotive and Other Vehicle Repair - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. New proposed structures shall comply with the Commercial Design Standards listed in Section 1111.00 Herein.
- B. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- C. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- D. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Any space devoted to the storage of motor vehicles awaiting repair shall be located behind the principal structure and shall be enclosed by a six (6) feet high opaque fence so as to be screened from the view of any public right-of-way.
- G. All repairs or services shall be performed within an enclosed building except the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- H. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
- I. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations.
- J. No vehicles shall be kept on the property for salvaging parts and equipment to repair other vehicles.
- K. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- L. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- M. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- N. No outdoor storage of any material or waste shall be permitted on site.
- O. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.



Automobile and Other Vehicle Washing Facilities /Car Wash - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1111.00 Commercial Design Standards.
- B. Minimum lot area 20,000 square feet required.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- D. Motor vehicle washing structures shall be located at least 50 feet from any adjoining residential property.
- E. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- F. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- G. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- G. Motor vehicle washing structures shall be located at least 50 feet from any adjoining residential property.
- H. A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a motor vehicle washing facility from adjoining residential property.
- I. All automated motor vehicle washing facilities shall be located entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- J. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjoining residential property and at least 20 feet from a public right-of-way.
- K. Off-street parking and waiting space shall be provided for motor vehicle washing facilities as specified in Section 1137.27.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- L. Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- M. No vehicles for sale shall be parked on the property.
- N. Vehicle repair shall not be allowed on the property.
- O. No junk, inoperative or unlicensed vehicles or parts shall be permitted on the property.
- P. Building Openings. There may not be any openings inside walls or rear walls within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.



- Q. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- R. No outdoor storage of any material or waste shall be permitted on site.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

1129.30 Form-Based Zoning Districts: Permitted Uses

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS													ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS														
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1	UCP-2		
Automotive Services															See 1121.33 -- applies to all
Automotive and Other Vehicle Repair								C		C	C				See 1122.22
Body and Fender Shops								C		C	C				See Table Note [1]
Automobile and Other Vehicle Washing Facilities / Car Washes								C		C	C				
Commercial Parking Garages and Lots						C		P	C	P	P	P	P		See 1122.32
Paint Shops								C		C	C				
Repair Garages								C		C	C				
Trailer Lots															
Used Car Lots															
Auto Sharing Service										C		P	P		



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Exhibit C – Public Hearing Notices for Zoning Text Amendment Requests



Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011

LEGAL NOTICE TO CITY WEBSITE

City Contact: Ed Wilson, AICP
Date Sent and Posted: April 21, 2020
Run Indefinitely, Until: May 7, 2020

LEGAL NOTICE OF PUBLIC HEARING

The Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, May 7, 2020 at 1:30 PM** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/93410265331>. Webinar ID: 934 1026 5331, on amending the Hamilton Zoning Ordinance (HZO) No. 7503:

APPLICANT: City of Hamilton
REQUEST: Proposed Amendments to the Hamilton Zoning Ordinance (HZO):
Amendments pertaining to automotive related land use categories

To Amend:

Section 1108.00 - Glossary
Sections 1121.39.27, 1122.36, 1123.36 and 1124.39.4 – Automobile and Other Vehicle Sales
Sections 1121.39.6, 1122.37.1, 1123.38.2, 1124.39.6, and 1125.36 – Automotive Service and Minor Repair
Sections 1121.39.28, 1123.38.3 and 1124.39.7 – Automobile Washing Facilities
Section 1129.30, Permitted Uses – Form-Based Zoning Districts

To Delete:

Sections 1122.37, 1122.141, 1123.38.1, 1124.39.5 and 1125.35 – Major Auto Repair
Section 1122.33 – Automotive Service Stations, as an accessory use
Sections 1121.33, 1123.38.4 and 1124.39.8 – Farm Implement Sales

To Add:

Sections 1121.33, 1122.33, 1123.38.4 and 1124.39.8 –
Automobile and Other Motor Vehicle Fueling Stations

An application for this project is on file and available for your review at the Planning Department located at 345 High Street, Suite 350, and on the city website at:
<https://www.hamilton-oh.gov/planningcommission>

Due to recent state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

Call: 1 (929) 205 6099 and when prompted dial the Webinar ID: 934 1026 5331

Or use this website link to access the online meeting:
<https://zoom.us/j/93410265331> Webinar ID: 934 1026 5331.

(Continued on the Next Page)





Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least seven (7) days prior to the public hearing. The phone number for the Planning Department is 513.785.7350.

Ed Wilson, AICP

Edward Wilson 999

Associate Planner II
City of Hamilton, Ohio



Posting of Notices on Planning Commission Website (This also serves as proof of posting for the other Zoning text amendment requests)

4/27/2020

Planning Commission — City of Hamilton, OH

The filing and payment due date for tax year 2019 has been extended to July 15, 2020. Additionally, the 2020 first and second quarter estimate due dates are now both on July 15, 2020. x



Services Explore Business
Questions Info



Planning Commission.

The Planning Commission is responsible for reviewing rezoning, planned unit developments, preliminary and final subdivision plats, street and alley vacations, street name changes, and then forwarding recommendations to the City Council for final action.

Commission Procedures

Read the Planning Commission Rules of Procedure (PDF) / Planning Commission By-Laws online.

Planning Commission Forms

General Use Planning Application
Conditional Use Application ***NEW*** -

May 7, 2020 Planning Commission Meeting

Public Hearing | 1:30 P.M. | 345 High Street, Hamilton, OH (Posted: 4/21/2020, 10:40 AM) /
RE-POSTED with updated Zoom Webinar information 4/24/2020, 5:50 AM

PC Agenda 05.07.2020: [Coming Soon]

The meeting is open to the public. However, due to the State of Emergency related to COVID-19, the Planning Department is encouraging those who are comfortable participating in the public hearing remotely to do so. Anyone can use the website link or dial into the meeting using the following information (see below).

Please click the link below to join the webinar:
<https://zoom.us/j/93410265331>. Webinar ID:
934 1026 5331

One tap mobile
+13126266799,,93410265331# US (Chicago)
+19292056099,,93410265331# US (New York)

Or Telephone:
Dial (for higher quality, dial a number based on

<https://www.hamilton-oh.gov/planningcommission>

1/7



2020

Planning Commission Cases and Notice of Public Hearings

This space contains the online posted notices of Public Hearings, upcoming cases, and tentative schedule of upcoming meetings for Planning Commission.

Questions concerning upcoming meetings, cases, or other inquiries can be directed to Ed Wilson, Associate Planner II

Email: edward.wilson@hamilton-oh.gov | Phone: (513) 785-7029

May 7, 2020 - 1:30 PM

PC Agenda 05.07.2020: [TBD]

Please click the link below to join the webinar:

<https://www.hamilton-oh.gov/planningcommission>

your current location):

US: +1 929 205 6099 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799

Webinar ID: 934 1026 5331

March 19th, 2020 Planning Commission meeting update.

The March 19th, 2020 Planning Commission (TN (Traditional Neighborhood) rezoning proposal, public hearing has been postponed to the May 21st, 2020 meeting. Continual updates will be posted on the Planning Department website and Planning Commission website.

For the TN Rezoning proposal and all other Planning Commission inquiries - the Planning Department encourages people to email or call with their questions and comments. Email: planning@hamilton-oh.gov or (513) 785-7350

Regular Board Meetings.

Planning Commission meetings are public meetings regularly held on the 1st and 3rd Thursday of every month. The first meeting of the month is a day meeting which begins at



<https://zoom.us/j/93410265331>.

Or dial: 1 312-626-6799 then dial the webinar ID number below when prompted.

Webinar ID: 934 1026 5331

Re-Posted with updated Zoom Webinar information:

April 24, 2020:

**Agenda Item - #1 (PUBLIC HEARING):
Major Amendment to a Planned Development, Berkeley Square, Phase 14 (proposes seven (7) duplexes)**

[Location Map](#) | [Application](#)

**Agenda Item - #2 (PUBLIC HEARING):
Conditional Use for an Auto Repair Business at 1000 Fairview Avenue**

[Location Map](#) | [Application](#)

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City of Hamilton Zoning Ordinance, pertaining to Supportive Housing, Clinics, and Inpatient Rehabilitation**

1:30 pm. The second meeting of the month is an evening meeting which begins at 6:00 pm. Special meeting times and dates will be scheduled as necessary.

All meetings are held in the Hamilton City Council Chambers located at 345 High Street in Hamilton Ohio 45011.

Agenda & Minutes

For agenda and meeting minutes to prior board meetings, please submit a request to brandon.saurber@hamilton-oh.gov



Planning Commission Meeting
May 7, 2020 · 1:30 PM – 3:00 PM

Planning Commission Meeting
May 21, 2020 · 6:00 PM – 8:00 PM

Planning Commission Applications

These are general applications that require review and/or approval from the Planning Commission. Please contact the Planning Department for further information.



Posted: April 21, 2020. Public Hearing
Notice: [Here]

Planned Development (PD) Application

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City
of Hamilton Zoning Ordinance,
pertaining to Automobile Related
Conditional Uses**

Specific Use Application

Conditional Use Application

Posted: April 21, 2020. Public Hearing
Notice: [Here]

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City
of Hamilton Zoning Ordinance,
concerning Residential Design
Standards for accessory structures,
and Special Provisions regarding
nonconforming lots**

Posted: April 21, 2020. Public Hearing
Notice: [Here] & [Here]

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City
of Hamilton Zoning Ordinance,
concerning Commercial Design
Standards, pertaining to concrete
material facade regulations**

Posted: April 21, 2020. Public Hearing
Notice: [Here]



May 21, 2020 - (Tentative, TBD)

**Agenda Item - #1 (PUBLIC HEARING):
TN (Traditional Neighborhood)
Rezoning proposal for specific
properties in Lindenwald and
Prospect Hill.**

Re-posted and updated notice for
May 21, 2020 meeting | Re-posted
March 23, 2020

Lindenwald: Proposed Rezoning Map
[Here] | List of Properties [Here]

Prospect Hill: Proposed Rezoning Map
[Here] | List of Properties [Here]

Public Hearings at City Council (Commission Cases)

City Council: May 27, 2020

**PUBLIC HEARING: Request to amend
the Hamilton Zoning Ordinance
(HZO), - pertaining to Supportive
Housing, Clinics, Inpatient Rehab**

Posted: April 21, 2020. Public Hearing
Notice: [Link]



PUBLIC HEARING: Request to amend the Hamilton Zoning Ordinance (HZO), - pertaining to Automobile Related Conditional Uses

Posted: April 21, 2020. Public Hearing Notice: [Link]

PUBLIC HEARING: Request to amend the Hamilton Zoning Ordinance (HZO), Section 1111.00 - Commercial Design Standards (concrete facade item)

Posted: April 21, 2020. Public Hearing Notice: [Link]

PUBLIC HEARING: Request to amend the Hamilton Zoning Ordinance (HZO), Section 1110.00 - Residential Design Standards (for accessory structures) & Section 1131.00 - Special Provisions (non-conforming lots).

Posted: April 21, 2020. Public Hearing Notice: [1110 notice] & [1131 notice]

Board Members



- Dale McAllister (Chair)
- Matthew Von Stein, Citizen Member
- Patrick Moeller, Mayor
- Joshua A. Smith, City Manager
- Lisa Sandlin, Alternate Member #1
- Larry Bowling, Alternate Member #2
- Shaquila Mathews, School Board Representative
- Teri Horsley, Citizen Member
- David Belew, Citizen Member
- Liz Hayden, Planning Director
Commission Secretary

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City of Hamilton, Ohio

City of Hamilton, Ohio
345 High St, Hamilton, OH

Contact Us



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 1 st Reading Date: 5-27-2020 |
| <input checked="" type="checkbox"/> | 2 nd Reading Date: 6-10-2020 |
| <input type="checkbox"/> | Resolution Date: |
| <input checked="" type="checkbox"/> | Public Hearing Date: 5-27-2020 |

RE: Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio by: 1) revising Section 1111, Commercial Design Standards (Concrete Material & Class 4 vehicle storage as Conditional Use); and 2) revising Section 1110, Residential Design Standards for detached Accessory Structures; 3) revising Section 1131, Special Provisions of the Zoning Ordinance, pertaining to New Residential Structures on substandard lots. (City of Hamilton, Applicant)

Dear Mayor and Members of Council:

The City of Hamilton Zoning Ordinance (HZO), Ordinance No. 7503 provides regulations for land use and property use, to protect the general public health, safety, and welfare of the city. After periodic review, Staff has determined a need for updating specific portions of the Zoning Ordinance for clarification:

Background Information

There are three (3) specific changes proposed as part of the zoning text amendment:

- 1) **Commercial Design Standards:**
 Staff determined the need for minor revisions to the Commercial Design Standards of the Zoning Ordinance. The intent of City’s Commercial Design Standards (Hamilton Zoning Ordinance, Section 1111.00) is to protect and promote the City’s economic vitality through standards for new commercial development, which encourage and reward high quality development while discouraging less attractive and less enduring alternatives. The proposed amendments would reduce the cap for using concrete formed in the shape of masonry as a façade material from 100% to 65%. The proposed amendments would also clarify Class 4 Commercial Vehicle fleet storage as a conditional use in non-PD (Planned Development) zoning districts where allowed.

- 2) **Residential Design Standards:**
 Staff has determined a need for updating the Residential Design Standards pertaining to the exterior finish of accessory structures. The current regulations for accessory structures require at least 50% of all accessory structure facades to match the primary finish of the front façade of the primary structure on the property. This means that if the primary finish on the front façade is brick, 50% of all facades of the accessory structure will be required to have brick.



Over the past few years, the City has received multiple variance requests pertaining to accessory structures with brick finishes as the primary façade. These requirements can be cost prohibitive to the property for both the exterior finishes. Staff is requesting changes that increase the required exterior finish material on all facades of the accessory structure. However, requirements for primary structures with primary finishes of brick or stone will require 100% of the front façade to match the primary finish on the front of the primary structure and 25% on remaining facades.

3) Special Provisions (New Residences on substandard/smaller lots):

In conjunction with the residential standards, Staff determined a need for review of related Special Provisions sections pertaining to constructing new single-family structures on nonconforming lots of existing records. These lots may not meet the area requirements set forth within the zoning district to build a new single-family dwelling, which can include lot width, area, setbacks, and/or other dimensional requirements. The proposed revision would also clarify that multi-family residences on substandard/smaller lots would require a conditional use review and approval.

There are no other changes proposed for Hamilton Zoning Ordinance with this request. Please review the exhibit attachments for details on the specific text revisions (Exhibits A, B, & C). For further information on the overall changes and staff rationale, please review the included staff report to Planning Commission (Exhibit F).

Notification

The Planning Department posted a notice of public hearing for the May 7, 2020 Planning Commission and a notice of public hearing for the May 27, 2020 City Council Meeting on the Planning Commission Page of the City Website, per the recently revised statutes of Section 1180.00 of the Hamilton Zoning Ordinance (HZO).

- Planning Commission Public Hearing Notice: Posted April 21, 2020 (Exhibit D)
- City Council Public Hearing Notice: Posted April 21, 2020 (Exhibit E)

As of the writing of this report, the Planning Department have received no inquiries pertaining to the proposed text amendments.

Planning Commission Recommendation:

This report was written before the May 7, 2020 Planning Commission Meeting. Planning Staff has recommended approval of the text amendments utilizing the following motion:

1. That the Planning Commission take action to recommend to City Council that they hold a public hearing, prepare legislation, and approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio, by amending Sections 1111, Commercial Design Standards; 1110, Residential Design Standards; and 1131, Special Provisions, as presented and contained within the attachments submitted within the Planning Staff report.

Planning Staff anticipates that the Commission will likely recommend that City Council approve the proposed zoning text amendments. In the event of any changes to the proposed text changes from the Planning Commission, the staff report to City Council will be revised to reflect as such.



It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Ed Wilson, AICP
Associate Planner II

Choose Strategic Goal(s)

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*

Attachments:

- 1) **Exhibit A** – Amendments Section 1111.00 Commercial Design Standards
- 2) **Exhibit B** – Amendments Section 1110.00 Residential Design Standards
- 3) **Exhibit C** – Amendments Section 1131.00 Special Provisions
- 4) **Exhibit D** – Planning Commission Public Hearing Notices for Zoning Text Amendment Requests
- 5) **Exhibit E** – City Council, May 27, 2020, Public Hearing Notices for Zoning Text Amendment Requests
- 6) **Exhibit F** – Planning Commission Staff Report



Sections 1111, 1110, & 1130, 1131, Zoning Text Amendments
Exhibit A - Section 1111.00 Proposed Zoning Text Amendments

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:

https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20H%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf

EXHIBIT A

Proposed Text Amendments to City of Hamilton Zoning Ordinance

Words to be **deleted** are ~~lined through~~ - Words to be **added** are **highlighted**

**Commercial Design Standards
Section 1111.00**

1111.31 Exterior Materials (REVISED: OR2017-12-131)

Principal Building Materials

These types of materials may be used for the **principal building material** up to ~~100%~~ of the exterior wall surface area. Permitted primary materials include the following materials; brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit or brick appearance may be used.

If wood “clapboard” type siding, wood composite “clapboard” type siding, cement board “clapboard” type siding, **or concrete which is formed to have a masonry unit or brick appearance may be** is used for ~~more than~~ up to 65% of the exterior of the structure, the remaining 35% of the building shall be required to utilize brick or stone. ~~or concrete which is formed to have a masonry unit or brick appearance.~~

1111.31.3 Sign Materials (REVISED: OR2017-12-131)

Commercial Signs

The base of all monument signs associated with a commercial retail / service use or a commercial office use shall be constructed of brick, stone, or concrete which is formed to have a masonry unit or brick appearance. If the primary building features brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the material used on the base of the sign shall match or be ~~complimentary~~ **complementary** to the building material used on the primary structure. EIFS shall not be permitted to be used on more than 30% of the total façade a monument.

1111.60 Loading / Unloading Areas: Loading and Unloading areas shall be located in the rear of the primary structure. Such areas shall not be visible from the right of way. They shall be screened using a combination of fencing or walls in addition to landscaping and plantings. In the event that walls are used for screening they shall utilize a building material that is the same or ~~complimentary~~ **complementary** to the primary building material on the primary structure. (OR2017-12-131)

1111.90 Fleet Vehicles: Fleet Vehicles associated with a commercial use (not industrial uses) shall be permitted as follows (OR2019-6-44):

- (f) Vehicles identified as Class 4 and above by the Federal Highway Administration Vehicle Classification system ~~are allowed as~~ **require a Conditional Use or Specific Use approval, depending on the zoning district.**

Sections 1111, 1110, & 1130, 1131, Zoning Text Amendments
Exhibit B - Section 1110.00 Proposed Zoning Text Amendments

General Attachment Notice:

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EXHIBIT B

Proposed Text Amendments to City of Hamilton Zoning Ordinance

Words to be **deleted** are [~~lined through~~] - Words to be **added** are **highlighted**

Section 1110.00 Residential Design Standards

- 1110.26 Accessory Buildings: Accessory buildings over 200-sq. ft. in area must have the same exterior finish material on ~~a minimum of 50% of~~ all sides as the primary exterior material and approximate color as the front of the existing primary building. **However, if the primary finish of the primary building facade is brick or stone, 100% of the front facade of the accessory building and 25% of facades visible from the street (not alley) must match the primary building material. All materials of the accessory building must follow the regulations found in Section 1110.20**

Sections 1111, 1110, & 1130, 1131, Zoning Text Amendments
Exhibit C - Section 1130, 1131 Proposed Zoning Text Amendments

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:
https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20H%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf

EXHIBIT C

Proposed Text Amendments to City of Hamilton Zoning Ordinance
Words to be **deleted** are [~~lined through~~] - Words to be **added** are **highlighted**

1130.00 SPECIAL PROVISIONS

1130.00 Special Provisions:

Special Provisions shall be set forth and are hereby adopted by reference and declared to be a part of this Ordinance.

1131.00 Miscellaneous Provisions

Within the boundaries of any form-based zone district listed in section 1129.00, in the event of any inconsistency between the miscellaneous provisions in this section 1131.00 and any provision of the form-based zone districts in section 1129.00, the provisions of section 1129.00 shall apply. (OR2013-2-22)

1131.10 Dwelling On Any Lot Of Record: In any District where residences are permitted, residences may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance, as amended, irrespective of the lot's area or width, ~~provided the applicable yard dimensions, lot and area, and other open space requirements of the District are complied with as nearly as possible, following Section 1131.12 hereof.~~ **provided that the development complies with the applicable requirements of the Zoning District and Residential Design Standards.**

Single family dwellings shall only be permitted in single family zoned districts (R-1, R-2) and in Traditional Neighborhood Zoning Districts, anything but a single-family dwelling requires a Conditional Use.

~~Single family *95 dwellings shall only be permitted in single family districts; a maximum of a two family dwelling shall be permitted on substandard lots in other districts providing the lot area per dwelling unit complies with the requirements of the District in accordance with the following: (OR 86-4-24)~~

(Continued)

ZONING DISTRICT	MINIMUM LOT AREA FOR TWO DWELLING
R-3	5,000 SQ FT
R-4 and R-O	3,000 SQ FT
B-1	4,000 SQ FT
B-2	4,000 SQ FT
B-3	2,000 SQ FT



Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011

LEGAL NOTICE TO CITY WEBSITE

City Contact: Ed Wilson, AICP
Date Sent and Posted: April 21, 2020
Run Indefinitely, Until: May 7, 2020

LEGAL NOTICE OF PUBLIC HEARING

The Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, May 7, 2020 at 1:30 PM** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/93410265331>. Webinar ID: 934 1026 5331, on amending the Hamilton Zoning Ordinance (HZO) No. 7503:

APPLICANT: City of Hamilton
REQUEST: Proposed Amendment to the Hamilton Zoning Ordinance (HZO):
Section 1111.00, Commercial Design Standards – pertaining to concrete façade materials.

An application for this project is on file and available for your review at the Planning Department located at 345 High Street, Suite 350, and on the city website at:
<https://www.hamilton-oh.gov/planningcommission>

Due to recent state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

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If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least seven (7) days prior to the public hearing. The phone number for the Planning Department is 513.785.7350.

Ed Wilson, AICP

Edward Wilson 999

Associate Planner II
City of Hamilton, Ohio



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APPLICANT: City of Hamilton
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Section 1110.00, Residential Design Standards - pertaining to Accessory Structure exterior material (sheds, detached garages).

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APPLICANT: City of Hamilton
REQUEST: Proposed Amendment to the Hamilton Zoning Ordinance (HZO):
Section 1131.00 Special Provisions – pertaining to new residences on existing narrow or smaller lots (non-conforming lots).

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Ed Wilson, AICP

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Associate Planner II
City of Hamilton, Ohio



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REQUEST: Proposed Amendment to the Hamilton Zoning Ordinance (HZO):
Section 1111.00, Commercial Design Standards – pertaining to concrete façade materials.

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Nick Garuckas
City Clerk
City of Hamilton, Ohio

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Nick Garuckas
City Clerk
City of Hamilton, Ohio

Posting of Notices on Planning Commission Website
(This also serves as proof of posting for the other Zoning text amendment requests)

4/27/2020

Planning Commission — City of Hamilton, OH

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Services Explore Business
Questions Info



Planning Commission.

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Planning Commission Forms

General Use Planning Application
Conditional Use Application ***NEW*** -

May 7, 2020 Planning Commission Meeting

Public Hearing | 1:30 P.M. | 345 High Street, Hamilton, OH *(Posted: 4/21/2020, 10:40 AM) /*
RE-POSTED with updated Zoom Webinar information 4/24/2020, 5:50 AM

PC Agenda 05.07.2020: [Coming Soon]

The meeting is open to the public. However, due to the State of Emergency related to COVID-19, the Planning Department is encouraging those who are comfortable participating in the public hearing remotely to do so. Anyone can use the website link or dial into the meeting using the following information (see below).

Please click the link below to join the webinar:
<https://zoom.us/j/93410265331>. Webinar ID: 934 1026 5331

One tap mobile
+13126266799,,93410265331# US (Chicago)
+19292056099,,93410265331# US (New York)

Or Telephone:
Dial (for higher quality, dial a number based on





4/27/2020

Planning Commission — City of Hamilton, OH

2020

your current location):

US: +1 929 205 6099 or +1 312 626 6799 or
+1 669 900 6833 or +1 253 215 8782 or +1
301 715 8592 or +1 346 248 7799

Webinar ID: 934 1026 5331

Planning Commission Cases and Notice of Public Hearings

This space contains the online posted notices of Public Hearings, upcoming cases, and tentative schedule of upcoming meetings for Planning Commission.

Questions concerning upcoming meetings, cases, or other inquiries can be directed to Ed Wilson, Associate Planner II

Email: edward.wilson@hamilton-oh.gov | Phone: (513) 785-7029

May 7, 2020 - 1:30 PM

PC Agenda 05.07.2020: [TBD]

Please click the link below to join the webinar:

<https://www.hamilton-oh.gov/planningcommission>

March 19th, 2020 Planning Commission meeting update.

The March 19th, 2020 Planning Commission (TN (Traditional Neighborhood) rezoning proposal, public hearing has been postponed to the May 21st, 2020 meeting. Continual updates will be posted on the Planning Department website and Planning Commission website.

For the TN Rezoning proposal and all other Planning Commission inquiries - the Planning Department encourages people to email or call with their questions and comments. Email: planning@hamilton-oh.gov or (513) 785-7350

Regular Board Meetings.

Planning Commission meetings are public meetings regularly held on the 1st and 3rd Thursday of every month. The first meeting of the month is a day meeting which begins at





4/27/2020

Planning Commission — City of Hamilton, OH

<https://zoom.us/j/93410265331>.

Or dial: 1 312-626-6799 then dial the webinar ID number below when prompted.

Webinar ID: 934 1026 5331

Re-Posted with updated Zoom Webinar information:

April 24, 2020:

**Agenda Item - #1 (PUBLIC HEARING):
Major Amendment to a Planned Development, Berkeley Square, Phase 14 (proposes seven (7) duplexes)**

[Location Map](#) | [Application](#)

**Agenda Item - #2 (PUBLIC HEARING):
Conditional Use for an Auto Repair Business at 1000 Fairview Avenue**

[Location Map](#) | [Application](#)

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City of Hamilton Zoning Ordinance, pertaining to Supportive Housing, Clinics, and Inpatient Rehabilitation**

1:30 pm. The second meeting of the month is an evening meeting which begins at 6:00 pm. Special meeting times and dates will be scheduled as necessary.

All meetings are held in the Hamilton City Council Chambers located at 345 High Street in Hamilton Ohio 45011.

Agenda & Minutes

For agenda and meeting minutes to prior board meetings, please submit a request to brandon.saurber@hamilton-oh.gov

Agendas

Planning Commission Meeting
May 7, 2020 · 1:30 PM – 3:00 PM

Planning Commission Meeting
May 21, 2020 · 6:00 PM – 8:00 PM

Planning Commission Applications

These are general applications that require review and/or approval from the Planning Commission. Please contact the Planning Department for further information.





4/27/2020

Planning Commission — City of Hamilton, OH

Posted: April 21, 2020. Public Hearing
Notice: [Here]

Planned Development (PD) Application

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City
of Hamilton Zoning Ordinance,
pertaining to Automobile Related
Conditional Uses**

Specific Use Application

Conditional Use Application

Posted: April 21, 2020. Public Hearing
Notice: [Here]

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City
of Hamilton Zoning Ordinance,
concerning Residential Design
Standards for accessory structures,
and Special Provisions regarding
nonconforming lots**

Posted: April 21, 2020. Public Hearing
Notice: [Here] & [Here]

**Agenda Item - (PUBLIC HEARING):
Proposed Amendments to the City
of Hamilton Zoning Ordinance,
concerning Commercial Design
Standards, pertaining to concrete
material facade regulations**

Posted: April 21, 2020. Public Hearing
Notice: [Here]





May 21, 2020 - (Tentative, TBD)

**Agenda Item - #1 (PUBLIC HEARING):
TN (Traditional Neighborhood)
Rezoning proposal for specific
properties in Lindenwald and
Prospect Hill.**

Re-posted and updated notice for
May 21, 2020 meeting | Re-posted
March 23, 2020

Lindenwald: Proposed Rezoning Map
[Here] | List of Properties [Here]

Prospect Hill: Proposed Rezoning Map
[Here] | List of Properties [Here]

Public Hearings at City Council (Commission Cases)

City Council: May 27, 2020

**PUBLIC HEARING: Request to amend
the Hamilton Zoning Ordinance
(HZO), - pertaining to Supportive
Housing, Clinics, Inpatient Rehab**

Posted: April 21, 2020. Public Hearing
Notice: [Link]





4/27/2020

Planning Commission — City of Hamilton, OH

**PUBLIC HEARING: Request to amend
the Hamilton Zoning Ordinance
(HZO), - pertaining to Automobile
Related Conditional Uses**

Posted: April 21, 2020. Public Hearing
Notice: [Link]

**PUBLIC HEARING: Request to amend
the Hamilton Zoning Ordinance
(HZO), Section 1111.00 - Commercial
Design Standards (concrete facade
item)**

Posted: April 21, 2020. Public Hearing
Notice: [Link]

**PUBLIC HEARING: Request to amend
the Hamilton Zoning Ordinance
(HZO), Section 1110.00 - Residential
Design Standards (for accessory
structures) & Section 1131.00 -
Special Provisions (non-conforming
lots).**

Posted: April 21, 2020. Public Hearing
Notice: [1110 notice] & [1131 notice]

Board Members





- Dale McAllister (Chair)
- Matthew Von Stein, Citizen Member
- Patrick Moeller, Mayor
- Joshua A. Smith, City Manager
- Lisa Sandlin, Alternate Member #1
- Larry Bowling, Alternate Member #2
- Shaquila Mathews, School Board Representative
- Teri Horsley, Citizen Member
- David Belew, Citizen Member
- Liz Hayden, Planning Director
Commission Secretary

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City of Hamilton, Ohio

City of Hamilton, Ohio
345 High St, Hamilton, OH

Contact Us





For the Planning Commission Meeting of May 7, 2020

To: Planning Commission
From: Liz Hayden, Planning Director
 Daniel Tidyman, Associate Planner
 Ed Wilson, AICP, Associate Planner II
Date: April 28, 2020

Subject: AGENDA ITEM #4 – New Business

- 1) Zoning Text Amendments – Commercial Design Standards: Section 1111.00
- 2) Zoning Text Amendments – Residential Design Standards: Section 1110.00
- 3) Zoning Text Amendments – Special Provisions of the Hamilton Zoning Ordinance: Section 1131.00

[\(Hamilton Zoning Ordinance, January 2020, PDF File\)](#)

APPLICANT: City of Hamilton
REQUEST: To Amend the Zoning Ordinance of the City of Hamilton, Ohio

1. To revise Section 1111, Commercial Design Standards (Concrete Material & Class 4 vehicle storage as Conditional Use)
2. To revise Section 1110, Residential Design Standards for detached Accessory Structures
3. To revise Section 1130, 1131, Special Provisions of the Zoning Ordinance, pertaining to New Residential Structures on substandard lots

BASIC INFORMATION	
Applicant/Property Owner	City of Hamilton – Planning Department
Architect/Engineer/Consultant	N/A
Size of Property	N/A
Current Zoning	N/A
Proposed Zoning	N/A
Comp. Plan Land Use Designation	N/A
Special Purpose/CRA	N/A
ADJACENT LAND USE/ZONING INFORMATION	
N/A	
ZONING/DIMENSIONAL INFORMATION	
N/A	





Section A: Introduction & Background

The City of Hamilton Zoning Ordinance (HZO), Ordinance No. 7503 provides regulations for land use and property use, to protect the general public health, safety, and welfare of the city. After periodic review, Staff has determined a need for updating specific portions of the zoning ordinance for clarification:

1) Commercial Design Standards:

Staff determined the need for minor revisions to the Commercial Design Standards of the Zoning Ordinance. The intent of City's Commercial Design Standards (Hamilton Zoning Ordinance, Section 1111.00) is to protect and promote the city's economic vitality through standards for new commercial development, which encourage and reward high quality development while discouraging less attractive and less enduring alternatives. The commercial design standards comprise architecture, building materials, façade materials, landscaping and site design, key components for regulating new and significant renovation-type commercial building projects.

2) Residential Design Standards:

Staff has determined a need for updating the Residential Design Standards pertaining to the exterior finish of accessory structures. The current regulations for accessory structures require at least 50% of all accessory structure facades to match the primary finish of the front façade of the primary structure on the property. This means that if the primary finish on the front façade is brick, 50% of all facades of the accessory structure will be required to have brick.

Over the past few years, the city has received multiple variance requests pertaining to accessory structures with brick finishes as the primary façade. These requirements can be cost prohibitive to the property for both the exterior finish. Staff is requesting changes that increase the required exterior finish material on all facades of the accessory structure.

3) Special Provisions (New Residences on substandard/smaller lots):

In conjunction with the residential standards, Staff determined a need for review of related Special Provisions sections pertaining to constructing new single-family structures on nonconforming lots of existing records. These lots may not meet the area requirements set forth within the zoning district to build a new single-family dwelling, which can include lot width, area, setbacks, and/or other dimensional requirements.





Section B: Petition Review

The proposal consists of a text amendment to the Hamilton Zoning Ordinance (HZO), amending [Section 1111.00](#) Commercial Design Standards, [Section 1110.00](#) Residential Design Standards, and [Section 1131.00](#) Special Provisions / Miscellaneous Provisions.

Section B.1 Revisions to the Commercial Design Standards ([Exhibit A](#))

1. Revise concrete which is formed to have a masonry unit or brick appearance
 - a. **From:** a principal building material that is allowed up to 100% of the building material
 - b. **To:** a principal building material that is allowed up to 65%
2. Change the word “complimentary” to “complementary” in the Commercial Sign and Loading/Unloading Areas sections.
3. Add language specifying that Class 4 vehicles and above as identified by the Federal Highway Administration require a Conditional Use approval when they are not in a Planned Development (PD) zoning district. In Planned Development zoning, this proposal will require a Specific Use approval.

Section B.2 Revisions to the Residential Design Standards ([Exhibit B](#))

Section 1110.26: Accessory Buildings

1. Revise façade requirements for accessory buildings over 200 square feet
 - a. **Current:** Accessory buildings over 200-sq. ft. in area must have the same exterior finish material on a minimum of 50% on all sides as the primary exterior material and approximate color as the front of the existing primary building.
 - b. **Proposed:** removal of the 50% minimum. An accessory structure over 200 square feet would require the same exterior finish as the primary structure.
2. Proposed new language: If the primary finish of the primary building facade is brick or stone, 100% of the front facade of the accessory building and 25% of facades visible from the street (not alley) must match the primary building material.

The change would:





- a. Require the front façade of an accessory structure over 200 square feet to match the primary structure, 100%.
- b. Require other facades visible from a street to match the primary structure by at least 25%.

***Section B.3 Revisions to the Special Provisions ([Exhibit C](#))
(New Residences on substandard or smaller lots)***

Section 1131.10: Dwelling On Any Lot of Record

1. Revision of language for clarification.
2. Simplification of language and the standards for new residences on smaller or substandard lots.
3. New residences on substandard lots must meet the applicable requirements of the Zoning District and the Residential Design Standards.
4. Clarification of new Single-Family dwellings and Multi-Family dwellings on substandard lots. Multi-Family dwellings on substandard lots would require a Conditional Use approval.

Section C: Notification

The City of Hamilton posted notification of the zoning text amendments on the Planning Department's website, per Section 1180.00 of the Hamilton Zoning Ordinance. Staff posted the notification on April 21, 2020, located on the Planning Commission's website (see Commission Website, [here](#); Proof of posting of notices, [here](#); see Notices: [Section 1111](#), [Section 1110](#), [Section 1131](#))

At the time of writing this report, Planning staff has received no phone calls concerning the proposed text amendments.

Section D: Statutes

[Section 1180.00](#) of the Hamilton Zoning Ordinance (HZO) provides the basis and process for amending zoning districts.

Plan Hamilton [[link](#)] is the updated Comprehensive Plan for the city; a living document meant to guide land use and zoning decisions for the present and future of the city. Plan Hamilton includes the objective of revitalizing and reimagining business corridors in Hamilton. Improving the Commercial Design Standards helps to ensure that high quality development occurs in our commercial areas.





Section E: Recommendation

The Planning Commission can approve, amend, or deny the proposed zoning text amendments. If the Planning Commission approves of the proposed text amendments to the Hamilton Zoning Ordinance, Planning recommends the following motion:

1. That the Planning Commission take action to recommend to City Council that they hold a public hearing, prepare legislation, and approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio, by amending Sections 1111, Commercial Design Standards; 1110, Residential Design Standards; and 1131, Special Provisions, as presented and contained within the attachments submitted within the Planning Staff report.

Section F: Staff Comments / Basis for Recommendation

Staff recommends the proposed amendments for the following reasons:

1. Staff recommends that treating concrete which is formed to have a masonry unit or brick appearance similar to wood composite “clapboard” as a building material is more aligned with Hamilton’s objective to promote the use of high-quality materials than treating it like brick or stone.
2. This change will further Plan Hamilton’s objective to ensure high quality development on Hamilton’s commercial corridors.
3. The proposed amendments are in keeping with the purposes of the Commercial Design Standards, the Residential Design Standards, and the Special Provisions of the Zoning Ordinance.
4. Staff received multiple variance requests pertaining to accessory structures with brick finishes as the primary façade due to cost and feasibility. The proposed text amendments are required to address the frequency of variance requests to the Hamilton Zoning Ordinance.
5. The revised regulations allow for residences on nonconforming lots while providing increased review and oversight of multi-family residences through the Conditional Use process.
6. The proposed text amendments align the Hamilton Zoning Ordinance with State of Ohio best practices.





Section G: Attachments:

- 1) [Exhibit A](#) – Amendments Section 1111.00 Commercial Design Standards
- 2) [Exhibit B](#) – Amendments Section 1110.00 Residential Design Standards
- 3) [Exhibit C](#) – Amendments Section 1130.00, 1131.00 Special Provisions
- 4) [Exhibit D](#) – Public Hearing Notices for Zoning Text Amendment Requests



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio, to add five (5) new land use types to the zoning code:

1st Reading Date: 5-27-2020
 2nd Reading Date: 6-10-2020
 Resolution Date:
 Public Hearing Date: 5-27-2020

1. Supportive Housing, Large
2. Supportive Housing, Small
3. Clinic, High Intensity
4. Clinic, Low Intensity
5. Inpatient Rehabilitation Facility

Dear Mayor and Members of Council:

The City of Hamilton Planning Department is requesting text amendments to the City's Zoning Ordinance (HZO), Ordinance No. 7503, that are related to two (2) separate changes.

First, is the proposed addition of five (5) new use categories to the Hamilton Zoning Ordinance: Supportive Housing, Large; Supportive Housing, Small; Clinic, High Intensity; Clinic, Low Intensity; and Inpatient Rehabilitation Facility. Second, is the proposed elimination of two (2) use categories pertaining to the proposed use categories: Alcohol and Drug Addiction Treatment Clinics, Inpatient, and Outpatient. An overview of the proposed changes has been outlined below (see Exhibit A for specific revisions):

Background Information

These are the specific changes proposed as part of the zoning text amendment:

Medical Clinics

Currently, the City of Hamilton Zoning Ordinance treats all medical clinics, ranging from small dental offices to large urgent cares, the same. The only exception is Inpatient and Outpatient Alcohol and Drug Addiction Treatment Clinics. After a review of planning & zoning best practices, Planning Staff is recommending that Clinics and Inpatient and Outpatient Alcohol and Drug Addiction Treatment Clinics be eliminated and replaced with the following new categories:

1. Clinic, High Intensity: A clinic that has more than five (5) employees working on the largest shift and have more than 30 patrons on average per day.
2. Clinic, Low Intensity: A clinic that has five (5) or less employees working on the largest shift and have 30 patrons or less on average per day.



3. Inpatient Rehabilitation Facility: A facility that provides inpatient care of persons requiring physical, mental, and/or medical care for 24 hours or more, but that does not require hospitalization.

These proposed changes allow the Hamilton Zoning Ordinance to better address intensity of use and manage these in different zoning districts. The proposed new use categories are also in line with best practices for zoning in the State of Ohio.

Supportive Housing

Currently, the City of Hamilton Zoning Ordinance does not include a land use category for homeless shelters, domestic violence shelters, and transitional housing. Planning staff is recommending the addition of the following definition and two (2) new use categories:

1. Supportive Housing: A dwelling or facility that provides access to health and social services, such as mental health and addiction therapy, medical care, and case management, to assist tenants who reside in the dwelling or facility. The types of Supportive Housing contemplated by this definition are:
 - a. A shelter for persons experiencing temporary homelessness.
 - b. A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.
 - c. A recovery or rehabilitation residence for people who are recovering from substance addiction and which includes services such as peer support, employment assistance, and community/house meetings.
 - d. A transitional house that serves as a short-term stay for an individual or household that is either waiting to secure permanent housing or has secured permanent housing that is not immediately available.
2. Supportive Housing, Large: A supportive housing use where more than six (6) persons reside.
3. Supportive Housing, Small: A supportive housing use where three to five (3 to 5) persons reside.

These proposed changes allow the Hamilton Zoning Ordinance to better address intensity and density presented by this use. The proposal regulations would also help with the management of uses in different zoning districts.

There are no other changes proposed for Hamilton Zoning Ordinance with this request. Please review the exhibit attachments for details on the specific text revisions (Exhibit A). For further information on the overall changes and staff rationale, please review the included staff report to Planning Commission (Exhibit F).

Notification

The Planning Department posted a notice of public hearing for the May 7, 2020 Planning Commission and a notice of public hearing for the May 27, 2020 City Council on the City Website, Planning



Commission page, per the recently revised statutes of Section 1180.00 of the Hamilton Zoning Ordinance (HZO).

- Planning Commission Public Hearing Notice: Posted April 21, 2020 (Exhibit D)
- City Council Public Hearing Notice: Posted April 21, 2020 (Exhibit E)

As of the writing of this report, the Planning Department has received no inquiries pertaining to the proposed text amendments.

Planning Commission Recommendation:

This report was written before the May 7, 2020 Planning Commission Meeting. Planning Staff has recommended approval of the text amendments utilizing the following motion:

- 1) That the Planning Commission take action to recommend that City Council holds a public hearing, and prepare legislation to approve the text amendments to the City of Hamilton Zoning Ordinance as presented and contained within the attachments submitted within the Planning Staff report.

Specific sections being proposed for amendment are as follows:

- Section 1108.00, Glossary
- Section 1117.00, R-3 (One to Four Family Residence District)
- Section 1118.00, R-4 (Multi-Family Residence District)
- Section 1118.100, RPD (Residential Planned Development District)
- Section 1119.00, R-O (Multi-Family Office District)
- Section 11119.100, OPD (Office Planned Development District)
- Section 1120.00, B-1 (Neighborhood Business District)
- Section 1121.00, B-2 (Community Business District)
- Section 1122.00, B-3 (Central Business District)
- Section 1122.100, BPD (Business Planned Development District)
- Section 1123.00, I-1 (Limited Industrial District)
- Section 1124.00, I-2 (Industrial District)
- Section 1125.00, IPD (Industrial Planned Development District)
- Section 1129.00, Form-Based Zoning Districts
- Section 1130.100, EM-UPD (Entertainment Mixed Use Development District)
- Section 1134.400, TN-3 (Traditional Neighborhood Three District)
- Section 1134.500, TN-4 (Traditional Neighborhood Four District)

(Continued)



Planning Staff estimates that the Planning Commission will likely recommend that City Council approve the proposed zoning text amendments. In the event of any changes to the proposed text changes from the Planning Commission, the staff report to City Council will be revised to reflect as such.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Ed Wilson, AICP
Associate Planner II

Choose Strategic Goal(s)

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*

Attachments:

- 1) Exhibit A – Proposed Hamilton Zoning Ordinance Text Amendments
- 2) Exhibit B – Public Hearing Notice for Proposed Zoning Text Amendments
- 3) Exhibit C – Planning Commission Staff Report



Supportive Housing, Clinics: Zoning Text Amendments
Exhibit A - Proposed Amendments

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

The complete zoning code can be viewed online at:

https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20H%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf

EXHIBIT A

Proposed Text Amendments to City of Hamilton Zoning Ordinance

Words to be **deleted** are [~~lined through~~] - Words to be **added** are **highlighted**

NOTE: If a numbered section is deleted, all remaining sections shall be renumbered accordingly.

Glossary Section 1108.00

Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient: shall mean any business, building, structure, or land used for the inpatient treatment, counseling, and administering of addiction medicine for recovery purposes. (OR 2014 8-71)

Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient: shall mean any business, building, structure, or land used for the outpatient treatment, counseling, and administering of addiction medicine for recovery purposes. (OR 2014 8-71)

Clinic, High Intensity: A clinic that has more than five employees working on the largest shift and have more than 30 patrons on average per day.

Clinic, Low Intensity: A clinic that has five or less employees working on the largest shift and have 30 patrons or less on average per day.

Inpatient Rehabilitation Facility: A facility that provides inpatient care of persons requiring physical, mental, and/or medical care for 24 hours or more, but that does not require hospitalization.

Outpatient Care: The care of patients that does not include an overnight stay (less than 24 hours in length).

Supportive Housing: A dwelling or facility that provides access to health and social services, such as mental health and addiction therapy, medical care, and case management, to assist tenants who reside in the dwelling or facility. The types of Supportive Housing contemplated by this definition are:

- (A) A shelter for persons experiencing temporary homelessness;
- (B) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse;
- (C) A recovery or rehabilitation residence for people who are recovering from substance addiction and which includes services such as peer support, employment assistance, and community/house meetings;
- (D) A transitional house that serves as a short-term stay for an individual or household that is either waiting to secure permanent housing or has secured permanent housing that is not immediately available.

Supportive Housing, Large: A supportive housing use where six or more persons reside.

Supportive Housing, Small: A supportive housing use where three to five persons reside.

**“R-3” One to Four Family Residence District
Section 1117.00**

1117.30 Conditional Uses:

1117.32 Clinics, Low Intensity: ~~Medical clinics including the offices of physicians, surgeons, and dentists for the care, diagnosis and treatment of persons in need of medical or surgical attention, but not including overnight accommodations for patients~~ Low Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

(Renumeration continues from this point)

1117.37 Supportive Housing, Small:

As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a 500 foot radius of another Supportive Housing Facility.
- Organizations that operate and/or own a small supportive housing facility shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

(Renumeration continues from this point)

**“R-4” Multi-Family Residential District
Section 1118.00**

1118.20: Principal Permitted Uses:

~~1118.24 Clinics: Medical clinics, including the offices of physicians, surgeons and dentists for the care, diagnosis and treatment of persons in need of medical or surgical attention, but not including overnight accommodations for patients~~

**“RPD” Residential Planned Development
Section 1118.100**

1118.142.1 Permitted Commercial Ancillary Uses: Ancillary uses, meeting the provisions of Section 1118.142 may include uses similar to, but not limited to, the following:

Inpatient Rehabilitation Facilities

**“R-O” Multi-Family Residence – Office District
Section 1119.00**

1119.30 Conditional Uses:

1119.31 Transient Accommodations: ~~Transient homes, h~~Hotels, motels, motor hotels and bed and breakfasts for any number of guests; including incidental commercial accessory uses, when located on a lot having frontage on a street officially designated as a thoroughfare on the "Official Thoroughfare Plan". (OR 93-3-26)

**“OPD” Office Planned Development District
Section 1119.100**

1119.130 Uses Requiring Specific Approval:

1119.132 ~~Treatment Facilities,~~ Educational Institutions and Juvenile Correctional Facilities which are publicly owned and operated by a municipal, county, state, or federal government.

1119.133 Inpatient Rehabilitation Facilities:

As Defined in Section 1108.00 and must comply with the following conditions:

- Inpatient Rehabilitation Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.

**“B-1” Neighborhood Business District
Section 1120.00**

1120.20 Principal Permitted Uses:

- 1120.29.2 Clinic, Low Intensity:** Low Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention, must comply with the following conditions:
- Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
 - Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
 - Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

1120.30 Conditional Uses:

- 1120.40 Clinics, High Intensity:** High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:
- High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
 - A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
 - Designated outdoor smoking areas shall be located to the rear of the principal building.
 - High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

1120.38.1 1120.40.1 Prohibited Uses: Pawn Shops, Check Cashing, Bail Bonds, Pay Day Lending, Car Title Loan Business, Tattoo & Piercing, and Medical Marijuana Cultivation, Processing, or Retail Dispensing (OR 2014-5-34) (REVISED: OR2017-12-132)

**“B-2” Community Business District
Section 1121.00**

1121.30 Conditional Uses:

1121.39.4 Inpatient Rehabilitation Facilities:

As Defined in Section 1108.00 and must comply with the following conditions:

- Inpatient Rehabilitation Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.

1121.39.5 Clinics, High Intensity: High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
- Designated outdoor smoking areas shall be located to the rear of the principal building.
- High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

**“B-3” Central Business District
Section 1122.00**

1122.30 Conditional Uses:

1122.39 Inpatient Rehabilitation Facilities:

As Defined in Section 1108.00 and must comply with the following conditions:

- Inpatient Rehabilitation Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.

1122.39.1 Clinics, High Intensity: High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
- Designated outdoor smoking areas shall be located to the rear of the principal building.
- High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

“I-1” Limited Industrial District
Section 1123.00

1123.30 Conditional Uses:

~~1123.38.5 — Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient:
(OR 2014-8-71)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.~~
- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.~~
- ~~● In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient.~~

~~1123.38.6 — Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient:
(OR 2014-8-71)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.~~
- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.~~
- ~~● In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Outpatient.~~

(Continued)

~~1123.38.7~~ **1123.38.5** Residential Facility, Small: As Defined in Section 1108.00 (OR 2014-8-71)

~~1123.38.8~~ **1123.38.6** Residential Facility, Large: (OR 2014-8-71)
As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.

1123.38.7 Supportive Housing, Large:

As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a 500 foot radius of another Supportive Housing Facility.
- Organizations that operate and/or own large Supportive Housing facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

1123.38.8 Clinics, High Intensity: High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
- Designated outdoor smoking areas shall be located to the rear of the principal building.
- High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

1123.38.9 Inpatient Rehabilitation Facilities:

As Defined in Section 1108.00 and must comply with the following conditions:

- Inpatient Rehabilitation Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.

"I-2" Industrial District
Section 1124.00

1124.30 Conditional Uses:

~~1124.39.9 — Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient:
(OR 2014-8-71)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.~~
- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.~~
- ~~● In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient.~~

~~1124.39.10 — Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient:
(OR 2014-8-71)~~

~~As Defined in Section 1108.00 and must comply with the following conditions:~~

- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.~~
- ~~● No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.~~
- ~~● In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Outpatient.~~

(Continued)

1124.39.13 Supportive Housing, Large:

As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a 500 foot radius of another Supportive Housing Facility.
- Organizations that operate and/or own large Supportive Housing facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

1124.39.14 Clinics, High Intensity: High Intensity Clinics as defined in Section

1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
- Designated outdoor smoking areas shall be located to the rear of the principal building.
- High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

1124.39.15 Inpatient Rehabilitation Facilities:

As Defined in Section 1108.00 and must comply with the following conditions:

- Inpatient Rehabilitation Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.

1124.39.13 1124.39.16 Self-Storage Facility:

1124.39.14 1124.39.17 Instant Bingo: Instant Bingo as defined in Section 1108.00
(REVISED: OR 2019-9-85)

**“IPD” Industrial Planned Development District
Section 1125.00**

1125.30 Uses Requiring Specific Approval:

1125.37 Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient or Outpatient (REVISED OR2019-9-86)

Minimum Lot Size: — Ten (10) Acres

Use Setbacks: 1. Setback five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.

2. Setback five hundred (500) feet of any business that serves and/or sells Alcoholic beverages.

**Form-Based Zoning Districts
Section 1129.00**

1129.30 Permitted Uses:

- (1) A “P” in a cell of this table indicates that the land use is allowed by right in that form-based zone district, subject to compliance with those standards referenced in the right-hand column of the table, Additional Requirements, any restrictions on uses contained in sections 1129.43 Building Types, and all other applicable provisions of this zoning ordinance. Any use allowed by right as a primary use of land is also permitted as an accessory use to a different permitted or approved conditional use of land on the same parcel.

- (2) A “U” in a cell of this table indicates that the land use is allowed by right in that form-based zone district only above the ground floor of the building, subject to compliance with those standards referenced in the right-hand column of the table, Additional Requirements, any restrictions on uses contained in sections 1129.43 Building Types, and all other applicable provisions of this zoning ordinance.

- (3) A “C” in a cell of the table indicates that the land use is allowed in that form-based zone district only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. If the use is authorized, it shall be subject to compliance with those standards referenced in the right-hand column of the table, Additional Requirements, any restrictions on uses contained in sections 1129.43 Building Types, and all other applicable provisions of this zoning ordinance. (REVISED OR2015-9-80)

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS													ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS														
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1	UCP-2		
Clinics															
Medical Clinics, Low Intensity						P	P	P	P	P	P	P	P		
Offices of Physicians, Surgeons or Dentists Clinics, High Intensity						P	P	P	CP	CP	CP	CP	CP		

**EM-UPD (Entertainment Mixed-Use Planned Development)
Section 1130.100**

1130.120 Principal Permitted Uses

1130.120.9 ~~Medical Offices and Clinics, High Intensity~~: Such uses and services provided shall be accessory or ancillary to other uses provided in the development area such as orthopedic services or sports medicine **uses, or entertainment uses**. Such uses shall not include overnight accommodations for patients.

1130.120.10 Clinics, Low Intensity

~~1130.120.10~~ **1130.120.11** Offices: Business and professional offices

(Renumeration continues from this point)

**TN-3 (Traditional Neighborhood-3) District
Section 1131.400**

1131.460 Conditional Uses

1131.461.3.10 ~~Clinics, Low Intensity~~: ~~Medical clinics (including the offices of physicians, surgeons, and dentists) for the care, diagnosis and treatment of persons in need of medical or surgical attention, but not including overnight accommodations for patients~~ **Low Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:**

- **Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.**
- **Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.**
- **Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.**

TN-4 (Traditional Neighborhood-4) District
Section 1131.500

1131.530 Principal Permitted Uses

~~1131.536 Clinics: Medical clinics (including the offices of physicians, surgeons, and dentists) for the care, diagnosis and treatment of persons in need of medical or surgical attention, but expressly excluding overnight accommodations for patients.~~

~~1131.536~~ **1131.537** Licensed Day Care Facilities, Children's Nurseries, or Similar Uses

(Renumeration continues from this point)

1131.560 Conditional Uses

1131.567 Clinics, Low Intensity: Low Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.



LEGAL NOTICE TO CITY WEBSITE

City Contact: Ed Wilson, AICP
Date Sent and Posted: April 21, 2020
Run Indefinitely, Until: May 7, 2020

LEGAL NOTICE OF PUBLIC HEARING

The Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, May 7, 2020 at 1:30 PM** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/93410265331>. Webinar ID: 934 1026 5331, on amending the Hamilton Zoning Ordinance (HZO) No. 7503:

APPLICANT: City of Hamilton

REQUEST: Proposed Amendments to the Hamilton Zoning Ordinance (HZO) pertaining to Supportive Housing, Clinics, and Inpatient Rehabilitation:

Section 1108.00, Glossary;
Section 1117.00, "R-3" One-to-Four Family Residence District;
Section 1118.00, "R-4" Multi-Family Residential District;
Section 1118.100, "RPD" Residential Planned Development District;
Section 1119.00, "R-0" Multi-Family Residence – Office District;
Section 1119.100, "OPD" Office Planned Development District;
Section 1120.00, "B-1" Neighborhood Business District;
Section 1121.00, "B-2" Community Business District;
Section 1122.00, "B-3" Central Business District;
Section 1123.00, "I-1" Limited Industrial District;
Section 1124.00, "I-2" Industrial District;
Section 1125.00, "IPD" Industrial Planned Development District;
Section 1129.00, Form-Based Zoning Districts (DT-1, DT-2, DT-3, MS-1, MS-2 & MS-3);
Section 1130.100, "EM-UPD" Entertainment Mixed-Use Planned Development District;
Section 1131.400, "TN-3" Traditional Neighborhood-3 District;
Section 1131.500, "TN-4" Traditional Neighborhood-4 District.

An application for this project is on file and available for your review at the Planning Department located at 345 High Street, Suite 350, and on the city website at: <https://www.hamilton-oh.gov/planningcommission>

Due to recent state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

Call: 1 (929) 205 6099 and when prompted dial the Webinar ID: 934 1026 5331

Or use this website link to access the online meeting:
<https://zoom.us/j/93410265331> Webinar ID: 934 1026 5331.

(Continued on the Next Page)



Planning Department

345 High Street, 3rd floor
Hamilton, Ohio 45011

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least seven (7) days prior to the public hearing. The phone number for the Planning Department is 513.785.7350.

Ed Wilson, AICP

Edward Wilson AICP

Associate Planner II
City of Hamilton, Ohio



LEGAL NOTICE TO CITY WEBSITE

City Contact: Ed Wilson, AICP
Date Sent and Posted: April 21, 2020
Run Indefinitely, Until: May 27, 2020

LEGAL NOTICE OF PUBLIC HEARING

The Hamilton City Council will hold a public hearing on **Wednesday evening, May 27, 2020 at 6:00 PM** in the Council Chambers of the City Building located at 345 High Street, on amending the Hamilton Zoning Ordinance (HZO) No. 7503:

APPLICANT: City of Hamilton
REQUEST: Proposed Amendments to the Hamilton Zoning Ordinance (HZO) pertaining to Supportive Housing, Clinics, and Inpatient Rehabilitation:

Section 1108.00, Glossary;
Section 1117.00, "R-3" One-to-Four Family Residence District;
Section 1118.00, "R-4" Multi-Family Residential District;
Section 1118.100, "RPD" Residential Planned Development District;
Section 1119.00, "R-0" Multi-Family Residence – Office District;
Section 1119.100, "OPD" Office Planned Development District;
Section 1120.00, "B-1" Neighborhood Business District;
Section 1121.00, "B-2" Community Business District;
Section 1122.00, "B-3" Central Business District;
Section 1123.00, "I-1" Limited Industrial District;
Section 1124.00, "I-2" Industrial District;
Section 1125.00, "IPD" Industrial Planned Development District;
Section 1129.00, Form-Based Zoning Districts (DT-1, DT-2, DT-3, MS-1, MS-2 & MS-3);
Section 1130.100, "EM-UPD" Entertainment Mixed-Use Planned Development District;
Section 1131.400, "TN-3" Traditional Neighborhood-3 District;
Section 1131.500, "TN-4" Traditional Neighborhood-4 District.

An application for this project is on file and available for your review at the Planning Department located at 345 High Street, Suite 350, and on the city website at:
<https://www.hamilton-oh.gov/planningcommission>

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least seven (7) days prior to the public hearing. The phone number for the Planning Department is 513.785.7350.

Nick Garuckas
City Clerk
City of Hamilton, Ohio

Supportive Housing, Clinics, Zoning Text Amendments
 Exhibit C - Planning Commission Staff Report



Planning Department
 345 High Street, 3rd floor
 Hamilton, Ohio 45011

For the Planning Commission Meeting of May 7, 2020

To: Planning Commission
From: Liz Hayden, Planning Director
 Liz Fields, McBride Dale Clarion
 Ed Wilson, AICP, Associate Planner II
Date: April 22, 2020

Subject: AGENDA ITEM #5 – New Business
 Zoning Text Amendments pertaining to Supportive Housing, Clinics, and Inpatient Rehabilitation.

APPLICANT: City of Hamilton

REQUEST: Proposed changes to the Zoning Ordinance of the City of Hamilton for the following sections: Section 1108.00, Glossary; Section 1117.00 R-3 (One to Four Family Residence District); Section 1118.00 R-4 (Multi-Family Residence District); Section 1118.100 RPD (Residential Planned Development District); Section 1119.00 R-O (Multi-Family Office District); Section 11119.100 OPD (Office Planned Development District); Section 1120.00 B-1 (Neighborhood Business District); Section 1121.00 B-2 (Community Business District); Section 1122.00, B-3 (Central Business District); Section 1122.100, BPD (Business Planned Development District); Section 1123.00, I-1 (Limited Industrial District); Section 1124.00, I-2 (Industrial District); Section 1125.00 IPD (Industrial Planned Development District); Section 1129.00 Form-Based Zoning Districts; Section 1130.100 EM-UPD (Entertainment Mixed Use Development District); Section 1134.400 TN-3 (Traditional Neighborhood Three District); Section 1134.500 TN-4 (Traditional Neighborhood Four District)

BASIC INFORMATION	
Applicant/Property Owner	City of Hamilton, applicant
Requests	<p>To add five (5) new land use types to the zoning code:</p> <ol style="list-style-type: none"> 1. Supportive Housing, Large 2. Supportive Housing, Small 3. Clinic, High Intensity 4. Clinic, Low Intensity 5. Inpatient Rehabilitation Facility <p>To eliminate two use types from the zoning code:</p> <ol style="list-style-type: none"> 1. Alcohol and Drug Addiction Treatment Clinics, Inpatient 2. Alcohol and Drug Addiction Treatment Clinics, Outpatient





Section A: Introduction and Background

Section A.1: Overview of Zoning Text Amendments

The City of Hamilton Planning Department is requesting text amendments to the City's Zoning Ordinance that are related to two (2) separate changes.

First, is the proposed addition of five (5) new use categories to the Hamilton Zoning Ordinance: Supportive Housing, Large; Supportive Housing, Small; Clinic, High Intensity; Clinic, Low Intensity; and Inpatient Rehabilitation Facility. Second, is the proposed elimination of two (2) use categories pertaining to the proposed use categories: Alcohol and Drug Addiction Treatment Clinics, Inpatient, and Outpatient. An overview of the proposed changes has been outlined below (see [Exhibit A](#) for specific revisions):

Medical Clinics

Currently, the City of Hamilton Zoning Ordinance treats all medical clinics, ranging from small dental offices to large urgent cares, the same. The only exception is Inpatient and Outpatient Alcohol and Drug Addiction Treatment Clinics. After a review of planning & zoning best practices, Staff is recommending that Clinics and Inpatient and Outpatient Alcohol and Drug Addiction Treatment Clinics be eliminated and replaced with the following new categories:

1. Clinic, High Intensity: A clinic that has more than five (5) employees working on the largest shift and have more than 30 patrons on average per day.
2. Clinic, Low Intensity: A clinic that has five (5) or less employees working on the largest shift and have 30 patrons or less on average per day.
3. Inpatient Rehabilitation Facility: A facility that provides inpatient care of persons requiring physical, mental, and/or medical care for 24 hours or more, but that does not require hospitalization.

These proposed changes allow the Hamilton Zoning Ordinance to better address intensity of use and manage these in different zoning districts. The proposed new use categories are also in line with best practices for zoning in the State of Ohio.





Supportive Housing

Currently, the City of Hamilton Zoning Ordinance does not include a land use category for homeless shelters, domestic violence shelters, and transitional housing. Planning staff is recommending the addition of the following definition and two (2) new use categories:

1. **Supportive Housing**: A dwelling or facility that provides access to health and social services, such as mental health and addiction therapy, medical care, and case management, to assist tenants who reside in the dwelling or facility. The types of Supportive Housing contemplated by this definition are:
 - a. A shelter for persons experiencing temporary homelessness.
 - b. A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.
 - c. A recovery or rehabilitation residence for people who are recovering from substance addiction and which includes services such as peer support, employment assistance, and community/house meetings.
 - d. A transitional house that serves as a short-term stay for an individual or household that is either waiting to secure permanent housing or has secured permanent housing that is not immediately available.
2. **Supportive Housing, Large**: A supportive housing use where more than six (6) persons reside.
3. **Supportive Housing, Small**: A supportive housing use where three to five (3 to 5) persons reside.

These proposed changes allow the Hamilton Zoning Ordinance to better address intensity and density presented by this use. The proposal regulations would also help with the management of uses in different zoning districts.

Section A.2: History

Planning staff has been working with McBride Dale Clarion, a Planning consulting firm, to update the Hamilton Zoning Ordinance related to these two topics. Liz Fields from McBride Dale Clarion researched zoning information pertaining to these uses throughout the State of Ohio and has recommended the proposed changes.





Section B: Petition Review

The City of Hamilton Planning Department proposes that the new land uses will be regulated in the following way:

Medical Clinics, Low Intensity

- Permitted Use in the R-0, B-1, B-2, B-3, BPD, I-1, I-2, NIA, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, UCP-2, EM-UPD Zoning Districts
- Conditional Use in TN-3, TN-4, R-3 and R-4 Zoning Districts
- Specific Use in RPD, OPD, and IPD Zoning Districts

Medical Clinics, High Intensity

- Conditional Use in B-2, DT-1, DT-2, DT-3, UCP-1, UCP-2, I-1, I-2 Zoning Districts
- Specific Use in BPD, IPD, and EM-UPD Zoning Districts

Inpatient Rehabilitation Facilities

- Accessory Use in RPD Zoning District
- Specific Use in OPD, BPD, and IPD Zoning Districts
- Conditional Use in B-2, B-3, I-1, I-2 Zoning Districts

Supportive Housing, Small

- Conditional Use in R-3 and R-4 Zoning Districts

Supportive Housing, Large

- Conditional Use in I-1 and I-2 Zoning Districts
- Specific Use in IPD Zoning District

Permitted uses are allowed in zoning districts by-right, no need for Planning Commission review. Specific Uses only exist in Planned Development Zoning Districts and require Planning Commission review. Conditional Uses require both Planning Commission and City Council review. Accessory Uses are allowed when accompanied with a Permitted Use. For example, an Inpatient Rehabilitation Facility could be an Accessory Use to a nursing home in the Residential Planned Development District. Zoning Districts not listed for each use mean that the use is not allowed in that district.



The following standard conditions are proposed to be included in the Zoning Ordinance:

Clinics, Low Intensity: Low Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

Clinics, High Intensity: High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

- High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
- Designated outdoor smoking areas shall be located to the rear of the principal building.
- High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

Inpatient Rehabilitation Facilities:

As Defined in Section 1108.00 and must comply with the following conditions:

- Inpatient Rehabilitation Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.





Supportive Housing, Small: As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a 500 foot radius of another Supportive Housing Facility.
- Organizations that operate and/or own a small supportive housing facility shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

Supportive Housing, Large: As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a 500 foot radius of another Supportive Housing Facility.
- Organizations that operate and/or own large Supportive Housing Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

Section C: Notification

The City of Hamilton posted notification of the zoning text amendments on the Planning Department's website, per Section 1180.00 of the Hamilton Zoning Ordinance. Staff posted the notification on April 21, 2020, located on the Planning Commission's website (see Commission Website, [here](#); Proof of posting of notices, [here](#); see Notice, [here](#))

At the time of writing this report, Planning staff has received no phone calls concerning the proposed text amendments.

Section D: Statutes:

Section 1180.00 of the Hamilton Zoning Ordinance provides the basis and process for the amendment of the Zoning Ordinance, Ordinance No. 7503.





Section E: Recommendation

The Planning Commission can approve, amend, or deny the proposed zoning text amendments. If the Planning Commission approves of the proposed text amendments to the Hamilton Zoning Ordinance, the Planning Department recommends the following motion:

- 1) That the Planning Commission take action to recommend that City Council holds a public hearing, and prepare legislation to approve the text amendments to the City of Hamilton Zoning Ordinance as presented and contained within the attachments submitted within the Planning Staff report.

Specific sections being proposed for amendment are as follows:

- Section 1108.00, Glossary
- Section 1117.00, R-3 (One to Four Family Residence District)
- Section 1118.00, R-4 (Multi-Family Residence District)
- Section 1118.100, RPD (Residential Planned Development District)
- Section 1119.00, R-O (Multi-Family Office District)
- Section 1119.100, OPD (Office Planned Development District)
- Section 1120.00, B-1 (Neighborhood Business District)
- Section 1121.00, B-2 (Community Business District)
- Section 1122.00, B-3 (Central Business District)
- Section 1122.100, BPD (Business Planned Development District)
- Section 1123.00, I-1 (Limited Industrial District)
- Section 1124.00, I-2 (Industrial District)
- Section 1125.00, IPD (Industrial Planned Development District)
- Section 1129.00, Form-Based Zoning Districts
- Section 1130.100, EM-UPD (Entertainment Mixed Use Development District)
- Section 1134.400, TN-3 (Traditional Neighborhood Three District)
- Section 1134.500, TN-4 (Traditional Neighborhood Four District)





Section F: Staff Comments / Basis for Recommendation

1. The proposed text amendments align the Hamilton Zoning Ordinance with State of Ohio best practices.
2. The proposed text amendments improve the clarity of the Hamilton Zoning Ordinance.
3. Categorizing clinics and supportive housing by the size of the operation allows for better regulation of intensity within different zoning districts.
4. The proposed text amendments include conditions for each new use that will help to determine when a Conditional or Specific Use Approval is appropriate.
5. The proposed text amendments have been through a significant review process and encompass input received from McBride Dale Clarion, City Staff reviews, and legal review from Frost Brown Todd.

Section G: Attachments

- 1) [Exhibit A](#) – Proposed Hamilton Zoning Ordinance Text Amendments
- 2) [Exhibit B](#) – Public Hearing Notice for Proposed Zoning Text Amendments



City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Ed Wilson, AICP Associate Planner II

Agenda Item:

1. Proposed vacation of a portion of Short Street Alley located at 1157 Central Avenue. (City of Hamilton, Applicant)
2. Final Plat & Dedication Plat for 1157 Central Avenue including the dedication of a new portion of Short Street Alley. Property and alley situated in the Second Ward, City of Hamilton, Ohio. (Jason Wittenkind, per Hamilton Convenience, LLC., Applicant).

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution Ordinance</p>	<input checked="" type="checkbox"/> 1 st Reading Date: 5-13-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 5-27-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): 4-22-2020 Caucus Report City Council Meeting Planning Commission: 4-16-2020</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	Budgeted: \$500.00 Expenditure: \$500.00 Source Funds:	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to vacate a portion of Short Street Alley and accept a Final Plat & Dedication Plat for a new portion of Short Street Alley located at 1157 Central Avenue, situated in the Second Ward of the City of Hamilton, Ohio?

Policy Alternative(s)

Council may choose not to adopt such legislation to vacate the portion of Short Street Alley or accept the Final Plat for 1157 Central Avenue may choose to adopt legislation for only one (1) of the requests.



Staff Recommendation

Planning Staff recommends that Council receives this report, concurs in the recommendation of the Planning Commission and adopts the necessary legislation to grant to 1.) vacate a portion of Short Street Alley and 2.) accept the Final Plat / Dedication Plat for 1157 Central Avenue, dedicating a new portion of Short Street Alley.

This recommendation is based on the Planning Commission's recommendation that City Council approve both requests from its April 16, 2020 meeting.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Chapter 1191, Procedures for Plat Approval, of the Charter of the City of Hamilton.
- Section 167.07, Vacation of Streets, Alleys, and Rights-of-Way, of the Charter of the City of Hamilton

Fiscal Impact Summary

The City's current fiscal impact includes any staff time allotted to working with the applicant and the preparation of the documentation for the proposed vacation of a portion of Short Street Alley, and proposed Final Plat for 1157 Central Avenue, including proposed rededication of a new portion of Short Street Alley, estimated at approximately \$500.00.

Background Information

1157 Central Avenue is currently vacant and undeveloped lot. It had previously been a mixture of residential and commercial properties. The current owner has purchased these lots over several years to consolidate them for a future project on the site. In November 2019, the City granted a Conditional Use certificate allowing the construction of two (2) buildings on the site, both with drive-thru windows, and a gas canopy with four (4) gasoline dispensers.

Current Application:

The current application for review includes two (2) specific requests pertaining to 1157 Central Avenue.

1. The City of Hamilton has submitted a petition to vacate a portion of Short Street Alley, located at 1157 Central Avenue. If approved, the portion of alley would be abandoned and transfer to the owner of the adjacent property. Hamilton Convenience, LLC is the owner of all property surrounding the subject portion of alley.
2. Jason Wittenkind, per Hamilton Convenience, LLC submitted a Final Plat & Dedication Plat for 1157 Central Avenue, to consolidate ten (10) parcels located on the subject property, and to dedicate a new portion of alley as right-of-way, which would connect the remaining Short Street Alley to Central Avenue.

Further information on the requests has been included in the information below and can be found in Planning's Staff Report to the Planning Commission (see Exhibit G).

1) Petition for an Alley Vacation

The City of Hamilton submitted a petition proposing vacation (abandonment) of the public right-of-way for a portion of Short Street Alley, from the rear of 444 Knightsbridge Drive to Central Avenue. The alley provides a right-of-way connection from Lane Street to Central Avenue and connects to Central Avenue Alley which is located to the rear of 1103 through 1125 Central Avenue. The portion of Short Street Alley in question is an improved, paved alley, that contains no existing utilities. The City of Hamilton proposes the alley vacation to facilitate the development proposal for 1157 Central Avenue, and due to the Hamilton Convenience, LLC dedicating a new portion of Short Street Alley as part of their proposal, maintaining alleyway connection.



An alley vacation is a process in which an alley is reviewed for transference from public use to private property. Approval of an alley vacation means that the vacated portion of street will no longer be public right-of-way and the public could not use the alley for public access such as driving, parking, or walking.

If any right-of-way vacation is approved, the land currently designated as right-of-way would be split down the centerline and each half (1/2) would be transferred to the adjacent property owners of record. Please note, Hamilton Convenience, LLC (applicant) is the owner of record for all properties abutting the alley in question, they would receive the entirety of the vacated portion of Short Street Alley.

Specific information pertaining to the proposed alley for vacation is as follows:

- Subject portion of Short Street Alley
 - Length: 209.34 feet
 - Width: Twelve (12') feet
 - 2,512 Square Feet of right-of-way

Alley Vacation Request may proceed to Ordinance

The City may proceed with an Ordinance to Vacate the portion of Short Street Alley:

- City of Hamilton is the applicant of the requested vacation, i.e. a City-initiated vacation/abandonment.
- There is only one property owner abutting the portion of alley in question, Hamilton Convenience, LLC. This owner has no objection to the proposed alley vacation. This property owner is also reliant upon the alley vacation to proceed with a proposed redevelopment project.
- The recommended conditions of approval (see Exhibit G), include waiving the general vacation procedure, as there is no need for an appraisal or assessment of value for City-initiated right-of-way vacations.

2) Request for Final Plat, Rededication Plat

Jason Wittenkind, per Hamilton Convenience, LLC submitted a Final Plat & Dedication Plat for 1157 Central Avenue, to consolidate ten (10) parcels located on the subject property, and to dedicate a new portion of alley as right-of-way, which would connect the remaining Short Street Alley to Central Avenue.

The applicant submitted the Final Plat to proceed with the development of a proposed gas station and convenience store. The gas station and convenience store with drive-thru were reviewed and granted conditional use approval in November 2019.

- Final Plat proposal:
 - Consolidate properties at 1157 Central Avenue:
 - Ten (10) individual properties, one (1) vacated alley, and one (1) alley proposed for vacation,
 - Combines the properties into a contiguous 1.2 acre site.

The plat also proposes the rededication (reorientation) of Short Street Alley to maintain contiguous alleyway access for properties within the immediate area.



- Rededicated (moved) portion of Short Street Alley (Part of City Lot #26270)
 - Length: 198 feet & Width: Sixteen (16') feet
 - Begins at the intersection of Short Street Alley and Central Avenue Alley,
 - Northeast-Southwest alley that connects to an existing concrete apron allowing access ingress and egress from Central Avenue
 - Alley will be setback four (4') feet from the eastern property line of 1125 Central Ave.

Interdepartmental Review

The City's Interdepartmental Review Committee evaluated the proposed vacation of a portion of Short Street Alley. There were no objections to the proposal.

The City's Interdepartmental Review Committee evaluated the Final Plat for 1157 Central Avenue including the rededication of Short Street Alley. This includes reviews from the Department of Engineering, Emergency Services, and Traffic. There were no objections to the proposal.

Planning Commission Recommendations

The Planning Commission recommended to City Council the following recommendations:

1. That the Planning Commission recommends that City Council adopt the necessary legislation to vacate the portion of Short Street Alley, situated in the Second Ward, as displayed on the street vacation exhibit, with the recommended conditions of approval:
2. That the Planning Commission recommends that City Council approve the Final Plat for 1157 Central Avenue, with the following recommended conditions of approval.

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City's Interdepartmental Review (IDR) Committee upon review.
- 2) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 3) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

Planning Staff Basis / Comments

Planning Staff provided the following basis / comments for recommending approval of both the alley vacation and final plat:

1. The proposed Final Plat for 1157 Central Avenue adheres to the amended Final Planned Development as approved by the Planning Commission.
2. The portion of alley in question contains no utilities and thus does not require an easement to maintain utilities.



3. No connectivity will be lost as a result of the proposed vacation. All remaining residences will continue to have alley access via the remaining Short Street Alley and existing Central Avenue Alley. The proposed rededication of Short Street Alley would maintain an alleyway connection to Central Avenue.
4. The proposed vacation will not adversely impact the public health, safety, or welfare. No vehicular access to any privately owned property will be closed as a result of the proposed vacation.
5. The proposed project has been through substantial planning and review procedures to facilitate a higher quality design and development. The applicant has met with staff multiple times to include input from all City departments to produce a plat and proposal compliant with respect to city requirements.

Attached Information

1. Exhibit A - Location Maps
2. Exhibit B - Vacation, Exhibit Map (Short Street Alley & Final Plat)
3. Exhibit C - Final Plat for 1157 Central Avenue
4. Exhibit D - Petition to Vacate a portion of Short Street Alley
5. Exhibit E - Public Hearing Notice Letter
6. Exhibit F - Planning Commission Staff Report
7. Exhibit G - Recommended Conditions of Approval

Copies Provided to:

N/A



1157 Central Avenue (Short Street Alley & Final Plat)
Exhibit A - Location Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014

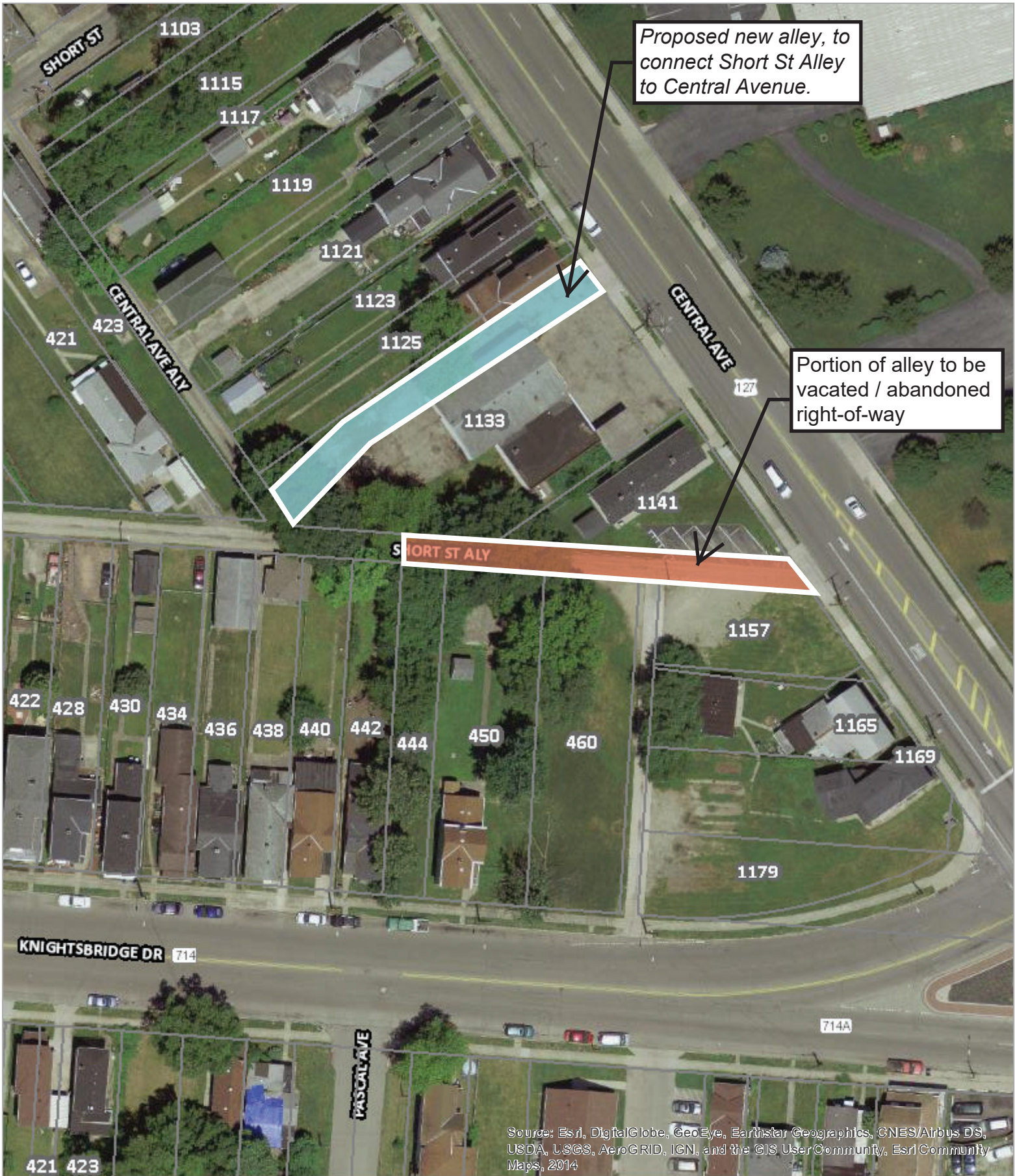
Site Address Points



Owner Parcels

Short Street Alley





Site Address Points



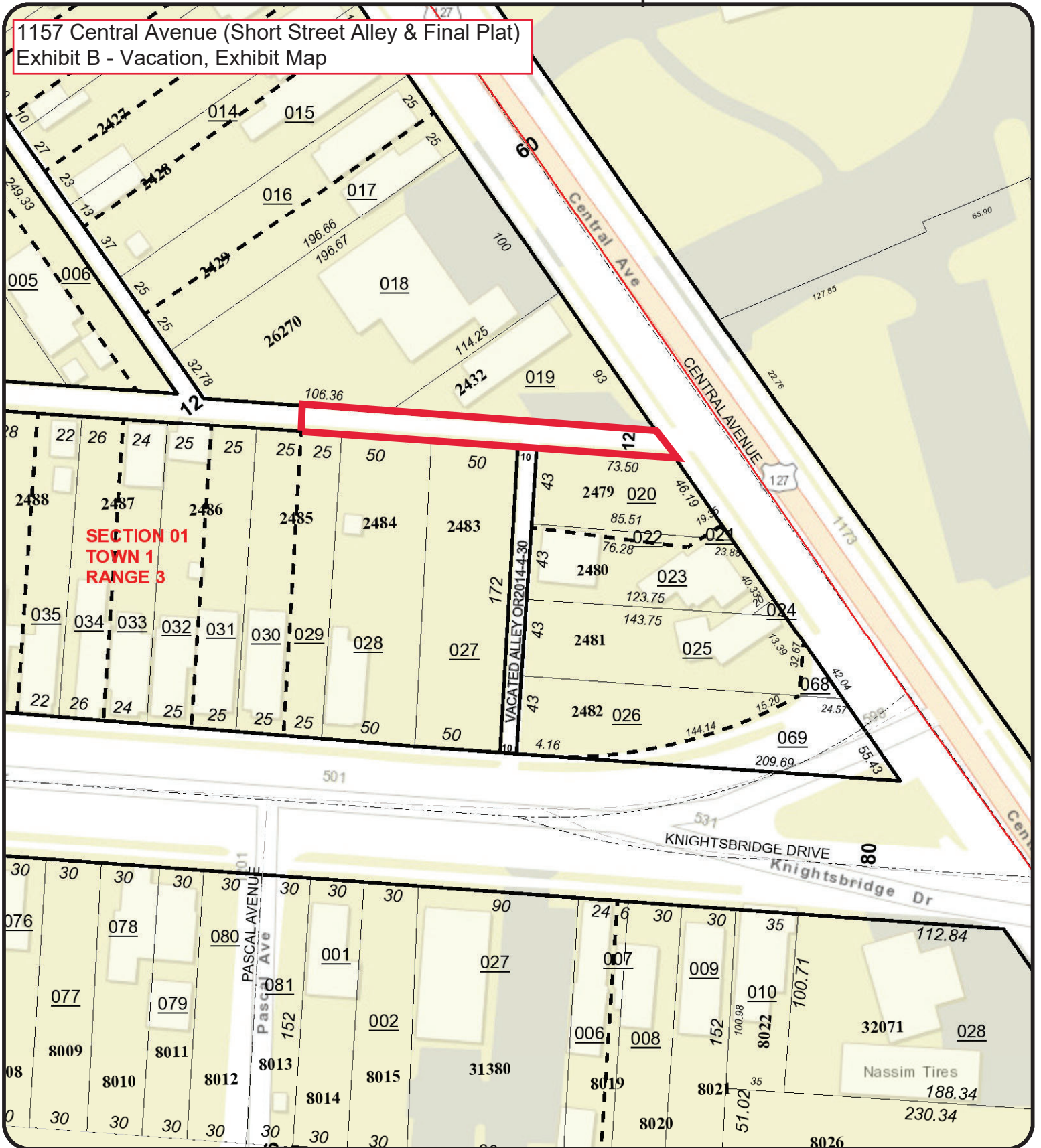
Owner Parcels


Short Street Alley

City of Hamilton
BUTLER COUNTY OHIO

BCEO GIS Tax Map

1157 Central Avenue (Short Street Alley & Final Plat)
Exhibit B - Vacation, Exhibit Map



 Portion of Short Street Alley, proposed for vacation/abandonment



In using this map provided by the Butler County Engineer's Office, you accept the data as is, without warranty of any kind, either expressed or implied. The Butler County Engineer's Office shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this website

April 9, 20

1157 Central Avenue (Short Street Alley & Final Plat)
Exhibit C - Final Plat and Dedication Plat

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED, BEING THE OWNER OF LOT 26270 AS RECORDED IN OFFICIAL RECORD VOLUME 9362, PAGE 446 AND BEING SITUATED IN THE SECOND WARD OF THE CITY OF HAMILTON, BUTLER COUNTY, OHIO AND DESCRIBED AND RECORDED AS NOTED IN THE OFFICIAL RECORDS OF BUTLER COUNTY, OHIO, DOES HEREBY ASSENT TO AND ADOPT THIS "DEDICATION PLAT", AND DOES HEREBY DEDICATE TO THE PUBLIC, FOREVER, IN ACCORDANCE WITH THE LAWS IN SUCH CASES MADE AND PROVIDED THE BUFFER AREA AND 16 FOOT ALLEY, TOGETHER THE "DEDICATION AREA" AS SHOWN HEREON, AND DECLARE THE SAME TO BE UNENCUMBERED.

IN WITNESS THEREOF, HAMILTON CONVENIENCE LLC, HAVE HEREUNTO SET ITS HAND
BY: Jason Wittekind, ITS Vice President, THIS 13th DAY OF March, A.D., 2020.

HAMILTON CONVENIENCE LLC,
an Ohio limited liability company

BY: Jason R. W. Hekin
Name: Jason R. W. Hekin
Title: Vice President

STATE OF OHIO, BUTLER COUNTY S.S.

BE IT REMEMBERED THAT ON THIS 13th DAY OF March, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME Jason Wittekind FOR HAMILTON CONVENIENCE LLC, ITS Vice President, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID HAMILTON CONVENIENCE LLC AS INDIVIDUALS FOR THE USES AND PURPOSES HEREIN MENTIONED.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THIS 13th DAY OF March, 2020.

Sarah Mendenhall
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES _____

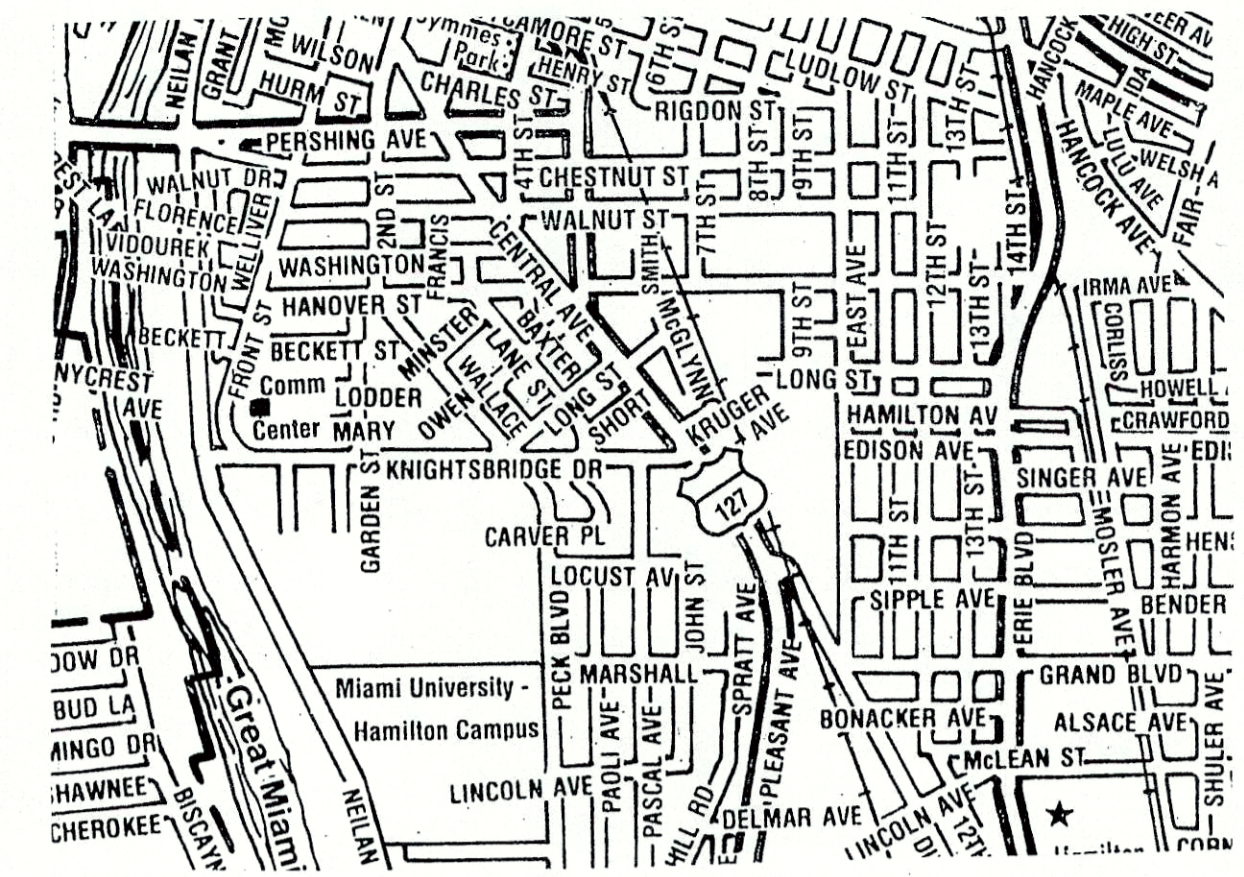
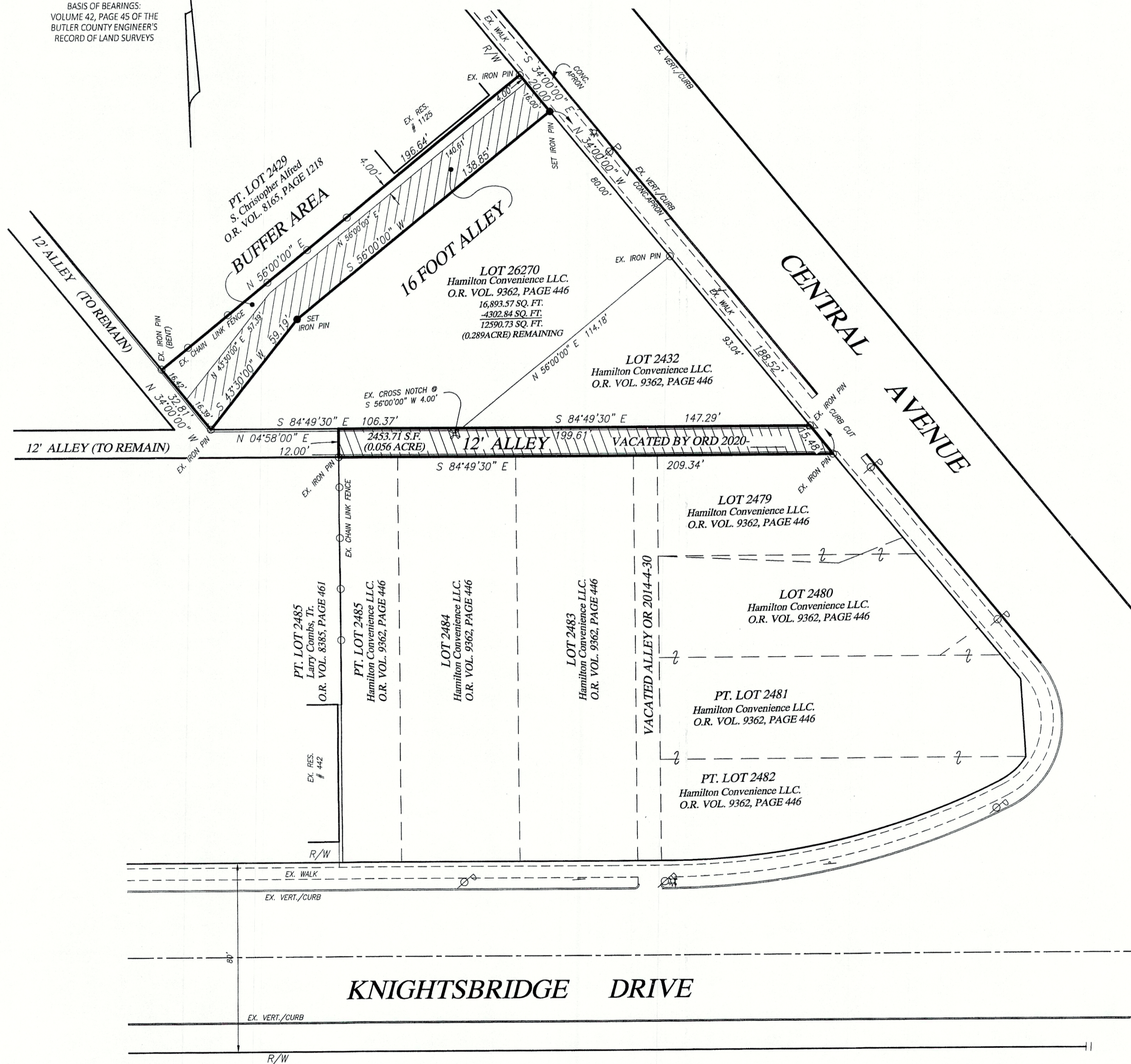


Sarah Mendenhall
Notary Public, State of Ohio
My Commission Expires 06-16-2020

DEDICATION OF PART OF LOT 26270 & VACATION OF PART OF AN EXISTING 12' WIDE ALLEY SECOND WARD CITY OF HAMILTON BUTLER COUNTY, OHIO

BUFFER AREA AND 16 FOOT ALLEY TOGETHER IS THE
"DEDICATION AREA" CONSISTING OF 4302.84 SQUARE FEET

BASIS OF BEARINGS:
VOLUME 42, PAGE 45 OF THE
BUTLER COUNTY ENGINEER'S
RECORD OF LAND SURVEYS



VICINITY MAP

CITY COUNCIL

APPROVED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, OHIO BY ORDINANCE NO. _____, PASSED AT THE _____ MEETING OF A.D. 2020.

CLERK OF COUNCIL _____ MAYOR _____

PLATTING COMMISSIONER

APPROVED BY THE PLATTING COMMISSION OF THE CITY OF HAMILTON, OHIO THIS _____ DAY OF _____ A.D. 2020.

COMMISSIONER _____

PLANNING COMMISSION

APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF HAMILTON, OHIO THIS _____ DAY OF _____ A.D. 2020.

CHAIRPERSON _____

COUNTY AUDITOR

ENTERED FOR TRANSFER _____ A.D., 2020

TRANSFERRED _____ A.D., 2020 BY: _____

AUDITOR, BUTLER COUNTY, OHIO _____

DEPUTY _____

COUNTY RECORDER

FILED FOR RECORD _____ AT _____ A.D., 2020

RECORDED _____ A.D., 2020

OFFICIAL RECORD _____ PAGE _____

RECORDER, BUTLER COUNTY, OHIO _____

DEPUTY _____

FILE _____ FEE _____

CLOSURE-12' ALLEY (TO BE VACATED)

BEARING	DISTANCE	NORTHING	EASTING
N 04° 58' 00.0" E	12.0000'	5000.0000	5000.0000
S 84° 49' 30.0" E	199.6100'	5011.9549	5001.0389
S 34° 00' 00.0" E	15.4800'	4981.1170	5208.4916
N 84° 49' 30.0" W	209.3400'	4999.9991	5000.0049

CLOSURE-DEDICATION AREA

BEARING	DISTANCE	NORTHING	EASTING
N 34° 00' 00.0" W	32.8100'	5027.2007	4981.6529
N 56° 00' 00.0" E	196.6400'	5137.1604	5144.6748
S 34° 00' 00.0" E	20.0000'	5120.5797	5155.8587
S 56° 00' 00.0" W	138.8500'	5042.9357	5040.7489
S 43° 30' 00.0" W	59.1900'	5000.0008	5000.0031

NOTES:

OCCUPATION IN GENERAL FITS SURVEY.
IRON PINS SET ARE 5/8" DIA. REBAR 30" LONG WITH CAPS.
ALL MONUMENTS FOUND ARE IN GOOD CONDITION UNLESS STATED OTHERWISE.

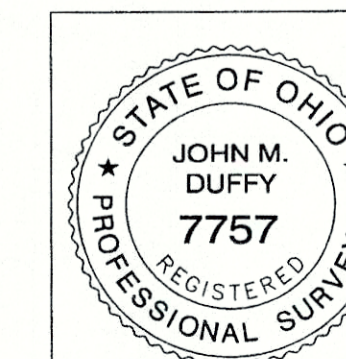
PERTINENT DOCUMENTS AND SOURCES OF DATA USED:

PLAT OF "SOUTH ADDITION TO THE CITY OF HAMILTON", PLAT ENVELOPE 14, PAGE D
PLAT OF "PETER SCHWAB'S ADDITION", PLAT ENVELOPE 15, PAGE A
VOLUME 42, PAGE 45 OF THE BUTLER COUNTY ENGINEER'S RECORD OF LAND SURVEYS
O.R. VOL. 9362, PAGE 446
O.R. VOL. 8165, PAGE 1218
O.R. VOL. 8385, PAGE 461

NOTE: The professional surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership, title evidence, or any facts that an accurate and current title search may disclose.

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE ACCOMPANYING "DEDICATION PLAT" IS THE CORRECT RETURN OF A SURVEY MADE UNDER MY DIRECTION AND THAT THE CITY OF HAMILTON SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH TO THE BEST OF MY KNOWLEDGE.

John M. Duffy
JOHN M. DUFFY
PROFESSIONAL SURVEYOR #7757
IN THE STATE OF OHIO



REVISIONS
2/18/2020

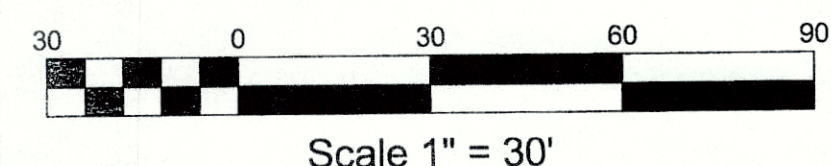
DEDICATION/VACATION PLAT

JOHN J. DUFFY & ASSOCIATES, INC.
ENGINEERS-SURVEYORS

4838-E DUFF DRIVE CINCINNATI, OHIO 45246
(513) 874-1811 Email: jjduffy@fuse.net

SCALE	DATE	JOB NO.	DRWN.
1"=30'	1/21/2020	19-13	R.A.M.

RECEIVED March 16 2020





Caucus Report
January 15, 2020

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Petition: request to vacate a portion of Short Street Alley, situated in the Second Ward, City of Hamilton, Ohio. (City of Hamilton, Applicant)

<input type="checkbox"/> 1 st Reading Date:
<input type="checkbox"/> 2 nd Reading Date:
<input type="checkbox"/> Resolution Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

The City of Hamilton Planning Department is submitting a petition to vacate a portion of Short Street Alley. The portion in question is best described by the attached map. The vacation is in association with the redevelopment of 1157 Central Avenue into a gas station, which is currently a vacant lot.

As part of this project, the City has requested that the alley be moved from its current location to the northernmost portion of the development site. This will allow traffic to continue to utilize the alley and also will move the alley further away from the Central Avenue/Knightsbridge Drive intersection, which improves traffic safety in the area. Because it is an active alley, Short Street Alley will be vacated in conjunction with a rededication of Short Street Alley in the new location.

The portion of alley measures approximately 270 feet in length and 10 feet in width. This is an improved right-of-way containing overhead utilities.

It is the recommendation of this office that Council receives this petition and recommends that it be forwarded to the City Planning Commission for review, public hearing and recommendation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Liz Hayden
Planning Director



Choose Strategic Goal(s)

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*

Attachments:

1. Exhibit A - Exhibit Map of Short Street Alley





Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011

March 31, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday evening, April 16, 2020 at 6:00 P.M.** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online meeting, at: <https://zoom.us/j/28118213>

The agenda for this hearing includes the following information:

LOCATION: Short Street Alley, portion between Central Avenue Alley and Central Avenue
APPLICANT: City of Hamilton
REQUEST: To vacate (abandon) and rededicate a portion of Short Street Alley located between Central Avenue Alley and Central Avenue, abutting 1133, 1141, & 1157 Central Avenue, and 440, 442, 450, & 460 Knightsbridge Drive, situated in the Second Ward, City of Hamilton, Ohio.

Please see the attached map found on the reverse side of this letter for the highlighted area of alleyway proposed for vacation. The request is to accommodate the redevelopment of 1157 Central Avenue into a gas station with drive-thru, which received Conditional Use approval in November 2019.

The public hearing pertains to a proposed alley vacation and rededication. This proposal would move the portion of Short Street alley to the northern most part of the development site allowing continued use of the alley while improving traffic safety (Please refer to the map located on the back).

You are a property owner within 200 feet of the subject property and as such are required by statute to be notified of this public hearing.

An application for this project as well as the Commission Bylaws are on file in our office and available for your review. These materials, in addition to future updates and reports completed by staff during the review process, can be found online at: <https://www.hamilton-oh.gov/planningcommission>

Due to recent state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

Call: 1 (312) 626-6799 and when prompted dial the Meeting ID: **281 118 213**

Or use this website link to access the online meeting: <https://zoom.us/j/28118213>

If you have any questions or comments concerning this matter, please forward your comments in writing for presentation at the meeting, or, please contact the Planning Department via email at planning@hamilton-oh.gov or contact **Ed Wilson, AICP** or **Liz Hayden, Planning Director** of the City of Hamilton Planning Department at **(513) 785-7350**.

Sincerely,
Edward Wilson III, AICP
Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map



Planning Department
 345 High Street, 3rd floor
 Hamilton, Ohio 45011

For the Planning Commission Meeting of April 16, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: April 8, 2020

Subject: **AGENDA ITEM #1 – New Business (Public Hearing)**
1. Short Street Alley (portion) – Alley Vacation
2. 1157 Central Avenue – Final Plat (rededicate portion of Short Street Alley, consolidate subject lots)

APPLICANT: City of Hamilton (Alley Vacation)
 Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat)

LOCATION: 1157 Central Avenue situated in the Second Ward

REQUEST: To vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres.

BASIC INFORMATION		
Applicant/Property Owner	City of Hamilton, (applicant for Alley Vacation) Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat applicant and property owner)	
Architect/Engineer/Consultant	P.D.A. Engineering, Osam Mardim	
Size of Property	Overall Property: 1.2 acres Alley to be vacated: 2,453 square feet Alley to be dedicated: 4,302 square feet	
Current Zoning	B-2 (Community Business) NIA (Neighborhood Initiative Area) Overlay	
Requests	<ol style="list-style-type: none"> 1. Vacate a portion of Short Street Alley located at 1157 Central Avenue 2. Final Plat for 1157 Central Avenue – includes rededication of Short Street Alley, and consolidation of parcels at the subject property 	
Size of Revision	1.2 acres	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	B-2 (Community Business)
South	Residential Commercial	R-3 (One to Four Family Residential) B-2 (Community Business)
East	Industrial	I-2 (Industrial)
West	Residential	R-3 (One to Four Family Residential)





Section A: Introduction & Background:

Section A.1: Project Overview

(Alley Vacation)

The City of Hamilton is requesting vacation of a portion of Short Street Alley. The portion of alley in question is the easternmost portion of an east-west alley that connects Lane Street and Central Avenue ([Exhibit A](#)). The portion of alleyway in question is an improved right-of-way, starting from the rear of 444 Knightsbridge Drive, continuing easterly towards Central Avenue, for a length of 209.34 feet. (See [Exhibits B, C, & D](#)).

(Final Plat)

In conjunction with the above request, the applicant, Jason Wittekind, on behalf of Hamilton Convenience, LLC, property owner, submitted a request for review and approval of the Final Plat for the 1157 Central Avenue, for a proposed gas station development, and rededication of a portion of Short Street Alley (see [Exhibit D](#)). The gas station and convenience store with drive-thru were reviewed as a conditional use and approved in November 2019. The Final Plat is the last step in the subdivision process for the acceptance of streets and/or alleys as right-of-way and in this case includes the replatting or combination of multiple parcels as a vacant buildable lot. The Planning Commission makes a recommendation to City Council for final action on Final Plat requests.

Section A.2: Existing Conditions

1157 Central Avenue is located at the corner of Central Avenue and Knightsbridge drive. The property consists of ten (10) parcels, currently vacant and undeveloped properties, and includes the subject portion of Short Street Alley, a twelve (12') foot wide, paved alley. The subject area consists of approximately 1.2 acres of space, which includes the portion of vacated Central Avenue Alley between 460 Knightsbridge Drive and 1157 Central Avenue. All parcels and the entirety of the subject property is zoned B-2 (Community Business District). The subject area is also located within the NIA (Neighborhood Initiative Area) Overlay District. Please review [Exhibit A](#) for a location map and details.

The present-day application is for:

- 1) Review and approval of the vacation of a portion of Short Street Alley, and**
- 2) Review and approval of the Final Plat for 1157 Central Avenue, allowing for the combination of ten (10) properties and rededication of the Short Street Alley (198' of alleyway, 16 feet wide) along the northern perimeter of the combined lot.**





Section A.3: History
Timeline of Prior Actions and Approvals

1157 Central Avenue is currently vacant and undeveloped lot. It had previously been a mixture of residential and commercial properties. The current owner purchased these lots over several years with the intent of consolidation for a future project on the site.

Since 2013 - City staff has been in conversation with the property owner about possible redevelopment of the site in question. These conversations led to the eventual proposal of a two commercial space development which included a convenience store with drive-thrus and a gas station canopy.

In 2014 – The city reviewed and approved the vacation/abandonment of a portion of Central Avenue Alley located within the subject area, situated between 460 Knightsbridge Drive and 1157, 1165, 1169, and 1179 Central Avenue.

In 2016 - the Planning Commission previously approved the following requests for the site:

1. Request to Approve Building Placement, Building Height and Parking Location on property located within the Neighborhood Initiative Area Conservation Overlay Zoning District (NIA), and
2. Request for a Conditional Use to allow the establishment of a Drive-Thru Facility (i.e. retail/commercial establishment) to operate on property located at NW corner of Central Avenue and Knightsbridge Drive

After the approval, the property owner demolished the properties that were on site in late 2016. No development occurred after approval.

Recently in October 2019 – the Planning Commission approved a revised development request for the property as a conditional use.

1. For a Convenience Store with Gasoline Refueling Pumps (Automotive Service and Minor Repair)
2. A Conditional Use for two (2) drive-thrus.

The following items in the staff report will detail the two (2) petition requests for Planning Commission's review and consideration.





Section B: Petition Review:

Section B.1: Request for Alley Vacation

The City of Hamilton submitted a petition proposing vacation (abandonment) of the public right-of-way for a portion of Short Street Alley, from the rear of 444 Knightsbridge Drive to Central Avenue (See [Exhibit C](#)). The alley provides a right-of-way connection from Lane Street to Central Avenue and connects to Central Avenue Alley which is located to the rear of 1103 through 1125 Central Avenue. The portion of Short Street Alley in question is an improved, paved alley, that contains no existing utilities.

An alley vacation is a process in which an alley is reviewed for transference from public use to private property. Approval of an alley vacation means that the vacated portion of street will no longer be public right-of-way and the public could not use the alley for public access such as driving, parking, or walking.

If any right-of-way vacation is approved, the land currently designated as right-of-way would be split down the centerline and each half (1/2) would be transferred to the adjacent property owners of record.

Specific information pertaining to the proposed alley for vacation is as follows:

- Subject portion of Short Street Alley
 - Length: 209.34 feet & Width: Twelve (12') feet

Adjacent Property Owners:

Hamilton Convenience, LLC (applicant) is the owner of record for all properties abutting the alley in question, they would receive the entirety of the vacated portion of Short Street Alley:

- 444 Knightsbridge Drive (Parcel: P6421023000029, (Pt City Lot No. 2485)
- 450 Knightsbridge Drive (Parcel: P6421023000028, (Pt City Lot No. 2484)
- 460 Knightsbridge Drive (Parcel: P6421023000027, (Pt City Lot No. 2483)
- 1133 Central Avenue (Parcel: P6421023000018, (City Lot No. 26270 ENT)
- 1157 Central Avenue (Parcel: P6421023000019, (City Lot No. 2432 ENT)
- 1157 Central Avenue (Parcel: P6421023000020, (City Lot No. 2479 ENT)





Section B.2: Request for Final Plat

The applicant desires the recording of the final plat for 1157 Central Avenue, which includes the rededication of a portion of Short Street Alley. Planning staff has determined that the applicant has submitted sufficient information to proceed with the final plat (please see [Exhibit D](#) for the submitted Final Plat document).

- **Final Plat proposal:**
 - Consolidate properties at 1157 Central Avenue:
 - Ten (10) individual properties, one (1) vacated alley, and one (1) alley proposed for vacation,
 - Combines the properties into a contiguous 1.2 acre site.

The plat also proposes the rededication (reorientation) of Short Street Alley to maintain contiguous alleyway access for properties within the immediate area.

- **Rededicated (moved) portion of Short Street Alley**
 - Length: 198 feet & Width: 16 feet
 - Begins at the intersection of Short Street Alley and Central Avenue Alley,
 - Northeast-Southwest alley that connects to an existing concrete apron allowing access ingress and egress from Central Avenue
 - Alley will be setback four (4') feet from the eastern property line of 1125 Central Ave.

The proposed replatted, consolidated lot would exceed the minimum lot width of 50 feet required in the B-2 (Community Business) zoning district.

On October 17, 2019, the Planning Commission reviewed and approved a conditional use request for 1157 Central Avenue to allow, 1. For a Convenience Store with Gasoline Refueling Pumps (Automotive Service and Minor Repair) and, 2. A Conditional Use for two (2) drive-thrus.

The Planning Department finds the proposed final plat to be consistent with the conditional use approved by the Planning Commission. In addition, submitted final plat is consistent with the conditions of approval for the conditional use, including vacation and rededication of a portion of Short Street Alley, and consolidation the parcels within the project area.



Section B.3: Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed vacation of a portion of Short Street Alley. There were no objections to the proposal.

The city's Interdepartmental Review Committee evaluated the Final Plat for 1157 Central Avenue including the rededication of Short Street Alley. This includes review from the Department of Engineering and Traffic. There were no objections to the proposal.

Section C: Statutes:

Alley Vacation Process

The Planning Commission can approve or deny the request for an alley vacation and may modify or add any additional conditions to the street vacation request.

The statutes of Chapter 167.07 of the City of Hamilton's Codified Ordinances regulate vacation or abandonment of public right-of-way (alleys, streets, etc.).

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.

Typically, right-of-way vacations proceed with appraisal of the alley and Board of Revisions of Assessments. However, with the City of Hamilton as applicant, the petition to vacate may proceed to City Council as a resolution to vacate, followed by an ordinance to vacate the right-of-way.

Platting of Lots

Per the City Subdivision Regulations, Ordinance No. 6038, the Planning Commission can recommend that City Council approve or deny the request for the platting or replatting of lots, as well as the rededication of alleys or streets as public right-of-way within the City of Hamilton.

Chapter 1191 of the Subdivision Regulations outlines the procedure for plat approval.





Section D: Notification

The Planning Department mailed Public Hearing Notices to the owners of 20 properties within 200 feet of the subject property per statute requirements. This mailing also includes one (1) owners of property abutting the alley in question. Staff posted a sign at the site, advertising the public hearing for proposed vacation of a portion of Short Street Alley.

As of the writing of this report, the Planning Department received no phone calls or inquiries pertaining to the proposal.

Section E: Staff Recommendation:

The Planning Commission can:

- 1) Provide a favorable recommendation to City Council for the Short Street Alley vacation or recommend denial of proposal.
- 2) Provide a favorable recommendation or denial of the proposed Final Plat for 1157 Central Avenue. If the Planning Commission approves a motion for approval, said recommendation is forwarded to City Council, which will take final action to approve or deny the Final Plat.

Section E.1: Recommended Motion:

If the Planning Commission chooses to recommend approval of the Alley Vacation and Final Plat, the Planning Department recommends that the following motion:

- 1) That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of Short Street Alley, situated in the Second Ward, as displayed on the street vacation exhibit, with the recommended conditions of approval:
- 2) That the Planning Commission take action and recommend that City Council approve the Final Plat for 1157 Central Avenue, with the recommended conditions of approval:





Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 3) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

Section F: Staff Basis / Comments

1. The proposed Final Plat for 1157 Central Avenue, adheres to the amended Final Planned Development as approved by the Planning Commission.
2. The portion of alley in question contains no utilities and thus does not require an easement to maintain utilities.
3. No connectivity will be lost as a result of the proposed vacation. All remaining residences will continue to have alley access via the remaining Short Street Alley and existing Central Avenue Alley. The proposed rededication of Short Street Alley would maintain an alleyway connection to Central Avenue.
4. The proposed vacation will not adversely impact the public health, safety, or welfare. No vehicular access to any privately owned property will be closed as a result of the proposed vacation.
5. The proposed project has been through substantial planning and review procedures to facilitate a higher quality design and development. The applicant has met with staff multiple times to include input from all city departments to produce a plat and proposal compliant with respect to city requirements.





Planning Department
345 High Street, 3rd floor
Hamilton, Ohio 45011

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton (Alley Vacation) Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat)
Property Location	1157 Central Avenue
Size of Property	1.2 acres, overall 2,453 square feet of right-of-way to be vacated
Current Zoning	N/A
Petition Date	3/13/2020

Request: To vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres, Second Ward, City of Hamilton, Ohio.

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 3) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

Report continued on the next page



ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF SHORT STREET ALLEY, PORTION LOCATED AT 1157 CENTRAL AVENUE, SITUATED IN THE SECOND WARD, CITY OF HAMILTON, BUTLER COUNTY, OHIO. (City of Hamilton, Applicant).

WHEREAS, the City of Hamilton requested vacation of a portion of Short Street Alley, portion located at 1157 Central Avenue, between 444 Knightsbridge Drive and Central Avenue, situated in the Second Ward, City of Hamilton, Butler County, Ohio; and

WHEREAS, said portion of Short Street Alley is 209.34 feet in length, twelve (12') feet in width, and right-of-way of approximately 2,512 square feet of right-of-way of proposed right-of-way for vacation, and its directional course is east-west, and located at 1157 Central Avenue; and

WHEREAS, said portion of Short Street Alley is located between 444 Knightsbridge Drive (Parcel #P6421023000029, Part of City Lot No. 2485), 450 Knightsbridge Drive (Parcel #P6421023000028, City Lot No. 2484 ENT), 460 Knightsbridge Drive (Parcel #P6421023000027, City Lot No. 2483 ENT & PT VAC ALLEY), 1133 Central Avenue (Parcel #P6421023000018, City Lot No. 26270 ENT), 1141 Central Avenue (Parcel #P6421023000019, City Lot No. 2432), & 1157 Central Avenue (Parcel #P6421023000020, City Lot No. 2479 LESS SE COR & PT VAC ALLEY CONS W/22); and

WHEREAS, the City of Hamilton proposes the vacation to facilitate the development proposal for 1157 Central Avenue, and due to Hamilton Convenience, LLC dedicating a new portion of alley to maintain alleyway connectivity; and

WHEREAS, the portion of Short Street Alley is an improved, paved alley, with no utilities; and

WHEREAS, the request for said vacation of a portion of Short Street Alley, was reviewed by all City of Hamilton departments through Interdepartmental Review and was approved; and

WHEREAS, the Interdepartmental Review noted that there would be no issues pertaining to Engineering, Emergency Services (Fire Department), or Traffic & Parking with the proposed Short Street Alley vacation; and

WHEREAS, the Planning Department notified all of the owners of property located within 200 feet of the area in question of a public hearing on said request to be held at the Hamilton Planning Commission meeting of April 16, 2020, and there were no objections expressed to the proposed vacation of a portion of Short Street Alley; and

WHEREAS, the Hamilton Planning Commission considered the foregoing vacation request and did recommend that the above described a portion of Short Street Alley, be vacated; and

WHEREAS, on April 16, 2020, the Planning Commission made the following motion and did recommend that City Council adopt an Ordinance to vacate a portion of Short Street Alley portion located at 1157 Central Avenue, situated in the Second Ward, City of Hamilton, Butler County, Ohio as drawn and depicted on the exhibit map, as indicated in Exhibit No.1, subject to certain conditions as documented and designated in Exhibit No. 2 attached hereto, incorporated herein by reference and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: In consideration of the clauses set forth above, Council does hereby vacate the public's interest in that portion of Short Street Alley, portion located at 1157 Central Avenue, situated in the Second Ward, City of Hamilton, Butler County, Ohio with a directional course of east-west, located between 444 Knightsbridge Drive (Parcel #P6421023000029, Part of City Lot No. 2485), 450 Knightsbridge Drive (Parcel #P6421023000028, City Lot No. 2484 ENT), 460 Knightsbridge Drive (Parcel #P6421023000027, City Lot No. 2483 ENT & PT VAC ALLEY), 1133 Central Avenue (Parcel #P6421023000018, City Lot No. 26270 ENT), 1141 Central Avenue (Parcel #P6421023000019, City Lot No. 2432), & 1157 Central Avenue (Parcel #P6421023000020, City Lot No. 2479 LESS SE COR & PT VAC ALLEY CONS W/22) as indicated in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

Ordinance No. _____ **(Cont'd)**

SECTION II: That said conditions of vacation include the conditions listed on Exhibit No.2., Short Street Alley Vacation, Conditions of Approval attached hereto, incorporated herein by reference and made a part hereof.

SECTION III: That the Director of Finance shall cause notice of the passage of this Ordinance to be published as required by law unless all of the adjoining property owners have otherwise waived such notice.

SECTION IV: That said vacation shall be subject to the rights of any public utility pursuant to Section 723.041 of the Ohio Revised Code and to the rights of any lot owner pursuant to Section 723.08 of the Ohio Revised Code.

SECTION V: This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

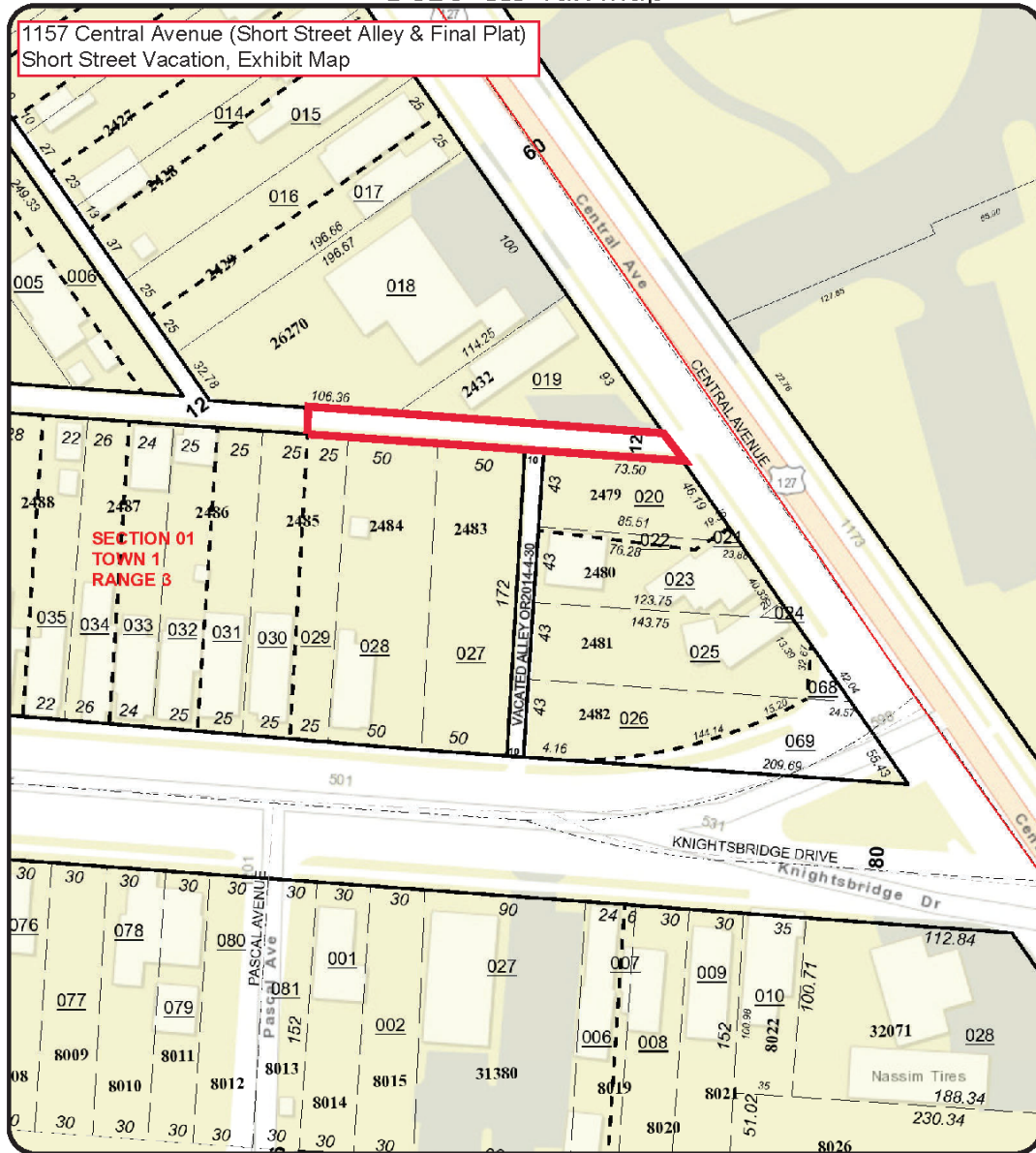
CERTIFICATE


I, Nicholas Garuckas, City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1

BCEO GIS Tax Map



 Portion of Short Street Alley, proposed for vacation/abandonment



In using this map provided by the Butler County Engineer's Office, you accept the data as is, without warranty of any kind, either expressed or implied. The Butler County Engineer's Office shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this website

April 9, 20

Ordinance No. _____ (Cont'd)

EXHIBIT NO. 2

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton (Alley Vacation) Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat)
Property Location	1157 Central Avenue
Size of Property	1.2 acres, overall 2,453 square feet of right-of-way to be vacated
Current Zoning	N/A
Petition Date	3/13/2020

Request: To vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres, Second Ward, City of Hamilton, Ohio.

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 3) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE FINAL PLAT FOR 1157 CENTRAL AVENUE (DEDICATION OF PART OF LOT 26270 & VACATION OF PART OF AN EXISTING 12' WIDE ALLEY), SITUATED IN THE SECOND WARD OF THE CITY OF HAMILTON, BUTLER COUNTY, OHIO. (Hamilton Convenience LLC, Property Owner).

WHEREAS, the City of Hamilton, Ohio received a request from Jason Wittenkind, per Hamilton Convenience, LLC Applicant, to approve the Final Plat & Dedication Plat for 1157 Central Avenue, situated in the Second Ward, City of Hamilton, Ohio; and

WHEREAS, the final plat of the 1157 Central Avenue consists of approximately 1.2 acres of land, with the intent of combining ten (10) parcels, one (1) vacated alleyway, and one (1) portion of vacated alleyway; and

WHEREAS, the final plat is necessary for the construction of a gas station and convenience store with gasoline dispensary; and

WHEREAS, the final plat includes the dedication of a new portion of right-of-way, Short Street Alley (Part of Lot #26270), consisting of:

- Length: One Hundred and Ninety-Eight feet (198') & Width: Sixteen feet (16')
- Begins at the intersection of Short Street Alley and Central Avenue Alley,
- Northeast-Southwest alley that connects to an existing concrete apron allowing access ingress and egress from Central Avenue
- Alley will be setback four feet (4') from the eastern property line of 1125 Central Ave; and

WHEREAS, the final plat for 1157 Central Avenue was considered and approved by the Planning Commission on April 16, 2020; and

WHEREAS, on April 16, 2020, the Planning Commission recommended approval of the final plat for 1157 Central Avenue to City Council subject to certain conditions as documented and designated in Exhibit No. 2 attached hereto, incorporated herein by reference and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That this Council accepts the recommendation of the Planning Commission and hereby approves the final plat for 1157 Central Avenue as seen in Exhibit No. 1, subject to the conditions in Exhibit No. 2, for the following rationale:

1. The proposed Final Plat for 1157 Central Avenue, adheres to the amended Final Planned Development as approved by the Planning Commission.
2. The portion of alley in question contains no utilities and thus does not require an easement to maintain utilities.
3. No connectivity will be lost as a result of the proposed vacation. All remaining residences will continue to have alley access via the remaining Short Street Alley and existing Central Avenue Alley. The proposed rededication of Short Street Alley would maintain an alleyway connection to Central Avenue.
4. The proposed vacation will not adversely impact the public health, safety, or welfare. No vehicular access to any privately owned property will be closed as a result of the proposed vacation.

Ordinance No. _____ (Cont'd)

- 5. The proposed project has been through substantial planning and review procedures to facilitate a higher quality design and development. The applicant has met with staff multiple times to include input from all city departments to produce a plat and proposal compliant with respect to city requirements.

SECTION II: That the final plat, for 1157 Central Avenue, situated in the Second Ward, City of Hamilton, Ohio, heretofore approved by the Platting Commissioner and the Planning Commission of the City of Hamilton, Ohio, be and the same is hereby approved.

SECTION III: That all dedications, grants of land or easements and special covenants, conditions, and restrictions as shown on said plat are hereby accepted and confirmed.

SECTION IV: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

Ordinance No. _____ (Cont'd)

EXHIBIT NO. 2

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton (Alley Vacation) Jason Wittenkind, per Hamilton Convenience, LLC. (Final Plat)
Property Location	1157 Central Avenue
Size of Property	1.2 acres, overall 2,453 square feet of right-of-way to be vacated
Current Zoning	N/A
Petition Date	3/13/2020

Request: To vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres, Second Ward, City of Hamilton, Ohio.

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 3) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Jim Logan, Executive Director of Infrastructure
Nate Perry, Director of Business Services

Agenda Item: An ordinance authorizing the execution of the Excess Energy Sales Schedules between the City of Hamilton and American Municipal Power, Inc. (AMP).

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution <i>Ordinance</i>	<input checked="" type="checkbox"/> 1 st Reading Date: 5-13-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 5-27-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other): Caucus Report 4-22-2020 City Council Meeting	
Contract	<input checked="" type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$	
	Source Funds: Electric Fund	

Policy Issue

Does City Council wish to adopt legislation to authorize execution of the Excess Energy Sales Schedules with American Municipal Power, Inc. (AMP)?

Policy Alternative(s)

Council may choose not to adopt such legislation to authorize execution of the Excess Energy Sales Schedules with AMP.

Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary legislation to authorize execution of the Excess Energy Sales Schedules with AMP.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

Fiscal Impact Summary

N/A

Background Information

City Staff recommends that Council authorize legislation to enter into an agreement to sell excess electric energy to AMP. The City currently sells excess energy to AMP through an agreement that ends in 2021. This ordinance provides the option to sell excess energy to AMP and does not require a minimum amount to sell. Potential opportunities for sales will be evaluated considering current excess energy and projected new customer growth.

Currently, the City sells excess electric energy into the market and to AMP. However, the City is bound by market fluctuations in pricing caused by extreme weather conditions, economic conditions and supply versus demand. The proposed ordinance would allow the City to authorize the execution of an Excess Energy Member Sales Schedule or Short-Term Excess Energy Market Sales Schedule with AMP with terms ending no later than December 31, 2025. The sale of the City's excess electric energy to AMP is another tool the City can use (and have used) to lessen power supply costs for our customers. Continued customer growth and decreasing our generating portfolio will lessen/eliminate the need for these sales.

Attached Information

N/A

Copies Provided to:

N/A



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE EXCESS ENERGY SALES SCHEDULES WITH AMERICAN MUNICIPAL POWER, INC. ("AMP").

WHEREAS, the City of Hamilton, Ohio (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the state of Ohio which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, the City of Hamilton, Ohio ("Municipality") and American Municipal Power, Inc. ("AMP"), collectively ("Parties"), have entered into a Master Service Agreement ("Agreement") under which certain services may be provided under schedules thereto; and

WHEREAS, subject to certain limitations, Municipality desires to sell a portion of Municipality's excess electric energy to AMP for resale;

NOW, THEREFORE, BE IT ORDAINED by the council of the City of Hamilton, Ohio:

SECTION I: That the forms of the Excess Energy Member Sales Schedule and the Short Term Excess Energy Market Sales Schedule between this Municipality and AMP, substantially in the forms attached hereto as Exhibit 1, are approved, subject to and with any and all changes provided for herein and therein.

SECTION II: That the Executive Director of Infrastructure be authorized to execute the Excess Energy Members Sales Schedule and the Short Term Excess Energy Market Sales Schedule to sell excess electric energy to AMP for resale to AMP Members or to the market, respectively, with terms ending no later than December 31, 2025.

SECTION III: That sales under the Excess Energy Member Sales Schedule or the Short Term Excess Energy Market Sales Schedule shall be limited to Municipality's Excess Energy, defined as energy from Municipality's resources except from the AMP Fremont Energy Center ("AFEC"), after exhausting Municipality's obligations to offer any surplus energy to other project participants and AMP members who are not project participants as set forth in the Power Sales Contracts or Participants Agreements, that exceeds Municipality's projected load, and that does not otherwise impact AMP's tax status or effect the tax status of any related bonds, pursuant to the terms and conditions of the Excess Energy Member Sales Schedule or the Excess Energy Market Sales Schedule, respectively.

SECTION IV: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION V: If any section, subsection, paragraph, clause or provision or any part thereof of this shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION VI: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Effective Date: _____

ATTEST: _____

City Clerk

Mayor

Ordinance No. _____ (Cont'd)

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

Ordinance No. _____ (Cont'd)

EXHIBIT NO. 1

**CITY OF HAMILTON, OHIO
EXCESS ENERGY MEMBER SALES SCHEDULE
AMP Contract No. 2021-006349-SCHED**

**A Schedule to American Municipal Power, Inc.
and
City of Hamilton, Ohio Master Service Agreement No. C-10-2005-4369**

WHEREAS, the City of Hamilton, Ohio ("Municipality") and American Municipal Power, Inc. ("AMP"), collectively ("Parties"), have entered into a Master Service Agreement ("Agreement") under which certain services may be provided under schedules thereto; and

WHEREAS, Municipality desires to sell a portion of Municipality's excess electric energy to AMP for the resale to those of its Members ("Purchasing Members") as may be designated in Transaction Confirmations entered into pursuant to this Schedule to the Agreement.

NOW, THEREFORE, in consideration of the conditions, terms and covenants hereinafter contained, the Parties do hereby mutually agree to this Schedule under the Agreement, as follows:

**ARTICLE I
TERM**

SECTION 101- Term: Subject to the conditions contained herein, this Schedule shall be for a term beginning on January 1, 2021 and ending no later than December 31, 2025.

**ARTICLE II
CONTRACT QUANTITIES AND RATE**

SECTION 201 – Contract Quantity: Subject to the terms and conditions of the Agreement, Municipality will supply to AMP, and AMP shall schedule for delivery by Municipality, Excess Energy, defined as energy from Municipality's resources except from 2 the AMP Fremont Energy Center ("AFEC"), that exceeds Municipality's projected load, and that does not otherwise impact AMP's tax status or effect the tax status of any related bonds, pursuant to the terms and conditions of this Schedule and the Agreement in the amount of the Contract Quantity of all hourly load of Member(s) listed in Appendix B at the Delivery Point(s) for the Member(s) listed in Appendix C. The Contract Quantity for each Member will be calculated by the summation of the delivery point meters provided hereunder as set forth in Appendix B after subtracting the "carve out amounts" set forth on Appendix D and excluding Large New Load. Hourly load shall be the sum of all meter points plus any Behind the Meter Net Generation on an hourly basis. Should any hourly Contract Quantity calculation result in a number less than zero, the Contract Quantity for such hour shall be zero.

The carve out established in Appendix D shall be applied to all Contract Quantity calculations regardless of the performance of each individual piece of the carve out.

Neither a Member nor Member's retail customers shall be prohibited from participating in the PJM demand response program and/or AMP's Efficiency Smart program.

In the event that a Member acquires newly constructed or additional purchased generation or contractual resources or behind the meter generation during the term of this Schedule, energy produced or delivered from those resources shall be settled by AMP separately in the PJM energy market and shall not be used to reduce the Retail Load of Member served under this Schedule.

SECTION 202 – Large New Load: Large New Load means any new retail customer or additions to any of Member's existing retail customers with a peak demand greater than or equal to 1,000 kilowatts.

Ordinance No. _____ (Cont'd)

SECTION 203 – Rate: The Contract Quantity made available at the Delivery Point pursuant to this Schedule shall be invoiced and sold at the rates listed in Appendix E.

SECTION 204 – Contract Duration; Other Terms:

1. The duration of any purchase of Hamilton's Excess Energy by AMP for resale to Purchasing Members under this Agreement shall not exceed three (3) years and shall constitute a negotiated arm's-length arrangement that provides compensation at fair market value or is based on generally applicable and uniformly applied rates. Hamilton 3 represents that the generating resources pursuant to which such Excess Energy is attributable was not acquired for a principal purpose of providing output under such contract.

SECTION 205 – Obligations of the Parties:

1. No Performance Excuse: Nothing in the Agreement, this Schedule or any Transactions Confirmation hereto shall excuse Municipality's obligations to perform under the Power Sales Contracts that govern Hamilton's purchases from and/or ownership of AFEC, the Prairie State Energy Campus, OMEGA JV2, the Meldahl hydropower project, the Greenup hydropower project, or any other power sales schedule or project to which Municipality and AMP are or will become parties, including the requirement to pay for energy delivered thereunder. Any sales of Excess Energy under this Schedule are unrelated to and shall have no effect on the rights and duties of Municipality under the Power Sales Contracts, Participants Agreement or power sales schedules.

2. No Sales to Non-Members. The Parties understand that AMP shall not sell Municipality's Excess Energy to any counterparty that is not an AMP Member pursuant to this Schedule.

ARTICLE III
TRANSACTION CONFIRMATION PROCEDURE

SECTION 301 – Procedure for Authorization of Power Supply Sale: It is understood and anticipated that AMP and Municipality may throughout the term of this Schedule, enter into Excess Energy sales, on behalf of AMP Members. The steps that will be followed in securing such sales under this Schedule are set forth below.

1. Authorized personnel of AMP and the Municipality's Executive Director of Infrastructure (or his/her designee) shall agree to terms of an Excess Energy Sale under this Schedule from Municipality to AMP on a recorded telephone line or through E-mail.
2. Once an Excess Energy Sale is finalized, terms of the sale shall be added to Appendices B, C, D and E and become part of this Schedule.
3. Thereafter, the terms shall be memorialized in Appendix A (Transaction Confirmation) and signed by the Municipality's Executive Director of Infrastructure (or his/her designee) and returned to AMP as directed in Appendix A (Transaction 4 Confirmation).

ARTICLE IV
FIRMNESS

SECTION 401 – Firmness of Supply: Municipality is required to sell and deliver the Contract Quantity of physical energy scheduled by AMP and AMP is required to purchase and receive the Contract Quantity of physical energy under this Schedule, unless either is relieved of their respective obligations without liability by Force Majeure, but in the case of Force Majeure only to the extent that, and for the period during which, either Party's performance is prevented by Force Majeure.

If Municipality fails to deliver all or part of the Contract Quantity scheduled by AMP and such failure is not excused by force majeure, then Municipality shall pay AMP, on the date payment would otherwise be due in respect of the month in which the failure occurred or within five (5) Business Days (defined as any day except a Saturday, Sunday, or a Federal Reserve Bank holiday) of invoice receipt, an amount for such deficiency equal to the positive difference, if any, obtained by subtracting the rate for the Excess Energy

Ordinance No. _____ (Cont'd)

Sale times the Contract Quantity from the Replacement Price. The invoice for such amount shall include a written statement explaining in reasonable detail the calculation of such amount. However, Replacement Price shall mean the price at which AMP, acting in a commercially reasonable manner, purchases at the Delivery Point a replacement for any Contract Quantity not delivered by Municipality (which options may include taking energy at the Locational Marginal Price at the effective time and location), plus (i) costs reasonably incurred by AMP in purchasing such substitute product; (ii) applicable AMP service fees; and, (iii) additional transmission charges, if any, reasonably incurred by AMP to the Delivery Point, or at AMP's option, the market price at the Delivery Point for such product not delivered as determined by AMP in a commercially reasonable manner; provided, however, in no event shall such price include any penalties, ratcheted demand or similar charges, nor shall AMP be required to utilize or change its utilization of its owned or controlled assets or market positions to minimize Municipality's liability. For the purposes of this definition, AMP shall be considered to have purchased replacement product to the extent AMP shall have entered into one or more arrangements in a commercially 5 reasonable manner whereby AMP repurchases its obligation to sell and deliver the product to another party at the Delivery Point.

Municipality agrees that it will notify AMP promptly of any event which may result in failure to delivery or of any actual failure of delivery.

ARTICLE V
TRANSMISSION SERVICE AND ANCILLARY SERVICES

Municipality's obligations hereunder, in addition to supplying the Contract Quantity of energy in accordance with this Schedule, include the congestion and losses from the Municipality's source(s) to the designated Delivery Point(s). AMP shall be responsible for arranging and paying for all transmission and ancillary services from the Delivery Point(s).

ARTICLE VI
RELATED AGREEMENTS

All other terms and conditions of the Master Services Agreement between AMP and the Municipality that are not consistent with the terms and conditions of this Schedule shall be applicable as if fully restated herein.

[Remainder of the page intentionally blank – signature page follows]

Ordinance No. _____ **(Cont'd)**

IN WITNESS HEREOF, each of the Parties has caused this Schedule to be duly executed.

CITY OF HAMILTON, OHIO

APPROVED AS TO FORM:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

AMERICAN MUNICIPAL POWER, INC.

APPROVED AS TO FORM:

By: _____

By: _____

Jolene M. Thompson
President/CEO

Lisa G. McAlister
SVP/General Counsel for
Regulatory Affairs

Date: _____

Date: _____

Ordinance No. _____ (Cont'd)

**APPENDIX A
TRANSACTION CONFIRMATION**

AMP Contract No. _____

_____, 2020

City of Hamilton
345 High St.
Hamilton, OH 45011

This Confirmation is being provided pursuant to and in accordance with the Excess Energy Sales Schedule, a schedule to the Master Services Agreement (AMP Contract Number C-10-2005-4369) between AMP and Municipality. This constitutes part of and is subject to the terms and conditions of such Excess Energy Member Sales Schedule and all terms and conditions of the Excess Energy Member Sales Schedule in effect between the Parties shall be applicable to this Confirmation unless such term or condition is in express conflict with a term or condition of this Confirmation, in which case the term or condition of this Confirmation shall prevail.

The commercial terms of this Transaction are as follows:

Trade Date:	_____, 2020
Buyer:	American Municipal Power, Inc.
Seller:	City of Hamilton
Commodity:	Firm Physical Power with Liquidating Damages
Term:	See Appendix E
Delivery Schedule:	Remaining Requirements Load Following
Demand Rate:	\$0.00 / kW-mo
Energy Rate:	See Appendix E
Delivery Point:	See Appendix C

Please confirm that the aforementioned correctly sets forth the terms and conditions of our verbal agreement by executing and returning via facsimile to the attention of Director of Energy Marketing at (614) 540-1080.

CITY OF HAMILTON

AMERICAN MUNICIPAL POWER, INC.

By: _____
Dated: _____

By: _____
Dated: _____

AMERICAN MUNICIPAL POWER, INC. 1111 SCHROCK RD. COLUMBUS, OH 43229 (614) 540-1111

Ordinance No. _____ (Cont'd)

APPENDIX B

Member

AMP SCADA Station No.

AMP SCADA Station Name

Ordinance No. _____ (Cont'd)

APPENDIX C
DELIVERY POINTS

Member

PJM LMP Point

PJM Pnode ID

Ordinance No. _____ (Cont'd)

APPENDIX D
MEMBERCARVEOUT
AMOUNTS (MW)

	MEMBER:						PERIOD: On-Peak			
	Resource 1	Resource 2	Resource 3	Resource 4	Resource 5	Resource 6	Resource 7	Resource 8	Resource 9	
Jan										
Feb										
Mar										
Apr										
May										
Jun										
Jul										
Aug										
Sep										
Oct										
Nov										
Dec										

	MEMBER:						PERIOD: Off-Peak			
	Resource 1	Resource 2	Resource 3	Resource 4	Resource 5	Resource 6	Resource 7	Resource 8	Resource 9	
Jan										
Feb										
Mar										
Apr										
May										
Jun										
Jul										
Aug										
Sep										
Oct										
Nov										
Dec										

Notes:

On-Peak = Monday through Friday from 7:00 am to 11:00 pm EPT excluding NERC holidays
Off-Peak = Hours not equal to On-Peak

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Dave Jones, Finance Director

Agenda Item: An ordinance making supplemental appropriations for current expenses and other expenditures of the City of Hamilton, during Fiscal Year ending December 31, 2020.

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 5-13-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 5-13-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Total Appropriations: (\$1,462,028) net decrease to overall appropriations</p> <p>General Fund Impact: \$116,871 net increase in appropriations</p> <p>All Other Funds Impact: (\$1,578,999) net decrease in appropriates—</p> <ul style="list-style-type: none"> • \$62,169 increase in Stormwater Fund • (\$3,162,331) decrease in Electric Construction Fund • \$1,473,266 increase in Water Construction Fund 	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to adopt legislation to approve this supplemental appropriation ordinance?



Policy Alternative(s)

Council may choose not to adopt this Supplemental Appropriation Ordinance. If Council does not adopt legislation, the City will not have enough funds appropriated to cover costs associated with the items addressed in the Fiscal Impact Summary.

Staff Recommendation

Staff recommends that Council receive this report, concur in the recommendation and adopt the necessary legislation. The ordinance will balance accounts and provide the authority to make expenditures.

Statutory/Policy Authority

- Section 5705.38 Annual appropriation measures- classification, of the Ohio Revised Code.
- Section 5705.40 Amending or supplementing appropriation- transfer unencumbered balance- appropriation for contingencies, of the Ohio Revised Code.
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

Fiscal Impact Summary

General Fund

- Increase appropriations \$8,000.00 for commercial construction permits remitted to the state due to increase in permits issued by the City
- Increase appropriations \$102,871.00 for 2020 Coronavirus Emergency Supplemental Funding reimbursable grant from the US Department of Justice
- Increase appropriations \$46,000.00 for purchase of laptops and software for the Hamilton Police Department from US Department of Justice grant proceeds
- Decrease appropriations (\$40,000.00) to move postage expense from the Health Department to Resident Services for property maintenance mailings

Special Revenue Funds

- Increase appropriations \$62,169 in the Stormwater Management Fund for the following:
 - \$16,000.00 for funding HEP sanitary and storm relocation
 - \$30,000.00 for final change order on purchase order for Main/Millville/Eaton intersection project
 - \$16,169.00 for Main/Cereal/Haldimand intersection project

Capital Projects Funds

Debt Service Funds

Enterprise Funds

- Increase appropriations \$7,997.00 in the Gas Construction Fund for additional funding needed for Spooky Nook infrastructure
- Decrease appropriations (\$3,162,331.00) in the Electric Construction Fund for funding purposes
- Increase appropriations \$1,473,266.00 in the Water Construction Fund for additional funding needed for Spooky Nook infrastructure. This is not new funding, it was overlooked in the original budget.

Internal Service Funds

- Increase appropriations \$40,000.00 in Central Services to move postage expense from the Health Department to Resident Services for property maintenance mailings

Attached Information

N/A

Copies Provided to:



N/A



ORDINANCE NO. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HAMILTON, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020.

BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the following unappropriated or unencumbered balances of funds be and the same are hereby re-appropriated as follows:

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
100	From the General Fund	48,767,315 48,884,186
	Personnel Subtotal:	35,740,404 35,740,404
	Non-Personnel Subtotal:	13,026,911 13,143,782
200	From the One Renaissance Fund	2,623,220
207	From thre Hamilton Court Sec. Proj	70,000
208	From the Hamilton Court Sp Proj Fd	29,250
210	From the Public Safety Health Inc Tax	3,405,000
211	From the Rounding Up Util Acct	7,500
212	From the Hamilton Muni Ct Cap Imp	201,000
213	From the MIT Aggregatn/Verifctn Fd	0
215	From the Ham Cap Imp Debt Serv	34,522,367
221	From the Dispute Resolution Proc Fd	<u>5,799</u>
	Personnel Subtotal:	4,799
	Non-Personnel Subtotal:	1,000
225	From the Justice Assistance Grant	18,572
227	From the Land Reutilization Fund	<u>79,007</u>
	Personnel Subtotal:	59,007
	Non-Personnel Subtotal:	20,000
231	From the Law Enforcement Trust	23,600
233	From the Safety Seat Belt Grant	0
235	From the Public Safety Spec Proj	<u>66,800</u>
	Personnel Subtotal:	40,800
	Non-Personnel Subtotal:	26,000
<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
238	From the Probation Services	<u>258,826</u>
	Personnel Subtotal:	244,571
	Non-Personnel Subtotal:	14,255
240	From the Drug Law Enforcement Trust	40,000
241	From the DUI Enforcement & Eductn Trst	4,500
242	From the Indignt Drivers Alcohol Trt	11,480

246	From the Police Pension Fund		240,000
249	From the Police Levy Fund		725,000
250	From the Firemen's Pension Fund		240,000
251	From the Emergency Medical Serv Grant		0
252	From the Charter Fire Force Fund		800,000
253	From the Fire EMS Levy Fund		725,000
260	From the Immunization Action Plan Grant		0
	Personnel Subtotal:		0
	Non-Personnel Subtotal:		0
261	From the Kathryn Weiland Trust		510
	Personnel Subtotal:		0
	Non-Personnel Subtotal:		510
270	From the Street & Parks Beautification		0
278	From the Motor Vehicle License Tax Fund		300,000
279	From the Stormwater Mgmt Fund		5,951,719
	Personnel Subtotal:	874,842	5,913,888
	Non-Personnel Subtotal:	4,976,877	5,039,046
280	From the Refuse Fund		5,086,242
	Personnel Subtotal:	869,295	869,295
	Non-Personnel Subtotal:		4,216,947
281	From the Street Maintenance Fund		4,349,307
	Personnel Subtotal:		1,464,661
	Non-Personnel Subtotal:		2,884,646
283	From the Convention & Visitors Bur Fd		100,000
301	From the Special Assessments		1,467,000
303	From the Lowes MITIE Talawanda Fund		100,000
304	From the Walmart MITIE Hamilton Fund		180,000
307	From the Issue II Project Fund		1,100,000
308	From the Matandy Steel MPITIE Fund		50,000
309	From the Robinson Schwenn MPITIE Fund		4,600
310	From the Clean Ohio Grants Program		0
311	From the Infrastructure Renewal Program		7,196,500
348	From the RIDs - MPITIE Citywide District		410,000
NUMBER	FUND NAME		AMOUNT
349	From the RIDs - MPITIE North District		70,000
350	From the RIDs - MPITIE South District		42,000
351	From the Quality Publishing MPITIE Fd		10,700
352	From the Shoppes @ Hamilton MPITIE Fd		150,000
353	From the Historic Developers - Mercantile		43,000
354	From the Tippman Properties MPITIE Fd		3,900

355	From the Neturen Manufacturing TIF		60,000
356	From the Champion Mill Sports Complex TIF		0
357	From the Mixed Use Development SODA TIF		77,500
360	From the Government Building Sale Proceeds Fund		12,322,968
501	From the Gas Utility		<u>21,292,700</u>
		Personnel Subtotal:	2,568,808
		Non-Personnel Subtotal:	18,723,892
502	From the Electric Utility		<u>91,862,700</u>
		Personnel Subtotal:	10,431,863
		Non-Personnel Subtotal:	81,430,837
503	From the Water Utility		<u>14,526,607</u>
		Personnel Subtotal:	3,872,077
		Non-Personnel Subtotal:	10,654,530
504	From the Wastewater Utility		<u>13,498,900</u>
		Personnel Subtotal:	3,024,019
		Non-Personnel Subtotal:	10,474,881
512	From the Gas Construction	150,000	157,997
515	From the Gas Capital Improvement Fund		1,740,000
516	From the Gas Rate Stabilization Fd		0
517	From the Gas System Reserve		0
518	From the Gas Bond Service Fund		805,000
522	From the Electric Construction	15,500,000	12,337,669
524	From the Hydroelectric operations Fd		<u>2,196,564</u>
		Personnel Subtotal:	1,941,836
		Non-Personnel Subtotal:	254,728
525	From the Electric Cap Improvement Fd		7,533,300
526	From the Electric Rate Stabilization Fd		10,000,000
527	From the Electric System Reserve		10,000,000
528	From the Electric Bond Service Fd		2,693,000
531	From the Water Construction Fd	948,000	2,421,266
NUMBER	FUND NAME		AMOUNT
535	From the Water Cap Improvement Fd		1,312,000
536	Water Rate Stabilization Fund		0
538	From the Water Bond service Fund		1,830,000
541	From the Wastewater Construction Fd		<u>550,330</u>
		Personnel Subtotal:	0
		Non-Personnel Subtotal:	550,330
545	From the Wastewater Cap Imp Fd		2,913,170
548	From the Wastewater Bond Service Fd		3,583,000
550	From the Parking Fund		<u>527,676</u>
		Personnel Subtotal:	150,250
		Non-Personnel Subtotal:	377,426

551	From the Parking Cap Improvement Fund		0
560	From the Golf Fund		<u>1,162,620</u>
		Personnel Subtotal:	513,123
		Non-Personnel Subtotal:	649,497
610	From the Fleet Mtce Fund		<u>3,121,366</u>
		Personnel Subtotal:	1,015,648
		Non-Personnel Subtotal:	2,105,718
620	From the Central Services Fund		<u>8,666,406</u> 8,706,406
		Personnel Subtotal:	4,877,813 4,877,813
		Non-Personnel Subtotal:	<u>3,788,593</u> 3,828,593
640	Central Benefits Fund		990,000
650	Economic Budget Stabilization Fund		300,000
715	From the Unclaimed Monies Fund		20,000
730	From the Benninghofen Trust Fd		1,000
775	From the Sinking Fund		7,509,500

The Fund appropriations include these transfer limits:

The Fund appropriations include these advance limits:

The Fund appropriations include these return of advance limits:

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. Posted: _____

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Richard A. Engle, P.E., Director of Engineering

Agenda Item: A resolution authorizing and directing the filing of a grant application with the Ohio Department of Transportation (ODOT) Safety Funding Program for Improvements to the High Street (SR 129) / Hampshire Drive Intersection.

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution <i>Resolution</i>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 5-13-2020 <input type="checkbox"/> Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$4,475,900 Expenditure: \$4,475,900 Source Funds: ODOT (only)	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

Policy Issue

Does City Council wish to adopt legislation authorizing and directing the filing of a grant application with the Ohio Department of Transportation (ODOT) relative to funding for the High Street (SR 129) / Hampshire Drive Intersection Improvement Project and to accept the grant if offered?

Policy Alternative(s)

Council may choose not to adopt such legislation authorizing and directing the filing of a grant application with the Ohio Department of Transportation (ODOT) relative to funding for the High Street (SR 129) / Hampshire Drive Intersection Improvement Project and to accept the grant if offered. Alternatively, Council may choose not to approve the filing of such a grant or direct the Department of Engineering to apply for a different intersection.



Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation authorizing and directing the filing of a grant application with the Ohio Department of Transportation (ODOT) relative to funding for the High Street (SR 129) / Hampshire Drive Intersection Improvement Project and to accept the grant if offered because if this application is selected for funding the right-of-way acquisition and construction needed for this project are 100% funded by ODOT.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

Fiscal Impact Summary

There will be no fiscal impact to City because the project engineering, right-of-way acquisition and construction are 100% funded by ODOT.

Background Information

The City of Hamilton and ODOT District 8 Engineering staff have been working together during the past couple years to resolve safety issues at the High Street (State Route 129) and Hampshire Drive intersection due to the high traffic congestion and high speeds from westbound traffic entering the intersection. As such, the City would like to apply for a grant in the amount of \$4,475,900.00 to fund the High Street (SR 129) / Hampshire Drive Intersection Improvements Project to resolve the discussed issues. This would be a very beneficial project for the City, as it will increase safety to residents and visiting motorists.

Attached Information

Project Description

Copies Provided to:

N/A



SAFETY APPLICATION

BUT-129-0.3 (20204-Do8)

SR-129 @ Hampshire Dr. Intersection
Butler County
April 2020



Description

Hampshire Drive and High Street (SR 129) Intersection Improvements

Extend the EB High Street (SR 129) left turn storage lane approximately 100 feet.
Reduce the concrete median width to allow for a dual left turn for EB High Street (SR 129) to NB Hampshire Drive.
Construct a continuous slip lane for SB Hampshire Drive at WB High Street (SR 129).

Hampshire Drive between High Street (SR 129) and Princeton Road

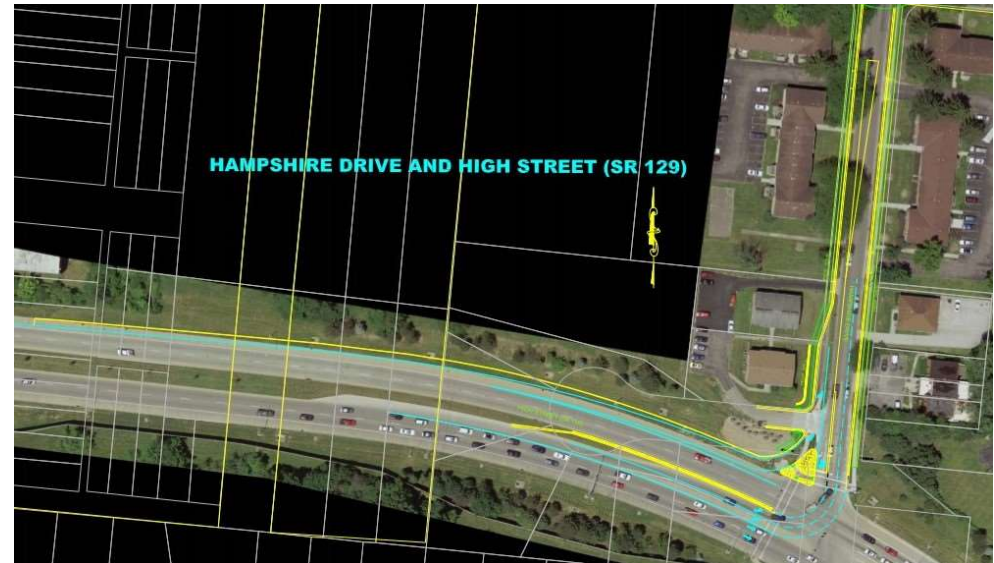
Widen Hampshire Drive on both the east and west sides for the full length to allow for a second lane to receive the EB High Street (SR 129) dual left movement.

Funding

Project Phase	FY	Safety Funds	Total
PE - Environmental	2021	\$350,000	\$350,000
PE - Detailed Design	2022	\$300,000	\$300,000
Right of Way	2022	\$400,000	\$400,000
Construction	2023	\$3,425,868.75	\$3,425,868.75
Total		\$4,475,868.75	\$4,475,868.75

Schedule

Begin Preliminary Design	Oct 2020
Complete Stage 2	Nov 2021
NEPA Approval	Nov 2021
R/W Authorized	Dec 2021
Complete Stage 3	Nov 2022
Project Award	April 2023



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) SAFETY PROGRAM FOR IMPROVEMENTS TO THE HIGH STREET (SR 129) / HAMPSHIRE DRIVE INTERSECTION.

WHEREAS, the City of Hamilton, Ohio intends to submit a project for consideration for a grant in the amount of Four Million, Four Hundred and Seventy-Five Thousand, Nine Hundred and 00/100 Dollars (\$4,475,900.00) from the Ohio Department of Transportation (ODOT) Safety Program for funding of the High Street (SR 129) / Hampshire Drive Intersection Improvements Project which will provide increased safety for motorists at this intersection; and

WHEREAS, the City has applied and received ODOT Safety Funding previously for other intersection improvements; and

WHEREAS, the City successfully managed these previous intersection projects using ODOT Safety Funding to a satisfactory completion of the improvements; and

WHEREAS, the City's proposed intersection project meets the necessary criteria; and

WHEREAS, Council wishes to authorize and direct the filing of a grant application with the Ohio Department of Transportation (ODOT) Safety Program for funding of the High Street (SR 129) / Hampshire Drive Intersection Improvements Project and accept said grant when and if it is awarded;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I. That the City Manager is hereby authorized and directed to submit an application for filing with the Ohio Department of Transportation (ODOT) Safety Program for funding of the High Street (SR 129) / Hampshire Drive Intersection Improvements Project for a grant in the amount of Four Million, Four Hundred Seventy-Five Thousand, Nine Hundred and 00/100 Dollars (\$4,475,900) to fund the High Street (SR 129) / Hampshire Drive Intersection Improvements Project Road within the corporate limits of the City of Hamilton, Ohio.

SECTION II. That the City Manager is hereby authorized and directed to provide and execute any additional documents which may be required by ODOT to secure the aforesaid grant.

SECTION III. That, if said grant is approved and issued by ODOT, the City Manager is hereby authorized and directed to accept the same and comply with the conditions of the grant and the funding for the aforesaid project.

SECTION IV. This resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: _____.

Nicholas Garuckas, City Clerk

Resolution No. _____ (cont'd)

CITY OF HAMILTON, OHIO