



**Shaquila Mathews**  
Commission Member

**Teri Horsley**  
Commission Member

**Dale McAllister**  
Commission Member

**David Belew**  
Commission Member

**Patrick Moeller**  
Mayor

**Matthew Von Stein**  
Commission Member

**Joshua Smith**  
City Manager

**Lisa Sandlin**  
Alternate

**Larry Bowling**  
Alternate

**NOTICE CONCERNING THE JUNE 4, 2020 PLANNING COMMISSION MEETING:  
REMOTE CONFERENCING / REMOTE ACCESS**

The Planning Commission 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.

The Planning Commission meeting will be held via Zoom webinar. Per usual procedure and per Ohio's Sunshine Laws and Public Hearing requirements, the meeting shall be recorded by audio.

Anyone can use the website link or dial into the meeting using the following information (see below).

**Online:**

Please click the link below to join the webinar:

<https://zoom.us/j/94796217159>. Webinar ID: 947 9621 7159

**One tap mobile**

US: +13017158592,,94796217159# or +13126266799,,94796217159#

**Or Telephone:**

Dial +1 (312) 626-6799 and when prompted dial the webinar ID:

**Webinar ID: 947 9621 7159**

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**Shaquila Mathews** Commission Member      **Teri Horsley** Commission Member      **Dale McAllister** Commission Member      **David Belew** Commission Member  
**Patrick Moeller** Mayor      **Matthew Von Stein** Commission Member      **Joshua Smith** City Manager  
**Lisa Sandlin** Alternate      **Larry Bowling** Alternate

Two (2) Public Hearings

**Roll Call:**

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

**Swearing in of Those Providing Testimony to the Commission:**

Notary Public

**Approval of Meeting Minutes- Written summary and audio recording for the following dates:**

1. May 21, 2020 – (Located at the end of the agenda packet)

**New Business:**

**Agenda Item #1 – PublicHearing**

**Four (4) requests pertaining to Multiple Properties - (131 & 136 North Third Street, and others) regarding a rezoning request to BPD (Business Planned Development) zoning. Please see report.**

- 1) To change the zoning of properties from B-3 (Central Business Zoning District), DT-2 (Downtown-2 Form Based Zoning District), DT-1 (Downtown-1 Form Based Zoning District), and R-O (Multi-Family Office Zoning District) to BPD (Business Planned Development Zoning District)
- 2) Final Planned Development Plan for Third & Dayton
- 3) Specific Use Approval for Self-Storage Facility, at 131 North Third Street (former print shop)
- 4) Six (6) Waivers from the Self-Storage Conditions from BPD Zoning District standards  
**(Rex L. Carpenter, Applicant)**

Staff: Liz Hayden

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

**Recommended Motion –**

- 1) That the Planning Commission take action to recommend that City Council approve the rezoning as identified in the exhibit map and presented.
- 2) That the Planning Commission take final action to approve the Final Development Plan
- 3) That the Planning Commission take final action to approve the Specific Use request for a Self-Storage Facility at 131 North Third Street, and approve the six (6) waivers to the Planned Development regulations to allow said use.



**Agenda Item #2 –PublicHearing**

Two (2) requests pertaining to Multiple Properties zoned “B-3” (Central Business) located in German Village, regarding a rezoning request to BPD (Business Planned Development). Please see report.

- 1) Change the zoning of properties from B-3 (Central Business) to BPD (Business Planned Development)
- 2) Amend the German Village Business Planned Development Plan & Neighborhood Vision Plan (City of Hamilton., Applicant)

Staff: Liz Hayden

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

**Recommended Motion –**

- 1) That the Planning Commission take action to recommend to City Council that they approve the changing of the zoning of the parcels identified in the exhibit map to BPD (Business Planned Development) Zoning District.
- 2) That the Planning Commission take action to approve the German Village Business Planned Development Plan & Neighborhood Vision Plan for the parcels identified in the exhibit map and amend the Plan as presented.

**Miscellaneous:**

**Reports:** Update on General Planning items

**Adjournment:**





**AGENDA**

**City of Hamilton Planning Commission**

Thursday, June 4, 2020

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**For the Planning Commission Meeting of June 4, 2020**

**To:** Planning Commission  
**From:** Liz Hayden, Planning Director  
Ed Wilson, AICP, Associate Planner II  
**Date:** May 12, 2020

**Subject:** **AGENDA ITEM #1– New Business**  
**Four (4) requests pertaining to Multiple Properties regarding a rezoning request to BPD (Business Planned Development) zoning.**

**APPLICANT:** Rex L. Carpenter on behalf of Hamilton 131 3<sup>rd</sup> LLC, Hamilton 136 3<sup>rd</sup> LLC, and 315 Dayton LLC

**LOCATION:** 131 N Third Street, 136 N Third Street, 425 Butler Street, 124 N Fifth Street, 222 N Third Street, 236 N Third Street, Hamilton, Ohio (Parcel Numbers # P6421002000095, P6441001000040, P6441001000001, P6441001000036, P6441001000035, P6441001000030, P6441002000069, P6431012000066) (See [Exhibit A](#) maps & [Exhibit C](#))

**REQUEST:** The submitted application pertains to the following requests:

- 1) Change the zoning of properties from B-3 (Central Business Zoning District), DT-2 (Downtown-2 Form Based Zoning District), DT-1 (Downtown-1 Form Based Zoning District), and R-O (Multi-Family Office Zoning District) to BPD (Business Planned Development Zoning District)
- 2) Final Planned Development Plan for Third & Dayton
- 3) Specific Use Approval for Self-Storage Facility, located at 131 North Third Street (former print shop)
- 4) Six (6) Waivers from the Self-Storage Conditions from BPD Zoning District standards

<b>BASIC INFORMATION</b>	
<b>Applicant/Property Owner</b>	Rex L. Carpenter on behalf of Hamilton 131 3 <sup>rd</sup> LLC, Hamilton 136 3 <sup>rd</sup> LLC, and 315 Dayton LLC
<b>Architect/Engineer/Consultant</b>	Rex L. Carpenter and Barry Sherman
<b>Size of Property</b>	5.84 acres (0.49 acres owned by ownership group already zoned BPD)
<b>Current Zoning</b>	<a href="#">B-3 (Central Business Zoning)</a> , <a href="#">DT-2 (Downtown-2 Form Based Zoning)</a> , <a href="#">DT-1 (Downtown-1 Form Based Zoning)</a> , and <a href="#">R-O (Multi-Family Residential Office Zoning)</a>
<b>Size of Revision</b>	5.84 acres

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<b>ADJACENT LAND USE/ZONING INFORMATION</b>		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Commercial, Non-Profit, Residential	BPD and B-3 Zoning Districts
<b>South</b>	Commercial	DT-2
<b>East</b>	Commercial	R-O and EM-UPD (Entertainment Mixed Use Planned Development)
<b>West</b>	Commercial	DT-2

**Section A: Introduction and Background**

***Section A.1: Rezoning Overview***

Industrial Realty Group (IRG) currently owns all the properties associated with the rezoning request. The proposed rezoning establishes a consistent zoning for all properties that have operated as a single campus for decades. After reviewing the proposed mixture of uses, Planning staff recommended that Business Planned Development (BPD) Zoning was the most appropriate zoning district because of its combination of design and use flexibility and the oversight by Planning Commission. Due to the proposed rezoning to BPD, a Final Planned Development proposal (or Master Plan) is required.

***Section A.2: History & Existing Site Conditions***

The site in question is the former Ohio Casualty company. Prior to the construction of apartment units at 315 Dayton Street, the campus had been vacant for approximately ten (10) years.

***Section A.3: Final Planned Development Plan Overview***

The campus includes three (3) buildings and multiple parking lots. The applicants propose a mixture of uses in the three (3) buildings and the associated parking lots would provide the off-street parking necessary for the proposed activity within each building. No changes to the parking lots have been proposed.

**315 Dayton Street**

This eight (8) story former office building is currently being reactivated. Floors six and seven are completed and occupied as residential apartments and floor eight is under construction, slated as residential apartments. Anticipated use for remainder of building is more residential as well as office or hospitality. All building life safety systems and elevators are being brought up to current code and standards.

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### **136 N Third Street**

This six (6) story former office building could have the potential following mixture of uses: street level retail, residential, office, hospitality, educational, and light manufacturing. Renderings submitted as part of the Final Planned Development Plan show the possibility of six (6) new retail spaces and one (1) potential restaurant or bar space facing North Third Street.

IRG stated that the final mixture of uses will be determined by market demand. This building is considered historic under Section 1126.00 of the Hamilton Zoning Ordinance (HZO) and therefore exterior changes would go to the Architectural Design Review Board.

### **131 North Third Street**

This four (4) story former print shop is proposed as a self-storage facility. Because this use is a Specific Use in BPD Zoning, more detail is provided on this proposal in sections A.5 and A.6.

#### ***Section A.4: Proposed Exterior Building Changes***

### **315 Dayton Street**

The only exterior change to the building has been the addition of the “Third + Dayton” signage associated with the new apartments added to the building. No additional exterior changes are proposed for this building at this time.

### **136 North Third Street**

No immediate exterior changes are proposed for this building. However, the property owner envisions that changes to the first floor to activate it with retail users may occur, which may include adding new doors and windows to accommodate new retail and restaurant space facing North Third Street. Any proposed exterior changes would be approved by the Architectural Design Review Board.

### **131 North Third Street**

#### **Access point identification**

- An architectural element designated or defining the office entry as well as the enclosed loading area.

#### **Signage**

- LED lite “channel” signs for the Self-Storage facility brand
- Operational signage to identify the office and loading zones

*Report continued on the next page*





Overhead dock doors

- Dock door onto Third Street will be reactivated.
- Potential new door proposed on Magnolia Street, to be discussed with the City of Hamilton Traffic Division.

***Section A.5: Specific Use Approval for Self-Storage Facilities***

The applicant is requesting a Specific Use Approval for Self-Storage Facilities for 131 North Third Street. The applicant cited increased residential density in the downtown area driving demand for nearby self-storage space. 131 North Third Street was constructed as a print shop. The first floor begins 32 inches above the sidewalk and the elevator does not reach street level. The building has limited windows and pedestrian accessibility.

The proposed development includes approximately 700 storage units, most of them being five (5) by ten (10) feet and five (5) by five (5) feet units. The self-storage representative stated that the average self-storage facility produces a maximum of 4.2 trips an hour.

The hours of operation proposed by the storage facility company are:

- Monday – Sunday 9:30 am to 5pm office is open
- Monday – Sunday 9:30 am to 9pm tenants have access to their storage space

***Section A.6: Waivers to the Specific Use Conditions***

Six (6) of the Self-Storage Specific Use regulations in the BPD Zoning District, Section [1121.170](#) of the Hamilton Zoning Ordinance would need to be waived for 131 North Third Street to be utilized for Self-Storage. The following conditions would need to be waived in order to approve the Specific Use Approval:

1. Minimum Lot Area of 2 acres
2. 60 Percent Lot Coverage Maximum
3. Off-Street Parking and Interior Driveways: Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-five (25) feet wide when cubicles open onto one side of the lane and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
4. Access: One point of ingress and egress shall be provided off an arterial road with a minimum width of twenty-eight (28) feet and with enough stacking depth for two (2) vehicles or from the interior of an adjacent property via a common access easement.

*Report continued on the next page*





5. Landscaping. Where the subject lot is adjacent to a residential zoning district, a twenty-five (25) foot landscaped yard shall be constructed on the subject lot to serve as a buffer between the subject lot and the adjacent residential zoning district. Where the subject lot is within 100 feet of a residential zoning district or across the street from a residential zoning district, a twenty (20) foot landscaped front yard shall be constructed on the subject lot to serve as a buffer between the subject lot and the residential zoning district. The landscaping shall be in addition to any architectural screening type fences or structures designed to screen the use from the residential neighborhood.
6. Fencing. A fence shall be erected for the purpose of security around the entire facility and shall be located not closer than six (6) feet from a boundary property line. The fence shall not exceed eight (8) feet in height, unless unusual topography or similar situations may permit a fence not exceeding ten (10) feet in height. No fence shall be permitted in the front yard area.

See Section [1122.170](#) of the Hamilton Zoning Ordinance for greater detail on the proposed waivers.

## **Section B: Petition Review**

### ***Section B.1: Submitted Request***

The applicant is requesting the change in zoning designation of multiple parcels with several different zoning districts to BPD (Business Planned Development) Zoning District. Planned Development zoning is appropriate for multi-acre sites that require an alternative to standard zoning guidelines and it encourages superior and imaginative design in function in developments. The applicant has proposed a Final Development Plan associated with the rezoning request that includes a Specific Use Approval for a Self-Storage Facility with six (6) waivers.

### ***Section B.2: Review of Applicant Submittal Materials***

The plans submitted with the rezoning and Final Planned Development request include:

- A summary of proposed, existing, and potential uses
- Photos of the existing apartments
- Artist rendering of 136 N Third retail spaces and potential retail space layouts
- A narrative description of the project
- Photos of similar self-storage facilities, including signage

Section A of the staff report provides an overview of the project and its developers. See [Exhibit C](#) to review the detailed applicant information.

*Report continued on the next page*





### ***Section B.3: Interdepartmental Review***

The city's Interdepartmental Review Committee evaluated the proposed plan and as of the writing of this report had no comment or objection.

### **Section C: Statutes:**

Section [1180.00](#) of the Hamilton Zoning Ordinance provides the basis and process for the rezoning of property within the city, while Section [1122.100](#) of the Hamilton Zoning Ordinance regulates the BPD (Business Planned Development) zoning district.

The purposes of the BPD zoning district is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. BPD zoned properties are also regulated by the provisions of Section [1132.00](#), Planned Development (PD) provisions.

Section [1132.00](#) of the Hamilton Zoning Ordinance regulates the Planned Development (PD) provisions, providing an alternative to standard zoning guidelines.

Per Section [1132.10](#), the regulations are intended to:

- A. Encourage superior and imaginative design and function in developments
- B. Establish an alternative procedure for the development of land in order to allow for more efficient and economic development of property than customarily permitted by conventional zoning and subdivision regulations
- C. Ensure orderly and thorough planning and review procedures that lead to higher quality design and development
- D. Encourage the conservation of natural amenities of the landscape
- E. Encourage the provision of usable common open space
- F. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.

*Report continued on the next page*







Section [1132.43](#) of the HZO identifies when a waiver may be appropriate. The Section states:

“In determining whether or not to waive or vary the General Design Standards found in any PD district, the Planning Commission shall consider and find that four (4) out of the five (5) following criteria apply to any specific PD:

- A. The proposed development is in conformance with the principles of the City Comprehensive Plan;
- B. The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of surrounding and abutting areas;
- C. Adequate utilities, access roads, drainage, retention/detention facilities are provided;
- D. The proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the General Design Standards found herein;
- E. The proposed development design exceeds the quality of the building and site design in the immediate area.”

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. Rezoning proposals and subsequent land use implications should be compared with the recommendations of Plan Hamilton. This area is identified as Urban Core on the Future Land Use Map. Urban Core should include a mix of commercial, office, and residential uses developed as walk-able neighborhoods with an urban character. Urban Core contains properties for urban living and activities as described throughout the plan.

#### **Section D: Notification**

The Planning Department mailed Public Hearing Notices to 164 owners of properties within 500 feet of the subject property per statute requirements (See [Exhibit D](#)). As of the writing of this report, the Planning Department received no phone calls or inquiries.

*Report continued on the next page*





## **Section E: Recommendations**

### ***Section E.1: Request for rezoning of properties to BPD (Business Planned Development)***

The Planning Commission can provide a favorable recommendation to City Council for the rezoning or deny the rezoning proposal. The Planning Department recommends the following motion to City Council:

1. That the Planning Commission take action to recommend to City Council that they approve the changing of the zoning of the parcels identified in the exhibit map to BPD (Business Planned Development) Zoning District, with conditions.

### ***Section E.2: Request for Final Planned Development***

The Planning Commission can approve or deny the Final Planned Development Plan. The Planning Department recommends the following motion:

2. That the Planning Commission take final action to approve the Final Planned Development Plan and approve the six (6) waivers to the Planned Development regulations.

### ***Section E.3: Request for Specific Use (Self-Storage) and Waivers to PD Standards pertaining to the Self-Storage use.***

The Planning Commission can approve or deny the Specific Use for a Self-Storage Facility, and approve or deny the six (6) waivers to the Planned Development Regulations. The Planning Department recommends the following motion:

3. That the Planning Commission take final action to approve the Specific Use for a Self-Storage Facility at 131 North Third Street and
4. That the Planning Commission take final action to approve the six (6) waivers to the Planned Development regulations to allow the Self-Storage Facility.

*Report continued on the next page*





**Conditions for Approval (See [Exhibit E](#)):**

The recommendation to City Council for the rezoning request and the Planning Commission's final action of approval are subject to the following conditions:

1. The Final Development Plan shall be dependent upon the approval of the Rezoning of properties to BPD (Business Planned Development).
2. The Specific Use for Self-Storage at 131 North Third Street shall be dependent upon the approval of the rezoning of properties to BPD (Business Planned Development).
3. All development will be subject to approval through the Interdepartmental Review process and shall be compliant with the Commercial Designs Standards set forth in Section [1111.00](#) of the Zoning Ordinance.
4. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
5. Any exterior changes to 136 North Third Street shall require Architectural Design Review Board approval given its designation as a locally designated historic building.
6. The self-storage facility at 131 North Third Street's signage shall be regulated in the following ways:
  - a. No banner, flag, or window signage permitted.
  - b. No signage on the Dayton Street side of the building shall be illuminated after 9 pm daily.
  - c. The signage will be similar in size, scale, and material as the signage examples submitted by the applicant, included in Exhibit C.
  - d. All future signs shall conform to the requirements of Section [1138.00](#), of the Hamilton Zoning Ordinance, Signage Regulations.
7. The property owner of 131 North Third Street shall work with City staff to find a way to activate the pedestrian level of the building. The self-storage company will explore options, including supporting a StreetSpark mural at the pedestrian level of the building. Final proposal will be approved by City staff.
8. The applicant shall work with the Department of Engineering to determine an appropriate location for a new overhead door at 131 North Third Street.

*Report continued on the next page*





9. Any of the following would require an additional future Specific Use approval:
  - a. Self-storage on parcels other than 131 North Third Street.
  - b. Exterior storage of self-storage/dead-storage items anywhere within the Planned Development project area.
  - c. Parking of vehicles associated with moving businesses, self-storage, fleet storage, or other commercial vehicles for rent anywhere within the Planned Development project area.
10. All dumpsters and refuse storage areas shall be enclosed and screened in accordance with the Commercial Design Standards. All trash and debris shall be stored in enclosed dumpsters. No trash, debris, or storage unit goods shall be placed within the public right-of-way.
11. All required permits and inspections shall be obtained prior to the self-storage business commencing operation.
12. The findings of approval for the requested waivers and modifications are consistent with the requirements of the Zoning Ordinance necessary for granting such requests.
13. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty (30) days to achieve compliance.

*Report continued on the next page*





**Section F: Staff Basis / Comments**

Staff finds the proposed rezoning of the subject property to BPD (Business Planned Development), the Final Planned Development, the Self-Storage Specific Use, and granting of PD waivers to be consistent with the intent and purpose of rezoning and the purpose of the BPD zoning district, in the following ways:

1. The Final Development Plan is consistent with Plan Hamilton, which states that this area is appropriate for mixed-use buildings with a combination of commercial, office, and residential uses.
2. Rezoning the identified parcels to Planned Development zoning is appropriate for multi-acre mixed-use redevelopment sites and includes regulations and controls that provide proper oversight to ensure a greater review of design characteristics, ensure that the development is compatible its surroundings and adjacent development, and ensure that such development will not adversely impact the public health, safety, or welfare of the public.
3. The Specific Use approval for a Self-Storage facility is appropriate for 131 North Third Street for the following reasons:
  - a. It is part of a larger mixed-use development that will reactivate approximately 500,000 square feet of long-vacant space with uses identified as objectives in Plan Hamilton.
  - b. 131 North Third Street is a challenging building to redevelop because of the design of the former print shop.
  - c. Self-storage is a use that is in-demand for residents living in the apartments being created in downtown Hamilton.
4. Planning Commission has discretion to approve Planned Development waivers. To approve a waiver, four (4) out of five (5) criteria must be met. Staff believes this the Self-Storage Facility Specific Use project meets four (4) of the criteria.
  - A. *The proposed development is in conformance with the principles of the City Comprehensive Plan.* The self-storage is one piece of a 500,000 square foot mixed-use development that brings residential and commercial amenities is in conformance with Plan Hamilton. 400,000 square feet of this development will be with uses specifically identified as ideal future land uses for the Urban Core.
  - B. *The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of surrounding and abutting areas.* The Self-Storage proposal reactivates a long-vacant building in Hamilton's downtown. The exterior changes to the building are minimal in nature and

*Report continued on the next page*



it will not create significant additional vehicular traffic. Self-storage is a service that is in demand from apartment-dwelling residents in downtown Hamilton.

- C. *Adequate utilities, access roads, drainage, retention/detention facilities are provided. Infrastructure is adequate.*
- D. *The proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the General Design Standards found herein. The proposal requires waivers from the self-storage regulations because some of the self-storage regulations are written for new and/or suburban development. This is an adaptive reuse of an existing urban building that has zero setback from the right-of-way, therefore is unable to provide for off-street parking, fencing, or landscaping. For the same reason, the 2 acre minimum and 60 percent lot coverage requirements are not compatible with downtown development.*

### **Section G: Attachments**

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

1. [Exhibit A - Location Map](#)
  - a. [General Area Map](#)
  - b. [Map depicting applicant properties proposed for BPD Zoning](#)
  - c. [Detailed Map depicting the subject properties](#)
2. [Exhibit B – Zoning Map](#)
3. [Exhibit C – Application Items](#)
4. [Exhibit D – Public Hearing Notice letter](#)
5. [Exhibit E – Recommended Conditions of Approval](#)

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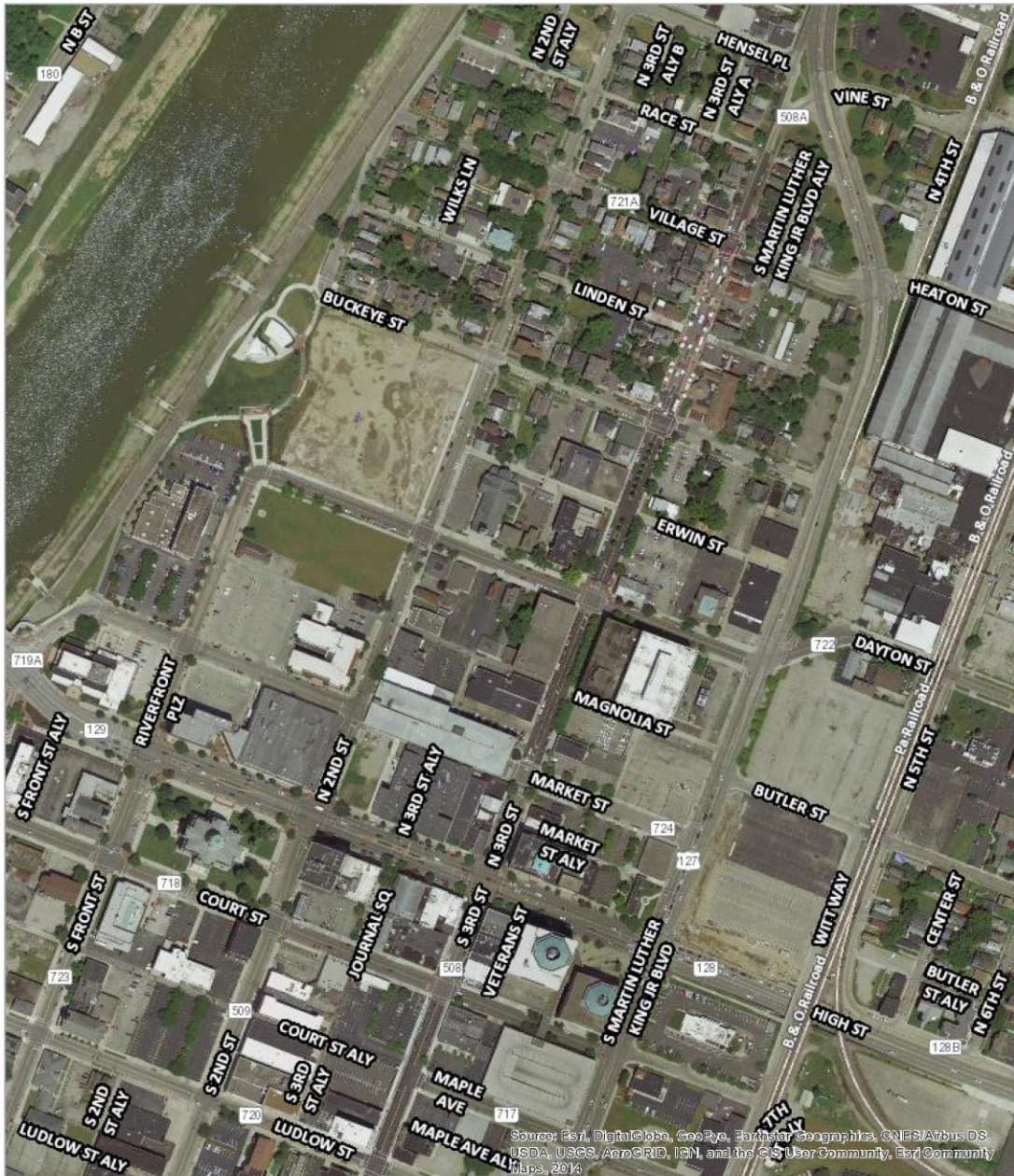






Exhibit A - Location Map

Location Map of the area



 **Location Map** 

Date: 5/20/2020

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 makes no warranty to the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

1 inch = 417 feet

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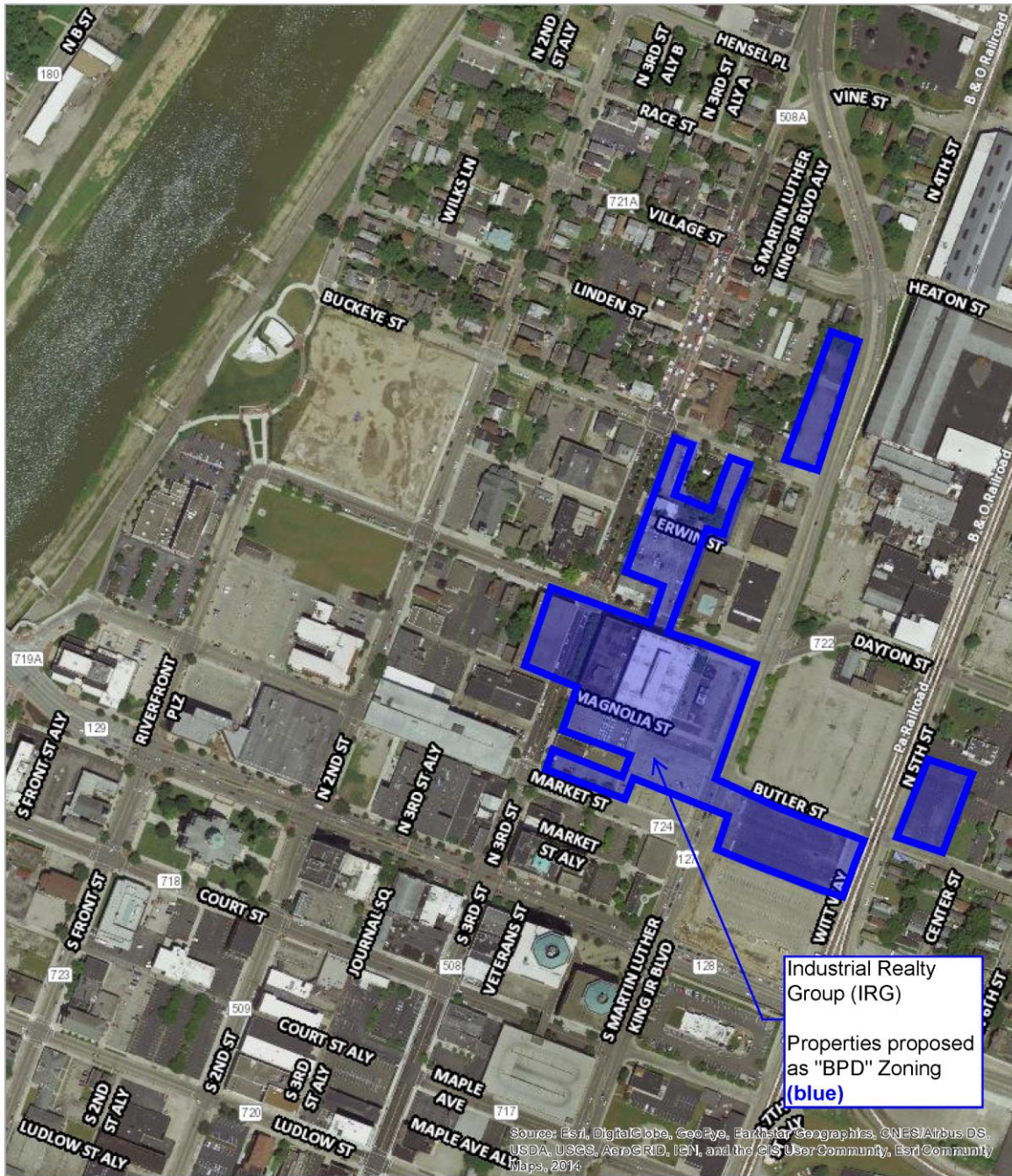
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Exhibit Map of Properties proposed for Rezoning



**Exhibit Map**

**City of Hamilton**  
BUTLER COUNTY OHIO

1 inch = 417 feet

Date: 5/20/2020  
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 makes no warranty to the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

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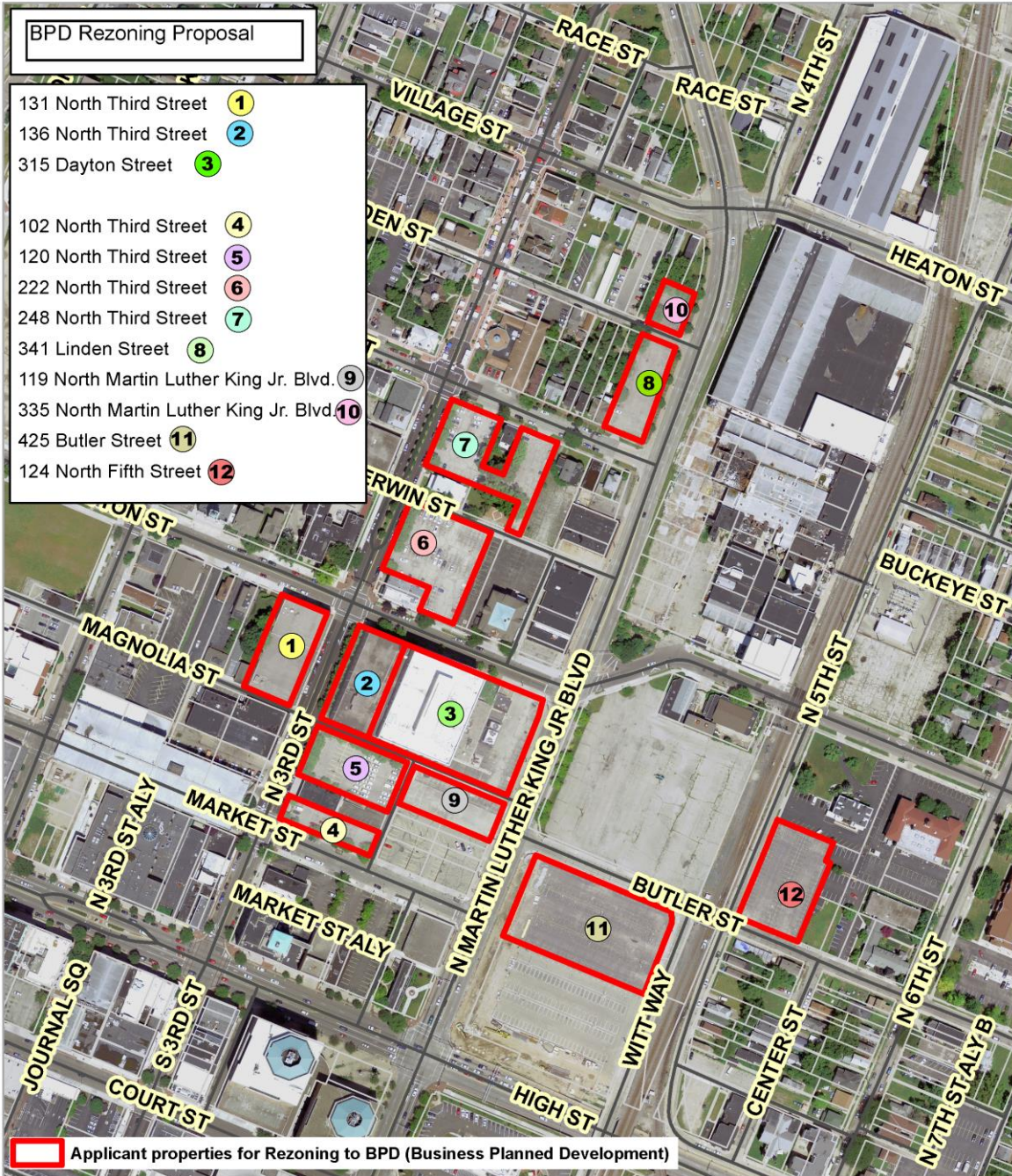
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Detailed Map - properties proposed for Rezoning



**Detailed Map**

City of Hamilton  
BUTLER COUNTY OHIO

1 inch = 250 feet

Date: 5/11/2020  
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 makes no warranty to the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

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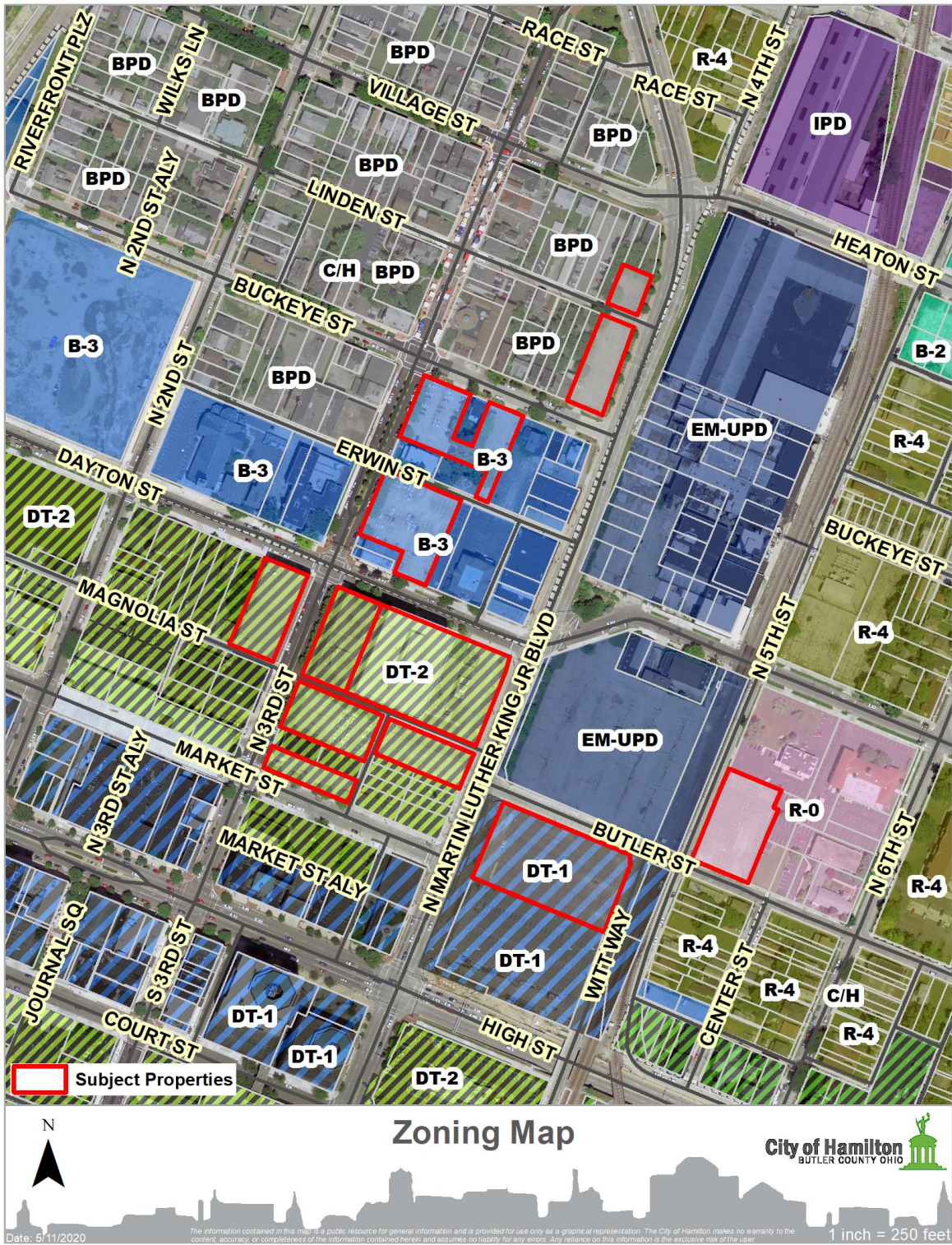
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**Exhibit B – Zoning Map**



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**Exhibit C – Application Items**



**PLANNING DIVISION APPLICATION**

<b>Site Address:</b>	131 3rd; 136 3rd; 315 Dayton and various out parcels as defined by the attached map		<b>Project Name:</b>	3rd+Dayton	
<b>Lot #</b>	Various		<b>Zoning:</b>	BPD; B3; DT1; DT2; I1	
			<b>Subdivision:</b>	NA	
<b>OWNER / DEVELOPER</b>			<b>AGENT / APPLICANT</b>		<b>ARCHITECT / ENGINEER</b>
<b>Name</b>	Hamilton 131 3rd LLC; Hamilton 136 3rd LLC; Hamilton 315 Dayton LLC		Rex L Carpenter		
<b>Street Address</b>	4020 Kinross Lakes Parkway Suite 200		4020 Kinross Lakes Parkway Suite 200		
<b>City, State, Zip</b>	Richfield, Ohio 44286		Richfield, Ohio 44286		
<b>Phone# / Fax#</b>	330-659-4060 / 330-659-3237		216-296-9971 / 330-659-3237		<b>Phone / Fax</b>
<b>Cell</b>			216-296-9971		
<b>Email</b>			rcarpenter@irgra.com		

**ZONING** (\$500 application fee)  
 Existing property use: Office, Residential and vacant Present Zoning District: Various  
 Proposed use: Mixed Use Requested Zoning District: BPD

**LOT SPLIT / COMBINATION** (Fee \$100, except if non-buildable lot split \$20) \$ \_\_\_\_\_

**PRELIMINARY PLAT / FINAL PLAT APPROVAL** (Fee as below) \$ \_\_\_\_\_  
 Construction Plans (\$500 fee)  Preliminary (\$500 fee)  
 Final / Re-Plat (\$500 fee) & \$40 / lot \$0  Sewer Impact Fee \$1,875 / lot \$ \_\_\_\_\_

**PLANNED DEVELOPMENT APPROVAL** (Fee as below) \$ \_\_\_\_\_  
 Construction (\$500 fee)  Preliminary (\$500 fee)  Final (\$500 fee)  
 Revision to Final Planned Development Plan - (Amend PUD/Planned Development)  
 Major (\$500 fee)  Moderate (\$250 fee)  Minor (\$150 fee)

- Certificate of Zoning Compliance (\$50.00 fee) \$ \_\_\_\_\_
- Home Occupation Approval (\$50.00 fee) \$ \_\_\_\_\_
- Mobile Food Service / Temporary Food Service (\$50.00 fee) \$ \_\_\_\_\_
- Small Cell Facility Application Fee (\$300.00 fee) \$ \_\_\_\_\_
- Telecommunication Registration Fee (\$300.00 fee) \$ \_\_\_\_\_

**TOTAL AMOUNT OF FEE** ----- \$ 500.00

Rex L Carpenter  
SIGNATURE OF APPLICANT

5/1/2020  
DATE

Rex L. Carpenter  
PRINT NAME

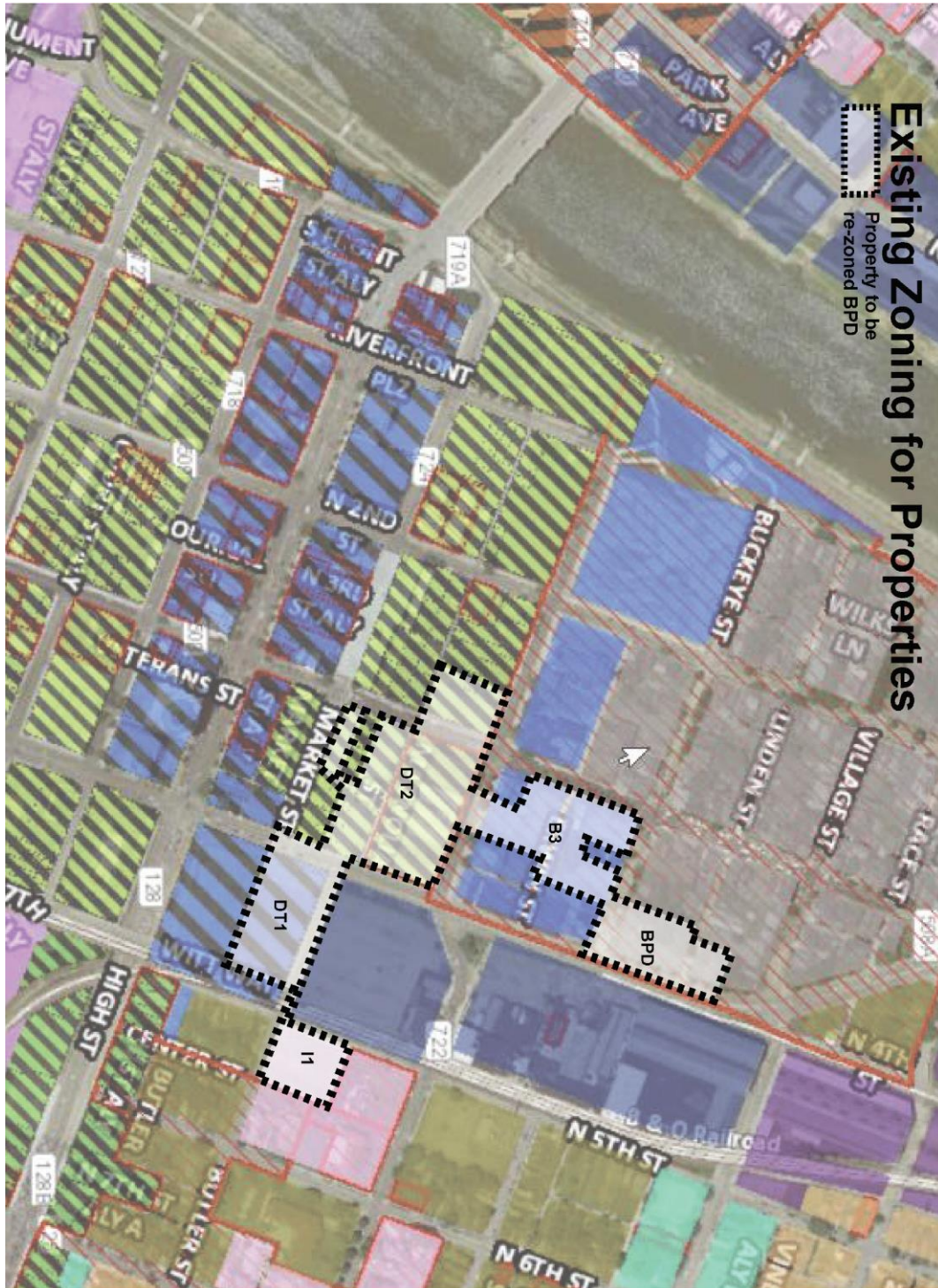
Justin Lichter Representing LLCs  
SIGNATURE OF PROPERTY OWNER

5/1/2020  
DATE

Justin Lichter  
PRINT NAME

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## Proposed Uniform Zoning

### 1122.100 "BPD" - BUSINESS PLANNED DEVELOPMENT DISTRICT

(Chapter Amended OR 2008-1-2)  
1122.110 Purpose: The purpose of the Business Planned Development (BPD) District is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. A BPD District must also comply with the general provisions for Planned Developments contained in Chapter 1132.00.

1122.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:

1122.121 Principal Uses: Principal Uses of the B-1 District (as set forth in Chapter 1120.00 - Neighborhood Business District, Section 1120.20), EXCEPT as modified by Section 1122.140 of this Chapter.

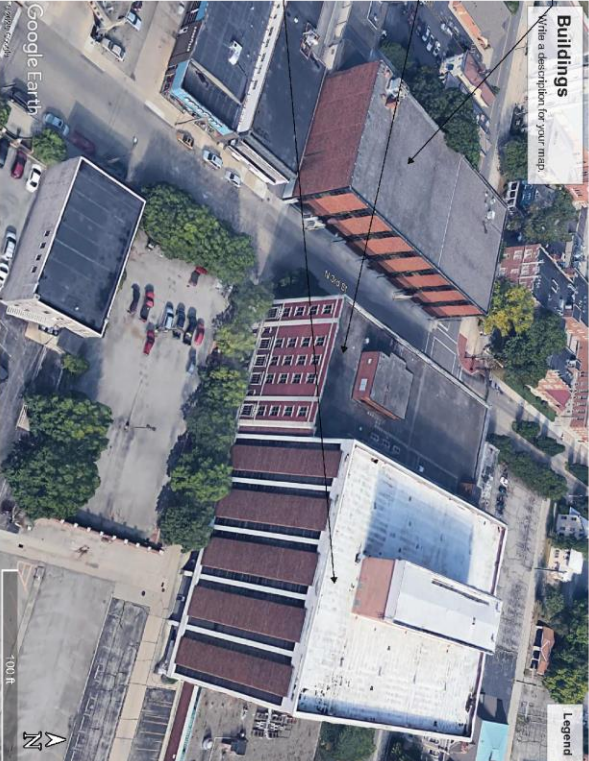
1122.130 Uses Requiring Specific Approval: A BPD may include the following uses, subject to obtaining Specific Approval by the Hamilton Planning Commission (see Chapter 1132.00 of this Ordinance for the general procedures, regulations, requirements and appeal process information applicable to Planned Developments).

1122.131 Principal, Conditionally Permitted uses of the B-1 District (Chapter 1120 - Neighborhood Business District) and Principal and Conditional Permitted uses of the B-2 and B-3 Districts (Chapter 1120.00 - Community Business District, and Chapter 1122.00 - Central Business District) and Chapter 1122.00 - Central Business District) and Chapter 1122.140 of this Chapter. While the Permitted Uses of a BPD (as listed in Section 1122.120 of this Chapter) do not require the Specific Approval of the Planning Commission, the overall Planned Development Plan does require the Commission's approval. (Amended by OR 2001-1-2).

131 N Third previous use  
light industrial (print shop)

136 N Third previous  
business occupancy

315 Dayton previous  
business occupancy  
Currently top 3 floors  
residential



### Building Conditions and Implications

**131 N Third**  
4-Story building former print shop constructed with the first floor 32' above the sidewalk and entry lobby for dock access. No elevator service to street level. Existing enclosed dock on 3rd street and main entry lobby with stairs to elevator lobby making accessibility unfeasible. The building has limited windows due to it's construction in proximity to property lines so no opportunity to add windows. This building is being considered for personal storage units due to it's existing dock and limited windows. The recent addition of small residential units in 315 Dayton as well as other housing within walking distance has driven need for personal storage.

**136 N Third**  
6-Story Building former office for Ohio Casualty Insurance, current, planned use is street level retail, with multiple portions above, to date residential, office, hospitality, educational and light manufacturing have been explored. We anticipate a market driven use with any one or more of these uses.

**315 Dayton**  
8-Story building former office for Ohio Casualty Insurance, currently completing conversion to floors 6, 7, & 8 to residential, 6 and 7 are occupied with 8 progressing. Ground floor houses residential lobby and existing food service use that may become a restaurant. Anticipated use for remainder of building is more residential as well as office, or hospitality. All building life safety systems and elevators are being brought up to current code and standards.





**Building Photos and Marketing**  
315 Dayton Apartments and Lobby

Langi Swanson, Apartment Sales

www.lfrdanddayton.com

**third + dayton**

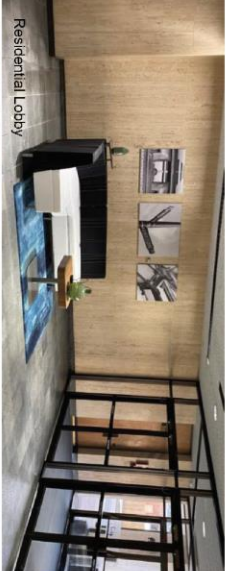
**BE WHERE YOU BELONG.**

Welcome to **third+dayton** — a historic building in Hamilton's Gemma Village and the center of a new, walkable community where you can live, work & play.

**Historic and contemporary mix**  
You've come home to 81st steps. Now discover art history at **315 Dayton Apartments**. At **third+dayton**, the green space and outdoor recreation, the public and the historic building, the historic building and the outdoor amenities, everything is new and now.



1 Bed Room Apartment



Residential Lobby



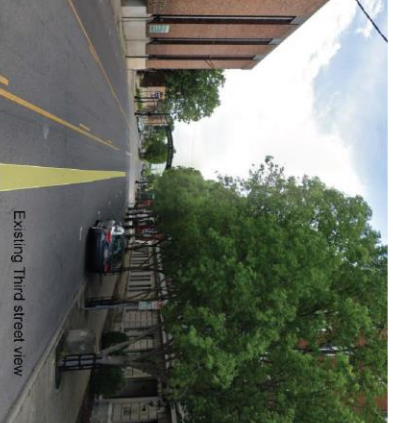
Artist rendering of 136 N Third Retail



Apartment Bed Room



Apartment Living Kitchen



Existing Third street view

Langi Swanson, Apartment Sales

www.lfrdanddayton.com

**third + dayton**

**LET THE GOOD TIMES ROLL.**

Welcome to **third+dayton** — a historic building in Hamilton's Gemma Village and the center of a walkable live, work & play community.

**Special financing**  
The most fun together. Affordable apartment living, co-working space and more amenities. All in one place. **third+dayton** is now open for business. **third+dayton** is now open for business. **third+dayton** is now open for business.

**SPACE PLAN**

1,326 SF	Retail Space
1,209 SF	Retail Space
1,214 SF	Retail Space
1,523 SF	Retail Space
1,116 SF	Retail Space
1,306 SF	Retail Space
3,243 SF	Restaurant / Bar

Area: Square Footage of the Total Space (Including Common Areas)

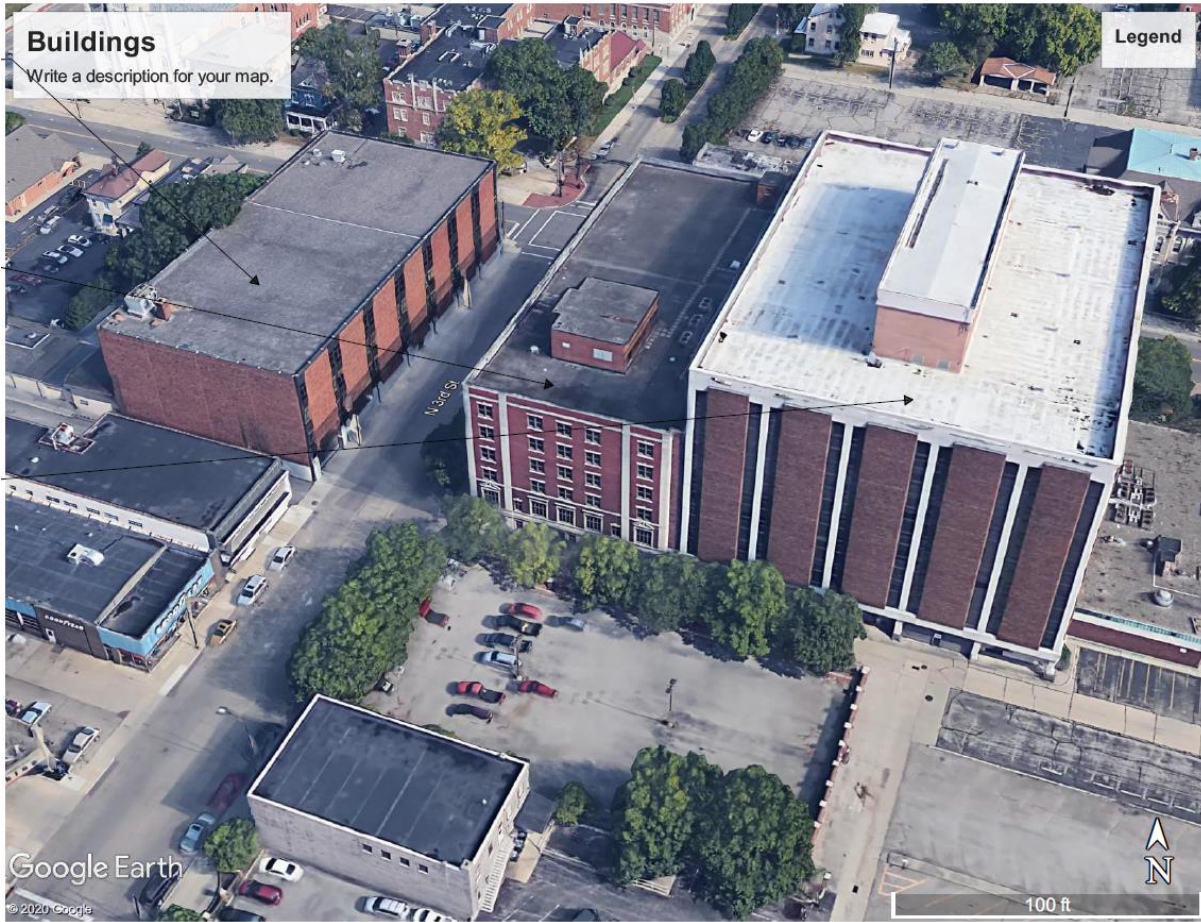
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**Applicant Documents, Close-Up for Clarity/Reference**



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## **Building Conditions and Implications**

### **131 N Third**

4 Story building former print shop constructed with the first floor 32" above the sidewalk and entry lobby for dock access. No elevator service to street level. Existing enclosed dock on 3rd street and main entry lobby with stairs to elevator lobby making accessibility unfeasible. The building has limited windows due to it's construction in proximity to property lines so no opportunity to add windows. This building is being considered for personal storage units due to it's existing dock and limited windows. The recent addition of small residential units in 315 Dayton as well as other housing within walking distance has driven need for personal storage.

### **136 N Third**

6 Story Building former office for Ohio Casualty Insurance, current planned use is street level retail with multiple options above, to date residential, office, hospitality, educational and light manufacturing have been explored. We anticipate a market driven use with any one or more of these uses.

### **315 Dayton**

8 Story building former office for Ohio Casualty Insurance, currently completing conversion to floors 6,7,& 8 to residential, 6 and 7 are occupied with 8 progressing. Ground floor houses residential lobby and existing food service use that may become a restaurant. Anticipated use for remainder of building is more residential as well as office, or hospitality. All building life safety systems and elevators are being brought up to current code and standards.

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# Proposed Uniform Zoning

## 1122.100 "BPD" BUSINESS PLANNED DEVELOPMENT DISTRICT (Chapter Amended OR 2008-1-2)

1122.110 Purpose: The purpose of the Business Planned Development (BPD) District is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. A BPD District must also comply with the general provisions for Planned Developments contained in Chapter 1132.00.

1122.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:

1122.121 Principal Uses: Principal Uses of the B-1 District (as set forth in Chapter 1120.00 - Neighborhood Business District, Section 1120.20), EXCEPT as modified by Section 1122.140 of this Chapter.

1122.130 Uses Requiring Specific Approval: A BPD may include the following uses, subject to obtaining Specific Approval by the Hamilton Planning Commission (see Chapter 1132.00 of this Ordinance for the general procedures, regulations, requirements and appeal process information applicable to Planned Developments).

1122.131 Principal: Conditionally Permitted uses of the B-1 District (Chapter 1120 - Neighborhood Business District), and Principal and Conditional Permitted uses of the B-2 and B-3 Districts (Chapter 1120.00 - Community Business District, and Chapter 1122.00 - Central Business District) and miniwarehouses, but excluding those uses prohibited by Section 1122.140 of this Chapter. While the Permitted Uses of a BPD (as listed in Section 1122.120 of this Chapter) do not require the Specific Approval of the Planning Commission, the overall Planned Development Plan does require the Commission's approval. (Amended by OR 2001-1-2)

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Applicant Renderings



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Signage Information and Examples from Applicant



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## Exhibit D – Public Hearing Notice letter

Example of the Notice Letter sent to Owners of property proposed for rezoning

May 22, 2020

### NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, June 4th, 2020 at 1:30 PM** in the Commission Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/94796217159> Webinar ID: 947 9621 7159.

The agenda for this hearing includes the following item:

- LOCATION:** Multiple properties zoned “B-3” within the German Village Historic District & properties owned by Industrial Realty Group (102, 120, 131, 136, 222, & 248 North Third Street; 315 Dayton Street & 341 Linden Street; 119 & 335 North Martin Luther King Jr. Blvd.; 425 Butler Street & 124 North Fifth Street.) (See notification map).
- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**This letter is being sent to inform you of the proposed Zone Change of your property in Hamilton (within German Village).**

- **From B-3 (Central Business) to BPD (Business Planned Development) your property is being proposed for rezoning to B-3.**

Rex L. Carpenter, on behalf of Industrial Realty Group (IRG), has applied to the Planning Commission to rezone the properties owned by IRG to Business Planned Development (BPD) Zoning. The City of Hamilton has submitted an additional rezoning proposal at the same time for adjacent property that includes property you own to establish a consistent zoning district in the area. See notification map for the area in question.

Currently, this portion of the German Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG’s properties and the rest of German Village, the City of Hamilton is taking the opportunity to propose to rezone this area to BPD.

These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add uses such as hotels, event centers, and similar uses to the German Village Final Planned Development Plan.

*Report continued on the next page*





The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be “grandfathered” which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

Because you own a property within this area, Planning staff encourages you to review the full proposal on the Planning Commission website and email or call us with any questions you may have.

<https://www.hamilton-oh.gov/planningcommission>. Our contact information is in the last paragraph of the [letter](#).

In addition to the rezoning affecting your property, the City also would like to make you aware of the application from Rex L. Carpenter. The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the “BPD” zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments.

- a. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
- b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.

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 (929) 205 6099 and when prompted dial the Webinar ID: 947 9621 7159

Or use this website link to access the online meeting: <https://zoom.us/j/94796217159>

**Webinar ID: 947 9621 7159.**

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](mailto: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 J.J.F*

Mr. Ed Wilson, AICP  
Associate Planner II

*Report continued on the next page*







Example of the Notice Letter sent to Property Owners within 500 Feet of Subject Area

May 22, 2020

**NOTICE OF PUBLIC HEARING**

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- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**Your property is not part of the rezoning project.** However, you are a property owner located within 500 feet of the area being considered for rezoning and, as such, are receiving this letter to provide notification of the proposal in accordance with statutes outline for the operation of the Planning Commission.

There are two (2) separate rezoning applications being reviewed by the Planning Commission for properties near a property you own. Overviews of the proposals are provided below. Please note that the applications and additional information on these two projects are available on the Planning Commission website for your review: <https://www.hamilton-oh.gov/planningcommission>.

2. The first application is from Rex L. Carpenter on behalf of Industrial Realty Group (IRG), which owns the properties listed in the addresses listed in the "Location" section of the information above (see notification map). The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the "BPD" zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments
  - a. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
  - b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.
3. The second application comes from the City of Hamilton. Currently, a portion of the German

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Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG's properties and the rest of German Village, the City of Hamilton is taking the opportunity to rezone this area to BPD at the same time to establish a consistent zoning in the area. Please see the notification map for the properties in question.

- a. These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add appropriate uses such as hotels, event centers, and similar uses to the Final Planned Development Plan.

The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be "grandfathered" which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

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Sincerely,

*Edward Wilson J.F.F.*

Mr. Ed Wilson, AICP  
Associate Planner II

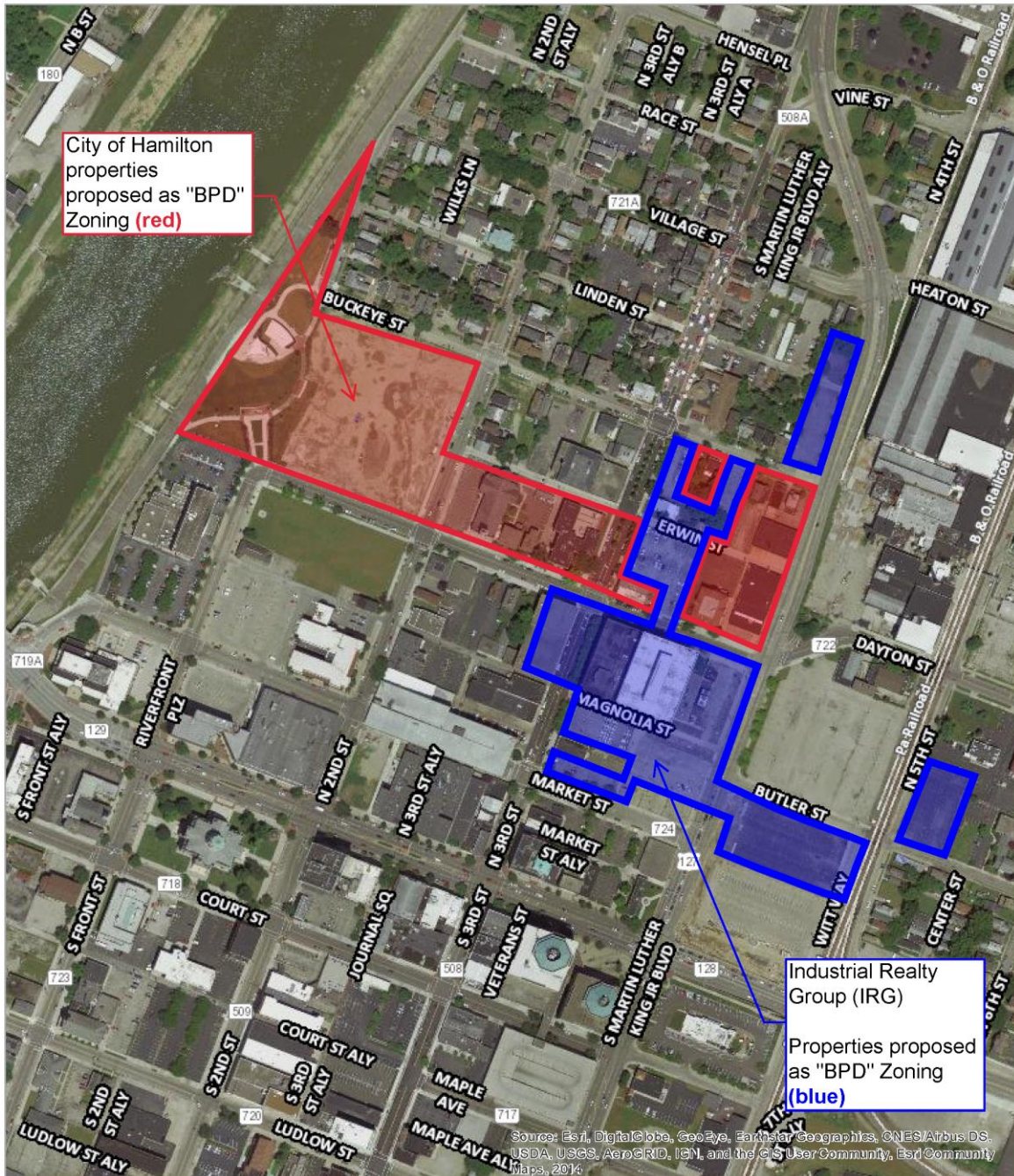
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Map utilized for the mailed Public Hearing Notices



**Notice Map**

**City of Hamilton**  
BUTLER COUNTY OHIO

Date: 5/20/2020

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 makes no warranty to the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

1 inch = 417 feet

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**Exhibit E – Recommended Conditions of Approval**

<b>BASIC INFORMATION</b>	
<b>Applicant/Property Owner</b>	Rex L. Carpenter on behalf of Hamilton 131 3 <sup>rd</sup> LLC, Hamilton 136 3 <sup>rd</sup> LLC, and 315 Dayton LLC
<b>Architect/Engineer/Consultant</b>	Rex L. Carpenter and Barry Sherman
<b>Size of Property</b>	5.84 acres (0.49 acres owned by ownership group already zoned BPD)
<b>Current Zoning</b>	B-3 (Central Business Zoning District), DT-2 (Downtown-2 Form Based Zoning) DT-1 (Downtown-1 Form Based Zoning), and R-O (Multi-Family Residential Office Zoning)
<b>Size of Revision</b>	5.84 acres

**Conditions for Approval**

The recommendation to City Council for the rezoning request and the Planning Commission’s final action of approval are subject to the following conditions:

1. The Final Development Plan shall be dependent upon the approval of the Rezoning of properties to BPD (Business Planned Development).
2. The Specific Use for Self-Storage at 131 North Third Street shall be dependent upon the approval of the rezoning of properties to BPD (Business Planned Development).
3. All development will be subject to approval through the Interdepartmental Review process and shall be compliant with the Commercial Designs Standards set forth in Section 1111.00 of the Zoning Ordinance.
4. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
5. Any exterior changes to 136 North Third Street shall require Architectural Design Review Board approval given its designation as a locally designated historic building.
6. The self-storage facility at 131 North Third Street’s signage shall be regulated in the following ways:
  - a. No banner, flag, or window signage permitted.
  - b. No signage on the Dayton Street side of the building shall be illuminated after 9 pm daily.

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- c. The signage will be similar in size, scale, and material as the signage examples submitted by the applicant, included in Exhibit C.
  - d. All future signs shall conform to the requirements of Section 1138.00, of the Hamilton Zoning Ordinance, Signage Regulations.
7. The property owner of 131 North Third Street shall work with City staff to find a way to activate the pedestrian level of the building. The self-storage company will explore options, including supporting a StreetSpark mural at the pedestrian level of the building. Final proposal will be approved by City staff.
  8. The applicant shall work with the Department of Engineering to determine an appropriate location for a new overhead door at 131 North Third Street.
  9. Any of the following would require an additional future Specific Use approval:
    - a. Self-storage on parcels other than 131 North Third Street.
    - b. Exterior storage of self-storage/dead-storage items anywhere within the Planned Development project area.
    - c. Parking of vehicles associated with moving businesses, self-storage, fleet storage, or other commercial vehicles for rent anywhere within the Planned Development project area.
  10. All dumpsters and refuse storage areas shall be enclosed and screened in accordance with the Commercial Design Standards. All trash and debris shall be stored in enclosed dumpsters. No trash, debris, or storage unit goods shall be placed within the public right-of-way.
  11. All required permits and inspections shall be obtained prior to the self-storage business commencing operation.
  12. The findings of approval for the requested waivers and modifications are consistent with the requirements of the Zoning Ordinance necessary for granting such requests.
  13. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty (30) days to achieve compliance.

*Report continued on the next page*





**For the Planning Commission Meeting of June 4, 2020**

**To:** Planning Commission  
**From:** Liz Hayden, Planning Director  
 Ed Wilson, AICP, Associate Planner II  
**Date:** May 27, 2020  
**Subject:** **AGENDA ITEM #2 – New Business**

**Two (2) requests pertaining to Multiple Properties zoned “B-3” (Central Business) located in German Village, regarding a rezoning request to BPD (Business Planned Development).**

**APPLICANT:** City of Hamilton

**LOCATION:** Multiple parcels in the German Village Historic District currently zoned B-3 (Central Business) District

**REQUEST:** 1) To change the zoning on the areas in question from B-3 (Central Business) District to BPD (Business Planned Development) District

2) Amend the German Village Business Planned Development Plan & Neighborhood Vision Plan

General Information		
Applicant/Property Owner	The City of Hamilton	
Architect/Engineer/Consultant	N/A	
Size of Property	11.8 acres	
Current Zoning	<a href="#">B-3 (Central Business) District</a>	
Proposed Zoning	<a href="#">BPD (Business Planned Development) District</a>	
Comp. Plan Land Use Designation	Urban Core and Traditional Neighborhood	
Adjacent Land Use/Zoning Information		
Direction	Land Use	Zoning
North	Residential, Institutional, Commercial	BPD (Business Planned Development) District
South	Commercial	DT-2 (Downtown-2 Form Based Zoning) District
East	Vacant industrial	EM-UPD (Entertainment Mixed Use Planned Development) District
West	River	N/A

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## **Section A: Introduction & Background**

### ***Section A.1: History***

In 1997, most of the German Village Historic District was rezoned to [BPD \(Business Planned Development\)](#) zoning district. In 2013, the Central Business District (CBD), downtown Hamilton, was rezoned to Form-Based Zoning Districts. After these rezoning efforts took place, 11.8 acres of German Village remained zoned [B-3 \(Central Business\) District Zoning](#). Because there are only a few areas zoned B-3 left in the City and the CBD which the zoning district was created for is no longer zoned B-3, Planning staff has identified rezoning this 11.8 acres to BPD and incorporating it into the German Village Plan as an objective. When Rex L. Carpenter proposed to rezone adjacent parcels to BPD, Planning staff decided to propose rezoning these 11.8 acres to BPD at the same time.

### ***Section A.2: Intent of the Rezoning***

The intent of the rezoning is to establish a consistent zoning for the German Village neighborhood and eliminate the B-3 Zoning District, which Planning staff recommends since this district became obsolete when the Central Business District was rezoned to Form-Based Zoning. The 11.8 acres in question are part of the German Village neighborhood and have similar characteristics to the neighborhood, so Planning staff is proposing to rezone this area to BPD and incorporate it into the Final Planned Development Plan for German Village (please see [Exhibit A](#) for a reference map; see [Exhibit B](#) for current zoning).

The Final Planned Development is called the “German Village Business Planned Development Plan & Neighborhood Vision Plan,” or German Village Plan. The plan is designed to encourage and expand the opportunities for an appropriate mixture of office, business, and residential uses while protecting and enhancing the neighborhood’s residential character and historic integrity. The plan aims to value and preserve the historic nature of the neighborhood, encourage adaptive reuse of historic properties, and calls for a mixture and flexibility of uses within buildings. Overall, the plan describes an area appropriate for single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses.

Because there are larger buildings in the 11.8 acres in question than the rest of German Village, Planning staff is also proposing to amend the German Village Plan to address this expansion area specifically with uses that could be appropriate in these larger buildings. These include:

- [Hotels](#) – An adaptive reuse of these properties into a hotel would support the tourism objectives of the German Village Plan.

*Report continued on the next page*







- Apartments or condominiums – Residential uses are permitted in the plan. These larger buildings could be appropriate for a higher density of residential units.
- Event centers – Event centers are a popular adaptive reuse of historic buildings and could be appropriate in conjunction with a hotel or a standalone use.
- Light industrial – Some buildings along Martin Luther King Jr. Boulevard were built for light industrial and should be permitted to continue as this use. However, these buildings or sites could be appropriate redevelopment sites as well.
- Institutional – The area includes existing institutional uses such as St. Julie’s Church and the YWCA Hamilton. The YWCA Hamilton is considering moving out of this building and it could be a good building for an adaptive reuse that supports the tourism and economic development objectives of the German Village Plan and the City’s Comprehensive Plan, Plan Hamilton.
- Park – Marcum Park and RiversEdge are important to the quality of life not only to German Village, but to the City of Hamilton as a whole. This park is expected to be preserved as public space.

In addition to establishing regulations for the 11.8 acre expansion area, Planning staff are also recommending a number of changes within the regulations themselves that we have identified as challenges as interest in infill development has occurred in German Village.

### Summary of Proposed Changes

1. Update the Principally Permitted Uses. Currently, the regulations refer to the R-4, R-O, and B-2 Zoning Districts. Planning staff is proposing to change the references to the new Traditional Neighborhood Zoning Districts, which were developed with urban and traditional neighborhoods like German Village in mind. These changes refer to both uses and setback regulations.
  - a. This change includes language that establishes greater clarity on multi-family regulations.
  - b. This change also includes greater clarity on where and the types of businesses that are permitted in German Village outside of the North Third Street Corridor, by adding a description of Residential Setting Businesses.
2. Expand the Principally Permitted Uses. As the regulations are currently written, many uses require Specific Use approval. Planning staff is proposing to make more uses Principally Permitted on the North Third Street Corridor and where non-residential uses currently exist in the German Village District. The changes include:

*Report continued on the next page*





- a. More business and office uses as Principally Permitted Uses on the North Third Street Corridor. The way the plan is currently written, only the types of businesses that existed in 1997 when the plan was approved are Principally Permitted Uses. Planning staff is proposing that all Principally Permitted Uses in the TN-4 Zoning District should be Principally Permitted Uses on the North Third Street Corridor, regardless of whether they existed in German Village in 1997.
  - b. Restaurants that serve alcohol as a Principally Permitted Use in buildings on the North Third Street Corridor that historically have been used as restaurants.
  - c. Business expansions (minor building additions, outdoor dining areas, etc) that do not increase traffic significantly as Principally Permitted.
  - d. Bed and breakfasts as a Principally Permitted Uses.
  - e. Home occupations would be Principally Permitted Uses as they are in the rest of residential zoning districts.
3. Update the Uses Permitted with Specific Plan Approval. The residential regulations would refer to the Traditional Neighborhood 4 Zoning District instead of R-4 Zoning District. Planning Staff is proposing edits that aim to improve clarity between Office and Business uses that require Specific Plan Approval and when they are Principally Permitted Uses.
4. Update the Planned Development Amendment Section of “E.” Currently, the regulations cite a Section of the Hamilton Zoning Ordinance that has been removed. Planning staff is recommending updated language as well as the following edits:
- a. Editing the list of actions that are considered Major Amendments. These are mostly clarity edits. The edits reflect the proposed change that allows existing businesses that sell alcohol to expand their operations without Planning Commission approval.
  - b. Adding to the examples of Minor and Moderate Amendments outdoor dining areas as long as the dining area is set back ten feet from an adjacent residential property and includes buffering.

### ***Section A.3: Existing Site Conditions***

The 11.8 acres proposed for the German Village BPD expansion include Marcum Park, St. Julie’s Church, YWCA Hamilton, Community Development Professionals, parking lots, single-family residences, office space, and light industrial space.

*Report continued on the next page*





**Section B: Petition Review**

***Section B.1: Submitted Request***

The submitted application is to change the zoning on the area in question from B-3 (Central Business) District to BPD (Business Planned Development) District. This area will be incorporated into the German Village Final Planned Development Plan and this plan will be amended to better address appropriate uses for this expansion area's larger building sizes.

***Section B.2: Properties Proposed for Rezoning:***

There are 38 parcels within the subject area of the submitted request. A list of specific parcels, including addresses and parcel identification numbers, that are part of the proposed rezoning can be found as an exhibit attachment (see [Exhibit C](#)). Additionally, a map of the rezoning subject area has been included in as an exhibit attachment (see Exhibit A).

**Section C: Notification**

The Planning Department mailed Public Hearing Notices of the rezoning to the property owners of record. Planning mailed notices to thirteen (13) owners of property within the subject areas in question. The Planning Department mailed Public Hearing Notices to the owners of 190 properties within 500 feet of the subject properties per statute requirements.

Additionally, Staff posted this rezoning proposal on the City Website, under the Planning Commission subpage at the same time as the mailing of notices.

As of this report, Staff received no phone calls or inquiries regarding the request.

**Section D: Statutes**

Section 1180.00 of the Hamilton Zoning Ordinance provides the basis and process for the rezoning of property within the city, while Section [1122.100](#) of the Hamilton Zoning Ordinance regulates the BPD (Business Planned Development) zoning district.

The purposes of the BPD zoning district is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. BPD zoned properties are also regulated by the provisions of Section [1132.00](#), Planned Development (PD) provisions.

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Section [1132.00](#) of the Hamilton Zoning Ordinance regulates the Planned Development (PD) provisions, providing an alternative to standard zoning guidelines. According to Section [1132.10](#), the regulations are intended to:

- A. Encourage superior and imaginative design and function in developments
- B. Establish an alternative procedure for the development of land in order to allow for more efficient and economic development of property than customarily permitted by conventional zoning and subdivision regulations
- C. Ensure orderly and thorough planning and review procedures that lead to higher quality design and development
- D. Encourage the conservation of natural amenities of the landscape
- E. Encourage the provision of usable common open space
- F. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.

Plan Hamilton 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. This area is identified on as Urban Core and Parks and Recreation within Plan Hamilton's Future Lane Use Plan. Urban Core should include a mix of commercial, office, and residential uses developed as walk-able neighborhoods with an urban character. Urban Core contains properties for urban living and activities as described throughout the plan.

### **Section E: Recommendation**

The Planning Commission can provide a favorable recommendation to City Council or deny the application. The Planning Department recommends the following motion:

1. That the Planning Commission take action to recommend to City Council that they approve the changing of the zoning of the parcels identified in the exhibit map to BPD (Business Planned Development) Zoning District.

The Planning Commission can approve or deny the Final Planned Development Plan. The Planning Department recommends the following motion:

2. That the Planning Commission take action to approve the German Village Business Planned Development Plan & Neighborhood Vision Plan for the parcels identified in the exhibit map and amend the Plan as presented.

*Report continued on the next page*







**Section F: Staff Comments / Basis for Recommendation**

Staff finds the proposed rezoning of the subject property to BPD to be consistent with the intent and purpose of rezoning and the purpose of the BPD zoning district, in the following ways:

1. The proposed zoning of BPD establishes a consistent zoning for the German Village neighborhood.
2. The proposed zoning of BPD is consistent with Plan Hamilton's Future Land Use Plan, which calls for a mix of commercial, office, and residential uses developed as walk-able neighborhoods with an urban character.
3. The proposed zoning of BPD provides the proper oversight to ensure that all developments properly integrate with the character and form of the surrounding areas and, as such, will not adversely impact the public health, safety, or welfare of the public.
4. Incorporating this area into German Village Business Planned Development Plan & Neighborhood Vision Plan establishes one guiding document for the German Village neighborhood.
5. Amending the German Village Business Planned Development Plan & Neighborhood Vision Plan will take into consideration the larger scale buildings in the expansion area and the update to the regulations overall provides an update to the plan that assists in the revitalization effort underway in the neighborhood.

**Section G: Attachments:**

- 1) [Exhibit A – Exhibit Map of Proposed Rezoning Area](#)
- 2) [Exhibit B – Zoning Map](#)
- 3) [Exhibit C – List of Parcels / Addresses Proposed for Rezoning to BPD](#)
- 4) [Exhibit D – Public Hearing Notice Letter](#)
- 5) [Exhibit E – German Village Plan Update \(Draft\)](#)

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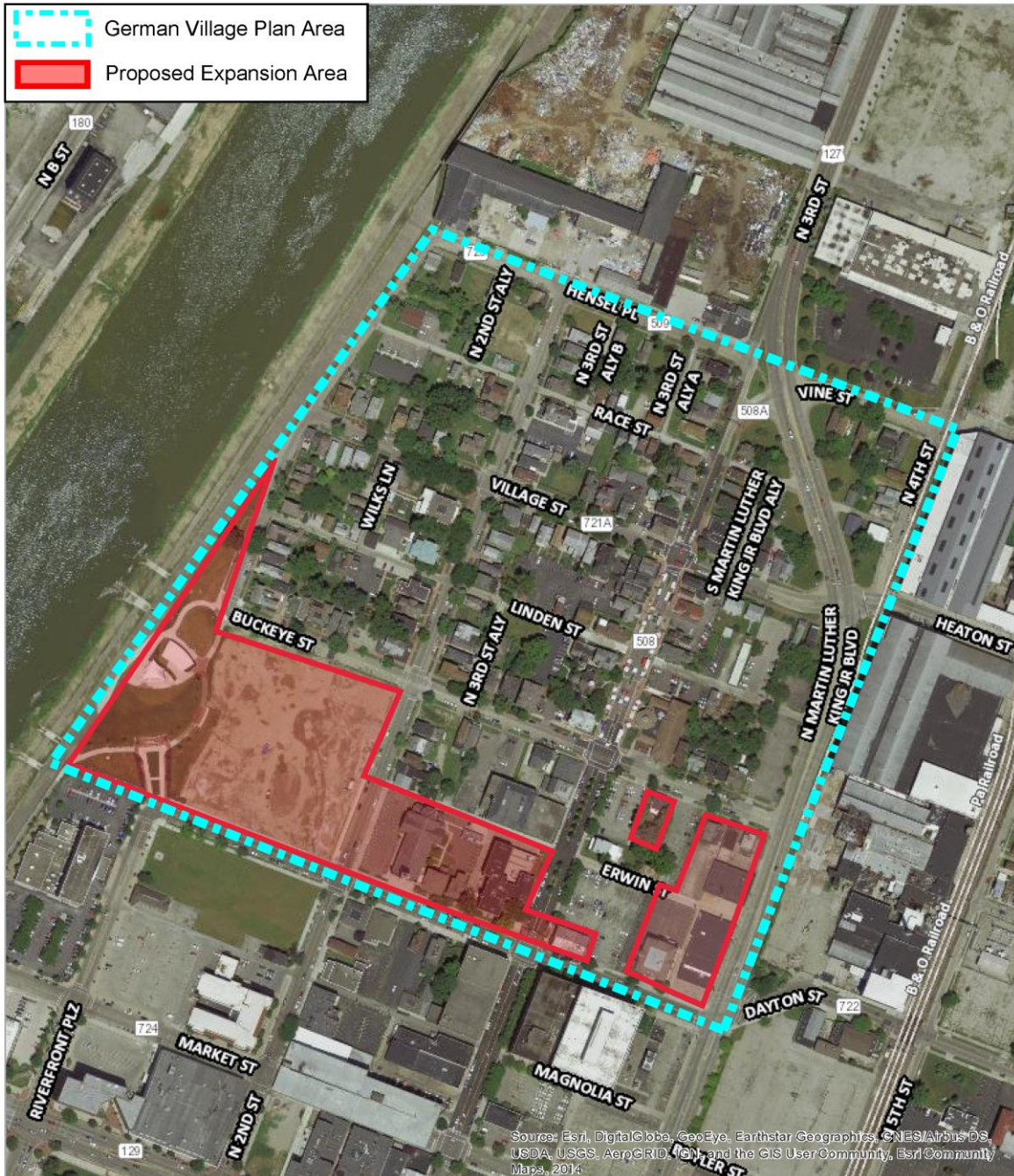
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**Exhibit A – Exhibit Map of Proposed Rezoning Area**



**German Village Plan Expansion Map**

City of Hamilton  
BUTLER COUNTY OHIO

Date: 5/27/2020

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 makes no warranty to the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

1 inch = 375 feet

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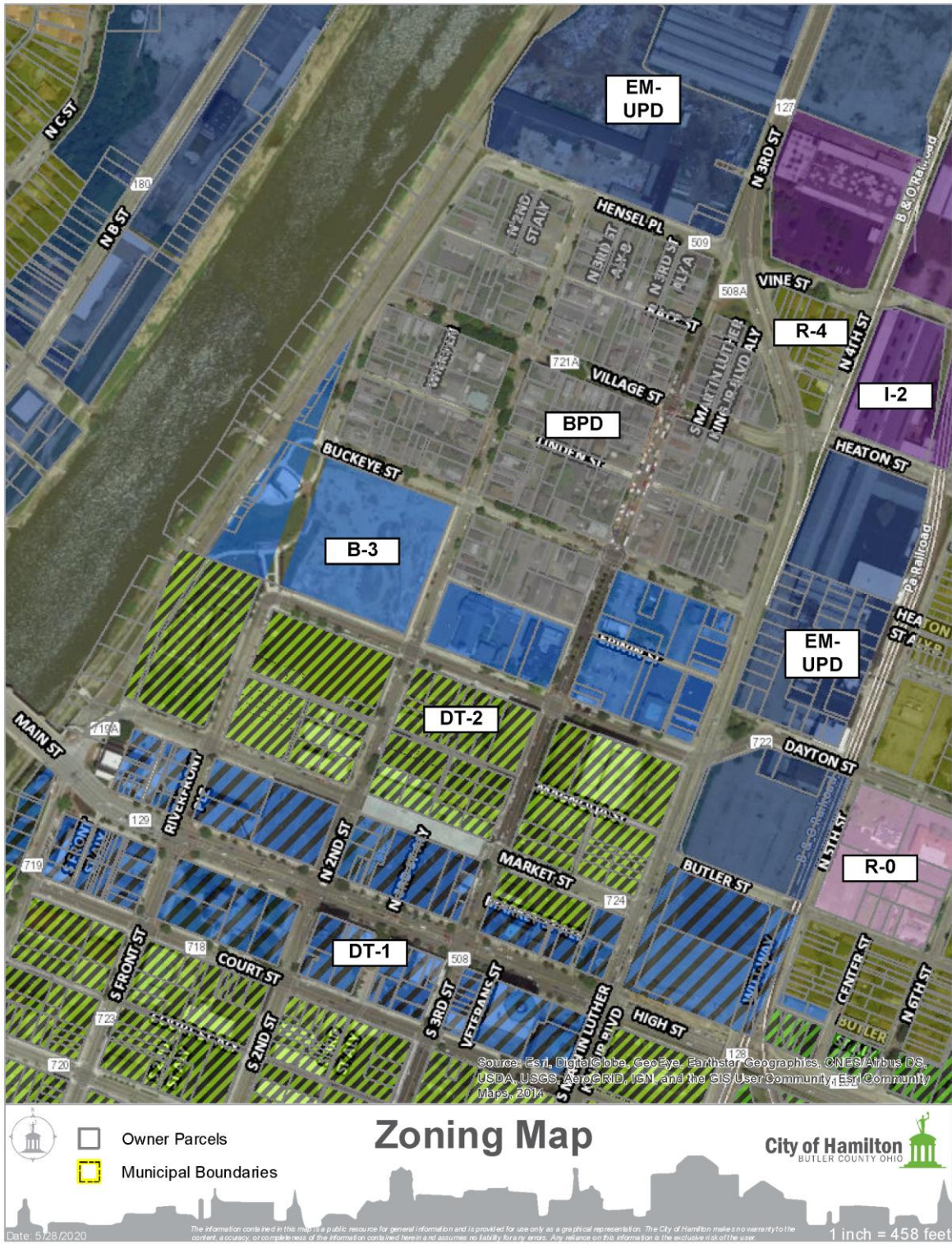
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**Exhibit B – Zoning Map**



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**Exhibit C – List of Parcels / Addresses Proposed for Rezoning to BPD**

List of Properties proposed for rezoning to BPD  
Sorted by owner name, alphabetically

Parcel Number	OWNER	Address / Location
P6431012000043	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431012000044	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431012000045	ALECO PROPERTIES LLC	233 N MARTIN LUTHER KING JR BLVD
P6431012000046	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431012000047	ALECO PROPERTIES LLC	N MARTIN LUTHER KING JR BLVD
P6431009000008	CITY OF HAMILTON	RIVERFRONT PLZ
P6431009000065	CITY OF HAMILTON	RIVERFRONT PLZ
P6431011000049	CITY OF HAMILTON OHIO	116 DAYTON ST
P6431012000058	ERIE HARDWARE AND SURPLUS LLC	350 DAYTON ST
P6431012000059	ERIE HARDWARE AND SURPLUS LLC	DAYTON ST
P6431012000060	ERIE HARDWARE AND SURPLUS LLC	DAYTON ST
P6431012000061	ERIE HARDWARE AND SURPLUS LLC	DAYTON ST
P6431012000032	LEYRER GAIL C	230 N THIRD ST
P6431012000038	LEYRER GAIL C	N THIRD ST
P6431012000042	LLOYD MISA L	345 BUCKEYE ST
P6431012000040	LOREN REAL ESTATE LLC	331 BUCKEYE ST
P6431012000056	M & M INVESTMENT GROUP LLC	322 DAYTON ST
P6431012000057	M & M INVESTMENT GROUP LLC	332 DAYTON ST
P6431012000052	MEEHAN TIMOTHY E & KIMBERLY A TRS	202 N THIRD ST
P6431009000009	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000010	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000012	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000014	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000016	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431009000017	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000010	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000012	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000014	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ

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P6431011000017	MIAMI CONSERVANCY DIST	RIVERFRONT PLZ
P6431011000006	MIAMI CONSERVANCY DIST DISTRICT	RIVERFRONT PLZ
P6431011000008	MIAMI CONSERVANCY DIST DISTRICT	RIVERFRONT PLZ
P6431012000035	OCCUPY ROSSVILLE LLC	317 BUCKEYE ST
P6431012000022	PILARCZYK DANIEL E ARCHBISHOP TR	224 DAYTON ST
P6431012000062	PILARCZYK DANIEL E ARCHBISHOP TR	224 DAYTON ST
P6431012000041	SCHWEGMAN GREGORY	339 BUCKEYE ST
P6431012000063	WHITE GREGORY D & RUTH A	204 N THIRD ST
P6431012000023	YWCA OF HAMILTON APARTMENTS LTD PRT	244 DAYTON ST
P6431012000024	YWCA OF HAMILTON APARTMENTS LTD PRT	244 DAYTON ST

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## Exhibit D – Public Hearing Notice Letter

Example of the Notice Letter sent to Owners of property proposed for rezoning

May 22, 2020

### NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, June 4th, 2020 at 1:30 PM** in the Commission Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/94796217159> Webinar ID: 947 9621 7159.

The agenda for this hearing includes the following item:

- LOCATION:** Multiple properties zoned “B-3” within the German Village Historic District & properties owned by Industrial Realty Group (102, 120, 131, 136, 222, & 248 North Third Street; 315 Dayton Street & 341 Linden Street; 119 & 335 North Martin Luther King Jr. Blvd.; 425 Butler Street & 124 North Fifth Street.) (See notification map).
- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**This letter is being sent to inform you of the proposed Zone Change of your property in Hamilton (within German Village).**

- **From B-3 (Central Business) to BPD (Business Planned Development) your property is being proposed for rezoning to B-3.**

Rex L. Carpenter, on behalf of Industrial Realty Group (IRG), has applied to the Planning Commission to rezone the properties owned by IRG to Business Planned Development (BPD) Zoning. The City of Hamilton has submitted an additional rezoning proposal at the same time for adjacent property that includes property you own to establish a consistent zoning district in the area. See notification map for the area in question.

Currently, this portion of the German Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG’s properties and the rest of German Village, the City of Hamilton is taking the opportunity to propose to rezone this area to BPD.

These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add uses such as hotels, event centers, and similar uses to the German Village Final Planned Development Plan.

*Report continued on the next page*





The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be “grandfathered” which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

Because you own a property within this area, Planning staff encourages you to review the full proposal on the Planning Commission website and email or call us with any questions you may have.

<https://www.hamilton-oh.gov/planningcommission>. Our contact information is in the last paragraph of the [letter](#).

In addition to the rezoning affecting your property, the City also would like to make you aware of the application from Rex L. Carpenter. The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the “BPD” zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments.

- b. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
- c. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.

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 (929) 205 6099 and when prompted dial the Webinar ID: 947 9621 7159

Or use this website link to access the online meeting: <https://zoom.us/j/94796217159>

**Webinar ID: 947 9621 7159.**

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](mailto: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 J.J.F*

Mr. Ed Wilson, AICP  
Associate Planner II

Report continued on the next page





Example of the Notice Letter sent to Property Owners within 500 Feet of Subject Area

May 22, 2020

**NOTICE OF PUBLIC HEARING**

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, June 4th, 2020 at 1:30 PM** in the Commission Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/94796217159> Webinar ID: 947 9621 7159.

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- APPLICANT:** Rex L. Carpenter & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plans, a Specific Use Approval for a Self-Storage Facility, and Six (6) Waivers to the Self-Storage Facility regulations (see notification map).

**Your property is not part of the rezoning project.** However, you are a property owner located within 500 feet of the area being considered for rezoning and, as such, are receiving this letter to provide notification of the proposal in accordance with statutes outline for the operation of the Planning Commission.

There are two (2) separate rezoning applications being reviewed by the Planning Commission for properties near a property you own. Overviews of the proposals are provided below. Please note that the applications and additional information on these two projects are available on the Planning Commission website for your review: <https://www.hamilton-oh.gov/planningcommission>.

4. The first application is from Rex L. Carpenter on behalf of Industrial Realty Group (IRG), which owns the properties listed in the addresses listed in the "Location" section of the information above (see notification map). The applicant is proposing to rezone the properties IRG owns to a consistent zoning, Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the "BPD" zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments
  - a. The Final Planned Development Plan calls for a mixture of uses in the three (3) buildings IRG owns. 315 Dayton is being renovated into residential, 136 North Third Street does not have identified tenants but is proposed as mixed-use that includes retail on the first floor, and 131 North Third Street is being proposed as a self-storage facility.
  - b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Given the existing conditions of 131 North Third Street, Planning Commission will also review six (6) waivers to the self-storage regulations as well.
5. The second application comes from the City of Hamilton. Currently, a portion of the German

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Village Historic District is zoned B-3 Central Business District Zoning. The rest of the German Village Historic District was rezoned to BPD in 1997. Because these German Village properties are located between IRG's properties and the rest of German Village, the City of Hamilton is taking the opportunity to rezone this area to BPD at the same time to establish a consistent zoning in the area. Please see the notification map for the properties in question.

- a. These properties will be incorporated into the Final Planned Development Plan that was established in 1997 for the German Village Historic District. This district accommodates single-family residential, multi-family residential, churches, and neighborhood style businesses such as retail, offices, restaurants, and similar uses. Given the larger scale of some of the buildings proposed to be rezoned BPD in this area, the City plans to add appropriate uses such as hotels, event centers, and similar uses to the Final Planned Development Plan.

The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be "grandfathered" which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

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 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](mailto: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 J.F.F.*

Mr. Ed Wilson, AICP  
Associate Planner II

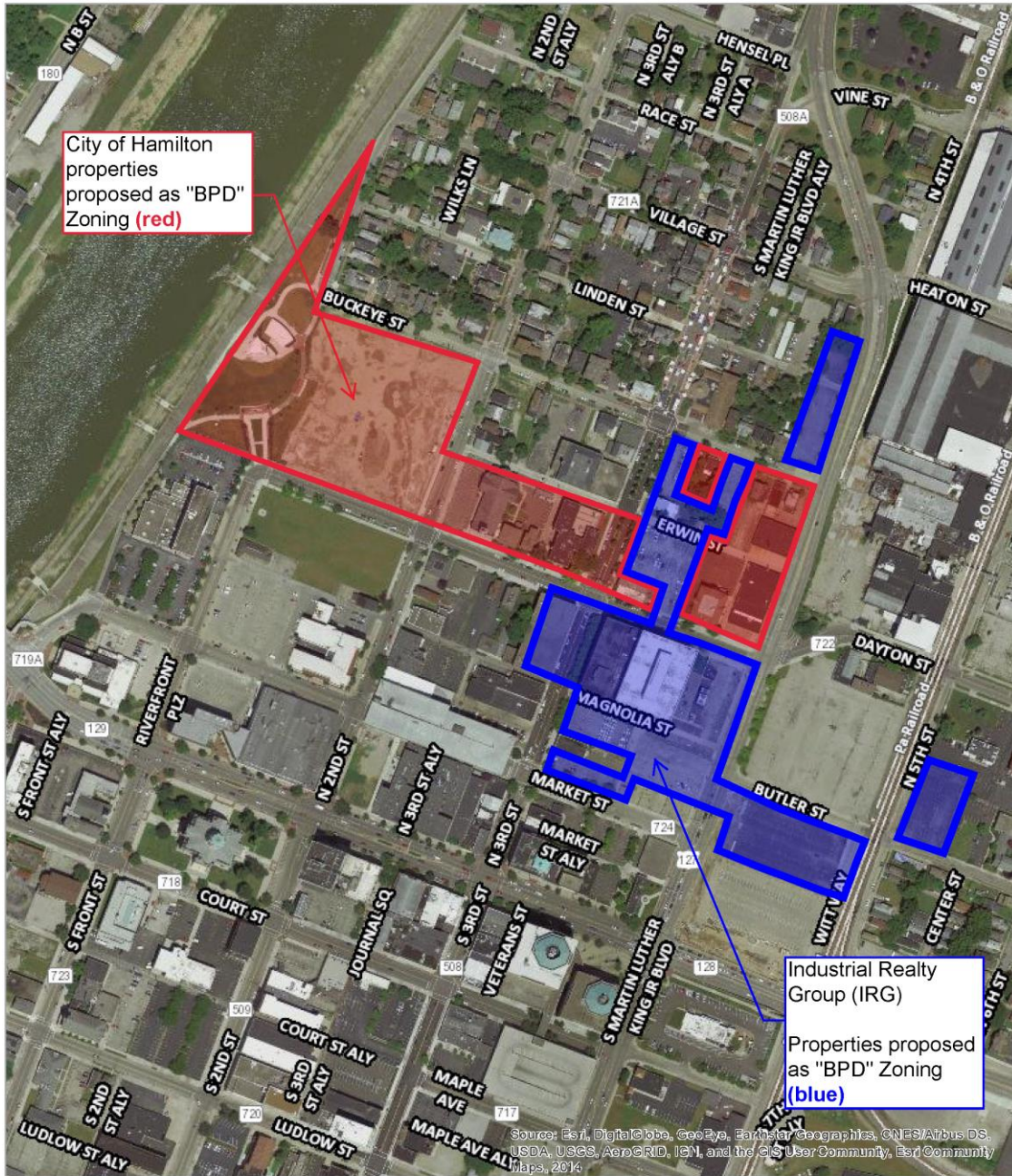
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Map utilized for the mailed Public Hearing Notices



**Notice Map**

**City of Hamilton**  
BUTLER COUNTY OHIO

Date: 5/20/2020

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 makes no warranty to the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

1 inch = 417 feet

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**Exhibit E – German Village Plan Update (DRAFT)**

Please see the next page for the document.

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## **German Village Business Planned Development Plan & Neighborhood Vision Plan**

Photo courtesy Brown Studios, German Village, Hamilton, Ohio

**PREPARED BY**

**Hamilton German Village Incorporated  
& The City of Hamilton, Planning Department**

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## **German Village Planned Development Plan**

### **Executive Summary**

The German Village Business Planned Development plan is designed to encourage and expand the opportunities for an appropriate mixture of office, business, and residential uses while protecting and enhancing the neighborhoods residential character and historic integrity. A village like mixture of residential, with office and small commercial has always been a part of the historic development of the village.

The plan is structured to capitalize on this neighborhood strength while protecting the residential elements of the neighborhood. The expected result of the implementation of this plan will be increase property values because of the widened opportunities for new and appropriate uses. It also encourages preservation efforts and takes advantage of the cultural and tourism opportunities provided by the Village's character and location. The German Village should remain a predominately residential village with a blending of new office and some appropriate neighborhood business uses that have the look and feel of *Turn of the 20<sup>th</sup> Century* residential homes. The North Third Street area retains its historic village center business character.

In 1997 the Zoning District designation for a seven-block area of the German Village neighborhood was changed from a combination of Multi-family (R-4) Residential Office (R-O) and Neighborhood Business (B-1) to Business Planned Development (BPD). It is also protected under the Historic Preservation sections of the Zoning Ordinance, as a locally designated historic district. The BPD zoning was selected because the existing, successful mixture of uses and an established and fixed historic character.

Executive Summary

*Report continued on the next page*





#### Plan Features

- Keeps the present uses intact, as a part of the plan
- Allows office uses throughout the Planned Development Area that enhance and protect the look and feel of a "Turn of the Century" residential village.
- Takes advantage of the wonderful historic character of the neighborhood by allowing history and culture based shops and small businesses to locate with-in the Planned Development District.
- Retains the North Third Street Business Area, and the area near the corner of Second and Hensel, as the primary business district of the Village.
- Utilizes the village's location near downtown, by allowing specialty business and niche office uses that are an important component of redevelopment and encourages tourism.
- Protects the residential uses in the neighborhood by allowing only business and office uses that generate volumes of traffic compatible with the size of the building, and which fit the character of its surroundings. It also provides Planning Commission with the ability to regulate hours of operation, deliveries and trash removal to safeguard the surrounding neighborhoods integrity
- Encourages historic preservation by adding the potential for creative adaptive reuse of historic structures. Allows renovator's new uses that are more suited to a building's potential than uses allowed prior to the existence of the Panned Development zoning in the District.





- Improves the economic viability and the reuse potential for existing buildings, in-turn having a positive effect on values throughout the Village.
- Utilizes the existing Historic Preservation District Regulations and the Historic Design Review Board as a partner in implementing the visual aspects of this plan.
- Provides for an efficient and aesthetic way to maximize the limited parking resources in the neighborhood.
- Allows the neighborhood a voice in determining proposed use changes through the Planned Development process.
- Encourages distinctive, unifying and historically appropriate signage throughout the District.
- Allows the Planning Commission and the Historic Design Review Board to negotiate the removal, replacement, or reconfiguring of non-historic intrusions placed prior to the enactment of the Historic District Legislation as a part of the new use approval process.
- Supports the continuing efforts to install brick sidewalks, period lighting, landscaping and other public property improvements, by establishing a master plan for the neighborhood.







## German Village Planned Development Plan

The goals and objectives of this plan are:

- **Meet the objectives of the zoning ordinance - as stated in section 1102.20**
- **Optimize the unique cultural, historic, and location opportunities by expanding the areas where suitable office and business may locate, while maintaining a balance, diversity and scale of uses that protect individual and collective property rights.**
- **Continue and enhance a positive direction for the neighborhood. Cultivate its strengths and, minimize the weaknesses, based on sound social, planning, and preservation principles.**
- **Preserve the architectural and historic development that is important to the Community.**
- **Create the mechanisms to accomplish these goals through the framework of the Planned Development sections of the Zoning Ordinance and the Historic Preservation District Regulations.**

On March 28th, 1997, City Council approved changes of zoning district designation for a seven-block area, in the German Village Neighborhood of the City, to Business Planned Development (BPD). The previous zoning was a mixture of Community Business (8-2), Multi-Family (R-4), with some Residential Office (R-O). There also existed a number of special permits and grandfathered non-conforming uses. The Planned Development District is also located within the Hamilton Historic Preservation District. The following is the Development Plan for the area.

The R-4 and 8-2 combination of zoning and the Historic Preservation District designation have worked, deflecting some inappropriate intrusions and maintaining many desirable qualities. However, over the years, it has become apparent that because of the Village's location, history, opportunities and challenges, that the slightly different approach of a Planned Development is desirable. The decision to pursue Business Planned Development zoning was arrived at through the efforts of property owners, The German Village Society and the City Planning Department. City Council approved the change based on a recommendation by the Planning Commission.

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Traditional zoning is based on axioms that may not hold true in the German Village. Normally, Planning Commission, when establishing or amending a zoning district designation, will consider not only, what is initially planned for the site, but must also consider what the uses of the property might be in the future. The removal and replacement of buildings or their alteration and enlargement is only controlled by the limitations prescribed by the district regulations. Further, any use allowed by the district regulations can legally replace the original use without input from the neighborhood. For these reasons, traditional zoning tends to be conservative and restrictive.

Planned Development zoning, however, gives the Planning Commission greater flexibility in uses, setbacks, parking and densities, in exchange for controls on building design, layout, site amenities, and other safeguards. The Planned Development concept is a total package approach designed to result in development that is superior to what might be developed under traditional zoning, while protecting the other properties in and around the Planned Development. As part of a development package, the Planning Commission sets design criteria for the property including building style, colors, landscaping, signs etc. The Commission also reviews and approves any future changes to the plan.

Because the Village area is already developed, in place and controlled somewhat by the Historic Preservation District regulations, the plan submitted is weighted more towards appropriate uses and the enhancement, preservation, and maintenance of the existing character. It is intended to be somewhat flexible, and relies more on Planning Commission's judgement, and application of the concepts of the plan and less upon hard numbers (square footages, exact boundaries, and population counts, etc.). It is different from most development plans, in that it depends as much on written concepts as on graphics.

In this plan, standard zoning use definitions are used in order to avoid confusion. However, because the plan encourages and allows mixing residential, with certain types of office and business uses, there are a few instances where further refinements of the standard Hamilton Zoning Code definitions, prove necessary. In the areas of the Planned Development that are intended to retain a mostly residential character, (The parts of the BPD outside of the traditional business areas shown on the plan map) the following definitions for Residential Setting Offices and German Village Residential Setting Business apply. Business and office uses that generate traffic, or are less suitable for a historic,

*Report continued on the next page*





residential setting are encouraged to locate in the North Third Street Area and in the Second and Hensel Area. Business and office uses in these areas will be delineated using the standard zoning code definitions as modified herein.

**Residential Setting Office** - Office uses permitted in the in the R-O Residential Office District regulations and Home Occupation uses, permitted in the R-1 through R-4 Residential District Regulations, expanded to include non-resident employees, that are located in residential buildings that are preserved or restored to retain the look and feel of the original residential structure and are limited in the amount of traffic generated.

**German Village Residential Setting Business** - Business Uses permitted in the 8-1 and 8-2 Neighborhood and Community Businesses regulations, that are appropriate, in scale, type, and spirit, for the desired character of the German Village. And are located in residential buildings that are preserved or restored to retain the look and feel of the original residential structure and are limited in the amount of traffic generated. Residential setting businesses may include small gift boutiques, shops selling small-scale antique items, Victorian and turn of the century items and crafts, history related items, jewelry shops, bookstores, coffee house, art studios and galleries etc. are examples. Personal Services businesses such as tanning salons, barbershops, beauty parlors etc. are not considered Residential Setting Businesses under this definition.

### ***History, Character, Existing Conditions, and Potential***

The German Village Area is part of the original plat of the City of Hamilton. When Hamilton was a village, the German Village area was a major part of that village. As Hamilton grew into the City that it is today, this nine-block area retained many of the characteristics of the original village. By definition, a village is a compact, pedestrian oriented, predominately residential place, with a mixture of uses and a recognizable boundary.<sup>1</sup> The German Village exhibits these characteristics and is similar to a country village in that it is surrounded by mostly non-residential uses, and it provides services to those outside uses.

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<sup>1</sup>Reinventing the Village, Suzanne Sutro, American Planning Association, Planning Advisory Services, PAS report #430, 1990





Being one of the earliest and most intensely developed sections of the City, with nearly 90% of the existing buildings constructed before 1910, the Village contains many of the City's most historically and architecturally significant structures. Most of the historic, architectural features of these buildings remain in tact, giving the Village a definite sense of time. Encircled by the river on the west, the factories to the north and east and Downtown on the south the German Village also keeps a distinct sense of place.

The recognizable sense of time and place of the German Village has been acknowledged by the establishment of the neighborhood as a Local Historic District in 1973 and as a National Register listed Historic District in 1990. Any future development, redevelopment or use changes should sustain and encourage these valuable attributes.

At the time when most of the houses were built and the village-like character established, the neighborhood was a mixture of grand houses, occupied by the factory owners, moderate sized middle management houses, small worker dwellings, along with supporting neighborhood businesses, churches and schools. Developed long before the automobile and even the streetcar, it was a desirable place to live because it contained all the essential services for daily living, while being within easy walking distance to downtown, and the factories.

As employment increased in the area, more and more in-fill housing was developed and some of the houses were converted to apartments. By 1950, the factories along the edge of the Village employed more than 4500<sup>2</sup> people, placing tremendous pressure on the housing stock and parking. By 1960, several of the nearby industries closed and it became increasing difficult to fill the small apartments. Some deterioration set in, and some of the buildings were cleared to provide parking.

Beginning in 1972, The City, property owners, and the Historic Preservation Community began efforts to protect the area from further deterioration and demolition. The results of those efforts were:

- 1) The founding of the of The German Village Society in March of 1973; This is an association of property owners residents and friends of the neighborhood organized for the purpose of protecting, improving and promoting the German Village neighborhood;

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<sup>2</sup>Hamilton Survey of Manufacturing, Hamilton Chamber of Commerce report, 1953







2) The adoption of the German Village Ordinance, and the establishment of the German Village Commission on November 14, 1973. This ordinance created the locally designated historic district and defined the procedures for repair, remodeling, maintenance, and demolition of properties within the district. In 1985, based in part on the success and the experience gained from the German Village, the Ordinance was modified and expanded to include the Rossville and Dayton-Campbell Historic areas. The new ordinance was made a part of the zoning ordinance, known as the Historic Preservation District section;

3) The delineation of the area as a demonstration project by Hamilton City Council, August 10<sup>th</sup>, 1973. Subsequently, the area has been designated as a Neighborhood Development Rehabilitation Target Area, and has, over the years, used CDBG funding to install period lighting, brick walks and other public space amenities. These efforts continue and will be included as an important part of this plan.

4) A considerable amount of private investment was committed to rehabilitating buildings and open spaces.

***Office and History Related Business Use Potential***

A major feature of this plan is to allow and encourage more office uses that retain the residential character or the structure. Residential setting offices are office uses located in buildings that retain the look and feel of the original residential structure. Typically residential setting offices should only be discernable from residential structures around them by suitable signs and perhaps appropriately placed and landscaped parking.

The intermingling of residences and office uses has been an important and successful character-defining element of the Village. In 1893, Mercy Hospital was established, in one of the large homes in the Village. Other large houses, because of their proximity to the hospital, were converted to medical offices. The Doctor and Dentist offices have been good neighbors to the residences.

In 1943, the Lazard Kahn Family presented the Lane Hooven House and Fitton House, to the Citizens of Hamilton, for use as the offices for public agencies. Today these restored buildings are the location of the United Way and the Hamilton Community Foundation. Placing these buildings in public hands, in order to keep them from being lost, is perhaps one of Hamilton's earliest historic preservation endeavors.





These office uses and those in the former R-O zoned areas, have proven that conversion of larger residential buildings to appropriate new uses, such as residential setting offices, can work well with residential uses in an urban village.

Recycling historic buildings for new uses, called *creative adaptive reuse* by preservationists, is an important tool for the preservation of structures that are possibly no longer suitable for their original use. For example, the layout of a large mansion with open stairwells, extra large rooms and highly detailed woodwork, might not be suited to be divided into several apartments with out extensive destruction of many of the important features. The same building might prove to be well suited for reuse as an office or an office/residence combination. Encouraging creative adaptive reuse and allowing new uses that fit the character of the neighborhood is an economic benefit that can make an individual project viable. The resulting improvement of property values in the neighborhood, brought about by enhanced use opportunities, encourages the rehabilitation and maintenance of all of the buildings in the Village.

***Cultural, Tourism, and Specialty Business Opportunities***

Another feature of this plan is to allow for the development of small businesses relating to the culture and history of the German Village and to historic tourism. These uses also should respect the character of the neighborhood by maintaining the residential and historic look and feel of the neighborhood.

The German Village is in many ways the cultural and historic heart of the city. The existence of many beautifully restored buildings, such as the Lane Public Library, the Lane Hooven House, the Benninghoffen House and Saint Julie Billiard Church attract visitors. The neighborhoods proximity to a revitalized Downtown, The Hamiltonian Hotel, and Mercy Hospital, offer exceptional prospects for suitable cultural, historic and tourism related enterprises. Likewise, the Village can provide specialty business services, niche office, and important residential components for a revitalized Downtown.

Small shops that sell fitting cultural or historic items, bookshops, coffeehouses, or tearooms can be a positive addition to the Village. These types of business uses could be located anywhere in the BPD; however, they would probably be best suited in the North Third Street Area or near the south end of the District near the Butler County Historic Society. Similar to residential setting offices, these types of businesses, when located outside of the traditional business areas, should only be discernable from the residential structures around them, by suitable signs and perhaps appropriately placed and landscaped parking





### ***Zoning Issues***

Locally Designated Historic Districts, like the German Village, are regulated under the Historic Preservation Sections of the Zoning Ordinance, administered by the Historic Design Review Board and the City Planning Department staff. The Historic District zoning is an overlay of the existing zoning. The Planning Commission is responsible to administer the zoning, including setbacks, uses, lot coverage, parking, etc. The duties of the Historic Design Review Board are similar to the Planning Commission's function of reviewing and approving a planned development in terms of its physical design. The Historic District regulations control the removal, replacement, and alteration of the buildings and control of the visual environment in the German Village.

The Historic Design Review Board operates under a specific set of rules, namely the Historic Preservation sections of the Zoning Ordinance, The Secretary of the Interiors Guidelines for Renovation of Historic Structures, and The Historic Design Review Boards Guidelines and Policies. The rules and regulations of the Historic Design review Board are adopted as a part of this plan.

Adopting the ordinance, the Secretary of the Interiors Guidelines and the HORS guidelines as a part of the plan will help to eliminate some of the jurisdictional overlap between the BPD and the Historic District Sections of the Zoning Ordinance. Exterior work approved by the Historic Design Review Board, that does not involve a change in use, demolition of buildings, major additions to buildings, or the construction of new buildings or parking lot additions, are therefore, in conformance with this plan.

Applications for change in use that do not involve physical changes to the exterior of the building will not require any Design Review Board action. However, the Zoning Ordinance has designated the HDRB as an advisor to Council and to any City Board. The Planning Commission may request a recommendation from the HDRB concerning any matter before it.

Requests that involve action by both the Historic Design Review Board and the Planning Commission (changes in use, new parking, demolition or construction of new buildings etc. along with exterior changes) will require approval from both the Planning Commission and the HDRB. Concurrent or joint sessions for these boards may be required while considering complicated applications.

Applications that involve action by both the HDRB and the Planning Commission will be first submitted to the Planning Commission, where preliminary approval may be granted contingent upon approval by the HDRB.





### ***BJ APPROPRIATE USE CRITERIA***

New uses introduced into the Plan area must consider the size and character of the building and its immediate surroundings and the ability of the proposal to meet building codes, parking and other criteria established by this plan.

All development and proposed uses will respect and complement the Village's sense of time and place. Careful consideration must be given to maintaining the character and scale of the neighborhood. The amount of traffic generated by a proposed use is an important consideration in maintaining this character.

In order to maintain the village-like character of the neighborhood an appropriate balance of uses must be maintained. One use type should not be allowed to dominate by number of locations or by scale of operations, in a manner that may be detrimental to the other uses and the sense of neighborhood. In its determination of the appropriateness of a new use, the Planning Commission may impose operational limitations on the new use in order to meet the intent of the Zoning Ordinance, as stated in section 1102.2, and to maintain the balance and character of the neighborhood. Operational limitations on the use may include but are not limited to the following: hours of operation, delivery times, trash removal schedules and apparatus locations, hours of light operation for sign and site illumination, or other appropriate measures.

This plan also recognizes that the economic viability of a neighborhood is critical to the continuing maintenance and preservation of its historic fabric. The Creative Adaptive Reuse of historic structures for new appropriate uses is encouraged.

The application of these criteria should result in the following distribution of uses:

Typically, the smaller houses near the northwest corner of the district should remain single or multifamily residential. Office uses generating little walk-in clientele may be appropriate, if the structure lot size and setbacks are sufficient for the use. Moving towards the southeast, the distribution should be a gradual blending of the residential, with more general office uses intermingled as the buildings become larger and the street capacity improves. In the vicinity of Second and Buckeye Streets, the mix might include small German Village residential setting businesses. The North Third Street area should remain the general







commercial area of the neighborhood and should be given the greatest latitude in the allowance of appropriate business uses. The small commercial area existing at the North Second Street and Hensel Place intersection should remain neighborhood business area. **Figure "A,"** shown on the development plan, graphically depicts this distribution. **The Planning Commission will be the sole determinate in granting uses based upon the concepts of this plan and the conditions prevailing at each site.**

**The Principal Permitted Uses in the German Village Planned Development District are:**

**1.) Uses Permitted Without Specific Plan Approval**

**Residential**

- Single-family residential
  - Multi-family residential in existing multi-family or mixed-use buildings - the number of units that already exist in a building or a multi-family project that reduces the number of units that exist in a building can be approved without Specific Plan Approval
  - Setbacks, lot coverage, building height, and lot width same as Traditional Neighborhood-1 Zoning District
  - Customary Home Occupation Uses
- ~~• All Principal Permitted Uses allowed in the R-4 Multi-Family Residential District regulations meeting the criteria of the R-4 district regulations concerning setback, lot coverage, front and side yards.~~

**Office & Business**

- All Principal Permitted Commercial and Office Uses in the Traditional Neighborhood-4 Zoning District are Permitted Uses in the following areas:
  - On the North Third Street Corridor
  - In buildings that contained commercial and office uses at the time of the designation of the BPD District so long as the new use creates equal to or less than the amount of traffic created by the former use. Business and office uses that are appropriate in scale, character, and type, for the character of the German Village may be located throughout the Planned Development District subject to the G. V. Plan Criteria. Such enterprises will be defined as Residential Setting Businesses for purposes of this plan. German Village Residential Setting businesses may include small gift





boutiques, shops selling small-scale antique items Victorian and Turn of the Century items and crafts, history related items, jewelry shops, bookstores/coffee house, art studios and galleries etc. as examples. Personal Services businesses such as tanning salons, barber shops, beauty parlors etc. are not Residential setting Businesses under this plan.

- Restaurants that serve alcohol are permitted uses in buildings that have been historically been used as restaurants on the North Third Street Corridor.
  - Expansion of an existing use that are not expected to increase traffic by more than 10% of current business traffic.
  - Bed and breakfast uses may be located in all parts of the district, subject to the G. V. Plan Criteria and the conditions found in Traditional Neighborhood-3.
  - Uses as described in the 2020 Expansion Area section of the plan within the Expansion Area only, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.
- ~~• Existing Principally Permitted and Conditionally Permitted uses allowed in the R-0 and B-2 District Regulations, that exist within the Planned development District at the time of the designation of the BPD District. Any existing, "grandfathered" non-conforming uses, and special permit uses existing within the Planned Development District at the time of the designation of the BPD District. Where legal uses beyond those permitted in the R-4 district exist, said uses are permitted to continue in their present location as a part of this plan. Future, building additions or demolitions, and changes in size or scope of use as determined by the Director of Planning, will require specific plan approval.~~

## 2.) Uses Permitted With Specific Plan Approval

### Residential

- Multi-family residential as allowed in the Traditional Neighborhoods-4 District, meeting the conditions of approval multi-family found in the TN-4 regulations, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.
- ~~• All Conditionally Permitted Uses allowed in the R-4 Multi-Family Residential District Regulations, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.~~
- ~~• All Principally Permitted Uses allowed in the R-4 District Regulations, requiring modification of lot coverage, setback, and yard requirements, meeting the G.~~

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~~V. Plan Criteria. Customary Home Occupation Uses allowed as an Accessory use in the R-1 through R-4 District Regulations, expanded to include non-resident employees, meeting the G. V. Plan Criteria.~~

### Office & Business

- All Conditionally Permitted Uses allowed in the Traditional Neighborhoods-4 District, meeting the Appropriate Use Criteria, and The Plan Modification Standards (G.V. Plan Criteria), defined elsewhere in this plan.
- In buildings that did not contain commercial and office uses at the time of the designation of the BPD District and are not on North Third Street, new office and business uses require a Specific Use Approval.
- New uses or changes in size or scope of an existing building that will generate more traffic than the maximum permitted to be approved without Specific Plan Approval.
- Personal service businesses such as salons throughout the German Village District except for on the North Third Street Corridor, where they are permitted without Specific Approval.
- The Director of Planning reserves the right to require Specific Plan Approval for any use in which the intensity or traffic impact is unknown or is expected to be more substantial than the intent of the German Village Plan describes.
- ~~All principal permitted uses allowed in the R-O Multi-Family-Office District Regulations, meeting the G.V. Plan Criteria, that generate pedestrian and non-resident employee traffic in amounts, equal to or less than the amount of traffic which is reasonable and normal to the building if used for residential purposes, are permitted through-out the district.~~
- ~~Principal Permitted Uses allowed in the R-O Multi-Family-Office District Regulations that generate pedestrian, vehicular and delivery traffic beyond that which is reasonable and normal to the R-4 District, are restricted to the North Third Street Corridor as shown on the approved plan map. Or are restricted to buildings and sites suitable by reason of their lot or building size, parking availability, street capacity and meeting the G. V. Plan Criteria.~~
- ~~Conditionally Permitted uses allowed in the R-O Multi-family Residential District Regulations. Permitted R-O uses are restricted to the North Third Street Corridor, as shown on the approved plan map, except as herein~~





~~modified. Conditionally Permitted R-O District drive-in uses are not encouraged and will also be subject to the curb cut and screening provisions of the parking lot regulations of this plan. Bed and breakfast uses may be located in all parts of the district, subject to the G. V. Plan Criteria.~~

**Business**

- ~~• Principally Permitted and Conditionally Permitted Uses allowed in the 8-2, Community Business District Regulations, except prohibiting the following uses; Automotive Service Stations, Automotive Services repair, Farm Implements and Adult Entertainment. Permitted 8-2 uses will be restricted to the North Third Street Business Area as shown on the approved plan map.~~
- ~~• Conditionally Permitted Uses allowed in the 8-1, Neighborhood Business District Regulations, except prohibiting the pumping of gas as an accessory use. Permitted 8-1 Conditional Uses will be restricted to the North Third Street Business Area as shown on the approved plan map.~~
- ~~• Principally Permitted Uses allowed in the 8-1, Neighborhood Business District Regulations. Permitted 8-1, Neighborhood Business Permitted Uses will be restricted to North Third Street Corridor, except as herein modified~~
- ~~• Principally Permitted Uses allowed in the B-1, Neighborhood Business District Regulations, that are appropriate, in scale, character, and type, for the character of the German Village may be located throughout the Planned Development District subject to the G. V. Plan Criteria. Such enterprises will be defined as residential setting businesses for purposes of this plan. German Village Residential Setting businesses may include small gift boutiques, shops selling small scale antique items Victorian and Turn of the Century items and crafts, history related items, jewelry shops, bookstores/coffee house, art studios and galleries etc. as examples. Personal Services businesses such as tanning salons, barber shops, beauty parlors etc. are not Residential setting Businesses under this plan. Commercial uses that generate pedestrian, vehicular and delivery traffic beyond that which is reasonable and normal to the R-4 District will be limited by the G. V. Plan Criteria.~~

**C.) Standards - Modification of Development Plan Considerations**

**Parking** - The amount and location of parking facilities will be considered as part of the approval process for changes in use. Section 1137 of the zoning ordinance will be used as a guideline only in determining the amount of parking







required. The amount of parking may be more or less, than the zoning ordinance requires as determined by the Planning Commission under the Planned Development Regulations. The Commission should consider factors such as the days and hours of operation, or the traveling habits of the expected clientele. Planned Development regulations allow Planning Commission to increase or decrease the parking requirements of section 1137 by up to 35% to arrive at the approved number of spaces needed for the new use. Approval of a use will only be granted where sufficient parking can be made available as defined in this plan.

The approved number of spaces may be located on site, in shared use parking areas or in near-by public parking where applicable and approved. Planning Commission may require a written agreement, or the granting of cross easements where shared parking sites are being considered. Where public, metered parking is located within five-hundred feet (500') of a proposed commercial and office use, with Planning Commission approval, it may be counted as up to 50% of the approved number of parking spaces required for such uses.

As with normal zoning requirements, the prior uses of the building and how those parking needs were handled may also be used as an additional modifying factor. In many cases on-street parking fulfilled the parking demands of the prior use. For commercial/office uses, on-street parking should only be used to fill, the short-term customer/client/ patient portion of the new use's parking needs.

All new parking will be developed in accordance with the Historic Design Review Board's Policies and Guidelines for parking lots. New parking areas must also be approved by the HDRB. Parking facilities should be made as inconspicuous as possible, generally to the rear of the property. Entrances should be, if possible, from Erwin, Linden, or Race Streets or from the alleys. In order to preserve the "Turn of the 20th Century" pedestrian atmosphere, the development of parking areas requiring new curb cuts is discouraged and will only be approved where there is no other prudent alternative. The sharing of curb cuts and drives is encouraged to retain unpaved yard space and to preserve on-street parking.

Where one or two spaces are needed to meet the code, a new curb cut will not be granted, and the two spaces of street parking retained will fill this requirement.

**Building Code Compliance** - Approval of a change in use for a particular location will be based on the capacity of the building to meet the current





building code standards for the proposed use (Fire separations, ingress-egress issues etc.). Existing buildings may be modified to meet such codes; however, all exterior changes necessary to meet the code for the new use must also comply with the Secretary of the Interiors Standards for Rehabilitation, the Historic Design Review Board Guidelines, and be approved by the Historic Design Review Board. The Ohio Basic Building Code makes allowances for the sensitive treatment of building safety issues in the renovation of historic structures, under Article 34 of the code. Applicants are urged to utilize design professionals that are knowledgeable in the application of Article 34 of the OBBC. Approval of a use will only be granted where successful mitigation of code issues can be accomplished.

**Rehabilitation of Structures, Removal of Inappropriate Features** - The existing condition of the building and the amount and quality of the restoration work proposed are factors to consider in determining whether to approve a specific land use. The Commission may negotiate the removal or replacement of Historically inappropriate existing conditions in order to

enhance the character of the village as part of the redevelopment proposal. These items are generally parts of a remodeling undertaken before the creation of the Historic District, which have remained under grandfather provisions of the HDRB section of the zoning ordinance. For example: removal of an 1950's aluminum awning, or the replacement of a chain link fence with wooden fence, screening of an existing parking lot, or repainting the building with appropriate colors are issues which could be linked to a plan approval. The Commission may request a recommendation from the HDRB regarding the correction of such inappropriate intrusions and other acceptable restorative work beyond the normal scope of HDRB regulations. The Planning Commission will determine the appropriate amount of such work as a part of the approval of the new use.

#### **D) Signs**

Signs are an important part of the architecture and setting of a building and when similar and consistent in design, number and size can add to the sense of place. Signs in the German Village Planned Development must be appropriate in design, number and location to the character of the building and site. The Historic Design Review Board will approve all aspects of sign design. Signs similar in design to those shown on the graphic plan are typical of the kinds of signage desired.

Signs permitted in the North Third Street Business area of the Planned Development Area should generally not exceed the number and area of signs





permitted in section 1138.23, Signs Permitted in the "B-1" Neighborhood Business District.

In the remaining areas of the District where low traffic offices and business are appropriate, the number and size of signs, will generally not exceed those permitted in section 1138.223, of the Zoning Code, Signs permitted in Residence Districts, Club, lodge, office signs.

In areas of the Planned Development District, not in the North Third Street Business Area, where traffic producing offices and business are appropriate the size of signs on the building, will generally not exceed those permitted in section 1138.262 Signs Permitted in Office PD Districts. (150% of Signs Permitted in Residence Districts.) [30 square feet]. An additional freestanding yard sign similar in design to those shown on the graphic plan may be installed where appropriate.





Planning Commission may allow increases in the size and number of signs, to the limits of the Planned Development regulations, where appropriate, because of the nature of the operation, the location or lay-out of the enterprise, or to include appropriate additional design elements as herein defined. For example, signage for non-traffic producing office in a residential block should be minimal (See business card signs on the graphic plan). While a professional office in an area where traffic producing offices are appropriate, with several associates and multiple entrances may appropriately require an additional sign at or near the second entrance.

Most of the Village's architectural styles are highly decorative in nature and appropriate signage requires a significant amount of detailing (Finials, brackets, pent roofs, pediments, painted boarders, etc). The Commission may increase the size of allowable signage up to the limits of the Planned Development Regulations to accommodate appropriate stylistic elements. (See **Figure 8** on the graphic plan.) Period style support posts are encouraged and will not be included in calculating sign area.

As a further unifying element, signs for uses in the German Village are encouraged to include historic information where appropriate. Such historic information may include the date of establishment of the business or enterprise, and/or the historic name of the building and/or the construction date of the building. Planning Commission may allow additional sign area as a bonus provision, to accommodate such information. Such information should be appropriate in size of lettering and in length. For example: "*established, 1897*" would be suitable while, "*Cheerfully doing business at this location since 1904*" would probably not be suitable.

### **E.) Community participation concerning changes in the BPD Plan and Changes made according to the BPD Plan**

This plan establishes a desired state for the German Village Planned Development District and it allows and encourages the changing of uses to achieve the desired state. It is important to note the difference between site-specific changes made under the provisions of this plan and changes made to the written plan itself.

Changes to the written and graphic plan might include adding a new kind of use or removing a particular use from the approved options. Planned Development regulations have established mechanisms to modify approved PD plans in section 1132.46 of the zoning ordinance. Changes to the written plan will







continue to follow these procedures and as prescribed, including notification of property owners and a public hearing.

Because the desired state involves the mixing of uses and the interdependence among the new use and the existing neighboring uses, it is only proper that the German village Community be involved in changes made according to the plan. There are three ways in which the German Village Community can participate in plan changes. 1) A public hearing before Planning Commission, with owner notifications for major modifications to the plan, as defined below. 2) Through the German Village representative on the Historic Design Review Board, concerning exterior changes that are proposed as a part of a plan modification, and 3) through the required pre-application conference as herein defined.

Planned Development Procedures require a pre-application conference between the applicant and the Planning Director. This conference should include a review of the modification parameters of this plan. Because of the village-like nature and the proposed mixing of uses, public support for any change is important. The applicant should be advised to work with the German Village in development of their plan modification proposal.

A Public Hearing before the Planning Commission, requires a written notification to property owners, for major and substantial changes to the plan as defined in the Planned Development regulations - Section 1132 of the Zoning Ordinance. In addition to the notification of the public hearing provided to the affected property owners, as required under zoning ordinance, notification will be provided to the President and Board of Trustees of German village Inc.

### **Major Amendments**

For purposes of this plan, the following allowed, site specific proposed changes are major changes also subject to Section 1132.

- Changes from a Principal Permitted Use to a Use that requires Specific Use Approval.
- Residential and low traffic office changes to traffic producing office, residential setting business or business uses.
- ~~Traffic producing office to business.~~
- Substantive changes in the character type or scope of a residential setting business as determined by the Director of Planning. For example, conversions

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of a bookstore or gift shop to a coffeehouse.

- A change in use from a use that does not serve alcoholic beverages to a use that serves alcoholic beverages.

### **Minor and Moderate Amendments**

For the purpose of this plan, adjustments in uses among subcategories of permitted uses and changes in building code use groups will be considered as minor or moderate character defining adjustments as determined by the Director of Planning based on the criteria of this plan.

For example a change from an office to an artist studio which meets the parking, character and building code use group criteria of this plan might be found to be a minor adjustment under. Another example of a minor or moderate change in use might be from a bookstore to small shop that makes and sells candy. This is a change in use as far as the Building Code is concerned (food preparation etc.) If all the other criteria of this plan were met such a change would probably be considered a minor plan adjustment.

Another example of a minor or moderate change is a restaurant adding an outdoor dining area, as long as the area is setback ten feet from an adjacent residential property and includes a buffer of some sort like a fence.





## German Village Plan Expansion Area

June 2020

The 11.8 acres included in this expansion area are part of the German Village Historic District. They contain historically significant structures that have long been part of the neighborhood's fabric. However, this area includes properties that are larger in scale than other properties within the German Village Historic District.

The 1997 plan captures most of the objectives for the expansion area; however, given the scale and type of buildings, a wider variety of uses are appropriate in this 11.8 acres, including:

- **Hotels** – An adaptive reuse of these properties into a hotel would support the tourism objectives of the German Village Plan.
- **Apartments or condominiums** – Residential uses are permitted in the plan. These larger buildings could be appropriate for a higher density of residential units.
- **Event centers** – Event centers are a suitable adaptive reuse of historic buildings and could be appropriate in conjunction with a hotel or a standalone use.
- **Light industrial** – Some buildings along Martin Luther King Jr. Boulevard were built for light industrial and should be permitted to continue as this use. This includes contractor and skilled trades businesses with no exterior storage. However, these buildings or sites could be appropriate redevelopment sites as well. Light industrial is only appropriate in buildings that were operating as light industrial when this Expansion Area was added to the District.
- **Institutional** – The area includes existing institutional uses such as St. Julie's Church and the YWCA Hamilton. The YWCA Hamilton building could be a good building for an adaptive reuse that supports the tourism and economic development objectives of the German Village Plan and the City's Comprehensive Plan, Plan Hamilton.
- **Park** – Marcum Park and RiversEdge are important to the quality of life not only to German Village, but to the City of Hamilton as a whole. This park is expected to be preserved as public space.





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# DRAFT Minutes for Review

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Written Minutes - Planning Commission  
 May 21, 2020 @ 6:00 p.m.  
 Council Chambers  
 First Floor, 345 High Street  
 Hamilton, Ohio 45011

<b>Shaquila Mathews</b> Commission Member	<b>Teri Horsley</b> Commission Member	<b>Dale McAllister</b> Commission Member	<b>David Belew</b> Commission Member
<b>Patrick Moeller</b> Mayor	<b>Matthew Von Stein</b> Commission Member	<b>Joshua Smith</b> City Manager	
<b>Lisa Sandlin</b> Alternate		<b>Larry Bowling</b> Alternate	

One (1) Public Hearing, One (1) Non-Public Hearing

**Roll Call:**

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Vanderhorst for Smith
x	x	x	x	x	x	x

**Swearing in of Those Providing Testimony to the Commission:**

Notary Public Liz Hayden

**Approval of Meeting Minutes- Written summary and audio recording for the following dates:**

1. May 7, 2020 (Located at the end of the agenda)

Motion by Belew  
 Second by Horsley  
 Motion approved unanimously

**New Business:**

**Agenda Item #1 – PublicHearing (To be Postponed to a later date)**  
**Lindenwald & Prospect Hill –**  
**Proposed Rezoning of Specific Properties to TN (Traditional Neighborhood) Zoning District**

Request to rezone properties in the Lindenwald and Prospect Hill neighborhoods (City of Hamilton, Applicant)

Staff: Ed Wilson, AICP

**Presentation**

One of the objectives of Plan Hamilton, the City’s Comprehensive Plan, is to update the zoning in Hamilton’s urban core and traditional neighborhoods. In 2019, the City of Hamilton established four new zoning districts, Traditional Neighborhood Zoning Districts. In October 2019, the City rezoned the Rossville neighborhood and a small portion of Prospect Hill to these new zoning districts.

As part of the Comprehensive Plan, The City of Hamilton applied to rezone approximately 198 acres of land – 2,131 parcels - within the Lindenwald and Prospect Hill neighborhoods to Traditional Neighborhood (TN) Zoning.

There was a significant amount of interest from the public regarding this rezoning proposal, with the Planning Department receiving multiple calls and inquiries, and noted interest in attending the public hearing at the Planning Commission in-person.

However, due to the state of emergency presented by COVID-19, Staff recommended a postponement of this agenda item to allow a complete opportunity for citizen participation in the public hearing and rezoning proposal. Planning Commission tabled the rezoning proposal to the May 21, 2020 meeting.

Due to the continued issues pertaining to COVID-19 and social distancing concerns, Staff is again recommending a postponement of the TN (Traditional Neighborhood) rezoning request for Lindenwald and Prospect Hill. While emergency statutes have allowed the Planning Commission and the public to participate in remote meetings and virtual participation, this change has demonstrated a fundamental shift in participation and opportunity to participate in a public hearing, primarily due to the online format.

With the current and ever-changing state of affairs, Staff feels that there is not enough of an opportunity for the citizens and interested parties to fully engage and participate in a public hearing appropriate for a large-scale proposal of this nature.

**Motion -**

**That the Planning Commission postpone the rezoning proposal to a later meeting date.**

Motion by: Horsley

Second: Von Stein

Motion passes unanimously

**Agenda Item #2 – Non-PublicHearing**

**Hickory Woods, Block D, Subdivision – Final Plat**

Request for a Final Plat for Hickory Woods, Block D, Subdivision, to subdivide vacant land into nineteen (19) buildable lots; located at 1 East Persimmon Drive, situated in the First Ward, South Side, City of Hamilton. **(David P. Long, Alum Cliff Industries, LLC., Applicant)**

Staff: Ed Wilson, AICP

**Presentation:**

**Section A: Introduction and Background**

***Section A.1: Project Overview***

The submitted application pertains to a Final Plat of Hickory Woods, Block D, Subdivision. The Final Plat is the last step in the subdivision process for the acceptance of streets as right-of-way and the subdividing of vacant, unplatted land as buildable lots. The Planning Commission makes a recommendation to City Council for final action on Final Plat requests. The proposed plat is for the subdivision of 19 new buildable lots on the remaining un-platted, vacant land within the Hickory Woods Subdivision. Hickory Woods is a Planned Development community originally approved in the early 1990's. If approved, the development would be the final phase of development within the subdivision.

***Section A.2: Existing Site Conditions***



The site in question is an undeveloped area of 6.37 acres located within the Hickory Woods Subdivision, immediately east adjacent of the Persimmon Drive portion of the development. Surrounding land uses include single-family residential housing to the west, south, and east of the subdivision; and apartment complexes to the north, west, and south of the subdivision (for a location map, please see [Exhibit A](#)).

Houses constructed earlier in the subdivision's lifetime (1990s) are completely vinyl sided. Houses that have been constructed in recent years feature masonry/brick as part of the front facades and vinyl for side and rear facades.

A detention pond is located in the center of the development at the intersection of West Persimmon Drive, Hickory Woods Drive, and Sweet Gum Drive. Recently, a final course of street pavement was completed along Mimosa Drive. There are currently two (2) terminated roads at East Persimmon Drive and West Persimmon Drive that terminate in a manner that is not compliant with what is required for Emergency Response Services.

### ***Section A.3: History***

The Hickory Woods Planned Development has been through Planning Commission review on multiple occasions, particularly for the planning and platting of new sections or blocks of the development. A general history is as follows:

1. In 1993, the City of Hamilton approved Hickory Woods as a PUD (Planned Unit Development) for 113 lots. The approved Development Plan was revised twice in 1993. The final revision featured a development plan containing 87 lots identified for the construction of single-family residential dwellings.
2. In 1994, the Final Plat was approved for Block A of the development, which platted 15 lots in the subdivision.
3. In 1998, the Final Plat was approved for Block B of the development, which platted 27 lots in the subdivision.
4. In 2005, the Final Plat was approved for Phase II of the development, which platted eleven (11) lots in the subdivision.
5. In 2018, a Zone Change and amended Development Plan adding three (3) new lots along Millville Avenue. A Final Plat for Block C has been approved creating those three (3) lots.
6. On March 21, 2019, the Planning Commission approved the amendment to the Hickory Woods Development Plan to allow the Hickory Woods, Block D.

## **Section B: Development Plan Review**

### ***Section B.1: Request for Final Plat***

The site in question, containing an area of approximately 6.37 acres, located in the eastern, undeveloped portion of the Hickory Woods Subdivision. Planning staff determined that the applicant submitted sufficient information to proceed with the final plat.

### ***Section B.2: Submitted Request (Final Plat)***

The plat proposes the subdivision and creation of the site into nineteen (19) new buildable lots, with one (1) non buildable lot. The applicant is proposing to construct nineteen (19) single-family homes with attached garages on each of the newly created buildable lots.

The proposal and final plat includes the extension of West Persimmon Drive, an existing private street, which will terminate into East Persimmon Drive. If approved, the development would be the final phase of development within the Hickory Woods Subdivision. The specifics of the development proposal are discussed in greater detail in the section below.

### ***Section B.2.1 Buildable Lots and Home Characteristics (Exhibit B)***

The submitted Final Plat indicates the following:

1. Subdivision of the site in question into nineteen (19) buildable lots.
2. The Lot Characteristics of each new buildable lot are as follows:
  - a. Lots #1-12 and Lots #15-21
  - b. Lot Size: 7,446 square feet minimum
  - c. Lot Width: 60 feet minimum
  - d. Setbacks:
    - 1) 15 feet front yard setback
    - 2) 10 feet rear yard setback
    - 3) 5 feet side yard setback
  - e. Proposed landscaping: one (1) tree planted per single-family residential lot, located in the front yard. 2.5" caliper tree, per HOA requirements and city specifications.
3. Per the approved amended plan and preliminary plat, the Architectural Characteristics of the nineteen (19) Single-Family Homes:
  - a. The proposed homes will be consistent in architecture to the existing homes in the subdivision (see Exhibit C for pictures).
    - 1) The original homes constructed in the 1990's contain all vinyl facades.
    - 2) The 10-12 homes constructed in recent years contains at least 50% percent brick / stone on the front façade with the remaining exteriors of the structure being vinyl.
  - b. The materials for the proposed homes will be consistent with the home constructed in recent years.
  - c. Proposed homes will be one-story ranch housing.
  - d. The minimum size of each home will be 1,450 square feet of living space
  - e. Each home will feature an attached garage containing an area of 400 square feet.
  - f. Typical dimensions will be approximately 42 feet wide by 50 feet deep
  - g. Front façade materials will contain a minimum of 50% lightweight stone / brick.
  - h. Side and rear materials will be vinyl.

### ***Section B.2.2 Non-Buildable Lots***

The submitted Final Plat indicate the following:

1. Provision of one (1) non-buildable lots.

2. One (1) non-buildable lot, identified as Lot 32310, will be conveyed and combined with an adjacent parcel owned by the HOA. This parcel is currently an open space parcel occupied by a retention pond.

The preliminary plat featured one (1) non-buildable lot, to be conveyed and combined with an adjacent parcel owned by an individual property owner in the subdivision. The final plat combined this lot with what was known as Lot 12 (Lot 32309).

### ***Section B.2.3 Conservation and Landscaping***

The submitted Final Plat indicates the following:

1. Natural conservation of the existing trees located in the rear of all proposed lots
2. Provision of a conservation easement of 2.1 Acres to protect the existing wooded areas, along the rear of lots 1-12. This is the easternmost part of the subject area.
3. Provision of one (1) tree in the front yard area of each lot.

### ***Section B.2.4 Off-Street Parking, Access Controls, & Easements***

The submitted Final Plat indicates the following:

1. Extension of East Persimmon Drive, a private street, 633.29 feet of street length in manner that will connect East Persimmon Drive to West Persimmon Drive as a "loop."
2. Vehicular access to the proposed 19 lots is from the extension of East Persimmon Drive, and the resulting loop of West Persimmon & East Persimmon Drive.
3. The extension of Persimmon Drive is 22 feet wide and contains a 30 feet wide ingress/egress easement.
4. The proposed utility easement includes two (2) 10 feet wide easements that run along the course of the proposed East Persimmon Drive on opposite sides of the proposed drive.

The Planning Commission reviewed and approved the Preliminary Plat for this subdivision on March 19, 2019. The Planning Department finds the proposed Final Plat to be consistent with the approved Preliminary Plat of the subdivision that was approved by the Planning Commission (see Exhibit D for the Approved Plan for reference).

### **Section C: Statutes:**

#### ***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 of subdivisions and subdivision lots within the City of Hamilton.

Chapter 1191 of the Subdivision Regulations outlines the procedure for plat approval.

## **Section D: Interdepartmental Review**

The Hickory Woods, Block D, Final Plat has been through the city's Interdepartmental Review Committee. The proposed final plat has been reviewed and approved through the City's Interdepartmental Review process.

There were no objections to the Final Plat.

## **Section E: Recommendation**

The Planning Commission can recommend approval or denial of the proposed Final Plat for Hickory Woods, Block D. 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. If the Planning Commission approves a motion for denial, the application is considered denied and does not move forward to the City Council.

If the Planning Commission chooses to recommend approval of the Final Plat, the Planning Department recommends that the following motion:

- 1) That the Planning Commission take action and recommend that City Council approve the Final Plat for Hickory Woods, Block D, subdivision, with the recommended conditions of approval.

If the Planning Commission chooses to recommend approval, the Planning Department recommends that the Planning Commission include the following conditions of approval. Please note that these conditions of approval reflect the conditions found in the previously approved Hickory Woods, Block D, Amended Plan (See Exhibit E):

### **Conditions of Approval:**

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments, and future review requirements of the City of Hamilton Interdepartmental Review.
2. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan and Final Plat.
3. Existing trees shall remain and a conservation easement shall be established and maintained as indicated on the submitted site plan.
4. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
5. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches). All tree species proposed shall be reviewed and approved by the City of Hamilton Municipal Arborist.



6. The building materials for siding of the front façade shall be at least 50% masonry and/or brick.
7. That all new single-family homes have a minimum size of 1,450 square feet.
8. That all new single-family homes have an attached garage with a minimum size of 400 square feet.
9. That no more than 40 inches of concrete foundation shall be exposed, unless in conjunction with a walk-out basement.

**Section F: Staff Basis / Comments**

Staff finds the final plat to be consistent with the intent and purpose of the Planned Development and Subdivision Regulations in the following ways:

1. The proposed development encourages imaginative, superior, design and function in developments through the creative use of land featuring a hilly topography, which prohibit it from being developed at a higher density or different configuration.
2. The proposed development provides an alternative procedure for the development of land to allow for more efficient and economical development of property than customarily permitted by conventional zoning and subdivision regulations.
3. The Hickory Woods, Block D subdivision has been through substantial planning and review procedures to facilitate a higher quality design and development. The applicant has met with staff several times to incorporate comments and input from all city departments to produce a plan that will be compliant with respect to city requirements.
4. The proposed plan and plat encourages the conservation of natural amenities of the landscape through the establishment of a conservation easement, and retention of existing trees in the development area, at the south, east, and northern boundaries. In doing so, the applicant is able to preserve a majority of the flora and fauna that currently existing on the site.
5. The proposed development properly integrates with the overall character and unique form of the Hickory Woods subdivision and is compatible with the existing development on the site in question.
6. The submitted plans connect East Persimmon Drive with West Persimmon Drive creating a “loop” which brings both streets into compliance with codes pertaining to access for Emergency Response Vehicles.

**Discussion:**

Mr. Gregg Russell, applicant, was in attendance to answer questions. They have sold homes fast in this subdivision. He estimates it will take 12-18 months to finish this development.

**Motion –**

**That the Planning Commission take action to recommend, that City Council approve the Final Plat for Hickory Woods, Block D.**

**Motion by: Horsley**

**Second: Mathews**

**Motion passes unanimously.**

**Miscellaneous:**

**Zoning District Presentation:**

**Zoning in City of Hamilton**

Current zoning and development in the City of Hamilton is the result of the initial founding of the City along the banks of the Great Miami River and the outward expansion, both east and west along major transportation routes. Many of the initial homes in the City were built on narrow or small lots within close proximity (walking distance) to downtown Hamilton, large factories, and paper manufacturers along the river and adjacent to downtown Hamilton. On certain streets and prominent street corners, multi-use buildings (typically comprised of a first floor storefront commercial spaces and 2nd or 3rd floor multi-family units.

Over the years, the City of Hamilton annexed new land and consequently applied new zoning designations to these areas. In many instances, the zoning depended upon the intended land use which was typically commercial or industrial if located along a major thoroughfare and residential if adjacent to existing residential areas.

**Intent of the Zoning Districts:**

The intent of the City of Hamilton's zoning is to 1) protect and promote the public health, safety, convenience, comfort, prosperity, or general welfare; and 2) provide the economic and social advantages, which result from an orderly, planned use of land.

Some of the objectives of the zoning ordinance and our zoning districts include:

- To promote the achievement of the general plan for the City of Hamilton.
- To advance the position of the City of Hamilton as a regional center of commerce, industry, recreation and culture.
- To stabilize expectations regarding future development of Hamilton, thereby providing a basis for wise decisions with respect to such development.
- To preserve and enhance the quality of Hamilton's environment.

## **List of Zoning Districts:**

### **Standard Zoning:**

**AG** Agricultural District – Farming, Agricultural

### **Residential Districts:**

**R-1** Single-Family Residence District – Larger single-family residential lots and subdivisions

**R-2** Single-Family Residence District – Smaller single-family residential lots and subdivisions

**R-2A** Two Family Residence District – Two-family residential

**R-3** One to Four Family Residence District – One-to-four family, smaller urban lots

**R-4** Multi-Family Residence District – Multi-family, low impact businesses (offices)

**R-0** Multi-Family Residence and Office District – Multi-family and older lots/structures that could be reused as offices or banks

### **Business Districts:**

**B-1** Neighborhood Business District – Small-scale business for older neighborhoods

**B-2** Community Business District – Suburban and larger-scale businesses, along major roads

**B-3** Central Business District – Former downtown business district; business oriented

### **Industrial Districts:**

**I-1** Limited Industrial District – Smaller and/or lesser industrial, found in older neighborhoods

**I-2** Industrial District – Industrial uses (former or current); heavy industry

### **Traditional Neighborhood Zoning:**

Recent Zoning District. Primarily urban residential with appropriate businesses that support the neighborhood form and character.

**TN-1** Traditional Neighborhood One – Single-family primarily; can allow up to two-family as a conditional use

**TN-2** Traditional Neighborhood Two – Single-family; can allow up to four-family

**TN-3** Traditional Neighborhood Three – Single-family; can allow up to six-family; allows a few businesses and retail as a conditional use

**TN-4** Traditional Neighborhood Four – Single-family; can allow up to eight-family; allows some business and retail as permitted by-right. Other more intense neighborhood businesses and uses are a conditional use.

## **List of Zoning Districts:**

### **Special Zoning: Planned Developments, Form-Based**

#### **Planned Development (PD) Zoning:**

Planned Developments provide an alternate standard to zoning guidelines. The PD district encourages superior/imaginative design and function, establishes an alternate procedure for developing land, ensures compatibility with the surrounding area, and ensure a quality development through higher review standards.

- **RPD** Residential Planned Development District – specialized residential uses
- **OPD** Office Planned Development District – office uses, office complexes
- **BPD** Business Planned Development District – specialized business development
- **IPD** Industrial Planned Development District – industrial uses and complexes (Hamilton Enterprise Park, and a few other properties)
- **EM-UPD** Entertainment Mixed-Use Planned Development District – for Entertainment Mixed-Use (Spooky Nook, etc.)

#### **Form-Based Zoning:**

Form-Based Zoning covers Downtown Hamilton, East High Street, and the Rossville portion of Main Street and South B Street. This zoning focuses on the building form (storefront building, civic building). However, it has a use chart component, regulating the uses allowed in these core areas.

#### **MS-1, MS-2, MS-3 – Main Street Form-Based zoning - (mixed-use business and residential)**

- **MS-1** Main Street - (100 to 300 Block – urban mixed-use)
- **MS-2** South B Street – (South B to the Arch Street railroad bridge – residential)
- **MS-3** Transitional Main Street – (400 to 500 block of Main Street and South B Street)

#### **DT-1, DT-2, DT-3 – Downtown & East High Street Form-Based Zoning**

- **DT-1** Downtown High Street – (Downtown High – urban mixed-use)
- **DT-2** Downtown Support District – (Other parts of downtown – urban mixed use)
- **DT-3** Downtown East High Street District – (East High Street – suburban commercial)

#### **UCP-1 & UCP-2 - University Commerce Park Districts-1&2**

- **UCP-1** Residential, mixed-use
- **UCP-2** Commercial and light industrial mixed-use

## **Primer, Overview of Zoning Districts**

### **Agricultural**

- **“AG” – Agricultural District** (Section [1114.00](#) of the Zoning Ordinance)

Purpose: Agricultural District permits the preservation of relatively intensive agriculture operation within the City of Hamilton. The district and its permitted uses shall provide a transition between "urban" and "rural" types of development.

Primary permitted uses: Farms/Farming, Single-Family Residential

### **Residential**

- **“R-1” – Single-Family Residence District** (Section [1115.00](#))

Purpose: R-1 district provides for the creation and the preservation of residential neighborhoods characterized by single-family buildings on medium and larger than medium sized lots and to preserve undeveloped lands for similar types of residential development by permitting a minimum of auxiliary non-residential uses.

Primary permitted uses: Single-Family Residential (and Single-Family subdivisions)  
Potential conditional uses: Keeping of Farm Animals (need 5 acres minimum)

- **“R-2” – Single-Family Residence** (Section [1116.00](#))

Purpose: The R-2 district encourages the creation and preservation of residential neighborhoods characterized by single family buildings on medium and smaller than medium sized lots.

Primary permitted uses: Single-Family Residential

- **“R-2A” – Two-Family Residence District** (Section [1116.100](#))

Purpose: The R-2A district provides for medium density two family residential areas in the City while preserving existing and future residential neighborhoods, typically on smaller than medium size lots.

Primary permitted uses: Two-Family Residential

### **Residential, Multi-Family Residential (*Continued*)**

- **“R-3” – One-to-Four Family Residence District** (Section [1117.00](#))

Purpose: The R-3 district encourages the creation and preservation of medium-high density residential neighborhoods characterized by one, two, or three and four family buildings, for owner and/or rental occupancy.

Primary Uses: Up to Four-Family Residential  
Conditional Uses: Clinics, low intensity; child daycare; nursing homes



- **“R-4” – Multi-Family Residence District** (Section [1118.00](#))

Purpose: The R-4 district assists with the maintenance and development of desirable residential neighborhoods, characterized by high density development, appropriate levels of service and varied dwelling types.

Primary Uses: Multi-family dwellings; nursing homes

Conditional Uses: Funeral home; Residential Facility, large

- **“R-O” – Multi-Family Residence-Office District** (Section [1119.00](#))

Purpose: The R-O district restores economic value to developed sections of the City:

- Where old, large estate properties are no longer practical for single-family residency,
- Where residential properties along major thoroughfares can be removed and replaced by modern residential and office buildings
- And generally areas near the center of the City where a wider choice of land uses is desirable while still maintaining a non-commercial environment.

Primary Uses: Offices, Institutional Uses, Studios

Conditional Uses: Offices/Banks with drive-in uses

- **“RPD” – Residential Planned Development** (See Planned Development)
- **“OPD” – Office Planned Development** (See Planned Development)**Commercial, Business**
- **“B-1” – Neighborhood Business District** (Section [1120.00](#))

Purpose: The "B-1" district permits and encourages the establishment of small convenience goods and personal service centers, small size, located in close proximity to residences.

- Uses creating high traffic volume and/or having a potential for being out of harmony with adjacent residential uses shall be examined as conditional uses. (OR 86-11-73)

Primary Uses: Uses from R-O; Retail and Service (grocery stores, barbershops, shops); restaurants

Conditional Uses: Drive-In/Thru services; restaurants with alcohol (bars, taverns); large-scale retail (shops larger than 10,000 square feet)

- **“B-2” – Community Business District** (Section [1121.00](#))

Purpose: The B-2 district encourages the establishment of commercial shopping centers which offer a wide variety of consumer goods and services. It is intended to serve a larger population and larger area than the "B-1" District and, where located along major highways and thoroughfares, for primarily automotive oriented establishments.

Primary Uses: Retail Stores, Personal Service, Business Services, Drive-In/Thru services

Conditional Uses: Auto-related uses (sales, repair garages); gas stations; veterinary; residential uses

- **“B-3” – Central Business District** (Section [1122.00](#))

Purpose: The B-3 district encourages the establishment of a wide variety of shopping goods and services in the Central Business District in such a way as to attract consumers from a large trade area.

Primary Uses: Uses from “B-2”

Conditional Uses: Auto-related uses, limited industrial

- **“BPD” – Business Planned Development** (See Planned Development)

- **“I-1” – Limited Industrial District** (Section [1123.00](#))

Purpose: The I-1 district creates areas that allow manufacturing, warehousing, distribution, office and technology business within the City. Such uses are necessary to provide employment and a sustainable tax base to enable the City to prosper. Only uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare shall be permitted.

- It is also the purpose of this ordinance to provide the proper regulations and conditions attached to uses to ensure that they do not adversely impact the public health safety and welfare.

Primary Uses: Uses from “B-3”; manufacturing, assembly, fabricating, processing; Warehousing, Distribution Centers; Vocational Schools

Conditional Uses: Auto-related uses; vehicle impound lots; exterior storage (equipment, vehicles); self-storage

- **“I-2” – Industrial District** (Section [1124.00](#))

Purpose: The I-2 is intended to allow for manufacturing, warehousing, office activities, general industrial uses, and storage activities. Development may be organized in a planned business or industrial park, or on individual lots in older parts of the City. The principal land uses are heavy commercial and industrial uses.

- It is also the purpose of this ordinance to provide the proper regulation and conditions attached to uses to ensure that they properly integrate with the character and form of the surrounding areas and that they do not adversely impact the public health, safety, and welfare.

Primary Uses: Uses from “I-1”; heavy manufacturing, manufacturing, processing (rubber, masonry, metal)

Conditional Uses: Auto-related uses; recycling centers; vehicle impound and/or salvage, exterior storage (equipment, vehicles); self-storage; other intense industrial production (chemicals, petroleum, asphalt, concrete, etc.)

- **“IPD” – Industrial Planned Development** (See Planned Development)

### **Planned Developments**

- **“RPD” – Residential Planned Development** (Section [1118.100](#))

Purpose: The RPD District is to permit a variety of living environments and a range of amenities, including limited complimentary commercial uses. This may be accomplished through the creative use of one or more varied dwelling types complimented by appropriate site amenities, traffic circulation patterns and supporting facilities.

RPD projects must also obtain “points” based on the type of development (Single-Family, small lots, two-family, and multi-family)

Primary Uses: Single-Family, Multi-Family, depends upon Approved Plan

**Examples:**

Hickory Woods Block D (off of Millville Avenue),  
Berkeley Square Retirement Community (off of NW Washington Blvd)

- **“OPD” – Office Planned Development** (Section [1119.100](#))

Purpose: The OPD District is to enhance concentrated areas of office development or the Central Business District by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments.

Primary Uses: Office

**Examples:**

Butler County Care Facility (off of North Fair Avenue)  
Lane Library (on University Boulevard)

- **“BPD” – Business Planned Development** (Section [1122.100](#))

Purpose: The BPD District is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments.

Primary Uses: Business type uses, retail, services

Specific Uses: Auto-related uses, Self-Storage, Conditional Uses of B-1, B-2, and B-3

**Examples:**

Hamilton Plaza (2260 Dixie Highway)

Brookwood Shopping Center (64 North Brookwood)

- **“IPD” – Industrial Planned Development** (Section [1125.00](#))

Purpose: The IPD District is to encourage low impact industrial development by coordinating industrial activities that are complimentary to the overall IPD development plan. The IPD district allows for high quality development by allowing flexibility in design and location and ensuring suitably served sites (by both transportation and utility systems).

Uses: approvals and uses are based on the established Master Plan of the property in question. For example, Hamilton Enterprise Park is a technologic based industrial park, while other properties have been zoned IPD to accommodate specific industrial developments (such as Hamilton Caster).

Primary Uses: Business type uses, retail, services

Specific Uses: Auto-related uses, Conditional Uses of 1-1 & I-2

- **“EM-UPD” – Industrial Planned Development** (Section [1131.100](#))

Purpose: The EM-UPD District provides an appropriate Zoning District to accommodate the unique demands and impacts of large and regional scale destination and entertainment developments.

The EM-UPD promotes integrated development oriented at a pedestrian scale, which provides for a mixture of land uses, and creates an attractive environment and destination for commerce, employment, living, interaction, dining and entertainment and for the residents, workers, and visitors to the City of Hamilton.

- **PD Standards – Planned Development Standards** (Section [1132.00](#))

With all PD (Planned Development) properties, there must be an established Master Plan / Planned-Unit Development. Any significant changes to the plan require review and approval by Planning Commission.

All PD Districts must also comply with the general provisions for Planned Developments contained in Chapter 1132.00 (General Planned Development Regulations).

## Form-Based Zoning (Section [1129.00](#))

### ***Main Street Form Based Zoning:***

- **MS-1 – Main Street Core District**

The MS-1 District supports a mix of one to four story buildings that define the City's Main Street core area, serving residents and area employees. This neighborhood shopping and service area focuses pedestrian-friendly retail and service uses on the ground story with residential and/or office uses in upper stories.

- **MS-2 – South B Street District**

The MS-2 District is a Main Street adjacent district that permits one to four story buildings with residential and mixed uses. Residential uses are found in stoop buildings and row houses, with neighborhood-scale commercial uses in stoop and cottage commercial building types.

- **MS-3 – Main Street Transition District**

The MS-3 District permits residential, mixed use, and office buildings. Its' one to four story buildings allow development of a traditional main street building as well as more flexible building types that allow for less overall transparency and more parking options.

### ***Downtown Form Based Zoning:***

- **DT-1 – Downtown High Street District**

The DT-1 District supports a mix of two to ten story buildings that define the City's core High Street area. It focuses on storefront style-building facades along the sidewalk, with pedestrian-friendly retail and service uses on the ground story with office and residential uses in upper stories.

- **DT-2 – Downtown Support District**

The DT-2 District permits a wide variety of uses and building types that support the High Street core. It maintains a high level of pedestrian-orientation, and allows development of storefronts, office buildings, apartments, civic buildings, and row townhouse buildings.

- **DT-3 – Downtown East High Street District**

The DT-3 District is a highly transitional district that permits residential, commercial, mixed use, and office buildings. Its' one to three story buildings allow development of a traditional main street building as well as more flexible building types that allow for less overall transparency and more parking options.



**Traditional Neighborhoods** (Section 1131.200, 1131.300, 1131.400, 1131.500)

Recent zoning district intended for older, traditional neighborhoods.

- **TN-1 – Traditional Neighborhood-1** (Section [1131.200](#))

The TN-1 District is primarily intended to accommodate detached single-family residential dwellings at a lower density than that in other TN Districts.

Primary Uses: Single-Family residential

Conditional Uses: Two-Family residential; bed and breakfast (3-bedroom maximum)

- **TN-2 – Traditional Neighborhood-2** (Section [1131.300](#))

The TN-2 District is primarily intended to accommodate detached single-family residential dwellings at low to moderate densities.

Primary Uses: Single-Family residential

Conditional Uses: Multi-family residential (four (4) dwelling units maximum)); bed and breakfast (3-bedroom maximum)

- **TN-3 – Traditional Neighborhood-3** (Section [1131.400](#))

The TN-3 District is intended to accommodate an array of land uses. Single-family dwellings, attached or detached, can occur at a moderate density.

Primary Uses: Single-Family residential

Conditional Uses: Multi-family residential (six (6) dwelling units maximum)); nursing homes; daycares; clinics, low intensity; retail and service; restaurant with or without alcohol; bed and breakfast (5-bedroom maximum)

- **TN-4 – Traditional Neighborhood-4** (Section [1131.500](#))

The purpose of the TN-4 District is to accommodate an array of land uses. Single-family dwellings, attached or detached, can occur at a moderate to high density. Where appropriate conditions exist, the TN-4 District also permits moderate to high intensity multi-family dwellings, and a diverse range of commercial uses, as well as public / or semi-public uses.

Primary Uses: Single-Family residential; live-work; retail and service; restaurants (no alcohol); Offices

Conditional Uses: Multi-family residential (eight (8) dwelling units maximum)); restaurants serving alcohol; bed and breakfast (7-bedroom maximum)

**Reports:** Update on General Planning items – Staff noted that there will be a June 4, 2020 Planning Commission meeting

**Adjournment:**

7:00 pm

Motion: Belew

Second: Von Stein

Respectfully Submitted,

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Ms. Liz Hayden  
Secretary

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Mr. Dale McAllister  
Chairperson