



**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 MAY 7, 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 simultaneously 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/93410265331>. Webinar ID: 934 1026 5331

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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

Five (5) 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. April 16, 2020

**New Business:**

**Agenda Item #1 – PublicHearing**

**Berkeley Square, Phase 14 – Major Amendment to a Residential Planned Development (RPD)**

Request a Major Amendment to the Berkeley Square PD (Planned Development) for Phase 14 of the development, to create seven (7) new duplexes. (Paul Brokamp, VSWC Architects, Applicant)

Staff: Ed Wilson, AICP

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

**Recommended Motion –**

**That the Planning Commission take final action to approve the Major Amendment to Berkeley Square Planned Development, for Phase 14 of the development, as presented and with the recommended conditions of approval:**

**Agenda Item #2 – PublicHearing**

**1000 & 1001 Fairview Avenue and 1015 Symmes Avenue – Conditional Use request for an Automotive Repair Business with a request for one (1) variance**

Request for a Conditional Use Certificate to allow the operation of an automotive repair business and a variance to the ten (10) foot front yard setback requirement. (Ihab Kaldas, Applicant)

Staff: Larry Bagford

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact Community Development's office at 513-785-7350 (24) hours before the scheduled meeting.





**Recommended Motion** –

That the Planning Commission take action to recommend that City Council approve the Conditional Use application and approve one (1) variance to the ten (10) foot front yard setback, with the recommended conditions of approval:

**Agenda Item #3 – PublicHearing**

**Zoning Text Amendments – clarifying Automotive Related Conditional Uses.**

Request to amend the City of Hamilton Zoning Ordinance (HZO), pertaining to the clarification of Automotive Related Conditional Uses. (City of Hamilton, Applicant)

Staff: Larry Bagford

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

**Recommended Motion** –

That the Planning Commission take action to recommend that City Council holds a public hearing and prepare legislation to approve the text amendments to the Zoning Ordinance as presented and contained within the staff report attachments.

**Agenda Item #4 – PublicHearing**

**Zoning Text Amendments – revisions to Commercial Design Standards, Residential Design Standards for Accessory Structures, and Special Provisions (Residences on Narrow Lots) of the Zoning Ordinance.**

Request to amend the City of Hamilton Zoning Ordinance (HZO), (City of Hamilton, Applicant)

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

Staff: Ed Wilson, AICP

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

**Recommended Motion** –

That the Planning Commission take action to recommend that City Council holds a public hearing and prepare legislation to approve the text amendments to the Zoning Ordinance as presented and contained within the staff report attachments.



[Agenda Item #5 – PublicHearing](#)

**Zoning Text Amendments – Supportive Housing, Clinics, & Inpatient Rehabilitation**

Request to amend the City of Hamilton Zoning Ordinance (HZO), pertaining to use categories: Supportive Housing, Clinics, & Inpatient Rehabilitation. (City of Hamilton, Applicant)

Staff: Liz Hayden

Belew	Horsley	Mathews	McAllister	Moeller	Von Stein	Smith

**Recommended Motion –**

**That the Planning Commission take action to recommend that City Council holds a public hearing and prepare legislation to approve the text amendments to the Zoning Ordinance as presented and contained within the staff report attachments.**

**Miscellaneous:**

**Reports:** Update on General Planning items

**Adjournment:**





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**AGENDA**

**City of Hamilton Planning Commission**

Thursday, May 7, 2020

**Contents**

**Subject: AGENDA ITEM #1 – New Business..... 7**

**Berkeley Square, Phase 14 – Request Major Amendment to a Residential Planned Development (RPD)..... 7**

    Section A: Introduction and Background ..... 7

    Section B: Development Plan Review ..... 9

    Section C: Interdepartmental Review..... 14

    Section D: Submitted Request ..... 14

    Section E: Statutes: ..... 15

    Section F: Notification ..... 16

    Section G: Recommendations ..... 16

    Section H: Staff Basis / Comments..... 17

    Section I: Attachments: ..... 18

**Subject: AGENDA ITEM #2–New Business..... 41**

**1000 & 1001 Fairview Avenue and 1015 Symmes Avenue..... 41**

**Conditional Use Request to operate an Automotive Repair Business with a request for one (1) variance. .... 41**

    Section A: Introduction and Background ..... 41

    Section B: Petition Review ..... 42

    Section C: Interdepartmental Review..... 44

    Section D: Statutes..... 44

    Section E: Staff Basis / Comments ..... 46

    Section F: Notification ..... 47

    Section G: Recommendation: ..... 47

    Section H: Conditions of Approval: ..... 47

    Section I: Attachments ..... 49



<b>Subject: AGENDA ITEM #3 – New Business.....</b>	<b>87</b>
<b>Zoning Text Amendments pertaining to clarification of Automotive Related Conditional Uses. ....</b>	<b>87</b>
Section A: Introduction & Background: .....	88
Section B: Petition Review .....	88
Section C: Notification.....	91
Section D: Statutes:.....	91
Section E: Recommendation: .....	91
Section F: Staff Comments / Basis for Recommendation.....	92
Section G: Attachments:.....	92
<b>Subject: AGENDA ITEM #4 – New Business.....</b>	<b>119</b>
1) Zoning Text Amendments – Commercial Design Standards: Section 1111.00 .....	119
2) Zoning Text Amendments – Residential Design Standards: Section 1110.00.....	119
3) Zoning Text Amendments – Special Provisions of the Hamilton Zoning Ordinance:	
Section 1131.00.....	119
Section A: Introduction & Background .....	120
Section B: Petition Review .....	121
Section C: Notification.....	122
Section D: Statutes.....	122
Section E: Recommendation .....	123
Section F: Staff Comments / Basis for Recommendation.....	123
Section G: Attachments:.....	124
<b>Subject: AGENDA ITEM #5 – New Business.....</b>	<b>137</b>
<b>Zoning Text Amendments pertaining to Supportive Housing, Clinics, and Inpatient Rehabilitation.....</b>	<b>137</b>
Section A: Introduction and Background .....	138
Section B: Petition Review .....	140
Section C: Notification.....	142
Section D: Statutes:.....	142
Section E: Recommendation .....	143
Section F: Staff Comments / Basis for Recommendation.....	144
Section G: Attachments.....	144



For the Planning Commission Meeting of May 7, 2020

**To:** Planning Commission  
**From:** Ed Wilson, AICP, Associate Planner II  
**Date:** April 28, 2020

**Subject:** AGENDA ITEM #1 – New Business

**Berkeley Square, Phase 14 – Request Major Amendment to a Residential Planned Development (RPD)**

**APPLICANT:** Paul Brokamp per VSWC Architects, on behalf of property owner Community First Solutions.

**LOCATION:** Berkeley Square (100 Berkeley Drive) situated in the First Ward, North Side ([Location & Zoning via Online GIS Map](#)).

**REQUEST:** A Major Amendment to the Berkeley Square PD (Planned Development). The submitted development plan would create seven (7) new duplexes (14 dwelling units total) on existing vacant land.

BASIC INFORMATION		
<b>Applicant/Property Owner</b>	Paul Brokamp per VSWC Architects, Applicant Community First Solutions, Owner	
<b>Architect/Engineer/Consultant</b>	VSWC Architects	
<b>Size of Property</b>	Parcel - 19.5 Acres Subject Area for Phase 14 – 3.5 Acres (see <a href="#">Site Plan</a> )	
<b>Current Zoning</b>	RPD (Residential Planned Development) as listed in <a href="#">Section 1118.100</a> of the Hamilton Zoning Ordinance	
<b>Size of Revision</b>	3.5 Acres	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Single-Family Residential	RPD Residential Planned Development
<b>South</b>	Single-Family Residential	R-3 One to Four Family Residential
<b>East</b>	Single-Family Residential	RPD Residential Planned Development
<b>West</b>	Multi-Family Residential	RPD Residential Planned Development

**Section A: Introduction and Background**

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

The submitted application pertains to Phase 14 of Berkeley Square, a senior living development. The applicant proposes construction of seven (7) new duplexes, two-family dwellings, on undeveloped, vacant land, for a total of 14 new residences. Berkeley Square is a Planned Development (PD) community that was originally approved in 1989. If approved, the development would be the next phase of development within the subdivision.



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

The development, Berkeley Square is a senior living complex located at 100 Berkeley square accessed via Berkeley Drive. Access throughout the development is provided through a combination of public and private streets. The Berkeley Square Development includes the Berkeley Senior Living Complex, multiple Senior Living Apartments, Independent Homes, and attached condominiums (see [Exhibit A](#) for Location Map).

The subject property is located east adjacent to the main Berkeley Square complex, (Parcel #P6411063000033), and is accessed via Capitol Crescent Drive. The proposed Phase 14 would be located north of the recently approved Phase 13 (12 residential units). There are two (2) existing drainage ponds at the northern portion of the parcel, adjacent to the proposed Phase 14 site. The subject property is zoned RPD (Residential Planned Development) (see [Exhibit B](#), Zoning Map) and is also located southwest of the Washington Estates development.

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

The Berkeley Square Planned Development has had multiple amendments to Development Plan. A history of those amendments is as follows:

1. In 1989 the Planning Commission approved Berkeley Square as a PUD (Planned Unit Development) on two (2) contiguous parcels, consisting of 289 Units that included:
  - 137 Individual Homes
  - 57 Congregate Apartment Units
  - 46 Assisted Living Apartments
  - 49 Full-Service Nursing Care Rooms
  
2. Department, Planning Records note that there have been multiple notable changes to the Planned Unit Development, brought to the Planning Commission's consideration, including:
  - 1991 – Revisions
  - 1993 – Community Building
  - 1995 – Carport
  - 1996 – Manor House; and Phase 8, Independent Housing
  - 1999 – Nursing Wing
  - 2003 – Phase 8
  - 2007 – Phase 11, Single-Family Homes
  - 2009 – Moderate Change
  
3. In 2017, the Planning Commission approved an amended Development Plan approving Phase 13 of Berkeley Square, as twelve (12) residential units.



**Section B: Development Plan Review**

***Section B.1: Development Plan Overview - Major Amendment to the Development Plan***  
***([Exhibit C: Application](#); [Exhibit D: Site Plan](#))***

The site in question, containing an area of approximately 3.5 acres, located in the eastern, undeveloped portion of Berkeley Square. The site, along with the rest of the subdivision is currently zoned RPD (Residential Planned Development) District.

The submitted application is for Phase 14 of Berkeley Square, to build seven (7) one-story patio duplexes on the site in question (14 dwelling units total). The proposed duplexes would be consistent with the existing, single-family, one-story patio homes in the recently completed Phase 13. A new asphalt drive off of Centennial Drive would serve as access for the proposed duplexes.

The specifics of the proposal are discussed in greater detail in the section below.

***Section B.1.2 One-Story Patio Homes, Duplexes, Characteristics ([Exhibit D](#))***

The applicant submitted four (4) building options that would be utilized in the construction of Phase 14.

- **Architectural Characteristics:**
  - The proposed homes will be consistent in architecture to the homes found in Phase 13 of the development (see attachments for pictures).
  - Each duplex will be one-story ranch patio home
  - Patio homes will be built on concrete building pads
  - Proposed duplexes range from approximately 48' x 80' to 48' x 110', with an average of approximately 4,100 square feet
  - Each dwelling unit will have a two-car attached garage on the front façade
  - Driveways for each unit will be asphalt or concrete.
  
- **Façade Materials include:**
  - Brick Veneer walls
  - Brick Veneer and/or Vinyl Siding for the gables
  - Dimensional Fiberglass shingle roofing
  - Steel Panel garage doors
  - Single-hung vinyl windows with vinyl louvered shutters
  - Exterior trim, gutters, and downspouts will be prefinished aluminum





**1. Duplex, Building Option 1:**

- a. Total building area: 3,975 square feet
- b. Dwelling Unit - the minimum size of living space in each dwelling unit will be a minimum of 1,491 square feet.
- c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
- d. Building pad with will be approximately 57 feet deep by 106 feet wide
- e. Attached two-car garages would range from 461 to 490 square feet

**2. Duplex, Building Option 2:**

- a. Total building area: 3,899 square feet
- b. Dwelling Unit - the minimum size of each dwelling unit will be a minimum of 1,433 square feet of living space
- c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
- d. Typical dimensions will be approximately 58 feet deep by 90 feet wide
- e. Attached two-car garages would range from 469 to 514 square feet

**3. Duplex, Building Option 3:**

- a. Total building area: 4,346 square feet
- b. Dwelling Unit - the minimum size of each dwelling unit will be a minimum of 1,593 square feet of living space
- c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
- d. Typical dimensions will be approximately 63 feet deep by 112 feet wide
- e. Attached two-car garages would be 539 square feet

**4. Duplex, Building Option 4:**

- a. Total building area: 4,188 square feet
- b. Dwelling Unit - the minimum size of each dwelling unit will be a minimum of 1,593 square feet of living space
- c. Two (2) bedrooms per dwelling unit, with an optional third bedroom
- d. Typical dimensions will be approximately 67 feet deep by 102 feet wide
- e. Attached two-car garages would be 539 square feet





***Section B.1.3 Conservation and Landscaping***

The submitted Development Plans indicate the following:

1. Mounding and landscaping barriers will be constructed in the following locations:
  - a. Along the northwest and western sides of the development to limit the view of exiting parking along Capitol Crescent and limit view of the existing maintenance building.
  - b. Along the northeast corner of the development to limit the view of the existing Washington Estates Development.
2. Provision of landscaping around each dwelling unit as required to meet City of Hamilton Zoning Ordinance (HZO) requirements.
3. Approximately 30 trees are required for the development, including at least two (2) trees per duplex structure.

***Section B.1.4 Lighting***

The submitted Development Plans indicate the following:

1. Exterior Lighting will be similar to lighting found at Phase 13:
  - a. Streetlights will be posted near the entrance to the asphalt drive
  - b. Streetlights will also be posted at the circle of the loop cul-de-sac
2. Exterior Lighting at Duplexes:
  - a. Post Lights/Lamps will be at the end of driveways
  - b. Recessed downlights in the roof will overhang above front entrances
  - c. Decorative wall lights will be posted on both sides of the garage doors and at rear patios

***Section B.1.5 Off-Street Parking & Access Controls***

The submitted Development Plans indicate the following:

1. New asphalt drive off Centennial Drive to provide access to the proposed seven (7) duplexes.
2. The proposed new asphalt drive would be a private street, approximately 450 feet extending northeast from Centennial Drive.
3. The new asphalt drive would end with a cul-de-sac “loop”.



### **Section B.1.6 Utilities**

The submitted Development Plans indicate the following:

**1. Water Service**

- a. Existing (eight inch) 8" water main at end of east side of Autumn Walk will be tapped with (six inch) 6" water line which will be run alongside new drive and dead end at new fire hydrant near duplex units closest to Centennial Drive.
- b. Additional fire hydrant will be located inside circle of cul-de-sac.
- c. Three-fourth inch (3/4") water service laterals with curb box/stop will extend to serve each of the 14 dwelling units.

**2. Electric / Communications**

- a. Two (2) 4" empty conduits will be extended from existing primary pedestal near northeast corner of Centennial Drive to new transformers along new drive (located between duplex patio homes) and looped around cul-de-sac.
- b. Additional empty conduits will be provided in same trench for Cincinnati Bell and Spectrum and stub up at telephone/CATV pedestals near transformers.

**3. Gas Service**

- a. Existing (four inch) 4" gas main (intermediate pressure) at end of east side of Autumn Walk will be extended to rear side of cul-de-sac and will run alongside new drive.
- b. New gas main extension will have one and one-eighth inch (1 1/8") service taps to each of the 14 dwelling units (at each end of 7 duplex units).
- c. Four inch (4") gas main will extend to Centennial Drive and turn eastward and be capped for future extension.

**4. Sanitary Sewer**

- a. Existing (eight inch) 8" sanitary sewer main will be tapped at existing manhole on north side of Centennial Drive, east of new drive.
- b. New (eight inch) 8" sanitary main extension will continue along new drive to end of cul-de-sac and will have seven (7), six inch (6") line taps to each of the duplex units along new drive.





***Section B.1.7 Drainage & Stormwater***

1. Stormwater Management
  - a. Applicant believes that the existing stormwater management system would be able to handle this phase of this development.
  - b. Storm pipes connecting downspouts from (7) duplex units and catch basins in center of drive and will drain into existing retention ponds.
  - c. Stormwater management calculations will be provided by Civil Engineer for approval as part of the construction drawings for permit.

***Section B.2: Points Requirement for an RPD (Residential Planned Development)***

[Section 1118.170](#) of the Zoning Ordinance stipulates the minimum required points for RPD consideration: Two-Family developments regardless of average lot widths above shall provide for a minimum of sixteen (16) points.

1. A review of the submitted plans for Phase 14 and review of the Berkeley Square development indicates the following:
  - a. **3 - Points** for 5% passive open space in Phase 14. Passive open space, land not used for the development of duplexes and the private drive in Phase 14 (3.5 Acres) represents approximately 42% percent (1.5 Acres) of the subject area.
  - b. **1 - Point** for Open space being located within ¼ mile radius of 75% of the proposed dwellings (All dwelling units in Phase 14 are within ¼ mile radius of passive and active open space).
  - c. **5 - Points** for clubhouse or community building minimum size 2,000 square feet (Berkeley Square Main Campus would suffice for this requirement – Manor House is 13,676 Square Feet; Wellness Center is 4,400 Square Feet).
  - d. **2 - Points** for decorative lighting fixtures throughout the project. Decorative lighting fixtures are proposed along portions of the proposed private drive, and at the ends of proposed driveways. The proposed lighting matches existing decorative lighting found at Phase 13 and found throughout the Berkeley Square development.
  - e. **3 – Points** for covered front porch minimum size four (4’) feet by six (6’) feet (Applicant indicates the structures will match the designs found in the adjacent Phase 13 which also matched Phase 11. Submitted pictures indicate a covered front porch on front entry of each dwelling unit).





- f. **2 – Points (Planning Commission Discretionary Points)** for increasing passive open space from 5% to 10%. Per [Section 1118.173](#), of the Zoning Ordinance, the Planning Commission may grant discretionary points for meeting supplementary criteria. The proposal exceeds the 10% threshold for proposed passive open space.

A total of sixteen (16) points has achieved based on a review of the plans submitted. However, the proposal would require that Planning Commission grant two (2) discretionary points (please see Staff Recommendation, [Section G](#); Staff Basis/Rationale, [Section H](#)).

### **Section C: Interdepartmental Review**

The city's Interdepartmental Review Committee evaluated the proposed Development Plan. The following comments were received:

**Fire:** No Objection

**Gas, Water:** No Objection, contingent upon satisfying the following items:

Public Utilities (Gas and Water, Sanitary to be verified) need to be shown in an easement as in Phase 13.

Propose Water Main is to be 8" (eight inch), not 6" as was required in phase 13.

Do not dead end proposed Water Main. Connect proposed water main To the water main on Capital Crescent and add fire hydrants as needed.

Please note, the 2" gas service connected to Autumn Walk services the Berkeley Coach House.

**Public Works / Engineering:** No Objection

**Electric:** No Objection

**Municipal Arborist:** No Objection

### **Section D: Submitted Request**

In order to accomplish the project as proposed in [Section B.1](#), the applicant is requesting the following request.





### ***Major Amendment to the Development Plan***

The applicant is seeking approval for a major amendment to the approved Development Plan for a site located within an RPD (Residential Planned Development). The proposed plan is for Phase 14 of the Berkeley Square development and, if approved, would allow the construction of seven (7) one-story patio duplexes on the site in question, a 3.5 acre portion of a vacant parcel.

### ***Two (2) Discretionary Points Granted by Planning Commission***

The proposal also requires two (2) Planning Commission discretionary points in order to achieve the required sixteen (16) points required for a two-family planned development.

### **Section E: Statutes:**

#### ***Section E.1 Findings for Approving an Amended Development Plan***

The HZO states that single-family residences are permitted within a Residential Planned Development (PD) District. There are specific findings outlined within the HZO for review and approval of a Residential Planned Development by the Planning Commission.

1. The Planned Development (PD) provisions of the Zoning Ordinance are intended to provide an alternative to standard zoning guidelines. More specifically 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.





2. Section 1118.170 stipulates the minimum required points for RPD consideration:

As indicated previously (see [Section B.2](#)), the proposal achieves sixteen (16) points for a two-family Residential Planned Development.

However, this is contingent upon Planning Commission granting two (2) discretionary points. The proposal for Phase 14 of Berkeley Square exceeds the 10% passive open space requirement in order to qualify for the discretionary points.

### **Section F: Notification**

The Planning Department mailed Public Hearing Notices to the owners of 166 properties within 500 feet of the subject property per statute requirements (See [Exhibit E](#)).

As of the writing of this report, the Planning Department received no phone calls or inquiries pertaining to the proposal for a major amendment to a Residential Planned Unit Development for the proposed Berkeley Square, Phase 14.

### **Section G: Recommendations**

#### ***Request 1: Major Amendment to the Development Plan, Recommend Approval***

Staff recommends that the Planning Commission take final action to approve the major amendment to a residential planned development for Phase 14 of Berkeley Square subject to the following conditions:

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.
3. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
4. 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.

5. Phase 14 shall adhere to the required site improvements to meet the required points for a two-family residential planned development per Section 1118.170 of the Hamilton Zoning Ordinance.
6. The findings of approval for the requested and required Planning Commission Discretionary Points are consistent with the requirements of the Zoning Ordinance necessary for granting such requests.

***Request 2: Two (2) Planning Commission Discretionary Points  
Recommend Approval / Granting of Points***

Staff recommends that the Planning Commission take action to grant two (2) discretionary points for a two-family residential planned development, subject to the following conditions:

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. Existing trees and passive open space for Phase 14 shall be at or above 10% of the subject's development area.

**Section H: Staff Basis / Comments**

***Request 1: Major Amendment to the Development Plan***

Staff finds the amended development plan to be consistent with the intent and purpose of the Planned Development Regulations in the following ways:

1. The proposed development establishes an alternative procedure for the development of land which allow for more efficient, economic, and consistent development of property than customarily permitted by conventional zoning and subdivision regulations.
2. The proposed project has been through substantial planning and review procedures to facilitate a higher quality design and development. The applicant has met with staff to incorporate comments and input from all city departments to produce a plan that will be compliant with respect to city requirements.





3. The proposed project is a continuation of an ongoing residential planned development, Berkeley Square, and features façade and site design consistent with recent development phases and the character and form of Berkeley Square.
4. The proposed development plan encourages the conservation of natural amenities of the landscape through retention of existing trees in the development area, and establishment of landscape buffers along the northwestern and northeastern perimeter.
5. The proposed development will not harm the general public, health, safety, and welfare of the site or surrounding area.

***Request 2: Two (2) Planning Commission Discretionary Points***

Staff provided the following basis / comments for recommending approval of the two (2) Planning Commission Discretionary Points.

1. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.
2. The submitted plans indicate a significant area of the development site as passive open space, exceeding the 10% requirement for granting two (2) discretionary points.
3. The submitted plans will allow the applicant to complete another phase of the Berkeley Square complex in a manner that is consistent and compatible with the character and form of the existing development.
4. The proposed development will not harm the general public, health, safety, and welfare of the site or surrounding area.

**Section I: Attachments:**

- 1) [Exhibit A](#) – Location Map
- 2) [Exhibit B](#) – Zoning Map
- 3) [Exhibit C](#) – Application Summary for Berkeley Square Phase 14
- 4) [Exhibit D](#) – Site Plan Drawing, Elevations for Berkeley Square Phase 14
- 5) [Exhibit E](#) – Public Hearing Notice
- 6) [Exhibit F](#) – Recommended Conditions of Approval





**Exhibit A – Location Map**



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



- Owner Parcels
- Municipal Boundaries

**Berkeley Phase 14**



Date: 4/22/2020

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 extent, accuracy, or completeness of the information contained therein and assumes no liability for any errors. Any reliance on the information is the exclusive risk of the user.

1 inch = 376 feet



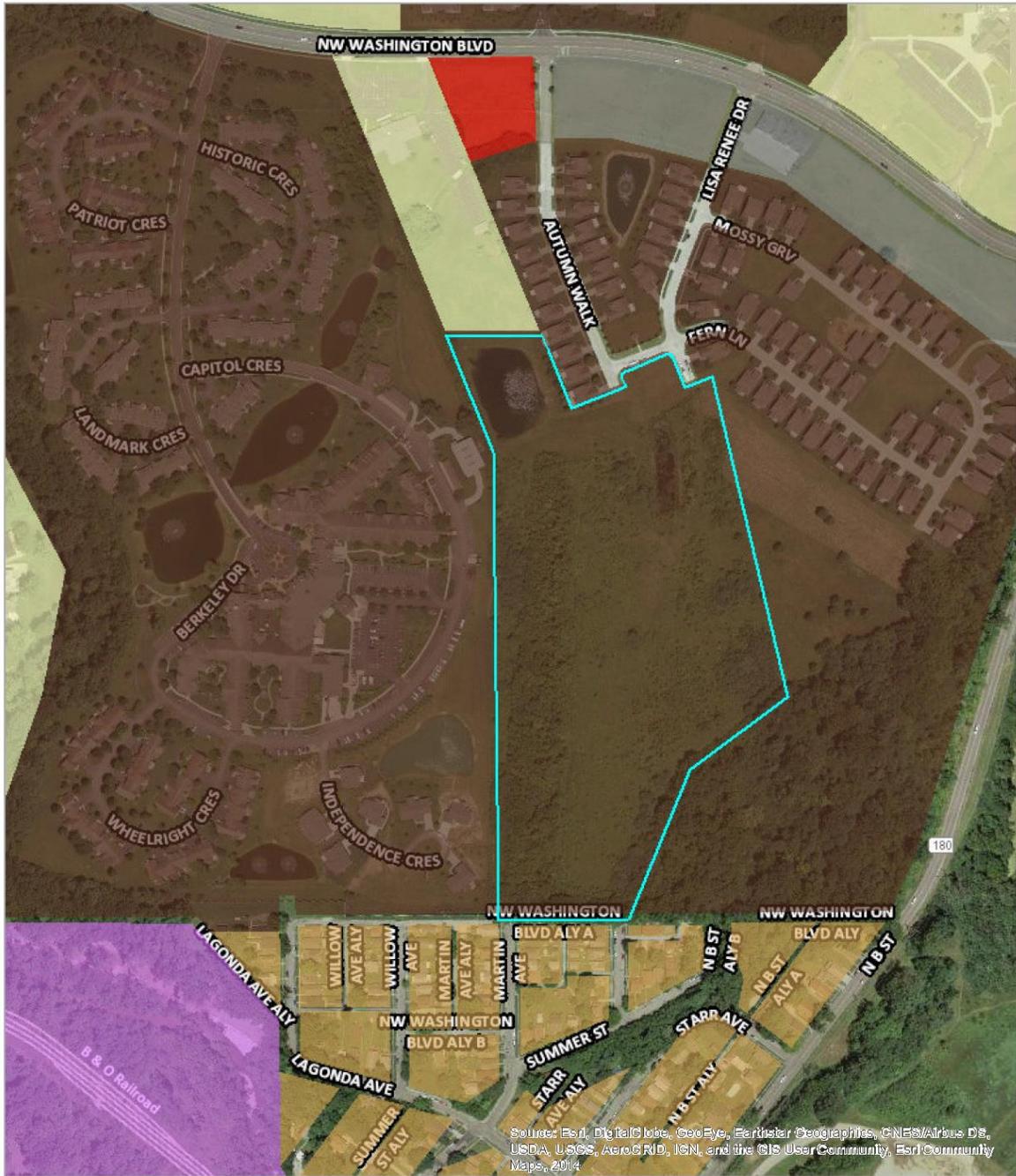


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**Exhibit B – Zoning Map**



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



**Zoning Map**





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**Exhibit C – Applicant Summary for Berkeley Square Phase 14**



BERKELEY SQUARE - PHASE 14  
Amendment to Existing Planned Development

**General Project Description:**

Project will consist of site development and construction of (7) duplex one-story patio homes, consisting of 14 dwelling units. Design of homes and materials used will be consistent with existing single-family, one story patio homes completed in Phase 13. New asphalt drive off Centennial Drive accessing this development is planned to be located opposite of Heritage Drive. Driveways for each home/unit will be asphalt or concrete.

**Landscaping:**

Mounding and landscaping barriers are planned be constructed in the following locations (as shown on proposed site plan);

1. along northwest and west sides of this phase of development to limit view of parking along Capitol Crescent and the existing maintenance building.
2. In northeast corner of this proposed phase to provide limited view of existing Washington Estates development.
3. Landscaping around each dwelling unit to meet City of Hamilton Zoning Ordinance requirements at a minimum

**Exterior Lighting:** (similar to prior phase)

Street lights near entrance to new cul-de-sac and within circle of cul-de-sac. Post lights at each dwelling unit near end of driveways. Recessed downlights in roof overhang above front porches/entry doors. Decorative wall lights on both sides of garage doors and at rear patios.

**Utilities:**

Water Service: Existing 8" water main at end of east side of Autumn Walk will be tapped with 6" water line which will be run alongside new drive and dead end at new fire hydrant near duplex units closest to Centennial Drive. Additional fire hydrant will be located inside circle of cul-de-sac. 3/4" water service laterals with curb box/stop will extend to serve each of the 14 dwelling units.

Electric/Communications: (2) 4" empty conduits will be extended from existing primary pedestal near northeast corner of Centennial Drive to new transformers along new drive (located between duplex patio homes) and looped around cul-de-sac. Additional empty conduits will be provided in same trench for Cincinnati Bell and Spectrum and stub up at telephone/CATV pedestals near transformers.

Gas Service: Existing 4" gas main (intermediate pressure) at end of east side of Autumn Walk will be extended to rear side of cul-de-sac and will run alongside new drive. New gas main extension will have 1 1/8" service taps to each of the 14 dwelling units (at each end of 7 duplex units). 4" gas main will extend to Centennial Drive and turn eastward and be capped for future extension.

Sanitary Sewer: Existing 8" sanitary sewer main will be tapped at existing manhole on north side of Centennial Drive, east of new drive. New 8" sanitary main extension will continue along new drive to end of cul-de-sac and will have (7) 6" line taps to each of the duplex units along new drive.

Stormwater Management: Existing stormwater management system is believed to be able to handle this phase of this development. Storm pipes connecting downspouts from (7) duplex units and catch basins in center of drive and will drain into existing retention ponds. Stormwater management calculations will be provided by Civil Engineer for approval as part of the construction drawings for permit.



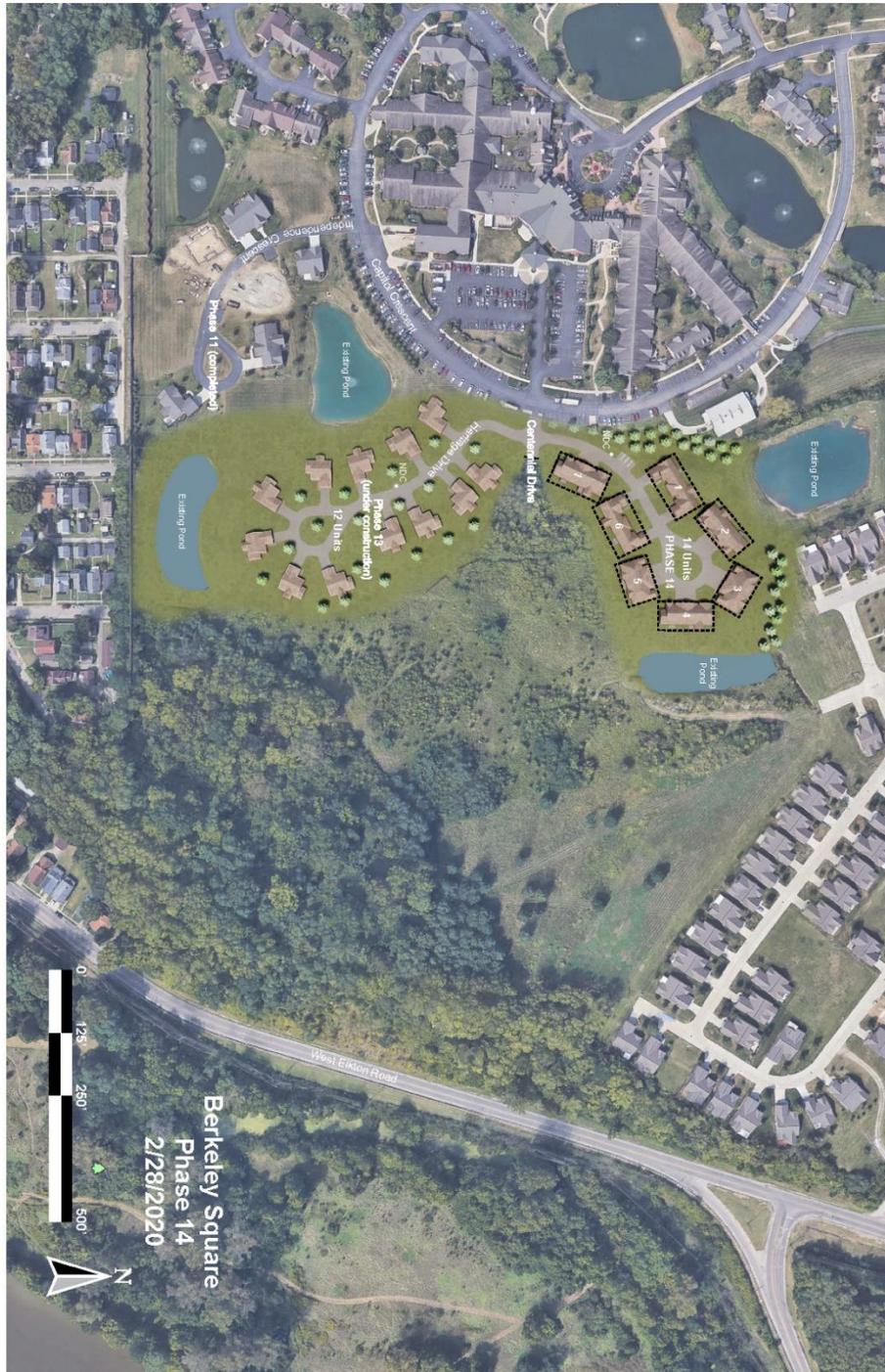


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**Exhibit D – Site Plan Drawing, Elevations, for Berkeley Square Phase 14**





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Showing a close up of the submitted Phase 14, Berkeley Square, Site Plan



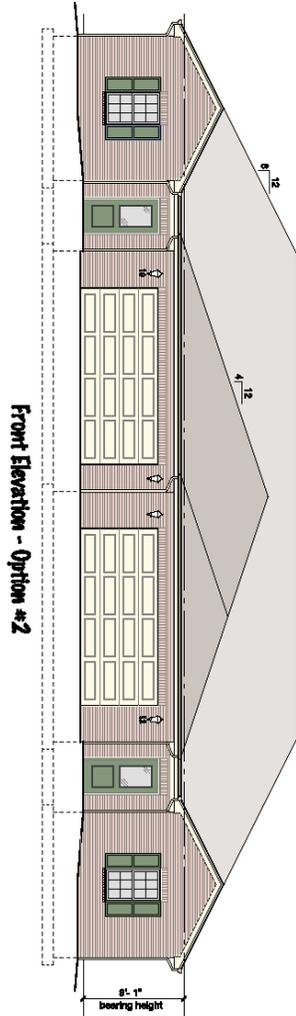
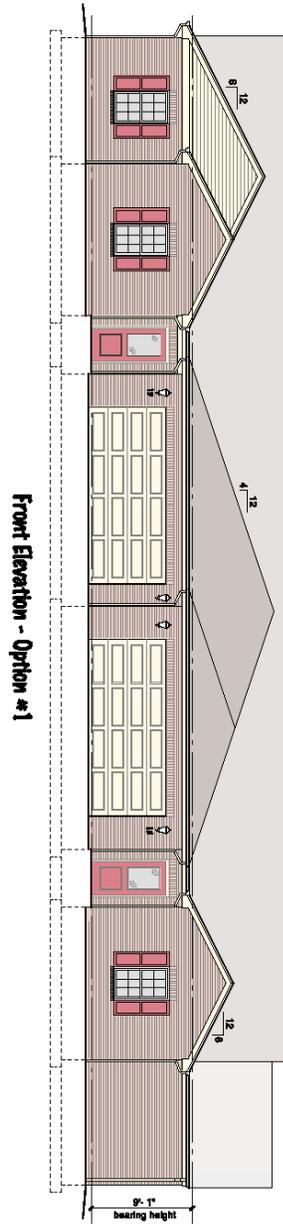


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**Showing Duplex Elevations & Floor Plans, Berkeley Square Phase 14**

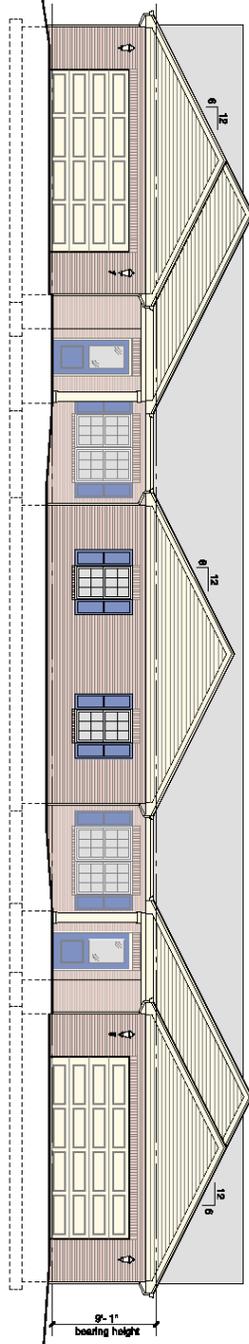


**Berkeley Square - Garden Homes Collection**  
**Proposed Elevations - Phase 14**  
 scale: 1/8" = 1'-0"

**Typical Exterior Building Materials**  
 Walls - 1/2" Plywood  
 Siding - 1/2" x 7/8" siding  
 Roofing - Dimensional Gypsum Shingles  
 Garage Doors - Fiberglass simulated wood-grain steel panel doors  
 Windows - Single-hung vinyl w/ low-E insulating glass  
 Shutters - Fiberglass vinyl panel/wood-grain  
 Exterior Trim - wrapped vinyl product  
 Gutters & Downspouts - prefinished aluminum to match trim

Date: 9/20/20





**Typical Exterior Building Materials**

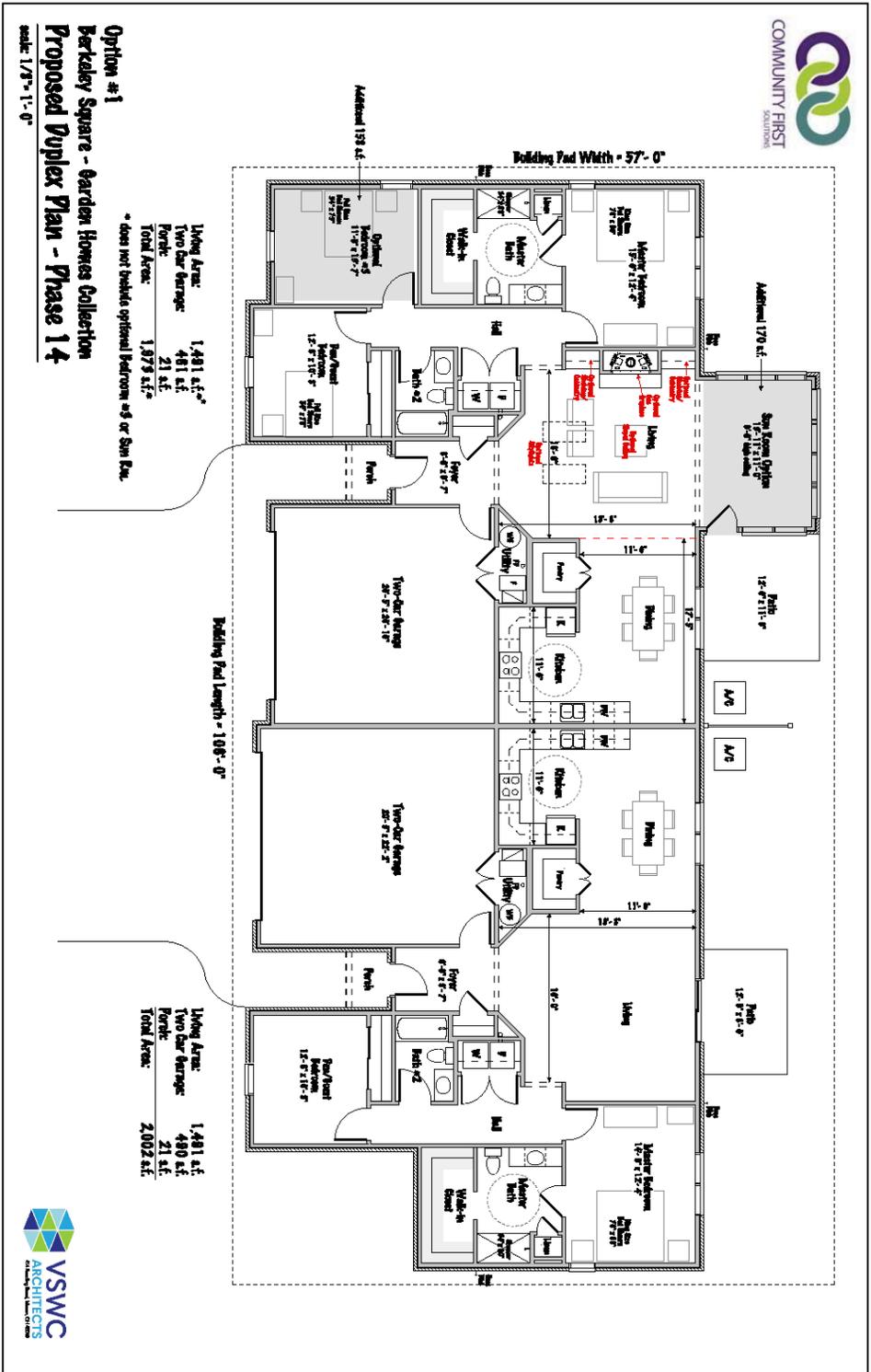
- Walls - Brick Veneer
- Roofing - Asphalt Shingles
- Exterior Windows - Prefinished Aluminum
- Exterior Doors - Prefinished Aluminum
- Staircase - Prefinished Aluminum
- Handrails - Prefinished Aluminum
- Trim - Prefinished Aluminum
- Lighting - Prefinished Aluminum
- Signage - Prefinished Aluminum
- Decorative Elements - Prefinished Aluminum

**Option #3**  
**Berkeley Square - Garden Homes Collection**  
**Elevations - Phase 14**

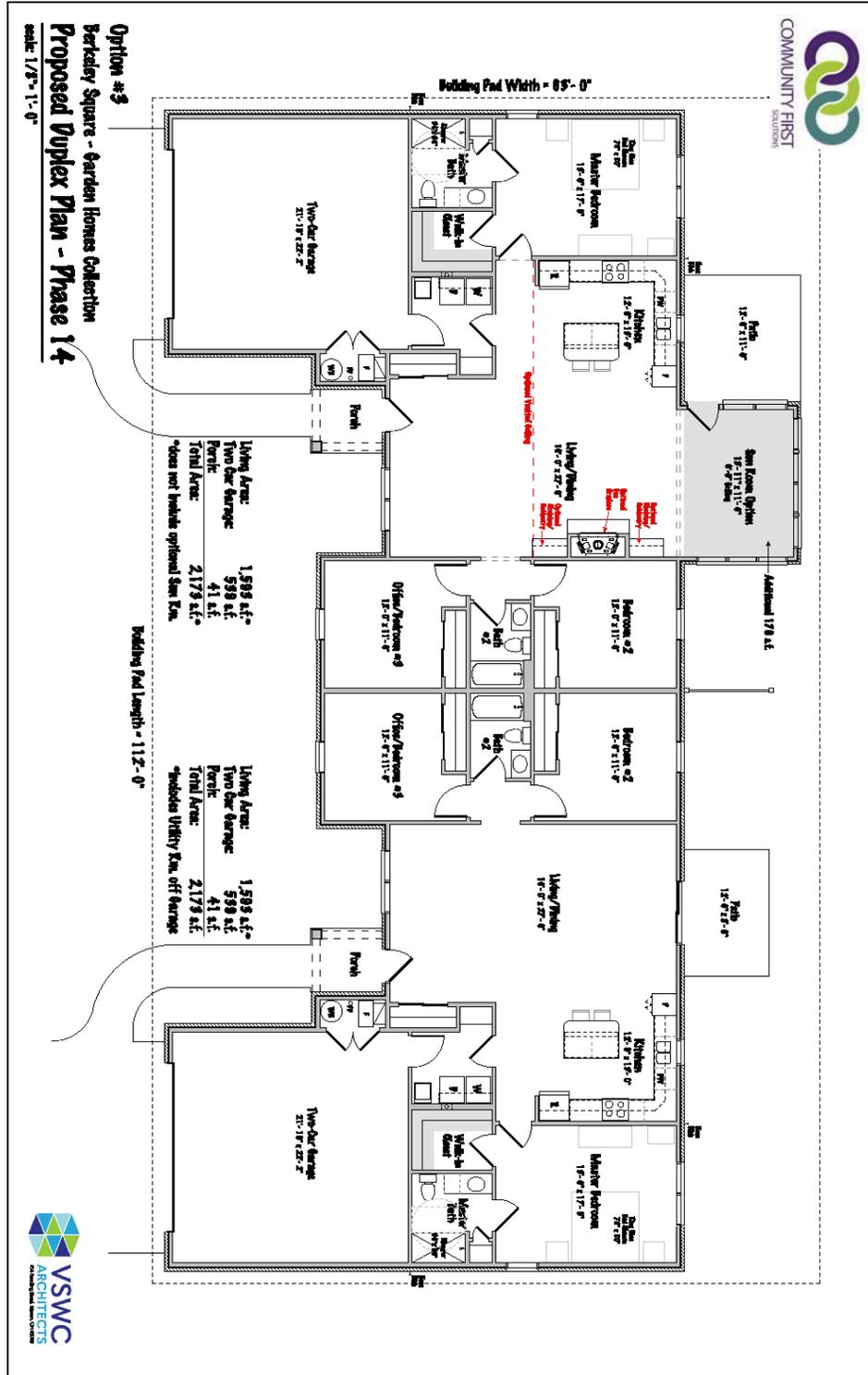
Scale: 1/8" = 1'-0"

Date: 9/20/20



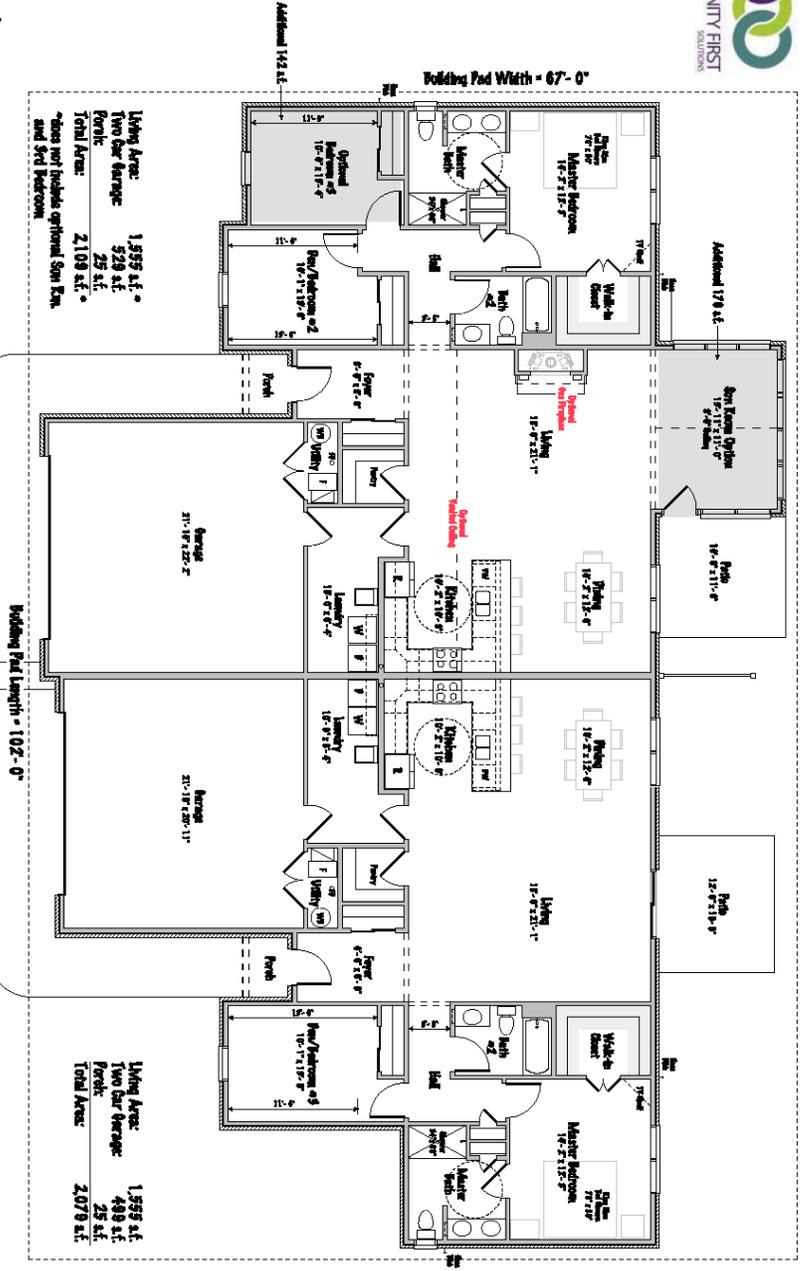








**Option #4**  
Berkeley Square - Garden Homes Collection  
**Proposed Duplex Plan - Phase 14**  
Scale: 1/8" = 1'-0"



Living Area:	1,555 sq. ft.
Two Car Garage:	929 sq. ft.
Porch:	25 sq. ft.
<b>Total Area:</b>	<b>2,109 sq. ft.</b>

\*does not include optional Sun Room and 2nd Bedroom.

Living Area:	1,555 sq. ft.
Two Car Garage:	499 sq. ft.
Porch:	25 sq. ft.
<b>Total Area:</b>	<b>2,079 sq. ft.</b>





Berkeley Square  
Phase 13 Single-Family Patio Homes  
Heritage Drive  
(currently under construction)





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

**Exhibit E – Public Hearing Notice**



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

April 23, 2020

**NOTICE OF PUBLIC HEARING**

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, May 7, 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/93410265331>. Webinar ID: 934 1026 5331.

The agenda for this hearing includes the following item:

- LOCATION:** Berkeley Square, Senior Living – 100 Berkeley Drive
- APPLICANT:** Paul Brokamp, VSWC Architects
- REQUEST:** The applicant has submitted a request for a major amendment to the Berkeley Square Development, for Phase 14 of the development. Site is located within an RPD (Residential Planned Development) zoning district. The applicant proposes site development and construction of seven (7) duplex one-story patio homes (see notification map).

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

An application 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: 934 1026 5331

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

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,

Mr. Ed Wilson, AICP  
Associate Planner II





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**Exhibit F – Recommended Conditions of Approval**

<b>BASIC INFORMATION</b>	
<b>Applicant/Property Owner</b>	Paul Brokamp per VSWC Architects, Applicant Community First Solutions, Owner
<b>Architect/Engineer/Consultant</b>	VSWC Architects
<b>Size of Property</b>	Parcel - 19.5 Acres Subject Area for Phase 14 - 3.5 Acres
<b>Current Zoning</b>	RPD (Residential Planned Development) as listed in Section 1118.100 of the Hamilton Zoning Ordinance
<b>Requests</b>	1) Major Amendment to RPD – seven (7) new duplexes 2) Two (2) discretionary points from Planning Commission
<b>Size of Revision</b>	3.5 Acres

**Conditions of Approval: Major Amendment to the Development Plan**

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.
3. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
4. 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.
5. Phase 14 shall adhere to the required site improvements to meet the required points for a two-family residential planned development per Section 1118.170 of the Hamilton Zoning Ordinance.
6. The findings of approval for the requested and required Planning Commission Discretionary Points are consistent with the requirements of the Zoning Ordinance necessary for granting such requests.





**Conditions of Approval: Two (2) Planning Commission Discretionary Points**

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. Existing trees and passive open space for Phase 14 shall be at or above 10% of the subject's development area.



For the Planning Commission Meeting of May 7, 2020

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

**Subject:** AGENDA ITEM #2–New Business

**1000 & 1001 Fairview Avenue and 1015 Symmes Avenue  
Conditional Use Request to operate an Automotive Repair Business with a  
request for one (1) variance.**

**APPLICANT:** Ihab Kaldas  
**LOCATION:** 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue  
([Location and Zoning, Online GIS Map](#))  
**REQUEST:** Request for a Conditional Use to Operate an Automotive  
Repair Business and a variance to the ten (10) foot front  
yard setback requirement

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

**Section A: Introduction and Background**

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

Mr. Ihab Kaldas is requesting a Conditional Use Approval to operate a Major Automotive Repair Business at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue. This property is located in an I-2 (Industrial) Zoning District. (See [Exhibit B](#), Location Map; [Exhibit C](#), Zoning Map) Per [Section 1124.39.5](#) of the Hamilton Zoning Ordinance (HZO),





Major Automotive Repair requires a Conditional Use Approval in the I-2 (Industrial) Zoning District. Mr. Kaldas is also seeking a variance to the ten (10) foot front yard setback requirement as part of the Conditional Use application.

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

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

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

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

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

## **Section B: Petition Review**

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

Mr. Kaldas is requesting conditional use approval as required by the zoning ordinance in order to perform automotive repair utilizing the referenced properties at 1000 & 1001 Fairview Avenue and 1015 Symmes Avenue (See [Exhibit A](#) for Application and Plans)

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

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

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

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





The existing building at 1000 Fairview Avenue will be used for automobile repair and storage. There is an existing overhead roll-up door that will be use to bring vehicles in and out of the building. There are three (3) off street parking spaces at this address. Plans indicate that the existing lot will be restriped. Additionally, due to the configuration of the existing parking and building, the applicant would require a variance to the 10 foot front yard setback requirement for a parking lot.

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

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

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

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

### ***Section B.4: Landscaping***

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

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

### ***Section B.5: Other Proposed Improvements***

The plans also propose the following improvements to the buildings:

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





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

### **Section C: Interdepartmental Review**

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

From the City Arborist:

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

### **Section D: Statutes**

#### ***Section D.1: Conditional Use***

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

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

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





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

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





### ***Section D.2: Variances***

Section [1155.30, Clause D](#) (Conditional Uses – Use Specific Standards and Variances) contains specific findings outlined within the HZO for review and approval of any variance corresponding to a Conditional Use by the Planning Commission.

No variance shall be recommended for approval unless the Planning Commission finds that all of the following facts and conditions exist:

- a. **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- b. **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- c. **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance or the public interest.
- d. **Not of General Nature:** No grant of a variance shall be authorized unless the Planning Commission or City Council finds that the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

### ***Section D.3: Plan Hamilton***

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

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

### **Section E: Staff Basis / Comments**

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





**Section F: Notification**

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

**Section G: Recommendation:**

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

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

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

- 1) That the Planning Commission takes action to recommend that City Council approve of the conditional use application to allow an automotive repair business at 1000 & 1001 Fairview Avenue and allow 1015 Symmes Avenue as parking for the same business.
- 2) That the Planning Commission takes action to recommend that City Council approve one (1) variance of a 10 foot front yard setback at 1000 Fairview Avenue.

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

**Section H: Conditions of Approval:**

1. The proposed fence around the parking area will be setback a minimum of ten (10) feet from the Zimmerman Avenue and Symmes Avenue right-of-way lines.
2. The proposed fence around the parking area will be setback a minimum five (5) feet from the edge of the alley and side property lines.
3. The setback areas outside the fence along the Zimmerman Avenue and Symmes Avenue right of ways shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c will be required for each site plan:





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





**Section I: Attachments**

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

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





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**Exhibit A – Proposal Plans**

**1000 Fairview Avenue, Conditional Use Application**

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

Planning | 2020

**CONDITIONAL USE APPLICATION**

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

**PROPERTY ADDRESS:** 1000-1001 FAIRVIEW AVE & SYMMES

**Property Owner:** CUTTELL INVESTMENTS

Owner's Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

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

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

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

**Architect / Engineer:** TES ARCHITECTS

**Mailing Address:** 121 WINSTON AVE HAMILTON OH 45013

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

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

Date Previous Use Discontinued: \_\_\_\_\_

**Proposed New Use of Property:** AUTOMOTIVE SERVICE & MAJOR REPAIRS

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

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

**Applicant's Signature:** \_\_\_\_\_ **Date:** 3/11/20

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

For questions or more information, please contact Planning at 513 785-7350 | [www.hamilton-city.org](http://www.hamilton-city.org)

Continued on the Next Page Page 8 of 10





**KP**

March 3, 2020

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

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

**Gentlemen:**

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

**The Background**

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

**The Proposed Business**

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

***KALDAS PROPERTIES, LLC***

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





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

**The Project Scope and Improvements.**

The proposed project scope will include the following:

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

**Proposed Site Plan/ Building Plan**

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

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

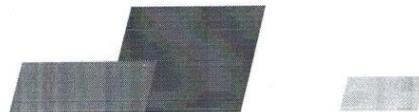
Thank you for your time and your considerations.

Very truly yours,

Ihab Kaldas, President  
Kaldas, Properties

***KALDAS PROPERTIES, LLC***

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

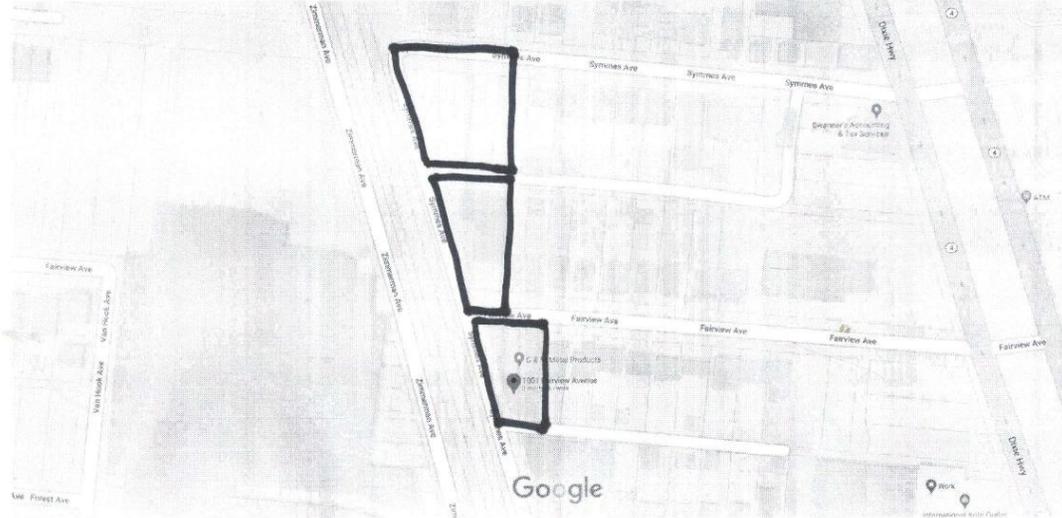




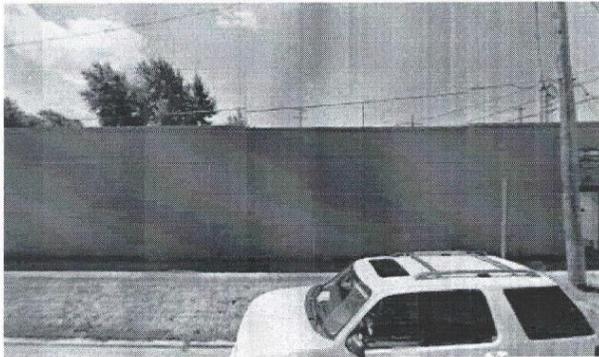
3/10/2020

1001 Fairview Ave - Google Maps

Google Maps 1001 Fairview Ave



Map data ©2020 50 ft



1001 Fairview Ave

Hamilton, OH 45015



Directions



Save



Nearby



Send to your  
phone



Share

Photos

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



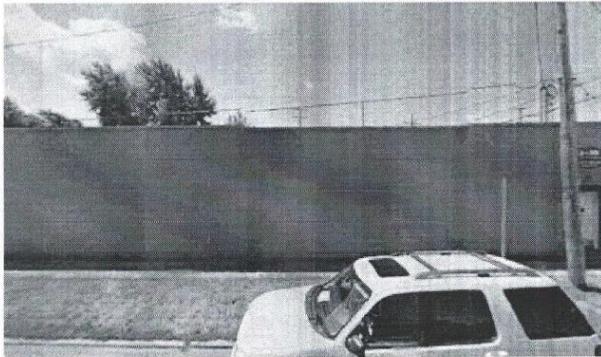
3/10/2020

1001 Fairview Ave - Google Maps

Google Maps 1001 Fairview Ave



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



**1001 Fairview Ave**

Hamilton, OH 45015

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

Photos

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

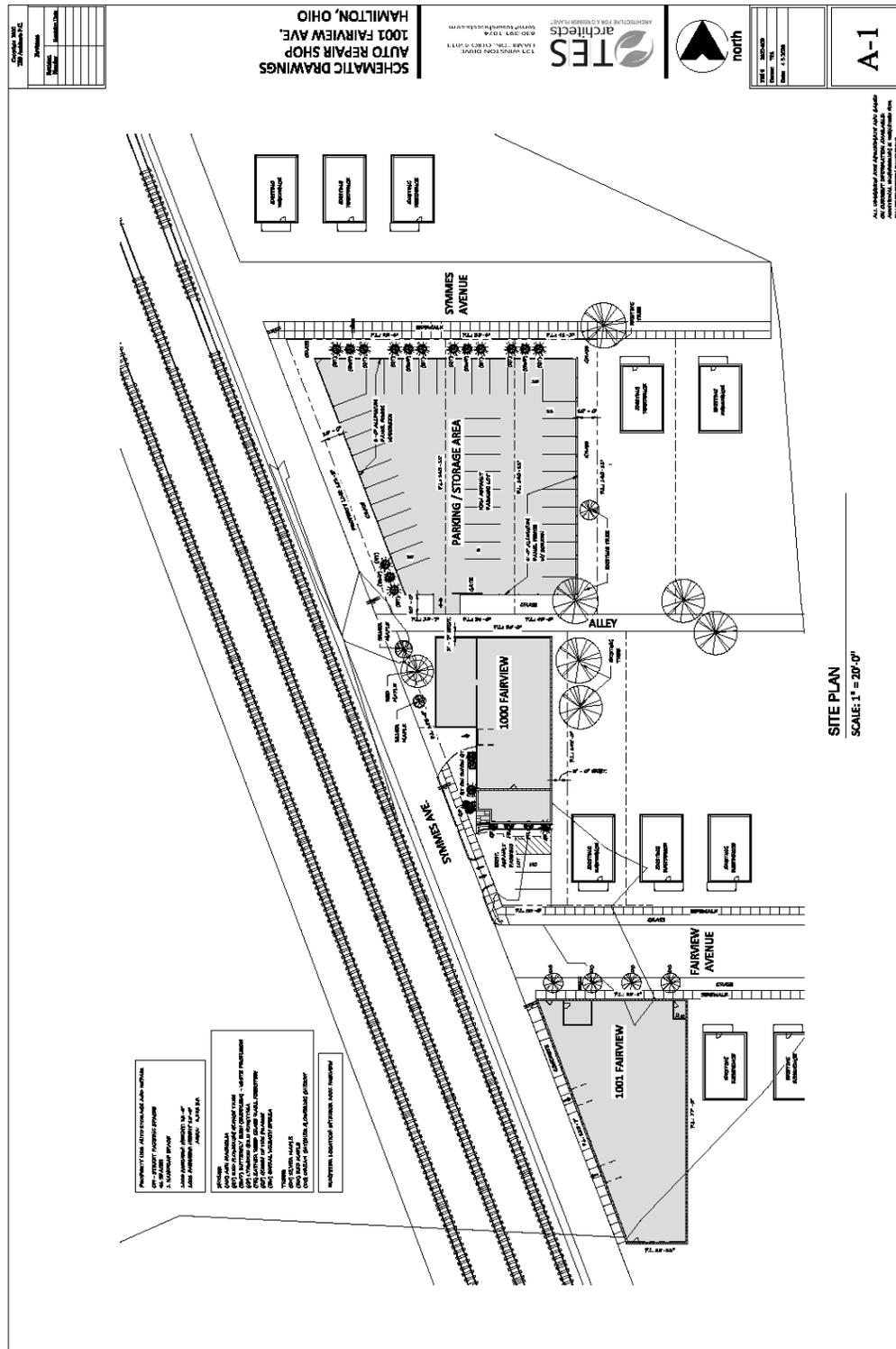




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**1000 Fairview Avenue, Site Plan**

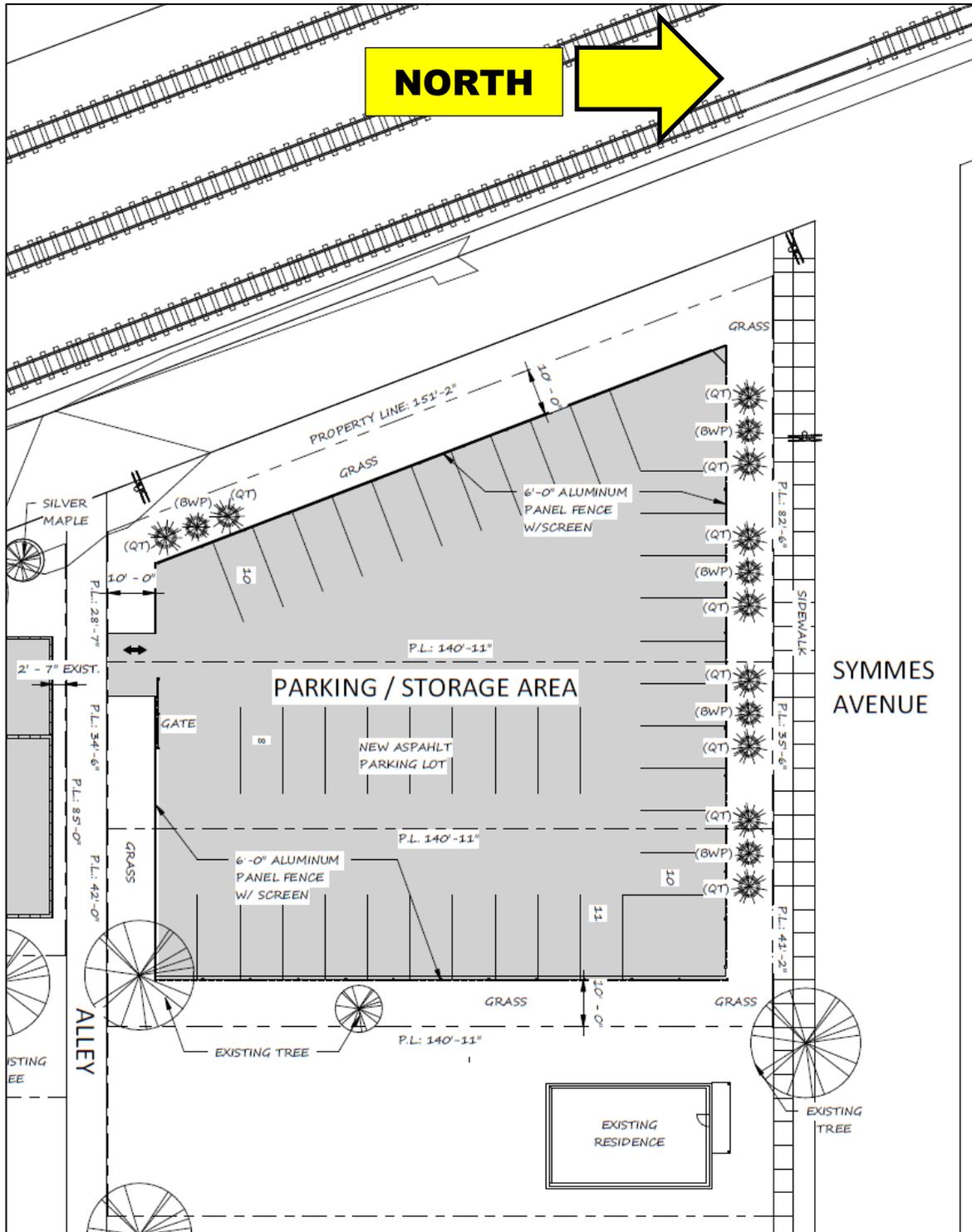




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Showing a close up of 1015 Symmes Avenue, Site Plan



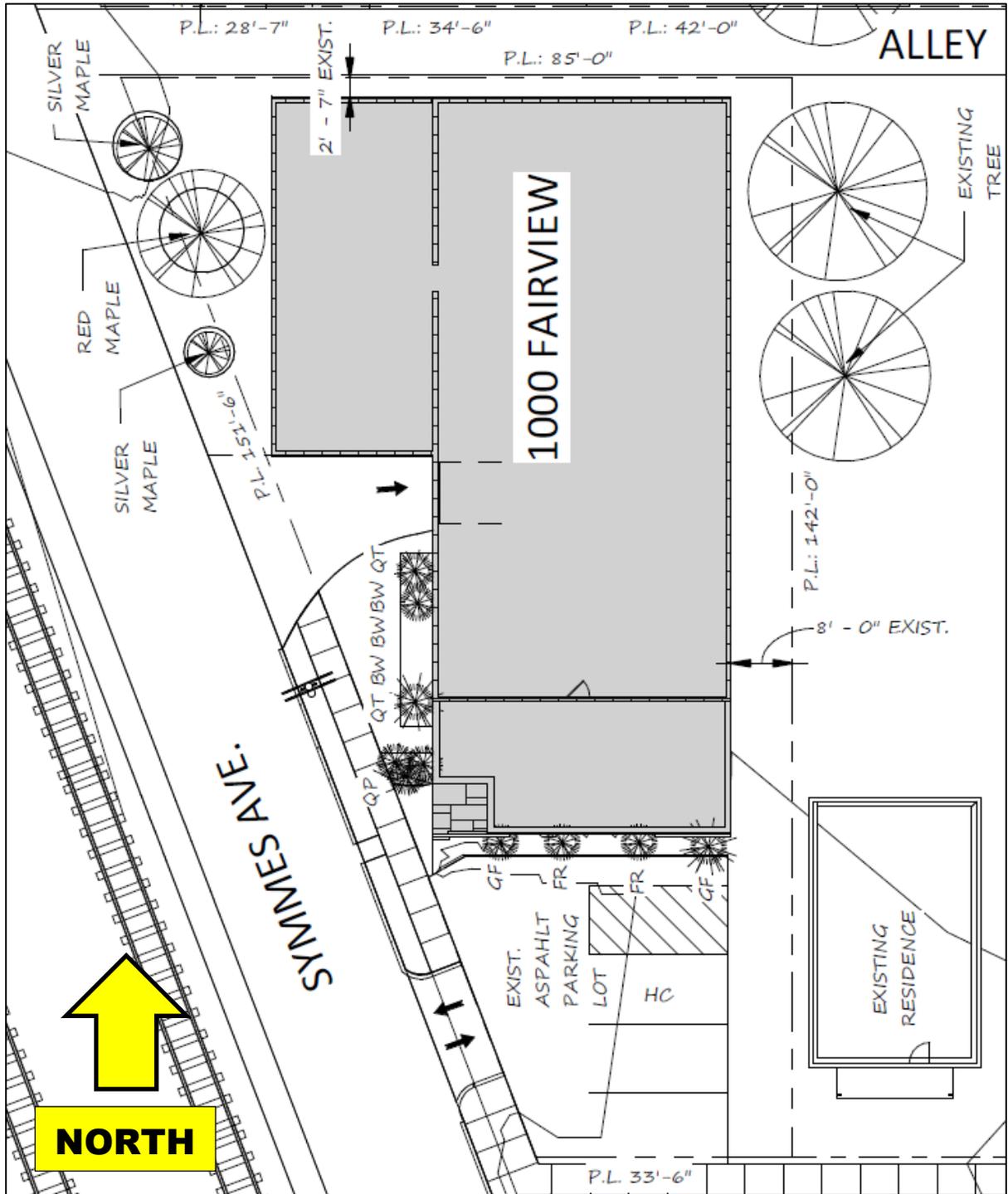


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Showing a close up of 1000 Fairview Avenue, Site Plan

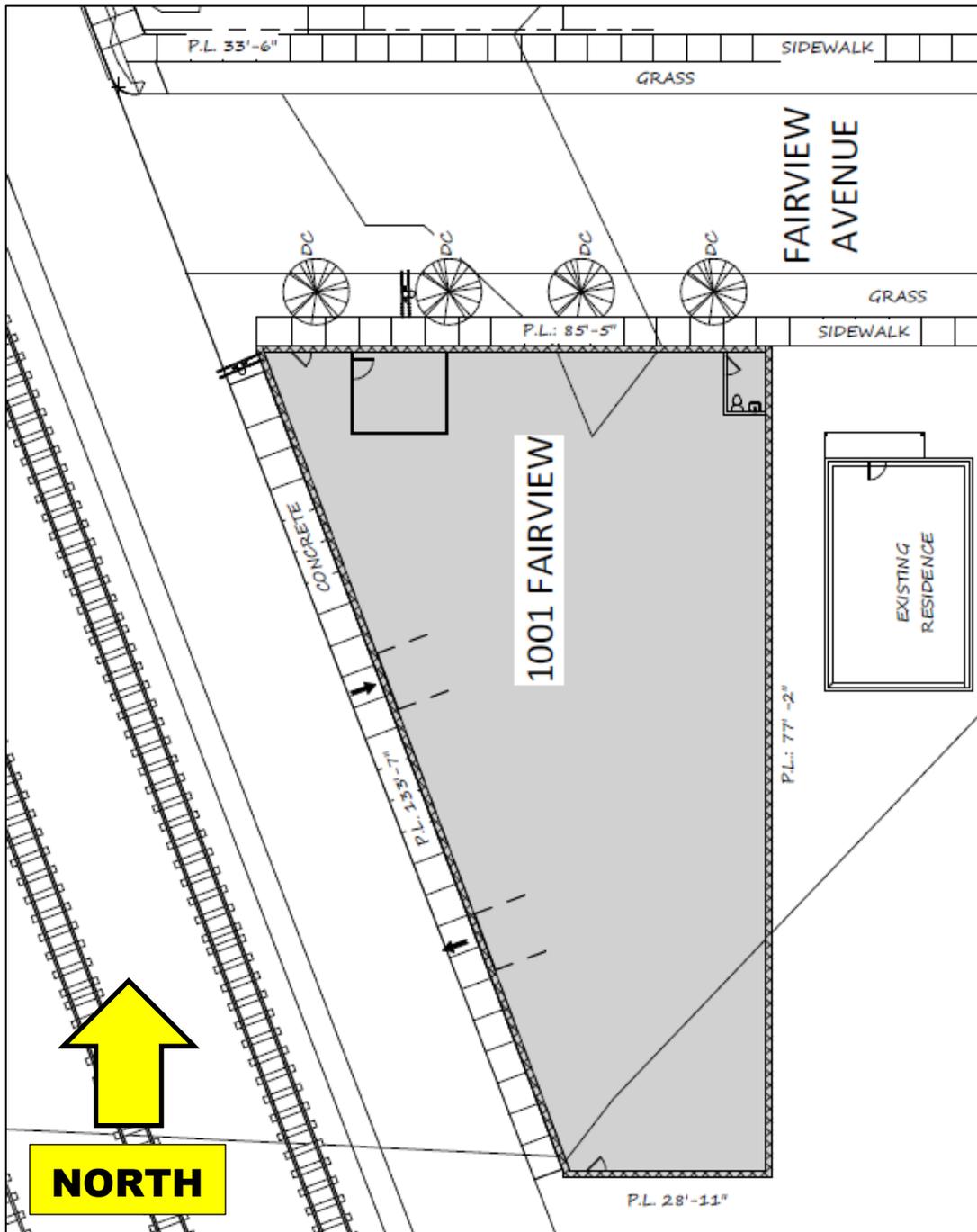




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Showing a close up of 1001 Fairview Avenue, Site Plan

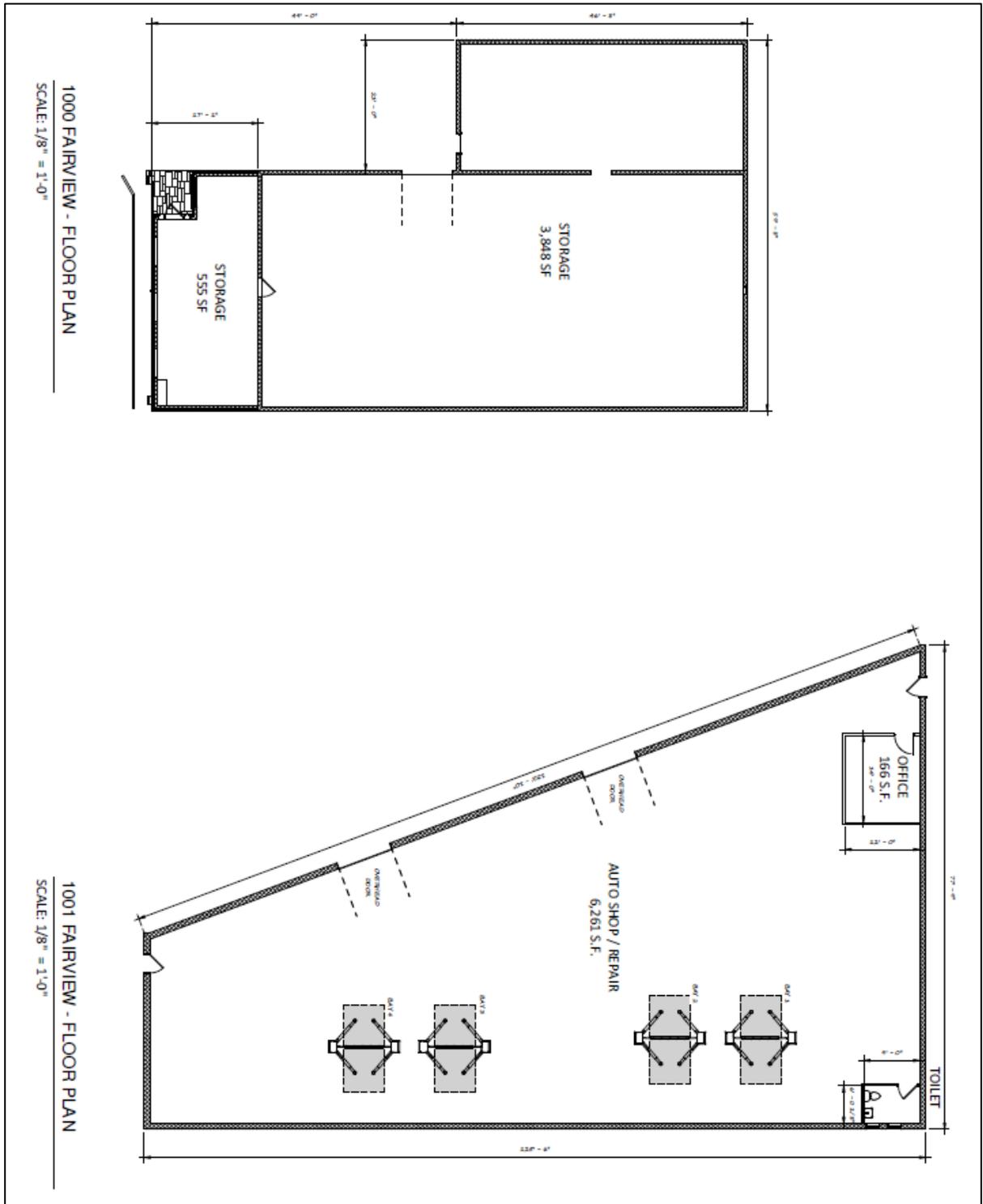




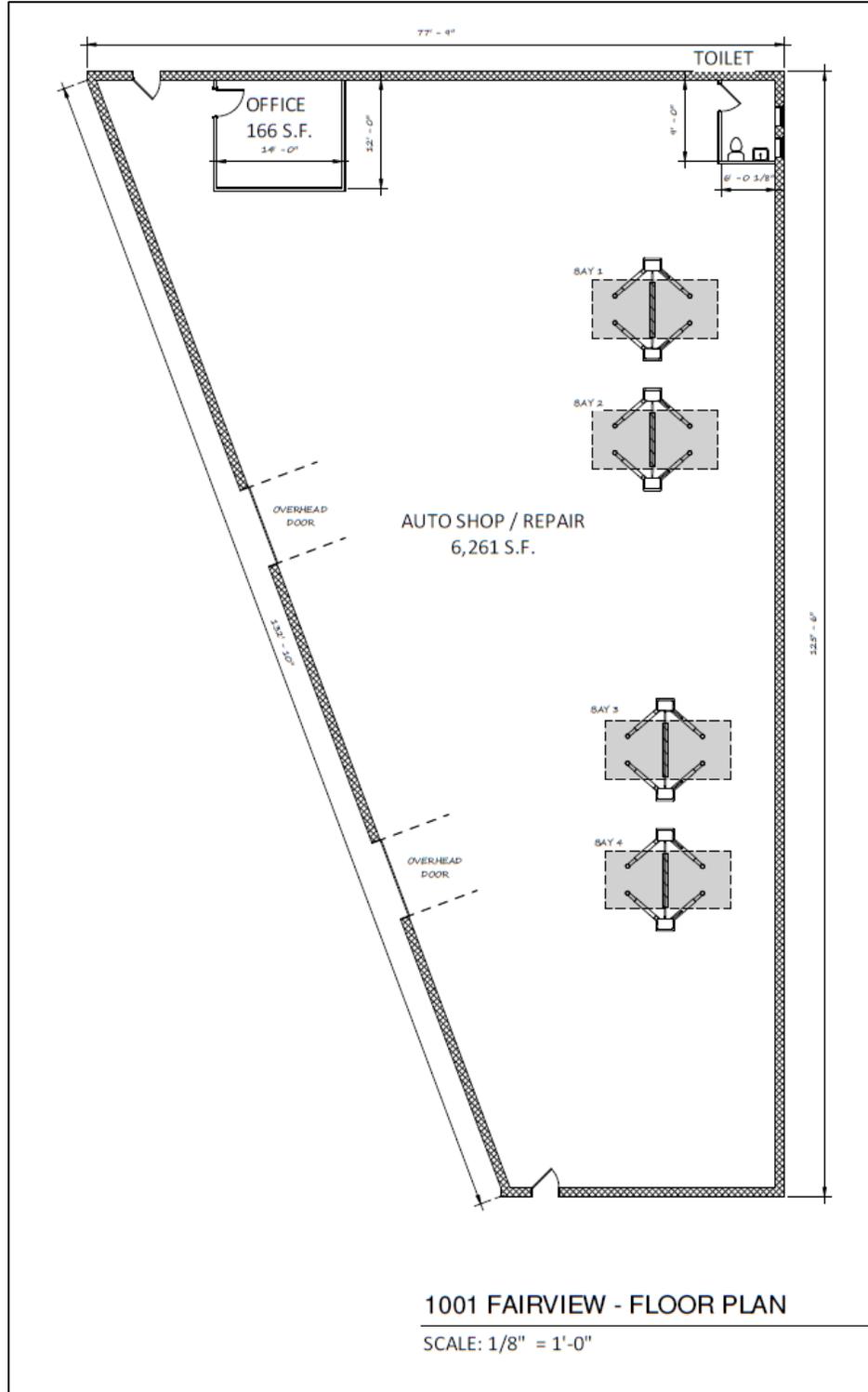
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**Building Floor Plans for 1000 & 1001 Fairview Avenue**

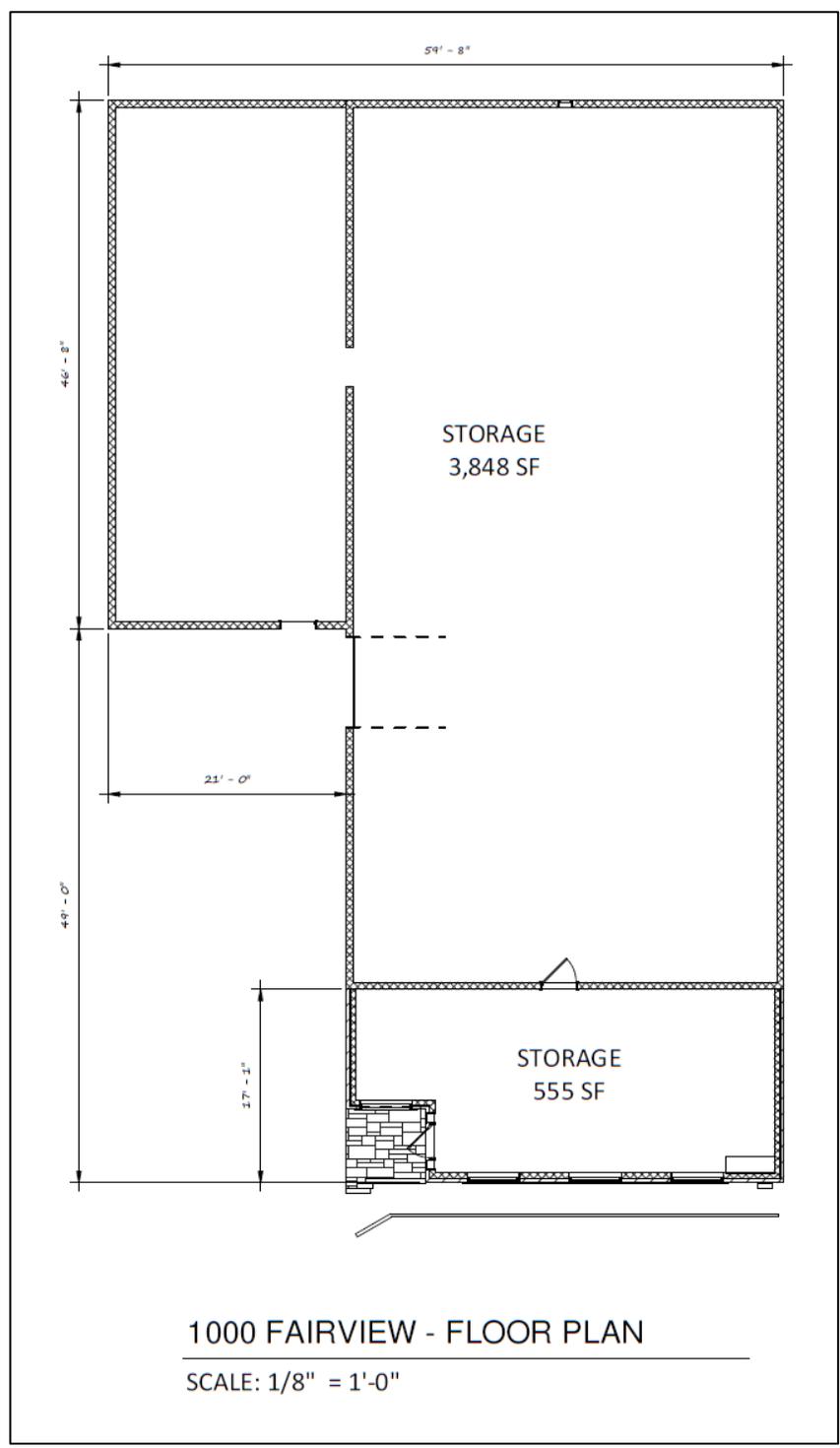


**Showing a close up of - 1001 Fairview Avenue, Floor Plan  
Auto Shop / Repair**





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





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**Applicant – Site Renderings**













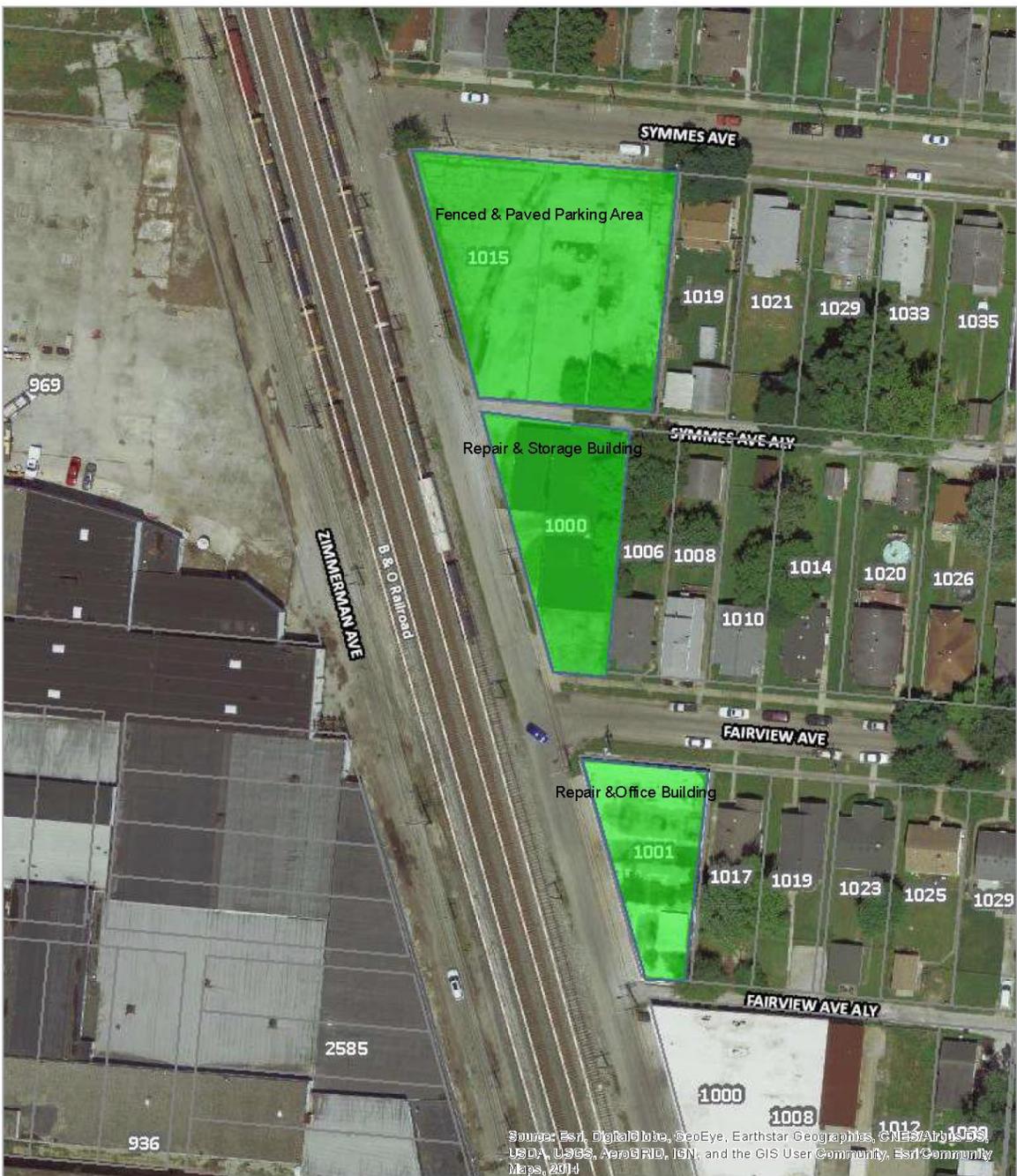








**Exhibit B - Location Map**



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

**1000, 1001 Fairview & 1015 Symmes**

Areas:  **1000, 1001 Fairview & 1015 Symmes**

Site Address Points



Date: 4/23/2020

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 sole responsibility of the user.

1 inch = 94 feet





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**Exhibit C – Zoning Map**



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



Areas

Override 1

Site Address Points

**1000 & 1001 Fairview Zoning Map**



Date: 4/24/2020

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 timeliness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the sole responsibility of the user.

1 inch = 94 feet





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

Exhibit D – Notice of Public Hearing Letter



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

February 19, 2020

**NOTICE OF PUBLIC HEARING**

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

Attention Property Owner:

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

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

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

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

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

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

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

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

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





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



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

Sincerely,

*LJ Bagford*

Larry Bagford, CFM  
Planning & Zoning Specialist

See Reverse Side for Public Hearing Notification Map



**Exhibit E – Recommended Conditions of Approval**

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

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

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





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



**For the Planning Commission Meeting of May 7, 2020**

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

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

**APPLICANT:** City of Hamilton, Planning Department

**REQUEST:** To Amend sections of the City of Hamilton Zoning Ordinance (HZO):  
[\(\*Hamilton Zoning Ordinance: January 2020, PDF File\*\)](#)

Section 1108.00 - Glossary

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

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

Sections 1121.39.28, 1123.38.3 and 1124.39.7 - Automobile Washing Facilities

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

To Delete:

Sections 1122.37, 1123.38.1 and 1124.39.5 – Major Automotive Repair

Section 1122.33 – Automotive Service Stations – when an accessory use

Sections 1121.33, 1123.38.4 and 1124.39.8 – Farm Implement Sales

To Add Sections 1121.33, 1122.33, 1123.38.4 and 1124.39.8 -

Automobile and Other Motor Vehicle Fueling Stations

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





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

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

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

Attached this report are the sections of the zoning ordinance reflecting the proposed changes to the text. Items ~~struck through in red~~ are to be deleted. Proposed new language is **highlighted in yellow**. (See [Exhibit A](#) for proposed Zoning Text Amendments).

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

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

### **Section B: Petition Review**

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

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

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

Please see [Exhibit A](#) for the proposed amendments to the Zoning Ordinance, and [Exhibit B](#) for a clean copy of the new zoning language.





*Section B.1: Proposed Amendments, Changes*

**Amending:**

- Automobile and Other Vehicle Sales

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

Sections 1121.39.27, 1122.36, 1123.36 and 1124.39.4

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

- Automotive Service and Minor Repair

**Revised to: Automotive and Other Vehicle Repair**

Sections 1121.39.6, 1122.37.1, 1123.38.2 and 1124.39.6

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

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

- Automobile Washing Facilities

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

Sections 1121.39.28, 1123.38.3 and 1124.39.7

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

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

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





### ***Section B.2: Proposed Deletions***

#### **To Delete:**

- Major Auto Repair  
Sections 1122.37, 1123.38.1 and 1124.39.5

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

- Automotive Service Stations – when an accessory use  
Section 1122.33

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

- Farm Implement Sales  
Sections 1121.33, 1123.38.4 and 1124.39.8

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

### ***Section B.3: Proposed Additions:***

#### **To Add/Revise:**

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

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





**Section C: Notification**

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

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

**Section D: Statutes:**

[Section 1180.00](#) of the Hamilton Zoning Ordinance provides the basis and process for the amendment of the Zoning Ordinance, Ordinance No. 7503.

**Section E: Recommendation:**

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

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

Specific sections proposed for amendment are as follows:

**To Amend:**

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





**To Delete:**

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

**To Add**

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

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

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

**Section G: Attachments:**

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





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

**General Attachment Notice:**

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

The complete zoning code can be viewed online at:

[https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20OH%20-%20Zoning%20Ordinance%2001.14.2020\\_202001300751072131.pdf](https://gis.hamilton-oh.gov/webdocs/Dept%20Planning/Hamilton%20OH%20-%20Zoning%20Ordinance%2001.14.2020_202001300751072131.pdf)

**EXHIBIT A**

Proposed Text Amendments to City of Hamilton Zoning Ordinance

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

---

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

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

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

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





- G. Display of motor vehicles for sale, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage
- H. The outdoor display area for vehicles shall be setback a minimum of five (5) feet from the side and rear property lines. ~~All areas not used for parking or display of motor vehicles shall be landscaped according to the requirements of Section 1111.20.~~
- I. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
  - a) Bushes: 3 Per Required Tree
  - b) Flowering Perennials Plants: 6 Per Required Tree
  - c) Trees: 1 Per Required Tree
- J. ~~Any repair and services area must be located within an enclosed building.~~
- K. If any repair and services are offered, a separate Conditional Use Approval for Motor Vehicle Repair is required.
- L. ~~No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.~~
- M. No unlicensed vehicles except for the inventory of new or used motor vehicles for sale.
- N. ~~The only automobile repair and services permitted to be performed outside of a building shall include but no be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.~~
- O. ~~Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- P. ~~Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building~~
- Q. ~~Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.~~
- R. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- S. There shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits
- T. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- U. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing





thirty (30) days to achieve compliance or be subject to the Penalties listed in in Section???? herein.

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

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

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

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





- K. All repairs or services shall be performed within an enclosed building except the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- L. No vehicles shall be kept on the property for the purpose of salvaging parts and equipment to repair other vehicles.
- M. ~~Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- N. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations.
- ~~O. Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building at all times.~~
- P. ~~Building Openings.~~ There ~~may~~ shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within fifty (50) feet of a residential district, unless the openings are stationary windows or required fire exits. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Q. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- R. No outdoor storage of any material or waste shall be permitted on site.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.





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

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

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





~~• Proposed building and site plans shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~

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

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

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

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





- ~~P. Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.~~
- ~~Q. Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.~~
- R. Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- S. ~~Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.~~
- T. ~~Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.~~
- U. ~~Proposed building, additions and the entire site shall comply with Section 1111.00 Commercial Design Standards.~~
- V. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- W. No outdoor storage of any material or waste shall be permitted on site.
- X. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing thirty (30) days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.





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

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

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





Automotive Service Stations when accessory to a principal permitted use.

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

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





**1129.30 Form-Based Zoning Districts: Permitted Uses**

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





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

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**General Attachment Notice:**

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

The complete zoning code can be viewed online at:

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

**EXHIBIT B**

Proposed Text Amendments to City of Hamilton Zoning Ordinance  
Clean Copy

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

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





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

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

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





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

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

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





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

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



- O. No junk, inoperative or unlicensed vehicles or parts shall be permitted on the property.
- P. Building Openings. There may not be any openings inside walls or rear walls within 50 feet of a residential district unless the openings are stationary windows or required fire exits.
- Q. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- R. No outdoor storage of any material or waste shall be permitted on site.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in in Section 1186.00 Herein.

**1129.30 Form-Based Zoning Districts: Permitted Uses**

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



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**Exhibit C – Public Hearing Notices for Zoning Text Amendment Requests**



LEGAL NOTICE TO CITY WEBSITE

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

**LEGAL NOTICE OF PUBLIC HEARING**

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

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

**To Amend:**

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

**To Delete:**

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

**To Add:**

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

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

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

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

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

*(Continued on the Next Page)*





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



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

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

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

Ed Wilson, AICP

*Edward Wilson III*

Associate Planner II  
City of Hamilton, Ohio



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

4/27/2020

Planning Commission — City of Hamilton, OH

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



Services Explore Business  
Questions Info



# Planning Commission.

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

## Commission Procedures

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

## Planning Commission Forms

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

## May 7, 2020 Planning Commission Meeting

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

PC Agenda 05.07.2020: [Coming Soon]

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

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

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

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





4/27/2020

Planning Commission — City of Hamilton, OH

**2020**

your current location):

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

**Webinar ID: 934 1026 5331**

## **Planning Commission Cases and Notice of Public Hearings**

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

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

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

**May 7, 2020 - 1:30 PM**

**PC Agenda 05.07.2020: [TBD]**

Please click the link below to join the webinar:

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

## **March 19th, 2020 Planning Commission meeting update.**

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

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

## **Regular Board Meetings.**

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





4/27/2020

Planning Commission — City of Hamilton, OH

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

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

Webinar ID: 934 1026 5331

***Re-Posted with updated Zoom Webinar information:***

***April 24, 2020:***

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

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

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

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

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

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

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

## Agenda & Minutes

For agenda and meeting minutes to prior board meetings, please submit a request to [brandon.saurber@hamilton-oh.gov](mailto:brandon.saurber@hamilton-oh.gov)

Agendas

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

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

## Planning Commission Applications

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





4/27/2020

Planning Commission — City of Hamilton, OH

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

Planned Development (PD) Application

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

Specific Use Application

Conditional Use Application

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

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

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

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

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





## **May 21, 2020 - (Tentative, TBD)**

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

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

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

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

## **Public Hearings at City Council (Commission Cases)**

**City Council: May 27, 2020**

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

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





4/27/2020

Planning Commission — City of Hamilton, OH

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

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

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

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

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

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

## Board Members





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

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## City of Hamilton, Ohio

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

Contact Us





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For the Planning Commission Meeting of May 7, 2020

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

**Subject:** AGENDA ITEM #4 – New Business

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

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

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

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

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





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

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

**1) Commercial Design Standards:**

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

**2) Residential Design Standards:**

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

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

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

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





**Section B: Petition Review**

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

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

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

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

Section 1110.26: Accessory Buildings

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

The change would:





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

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

Section 1131.10: Dwelling On Any Lot of Record

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

**Section C: Notification**

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

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

**Section D: Statutes**

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

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





**Section E: Recommendation**

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

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

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

Staff recommends the proposed amendments for the following reasons:

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





**Section G: Attachments:**

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





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**Exhibit A – Amendments Section 1111.00 Commercial Design Standards**

**General Attachment Notice:**

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

The complete zoning code can be viewed online at:

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

**EXHIBIT A**

Proposed Text Amendments to City of Hamilton Zoning Ordinance

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

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**Commercial Design Standards  
Section 1111.00**

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

Principal Building Materials

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

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

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

Commercial Signs

The base of all monument signs associated with a commercial retail / service use or a commercial office use shall be constructed of brick, stone,





or concrete which is formed to have a masonry unit or brick appearance. If the primary building features brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the material used on the base of the sign shall match or be ~~complimentary~~ **complementary** to the building material used on the primary structure. EIFS shall not be permitted to be used on more than 30% of the total façade a monument.

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

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

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





**Exhibit B – Amendments Section 1110.00 Residential Design Standards**

**General Attachment Notice:**

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

The complete zoning code can be viewed online at:

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

**EXHIBIT B**

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

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**Section 1110.00 Residential Design Standards**

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





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**Exhibit C – Amendments Section 1130.00, 1131.00 Special Provisions**

**General Attachment Notice:**

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

The complete zoning code can be viewed online at:

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

**EXHIBIT C**

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

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**1130.00 SPECIAL PROVISIONS**

**1130.00 Special Provisions:**

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

**1131.00 Miscellaneous Provisions**

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

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

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







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

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





**Exhibit D – Public Hearing Notices for Zoning Text Amendment Requests**

**Notice for Proposed Amendments to Section 1111 (Commercial Design Standards)**



LEGAL NOTICE TO CITY WEBSITE

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

**LEGAL NOTICE OF PUBLIC HEARING**

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

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

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

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

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

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

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

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

Ed Wilson, AICP  
*Edward Wilson 999*  
Associate Planner II  
City of Hamilton, Ohio



**Notice for Proposed Amendments to Section 1110 (Residential Design Standards)**

LEGAL NOTICE TO CITY WEBSITE

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

**LEGAL NOTICE OF PUBLIC HEARING**

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

**APPLICANT:** City of Hamilton  
**REQUEST:** Proposed Amendment to the Hamilton Zoning Ordinance (HZO):  
Section 1110.00, Residential Design Standards - pertaining to Accessory Structure exterior material (sheds, detached garages).

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

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

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

Ed Wilson, AICP  
*Edward Wilson III*  
Associate Planner II  
City of Hamilton, Ohio





**Notice for Proposed Amendments to Section 1131 (Special Provisions)**



LEGAL NOTICE TO CITY WEBSITE

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

**LEGAL NOTICE OF PUBLIC HEARING**

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

**APPLICANT:** City of Hamilton  
**REQUEST:** Proposed Amendment to the Hamilton Zoning Ordinance (HZO):  
Section 11.31.00 Special Provisions – pertaining to new residences on existing narrow or smaller lots (non-conforming lots).

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

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

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

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

Ed Wilson, AICP  
*Edward Wilson III*  
Associate Planner II  
City of Hamilton, Ohio



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For the Planning Commission Meeting of May 7, 2020

**To:** Planning Commission  
**From:** Liz Hayden, Planning Director  
 Liz Fields, McBride Dale Clarion  
 Ed Wilson, AICP, Associate Planner II  
**Date:** April 22, 2019

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

**APPLICANT:** City of Hamilton

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

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





## **Section A: Introduction and Background**

### ***Section A.1: Overview of Zoning Text Amendments***

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

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

#### **Medical Clinics**

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

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

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





## **Supportive Housing**

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

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

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

### ***Section A.2: History***

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





## Section B: Petition Review

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

### Medical Clinics, Low Intensity

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

### Medical Clinics, High Intensity

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

### Inpatient Rehabilitation Facilities

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

### Supportive Housing, Small

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

### Supportive Housing, Large

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

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



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

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

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

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

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

**Inpatient Rehabilitation Facilities:**

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

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





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

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

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

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

### **Section C: Notification**

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

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

### **Section D: Statutes:**

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





### Section E: Recommendation

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

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

Specific sections being proposed for amendment are as follows:

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





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

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

**Section G: Attachments**

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





**Exhibit A – Proposed Hamilton Zoning Ordinance Text Amendments**

**General Attachment Notice:**

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

The complete zoning code can be viewed online at:

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

**EXHIBIT A**

Proposed Text Amendments to City of Hamilton Zoning Ordinance

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

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

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**Glossary**  
**Section 1108.00**

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

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

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

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

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

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





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

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

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

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

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

#### 1117.30 Conditional Uses:

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

- Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.





- Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.

(Renumeration continues from this point)

**1117.37 Supportive Housing, Small:**

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

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

(Renumeration continues from this point)

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

1118.20: Principal Permitted Uses:

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

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

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

**Inpatient Rehabilitation Facilities**

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





1119.30 Conditional Uses:

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

**"OPD" Office Planned Development District**  
**Section 1119.100**

1119.130 Uses Requiring Specific Approval:

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

**1119.133 Inpatient Rehabilitation Facilities:**

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

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





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

1120.20 Principal Permitted Uses:

1120.29.2 Clinic, Low Intensity: Low Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention, must comply with the following conditions:

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

1120.30 Conditional Uses:

1120.40 Clinics, High Intensity: High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

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

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





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

1121.30 Conditional Uses:

**1121.39.4 Inpatient Rehabilitation Facilities:**

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

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

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

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





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

1122.30 Conditional Uses:

**1122.39 Inpatient Rehabilitation Facilities:**

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

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

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

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





**“I-1” Limited Industrial District  
Section 1123.00**

1123.30 Conditional Uses:

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

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

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

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

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

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

*(Continued)*





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

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

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

**1123.38.7 Supportive Housing, Large:**  
As Defined in Section 1108.00 and must comply with the following conditions:

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

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

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





**1123.38.9 Inpatient Rehabilitation Facilities:**

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

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

**“I-2” Industrial District  
Section 1124.00**

**1124.30 Conditional Uses:**

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

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

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

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

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

- ~~• No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.~~





- ~~No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.~~
- ~~In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Outpatient.~~

**1124.39.13 Supportive Housing, Large:**

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

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

**1124.39.14 Clinics, High Intensity:** High Intensity Clinics as defined in Section 1108.00, including the offices of physicians, surgeons, and dentists, engaged in Outpatient Care of persons in need of medical or surgical attention must comply with the following conditions:

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





**1124.39.15 Inpatient Rehabilitation Facilities:**

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

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

~~1124.39.13~~ **1124.39.16 Self-Storage Facility:**

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

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

1125.30 Uses Requiring Specific Approval:

1125.37 ~~Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient or Outpatient (REVISED OR 2019-9-86)~~

~~Minimum Lot Size: Ten (10) Acres~~

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

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



**Form-Based Zoning Districts**  
**Section 1129.00**

1129.30 Permitted Uses:

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

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

1130.120 Principal Permitted Uses

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

**1130.120.10 Clinics, Low Intensity**

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

(Renumeration continues from this point)





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

1131.460 Conditional Uses

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

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

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

1131.530 Principal Permitted Uses

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

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

(Renumeration continues from this point)

1131.560 Conditional Uses





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

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





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**Exhibit B – Public Hearing Notice for Proposed Zoning Text Amendments**



**LEGAL NOTICE TO CITY WEBSITE**

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

**LEGAL NOTICE OF PUBLIC HEARING**

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

**APPLICANT:** City of Hamilton

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

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

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

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

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

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

***(Continued on the Next Page)***





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



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

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

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

Ed Wilson, AICP

*Edward Wilson III*

Associate Planner II  
City of Hamilton, Ohio





**DRAFT Minutes for Review**

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Planning Commission  
 April 16, 2020 @ 6:00 p.m.  
 Council Chambers  
 First Floor, 345 High Street  
 Hamilton, Ohio 45011

**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

One (1) Public Hearing

**Roll Call:**

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

Zoom webinar given the State of Ohio State of Emergency related to Covid-19.

**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. March 5, 2020 & March 19, 2020 – Located at the end of the agenda packet.
  - a. Motion approved unanimously.

**New Business:**

**Agenda Item #1 – PublicHearing**

1. **Short Street Alley (portion) – Alley Vacation**
2. **1157 Central Avenue – Final Plat (rededicate portion of Short Street Alley, consolidate subject lots)**

Request to vacate a portion of Short Street Alley as indicated on the Exhibit Attachment Map, and to approve the Final Plat for 1157 Central Avenue, consisting of 1.2 acres, situated in the Second Ward, City of Hamilton, Ohio.

Staff: Ed Wilson, AICP

**Staff Presentation:**

**Section A: Introduction & Background:**

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

***(Alley Vacation)***

The City of Hamilton is requesting vacation of a portion of Short Street Alley. The portion of alley in question is the easternmost portion of an east-west alley that connects Lane Street and Central Avenue (Exhibit A). The portion of alleyway in question is an improved right-of-way, starting from

the rear of 444 Knightsbridge Drive, continuing easterly towards Central Avenue, for a length of 209.34 feet. (See Exhibits B, C, & D).

### ***(Final Plat)***

In conjunction with the above request, the applicant, Jason Wittekind, on behalf of Hamilton Convenience, LLC, property owner, submitted a request for review and approval of the Final Plat for the 1157 Central Avenue, for a proposed gas station development, and rededication of a portion of Short Street Alley (see Exhibit D). The gas station and convenience store with drive-thru were reviewed as a conditional use and approved in November 2019. The Final Plat is the last step in the subdivision process for the acceptance of streets and/or alleys as right-of-way and in this case includes the replatting or combination of multiple parcels as a vacant buildable lot. The Planning Commission makes a recommendation to City Council for final action on Final Plat requests.

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

1157 Central Avenue is located at the corner of Central Avenue and Knightsbridge drive. The property consists of ten (10) parcels, currently vacant and undeveloped properties, and includes the subject portion of Short Street Alley, a twelve (12') foot wide, paved alley. The subject area consists of approximately 1.2 acres of space, which includes the portion of vacated Central Avenue Alley between 460 Knightsbridge Drive and 1157 Central Avenue. All parcels and the entirety of the subject property is zoned B-2 (Community Business District). The subject area is also located within the NIA (Neighborhood Initiative Area) Overlay District. Please review Exhibit A for a location map and details.

**The present-day application is for:**

- 1) Review and approval of the vacation of a portion of Short Street Alley, and**
- 2) Review and approval of the Final Plat for 1157 Central Avenue, allowing for the combination of ten (10) properties and rededication of the Short Street Alley (198' of alleyway, 16 feet wide) along the northern perimeter of the combined lot.**

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

#### ***Timeline of Prior Actions and Approvals***

1157 Central Avenue is currently vacant and undeveloped lot. It had previously been a mixture of residential and commercial properties. The current owner purchased these lots over several years with the intent of consolidation for a future project on the site.

Since 2013 - City staff has been in conversation with the property owner about possible redevelopment of the site in question. These conversations led to the eventual proposal of a two commercial space development which included a convenience store with drive-thrus and a gas station canopy.

In 2014 - The city reviewed and approved the vacation/abandonment of a portion of Central Avenue Alley located within the subject area, situated between 460 Knightsbridge Drive and 1157, 1165, 1169, and 1179 Central Avenue.

In 2016 - the Planning Commission previously approved the following requests for the site:



1. Request to Approve Building Placement, Building Height and Parking Location on property located within the Neighborhood Initiative Area Conservation Overlay Zoning District (NIA), and
2. Request for a Conditional Use to allow the establishment of a Drive-Thru Facility (i.e. retail/commercial establishment) to operate on property located at NW corner of Central Avenue and Knightsbridge Drive

After the approval, the property owner demolished the properties that were on site in late 2016. No development occurred after approval.

Recently in October 2019 – the Planning Commission approved a revised development request for the property as a conditional use.

1. For a Convenience Store with Gasoline Refueling Pumps (Automotive Service and Minor Repair)
2. A Conditional Use for two (2) drive-thrus.

The following items in the staff report will detail the two (2) petition requests for Planning Commission's review and consideration.

**Section B: Petition Review:**

***Section B.1: Request for Alley Vacation***

The City of Hamilton submitted a petition proposing vacation (abandonment) of the public right-of-way for a portion of Short Street Alley, from the rear of 444 Knightsbridge Drive to Central Avenue (See Exhibit C). The alley provides a right-of-way connection from Lane Street to Central Avenue and connects to Central Avenue Alley which is located to the rear of 1103 through 1125 Central Avenue. The portion of Short Street Alley in question is an improved, paved alley, that contains no existing utilities.

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

If any right-of-way vacation is approved, the land currently designated as right-of-way would be split down the centerline and each half (1/2) would be transferred to the adjacent property owners of record.

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

- Subject portion of Short Street Alley
  - Length: 209.34 feet & Width: Twelve (12') feet

**Adjacent Property Owners:**

Hamilton Convenience, LLC (applicant) is the owner of record for all properties abutting the alley in question, they would receive the entirety of the vacated portion of Short Street Alley:

- 444 Knightsbridge Drive (Parcel: P6421023000029, (Pt City Lot No. 2485)
- 450 Knightsbridge Drive (Parcel: P6421023000028, (Pt City Lot No. 2484)
- 460 Knightsbridge Drive (Parcel: P6421023000027, (Pt City Lot No. 2483)
- 1133 Central Avenue (Parcel: P6421023000018, (City Lot No. 26270 ENT)
- 1157 Central Avenue (Parcel: P6421023000019, (City Lot No. 2432 ENT)
- 1157 Central Avenue (Parcel: P6421023000020, (City Lot No. 2479 ENT)

***Section B.2: Request for Final Plat***

The applicant desires the recording of the final plat for 1157 Central Avenue, which includes the rededication of a portion of Short Street Alley. Planning staff has determined that the applicant has submitted sufficient information to proceed with the final plat (please see Exhibit D for the submitted Final Plat document).

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

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

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

The proposed replatted, consolidated lot would exceed the minimum lot width of 50 feet required in the B-2 (Community Business) zoning district.

On October 17, 2019, the Planning Commission reviewed and approved a conditional use request for 1157 Central Avenue to allow, 1. For a Convenience Store with Gasoline Refueling Pumps (Automotive Service and Minor Repair) and, 2. A Conditional Use for two (2) drive-thrus.



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

The Planning Department finds the proposed final plat to be consistent with the conditional use approved by the Planning Commission. In addition, submitted final plat is consistent with the conditions of approval for the conditional use, including vacation and rededication of a portion of Short Street Alley, and consolidation the parcels within the project area.

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

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

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

**Section C: Statutes:**

***Alley Vacation Process***

The Planning Commission can approve or deny the request for an alley vacation and may modify or add any additional conditions to the street vacation request.

The statutes of Chapter 167.07 of the City of Hamilton's Codified Ordinances regulate vacation or abandonment of public right-of-way (alleys, streets, etc.).

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.

Typically, right-of-way vacations proceed with appraisal of the alley and Board of Revisions of Assessments. However, with the City of Hamilton as applicant, the petition to vacate may proceed to City Council as a resolution to vacate, followed by an ordinance to vacate the right-of-way.

***Platting of Lots***

Per the City Subdivision Regulations, Ordinance No. 6038, the Planning Commission can recommend that City Council approve or deny the request for the platting or replatting of lots, as well as the rededication of alleys or streets as public right-of-way within the City of Hamilton.

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

## **Section D: Notification**

The Planning Department mailed Public Hearing Notices to the owners of 20 properties within 200 feet of the subject property per statute requirements. This mailing also includes one (1) owners of property abutting the alley in question. Staff posted a sign at the site, advertising the public hearing for proposed vacation of a portion of Short Street Alley.

As of the writing of this report, the Planning Department received no phone calls or inquiries pertaining to the proposal.

## **Section E: Staff Recommendation:**

The Planning Commission can:

- 1) Provide a favorable recommendation to City Council for the Short Street Alley vacation or recommend denial of proposal.
- 2) Provide a favorable recommendation or denial of the proposed Final Plat for 1157 Central Avenue. If the Planning Commission approves a motion for approval, said recommendation is forwarded to City Council, which will take final action to approve or deny the Final Plat.

### ***Section E.1: Recommended Motion:***

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

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

### **Conditions of Approval:**

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

**Section F: Staff Basis / Comments**

1. The proposed Final Plat for 1157 Central Avenue, adheres to the amended Final Planned Development as approved by the Planning Commission.
2. The portion of alley in question contains no utilities and thus does not require an easement to maintain utilities.
3. No connectivity will be lost as a result of the proposed vacation. All remaining residences will continue to have alley access via the remaining Short Street Alley and existing Central Avenue Alley. The proposed rededication of Short Street Alley would maintain an alleyway connection to Central Avenue.
4. The proposed vacation will not adversely impact the public health, safety, or welfare. No vehicular access to any privately owned property will be closed as a result of the proposed vacation.
5. The proposed project has been through substantial planning and review procedures to facilitate a higher quality design and development. The applicant has met with staff multiple times to include input from all city departments to produce a plat and proposal compliant with respect to city requirements.

**Public Hearing:**

No comment from the two representatives on the call from the company. Mike Martinelli, applicant, was in attendance to answer questions.

Motion to close public hearing: Horsley  
Second: Belew  
Motion passes unanimously.

**Motion 1:**

That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of Short Street Alley, situated in the Second Ward, as displayed on the street vacation exhibit, with the recommended conditions of approval:

Motion by: Moeller  
Second: Horsley  
Motion approved unanimously.

**Motion 2:**

That the Planning Commission take action and recommend that City Council approve the Final Plat for 1157 Central Avenue, with the recommended conditions of approval:

Motion by: Moeller  
Second: Mathews  
Motion approved unanimously.

**Miscellaneous:**

**Reports:** Update on General Planning items

**Adjournment:**

Motion to adjourn: Mathews

Second: Belew

6:27 pm

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Dale McAllister  
Chairperson

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Liz Hayden  
Planning Director, Secretary