

RESOLUTION NO. 37 - 2001

**RESOLUTION APPROVING TEXT AMENDMENTS TO THE
WEST CHESTER TOWNSHIP ZONING RESOLUTION
(ZC CASE # 04-01)**

WHEREAS, text amendments to the West Chester Township Zoning Resolution were initiated by motion of the West Chester Township Board of Trustees on May 8, 2001 (Resolution 20-2001); and

WHEREAS, said amendments were certified to the Butler County Planning Commission, as required by law, on May 17, 2001, for a recommendation to the West Chester Township Zoning Commission; and

WHEREAS, the Butler County Planning Commission recommended approval with exceptions and conditions of said text amendment request to the West Chester Township Zoning Commission, at a meeting held in conjunction therewith on June 12, 2001; and

WHEREAS, said amendments, numbered Zoning Case 04-01, were submitted to the West Chester Township Zoning Commission for a recommendation to the West Chester Township Board of Trustees; and

WHEREAS, said amendments were reviewed by the Zoning Commission at a public hearing held in conjunction therewith on June 18, 2001; and

WHEREAS, said amendments were reviewed by the Zoning Commission with respect to their effect and impact on land use in the township; and

WHEREAS, the West Chester Township Zoning Commission recommended the approval of said amendments (Resolution 01-15) to the West Chester Township Zoning Resolution with modifications:

1) Article 10, Subsection 10.29: Proposed language shall read ... Landscaping Required. In all Districts, there shall be provided, at the time any building is erected or enlarged, or increased in capacity, required landscaping trees. Landscaping trees shall be located within the front yard area **but not within the public right-of-way**.

a) Landscaping trees shall be calculated at one (1) tree per forty (40) feet of frontage and shall be required to have a caliper size of at least ~~three and one-half (3.5)~~ **two (2)** inches.

Staff shall submit a tree list for Trustee consideration.

2) Article 30, Subsection 30.145: Proposed language shall read ... a) No such sign shall exceed six **square** feet of identification display area.

3) OWC-RCO 13.09 (5) Proposed language shall read ... a) No such sign shall exceed six **square** feet of identification display area.

4) Article 9, Subsection 9.28: Proposed language shall read ... DWELLING. A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multi-family dwellings, but not including hotels, **extended stay hotel/motels**, boarding and lodging houses.

5) Article 16, Subsection 16.024: Proposed language shall read ... Multiple-family dwellings; row dwellings and townhouses, ~~provided the maximum number of dwellings units per building not exceed twenty four (24).~~

6) Article 16, Subsection 16.062: Proposed language shall read ...

16.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure. (See Figure 3 in Graphic Appendix).

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Each Side Yard</u>	<u>Rear Yard Lot Depth</u>	<u>Coverage</u>
One family Dwellings - 6,000 sq. ft.	50 ft.*	25 ft.	8 ft.	35 ft.	50%
Two family Dwellings - 12,000 sq. ft.	80 ft.	30 ft.	10 ft.	45 ft.	50%
Four family Dwellings - 24,000 sq. ft.	100 ft.	30 ft.	15 ft.	50 ft.	50%
Multi-Family Dwellings (over 4 family, not more than 6 units per building) - 3500 sq. ft. 7260 sq. ft. lot area per unit	100 ft.	30 ft.	20 ft.	60 ft.	50%
Other Permitted Uses - 40,000 sq. ft.	200 ft.	50 ft.	50 ft.	75 ft.	45%

WHEREAS, the West Chester Township Board of Trustees held a public hearing as required by law, on August 14, 2001, regarding the proposed amendments to the Zoning Resolution.

THEREFORE BE IT RESOLVED, the West Chester Township Board of Trustees does hereby agree with the recommendations of the West Chester Zoning Commission and approves the proposed text amendments to the Zoning Resolution as indicated in Zoning Case # 04-01 with the modifications as indicated above by the West Chester Township Zoning Commission and furthermore with the following additional modifications:

- 1) Article 10, Subsection 10.29: Proposed language shall read Landscaping Required. In all Districts, there shall be provided, at the time any ~~building is erected or enlarged, or increased in capacity,~~ **new principal structure is erected**, required landscaping trees. Landscaping trees shall be located within the front yard area but not within the public right-of-way.
 - a) Landscaping trees shall be calculated at one tree per ~~forty (40)~~ **fifty (50)** feet of frontage and shall be required to have a caliper size of at least two (2) inches.
 - b) ~~There shall be a minimum of two (2) landscaping trees per parcel, regardless of minimum lot width.~~

A recommended tree list will not be included.

- 2) Article 26, Subsection 26.0312: Proposed language shall read...
Multiple-family dwellings, row dwellings and townhouses.
The density of these uses in a Residential Planned Unit Development shall be determined pursuant to the General Design Standards listed in Article 26.04 and not necessarily restricted to the development standards of the R-4 (Multi-Family Residential) District.
- 3) Article 31, Subsection 31.041: Proposed language shall read...
Attached or detached single- or multi-family dwellings.
The density of multi-family dwellings in the Central Business District shall be determined by the Board of Zoning Appeals pursuant to Article 8.024 and not necessarily restricted to the development standards of the R-4 (Multi-Family Residential) District.
- 4) Article 11, Subsection 11.112: Proposed language shall read...
The maximum number of accessory structures or uses permitted shall be as follows and shall be included in the calculation of the lot coverage pursuant to the Residential District in which it is located:
 - a) Two (2) accessory structures or uses for any lot less than one (1) acre in any Residential District.
 - b) Three (3) accessory structures or uses for any lot ~~greater or equal to one (1) acre~~ **greater than or equal to one (1) acre and less than three (3) acres** in any Residential District.
 - c) **Four (4) accessory structures or uses for any lot greater than or equal to three (3) acres in any Residential District.**

5) Article 28, Subsection 28.042: Proposed language shall read...
The maximum number of accessory structures or uses, **not involving farming uses**, permitted shall be as follows and shall be included in the calculation of the lot coverage pursuant to the Agricultural District in which it is located:

- a) Two (2) accessory structures or uses for any lot less than one (1) acre in any Agricultural District.
- b) Three (3) accessory structures or uses for any lot ~~greater or equal to one (1) acre~~ **greater than or equal to one (1) acre and less than three (3) acres** in any Agricultural District.
- c) **Four (4) accessory structures or uses for any lot greater than or equal to three (3) acres in any Agricultural District.**

6) Article 11, Subsection 11.09: Proposed language shall read...
SUBDIVISION ENTRANCE GATES, FENCES AND WALL. Subdivision entrance gates, fences and walls, posts or pilasters ~~shall be permitted in front yards as follows~~ **may be located on any lot within a residential subdivision, but not within the right-of-way, provided:**

- b) **Gates, fences and walls, except for posts and pilasters, are not to exceed four (4) feet six (6) feet in height. ~~Gates, posts or pilasters are not to exceed six (6) feet in height.~~**
- c) **All such gates, fences and walls shall conform with Article 10, Subsection 10.16, regarding traffic visibility.**
- d) **Subdivision entrance walls, when used as a sign in conjunction with Article 11.071, shall comply with Article 11.071 a) – d).**

7) Article 11, Subsection 11.08: Proposed language shall read...
FENCES AND WALLS. Fences and walls may be located in front, side and rear yards as follows:

- b) For lots in recorded residential subdivisions, **if not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, they may be located** in the front yard, parallel to the rear of the house on double frontage lots.
- c) For lots in recorded residential subdivisions, **if not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, they may be located** in the front yard, parallel to the side of the house on corner lots, provided they are not located within the required yard setback.

8) Article 5, Subsection 5.011: Proposed language shall read...
The Director of the Department of Planning and Zoning is authorized to issue Zoning Certificates and the Director may authorize other employees to issue Zoning Certificates. Any Zoning Certificate issued by the Director or ~~his~~ **his/her** designated subordinate shall conform to the provisions of this Resolution, and no Zoning Certificate for a use or building which is in conflict with the provisions of this Resolution shall be issued. Any Zoning Certificate issued in conflict with this Resolution shall be null and void.

9) Article 7, Subsection 7.01: Proposed language shall read...
APPOINTMENT. A Zoning Commission is hereby created. The Commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the Board of Township Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until ~~his~~ **his/her** successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at ~~his~~ **his/her** usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be appointed by the Board of Township Trustees and shall be for the unexpired term.

10) Article 8, Subsection 8.01: Proposed language shall read...
APPOINTMENT. A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until ~~his~~ **his/her** successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other causes, by the Township Trustees upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by having the same at ~~his~~ **his/her** usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be appointed by the Township Trustees, and shall be for the unexpired term.

11) Article 8, Subsection 8.03: Proposed language shall read...
PROCEDURE. The Board shall organize and adopt rules for its own government in accordance with this Resolution. Meetings of the Board shall be held at the call of the Secretary or Chairman, and at such other times as the Board may determine. The Chairman, or in ~~his~~ **his/her** absence the acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be public record.

12) Article 8, Subsection 8.047: Proposed language shall read...
Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of Planning and Zoning certifies to the Board, after notice of appeals shall have been filed with ~~him~~ **him/her**, that by reasons of facts or conditions existing, a stay would, in ~~his~~ **his/her** opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board or judicial proceedings on application after notice to the Director of Planning and Zoning.

13) Article 9, Subsection 9.26: Proposed language shall read...
DIRECTOR/ADMINISTRATOR. The Director of the West Chester Township Department of Planning and Zoning who shall exercise all powers conferred by law on a Code Enforcement Officer either personally or through individuals under ~~his~~ **his/her** control and supervision.

14) Article 10, Subsection 10.061: Proposed language shall read...
Upon making such determination, the Department of Planning and Zoning shall notify the aforesaid owner or lessee in writing by registered mail of ~~his~~ **his/her** determination. Such inventory and notices shall be kept on file in the Department and be a matter of public record.

15) OWC-RCO 13.285: Proposed language shall read...
Prohibited Signs. The following types of signs are specifically prohibited in the Olde West Chester RCO District:

e) Signs attached to, painted on or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which is located in such a manner to serve as a permanent, ~~temporary, or sign~~ **or temporary sign.**

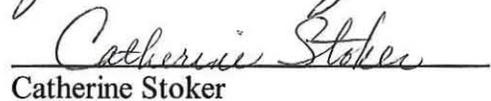
Adopted the 28th day of August, 2001



David Tacosik



Jose Alvarez



Catherine Stoker

ATTEST:



Patricia Williams, Township Clerk

APPROVED AS TO FORM:



Donald L. Crain, Law Director