

**RESOLUTION NO. 15 - 2005**

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**RESOLUTION APPROVING ZONING CASE NO. 03-05, TEXT AMENDMENT TO THE WEST CHESTER ZONING RESOLUTION CONCERNING OLDE WEST CHESTER**

**WHEREAS**, a proposed text amendment to the West Chester Township Zoning Resolution was initiated by Resolution No. 05-2005 of the West Chester Township Board of Trustees on February 22, 2005 which was assigned Zoning Case No. 03-05 ("Text Amendment"); and,

**WHEREAS**, the Text Amendment would amend the review and approval procedures for the Olde West Chester Road Corridor Overlay District ("RCO") and create a new "Article 33" entitled, "Olde West Chester Road Corridor Overlay District;" and,

**WHEREAS**, the Text Amendment was certified to the Butler County Planning Commission, as required by law, on February 25, 2005, for a recommendation; and,

**WHEREAS**, on March 8, 2005 the Butler County Planning Commission considered the Text Amendment and recommended approval without modification; and,

**WHEREAS**, the Text Amendment was then submitted to the West Chester Township Zoning Commission for recommendation and was heard by the Zoning Commission at a public hearing held on March 21, 2005; and,

**WHEREAS**, the West Chester Township Zoning Commission recommended approval of the Text Amendment with one modification that the sentence, "*Review shall be limited to structural and design elements and shall not include communicative content*" be added as a second sentence in proposed Section 33.133; and,

**WHEREAS**, this Resolution sets forth the Text Amendment, including the modification, as recommended for approval by the West Chester Zoning Commission; and,

**WHEREAS**, the Olde West Chester Development Plan adopted by the Board of Trustees by Resolution 07-2003 recommends the adoption of design guidelines for property located within the RCO; and,

**WHEREAS**, the Board of Trustees established by Resolution 27-2003 the Olde West Chester Architectural Advisory Committee; and,

**WHEREAS**, the Architectural Advisory Committee met throughout 2004 to formulate Architectural Advisory Guidelines ("Guidelines") and this Text Amendment to help guide development within the RCO; and,

**WHEREAS**, the Architectural Advisory Committee previously provided notification to property owners, businesses, and residents located within the RCO requesting their input and comment on the Guidelines and Text Amendment; and,

**WHEREAS**, the Architectural Advisory Committee posted the Guidelines and Text Amendment on the West Chester internet home page and held public hearings on October 19, 2004 and October 25, 2004 where all interested persons were encouraged to discuss with the Committee their comments and questions on the documents; and,

**WHEREAS**, the Architectural Advisory Committee held a workshop with the West Chester Board of Trustees on January 25, 2005, where the content of the Guidelines and Text Amendment were discussed in a public forum; and,

**WHEREAS**, the West Chester Board of Trustees publicly noticed and invited all Olde West Chester property owners, business owners and residents to a public hearing on the Guidelines and Text Amendment that was held on February 8, 2005; and,

**WHEREAS**, Ohio Revised Code Section 504.04 authorizes townships such as West Chester that have adopted a Limited Home Rule form of government to exercise, with limitations, all powers of local self government within the unincorporated area of the township; and,

**WHEREAS**, the Text Amendment is necessary to implement the Guidelines, as well as streamline and provide certainty to the review and approval procedures for development within the RCO; and,

**WHEREAS**, the Guidelines, although not in the form or character of zoning regulations, are appended to Trustee Resolution 05-2005, and therefore were forwarded to and considered by the Butler County Planning Commission and were before the West Chester Zoning Commission in association with its hearing on the Text Amendment; and,

**WHEREAS**, the area within the RCO is a unique asset to West Chester and the sustainability of the RCO has an important and far reaching impact on all of West Chester; and,

**WHEREAS**, the RCO comprises a neighborhood and district requiring special attention and guidance to insure that the area continues to grow and prosper and does not fall into unhealthy decline as has been experienced in previous periods; and,

**WHEREAS**, it is important to the community's health and sustainability that future development and rehabilitation within the RCO carries forward the historic qualities and charm of Olde West Chester as has recently occurred, and as expressed in the previously adopted Olde West Chester Development Plan.

**NOW THEREFORE, BE IT RESOLVED** that the West Chester Township Board of Trustees does hereby agree to:



**SECTION 1.** Accept the recommendation of the Zoning Commission in Zoning Case No. 03-05 and approve the Text Amendment as modified by the Zoning Commission, as follows:

Key: ~~language~~ - double strike out indicates removed language  
~~language~~ - single strike out indicates language retained but moved to a different section  
*language* - bold/italics indicates new language  
*[language]* - italics within brackets indicate drafter's notes or instructions not part of the new legislation text

~~**OLDE WEST CHESTER**~~  
~~**ROAD CORRIDOR OVERLAY**~~

~~**DISTRICT PROVISIONS**~~

~~**EFFECTIVE JANUARY 21, 1994**~~  
~~**Amended September, 2001**~~

**ARTICLE 33**

**OLDE WEST CHESTER  
ROAD CORRIDOR OVERLAY DISTRICT**

~~A. GENERAL ADMINISTRATIVE~~

~~1.0~~ **33.01 PURPOSE.** The Olde West Chester Road Corridor Overlay District ("**Overlay District**") supplements the standards of the underlying ~~Zone District~~ **zoning district** to provide development provisions which assure compatibility with the unique natural and physical characteristics of the area and achieve a desired character which promotes the public, health, safety, and general welfare of the residents and property owners.

~~2.0~~ **EFFECT OF ADOPTION.** Pursuant to Article 27 of the West Chester Township Zoning Resolution, the Olde West Chester Road Corridor Overlay Plan does hereby become a part of the Zoning Resolution. The specific provisions of this Overlay District shall supersede, as applicable pursuant to section A-2.01 and A-2.02, the regulations of the underlying Zone Districts and other provisions related thereto within the Olde West Chester Road Corridor Overlay District.

~~2.01~~ **33.02 ZONING CODE AND ARCHITECTURAL ADVISORY GUIDELINES PROVISIONS APPLY.** This Article shall serve as the governing regulations for the Overlay District pursuant to subsection 27.07, and replaces prior regulations contained in the Olde West Chester Road Corridor Overlay Plan at pp. 24--35. These Overlay District regulations shall apply to property contained in the Overlay District as shown on the zoning map. All provisions of the West Chester Township Zoning Resolution shall **also** apply, unless the provisions of the ~~Olde West Chester RCO~~ Overlay District specifically address otherwise. **All provisions of the Olde West Chester Architectural Advisory Guidelines shall also apply to property contained within the Overlay District.**

~~2.02~~ The provisions of the Olde West Chester Road Corridor Overlay District, upon effective date of adoption, shall apply to all uses, requiring a Zoning Certificate, pursuant to Article 5, subsection 5.02 of the West Chester Township Zoning Resolution, except those specifically exempted by section A-6.0.

~~3.0~~ **33.03 EXEMPT AND CONTINUING EXISTING USES.**

**33.031** Any building, structure, or the use thereof, legally existing at the time this Overlay District becomes effective, may be continued as a legal non-conforming use, building, or structure, even though such use, building, or structure may not conform with the provisions of this Overlay District.



33.032 [from former Section A.6.0] The ~~Olde West Chester Road Corridor~~ Overlay District provisions and *Olde West Chester Architectural Advisory Guidelines* shall not apply to properties used exclusively for single-family, two-family, and three-family dwellings and related accessory uses, nor to agricultural uses and related structures.

33.033 [from former Section C.2.0] Height, area, frontage, and yard requirements for existing buildings on existing lots of record shall be permitted to be maintained at the current as built dimensions. Such provision shall also apply to all buildings and structures involving a change of use.

33.04 **DEFINITIONS.**

33.041 **Like Use Change.** *Change in the use of a property that is similar in character and intensity to the immediately preceding use and where there has been no lapse in use exceeding six (6) months. Nonexclusive examples: dentist office to doctor's office; restaurant to restaurant; gift shop to antique shop.*

33.042 **Minor Maintenance.** *Typical and ongoing repairs to grounds or structures in order to preserve the structure or property. Nonexclusive examples: spot painting, damaged/missing shingle replacement, chimney repair, broken window repair.*

33.043 **Major Maintenance or Building Remodeling.** *Significant improvements to grounds or structure that affect appearance but which do not involve additional interior square footage. Nonexclusive examples: roof replacement, building repainting (to a different color), window or door replacement, new or replacement siding, new or replacement porches, new or replacement awnings, new or replacement fences, chimney rebuilds (if not brick or stone), new or replacement permanent signs.*

33.044 **Major Use Change.** *1) Any change in the use of property that is not a Like Use Change: Nonexclusive examples: residential to commercial, commercial (e.g., office) to a different type commercial (e.g., retail), commercial (e.g., corporate office) to a different intensity commercial (e.g., dentist office); or 2) Modifications resulting in additional interior building square footage; or 3) Modification of access points, curb cuts, sidewalks, or vehicle circulation may also be considered a major use change.*

4.0 ~~**PROCEDURES FOR OBTAINING A ZONING CERTIFICATE ON PROPERTY WITHIN THE OLDE WEST CHESTER RCO DISTRICT:** Upon the effective date of the Olde West Chester RCO District, the use of any structure, building, land, or part thereof, hereinafter created, erected, changed, converted, or enlarged, wholly or partly, shall require the issuance of a Zoning Certificate in accordance with the following procedures and requirements:~~

33.05 **APPROVALS**

33.051 **Minor Maintenance.** *A permit is not necessary for Minor Maintenance. Property owners and tenants are encouraged to consult with Planning and Zoning Department staff prior to undertaking Minor Maintenance to verify that the work is not Major Maintenance, Building Remodeling or a Major Use Change*



- 33.052 Mailboxes, light fixtures, shutters, gutters, downspouts. A permit is not required for replacement of mailboxes, light fixtures, shutters, gutters or downspouts. However, such items must conform in appearance to the examples contained in the Olde West Chester Architectural Advisory Guidelines.
- 33.053 Like Use Change. A permit is required for Like Use Changes which will be processed at the staff level.
- 33.054 Accessory Structures. A permit is required for accessory structures which will be processed at the staff level under Section 10.15. However, staff may refer highly visible or otherwise unusual accessory structures to the Architectural Advisory Committee for review and approval under the procedure set forth below.
- 33.055 Major Maintenance or Building Remodeling. A permit is required for Major Maintenance or Building Remodeling. Applications shall be submitted to the West Chester Architectural Advisory Committee for review and approval under the procedure set forth below.
- 33.056 Major Use Change. A permit is required for Major Use Changes. Applications shall be submitted to the West Chester Zoning Commission for review and approval under the procedure set forth below.
- 33.06 ARCHITECTURAL ADVISORY COMMITTEE REVIEW PROCEDURE
- 33.061 Prior to applying, applicants shall hold a pre-application meeting with staff.
- 33.062 Each application shall be accompanied by a completed form, fee, and the application materials described on the form. To scale architectural elevations in 11" x 17" format showing the proposed design, features, and color must be included in the application.
- 33.063 The Architectural Advisory Committee shall meet monthly pursuant to a schedule of meetings and filing deadlines created by staff at the beginning of the year. All complete applications filed by the application deadline shall be heard at the corresponding meeting. Staff shall forward all applications and a staff report to the committee members prior to the meeting.
- 33.064 The Architectural Advisory Committee shall hold a public meeting at which time the committee will hear from the applicant. No notice, other than to the applicant and that required for public meetings, need be given. The committee members shall discuss the project and provide feedback to the applicant.
- 33.065 Upon conclusion of the presentations and discussion, the committee shall adopt a motion approving or denying the application, or if the case involves a matter before the West Chester Zoning Commission, the motion shall be in the form of a recommendation with regard to the architectural elements. The committee's decision shall be in conformance with the Olde West Chester Architectural Advisory Guidelines. The committee may attach conditions to any approval.



33.07 **ZONING COMMISSION REVIEW PROCEDURE**

- 33.071 *Prior to applying, applicants shall hold a pre-application meeting with staff.*
- 33.072 *Each application shall be accompanied by a completed application form, fee, and the application materials described on the form. To scale drawings in 11" x 17" format including a site plan, landscaping plan, and architectural elevations showing the proposed design, features, and color must be included in the application.*
- 33.073 *The Zoning Commission shall hold a public meeting on each application pursuant to Zoning Resolution Article 7. However, prior to appearing before the Zoning Commission, the applicant shall meet with and obtain the Architectural Advisory Committee's recommendation pursuant to Section 33.06.*
- 33.074 *Staff shall forward all applications, a staff report and the Architectural Advisory Committee's recommendation to the commission members prior to the public meeting. In preparing its report, staff shall confer with other applicable agencies and incorporate their recommendations and findings into the report.*

*[from former Sections A5.01 – 5.014]*

- 33.075 ~~5.01~~ The Zoning Commission shall study, review, and make written findings regarding applications for zoning certificates in the Road Corridor Overlay Area to ensure the following specific conditions are met:
- 33.0751 ~~5.011~~ The proposed internal vehicular circulation and parking plan for the site is consistent with the Access Management Plan of the Olde West Chester Road Corridor Overlay Plan and properly connects with the primary and secondary road network.
- 33.0752 ~~5.012~~ The proposed architectural character, landscaping, scale, massing, and materials of the structure or building and exterior lighting is consistent with ~~the adopted goals and objectives of the Olde West Chester Overlay Plan.~~ *standards contained within the Olde West Chester Architectural Advisory Guidelines.*
- 33.0753 ~~5.013~~ The site plan contains elements and components which create an area of sustained desirability and stability and achieve the goals and objectives of the Olde West Chester Road Corridor Overlay *Plan and the Olde West Chester Development Plan.*
- 33.0754 ~~5.014~~ The application is consistent with planned future public improvements necessary in the area ~~or to achieve substantial elements of the Olde West Chester Road Corridor Overlay District.~~
- 33.0755 *The proposed use does not employ process, equipment, or goods that are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, vibration, refuse matter, water-carried waste, etc. Attention shall also be given to creating a mix of uses within the Overlay District to promote community vitality and avoid over-saturation of a particular use.*



33.076 *Upon conclusion of the presentations, comment and deliberations, the commission shall adopt a resolution of approval or motion of denial by no later than the next regularly scheduled meeting date. The commission's approval or denial shall take into account all aspects of the application, including but not limited to site layout, landscaping, building appearance, access, circulation, and use compatibility within Olde West Chester. The commission shall further take into account the recommendation of the Architectural Advisory Committee and those recommendations contained in the Olde West Chester Development Plan and the Olde West Chester Road Corridor Overlay Plan. The commission may attach conditions to any approval.*

33.08 **ZONING CERTIFICATE REQUIRED.** *Pursuant to Section 5.02, zoning certificates shall be required for work or new uses within the Overlay District as in any other zoning district. After receiving approval from the Zoning Commission or Architectural Advisory Committee, the applicant shall then apply for and receive a zoning certificate prior to commencing any work or use. If approval by the Zoning Commission or Architectural Advisory committee is not required, the applicant may apply immediately for a zoning certificate. Pursuant to Section 5.05, a Final Inspection Certificate shall be obtained prior to occupancy or as otherwise required under that Section.*

33.09 **MODIFICATIONS AND OTHER USES**

33.091 **Modifications.** *For matters before the Zoning Commission or Architectural Advisory Committee under the above Overlay District procedures, those boards may grant minor area modifications from the terms of the underlying zoning district or the Overlay District if such modifications do not create a safety hazard and are in keeping with the character of Olde West Chester. Board members should reference the review standards of Section 8.053 to determine if such approval is appropriate.*

33.092 **Conditional and Special Exceptions Uses.** *The Zoning Commission may approve uses like those authorized as a Conditional Use or Special Exception under the underlying zoning district if reviewed in association with the above Overlay District procedures. Commission members should reference the review standards of Section 8.054 to determine if such approval is appropriate.*

*[from former B. 4.0]*

33.093 **Other Uses.** *Uses not specifically listed as permitted, conditional, or special exception by the underlying zoning district are prohibited. When conducting a review under the above Overlay District procedures, the Zoning Commission may authorize a use determined to be of the same character as the principally permitted, conditional, or special exception uses of the specific underlying zoning district. Commission members should reference standards of Section 8.052 to determine if such approval is appropriate.*

~~4.01 Each application for a Zoning Certificate shall be accompanied by fifteen (15) complete plans. Plans shall be drawn to scale in blackline or blueprint, showing the actual shape and dimensions of the lot to be built upon or changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing or intended use of each~~



~~building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and the proposed use to be made of the lot. The plans should also indicate all other applicable information as required by this Road Corridor Overlay District Plan, pursuant to sections A 5.011, A 5.012, A 5.013, and A 5.014.~~

~~4.02 Within fifteen (15) days of the date of said application for a Zoning Certificate, the Department of Planning and Zoning staff shall review the proposal to determine consistency with the adopted Olde West Chester Road Corridor Overlay Plan, provisions of the underlying Zone District, and other applicable provisions of the Zoning Resolution. The staff shall mail a copy of its report of findings to the applicant and file its report with the Zoning Commission in regard to all principal structures and use changes. Accessory uses shall not be subject to review by the Zoning Commission.~~

~~4.021 The procedures for obtaining a Zoning Certificate for an accessory use in the Olde West Chester Overlay District shall be in accordance with the applicable provisions of the West Chester Township Zoning Resolution, pursuant to Section B 3.0.~~

~~4.022 In preparing its report, for principal uses and use changes, the Department of Planning and Zoning staff shall confer with all other applicable township, county, and state departments and agencies and incorporate their recommendations and findings into the report to the Zoning Commission.~~

~~4.03 Within thirty (30) days of receipt of said report from the Department of Planning and Zoning staff, the Zoning Commission shall hold a public hearing, and by Resolution, either approve, deny, or modify the application for the Zoning Certificate.~~

~~4.04 The Department of Planning and Zoning shall notify all adjoining properties owners, by first class mail, at least ten (10) days before the date of the public hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed application.~~

~~4.05 Upon the approval of a Zoning Certificate by the Zoning Commission, the Department of Planning and Zoning shall issue the Zoning Certificate and return five (5) sets of the approved plans, stamped with Department of Planning and Zoning approval, to the applicant in order that he/she may proceed with the applications necessary for all building and other applicable permits.~~

~~5.0 **REQUIRED CONDITIONS FOR APPROVAL OF A ZONING CERTIFICATE IN THE OLDE WEST CHESTER RCO DISTRICT.** All applications for a Zoning Certificate within the Olde West Chester Road Corridor Overlay District, except those uses which are specifically exempt by Section A 6.0, shall be reviewed by the Department of Planning and Zoning staff to determine consistency with the principal permitted uses of the underlying Zoning District, all applicable provisions of the West Chester Township Zoning Resolution, and the specific written provisions and graphic plans of the Olde West Chester Road Corridor Overlay District. Such findings shall be reported to the Township Zoning Commission at the public hearing concerning the application and be made part of the record.~~



*[following sections moved to Zoning Commission procedure, new Section 33.075 above]*

- 5.01 — ~~The Zoning Commission shall study, review, and make written findings regarding applications for zoning certificates in the Road Corridor Overlay Area to ensure the following specific conditions are met:~~
- 5.011 — ~~The proposed internal vehicular circulation and parking plan for the site is consistent with the Access Management Plan of the Olde West Chester Road Corridor Overlay Plan and properly connects with the primary and secondary road network.~~
- 5.012 — ~~The proposed architectural character, landscaping, scale, massing, and materials of the structure or building and exterior lighting is consistent with the adopted goals and objectives of the Olde West Chester Overlay Plan.~~
- 5.013 — ~~The site plan contains elements and components which create an area of sustained desirability and stability and achieve the goals and objectives of the Olde West Chester Road Corridor Overlay.~~
- 5.014 — ~~The application is consistent with planned future public improvements necessary in the area or to achieve substantial elements of the Olde West Chester Road Corridor Overlay District.~~

*[following section moved to new section 33.03 above]*

- 6.0 — ~~USES EXEMPT FROM THE OLDE WEST CHESTER RCO DISTRICT. The Olde West Chester Road Corridor Overlay District provisions shall not apply to properties used exclusively for single family, two family, and three family dwellings and related accessory uses, nor to agricultural uses and related structures.~~
- 7.0 — ~~IMPROVEMENTS EXEMPT FROM THE REQUIREMENTS OF THE RCO DISTRICT. Interior remodeling and exterior maintenance work and repairs (new roofs, painting, etc.) shall be exempt from the requirements of these provisions, provided that said improvement does not involve a change of use or result in a structural addition or deletion to the property.~~

## ~~**B. GENERAL PROVISIONS**~~

- 1.0 — ~~PRINCIPAL PERMITTED USES. All uses, except those specifically exempted by Section A-6.0, in the Olde West Chester Road Corridor Overlay District are subject to the approval of a Zoning Certificate by the Zoning Commission, pursuant to Section A, Article 4.0 thru 5.014 of this plan, inclusive. Uses permitted as of right, are those permitted by the underlying Zone District in which a particular parcel is located.~~

*[following moved to new section 33.10]*

- 1.1 — ~~A dwelling unit shall be permitted, as of right, in all the underlying Business Districts of the Olde West Chester Road Corridor Overlay when in conjunction with a principal permitted commercial use.~~
- 2.0 — ~~CONDITIONAL USES. All uses in the Olde West Chester Road Corridor Overlay District which are listed as a conditional use by the underlying Zone District in which said use is~~



~~proposed, are subject to the approval of the Board of Zoning Appeals. The Board of Zoning Appeals shall study, review, and make written findings regarding applications for conditional use certificates in the Road Corridor Overlay Area to ensure the specific requirements of section A-5.011, A-5.012, A-5.013, and A-5.014 are met.~~

~~3.0 ACCESSORY USES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, subsection 10.15 of the West Chester Township Zoning Resolution. Such uses are not subject to review by the Zoning Commission, pursuant to Section A, Article 4.0 thru 5.014 of this plan, inclusive.~~

[following moved to new section 33.09]

~~4.0 PROHIBITED USES. Uses not specifically listed as permitted or conditional by the underlying Zone District are prohibited, unless determined by the Board of Zoning Appeals, pursuant to Article 8, subsection 8.051 of the West Chester Township Zoning Resolution to be of the same character as the principally permitted or conditional uses of the specific underlying Zone District.~~

~~5.0 REQUIRED CONDITIONS. Unless specifically permitted by the District in which it is located, all uses must comply with the following requirements.~~

### **33.10 MISCELLANEOUS**

[from former B 1.1]

**33.101** A dwelling unit shall be permitted, as of right, in all the underlying Business Districts of the ~~Old West Chester Road Corridor Overlay~~ **Overlay District** when in conjunction with a principal permitted commercial use.

~~5.01~~ **33.102** All business, service or processing shall be conducted within a completely enclosed building, except for off-street automobile parking and off-street loadings specifically permitted by the District where it is located or *if* granted ~~a~~ **by** special exception by the Board of Zoning Appeals.

~~5.02~~ **33.103** Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste ~~to the public interest.~~

~~6.0~~ **33.104** ~~SIDEWALKS REQUIRED.~~ **Sidewalks.** Sidewalks shall be required for all portions of a parcel which front along a public street **and shall be constructed** in accordance with Butler County Engineer Standards.

~~7.0~~ **33.105** ~~OUTSIDE STORAGE PROHIBITED.~~ ~~No outside storage of products or other miscellaneous items (garbage disposal dumpsters excluded) shall be permitted.~~ **Outdoor storage and display.** *No outside storage of any kind, excluding dumpsters, shall be permitted. Limited outdoor display of merchandise currently for sale is authorized provided such display does not last overnight. Such display shall not interfere with pedestrian access and shall not exceed ten (10) percent of the principal building's interior floor space occupied by that business.*

~~7.01~~ **33.106 Dumpsters.** All dumpsters and trash containers must be completely screened by a fence, wall, or earth berm of not less than six (6) feet, or more than eight (8) feet in height on at least three sides. Such screening shall be maintained in good condition without any form of advertising thereon. The side of the enclosure used for access shall ~~contain a minimum width of ten (10) feet, and shall not be located so as to face any street, unless~~ be equipped with gates, so the dumpster can be fully enclosed.

**33.107 Fences.** *Fences may be located as authorized by the West Chester Architectural Advisory Committee or the West Chester Zoning Commission. Fences authorized in a side or rear yard shall not exceed six (6) feet in height above the elevation of the surface of the ground and fences authorized in a front yard shall not exceed four (4) feet in height above the elevation of the surface of the ground.*

~~8.0~~ **HEIGHT LIMIT EXCEPTIONS.** ~~No height limit exceptions shall apply to any building or structure within the Olde West Chester Road Corridor Overlay District, except those uses and structures specifically exempted by Section A-6.0.~~

*[below from former Section B. 10]*

~~**33.108 STORAGE OF RECREATIONAL, CAMPING AND COMMERCIAL VEHICLES AND EQUIPMENT.** The storage of ~~recreational~~ recreational vehicles, campers, ~~water craft~~ *watercraft* or commercial vehicles shall be stored within a fully enclosed building. All such vehicles and equipment shall be free of fixed connections to water, gas, or sanitary sewer facilities, and at no time be used for living or housekeeping purposes.~~

~~9.0~~ **FENCES AND WALLS.** ~~Fences and walls may be located on any property within the Olde West Chester Road Corridor Area, pursuant to Article 10, subsection 10.26 of the West Chester Township Zoning Resolution, with the following exceptions:~~

~~9.01~~ ~~No fence shall exceed six (6) feet in height above the elevation of the surface of the ground in a side or rear yard, and four (4) feet in a front yard.~~

~~9.02~~ ~~The use of chain link shall be prohibited for any fence which is located within the front yard.~~

*[below moved to new section 33.108]*

~~10.0~~ **STORAGE OF RECREATIONAL, CAMPING AND COMMERCIAL VEHICLES AND EQUIPMENT.** ~~The storage of recreational vehicles, campers, water craft or commercial vehicles shall be stored within a fully enclosed building. All such vehicles and equipment shall be free of fixed connections to water, gas, or sanitary sewer facilities, and at no time be used for living or housekeeping purposes.~~

~~11.0~~ **33.11 OFF-STREET PARKING.** Requirements for off-street parking and the specific numbers of spaces required for each use within the ~~Olde West Chester Road Corridor~~ Overlay District



shall be pursuant to Article 10, subsection 10.18 of the West Chester Township Zoning Resolution, with the following exceptions:

- ~~11.01~~ **33.111** Required off-street parking spaces shall not be required to be located on the same parcel as the principal use served, provided the required number of spaces can be accommodated within three hundred (300) feet of the parcel.
- ~~11.011~~ **33.112** Uses which utilize private common parking areas referred to in ~~Article 11.01 subsection 33.111~~ must demonstrate that legal rights of easement exist and have been recorded to permit the use of the required number of parking spaces, on the adjacent or surrounding property. This documentation shall be provided to ~~the Zoning Commission or Board of Zoning Appeals, as applicable,~~ **Planning and Zoning Department staff** before a Zoning Certificate is issued for said use.
- ~~11.012~~ **33.113** Uses which utilize public off-street parking areas referred to in ~~Article 11.01 subsection 33.111~~ shall be reviewed by the Zoning Commission ~~or Board of Zoning Appeals,~~ **or Planning and Zoning Department staff**, as applicable, to determine if adequate space exists, before a Zoning Certificate is issued for said use.
- ~~12.0~~ **33.12 OFF-STREET LOADING.** Each building or part thereof erected for uses which customarily receive or distribute material or merchandise shall comply with Article 20, subsection 20.8 of the West Chester Township Zoning Resolution with the following exceptions:
- ~~12.01~~ **33.121** Required off-street loading spaces shall not be required to be located on the same parcel as the specific uses to be served, provided said loading space can be accommodated within one hundred and fifty (150) feet of said use and further provided that the documentation of legal right of easement **has been provided to Planning and Zoning Department staff.** ~~exist as explained in Article 11.011.~~
- ~~13.0~~ **33.13 SIGNS.** The following provisions apply to all signs in the ~~Olde West Chester RCO Overlay District.~~ ~~The setback and location requirements of accessory uses, pursuant to subsection 10.15 of the West Chester Township Zoning Resolution, shall not apply to signs.~~ Specific setback and location requirements as well as other requirements for signs are included with each permitted sign type.
- ~~13.01~~ ~~Zoning Certificate Required.~~ ~~A zoning certificate shall be obtained from the West Chester Township Department of Planning and Zoning before any sign (except signs exempted by this District) is located, erected, constructed, reconstructed, enlarged, structurally modified, or used in the Olde West Chester RCO District. Said Zoning Certificate may be issued by the Department of Planning and Zoning, pursuant to Article 5, subsection 5.06. The procedures specified in Section A, Article 4.0 thru 5.014 shall not apply to signs and accessory uses.~~
- ~~13.02~~ ~~Exempted Signs.~~ ~~Signs exempted by Article 10, subsection 10.283 of the West Chester Township Zoning Resolution shall also be exempt from the provisions of the Olde West Chester RCO District.~~

~~13.03~~ ~~Measurement of Sign Area.~~ The measurement and calculation of sign area in the Olde West Chester RCO shall be pursuant to Article 10, subsection 10.284 of the West Chester Township Zoning Resolution.

~~13.285~~ **33.131 Prohibited Signs.** *In addition to prohibitions stated elsewhere in this Zoning Resolution, the* The following types of signs are specifically prohibited in the ~~Olde West Chester RCO Overlay~~ District:

*13.1311 Billboard signs*

*13.1312 Pole signs*

~~a) Pennants, banners, streamers, and similar type devices;~~

~~b) Signs which employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention;~~

~~c) All portable business advertising signs;~~

~~d) Beacons and searchlights, except for emergency purposes;~~

~~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;~~

~~f) Real estate signs displayed at locations other than on the premises offered for sale or rent;~~

~~g) All internally illuminated signs;~~

~~h) Promotional balloons filled with helium, gas, air or any other gaseous material either suspended from or affixed to a structure, vehicle or ground.~~

~~13.04~~ ~~Prohibited Sign Locations.~~ All sign locations shall be in accordance with the following regulations of this District. ~~Specifically prohibited sign locations are pursuant to Article 10, subsection 10.286 of the West Chester Township Zoning Resolution.~~

~~13.05~~ ~~Maintenance and Repair.~~ All signs and sign structures, including the component parts of each, shall be kept in good repair and in a proper state of preservation by the owners of the sign or property owners on which the sign is located.

~~13.06~~ **33.132 Reader Boards for Changeable Copy Permitted.** Reader boards which allow changeable copy *may be authorized by the Architectural Advisory Committee or the Zoning Commission* ~~are permitted~~ and are considered as part of the permitted display area of a sign. Signs which employ electronic message changes are prohibited.



~~13.07 Non-conforming Signs. All signs legally existing before the effective date of the adoption of this District may be continued, even though such sign may not conform with the provisions (excluding safety, maintenance, and repair) of this District, provided, such signs are properly maintained and do not endanger the public health, safety, or general welfare.~~

~~13.071 Such signs shall be issued a Legal Non-conforming Structure Certificate, pursuant to subsection 10.07 of the West Chester Township Zoning Resolution. Message or copy changes and general maintenance shall be permitted on all non-conforming signs. However, relocation or replacement of the sign or any alteration in the size or structure of the sign except toward compliance with this resolution shall cause the sign to lose its status as legally non-conforming.~~

~~13.08 Signs Permitted in the Olde West Chester District Not Requiring a Zoning Certificate. Signs permitted in the Olde West Chester RCO District which do not require the approval of a Zoning Certificate are pursuant to Article 10, subsection 10.2892 (et. seq.) of the West Chester Township Zoning Resolution.~~

~~13.09 Signs Permitted in the Olde West Chester RCO District Requiring a Zoning Certificate. The following types of signs are permitted in the Olde West Chester RCO District provided that they comply with the following requirements applicable to each. These signs shall require the issuance of a Zoning Certificate.~~

~~1. TEMPORARY CONSTRUCTION SIGNS Construction signs indicating the name of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project, provided:~~

~~a) No such sign shall exceed sixty four (64) square feet in display area and have a maximum of two display faces.~~

~~b) All such signs shall set back a minimum of fifteen (15) feet from any road right-of-way or adjoining property line, and conform with subsection 10.16, of the West Chester Township Zoning Resolution regarding traffic visibility.~~

~~c) No such sign shall exceed ten (10) feet in height.~~

~~d) Such signs shall not be illuminated in any way.~~

~~e) The number of such signs shall be limited to one sign per two hundred (200) feet of frontage of the parcel in which the construction is taking place.~~

~~f) Such signs may be erected for a period of sixty (60) days prior to construction and extend throughout the construction period. All such signs must be removed upon the issuance of a Final Zoning Certificate of Use for the structure or project.~~

~~2. STREET ADDRESS DISPLAYS Signs displaying the address of a business or property are permitted as part of an on-premise ground sign or a wall sign. Such display shall not be calculated as part of the sign display area if less than nine (9) square feet in area.~~

~~3. ON-SITE DIRECTIONAL SIGNS—Directional signs used in connection with parking or loading facilities or similar uses, provided that such signs not exceed six (6) square feet in area, do not extend over the street right-of-way, and in no way obstruct or impair the safety of pedestrians or motorists. Such signs may contain the logo or identification of the business or use on the premises provided it is in conjunction with the directional message.~~

~~Directional signs which contain the name or logo of the business or use of the property in conjunction with the directional message that are used as the sole form of freestanding identification on the property shall be permitted a maximum of twelve (12) square feet of display area. A maximum of two such signs shall be permitted per parcel.~~

~~4. TEMPORARY SIGNS—Temporary signs for non-profit activities or events, fund-raising public service events provided:~~

~~a) No such sign shall have a display area exceeding twelve (12) square feet per face, with a maximum of two (2) faces.~~

~~b) All such signs set back a minimum of fifteen (15) feet from any street right-of-way or adjoining property line and conform to subsection 10.16, of the West Chester Township Zoning Resolution, regarding traffic visibility.~~

~~c) No such sign shall exceed six (6) feet in height.~~

~~d) No such sign shall be illuminated in any way.~~

~~e) No more than one (1) sign may be displayed per road frontage of the subject premises.~~

~~f) No such sign be of a portable nature which is not affixed to the ground.~~

~~g) Use of such signs shall be limited to a period not to exceed sixty (60) days.~~

~~5. SPECIAL MESSAGE SIGNS—Temporary signs for the display of special messages, provided:~~

~~a) No such sign shall have a display area exceeding sixteen (16) square feet per face, with a maximum of two faces.~~

~~b) All such signs shall set back a minimum of fifteen (15) feet from any street right-of-way or adjoining property line and conform to subsection 10.16, of the West Chester Township Zoning Resolution, regarding traffic visibility.~~

~~c) No such sign shall exceed six (6) feet in height from grade.~~

~~d) No such sign shall be illuminated in any way.~~

~~e) No more than one (1) sign may be displayed per road frontage of the subject premises.~~



~~f) Use of such sign shall be limited to three (3) display periods, not exceeding fourteen (14) days per period during each calendar year.~~

~~g) No such sign shall be of a portable nature which is not affixed to the ground.~~

~~h) Special message signs advertising grand openings, going out of business, for hire or other promotional events shall be permitted as pennants, banners, and promotional balloons only when securely attached to a building or hard board surface and affixed to the ground and subject to a) - g).~~

~~6. DIRECTIONAL SIGNS. A sign which provides directional assistance to access an office or business which is not located on the parcel where the sign is located, provided:~~

~~a) No such sign shall exceed six (6) square feet of identification display area.~~

~~b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.16, regarding traffic visibility.~~

~~c) No such sign or any portion of the structure they may be integral with, shall exceed four (4) feet from grade.~~

~~d) Such signs shall be limited to one (1) sign per parcel.~~

7. **33.133 FREESTANDING SIGNS. *Freestanding Signs.*** Freestanding signs, accessory to a business use, located on the premise are permitted *subject to the approval of the Architectural Advisory Committee or the Zoning Commission. Review shall be limited to structural and design elements and shall not include communicative content.* Such signs shall be completely in the form of a ~~pole sign or a~~ ground-mounted sign, and are subject to the following requirements applicable to each:

**GROUND SIGNS:**

a) **33.1331** All such signs *shall* conform to the following maximum display area requirements:

<u>Frontage Along Public Street right-of-way</u>	<u>Permitted Square Feet of Display Area</u>
0 - 150 ft.	32 sq. ft.
151 +	48 sq. ft.

The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:

Total Square Footage of Principal Building	Permitted Square Feet of Display Area
--	---

0 - 5,000 sq. ft.	32 sq. ft.
5,000 sq. ft. +	48 sq. ft.

b) ~~33.1332~~ Such signs shall be limited to one sign per parcel.

e) ~~33.1333~~ All such signs shall set back a minimum of five (5) feet from any street right-of-way or adjoining property line and conform with Article 10, subsection 10.16, of the West Chester Township Zoning Resolution, regarding traffic visibility.

e) ~~33.1334~~ No such signs or any portion of the structure they may be integral with, shall exceed eight (8) feet from grade.

e) ~~33.1335~~ No such sign ~~is~~ **shall be** internally illuminated.

f) ~~33.1336~~ Such sign ~~is~~ **shall be** located in either an "O" or "B" underlying ~~Zone District zoning district~~ of the West Chester Township Zoning Resolution.

**POLE SIGNS:**

~~a) All such signs conform to the following maximum display area requirements:~~

<del>Frontage Along</del>	<del>Permitted</del>
<del>Public Street</del>	<del>Square Feet</del>
<del>Right of Way</del>	<del>of Display Area</del>
<del>0 - 150 ft.</del>	<del>32 sq. ft.</del>
<del>151 +</del>	<del>48 sq. ft.</del>

~~The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:~~

<del>Total Square</del>	<del>Permitted</del>
<del>Footage of</del>	<del>Square Feet</del>
<del>Principal Building</del>	<del>of Display Area</del>
<del>0 - 5,000 sq. ft.</del>	<del>32 sq. ft.</del>
<del>5001 + sq. ft.</del>	<del>48 sq. ft.</del>

~~b) Such signs shall be limited to one sign per parcel.~~



~~e) All such signs shall set back a minimum of five (5) feet from any street right-of-way or adjoining property line and conform with Article 10, subsection 10.16, of the West Chester Township Zoning Resolution, regarding traffic visibility.~~

~~d) No such signs or any portion of the structure they may be integral with, shall exceed ten (10) feet from grade.~~

~~e) No such sign is internally illuminated.~~

~~f) Such sign is located in either an O or B underlying Zone District of the West Chester Township Zoning Resolution.~~

**33.134 BUILDING SIGNS: *Building Signs.*** In addition to either of the above mentioned *ground-mounted* freestanding signs, buildings in the ~~Olde West Chester RCO Overlay~~ District located in an "O" or "B" underlying ~~Zone District~~ *zoning district* may also contain: wall (integral or attached), projecting, or awning signs which are accessory to the business or use located on the premise. Such signs shall be subject to the following requirements:

a) **33.1341** The total amount of square feet permitted for such signs shall not exceed two percent (2%) of the total square footage of the front building wall elevation. Corner or double frontage lots shall be permitted two percent (2%) of the total square footage of each front building wall elevation and shall not be cumulative.

b) **33.1342** No sign shall project more than four (4) feet beyond any building or roof line.

e) **33.1343** No such sign ~~is~~ *shall be* internally illuminated, except for awning signs.

~~**BILLBOARD SIGNS.** A sign structure advertising an establishment, merchandise, service, special message, or entertainment, provided:~~

~~a) No billboard sign shall exceed three hundred and thirty six (336) square feet, excluding cutouts, extensions, and embellishments.~~

~~c) All billboard signs shall comply with the setback and side yard requirements for a principal building in the district where it is located.~~

~~d) All billboard signs shall be located at least two hundred (200) feet from any parcel located in any R-District or recorded residential subdivision.~~

~~e) All billboard signs shall be located at least three hundred (300) feet from the entrance to any public park, public or parochial school, library, church, or museum.~~

~~f) No billboard sign shall be located within five hundred (500) feet on either side of the street of another billboard sign~~

~~g) No billboard signs or any portion of the structure they may be integral with, shall exceed forty five (45) feet in height from grade.~~

~~C. DEVELOPMENT STANDARDS~~

~~1.0 33.14 DEVELOPMENT STANDARDS. In addition to the General Administrative and General Provisions of this District the following standards for arrangement and development of land and buildings are required in the Olde West Chester RCO District. These~~ *The following* standards shall supersede the development standards provided for by the underlying ~~Zone District zoning district.~~

*[following Section moved to new section 33.03 above]*

~~2.0 EXISTING BUILDINGS AND LOTS OF RECORD. Height, area, frontage, and yard requirements for existing buildings on existing lots of record shall be permitted to be maintained at the current as built dimensions. Such provision shall also apply to all buildings and structures involving a change of use.~~

~~2.01 The alteration, expansion, or modification of an existing structure shall be permitted provided such alteration, expansion, or modification does not encroach into a required yard or reduce the amount of lot area beyond the requirements of this District for a new building.~~

~~3.0 NEW BUILDINGS AND STRUCTURES. All new buildings and structures shall conform to the following standards:~~

~~HEIGHT REGULATIONS. 33.141~~ No structure shall exceed thirty-five (35) feet in height.

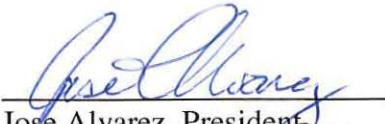
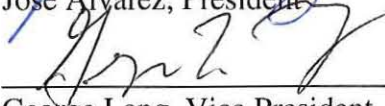
~~AREA, FRONTAGE AND YARD REQUIREMENTS. 33.142~~ The following minimum area, frontage, and yard requirements shall apply to each new principal building or structure within the ~~Olde West Chester RCO Overlay~~ District:

Lot Area	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
6,000 sq. ft.	None	10 ft. <sup>±</sup>	5 ft.	20 ft.	80%


~~\* Front Yard Depth shall be measured from the proposed street right-of-way as shown on the Butler County Thoroughfare Plan~~



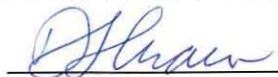
Adopted this 26th day of April, 2005

 _____ Jose Alvarez, President	<u>yes</u> Yes / No
 _____ George Lang, Vice President	<u>YES</u> Yes / No
 _____ Catherine Stoker, Trustee	<u>YES</u> Yes / No

**ATTEST:**

  
\_\_\_\_\_  
Patricia Williams, Township Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Donald L. Crain, Law Director

