



Issues Report

The report below summarizes some of the key issues identified by the Warren County Regional Planning Commission and Village of Maineville staff. This does not serve as an exhaustive list of everything that may need to be changed during the update process, but does provide a summary of the most major issues impacting the current Zoning Ordinance. Project facilitators will rely heavily on the Advisory Committee's input as possible amendments are considered.

General Issues Regarding Code Structure

The current Maineville Zoning Ordinance is split among 29 chapters, numbered 1 through 32 and missing chapters numbered 17, 18, and 27. At the request of the Planning Commission, staff of the Warren County Regional Planning Commission (WCRPC) have not changed or affected the ordering of these chapters, keeping the current code structure essentially intact despite these irregularities. Despite this, there are still several inconsistencies and contradictions present within the Zoning Ordinance that need to be corrected.

WCRPC staff has logged all recommended changes using Microsoft Word's tracking feature, with new additions showing up in blue and deletions showing in red on PDF copies of the Code. There are also additional standards tables added, in some cases replacing previous tables. Some of the more glaring issues include the duplication of use standards between Tables 5.2 and 5.3 and the individual district chapters (Chapters 6-13), as well as a Schedule of Regulations in Table 19.1 containing blank cells, and resulting in confusion when relating back to a series of footnotes. In response, staff has developed new district standard tables for each chapter devoted to a zoning district, allowing most all pertinent provisions to be shown on one page. Permitted land uses have also been deleted out of the individual zoning district chapters, eliminating the possibility for inconsistencies and contradictory standards between chapters. In addition, Village staff has requested the names of the Downtown Core (DC) and Downtown Transition (DT) districts be changed to B-2 and B-1 respectively.

Other Major Issues Identified

Accessory Dwelling Units – Update Needed

Interest in accessory dwelling units has increased over the past several years, especially to allow parents to “age in place” on their son or daughter’s property by dwelling in a “granny flat” or “mother-in-law suite.” Other times these types of units, which can either be included within the main structure or detached as a separate structure, are used for guests or friends. The current Zoning Ordinance provides standards for Accessory Dwelling Units in Section 23.06. Some changes to the language in this section are recommended to ensure clear comprehension of the standards. In addition, a conversation should take place about where these accessory units should be permitted; they are currently permitted only in the DC and DT zones.

Content-Based Sign Code

The current Code regulates certain signage types based on the content of the sign (e.g. calling out content-based sign types such as *Courtesy Signs*, *Help Wanted Signs*, *Political Signs*, and *Real Estate Signs*). A recent Supreme Court case, *Reed v. Town of Gilbert* (2015), ruled that municipalities may not regulate signage based on the content of the sign, as this violates the First Amendment (free speech); therefore, all traces of content-based

regulation must be removed, thereby making all sign regulations “content-neutral.” Updating the sign code also presents an opportunity to better organize sign standards for ease of administration and enforcement.

Home Occupation Standards – Updated Needed

For past projects, WCRPC staff has developed robust standards for dealing with home occupations, and these provisions have now been incorporated into Section 23.06(J). Specific standards are provided which would allow the home occupation use to be permitted by-right by the Zoning Inspector, and any deviates from the standards kicks the approval into a conditional use review with the Board of Zoning Appeals (BZA). The provisions essentially allow home occupations with little to no customer traffic, and thus not having the appearance or impacts associated with a business, to be permitted by-right, while any possible customer traffic triggers a conditional use review.

Marijuana Land Uses – Update Needed

House Bill 523, effective September 8, 2016, legalizes medical marijuana in Ohio and should be operational by September 8, 2018. The rules governing medical marijuana have been adopted by the Ohio Department of Commerce and State of Ohio Pharmacy Board. The legislation prohibits a marijuana cultivator, processor, retail dispensary, or laboratory (excepting marijuana research) from being located within 500 feet of a school, day-care center, church, public library, playground, or park. The legislation also allows Ohio municipalities to adopt an ordinance to prohibit or limit the number of retail dispensaries – this is an opportunity to pass such provisions. It should be noted that SW District 5 (Warren, Clinton, and Clermont Counties) will be allowed only 1 dispensary.

RV & Commercial Vehicle Parking Provisions

Provisions for RV Parking and Commercial Vehicle Parking are currently found in Sections 20.12 and 20.13 respectively, both found in the Parking chapter. These provisions are deleted and instead replaced with updated provisions, now found in the Accessory Uses chapter (Section 23.06(F)). Further discussion is warranted on these sections to ensure that the proper provisions are put in place regarding the parking of large trucks and RVs on residential properties.

Telecommunication Towers – Update Needed

The current Code provides few standards for “Telecommunication Towers,” with no distinction provided between new towers and modification of existing towers. More robust standards are needed for telecommunication towers, including separate standards for new facilities/towers, modifications of existing towers, and standards for micro-cell towers. Certain changes to towers deemed an “eligible facilities request” must, by law, be approved.

Current Standards & Comprehensive Plan Recommendations by Zone

Downtown Core (DC)

For All Uses:

Maximum Building Height = No more than 3 stories and no more than 35 ft

For Single-Family Residential:

Minimum Lot Area = 10,000 SF

Minimum Lot Width = 30 ft

Minimum Front Yard Setback = 35 ft, except no front yard is required to exceed the average depth of its adjoining lots if they are the same block and within 100 ft of a building

Minimum Side Yard Setback = 5 ft for one; 15 ft combined; all yards abutting a public street are considered front yards; accessory use setbacks may be different

Minimum Rear Yard Setback = 30 feet; all yards abutting a public street are considered front yards; accessory use setbacks may be different

Minimum Dwelling Unit Area = 1,200 SF

For Non-Residential:

Minimum Front Yard Setback = As determined by Planning Commission, but cannot exceed 10 ft

Minimum Side Yard Setback = If adjoining a residential zone, 20 ft for buildings and 10 ft for parking/driveways

Minimum Rear Yard Setback = If adjoining a residential zone, 20 ft

From the Comprehensive Plan (Village Core Business):

PG 5.3

Land Uses: Retail, restaurants, offices, services, public and institutional uses, upper-floor residential areas

Purpose: Create a vibrant, pedestrian-oriented Village Core

Location: Properties along SR 48 and Foster-Maineville Road near the center of the community

Characteristics: Place buildings close to the street; mixed-use buildings; gradual transition toward business uses

PG 5.4

"This designation promotes quality design in ongoing redevelopment and rehabilitation efforts that create a pedestrian friendly environment."

"The Village should encourage the consolidation of small lots to create viable redevelopment sites."

"parking located in side or rear yards"

"Buildings should be oriented to the street, with main entrances accessible to patrons along sidewalks adjacent to SR 48 and Foster-Maineville Road"

"Gradual, market-led conversion or redevelopment of existing single-family homes toward businesses or mixed-use structures"

"residential uses are appropriate only on upper floors, with businesses occupying ground floors"

"Conflicts between Village Core Business uses and adjacent single-family residential uses will be minimized through the use of buffering elements, including landscaping, fences, walls, or berms"

PG 5.8

"Based on a range of potential growth scenarios, the intersection will require, at a minimum, signalization with dedicated left-turn lanes on all approaches"

"More aggressive growth scenarios may present the need for additional widening"

"The design of improvements should consider the following critical factors: effect on on-street parking; available of off-street parking (existing and potential); effect on business operations; effects on existing buildings; access issues; pedestrian safety; pedestrian comfort; protecting the character of downtown"

"roadway improvements and other infrastructure improvement efforts must address aesthetic and pedestrian needs"

PG 5.9

"The improvement of the SR 48/Foster-Maineville intersection may create opportunities to create a small "Village Square" or pocket parks at the center of the community"

PG 5.10

"Roadway improvements should incorporate measure[s] to calm traffic as it passes through the Village Core" [Examples of traffic calming provided in the Plan include *Curb Extensions*, *Speed Tables*, *Medians*, and *Sidewalk Extensions*]

PG 6.3

"The zoning code should be updated to reflect mixed-use recommendations for the Village Core Business and Village Core Support land use designations. This includes provision for mixed business and residential developments and stand-alone high-quality residential developments."

"At a minimum, design guidelines should address the following elements: building height; building mass; building orientation; building materials; architectural detailing; roof type; landscaping; parking placement; public amenities; pedestrian movement"

PG 6.5

"Use building materials, architecture, and streetscape elements that complement adjoining residential and business uses"

"Incorporate pedestrian-scale architectural elements on front facades"

"Break up walls with windows and vertical architectural elements in order to prevent blank facades"

“Make the front entrance the architectural focus of the building”

Downtown Support (DS)

For All Uses:

Maximum Building Height = No more than 3 stories and no more than 35 ft

For Single-Family Residential:

Minimum Lot Area = 10,000 SF

Minimum Lot Width = 30 ft

Minimum Front Yard Setback = 35 ft, except no front yard is required to exceed the average depth of its adjoining lots if they are the same block and within 100 ft of a building

Minimum Side Yard Setback = 5 ft for one; 15 ft combined; all yards abutting a public street are considered front yards; accessory use setbacks may be different

Minimum Rear Yard Setback = 30 ft; 20 ft adjoining residential zone, and 15 ft adjoining non-residential zone; all yards abutting a public street are considered front yards; accessory use setbacks may be different

Minimum Dwelling Unit Area = 1,200 SF

For Non-Residential:

Minimum Lot Area = None

Minimum Lot Width = None

Minimum Front Yard Setback = 20 ft

Minimum Side Yard Setback = 5 ft for one; 10 ft combined; If adjoining a residential zone, 20 ft for buildings and 10 ft for parking/driveways

Minimum Rear Yard Setback = 20 ft adjoining residential zone, and 15 ft adjoining non-residential zone

From the Comprehensive Plan (Village Core Support):

PG 5.3

Land Uses: Offices, townhomes, apartments, public and institutional uses

Purpose: Support Village Core business area; Transition between Core Business and Single-Family Residential

Location: Extends from Village Core east, south, and west along Foster-Maineville Road and SR 48

Characteristics: Less intense than Village Core Business; Compatible with Village Core and Single-Family Residential

PG 5.5

“compatible mix of residential and non-residential uses...to provide a transition between intense Core activities and single-family uses”

“moderate density housing that is attractive, functional, and responsive to the Village’s needs”

“Residential development in this designation may be incorporated as part of a mixed-use office building or may stand alone.”

“The orientation of residential units should complement office uses in the designation by orienting buildings to the street”

PG 6.5

“Utilize Village Core Business design principles”

“When apartments are not development as part of a mixed-use office/residential building, ensure that entrances to each dwelling are accessible and visible from a street”

PG 6.6

“Off-street parking located adjacent to SR 48 and Foster-Maineville Road should be located in side and rear yards only.”

“Shared parking with reciprocal access easements should also be promoted in the zoning code update”

Single-Family Residential (R-1)

Minimum Lot Area = 9,600 SF

Minimum Lot Width = 80 ft, except on lots 5 acres or greater in size must have a frontage of 250 ft and a minimum side yard of 75 ft

Minimum Front Yard Setback = 50 ft, except no front yard is required to exceed the average depth of its adjoining lots if they are the same block and within 100 ft of a building

Minimum Side Yard Setback = 5 ft for one; 20 ft combined; all yards abutting a public street are considered front yards; accessory use setbacks may be different; 75 ft if on a lot greater than or equal to 5 acres

Minimum Rear Yard Setback = 35 ft; accessory use setbacks may be different

Maximum Building Height = No more than 2.5 stories and no more than 35 ft

Minimum Dwelling Unit Area = 1,200 SF

From the Comprehensive Plan (Single-Family Residential):

PG 5.3

Land Uses: Single-family detached residential, schools

Purpose: Responsible residential growth; Sustainable

Location: Eastern, western and southern periphery of Village; Includes majority of vacant land and future growth opportunities

Characteristics: Maximum density of 2.3 units per acre; Encourage open space and natural features; Encourage pedestrian connections

PG 5.7

"responsible residential growth...while encouraging development of sustainable neighborhoods"

"In the event that the Village develops an alternative wastewater treatment arrangement with greater capacity, the Village may re-evaluate the maximum gross density level and amend the Comprehensive Plan if necessary"

"flexibility [is encouraged] in lot size and dimensions in return for high-quality neighborhood design"

"Preserved natural features, such as steep slopes and stream corridors"

"Well-designed and accessible open space and amenities that reduce fiscal burden on the Village"

"Home design that creates a strong pedestrian-oriented relationship between the building and the street"

"Pedestrian connections within neighborhoods and to neighboring sites, particularly community facilities such as schools and parks"

PG 6.4

Conservation Design: "A minimum of 30 percent open space should be required in each conservation development"

Appropriate Types of Open Space for CD subdivisions: "Unique and attractive natural features preserved as passive greenspace; riparian corridors and wetlands preserved for stormwater management; trails for hiking, biking, and walking, preferably including connections with parks, schools, shopping areas, other neighborhoods, and existing trail systems; Village Greens framed by homes, providing a neighborhood gathering spot, potentially including community recreation facilities; buffers from undesirable elements such as arterial roadways or intense commercial/industrial areas"

PG 6.5

"Along thoroughfares, orient homes toward the street, avoiding the common design in which drivers view the rear sides of homes. Use a rear alley or a single-loaded frontage street to provide access for these homes, thereby maintaining access management along the thoroughfare"

"Break up walls with windows and vertical architectural elements in order to prevent blank facades"

"Make the front door the architectural focus of the building"

"Use entry porches or other design elements to emphasize the front entrance"

"Avoid front facades that are dominated by garage doors. Utilize recesses or side/rear orientation to de-emphasize the garage. Use alleys to access rear garages where feasible"

PG 6.6

"Buffering and screening standards should be adopted to ensure the protection of single-family uses from more intense residential and non-residential uses."

"Different screening standards for different intensities of uses may be appropriate to ensure the greatest degree of protection for single-family uses."

"Visual and audible considerations should be addressed in the creation of buffer and screening standards."

One and Two Family Residential (R-2)

For All Uses:

Minimum Front Yard Setback = 35 ft, except no front yard is required to exceed the average depth of its adjoining lots if they are the same block and within 100 ft of a building

Minimum Side Yard Setback = 5 ft for one; 15 ft combined; all yards abutting a public street are considered front yards; accessory use setbacks may be different

Minimum Rear Yard Setback = 30 ft; accessory use setbacks may be different

Maximum Building Height = No more than 2.5 stories and no more than 35 ft

For Single-Family Residential:

Minimum Lot Area = 10,000 SF

Minimum Lot Width = 30 ft; minimum width at building line for SF dwellings is 60 ft

Minimum Dwelling Unit Area = 1,200 SF

For Duplexes:

Minimum Lot Area = 12,000 SF

Minimum Lot Width = 35 ft; minimum width at building line for duplexes is 70 ft

Minimum Dwelling Unit Area = 720 SF

Multi-Family Residential (R-3)

For All Uses:

Minimum Front Yard Setback = 30 ft, except no front yard is required to exceed the average depth of its adjoining lots if they are the same block and within 100 ft of a building

Minimum Side Yard Setback = 5 ft for one; 15 ft combined

Minimum Rear Yard Setback = 25 ft

Maximum Building Height = No more than 2.5 stories and no more than 45 ft; every foot over 45 ft, the front, side, and rear yards shall be increased by 1 foot

For Single-Family Residential:

Minimum Lot Area = 5,000 SF

Minimum Lot Width = 25 ft; minimum width at building line for SF dwellings is 50 ft

Minimum Dwelling Unit Area = 1,200 SF

For Duplexes:

Minimum Lot Area = 10,000 SF

Minimum Lot Width = 30 ft; minimum width at building line for duplexes is 60 ft

Minimum Dwelling Unit Area = 720 SF

For Multi-Family Residential (greater than 2 dwelling units):

Minimum Lot Area = 10,000 SF plus 2,500 SF per dwelling unit over 2

Minimum Lot Width = 60 ft

Minimum Dwelling Unit Area = 720 SF

For Non-Residential Uses:

Minimum Lot Area = 10,000 SF

Minimum Lot Width = 60 ft

Minimum Dwelling Unit Area = None

Rural Residential (RR)

Minimum Lot Area = 87,120 SF (2 acres)

Minimum Lot Width = 80 ft; lots of 5 acres or more must have a frontage of 250 ft

Minimum Front Yard Setback = 50 ft, except no front yard is required to exceed the average depth of its adjoining lots if they are the same block and within 100 ft of a building

Minimum Side Yard Setback = 5 ft for one; 20 ft combined; all yards abutting a public street are considered front yards; accessory use setbacks may be different; 75 ft if on a lot greater than or equal to 5 acres

Minimum Rear Yard Setback = 35 ft; accessory use setbacks may be different

Maximum Building Height = No more than 2.5 stories and no more than 35 ft

Minimum Dwelling Unit Area = 1,200 SF

Light Industry (M-1)

Minimum Lot Area = 43,560 SF (1 acre)

Minimum Front Yard Setback = 50 ft – ***taken from District Standards***

Minimum Side Yard Setback = None, except when adjoining a residential zone or when building height exceeds 45 feet (in which case the yards shall be 20 ft minimum) – ***taken from District Standards***

Minimum Rear Yard Setback = None, except when adjoining a residential zone or when building height exceeds 45 feet (in which case the yards shall be 20 ft minimum) – ***taken from District Standards***

Neighborhood Business (NB)

Minimum Lot Area = 9,600 SF

Minimum Lot Width = 80 ft; all yards abutting a public street are considered front yards

From the Comprehensive Plan (Business Park)

PG 5.3

Land Uses: Offices, clean industry, limited retail and services

Purpose: Attract small- to medium-scale office and related commercial development; Diversify tax base

Location: Extends Village Core Business north along SR 48

Characteristics: Campus-like; Compatible mix of office and clean industry; Buffered from residential uses

PG 5.6

“compatible mix of clean industry and professional office uses in campus-like, landscaped office park settings.”

“Condo-style office buildings, with high quality and ample amenities”

“The range of uses permitted will be flexible in order to be responsive to the market and to the Village’s access to major transportation routes”

“Buffer and screening standards will provide protection for adjacent residential uses.”

“Planned professional office uses include medical, engineering, architectural, managerial, corporate and regional headquarters.”

“Clean industrial uses can co-exist with office development as long as they can achieve high development standards for building and site design”

“performance standards for noise, fumes, vibrations, and similar standards”

“Suitable clean industry includes manufacturing using advanced or leading technology and industrial research and development”

“Limited retail and service uses will be ancillary to primary office uses” (e.g. “dine-in restaurants, delicatessens, or coffee shops without drive-throughs, convenience-oriented retail [free-standing store or shopping center], dry cleaning pick-up and drop-off, child daycare, travel agencies, copy centers, and similar amenity uses) ...”In order to promote flexibility of site design and use interaction, these uses are located in stand-alone buildings or incorporated into office buildings”

PG 6.3

“The zoning code and zoning map should be amended to incorporate future land use recommendations for expanded business areas in the Village Core Business, Village Core Support, and Business Park land use designations”