**CITY OF WEST CARROLLTON**

 **PLANNING COMMISSION**

 **WEST CARROLLTON, OHIO**

RESOLUTION: T-21-1, RECOMMENDING TO CITY COUNCIL THE ADOPTION OF AMENDMENTS TO CHAPTER 154: ZONING CODE OF THE CODE OF ORDINANCES OF WEST CARROLLTON, SECTION 154.03.05(E), TO PERMIT MORE THAN ONE PRINCIPAL BUILDING ON A LOT IN CERTAIN ZONING DISTRICTS.

**WHEREAS,** an application has been filed by the City of West Carrollton proposing text amendments to Chapter 154: Zoning Code of the Code of Ordinances of the City of West Carrollton, Section 154.03.05(E), to permit more than one principal building on a lot in certain zoning districts; and

**WHEREAS,** notification of a public hearing before the Planning Commission regarding this matter was properly advertised in a newspaper of general circulation on August 12, 2021, in accordance with the requirements of Section 154.08.01(C)(1) of the Zoning Code; and

**WHEREAS,** a public hearing was held on September 2, 2021 by the West Carrollton Planning Commission, at which time all people who wished to testify gave their comments; and

**WHEREAS,** Sections 154.05.04 of the West Carrollton Zoning Code specifies circumstances which justify amending the Zoning Code.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WEST CARROLLTON, OHIO:**

SECTION I. That the Planning Commission makes the following findings of fact with respect to the proposed Zoning Code text amendment pursuant to case T-21-1, said findings of fact based upon criteria found within Section 154.05.04(B)(3) of the Zoning Code:

1. Situations have been encountered in the city in which Zoning Code Section 154.03.05, General Requirements, which permits no more than one principal building on a lot, limits the full and effective use of non-residential properties and the establishment of new businesses. It also would present an obstacle to the City’s future plans to establish mixed-use development which will most certainly have more than one principal building on a lot. In addition, properties which contain business parks, multi-family residential complexes, and schools already contain multiple principal buildings on single lots, and this provision essentially designates those properties as non-conforming.
2. Section 154.03.05(E) of the Zoning Code has two requirements: every structure must be located on a lot; and only one principal building is permitted on a lot “except as permitted” in certain specified zoning districts. The second element of this provision is in error, in that it is poorly written and subject to confusion in interpretation. This language would lead the reader to believe that language exists which permits more than one principal building on a lot in the zoning districts which are listed, but no such language is evident in the code. The conclusion is that the phrase “except as permitted” was intended to convey that more than one principal building is permitted in those multi-family residential and non-residential zoning districts.
3. Section 154.03.05(E) of the Zoning Code would be amended to expressly prohibit more than one principal building on lots used for residential purposes in single-family residential districts, which is what is believed to be the intent of this provision. The amendments would make it clear that more than one principal building would be permitted on a lot in multi-family residential complexes and in non-residential districts such as mixed-use entertainment districts, business parks, etc. The “*used for residential purposes*” language which is proposed is important, in that it would exclude from this requirement non-residential uses which are permitted in single-family residential districts such as schools, churches, etc.
4. The word “*entirely*” is proposed to make it clear that buildings must be located “entirely” on a lot, and may not straddle property lines.
5. The proposed amendments can be justified on the grounds that the change is in conformance with the Comprehensive Plan of the city. The proposed amendments to the Zoning Code support the goal of the *2009 West Carrollton Sustainable Comprehensive Plan* to create additional flexibility in land use controls, thereby enhancing property values and facilitating private investment. The proposal also supports the overarching goal to stimulate economic development, including the retention and expansion of existing businesses and the re-use of vacant buildings and sites.
6. The proposed amendments can be justified on the grounds of substantial or significant change in area conditions. Due to significant City investment as well as market forces, West Carrollton is experiencing significant redevelopment of property with the potential for even more significant development in the future. This development will likely take the form of mixed-use development which will need as much flexibility in land use controls as possible.
7. The proposal can be justified on the grounds that there is an error in the Zoning Code. The second element of this provision is in error, in that it is poorly written and subject to confusion in interpretation. The language would lead the reader to believe that language exists which permits more than one principal building on a lot in the zoning districts which are listed, but no such language is evident in the code. The conclusion is that the phrase “except as permitted” was intended to convey that more than one principal building is permitted in those multi-family residential and non-residential zoning districts. The proposed amendments are necessary to clarify the meaning of this provision.

**SECTION II.** The Planning Commission recommends to City Council that Section 154.03.05(E) of the Zoning Code be and hereby is amended to read as indicated in Exhibit A, attached hereto.

**SECTION III.** That this recommendation shall be forwarded in writing immediately to City Council in accordance with Section 154.08.01 of the Zoning Code.

PASSED this 2nd day of September, 2021.

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 Chairman Secretary

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