

## RECORD OF ORDINANCES

Ordinance No. 3780

Passed: October 22, 2024

**AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 154 OF THE CODE OF ORDINANCES OF WEST CARROLLTON KNOWN AS THE "ZONING CODE", AMENDING SECTION 154.10.473, CITY CENTER DISTRICT USE REGULATIONS.**

**WHEREAS**, an application has been filed by the City of West Carrollton proposing a Zoning Code text amendment to Section 154.10.473, City Center District Use Regulations; and

**WHEREAS**, as required by Section 154.08.01(D)(1) of the Zoning Code, a Notice of Public Hearing regarding this application was published in the Miamisburg-West Carrollton News on August 29, 2024; and

**WHEREAS**, a sign regarding this matter was placed in a conspicuous location in the district; and

**WHEREAS**, the application and meeting notice was posted on the City's website; and

**WHEREAS**, a public hearing was held on August 1, 2024 by the West Carrollton Planning Commission, at which time all people who wished to testify gave their comments, and the Planning Commission unanimously recommends approval of the proposed amendments; and

**WHEREAS**, Sections 154.05.04 and 154.08.01 of the West Carrollton Zoning Code specify circumstances which justify amending the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, COUNTY OF MONTGOMERY, STATE OF OHIO:**

**SECTION 1:** That the Planning Commission makes the following findings of fact with respect to the proposed Zoning Code text amendment pursuant to case CC-24-2, said findings of fact based upon criteria found within Section 154.05.05(C) of the Zoning Code:

- a) The proposed amendments are deemed to be consistent with the Comprehensive Plan of the city and the purpose and objectives of the City Center District by providing additional flexibility in the use of property, thereby encouraging revitalization and enhancing property values. It would also further restrict land uses which are incompatible with the vision for the district, thereby enhancing the city's image and aesthetic appeal.
- b) The City Center District is experiencing significant change, perhaps the most of any district within the city. After many years of public investment and preparation, the district is beginning to experience significant private development, redevelopment, and investment. Market conditions in and near the City Center District justify a reevaluation of uses within the district. The proposed amendments will help to ensure that the City Center District regulations are prepared to accommodate this new development and evolving market demands, and that development is consistent with the vision for this area that is so important to the city's economic future.

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- c) Legal counsel has identified errors in paragraph (A), Principal Permitted Uses, which currently permits "Manufacturing – Light Manufacturing" and "Warehousing – Warehousing Facility/Wholesaling Facility/Distribution Facility" only on certain properties. Legal counsel believes this language is legally tenuous, and recommends this language be removed.

**SECTION 2:** That Section 154.10.473 of the Code of Ordinances of West Carrollton, City Center District Use Regulations, be and hereby is amended as reflected in Exhibit A, which is attached hereto and incorporated herein.

**SECTION 3:** That it is hereby found and determined that all formal actions of City Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and all deliberations of this Council and or any committees that resulted in formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**SECTION 4:** That this Ordinance shall take effect from and after the earliest period allowed by law.

Passed: October 22, 2024

  
Mayor

Attest:   
Clerk of Council

Effective Date: November 22, 2024

### CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, hereby certifies the foregoing is a true and correct copy of Ordinance 3780, passed by said Council on the day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Clerk of Council

Dated: \_\_\_\_\_

# ORDINANCE 3780

## EXHIBIT A

### AMENDMENTS TO CITY CENTER DISTRICT REGULATIONS

\* Key:

Add text shown with **highlights**

Delete text shown with ~~strikethroughs~~

#### § 154.10.473 USE REGULATIONS.

Principal and accessory buildings, structures or premises shall be used and buildings and structures shall be erected, altered or enlarged only for the uses listed below.

##### (A) Principal Permitted Uses.

(1) Accessory buildings, structures and uses as regulated by Section 154.16.01.

(2) Animal hospital or veterinary clinic with indoor kennels or no kennels.

(3) Animal training school, domestic, indoor, so long as the applicant can demonstrate that animal waste will be accommodated to meet all requirements of the Montgomery County Health District and the City of West Carrollton Property Maintenance Code and Building Code.

(4) Auction house, defined as a place where objects of art, furniture, and other goods and merchandise are offered for sale to persons who bid on the object in competition with each other, and that take place entirely within a building. Outdoor auctions, as well as auctions of livestock, motor vehicles, or items which are inconsistent with the purpose and objectives of the City Center District, are expressly prohibited.

(5) Automobile fueling station with a convenience market, restaurant, and drive-up window meeting the following criteria:

(a) Minimum lot size. Automobile fueling stations as permitted in this section shall be located on a lot comprising a minimum of one and three-quarters (1.75) acres.

(b) Separation. No automobile fueling station as permitted in this section shall be established within one thousand (1,000) feet of any other automobile fueling station.

(c) Frontage. Automobile fueling stations as permitted in this section shall be located on a lot which has a minimum of two hundred (200) feet of frontage on at least one (1) major arterial street, or a minimum of five hundred (500) feet of total frontage on two public streets.

**(d) Setbacks:**

- i. Automobile fueling stations as permitted in this section shall not be located closer than five hundred (500) feet to the I-75 right-of-way.
- ii. No automobile fueling stations as permitted in this section shall be located on property directly abutting the floodway or on property within the special flood hazard area zone AE of the Great Miami River.

(e) For the purpose of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest point of the property line of the premises where an automobile fueling station as permitted in this section is conducted, to the nearest point of the property line where an automobile fueling station is proposed or to the nearest point of the criteria listed above. Presence of a municipal, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(6) Building and related trades, not involving any exterior storage areas.

{6} (7) Call center, defined as a company phone center that offers operator-supported voice services such as a help desk, customer support, lead generation, emergency response, telephone answering service, inbound response and outbound telemarketing.

{7} (8) Conference center, defined as a facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms. Conference centers shall not be utilized by the general public only for overnight purposes. This use shall not include institutions meeting the definition of "churches and other similar places of religious worship" as defined in Section 154.02.01, Definitions, and as prohibited in Section 154.10.473(B).

{8} (9) Day care facility - child care center.

{9} (10) Dwelling - above commercial structure.

{10} (11) Dwelling - attached, detached, zero lot line homes and other residential uses planned and designed along the "New Urbanism" principles of compact form and architectural significance, with the density to be determined by the Planning Commission. Such residential developments shall be in close adherence and conformance to the requirements of Section 154.10.476(D), of these regulations. Residential developments planned and designed along conventional subdivision standards shall not be permitted.

{11} (12) Financial institution with or without drive-up.

{12} (13) Fraternal lodges and private clubs.

{13} (14) Home occupations subject to the conditions of Section 154.16.03.

{14} (15) Home improvement centers, not involving any exterior storage areas.

{15} (16) Hospitals/urgent care centers.

~~(16)~~ (17) Lodging - bed and breakfast establishments.

~~(17)~~ (18) Lodging - hotels and motels.

~~—(18) Manufacturing - light manufacturing, only on the following properties: Carrollton Plaza, parcels K48-00509-0002 (1000 E. Central Avenue) and K48-00509-0037 (1100 E. Central Avenue); and the old Woody's warehouse, parcel K48-00111-0032 (61 Alexandersville-Bellbrook Road).~~

(19) Office - professional office/ business office.

(20) Parking, on-site.

(21) Parking, shared.

(22) Parkland - community parkland and public open space.

(23) Recreation - commercial recreation facilities.

(24) Recreation - community center/senior center.

(25) Recreation - health clubs with indoor facilities only/athletic training facilities.

(26) Recreation - health clubs with outdoor facilities.

(27) Recreation - river-related recreational uses such as boat livery, boat rentals, and other such similar nature uses.

(28) Recreation - theater.

(29) Restaurant - fast food restaurant with or without drive-up.

(30) Restaurant, sit-down.

(31) Retail - sales and services.

(32) School - business trade school/technical school.

(33) School - nursery school.

(34) Smoking establishment.

(35) Tavern.

~~—(36) Warehousing - warehousing facility/wholesaling facility/distribution facility, only on the following properties: Carrollton Plaza, parcels K48-00509-0002 (1000 E. Central Avenue) and K48-00509-0037 (1100 E. Central Avenue); and the old Woody's warehouse, parcel K48-00111-0032 (61 Alexandersville-Bellbrook Road). This use shall not involve overnight parking of trucks, storage of materials that present hazards or offensive conditions, external storage of material, or other external nuisances such as dust, noise and odors.~~

~~(37)~~ (36) Mobile food vendors as provided in Section 154.16.11.

(A.O.; Ord. 3475. Passed 4-12-11; Ord. 3567. Passed 8- 25-15.)

(B) Prohibited Uses.

All uses not specifically listed as a permitted use in Section 154.10.473(A) are prohibited within this District, unless determined by the Planning Commission to be a Substantially Similar use to any use listed in Section 154.10.473(A) as provided by Section 154.05.04(B)(2) and Section 154.07.01(B)(3). The following uses are expressly prohibited within this District:

- (1) Animal hospital or veterinary clinic with outdoor kennels.
- (2) Animal kennels, outdoor.
- (3) Automobile - convenience drive-thru.
- (4) Automobile - convenience market/gas station mini-mart, except as permitted in Section 154.10.473(A)(5).
- (5) Automobile fueling station, except as permitted in Section 154.10.473(A)(5).
- (6) Automobile washing facility, full service.
- (7) Automobile washing facility, self service.
- (8) Automobile - service station/repair garage.
- (9) Automobile - painting and body shop.
- (10) Automotive wrecking yards.
- (11) Building and related trades, not meeting the requirements of Section 154.10.473(A)(4).
- (12) Building materials - contractor storage yard.
- (13) Building materials - sales and storage yards.
- (14) Churches and other similar places of religious worship.
- (15) Farming and agricultural production, and related farm uses.
- (16) Funeral homes and mortuaries.
- (17) Junk yards.
- (18) Lumber yards.
- (19) Manufacturing - heavy manufacturing.
- (20) Manufacturing – light manufacturing.
- ~~—(20)~~ (21) Parking, commercial.

- (21) (22) Recreation - theater, drive-in.
- (22) (23) Resource and mineral extraction.
- (23) (24) Retail - nursery/garden center.
- (24) (25) Sexually-oriented business.
- (25) (26) Truck stop.
- (26) (27) Vehicle sales and service - agricultural implements/marine equipment/~~manufactured~~ manufactured homes/industrialized units/travel trailers/heavy trucks/recreational vehicles.
- (27) (28) Vehicle sales and service, automobile and motorcycle.
- (28) (29) Warehousing - mini warehouses/self- service storage facilities.
- (29) (30) Warehousing - warehousing facility/wholesaling facility/distribution facility ~~not meeting the requirements of Section 154.10.473(A)(35).~~
- (30) (31) Any other uses which are not compatible with the purpose and objectives of these regulations as determined by the Planning Commission. (Ord. 3400. Passed 12-9-08.)