

ORDINANCE NO. 7- 1973

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP THEREOF FOR THE VILLAGE OF TERRACE PARK AND AMENDING THE ZONING ORDINANCE EFFECTIVE NOVEMBER 19, 1963, TOGETHER WITH ALL OF THE AMENDMENTS THERETO.

WHEREAS, the owners of the premises located within the Village of Terrace Park at the northeast corner of Given Road and Wooster Pike, as hereinafter described, did apply to have the zoning thereof changed, and

WHEREAS, the application of said owners was submitted to the Terrace Park Zoning and Planning Commission for consideration and approval, and

WHEREAS, the Terrace Park Zoning and Planning Commission did consider said application and recommend the approval of the proposed development plan and amendment to the zoning map of the Village in accordance therewith, and

WHEREAS, the recommendations of the Terrace Park Zoning and Planning Commission thereon was forwarded to the Village Council for consideration, and

WHEREAS, the Council of the Village did cause the Clerk of the Village to advertise a hearing on said recommended change to the zoning ordinance in accordance with the statutes provided, and

WHEREAS, pursuant to the public advertising thereof, a public hearing was held on February 26, 1973 at 8 P. M. in the Village Council Chambers, and

WHEREAS, after consideration of the proposed amendment to the Zoning Ordinance and Zoning Map, the Council of the Village has unanimously determined that said Zoning Ordinance and Zoning Map should be amended to provide for the planned development of the real estate hereinafter described:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TERRACE PARK, STATE OF OHIO.

SECTION 1. That the Zoning Map of the Village and the Zoning Ordinance effective November 19, 1963, and as subsequent amended, the same hereby is, revised by changing the zoning of the property described as follows:

Situated and being in the Village of Terrace Park, Columbia Townshi Hamilton County, State of Ohio, in Section No. Twenty-three (23), Township 5, Fractional Range 2, of the Miami Purchase, in Camden Ci Subdivision, as laid out by William Winters, and recorded in Deed Book 151, page 528, of the Hamilton County, Ohio, Deed Records. Th premises herein conveyed are bounded and described as follows:

Beginning at the southwest corner of an undedicated street designat as Turner Street, said street connecting Main Street, now known as Wooster Pike, and an undedicated street designated as Highland Stre on the north side of Wooster Pike, said point of beginning being a spike in the root of a twenty (20) inch elm tree, also being N. 26° 12' W. 23.75 feet from a notch cut in the concrete curb; thence N. 12' W. along the west side of said Turner Street for a distance of

156.00 feet to a pipe; thence S. 63° 48' W. 168.85 feet to a steel pin; thence S. 50° W. 193.14 feet to a steel pin in the east line of Given Road, also known as Elm Street; thence S. 0° 23' 30" W. 32.84 feet to a stake; thence N. 50° E. 106.61 feet to a steel pin; thence S. 40° E. 131.00 feet to a stake, and including 12.30 feet of the east part of Lot 19 of said Subdivision; thence N. 50° E. 87.30 feet to a steel pin; thence N. 63° 48' E. 150.00 feet to the place of beginning and containing .948 acres more or less.

The above described premises include parts of Lots 19, 13, 12, 6, 7, 8, 9, and 10 and all of Lots No. 20, 21, 22, 23, 24, 25, 26, 27 and 28 of the said Camden City Subddivision and being part of the premise conveyed to the grantor herein by deed dated December 16, 1957, and recorded in Deed Book 2937, page 247, of the Hamilton County, Ohio Deed Records.

Together with that portion of a street to be vacated by the Village of Terrace Park, said portion having a frontage of 25 feet on Wooster Pike and extending back between parallel lines a distance of 125 feet and formerly known as Turner Street.

SECTION 2. That the Zoning Ordinance, and map attached thereto, be, and the same hereby is, amended as follows:

"Section One - Districts: For the purpose of this Ordinance, the Village of Terrace Park, is hereby divided into eight (8) districts as follows:

- | | |
|-----|--------------|
| (1) | Residence A |
| (2) | Residence AA |
| (3) | Residence B |
| (4) | Business A |
| (5) | Business B |
| (6) | Business C |
| (7) | Business D |
| (8) | Office A |

"The boundaries of these districts are hereby established shown on the Amended Map of Zoning, Village of Terrace Park, Hamilton County, Ohio, heretofore approved by the Terrace Park Planning Commission as of the date of this Amending Ordinance and which said Amended Map accompanies and is hereby declared to be a part of this Ordinance. The district boundary lines are intended to follow property lines as they existed at the time of the passage of this Amending Ordinance, unless such district boundary lines are indicated otherwise on said Amended Map. If there is doubt in a particular instance as to the location of a district boundary line, the question of such location shall be adjudicated by the Board of Appeals, as provided in Section Ten as amended under this Ordinance:"

is amended to read:

"Section One - Districts: For the purpose of this Ordinance, the Village of Terrace Park is hereby divided into nine (9) districts as follows:

- | | |
|-----|---------------------|
| (1) | Residence A |
| (2) | Residence AA |
| (3) | Residence B |
| (4) | Business A |
| (5) | Business B |
| (6) | Business C |
| (7) | Business D |
| (8) | Office A |
| (9) | Planned Business AA |

"The boundaries of these districts are hereby established

as shown on the Amended Map of Zoning of the Village of Terrace Park and the Supplementary Zoning Maps of the Village of Terrace Park, Ohio, heretofore approved by the Terrace Park Planning Commission as of the date of this amending ordinance and which said amended and supplementary zoning maps accompany and are hereby declared to be part of this ordinance. The district boundary lines are intended to follow property lines as they existed at the time of the passage of this amending ordinance, unless such district boundary lines are indicated otherwise on said maps. If there is doubt in a particular instance as to the location of the district boundary lines, the question of such location shall be adjudicated by the Board of Appeals, as provided in Section Ten of the 1963 Zoning Ordinance.

SECTION 3. Exhibit "A", attached hereto is made a part of this Ordinance as constituting an accurate plat and zoning map of the real estate described in Section 1 hereof.

SECTION 4. A plan of development marked Exhibit "B" and an architect's drawing of the front of the building to be erected on the land described in Section 1 hereof, marked Exhibit "C" are attached hereto and made an integral part of the zoned district. The use of the land described in Section 1 hereof shall be subject to the following conditions and restrictions:

Section A. The use and occupancy of the land described in Section 1 of this Ordinance shall be limited to financial institutions, mercantile retail stores and offices. Specific uses excluded under this Section are:

Fast Food Operations, Laundromats and Dry Cleaners, Record and/or Tape Shops, and Repair Services requiring truck dispatch and/or Outside Storage. Uses other than these are subject to prior approval of the Council of the Village of Terrace Park. "Open Hours" of all establishments must be restricted between the hours of 7 A. M. and 11 P. M. unless established otherwise as provided for by variance in the Village Zoning Ordinance. Land use shall be restricted as noted under Section 7 of the 1963 Zoning Ordinance with regard to sanitation regulations.

B. All drive, parking and surface areas shall be paved with a bitulithic surface to provide a well drained, dust-free, all weather surface and parking bays, stalls and traffic ways shall be painted on the paved surface substantially as shown on Exhibit "B" and concrete curbing will be provided to protect all planting areas.

C. Illumination of buildings and parking areas shall be sufficient intensity to prevent damage and nuisance on the property and so installed and directed as not to shine or reflect upon residential properties.

D. In respect to signs to be located on the property, an application containing an accurate drawing and showing the location of each sign shall be submitted to Council for approval and upon issuance by Council of a permit therefor such sign will be erected.

E. The architectural character of the building shall substantially confirm to Exhibit "C".

F. Hardy plant materials will be selected and all ornamental areas, particularly those adjacent to residential properties, will be manicured in the manner of the adjacent residential properties and dead plant material will be replaced to maintain a satisfactory appearance.

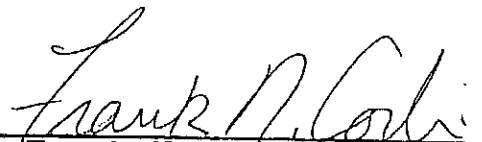
G. All surface drainage from the area to be rezoned shall conform to the present drainage contour of the land as it now exists.

H. Sanitation regulations. Sewage shall be disposed of by means of septic tanks installed and maintained in accordance with the sanitary sewer regulations of the State of Ohio, Department of Health of the State of Ohio and Hamilton County and the Terrace Park Village Ordinances. No open or discharge type pond or tank shall be permitted. The developer of said real estate will establish land percolation ability through an independent testing laboratory and total use of the real estate within this Ordinance shall not exceed the established percolation ratings. Building permits shall not be issued until there is full compliance with these sanitary regulations.

SECTION 5. In all other respects, except as hereinabove amended, the Zoning Ordinance effective November 19, 1963, as previously amended, is hereby readopted and reconfirmed by this Council.

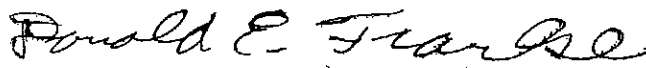
SECTION 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and it shall go into effect forthwith.

Passed: March 13, 1973.



Frank N. Corbin, Mayor

Attest:



Donald E. Franke, Clerk

VILLAGE OF TERRACE PARK
HAMILTON COUNTY, OHIO

ORDINANCE NO. 12-1, 2005

APPROVAL OF USE FOR PROPERTY LOCATED AT
614 WOOSTER PIKE AS TATTIE'S DELICATESSAN WITH CONDITIONS

WHEREAS, the property at 614 Wooster Pike, Terrace Park, Ohio is regulated by a Development Plan adopted in Ordinance No. 7-1973 which limits changes in the use of the property unless approved by the Council of the Village of Terrace Park; and

WHEREAS, an Application has be submitted for use of a portion of the premises, identified as Suite 7, as a delicatessen; and

WHEREAS, the Planning Commission of the Village of Terrace Park has reviewed the Application and recommended approval subject to certain conditions; and

WHEREAS, the Council of the Village of Terrace Park has reviewed the Application which includes a layout of the facility and a depiction of the proposed signs, including the location of the signs; and.

WHEREAS, the Council of the Village of Terrace Park has reviewed the Application and determined that it is not intended to be a fast food restaurant for the reasons fully set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Terrace Park, Ohio, that:

Section 1. The Council has determined that the Application as submitted is an eligible use at the proposed location because the characteristics do not substantially meet those of a fast food restaurant. The significant, distinguishing characteristics are set forth as follows:

- A. Many fast food restaurants feature foods prepared in deep fryers, such as French fries and chicken. The proposed restaurant has no deep fryers.
- B. Many fast food restaurants rely on drive-through or walk-up windows. The proposed restaurant will not offer drive-through or walk-up window service. The proposed restaurant will offer table service and carry-out service to customers.

- C. Most fast food restaurants do not offer service at tables (orders taken at the table and food brought to the tables.) The proposed restaurant will offer table service.
- D. Most fast food restaurants deliver all food in disposable containers. The proposed restaurant will provide food served at the tables on reusable plates, utensils and glasses. The proposed restaurant will provide some incidental service in disposable containers for carry-out service.
- E. The negative secondary effects of strong odors from deep fryers and litter caused by the disposable containers will be substantially avoided by the proposed restaurant.

Section 2. The Application for use of a portion of the real estate located at 614 Wooster Pike as "Tattie's Delicatessen" is hereby approved subject to the following terms and conditions:

- A. The signage shall be as depicted in the Application presented to Council with the recognition that the colors on the sign will be muted to the softer tones used on the business card rather than the brighter, more primary colors represented in the computer enhanced photographs submitted in support of this Application.
- B. All deliveries and customers will enter the front of the business.
- C. Any outside tables will be policed on a frequent basis by employees for removal of all cups, papers and other trash, and, in addition, trash receptacles will be placed so as to provide for convenient use by customers of Tattie's Delicatessen.
- D. The hours of operation shall be limited from 9:00 a.m. to 9:00 p.m. Monday through Sunday. "Hours of operation" shall mean the time that the restaurant is open for business to serve customers. Employees may work at the facility at times other than the limited hours of operation.
- E. No additional outside lighting shall be permitted unless recommended by the Chief of Police.
- F. The operation of the restaurant shall maintain the characteristics that distinguish it from a fast food restaurant as set forth in Section 1, above. However it is recognized that, from time to time a customer may place an order at the counter. Such customers will still be served at a table. Such orders shall be incidental to table service and not promoted by the applicant. In addition to table service the proposed restaurant will offer carry-out service to customers.

Any questions concerning the interpretation of the conditions or limitations on the operations of this facility shall be submitted to the Village Council for interpretation and determination.

If Council determines that a violation is occurring, notice shall be given to the applicant. Failure to take action shall not waive the right to enforce a violation thereafter. Council shall provide in the notice a reasonable time for the applicant to bring the operation or the facility into compliance. If applicant fails to bring the operation or facility into conformity within the stated time, Council may enjoin the violation as a violation of the Terrace Park Zoning Code pursuant to state law.

Section 3. The authority granted herein to applicant is subject to compliance with all applicable regulations, laws, Ordinances of the Village, County, State and Federal Government.

Section 4. The three separate readings of this Ordinance are hereby waived in accordance with law.

Adopted this 13th day of December, 2005.



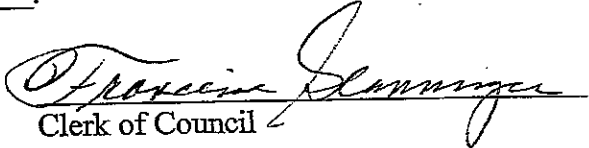
Mayor

Attest:



Francine Glassmeyer, Clerk

I, Francine Glassmeyer, certify that this Ordinance was posted at the five Village Bulletin Boards for the fifteen-day period ending 1-6-06.



Clerk of Council

APPROVED AS TO FORM:

Date

Robert P. Malloy, Village Solicitor