

First Reading: June 11, 2012
Second Reading: July 9, 2012
Third Reading: August 13, 2012

PASSED: August 13, 2012
BY: Bardach

ORDINANCE NO. 2012-05

ORDINANCE ADOPTING NORTH SITE ZONING DISTRICT REGULATIONS

WHEREAS, Amberley Village owns real property on the north side of the Ronald Reagan Highway that is commonly known as the “North Site;”

WHEREAS, in the best interest of the Village and its residents, and in the interest of creating revenue and promoting job growth in the Village, Council desires to adopt progressive zoning regulations for the North Site;

WHEREAS, the Village consulted with the Hamilton County Department of Planning and Development to develop the North Site zoning district in a manner that would best promote the site to prospective developers and investors while providing the greatest benefits to the Village;

WHEREAS, the Village conducted appropriate committee meetings to review the North Site zoning, and Council adopted a report from the Long Range Planning Committee which covered, in part, proper zoning and development of the North Site;

WHEREAS, the matter was referred to the Village Planning Commission, the Planning Commission reviewed the proposed North Site zoning district regulations, and made a recommendation to Council;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: Section 154.75 to 154.83 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

NORTH SITE NS DISTRICT REGULATIONS

§ 154.75 PURPOSE.

In addition to the purposes listed in Section 154.05 (B), the purpose of the North Site district is to encourage construction of office developments, and other similar uses, that will offer additional development opportunities within the village adjacent to the Ronald Reagan Highway while also ensuring an appropriate character that will result in a high quality development pattern within the district. The North Site District is applied to property which has an NS District designation and is bounded by the Village Corporate limit on the north and west, Ronald Reagan Highway (State Road 126) to the south, and Ridge Road to the east.

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§ 154.76 USE REGULATIONS.

(A) *Principal uses.* A building or lot or other land area in this district shall be used only for the following purposes.

- (1) Offices, including professional business offices, medical/dental offices, accounting services, banking/financial institutions, legal services, professional consulting/counseling services, real estate and securities brokering, and tax preparation services.
- (2) Flex Office/Warehouse that provide its occupants the flexibility of utilizing internal space configurations allowing a flexible amount of office, sales, or showroom space in combination with accessory warehouse distribution, indoor storage, or contractor services, excluding manufacturing or assembly. Such accessory warehouse use shall occupy less than 50% of the floor area for each leasable space.
- (3) Hotels and Motels.
- (4) Nursing homes, assisted living facilities, and continuing care retirement facilities.
- (5) Recreational uses.
- (6) Government/Public buildings and facilities.
- (7) Other institutional uses including, daycare centers, hospitals, and schools, universities, and other educational related research facilities.

(B) *Accessory uses.*

- (1) Retail uses and/or facilities within a mixed-used building and not to exceed 20% of the total building square footage, including, but not limited to restaurants, baked goods, cheeses, fruits and vegetables, meats, ice cream, beer, wine, liquor, confectioneries, flowers and plants, pharmacies, cosmetics, photographic equipment and supplies, pets and pet supplies, clothing, jewelry, sporting goods, bicycles, toys, music and musical instruments, luggage, books, glassware, medical and surgical equipment, office furniture equipment and supplies, appliances, business machines.
- (2) Drive-In or Drive-Through service windows and ATM Machines when the principal use is an office located on the same lot.

§ 154.77 HEIGHT REGULATIONS.

No building shall exceed 100 feet in height, except as provided in § 154.51.

§ 154.78 REQUIRED MINIMUM AREA AND DISTANCES FROM LOT LINES REGULATIONS.

All construction and structures shall comply with at least the following minimum requirements.

- (A) The minimum lot area in this district shall be three acres.

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- (B) The total ground area to be occupied by structures shall not exceed 50% of the site area.
- (C) All structures shall comply with the following minimum yard requirements:
 - (1) Ronald Reagan Highway: 25 feet
 - (2) Front yard: 25 feet
 - (3) Side yard: 20 feet
 - (4) Rear yard: 20 feet

§ 154.79 SITE DEVELOPMENT REGULATIONS.

- (A) *Off-street parking.* Facilities for parking employees, visitors, and business vehicles must be provided on the premises in accordance with the following uses and calculations. Such facilities must be setback a minimum of 20 feet from all public streets or private access easements, including Ronald Reagan Highway, and 10 feet from any interior lot line. Parking spaces for the handicapped shall be provided in accordance with the provisions of the Ohio Basic Building Code.
 - (1) Offices, excluding Medical: Three spaces for the first 1,000 sq. ft. or fraction thereof, + one space per 400 sq. ft. of floor area in excess of 1,000 sq. ft.
 - (2) Offices, Medical: Six spaces + one space per 200 sq. ft. of floor space in excess of 1000 sq. ft.
 - (3) Hotels and Motels: One space per lodging unit, meeting rooms and restaurants calculated separately.
 - (4) Nursing homes, assisted living facilities, and continuing care retirement facilities: One space per six residents + one space per employee.
 - (5) Government/Public buildings and facilities: One space per 250 sq. ft. of floor area or one space per four patrons, whichever is greater.
 - (6) Daycare centers: One space per employee + one space for each facility vehicle stored on the lot + one parking space for each six children.
 - (7) Hospitals: One space per bed.
 - (8) Schools, K-6: One space for each three seats in any auditorium, or one space for each classroom, whichever is greater.
 - (9) School, Junior High/Middle School: One space for each three seats in any auditorium, or one space for each classroom, whichever is greater.
 - (10) School, Senior High: One space per employee + twelve visitor spaces, plus one space per six students.
 - (11) School, University, Vocational/Professional, or Educational Research Facility: One space per employee + one space per two registered student capacity.
 - (12) Retail: One space per 200 sq. ft. of floor area.
 - (13) Restaurant: One space per 100 sq. ft. of floor area.

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- (14) Flex Office/Warehouse building: One space per two employees on maximum work shift or for 2,000 sq. ft. of warehouse floor area + space(s) for office and/or retail calculated separately.

(B) *Pedestrian facilities.*

- (1) Sidewalks shall be a minimum of five feet wide and are required along both sides of all streets, excluding the Ronald Reagan Highway.
- (2) A connection shall be established from abutting streets with sidewalks to the entrance of primary structures through the use of sidewalks and special demarcation.
- (3) Pedestrian areas in parking lots or across interior drives shall be demarcated with special paving, color or height change, and/or striping for increased safety.

(C) *Lighting.*

- (1) All outdoor lighting shall be designed, located, and mounted at heights no greater than 18 feet from grade, must have cutoff fixtures, and shall not shine directly onto adjacent residences.
- (2) All outdoor lighting shall be designed and located to permit maximum light levels of 0.0 foot-candles at any residential property or lease line and 1.0 foot-candles at all other property or lease lines.

(D) *Dumpsters and trash handling areas.* The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances.

- (1) Dumpsters, trash handling areas and related screening, shall be located in compliance with the same minimum setbacks as a main building.
- (2) Any such structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties.
- (3) Any fence or wall required under this Section shall have a height no greater than seven feet and no less than five feet. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than 25% of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three inches and with no greater than 25% of the fence surface left open between posts and/or planks.

(E) *Outdoor Storage.* Outdoor sales, display and storage shall be prohibited.

(F) *Utilities.* All utility service shall be underground.

§ 154.80 LANDSCAPING REGULATIONS.

(A) *Streetscape Buffer.* A Streetscape Buffer shall be installed along the property line abutting all public street right-of-way and private access drives consisting of a minimum of 10 feet in depth and including a minimum of four understory or canopy trees and three shrubs per 100 linear feet of frontage.

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(B) *Boundary Buffer.* A Boundary Buffer shall be installed between any residential use and any non-residential use, including mixed use buildings consisting of a minimum of 10 feet in width and including a minimum of four canopy or evergreen trees and three shrubs per 100 linear feet of boundary length.

(C) *Interior parking lot landscaping.* Interior parking lot landscaping shall be required for all new and expanded parking areas in accordance with the following standards.

(1) The total landscape area required in parking lot areas is 22 sq. ft. per parking space.

(2) Landscape areas shall consist of parking islands or peninsulas and all required landscape materials shall be planted within these island or peninsula areas. Best Management Practices (BMP's), such as rain gardens or bio swales are encouraged.

(3) The minimum number of canopy trees is one canopy tree for each 10 parking spaces. Any fractional number of trees should be calculated to the next highest whole number.

(4) To determine the total number of required shrubs, multiply the total number of required canopy trees by three. One canopy tree may substitute for 3 shrubs. Trees and shrubs do not have to be equally spaced and may be grouped.

(D) *General Landscaping Standards.* All required Streetscape, Boundary Buffer, and Interior parking lot landscaping shall comply with the following standards.

(1) Canopy trees shall be deciduous trees with a minimum of 12 feet in overall height or a minimum caliper of 2 ½ inches when installed, and have an expected height of at least 35 feet at maturity.

(2) Understory trees (flowering/ornamental trees) shall be a minimum of 5 feet in height in clump form or a minimum caliper of 1 ½ inches when installed.

(3) Evergreen trees shall be a minimum of 5 feet in height when installed.

(4) Shrubs shall be at least 18 inches in height or 24 inches in spread when installed.

(5) Existing mature trees and shrubs that are preserved may be used to fulfill landscape requirements on a one to one basis except that any mature trees with a caliper greater than 6 inches may substitute for two required trees.

§ 154.81 ARCHITECTURAL REGULATIONS.

The purpose of this section is to require architectural features which increase visual interest, reduce undifferentiated masses and relate to the pedestrian scale, in accordance with the following standards.

(A) Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style.

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- (B) Buildings with continuous facades that are 90 feet or greater in width shall be designed with offsets (projecting or recessed) not less than two feet deep, and over intervals between offsets of not greater than 60 feet.
- (C) Building facades may be constructed from stone, masonry, cement fiber board, split-face, textured concrete, heavy gauge vinyl, glass or other materials which provide the same desired quality.
 - (1) Concrete masonry units (CMU or block) shall be textured or split-face and otherwise not smooth.
 - (2) Office uses may use architectural metal panels, glass (up to 75% of the façade area) and ornamental metal.
 - (3) Wood, stucco, EIFS, or other similar material shall be used for trim or architectural features only.
- (D) Buildings constructed of metal shall be prohibited, except as provided in Section 154.81(C)(2).
- (E) Roofs may be pitched, use stepped parapet walls, three dimensional cornices, dimensioned or integrally-textured materials, or be sloped with overhangs and brackets. Parapets shall not exceed more than one-third (1/3) the height of the supporting wall.
- (F) Entryway features are required at the primary entrance to the structure and shall include elements such as: covered entries, integral planters, awnings, raised corniced parapets over the door, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.
- (G) The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to Ronald Reagan Highway and/or any public street, primary internal drive or residential use.

§ 154.82 SIGNAGE REGULATIONS.

No sign may be posted on public property or within the public right-of-way along public roads, except village corporation signs, highway directional or regulatory signs and traffic safety signs erected and maintained by public agencies. All signs shall be placed in such manner that they will not obstruct the vision of drivers with regard to oncoming or intersecting traffic on any public or private roads or driveways. Only the following types of signs are permitted.

- (A) *Building Signs.* Any business or other permissible use shall be permitted one square foot of Building Sign surface area for each foot of building frontage that fronts a public right-of-way, including Ronald Reagan Highway, or the façade that contains the main entrance to the building and such building signage shall be located on the façade from which the measurement is taken.
- (B) *Freestanding Signs.* Businesses and/or centers containing multiple businesses shall be permitted a maximum of one monument or pole sign for the business or

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center for the joint use of all tenants for which the facility is designed, including any outlots, subject to the following criteria.

- (1) Signs shall be allowed only for parcels with at least one hundred fifty (150) feet of frontage adjoining a public street.
- (2) Freestanding signs shall not exceed 20 feet in height.
- (3) The sign shall be setback a minimum of 5 feet from all public rights-of way and private access easements.
- (4) The supporting structure of a pylon sign shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.
- (5) Freestanding signs shall be a minimum of 20 feet from a lot line of any residentially zoned or used property.
- (6) Signs shall have a message area of not more than 50 square feet for single tenant facilities or 150 square feet for multi-tenant facilities.

§ 154.83 SITE PLAN REVIEW REQUIREMENT

Site plan review by the Board of Zoning Appeals is required for all new structures and expansions of existing uses located in the North Site NS District. This review shall be conducted in accordance with the standards and procedures outlined in Section 154.662.

§ 154.662 SITE PLAN REVIEW

The Board of Zoning Appeals shall have the power to hear applications for Site Plan Review in accordance with following provisions.

Applicability. This section shall apply to new property development and any expansion of existing structures, except for parking lots of five (5) spaces or smaller. Furthermore, no building shall be erected or structurally altered, except in accordance with the regulations of this section and an approved site plan. No building permit shall be issued prior to the approval of a site plan.

(A) *Contents of Site Plan.* Before a permit is issued for construction, six copies of the site plan at a scale no smaller than 1 inch to 50 feet shall be filed with the Building Commissioner setting forth, identifying and locating the following.

- (1) The total area in the development.
- (2) The existing zoning of the property in question and/or all adjacent properties.
- (3) The names, addresses and contact information of all property owners within 200 feet.
- (4) All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.

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- (5) Existing topography with a maximum of two (2) foot contour intervals.
 - (6) The proposed finished grade of the development shown by contours not less than one (1) foot.
 - (7) The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
 - (8) Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
 - (9) All sidewalks and other open areas.
 - (10) All existing wooded/vegetated areas and riparian corridors.
 - (11) Location of all walls, fences, and buffer yards.
 - (12) Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
 - (13) Location of all existing proposed streets, highways and alleys.
 - (14) All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades and verification of availability from GCWW and MSD.
 - (15) All existing and proposed storm water facilities as required in Section 156.03.
 - (16) All existing and proposed gas, electric, telephone, catv facilities, both public and private to be incorporated into the development.
 - (17) The schedule of phasing of the project.
 - (18) A Soil Erosion and Sediment Control Plan as required in Section 153.
 - (19) A lighting plan including photometric information and proposed style and height of light fixtures.
 - (20) A landscape plan.
 - (21) A list of all requested variances from the standards of the Zoning Code.
 - (22) Such other information as required by the Board to determine the conformance with this Code.
- (B) *Site Plan Review Guidelines.* The following principles shall guide the exercise of site planning review by the Board of Zoning Appeals.
- (1) The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
 - (2) Buildings and open spaces should be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
 - (3) A site that has an appearance of being congested, overbuilt or cluttered can evolve into a blighting influence and therefore such should not be congested, overbuilt or cluttered.
 - (4) Open spaces should be linked together.
 - (5) Natural separation should be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and

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open spaces for separation. Existing vegetation removal should be kept to a minimum.

- (6) Screening of intensive uses should be provided by utilizing landscaping, fences or walls to enclose internal areas.
 - (7) Buildings should be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.
 - (8) In connection with the siting of new buildings, the location should be oriented to maximize the privacy of any adjacent residential buildings.
 - (9) Street location and design shall conform to existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets. Flat as possible grades shall be utilized proximate to intersections.
 - (10) Storm water quality best management practices (BMP) should be incorporated into the site.
 - (11) Pedestrian circulation in non-residential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Pedestrian and vehicular circulation should be separated as much as possible, through crosswalks designated by pavement markings, signalization or complete grade separation.
 - (12) Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
 - (13) Parking lots and garages should be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there should be a sharing of curb cuts for more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
 - (14) Drive through establishments should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations or vehicular traffic on adjacent public streets.
- (C) *Action by the Board of Zoning Appeals for Site Plan Review.* Upon submission of the complete application for site plan review to the Building Commissioner, the application shall be transmitted to the Board of Zoning Appeals where they shall review the site plan pursuant to Section 154.662 (C) Site Plan Review Guidelines. For applications for Site Plan Review where no variances are requested from the standards of the Zoning Code, no public notice or public hearing shall be required in conjunction with the review, the approval, approval with modifications or disapproval of the site plan. The Board may approve, disapprove, or approve with modifications the site plan as submitted. Any approval will be subject to further review by Village Staff for general permitting purposes.

For applications where variances to the standards of the Zoning Code are requested, a public hearing shall be scheduled by the Board of Zoning Appeals and notice of the public hearing shall be given to the applicant, the Building Commissioner, and to the owners of all properties adjoining the lot involved in

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the application at least 14 days prior to the hearing. In addition the guidelines contained in Section 154.662 (C), the Board shall also consider the standards for variance approval contained in Section 154.67. Following the public hearing, the Board may approve, disapprove, or approve with modifications the site plan and requested variances as submitted

The Board of Zoning Appeals shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Building Commissioner. Within the said thirty-five (35) day period, a majority of the members of the Board present at a meeting thereof may vote to extend the said period for a period of time not to exceed an additional ninety (90) days.

- (D) *Appeal of Board of Zoning Appeals Decision for Site Plan Review.* An appeal can be made to the Village Council regarding a decision by the Board of Zoning Appeals regarding approval of a site plan review. An applicant, or other aggrieved party, may appeal to the Village Council to evaluate the decision of the Board as related to a site plan review application. The Village Council may uphold the decision of the Board, overturn the decision of the Board, or modify the decision of the Board. An affirmative vote of three-fourths (3/4) of the Village Council is required to overturn or modify the recommendation of the Board of Zoning Appeals.

SECTION 2: If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part hereof.

SECTION 3: That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 13th day of August, 2012.

Mayor J.K. Byar

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Bardach Second: Hattenbach

Byar Aye

Wolf Aye

Hattenbach Aye

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Muething Aye
Bardach Aye
Warren Aye
Doering Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of August, 2012, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council