

First Reading: March 11, 2013  
Second Reading: April 8, 2013  
Third Reading: Waived April 8, 2013

PASSED: April 8, 2013  
BY: Bardach

ORDINANCE NO. 2013-06

ORDINANCE AMENDING NORTH SITE ZONING DISTRICT REGULATIONS

**WHEREAS**, Village Council adopted Ordinance 2012-05 adopting zoning regulations for the North Site Zoning District;

**WHEREAS**, in response to comments and questions from the public and officials of neighboring governmental entities, Council submitted to the Planning Commission a request to revisit and consider the zoning regulations, particularly as they pertain to procedures to notify interested persons of an application for development on the North Site, and regarding the height limit on buildings;

**WHEREAS**, the matter was reviewed by the Planning Commission, and the Commission made certain recommendations to Council to limit the height of buildings, and to provide notice to adjacent residents, including persons residing in neighboring jurisdictions, if any;

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

**SECTION 1:** Section 154.77 of the Municipal Code of Ordinances is amended to read as follows:

**§ 154.77 HEIGHT REGULATIONS.**

No building shall exceed 60 feet in height, except as provided in § 154.51.

**SECTION 2:** Section 154.662 of the Municipal Code of Ordinances is amended to read as follows:

**§ 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.

(A) *Applicability.* This section shall apply to new property development and any expansion of existing structures, except for parking lots of five 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

First Reading: March 11, 2013  
Second Reading: April 8, 2013  
Third Reading: Waived April 8, 2013

issued prior to the approval of a site plan. This section only applies to property subject to the North Site zoning designation set forth in §§ 154.75 et seq.

(B) *Contents of Site Plan.* Before a permit is issued for construction, six copies of the site plan at a scale no smaller than one 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.
- (5) Existing topography with a maximum of two foot contour intervals.
- (6) The proposed finished grade of the development shown by contours not less than one 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.

First Reading: March 11, 2013  
Second Reading: April 8, 2013  
Third Reading: Waived April 8, 2013

- (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 § 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 Chapter 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.

(C) *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 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.

First Reading: March 11, 2013  
Second Reading: April 8, 2013  
Third Reading: Waived April 8, 2013

- (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 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.

First Reading: March 11, 2013  
Second Reading: April 8, 2013  
Third Reading: Waived April 8, 2013

(D) *Action by the Board of Zoning Appeals for site plan review.*

(1) 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 § 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 hearing shall be required in conjunction with the review, the approval, approval with modifications or disapproval of the site plan. Notice of the public meeting shall be given to the applicant, the Building Commissioner, owners of adjoining properties, and owners of all properties that are within 50 feet of any new improvement or structure, at least 14 days prior to the meeting. In the event the lot involved in the application borders a neighboring governmental jurisdiction, notice of the public meeting shall also be provided to the safety service director of the neighboring jurisdiction. 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.

(2) 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. Notice of the public hearing shall be given in the same manner as set forth in Paragraph (1) above. In addition to the guidelines contained in § 154.662(C), the Board shall also consider the standards for variance approval contained in § 154.67. Following the public hearing, the Board may approve, disapprove, or approve with modifications the site plan and requested variances as submitted.

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

(E) *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 of the Village Council is required to overturn or modify the recommendation of the Board of Zoning Appeals.

First Reading: March 11, 2013  
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**SECTION 3:** 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 4:** That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Mayor Byar

Attest:

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Nicole Browder, Clerk of Council

Ordinance Vote:  
Moved: Bardach Second: Hattenbach

Byar	Aye
Wolf	Aye
Hattenbach	Aye
Muething	Aye
Bardach	Aye
Warren	Aye
Doering	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the \_\_\_\_ day of \_\_\_\_\_, 2013, 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.

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Nicole Browder, Clerk of Council