

## AMBERLEY GREEN DISTRICT (AGD) REGULATIONS

### 154.84 PURPOSE.

In addition to the purposes listed in Section 154.05 (B), the purpose of the Amberley Green District is to encourage preservation of green space and walking trails for residents while allowing limited opportunity for new development. The area included in the district is characterized by steep slopes and unbuildable area to the west and flatter, more buildable areas to the east. The desire of the village for these potential development areas is to also include green areas beyond the unbuildable portions of the property and walking trail connections to ensure preservation of the unique and beautiful qualities of the property.

The Amberley Green District is applied to properties that have an AGD district designation. Properties in the Village that are eligible to request AGD district designation, in accordance with the regulations and procedures below, include all properties bounded by East Galbraith Road and the Village Corporate limit on the north, Ridge Road to the east, the Village Corporation Limit to the west, and the northern property lines of northernmost residential properties on Burning Tree Lane, Fernwood Drive, Willowbrook Lane, and Twigwood Lane to the south.

### 154.84.1 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. Active and passive recreational uses including pools, splash parks, sports fields and courts, outdoor amphitheatres, public parks and walking trails, dog parks, and woodland preservation areas.
  2. Single-family dwellings.
  3. Community gardens/Agriculture
  4. Banquet/Event Center
  5. Government/Public buildings and facilities.
  6. Other institutional uses including religious institutions, day care centers, hospitals, schools, universities and other educational related research facilities, and non-profit event centers, summer camps, and day camps.
  7. Nursing homes, assisted living facilities, and continuing care retirement facilities.
  8. Offices, including professional business offices, medical/dental offices, accounting services, banking/financial institutions, legal services, professional consulting/counseling services, real estate and securities brokering, hotels, and tax preparation services.
  9. Restaurants (without drive throughs)
  10. 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.

11. Other similar uses determined to be compatible with the uses listed above and approved as part of the AGD district approval per the procedures outlined in this chapter.

(B) *Accessory Uses.*

1. Home Occupation provided any such use shall comply with the requirements of Section 154.25(B)(1).
2. Accessory buildings and uses customarily incidental to a permitted use located on the same lot as the single-family use and subordinate in size to the single-family home and as further regulated by Section 154.12.

(C) *Temporary Uses.* Temporary uses, including but not limited to farm markets, festivals, food trucks, tree sales, community gatherings, and community commerce, may be permitted provided that such temporary use shall either be approved as part of the Concept or Final Development Plan for the principal use or shall be approved by the Zoning Board of Appeals in accordance with Section 154.66(A)(4).

#### **154.84.2 HEIGHT REGULATIONS.**

No building shall exceed two and one-half stories or 35 feet in height, whichever is the lesser height.

#### **154.84.3 REQUIRED MINIMUM LOT AREA, WIDTH, AND SETBACK REGULATIONS.**

All uses shall be setback a minimum of 50 feet from the boundaries of the Amberley Green area as described in Section 154.84 and shall also comply with the following minimum requirements.

- (A) *Lot area.* The minimum lot area for single-family detached uses shall be 8,000 square feet, and the minimum lot area for all other uses shall be 21,780 square feet.
- (B) *Ground area.* There is no maximum ground area coverage for single-family detached uses. For all other uses, the total ground area to be occupied by structures shall not exceed 50% of the lot area.
- (C) *Single-family detached residence lot width and setbacks.* Single family detached lots shall have a minimum width of 50 feet. All single-family structures shall comply with the following minimum yard requirements:

1. Front yard: 25 feet
  2. Side yard: 5 feet
  3. Rear yard: 35 feet
- (D) *Other permitted uses lot width and setbacks.* All other lots shall have a minimum lot width of 100 feet and shall comply with the following minimum yard requirements:
1. Front yard: 50 feet
  2. Side Yard: 20 feet
  3. Rear Yard: 20 feet

#### **154.84.4 SITE DEVELOPMENT REGULATIONS.**

- (A) *Off street parking.* Facilities for parking residents, employees, visitors, and business vehicles must be provided on the premises in accordance with the following uses and calculations unless modified as part of the Concept or Final Development Plan approval following submission of evidence indicating that the sufficient parking will be provided through shared parking agreements, a mix of uses with expected hours of high demand that do not overlap, or other such evidence as may be submitted to support a reduction of the spaces required in this Section. Such facilities other than those related to single-family residences, shall be setback a minimum of 50 feet from the boundaries of the Amberley Green area as described in Section 154.84 and 20 feet from all other public streets, private access easements, and interior lot lines. Parking spaces for the handicapped shall be provided in accordance with the provisions of the Ohio Basic Building Code.
1. Detached single-family residential: Two spaces for each dwelling unit
  2. Government/Public buildings and facilities: One space per 250 sq. ft. of floor area.
  3. Religious Institutions: One space per eight seats or bench seating in the main assembly area.
  4. Daycare centers: One space per employee + one space for each facility vehicle stored on the lot + one parking space for each six children.
  5. Hospitals: One space per bed.
  6. Schools, K-6: One space for each three seats in any auditorium, or one space for each classroom, whichever is greater.
  7. School, Junior High/Middle School: One space for each three seats in any auditorium, or one space for each classroom, whichever is greater.
  8. School, Senior High: One space per employee + twelve visitor spaces, plus one space per six students.
  9. School, University, Vocational/Professional, or Educational Research Facility: One space per employee + one space per two registered student capacity.

10. Amphitheater and event center: One space for each three seats or one space per 50 square feet of net floor area where fixed seating is not available.
  11. Summer camp and day camp: One space per employee + one space per each camp vehicle + one space per five users at maximum capacity.
  12. Swimming pools and splash parks: One space for each 50 square feet of pool or wet park surface area + one space per employee.
  13. Athletic/Play field: Ten spaces per acre.
  14. Tennis/Basketball/Racquet clubs and similar recreation facilities: Eight spaces for each indoor tennis/basketball court, five spaces for each outdoor tennis/basketball court, fives spaces for all other indoor and outdoor courts.
  15. Parks and playgrounds: Four spaces per acre.
  16. Nursing homes, assisted living facilities, and continuing care retirement facilities: One space per six residents + one space per employee.
  17. 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.
  18. Offices, Medical: Six spaces + one space per 200 sq. ft. of floor space in excess of 1000 sq. ft.
  19. Retail: One space per 200 sq. ft. of floor area.
  20. Restaurant: One space per 100 sq. ft. of floor area.
- (B) *Pedestrian Facilities.*
1. Sidewalks shall be a minimum of four feet wide and are required along both sides of all streets.
  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 for non-residential uses 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 for non-residential uses 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) *Dumpster and trash handling areas.* The following requirements shall apply to all dumpsters, trash handling areas, and related serviced 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 unless it is specifically permitted as part of an approved Concept or Final Development Plan or it is part of a temporary use permitted by Section 154.84.1.

#### **154.84.5 LANDSCAPING REGULATIONS.**

- (A) *Streetscape Buffer.* A Streetscape Buffer shall be installed along the property line of all non-single-family residential uses 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.
- (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 greater than 10 spaces 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 permitted.
  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.

#### **154.84.6 ARCHITECTURAL REGULATIONS.**

The purpose of this section is to require architectural features for all nonresidential uses 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.
- (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, wood siding, 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. 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 154.84.6(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 any public street, primary internal drive or residential use.

#### **154.84.7 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 permitted nonresidential use shall be permitted one-half (0.5) square foot of Building Sign surface area for each foot of building frontage that fronts a public right-of-way 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. Building signage of a commercial or advertising nature shall not be permitted for residential uses.
- (B) *Freestanding Signs.* Businesses and/or centers containing multiple businesses shall be permitted a maximum of one monument sign for the business or 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. All freestanding signs shall be monument style ground mounted signs.
  3. Freestanding signs shall not exceed 8 feet in height.

4. The sign shall be setback a minimum of 5 feet from all public rights-of way and private access easements and a minimum of 20 feet from a lot line of any residentially zoned or used property.
5. Signs shall have a message area of not more than 50 square feet for nonresidential uses or 32 square feet for attached residential developments.
6. Electronic message centers/Electronic signs and internally illuminated signs shall be prohibited.

(C) *Other Permitted Signs.*

1. Church or public building bulletin boards not exceeding 10 square feet in area.
2. Temporary signs on over 40 inches from the ground and not exceeding 6 square feet in area, the purpose of which is to communicate information about the lease or sale of a building or lot, which signs shall be removed as soon as the property is leased or sold.
3. Small announcements or professional signs not over one square foot in area.
4. Highway or directional and traffic safety signs erected and maintained by public agencies.
5. Outdoor election signs, provided that they may not be erected prior to four weeks before the day of the election and that the owner of the property on which the sign is located must cause the sign to be removed within 72 hours after the election; a sign permitted under this section shall not exceed 12 square feet in area and the aggregate of all signs placed on any parcel of real property in one ownership shall not exceed 60 square feet, nor shall they be posted such that the bottom edge of each sign is more than 40 inches from the ground. All such 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.
6. Temporary signs associated with an approved temporary use not exceeding 10 square feet in area.

#### **154.84.8 AMBERLEY GREEN DISTRICT (AGD) DESIGNATION PROCESS.**

Establishment of an Amberley Green District (AGD) designation and all subsequent development and redevelopment within an established AG district shall be conducted in accordance with the following processes.

- (A) *Concept Plan Submission.* The submission of a Concept Plan is required as the initial process for establishment of the AGD district. The applicant is encouraged to engage in informal consultations with the Village Building Commissioner prior to preparing the Concept Plan, it being understood that no statement or representation by the Building Commissioner shall be binding upon the Village. The applicant shall prepare a Concept Plan and



shall submit the number of copies of this Concept Plan as specified by the Building Commissioner along with the completed application to the Planning Commission for consideration. This Concept Plan submission shall contain the following:

1. A written text setting forth in detail the criteria and conditions which the developer will follow in determining final elevations, locations of improvements, maximum slope, size, density, character and management of the development for the purposes of a Final Development Plan.
2. An existing conditions map showing existing topography, including the location of natural features such as creeks, ponds, significant stands of trees and other nature features of note requiring special consideration, as well as man-made features including easements, roads, sewer lines, adjacent property lines and all existing structures located on the property.
3. A preliminary development plan map of the property showing land use, general topography and physical features and the following information:
  - a. Property boundaries;
  - b. Proposed street plan indicating all surrounding streets and access points as well any private streets or walking trails;
  - c. Proposed pedestrian circulation system including sidewalks and hike/bike trails;
  - d. General location and size of different land use areas;
  - e. Density levels or maximum building size proposed for each area;
  - f. General location of schools, parks or other community facility sites, if any
  - g. Setback and height requirements for each area;
  - h. Proposed drainage plan;
  - i. General utility layout;
  - j. Parking layout for non-residential uses;
  - k. Preliminary geotechnical data indicating soil types for any area containing slopes in excess of 20%;
  - l. Any other information specifically requested by the Village to adequately review the proposed AGD district.
4. A written description of the management of any open spaces or common areas describing the form of organization to be followed in the establishment of a property owners' association in the event that the care and maintenance of such common areas is to be the responsibility of the property owners. This description shall also include any proposed covenants and restrictions designed to govern open spaces or other common areas.
5. Time schedule of projected development if construction is to extend beyond a two (2) year time period.

- (B) *Village Planning Commission Review and Recommendation.* The Village Planning Commission shall study the application and Concept Plan and shall hold a public hearing within thirty-five (35) days of the time of application. Following this public hearing, the Commission shall make a report to the Village Council recommending approval, approval with modification, or disapproval and the reasons therefore. The Commission may explicitly impose special conditions relating to any pertinent development characteristics as needed in making a recommendation. The Commission shall also have categorical ability to recommend varying or relaxing the standards of this chapter and the Zoning Ordinance as part of the recommendation provided that any such request is found to meet the intent of the AGD district.
- (C) *Conditions of Approval.* Upon receipt of the recommendation of the Village Planning Commission, the Village Council shall study and review the proposed Concept Plan and shall approve, modify, or disapprove the application on the basis of (1) all application requirements have been satisfied, and (2) finding that the following specific conditions are met:
1. That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained;
  2. That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts in these regulations;
  3. That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and that a traffic study has been completed to ensure adequate capacity for traffic in the vicinity of the development if requested by the Building Commissioner, Planning Commission, or Village Council;
  4. That any part of a development not used for structures, parking and loading areas or streets shall be landscaped or otherwise improved;
  5. The development will not impose an undue burden on public services and facilities such as fire and police protection.
  6. That the density of each individual phase of the development, as well as the density of the entire project shall not exceed the maximum allowable density as permitted in the AGD district.
  7. That the development is consistent or can be made consistent with the MKSK Conservation Study adopted by Village Council in Resolution 2021-1— (as may be reviewed and amended from time to time), and any and all other land use, comprehensive, connectivity, environmental, or slope analysis study(ies) or plan(s) duly adopted by Village Council, unless upon review, it is found that consistency should not be required due to new information not available when the MKSK Study or other plan(s) was adopted or detailed sub-area studies indicate that compliance is not practical or feasible.

7.  
(D) *Village Council Action.* Council shall have thirty-five (35) days from the date of the report and recommendation of the Planning Commission to hold a public hearing for consideration of the Concept Plan. Action by the Village Council shall be as follows:

1. If from the facts presented, the Council is unable to make the necessary findings specified in Section 154.84.8(C), Conditions of Approval, the application shall be denied or returned to the applicant for clarification. In taking action, the Council may deny the Concept Plan or may approve said plan subject to specified amendments. Council shall also have categorical ability to vary or relax the standards of this chapter and the Zoning Ordinance as part of the approval provided that any such request is found to meet the intent of the AGD district. If the application is approved by Council, the approval of the Concept Plan shall be limited to the general acceptability of the land uses proposed, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of detailed site development plans. Approval of the Concept Plan shall constitute the creation of a separate "AGD" Zoning District. The new zoning designation shall replace any existing zoning classification.
2. At the time of adopting any Ordinance establishing an "AGD" District, the Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common open space of the public improvements shown on the approved Concept Plan.

(E) *Final Development Plan Approval Process.* Once the Concept Plan has been approved by the Council, a Final Development Plan for each section of the overall development must be reviewed and approved by the Building Commissioner prior to the issuance of any Zoning Certificate. The Final Development Plan shall be in accordance with the original Concept Plan; shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect; and shall include the following:

1. Site plan indicating lot lines, building outlines, off-street parking and loading spaces, pedestrian walkways and vehicular circulation.
2. Preliminary building plans, including floor plans and exterior elevations.
3. Landscaping and buffering plans.
4. Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.
5. Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.

Approval of each Final Development Plan for each unit of an AGD district shall be valid for one (1) year. No Zoning Certificate or Building Permit shall

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be issued for any structure within the AGD district until the final Subdivision Plat has been recorded with the County Recorder, if applicable.

(F) *Amendments to Approved Concept and Final Development Plans.* An approved Concept Plan or Final Development Plan within the AGD district may be amended by the following the procedures:

1. **Minor Adjustments.** Minor adjustments to an approved Concept Plan or Final Development Plan which become necessary because of field conditions, detailed engineering data, topography, or critical design criteria may be authorized by the Building Commissioner. These minor adjustments may be permitted, provided that they do not increase density, do not including any variances to the Zoning Code, decrease the number of parking spaces, or allow buildings closer to abutting residential property lines.
2. **Major Adjustments.** Changes to an approved Concept Plan or Final Development Plan determined to be major adjustments not authorized above and not including any modification of written conditions of approval contained in a Village Council Ordinance shall require review and approval by the Village Planning Commission.

(G) *Appeals.*

1. Any party aggrieved by the administrative decision of the Building Official concerning a Final Development Plan or Minor Adjustment to a Final Development Plan may appeal within 30 days of the date of the decision to the Village Planning Commission.
2. Any other appeal of the legislative action of Village Council concerning a Concept Plan or the administrative action of the Planning Commission concerning a Major Adjustment may be appealed following the procedures for such appeal as outlined in the Ohio Revised Code.