

AGENDA

April 6, 2020

PLANNING COMMISSION/BOARD OF ZONING APPEALS

7:00 PM

Roll Call

Minutes

Planning Commission-BZA Minutes 2020-03-03

Cases

CASE NO. 2020-1599

REGULAR HEARING OF THE AMBERLEY VILLAGE BOARD OF ZONING APPEALS: CASE CONTINUED FROM MONDAY, MARCH 2, 2020

Ira and Miriam Younger, the property owners of 2699 Willowbrook Drive, are requesting a variance to Zoning Code Section 154.12 (A) (4). The variance would allow for the construction of a 336 square foot accessory structure. Village code states that an accessory structure not open to the sky, shall not cover more than 200 square feet in floor area.

CASE NO. 2020-1612

PUBLIC HEARING OF THE AMBERLEY VILLAGE PLANNING COMMISSION

Regarding proposed changes to the Village Code pertaining to property maintenance:

154.14 Fences, Walls and Hedges: (the existing code does not regulate the type of material used in constructing residential fencing)

The proposed changes to 154.14 (1) are to not allow residential fencing to be constructed of barbed wire, farm fencing or razor wire and stipulate that the finished side of the fence must face the adjacent properties. These changes stem from requests from residents to use these types of materials and the belief that these should not be allowed on residential properties.

The proposed changes to 154.14 (2) are to allow vegetable and fruit garden fencing to be a maximum of 6' in height, be see-through green or black material and to restrict the garden to 400 square feet in size.

154.54 (D) (4) Chickens: (the existing code states the fencing around chicken coops shall not exceed 4.5' in height)

The proposed changes to 154.54 are to allow the fencing to not exceed 6' in height. This change stems from complaints the code requires that chickens are protected from predators and the coop to be regularly maintained, but the 4.5' high fence does not prevent predators from entering the area and is too low to maintain the coop.

New Business

Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING
MONDAY, MARCH 3, 2020**

Chairperson Richard Bardach called to order the regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held at the Amberley Village Municipal Building on Monday, March 3, 2020 at 7:00 p.m.

Roll was called:

PRESENT:

Rich Bardach
Rick Lauer
Susan Rissover
Scott Wolf
Scott Rubenstein

ALSO PRESENT:

Kevin McDonough
Wes Brown
Scot Lahrmer
Tammy Reasoner

Chairperson Bardach welcomed everyone to the meeting and led those in attendance through the Pledge of Allegiance.

Chairperson Bardach asked if there were any corrections to the minutes of the February 3, 2020 meeting. There being none, the minutes were accepted as submitted.

Chairperson Bardach moved to reorder the agenda, as Mrs. Younger had called in to say she was sick and was unable to attend. Seconded by Ms. Rissover, the motion passed unanimously.

CASE NO. 2020-1599

Mr. Brown introduced and presented the Variance Review request submitted by Rabbi Avrohom Weinrib as the representative for the Congregation Zichron Eliezer (CZE), which is requesting a modification to the Conditional Use Permit (CUP) issued in 2002. The modification of the CUP would allow for a two-story addition on the east side of the building.

Mr. Brown added that as the original CUP was approved by the Board of Zoning Appeals, any revisions are required to be approved by the BZA as well.

Mr. Brown noted three areas of concern received by staff regarding the proposal, and recommended Board consideration of:

1. Appearance of the building from the street, including storage and use of several trash containers, which are regularly visible to neighbors;
2. Extremely bright lights being left on from dusk to dawn; and

3. Landscaping not being adequate enough to screen the property from Section Road, leaving a large wall exposed to the street.

Chairperson Bardach disclosed he currently had the architect who designed the CZE project doing work on plans for his home, but felt it would not impede his ability to remain impartial.

Ms. Rissover stated she thought the original Conditional Use Permit had been issued in 2008, and not 2002 as stated in the staff summary. Mr. Brown said he had been unable to locate anything more recent on file than the 2002 CUP.

Mr. Bardach asked if there was anyone who wished to speak on behalf of the synagogue. Rabbi Weinrib stated he wished to address the concerns as outlined in the conditions the board should consider:

1. Rabbi Weinrib stated he would be happy to accommodate requests to move trash bins to another part of the property where they could not be seen from the street.
2. He said lights were recommended for safety purposes overnight, but they are happy to do what's best for the neighborhood.
3. He agreed to include adequate landscaping to improve the view from the street.

Ms. Rissover suggested a downfacing light, especially as a conditional use in residential zoning. Rabbi Weinrib agreed to turn the lights off.

Ms. Rissover asked about the original lighting plan, however Mr. Brown was unable to locate it. Rabbi Weinrib said he wants to keep the feel of the Village exactly as it should be.

Ms. Rissover mentioned the use of outdoor space at the synagogue, which she noticed gets used a lot. She asked if there was an alternative. Rabbi Weinrib said they could possibly use spots in the parking lot or simply not host events outside.

Mr. Wolf said he was curious about which events the congregation needed more room for. Rabbi Weinrib said the main sanctuary needs to be expanded, as services have been split into two separate times. Their wish is to have everyone together.

Mr. Wolf asked for confirmation that the main usage for the location was on Saturdays, which Rabbi Weinrib confirmed. He said the second need for expansion was to accommodate children in the building, including a youth group. He said there was currently not enough space for larger affairs.

Mr. Wolf expressed concerns regarding parking. Rabbi Weinrib said only a few people use the parking on Saturdays, which is when the facility is most used, and no one is driving on that day.

Ms. Rissover pointed out that the name on the State Auditor's records and the name on the synagogue were no longer the same, and asked for an explanation. Rabbi Weinrib said he was not clear on how things were originally set up, but assured Ms. Rissover that the original congregation was still at the location. He said it was the same synagogue, but with a different name.

Mr. Lauer said he felt the Board had not been given enough information, and requested a lighting plan. He said plans as submitted include south and east elevation views, but no north elevation; plans do not show what the building will look like from Section Road. He said he'd also like drawings that include landscaping. Mr. Lauer stated the south elevation plans show a 40-foot wall which is visible from the neighborhood to the south, and said this seems like too much blank wall for landscaping to cover. His concerns, he said, were with aesthetics, lighting and landscaping, and he would like more information. He restated his concerns that a 40-foot wall facing Section Road would be very imposing.

Saul Naim and Joe Brashear, architects of the project, stated they were taking the east elevation and moving it out 36 feet. Mr. Naim said the south elevation would look similar coming from Section Road.

Mr. Lauer stated the proposal is for an enormous brick wall, and again said he would like to see even more landscaping. He said the height seems greater than what we permit in the Village. Mr. Brown said the Village permits buildings up to 35 feet measured from the front elevation. Ms. Rissover said the view from Section Road is very important to the Village, and anything that can be done to improve this would be appreciated.

Mr. Lauer added he sees the expansion as an opportunity to fix some things about the building and appearance. Mr. Naim suggested the inclusion of additional windows was possible except in the sanctuary. He said previous attempts at landscaping failed, as deer destroyed it before it could grow.

Mr. Wolf said this would be a wonderful opportunity to do things right, and stated deer have been an issue for many years. He stated that no one has issues with improvements to the building; the Board just wants to make sure some of the issues raised in the past are addressed. He said the Board was open to the idea but wants to see a more developed plan.

Mr. Bardach suggested looking to Adath Israel for possible options for lighting. Ms. Rissover said there was a lighting plan for the synagogue across the street as well. Mr. Lauer said he also wants to see a landscaping plan, and Mr. Naim agreed this could be done.

Mr. Bardach inquired as to how long it would take to prepare revisions. Mr. Naim said it would probably take a couple of weeks. Mr. Bardach asked Mr. Naim to come to the April meeting with additional plans, to which Mr. Naim agreed.

Ms. Rissover moved to continue Case Number 2020-1599 over to the April meeting to allow for additional plans to be developed. The motion was seconded by Mr. Wolf, and passed unanimously.

CASE NO. 2020-1598

Mr. Bardach called for Case No. 22020-1598. Mr. Brown introduced the case, in which homeowners Ira and Miriam Younger, the property owners of 2699 Willowbrook Drive are requesting a variance to Zoning Code Section 154.12 (A) (4). The variance would allow for the construction of a 336 square foot accessory structure. Village code states that an accessory structure not open to the sky, shall not cover more than 200 square feet in floor area.

Mr. Brown walked the Board through images showing that the house is built on a slab with no room for a basement, and read a letter from the Youngers stating there is no storage. The letter states the need for additional storage was initiated by the inheritance of family heirlooms.

Ms. Rissover inquired if the code addresses the number of accessory structures permitted, pointing out the property already has both a detached and an attached garage. Mr. Brown said the code only addresses the total square footage of the yard that can be covered.

Mr. Lauer said as the shed would be visibly hidden, he has no problem with it.

Ms. Rissover said the proposed size sets a dangerous precedent, and felt an offsite storage facility would adequately serve their purpose.

Mr. Lauer suggested the possibility of expanding the garage.

Mr. Bardach asked Mr. Lahrmer for any resident input. Mr. Lahrmer said he received a note from a neighbor, Mr. Jeffrey Zipkin, who has no objection to the shed.

Mr. Lauer reiterated he has no problem with a second accessory structure as long as it's not visible. Ms. Rissover said her concern was in translating the variance to the smaller lot sizes in the Village and asked what the measurements would be to keep within the Code.

Ms. Rissover also asked regarding hardship and felt having a lot of stuff was not a qualifier. Mr. Wolf suggested the residents might not want to spend additional money to pay for offsite storage. Ms. Rissover said she did not see a need for the variance.

Chairman Bardach asked if there was any additional feedback. Mr. Lahrmer said even though the property owner had requested the Board to proceed with the case despite her illness, the Board may want to continue the case next month to allow the homeowner to appear.

Mr. Bardach agreed that giving the homeowner a fair shot at defending her position warranted continuing the case until next month. Mr. Lauer moved to continue Case No. 2020-1958 to the

April meeting of the Board of Zoning Appeals. Seconded by Mr. Bardach, the motion carried unanimously.

There being no further business, the meeting was adjourned at 7:37 p.m.

Tammy Reasoner, Clerk of Council

Richard Bardach, Chairperson



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: April 6, 2020 at 7:00 PM
WHERE: Amberley Village Municipal Building, 7149 Ridge Road
FROM: Scot Lahrmer, Village Manager

--CASE CONTINUED FROM MONDAY, MARCH 2, 2020--

Please be advised there will be a public meeting held by the Amberley Village Planning Commission and the Board of Zoning Appeals on **Monday, April 6, 2020** at 7:00 p.m. via Internet. The public meeting will be held to review the following item:

Ira and Miriam Younger, the property owners of 2699 Willowbrook Drive, are requesting a variance to Zoning Code Section 154.12 (A) (4). The variance would allow for the construction of a 336 square foot accessory structure. Village code states that an accessory structure not open to the sky shall not cover more than 200 square feet in floor area.

If you are interested in reviewing the application you may do so by email request to the Village Clerk at tpreisoner@amberleyvillage.org or you may attend the **Monday, April 6, 2020** Planning Commission and Board of Zoning Appeals public meeting by logging in at 7:00 p.m. via the attached invitation. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

Amberley Village is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission/BZA 2020-04-06
Time: Apr 6, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us04web.zoom.us/j/147244079>
Meeting ID: 147 244 079

One tap mobile
+16465588656,,147244079# US (New York)
+13126266799,,147244079# US (Chicago)

Dial by your location
+1 646 558 8656 US (New York)
+1 312 626 6799 US (Chicago)
+1 301 715 8592 US
+1 346 248 7799 US (Houston)
+1 720 707 2699 US (Denver)
+1 253 215 8782 US

Meeting ID: 147 244 079

Find your local number: <https://us04web.zoom.us/j/7DjBmMoi>

Please visit the Amberley Village website for detailed login support and instructions at www.amberleyvillage.org.

cc: David Scott Peters & Tamara Lynn, 7100 Willowbrook Lane
Jeffrey W. Zipkin, 2690 Section Rd
Laura M. & Daniel W. Richardson
Glenn W. Wegryn, 7091 W. Aracoma Drive
Theresa M. Keller, 7051 W. Aracoma Drive
Mary Ruth Smyjunas, Slane Investments LLC, 5027 Madison Road,
Cincinnati, OH 45227

POSTED 03/27/2020



7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

Amberley Village Planning Commission Staff Report

April 6, 2020

Subject:

2699 Willowbrook Drive

Variance:

Construction of 336 sqft shed

Item: Case#2020-1599

Variance Request:

**REGULAR HEARING OF THE AMBERLEY VILLAGE BOARD OF ZONING
APPEALS: CASE CONTINUED FROM MONDAY, MARCH 2, 2020**

Ira and Miriam Younger, the property owners of 2699 Willowbrook Drive, are requesting a variance to Zoning Code Section 154.12 (A) (4). The variance would allow for the construction of a 336 square foot accessory structure. Village code states that an accessory structure not open to the sky, shall not cover more than 200 square feet in floor area.

Zoning Code Review: 154.12 (A) (4) Except as otherwise provided in the zoning code, individual enclosed accessory structures that are not open to the sky, either wholly or partially, such as sheds, garages, garden buildings, and pool houses, shall not cover a total of more than 200 square feet of floor area. Floor area means the area of the ground floor of the structure that creates a footprint of the structure on the property. A detached garage shall not cover more than 800 square feet, or more than 50% of the floor area of the principal structure, whichever is less. A detached garage is an enclosed accessory structure used for storage, including but not limited to the parking or storage of vehicles, that is not connected to the principal structure by means of an above ground structure, material, or equipment. No combination of accessory structures, whether enclosed or open to the sky, shall have an aggregate floor area greater than 50% of the principal structure, or greater than 50% of the required rear yard, whichever is less.

Variance Review: Mr. and Mrs. Younger are requesting a variance from Village Zoning Code 154.12 to allow for the construction of a 12x28 (336 square foot) shed in the rear yard of their residence located at 2699 Willowbrook Drive.

The shed is proposed to be constructed 8' to 10' south of (behind) the existing detached garage, approximately 20' from the east property line and 180' from the southern property line.

The letter to the board states that the need for the larger shed results from their house being built on a slab. Since it does not have a basement, it does not allow for the traditional storage space found in most other homes. The letter also states they need additional storage for recently acquired family heirlooms and furniture.

The Village Code Section 154.12 (A) (4), states that an accessory structure not open to the sky shall not exceed 200 square feet in floor space, therefore a variance is required for the shed to be constructed as proposed.

Project Recommendations: The project is to be considered on its merits.

Date: 2-11-20

Mr. Scot F. Lahrmer
Village Manager
7149 Ridge Road
Cincinnati, OH 45237

RE: Zoning Approval - Variance

Dear Mr. Lahrmer:

I hereby request a zoning approval for:

12x28 gambrel Shed in my
backyard.

The structure is proposed at the following address:

2699 Willowbrook Dr. Cincinnati OH 45237

I certify the attached plat and measurements are accurate.

Shed I Master Shed
Contractor's Name

6504 Wiehe Rd
Cincinnati OH 45237
Contractor's Address

513-535-4334
Telephone Number

Sincerely,


Homeowner's Signature

Ira Younger / Miriam Younger
Homeowner's Printed Name

513-531-0394
Telephone Number (daytime)

Dear Mr. Lahrmer,

We are looking to add a storage shed that could help us store our family's personal items. With the passing of our parents, we have found ourselves desperately needing extra storage space for family heirlooms. Our home is built on a slab and doesn't have the traditional storage space of most other homes.

We hereby request zoning approval to build a 12x28 gambrel shed in our backyard behind our detached garage and within the zoning setbacks. In speaking with Wes Brown, we understand that the zoning code only allows a shed to be up to 200 square feet in size and we are proposing a 336 square foot shed.

We would greatly appreciate your assistance by granting us the variance to build the storage shed.

Thank you!

usa0198@fedex.com

From: Y younger <goyoungers@gmail.com>
Sent: Tuesday, February 11, 2020 11:18 AM
To: usa0198@fedex.com
Subject: [EXTERNAL] Fwd:

----- Forwarded message -----

From: Y younger <goyoungers@gmail.com>
Date: Tue, Feb 11, 2020, 11:11 AM
Subject:
To: <usa0198@fedez.com>

Younger residence

We are looking to add a storage shed that could help us storage or families personal items.

With the passing of our parents, we have found ourselves needing extra storage space for important family belongings.

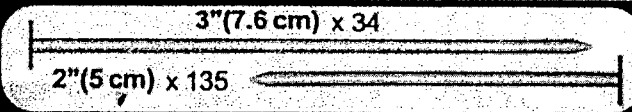
We would greatly appreciate your assistance by granting us the variance to build the storage shed. Thank you
I hereby request zoning approval for :

To have a 12x28 gambrel shed built in my backyard. Since I have an existing detached garage code only allows me to have up to a 200 square foot structure. I'm requesting to be allowed to build a 12x28 structure that is 336 square feet.



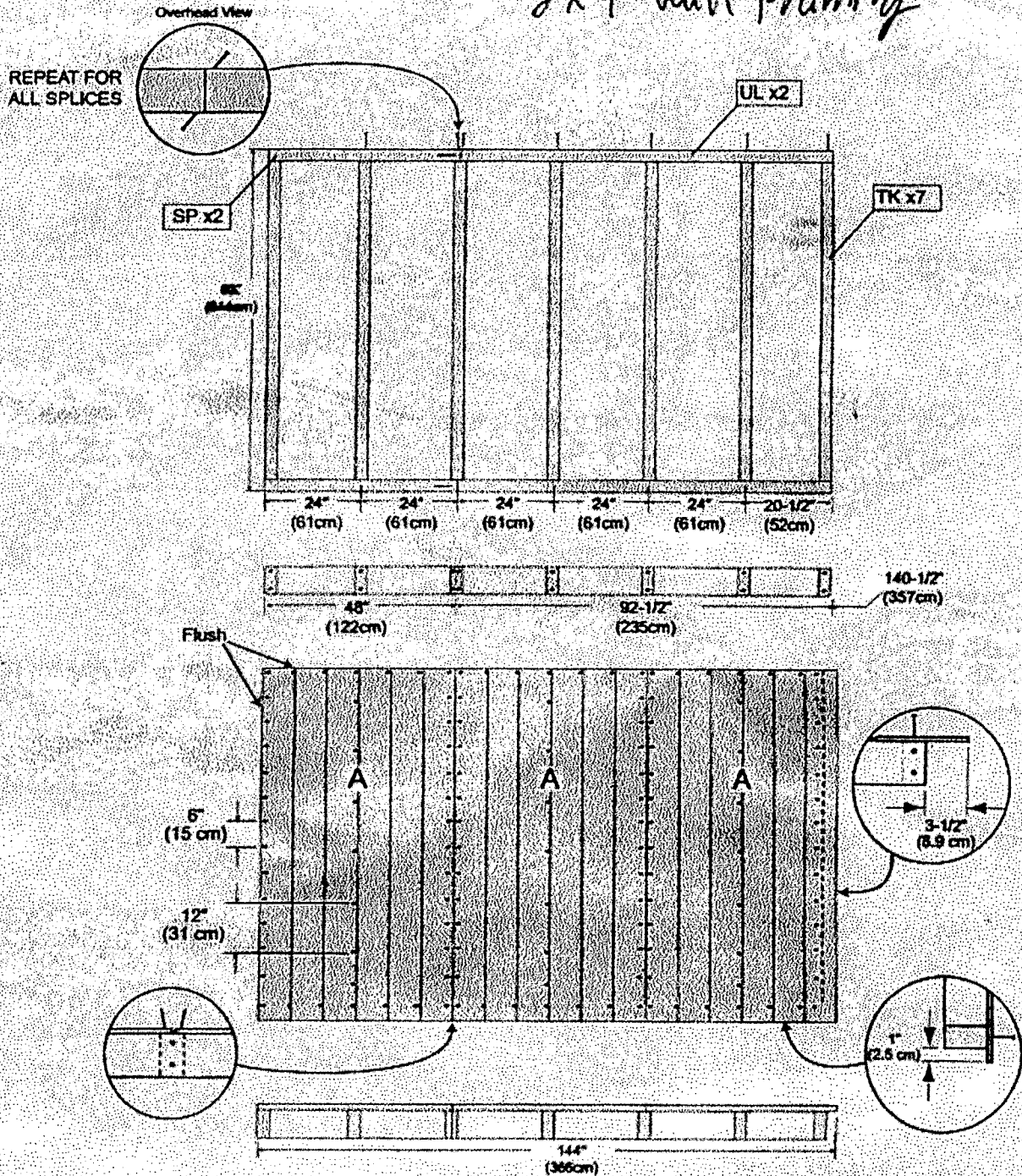


WALL #12



MURO #12

12 FT Wall 2x4 wall Framing



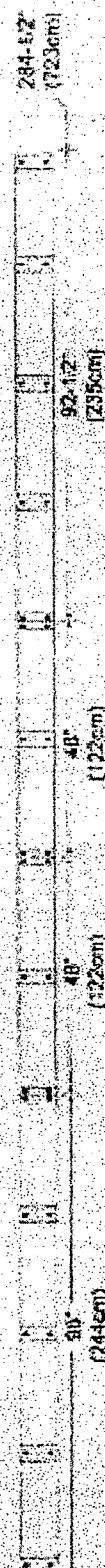
2x4 wall framing



REPEAT FOR ALL SPLICES

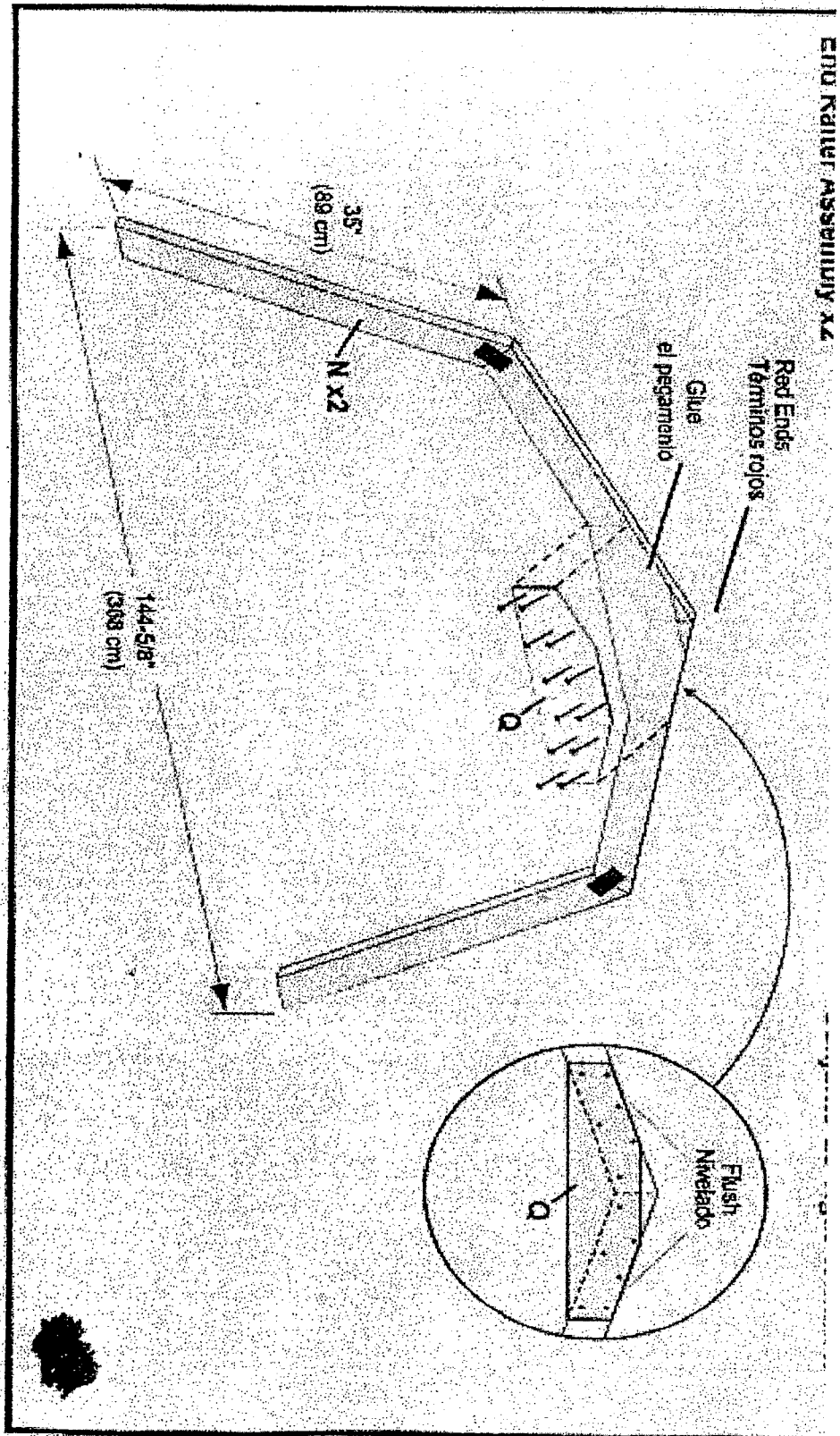


70-76-



Flush

END KAUER Assembly x2









7149 Ridge Road
Amberley Village, OH 45237

513-531-8675 *phone*
513-531-8154 *fax*

amberleyvillage.org

PLANNING COMMISSION
MEETING NOTICE

WHEN: April 6, 2020 at 7:00 PM
WHERE: Amberley Village Municipal Building, 7149 Ridge Road
FROM: Scot Lahrmer, Village Manager

**PUBLIC HEARING OF THE AMBERLEY VILLAGE PLANNING
COMMISSION**

Please be advised there will be a public meeting held by the Amberley Village Planning Commission and the Board of Zoning Appeals on **Monday, April 6, 2020** at 7:00 p.m. via Internet. The public meeting will be held to review the following items referred by Village Council:

154.14 Fences, Walls and Hedges: (the existing code does not regulate the type of material used in constructing residential fencing)

The proposed changes to 154.14 (1) are to not allow residential fencing to be constructed of barbed wire, farm fencing or razor wire and stipulate that the finished side of the fence must face the adjacent properties. These changes stem from requests from residents to use these types of materials and the belief that these should not be allowed on residential properties.

The proposed changes to 154.14 (2) are to allow vegetable and fruit garden fencing to be a maximum of 6' in height, be see-through green or black material and to restrict the garden to 400 square feet in size.

154.54 (D) (4) Chickens: (the existing code states the fencing around chicken coops shall not to exceed 4.5' in height)

The proposed changes to 154.54 are to allow the fencing to not exceed 6' in height. This change stems from complaints the code requires that chickens are protected from predators and the coop to be regularly maintained, but the 4.5' high fence does not prevent predators from entering the area and is too low to maintain the coop.

If you are interested in reviewing the documents in full, you may do so by email request to the Village Clerk at tprisoner@amberleyvillage.org or

you may attend the **Monday, April 6, 2020** Planning Commission and Board of Zoning Appeals public meeting by logging in at 7:00 p.m. via the attached invitation. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

POSTED 03-27-2020

Amberley Village is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission/BZA 2020-04-06

Time: Apr 6, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us04web.zoom.us/j/147244079>

Meeting ID: 147 244 079

One tap mobile

+16465588656,,147244079# US (New York)

+13126266799,,147244079# US (Chicago)

Dial by your location

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 720 707 2699 US (Denver)

+1 253 215 8782 US

Meeting ID: 147 244 079

Find your local number: <https://us04web.zoom.us/u/fDjBmMoi>

Please visit the Amberley Village website for detailed login support and instructions at www.amberlevilllage.org.

cc: Members of the Amberley Village Planning Commission
Mayor Thomas C. Muething
Amberley Village Council
Amberley Village Manager Scot Lahrmer
Amberley Village Solicitor Kevin McDonough
Amberley Village Zoning Administrator Wes Brown

PASSED:
BY:

RESOLUTION NO. 2020-12

**PUBLIC HEARING OF THE AMBERLEY VILLAGE PLANNING
COMMISSION**

Regarding proposed changes to the Village Code pertaining to property maintenance:

154.14 Fences, Walls and Hedges: (the existing code does not regulate the type of material used in constructing residential fencing)

The proposed changes to 154.14 (1) are to not allow residential fencing to be constructed of barbed wire, farm fencing or razor wire and stipulate that the finished side of the fence must face the adjacent properties. These changes stem from requests from residents to use these types of materials and the belief that these should not be allowed on residential properties.

The proposed changes to 154.14 (2) are to allow vegetable and fruit garden fencing to be a maximum of 6' in height, be see-through green or black material and to restrict the garden to 400 square feet in size.

154.54 (D) (4) Chickens: (the existing code states the fencing around chicken coops shall not to exceed 4.5' in height)

The proposed changes to 154.54 are to allow the fencing to not exceed 6' in height. This change stems from complaints the code requires that chickens are protected from predators and the coop to be regularly maintained, but the 4.5' high fence does not prevent predators from entering the area and is too low to maintain the coop.

Passed this _____ day of _____, 2020.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Resolution Vote:

Moved: _____ Second: _____

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of _____ 2020, the foregoing Resolution was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Resolution at all of the places of public notice as designated by Sec. 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council

TO: Planning Commission

FROM: Scot F. Lahrmer, Village Manager

DATE: March 12 2020

RE: Changes to the Village Code Pertaining to Property Maintenance

The Law Committee has been working on identifying changes to the property maintenance code. While not all the changes have been recommended by the Law Committee yet, one piece of legislation, draft Ordinance 2020-6, is ready to move forward. These changes concern the property maintenance code that falls within our zoning code and any changes to the zoning code must be considered by the Planning Commission.

The process to obtain Planning Commission's recommendation is for Council to refer the draft legislation, Ordinance 2020-6, to the Planning Commission. This occurred at Council's March 11 meeting.

It will be necessary for the Planning Commission to hold a public hearing to review the proposed ordinance and staff is scheduling it for our April 6 meeting. The Planning Commission has the option of making a recommendation back to Council in April (preferred) or defer a decision and hold a second hearing. The Planning Commission can take up to 60 days to make a recommendation to Council.

Once the Planning Commission has made a recommendation, draft Ordinance 2020-6 will come forth to Council, which will hold a public hearing. The intent is when Council hears draft Ordinance 2020-6, it will have the other two pieces of legislation to consider, that way all 3 ordinances can be considered in whole. The other two additional pieces of legislation pertaining to the property maintenance code do not affect the zoning code, therefore, do not need the Planning Commission's review.

At the recommendation of the Law Committee, summarized below are the 3 items proposed for amendment:

154.14 Fences, Walls and Hedges: (the existing code does not regulate the type of material used in constructing residential fencing)

- The proposed changes to 154.14 (1) are to not allow residential fencing to be constructed of barbed wire, farm fencing or razor wire and stipulate that the finished side of the fence must face the adjacent properties. These changes stem from requests from residents to use these types of materials and the belief that these should not be allowed on residential properties.

- The proposed changes to 154.14 (2) are to allow vegetable and fruit garden fencing to be a maximum of 6' in height, must be see-through green or black material and restrict the garden to 400 square feet in size.

154.54 (D) (4) Chickens: (the existing code states the fencing around chicken coops shall not exceed 4.5' in height)

- The proposed changes to 154.54 are to allow the fencing to not exceed 6' in height. This change stems from complaints the code requires the chickens are protected from predators and the coop to be regularly maintained but the 4.5' high fence does not prevent predators from entering the area and is too low to maintain the coop.

A copy of draft Ordinance 2020-6 is attached, and this correspondence is being provided in advance so that you will be better prepared on April 6.

If you have any questions, please let me know.

ORDINANCE NO. 2020-6

ORDINANCE TO AMEND THE ZONING CODE

WHEREAS, Amberley Village is a suburban oasis characterized by open views, spacious natural vistas, greenery, and a picturesque setting; residential structures are typically exemplified by quality construction that provides permanent and long lasting buildings that also have a desirable appearance and aesthetic that are compatible with surrounding properties;

WHEREAS, it is important to preserve property values and the quality of the residential environment;

WHEREAS, in order promote the health, safety, and welfare of residents and the community as a whole, the Zoning Code strives to protect and enhance the attractive appearance of all residential structures in the Village;

WHEREAS, Council finds and determines that changes to the Zoning Code are necessary to protect and promote the public health, safety, and welfare;

WHEREAS, Village staff worked extensively to draft new regulations, in response to input from the Planning Commission, the Law Committee, and Village Council, and comments received at duly noticed public hearings before the Planning Commission and Village Council, respectively;

WHEREAS, the Planning Commission and Law Committee recommend the adoption of changes to the Zoning Code as set forth herein;

WHEREAS, Council finds and determines that the proposed changes serve the public interest and protect the public health safety and welfare, and constitute measured and reasonable restrictions on the use of one's property in order to balance and protect the rights of neighboring property owners and the community as a whole;

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

SECTION 1: Section 154.14 of the Municipal Code of Ordinances is amended to read as follows:

§ 154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, fences, walls, and hedges not exceeding four and a half feet in height may be permitted in any required side or rear yard or along the edge of any yard, provided that no fence or wall, along the sides or front edge of any front yard or in any part of a front yard shall be permitted. Hedges not over two and a half feet in height may be permitted in a front yard.

(1) Residential fences constructed in Amberley Village may not be constructed with the following material: barbed wire, farm, or razor wire. Fences constructed with a finished

side must have the finished side facing adjacent properties. All fences must be properly aligned so as to make a straight line.

- (2) Vegetable and Fruit garden fences are permitted in order to protect vegetation from wildlife. The fence may not exceed six feet in height and must be constructed of see through fencing material green or black in color. The enclosed space may not exceed more than 400 square feet and used strictly for agricultural purposes and may not be visible from the street.

(B) Privacy panels are permitted in a rear yard located directly behind, and attached to or immediately adjacent to, the principal structure. The finished side of a panel shall face adjacent properties. The unfinished side of a panel, with any exposed posts or supports, shall face in toward the principal structure of the subject property. The construction and appearance of privacy panels shall be aesthetically pleasing and appropriate for the location. Materials such as brick, block, lumber, vinyl, natural materials or landscaping, shall be used and are to be similar or complementary in appearance and style to the principal structure. Alternate materials may be considered for approval by the Village Manager. Privacy panels are subject to the village Property Maintenance Code. Privacy panels shall be located as close as possible to the object or area intended to be screened so as to allow for limited screening but also minimize adverse effects on neighboring properties and sight lines. The maximum height of a privacy panel, as measured from the bottom of a panel, shall be no more than six feet. The maximum height of a privacy panel as measured from the ground or deck surface shall be no more than six and one-half feet. The maximum length of a privacy panel, whether constructed singularly or in combination, is 16 linear feet.

SECTION 2: Section 154.54(D)(4) of the Municipal Code of Ordinances, shall be amended to read as follows:

§ 154.54(D)(4) CHICKENS.

Chickens shall be enclosed within the habitat structure at night from sunset to sunrise. If chickens are allowed by the owner to be outside of the structure from sunrise to sunset, the chickens must be contained within an area that is fenced or surrounded by other barriers (“Containment Area”) so as to prevent access to the chickens by dogs or other predators, and to prevent chickens from traveling outside of the Containment Area. Fencing may not exceed six (6) feet in height and must be constructed of fencing liner or mesh and shall not be visible from the street.

SECTION 3: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: _____ Seconded: _____

Muething _____

Wolf _____

Bardach _____

Conway _____

Hattenbach _____

Kamine _____

Warren _____

I, Clerk of Council of Amberley Village, Ohio, certify that on the _____ day of _____, 2020, the foregoing Ordinance was published pursuant to Article ____ of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by § 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council

ORDINANCE NO. 2020-6

ORDINANCE TO AMEND THE ZONING CODE

WHEREAS, Amberley Village is a suburban oasis characterized by open views, spacious natural vistas, greenery, and a picturesque setting; residential structures are typically exemplified by quality construction that provides permanent and long lasting buildings that also have a desirable appearance and aesthetic that are compatible with surrounding properties;

WHEREAS, it is important to preserve property values and the quality of the residential environment;

WHEREAS, in order to promote the health, safety, and welfare of residents and the community as a whole, the Zoning Code strives to protect and enhance the attractive appearance of all residential structures in the Village;

WHEREAS, Council finds and determines that changes to the Zoning Code are necessary to protect and promote the public health, safety, and welfare;

WHEREAS, Village staff worked extensively to draft new regulations, in response to input from the Planning Commission, the Law Committee, and Village Council, and comments received at duly noticed public hearings before the Planning Commission and Village Council, respectively;

WHEREAS, the Planning Commission and Law Committee recommend the adoption of changes to the Zoning Code as set forth herein;

WHEREAS, Council finds and determines that the proposed changes serve the public interest and protect the public health safety and welfare, and constitute measured and reasonable restrictions on the use of one's property in order to balance and protect the rights of neighboring property owners and the community as a whole;

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

SECTION 1: Section 154.14 of the Municipal Code of Ordinances is amended to read as follows:

§ 154.14 FENCES, WALLS, AND HEDGES.

(A) Notwithstanding other provisions of this Zoning Code, fences, walls, and hedges not exceeding four and a half feet in height may be permitted in any required side or rear yard or along the edge of any yard, provided that no fence or wall, along the sides or front edge of any front yard or in any part of a front yard shall be permitted. Hedges not over two and a half feet in height may be permitted in a front yard.

(1) Residential fences constructed in Amberley Village may not be constructed with the following material: barbed wire, farm, or razor wire. Fences constructed with a finished

side must have the finished side facing adjacent properties. All fences must be properly aligned so as to make a straight line.

- (2) Vegetable and Fruit garden fences are permitted in order to protect vegetation from wildlife. The fence may not exceed six feet in height and must be constructed of see through fencing material green or black in color. The enclosed space may not exceed more than 400 square feet and used strictly for agricultural purposes and may not be visible from the street.

(B) Privacy panels are permitted in a rear yard located directly behind, and attached to or immediately adjacent to, the principal structure. The finished side of a panel shall face adjacent properties. The unfinished side of a panel, with any exposed posts or supports, shall face in toward the principal structure of the subject property. The construction and appearance of privacy panels shall be aesthetically pleasing and appropriate for the location. Materials such as brick, block, lumber, vinyl, natural materials or landscaping, shall be used and are to be similar or complementary in appearance and style to the principal structure. Alternate materials may be considered for approval by the Village Manager. Privacy panels are subject to the village Property Maintenance Code. Privacy panels shall be located as close as possible to the object or area intended to be screened so as to allow for limited screening but also minimize adverse effects on neighboring properties and sight lines. The maximum height of a privacy panel, as measured from the bottom of a panel, shall be no more than six feet. The maximum height of a privacy panel as measured from the ground or deck surface shall be no more than six and one-half feet. The maximum length of a privacy panel, whether constructed singularly or in combination, is 16 linear feet.

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SECTION 3: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: _____ Seconded: _____

Muething _____
Wolf _____
Bardach _____
Conway _____
Hattenbach _____
Kamine _____
Warren _____

I, Clerk of Council of Amberley Village, Ohio, certify that on the _____ day of _____, 2020, the foregoing Ordinance was published pursuant to Article ____ of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by § 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council

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