



**COUNCIL MEETING AGENDA
November 16, 2020 at 5:00 PM**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. Fourth Reading: Ordinance 2020-16, Adding Chapter 154.84 to Title IV of the Village of Amberley Codified Ordinances Regarding Amberley Green Zoning District Regulations
2. Public Hearing: Ordinance 2020-16, Adding Chapter 154.84 to Title IV of the Village of Amberley Codified Ordinances Regarding Amberley Green Zoning District Regulations

DISCUSSION

ADJOURNMENT

TO: Village Council

FROM: Scot F. Lahrmer, Village Manager

DATE: October 9, 2020

RE: Amberley Green Zoning Code Text

ITEM: Second Reading: Ordinance 2020-16, Adding Chapter 154.84 to Title IV of the Village of Amberley Codified Ordinances Regarding Amberley Green Zoning District Regulations

ACTION REQUESTED: By motion, adopt **Ordinance 2020-16**, adopting Chapter 154.84 to create the Amberley Green Zoning District (AGD).

PURPOSE: Adoption of the Amberley Green District (AGD) Zoning Code Text.

In order to effectively consider any type of development of the Village-owned Amberley Green (AG) property, the zoning must be changed from the current restrictive Residence A zoning (single-family, 1 acre lots). However, the Village does not have any other zoning district that would accomplish what residents and Council believe should be permitted on Amberley Green. Village Staff and Council have been working to create an environment to maintain green space for Amberley Green while enabling development to occur if the Village Council finds proposed uses acceptable for the 133-acre property. These efforts have culminated in a special zoning district being proposed for adoption by Village Council.

Creating the special zoning district would allow for mixed-uses, to preserve green space, create recreational, and residential areas while allowing limited opportunity for revenue-generating businesses to locate at the site, which will add to the tax base of the Village.

The Village entered into an agreement for professional services with the Hamilton County Regional Planning Commission (HCRPC) to assist in creating this special district. As part of this contract, Bryan Snyder, Development Services Administrator of HCRPC, met with Village staff to outline the objectives of the new zoning text. After a draft was secured, staff along with Mr. Snyder, worked extensively with Village Council, to further define new regulations. All of this discussion took place in Village Council work sessions.

The purpose of the new zoning regulations (attached) is to create and add Code Sections 154.84 through 154.84.8 specifically for the Amberley Green property.

Since Amberley Green is zoned for single-family residential (Residence A) and that is solely not what the Village would like to see on the property, zoning text is being created that would enable a variety of uses on the property. However, since the Village owns the property, the zoning becomes secondary but is still necessary to guide any development.

With a strong preference to maximize open space and walking trails with any development, Council set out to create a zoning code for Amberley Green for the simple purpose of protecting the health, safety and welfare of our residents. The benefits of establishing zoning on Amberley Green include:

- Protects existing property values by preventing incompatible uses
- Preserves recreational area and allows for more open spaces
- Enforces restrictions like height limitations, space requirements, building size and other development standards
- Keeps buildings from being built too close to each other
- Provides systematic lot arrangement
- Enhances the beauty of our community by requiring landscaping, buffers and parking lot improvements
- Protects residential properties from commercial development
- Facilitates attractive growth with community involvement

While the Village is safeguarded by ownership of the property and the Village has a strong preference for open space and walking trails, it was necessary to identify the principal uses that would be permitted on the property. Any use would require Village approval due to our ownership of the property and due to zoning.

The principal permitted uses discussed at the public meetings were incorporated into the proposed zoning text and include the following:

- Active and passive recreational uses including pools, splash parks, sports fields and courts, outdoor amphitheaters, public parks and walking trails, dog parks, and woodland preservation areas.
- Single-family dwellings.
- Community Gardens/Agriculture.
- Banquet/Event Center.
- Government/Public buildings and facilities.
- Other institutional uses including religious institutions, daycare centers, hospitals, schools, universities, and other educational related research facilities, and non-profit event centers, summer camps, and day camps.
- Nursing homes, assisted living facilities, and continuing care retirement facilities.
- 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.
- Restaurants (without drive-thrus)
- 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.

- 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.

The balance of the code spells out setbacks, site development regulations, landscaping, signage and architectural regulations as well as procedures for approval. Additionally, this zoning district would be tailored to the proximity of Ridge Road and Galbraith Road, therefore would not apply to other sites in the Village.

Text changes to the Zoning Code must first be considered by the Planning Commission following a public hearing. Village Council approved Resolution 2020-17 in May referring the zoning text to Planning Commission. The AGD zoning text was presented to the Planning Commission which held public hearings on July 8 and August 3. The July 8 hearing resulted in the Planning Commission requesting additional information from Village staff (attached), which was presented at the August 3 public hearing.

After the public hearing on August 3, the Planning Commission voted 3 to 1 to recommend Council amend the zoning code text to maintain the current land usage classifications as written, with the exception of the 20% mixed-use facilities. The Planning Commission also recommended removing all other requirements to be included as part of the concept plan submission, to allow a developer to be able to proceed without having to acquire additional variances.

While Planning Commission didn't have the opportunity to have the same discussions Council did with Mr. Snyder as the AGD was conceived, their recommendations to not include any regulations or stipulations would be different from other zoning districts in the Village. Although there is nothing that would require the Village to include anything other than use restrictions in a zoning plan for Amberley Green, it seems counterproductive to talk about the zoning on the property without any minimum requirements or restrictions. Without minimum requirements, it seems there could be a lack of consistency without such guiding principles. Granted, the Village has two “levels” of protection with respect to the development. The first being the Village owns the property and has a lot of discretion in how it is used/developed. The second are the restrictions imposed by the zoning code.

Planning Commission also expressed concerns about any developers having to seek variances, however, the concept of variances is baked into the approval process set forth in the zoning code. Specifically, Section 154.84.8(B), which states that:

“The Commission shall have categorical ability to recommend varying or relaxing the standards of this chapter and the Zoning Ordinance as a part of the recommendation provided that any such request is found to meet the intent of the AGD district.”

Likewise, Section 154.84.8(D)(1) gives Village Council the same authority.

Beyond any initial development, if the Village does not adopt some minimum zoning requirements, it could create some issues. And while it may be viewed as taking away the

ability for any developers to be creative, the Village needs to think beyond the initial development. If a developer were to lease/purchase and develop a piece of Amberley Green, the opportunity for restrictions on the second or third use could be limited. Having some basic restrictions in place would be helpful.

Staff does not believe having those basic restrictions/rules in place are likely to be a deterrent to any serious developer because the designation process gives the Planning Committee and Council the authority to grant exceptions as a part of the process. And any developer with any experience is going to understand that there may be some restrictions that need to be worked through. Granted the zoning code text may appear as cumbersome, and may need tweaked as time goes on, but getting zoning text in place at least enables discussions with interested parties. Case in point, when the Scottish Rites was interested in redeveloping the former clubhouse, our single family zoning on the property prevented the Scottish Rites from investing several million dollars into the clubhouse.

In regards to the 20% limit on retail, Planning Commission preferred this to be lifted. As this topic was vetted during council work sessions, it was Council's belief that free-standing retail wasn't desired but if the retail co-located with another use, it would be more desirable.

In keeping with the spirit of Council's intentions to create a zoning code text, staff's recommendation is to consider Planning Commission's recommendations but adopt zoning code text that enables the Village to consider zoning on the property that fits within our objectives.

In anticipation of the public hearings for Planning Commission, staff met with the Public Outreach Committee of Council to formulate an outline of approaches to inform residents about what the AGD means. The result was a series of communication tools that were shared with residents including:

1. A series of short instructional videos regarding the proposed changes, why they are needed and what comes next

[#1: Why Do We Need Changes?](#)

[#2: What's Included in the Zoning Text?](#)

[#3: The Process: What Comes Next?](#)

2. A postcard mailer to direct residents to a dedicated “one-stop” webpage
3. The “one-stop” webpage itself, which includes links to the videos (and scripts), the postcard mailer, a spot for posting meeting dates, as well as links to background information and zoning language
4. Social media posts utilizing the instructional videos, animated memes and links back to the dedicated webpage <https://www.amberleyvillage.org/2020/06/12/amberley-green-zoning-information/>

These resources have been available throughout the process, and were reactivated through print and digital newsletters and meeting notices in anticipation of Council holding a public hearing.

At the September 14 meeting, Council conducted a first reading of the ordinance and set the public hearing for October 12. After the public hearing, Council will likely have a third reading of the ordinance on November 9 after which time, action should be taken to create the zoning text for Amberley Green.

If you have any questions, please let me know.

PASSED:
BY:

ORDINANCE NO. 2020-16

ORDINANCE ADOPTING CHAPTER 154.84 TO TITLE IV OF THE VILLAGE OF
AMBERLEY CODIFIED ORDINANCES ADOPTING AMBERLEY GREEN
ZONING DISTRICT REGULATIONS

WHEREAS, in order to promote the health, safety, and welfare of residents and the community as a whole, Amberley Village maintains a Zoning Code that applies to different zoning districts within the Village to protect and enhance the attractive appearance of the community and to assist in potential economic development as evaluated and determined by Village Council;

WHEREAS, in order to effectively consider any type of development of the Village-owned Amberley Green property, the zoning had to be changed from the previous, more restrictive Residence A zoning (single-family, 1 acre lots);

WHEREAS, the Village, with the assistance of the Hamilton County Regional Planning Commission (“HCRPC”), created a special zoning district for Amberley Green that would allow for potential mixed-uses, to preserve green space, create recreational and residential areas, while also allowing the potential opportunity for revenue-generating businesses to locate at the site, which would add to the tax base of the Village.

WHEREAS, Village Staff and Council have been working to create an environment to maintain green space for Amberley Green while enabling development to occur if the Village Council finds such a proposed use acceptable;

WHEREAS, in accordance with the Village Charter and Ordinances, Village Council referred proposed zoning text for the Amberley Green Zoning District to the Planning Commission for the purpose of reviewing and making recommendations to Village Council concerning changes and adoption of the zoning regulations proposed for Amberley Green;

WHEREAS, the proposed zoning text was presented to the Planning Commission, which held public hearings on July 8, 2020 and August 3, 2020. Bryan Snyder from the HCRPC attended and made a presentation at the July 8, 2020 Planning Commission hearing, at which the Planning Commission requested additional information from Village staff. The additional information was presented at the August 3, 2020 public hearing;

WHEREAS, at the public hearing on August 3, 2020, the Planning Commission voted 3 to 1 to recommend that Council amend the proposed zoning code text for Amberley Green to maintain the current land usage classifications as written, with the

Fourth Reading

exception of the 20% limitation on retail use in mixed-use facilities. The Planning Commission also recommended removing all other proposed zoning requirements, including those relating to set-backs, site development, landscaping, signage, and architectural design in the interest of allowing potential developers to proceed without having to acquire additional variances;

WHEREAS, the Amberley Green Zoning Regulations as reviewed and recommended by the Planning Commission are attached and incorporated into this Ordinance;

WHEREAS, Council finds that the Amberley Green Zoning Regulations as recommended by the Planning Commission serve to protect and enhance the appearance of use of the Amberley Green property, while also allowing for potential future economic development of the property;

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

SECTION 1: Title IV of the Village of Amberley Codified Ordinances is hereby amended to add Code Sections 154.84 and 154.84.1, as set forth in more detail in the attached Zoning Regulations

SECTION 2: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law. Passed this _____ day of _____, 2020.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: _____ Seconded: _____

Muething _____
Wolf _____
Bardach _____
Conway _____
Hattenbach _____

Fourth Reading

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 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.

Tammy Reasoner, Clerk of Council

Planning Commission Comments regarding Amberley Green Development District Text

1. Comments about potential allowable principal uses on the property like hospital, nursing homes, assisted living facilities and hotel.

The inclusion of these uses does not mean Amberley Village plans to allow all the listed usages, but these are concepts the Village would consider. The purpose of the proposed zoning text is to anticipate possible usages in the future and allow for flexibility/creativity. Village Council and staff carefully considered the list to keep as many options open for the future as possible. This was done with the premise the Village controls the property and ensures the Village can act should an opportunity presents itself that would meet Village objectives. Principal uses are subject to Village approval, as owners of the property, but can only be considered if included in the zoning text. By exclusion from the list, a principal use cannot be considered at all without completing a full zoning text amendment involving Village Council and Planning Commission.

Planning Commission recommendation options:

- a. Leave the principal permitted uses intact.
 - b. Further define any principal permitted uses to be included.
 - c. Eliminate specific principal permitted uses.
2. Comments about event center being listed as both profit and non-profit.

154.84.1 (A) 4 refers to “Banquet/Event Center” and 154.84.1 (A) 6 refers to non-profit event centers.

There is no reason for profit vs. non-profit. The non-profit was included from the beginning and then it was suggested that banquet center be listed as a principle use. The reference to non-profit can be removed.

Planning Commission recommendation options:

- a. Leave both profit and non-profit intact.
- b. Eliminate non-profit.

3. Comments regarding height restrictions.

154.84.2 places a restriction at two and one-half stories or 35 feet in height.

The height was originally greater, but the consensus of Council was to keep it at 35' and if a higher office building was proposed, a variance could be sought. Staff did include a provision originally to allow greater height with additional setback but that was removed.

2.5 stories is consistent with other sections of our code. 35 feet would allow 2.5 stories with a pitched roof but adding height without adding additional stories isn't recommended.

The key is to determine what style architecture to encourage and what you would allow. The "typical" floor to floor of an office building is 13'6". For a traditional "flat roof" office building, that would translate into 27' plus the roof parapet of +/- 3' for a total of 30'. Then if there is rooftop HVAC equipment, you would want that screened and that would also add to the total height. Where you run into trouble with the 35' limitation is when there are higher finished ceiling height requirements due to the use or higher first floors for aesthetic reasons.

If you allow higher total building heights, this will allow higher floor-to-floor heights and different roof types.

If you want to allow for a 3-story building, zoning text should read up to 45' in height and 75' for a 5-story office building.

Another option is to set a maximum height and stipulate for every one foot of height above the maximum, each of the required front, side, and rear yard setbacks are increased by two feet.

Planning Commission recommendation options:

- a. Leave the height restriction intact.
 - b. Consider a two and one-half story limitation but allow for a much higher total height to accommodate pitched roofs.
 - c. Increase the height restriction to 45', 60' or 75'.
4. Some concern about lot size for residential development at 8,000 square feet will not generate the type of housing for residents that want to downsize but will generate a small house on a small lot equaling a low-price house.

Originally, the Village had a 5,000 square-foot lot size at one time and we also included attached single-family as a use in a previous draft. Attaching homes would require attached single-family to be listed as a permitted use. Other than that, the minimum lot size, and therefore the permitted density, is a number that needs to be decided through the process. Village Council will make that determination when there is a proposal for the residential piece of the property and could establish covenants for the property as well. More density is generally supported by the planning profession but may not be right for the village.

Minimum lot sizes are typical in zoning and minimum lot sizes determine how small a developer can subdivide a lot. However, these criteria do not guarantee a particular price point for residential. What Council was attempting to accomplish is a different single-family option in the Village. Smaller lots do not necessary translate to lower price points and from a planning standpoint, what seems to be trending right now is a large house on a small lot.

To control it further, material requirements (like no vinyl siding), minimum square footage of houses, minimum setbacks, etc. could be incorporated into the regulations or part of the covenants.

Planning Commission recommendation options:

- a. Leave the minimum lot size intact.
- b. Modify the minimum lot size with the intent to get a higher priced single-family residential house.
- c. Recommend covenants to address the concern.

5. Some concern that landscaping standards are too light.

3 shrubs per 100 feet is noticeably light. 4 trees per 100 feet is appropriate allowing 25 feet between trees and that standard is included in the Hamilton County zoning code and was prepared by a landscape architect in 1996 as the minimum space necessary to allow canopy trees to grow properly. The Hamilton County code includes between 10 and 20 shrubs per 100 feet for streetscape and boundary buffers; raising the 3 shrubs to 10 or 20 shrubs per 100 feet would be a good suggestion to beef up landscaping.

Reference was made to Mason's landscaping. Their landscape code has been attached and is applicable as it is considered heavy.

Planning Commission recommendation options:

- a. Leave the landscaping minimums intact.
- b. Modify the landscaping standards to mimic another community.

6. Some concern about unnecessary architectural restrictions in 154.84.6 that are too restrictive.

Architectural standards are subjective. The ones that were included are a minimum set of standards to require buildings with undulating facades and variable roof lines. If a more modern character is desired, they can be modified to allow flat facades and roofs lines and more glass. It is up to the Village as far as what character is desirable.

Here are some standards related to exterior buildings from the City of Mason Code:

D) Exterior Building Material.

- 1) Unfinished or unpainted non-decorative concrete block shall not be used on any exterior wall.
- 2) Metal siding shall not be used on any wall facing a public street or a residential district. If metal siding is utilized on any remaining wall, it shall be subject to the approval of Planning Commission.
- 3) A combination of brick, masonry, glass, architectural metal wall panels, or other suitable building materials shall be used on the front facade of the building, subject to the approval by Planning Commission.

E) Mechanical Screening. All roof mounted mechanical equipment shall be screened from view from adjacent property and zoning districts and from roads right-of-way in all zoning districts using durable, compatible, opaque materials.

Planning Commission recommendation options:

- a. Leave the architectural restrictions intact.
- b. Modify the architectural standards to mimic another community.

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 amphitheaters, 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, five 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.
- (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 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.

Wallis, Carolyn

From: AMBERLEY VILLAGE E-GOV WEBSITE <noreplies@egovlink.com>
Sent: Monday, October 5, 2020 12:28 PM
To: Wallis, Carolyn
Subject: Submission: General Suggestion (re: James Tuohy)

This automated message was sent by the Amberley Village E-Gov web site. Do not reply to this message. Contact Carolyn Wallis for inquiries regarding this email.

A Amberley Village Action Line issue was submitted on 10/5/2020 12:27 PM.

Click the following link to view this Action Line Request:

http://www.egovlink.com/amberley/admin/action_line/action_respond.asp?control=1401804&e=Y

ACTION LINE REQUEST DETAILS

DATE SUBMITTED: 10/5/2020 12:27 PM

TRACKING NUMBER: 14018041227

CATEGORY ID: 9799

CATEGORY TITLE: General Suggestion

SUGGESTION/ISSUE: ...

Describe your question or comment below.

In reviewing the proposed zoning text changes for Amberley Green, I suggest consideration of minimum or maximum percentage uses of the property. For examples, green space would be maintained at a minimum of 25% of the property, or retail space might have a maximum usage of 20% of the property.

LOCATION: 7775 Sagamore Drive

ADDITIONAL INFORMATION: 7775 Sagamore Dr

ACTION LINE REQUESTER CONTACT INFORMATION

NAME: James Tuohy

BUSINESS:

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PHONE: (330) 635-4450

FAX:

ADDRESS: 7775 Sagamore Dr

Cincinnati OH

45236