

AGENDA

December 3, 2018

PLANNING COMMISSION

7:00 PM

Roll Call

Minutes

Meeting of November 5, 2018

Accessory Structure Regulations

1. Introduction of Proposed Ordinance Relating to Accessory Structures
2. Public Hearing

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, NOVEMBER 5, 2018

Chairperson Richard Bardach called to order a regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held at the Amberley Village Municipal Building on Monday, November 5, 2018 at 7:00 P.M.

Roll was called: PRESENT: Richard Bardach, Chairperson
 Rick Lauer
 Susan Rissover
 Scott Rubenstein
 Scott Wolf

 ALSO PRESENT: Kevin Frank, Esq., Solicitor
 Scot Lahrmer, Village Manager
 Nicole Browder, Clerk
 Wes Brown, Zoning & Project Administrator

Chair Bardach welcomed everyone to the meeting and led them through the pledge of allegiance.

Chair Bardach asked if there were any additional corrections to the minutes of the October 1, 2018 meeting minutes. There being none, the minutes were accepted as submitted.

Case No. 2018-34

Chair Bardach introduced the application from Kevin and Genevieve Bishop, property owners at 7720 Creekwood Lane, who are seeking a variance from Village Code Section 154.14.

Wes Brown, Zoning & Project Administrator for the Village, provided the staff report for the application. He informed the Board that the variance would allow for the construction of two 6' high wooden gates and an 8' high deer fence surrounding the rear yard.

Mr. Brown shared that the letter to the Board describes their property as a private, wooded lot. It also states the installation of the gate and fencing is to assure their children and dogs are safe from deer and coyotes.

Mr. Brown stated that the Bishop's letter explains their concerns that a shorter fence that would meet code would not serve the purpose of deterring potentially dangerous animals. The applicant's letter mentions they have seen large eight and twelve point bucks and have heard reports of coyotes in the neighborhood. Additionally, the letter states their dogs are skilled jumpers and have escaped the backyard.

Mr. Brown explained that the southern wooden gate is proposed to be 20' long, attached to the south side of the house near the southwest corner and will be installed from the house to the southern property line. The northern gate is proposed to be 30' long and installed north of the house in the rear yard, near the end of the driveway and would be installed from the retaining wall to approximately 40' from the north property line.

Chair Bardach asked if the applicants were present to speak with the Board. The applicants were not in attendance. Mr. Wolf expressed that he would have questions for the applicant and after

further discussion among the Board, Mr. Lauer stated with the applicants being new residents the applicant could be moved to the next meeting. Mr. Wolf moved to table the application until the next meeting. Seconded by Mr. Rubenstein and the motion carried unanimously.

At approximately 7:19 p.m., Chair Bardach announced the Board would discuss proposed changes to the Village Zoning Code relating to accessory structures. Village Solicitor Kevin Frank stated that the meeting will now be switching over to the Planning Commission.

Mr. Frank stated that input from the Planning Commission is being requested pertaining to accessory structures. The anticipated process being that a draft ordinance would be presented on Monday, November 12 to Village Council which is expected to refer an ordinance back to the Planning Commission for consideration at a December 3 public hearing. Council will likely have its own public hearing in January. He stated the meeting tonight is an additional opportunity to receive input from the Planning Commission prior to the ordinance going to Council.

Mr. Frank stated that various changes to the code have been discussed on a staff level and Law Committee level in detail for about six to eight months or more. He stated the meeting tonight would be to focus on accessory structures as it pertains to size, height, overall aesthetics or appearance. He shared that currently the code states structures cannot exceed 1,000 square feet or 30% of the required rear yard or up to 25% of the principal structure or house on the property. He noted that garages are slightly different in that the size can go up to 1,500 square feet or 25% of the principal structure.

Mr. Frank stated the Board received a survey of other communities that provided copies of codes for their reference and review as this topic is discussed. He stated they should begin discussing what appropriate restrictions are pertaining to size, height and appearance.

Mr. Lauer posed whether or not it is necessary to draw a distinction between garages as an accessory structure. He stated whether it is a shed, garage, or pool house we may want the same restrictions.

Mr. Lauer commented that exterior building materials should be something harmonious with the neighborhood and match some with the principal structure, and some building material would probably be prohibited.

Mr. Lauer stated that the measuring of a backyard may need clarified, in terms of size, noting that it is not appropriate to have a structure that dominates the rear yard. He stated that would look out of place and detrimental to the neighboring property owners.

Ms. Rissover stated that she agreed with Mr. Lauer's points. She also added that the size of the principal structure comes into question over and over. She expressed the easiest way is to utilize the footprint as an even way of measuring, which is spelled out well on the Hamilton County Auditor's website. She stated as to height, it should not exceed the height of the principal residence.

Chair Bardach agreed that the height is the primary concern and he is flexible to adjustments to utilizing the footprint.

Ms. Rissover stated there should also be a height limit. Mr. Brown clarified that the existing height limit is two and a half stories.

Mr. Wolf stated that language is needed that would make the size and height appropriate for the lot and the plan for the accessory structure should be submitted in detail.

There was discussion regarding required rear yard calculations. Mr. Lauer suggested that instead of being based on the required rear yard, it should be based on the actual yard; scaled to fit the property. Mr. Brown added that the Code does have a 50% limitation so that a property owner cannot cover more than 50% of the entire lot with the principal structure and accessory structure.

Mr. Lauer commented that in general it has to be in scale with the lot as to size and height. He expressed that he is not wild about distinguishing between different uses (what is normally incidental to residential use).

Solicitor Frank ask if the Board has any particular guidelines on the height being discussed. Ms. Rissover stated that it needs to be lower so that it does not exceed the primary residence. She stated some neighborhoods are all primarily ranch houses and language should support the accessory structure be no taller than "x" and not to exceed "x".

Mr. Lahrmer stated that the survey of communities has a common height of 15 feet. He stated it could be 15 feet or not to exceed the height of the principal structure.

Ms. Rissover referred to the example on Elbrook of what appears to be a living suite over a garage. Mr. Wolf stated an established height should be stated and anything over that would need the Board's approval.

Mr. Frank stated that conditional use could be helpful. He stated that currently conditional uses go through an extra set of requirements. He stated the thought was perhaps that structures over a certain size or height could be called conditional uses, not banned, and then it would not be all left to variances.

Mr. Lauer stated that he would not want to discourage or eliminate something like an art studio above a garage and that would exceed 15 feet. He stated he thought conditional use would make sense.

Ms. Rissover stated that clarity is needed for the footprint size or the floorspace.

Mr. Frank stated that a standard can be chosen whether it includes all finished spaces or just floorspace. Ms. Rissover and Mr. Lauer both agreed that the footprint makes more sense for both structures.

Mr. Lauer asked for thoughts on building materials. Mr. Wolf stated that he would prefer a detailed plan be made a part of the process to make the request. Discussion was held regarding detached accessory uses.

Ms. Rissover commented that the survey has codes that state anything over 600 square feet require conditional use permits. She also noted she felt that Amberley does not compare with these communities. Mr. Lahrmer stated that the survey was submitted through the Center for Local Government where all members can respond.

Mr. Wolf commented that conditional use would allow the Village to require it over a certain size and could better manage it. Mr. Lauer noted that police and fire access should also be taken into consideration.

Ms. Rissover stated that the only requirements for building materials (on a few of the community surveys) was, for instance, Deer Park requiring the type of material for a roof.

Chair Bardach asked for Mr. Lahrmer thoughts. Mr. Lahrmer stated that the Village should be careful because it does not currently dictate housing styles. He stated the for most accessory structures and detached garages from an aesthetics perspective you would want it to look similar to the house. He noted it would be difficult to say it matches the house versus the neighborhood. He also added that it would be too much to say the brick of the house should be matched. He suggested tying the two structures together would be a preferred way to go.

Mr. Lahrmer commented that the code does not typically dictate a whole lot as to the primary structure and gives us pause on how restrictive to be on an accessory structure. He mentioned whether windows, for example, would be required on an accessory structure.

Mr. Frank stated that the Hamilton County Building Code begins at 200 square feet for obtaining a building permit.

Discussion was held regarding whether to require a foundation or define material for detached garages. Ms. Rissover stated that's where a pole barn can be installed on a bed of gravel, making it more industrial than residential, and expressed any permanent structure should probably be required to have a foundation.

Mr. Lauer stated there was a situation with a temporary structure that almost looked like a tailgate tent with a metal roof. He stated there has to be a way to distinguish—one adds value and one detracts value.

Mr. Rissover noted that there are several pop up garages around the Village. Mr. Lauer stated that if it has to be permanently attached to the ground, what about sheds that are not.

Ms. Rissover stated that this is the opportunity to clarify the code about garages.

Additional discussion was held among the Board in regard to material. Mr. Lauer suggested that it could be that we identify preferred material such as brick, wood, stone siding, stucco, and anything over a certain size would require conditional use. He stated his concern was with structures that have no sides.

After additional discussion, the Board proceeded through the agenda and invited resident James Blust to speak as he had requested.

James Blust, 8455 Lynnehaven Drive, informed the Board that he was really confused because he came to the building department to issue a permit to have a garage built, and under the code he was allowed to build it. He stated he felt that when the Board found out, the whole process was stopped, and he's now unsure how long this will take. He stated that he has money invested, deposits on materials, and is waiting in limbo. He added that he has damages. He stated that there is too much thought going into this and he was opposed to putting restrictions on materials. He stated that he did not want to live in a place where you have to get permission to do everything. He commented that all he wants to do is be able to park his truck in the garage. He asked the Board how long this would take.

Chair Bardach stated that the Board is taking input on the topic but is not answering questions. He then asked if anyone else wished to speak.

Marla James, 8535 Lynnehaven Drive, expressed her appreciation to the Board for the depth of their research and the thought being put into the subject. She stated that she has tried to imagine how she would feel if a large accessory structure was on her property or her neighbors' property. She stated she will look forward to the continuing report of the topic, including the public hearing.

Chair Bardach asked if any others present wished to speak and there was no response.

Mr. Lahrmer stated that council action is anticipated next Monday to refer an ordinance on this topic back to the Planning Commission then a public hearing will be held to take additional comments, and assuming that Planning Commission refers it back to Council, it would move forward at Council's January meeting.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson



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PLANNING COMMISSION
MEETING NOTICE

WHEN: December 3, 2018 at 7:00 PM
WHERE: Amberley Village Municipal Building, 7149 Ridge Road
FROM: Scot Lahrmer, Village Manager

Please be advised there will be a public meeting held by the Amberley Village Planning Commission Monday, December 3, 2018 at 7:00 p.m. in the Council Chambers of the Amberley Village Municipal Building, 7149 Ridge Road. The public meeting will be held to review the following item:

Draft ordinance amending Chapter 154 of the Village Code pertaining to accessory structures. A public hearing will be held for public input.

If you are interested in reviewing the ordinance you may do so by contacting the Administration Office at 531-8675 Monday through Friday, 8:00 a.m. to 4:00 p.m. or visit the Amberley Village Municipal Building, 7149 Ridge Road or you may attend the December 3, 2018 Planning Commission public meeting. If you should have any questions, please feel free to contact Scot Lahrmer at (513) 531-8675.

cc: Members of the Planning Commission
Mayor Thomas C. Muething
Amberley Village Council Members
Scot F. Lahrmer, Village Manager
Kevin Frank, Wood & Lamping LLP
Village Posting Boards (5)
Cincinnati Enquirer

POSTED 11/19/2018

PASSED:
BY:

ORDINANCE NO. 2018-13

ORDINANCE TO AMEND ZONING CODE AND REGULATION OF
ACCESSORY STRUCTURES

WHEREAS, on October 8, 2018, Village Council enacted a moratorium on certain accessory structures pending an investigation and study of the existing Zoning Code in order to regular such structures in a manner that allows the reasonable use of one's property while limiting adverse impacts from that use on neighboring properties;

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 154.12 of the Municipal Code of Ordinances is amended to read as follows:

§ 154.12 ACCESSORY STRUCTURES.

(A) No accessory structure shall be erected in a ~~ny required~~ front yard.

(B) No accessory structure shall be erected in any side yard within a distance from the near side lot line less than the least width of the side yard required for the principal building ~~and its principal access may not face any street, road, or highway.~~

(C) Accessory buildings may be built in a ~~required~~ rear yard not nearer to a rear or side lot than the side yard requirement for such ~~lot the principal building. Principal access may not face any street, road, or highway.~~

(D) Individual enclosed A accessory structures that are not open to the sky shall not cover a total of more than ~~30% of a required rear yard without prior approval of the~~

Board of Zoning Appeals 200 square feet. 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. No combination of accessory structures, whether enclosed or open to the sky, shall have an aggregate floor space greater than 50% percent of the principal structure, or greater than 50% of the required rear yard, whichever is less.

(E) On a corner lot, no accessory building shall project beyond the front yard line on either street.

(F) No accessory building shall be constructed on a lot until construction of 50% or more of the principal building has been completed.

(G) The principal access of an accessory structure, such as primary access doors to a shed or garage, may not face a street.

(H) No accessory structure shall be located in a public right of way or utility easement.

(I) Accessory structures cannot be used as a dwelling, and may not be used as part of a home business or home occupation. Residential accessory structures may only be used in a manner consistent with, and incidental and subordinate to, the principal use on the property.

SECTION 2: Section 154.121 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

§ 154.121 CONDITIONAL ACCESSORY STRUCTURES.

(A) Purpose. 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. It is important to preserve property values and the quality of the residential environment. 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. The Village recognizes that some structures could be constructed in excess of the restrictions set forth in Section 154.12 while still promoting the Village's goals, and that many properties are unique such that no rule will apply equally to all properties. It is the Village's intent to allow for some structures which may exceed said restrictions as long as the Board of Zoning Appeals determines that the structures are of an appropriate size, height, construction, dimensions, and appearance so as not to detract from the stated goals.

(B) Notwithstanding the restrictions set forth in Section 154.12, accessory structures may be constructed or maintained in excess of said restrictions if the applicant demonstrates that all of the following conditions are satisfied as determined by the Board of Zoning Appeals:

(1) The construction and use of the structure will not be detrimental to the peaceful use and occupancy of nearby properties.

(2) The construction and use of the structure will not have a detrimental effect upon the property values in the neighborhood.

(3) The design and appearance of the structure will not have an adverse impact on the residential quality of the neighborhood.

(a) The appearance and construction of accessory structures shall compliment and be consistent with the appearance and architectural style of the principal structure on the same lot, as well as generally with accessory structures on adjoining and nearby properties. Accessory structures must appear, and be used in a manner that is, subordinate to the primary structure.

(b) The design, appearance, and construction of accessory structures should be consistent with and complement the principal structure and the residential character of the neighborhood, including the use of similar building materials, colors, and type of construction. Siding and exterior walls and roofs must approximate the size, color, appearance, and materials as exists on the principal structure and shall be residential in character. Vertical siding should not be utilized unless it comprises less than 30 percent of the surface area of the entire structure, unless a greater percentage of vertical siding is also used on the principal structure on the same lot in which case the percentage shall be substantially similar. If the principal structure has brick siding, an accessory structure must either: (1) use similar brick or masonry materials on the front of the structure, and brick or masonry trim or accent elements matching similar components on the principal structure; or (2) use siding materials resembling at least one other non-brick accessory structure on an adjacent property. The color and texture of exterior wall materials of an accessory structure must be similar to, although not exactly the same as, the principal residence.

(c) All siding and exterior walls must be residential in character. If vinyl, metal, or similar materials are used, it must simulate wood in appearance, such as using bevel or lap siding.

(d) Roof lines and roofing materials on the accessory structure must be substantially similar to that on the principal structure. Flat roofs are not permitted on an accessory structure unless at least half of the principal structure has a flat roof.

(e) Windows must be placed on at least two walls of an accessory structure. The size and dimensions of windows on an accessory structure must be proportionate with the principal structure.

(f) Avoid large expanses or areas of a single material, color, or texture. Use windows and other architectural features to break up a monotonous plane.

(g) Structures must be made of durable materials that have an attractive appearance suitable for the residential area in which the structure is located. Varied architectural styles are encouraged provided that neighborhood compatibility and

architectural integrity are maintained. Structures must be made of such materials, textures, and details that contribute to the visual interest of the structure and to avoid monotony. It is not the intent of the Village to require or prohibit a specific building material, except as otherwise stated herein, as long as materials are utilized to enhance, and not detract from, the aesthetics and property values.

(h) Residential structures should appear consistent with similar buildings in the immediate area, and shall reflect a consistent suburban aesthetic. Structures that are rural, agricultural, commercial, or industrial in character, or appearance, or use are not permitted unless they are expressly permitted.

(4) Carports may only be used for the parking of vehicles and not for storage of other personal property. Storage of personal property, other than vehicles, must be in an enclosed structure.

(5) An accessory structure may contain a dwelling unit or other space fit for human habitation if it meets all other conditions or requirements.

(B) Applications for conditional approval of an accessory structure under this section shall comply with the following:

(1) Applications must be submitted to the Village Manager on a form provided by the Village. If the Village Manager determines the application is complete, a hearing shall be scheduled at the next available meeting of the Board of Zoning Appeals at least 21 days after the determination to allow for proper notification to interested parties. Upon scheduling a hearing, the Village Manager shall cause notice of the hearing to be provided to interested parties in the same manner as for applications for variances before the Board of Zoning Appeals.

(2) The application shall include the following information at a minimum:

(A) Plot Plan drawn to scale showing:

(i) Property lines and dimensions.

(ii) All existing and proposed structures and their dimensions.

(iii) Distances from nearby property lines and the principal structure relative to all accessory structures, existing or proposed.

(B) Construction Details:

(i) Building height.

(ii) Whether a foundation, slab, or other such support will be utilized.

(iii) The method for anchoring or securing the structure to the ground.

(iv) Elevation views and grade lines.

(v) Materials to be used in construction, including but not limited to the color and appearance of the completed structure, and materials to be used for exterior walls, siding, and roofing, if any.

(3) No construction or site preparation is permitted until final approval by the Board of Zoning Appeals.

(4) All work must be performed in accordance with the application, plans, and other information submitted to the Village unless otherwise modified by the Board of Zoning Appeals.

(C) Structures approved under this section constitute a conditional use on the property upon which the structure is situated. Upon approval by the Board of Zoning Appeals, the Village Manager will issue the property owner upon which the structure is located a written conditional use permit which incorporates said approval. Noncompliance with the permit is cause for revocation of the permit as determined by the Village Manager. The permit runs with the land unless revoked or terminated as provided for herein.

(D) Upon consideration of an application for a conditional use, the Board of Zoning Appeals may approve the application, deny the application, or approve the applications with conditions.

SECTION 3: Section 154.25 of the Municipal Code of Ordinances is amended to read as follows:

§ 154.25 USE REGULATIONS.

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

(1) Single-family dwellings. ~~Garages which are part of the dwelling must not have their principal access face street, road or highway.~~

(2) Public water tower or reservoir;

(3) Farms, provided that no farm animals shall be kept on any property that is smaller than ten acres.

(B) *Accessory uses.*

(1) Home occupation. A professional or business activity conducted in a dwelling unit, provided:

(a) No person other than members of the family residing on the premises, and one additional individual at any one time who need not be a member of the family, shall be engaged in such occupation;

(b) The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and if unattached, positioned on the premises with the bottom at a height not exceeding 12 inches.

(d) No home occupation shall be conducted in any accessory building. Except for automobiles used in connection with the home occupation, no tools, equipment, implements, machinery, supplies, inventory or product of a home occupation shall be stored on the premises unless stored in the principal dwelling or in an accessory building located on the premises;

(e) There shall be no sales made in connection with such home occupation to customers who come onto the premises;

(f) Homeowner operated service businesses are permitted subject to restrictions within these regulations.

(g) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;

(h) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receiver, telephone, garage door opener, etc. off the premises, or causes fluctuations in line voltage off the premises;

(i) Any person wishing to conduct a home occupation shall apply for an accessory use permit from the Village Manager, submitting all information as required by the Village Manager to demonstrate that the provisions of this section will be met. The Village Manager may issue a permit to the applicant for a period of not more than two years. Upon expiration of the permit, the Village Manager may issue a new permit if satisfied that the applicant continues to be in compliance with the provisions of this section. A permit may be revoked at any time the Village Manager determines that the provisions of this section are not being met by the permit holder. Before issuing a permit, the Village Manager shall collect a fee of \$10.

~~(2) Accessory buildings and uses customarily incidental to single family occupancy. No accessory building or garage shall be constructed in such manner that its principal access faces any street, road or highway. Except as hereinafter provided for garages, no accessory building shall have floor space in it greater than 1,000 square feet or 25% of the floor space of the principal residence located on the property where the accessory building is located, whichever is less.~~

~~(32) Unless upon application the Planning Commission has authorized a larger space: Garages.~~

~~(a) No structures or buildings, whether an accessory to or part of or attached to a dwelling, containing bays or areas designed or used for storage of automobiles, other motor driven vehicles or trailers, shall be constructed singly or in combination so as to contain more than 1,000 square feet of floor space or floor space to accommodate more than four automobiles, other motor driven vehicles or trailers, whichever is less. Attached garages may not exceed 1,500 square feet or 40% of the floor area of the remaining principal structure, whichever is less. A garage may not have its principal access face a street. Detached garages are treated as accessory structures.~~

(b) No automobiles, other motor driven vehicles or trailers shall be parked or stored in such structures or buildings unless owned and used by the occupants of the dwelling to which the structure or building is accessory or is a part of or attached.

~~—— (c) The above restriction shall not include or be applicable to any area intended for the storage of lawn equipment provided the floor space of such area is no greater than 500 square feet.~~

(4) Pools. See [Ch. 98](#), § [98.01](#) and § [98.02](#).

(5) Temporary buildings for uses incidental to construction work, which buildings shall be removed on completion or abandonment of the construction work.

(6) Bulletin boards and signs as follows:

(a) Church or public building bulletin boards not exceeding ten square feet in area.

(b) Temporary signs not over 40 inches from the ground and not exceeding six 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.

(c) Small announcements or professional signs not over one square foot in area;

(d) Highway directional and traffic safety signs erected and maintained by public agencies;

(e) Outdoor election signs, provided that they may not be erected prior to four weeks before the day of 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;

(f) 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.

(7) No equipment or process shall be used as a hobby or vocation which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receiver, telephone, garage door openers, etc. off the premises, or causes fluctuations in line voltage off the premises.

(C) *Conditional uses.* Buildings, and village owned land, designed to be occupied by or to serve the general public may be constructed and/or utilized in Residence A and Residence B Districts provided they are authorized pursuant to a conditional use permit granted by the Board of Zoning Appeals. Public buildings subject to the conditional use permit regulations are: libraries, museums, community buildings, municipal buildings, police or fire stations, churches, and off-street parking to service such structures. The Board of Zoning Appeals may grant a conditional use permit for any of the foregoing structures if, upon application by the instrumentality that proposes to construct and operate the building and after a hearing, the Board of Zoning Appeals determines the following:

(1) The construction and operation of the proposed public building will not be detrimental to the peaceful occupancy of proximate dwelling houses;

(2) The construction and operation of the public building will not have a detrimental effect upon the property values in the neighborhood;

- (3) The design of the proposed public building is such that it will not have an adverse impact upon the residential quality of the neighborhood;
- (4) The public building will have off-street parking on the same parcel of land equal to one parking space for each three seats of seating capacity in the structure, or one parking space for each 200 square feet of floor space in any building which does not provide seating capacity. The off-street parking shall be set back a minimum of 100 feet from all abutting streets and a minimum of 25 feet from any lot line of any contiguous lot;
- (5) If the plan for a public building includes a fenced area to be used for outdoor games, recreation or play, the fenced areas designed for these uses shall be set back from all lot lines by a distance of at least 50 feet;
- (6) Any use authorized by the Board of Zoning Appeals as a conditional use shall not be used for any bazaar, fete or any other such outdoor activity and provided further that said land and building shall not be used for any commercial activity unless sponsored or directed by the regular and primary occupant of said building. As used herein, **COMMERCIAL** shall mean having financial profit as its primary aim but shall not include the renting of facilities for religious occasions, to charitable or civic organizations for meetings or to individuals or groups for weddings, anniversaries and other similar celebrations.

SECTION 4: Section 154.30 of the Municipal Code of Ordinances is amended to read as follows:

§ 154.30 USE REGULATIONS.

~~Uses permitted~~All zoning regulations for the Residence B District shall be the same as those in the Residence A District as provided in § 154.25 unless otherwise provided for herein in the Zoning Code. as well as to The following additional conditional uses ~~which~~ must meet the same standards for conditional uses set forth in § 154.25(C).

(A) Schools, including public elementary schools and high schools and educational institutions having curricula ordinarily found in public schools, and recognized by the Ohio Department of Education as offering curricula sufficient to satisfy the requirements of any existing compulsory education laws of the State of Ohio. The off-street parking requirements outlined in § 154.25(C) do not apply to schools; instead, schools must provide sufficient off-street parking capacity to accommodate teachers, staff and visitors.

(B) Private recreational facilities, other than country clubs and golf courses, not operated for profit or as a commercial venture, which are located on a lot having a minimum area of four acres, and which provide off-street parking, in accordance with § 154.25(C).

SECTION 5: Section 154.26 of the Municipal Code of Ordinances, which reads as follows, is repealed:

§ 154.26 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories or 35 feet in height, except as provided in § 154.51.

SECTION 6: Section 154.31 of the Municipal Code of Ordinances, which reads as follows, is repealed:

§ 154.31 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories or 35 feet in height, except as provided in § 154.51.

SECTION 7: Section 154.51 of the Municipal Code of Ordinances is amended to read as follows:

EXCEPTIONS, ~~AND~~ MODIFICATIONS, AND ADDITIONAL RULES FOR ALL DISTRICTS

§ 154.51 HEIGHT ~~EXCEPTIONS~~ REQUIREMENTS.

(A) Residential structures.

(1) Principal structures in residential areas may not exceed 35 feet in height.

(2) Accessory structures in residential areas may not exceed 16 feet in height, or up to the same height as the principal structure, whichever is less.

(B) Non-residential structures.

(1) Non-residential Sstructures may not exceed 35 feet in height unless otherwise allowed in the Zoning Code. other than dwellings, heretofore mentioned in any district as permitted, may exceed the height limit of 35 feet on approval of the Board of Appeals, subject to all other regulations of this Zoning Code.

~~—(B2)—~~Public, semi-public, or public service buildings, hospitals, institutions, churches, or schools, when permitted in a residential district, may be erected to a height not exceeding 60 feet, if the building is set back from each yard line at least three feet for each foot of additional building height above the height limit otherwise permitted in the district in which the building is to be located.

(C) ~~The h~~Height limitations ~~contained in the district regulations~~ do not apply to spires, belfries, cupolas, water tanks, cooling towers, elevator penthouses, ventilators, chimneys, stacks, radio towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(D) For the purposes of height ~~regulations~~measurements, a basement shall not be counted unless more than three feet six inches of its height projects above grade at the front building line, in which case it shall be counted ~~as a half story~~.

SECTION 8: That this Ordinance is declared to be emergency legislation, necessary for the immediate preservation of the public peace, health, and safety. Such emergency is necessary to implement new zoning regulations in response to a temporary moratorium enacted by Village Council and to enable the termination of the moratorium as soon as possible to release restrictions on the use of residents' properties.

Passed this ____ day of _____, 2018.

Mayor Thomas C. Muething

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: ____ Second: ____

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

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of _____, 2018, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council

2684451.1

Survey of Communities' Accessory Structure Regulations
Prepared by Amberley Village Staff, October 2018

Community	Maximum Height	Maximum Square Footage	Required Setback	Regulate Exterior Building Material	Square Footage Singly or in Combination	Required Rear Yard Max Percentage	Other Code Requirements
Amberley Village	Two and one half stories or 35' all structures	Storage 1,000 sqft or 25% of principal structure, garages 1,500 sqft (1,000 for vehicles and 500 sqft for storage)	12' or 20' from side and rear lot line depending on zoning district	Not regulated	Combination	30%	No accessory structure shall be erected in a required front or side yard, an accessory structure may be built in a required rear yard not nearer to a rear or side yard requirement for such lot, principal access may not face the street, on a corner lot, no accessory building shall project beyond the front yard line on either street, no accessory building shall be constructed on a lot until construction of 50% or more of the principal building has been completed
Anderson Twp.	1.5 stories or 15'	NA	Detached 3' side & rear, Attached 60' all lot lines	NA	Singly	30%	Detached accessory building shall be in rear yard
Bellbrook	300 sqft 1 story or 12', 600 sqft 15'	Single Family 600 sqft	60' front, 8 side and rear, 10' from an alley	NA	Singly	NA	Shall not be erected in required side or front yard,
Colerain Twp.	3 stories	No accessory building shall occupy more of lot than principal building	10' from all lot lines	NA	Combination	30%	Shall not occupy more of the lot than principal building, total of all accessory structures shall not cover more the 30% or rear yard
Deer Park	Garages 16', all others 12'	576 sqft	10' from dwellings and accessory structures on same lot, 3' from side and rear lot lines	Roofing shall be shingled or standing metal seam roof, exterior material shall be vinyl or aluminum siding, brick, natural stone, wood and cement or simulated wood appearance	Combination	35%	Limit 2 accessory structure or 1 in conjunction with a detached garage
Dublin	Less than 1 acre 18', 1 to 5 acres 22', over 5 acres max height of principal structure	Not to exceed 25% of the gross floor area of principal structure	All accessory structures shall be constructed within the buildable area of a lot and to the rear or side of the principal structure	NA	Combination	NA	Over 5 acres, single structure in excess of 2,000 sqft, setback as required for principal structure plus 25' per 250 sqft over 2,000 sqft, attached and detached accessory structures that exceed 200 sqft shall be coordinated with those of the principal structure
Fairfield	1 story or 15'	NA	NA	NA	Singly	NA	

Survey of Communities' Accessory Structure Regulations
 Prepared by Amberley Village Staff, October 2018

Community	Maximum Height	Maximum Square Footage	Required Setback	Regulate Exterior Building Material	Square Footage Singly or in Combination	Required Rear Yard Max Percentage	Other Code Requirements
Green Twp.	19.5'	Not to exceed 1,032 sqft	5' from property line, storage barn or shed that do not require a permit shall be no closer than 3'	NA	Singly	30%	No accessory use or structure shall be located in the front yard or side yard, total combination area of all accessory structure shall not occupy more than the 30% or the required rear yard, if the principal structure is 200' from the right of way, an accessory structure may be located in a front or side yard if it is 100' from the right of way, swing sets and similar structures shall be 10' from all property lines and not over 10' high
Greenhills	14.5'	Not to exceed 1,032 sqft	3' from property lines	NA	Combination	30%	No accessory structure may be use as a dwelling, shall not be located in a front or side yard, accessory structures located within 6' of the principal structure shall not be considered detached and shall be subject to the same minimum setbacks as principal structure
Indian Hill	30'	Not more than 20%of the rear yard	Front 90' or 120' depending on zoning district	NA	Combination	20%	Shall not cover in aggregate more than 20% of a required rear yard, No accessory structure may be erected in any required front or side yard, all structures and impervious surfaces shall not cover more than 20% or 25% of the area of the lot, depending on zoning district, Accessory structures must not be less than 20' from other structures on the same lot
Loveland	15'	Lots less than 1 acre 601 sqft to 1,200 sqft,	200 sqft or less shall be 6' from lot line, greater than 200 sqft shall be 15' from lot line	Accessory structure greater than 200 sqft shall not be constructed with metal façade and shall be complementary to the principal structure	Combination	35%	Accessory structures over 600 sqft must be granted a conditional use approval, property with access to two or more streets shall be adequately screened to reduce the visual impact to the surrounding homes
Madeira	15' or 20' depending on zoning district	600 sqft or 800 sqft depending on zoning district	4' from side or rear lot line	NA	Combination	Na	Accessory structures shall be located in the side or rear yard, children's play structures or which contains pets or animals shall be not located in the front yard
Mason	15' in residential districts	Not to exceed 35% of gross floor space of the principal structure	10' 15' or 20' depending on zoning district	NA	NA	35%	No accessory structure shall be erected in any required yard, accessory structures are not permitted in front yard the maximum impervious surface ratio 35% or 50% depending on zoning district. Height limitation do not apply to farm buildings, however such structure shall not cover more than 25% of the lot and shall be 50' from all lot lines

Survey of Communities' Accessory Structure Regulations
Prepared by Amberley Village Staff, October 2018

Community	Maximum Height	Maximum Square Footage	Required Setback	Regulate Exterior Building Material	Square Footage Singly or in Combination	Required Rear Yard Max Percentage	Other Code Requirements
Middletown	1 story or 15' for detached, height may increase to 18' if the exterior material is similar to the principal structure	No maximum square footage for accessory structures in residential districts	6' from all buildings on same lot, 3' from all lot lines, additional setbacks may be required per building or fire codes	NA	Singly	35% rear yard	In no case shall an accessory structure be taller than or have a larger foot print than the principal structure, all accessory structures must be in side or rear yard
Pierce Twp.	Less than 1 acre 18', 1 acre or greater 35'	258 sqft garage/200 sqft other structure, 864 sqft garage /200 sqft other structures, 1,000 sqft garage /300 sqft other structures, 1,500 sqft garage/ 500 sqft other structures depending on size of lot	5' from all lot lines	NA	Singly	NA	20,000 sqft lot 528 sqft detached garage/200 sqft other structures, 20,001 sqft lot 864 sqft detached garage/200 sqft other structures, 1 acre 1,000 sqft garage/300 sqft other structures, 2 to 5 acres 1,200 sqft detached garage/500 sqft other structures, 5+ acres 1,500 sqft detached garage/500 sqft other structures. For corner lots, accessory uses that are restricted to the rear yard may be located in a front yard on the rear side of the principal building and setback a minimum of 20' from the right of way
Sharonville	Shall not exceed 14'	Detached shall not exceed 500 sqft in any residential district	Not closer than 25' from buildings or street right of way, 5' from side or rear lot lines	Na	Singly	Na	Shall not be erected in a required front yard