

ORDINANCE NO. 2017-1

ZONING TEXT AMENDMENT TO ADOPT REVISED PART  
ELEVEN – PLANNING AND ZONING CODE OF THE CODIFIED  
ORDINANCES OF BLUE ASH, IN ITS ENTIRETY AND TO  
ADOPT A NEW ZONING MAP

WHEREAS, the City of Blue Ash has decided to update its development regulations to reflect the ideas contained with the 2015 City of Blue Ash Land Use Plan; and

WHEREAS, the City worked with McBride Dale Clarion since the Land Use Plan was adopted in June 2015 to evaluate the City's existing land use and development patterns and devise the most appropriate regulatory means to accommodate the Land Use Plan goals; and

WHEREAS, the Planning Commission reviewed proposed zoning code language and a proposed map at its meetings throughout 2016; and

WHEREAS, the procedure for consideration of amendments to the District Map is encompassed under Chapter 1127 of the Planning and Zoning Code of the Codified Ordinances of the City of Blue Ash, Ohio; and

WHEREAS, the Planning Commission of the City of Blue Ash, as reflected in the minutes thereof dated October 6, 2016, has recommended approval of the Zoning Map as proposed; and

WHEREAS, the proposed Zoning Code and Map have been available on the City's website; and

WHEREAS, notice has been given in conformance with Section 731.22 of the *Ohio Revised Code* via publication in the Northeast Suburban Life-Press on November 30, 2016; and

WHEREAS, a public hearing pursuant to said notice was held before the Council of the City of Blue Ash, Ohio, on January 12, 2017.

Be it ordained by the Council of the City of Blue Ash, Ohio,

SECTION I.

Part Eleven - Planning and Zoning Code of the Codified Ordinances of Blue Ash, including the Zoning District Map referenced in Section 1129.03, are hereby adopted. All provisions of the Planning and Zoning Code shall apply to all lands within the City of Blue Ash. It is hereby determined that the new Planning and Zoning Code will not be detrimental to the public peace, health, safety or general welfare, and that it is in the best interest of the City of Blue Ash, Ohio.

SECTION II.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of City Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PHYSICS 439, SPRING 2008

PROBLEM SET 10

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

PHYSICS 439, SPRING 2008

PHYSICS 439, SPRING 2008

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PROBLEM SET 10

PHYSICS 439, SPRING 2008

PROBLEM SET 10

SECTION III.

This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 26<sup>th</sup> day of January, 2017.

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Lee Czerwonka, Mayor

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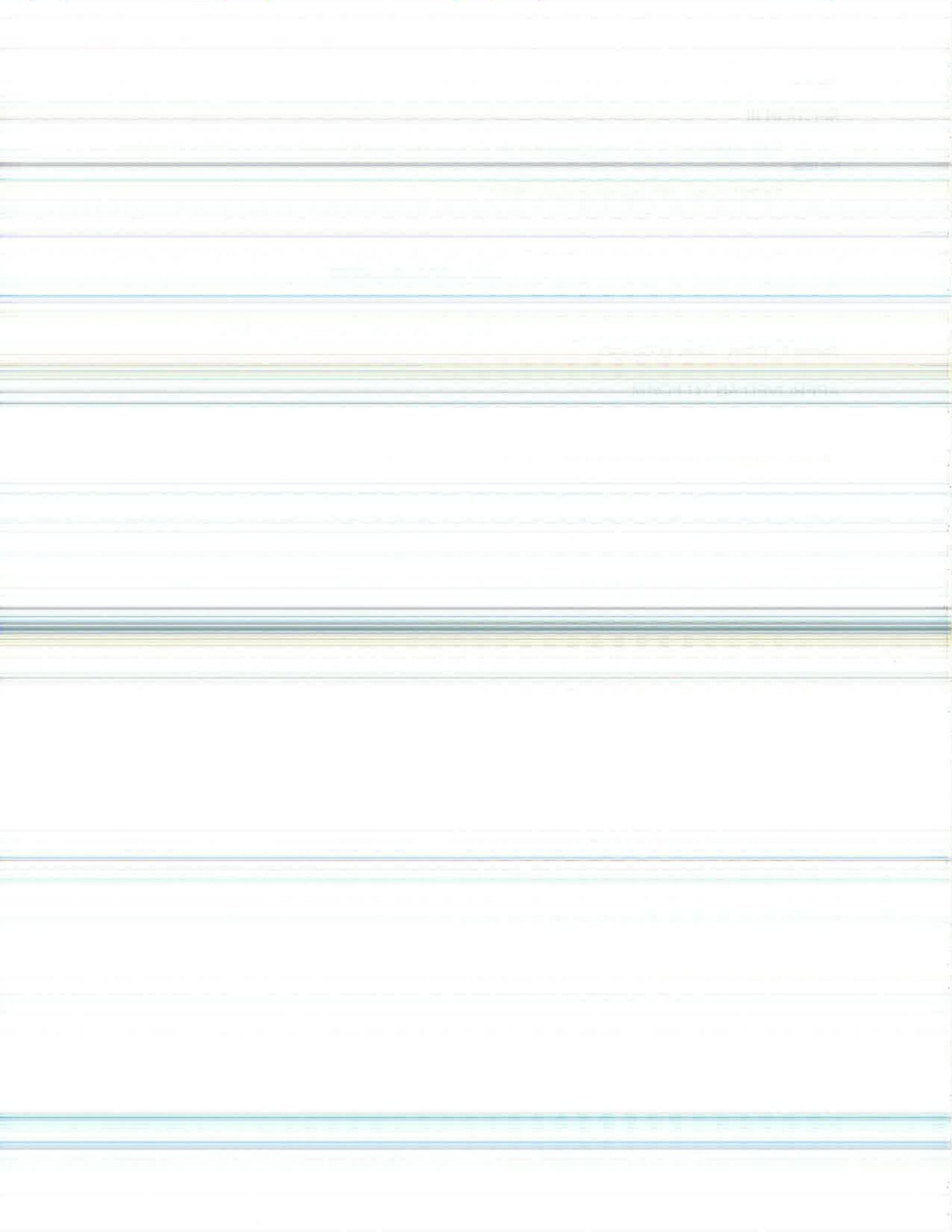
Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

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Bryan E. Pacheco, Solicitor









**FIRST READING: January 12, 2017**

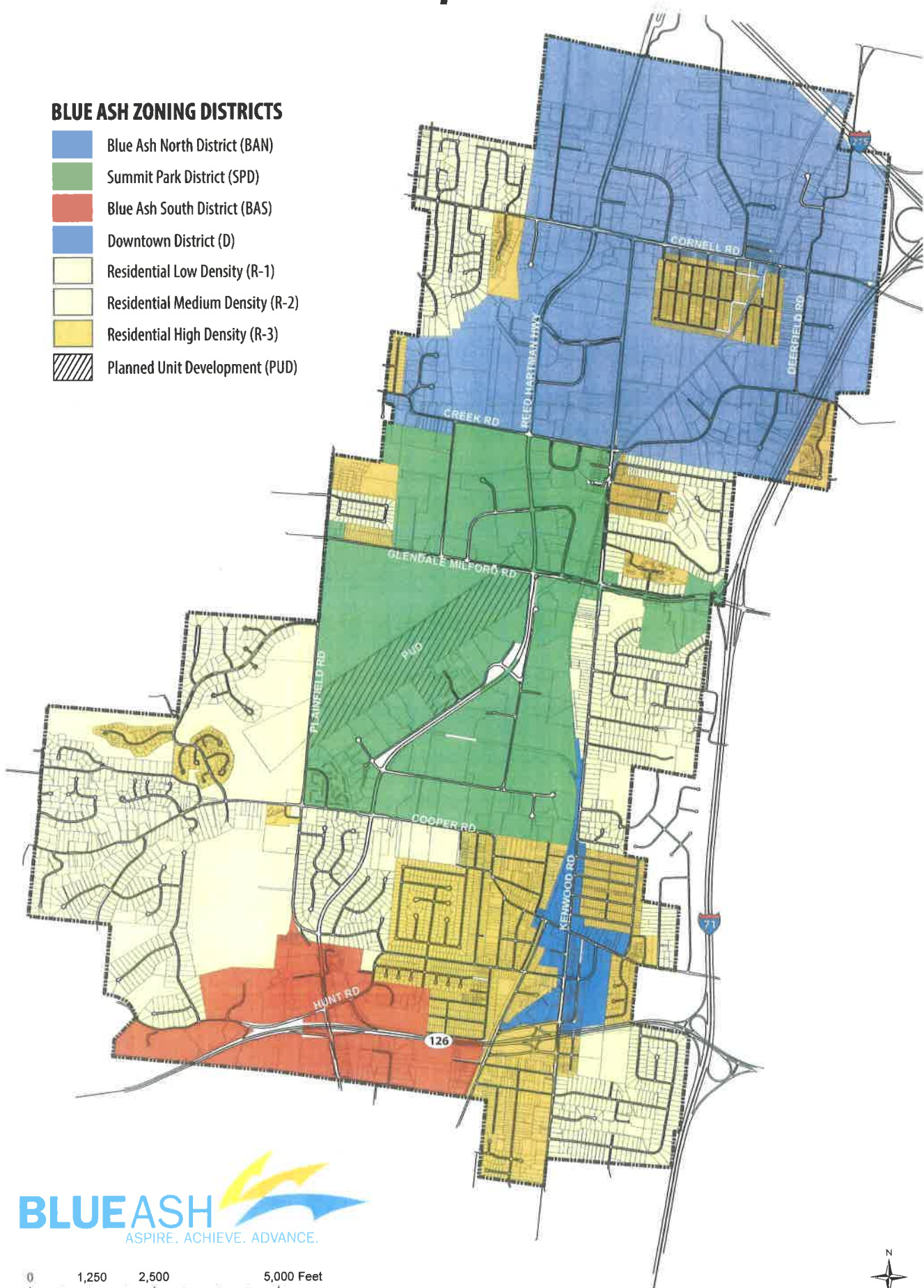


# ZONING DISTRICT CLASSIFICATION

## Proposed

### BLUE ASH ZONING DISTRICTS

-  Blue Ash North District (BAN)
-  Summit Park District (SPD)
-  Blue Ash South District (BAS)
-  Downtown District (D)
-  Residential Low Density (R-1)
-  Residential Medium Density (R-2)
-  Residential High Density (R-3)
-  Planned Unit Development (PUD)



ORDINANCE No. 2017-1  
January 26, 2017





# **Codified Ordinances of the City of Blue Ash**

## Part Eleven – Planning and Zoning Code

City Council Adoption Draft  
November 18, 2016



1900

of the City of New York

and the Board of Health

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**TITLE ONE – SUBDIVISION REGULATIONS**  
 Chap. 1105. Plat Procedure and Standards

**CHAPTER 1105: PLAT PROCEDURES AND STANDARDS**

**1105.01 DEFINITIONS**

For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

<b>C</b>	
City Engineer	A licensed civil engineer employed by contract or as a payroll employee of the City of Blue Ash, to represent the City in civil engineering matters.
Commission	The Planning Commission of Blue Ash.
<b>M</b>	
Master Plan	the Master Plan (aka the Comprehensive Plan) for the City of Blue Ash, as adopted by Council.
<b>S</b>	
Subdivision	<p>The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future of transfer of ownership. However, the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where the sale or exchange does not create additional building sites, shall be exempted; or</p> <p>The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any streets, except private streets serving industrial structures; or</p> <p>The division of allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public utilities. <i>(Ord. 2003-1. Passed 3-13-03)</i></p>

**1105.02 APPROVAL OF SUBDIVISION PLATS**

- (a) Except as provided in subsections (b) and (c) hereof, every subdivision of land within the City shall be shown upon a plat and submitted to the Planning Commission for approval or disapproval. Any plan which has been approved by the Commission shall be reported to the Council for its consideration, approval or disapproval. If the Commission does not approve the plat, it may then be approved by the Council only upon five (5) votes of Council. No plat shall be recorded in the office of the recorder of deeds and no lots shall be sold from the plat unless and until approved as hereinabove provided.
- (b) A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five (5) lots after the original tract has been completely subdivided, may be submitted to the City Manager for the purpose of reviewing the proposed division. If the City Manager is satisfied that the proposed division is not contrary to applicable platting, subdividing, Master Plan or zoning regulations, he/she shall within a reasonable time after submission of the proposed division approve same, and on presentation of a conveyance of the parcel, stamp the same "BLUE ASH PLANNING COMMISSION APPROVED NO PLAT REQUIRED". The City Manager may require the submission of a plan and such other information as is pertinent to his/her determination hereunder.

- (c) Plats for subdivision shall not be required for subdivisions not involving the opening or extension of any street or easement of access and in which past subdivision and development has so far proceeded that the preparation and recording of a plat would serve no public or planning purpose. The City Manager shall be authorized to approve conveyances without a plat in these cases. In case of doubt, the City Manager may refer the question to the Commission. If the City Manager refuses approval in these cases, the applicant may appeal to the Commission. (*Ord. 2003-1. Passed 3-13-03.*)

### 1105.03 PRELIMINARY PLAN

- (a) In seeking to subdivide land into building lots, or to dedicate streets or land for public use, or to subdivide land into building lots, together with the dedication or reservation of public or private streets respectively, the subdivider shall submit nine (9) copies of a preliminary plan to the City Manager for referral to the Planning Commission. In addition, one black and white copy of the preliminary plan reduced to eight and one-half inches by eleven inches (8 1/2" x 11") size shall be submitted. Copies of the preliminary plan shall be presented to the City Manager fourteen (14) days prior to the date of the Commission meeting at which the plan is to be considered.
- (b) Plats containing three (3) lots or less may be exempted from the provisions of this section.) The preliminary plan shall show:
- (1) A vicinity sketch map showing the location of the area being platted as it relates to the rest of the City.
  - (2) The location of present property lines, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions of land immediately adjacent thereto.
  - (3) The proposed location and width of streets, lots, building lines and easements, and the square foot area of each lot.
  - (4) Existing storm and sanitary sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and storm drainage and sanitary sewers or outlets are to be indicated upon the plan.
  - (5) The title under which the proposed subdivision is to be recorded and the name of the subdivider.
  - (6) The names and boundaries of all adjoining subdivisions and the names of record owners of adjoining parcels of land.
  - (7) Contours with intervals of five (5) feet or less, with elevations referenced to sea level.
  - (8) North point, scale (which shall be no more than 100 feet to an inch from an accurate survey and on one (1) or more sheets whose dimensions are twenty-four (24) inches by thirty-six (36) inches, and date.
  - (9) The zoning district or districts that affect the property to be subdivided.
  - (10) Plans or written and signed statements generally describing and specifically assuring the provision of water service, sanitary sewer service, electric service, streets, storm water drainage facilities and other proposed improvements, such as sidewalks, planting, parks, street lighting and fire hydrants, all in compliance with applicable ordinances, requirements or rules and regulations of the City and of appropriate private companies and other governmental agencies.

- (c) Preliminary plans not containing all data of subsection (b) hereof shall not be approved. Preliminary plans shall be approved by the Commission and the Council in accordance with Section 1105.02.
- (d) Approval of the preliminary plan does not constitute an acceptance of the subdivision by the City. One (1) copy of the approved preliminary plan, signed by the Chairperson of the Commission and the Mayor, shall be retained with the approving ordinance in the files of the City. One (1) signed copy shall be given to the subdivider.
- (e) Receipt of this signed copy is authorization for the subdivider to proceed with the preparation of plans and specification for the minimum improvements required in Section 1105.12, and with the preparation of the final plat. Prior to the construction of any improvements required in Section 1105.12, or to the submission of any bond or letter of credit, the subdivider shall furnish the City Manager all plans, information and data necessary for the improvements. These plans shall be examined by the City Manager or his/her designee(s) and will be approved if in accordance with the requirements of Section 1105.12 and of the Cincinnati Water Works and the Metropolitan Sewer District of Greater Cincinnati where made applicable by the provisions of Section 1105.12. A plan shall also be prepared for sedimentation control and prevention of soil erosion as required by Chapter 1323 of the Codified Ordinances; construction of improvements may not commence until this plan is approved by the City Manager or his/her designee; the City Manager shall have the option of also referring the plan to and conditioning approval upon compliance with provisions of the District Conservationist, Soil Conservation Service, U.S. Department of Agriculture. Following these approvals, construction may be started and the amount of bond or letter of credit determined. (*Ord. 2003-1. Passed 3-13-03*)

#### **1105.04 FINAL PLAT**

- (a) If the final plat conforms to the approved preliminary plan, and if the necessary improvements are constructed in accordance with the approved plans therefor or a satisfactory bond or letter of credit is submitted assuring their construction in accordance with the approved plans, the final plat may be approved by the Planning Commission and Council.
- (b) The final plat on tracing cloth, Mylar or other medium acceptable to the Hamilton County Recorder and nine (9) copies thereof together with copies of any deed restrictions where such are too lengthy to be shown on the plat, and three (3) prints of certified plans showing the improvements that have been constructed within the subdivision, or a bond or letter of credit assuring construction of the improvements in accordance with plans previously approved, shall be submitted to the Commission via the City Manager fourteen (14) days prior to the date of the Commission meeting at which the plat is to be considered. Before approving the plat of all or part of a proposed subdivision, the Council shall require proof that the improvements required in Section 1105.12 have been satisfactorily completed. The approval of the Commission shall be shown on the plat with the date of the approval and over the signature of the Chairperson of the Commission. The approval of the Council shall be shown on the plat with the date of the approval and over the signature of the Mayor.
- (c) The final plat is to be drawn at a scale of 100 feet or less to the inch from an accurate survey and on one (1) or more sheets whose dimensions are twenty-four (24) inches by thirty-six (36) inches.
- (d) The final plat shall show:
  - (1) The boundary lines of the area being subdivided with accurate distances and bearings;
  - (2) The lines of all proposed streets with their width and names;
  - (3) The accurate outline of any property which is offered for dedication for public use;

- (4) The line of departure of one street from another;
- (5) The lines of all adjoining lands and the lines of adjacent streets with their width and names;
- (6) All lot lines and an identification system for all lots and blocks;
- (7) Building lines and easements for rights of way provided for public use, services or utilities with figures showing their dimensions;
- (8) All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, easements for building lines, and of any other areas for public or private use, the dimensions to be expressed in feet and decimals of a foot;
- (9) Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners;
- (10) All survey monuments together with their descriptions;
- (11) Name of subdivisions and description of property subdivided, showing its location and extent, points of compass, scale of plan, and name of owner or the subdivider;
- (12) Certification by a registered surveyor to the effect that the plan represents a survey made by him/her and that all the necessary survey monuments are correctly shown thereon;
- (13) Private restrictions and trusteeships and their periods of existence. Should the restrictions and trusteeships be of a length as to make the lettering of same on plat impracticable and thus necessitate the preparation of a separate instrument, reference to the instrument shall be made on the plat, and reference shall be contained on the recorded deeds of lots or parcels within the subdivision. Such reference on the plat and on deeds shall contain sufficient explanation of the intent and character of any significant restrictions (for example, noting private common drives or private streets are the responsibility of the property owner(s), and as such are not eligible for City maintenance, including repair and snow and ice removal, and that City refuse trucks will not enter such private drives or streets). Plats shall contain proper acknowledgements of owners and the consent by the mortgage to the plat and restrictions; and
- (14) Before it is recorded, a certificate shall accompany the final plat, showing that all taxes and assessments payable have been previously paid in full and a certificate by a title examiner showing valid ownership of property offered for dedication for public use. (*Ord. 2003-1. Passed 3-13-03*)

#### **1105.05 STREETS AND EASEMENTS**

- (a) The minimum right-of-way width for minor streets shall be fifty (50) feet. The minimum right-of-way width for collector streets, industrial streets and multiple dwelling streets shall be sixty (60) feet. The minimum right-of-way width for major streets shall be 100 feet. The Commission may recommend, and Council may require, wider right of way when warranted for the welfare of the City.
- (b) Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.
- (c) Streets shall be laid out to intersect as nearly at right angles as possible.
- (d) The maximum grade of streets shall be twelve percent (12%); the minimum grade shall be eight tenths percent (0.8%). Changes in grade of major and collector streets shall be connected by vertical curves of a minimum length equal to fifteen (15) times the algebraic difference between the



rates of grade (in feet per hundred); one-half that minimum for minor streets. The minimum horizontal alignment standard, radii of center line curvature, shall be 500 feet for major streets, 200 feet for collector streets and 100 feet for minor streets. A tangent at least 100 feet long shall be used between reverse curves on all except minor streets; in any case, the standard used shall be adequate to ensure safe visibility.

- (e) At street intersections, property line corners shall be rounded by arcs having a minimum radius of fifteen (15) feet. Street curbs or the edges of street pavements shall be rounded by arcs having a minimum radius of twenty-five (25) feet for streets twenty-eight (28) feet wide and thirty-five (35) feet for street thirty-seven (37) feet wide. These minimum radii shall be increased where the angle of intersection is less than sixty (60) degrees, or in other cases where the Commission may determine that an increase is necessary.
- (f) Alleys are not permitted.
- (g) Easements of not less than seven and one-half (7 1/2) feet in width shall be provided where necessary on each side of all rear lot lines and/or alongside lot lines for poles, wires, conduits, storm and sanitary sewers, gas, water and other utility mains. Easements of greater width may be required along or across lots where necessary for the extension of main storm and sanitary sewers and other utilities, and where both water and sewer lines are located in the same easement. (*Ord. 2003-1. Passed 3-13-03*)

#### 1105.06 BLOCKS

- (a) No block shall be longer than 1,500 feet between street lines. The Planning Commission may require crosswalks where blocks are over 750 feet in length. When provided, the right-of-way for the crosswalks shall not be less than ten (10) feet in width.
- (b) Where proper planning dictates, short, dead-end streets (cul-de-sacs) may be used. A cul-de-sac shall not be longer than 1,000 feet, except where approved by the Commission because of topography or other special conditions. A cul-de-sac shall terminate in a circular open space having a minimum right-of-way radius of forty (40) feet, except in subdivisions where the required pavement width is thirty-seven (37) feet, in which case the minimum right-of-way radius shall be fifty-eight (58) feet. A permanent "T" type turnaround may be used in lieu of a ball turnaround when the abutting lots have a depth of 110 feet or less from the normal fifty (50) foot street right-of-way line. A street terminating in a "T" type turnaround shall be limited to serve not more than six (6) lots, and shall be approved by the City Engineer. (*Ord. 2003-1. Passed 3-13-03*)

#### 1105.07 LOTS

- (a) The size, shape, ratio of lot depth to width, and orientation of lots shall be appropriate to the location of the proposed subdivision and the types of development contemplated.
- (b) All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines unless a variation to this rule will give a better street and lot plan. Lots with double frontage shall be minimized.
- (c) No lot shall contain an area less than in accordance with the Zoning Code.
- (d) Corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and the side of the lots adjoining the streets.
- (e) Lots on all street intersections shall have a minimum radius of fifteen (15) feet at the street corner.
- (f) Panhandle lots may be permitted where severe topography, existing surrounding development or other conditions make such lots reasonable and not undesirable as building sites. The strip of land providing access from the building site to the street shall be no less than twenty (20) feet wide at any place. No panhandle shall exceed a length of 800 feet. Any access drive to a panhandle lot not

on a panhandle and in excess of 800 feet shall be subject to review and approval of the Commission. (*Ord. 2003-1. Passed 3-13-03*)

### **1105.08 BUILDING LINES**

Building lines shall be shown on all lots. The building lines shall not be less than required by the Zoning Code. Restrictions requiring buildings to be set back to the building lines shall either be shown on the plat or shall be contained in a separately recorded instrument and referred to on the plat. Such restrictions shall also be recorded on all deeds of lots or parcels within the subdivision. (*Ord. 2003-1. Passed 3-13-03*)

### **1105.09 CHARACTER OF DEVELOPMENT**

- (a) The Planning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdividers as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, and control the type of structures, or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property.
- (b) Subdivision shall fit into and take advantage of natural features of the topography. Existing trees shall be carefully preserved and no tree with a trunk of more than four (4) inches in diameter may be removed without a permit issued by the City Manager or his/her designee except where necessary for grading, streets, driveways, buildings or other improvements shown on the preliminary plan approved in accordance with Section 1105.03. In determining whether a permit shall be issued, the City Manager or his/her designee shall find that tree removal will not be contrary to the public health, safety, welfare and neighborhood character. (*Ord. 2003-1. Passed 3-13-03*)

### **1105.10 RESERVED**

EDITOR'S NOTE: This section is reserved for future legislation

### **1105.11 PROTECTION OF STREAMS**

The subdivider shall make adequate provisions for the purpose of widening, deepening, sloping, improving or protecting any stream or important surface drainage course located in an area that is being subdivided. (*Ord. 2003-1. Passed 3-13-03*)

### **1105.12 IMPROVEMENTS**

- (a) Plans for improvements required shall be prepared by a registered engineer and shall be submitted to the City Manager or his/her designee. The improvements listed in subsection (b)(1) through (9) hereof shall be installed prior to the approval of the final plat, which is prepared for recording purposes. In lieu of actual completion of the improvements except those improvements which must be completed in order to make functional parts thereof, the subdivider may file with the City Treasurer a surety bond or letter of credit to secure the actual construction of the improvements in a manner satisfactory to the City Manager or his/her designee and within a period of not to exceed two (2) years. The bond or letter of credit shall be in the amount and with surety and conditions satisfactory to the City Manager and City Solicitor and shall be adequate to cover the cost of the improvements.
- (b) The owner of the tract may prepare and secure approval of a preliminary plan and improvement plans for the entire area and then install the required improvements only in a portion of the area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording, and the owner may sell or lease or offer for sale or lease lots only in the improved portion of the property.

(1) Permanent Markers.

- A. Permanent markers shall be set in accordance with Ohio R.C. 711.03 or to any applicable revision of the Ohio Revised Code.
- B. Permanent bench marks shall be accessibly placed at the site and accurately noted on the improvements plans.

(2) Street Improvements.

- A. All streets shall be graded for the full width between property lines, and the roadway improved by surfacing. All grading and surfacing shall be done under supervision of the City Engineer or the Service Director at the expense of the subdivider and shall be subject to approval. The subdivider shall engage the services of a private, qualified soils engineer to perform compaction testing of all fill areas and of the subgrade prior to paving and shall furnish the City Engineer or the Service Director a copy of the soils engineer's reports at no cost to the City. After settlement, the excavation shall be brought to grade with dry fill material properly compacted. Sewer, water, electric, gas, telephone, and cable television house connections or crossovers shall be installed before paving, unless written permission has been obtained from the City Manager or his/her designee to do otherwise.
- B. Roadway surfacing shall be at least 28 feet wide including curb, provided that cul-de-sac streets shall terminate in a paved turnaround with a minimum outside or curb radius of 29 feet. Streets in industrial subdivisions shall have a minimum paved width of 37 feet including curbs, provided that cul-de-sac streets shall terminate in a paved turnaround with a minimum outside or curb radius of 50 feet.
- C. Roadway surfacing in all cases, unless the City Manager approves an alternate which is equivalent or better, shall be full depth/deep strength asphalt construction in accordance with standard drawings and paving specifications of Hamilton County. The Rules and Regulations of the office of the County Engineer of Hamilton County shall be followed, unless the City Manager approves an alternate which is equivalent or better.
- D. Streets shall be accepted by the City for public maintenance only after they have been completed for a period of one year and development of at least eighty percent (80%) of the abutting lots has occurred, unless the City finds that circumstances beyond the subdivider's control have made it unfeasible to complete development of at least eighty percent (80%) of the abutting lots within a reasonable period of time, in which case the City may accept the streets upon presentation by the subdivider of a maintenance bond, letter of credit, or certified check satisfactory to the City Manager and City Solicitor. Before acceptance, the streets will be inspected by the City Engineer or the Service Director, and will have to be structurally sound, properly constructed, and in good overall condition.
- A. Sidewalks. All sidewalks shall connect to the pavement or curb at intersections, with one-half (1/2) inch expansion joint between walk and curb, and with handicap ramps on every corner. One-half (1/2) inch expansion joints shall be placed at intervals not to exceed 100 feet. Sidewalks at least four (4) feet wide, of single course concrete at least five (5) inches (seven (7) inches across driveways) thick, and located within the street right of way parallel to and one foot from the street right-of-way line shall be provided along both sides of all streets in all zoning districts, unless specifically waived by the Community Development Director or his/her designee, and in all areas, regardless of the zoning district, where shown on a development plan as provided by the Zoning Code as an integral part of the zoning regulations applicable to the real estate.

- (3) Water Lines. The subdivider shall connect with an approved public water supply and make it available for each lot within the subdivided area. Fire hydrants shall also be installed by the subdivider within 500 feet of all structures in accordance with the requirements of the fire department. The rules, regulations, specifications and applicable requirements and procedures of the Cincinnati Water Works shall be followed in the design and construction of water system improvements.
- (4) Sanitary Sewers. The subdivider shall connect with an approved public sanitary sewer system and provide adequate sewer lines accessible to each lot. Sanitary sewers shall be designed and constructed in accordance with the rules, regulations, specifications and applicable requirements and procedures of the Metropolitan Sewer District of Greater Cincinnati.
- (5) Storm Sewers. Adequate provision shall be made for control of storm water and surface water runoff. Storm sewers, swales, storm water retention or detention basins and other measures shall be provided as needed to prevent flooding, ponding and erosion within the subdivision and downstream from the subdivision. All parts of the subdivision shall be graded and drained to prevent the standing of storm water. Where necessary, outlet swales or sewers shall be provided to convey the water to an existing flow way or outlet. The subdivider's engineer shall follow modern engineering practice of providing storm sewers and storm water inlets or catch basins in gutters or swales to drain all the street intersections and to limit the flow of surface water in gutters and swales before entering a sewer inlet, to approximately 250 feet. Facilities must be provided to care for downspouts, driveway aprons and yard drains, and the plan must carry a notation that all surface water drains will be connected to a storm sewer or storm drainage facility. Storm sewer systems shall be designed in accordance with applicable County rules and regulations governing the Construction, Operation and Maintenance in the County of Hamilton Storm Drainage System as amended and shall include all features determined by the City Engineer to be necessary to control storm water drainage.
- (6) Street Lights. The subdivider shall install or cause to be installed streetlights along streets within the area being subdivided. Streetlights shall be, unless otherwise approved by the City Manager or his/her designee, placed on underground served poles not to exceed twenty-eight (28) feet in height and shall comply with requirements set forth herein and in Section 905.14 of the Blue Ash Code of Ordinances. Minimum lighting levels shall comply with the following requirements:

Minimum Footcandles			
	Residential Districts	DT and SP Districts	BAN and BAS Districts
Collector Streets	0.6	1.2	0.9
Local Streets	0.4	0.9	0.6

Streetlights shall be shown on a plan and submitted to the City Manager or his/her designee for review and approval. All streetlights shall be approved and maintained streetlights by the local electric company unless provisions for private maintenance are set forth and are permanently guaranteed by a legally recorded document approved by the City Manager or his/her designee.

- (7) Tree Planting. The subdivider shall plant first class nursery grade street trees, with not less than a four (4) inch caliper tree every twenty-five (25) feet on both sides of the street. At the time of planting, the lowest limb of any tree shall not be less than seven (7) feet above ground. Existing trees that are properly located may be used in lieu of required trees. All tree planting plans shall be approved by the City Manager or his/her designee.
- (8) Electric, Telephone and Television Cable. The subdivider shall install or cause to be installed underground electric service lines and telephone cables. In industrial subdivisions where the local electric company advises the City that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric and telephone lines may be installed overhead along rear lot lines, if approved by the Commission. Where cable television service is or will be in operation, the subdivider shall install cable for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right of way and to individual building connections.
- (c) After approval of the improvements plans, no change in engineering features will be permitted unless such changes are approved by the City Manager or his /her designee.
- (d) The subdivider, his/her engineer or his/her contractor, shall give notice to the Chief Building Official or other designated inspector, or to the Service Director at least 24 hours in advance of any construction of physical public improvements, including grading, in order that an inspector may be assigned at the cost of the subdivider. The subdivider shall make a deposit to the City Treasurer in an amount equal to the estimated cost of inspection plus administration costs of the public improvements, prior to beginning construction. This deposit shall not exceed one thousand dollars (\$1,000) at any one time. When this one thousand dollars (\$1,000) has been depleted to three hundred dollars (\$300.00) or less, another deposit will be required. (*Ord. 2003-1. Passed 3-13-03*)

### 1105.13 VARIATIONS AND EXCEPTIONS

- (a) Whenever the tract to be subdivided is:
  - (1) Subject to a plan for large scale residential development or a development plan as provided by the Zoning Code as an integral part of the zoning regulations applicable to the real estate; or
  - (2) Of an unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in real difficulties and substantial hardships or injustices, the Council, after a public hearing and Planning Commission review and recommendation, may vary or modify the requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interest of the City are protected and the general intent and spirit of this chapter and the Master Plan are preserved.
- (b) The Commission may grant, on its own, minor variations to this chapter when the applicant submits evidence that such a minor variation would allow for a reasonable alternative, and the public welfare and interests of the City are protected. (*Ord. 2003-1. Passed 3-13-03.*)

### 1105.14 ENFORCEMENT AND PENALTY

This Chapter is subject to enforcement and penalty as specified in Section 1127.09: Enforcement.

## TITLE THREE – ZONING ADMINISTRATION

- Chap. 1121. Definitions
- Chap. 1123. Interpretation
- Chap. 1125. Administration Roles and Authority
- Chap. 1127. Development Review Procedures

### CHAPTER 1121: DEFINITIONS

#### 1121.01 MEANINGS OF WORDS AND PHRASES

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and plural the singular; the word "building" shall include the word "structure," the word "shall" is mandatory and not directory; the word "may" is a permissive requirement and the word "should" is a preferred requirement; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied;" and the word "lot" includes the words "plot" or "parcel."

#### 1121.02 LIST OF DEFINITIONS

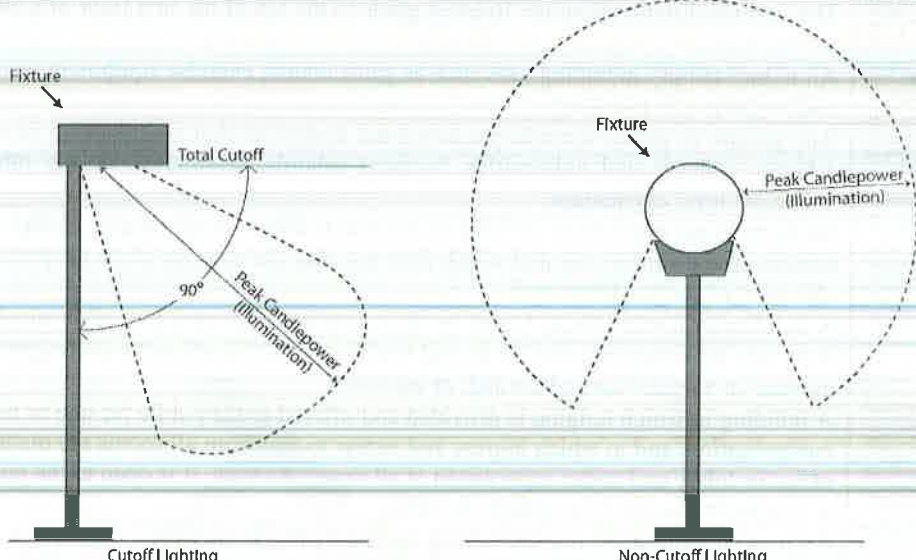
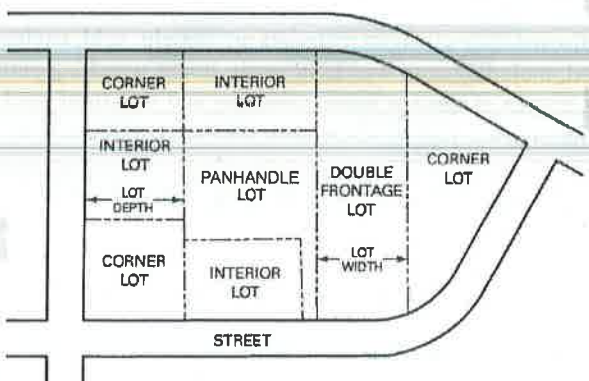
<b>A</b>	
Accessory use	A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
Alteration	Any change, addition, or modification in construction or occupancy of an existing structure.
Automotive Repair, Major	General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.
Automotive Repair, Minor	Replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under <i>Automotive Repair, Major</i> , or any other similar operation.
Automotive sales	The sale of new and/or used automotive and/or recreational vehicles, motor homes, horse trailers, boats or machinery.
Automotive Service Station or Filling Station	A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
<b>B</b>	
Basement	A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet. Also may be called a <i>Cellar</i> .
Bed and Breakfast	A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for a finite and temporary basis. No kitchen facilities may be provided for use by guests.
Berm	A landscaped mound used to buffer a use from an adjoining property.
Board	The Board of Zoning Appeals or the Board of Site Arrangement of the City of Blue Ash, Ohio.
Brewery, Macro	Brewery that produces more than 15,000 barrels per year and may distribute outside of the region. Includes the production of ciders.
Brewery, Micro	A limited-production brewery that produces less than 15,000 barrels per year and that typically produces specialty beers that are generally only sold locally. Includes the production of ciders.
Brewery, Nano	A limited-production brewery that uses a three-barrel or smaller system. Includes the production of ciders.
Brewpub	An establishment selling beer brewed on the premises and including a restaurant.
Bufferyard	Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

Building	Any structure having a roof supported by columns or walls designed or intended for the support, enclosure, shelter or protection of persons or property.	
Building, Main	The building on a lot occupied by the principal use.	
Building, Accessory	A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.	
<b>C</b>		
Chief Building Official	The Chief Building Official of the City of Blue Ash or an authorized representative	
Child Day-Care	Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:	
	Child Day-Care Center	Any place in which child daycare is provided, with or without compensation, for 13 or more children at any time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven to 12 children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
	Type A Family Day-Care Home	A permanent residence of the administrator in which child day-care is provided for four to twelve children at any one time, if four or more children are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term <i>Type A family day-care home</i> does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
	Type B Family Day-Care Home	A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term <i>Type B family day-care home</i> does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
City	The City of Blue Ash, Ohio	
City Architect	The City Architect of the City of Blue Ash or an authorized representative	
City Engineer	The City Engineer of the City of Blue Ash or an authorized representative	
Clinic	An establishment occupied by one or more members of the healing professions including those for humans and domestic household animals.	
Club	A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.	
Commission	The Planning Commission of the City of Blue Ash, Ohio	
Community Development Director	The Community Development Director of the City of Blue Ash or an authorized representative	
Comprehensive Plan	The Comprehensive Plan for the City of Blue Ash, Ohio, as adopted by Council. See also <i>Land Use Plan</i> .	
Council	The City Council of the City of Blue Ash, Ohio	
Courtyard	An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.	
<b>D</b>		
Day-Care	An establishment providing continuous supervised temporary care for individuals under license by the State of Ohio. See also <i>Child Day-Care</i> .	

Density	The required land area for each dwelling unit. For single-family detached homes it shall be the required lot size per dwelling excluding any streets and public or private right-of-way. For multi-family dwelling units, it shall be the required area of land per dwelling unit as specified in this Code exclusive of any public utility easements, streets, and public or private right-of-way.
Development	The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; the mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
Distillery, Macro	A place or establishment where the distilling of liquors is done on a large scale and such liquor is distributed for sale.
Distillery, Micro	A small, often boutique-style distillery, established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches.
District	Any section of the City of Blue Ash within which the zoning regulations are uniform.
Dwelling	A building or structure designed or occupied exclusively for residential use and permitted accessory uses for one or more households, but not including a tent, cabin, trailer, hotel, motel, fraternities, sororities, mobile home, or manufactured home.
Dwelling, Multiple	A building, or portion thereof, designed for or occupied by three or more dwelling units, each dwelling unit being the residence of a single household.
Dwelling, Single-Family	A building or structure consisting of a single dwelling unit only, separated from other dwelling units by open spaces, but not including manufactured homes.
Dwelling, Two-Family or Duplex	A building consisting of two and no more than two, single household dwelling units which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.
Dwelling Unit	Space within a dwelling comprising living, dining, and sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by one household.
<b>E</b>	
Engineer, City	A licensed civil engineer employed by contract or as a payroll employee of the City of Blue Ash, Ohio to represent the City in civil engineering matters.
<b>F</b>	
Farmers Market	An organized seasonal outdoor market containing six or more independent vendors open to the public at which locally grown produce and flowers, value-added agricultural products, and fresh baked goods are sold by persons or their representatives who typically grow, harvest or process such items from their farm or agricultural operation.
Fence	An assemblage of materials forming a barrier at grade between a lot and street or alley or between portions of a lot or lots.
Frontage	The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead-end street.
<b>G</b>	
Garage, Private	A detached accessory building or portion of the main building housing or designed to house the automotive vehicles of the occupants of the premises.
Garage, Public	A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking automotive vehicles. The term "repairing" shall not include the dismantling or storage of wrecked or junk vehicles.
Garage, Storage	A building or portion thereof designed or used exclusively for term storage by prearrangement of automotive vehicles, as distinguished from daily storage furnished transients, and at which fuels and oils are not sold and vehicles are not equipped, repaired, hired or sold.
Grade	The average level of the finished surface of the ground within 5 feet of the face of a building for buildings more than five feet from a street line. For buildings closer than five feet to a street, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.
Greenhouse	A glassed or translucent enclosure used for the cultivation or protection of plants.
<b>H</b>	
Height, Building	The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. Where the site is not flat, the height shall be measured from the average grade along the front of the building.



Height, Finished Floor	The vertical distance from the finished grade to the top of the first floor of a building.
Health/Recreation Facility	An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi and/or sauna and pro shop.
Higher learning education facility	Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing collegiate level curriculum.
Home Occupation	An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
Hospice	A building or portion thereof used for the accommodation and care of terminally ill persons.
Hospital	A facility providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured.
Hotel	A building in which lodging is provided and offered to the public for one or more days for compensation, and in which ingress and egress to and from all rooms are made through an inside office or lobby and under supervision at all times. As such, it is open to the public in contradistinction to a boarding house or a multiple dwelling.
Household	A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single unit.
<b>I</b>	
Industry	The storage, repair, manufacture, preparation, or treatment of any article, substance or commodity.
Inspector	An inspector for the City of Blue Ash
Institution	A benevolent nonprofit establishment for public use.
<b>J</b>	
Junk	Machinery, scrap, iron, steel, or other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plaster, cordage, building materials, or other waste that has been abandoned from its original use.
Junk Yard	A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building.
<b>K</b>	
Kennel	An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business.
<b>L</b>	
Laboratory	A building or a portion of a building devoted to the experimental study in science, or the testing and analysis of chemicals, drugs, minerals, or other substances usually associated with scientific study.
Laboratory, Medical or Dental	A building or a portion of a building devoted in use to providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises except the custom fabrication of dentures.
Land Use Plan	The Land Use Plan for the City of Blue Ash, Ohio, as adopted by Council
Landowner	The legal or beneficial owner or owners of all of the land proposed to be included in a development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this Code.
Landscaped Area	That part of a lot that is devoted to the growing of grass, shrubs, trees and other plant materials, including statuary, ponds, and ornamental features. All trees, shrubs, and other plants required in this Zoning Code shall be of first-class nursery grade.
Library	A facility that contains books, periodicals, and other materials for reading, viewing, listening, study, or reference, that consists of a room, set of rooms, or building where such materials may be read or borrowed.
Light, cutoff	An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.
Light, non-cutoff	An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground.

	 <p>The diagram illustrates two types of lighting fixtures. On the left, 'Cutoff Lighting' shows a fixture with a vertical pole and a horizontal top. A dashed line indicates a 90-degree beam angle, and another dashed line shows the 'Total Cutoff' line. On the right, 'Non-Cutoff Lighting' shows a fixture with a vertical pole and a spherical globe. A dashed line indicates a wider beam angle, and a label points to the 'Peak Candlepower (illumination)'.</p>
Loading Space	<p>A space having a minimum dimension of 12 feet by 35 feet and a vertical clearance of 14 feet, unless such dimensions or clearance are varied by the Board of Site Arrangement or as otherwise provided for in this Zoning Code, within the main building or on the same lot providing for the standing, loading or unloading of trucks.</p>
Lot	<p>Land occupied or intended for occupancy by a use permitted in this Zoning Code, including one main building, together with its accessory buildings and uses, the yards, parking and loading spaces required herein and having its principal frontage upon a street or upon an officially approved place.</p>  <p>The diagram shows a street with several lots. From left to right, there are 'CORNER LOT', 'INTERIOR LOT', 'PANHANDLE LOT', 'DOUBLE FRONTAGE LOT', and 'CORNER LOT'. Dimensions are labeled: 'LOT DEPTH' for the interior lot, 'LOT WIDTH' for the panhandle lot, and 'STREET' at the bottom.</p>
Lot, Corner	<p>A lot abutting upon two or more streets at their intersection.</p>
Lot, Depth of	<p>The mean horizontal distance between the front and rear lot line.</p>
Lot, Double Frontage	<p>An interior lot having frontages on two streets.</p>
Lot, Interior	<p>A lot other than a corner lot.</p>
Lot, Irregular	<p>Any lot that is not square or rectangular in shape, that has nonparallel side lot lines, or nonparallel front and rear lot lines and/or side lot lines that are not normal to the principal access street.</p>
Lot, Panhandle	<p>A lot who's only owned access to the street is a narrow strip of land. The narrow strip of land known and referred to as the "panhandle" shall be defined as a strip of land displaying a minimum width at any point of 20 feet and a maximum width of less than the minimum lot width required for building purposes. The owner of the lot shall own all parts of the lot including the panhandle.</p>
Lot Line	<p>A line dividing one lot from another or from a street or alley.</p>

Lot Line, Front	Any lot line that abuts a public right-of-way or, in the case of a panhandle lot, that is adjacent to the strip of land that connects the buildable area to the right-of-way.
Lot Line, Rear	The lot line that is opposite the front lot line.
Lot Line, Side	Any lot line that is not a front or rear lot line.
Lot, Minimum Area of	The area of a lot computed exclusive of any portion of the right-of-way of any public or private thoroughfare.
Lot of Record	A lot that is a part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of land, the deed of which was recorded in the office of the County Recorder prior to the adoption of this section.
Lot Width	The width of a lot at the front yard line.
<b>M</b>	
Maneuvering Space	The unobstructed area needed for a truck to back, in a single movement, directly from the access street into a loading space, the depth of which is measured perpendicular to and from the front of such loading space to the curb side of the most remote traffic lane in the access street.
Manufactured Home	Any home that is factory-built in the United States to the HUD Title 6 construction standards. It is built on a permanent chassis to ensure transportability.
Manufacturing, light	The assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure.
Master Plan	See <i>Comprehensive Plan</i>
Mixed-Use	A building, lot, or development that contains a mixture of uses including residential, commercial, office, and/or industrial uses.
Mixed-Use Residential	A building, lot, or development that contains residential uses along with a mixture of non-residential uses including commercial and/or office uses.
Mobile Home or Trailer	Any vehicle for carrying materials or to function as a dwelling unit and designed to be hauled, propelled, or transported along a highway, including camping trailers, house trailers, motor homes, tent trailers, boat trailers, materials trailers and farm wagons. For dwelling unit definition purposes, mobile homes include a structure of vehicular, portable design, originally built on a chassis and designed to be moved from one site to another, and to be used with or without a permanent foundation. All such units are not allowable as dwelling units within Blue Ash Zoning districts.
Motel	A building in which lodging is provided and offered to the public for one or more days for compensation, with exterior ingress and egress. As such, it is open to the public in contradistinction to a boarding house or a multiple dwelling.
Museum	A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.
<b>N</b>	
Non-Profit Use	A corporation or an association that conducts business for the benefit of the general public without shareholders and a profit motive and is exempt from taxation under Sec. 501 (c) (3), (4), (7), (8), (10), or (19) of the Internal Revenue Code, Title 26, United States Code, and/or incorporated under Chapter 1702 of the Ohio Revised Code pertaining to non-profit corporations.
Nonconforming Use	A building, structure or premises legally existing and/or used at the time of adoption of this Code or any amendment thereto and which does not conform with the use regulations of the district in which located.

Nursing Home and Facilities	A facility that offers short and long-term care for individuals who need rehabilitation services or who suffer from serious to persistent health issues. Certificates of need are issued by the State of Ohio for bed units. Skilled nursing facilities do not include facilities providing surgical or emergency medical services, substance abuse programs, or mental health facilities.
<b>O</b>	
Office	A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
Office, Medical	Offices organized as a unified facility for licensed physicians, dentists, chiropractors, or other health care professionals providing diagnosis or care of sick or injured persons but are not provided with room and board and are not kept overnight on the premises. Medical services and medical clinics include medical and dental laboratories incidental to the medical office use.
Open Space	An area of land or an area of water, or a combination thereof, that is designed for environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities. Open space shall not include off-street parking areas, streets, or part of road rights-of-way.
Outdoor Dining	A porch, patio, deck or other area used for consumption of food and/or beverages by the public which is not completely enclosed within the exterior building walls, windows and doors of a limited restaurant, full service restaurant or a drinking establishment, and which may or may not have a solid roof cover.
<b>P</b>	
Parking Space	A durably surfaced area, unenclosed or enclosed in the main building or in an accessory building having an area of not less than 162 square feet, a minimum width of nine feet and a minimum depth of 18 feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile.
Premises	Land together with any buildings or structures occupying it.
Public Service Facility	The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
<b>R</b>	
Recreation Vehicle	A motor home, mobile home, house trailer, truck camper, boat, travel trailer, and or any other vehicle (e.g., van, pickup, camper, bus converted to motor home) which is principally designed and used for recreation purposes, as opposed to being regularly used for transportation purposes.
Residential Group Home	A facility operated by a nonprofit corporation, licensed by the State of Ohio, providing continuing care and twenty-four (24) hours per day supervision by qualified persons. A qualified person shall mean a person qualified by education, training and experience, or any combination thereof, for the position that they hold in the residential group home.
Recycling Center	A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.
Religious Institution	An institution that a congregation of people regularly attends to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.
Restaurant	A place where prepared food and beverages are served for consumption on the premises.
Restaurant, Drive-In/Drive-Thru	Restaurants that have as part of operations drive-in/drive-thru facilities in which food and/or beverages are dispensed directly to occupants of an automobile.
Retail Sales	Any site that contains retail sales.
Retail Sales, Large	Any site that contains retail sales and contains a building with any single-tenant space with more than 40,000 square feet of floor area.
Retail Sales, Small	Any site that contains retail sales and contains a building with any single-tenant space with 40,000 square feet or less of floor area.
Right-of-Way	A strip of land taken or dedicated for use as a public way. In addition to a roadway, it may incorporate curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.
<b>S</b>	
School, Private	Any school other than a public school, including schools owned and operated by a business establishment, a foundation or an institution, as well as private or parochial elementary, junior or senior high schools, or private and parochial colleges and universities.

School, Public	Any school operated by a public school district or by a City, county, state or Federal government agency
Screen	Any shrubbery, hedges, trees, or other growth, fences, walls, retaining walls, structure or any tangible barrier or obstruction of material above the surface of the ground, with the purpose of preventing or minimizing the view of any object from a level line of sight. The height, width and length of the screen shall be such to minimize views of the structure, area, vehicle or item to be screened. The screen as herein defined may be located adjacent to the structure, area, vehicle, or item to be screened; may be located anywhere within the same lot or premises; or may be located on the perimeter of the lot or premises, providing that no horizontal line of sight from six feet above the ground is possible from a point off the lot or premises.
Secondary Road or Street	A public right of way intended for main travel within the City, as opposed to a street normally serving only interior subdivision traffic.
Self-Service Storage Facility	A building or group of buildings consisting of individual, self-contained units that are leased or owned for storage of business and household goods or contractors' supplies.
Separate Tract	A parcel of land or a group of contiguous parcels of land under one ownership on February 25, 1971.
Setback	The minimum horizontal distance between any building or structure and the related front, side or rear property line.
Sign	A name, word, letter, writing, identification, description, display model or illustration which is placed upon, affixed to, painted or represented upon a structure, or any part thereof, or in any manner upon a parcel of land or lot, and which publicizes an object, product, place, activity, service, person, candidacy, institution, organization or business. The word "sign" shall also include banners, pennants, insignia, commercial signs, bulletin boards, ground signs, poster billboards and electric signs, wherever placed. The word "sign" shall not include the following:
	A. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, resolution, or governmental regulation.
	B. The flag, pennant, or insignia of any nation, state, county, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, or religious campaign, drive, monument or event.
	C. Signs not exceeding one square foot in area and bearing only property numbers, name of street, post office box numbers, or names of occupants of premises.
Sign, Area of	The total exterior surface of the portion of a sign that displays the message and any background that is integral to the message and differentiated from the building or structure to which it is attached, computed in square feet, of a sign having but one exposed exterior surface; one-half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.
Sign, Building Identification	A sign that identifies the building on a site or the name of a development that contains multiple tenants.
Sign, Deteriorating	Any sign, which because of its construction, the length of time it has been displayed, or lack of maintenance, has become an eyesore or blighting influence.
Sign, Ground	Any sign that is not attached to a building and that has a base that contacts the ground over at least 80 percent of the maximum width of the structure.
Sign, Off-Premises	Any sign unrelated to a business or profession conducted, or a commodity or a service sold or offered upon the premises where such sign is located.
Sign, On-Premises	Any sign relating to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
Sign, Permanent	Any sign which is permanently affixed to a structure or mounted in the ground, not easily movable without disassembly because of construction and placement, and is not constructed from materials of temporary durability such that its use is for short duration.
Sign, Pole	Any freestanding sign that is not a ground sign.
Sign, Temporary	A sign intended for use for only a limited period of time and typically constructed of non-durable materials such as plastic, paper, wood, or fabric.
Sign, Tenant Identification	A sign that identifies a tenant in a building or in a development that contains multiple tenant spaces.
Sign, Wall	Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.
Storage Container, Household	Any container less than 40 square feet than does not require a foundation and that is designed for storage of household equipment such as lawnmowers, garden tools and supplies, chainsaws, play

	equipment, grills, lawn furniture, and the like.
Story	That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
Story, Half	A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is finished off for use. A half-story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.
Street	All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public or private easements thereon.
Street Line	A dividing line between a lot, tract or parcel of land and the public right of way of a contiguous street.
Structural Alterations	Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders or any substantial change in the roof or in the exterior walls.
Structure	Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting, the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences and pergolas.
Structure, Temporary	Anything constructed or erected in a manner such that it provides the benefit of a permanent structure, but does not have a permanent foundation, is not permanently attached to the ground, and is not otherwise regulated by the Building Code. Temporary structures include tents, portable carports, temporary storage containers, and the like, but do not include play equipment or household storage containers.
Swimming Pool	Any receptacle for water, or an artificial pool of water having a depth at any point of more than two (2) feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment.
<b>T</b>	
Taproom	A room in which alcoholic drinks, especially beer, are available on tap.
Townhouse	A one, two, or more story dwelling unit that is connected to another dwelling unit by a common wall.
<b>V</b>	
Vehicle, Automotive or Motor	Any self-powered vehicle moving on wheels or runners used as a means of transport.
<b>Y</b>	
Yard	An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
Yard, Front	A yard extending the full width of the lot between a principal building and the front lot line.
Yard, Rear	A yard extending the full width of the lot between a principal building and the rear lot line. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has the lesser dimension.
Yard, Side	An open space between the front and rear yards of a lot and between the side lot lines and the main building or any projections thereof.
<b>Z</b>	
Zoning Code	The Comprehensive Zoning Ordinance of Blue Ash, which was adopted by Ordinance No. 2003 –1 passed March 13, 2003 and is codified as Chapters 1121 through 1189.

## CHAPTER 1123: INTERPRETATION

### 1123.01 PURPOSE

The purpose of this Chapter is to identify that the provisions of this Zoning Code shall be interpreted and applied as the minimum requirements for the promotion of the public health, safety, and general welfare.

### 1123.02 PERMITTED USES

Except as hereinafter specifically provided, no building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.

### 1123.03 BUILDING HEIGHT, AREA, AND PARKING

Except as hereinafter specifically provided, no building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the height, area, parking, loading and other regulations of the district in which the building is located.

### 1123.04 YARDS AND OPEN SPACES

Except as hereinafter specifically provided, the minimum yards and other open spaces, including lot area per single-family residence required by this Zoning Code for each and every building existing at the time of passage of this section or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or open space required for any other building, nor shall any lot area be reduced below the requirements of this Zoning Code for the district in which such lot is located.

### 1123.05 DWELLINGS ON LOTS

Every single-family and two-family dwelling hereafter erected or structurally altered shall be located on a lot as defined in Chapter 1121: Definitions, and in no such case shall there be more than one main building on one lot.

### 1123.06 MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this Zoning Code, they shall be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Zoning Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Zoning Code imposes a greater restriction, the Zoning Code shall control.

### 1123.07 COMPREHENSIVE PLAN PURPOSES

The Zoning Code has been written to implement the vision of the City's Comprehensive and/or Land Use Plan. It is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

### 1123.08 VALIDITY

If any part or parts of this Zoning Code shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of the Zoning Code. The Council hereby declares that it would have passed the remaining parts of this Zoning Code if it had known that such part or parts thereof would be declared unconstitutional.

**1123.09 COURT DECISIONS AFFECTING PROPERTY USES**

Whenever a court declares, by a judgment or decree that is final, whether because no appeal or further appeal is taken from such judgment or decree, that the zoning of property is unconstitutional because it is too restrictive, the property affected shall thereupon be subject to the restrictions applicable to the next less restrictive district; provided however, the court, in such judgment or decree, declares that the property may be used for a particular use or uses because Council has no right to prohibit such use or uses on the property, then the property shall be subject to the restrictions applicable to the most restrictive district in which the particular use or uses, declared proper the court, are permitted.

**1123.10 SEVERABILITY**

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.



## CHAPTER 1125: ADMINISTRATION ROLES AND AUTHORITY

### 1125.01 PURPOSE

The purpose of this Chapter is to identify the authority of the review and decision-making bodies in the development review procedures established in the Development Review Procedures section.

### 1125.02 SUMMARY TABLE OF REVIEW BODIES

Table 1125-1 summarizes the review and decision-making responsibilities of the entities that have roles in procedures set forth in Section 1127.05. Other duties and responsibilities of the entities are set forth in subsequent sections.

Table 1125-1: Summary Table of Review Bodies						
H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required) R = Review and/or Recommendation			D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeal)			
Procedure	Section Reference	Community Development Director	Board of Zoning Appeals	Board of Site Arrangement	Planning Commission	City Council
Zoning Text or Map Amendment	1127.04	R	-	-	M-R	H-D
Development Plan Review	1127.05	R	-	M-D	-	A
Conditional Use Permit	1127.06	R	-	-	M-R	H-D
Variances	1127.07	R	H-D	-	-	A
Appeals	1127.08	R	H-D	-	-	A
Planned Unit Development – Concept Plan	Chapter 1137:	R	-	-	M-R	H-D
Planned Unit Development – Final Plan	1137.05	R	-	-	M-D	-

### 1125.03 CITY COUNCIL

The membership, powers, terms, and qualifications prescribed to the City Council shall be as set forth in Article III – Council of the Charter for the City of Blue Ash.

### 1125.04 PLANNING COMMISSION

The membership, powers, terms, and duties prescribed to the Planning Commission shall be as set forth in Article XI – Planning Commission of the Charter for the City of Blue Ash.

### 1125.05 BOARD OF SITE ARRANGEMENT

- (a) Membership. The Board of Site Arrangement shall have the same membership as the Board of Zoning Appeals established in Section 1125.06. The organization of the officers and the rules of procedure shall be same as the Board of Zoning Appeals.

- (b) Powers. The Board of Site Arrangement shall review development plans for all new buildings to be erected and any substantial alterations and/or expansion of existing structures; except the following application types shall not be reviewed by the Board:
- (1) Applications for one- or two-family residential units; and
  - (2) Applications for any building within an approved Planned Unit Development district.

When an existing structure is...	A substantial expansion is...
0 – 1,000 sq. ft.	50% or greater
1,001 – 10,000 sq. ft.	40% or greater
10,001 – 25,000 sq. ft.	30% or greater
25,001 – 50,000 sq. ft.	20% or greater
50,001 sq. ft. and larger	10% or greater

### 1125.06 BOARD OF ZONING APPEALS

- (a) The membership, powers, terms, and duties prescribed to the Board of Zoning Appeals shall be as set forth in Article XII – Board of Zoning Appeals of the Charter for the City of Blue Ash.
- (b) Meetings. Meetings of the Board shall be held at the call of the Chairman; and at such other times as the Board may determine. The Chairman, or in his/her absence the acting Chairman, shall administer oaths to all witnesses. The Board shall compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of Council and shall be a public record.
- (c) Powers.
- (1) Powers of the Board of Zoning Appeals.
    - B. Variations. To hear and decide upon requests for variances from an eligible provision of this Zoning Code. The procedure for variance application and review is found in Section 1127.07.
    - C. Administrative Appeals. To hear and decide appeals where it is alleged that there is an error in any interpretation, judgement, determination, or decision by the Community Development Director or the Planning Commission in the administrative and/or enforcement of the provisions of this Zoning Code. The procedure pertaining to administrative appeals is found in Section 1127.08.
    - D. Expansion of a Nonconforming Use. To hear and decide requests for the expansion of a nonconforming use subject to Section 1139.05.
    - E. Location of District Boundary Lines in Question. Where the street or lot layout actually on the ground or as recorded differs from the street or lot lines as shown on the zoning map, the Board of Zoning Appeals, after due notice, shall interpret the map in a way as to carry out the intent and purpose of this chapter and map for the particular section or district in question.
  - (2) In exercising its jurisdiction it shall adopt from time to time such general rules and regulations relating to its procedure as it may deem necessary.

- (d) Public Hearings and Meeting Procedure.
- (1) Hearings and meetings of the Board of Zoning Appeals shall be public.
  - (2) Notice of hearings shall be consistent with Table 1127-1: Public Notice Requirements.
  - (3) The Board shall act by resolution, in which at least three members shall concur.
  - (4) Concise records and minutes shall be kept as to all official acts of the Board.
  - (5) The Board may recess such public hearings from time to time without making a final determination on the matter, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
  - (6) Any interested person may appear at the public hearing in person or by attorney.

## CHAPTER 1127: DEVELOPMENT REVIEW PROCEDURES

### 1127.01 PURPOSE

The purpose of this Chapter is to establish development review procedures are herein established in order to ensure that the development and redevelopment of properties within Blue Ash is in conformance with the rules and regulations of this Zoning Code.

### 1127.02 COMMON REVIEW REQUIREMENTS

- (a) Authority to File Applications. Unless otherwise specified in this code, development review plan applications may be initiated by:
- (1) The owner of the subject property; or
  - (2) The owner's authorized agent; or
  - (3) The City of Blue Ash.

### 1127.03 PUBLIC NOTIFICATION FOR PUBLIC HEARING

- (a) Notices for public hearings, whether by publication or written notice, shall at a minimum:
- (1) Identify the location and size of the subject property by its address or by legal description and the nearest cross street;
  - (2) Indicate the date, time, and location of the public hearing;
  - (3) Describe the nature, scope, and purpose of the application;
  - (4) Identify the location where the public may view the application and related documents; and
  - (5) Include a statement that the public may appear at the public hearing, be heard, and submit written comments with respect to the application.
- (b) Public Notice Requirements. Notification requirements for public hearings shall be provided as defined in Table 1127-1: Public Notice Requirements.

Table 1127-1: Public Notice Requirements

Procedure	Section Reference	Published Notice	Written Notice	Notification Requirements
Zoning Text or Map Amendments	1127.04	Per City Charter or City Ordinance	Postmarked no later than 10 days prior to the date of the public hearing	Written notice shall be sent to owners of property within and contiguous to and directly across the street from the subject property(s)
Conditional Use Permits	1127.06	Per City Charter or City Ordinance	Postmarked no later than 10 days prior to the date of the public hearing	Written notice shall be sent to owners of property within and contiguous to and directly across the street from the subject property(s)

Table 1127-1: Public Notice Requirements				
Procedure	Section Reference	Published Notice	Written Notice	Notification Requirements
Variances	1127.07	Per City Charter or City Ordinance	Postmarked no later than 10 days prior to the date of the public hearing	Written notice shall be sent to owners of property within and contiguous to and directly across the street from the subject property(s)
Appeals	1127.08	Per City Charter or City Ordinance	Postmarked no later than 10 days prior to the date of the public hearing	Written notice shall be sent to owners of property within and contiguous to and directly across the street from the subject property(s)
Planned Unit Development – Concept Plan	Chapter 1137:	Per City Charter or City Ordinance	Postmarked no later than 10 days prior to the date of the public hearing	Written notices shall be sent to owners of property within 200 feet of the subject property(s)

**1127.04 ZONING TEXT AND MAP AMENDMENTS**

- (a) Procedure. Council may, from time to time, on its own motion, on recommendation by the Planning Commission, or on petition, after public notice and hearing as provided by law and after report by the Commission, amend, supplement or change the boundaries or regulations herein or subsequently established. In case the Commission disapproves the proposed change, such report is received from the Commission in 60 days; it may be assumed that the Commission has disapproved the amendments.
- (b) Deposit Required; Exception. Before any action shall be taken as provided in this section, any part or parties, other than members of Council or the majority of Planning Commission, proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Treasurer such sum as Council determines by ordinance or resolution. The deposit shall cover part of the cost of this procedure, and under no condition shall such sum or any part thereof be refunded for failure of such change to be adopted by Council. Any member of Council, or the majority of Planning Commission, proposing or recommending a change in the district boundaries may do so without deposit or payment.

**1127.05 DEVELOPMENT PLAN REVIEW**

- (a) Procedure.
  - (1) Upon receipt for a building permit for any building, except for a one- or two-family residence or for any building within an approved Planned Unit Development district, the Community Development Director or other authorized representative shall forward the application to the Board of Site Arrangement, together with the recommendations regarding action on the application.
  - (2) The Board shall act upon such application within 31 days after the Community Development Director or authorized representative has received the application unless the application agrees to an extension of time. If no extension is agreed to and if no action is taken by the Board in 31 days, the Community Development Director has the option of issuing the permit.
  - (3) Any action of the Board may be appealed to the Council by any party affected by such a decision. Such appeal shall be perfected by filing the appeal form with the Clerk of City

Council within 31 days of the decision of the Board. The appellant shall specify in writing the basis upon which the appeal is taken. Council shall set the public hearing on the appeals within 30 days of receipt. Council may affirm, reverse, vacate, or modify the decision of the Board upon such an appeal.

(b) Development Plan Requirements. The applicant shall submit a plan drawn to scale showing the following information:

- (1) Vicinity map;
- (2) North arrow;
- (3) Existing property lines of subject and adjacent properties, including names of owners of record;
- (4) Zoning designation of subject and adjacent properties
- (5) Detention basin location and outlet points, if applicable;
- (6) Existing structures and pavement areas;
- (7) Proposed structures and pavement areas;
- (8) Plat prepared by a registered surveyor;
- (9) Existing storm and sanitary sewers, water mains, culverts and other underground structures;
- (10) Proposed storm and sanitary sewers, water mains, culverts, and other underground structures;
- (11) Proposed contours at two foot maximum;
- (12) Proposed structures, including footprint area and elevations;
- (13) Parking and sidewalk areas, including drive aisle and parking space dimensions;
- (14) Landscaping, including species, quantity, and sizes;
- (15) Trash facilities, including dumpster pad and enclosure details;
- (16) Lighting, including fixture types, size, and a photometric plan;
- (17) Building elevations, all sides, including materials and colors. Samples boards may be provided if determined necessary by the applicant.
- (18) Proposed signage, including size and height.
- (19) Professional Engineer's and/or Architect's stamp and signature; and
- (20) Any other such reasonable requirements as determined by the Community Development Director.

(c) Decision.

- (1) The Board of Site Arrangement shall view the site of proposed buildings and building changes and shall consider the effect of the proposed buildings or changes upon natural

drainage, light, air, and access to adjacent property, the usefulness and value of adjoining lands and the most appropriate development of the locality and the City.

- (2) The Board shall refuse approval of an application if the proposal would result in a building that would be detrimental to the health, safety, or public welfare, or that would create a substantial injury to the neighborhood or depreciate the then existing value of adjacent or nearby property.
- (3) The Board may grant conditional approval of an application after specifying necessary changes or conditions. The Board may not approve an application that would result in a violation of the Zoning Code or of any other ordinance or regulation. The concurring vote of three members of the Board shall be necessary to approve an application. All such approvals shall be granted at a public meeting of the Board. All meetings of the Board shall be open to the public and held at specified times and places. It shall not be necessary for the Board to hold formal public hearings on applications; however, the Board may do so on its own volition.

#### 1127.06 CONDITIONAL USE REGULATIONS

- (a) Permit Authorization and Issuance. Council, by conditional use permit, after public hearing, and subject to such protective restrictions as it deems necessary, may authorize the location, extension, or structural alteration of any one of the buildings or uses listed in each district as a conditional use. Conditional use permits may be issued to tenants and operators and/or property owners.
- (b) Application for Conditional Use Permit.
  - (1) A written application shall be filed with the Community Development Division, together with a filing fee, to obtain a conditional use permit for the uses listed in each district as a conditional use or for uses previously issued a special or conditional use permit where alteration or an extension is requested.
  - (2) Upon receipt of an application, together with a site plan and necessary descriptive material of the entire parcel, the Community Development Director or other authorized representative shall submit the application to the Planning Commission.
- (c) Planning Commission Review. The Planning Commission shall review the application based on the conditions set forth in Section 1127.06(e), along with any use-specific conditional use criteria that may be applicable, and shall approve, approve with modifications, or disapprove the application and submit a report of its recommendations to Council.
- (d) Council Action. No action shall be taken upon any applications for a proposed building or use referred to above unless the report of the Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within sixty (60) days, the Council may proceed with its action upon the application. Council shall vote on the conditional use permit following a public hearing on the proposal.
- (e) General Criteria for Reviewing Applications. In considering whether or not such application for a conditional use permit should be granted, it shall be the duty of the Planning Commission and Council to give consideration to the effect of the requested use on the health, safety, and general welfare of the residents of the area in the vicinity of the property in question and the residents of the City generally. In considering the conditional use, the Commission and Council should consider the following:
  - (1) The compatibility with surrounding uses and compatibility with the surrounding neighborhood, including, but not limited to, whether the adjacent property values may be adversely affected.

- (2) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
  - (3) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area.
  - (4) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood, not in terms of the street's capacity to absorb the additional traffic, but rather in terms of any significant increase in hourly or daily traffic levels.
  - (5) The capacity of adjacent streets to handle increased traffic in terms of traffic volume.
  - (6) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.
  - (7) The requirements for public services where the demands of the proposed use is in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use.
  - (8) The effect on the general appearance of the neighborhood by the location of the proposed use on the parcel.
  - (9) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.
  - (10) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscaped versus the use of buffers and screens.
  - (11) The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation.
  - (12) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.
  - (13) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.
- (f) Extension and Revocation. Council may grant an extension of all or any part of a conditional use permit if any approved conditional use permit granted by Council is not exercised and put into use within twelve (12) months of the date of approval. Council, after a public hearing, may revoke a conditional use permit for failure of compliance with the regulations and restrictions of the Zoning Code or the requirements of the conditional use permit.
- (g) Minor Variations. The Planning Commission has jurisdiction to approve minor variations from the conditional use plan provided that the variations shall remain in harmony with the general purpose and intent of the approved plan and the ordinance approving such plan.
- (h) Enforcement and Penalty. This section is subject to enforcement and penalty as specified in 1127.09: Enforcement.

#### 1127.07 VARIANCES

- (a) Area Variances. The Board of Zoning Appeals may authorize area variances from the terms of this Zoning Code that are not contrary to the public interest according to the following procedures:



- (1) Definition. Area variances shall be considered those variances from a zoning regulation that establishes minimum or maximum areas, heights, distances, separation volume or any other measurement, which is expressed in terms of a geometric measurement.
- (2) Application requirements. An application for an area variance shall be filed with the Community Development Director for review by the Board of Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
  - A. Name, address and phone number of applicant(s);
  - B. Proof of ownership, legal interest or written authority;
  - C. Description of property or portion thereof;
  - D. Description or nature of variance requested;
  - E. Narrative statements establishing and substantiating the justification for the variance;
  - F. Site plans, floor plans, elevations, and other drawings at a reasonable scale to convey the need for the variance;
  - G. Payment of the application fee;
  - H. A list of all property owners lying within 300 feet of any part of the property on which the variance is proposed, including their addresses; and
  - I. Any other documents deemed necessary by the Community Development Director.
- (3) Review for Completeness. Upon receipt of a written request for an area variance, the Community Development Director shall make a preliminary determination whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Community Development Director shall within ten days so advise in writing the applicant of the deficiencies and shall not further process the application until the deficiencies are corrected. If the applicant fails to correct such deficiencies within 20 days of the date of the written notice from the Community Development Director or such reasonable extension granted from the 20 days deadline, then such appeal shall be dismissed as not being timely filed.
- (4) Review by the Board. The Board of Zoning Appeals shall hold a public hearing and give notice of the same pursuant to Section 1127.03. The Board shall review each application for an area variance to determine if it complies with the purpose and intent of this Zoning Code and evidence demonstrates that the literal enforcement of this Zoning Code will result in practical difficulty. The following factors shall be considered and weighed by the Board to determine practical difficulty:
  - A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures, or conditions;
  - B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

- C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - E. Whether the variance would adversely affect the delivery of government services such as water, sewer, or trash pickup;
  - F. Whether the property owner purchased the property with knowledge of the zoning restrictions;
  - G. Whether special conditions or circumstances exist as a result of actions of the owner;
  - H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  - I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - J. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- (5) Requests for Additional Information. The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.
- (6) Additional Conditions and Safeguards. The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulation(s) or provision(s) to which the variance applies will be met.
- (7) Action by the Board. The Board shall approve, approve with conditions as specified in, or disapprove the request for an area variance. In no case shall the Board of Zoning Appeals approve a variance that establishes a nonconforming use of land, building, or structure where one had not previously existed.
- (8) Term and Extension of the Variance. Area variances shall be non-assignable without the written approval of the Board of Zoning Appeals and shall expire one year from the date of the variance issuance, unless prior thereto, the applicant substantially initiated work within one year in accordance with the granted variance or an extension of time has been granted by the Board of Zoning Appeals.
- A. Substantially Initiated. Substantially initiated shall mean expending monies towards completing the project equal to at least 25% of the value of the total work to be performed. A variance shall also expire if the applicant fails to substantially complete the work within two years from the date of the variance issuance.
  - B. Substantially Completed. Substantially Completed shall mean expending monies towards completing the project equal to at least 90% of the value of the total work to be performed. Once the time limit pursuant to this section has expired, a request for a variance shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this section. Area variances approved in conjunction with a site plan shall remain valid for a one-year period.

- (b) Use Variances. The granting of use variances shall be prohibited. An applicant seeking to use a structure or parcel of land in a manner that is not consistent with the permitted uses or conditional uses for the zoning district in question, may seek a change in land use through an amendment of the zoning map or zoning text following the procedures set forth in Section 1127.04.

#### 1127.08 APPEALS

- (a) Appeals to the Board of Zoning Appeals of decisions of the Community Development Director or other authorized representative.
- (1) May be taken by any person aggrieved.
  - (2) Such appeal shall be taken within 21 days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof.
  - (3) The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
  - (4) The Board shall fix a reasonable time for the hearing of the appeal, give at least 10 days notice to the parties in interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney.
- (b) Appeals to City Council of decisions of the Board of Zoning Appeals.
- (1) Such appeal to City Council shall be completed by filing the appeal form with the Clerk of City Council within 21 days of the decision of the Board. The appeal form is available from the Community Development Director.
  - (2) Appeals may be filed first to City Council and then to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.
  - (3) The appellant shall specify in writing the basis upon which the appeal is taken.
  - (4) Council shall set the public hearing on the appeal within 30 days of receipt.
  - (5) The Council and/or court may affirm, reverse, vacate or modify the decision complained of in the appeal.

#### 1127.09 ENFORCEMENT

- (a) Responsibilities and Duties. It shall be the duty of the City Manager or his designee to enforce the Zoning Code. The City Manager may assign such enforcement to the Community Development Director and other inspectors of the City, who shall:
- (1) Receive applications required by the Zoning Code;
  - (2) Issue permits;
  - (3) Furnish the prescribed certificates;
  - (4) Examine premises for which permits have been issued;
  - (5) Make necessary inspections to see that the provisions of law are complied with;

- (6) Enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of building and structure except as may be otherwise provided for;
  - (7) Make investigations in connection with matters referred to in the Zoning Code and render written reports on the same; and
  - (8) For the purpose of enforcing compliance with law, issue such notices or orders as may be necessary.
- (b) Inspections. Inspections shall be made by the Community Development Director or duly appointed inspector.
- (c) Records. The City Manager shall direct that comprehensive records are kept of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued; that copies are retained on file of all papers in connection with building work so long as required by law. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the offices of the Community Development Division of the City.
- (d) Permit Form, Conditions, and Procedure.
- (1) When Required. It shall not be lawful to construct, alter, repair, remove or demolish, or to commence construction, alteration, removal, or demolition of a building or structure, without first filing with the Community Development Division of the City an application in writing and obtaining a formal permit.
  - (2) Form. An application for a permit shall be submitted in such form as the Community Development Division may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, planner, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of authorized fees.
  - (3) Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawing to scale, including such floor plans, sections, elevations, and structural details as may be required.
  - (4) Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing with the permit record, drawing to scale, with all dimensions figured, showing accurately the size, the exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings and structures that are to remain. This shall be prepared by and signed by a registered surveyor, engineer, or architect.
  - (5) Changes. Nothing in this section shall prohibit the filing of amendments to an application or to a plan or to a record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

- (6) Completion of Existing Buildings. Nothing contained in the Zoning Code shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of the Zoning Code, provided, however, construction under such permit or approval shall have been started within six months and the ground story framework including structural parts of the second floor shall have been completed within one year and the entire building completed within two years after the effective date of the Zoning Code.
- (7) Action on Application. It shall be the duty of the Chief Building Official or other inspector assigned by the City Manager to examine applications for permits, within a reasonable time after filing. If, after examination, the inspector finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the inspector shall approve such application and issue a permit for the proposed work as soon as practical. If the examination reveals otherwise, the inspector will reject such application, noting the finding in a report to be attached to the application and delivering a copy to the applicant. For all buildings except one- and two-family residences, all applications for permits shall be reviewed by the Board of Site Arrangement before the permit is granted.
- (8) Approval in Part. Nothing in this section shall be construed to prevent the issuance of a permit for the construction of part of a building or structure before the entire plans and detailed statements of such building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with the Zoning Code.
- (9) Condition of the Permit. All work performed under a permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot of which a plot showing the proposed change in conditions shall have been filed and approved, provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
- (10) Signature to Permit. Every permit issued by the Chief Building Official or other authorized inspector under the provisions of this Zoning Code shall have the inspector's signature affixed thereto.
- (11) Limitation. A permit under which no work is commenced within one year after issuance shall expire by limitation.
- (12) Positing of Permit. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same. City Inspectors may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The City Community Development Division shall be given at least 12 hours' notice of the starting of work under a permit.
- (13) Revocation. The Chief Building Official or other authorized inspector may revoke a permit or approval issued under the provisions of the Zoning Code in the case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

**1127.10 CERTIFICATE OF OCCUPANCY FOR BUILDING**

- (a) No building shall be occupied before a Certificate of Occupancy has been issued.
- (b) A Certificate of Occupancy for a new building, or the reconstruction or alteration of an existing building, shall be applied for concurrent with the application for a building permit. Such Certificate shall be issued after the request has been made in writing to the Chief Building Official and after the erection or alteration of such building, or part thereof, has been completed in conformity with the provisions of the Zoning Code, and all other applicable Federal, State, County, and City building, fire, and safety codes and regulations.
- (c) Pending the issuance of a regular Certificate, a temporary Certificate of Occupancy may be issued by the Chief Building Official, or other authorized inspector, for a period not exceeding one year. During which the completion of alterations shall take place or during such temporary partial occupancy of a building, provided that such temporary certificate shall not be construed as in any way superseding the respective rights of the City or duties and obligations of the owners relating to the use or occupancy of the premises. Such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

**1127.11 PENALTY**

- (a) Whenever, in Part Eleven – Planning and Zoning Code of the Codified Ordinances of Blue Ash, any act is prohibited or is made or declared to be unlawful, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, whoever violates any such provision shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.
- (b) Failure to comply with any provision enforceable upon a property or person because of an approval granted by the City Council, Planning Commission, Board of Zoning Appeals, or Board of Site Arrangement shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.
- (c) Every person who violates a provision of Part Eleven is subject to penalty as described.

## TITLE FIVE – ZONING DISTRICTS

- Chap. 1129. Districts Established
- Chap. 1131. Site Regulations Summary
- Chap. 1133. Residential Zoning Districts
- Chap. 1135. Commercial Zoning Districts
- Chap. 1137. Planned Unit Developments

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### CHAPTER 1129: DISTRICTS ESTABLISHED

#### 1129.01 PURPOSE

The purpose of this chapter is to establish land use regulations and development standards for lots within the City of Blue Ash, Ohio.

#### 1129.02 DISTRICTS

For the purpose of this Zoning Code, the City of Blue Ash is hereby divided into the following districts:

Table 1129-1: Zoning Districts	
Abbreviation	District
Residential Zoning Districts	
R-1	Residential Low Density
R-2	Residential Medium Density
R-3	Residential High Density
Commercial Zoning Districts	
BAN	Blue Ash North District
SP	Summit Park District
BAS	Blue Ash South District
DT	Downtown District

#### 1129.03 DISTRICT MAP

The boundaries of the City zoning districts are hereby established as shown upon the map accompanying and made a part of this Zoning Code, designated as the “District Map”. The district map and all the notations, references, and other information shown thereon, and as subsequently amended, are a part of this Zoning Code and shall have the same force and effect as if such map and all notations, references, and other information shown thereon were fully set forth or described herein.

#### 1129.04 ANNEXED TERRITORIES

All territory which may be hereafter annexed to the City shall be classified as being in whichever district classification as recommended by the Planning Commission and approved by City Council in accordance with 1127.04: Zoning Text and Map Amendments.

#### 1129.05 VACATION OF PUBLIC WAYS

In the event any street, alley, or other public way forming the boundary of a district is vacated, the new district boundary line shall be the former center line of such vacated public way.

### 1129.06 BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map, the following rules apply:

- (a) The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the district map are bounded approximately by streets or alleys, such streets or alleys shall be construed to be the boundary of the district.
- (b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts designated on the district map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the district map.
- (c) For unsubdivided property, the district boundary lines on the map shall be determined by use of the scale appearing on the district map.



## CHAPTER 1131: SITE REGULATIONS SUMMARY

### 1131.01 SUMMARY OF YARD, LOT, AND HEIGHT REGULATIONS

Table 1131-1: Summary of Yard, Lot, and Height Regulations

District	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Minimum Lot Width*	Minimum Lot Area	Maximum Height
R-1 Residential Low Density	50'***	15'	30'	75'	20,000 SF	35'
R-2 Residential Medium Density	50'***	10'	30'	90'	15,000 SF	35'
R-3 Residential High Density	40'***	5'	25'	50' for single family detached lots – there is no minimum lot width for non-single family lots	6,250 SF per unit	35'
BAN Blue Ash North	30'	-	-	-	-	90'
SP Summit Park	30'	-	-	-	-	90'
BAS Blue Ash South	30'	-	-	-	-	50'
DT Downtown***	-	-	-	-	-	50'
<i>*For the Residential Zoning Districts, lot width is measured at the required building line.</i>						
<i>**For existing residential areas, the required minimum front yard setback shall be the average of the existing front setback of all principal structures on the same side of the street and within 300 feet of the subject lot. If the average is less than the district requirement, the required minimum front setback is the average as calculated. This does not apply to panhandle lots.</i>						
<i>***Downtown yard, lot, and height regulations can be found in Section 1135.07.</i>						

## CHAPTER 1133: RESIDENTIAL ZONING DISTRICTS

### 1133.01 PURPOSE STATEMENT

The purpose of this chapter is to establish Residential Zoning District development standards:

- (a) R-1 Residential Low Density. It is the purpose of the “R-1” district to encourage the establishment and retention of residential neighborhoods consisting of single-family dwellings on large lots while preserving the undeveloped lands within the district for similar types of residential uses.
- (b) R-2 Residential Medium Density. It is the purpose of the “R-2” district to encourage the establishment and retention of residential neighborhoods consisting of single-family dwellings on medium sized lots while preserving the undeveloped lands within the district for similar types of residential uses.
- (c) R-3 Residential High Density. It is the purpose of the “R-3” district to encourage the establishment and retention of residential neighborhoods consisting of single-family dwellings on small lots and patio homes, while allowing townhomes and appropriate commercial uses in suitable locations and of an appropriate density.

### 1133.02 PERMITTED USES

- (a) Table 1133-1: Residential Permitted Uses lists the uses allowed within the residential zoning districts.
- (b) Permitted Uses. A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
- (c) Permitted Uses with Standards. A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this code.
- (d) Conditional Uses.
  - (1) A “C” in a cell indicates that a use may be permitted if approved through a conditional use permit, subject to the conditions set forth in 1127.06: Conditional Use Regulations. Conditional uses may be subject to use-specific standards as identified in the last column of Table 1133-1: Residential Permitted Uses. Conditional uses are subject to all other applicable regulations of this code.
  - (2) The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for all conditional uses established in 1127.06: Conditional Use Regulations.

### 1133.03 TABLE OF RESIDENTIAL PERMITTED USES

Table 1133-1: Residential Permitted Uses identifies the list of permitted uses in all residential zoning districts.

Table 1133-1: Residential Permitted Uses					
		P=Permitted	PS=Permitted with Standards	C=Conditional Use	Blank Cell=Prohibited
Use Type	R-1	R-2	R-3	Additional Requirements	
<b>Residential Uses</b>					
Dwellings, single-family	P	P	P		
Dwellings, two-family			C	1133.04(a)	
Residential group homes	C	C	C	1133.04(b)	
Townhomes			C	1133.04(c)	
Type B family day-care homes	P	P	P		
<b>Community Facilities and Commercial Uses</b>					
Brewery or distillery, nano			C	1133.04(d)	
Cemeteries	C	C	C	1133.04(e)	
Community and public facilities, including public parks and open spaces	P	P	P		
Day care centers, prekindergarten, kindergarten, special and other private schools			C	1133.04(f)	
Institutions of education, religion, higher learning, non-profit, or of a philanthropic nature	C	C	C	1133.04(g)	
Libraries and museums, publicly owned and operated	P	P	P		
Outdoor recreation in association with a residential home owners association or similar organization	P	P	P		
Schools, public and private, elementary through high school	P	P	P		
Small scale offices, retail shops, mixed-use buildings, galleries, restaurants and food or beverage establishments, and bed and breakfasts			C	1133.04(h)	
<b>Residential Accessory Uses</b>					
Accessory buildings	PS	PS	PS	1133.05(a)	
Home occupations	PS	PS	PS	1133.05(b)	
Swimming pools, tennis courts, and similar structures	P	P	P		
**Additional uses that are not listed in this table may be allowed in a Planned Unit Development if approved by Planning Commission and City Council as described in Chapter 1137: Planned Unit Development.					

### 1133.04 PRINCIPAL USE-SPECIFIC STANDARDS

- (a) **Dwellings, two-family.** Two-family dwellings may be permitted in the R-3 zoning district with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the regulation that driveways and parking areas shall be set back five feet from the side lot lines.
- (b) **Residential Group Homes.** Residential group homes may be permitted in the R-1, R-2, and R-3 zoning districts with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
  - (1) The proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
  - (2) The proposed facility meets local fire safety requirements for the proposed use and level of occupancy.

- (3) The proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
  - (4) Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
  - (5) No such facility may be located within six-hundred (600) feet of another such facility.
  - (6) No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
  - (7) The exterior of all such facilities shall remain residential in appearance. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
  - (8) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
  - (9) The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.
- (c) Townhomes. Townhomes may be permitted in the R-3 zoning district with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) The minimum lot area per unit shall be 3,000 square feet and the overall site shall have a minimum area of one acre.
  - (2) Townhomes may be taller than the maximum 35 feet height limit provided that buildings shall be set back an additional one foot over the required yard requirement for each one foot the building exceeds the 35 foot height limit, but not to exceed 42 feet.
  - (3) Townhome buildings shall be separated by a minimum of 10 feet.
  - (4) Trash containers shall be screened with opaque fences and/or gates. Dumpsters shall be subject to the screening requirements found in Section 1147.06(h).
  - (5) Driveways shall not be less than 10 feet in width.
  - (6) Site Design Requirements. The development shall be designed as a whole, unified single project in compliance with the following requirements and, if built in stages, each shall conform to the approved plan.
    - A. There may be more than one main building on the lot.
    - B. Driveway openings to public streets shall be limited to one driveway per 200 feet of project frontage. Driveway openings shall not exceed 24 feet in width at the right-of-way.
    - C. Driveway openings shall be located no closer than 75 feet from any intersection.
    - D. Underground or surface storm drainage facilities shall be provided for all roads and drives and parking areas. All storm drainage shall be directed into established surface or underground storm drainage facilities. Stormwater retention basins shall be designed into landscaped areas, or as architectural design features. Dry detention ponds shall be designed into landscaped areas.

- E. Sidewalks shall be provided for internal pedestrian circulation within the project so as to connect parking spaces with the dwelling units and with any recreational or other accessory uses, and shall be provided along the front property line of the property or on the street right-of-way between the property line and the edge of the street paving or curb.
- (d) Brewery of distillery, nano. Nano breweries and nano distilleries may be permitted in the R-3 zoning district with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) The parking area shall be located a minimum of 10 feet from all property lines and comply with Chapter 1145: Landscape Standards for visual screening. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood.
  - (2) Must be located on a major thoroughfare.
  - (3) No outside sales or storage shall be permitted.
  - (4) Outdoor equipment, such as tanks and other brewing equipment, may be permitted subject to the approval by Planning Commission.
  - (5) Outdoor drinking areas may be permitted subject to approval by the Planning Commission and all other applicable regulations such as State liquor standards.
  - (6) One sign, not exceeding 25 square feet in area shall be permitted subject to the sign being mounted flush against the building and not internally illuminated.
- (e) Cemeteries. Cemeteries may be permitted in the R-1, R-2, and R-3 zoning districts with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) Any new cemetery shall be located on a site containing not less than 25 acres.
  - (2) The site shall have direct access to a major thoroughfare that the Planning Commission determines is adequate to serve the size of the facility proposed.
  - (3) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.
  - (4) All graves or burial lots shall be set back not less than 50 feet from any property line.
- (f) Day care centers, prekindergarten, kindergarten, special and other private schools. Day care centers, prekindergarten, kindergarten, special and other private schools may be permitted in the R-3 zoning district with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) The minimum lot area shall be one acre.
  - (2) Outdoor playgrounds, tot lots, exercise areas, etc. shall only be located in the side or rear yard and shall be fully enclosed by a fence, the height and design of which shall be approved by the Planning Commission.
  - (3) The applicant shall submit a parking and traffic circulation plan to the Planning Commission for review and approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so

as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.

- (g) Institutions of education, religion, higher learning, or of a philanthropic nature. Institutions of education, religion, higher learning, or of a philanthropic nature may be permitted in the R-1, R-2, and R-3 zoning districts with a conditional use permit and are subject to the standards Section 1127.06: Conditional Use Regulations and to the following:
- (1) The minimum lot area shall be four acres in size.
  - (2) The principal structure shall be located a minimum of 50 feet from any adjacent residential property line.
  - (3) For property lines that are not adjacent to a residential district or use, principal structures may be taller than the maximum 35 feet height limit provided that buildings shall be set back an additional one foot over the required yard requirement for each one foot the building exceeds the 35 foot height limit, not to exceed 50 feet in height.
  - (4) The parking area shall be located a minimum of 10 feet from the street right-of-way, 25 feet from all property lines and comply with Chapter 1145: Landscape Standards for visual screening. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood.
  - (5) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-street parking if applicable.
- (h) Small scale offices, retail shops, mixed-use buildings, galleries, restaurants and food or beverage establishments, and bed and breakfasts. Small scale offices, retail shops, mixed-use buildings, galleries, restaurants and food or beverage establishments, and bed and breakfasts may be permitted in the R-3 zoning district with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) The parking area shall be located a minimum of 10 feet from all property lines and comply with Chapter 1145: Landscape Standards for visual screening. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood.
  - (2) Must be located on a major thoroughfare.
  - (3) No outside sales or storage shall be permitted.
  - (4) Outdoor dining areas may be permitted subject to approval by the Planning Commission.
  - (5) One sign, not exceeding 25 square feet in area shall be permitted subject to the sign being mounted flush against the building and not internally illuminated.

#### 1133.05 ACCESSORY USE-SPECIFIC STANDARDS

(a) Accessory Buildings.

- (1) Accessory buildings are limited to not more than two with a maximum area of seven percent of the property area or 800 square feet total, whichever is greater.

- (2) Accessory buildings shall be complimentary to the main building and surrounding properties.
  - (3) Accessory buildings shall only be permitted in the side and rear yards. Storage sheds shall only be located within the rear yard.
  - (4) Accessory buildings shall not exceed a height of 16 feet and the eaves of any wall shall not exceed 12 feet.
  - (5) Accessory structures shall not contain or be used as dwelling units, home occupations, or for commercial or industrial purposes.
  - (6) The main building shall be constructed and approved for occupancy prior to the construction of an accessory building.
  - (7) Accessory structures shall be located no closer than five feet to any side or rear property line.
  - (8) No more than two temporary structures may be allowed to exist on any lot at the same time. No temporary structure may be allowed to remain for more than 21 days and a period of 60 days must elapse before it or any other temporary structure is permitted.
- (b) Home Occupations.
- (1) Home occupations as an accessory use may be conducted in a single-family dwelling provided it is: (1) clearly incidental and secondary to the use of the dwelling, (2) does not change the character of the dwelling; and (3) there is no indication from the exterior that the dwelling is being utilized in whole or in part for any purpose other than a dwelling and further that:
    - A. The home occupation is conducted wholly within the dwelling or off the premises;
    - B. There is no outside storage or display of materials in connection with the home occupation;
    - C. The home occupation is conducted only by an individual that is residing on the premises;
    - D. The home occupation will not create more than six trips a day to and from the dwelling by all customers of the home occupation;
    - E. The area used for the home occupation shall not exceed 10 percent of the floor area of the dwelling, including basements, and no part of a garage or accessory building shall be used;
    - F. There is no stock or materials other than the type of quantity normally found in the home;
    - G. The delivery of any materials for the home occupation will not exceed two trips per day by any vehicle not owned by a family member;
    - H. If some product is made as part of the activity, only this product may be sold; and
    - I. The mechanical equipment used for the home occupation is of a size and type that is similar to domestic mechanical equipment or is customarily found in a business office.
  - (2) Home occupations shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment but not for the general practice of his/her profession. Garage, yard, and house sales shall

not exceed two per calendar year and each sale shall be limited to two concurrent days. Home occupation shall exclude the use of premises for barbershops, beauty shops, massage parlors, doctor's offices for the treatment of patients, auto repair shops, or any use that exceeds the conditions contained in this section. Any home occupation that does not conform to subsection (1) shall be relocated and/or removed from the residence.

### 1133.06 SUPPLEMENTAL RESIDENTIAL DISTRICT USE STANDARDS

- (a) Fences, walls, landscaping, and retaining walls.
- (1) Fences in the required front yard must be approved by the Board of Site Arrangement and shall conform to the following:
    - A. The fence shall be no more than four feet in height and 30% solid.
    - B. The fencing shall not take up more than 25% of the front yard frontage.
    - C. Adjacent properties will not be negatively affected.
    - D. If the fence is more than three feet high it may not be located within 30 feet of the street intersection.
  - (2) Fences in side and rear yards shall not exceed six feet in height. No barbed wire, farm or other commercial fences are permitted in any yard.
  - (3) Retaining walls shall not exceed four feet in height. A second tier retaining wall shall not exceed four feet in height and shall be set back four feet from the first lower wall. A fence on top of any retaining wall shall be set back two feet from the retaining wall.
  - (4) In any district where a privacy fence may be installed, the more attractive or finished side of the fence shall face outward (i.e., in view of neighboring properties).
  - (5) A fence (open or solid to any degree) or wall of any height may be erected along a lot or buffer area line or interstate highway upon approval of the Board of Site Arrangement if necessary for the preservation of public peace, health, safety, or general welfare or the protection of residential uses.
- (b) Grading, Filling, and Excavation. Grading, filling, excavating or any change in the grade of property that involves the moving, depletion or replacement of more than 100 cubic yards of material or changes the existing elevation by more than one foot requires a permit. No grading shall be done that may be detrimental to surrounding property in appearance or in the diversion of stormwater drainage.
- (c) Height Exceptions.
- (1) Institutions of an education, religion, higher learning, non-profit, or of a philanthropic nature, when permitted, may be erected to a height not exceeding 70 feet, if the building is setback from each yard at least one foot for each foot of additional building height above the height limit otherwise permitted in the district where the building is located.
  - (2) Chimneys, cooling towers, elevator bulkheads, fire towers, monument stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio or television towers or necessary mechanical appurtenances may be exempted by the Board of Site Arrangement from the height regulations if the following standards are met. The construction and/or installation of any feature listed within this subsection requires approval by the Board of Site Arrangement regardless of height.



- A. They are set back one foot over the yard requirements in the district which they are located for every one foot in height above the height required in the district in which they are located;
  - B. They are complimentary to the principal building;
  - C. They do not create a detrimental impact upon adjoining, surrounding, and nearby properties.
- (d) Residential Outside Storage.
- (1) For residential zoning districts and residential uses, there shall be no outside storage of household items, appliances, building materials, or of any such material including, but not limited to, vehicle parts, gazebos, and outdoor children play items in the front or side yards. Such items are permitted in the rear yard.
  - (2) Residential uses may store building materials for an active construction project on an impervious surface in the front yard for up to 30 days.
- (e) Residential Yard Regulations.
- (1) For residential zoning districts and residential uses, every part of a required yard shall be open to the sky, unobstructed except for accessory buildings, patios, and decks in a rear yard only, and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes, and similar items, not to extend more than 24 inches into any required yard.
  - (2) For corner lots, there shall be a front yard on each street side. No accessory building shall project beyond the front yard line on either street.
  - (3) Where lots have a double frontage, the required front yard shall be provided on both streets.
  - (4) Unless specific exceptions are provided for a district within the Zoning Code, all front yards shall be devoted to landscaped areas. Up to  $\frac{1}{4}$  of the required front yard may be taken up with drives, walks, and patios.

## CHAPTER 1135: COMMERCIAL ZONING DISTRICTS

### 1135.01 PURPOSE STATEMENT

The purpose of this chapter is to establish Commercial Zoning District standards:

- (a) BAN Blue Ash North District. It is the purpose of the “BAN” district to create an employment district with attractive office and industrial uses that also includes amenities for the employees of the district such as restaurants and retail uses.
- (b) SP Summit Park District. It is the purpose of the “SP” district to create a regional mixed-use area catering to the visitors of Summit Park, existing and new residents, and the adjacent office developments with integrated commercial, mixed housing, and office components.
- (c) BAS Blue Ash South District. It is the purpose of the “BAS” district to create a commercial district with retail, grocery, restaurant, and office components that attract from the Blue Ash employment districts, the residential neighborhoods, and travelers along OH-126.
- (d) DT Downtown District. It is the purpose of the “D” district to create a community mixed-use destination that contains a concentration of retail, restaurant, multi-family, and public amenity uses within an attractive and walkable district.

### 1135.02 PERMITTED USES

- (a) Table 1135-1: Commercial Permitted Uses lists the uses allowed within the commercial zoning districts.
- (b) Permitted Uses. A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
- (c) Permitted Uses with Standards. A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this code.
- (d) Conditional Uses.
  - (1) A “C” in a cell indicates that a use may be permitted if approved through a conditional use permit, subject to the conditions set forth in Section 1127.06: Conditional Use Regulations. Conditional uses may be subject to use-specific standards as identified in the last column of Table 1135-1: Commercial Permitted Uses. Conditional uses are subject to all other applicable regulations of this code.
  - (2) The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for all conditional uses established in Section 1127.06: Conditional Use Regulations

### 1135.03 TABLE OF PERMITTED USES

Table 1135-1: Commercial Permitted Uses identifies the list of permitted uses in all commercial zoning districts.

Table 1135-1: Commercial Permitted Uses					
P=Permitted	PS=Permitted with Standards	C=Conditional Use		Blank Cell=Prohibited	
Use Type	BAN	SP	BAS	DT	Additional Requirements
<b>Residential Uses</b>					
Mixed-use residential				PS	1135.04(a)
Townhomes				PS	1135.04(b)
<b>Community and Public Facility Uses</b>					
Community and public facilities, including public parks and open spaces	P	P	P	P	
Institutions of education, religious, higher learning, non-profit, or of a philanthropic nature	P	P	P	P	
Libraries and museums	P	P	P	P	
Schools, public & private	P	P	P	P	
<b>Commercial Uses</b>					
Animal boarding facilities and kennels	PS				1135.04(c)
Automotive fueling station	C	C	C	C	1135.04(d)
Brewery or distillery, micro	P	P	P	P	
Brewery or distillery, macro	P				
Brewery or distillery, nano	P	P	P	P	
Conference centers	P	P	P		
Day care center	PS	PS	PS	PS	1135.04(e)
Entertainment, health, and recreation facilities	PS	PS	PS	PS	1135.04(f)
Greenhouses and nurseries	PS				1135.04(g)
Financial Institutions	P	P	P	P	
Funeral homes, mortuaries	P			P	
Hospitals and surgery centers	P	PS	P		1135.04(h)
Manufacturing, light	P		P		
Offices	P	P	P	P	
Office, medical	P	P	P	P	
Parking as principal use (lot or garage)	PS	PS	PS	P	1135.04(i)
Personal services	P	P	P	P	
Recycling centers	PS				1135.04(j)
Restaurants, bars, brewpubs, and other food and beverage services	P	P	P	P	
Retail sales, small scale	P	P	P	P	
Retail sales, large scale			P		
Vehicle repair facility	C		C	C	1135.04(k)
Vehicle sales and rental			C		1135.04(l)
<b>Accessory Uses</b>					
Accessory buildings	PS	PS	PS		1135.05(a)
Drive-through facility	PS	PS	PS	PS	1135.05(b)
Outdoor dining	PS	PS	PS	PS	1135.05(c)
Outdoor storage or sales	C				1135.05(d)
Warehousing	PS	PS	PS		1135.05(e)
**Additional uses that are not listed in this table may be allowed in a Planned Unit Development if approved by Planning Commission and City Council as described in Chapter 1137:Planned Unit Development.					

#### 1135.04 PRINCIPLE USE-SPECIFIC STANDARDS

- (a) Mixed-Use Residential. Mixed-use residential uses may be permitted in the DT zoning district subject to the following:
- (1) Must be within a building containing a non-residential use.
  - (2) The majority of the first floor elevations of buildings adjacent to a street or right-of-way shall be a non-residential use other than parking.
  - (3) The minimum required setback shall be increased by 10 feet per floor for each floor above the second floor of any building that contains a residential use, where it abuts an adjacent residential zoning district.
- (b) Townhomes. Townhomes may be permitted in the DT zoning district subject to the following:
- (1) The minimum lot area per unit shall be 3,000 square feet and the overall site shall have a minimum lot area of one acre.
  - (2) Townhomes shall not exceed 42 feet in height.
  - (3) The front, side, and rear yard setbacks for the entire parcel shall be 15 feet.
  - (4) Townhome buildings shall be separated by a minimum of 10 feet.
  - (5) Trash containers shall be screened with opaque walls or fences and gates. Dumpsters shall be subject to the screening requirements found in Section 1147.06(h).
  - (6) Driveways shall not be less than 10 feet in width.
- (c) Animal Boarding Facilities. Animal boarding facilities may be permitted in the BAN zoning district subject to the lot being set back a minimum of 300 feet from any residential district or use.
- (d) Automotive Fueling Station. Automotive fueling stations may be permitted in the BAN, SP, BAS, and DT zoning districts with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) Automotive fueling stations that are legal conforming uses on the date of this code's adoption shall be allowed to continue operation on their current parcel size as long as the use and site remains in conformance with the regulations of this zoning code. Such stations shall be allowed to renovate, remodel, or construct new buildings or structures as long as there is no increase to the parcel size and all applicable development standards can be met.
  - (2) New stations that are proposed on lots that are not an automotive fueling station on the day of this code adoption must not contain more than four fueling pumps per station. Each pump may have two fueling dispensers.
- (e) Day Care Center. Day care centers may be permitted in the BAN, SP, BAS, and DT zoning districts subject to the following:
- (1) The main building shall not exceed 10,000 square feet in size.
  - (2) All outdoor playgrounds, tot lots, exercise areas, etc. shall be located in the side or rear yard and shall be fully enclosed by a fence, the height and design of which shall be approved by the Planning Commission.

- (f) Entertainment, Health, and Recreation Facilities.
- (1) Entertainment, health, and recreation facilities that are 40,000 square feet or less in floor area may be located in the BAN, SP, BAS, and DT zoning districts.
  - (2) Entertainment, health, and recreation facilities that are more than 40,000 square feet in floor area may be located in the BAN and BAS zoning districts.
- (g) Greenhouses and Nurseries. Greenhouses may be permitted in the BAN zoning district subject to the following:
- (1) Business must have and maintain a Nursery Dealer Certificate (USDA).
  - (2) No exterior loudspeakers.
  - (3) No outside parking or storage of trucks and trailers designed and manufactured for or used for specific commercial purposes including, but not limited to, wreckers, dump trucks, tracked vehicles, buses, construction vehicles, equipment vehicles and equipment carriers, bottling works delivery trucks, grain trucks and refrigerated trucks.
- (h) Hospitals and Surgery Centers. Hospitals and surgery centers that are 120,000 square feet or less in floor area may be located in the SP zoning district.
- (i) Parking as Principal Use (Lot or Garage). Parking as a principle use may be permitted in the BAN, SP, and BAS zoning districts if all the proposed parking spaces are located within a garage structure of at least two stories, of which may be located either below or above ground.
- (j) Recycling Centers. Recycling centers may be permitted in the BAN zoning district if the recycling operation is conducted entirely inside a building and there is no outside storage of materials on the subject property.
- (k) Vehicle Repair Facility. Vehicle repair facilities may be permitted in the BAN, BAS, and DT zoning districts with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) The facility shall include an enclosed area of at least 2,000 square feet that includes restroom facilities.
  - (2) There shall be no exterior sales or storage of merchandise, tools, or other equipment.
- (l) Vehicle Sales and Rental. Vehicle sales and rental facilities may be permitted in the BAS zoning district with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
- (1) The facility shall include an enclosed area of at least 2,000 square feet that includes restroom facilities.

#### 1135.05 ACCESSORY USE-SPECIFIC STANDARDS

- (a) Accessory Buildings.
- (1) Accessory buildings and uses customarily incidental to the above permitted uses, and shall be complimentary to the main building and surrounding properties.
  - (2) Accessory buildings shall only be permitted in the side and rear yards. Storage sheds shall only be permitted within the rear yard.

- (3) The main building must be constructed and approved for occupancy prior to the construction of an accessory building.
  - (4) Accessory structures shall be located no closer than five feet to any side or rear property line.
  - (5) No more than two temporary structures may be allowed to exist on any lot at the same time. No temporary structure may be allowed to remain for more than 21 days and a period of 60 days must elapse before it or any other temporary structure is permitted.
- (b) Drive-Through Facility. Drive-through facilities shall only be permitted in association with a financial institution or pharmacy use. Drive-through facilities are not permitted for restaurant uses.
- (c) Outdoor Dining.
- (1) Outdoor dining areas that are less than 10 feet in width may be permitted in association with a food or beverage establishment in the BAN, SP, BAS, and DT zoning districts subject to the following:
    - A. Outdoor dining areas are permitted in any yard.
    - B. A minimum four feet wide path shall be maintained around any outdoor dining area to allow for safe pedestrian travel.
    - C. Outdoor dining areas shall not be located in any required parking space or parking area.
    - D. Outdoor dining areas shall not include the use of audio or visual electronics including televisions and projecting screens.
  - (2) Outdoor dining areas that are greater than 10 feet in width may be permitted in the BAN, SP, BAS, and DT zoning districts with a conditional use permit and are subject to the standards within Section 1127.06: Conditional Use Regulations and to the following:
    - A. Outdoor dining areas are permitted in any yard.
    - B. Outdoor dining areas shall be surrounded by decorative railing or fencing that separates the eating area from the sidewalk or vehicular traffic. Planning Commission shall review and approve the material, height, and color of the proposed enclosure.
    - C. A minimum four feet wide path shall be maintained around any outdoor dining area to allow for safe pedestrian travel.
    - D. Outdoor dining areas shall not be located in any required parking space or parking area.
- (d) Outdoor Storage or Sales.
- (1) For commercial uses (not including industrial uses) in the BAN, SP, BAS, or DT zoning districts there shall be no outside sales or storage of merchandise or products except for:
    - A. Commercial uses may conduct outdoor sales of plants, shrubs, and trees for a 100 day period per year. This shall be limited to a total of 3,000 square feet in any area or parking spaces; however all drives shall remain open for traffic.
    - B. Commercial uses may have merchandise on display outside if it is located within five feet of the front building façade or completely contained under the front roof or eave line.

- (2) For industrial uses in the BAN, SP, or BAS zoning districts, outdoor storage may be permitted in the side or rear yards if the materials are fully screened from view from all property lines and adjacent rights-of-way. Screening methods shall include opaque walls, fences, mounding, evergreen plantings, or any combination thereof that are at least six feet in height. Screening methods shall not include chain link type fences with or without slats.
- (e) Warehousing. Warehouses may be permitted as an accessory use in association with a principally permitted use. If warehousing is proposed as part of an application, the area of such warehousing shall be identified on the development plan and the square footage of the area identified. The warehousing area must be incorporated into the principal building, no stand-alone warehousing units, such as self-storage facilities, are permitted.

#### 1135.06 SUPPLEMENTAL COMMERCIAL DISTRICT USE STANDARDS

(a) Fences and walls.

- (1) In the SP, DT, and BAS zoning districts, fences shall not exceed six feet in height and shall not be located in the front yard or in front of the main building. Wire or steel mesh fences shall only be used for security purposes and must be approved by the Board of Site Arrangement.
- (2) In the BAN zoning district, fences no more than 30 percent solid and no more than six feet in height may be installed in any yard so long as they do not present a visual hazard at street or driveway intersections. Fences exceeding these dimensions may be installed in a side or rear yard upon approval of the Community Development Director. Fences exceeding these dimensions may be installed in the front yard as long as they do not present a visual hazard at street or driveway intersections and upon approval by the Board of Site Arrangement.
- (3) A fence (open or solid to any degree) or wall of any height may be erected along a lot or buffer area line or interstate highway upon approval of the Board of Site Arrangement if necessary for the preservation of public peace, health, safety, or general welfare or the protection of residential uses.
- (4) Retaining walls shall not exceed four feet in height. A second tier retaining wall shall not exceed four feet in height and shall be set back four feet from the first lower wall. A fence on top of any retaining wall shall be set back two feet from the retaining wall.

- (b) Grading, Filling, and Excavation. Grading, filling, excavating or any change in the grade of property that involves the moving, depletion or replacement of more than 100 cubic yards of material or changes the existing elevation by more than one foot requires a permit. No grading shall be done that may be detrimental to surrounding property in appearance or in the diversion of stormwater drainage.

(c) Height Exceptions.

- (1) Institutions of an education, religion, higher learning, or of a philanthropic nature, when permitted, may be erected to a height not exceeding 70 feet, if the building is setback from each yard at least one foot for each foot of additional building height above the height limit otherwise permitted in the district where the building is located.
- (2) Chimneys, cooling towers, elevator bulkheads, fire towers, monument stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio or television towers or necessary mechanical appurtenances may be exempted by the Board of Site Arrangement from the height regulations if the following standards are met. The

construction and/or installation of any feature listed within subsection (2) requires approval by the Board of Site Arrangement regardless of height.

- A. They are set back one foot over the yard requirements in the district which they are located for every one foot in height above the height required in the district in which they are located;
  - B. They are complimentary to the principal building; and
  - C. They do not create a detrimental impact upon adjoining, surrounding, and nearby properties.
- (d) Multiple Buildings on a Lot. More than one main building may be located upon the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
- (e) Commercial Yard Requirements.
- (1) Sills, belt course, eaves, wing walls, cornices, and ornamental features may project up to three feet into a required yard as long as the projection is contained within the subject property.
  - (2) Open fire escapes, fireproof outside stairways, balconies opening upon fire towers, chimneys, and flues may project up to three and one-half feet into the rear yard if approved by the Community Development Director.
  - (3) For corner lots, there shall be a front yard on each street side. Accessory buildings shall only be permitted in the side or rear yards.
  - (4) Where lots have a double frontage, the required front yard shall be provided on both streets.
  - (5) Unless specific exceptions are provided for a district within the Zoning Code, all front yards shall be devoted to landscaped areas. Up to ¼ of the required front yard may be taken up with drives, walks, and/or parking areas. The landscape area may be approved to be placed either along the street line or against the building with the approval of the Community Development Director.
- (f) Site Design Requirements. The following regulations shall be applied to all new buildings within any commercial zoning district, as applicable.
- (1) There may be more than one principle building per lot.
  - (2) Driveway openings to public streets shall be limited to one driveway per 200 feet of project frontage. Driveway openings shall not exceed 30 feet in width.
  - (3) Driveway openings shall be located no closer than 75 feet from any intersection.
  - (4) Whenever possible and practical, each project shall provide an interior drive that is looped to provide through movement of vehicles. All drives shall consist of a minimum 20 feet in width pavement as prescribed in Chapter 1141: Parking and Loading Requirements. Curbs shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with curbs. Whenever possible and practical, adjacent developments shall share ingress and egress.
  - (5) Parking lots, with bays containing more than 20 spaces, shall, whenever possible, provide ingress and egress at both ends of each parking bay or parking lot.



- (6) Underground storm drainage facilities shall be provided for all roads and drives and parking areas. All storm drainage shall be directed into established surface or underground storm drainage facilities. Stormwater retention basins shall be designed into landscaped areas as natural appearing ponds, or as architectural design features. Dry detention ponds shall be designed into landscaped areas.
- (7) Sidewalks shall be provided for internal pedestrian circulation so as to connect parking spaces with the buildings.
- (8) Sidewalks shall be provided along the front property line on the property or on the street right of way between the property line and the edge of the street paving or curb.
- (9) All parking areas and walkways shall be illuminated so as to produce a minimum illumination of 1.0 footcandle within such areas. All exterior lighting shall be erected so as to not create more than 0.2 footcandle of light onto adjacent single-family residential areas and no exterior lighting shall exceed 10 footcandles. All lighting shall be served with underground cable and underground served poles.
- (10) The site shall be landscaped in accordance with the Landscape Standards in Chapter 1145: Landscape Standards.
- (11) Any part of lot area not used for buildings or other structures, or for roads, walks, parking, service areas or access ways shall be landscaped with grass, ground cover, trees and shrubs.
- (12) All dumpsters shall be screened with a solid wall (materials to compliment the primary structure) at least six feet in height with a minimum clear width of 10 feet with self-latching gates and shall comply with Section 1147.06(h).
- (13) Dumpster pads shall be constructed in accordance with standards established elsewhere in the Code of Ordinances.
- (14) All electric, telephone and cable lines shall be placed underground.
- (15) All buildings shall have an unobstructed fire lane adjacent to the building.
- (16) Existing natural areas and small watercourses shall be retained wherever appropriate.

#### **1135.07 DOWNTOWN ZONING DISTRICT REGULATIONS**

The following regulations apply only to development within the Downtown Zoning District.

(a) Height.

- (1) Principal buildings located at the corner of Kenwood and Cooper Road may have a maximum height of 60 feet.
- (2) All principle buildings shall have a minimum of two stories above ground, except as regulated in Section 1135.05(a): Accessory Buildings.

(b) Setbacks.

- (1) It is the intent that all buildings with frontage on Kenwood Road, Cooper Road, or on Hunt Road between Kenwood Road and Cooper Road shall be built to the back of the public sidewalk. Exceptions may be made to allow room for outdoor dining areas, landscaped entries, pedestrian plazas, enhanced customer entrances, similar pedestrian amenities, or

- other unique design concepts. All other buildings shall have a maximum front setback of 15 feet.
- (2) Overhangs, awnings, and roofs may extend up to four feet into the right-of-way above a public sidewalk if an eight foot clearance is maintained for pedestrians and the projections pose no threat to the public health, safety, or general welfare.
  - (3) Buildings shall be set back a minimum of 10 feet from the side and rear lot lines when abutting uses in a different zoning district.
- (c) Lot Area/Density.
- (1) All new buildings shall contain a minimum of 20,000 square feet gross floor area, including all floors of the building.
  - (2) The minimum residential gross density shall be eight units per acre.
  - (3) When residential uses are part of a vertically mixed-use building, the minimum density shall not apply.
  - (4) There is no maximum residential density in this district provided that residential uses meet the setback, height, and other site design requirements.
  - (5) All lots must abut a public right-of-way.
- (d) Blocks. Blocks shall have a minimum length of 200 feet and a maximum length of 500 feet.
- (e) Sidewalks.
- (1) Sidewalks used for internal pedestrian circulation (i.e., connecting parking spaces with buildings) shall have a minimum width of four feet.
  - (2) All sidewalks shall be built to standards established elsewhere in the Code of Ordinances.
- (f) General Site Layout.
- (1) Whenever possible, dumpsters shall be combined for tenant and/or surrounding building uses. All dumpsters shall be enclosed with face brick walls, six feet high at grade, eight inches thick, and all faces of the wall to be brick, and the top course to be row lock and with wood doors of appropriate design completely closing off the front of the dumpster enclosure.
  - (2) Dumpster pads shall be constructed in accordance with standards established in Section 1147.06(h).
  - (3) All electric, telephone and cable lines shall be placed underground.
  - (4) Underground storm drainage facilities shall be provided for all roads and drives and parking areas. All storm drainage shall be directed into established storm drainage facilities.
  - (5) All retaining walls which are visible from any public street shall have masonry facing, such as brick, stone, or other decorative finish.
- (g) Building Design. All new construction and building modifications, as applicable, shall conform to the architectural standards of Chapter 1147: Architectural Standards of this zoning code.

## CHAPTER 1137: PLANNED UNIT DEVELOPMENT DISTRICT

### 1137.01 PURPOSE

The purpose of this chapter is to establish standards and procedures for Planned Unit Development (PUD) District. A PUD promoted development of land in a creative manner that allows for a more efficient and economic development of property than is ordinarily permitted by conventional zoning and subdivision regulations.

### 1137.02 PUD REGULATIONS

- (a) Permitted Uses. Any use shall be allowed within a PUD District subject to the approval of Planning Commission and City Council.
- (b) Minimum Development Area. The minimum area to qualify as a PUD shall be at least three contiguous acres in size. Planning Commission and City Council may approved a PUD that contains less than three acres if there are special site characteristics that exist and proposed uses justify development of the property as a PUD, such as a site redevelopment or infill project.
- (c) Multiple Buildings on a Lot. More than one building is permitted on a lot.
- (d) Ownership. Evidence shall be provided that the applicant has control over the land contained within the PUD application.
- (e) Setbacks. Peripheral and internal setbacks shall be defined on the PUD plan as approved by Planning Commission and City Council.
- (f) Transitions. PUD developments shall be considerate of adjacent developments and shall be designed in a way to mitigate undesirable audible and visual land use impacts to the adjacent land uses. Installation of facilities/features required to protect and preserve the character and value of surrounding residential properties shall be completed before occupancy permits will be issued.
- (g) Circulation. The vehicular and pedestrian circulation system shall be designed to fully accommodate vehicular and pedestrian traffic with safety and efficiency within the development.
- (h) Architecture. All buildings within a PUD development shall be subject to the architectural standards found in Chapter 1147: Architectural Standards.

### 1137.03 ESTABLISHMENT OF DISTRICTS

Planned Unit Development Districts, when approved by the Planning Commission and City Council, shall be identified on the City's zoning map with the notation "PUD".

### 1137.04 CONCEPT DEVELOPMENT PLAN REQUIREMENTS

The Concept Development Plan shall include the following:

- (a) Survey or engineering drawings of the property to be rezoned.
- (b) Vicinity map.
- (c) North arrow.
- (d) Narrative description of the proposed development.
- (e) Proposed parcels contained with the development.
- (f) Existing property lines of adjacent properties, including owners of record, and existing zoning designations of adjacent properties.
- (g) The locations of proposed buildings and land uses within the development. The amount of land area dedicated for each type of land use shall be indicated.

- (h) For developments that include residential uses, the type of dwelling units, dwelling unit density, minimum lot sizes, frontages, and setbacks shall be specified.
- (i) Preliminary interior open space system and landscape concepts.
- (j) Location of existing and proposed public and private streets, parking areas, and sidewalks.
- (k) Minimum peripheral setbacks around the perimeter of the development.
- (l) Location of all existing structures located within the development and within 200 feet of the boundary of the proposed development.
- (m) Proposed locations for dumpster enclosures.
- (n) Traffic impact study, if the development is expected to generate 100 or more new inbound or outbound trips during the peak travel hours.
- (o) Additional information as requested by the Planning Commission or City Council to facilitate analysis of the benefits of the project.

### 1137.05 FINAL DEVELOPMENT PLAN REQUIREMENTS

The Final Development Plan shall be drawn to scale and include the applicable information from the Concept Plan and the following:

- (a) Plat prepared by a registered surveyor for entire development identifying parcel numbers, lines, dimensions, and areas.
- (b) The existing topography with contour intervals of not less than five feet, and final contours at two feet maximum.
- (c) The location of all existing trees with a caliper of four inches or more.
- (d) The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of cars), entrance and exiting driveways and their relation to existing and proposed streets, proposed landscaping, proposed signs, and all other significant features of the proposed development.
- (e) Building elevations and perspective views indicating proposed architectural character. Building materials and colors shall be identified. Material boards may be required upon request of the Community Development Director.
- (f) Design and location of all existing landscaping to be preserved and all proposed landscaping areas, open spaces, buffering plans, retention areas, and yards including the common and scientific names of all proposed plant species and the quantity and sizes of each.
- (g) Existing storm and sanitary sewers, water mains, culverts and other underground structures;
- (h) Proposed storm and sanitary sewers, water mains, culverts, and other underground structures;
- (i) Lighting, including fixture types, size, and a photometric plan.
- (j) Trash facilities, including dumpster pad and enclosure details;
- (k) Notation of any right-of-way dedication that may be necessary for the widening or extension of any major streets.
- (l) Sign plan indicating locations, sizes, and designs for all proposed signs.
- (m) A phasing plan for the development, if any.
- (n) Professional Engineer's and/or Architect's stamp and signature.
- (o) Additional information as requested by the Planning Commission or City Council to supplement the above information when special conditions occur.

## 1137.06 PROCESS

- (a) Pre-Submittal Meeting. Prior to submitting the Concept Development Plan the property owner or owner's representative is encouraged to meet with City staff to discuss the development informally, the purpose being to discuss the intent of the development and the PUD process and to identify any preliminary concerns with the proposed development.
- (b) PUD Zone Map Amendment and Concept Development Plan Submittal.
- (1) The owner or owner's representative may submit an application for a PUD zone map amendment and Concept Development Plan approval in accordance with the provisions of this section.
  - (2) The Community Development Director shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Planning Commission.
  - (3) The Planning Commission shall review the PUD zone map amendment and Concept Development Plan and shall furnish to City Council its recommendation with respect to the submitted plans. If no recommendation is transmitted by the Commission within 60 days of notification, the Council may take action without further awaiting such report.
  - (4) City Council shall review and take action on the plan after receiving the recommendation of the Planning Commission, and after a public hearing. City Council may approve, conditionally approve, or disapprove the PUD zone map amendment and the Concept Development Plan.
  - (5) In the case of an adverse recommendation by the Planning Commission, such amendment, supplement, change, modification, or repeal shall not become effective except by a favorable vote of at least five members of Council.
  - (6) Following approval of the PUD zone map amendment and Concept Development Plan, the owner or owner's representative may submit the Final Development Plan.
- (c) Final Development Plan Submittal.
- (1) The Final Development Plan, together, with an application, shall be filed with the City.
  - (2) The Community Development Director shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Planning Commission.
  - (3) The Planning Commission shall review the application package and take action on the Final Development Plans. Planning Commission may approve, conditionally approve, or disapprove the Final Development Plan based on the plan's consistency with the Concept Development Plan and Section 1137.05. The Planning Commission, for any reason, may decide to send the Final Development Plan to City Council for review and Council action. In this instance, Planning Commission shall still provide City Council with their recommendation on the submitted Final Development Plan.
- (d) Building Permit. Following the approval of the Final Development Plan by the Planning Commission or City Council, the owner or owner's representative may submit for building permits. Building permits shall be issued by the Chief Building Official or authorized inspector and shall be exempt from the provisions of Chapter 1131: Site Regulations Summary.

- (e) Acceptance Deed. Following the approval of the Plan by Council, the owner or owner's representative shall cause a deed of acceptance of the development plan and the ordinance approving such plan to be recorded with the Recorder of Hamilton County.

#### **1137.07 COMBINED CONCEPT AND FINAL DEVELOPMENT PLANS**

The owner or owner's representative may request to combine the applications for the Concept and Final Development Plans. The Community Development Director may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project. All requirements of both 1137.04 and 1137.05 shall be met for a combined plan submittal. If approved by the Community Development Director, the owner or owner's representative shall submit the PUD zone map amendment along with the Final Development Plan and any additional information that is required for the Concept Development Plan such as project narrative and adjacent developments. The application shall follow the process established for the Concept Development Plan including review by Planning Commission and a public hearing and action by City Council.

#### **1137.08 COMPLIANCE WITH THE PLAN**

Structures, improvements and landscaping shall be built and installed and maintained according with the plan as approved by Council. This will be in respect to all requirements of the plan and shall include, but is not limited to, the location of the structures, location and layout of all streets and sidewalks including public right-of-way, layout and improvements of off-street parking and loading areas, location and width of driveways, ingress and egress to and from the site, grading, location and planting of landscaped areas and fencing, and location and design of lighting and signs. Once such structures, improvements, and landscaping have been built or installed, it shall be the duty of the owner or the owner's representative to maintain the premises and structures in accordance with the approved plans. All roadways and sidewalks within proposed public right-of-way shall be maintained by the owner until accepted by the City.

#### **1137.09 AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT**

The Planning Commission has jurisdiction to administratively approve appropriate variations from either the Concept or Final Development Plan provided that the variations shall remain in harmony with the general purpose and intent of the development. Any application for a substantial variation, to be determined by the Planning Commission, from a Development Plan as previously approved shall be considered a new Concept Development Plan that shall be administratively reviewed for action by City Council.

#### **1137.10 ENFORCEMENT AND PENALTY**

This Chapter is subject to enforcement and penalty as specified in 1127.09: Enforcement.

## TITLE SEVEN – ZONING GENERAL PROVISIONS

Chap. 1139. Nonconforming Uses and Structures

Chap. 1141. Parking and Loading Requirements

Chap. 1143. Signs

Chap. 1145. Landscape Standards

Chap. 1147. Architectural Standards

Chap. 1149. Standards for Telecommunications, Antennas and Towers

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### CHAPTER 1139: NONCONFORMING USES AND STRUCTURES

#### 1139.01 PURPOSE

The purpose of this Chapter is to regulate:

- (a) Nonconforming Uses. Uses lawfully established prior to the effective date of this Code that do not conform to the use regulations of this Code in the zoning district in which such uses are located; and
- (b) Nonconforming Structures. Buildings and structures lawfully constructed prior to the effective date of this Code that do not comply with the applicable development regulations of this Code in the zoning district in which such buildings or structures are located.

#### 1139.02 AUTHORITY TO CONTINUE AND MAINTAIN

Passage of this Code in no way legalizes any illegal uses existing at the time of its adoption. Nonconforming uses and structures may be continued as follows:

- (a) Continuation of Nonconforming Use. A nonconforming use that lawfully occupies a structure or a land site on the effective date of this Code may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this Chapter.
- (b) Continuation of Nonconforming Structure. A nonconforming structure that lawfully occupies a lot on the effective date of this Zoning Code and that does not conform with the standards for yards, buffers, height, gross floor area of structures, driveways, or open space for the district in which the structure is located may be used and maintained, subject to the standards and limitations in this chapter.
- (c) Continuation of Nonconforming Accessory Uses and Structures. The continued existence of nonconforming accessory uses and structures is subject to the provisions governing principal nonconforming uses and structures set forth in this chapter.
- (d) Maintenance, Repair and Structural Safety. Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure.

#### 1139.03 NONCONFORMING STRUCTURES

A nonconforming structure may not be moved, expanded or altered, except in the manner provided in this section or unless required by law.

- (a) Repair, Maintenance, Alterations and Expansion. A nonconforming structure may be repaired, maintained, altered or enlarged; provided, however, that no such repair, maintenance, alteration or expansion shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure without having first obtained a variance from the Board of Zoning Appeals.

- (b) Moving. A nonconforming structure, including nonconforming signs, may not be moved, in whole or in part, for any distance whatsoever, to any other location on the same lot or to any other lot unless the entire structure conforms to the regulations of the zoning district in which it is located after being moved.

#### **1139.04 ABANDONMENT OF NONCONFORMING USE**

A nonconforming use of land or of a structure in a district that is abandoned may not be reestablished or resumed. Any subsequent use or occupancy of the structure or land must conform to the regulations for the district in which it is located.

Abandoned means the interruption for a period of 180 consecutive days of active or productive operations of the nonconforming use on the land or within the structure or the removal or destruction of the nonconforming elements. Any period of abandonment caused by government action and without any contributing fault by the nonconforming user is not considered in determining the period of abandonment.

#### **1139.05 EXPANSION OF A NONCONFORMING USE**

Except as authorized by the Board of Zoning Appeals, no nonconforming use or structure shall be enlarged or added to in any manner, unless the use of such structure thereafter shall conform to the regulations of the district in which it is located.

#### **1139.06 SUBSTITUTION OF NONCONFORMING USES**

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, provided that the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district that the existing nonconforming use is in. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a violation of this Code. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use or other nonconforming use.

#### **1139.07 EXPANSION OR SUBSTITUTION OF NONCONFORMING USES**

The Board of Zoning Appeals may approve, approve with conditions, or disapprove an application for expansion or substitution of a nonconforming use, as described in Section 1125.06, based on written findings of fact in consideration of the following standards. The failure of the proposed work to conform to any single factor or standard may not necessarily be a sufficient basis for denial:

- (a) Consistent. The proposed use is consistent with the general purposes and intent of the Code;
- (b) Safety and Efficiency. The proposed use promotes the safe and efficient use of land;
- (c) Compatibility. The proposed use is compatible with other adjacent land uses and buildings existing in the surrounding area;
- (d) Neighborhood Compatibility. The proposed use is not inconsistent with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property; and
- (e) Limited Purpose Building. The proposed use would be located in a building that is specially equipped or structurally designed for that use.



**1139.08 REVOCATION OF NONCONFORMING USE**

Violation of any condition or limitation on the grant of an approval of an expansion or substitution of a nonconforming use is a violation of this Code and constitutes grounds for revocation of the approval, pursuant to the provisions of Section 1127.09: Enforcement.

**1139.09 RECONSTRUCTION OF NONCONFORMING USE AND STRUCTURE**

In the event that any nonconforming building or structure is destroyed by any means to the extent that the estimated cost of repair is greater than 50 percent of the last assessed improvement value of such structure, it shall not be rebuilt, restored, or reoccupied for any use unless it is brought into conformity with all regulations of this Code.

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## CHAPTER 1141: PARKING AND LOADING REQUIREMENTS

### 1141.01 PURPOSE

The purpose of this chapter is to establish regulations and standards for the development of off-street parking and loading facilities.

### 1141.02 APPLICABILITY

- (a) New and Expanded Use. The off-street parking and loading requirements of this Chapter shall apply to the following:
  - (1) A new building;
  - (2) Alteration, addition, or change of use of an existing building that results in the need for additional parking.
- (b) Existing Uses. The off-street parking and loading requirements of this Chapter shall not apply to buildings and land uses legally in existence on the effective date of this Zoning Code unless modified in a manner stated in (a) above.
- (c) Maintenance. The duty to provide and maintain all such areas shall be the responsibility of the owner of the use for which vehicular use areas are required.

### 1141.03 PARKING PLAN

A parking plan is required for any new or expanded off-street parking area within the City. The parking plan shall be reviewed against the provisions of this Chapter and any other applicable regulations and shall include the following:

- (a) Number of parking spaces;
- (b) Arrangement of parking aisles;
- (c) Location of driveway entrances;
- (d) Provisions for vehicular and pedestrian circulation;
- (e) Location or typical location of sidewalks, curbs, lighting, and other similar site amenities;
- (f) Location of utilities, barriers, shelters, and signs;
- (g) Location of landscaped areas. The type and location of vegetation to be planted shall be shown on the site landscape plan as described in Chapter-1145: Landscape Standards;
- (h) Typical cross section of pavement;
- (i) Stormwater drainage facilities;
- (j) An analysis of the required parking spaces according to Section 1141.05; and
- (k) Any other relevant information requested by the Community Development Director.

### 1141.04 EXEMPTIONS

Single-family and two-family dwellings are exempt from the provisions of this Chapter, except as required in Section 1141.13.

**1141.05 REQUIRED PARKING SPACES**

- (a) Each applicant is required to provide an adequate number of parking spaces for the proposed use or expansion of uses.
- (b) The applicant shall provide a written analysis of parking requirements based on the following information, as applicable:
  - (1) Building square footage for each specific use to be served by off-street parking.
  - (2) Hours of operation.
  - (3) Estimated number of patrons/customers at peak hours.
  - (4) Maximum number of employees on the largest shift.
  - (5) Availability of joint or shared parking areas.
  - (6) Availability of on-street parking within 300 feet of the building that is not located within a residential district.
  - (7) Building occupancy loads.
  - (8) Any additional information as requested by the Community Development Director.
- (c) The Community Development Director has the authority to reject a plan if he/she deems that an adequate amount of parking has not been provided.
- (d) The applicant may appeal the decision of the Community Development Director to the Board of Zoning Appeals.

**1141.06 SHARED PARKING**

Joint use of up to fifty percent (50%) of the provided parking spaces may be permitted for two or more uses that are located on the same parcel or adjacent parcels provided that the developer can demonstrate to the Community Development Director that the uses will not substantially overlap in hours of operation or in peak demand. The shared parking shall be guaranteed by a recorded easement between the owners. Shared parking spaces shall be located no more than three hundred feet (300') from the uses they are intended to serve.

**1141.07 PARKING SPACE AND AISLE DIMENSIONS**

- (a) Each off-street parking space shall meet the minimum dimensional requirements and shall have direct and unrestricted access to an aisle of the minimum width set forth in the below table.

Table 1141-1: Parking Stall and Aisle Dimensions							
Parking Angle	Stall Width	Length of Stall	Aisle Width		Width of Access Drive	Bay Width (center to center width of two row bay with aisle between)	
			One Way	Two Way		One Way	Two Way
0 degrees	9 feet	22 feet	12 feet	18 feet	20 feet	30 feet	36 feet
30-53 degrees	9 feet	18 feet	13 feet	20 feet	20 feet	51 feet	58 feet
54-75 degrees	9 feet	18 feet	18 feet	22 feet	20 feet	58 feet	62 feet
76-90 degrees	9 feet	18 feet	22 feet	24 feet	20 feet	58 feet	60 feet

- (b) Where room permits, parking spaces should be entered and exited along parking aisles and not along main access drives for the purposes of safety and to prevent traffic congestion.

- (c) The number and dimensions of parking spaces serving handicapped persons shall conform to the requirements of the Ohio Building Code.
- (d) Every off-street parking lot shall be surfaced with a hard surface such as asphalt, concrete, or pavers. Pervious pavement and other sustainable surface options may be proposed by the applicant and are subject to the review and approval of the City Engineer.

#### 1141.08 PARKING STRUCTURES

Above-ground parking structures shall comply with the following standards:

- (a) Parking structures shall meet the minimum setback requirements for principal buildings in the district where they are located, and when possible shall be located in the rear of the building.
- (b) Parking structures shall be designed to architecturally screen the view of parked cars and shall be visually similar in character and scale to the adjacent buildings.
- (c) Vehicle entries to parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage.
- (d) One-half of the area occupied by supporting columns may be included in determining the width and area of each adjacent parking space. The minimum height of each parking space shall be seven feet.

#### 1141.09 PARKING STANDARDS

- (a) Parking areas should be located in the side or rear yard to the greatest extent feasible.
- (b) Curbs shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with curbs. All parking areas shall be designed to preclude parked vehicles from encroaching on or over a sidewalk, bike path, or street. Lack of curbs to incorporate sustainable parking area design options may be proposed by the applicant and are subject to the review and approval of the City Engineer.
- (c) Whenever possible, parking lots, with bays containing more than 20 spaces, shall provide ingress and egress at both ends of each parking bay or parking lot. Whenever possible and practical, adjacent developments shall share ingress and egress.
- (d) Vehicles in excess of 10,000 pounds gross vehicle weight are only permitted for industrial uses.
- (e) Any type of commercial vehicle, regardless of gross vehicle weight, delivering or picking up merchandise for delivery or employed in performing a repair or construction service, may park for the purpose of making such pickup or delivery, or for the duration of the period during which a repair or construction service is being performed on or to the property in the area where parked.
- (f) Service stations and public garages may maintain a wrecker when used exclusively for and in conjunction with service performed at the place of business for which they are licensed, but a wrecker shall not be used to haul and store vehicles unless licensed by the City to do so.
- (g) No trucks, truck trailers, automobiles or vehicles of any type shall be on skids, jacks, or any other device that will make them immobile or inoperable, except for emergency repairs.
- (h) No trucks or trailers of any kind shall be used for storage purposes.
- (i) No vehicle may be parked outside for more than 48 hours at any auto repair garage, fueling station, or car wash.

#### 1141.10 DOWNTOWN PARKING STANDARDS

The following requirements apply to all lots within the Downtown "DT" district.

- (a) Unless modified by the Board of Site Arrangement, surface parking areas are prohibited in the front and side yards and should be limited to no more than 35 percent of the site area.
- (b) Unless modified by the Board of Site Arrangement, driveway or alley openings to public streets shall be limited to one driveway per 200 feet of project frontage, and driveway or alley openings shall not exceed 30 feet in width.
- (c) All parking lots shall be illuminated as necessary to provide for safety and an aesthetic appropriate for the land use. All fixtures shall be full cut-off and shall be shielded to prevent the light source from being visible from adjacent residential uses. All lighting shall be served with underground cable and underground served poles. Pole lighting shall be compatible with the city street lights, with a pole height of 24 feet (in addition to the possibility of a two-foot City approved concrete base).

#### **1141.11 LOADING SPACE STANDARDS**

There shall be provided at the time any building is erected or structurally altered, off-street loading spaces in accordance with the following:

- (a) All commercial, manufacturing, and industrial uses. Unless waived or modified by the Board of Site Arrangement, where such a use is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of not less than 49 feet shall be provided.
- (b) Enlargements and extensions. Unless waived or modified by the Board of Site Arrangement, all buildings used fully or partially for a commercial purpose shall conform to the regulations of this section when such building is enlarged or extended.

#### **1141.12 TEMPORARY PERMITS FOR VEHICLE STORAGE**

Temporary permits may be issued by the City Manager or his designee to park, store, or occupy for living purposes or store for maintenance related purposes a vehicle or recreational vehicle not in conformity with this Zoning Code for a period not to exceed 14 days when it appears that a substantial hardship or injustice will prevail in refusing to issue such temporary permit. No fee shall be charged for such permit.

#### **1141.13 PARKING REQUIREMENTS FOR RESIDENTIAL USES**

The following requirements apply to all residential uses within the City.

- (a) Single-family residential dwellings shall provide a minimum of two parking spaces and two-family residential dwellings shall provide a minimum of three parking spaces.
- (b) The required parking spaces for residences shall be located in the side and rear yard and in the front driveway only.
- (c) Any new driveway or any expansion or widening of an existing driveway shall be constructed of a hard surface such as asphalt, concrete, or pavers.
- (d) No driveway located in the front yard shall exceed 20 feet in width at the right-of-way. There shall be only one driveway, and a semi-circular drive shall have a minimum radius of 40 feet at the centerline of the driveway.
- (e) Driveways and surfaced areas shall not occupy more than 25 percent of a front yard.
- (f) Driveway turnaround provisions, to discourage backing onto the public right-of-way, shall be provided for newly constructed residences on a primary street or a secondary street.
- (g) Multi-Family Parking Requirements.

- (1) Within a multi-family development, the total number of vehicles, including allowed recreational vehicles and trailers, on a premise shall not exceed three for any one residential unit.
- (2) In multi-family developments, parking shall only be allowed in areas identified for such use on the plan approved by the City in accordance with this code.

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## CHAPTER 1143: SIGNS

### 1143.01 PURPOSE

The purpose of this chapter is to establish regulations and standards for signs.

### 1143.02 APPLICABILITY

- (a) New and Existing. Sign regulations of this Chapter shall apply to the following:
- (1) New signs;
  - (2) Existing signs if structurally altered or modified.
- (b) Face Changes. The message area of any existing legal nonconforming sign may be changed to a new message if the structure is not altered or modified. Replacement of a sign panel within an existing cabinet is permitted per this provision.
- (c) Maintenance. Existing legal nonconforming signs may be serviced and maintained without being required to conform to the provisions of this Chapter for new signs. This shall include painting, replacing worn hardware, wiring, and lighting, and replacement of structural components with the same function as the original sign.
- (d) Nonconforming. All non-conforming signs must be removed or brought into compliance with the regulations before any existing conforming signs may be modified, other than as specifically permitted in this Chapter, or any new signs may be added to any lot, building or use, with the exception of permitted temporary signs or incidental signs. No non-conforming sign that is damaged to the extent of twenty-five percent (25%) or more of its current replacement value may be repaired, restored, renovated, reconstructed or replaced and must be removed or brought into compliance with the regulations. Temporary and unpermitted signs and signs not legally installed shall not become legally nonconforming signs.

### 1143.03 TEMPORARY SIGNS

- (a) Temporary signs do not require a permit.
- (b) All temporary signs shall be non-illuminated, made of durable materials, or attached to the ground or any structure by a mechanical fastener.
- (c) Residential.
- (1) Temporary wall signs are not permitted in any R District.
  - (2) Each lot in an R district may have no more than two temporary ground signs, each sign no greater than 10 square feet in area. If the sign is two-sided, the sign faces shall be parallel.
- (d) Commercial.
- (1) Each building in BAN, BAS, DT, or SP districts is permitted one temporary wall sign per non-emergency entry from the exterior of the building limited to no more than 16 square feet per sign. Temporary wall signs shall be installed so that the entire sign is flat against a wall of the building to which it is attached.
  - (2) Each site is permitted one temporary ground sign no greater than 32 square feet in area. If the sign is two-sided, the sign faces shall be parallel.

- (3) A temporary sign may be installed in any place covering, in place of, or where a permanent wall or ground sign may be installed for a period not to exceed 90 days. The size of such sign may not exceed the allowable size of the permanent sign that it would replace.

**1143.04 PERMANENT SIGNS**

- (a) Residential. R district uses are not permitted any permanent wall signs.
- (b) Downtown Zoning District. The following sign regulations shall apply to all uses in the DT District. Each site shall be subject to the following limitations:
  - (1) Wall Signs.
    - A. For buildings or areas of buildings that house retail tenants with customer access from the exterior of the building, there shall be a maximum of one (1) wall sign per tenant space except that a building may also have one (1) sign on the side of the building that is no larger than the wall sign that is closest to it on the front of the building. The maximum sign width is sixty (60) percent of the front footage of the tenant space. Total height of all tenant identification wall signs shall not exceed thirty (30) inches. Tenant identification wall signs shall be installed at a consistent height on the building.
    - B. For buildings or areas of buildings that have offices and other non-retail tenants, where access to tenant spaces is not directly from the exterior of the building, wall signs shall be permitted in the same manner as for buildings in the BAN, BAS, or SP districts per Section 1143.04(c).
  - (2) Ground Signs.
    - A. There shall be a maximum of one (1) ground sign per lot per street frontage, except that developments with separate driveways more than 250 feet apart on the same street may have one (1) sign adjacent to each driveway, subject to the following regulations:

**Table 1143-1: Building Identification Signs without Identification Signs  
(or tenant identification if single tenant building)**

Lot Street Frontage (feet)	Maximum Height (feet)	Maximum Width (feet)	Maximum Sign Size (square feet)
100 or more	6	12	40
75-99	6	10	30
Less than 75	6	8	25

**Table 1143-2: Building Identification Signs with Identification Signs**

Lot Street Frontage (feet)	Maximum Height (feet)	Maximum Width (feet)	Maximum Sign Size For Building Identification (square feet)	Maximum Sign Size For Tenant Identification (square feet)
100 or more	6	12	40	25
75-99	6	8	30	25
Less than 75	6	6	20	20



Table 1143-3: Tenant Identification Signs without Buildings Identification

Lot Street Frontage (feet)	Maximum Height (feet)	Maximum Width (feet)	Maximum Sign Size (square feet)
100 or more	6	6	25
75-99	6	6	25
Less than 75	6	6	20

- B. Entrance and Exit Signs. Maximum of three feet in height and four square feet in size.
- C. Sign Lighting. Internally illuminated or landscaped flood lighting only. No flashing, blinking or moving signs are permitted.
- D. There shall be compatibility of tenant identification signs, including shapes and colors, for all tenants within a building or development.
- (c) BAN, BAS, and SP Districts. The following sign regulations shall apply to all uses in the BAN, BAS, and SP Districts. Each lot or premises shall be subject to the following limitations:
- (1) Wall Signs.
- A. Wall signs shall be mounted flat against the wall of a building with the exposed face of the sign in a plane parallel to the face of the wall, not projecting more than one foot from the wall, and not extending above any part of the roof or an eave. The total area of all signs on a wall shall not exceed 0.5 times the linear foot frontage of wall face.
- B. On multi-story buildings, wall signs above the first story elevation shall be no closer than 150 linear feet from each other.
- (2) Ground Signs.
- A. Ground signs shall not exceed eight feet in height, the bottom of the sign shall be no more than two feet from the ground, and the face of the sign shall be generally rectangular. Ground signs may have a masonry base that does not count as a part of the allowable sign area, provided the base is not larger than an area equal to the allowable sign area. Ground signs shall be set back at least 10 feet from all property lines. The total maximum area of a ground sign shall not exceed 0.5 times the linear foot frontage of the lot. Ground signs shall not exceed 100 square feet in area, nor exceed fifteen feet in width on any one face. Ground signs may be double-faced, with the distance between faces not to exceed 18 inches.
- B. Each site is permitted one ground sign per site, except that an additional ground sign is permitted if the signs are separated by more than 600 feet of linear frontage along a single right-of-way or if the signs are separated by more than 400 feet and adjacent to separate rights-of-way.
- (3) Planned Unit Developments & Conditional Uses. Signs in Planned Unit Developments shall be permitted consistent with the approved plans.
- (4) Subdivision, Condominium, Landominium, Townhouse Development. Residential developments of more than five lots or units may have one ground sign as follows:
- A. May have two faces not to exceed 25 square feet in message area on each face;
- B. Shall not be more than six feet in height;
- C. Shall not visually interfere with motorist or pedestrian safety; and

- D. Shall include permanent ground landscaping around such sign, with external illumination.
- (5) Drive-Up and Drive-Through Uses. Menu boards for drive-up windows are limited to no more than two boards, each board not exceeding 35 square feet in area; located at least 10 feet from the nearest property line and the copy displayed, illustrations, and logos are not legible to a person of average eyesight standing on any property line.
- (6) Window Signs. Signs affixed to exterior windows or placed inside of windows facing the exterior:
- A. Shall not be considered in the measurement of wall signs.
  - B. Window signs are permitted only at the first floor elevation.
  - C. In the BAN, BAS, DT, or SP Districts, window signs shall not exceed the lesser of 10 percent of the glass surface area or 30 square feet for each store or office and shall not exceed 50 percent of the area of a single pane or 20 percent of the total area of the combined area of all such surfaces on the same façade of a building.
  - D. Shall not be placed so as to interfere with a clear view of the cash register area from a passing police vehicle.
- (7) Incidental Signs.
- A. On-premise, non-illuminated, incidental signs on private property that contain no commercial messages, such as traffic and direction signs, parking regulations, limited access signs;
  - B. Public notices or other governmental signs required by local, county, state or federal law or regulation;
  - C. On-premise street address numbers, not to exceed twelve inches in height;
  - D. Signs inside buildings not legible from a distance of more than three (3) feet beyond the lot line or parcel on which the sign is located;
  - E. Scoreboards on athletic fields;
  - F. Works of art that do not include a commercial message; and
  - G. Holiday lights and decorations with no commercial message, but only between November 1<sup>st</sup> and January 15<sup>th</sup> in BAN, BAS, SP, and DT Districts.

#### **1143.05 PROHIBITED SIGNS AND PROHIBITED SIGN CHARACTERISTICS**

- (a) All signs not expressly permitted under these regulations are prohibited. Such signs include, but are not limited to:
- (b) Beacons, pennants, streamers, ribbons, spinners, wind signs, bench signs;
- (c) Strings of lights not permanently mounted to a rigid background;
- (d) Flashing or rotating signs;
- (e) Inflatable signs and tethered balloons;
- (f) Signs posted on utility poles, trees, benches, support pylons, fences and light standards (except for permitted banner signs);
- (g) Signs with shapes, contents or words imitating official traffic control signs or devices (containing such words as "stop", "go slow", "caution", "danger", "warning", or similar words);

- (h) Signs that hide, obstruct or conceal traffic and street signs and signals;
- (i) Signs at or near intersections that obstruct free and clear vision of any streets;
- (j) Signs on unoccupied buildings/structures;
- (k) Signs that advertise or identify any activity, business, organization, product or service no longer conducted on the premises on which the sign is located;
- (l) Any sign mounted on or affixed to a vehicle or trailer for the purpose of attracting public attention or directing the public to a use, business, event, product or service offered in close proximity to where the vehicle is parked;
- (m) Signs illuminated with floodlights that shine into the public right-of-way and constitute a traffic safety hazard;
- (n) LED light strips or neon strips installed on the exterior of a building or within the interior of a building and intended to be visible from the exterior;

#### **1143.06 GENERAL PROVISIONS**

- (a) All applications for sign permits shall be accompanied by a sketch or drawing showing the size, manner of anchoring and the location of the sign to be erected on the premises. If in the judgment of the City Manager or his/her duly delegated agent it appears that a proposed sign, even though it otherwise meets the provisions of this Chapter, would create a hazard, promote blight, or adversely affect health, safety or morals, he may deny a permit. In such a case, the applicant may appeal the denial to the Board of Zoning Appeals.
- (b) Deteriorating signs are not permitted. Maintenance of signage is the responsibility of the property owner. Signs that are deteriorating must be removed or replaced upon notice to the property owner by the City.
- (c) The base of all ground signs, including temporary signs, shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscaped area shall not extend more than three feet beyond all faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.
- (d) Pole signs are prohibited in all zoning districts.
- (e) Off-premises signs are prohibited in all zoning districts.

#### **1143.07 ELECTRONIC MESSAGE SIGNS**

Electronic message signs shall be allowed only by approval of the Planning Commission. The Commission may permit such a sign only where it would not detract from adjoining and nearby properties and the public welfare. No portion of the electronic message, including the color or other background elements, shall be permitted to change more than once per hour, unless otherwise approved by the Planning Commission.

#### **1143.08 SIGN MEASUREMENT**

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.

## CHAPTER 1145: LANDSCAPE STANDARDS

### 1145.01 PURPOSE

The purpose of this Chapter is to establish standards and regulations to promote and protect the interest of the public welfare by requiring buffering between incompatible land uses, screening visually undesirable areas, and providing attractive views from rights-of-ways and adjacent properties.

### 1145.02 APPLICABILITY

- (a) This Chapter shall apply to new property development and any expansion of existing structures or parking lots, except for individual single family dwellings, two family dwellings, and parking lots of less than five spaces.
- (b) If the expansion is not substantial, the regulations of this Chapter shall only be applied to the area of expansion, including the building and/or parking lot. Landscape plans for such expansions may be reviewed and approved by the Community Development Director. The Community Development Director reserves the right to require landscaping of the entire development, regardless of the nature of the expansion, if the existing site lacks the landscaping required for such a site.
- (c) If the expansion is substantial, the regulations of this Chapter shall apply to the entire development. Landscape plans for such expansions shall be reviewed and approved by the appropriate approval body that is reviewing and approving the site expansion. Substantial expansion of existing structures shall be defined based on the criteria established in Section 1145.03.
- (d) Parking lot area and parking spaces contained entirely within a parking garage shall not be subject to the landscaping requirements of this Chapter.

### 1145.03 GENERAL REQUIREMENTS FOR SUBMISSION

When an existing structure/parking area is...	A substantial expansion is...
0 – 1,000 sq. ft.	50% or greater
1,001 – 10,000 sq. ft.	40% or greater
10,001 – 25,000 sq. ft.	30% or greater
25,001 – 50,000 sq. ft.	20% or greater
50,001 sq. ft. and larger	10% or greater

Any property to which this Chapter applies shall submit a landscape plan to the Community Development Director as part of the review process. Landscape plans shall be prepared by and/or certified by a design professional practicing within their area of competence. The landscape plan shall be drawn to a reasonable scale and include the following information:

- (a) North arrow and scale bar;
- (b) The name of applicant/owner;
- (c) The name, address, and phone number of the person or firm responsible for the preparation of such plan;
- (d) The dates the plans are submitted and revised;

- (e) All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences, and other permanent features to be added and/or retained on the site;
- (f) All existing plant material to be removed or retained;
- (g) All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches, and other public or semi-public improvements within and immediately adjacent to the site;
- (h) Contour lines for grades in excess of six percent;
- (i) Proposed elevation at sufficient locations and existing elevations of the site to clearly show the drainage patterns;
- (j) All property lines and easements;
- (k) A table showing the total square footage of the internal parking and vehicular circulation area, the square footage of landscape islands, the number of parking spaces provided, and the number of trees and shrubs provided to ensure compliance with Section 1145.08;
- (l) A table listing the existing plant material to be retained and all proposed plant material within the bufferyard or landscape areas. This shall include the common and botanical names, sizes, and other remarks as appropriate to describe the plant material section;
- (m) Details for the planting of trees, shrubs, and ground cover within the bufferyard or landscaped area; and
- (n) If irrigation is proposed, an irrigation plan shall be submitted which shall include:
  - (1) Location and type of all sprinkler heads.
  - (2) Size of mainline and irrigation piping.
  - (3) Location and size of water meter.
  - (4) Location of backflow prevention device.
  - (5) Location and size of all valves.
  - (6) Location of irrigation controller.

#### **1145.04 APPROVAL**

Criteria of approval for landscape plans shall be as follows:

- (a) No site or development plan required under this Code shall receive final approval unless a landscape plan has been submitted and approved.
- (b) No certificate of occupancy shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:
  - (1) Such plan has been fully implemented on site; or
  - (2) Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the City in a form acceptable to the City Solicitor and secured by a letter of credit, cash escrow, or other instrument acceptable to the City Solicitor in an amount equal to the cost of such installation plus a 10 percent allowance for administrative costs, inflation, and potential damage to existing vegetation or improvements.

### 1145.05 LANDSCAPING MATERIALS AND STANDARDS

- (a) New development shall provide bufferyards as provided in the Section 1145.07: Bufferyard Requirements of the applicable zoning district. Existing vegetation, that is intended to remain, shall be preserved in accordance with acceptable nursery industry procedures. The following items are suitable for screening use individually or in combination with each other provided they create a dense screen, subject to review and approval by the City. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final inspection by the City.
- (1) Walls and Fences. When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be faced in brick to match the building or other material as approved by the Board of Site Arrangement.
  - (2) Plants. All plants are to be living and part of the acceptable plants list identified in this Chapter. Plant materials used in conformance with the provision of this Chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or containers. The City reserves the right to deny any species of plant that is classified as an invasive species.
    - A. Deciduous trees shall be the minimum caliper of two and one-half inches and shall conform to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Chapter must be used to create a dense buffer.
    - B. Evergreen trees shall be a minimum of six feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 15 feet on center to provide an effective, dense screen within four years of planting.
    - C. Required shrubs shall be a minimum of five gallons in size upon installation and shall be at least 36 inches in height at maturity.
    - D. Hedges shall be designed to provide an effective, dense screen and mature height of at least six feet in height within four years of the time of planting.
    - E. Grass of the Fescues (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Blue Ash. In swales or other areas subject to erosion, solid sod, erosion reducing netting, mats, or suitable mulch shall be used and nurse grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Bioswales or other alternative designs may be proposed but shall be subject to review and approval by the City. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75% complete coverage after two growing seasons.
  - (3) Earth. Mounds may be used as physical barriers that block or screen a view. Differences in elevation between areas requiring screening do not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:
    - A. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the City to ensure that proper erosion prevention and control practices have been utilized.
    - B. Berms and earthforms shall be designed with physical variations in height and alignment throughout their length.

- C. Landscape plant material installed on berms and earthforms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
  - D. The landscape plan shall show sufficient detail, including a plan and profile of the berm or earthform, soil types and construction techniques to demonstrate compliance with the above provisions.
  - E. Berms and earthforms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
  - F. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- (b) Existing Landscape Material. Any existing landscape material that is in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Community Development Director, such material meets the requirements and achieves the objectives of this chapter.
- (c) Bufferyard Establishment. Once a bufferyard has been approved by the City and established by the owner, it may not be used, disturbed or altered for any purpose.

#### **1145.06 EASEMENTS, RIGHT-OF-WAY, AND SETBACKS**

- (a) Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and the holder of the easements grants approval. Trees placed under overhead utility wires must be from Group B, in Section 1145.12.
- (b) In no case, however, shall landscaping and bufferyards be established so as to block the sight distance at street or drive intersections. Ground cover and trees with at least eight feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a City street intersection, the sight triangle shall consist of the area between points 20 feet along both intersecting streets from their respective edge of pavements.

1145.07 BUFFERYARD REQUIREMENTS

Table 1145-1: Bufferyard Requirements

When...	Is Proposed to Abut...	A Minimum Bufferyard of...	Plant Material <sup>1</sup>
Any multi-family, attached single-family, or two family dwelling use in a residential zoning districts or any use in the DT Zoning district	A detached single family use	10' side or rear yard is required with...	<b><u>Either:</u></b> 1 tree (A) every 25 lineal feet + a 6' evergreen hedge <b><u>OR</u></b> 6' wall, brick faced on both sides and 8" thick with a top coarse to be row lock, and 1 tree every 25-35 lineal feet
Any use in the BAS, BAN, SP district, or any non-residential use in a PUD Zoning district	A detached single family use	50' side and/or rear yard is required with...	<b><u>OR</u></b> A double row, staggered planting of evergreen trees (C) every 15 lineal feet <b><u>OR</u></b> A 40' wide, 6' tall earthen berm
Any multi-family, attached single-family, or two family dwelling use in a residential zoning districts or any use in the DT Zoning district <sup>2</sup>	The public right-of-way, public or private street	10' shall be landscaped with...	<b><u>Either:</u></b> 1 tree (A) every 25-35 lineal feet and shrubs (D or E) planted every 3 lineal feet (1 tree minimum) <b><u>OR</u></b> 1 tree (B) every 20-30 lineal feet + shrubs (D or E) planted every 3 lineal feet (1 tree minimum)
Any use in the BAS, BAN, or SP district	The public right-of-way, public or private street	20' shall be landscaped with...	<b><u>Either:</u></b> 1 tree (A) every 20-30 lineal feet + shrubs (D or E) planted every 3 lineal feet (1 tree minimum) <b><u>OR</u></b> 1 tree (B) every 15-25 lineal feet + shrubs (D or E) planted every 3 lineal feet (1 tree

<sup>1</sup> The width of any driveways or intersecting streets may be excluded from the overall bufferyard length calculation.

<sup>2</sup> Any use in the DT Zoning district that is designed to front the public right-of-way is exempt from the applicable bufferyard requirements. Such uses are encouraged to have some landscape elements, if possible, to soften the building and increase the attractiveness of the streetscape, but they shall not be required to install the full bufferyard requirements set forth in this Section.



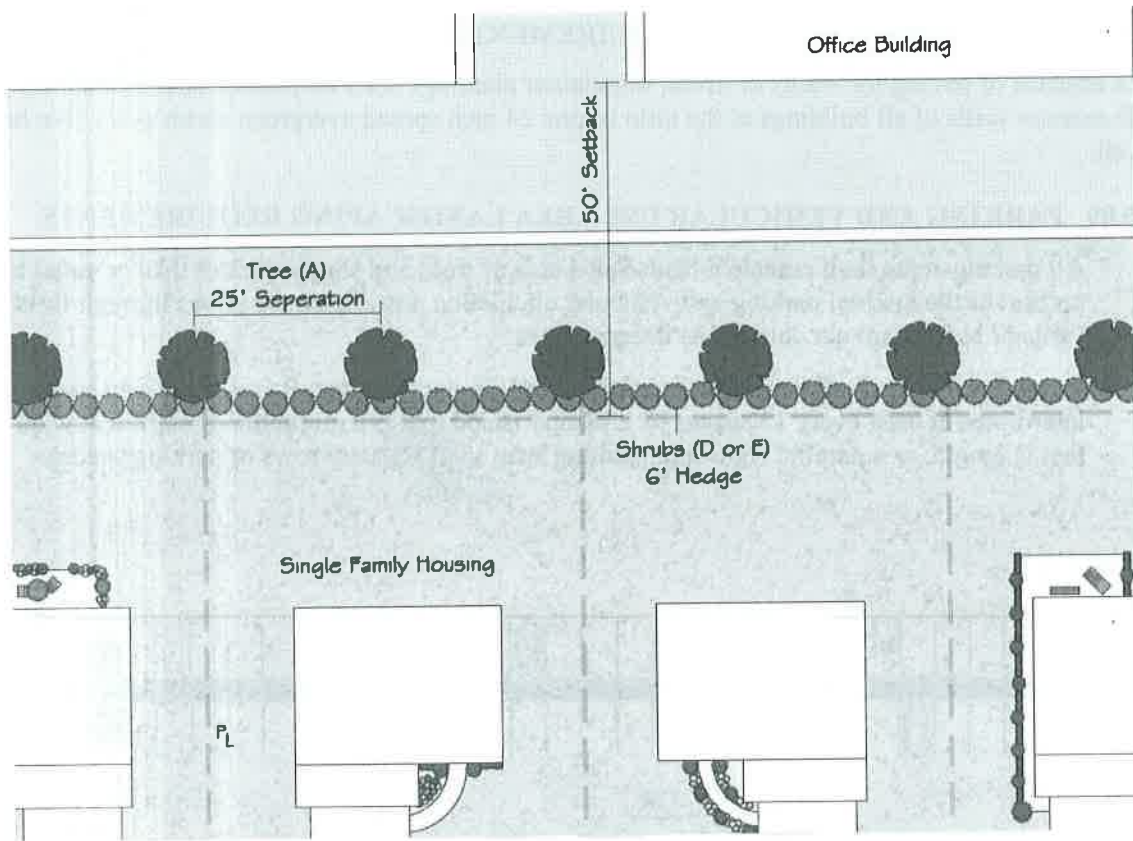


Figure 1145-1: Graphic illustrates example bufferyard planting between a single family neighborhood and an office development.

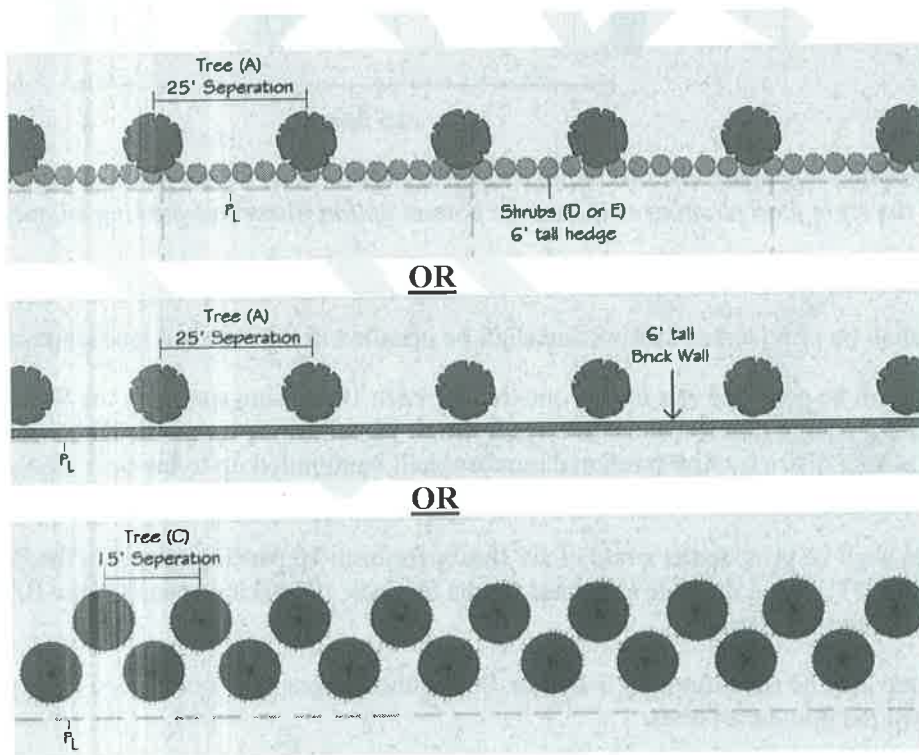


Figure 1145-2:  
The Bufferyard Requirements in 1145.07 identify options for achieving the desired screening between uses. The three images to the left illustrate three of these options.

### 1145.08 FOUNDATION PLANTING REQUIREMENTS

In the absence of paving for walks or drives, foundation plantings shall be planted and maintained along all front and side exterior walls of all buildings at the ratio of one 24 inch spread evergreen shrub every five lineal feet of exterior wall.

### 1145.09 PARKING AND VEHICULAR USE AREA LANDSCAPING REQUIREMENTS

- (a) All parking areas shall contain a landscaped area of trees and shrubs greater than or equal to five percent of the internal parking and vehicular circulation area. Entrance drives through front or side yards or buffers are not counted as internal areas.
- (b) Landscaped areas shall be distributed throughout the parking area. Rows of parking spaces shall be interrupted at least every 15 spaces by a planter island that is a minimum of eight feet wide and 18 feet in length, or a parallel eight foot planting strip shall separate rows of parking spaces.

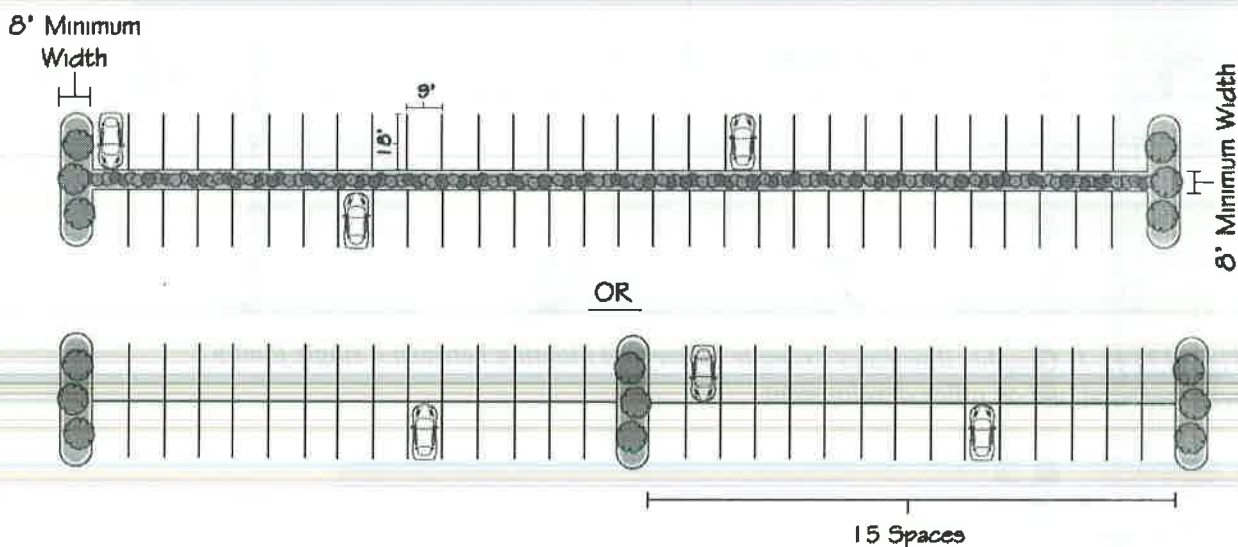


Figure 1145-3: The graphic represents the two options for landscaped areas within parking lots. The top option illustrates the eight foot planting strip and the bottom option illustrates parking islands every 15 spaces.

- (c) Landscaping shall be provided as follows and shall be installed in the required landscape islands:
  - (1) Trees shall be provided at a rate of one tree for each 10 parking spaces in the R-1, R-2, R-3, and DT zoning districts and two trees for each 10 parking spaces in the BAN, SP, and BAS zoning districts. Any fractional number shall be rounded up to the next whole number.
  - (2) Shrubs shall be provided at a rate of six shrubs for each 10 parking spaces in the R-1, R-2, R-3, and DT zoning districts and three shrubs for each 10 parking spaces in the BAN, SP, and BAS zoning districts.
  - (3) One tree may be substituted by 3 shrubs. Such substitutions may not exceed 20 percent of the required number of trees.
  - (4) Trees and shrubs may be grouped; they do not have to be equally spaced.
- (d) All parking spaces shall be within 125 feet of a landscaped area.

- (e) No internal landscaping is required for lots less than 15 spaces.
- (f) No landscaping shall obscure visibility at a vehicular intersection within the parking area or other area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least five feet above the ground and shrubs and groundcover shall not exceed two feet in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.
- (g) Any landscape area provided under this section shall not contain bare soil.

#### **1145.10 MODIFICATIONS**

- (a) The Board of Site Arrangement, the Board of Zoning Appeals, the Planning Commission, or the City Council may approve modifications to the bufferyard requirements in conjunction with a review of a site for new construction, building addition, site development, PUD, conditional use, or for any other action that requires Board, Commission, or Council approval. A decision shall be based on any of the following criteria:
  - (1) The specific conditions that are unique to the applicant's land and the unique conditions or circumstances are not the result of actions of the applicant subsequent to the adoption of this chapter.
  - (2) The manner in which the strict application of the provision of this chapter would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted to other landowners in the same zoning district.
  - (3) The modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.
  - (4) The applicant has demonstrated that the proposed bufferyard achieves the spirit of this chapter.
  - (5) The applicant has proposed green infrastructure elements such as bioswales or rain gardens.
- (b) The Board of Site Arrangement, the Board of Zoning Appeals, the Planning Commission, or the City Council may also approve the use of existing trees to be counted towards bufferyard and landscaping requirements.

#### **1145.11 MAINTENANCE**

- (a) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures.
- (b) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in proper, neat, and orderly appearance, free from refuse and debris at all times.
- (c) All unhealthy or dead plant material shall be replaced within six months, or by the next planting period, whichever comes first, by plant material similar in type to that which was removed.

#### **1145.12 ENFORCEMENT**

Violation of these installation and maintenance provisions shall be grounds for the building official to refuse a building occupancy permit, require replacement of the landscape materials, or institute legal proceedings to enforce the provisions of this section.

### 1145.13 PLANT LIST

The following plant list identifies a sample of acceptable plant material species to be used. Other species may be used if identified as appropriate for this region by the United States Department of Agriculture's Plant Hardiness Zone Map and approved by the City.

GROUP A – CANOPY TREES			
Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
<i>Acer x freemani</i>	Maple, Freeman	40'-60'	20'-40'
<i>Acer rubrum</i>	Maple, Red	40'-60'	40'-60'
<i>Acer saccharum</i>	Maple, Sugar	60'-75'	50'-60'
<i>Aesculus octandra</i>	Buckeye, Yellow	50'-70'	30'-40'
<i>Betula nigra</i>	Birch, River	40'-70'	40'-60'
<i>Catalpa speciosa</i>	Catalpa, Northern	40'-60'	20'-30'
<i>Celtis, occidentalis</i>	Hackberry, Common	40'-60'	50'-60'
<i>Cercidiphyllum japonicum</i>	Katsura Tree	40'-60'	30'-50'
<i>Fagus grandifolia</i>	Beech, American	50'-70'	50'-70'
<i>Fagus sylvatica</i>	Beech, European	50'-60'	35'-45'
<i>Ginkgo biloba</i>	Maidenhair/Ginkgo (male)	50'-80'	30'-50'
<i>Gleditsia triacanthos</i>	Honeylocust, Thornless	30'-50'	30'-50'
<i>Koelreuteria paniculata</i>	Golden-Raintree	30'-40'	30'-40'
<i>Larix decidua</i>	Larch, European	70'-75'	25'-30'
<i>Liquidambar styraciflua</i>	Sweetgum	60'-80'	40'-60'
<i>Liriodendron tulipifera</i>	Tuliptree	60'-80'	30'-50'
<i>Metasequoia glyptostroboides</i>	Redwood, Dawn	75'-100'	15'-25'
<i>Nyssa sylvatic.</i>	Gum, Black	50'-75'	35'-50'
<i>Quercus macrocarpa</i>	Oak, Bur	70'-90'	60'-80'
<i>Quercus muehlenbergii</i>	Oak, Chinquapin	50'-80'	50'-60'
<i>Quercus robur</i>	Oak, Columnar English	50'-60'	10'-18'
<i>Quercus palustris</i>	Oak, Pin	50'-70'	40'-60'
<i>Quercus rubra</i>	Oak, Red	60'-75'	40'-50'
<i>Quercus coccinea</i>	Oak, Scarlet	60'-75'	40'-50'
<i>Quercus imbricaria</i>	Oak, Shingle	40'-60'	40'-60'
<i>Quercus shumardii</i>	Oak, Shumard	40'-60'	40'-50'
<i>Quercus phellos</i>	Oak, Willow	40'-60'	40'-50'
<i>Platanus, acerifolia</i>	Planetree, London	60'-85'	50'-70'
<i>Platanus occidentalis</i>	Sycamore, American	75'-100'	75'-100'
<i>Taxodium distichum</i>	Cypress, Common Bald	50'-70'	20'-30'
<i>Tilia americana</i>	Linden, American	60'-80'	30'-60'
<i>Tilia cordata</i>	Linden, Littleleaf	60'-70'	30'-50'
<i>Tilia tomentosa</i>	Linden, Silver	50'-70'	30'-50'
<i>Ulmus americana</i>	Elm, American	70'-90'	50'-70'
GROUP B – SMALL/ORNAMENTAL TREES			
Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
<i>Acer campestre</i>	Maple, Hedge	25'-35'	25'-35'

<i>Acer palmatum</i>	Maple, Japanese	15'-25'	15'-25'
<i>Acer griseum</i> x <i>nikoense</i>	Maple, Girard's	20'-30'	15'-20'
<i>Acer griseum</i>	Maple, Paperbark	25'-30'	15'-20'
<i>Alnus, serrulata</i>	Alder, Tag	15'-20'	10'-20'
<i>Amelanchier canadensis</i>	Serviceberry, Shadblow	20'-25'	15'-20'
<i>Amelanchier laevis</i>	Serviceberry, Allegheny	15'-25'	15'-25'
<i>Carpinus betulus</i>	Hornbeam, Columnar European	30'-50'	20'-30'
<i>Carpinus caroliniana</i>	Hornbeam, American	20'-35'	20'-35'
<i>Cercis candensis</i>	Redbud, Eastern	20'-25'	20'-30'
<i>Cornus</i> sp.	Dogwood, Flowering	15'-20'	15'-20'
<i>Crataegus viridis</i>	Hawthorne, Winter King	20'-25'	20'-25'
<i>Halesia tetraptera</i>	Silverbell, Carolina	30'-40'	20'-35'
<i>Magnolia</i> x <i>soulangiana</i>	Magnolia, Saucer	20'-30'	20'-30'
<i>Magnolia stellata</i>	Magnolia, Star	10'-20'	10'-15'
<i>Magnolia virginiana</i>	Magnolia, Sweetbay	10'-45'	10'-45'
<i>Malus</i> sp.	Crabapple, Flowering	15'-20'	15'-20'
<i>Ostrya virginiana</i>	Hophornbeam	20'-30'	20'-30'
<i>Oxydendron arboreurn</i>	Sourwood	20'-30'	20'-30'
<i>Prunus</i> x 'Hally Jolivette'	Cherry, Hally Jolivette	10'-15'	10'-15'
<i>Prunus serrulata</i>	Cherry, Oriental	15'-20'	15'-20'
<i>Prunus subhirtella</i>	Cherry, Higan	20'-40'	15'-30'
<i>Rhamnus caroliniana</i>	Buckthorn, Carolina	15'-20'	10'-15'
<i>Salix discolor</i>	Willow, Pussy	15'-30'	15'-25'
<i>Sophora japonica</i>	Pagoda, Japanese Tree	50'-60'	50'-60'
<i>Syringa reticulata</i>	Lilac, Japanese Tree	20'-30'	15'-25'
<i>Syringa pekinensis</i>	Lilac, Peking	20'-30'	15'-25'
<i>Taxodium distichum</i>	Cypress, Bald	60'-80'	25'-35'
<i>Taxodium ascendens</i>	Cypress, Pond	50'-60'	10'-15'

GROUP C – EVERGREEN TREES

Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
<i>Abies concolor</i>	Fir, White	30'-50'	15'-30'
<i>Cedrus libani</i> var.	Cedar, Hardy	40'-60'	20'-30'
<i>Chamaecyparis nootkatensis</i>	Cypress	30'-45'	10'-15'
<i>Ilex opaca</i>	Holly, American	40'-50'	20'-40'
<i>Juniperus virginiana</i>	Red cedar, Eastern	40'-50'	15'-20'
<i>Picea pungens</i>	Spruce, Colorado	50'-70'	20'-30'
<i>Pinus cembra</i>	Pine, Swiss Stone	30'-40'	15'-25'
<i>Pinus parviflora</i>	Pine, Japanese White	25'-50'	25'-50'
<i>Pinus bungeana</i>	Pine, Lacebark	35'-50'	30'-40'
<i>Pinus resinosa</i>	Pine, Red	50'-80'	20'-40'
<i>Pinus strobus</i>	Pine, White	50'-80'	20'-40'
<i>Pseudotsuga menziesii</i>	Fir, Douglas	40'-80'	10'-20'
<i>Thuja standish</i> x <i>plicata</i>	Arborvitae, Green Giant	40'-60'	12'-18'
<i>Tsuga canadensis</i>	Hemlock, Canadian	40'-70'	25'-35'
<i>Tsuga caroliniana</i>	Hemlock, Carolina	45'-60'	20'-25'

GROUP D – SHRUBS (LARGE)

Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
<i>Aesculus parviflora</i>	Buckeye, Bottlebrush	8'-12'	8'-15'
<i>Aesculus pavia</i>	Buckeye, Red	10'-20'	10'-20'
<i>Berberis julianae</i>	Barberry, Wintergreen	6'-10'	6'-10'
<i>Calycanthus, floridus</i>	Allspice, Carolina	6'-9'	6'-12'
<i>Cephalanthus occidentalis</i>	Buttonbush	10'-12'	6'-8'
<i>Chaenomeles speciosa</i>	Quince, Flowering	6'-10'	6'-10'
<i>Cornus amomum</i>	Dogwood, Silky	6'-10'	6'-10'
<i>Cotinus obovatus</i>	Smoketree, American	15'-20'	15'-20'
<i>Euonymus alatus 'Compacta'</i>	Burning Bush, Dwarf	8'-10'	8'-10'
<i>Forsythia x intermedia</i>	Forsythia, Border	8'-10'	8'-10'
<i>Hamamelis virginiana</i>	Witchhazel	15'-20'	15'-20'
<i>Ilex verticillata</i>	Holly, Winterberry	6'-9'	6'-9'
<i>Lindera benzoin</i>	Spicebush	6'-12'	6'-12'
<i>Myrica pensylvanica</i>	Bayberry, Northern	5'-12'	5'-12'
<i>Pinus densiflora</i>	Pine, Japanese	10'-15'	10'-15'
<i>Rhus glabra</i>	Sumac, Smooth	9'-15'	9'-15'
<i>Rhus typhina</i>	Sumac, Stagho	15'-20'	15'-20'
<i>Salix discolor</i>	Willow, Pussy	15'-30'	15'-25'
<i>Taxus cuspidata</i>	Yew, Japanese	10'-20'	10'-30'
<i>Viburnum plicatum</i>	Viburnum, Doublefile	8'-10'	9'-12'
<i>Viburnum sieboldii</i>	Viburnum, Siebold	15'-20'	10'-15'
<i>Viburnum rhytidophyllum</i>	Viburnum, Leatherleaf	10'-15'	10'-15'
<i>Viburnum x burkwoodii</i>	Viburnum, Burkwood	8'-10'	6'-8'

GROUP E – SHRUBS (SMALL)

Botanical Plant Name	Common Plant Name	Mature Height	Mature Spread
<i>Abelia x grandiflora</i>	Abelia, Glossy	3'-5'	3'-5'
<i>Acanthopanax sieboldiana</i>	Arali, Fiveleaf	6'-10'	3'-5'
<i>Berberis thunbergii</i>	Barberry, Japanese	2'-5'	4'-7'
<i>Berberis julianae</i>	Winterberry Barberry	5'-6'	3'-4'
<i>Buxus microphylla</i>	Boxwood, Littleleaf	2'-4'	3'-4'
<i>Buxus sempervirens</i>	Boxwood, Common	5'-6'	6'-8'
<i>Chaenomeles japonica</i>	Quince, Flowering	4'-6'	4'-6'
<i>Chamaecyparis obtusa</i>	Falsecypress, Hinoki	4'-6'	4'-6'
<i>Clethra alnifolia</i>	Clethra, Summersweet	3'-8'	4'-6'
<i>Cotoneaster apiculatus</i>	Cotoneaster, Cranberry	2'-3'	3'-6'
<i>Cotoneaster, divaricatus</i>	Cotoneaster, Spreading	5'-6'	6'-8'
<i>Deutzia gracilis</i>	Deutzia, Slender	2'-3'	3'-4'
<i>Fothergilla gardenii</i>	Fothergilla, Dwarf	2'-4'	3'-4'
<i>Hydrangea arborescens</i>	Hydrangea, American	3'-5'	3'-5'
<i>Hypericum prolificum</i>	St. John's Wort, Shrubby	3'-4'	3'-4'
<i>Ilex crenata</i>	Holly, Japanese	5'-8'	5'-8'
<i>Ilex glabra</i>	Inkberry, Nigra	6'-8'	8'-10'
<i>Juniperus horizontalis</i>	Juniper, Creeping	2'-2.5'	6'-10'
<i>Juniperus chinensis</i>	Juniper, Sargent's Chinese	1.5'-2.5'	7'-9'
<i>Physocarpus opulifolius</i>	Ninebark, Eastern	5'-8'	4'-6'
<i>Potentilla fruticosa</i>	Cinquefoil, Bush	1'-4'	2'-4'

**Landscape Standards**  
1145.13 Plant List

<i>Prunus laurocerasus</i>	Laurelcherry, Common	3'-6'	3'-6'
<i>Rhodotypos scandens</i>	Jetbead	3'-6'	4'-9'
<i>Ribes alpinum</i>	Currant, Alpine	3'-6'	6'-9'
<i>Syringa microphylla</i>	Lilac, Littleleaf	4'-6'	9'-12'
<i>Spiraea alba</i>	Meadowsweet	3'-4'	3'-4'
<i>Spiraea x bumalda</i>	Spirea, Bumalda	2'-3'	3'-5'
<i>Spiraea nipponica</i>	Spirea, Snowmound	3'-6'	3'-6'
<i>Stephanandra incisa</i>	Stephanandra, Cutleaf	4'-7'	4'-7'
<i>Symphoricarpos orbiculatus</i>	Corralberry	2'-5'	4'-8'
<i>Rhus aromatica</i>	Sumac, Fragrant	3'-6'	6'-10'
<i>Taxus media</i>	Yew, English	2'-4'	3'-5'
<i>Viburnum dentatum</i>	Viburnum, Arrowwood	6'-10'	6'-10'

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## CHAPTER 1147: ARCHITECTURAL STANDARDS

### 1147.01 PURPOSE

The purpose of this chapter is to establish standards and regulations to promote high quality architecture and building design throughout the City.

### 1147.02 DEFINITIONS

For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

A	
Awning	a shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework. See also the definition of “canopy”
B	
Building Base	the structural elements, design features, and materials associated with the lowermost portion of a building façade
Building Body	the remainder of the building visible between the building base and cap
Building Cap	the structural elements, design features, and materials associated with the uppermost portion of a building façade
C	
Canopy	a structure other than an awning, made of cloth, metal, or other material with frames affixed to a building and/or carried by a frame which is supported by the ground. See also the definition of “awning”
Colonnades	a row of columns supporting a roof structure
Cornices	a horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the top of a wall or roof line, including eaves and other roof overhang
E	
Eaves	the projecting lower edges of a roof that overhangs the wall of a building
F	
Facades	the exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a public right-of-way
P	
Parapet or Parapet Wall	a building façade that rises above the roof level
Pilasters	a shallow rectangular column projecting only slightly from a wall

### 1147.03 GOALS

The goals of this Architectural Standards Chapter are to:

- (a) Encourage development that contributes to the City of Blue Ash’s unique sense of place, and complements the City’s existing high quality architecture and building design.
- (b) Ensure that all developments, except one and two-family residential, are held to a high standard of development so that they complement and enhance the overall appearance of the City.
- (c) Provide guidance to the development community so it is understood that the architectural standards of the City include site layout, architecture, building materials, screening, signage, and other site improvements.
- (d) Implement the vision and guidelines established in the City’s Land Use Plan.
- (e) Be used by City staff, City boards and commissions, and any hired consultants or professionals in the review, evaluation, and approval of development and improvements to property.



- (f) Promote unique and creative building design with the use of high quality building materials. These standards are not intended to require a particular architectural theme or style.

#### **1147.04 APPLICABILITY**

- (a) All new buildings, except one and two-family residential, shall comply with the provisions of this Chapter.
- (b) Exterior alterations or modifications to existing buildings, except one and two-family residential, shall comply with the architectural standards of this Chapter, unless the City Architect decides that consistency with the existing architecture better satisfies the goals of this Chapter.
- (c) Additions to existing buildings, except one and two-family residential, shall comply with the architectural standards of this Chapter, unless the City Architect decides that consistency with the existing architecture better satisfies the goals of this Chapter.

#### **1147.05 BOARD AND COMMISSION ADJUSTMENTS**

The applicable review and approval body (Board of Site Arrangement, Planning Commission, and City Council) may alter the requirements of this Chapter if the application meets the intent of this Chapter.

#### **1147.06 ARCHITECTURAL STANDARDS THAT APPLY TO ALL BUILDINGS**

- (a) Architectural style is not restricted, but the evaluation of the project's appearance shall be based on the quality and creativity of its design, the shape and form of the building and roof, and the building materials.
- (b) Monotony of design in multiple building projects shall be avoided. Variation in detail shall be used to provide visual interest.
- (c) Building Materials.
  - (1) Any combination of primary building materials, as identified in Section 1147.07, shall comprise 75 percent or more of each building facade. Secondary building materials, as identified in Section 1147.07, shall be used for accents and architectural treatments that comprise approximately 25 percent or less of each building facade. Materials not listed as primary or secondary may be approved by the City Architect.
  - (2) Each building shall use at least three different building materials. At least two of the three materials shall be from the list of primary building materials for the specific use as identified in the table in Section 1147.07.
- (d) Architectural Treatments. All sides of buildings shall include a variety of architectural treatments as described in Section 1147.07. Architectural treatments shall include both vertical and horizontal features that break up facade walls including building projections, recesses, cornices, pilasters, contrasting horizontal or vertical bands, awnings, canopies, varying colors, or colonnades.
- (e) Roof Forms. Roofs are an important architectural feature of a building and they shall complement and enhance the overall building design. Dynamic and asymmetrical roof forms are encouraged as they allude to motion, provide variety and flexibility in non-residential building design and allow for unique buildings.

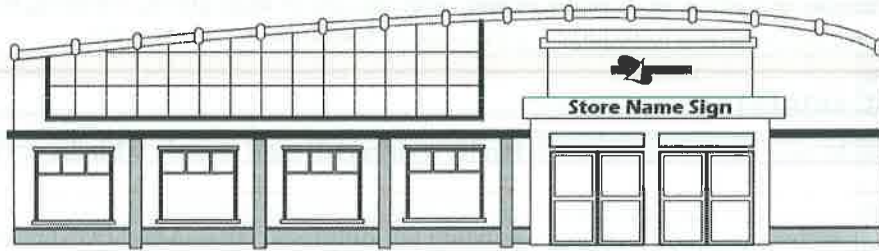


Figure 1147-1: Example of a dynamic roof line.

- (f) **Window Openings.** First floor elevations that are visible from the public right-of-way shall maximize window openings as appropriate for the interior use.
- (g) **Exterior Equipment.**
  - (1) Wall mounted mechanical equipment, electrical equipment, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures shall be painted and maintained to match the building or be screened from view.
  - (2) Mechanical equipment, electrical equipment, and communication equipment shall not be located in front yards.
  - (3) Mechanical equipment, electrical equipment, and communication equipment, including both ground-mounted and roof-mounted equipment shall be screened from view from adjacent public rights-of-way and from all property zoned or used for residential purposes.

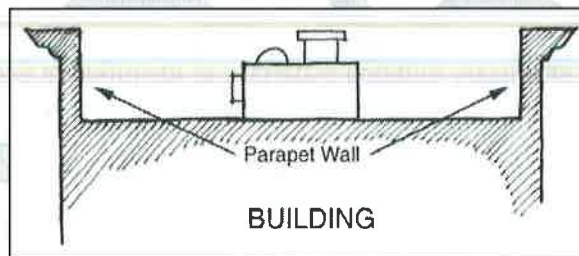


Figure 1147-2: Example of how parapet walls are utilized to screen roof mounted mechanical equipment.

- (4) **Screening elements**, including landscaping, mounds, parapets, or enclosures, shall be compatible with the architecture, materials and colors used on the majority of the principal structure or as otherwise approved.
- (h) **Dumpster Enclosures.** Dumpster enclosures shall be located in side or rear yards and shall be screened by a durable material that is consistent with the building material used on the principal structure. The screen walls shall be six feet in height or at least one foot above the height of the dumpster, whichever is taller. The fourth side of the dumpster enclosure shall be screened with an opaque gate that is the same height as the screen walls. Bollards shall be installed at the enclosure opening to prevent damage to the screen walls or gate. Chain link fences are not permitted as screening materials for dumpster enclosures. Dumpsters shall be located on an impervious surface, such as concrete or asphalt.

**1147.07 ARCHITECTURAL STANDARDS PER BUILDING USE**

The following table identifies the architectural standards that are required for each of the below identified uses.

	Industrial Uses	Office	Mixed Use, Commercial, and Community Facilities	Multi-Family
Primary Building Materials	Use a minimum of two of the following materials: brick, stone, cultured stone, architectural CMU block, glass, and precast concrete panels.	Use a minimum of two of the following materials: brick, stone, cultured stone, architectural CMU block, and glass.	Use a minimum of two of the following materials: brick, stone, cultured stone, architectural CMU block, and glass.	Use a minimum of two of the following materials: brick, stone, cultured stone, architectural CMU block, and glass.
Secondary Building Materials	Architectural grade metal panels, fiber cement siding, E.I.F.S., stucco, and wood.	Architectural grade metal panels, wood, precast concrete, fiber cement siding, E.I.F.S., and stucco.	Architectural grade metal panels, precast concrete, stucco, fiber cement siding, E.I.F.S., and wood.	Architectural grade metal panels, precast concrete, stucco, fiber cement siding, E.I.F.S., and wood.
Prohibited Building Materials	Vinyl siding.	Vinyl siding.	Vinyl siding.	Vinyl siding.
Number of Building Sides Requiring Primary and Secondary Architectural Articulation	One primary façade and three secondary facades.	One primary façade and three secondary facades.	One primary façade and three secondary facades.	One primary façade and three secondary facades.
Primary Façade Requirements	A clearly defined entrance, an assortment of architectural treatments, a variety of materials, a clear distinction between the building base, body, and cap.	A clearly defined entrance, an assortment of architectural treatments, a variety of materials, a clear distinction between the building base, body, and cap.	A clearly defined entrance, an assortment of architectural treatments, a variety of materials, a clear distinction between the building base, body, and cap.	A clearly defined entrance, an assortment of architectural treatments, a variety of materials, a clear distinction between the building base, body, and cap.
Secondary Façade Requirements	Similar in character to the primary façade with a continuation of the building materials and design. If one of the secondary facades requires a loading or service area, the area shall be located on a façade that does not face a public right-of-way and such area shall be screened from view from all public rights-of-way and from all property zoned or used for residential purposes.	Similar in character to the primary façade with a continuation of the building materials and design. If one of the secondary facades requires a loading or service area, the area shall be located on a façade that does not face a public right-of-way and such area shall be screened from view from all public rights-of-way and from all property zoned or used for residential purposes.	Similar in character to the primary façade with a continuation of the building materials and design. If one of the secondary facades requires a loading or service area, the area shall be located on a façade that does not face a public right-of-way and such area shall be screened from view from all public rights-of-way and from all property zoned or used for residential purposes.	Similar in character to the primary façade with a continuation of the building materials and design. If one of the secondary facades requires a loading or service area, the area shall be located on a façade that does not face a public right-of-way and such area shall be screened from view from all public rights-of-way and from all property zoned or used for residential purposes.

	Industrial Uses	Office	Mixed Use, Commercial, and Community Facilities	Multi-Family
Roof Standards	Dynamic and asymmetric roof forms are preferred. Flat roofs are acceptable if mechanical units are properly screened. Residential-style pitched roofs shall not be permitted.	Dynamic and asymmetric roof forms are preferred. Flat roofs are acceptable if mechanical units are properly screened. Pitched roofs shall be broken up with a roof feature such as a gabled window, projections, or eave variations.	Dynamic and asymmetric roof forms are preferred. Flat roofs are acceptable if mechanical units are properly screened. Pitched roofs shall be broken up with a roof feature such as a gabled window, projections, or eave variations.	Dynamic and asymmetric roof forms are preferred. Flat roofs are acceptable if mechanical units are properly screened. Pitched roofs shall be broken up with a roof feature such as a gabled window, projections, or eave variations.

**1147.08 PROCEDURE**

Upon receipt of an application for a building permit for any building, except a one or two-family residence, the Community Development Director or other authorized inspector shall determine if the proposed construction must be reviewed by the City Architect to ensure compliance with this Chapter. If required, the City Architect shall review the application in accordance with the standards of this Chapter and shall render a written recommendation to approve, approve with conditions, or deny it together with a description of any elements that do not satisfy the applicable Code requirements. The recommendation shall be provided to the Community Development Director or other authorized inspector, who shall use it for administrative review and approval or for reviews that require approval by an the Board of Site Arrangement, Planning Commission, or City Council.

**1147.09 SUBMITTAL REQUIREMENTS**

The applicant shall submit electronically a site plan, landscaping plan, building floor plan, and elevation drawings of all proposed building facades of both principal and accessory buildings for review by the City Architect. The elevation drawings must be to a standard architectural or engineering scale and should include detailed information regarding the proposed exterior building materials, colors, and architectural elements. Material sample boards may be requested by the City Architect if it is deemed necessary for an accurate and thorough review of the application.

## CHAPTER 1149: STANDARDS FOR TELECOMMUNICATIONS, ANTENNAS, AND TOWERS

### 1149.01 PURPOSE

The purpose of this chapter is to establish general guidelines for the siting of towers and antennas.

### 1149.02 DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A	
Alternative Tower Structure	Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers
Antenna	Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves
C	
City	The City of Blue Ash
F	
FAA	The Federal Aviation Administration
FCC	The Federal Communications Commission
H	
Height	When referring to a tower or other structure, the distance from ground level to the highest point on the tower or other structure, even if said highest point is an antenna
P	
Personal Wireless Services	Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services
Preexisting Towers and Antennas	Shall have the meaning set forth in Section 1149.04(d) of this chapter
S	
Site	A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission
Support Structure	Any building or structure accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower
T	
Telecommunications Facilities	The towers, antenna, alternate tower structures, support structures, cables, wires and other equipment necessary for telecommunication
Tower	Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone tower, alternative tower structures, and the like. (Ord. 2003-1. Passed 3-13-03.)

### 1149.03 PURPOSE AND GOALS

The goals of this chapter are to:

- (a) Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;
- (b) Encourage strongly the joint use of new and existing tower sites;
- (c) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

- (d) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
- (e) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- (f) Protect the public health, safety, and welfare of the City. (Ord. 2003-1. Passed 3-13-03.)

#### 1149.04 APPLICABILITY

- (a) **District Height Limitations.** The requirements set forth in this chapter shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- (b) **Public Property.** Antennas or towers located on property owned, leased or otherwise controlled by the City shall be exempt from the requirements of this chapter, provided a license or lease authorizing such antenna or tower has been approved by the City.
- (c) **Amateur Radio: Receive-Only Antennas.** This chapter shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (d) **Pre-Existing Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this chapter shall not be required to meet the requirements of this chapter, other than the requirements of Section 1149.05(d) and 1149.05(e). Any such towers or antennas shall be referred to in this chapter as “preexisting towers” or preexisting antennas”. (Ord. 2003-1. Passed 3-13-03.)

#### 1149.05 GENERAL GUIDELINES AND REQUIREMENTS

- (a) **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers maybe located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) **Inventory of Existing Sites.** Each applicant for an antenna and or tower shall provide to the Building Division of the City an inventory of its existing towers that are either within the City or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower. The City may share such information with other applicants applying for permits under this chapter or other organizations seeking to locate antennas within the City, provided, however that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (c) **Aesthetics: Lighting.** The guidelines set forth in this Section shall govern the location of all towers and the installation of all antennas governed by this chapter; provided, however, that the City may waive these requirements if it determines that the goals of this chapter are better served thereby.
  - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- (2) At a tower site, the design of the buildings and support structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (d) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute a public nuisance and grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the City shall be in the manner provided in Section 521.26.
- (e) Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable locally adopted building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the tower will be considered a public nuisance and the City may remove such tower at the owner's expense. Any such removal by the City shall be in the manner provided in Section 521.26.
- (f) Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
  - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
  - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
  - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable (costs exceeding new tower development are presumed to be unreasonable); and/or
- (6) The applicant demonstrates through reasonable written documentation that there are other limiting factors that render existing towers and structures unsuitable.
- (g) Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the City may waive and/or modify such requirements as it deems appropriate.
- (h) Landscaping. The following requirements shall govern the landscaping surrounding towers; provided however, that the City may wave such requirements if the goals of this chapter would be better served thereby:
  - (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property; the standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound;
  - (2) In locations where, in the opinion of the City, the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether;
  - (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible; in some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. (Ord. 2003-1. Passed 3-13-03.)

#### 1149.06 PERMITTED USES

Telecommunications facilities are permitted as principal or accessory uses on site pursuant to the following guidelines:

- (a) Permitted with no review required by the Board of Site Arrangement:
  - (1) Installing an antenna on an existing structure of any height other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure), so long as the additional antenna adds no more than twenty (20) feet to the height of the existing structure, provided, however, that such permitted use shall not include the placement of additional buildings or other support structures used in connection with the antenna; and
  - (2) Installing an antenna on any existing tower of any height, including a preexisting tower, so long as the additional antenna adds no more than twenty (20) feet to the height of the existing tower, provided, however, that such permitted use shall not include the placement of additional buildings or other support structures used in connection with said antenna.
- (b) Permitted with review and approval by the Board of Site Arrangement required:
  - (1) Installing an antenna on an existing structure of any height other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure), so long as the additional antenna adds no more than twenty (20) feet to the height of the existing structure, and including the placement of additional buildings or other support structures used in connection with the antenna;



- (2) Installing an antenna on an existing tower of any height, including a preexisting tower, so long as the additional antenna adds no more than twenty (20) feet to the height of the existing tower, and including the placement of additional buildings or other support structures used in connection with said antenna.
- (3) Locating any alternative tower structure in conformity with the purpose and goals of this Chapter; and
- (4) Locating a tower within a nonresidential zoning district in conformity with the following setback requirements:
  - A. Towers less than one hundred (100) feet in height shall be located no closer than five hundred (500) feet to any residential zoning district;
  - B. Towers less than one hundred fifty (150) feet in height but more than ninety (90) feet in height shall be located no closer than seven hundred fifty (750) feet to any residential zoning district; and
  - C. Towers one hundred fifty (150) feet in height and greater shall be located no closer than one thousand (1000) feet to any residential zoning district. (Ord. 2003-1. Passed 3-13-03.)

#### **1149.07 APPLICATION REQUIREMENTS**

An application to locate an antenna or tower must include information pertaining to all applicable requirements of this chapter. In addition, an application for placement of a tower on a site shall include a full site plan, at a scale of one inch to one hundred feet (1" = 100'), indicating at a minimum the following:

- (a) The total area of the site;
- (b) The existing zoning of the property in question and of all adjacent properties;
- (c) All public and private right-of-way and easement lines located on or adjacent to the property which are proposed to be continued, created, relocated, or abandoned;
- (d) Existing topography with a maximum of five (5) foot contour intervals;
- (e) The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals;
- (f) The location of all existing buildings and structures and the proposed location tower and all support structures including dimensions, heights, and, where applicable, the gross floor area of the buildings;
- (g) The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility;
- (h) All existing and proposed sidewalks and open areas on the site;
- (i) The location of all proposed fences, screening, and walls;
- (j) The location of all existing and proposed streets;
- (k) All existing and proposed utilities including types and grades;
- (l) The schedule of any phasing of the project;
- (m) A written statement as to the visual and aesthetic impacts of the proposed tower on all adjacent residential zoning districts;
- (n) The responsible entity charged with operation and maintenance of the proposed site.

- (o) Any other information as may be deemed necessary by the City to determine compliance with the Codified Ordinances of the Blue Ash, Ohio. (Ord. 2003-1. Passed 3-13-03.)

**1149.08 REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within ninety (90) days, the tower may be considered a public nuisance and the City may, in the manner provided in Section 521.26, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (Ord. 2003-1. Passed 3-13-03.)

**1149.09 ENFORCEMENT AND PENALTY**

This Chapter is subject to enforcement and penalty as specified in 1127.09: Enforcement.

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