

THIRD READING

ORDINANCE NO. 11-19

ORDINANCE ENACTING AND ADOPTING CHAPTER 167 OF THE MADEIRA CITY CODE, AND AMENDING THE ZONING MAP OF THE CITY OF MADEIRA BY THE CREATION OF THE RESIDENTIAL SCALE BUSINESS OVERLAY DISTRICT

WHEREAS, the City Council has identified the need to update the zoning and design regulations which govern activity on parts of Laurel Avenue, Railroad Avenue, Camargo Road and Euclid Avenue; and

WHEREAS, City Council employed the consulting services of McBride Dale Clarion to assist with the development of these new regulations; and

WHEREAS, an Advisory Board comprised of residents, business owners and public officials was appointed by City Council to assist with the initial creation of the standards and policies for the proposed zoning district; and

WHEREAS, the Madeira Planning Commission reviewed and evaluated the recommendations of the Advisory Board and began the process of developing the appropriate language and policies for the proposed Overlay District; and

WHEREAS, the Planning Commission, after holding several meetings and a public hearing on the proposed zoning district regulations, has recommended the new regulations to City Council; and

WHEREAS, Council has held three separate readings on the proposed amendment to the zoning code, and in addition has held a properly noticed Public Hearing in accordance with the Madeira Charter.

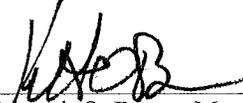
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Madeira, State of Ohio that:

Section 1. There is hereby created Chapter 167, Residential Scale Business Overlay District, of the Madeira Code of Ordinances, the text of which is set forth on Exhibit "A", attached hereto and incorporated herein; and furthermore, that the official zoning map of the City of Madeira is hereby amended, pursuant to the map on Page 2 of the regulations, to reflect the location of said District.

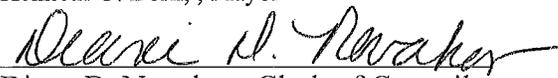
Section 2. This Ordinance is adopted in accordance with the Charter of the City of Madeira and shall take effect from and after the earliest period allowed by law.

**PASSED ON THE 28TH DAY OF NOVEMBER, 2011
BY THE FOLLOWING 7-0 VOTE:**

YEA:	NAY:	ABSTAIN:	ABSENT:
Ken Born			
Rick Brasington			
Tim Dicke			
John Dobbs			
Dave Sams			
Rick Staubach			
Mike Steur			



Kenneth O. Born, , Mayor



Diane D. Novakov, Clerk of Council

Chapter 167: Residential Scale Business Overlay District Regulations

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Figure 1: Residential Scale Business Overlay District-Official Zoning Map

§167.01. General Provisions

(A) District Boundaries

The Residential-Scale Business Overlay District is shown on the official zoning map.

(B) Standard Applicability

All properties in the Residential-Scale Business District ("the District") in **Figure 1** shall be subject to the regulations of this chapter. Where the standards in this chapter are in conflict with other sections of the code, the standards in this Chapter 167 shall apply. As an overlay district, the regulations stated in this chapter shall apply to the properties in addition to the underlying zoning district. Where the standards are in discrepancy, the more stringent shall apply.

(C) Purpose

The purpose of the Residential-Scale Business District Overlay standards are established in order to impose a specific design review criteria for both rehabilitation and new construction projects in the areas contained in the overlay district.

Therefore the purpose of this chapter is to:

- (1) Maintain a residential character for a portion of Madeira's business district.
- (2) Maintain a "small town" character in which a mix of businesses can thrive and be considered a destination spot to residents of the City.
- (3) Protect the character and quality of life for neighboring residential areas.
- (4) Guide reuse and adaptation of residential structures and sites as used for business purposes.
- (5) Create aesthetically cohesive development in the perimeter transition areas between the Main Street Core District and adjacent residential districts.
- (6) Provide the basis for consistency and objective decision making by establishing criteria to be used by the City Manager or his/her designee, the Architectural Review Officer (ARO), and Planning Commission when evaluating proposed development.

(D) Review Procedures

The Residential-Scale Business Overlay District Regulations are intended to provide guidance to property owners and city officials in the general aesthetic and functional improvement of the City's central business district. These regulations are intended to guide community investment. The following review procedure is established to identify the extent to which a project must comply with the Residential-Scale Business Overlay District Regulations.

(E) Zoning Permit Required

A zoning permit shall be obtained before conducting any exterior work.

(F) Application Process

Any modification, alteration or enhancement of a site or structure exterior within the District shall require a zoning permit. Projects identified by the City Manager or his/her designee as "Essentially Minor" shall be granted a zoning and building permit with

administrative approval, whereas more extensive projects shall be subject to review and approval of the Planning Commission.

(1) **Stage 1: Initial Application**

The purpose of Stage 1 is for the City Manager or his/her designee to determine whether proposed construction (including renovation, repair, maintenance or other similar activities) shall be reviewed administratively as an “Essentially Minor” application or by Planning Commission. A pre application meeting is recommended with the City Manager or his/her designee to determine the submission requirements see (F) 5.

- a. The City Manager or his/her designee shall review the proposed construction and shall consult with the Architectural Review Officer (ARO) before he/she makes the decision whether the proposed construction is Essentially Minor.
- b. Construction shall be deemed (designated) Essentially Minor if it, when completed, will have primarily preserved the use, function, form, scale, and accessory uses that existed prior to the construction.

c. Stage 1A: Determination of Modification Type

The following factors shall be weighed and considered in determining whether the construction is Essentially Minor.

- i. Will the proposed construction significantly alter the exterior appearance of the existing building or site design in one or more of the following ways?
 - (a) Height
 - (b) Setbacks
 - (c) Footprint
 - (d) Entrance
 - (e) Fenestration
 - (f) Envelope (volume)
 - (g) Exterior materials or colors
 - (h) Landscaping or parking
- ii. Will the construction essentially preserve the form and use of the existing building and site?
- iii. Is the estimated cost of the construction to the exterior of the building and site sufficient to justify that the modifications be compatible with the purpose (167.01 (c)) of the Residential-Scale Business Overlay District Regulations?

d. Stage 1B: Determination of Modification Magnitude

- i. For the City Manager or his/her designee to determine that a project is Essentially Minor, Management must find that:

- (a) The construction will not increase the dimensions of a building or structure by more than ten percent of the square footage of the existing building or structure, exclusive of the alteration or expansion; and
 - (b) The project will not involve additional land other than the lot of record; and
 - (c) The cost of the exterior renovation of the structure does not exceed twenty-five percent of the assessed value of the building or structure to be altered, prior to the renovations; and
 - (d) The alterations do not require dimensional variances from the regulations of this chapter.
- ii. If the City Manager or his/her designee determines that the construction is Essentially Minor, he/she shall so certify in writing. A file containing the certification, copies of the proposed construction and staff comments and recommendations shall be assembled and retained for not less than five years after completion of the proposed construction.
 - iii. For the purposes of this Chapter, it shall be presumed that any additional construction proposed within five years of an Essentially Minor certification will not qualify as Essentially Minor. The intent of this presumption is to prevent or discourage circumvention of ultimate design guidelines of this Chapter through the cumulative effect of multiple minor improvements.

e. Stage 1C: Administrative Review Application

Once a project has been certified Essentially Minor, the applicant may apply for a zoning and building permit without requesting approval of the Planning Commission. However, the application shall be reviewed for specific compliance with applicable sections of the Residential-Scale Business Overlay District Regulations and deemed in compliance by the City Manager or his/her designee, prior to the issuance of a building permit.

(2) Stage 2: Planning Commission Review Application

In the event the City Manager or his/her designee does not find an application to be Essentially Minor or in conformance with the standards of Chapter 167, the City Manager or his/her designee shall make the determination that the application must be reviewed and approved by Planning Commission. Planning Commission shall review the application for appropriateness and equivalency to the intent and purpose of this Chapter. Planning Commission may approve an equivalency or modification of a requirement if they make a finding that the effect of the proposed submission is consistent with the intent and purpose of this Chapter. The equivalency finding shall be part of the official record of approval and issuance of the certificate of appropriateness and the zoning permit.

- a. Prior to the issuance of a building permit, Planning Commission must approve proposed construction or modification of buildings within the Residential-Scale Business Overlay District that has not been certified as Essentially Minor by the City Manager or his/her designee. Implicit in such an application is that an Essentially Minor certification has not been issued. Application to and review by the Planning Commission shall be evaluated in the same manner whether or not an Essentially Minor certification has been sought (and denied).

- b. As they are form based, the regulations for the Residential-Scale Business Overlay District include both dimensional aesthetic standards. Review for substantial or equivalent compliance with both types of standards shall be required for zoning approval and issuance of a building permit.

(3) Stage 3: Dimensional Review

- a. Upon receipt of an application for proposed construction within the Residential-Scale Business Overlay District, the City Manager or his/her designee shall review and determine dimensional compliance with these standards. This shall include identification of any proposed re-construction of existing buildings that are dimensionally non-conforming. Variances that are identified shall be set forth in a report to Planning Commission. The notice and process of review shall be the same as required for other dimensional variances.
- b. Planning Commission shall weigh and consider the "Duncan" factors for each dimensional variance identified.

(4) Stage 4: Design Review of Aesthetic Standards

- a. The ARO shall review and make recommendations to the Planning Commission and evaluate the proposal for reasonable compliance with the overall aesthetic guidelines.
- b. The standard of compliance is intended to be "reasonable" rather than "strict" to allow for design review that is flexible for both the applicant and City to achieve a product that is appropriate for the district.
- c. The standard of compliance with the aesthetic guidelines should be the determination of Planning Commission stating that the proposed construction achieves a significant compatibility with the aesthetic guidelines set forth in the Residential-Scale Business Overlay District Regulations.
- d. Planning Commission should find that the proposed construction avoids a direct conflict with the overall images, impressions, and net impact of buildings and accessory structures including parking, landscaping, and lighting described in the Residential-Scale Business Overlay District Regulations.
- e. Planning Commission shall refrain from imposing additional aesthetic requirements if the proposed construction does substantially resemble the examples set forth in the Residential-Scale Business Overlay District Regulations. Aesthetic guidelines are inherently subjective and, therefore, Planning Commission shall endeavor to adhere to the guidelines as they are substantially expressed in these Regulations.
- f. It is recognized that it is unlikely and unreasonable to require a building to comply with all examples in the Regulations because the Regulations anticipate variation in final appearances from building to building.
- g. The Planning Commission shall make findings that the application:
 - i. conforms in all pertinent respects to the requirements contained in this Chapter; and

- ii. adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property; and
 - iii. the development has adequate public services and open spaces; and
 - iv. the development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light into adjacent properties; and
 - v. the landscape plan will enhance the principal building and site and maintain existing trees where appropriate; buffer adjacent incompatible uses; break up large expanses of pavement with plant material; and provide appropriate plant materials for the buildings, site, and climate.
- h. The approval by Planning Commission shall not be construed to imply compliance with all other local, state, and federal laws and regulations.
- i. In order to receive Planning Commission approval a majority of Planning Commission members must vote affirmatively that the proposed construction complies with aesthetic guidelines of the district.

(5) Submission Requirements

The following materials should be submitted with each application.

a. Initial Application

Applicants shall provide the following information and materials:

- i. A conceptual site plan at a minimum scale of one inch equals fifty feet showing the size and location of all existing and proposed structures, indicating dimensions and square footage. The site plan shall also show the location of access and drive aisles, and the number of parking spaces.
- ii. Photographs or illustrations showing all four elevations of existing and proposed buildings.
- iii. An itemized cost estimate for the new construction or alterations.
- iv. An external finish building materials and colors list, with samples or examples of external finishes.

b. Final Application

- i. All applications for Planning Commission or administrative review for zoning approval or building permits shall include:
 - (a) A survey **by a registered engineer**;
 - (b) A site plan depicting the exact dimensions of the site and all buildings, structures, and parking areas;
 - (c) A landscaping plan showing the location and type of all proposed landscape areas, plantings, and screening/buffering;
 - (d) A signage plan showing the location, size, and type of all signs, illustrations, or elevations showing the proposed appearance of all signs;

- (e) A lighting plan showing the location, type, height and intensity, and photometric of all lighting;
 - (f) Building plans showing general dimensions, materials, and uses;
 - (g) Exterior building elevations showing the proposed appearance of the building including a proposed materials and color list and all exterior utility housings, junctions, and other exterior duct work or conduits attached to a structure; and
 - (h) Any other information deemed necessary by the City Manager or his/her designee, Architectural Review Officer, or Planning Commission to determine compliance with this Chapter.
- ii. In the case of a project with an Essentially Minor Certificate, the City Manager or his/her designee may waive any of the above submission requirements that he/she deems unnecessary for the comprehensive review of the proposed project.

§167.02. Definitions

Purpose

For the purpose of this Chapter, certain terms are defined as follows. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; the word "structure" includes buildings; the word "shall" is always mandatory and not merely directive; the word "should" is directive; the word "may" is permissive; and the word "lot" includes plot, parcel, or site. Other words and terms shall have the following respective meanings:

- (1) Accent Material – decorative material applied to the façade of a building to add visual interest.
- (2) Accessory Use - a use of land, or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- (3) Architectural Review Officer - the professional architect responsible for the review and approval of architectural elements of submitted permit applications, appointed by the City Manager and approved by City Council. (See Section 161 of the Madeira Zoning Code.)
- (4) Articulation - to divide a building's façade into distinct and significant parts.
- (5) Awning - a non-load bearing roof-like cover of canvas, similar fabric or standing seam metal roof over a frame, designed and intended for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walk, or door, and is supported entirely by attachment to a building wall.
- (6) Brick Appliqué - an exterior cladding of traditional brick materials of less than one inch in thickness, applied to an underlying structural support wall such as one of concrete masonry units using a mortar or float technique, which results in the appearance of a traditional brick finish.
- (7) Brick/Brick Veneer – a single non-structural external layer of full-width brick, backed by an air space and an inner structural frame.
- (8) Building Height - the height of a building when measured from the finished grade at the center point of the front façade to the average point between the eaves and peak or ridge of the roofline on pitched roof structures and finished grade to the top of the exterior wall or parapet on flat roofed structures. (See Figure 2 below.)

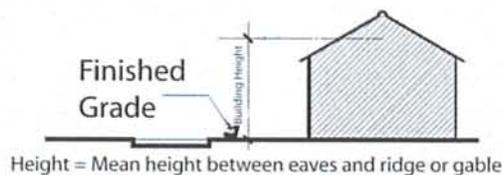


Figure 2: This illustration shows the appropriate way to measure building height for both pitched and flat roofed structures.

- (9) City Manager - the official administrative professional responsible for the daily management of the City's functions.

(10) City Manager's Designee - any person employed by the City Manager to perform a task related to the review of permit applications to the City. This may include an Assistant to the City Manager, a Planner, Zoning Administrator, Engineer, Architect, or any other professional to assist the City Manager in the assessment of applications.

(11) Cornice - a dimensional detail consisting of trims, panels, brackets, and corbels projecting at the uppermost or crowning portion of a wall or façade. Also known as a crown molding. (See Figure 3.)



Figure 3: Cornice at the top line of a building facade

(12) Divided Light Windows – windows which are traditional in appearance, comprised of several panes of glass separated by wooden or lead glazing bars or a single pane of glass with decorative glazing bars.

(13) Eclectic Architecture - a building style or the style of a collection of buildings, which draws from a variety of recognized architectural styles, periods, or sources without being a true facsimile of any one specific genre. It may also mean a district, which does not have one consistently applied architectural style, but exhibits a mix of styles.

(14) Exterior Building Materials- the exterior weatherproofing cladding or covering of a building, which is applied to an underlying structural form. The exterior building materials may but do not necessarily provide structural support. Exterior building materials are visible and contribute to the design and character of the façade and roof forms. (See also Siding)

(15) Façade - the exterior face or wall of a building. The façades may be referred to as either a primary or a secondary façade. A primary façade is visible from an adjacent roadway and can be considered the front of the structure. Buildings on a corner lot may have more than one primary façade. A secondary façade refers to a side or rear exterior wall, which is not visible from an adjacent roadway.

(16) Fenestration - window and other openings in a building's façade.

(17) Glazing - fitted or covered with glass.

(18) Parapet - a façade extension above the true or finished roof line of a building.

(19) Pediment – a triangular shaped gable or architectural element between a horizontal entablature and a sloping roof or molding.

(20) Pilaster – a slightly-projecting column built into or applied to the face of a wall. Most commonly flattened or rectangular in form, pilasters can also take a half-round form or the shape of any type of column, including tortile. They occur very commonly in 18th and 19th century door surrounds.

(21) A permanent open structure covered with a roof and permanently affixed to the principal structure with direct access to or from a building.

(22) Portico – a small entrance cover consisting of a stoop, columns and a roof.

(23) PVC (Polyvinyl Chloride) – a vinyl polymer commonly used in pipes, signs, ceiling tiles, and wires.

(24) Quoining – dressed stones or bricks at the corners of buildings. Originally used to add strength to the masonry wall, they are now used to for more decorative purposes.

(25) Roof Form – the shape of the roof, primarily determined by the pitch of the roof. Basic roof forms are flat, gabled, hipped, arched, and domed. (See Figure 4 on the next page).

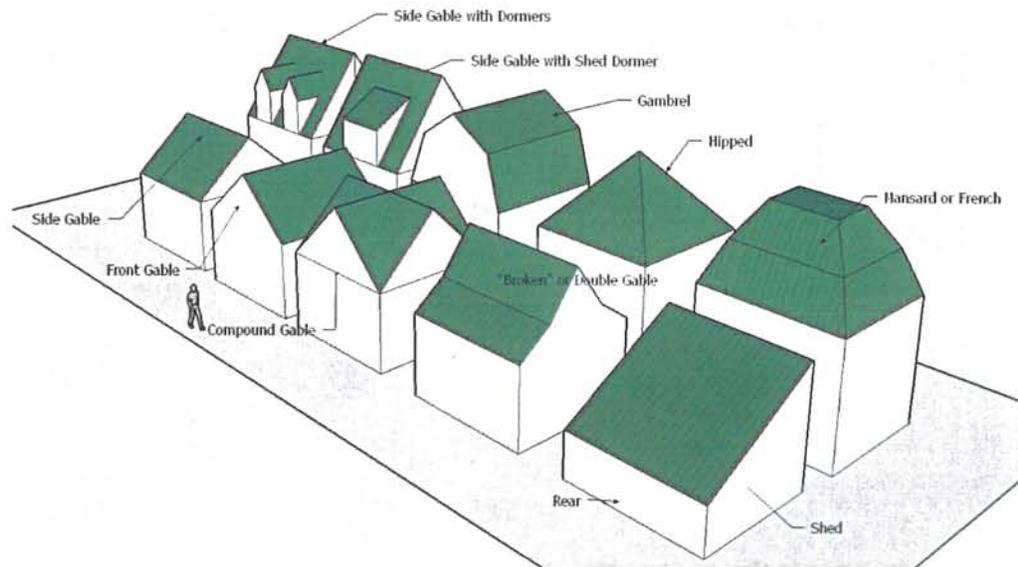


Figure 4: This illustration shows various roof forms.

- (26) Shared Access – a single vehicular access point or driveway shared by two or more properties on adjoining lots. A shared access point may cross a side lot line. Shared access points require access easements.
- (27) Shared Parking – joint utilization of a parking area or parking spaces for more than one use. Shared parking involves parking spaces that are used at different times by different users. A special agreement is required to ensure access of businesses to offsite parking.
- (28) Sight Triangle – a triangular-shaped proportion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- (29) Siding – an exterior cladding or covering applied to the structural elements of a building to provide weatherproofing, durability, and design elements. (See also Exterior Building Materials)
- (30) Stoop or landing – an elevated, open structure that is located at the head of a foot of a staircase, or a platform in a flight of stairs between two stories, constructed of concrete or masonry and abutting the principle structure.
- (31) Trim – linear elements applied to or structurally integrated into the façade of a building, which delineates, adds emphasis to an architectural element, or covers a transition or joining of materials to present a more finished appearance.
- (32) Water Table – a horizontal projecting string course, molding, or ledge placed so as to divert rainwater from a building's foundation. In traditional buildings, this element is often placed at or directly above the sill between the foundation and the base of the structural wall.

§167.03. Uses

(A) Purpose

The primary purpose of this overlay district is to provide a residential-scale environment for business uses at the perimeter of the city's central business district to transition from the Main Street Core to the adjacent residential areas.

(B) Permitted Uses

Uses shall be permitted as stated in the underlying zoning districts which are as follows:

(1) Business O

Business O permits office uses, with retail and manufacturing permitted only if incidental to the permitted use. See Madeira Zoning Code Section 150.11 for full description.

(2) Business A

Business A permits uses permitted in Business O, plus retail uses. See Madeira Zoning Code Section 150.12 for full description.

(3) Business B

Business B permits uses permitted in Business O and Business A, with the addition of: bars accessory to eating establishments; bakeries employing less than six bakers; new car dealerships; facilities to board small animals farther than 200 ft. from any residence district or Business A district; and places of recreation or entertainment. See Madeira Zoning Code Sections 150.13 and 150.14 for full description.

§167.04. Architectural Standards

(A) Purpose

To promote the maintenance, repair and infill of buildings designed and constructed to support and enhance the eclectic residential character traditionally associated with the City of Madeira Residential-Scale Business Overlay, through building scale and mass, entries, fenestration, exterior materials, and architectural details.

(B) Building Scale and Massing

(1) Purpose

To promote the design and construction of buildings that support the transition from the most intense development in the central business district to the adjacent residential areas. These standards will support this purpose through building scale and mass, entries roof forms, and articulation, materials, and architectural details which are compatible with a residential-scale and character. Additionally, these regulations will help guide development and redevelopment when adjacent to residential areas.

(2) Size and Scale

Buildings in this area should be no larger than 5,000 square feet in size. Buildings in this area shall have a consistent residential scale and theme that should be carried throughout the design of the building.

(3) Building Height

Buildings shall not be taller than 45 feet in height. See definitions for method of measuring building height. Mid-point of gable not to exceed 35 feet.

(4) Horizontal Articulation

Most of the existing residential structures are less than 35 feet in width and located on smaller narrow lots. The buildings are oriented with the narrow façade parallel to the street. This pattern shall be maintained.

- a. When the façade paralleling the street is wider than 30 feet, the façade should be horizontally broken up with recess or setback variations, architectural detailing, variation in roof height, application of compatible building materials, or application of a porch or dormers.



- b. Figure 2: Example of a larger building along Laurel Avenue with appropriate articulation. A regular fenestration pattern which reflects the patterns evident in the existing residential structures can also add horizontal articulation to a building.



Figure 3: This newer structure incorporates the regular window placement pattern of a traditional colonial style architecture. This regular pattern is consistent with the residential character of this area.

(5) Vertical Articulation

- a. Changes in vertical mass shall be used in an architecturally appropriate way to add interest and reduce the appearance of building height and bulk.
- b. Buildings shall have a clearly defined base or foundation, and roof edges so that the façade has a distinct base, middle, and top at a scale that relates to the individual person and maintains the residential character of the district. The use of a combination of the following architectural elements is encouraged to produce vertical articulation.
 - i. The base of a building should include a strong foundation material, entry areas, stoops, porches, and stairs or ramps.
 - ii. The middle of a building's façade should include windows, doors, primary building material, pillars, columns, alcoves, balconies, and window boxes, awnings,
 - iii. The top of a building's façade should include cornice lines, trim, soldier courses, overhanging eaves, gables, cupolas, dormers, brackets, corbels, fenestration, and other roof line and gable appropriate elements.

(C) Roof Forms

Pitched roof forms promote the residential character desired and shall be the preferred roof form for new buildings or portions thereof. Appropriate pitched roof forms for structures in this district include:

- (1) gables (front or side),
- (2) gabled with gabled or shed dormers,
- (3) compound gabled or double gabled,
- (4) hipped,
- (5) or combinations of any of these forms.
- (6) *Gambrel, mansard, and flat roofs shall be prohibited.*
- (7) Full shed roofs on the primary structure are prohibited; however, a shed roof may be used in limited application for dormers, portions of roofs, or rear portions of roofs. Shed roof forms may also be employed on accessory buildings under 500 square feet.

(D) Entries

The residential character of the building in this district is supported by the reuse and adaption of residential buildings to accommodate business uses. Much of the residential character is found in the front facades and entries of the buildings. The following standards are intended to maintain a residential character to the entrances and front facades.

- (1) Front or primary facades of buildings shall be designed to have a residential appearance.

- (2) Entrances in existing residential structures converted to business uses should not be altered, enclosed, or moved to maintain a residential appearance from the street.
- (3) Existing front facades, doors and their surrounds should be repaired and retained, if possible. If an old door or entrance feature has deteriorated beyond repair, the replacement should be substantially similar to the original.
- (4) The front entrance normally is the focal point of the façade, and should be emphasized through the use or maintenance of covered stoops or porches.
- (5) For business uses, side or secondary entrances may be indicated as the primary customer entrance through signage, architectural treatment, lighting, and proximity to parking.
- (6) Use of fully glazed, metal framed doors as entrances is prohibited.

(1) Infill/New Buildings

New buildings constructed in the district should consider the traditional components of residential architecture in the design of the front facade and entrances.

(2) Conversion

When converting a residential structure to a business use the appearance of existing residential façade and entries shall be maintained on the primary façade. Entries on the side or rear of the structure may be established as the primary entrance from the parking lot.

(E) Fenestration (Windows & Doors)

The placement, size, and type of windows help define a building's façade and character. With the purpose to maintain a residential character the following standards should apply:

(1) Scale and Proportion

- a. Windows shall not be installed to run from finished floor on the front facade. An eighteen (18) inch kneewall constructed of brick, stone, wood, or fiber cement siding shall stand between the sill of the window and finished floor.
- b. Windows should be proportional to the overall façade of the building. A window's proportions should generally be vertical with the height being approximately two times the width of the window; however, bay windows, or picture windows may be larger and have more of a horizontal proportion to create variation.
- c. Divided-light windows are preferred.
- d. The scale and design of the window shall support and be compatible with the architectural style of the structure.
- e. Horizontally proportioned windows are encouraged to be divided into vertically proportioned components either through multi-part windows or other divided lights.

f. Patterns and Rhythm

Generally, window openings or groups of windows within a row of windows should be equidistant from one to another to create a regular pattern.

- i. Windows may be installed in any pattern depending on the architectural layout of the façade.
- ii. Upper story windows should reinforce or support the window pattern on the first floor. When two full rows of windows are used on a façade the hypothetical rectangle that encompasses all first story windows and doors must be the same width as that of a rectangle that encompasses all second story windows.
- iii. All windows within a row shall be aligned at a consistent top line. Variation may be employed for bay windows or other variations that add a focal point to the façade.

g. Glazing

- i. Windows and glazing shall not exceed 35% of the total area of the façade. Fully glazed or glass facades shall be prohibited on front facades of buildings.
- ii. Fully opaque glazing or mirrored glazing is prohibited on front facades.
- iii. Stained, frosted, or textured glass may be used in front facades for decoration or privacy.

(F) Exterior Finish Materials & Colors

(1) Purpose

Exterior finish materials and colors set the character of an individual building and when applied throughout a district can lend cohesiveness and a specific feel to the area. These standards are intended to achieve unity of design through compatible materials and colors. The purpose of the following standards is to promote high quality, sustainable materials that will contribute to a consistent character while allowing for variation. Buildings shall be finished with high-quality, low maintenance, durable, sustainable, and attractive natural or manufactured materials. Material requirements may vary on the primary façades or façades parallel to public right-of-ways and the secondary or screened façades.

(2) Materials

a. Purpose

Material requirements may vary from the primary or visible façades to the secondary or screened façades. Other new materials meeting the purpose of these standards may be approved by the Planning Commission or Architectural Review Officer on a case-by-case basis as a primary or accent building material. Permitted and prohibited materials for the primary and secondary façade are listed in Table 167:04 (1.)

b. Permitted Primary Materials

- i. The primary material must make up at least fifty (50) percent of the exterior covering on the primary façades of a building.
- ii. The total area covered by permitted primary materials shall be calculated from the area of the visible plane measuring the area from grade to upper building limits, exclusive of the area occupied by visible roof surfaces.

c. Accents & Detailing

- i. Accent materials and colors shall be applied as appropriate to the façade surface.
- ii. Detailing, trim, windows, doors, and glazing may constitute the remaining area of the façade not occupied by the primary or accent material.
- iii. All accents and details shall be permitted and prohibited as defined in Table 167.04 (1): Permitted and Prohibited Materials.

Table 167.04. 1: Permitted and Prohibited Materials

Materials	Primary Façade	Secondary Façade
Aluminum Siding	X	X
Asphalt or fiberglass shingles	R	R
Brick/Brick Veneers	P, A, T	P, A, T
Brick Appliqué	X	X
Cast or Wrought Metal	A, T	A, T
Cast Stone	P, A, T	P, A, T
Concrete Masonry Unit	X	X
Cut or Rusticated Stone	P, A, T	P, A, T
EIFS	X	X
Fiber Cement (clapboard, shingles, scallops, trims, stones, or bricks)	P, A, T	P, A, T
Glazed Brick or Glass Tiles	A, T	A, T
Metal Trims or flashings(Aluminum, steel, copper, brass, iron)	A, T	A, T
Natural Stone	P, A, T	P, A, T
PVC (Poly Vinyl Chloride)	A, T	A, T
Reflective Materials (Mirrored Glass, Chrome)	X	X
Slate (real or faux)	R	R
Standing Seam Metal (Aluminum, Copper, Steel)	R	R
Stucco (Traditionally Applied)	P, A	P, A
Terra-Cotta	A, T, R	A, T, R
Vinyl Siding	X	X
Wood (clapboard, shingles, scallops, trims)	P, A, T	P, A, T

Notes: P-Permitted Material, A-Accent Material, T-Trim Material, R-Visible Roofing, X-Prohibited

d. Conditional or New Materials

Modern manufactured materials that create the appearance of permitted materials such as fiber cement products, architectural panels, or cast stone may be considered appropriate. Other materials not listed as prohibited may be

considered by the Planning Commission on a case-by-case basis as a primary or accent building material.

e. Prohibited Materials

Exterior covering materials that are prohibited include vinyl, aluminum, or steel siding, corrugated steel, and highly reflective materials such as mirrored glass or chrome, or fully glazed façades.

(3) Colors

a. Permitted

The preferred base colors used on new or rehabilitated buildings should be the natural color of the material in the case of brick or stone. In the case of painted or other synthetic materials of a neutral muted palette, deep saturated hues or muted pastels and whites should be used. Brighter more vivid colors should be reserved for accents.

b. Prohibited

No fluorescent, neon, day-glow, or reflective colors shall be used.

(4) Combinations of Materials and Colors

Each building façade shall be limited to one primary material. Accent materials; additional materials may be used for trims based on the material most appropriate for the trim's location and purpose. When surfaces are painted, colored, or otherwise do not correspond to the material, each building façade shall be limited to a combination of no more than four coordinated or complementary color schemes.

(5) Transitions of Materials

- a. Transition from one material to another on the same façade shall be completed either with appropriate trim or as an accent with variations such as quoining or reveals based on material thickness.
- b. Transition in materials from one façade to another shall be made at an inside corner or extended a minimum of five feet onto the secondary façade.

(6) Siding Repairs or Replacement

Repairs or replacement to exterior building materials or siding should be completed with comparable materials to those being replaced. Replacement materials shall follow the permitted material and color standards. The following standards shall apply when considering siding replacement on an existing structure.

- a. New or replacement siding shall not be applied over damaged or rotten materials. All deteriorated materials must first be repaired or replaced with similar materials.
- b. New or replacement siding shall match the existing materials in size, profile, scale, finish, and articulation.

New siding shall not cause irreversible damage or obscure the architectural features, trim, or detail of the building.

(G) Awnings or Fabric Canopies

Awnings or fabric canopies are prohibited. All overhangs should be constructed of durable roofing materials with adequate architectural supports.

(H) Mechanical Equipment

(1) Rooftop Equipment

Rooftop equipment is prohibited subject to applicable Federal Communications Commission (FCC) regulations.

(2) Ground Mounted Equipment & Service Structures

All service structures shall be screened from public view or adjacent residential areas. For the purposes of this section, services structures shall include but not be limited to propane tanks, dumpsters, HVAC equipment, electrical transformers, utility vaults extending above grade, and other equipment or elements providing service to a building or a site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures. Screening shall consist of the following:

- a. A continuous planting, hedge, fence, wall, or earthen mound shall be built to enclose any service structure on all sides unless such structure must be frequently moved or accessed, in which case screening on all but one side is required.
- b. Dumpsters shall be screened by a **wood**, brick or stone wall and have wood doors.
- c. The ARO may recommend and the planning commission may approve other types of screening materials on a case-by-case basis.

d. Utility Housing

- i. Utility housings shall be installed on the side or rear of structures whenever possible.
- ii. All utility housings, junctions, and other exterior duct work or conduits attached to a structure shall be painted or permanently colored to match the basic building material color on which it is located to reduce the impact of its appearance unless it can successfully be integrated with other trim or detailing in a manner that enhances the architectural style of the structure.

§167.05. Site Standards**(A) Purpose**

This district should serve as a transition from the more intense land uses of the Main Street Core District to the less intense land uses of the surrounding residential neighborhoods. Although more buildings are used for business purposes than for residential purposes, the residential character of the district should be maintained and a pedestrian friendly walkable environment should be encouraged. The following site standards will provide guidance for the lot dimensions, layout, and placement of site features in a manner consistent with this purpose.

(B) Minimum Lot Size

The minimum lot size shall be regulated by the underlying zoning district regulations.

(C) Setbacks**(1) Purpose**

Most of the existing structures are setback from the sidewalk and street at least 10 feet with most being set considerably further back allowing for medium to large front yards which emphasizes the history of this area as a residential area. As the intent is to maintain an urban form compatible with residential development while allowing for business uses the purpose of the setbacks is to maintain front yards, and clear separations between buildings.

(2) Setbacks

Setbacks are established to provide adequate access to various parts of individual properties, to provide adequate space for ingress and egress, and to maintain a residential character within the District.

Table 167.05:1 Setbacks

	Front Yard	Side Yard	Rear Yard
Building	Minimum of 5' from sidewalk edge	5' from any side lot line	5' feet from rear lot line 10' from a single family residential zone
Parking	Minimum 5' from sidewalk	5' from any side lot line	5' from any rear lot line

(D) Parking**(1) Purpose**

Parking for business on adapted residential lots can be a challenge. Surface parking shall be designed in a way to reduce its visual impact, improve accessibility, and accommodate parking for local businesses without excessive impact on adjacent residential areas.

(2) Location

- a. Parking should be located to the side or rear of buildings when it can be effectively screened from adjacent residential uses through the use of walls, fences and/or landscaping.
- b. If a site is too narrow or shallow to effectively provide parking to the side of the building, the required parking spaces can be provided between the street and the building, but the visual impact shall be softened through the use of landscaping. See table 167.05:2 for buffer yard type.

(3) Parking Standards

- a. Minimum number of required parking spaces by use shall be as established in §150.20.
- b. Minimum size for a standard perpendicular parking stall shall be 162 square feet with a width of nine (9) feet and a length of eighteen (18) feet.
- c. Designated drive aisles shall be twelve (12) feet in width for one-way directional traffic and a minimum of twenty-four (24) feet for two way directional traffic.
- d. All parking spaces shall be clearly marked with white pavement markings and markings shall be maintained.
- e. All paved parking areas shall be bordered by a minimum of a four (4) inch curb, or wheel stops.

(4) Shared Parking Provision

Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities. A portion of the required parking spaces per Chapter 150.20 and 150.201 may be located on an adjacent or nearby property in the district if the parking area complies with the following standards:

- a. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
- b. Public, shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the planning commission as part of site plan approval.
- c. Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- d. In the event that a shared or off-site parking area is not under the same ownership as the principal use served, a written parking agreement shall be submitted to the city in a recordable format and recorded with Hamilton County within 30 days of approval.
- e. No shared or off-site parking space shall be located more than 600 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of way

provided it uses a legal crosswalk. This distance may be waived by the planning commission.

- f. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if:
 - i. A sufficient number of spaces is provided to meet the highest demand of the participating uses;
 - ii. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the City Manager or his/her designee and development, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
 - iii. Shared or off-site parking shall not account for more than 75 percent of the required parking spaces as established in Section 150.20 Parking.
 - iv. The planning commission shall review and approve all shared or off-site parking facility plans, and may place such conditions upon such plans as it deems necessary to insure that adequate off-street parking spaces will be provided for all involved uses. Any violations of these conditions will nullify the approved shared parking facilities plan and shall be deemed a violation of this ordinance.
 - v. Any change in use of the activities served by a shared or off-site parking facility will be deemed an amendment to the shared or off-site parking facility plan and will require planning commission review and approval.

(E) Vehicular Access

- (1) Twelve feet of width for vehicular access shall be permitted for each forty feet of lot frontage on Laurel Avenue, or Camargo Roads.
- (2) One vehicular access point shall be permitted on each lot of record regardless of total width.
- (3) No drive aisle or curb cut access point shall exceed twenty-four feet in width plus appropriate flairs. The frontage of a lot shall not be entirely paved and shall employ raised curbs to prevent vehicles from turning in at various points.
- (4) No more than two access points or curb cuts shall be permitted for any individual property.
- (5) When possible, access to parking or loading areas is encouraged to be provided via Railroad Avenue. Access from the alley-like Railroad Avenue can improve circulation and reduce the impact of curb cuts on pedestrian movement along public sidewalks on Laurel Avenue.

(F) Landscaping and Buffering

(1) Purpose

Landscaping and buffering soften the appearance of urban environments, allow for pervious surfaces in a densely developed area, assist in stormwater runoff, and reduce temperatures through microclimates. The purpose of these standards is to promote

landscaping and buffering that is compatible with the character of the district and buffers residential uses from the more intense site activity on commercial properties.

(2) Streetscaping

A minimum of a six-foot wide sidewalk area shall be provided between the curb and the private property line. When possible this area should include a two-foot wide planting strip, and a four-foot wide paved sidewalk. In locations where this does not already exist, it should be installed.

(3) Front Yard

- a. All unpaved areas between the building and the front property line shall be stabilized and maintained with lawn, vegetative groundcover, or planting beds.
- b. The use of hardy ornamental grasses, perennials, shrubs and trees is encouraged.
- c. Fences and walls, including retaining or other walls, constructed in front yards shall be no more than three (3) feet in height.

(4) Side & Rear Yard Buffering When Adjacent to Residential Use

a. Requirements:

Landscaping, buffering, and screening shall be provided in side and rear yards in accordance with the following chart and buffer yard types.

When the site condition to be buffered is:	When the adjacent use is:				
	Residential Rear Yard	Residential Side Yard	Business No parking, utilities or service entrance	Business parking, utilities or service entrances	Public Right-of-Way/ Sidewalk or Road
Rear Yard no parking, utilities, or service entrances	B or C	B or C	B	None	None
Rear Yard Parking, utilities, or service entrances	A	A	None	None	B
Side Yard no parking	B, C,	B, C	None	None	None

Side Yard parking, utilities, or service entrances	A	A	B or C	B or C	B or D
Front Yard Parking	D	D	D	D	D

i. Types

See Table 167.05: 2 for buffer yard requirements.

(a) Buffer A (Maximum Screening)

- A. A buffer yard less than five (5) feet in width.
- B. A fully opaque structural element from grade to six (6) feet in height. The opaque screening element may be a wooden privacy fence, brick or stone wall.

(b) Buffer B (Moderate Screening)

- A. A buffer yard a minimum of five (5) feet in width.
- B. A seventy (70) percent opaque element between grade and four (4) feet. The screening element may be a wooden fence, or brick or stone wall, earthen berm, or evergreen shrubs.
- C. Shade or ornamental trees spaced twenty (20) feet on center.

(c) Buffer C (Moderate Buffer)

- A. A buffer yard a minimum of five (5) feet in width.
- B. A 30-percent opaque elements between grade and four (4) feet. Element may include ornamental trees, evergreens, shrubs, ornamental perennials or grasses, picket or split rail fences, wrought iron fences, or combination knee walls and decorative metal work.
- C. Shade or ornamental deciduous trees planted in groupings no more than twenty (20) feet on center.

(d) Buffer D (ROW Parking Screening)

- A. A buffer yard a minimum of five (5) feet in width.
- B. A 100-percent opaque element between grade and three (3) feet. The element may include any combination of a dense evergreen

shrub, a decorative wall, permanently installed planting boxes, or a wooden fence or brick or stone wall.

(5) Landscaping Materials & Maintenance

The proposed landscape materials should complement the existing trees on site or on adjacent sites if none exist on site, as well as the development's general design and architecture. These regulations apply to all landscaping and landscaping materials installed as part of the requirements of these standards.

a. Types

Plant types shall be reviewed by the ARO and approved by Planning Commission.

b. Plants

Plant materials used in conformance with provision of this Chapter shall conform to the current standards of the *American Association of Nurserymen* and shall have passed any inspections required under State regulations. Artificial plants are prohibited. All plant materials shall be living and shall meet the following requirements:

- i. Deciduous trees. Trees which normally shed their leaves in the fall shall have a minimum caliper of two (2) inches, and five (5) feet tall at installation, measured at finished grade, and be species of small, medium, or large maturity size in areas where there is not a visibility concern.
 - (a) In areas with visibility concerns, the trees shall be species of medium to large maturity size, which can eventually maintain five (5) feet of branch free trunk with a minimum two (2) inch caliper.
 - (b) Trees of species with roots that are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works.
 - (c) Prohibited trees shall include any species prohibited by the city.
- ii. Evergreen trees shall be a minimum of five (5) feet high at the time of planting, measured from the top mass of the tree (not the tallest leader).

c. Maintenance and Installation

- i. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris and weeds at all times. All unhealthy or dead plant material shall be replaced within one year or by the next planting period, whichever comes first. Other defective landscape material shall be replaced or repaired within three months of notice from City.
- ii. No required plantings shall be removed by the property owner or agent of the owner unless the planting materials are found to be hazardous, unhealthy, or dead by the City or its agents. If any healthy, mature, or established plantings as required by this Chapter are removed at the

discretion of the owner or his/her agent they shall be replaced by the owner with a similar sized planting to those that were removed to maintain a consistent and mature appearance of plantings in that area.

- iii. Hardwood mulch is permitted, but no stone, sand, or rubber is permitted.

d. Preservation of Existing Landscape Materials

Existing landscape material to remain shall be shown on the required landscape plan. Any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the City's approval authority, such materials meet the requirements and achieve the objectives of this Chapter.

(6) Fencing and Walls

Fences and walls can be used in conjunction with plant material to provide visual breaks between properties, buffer various uses, and enhance the character of a development. These standards apply to all fences and walls installed to meet the requirements of this chapter.

a. Types

- i. Fencing shall not interfere with sight visibility for vehicles and pedestrians.
- ii. Privacy fencing or walls (one-hundred (100) percent opacity from grade to six (6) feet) may be used as a screen between abutting commercial/industrial sites.
- iii. Decorative or privacy fencing may be used as a screen between commercial/industrial sites and abutting residential sites.
- iv. Fences running parallel to a right-of-way in commercial areas shall be forty (40) percent or more transparent such as wrought iron or picket or post and rail type fencing or less than forty (40) inches in height.

b. Permitted Materials

- i. Walls shall be constructed of brick, stone, or segmented modular block wall systems to match or coordinate with the building materials on the primary building.
- ii. Fencing shall be made from natural materials. Wood fences shall be natural or have a transparent color stain finish. The finished side of the fence shall face the adjacent property or residential area. Post and rail or other partially transparent fencing may be used in conjunction with vegetative landscaping to create definition to the site. Poly vinyl chloride (PVC) and plastic fencing material must be approved by the ARO.

(G) Lighting

(1) Purpose

The purpose of the lighting standards is to coordinate and unify the overall lighting appearance of nonresidential developments with regard to aesthetic and technical aspects. Site lighting components should be visually interesting and serve not only to illuminate the parking and drive areas, but also to enhance the aesthetic

appearance of the site. Fixtures shall be of a design complimentary to the intent of the Main Street Core Standards (Chapter 166).

(2) Applicability

All developments with ten or more parking spaces are required to provide exterior lighting for all exterior doorways, pedestrian pathways, and vehicular use areas. All developments with less than ten parking spaces shall provide exterior lighting at all exterior doorways. Photo metrics shall be submitted for all exterior lighting.

(3) Illumination

- a. A minimum illumination of 0.5 footcandles shall be maintained when measured at grade in all vehicular use areas and pedestrian pathways. Actual site measurement compliance shall not drop below this minimum.
- b. The footcandle intensity in vehicular use areas should be between 2.0 and 2.5 footcandles with an average--to-minimum light intensity ratio of not more than 6:1 and a maximum-to-minimum light intensity ratio of not more than 20:1.
- c. An illumination of zero footcandles shall be maintained at the property line of adjacent residential properties.

(4) Maximum Height

Pole mounted lighting fixtures shall not exceed twenty (20) feet above grade measured at the base of the pole/fixture (including any pole base) to the top of the pole/fixture. Building mounted fixtures shall not be more than twenty (20) feet above average grade as measured vertically on the façade directly below the fixture location.

(5) Fixture Types

- a. All mounted fixtures should be full cut-off style and the use of wall packs should be minimized.
- b. Light fixtures and poles should be compatible with the architecture and scale of the building. The lighting style of adjacent may be considered by the city on a case-by-case basis.
- c. Luminaries shall be either all high-pressure sodium or all metal halide. The design shall be refractive or opaque.
- d. No colored or flashing lights shall be used to illuminate the exterior of buildings.
- e. Lighted bollards may be used to illuminate pedestrian paths.
- f. Street lights required in the right-of-way to extend streetscape improvements, as part of new development or redevelopment, shall exactly match the post and luminaries (materials and color) in the existing Miami Avenue streetscape. (Refer to Fig. 4.)
- g. Neon lighting is prohibited.



Figure 4: Acorn type pole mounted fixture preferred in District.