

ORDINANCE NO. 11 , 2013

AN ORDINANCE AMENDING ORDINANCE NO. 11, 2006 AND THE STATEMENT OF CONDITIONS AND EXCEPTIONS (EXHIBIT D) REGARDING SETBACKS IN THE VINTAGE CLUB PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, Council did adopt Ordinance No. 11, 2006 to establish the Vintage Club Planned Unit Development District ("District"); and

WHEREAS, within such Ordinance there was a Statement of Conditions and Exceptions (Exhibit D) which established specific setbacks throughout the District; and

WHEREAS, with the approval of the final development plan for Sections 5 and 6 of the District, the Planning Commission has approved the location of a medical office building, public garage, and a connected but detached retail building, all of which are integrated in their design and construction which require modifications to the setback standards previously approved for the District; and

WHEREAS, as a part of the approval of Sections 5 and 6, the Planning Commission has approved a separate out lot which will front Montgomery Road and Vintage Club Boulevard, and which will require a modification to the setback standards for the District to integrate the building into the overall development and to coordinate its setback with an extension of Vintage Club Boulevard within which the City will construct certain landscape improvements; and

WHEREAS, with the remainder of the District beginning to be shaped in the general development plan, the Planning Commission has made a recommendation to establish maximum setbacks for buildings fronting Vintage Club Boulevard and to

establish the standards for setbacks in the northwest section of the District where it will front residential development within the District; and

WHEREAS, Council did hold a public hearing on April 17, 2013 to consider such recommendations from the Planning Commission to modify District setbacks; and

WHEREAS, Council has recommended that these modifications be adopted; and

WHEREAS, legislation is required to approve changes to the Statement of Conditions and Exceptions to recognize the new setback standards.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The Statement of Conditions and Exceptions for the Vintage Club Planned Unit Development District are hereby modified as follows:

A. The front yard setback for buildings fronting Montgomery Road shall be reduced from thirty (30) feet to twenty-five (25) feet measured from the Montgomery Road right-of-way. Measuring the setback from the Montgomery Road right-of-way will permit the development of the retail out lot which would be significantly limited if the setback was measured from the property line of the intervening landscape area owned by the City.

B. The front yard setback for buildings fronting Vintage Club Boulevard shall be setback no more than twenty (20) feet from the Vintage Club Boulevard with the exception of Building C identified on the attached development plan.

C. There shall be no front, side and rear yard setbacks for buildings within Section 6 of the District which will allow construction of the medical office building and parking garage along the property lines of the property as it is proposed to be subdivided within Section 6. This modification also will recognize that the construction of the medical office building which overlaps the parking garage will cross the proposed property line. The setback also shall permit construction of Building C along the property line and enable the building to connect to the public plaza to be constructed by the City.

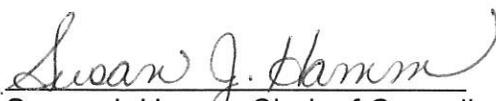
SECTION 2. All other zoning standards within the District set forth in Ordinance No. 11, 2006, specifically those restrictions set forth in a Statement of Conditions and Exceptions, are hereby ratified.

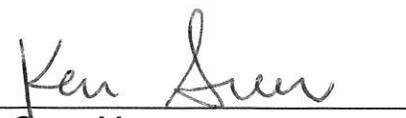
SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

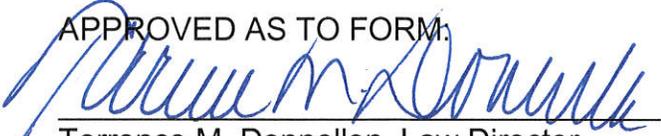
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: April 17, 2013

ATTEST: 
Susan J. Hamm, Clerk of Council


Ken Suer, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director