

Chapter 1159

D-1 Downtown Commercial District

1159.01 Purpose

The purpose of the D-1 Downtown Commercial District is to:

- (a) Create a central town center core for the City of Blue Ash;
- (b) Meet the need for professional services, specialty shops, residential, public, and civic uses;
- (c) Encourage the maintenance and redevelopment of properties within the vision established in the Master Plan for the Development of Downtown Blue Ash (1982) and supplemented by the Blue Ash Town Center – Concept Redevelopment Plan (2006);
- (d) Create pedestrian-oriented development through the integration of a mixture of uses; and to
- (e) Ensure neighborhood compatibility with surrounding neighborhoods.

1159.02 Conformity with Plans

- (a) Unless otherwise permitted herein, all development in the D-1 District shall be consistent with the plan approved by Council as set forth in the “Master Plan for the Development of Downtown Blue Ash,” dated November 18, 1982, and adopted by Ordinance 82-101, and the supplemental Blue Ash Town Center – Concept Redevelopment Plan dated December 2005, and adopted by Ordinance 2006-20. The Downtown Design Review Committee shall review all plans for new construction and building additions and ensure proper conformity in its approvals.
- (b) The Downtown Design Review Committee may approve additions and improvements to buildings and properties existing prior to the adoption of this provision that do not conform to all of the design requirements in this district, where such improvements support the viability of the existing uses and are not detrimental to the public health, safety, and general welfare.

1159.03 Use Regulations

(a) Permitted Uses

The following uses shall be permitted within the D-1 District.

- (1) Retail sales and services except that auto-oriented uses shall be prohibited including, but not limited to, vehicle sales or rental, gas/fuel stations, vehicle repair or service, and automotive washes.
- (2) Bars, taverns, and restaurants are permitted except that drive-in and drive-through restaurants shall be prohibited.
- (3) Offices and professional services
- (4) Multi-family residential
- (5) Nursing homes and senior housing

- (6) Hotels
- (7) Cultural and civic services
- (8) Parks and improved open spaces
- (9) Day cares and preschools
- (10) Schools, including public, private, or business
- (11) Religious places of worship
- (12) Entertainment and health or recreational facilities
- (13) Private clubs or lodges
- (14) Parking garages and structures (see parking requirements)

(b) Additional Use Regulations

- (1) Drive-in and drive-through facilities are prohibited except as a Special Use per 1159.03(c).
- (2) Outdoor sales, displays, and storage are prohibited except as permitted in Section 1159.04.
- (3) Vending machines located outside of a building shall be prohibited.
- (4) Any building uses primarily for any of the above permitted uses may not have more than 40 percent of the floor area dedicated for storage purposes incidental to such primary use.

(c) Special Uses.

The following special uses may be permitted with consideration given to the following criteria, in addition to the conditions set forth in Chapter 1183: characteristics of occupants; type of supervision; size of the site and density; people activity; vehicular activity; duration of activity; off-site impact; demand on community services; community needs; health, safety and general welfare; and overall appearance.

- (1) Drive-in and drive-through uses.

1159.04 Accessory Use Regulations

- (a) Accessory buildings and uses customarily incident to the above uses are permitted, but shall be complimentary to the main building and surrounding properties.
- (b) Grading, filling, excavating or any change in the grade or property that involves the moving, depletion or replacement of more than 100 cubic yards of material and changes the existing elevation by more than one foot requires a permit. At no time shall any grading be detrimental to surrounding property in appearance or in the diversion of stormwater drainage.
- (c) Outdoor cafes and food service areas may be permitted upon approval of the Downtown Design Review Committee

1159.05 Site Development Requirements

- (a) Height

- (1) The maximum height of principal buildings shall be 50 feet. 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 2 stories above ground.
 - (3) The maximum height of accessory uses and buildings shall be 15 feet.
- (b) Setbacks
- (1) 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, and similar pedestrian amenities.
 - (2) Overhangs, awnings, and roofs may extend up to four feet into the right-of-way above a public sidewalk, where such projection poses no threat to the public health, safety, or general welfare
 - (3) All other buildings in the D-1 District shall have a maximum front setback of 15 feet.
- (c) Buildings shall be set back a minimum of ten feet from all other lots lines when abutting uses in a different zoning district.
- (d) 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 vertical mixed-use building, the above minimum density requirement shall not apply.
 - (4) There is no maximum residential density in this district provided the residential uses meet the setback, height, and other site design requirements.
 - (5) All lots must abut a public right-of-way.

1159.06 General Design Requirements

- (a) Blocks
- Blocks shall have a minimum length of 200 feet and a maximum length of 500 feet in the D-1 District.
- (b) Sidewalks
- (1) Sidewalks of at least 10 feet in width shall be provided along Kenwood Road, Cooper Road, and Hunt Road, subject to right-of-way width, availability, and approval of the Downtown Design Review Committee. Such sidewalks shall be provided between the street pavement or curb and the front building line.
 - (2) All other sidewalks located along primary roadways shall have a minimum width of 6 feet, subject to right-of-way width, availability, and approval of the Downtown Design Review Committee.

- (3) Sidewalks used for internal pedestrian circulation (i.e., connecting parking spaces with buildings) may have a minimum width of four feet.
- (4) All sidewalks shall be built to standards established in elsewhere in the Code of Ordinances.

(c) Landscaping

- (1) The site shall be landscaped in accordance with the Landscape Standards in Chapter 1188 and a separate plan shall be submitted detailing each of the landscape elements of the site.
- (2) Any part of lot area not used for buildings or other structures, or for roads, walks, parking, service areas or accessways shall be landscaped with grass, ground cover, trees and shrubs.

(d) 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, 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 elsewhere in the Code of Ordinances.
- (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.

(e) Building Design

- (1) The design of all new construction and additions shall be approved by the Downtown Design Review Committee and shall be designed to meet the intent of the following provisions:
 - A. All buildings shall have four “front” elevations.
 - B. At least one primary entrance of every building tenant shall be oriented towards a public street along the perimeter of the development, towards public or private streets interior to the development or towards civic spaces, plazas, or other open space areas.
 - C. Primary entrances shall not be oriented towards off-street surface parking lots.
 - D. Building facades shall emphasize clearly articulated main entrances using awnings, canopies, columns, pilasters, and recessed entrances. Storefronts shall be integrally designed with the upper floors of a building to be compatible with the overall character of the facade.
 - E. The maximum length of an uninterrupted facade plane shall be 30 ft. Building wall offsets (projections and recesses) and/or pilasters shall be

used to break up the mass of a single building into bays. Variations in roof line, materials, and color can also help break up massing.

- F. All commercial buildings shall have a discernible base and cap which are clearly defined by horizontal elements along the bottom and top of the building. Elements to achieve this standard include storefront “kick-plates,” horizontal banding, corbelling, and material changes.
- G. For multi-story nonresidential or mixed-use buildings, 65-85% of the first floor shall be covered in glass, while 35-65% of the facade area on upper floors shall be covered in glass exclusive of the parapet wall.
- H. Translucent or back-lit canopies or awnings shall be prohibited.
- I. The amount of exposed foundation shall be minimized.
- J. All shingled roofs shall be dimensional (i.e. Timberline or equivalent as minimum requirement). Other roofing materials may be permitted.
- K. Proposed style, shape, exterior material, colors, and the required base landscaping of all signs shall be approved by the Downtown Design Review Committee or the Committee’s designee prior to issuance of a sign permit.
- L. Earth tone exterior colors should prevail in downtown buildings and other exterior components.
- M. Particular attention shall be made to assure architectural style and quality, roof structures, exterior colors, building materials, and other features are compatible with the purpose of the District.

1159.07 Parking, Loading, and Access Requirements

- (a) Surface parking should be limited to no more than 35% of the site area.
- (b) All buildings shall have an unobstructed fire lane adjacent to the building.
- (c) 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, bikepath or street.
- (d) 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.
- (e) Unless modified by the Downtown Design Review Committee, 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.
- (f) 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 minimize 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. 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).
- (g) Location of Parking Spaces and Vehicle Types That May Be Parked.
 - (1) Surface parking shall be prohibited in the front and side yards.

- (2) Parking of passenger cars, station wagons, panel trucks, vans and pickup trucks is permitted; however, any vehicle in excess of 10,000 pounds gross vehicle weight is not permitted.
- (3) Exceptions. 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 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 property in the area where parked.
- (4) 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.
- (5) No trucks or trailers of any kind shall be used for storage purposes.

(h) Number of Required Spaces

The following are the number of parking spaces required for each permitted use. In no case shall an applicant be permitted to provide more than 125 percent of the required parking unless such parking is located in a parking structure.

- (1) Business, professional or other office buildings, studios, medical or dental facilities: one parking space for each 300 square feet of floor area.
- (2) Churches, synagogues, and other places of worship: one parking space for each four seats in the main auditorium.
- (3) Schools: one parking space for each four seats in the main auditorium or two spaces for each classroom, whichever is greater.
- (4) Multi-family dwellings: one parking space for each dwelling unit.
- (5) Accessory dwelling units: one parking space for each accessory dwelling unit.
- (6) Entertainment or exhibition places, all without fixed seats: one parking space for each 500 square feet of floor area used therefore.
- (7) Hotels: one parking space for each sleeping room or suite plus one space for each 300 square feet of commercial floor area.
- (8) Nursing homes: one parking space for each five beds.
- (9) Places of public assembly, including auditoriums or theaters: one space for each four seats.
- (10) Private clubs or lodges: one parking space for each 300 square feet of floor area.
- (11) Publicly owned or operated buildings, libraries, museums or art galleries: one parking space for each 300 square feet of floor area.
- (12) Restaurants and other food services and entertainment places: one parking space for each 300 square feet of floor area.
- (13) Retail stores, personal service establishment, household service establishments, financial institutions, daycare and nurseries, except as otherwise specified herein: one parking space for each 300 square feet of floor area.
- (14) Nurseries, daycares and similar private uses: one parking space for each five children based on maximum permitted children for such building.

(i) On-Street Parking

On-street parking spaces within 300 feet of the building may be counted toward the number of required parking spaces.

(j) Parking Structures

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

- (1) Parking structures may be exempt from the off-street parking location requirements if it is an integral part of the principal building and is designed to architecturally screen the appearance of the parking structure.
- (2) All parking structures should be located in the rear of the building to the maximum extent feasible.
- (3) Parking structures shall be visually similar in character and scale to the adjacent buildings and shall have architecturally articulated facades designed to screen the view of parked cars.
- (4) Vehicle entries to off-street parking structures shall be integrated into the placement and design of adjacent building or oriented away from the primary street frontage.

(k) Shared Parking

In the case of a conflict with joint parking provisions of Section 1181.03, the following provisions shall apply.

- (1) The amount of off-street parking required for a development may be reduced by an amount determined by the Downtown Design Review Committee when it can be demonstrated, through a parking demand study, that sufficient parking is or can be met by the subject uses through a shared parking agreement. The parking demand study shall provide information and evidence about the anticipated parking demand at peak times during a typical day and the distance relationship between available shared parking spaces and the specific uses served.
- (2) To promote an overall reduction in parking, the use of shared parking shall be required when the development is under the control of a single owner/developer and contains a mixture of commercial, office, institutional, and/or public uses that have staggered peak parking demands.
- (3) A legal shared parking agreement shall be submitted and approved by the City Solicitor, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- (4) Shared parking shall not account for more than 50 percent of the required parking spaces as established in section.

(l) Loading Requirements

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

- (1) All Commercial Uses. Unless waived or modified by the Downtown Design Review Committee, where such place 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 forty-nine (49) feet shall be provided.
- (2) Enlargements and Extensions. Unless waived or modified by the Downtown Design Review Committee, no building or part thereof heretofore erected which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this chapter

1159.08 Signs

- (a) Signs should be carefully integrated within the site, landscape and architectural design context within which they are located.
- (b) The size, type, height, and number of signs shall be regulated by Section 1181.05.

1159.09 Enforcement and Penalty

This Chapter is subject to enforcement and penalty as specified in Chapter 1129.