

**ORDINANCE NO. 13 , 2023**

**AN ORDINANCE MODIFYING THE LIST OF CONDITIONS AND EXCEPTIONS FOR THE VINTAGE CLUB PLANNED UNIT DEVELOPMENT DISTRICT AND REZONING A PORTION OF THE DISTRICT FROM A MULTI-FAMILY D-3 DISTRICT TO A LIMITED BUSINESS L-B DISTRICT**

**WHEREAS**, by Ordinance No. 11, 2006, City Council did establish the Vintage Club Planned Unit Development District (“District”) to support the development of property fronting Montgomery Road and Kemper Road to be developed by Great Traditions Development Group for both Residential and Business District uses; and

**WHEREAS**, the Vintage Club Planned Unit Development has been modified throughout the past several years to better reflect the market necessities for development; and

**WHEREAS**, Great Traditions Development Group, now known as Traditions Development Group, has petitioned the City to further modify the Vintage Club Planned Unit Development District and to modify the underlying zoning upon Auditor’s Parcel Numbers 603-0A23-0218, 603-0A23-0219, 603-0A23-0230 and 603-0A23-0231 from the current D-3 Multi-Family District with a Planned Unit Development Overlay to the L-B Limited Business District with an updated Planned Unit Development Overlay to support the development of a proposed project to construct a 144 unit Mixed Use-Independent Living Facility upon these four parcels to be consolidated for a Final Development Plan; and

**WHEREAS**, the Planning Commission has held a series of public meetings, the result of which is the Planning Commission has unanimously recommended that a portion of the District be rezoned to a L-B Limited Business District and the Planned Unit

Development Overlay Statement of Conditions and Exceptions be modified; and

**WHEREAS**, Council held a public hearing on November 1, 2023 to review the Planning Commission’s recommendations, and Council did unanimously accept the recommendations to advance these changes to appropriate legislation.

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

**SECTION 1.** The following four lots shall be rezoned from a D-3 Multi-Family District with a Planned Unit Development Overlay to an L-B Limited Business District with a Planned Unit Development Overlay. The lots and the current ownership are as follows:

<b>Auditor’s Parcel Number</b>	<b>Ownership</b>
603-0A23-0218	City of Montgomery, Ohio as depicted on <b>Schedule A</b> attached
603-0A23-0219	City of Montgomery, Ohio as depicted on <b>Schedule B</b> attached
603-0A23-0230	Traditions VC K, LLC as depicted on <b>Schedule C</b> attached
603-0A23-0231	Traditions VC Developer, LLC as depicted on <b>Schedule D</b> attached

**SECTION 2.** The Planned Unit Development Overlay for the Vintage Club Development and specifically the updated Statement of Conditions and Exceptions detailed in **Schedule E** attached is hereby adopted as if fully rewritten herein.

**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.

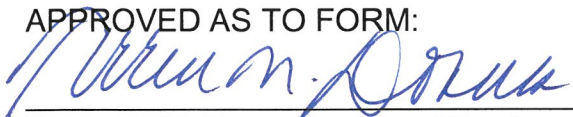
**SECTION 5.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: December 6, 2023

ATTEST:   
Connie M. Gaylor, Clerk of Council

  
Ronald G. Messer, Mayor

APPROVED AS TO FORM:

  
Terrence M. Donnellon, Law Director

Property Report

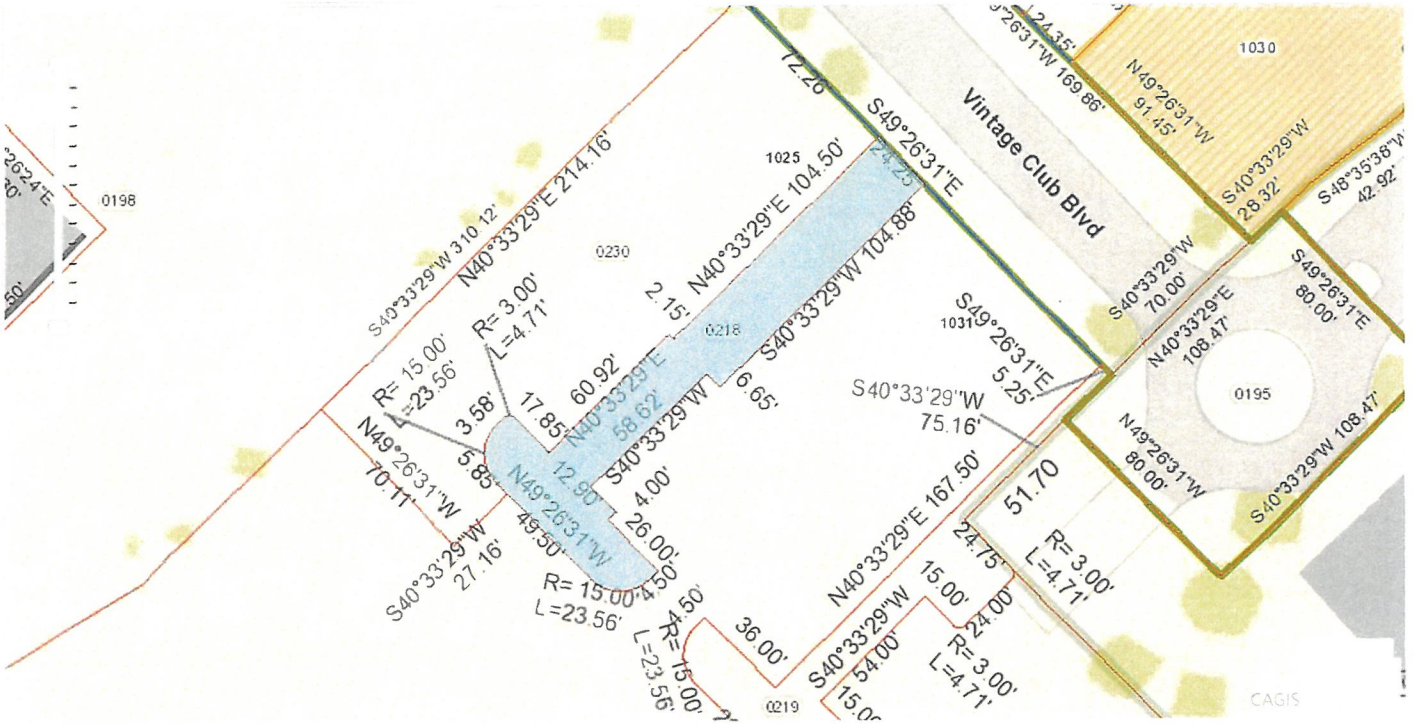
Parcel ID  
603-0A23-0218-00

Address  
VINTAGE CLUB BV

Index Order  
Parcel Number

Tax Year  
2022 Payable 2023

Property Map



**SCHEDULE A**

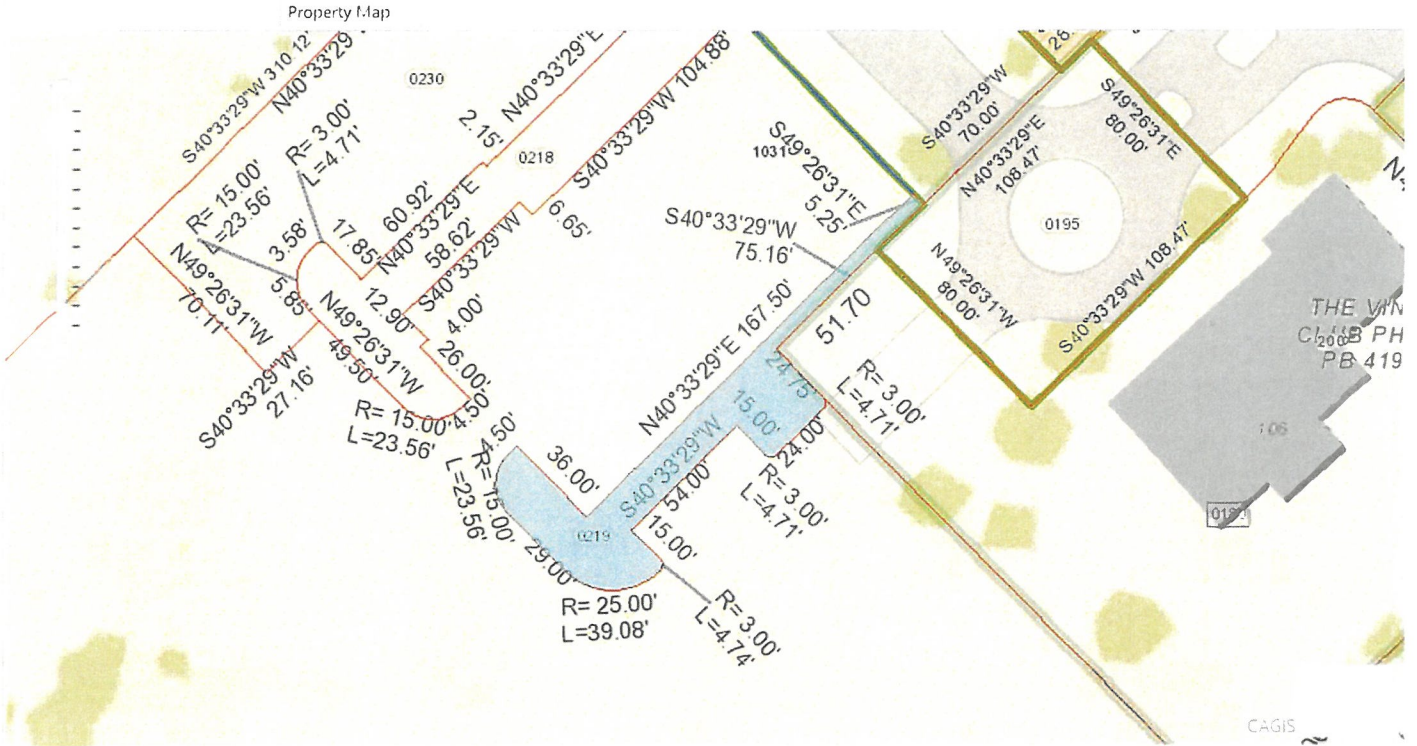
Property Map

Parcel ID  
603-0A23-0219-00

Address  
VINTAGE CLUB BV

Index Order  
Parcel Number

Tax Year  
2022 Payable 2023



**SCHEDULE B**



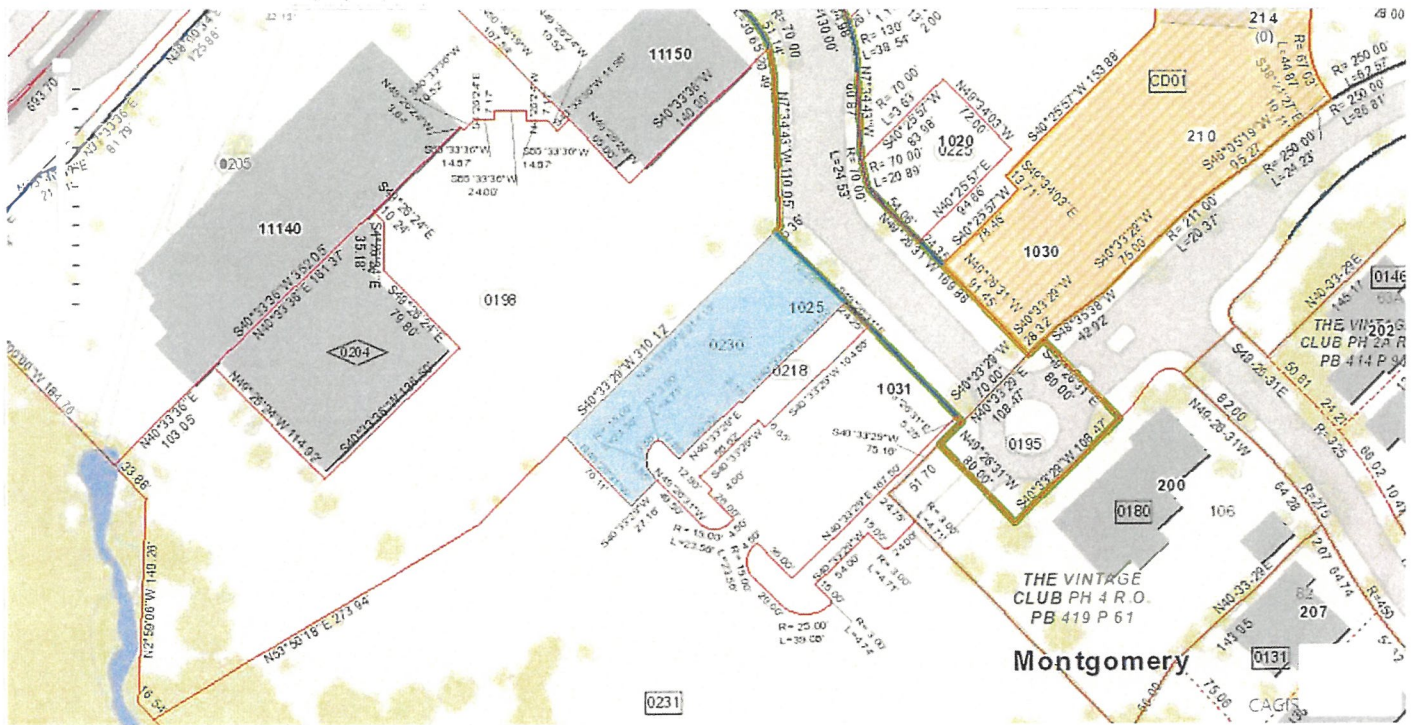
Parcel ID  
603-0A23-0230-00

Address  
VINTAGE CLUB BV

Index Order  
Parcel Number

Tax Year  
2022 Payable 2023

Property Map



### SCHEDULE C

Property Report

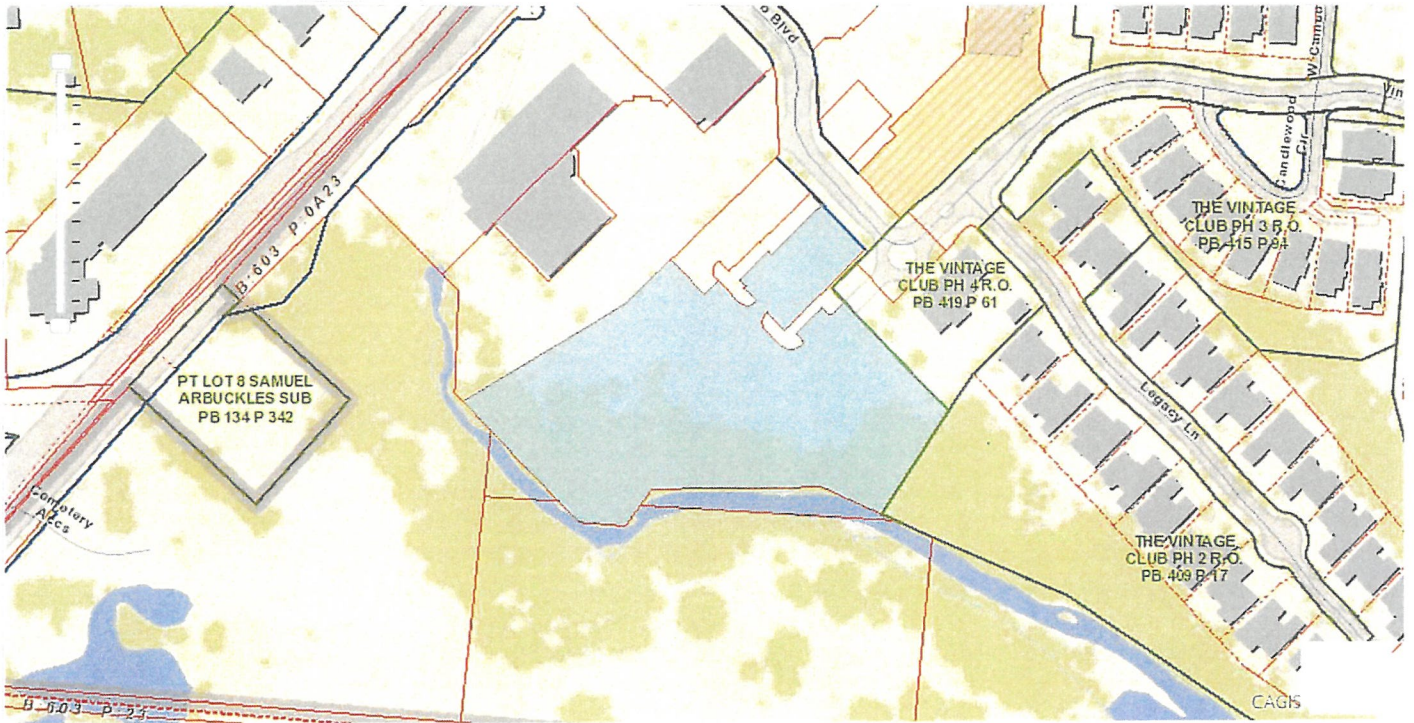
Parcel ID  
603-0A23-0231-00

Address  
VINTAGE CLUB BV

Index Order  
Parcel Number

Tax Year  
2022 Payable 2023

Property Map



**SCHEDULE D**

## SCHEDULE E

### VINTAGE CLUB OF MONTGOMERY STATEMENT OF CONDITIONS & EXCEPTIONS ESTABLISHED AS THE STANDARDS IN THE PLANNED UNIT DEVELOPMENT DISTRICT

As Adopted by Ordinance No. \_\_\_\_\_, 2023

#### General Conditions for the PUD

1. Streets shown on the general development plan will be private streets, with street widths of 25' from back of curb to back of curb along roads B,C,D; 22' along road F and the drives, and 22'-25' for road E. Streets will be built to City subdivision standards, with the exception of the street plazas. The main access drive from the commercial section to the connection with the Kemper Road access drive will have chair back curbs, or ODOT Type 6 vertical curb, all other curbs at discretion of applicant.
2. The width of linear open space reserved for walking paths will be a minimum of 15'. The path itself may be of mulch, wood chips, or limestone. The open space for the tree line that runs north to south through the east side of the property in the estate section will be 25' wide. There will be a physical delineation of the borders of the hiker/biker trails.
3. Street lights will be provided throughout the residential neighborhoods.
4. Street trees will be provided at intervals of 65' or less along all of the streets.
5. 5' wide sidewalks will be provided along Road B and the Kemper Road entry road. Four foot wide (minimum width) will be provided throughout the other residential neighborhoods.
6. The side of all the roads and drives which have fire hydrants will be marked as 'no parking, fire lane'.
7. The gates used to block Road B and Road C will meet the emergency access requirements specified by the Montgomery police and fire chiefs.
8. There will be 13.95262 acres of open space and 11,540 sq. ft. of bonus area open space as designated on the open space plan submitted by the development team.
9. The development team will provide an addition 4,100 square feet of open space in a later section of the development, subject to the final development plan of that section.



10. In addition to standard Hamilton County storm water management plans, the applicant will adhere to the following:
  - a. Will adhere to Ohio EPA post construction runoff guidelines as indicated in permit OHC000006;
  - b. Develop storm water pollution prevention plans as indicated in Ohio EPA permit;
  - c. Adhere to Section 404 of the Clean Water Act as administered by the Army Corps of Engineers;
  - d. Adhere to Section 401 of the Clean Water Act as administered by OEPA.
  - e. The development team will work with the City Engineer to determine the best management practices that will be used to address NPDES Phase II regulations, including the following methods which the applicant has indicated could be acceptable to them: fore bay in the central detention area, modifications of the detention basins to delay release and allow settling of pollutants in the basin, and various pretreatment options in the proposed greenspace areas. It is acknowledged that surface drainage from property to the north of the site would not be subject to any water quality bmp's.
11. As part of Phase I, the intersection of Road C and Kemper Road will be improved. A left turn lane, both eastbound and west bound, will be constructed. A cross walk will be provided on the east side of the intersection. A right turn lane onto Road C from east bound Kemper will be provided if it is determined to be necessary for the permanent long term safety and efficiency of Kemper Road travel by the City Engineer and the Public Works Director.
12. The Christ Hospital shall be considered an adjacent property owner for notification purposes.
13. The Christ Hospital shall be considered an adjacent property owner to entitle the Hospital to have standing to appeal or take other legal actions with regard to decisions of the Montgomery Planning Commission and City regarding modifications to the Plan or approval of Final Development Plans.

#### **Residential 'A' Estate Section**

The regulations for the 'A' zoning district will apply with the following conditions and variations:

1. Lots will be on private streets; therefore they will not be required to have frontage on a public right of way.
2. All of the lots abutting the Reserve will be at least 20,000 sq. ft.
3. All other lots will be a minimum of 16,000 sq. ft, except the lot at the end of the cul-de-sac of Road C (lot #22 on grading plan) which will be a minimum of 15,000 sq. ft.

4. Front yard setbacks are established at 30' from the 50' wide private right of way.
5. The side yard setback is established at 10'.
6. The rear yard setback for lots abutting the Reserve of Montgomery is 35'
7. The rear yard setback for lots abutting Weller Park or Good Shepherd is 30'
8. The rear yard setback for lots abutting internal green space is 30'.
9. Public pedestrian access will be maintained between Kemper Road and the path to Weller Park, with appropriate signage.
10. Accessory structures will maintain a 10' side and rear yard setback.
11. There will be no additional encroachments permitted in the side or front yards for attached structures.
12. Uncovered porches, terraces, decks, patios may encroach to within 10' from the rear property line.
13. Landscape plans for all the open space will be provided as part of the final development plan. A landscape buffer will be provided along the south edge of the storm water detention basin abutting the Reserve.
14. The additional requirements for panhandle lots will not apply.
15. The side yard setback for the portion of the driveway behind the front elevation of the dwelling unit and adjacent to the side-entry garage shall be 3'.
16. The portion of the driveway beyond 10' of the front elevation must be 5' from the side lot line and no driveway can exceed 12' in width, for any portion in front of that 10'.

### **Residential D-3: Club Section**

The regulations for the D-3 zoning district will apply, with the following conditions and variations:

1. The lots will be on private streets and will not be required to have frontage on a public right of way.
2. The front yard setback will be established at 20' from the private right of way.
3. The side yard setbacks will be set at seven feet.
4. The rear yard setbacks will be set at 20'

5. The open space surrounding the club lots will be left primarily as is. A plan for the walking paths will be provided with the final development plan, and will demonstrate connections between the lake, the clubhouse, and all of the residential components.
6. The cul-de-sac for the club homes will exceed the 800' standard of the subdivision regulations.
7. The private drive at the end of Road E will be a minimum of 22' wide, and have one side designated as "No parking, fire lane" posted.
8. Driveways shall maintain a 3' setback from the side property lines.
9. Decorative fences up to 3' in height and associated with a landscape trellis or arbor are allowed in the front yard. The trellis or arbor can be up to 8'-0" in height and no section of the fence may be longer than 18'-0". Any portion of fence which exceeds 2' in height shall be parallel to the street.
10. Paving, patios, and terraces, located in the rear yard may be placed up to the rear property line; however, this exception is not granted to Lot Numbers 72, 73, 74, and 75.

### **Residential D-3: Courtyard Section**

The regulations for the D-3 zoning district will apply, with the following conditions and variations:

1. The lots will be on private streets and will not be required to have frontage on a public right of way.
2. The minimum lot size will be 6250 sq. ft.
3. The minimum lot width will be 50'
4. The front yard setback will be 25' from back of pavement.
5. The side yard setback will be 5'.
6. The rear yard setback will be 20'.
7. The access driveway at the end of Drive B will be a minimum of 22' wide.
8. Porches, trellis', bay windows (including foundation and not to exceed 7' in width), roof overhangs, decks, stairs, chimneys, and architectural features can extend to 3' into the side yard setback.
9. Fireplaces, with or without chimneys and a maximum of 7', TV/Entertainment Centers, associated with a Fireplace and a maximum width of 7', and bay windows

may extend 3' into one front yard on a corner lot and 3' into the rear-yard setback on any lot.

10. Decorative fences up to 3' in height and associated with a landscape trellis or arbor are allowed in the front yard. The trellis or arbor can be up to 8'-0" in height and no section of the fence may be longer than 12'-0". Any portion of fence which exceeds 2' in height shall be parallel to the street.
11. Impervious surface to be no more than 50% in the front-yard for a home with a courtyard entry garage. The number of lots where the impervious surface exceeds 40%, but is less than 50% may be no more than 15 of the approved 46 Courtyard homes.
12. Below grade window wells with guardrails can extend into the side yard setback up to 4' where there is a use easement.
13. Driveways shall maintain a three foot setback for the edge of the use easement.

#### **Commercial LB:**

The LB section will be treated as a mixed use project and treated as a permitted use. The requirements for the LB district shall apply, with the following variations and conditions:

1. Uses: All of the uses permitted in the LB district as of the date of the enactment of the PUD will be considered permitted uses. Bars and taverns will also be considered a permitted uses. Hotels/motel may be permitted by the Planning Commission as a permitted use.
2. Density: The final development plan is limited to a maximum of 285,000 sq. ft to be distributed between office, retail, and restaurant. There will be a mix of all three uses, consistent with the attached document dated 2/24/06, 'commercial square footage analysis' by the development team. A total of 144 independent living units are permitted. There is no restriction on the number of condominiums that will be permitted provided the height and parking regulations are met.
3. Building Heights: The height of buildings that front along Montgomery Road shall meet the standard three story or 45' height limitation. For buildings in the interior of the LB section that are north of Vintage Club Boulevard, a maximum of four stories or 52' shall be allowed. For buildings in the interior of the LB section that are south of Vintage Club Boulevard, a maximum of five stories or 57' shall be permitted. Height shall be defined as the average of the top of the parapet walls and/or the mean of the pitched roof structures to average grade along Vintage Club Boulevard with associated exceptions as specified in Section 150.0204 of the Planning and Zoning Code.
4. The parking requirements for the LB district will be flexible, and will be based on computations derived from Urban Land Institute methodology for mixed use,



shared use projects. The computations will be presented to the Planning Commission for review.

5. The following guidelines established for the Montgomery Road Corridor for the area from the Heritage District to Schoolhouse will apply:
  - a. Access and circulation requirements
  - b. Screening of loading areas
  - c. Pedestrian features
  - d. Building design in relation to scale and massing.
  - e. Architectural details for facades, entrances, windows and doors, and roof types
  - f. Building materials, with the exception that accent materials may compose up to 35% of the exterior wall surface of any individual elevation.
  - g. Colors
6. Perimeter parking lot and front yard landscaping for properties fronting Montgomery Road shall meet the standards established in the Zoning Code. All other landscaping shall be in compliance with the approved General Development Plan.
7. The front-yard setback for buildings fronting Montgomery Road shall be 25' measured from the Montgomery Road right-of-way.
8. The front-yard setback for buildings fronting Vintage Club Boulevard shall be no more than 20' from Vintage Club Boulevard with the exception of buildings C & L. The front-yard setback for building L fronting Vintage Club Boulevard shall be no more than 30'
9. The setbacks of the buildings in the LB section from the D-3 section is at the discretion of the applicant.
10. There shall be no front, side and rear yard setbacks for buildings within the Village Section other than the project perimeters as established in conditions 7 and 8.
11. The setback of the condominiums and/or offices from Harpers will be 25', with a minimum of 6' set aside for a landscape buffer along the frontage of the LB with Harpers.
12. There shall be no front, side or rear yard parking setbacks in the Village Section except from the project boundary line; however, properties fronting Montgomery Road are required to meet front yard parking setback as established in the Zoning Code.
13. Parking lot lighting shall be consistent with standards established with the Zoning Code.

14. One multi-tenant monument sign shall be permitted for the Village Section along Montgomery Road that shall not exceed 11.25' or 9' in width. Each tenant panel on the monument sign shall not exceed 11 square feet in area. The monument sign shall be located out the right-of-way and shall be a minimum of 20' from the back of curb.
15. Sandwich board signs shall be permitted for tenants in buildings C, K, L and J in compliance with Section 151.3012(H) of the Montgomery Zoning Code which specifies sandwich board regulations for the Old Montgomery District.
16. For buildings C, K, L and J the maximum area permitted for signs attached to the building for each tenant unit or space shall be 1.5 square feet per lineal foot of building frontage, up to a maximum of 60 square feet. In no case shall a single tenant have more than three signs on a single façade.
17. For building C, K, L and J one additional wall sign per frontage with a secondary customer entrance facing a side or rear parking area shall be permitted. Such signs shall not exceed 0.75 square feet per lineal foot of building frontage based on the length of the secondary building frontage, up to 30 square feet. Permitted sign area may be distributed on any building frontage provided that the maximum sign allowance for the building is not exceeded and no individual sign exceeds 60 square feet in size.
18. Window signs for Buildings C, K, L and J shall not exceed 10 square feet in area. Window signs shall not be counted towards the total sign allowance.
19. When windows are located above or below a projection sign, they shall be at least 6" from the lintel or other trim of the window above or below it. Staff would recommend a slight modification to read 'When windows are located above or below a projecting or wall sign, the sign shall be mounted at least 6" front the lintel or other trim of the window above or below it'.
20. A maximum of two art placemaking elements are permitted per building for buildings C, K, L and J provided that they do not include a commercial message or corporate logo. Such elements can be mounted on the building between 15' and 45' above grade and shall not exceed 60 square feet in area. Art placemaking elements may be externally illuminated; however, internal illumination is prohibited.
21. Multi-tenant vehicular directional signs shall not exceed 16 square feet in area or 5.5' in height. Business identification signs shall not be permitted on directional signs.
22. Pedestrian informational kiosks which provide a directory and map of businesses within the Village Section shall be permitted provided that they do not exceed 9' in

height or 8 square feet in size. Additional commercial messages shall not be permitted. A maximum of 3 pedestrian informational kiosks shall be permitted for the development.

23. All regulations in Section 151.3014 of the Zoning Code Design and Construction of Permanent Signs shall apply.