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1111.00 COMMERCIAL DESIGN STANDARDS  
(OR2007-4-31) (REVISED: OR2017-12-131)

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Purpose: The purpose is to establish architectural, landscaping, design, building and site development regulations that encourage higher quality development and function in order to protect property values, provide safe and efficient access for the pedestrian and automobile, and protect real estate from impairment or destruction of value. These architectural, landscaping, design, building and site development criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development. These standards will apply to all new commercial, office and retail building(s) and development(s) that are permitted in any zoning category, as a permitted use or conditional use, and that have not been submitted for review before the effective date of the adoption of this ordinance. These regulations will also apply to all existing commercial, office and retail building(s) and development(s) that increase or replace the building square footage and/or the developed area by more than fifty (50) percent. Section 1111.00 will not apply to properties or buildings located within the Neighborhood Initiative Conservation Overlay Zoning District or those projects covered by Section 1126.00.

Within the boundaries of any form-based zone district listed in section 1129.00:

(a) The landscaping provisions of section 1111.20 (including the cross-referenced requirements of section 1137.20) shall apply, except that no landscaping shall be required in an area of the lot or parcel required to be occupied by a building pursuant to section 1129; and

(b) The architectural design provisions of section 1111.20 shall not apply; provided that in the event of any inconsistency between the regulations in this section 1111.20 and any provision of the form-based zone districts in section 1129.00, the provisions of section 1129.00 shall apply. (OR2013-2-22)

Deviations and Waivers from Section 1111.00:

The Planning Commission shall be authorized to approve waivers or deviations from the requirements set forth in this section of the Zoning Ordinance. (OR2017-12-131)

1111.20 Landscaping: All non-residential construction shall adhere to the following landscaping requirements. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site, with all required items from Section 1111.20.1 and Section 1131.70 being clearly labeled. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section 1131.70. All bush plants must be a minimum of one (1)

foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton's Planning Director may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:

- a) Bushes: 3 Per Required Tree
- b) Flowering Perennials Plants: 6 Per Required Tree
- c) Trees: 1 Per Required Tree

1111.20.1.1 If weather conditions preclude tree planting or during the winter months from November 1<sup>st</sup> through April 1<sup>st</sup> of any calendar year, the developer shall deposit amounts for the required plantings as determined by the City of Hamilton Municipal Arborist or in his absence a Zoning Official. (REVISED: OR2017-12-131)

If a project's main building front is located within five (5) feet of a sidewalk next to a public roadway, that project can reduce its tree requirement as specified in Section 1131.70 by fifty (50) percent.

If a structure or development can demonstrate its ability to receive a LEED (Leadership in Energy and Environmental Design) 'Silver' or 'Gold' certification from the U.S. Green Build Council (USGBC) within twelve (12) months of the issuance of occupancy, this project can reduce its landscaping requirement in Section 1111.20 and Section 1131.70 by seventy-five (75) percent. However, a bond will be required for the total cost of complying with the City of Hamilton's landscaping requirements without any landscaping reductions. If a development, once completed, is unable to receive a 'Silver' or 'Gold' rating from the USGBC, that development will be required to meet the full landscaping requirements in Section 1111.20 within four (4) months from the notification of failure to receive 'Silver' or 'Gold' rating from USGBC. If the development fails to complete the landscaping requirements with the four (4) month time frame, the City of Hamilton will use the bond to complete the landscaping requirements within one (1) year of the failure to receive 'Silver' or 'Gold' rating from USGBC.

1111.30 Additional Plan Requirements: All new commercial construction shall adhere to the following architectural and design regulations. A Colored Elevation Plan will be required for all site plans showing the proposed architectural design and color for all sides of the structure(s) and with all required items from Section 1111.31 being clearly labeled and percentage calculations noted. (REVISED: OR2017-12-131)

1111.31 Exterior Materials (REVISED: OR2017-12-131)

Principal Building Materials

These types of materials may be used for up to 100% of the exterior wall surface area. Permitted primary materials include the following materials; brick, wood "clapboard" type siding, wood composite "clapboard" type siding or cement board

“clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit or brick appearance may be used.

If wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding is used for more than 65% of the exterior of the structure, the remaining 35% of the building shall be required to utilize brick, stone, or concrete which is formed to have a masonry unit or brick appearance.

#### Supplementary Building Materials

These types of materials may be used for trim, detailing, and incidental or secondary wall areas. These secondary materials may not exceed 25% of the exterior wall surface area. Permitted secondary materials include; architectural grade metals, EIFS/stucco, glass block, and precast concrete. Only architectural grade materials shall be used.

Planning staff may authorize the use of secondary building materials on more than 25% of the structure provided the applicant incorporate additional building improvements and site amenities which enhance the quality of the development. In doing so, planning staff shall determine that the applicant has sufficiently met two of the following three provisions:

- a) The primary facade of the proposed building most visible to pedestrians and the right of way include the following:
  - i. Provision of transparency greater than the requirements of the zoning ordinance.
  - ii. Provision of building articulation in excess of the requirements of the zoning ordinance.
  - iii. Provision of architectural and design elements that enhance the aesthetic value of the public experience on the site.
- b) Provision of landscaping on the site greater than the requirements of the zoning ordinance.
- c) Provision of public amenities such as green space, recreation space, and space set aside and specifically designed for the purpose of social interaction and gathering.

#### Prohibited Building Materials

Such materials may not be utilized at all. These prohibited materials include; plexi-glass, flimsy or synthetic appearing exterior wall materials which include, but are not limited to, materials such as ribbed, industrial style metal siding, metal siding and roofing materials, exposed fastener metal wall panels, vinyl siding, T1-11 or other hard board type materials that are manufactured in sheets. Plain/smooth faced CMU is also a prohibited material.

#### Building Material Variations Required

On structures larger than 5,000 square feet, more than one type of permitted building material is required to be provided on the principal façade of the structure.

1111.31.1 DELETED: (OR2017-12-131)

1111.31.2 Required Building Features: (REVISED: OR2017-12-131)

### Building Entrance(s)

Articulation: Entrances to buildings, including individual tenant spaces within a building, are required to provide three dimensional recessions or extrusions from the primary building façade. (OR2017-12-131)

Materials: Building entrances shall incorporate a different building material than the primary building material used on the primary façade of the structure.  
Transparency Requirements: (OR2017-12-131)

Façade Transparency: The elevation of a building shall provide at least thirty-five (35) percent transparency at the pedestrian level. Side elevations that face a public roadway or which are highly visible from the right of way shall provide at least thirty (30) percent window or transparency at the pedestrian level. Transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five (35) percent transparency in length.) The installed height of transparency shall be a minimum height of six (6) feet. Dark tinted glass beyond 35% darkening or glass manufactured to reflect light shall not be permitted. (REVISED: OR2017-12-131)

Planning staff may authorize a reduction from the minimum required transparency threshold on the façade of a building provided the applicant incorporate building improvements and site amenities which enhance the quality of the development. In doing, so planning staff shall determine that the applicant has sufficiently met two of the following three provisions:

- a) The primary facade of the proposed building most visible to pedestrians and the right of way include the following:
  - i. Provision of transparency greater than the requirements of the zoning ordinance.
  - ii. Provision of building articulation in excess of the requirements of the zoning ordinance.
  - iii. Provision of architectural and design elements that enhance the aesthetic value of the public experience on the site.
- b) Provision of landscaping on the site greater than the requirements of the zoning ordinance.
- c) Provision of public amenities such as green space, recreation space, and space set aside and specifically designed for the purpose of social interaction and gathering.

Articulation of Transparency: Window transparency on building facades that are longer than 40 feet are required to be separated into individual installations with intervals occurring at a minimum of one installation for every 20 linear feet of said façade. (OR2017-12-131)

Exterior Wall Elevations: There shall be no uninterrupted lengths of blank wall longer than fifty (50) feet. Walls shall be differentiated with recesses, off sets, building height, variations in rooflines, windows, awnings, and materials. This does not apply to the service side of the building. (REVISED: OR2017-12-131)

Rooftop Equipment: All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.

Prohibited Roofing Materials: Fabric, plastic, vinyl or other materials not expressly designed and manufactured as a component of a permanent roofing system may be used as a temporary measure for a period not to exceed 120 days.

#### Sign Materials (OR2017-12-131)

##### Construction

Signs shall be constructed of low maintenance, quality, and durable materials specified for exterior use by the manufacturer. The materials used on a sign shall be appropriate to the setting in which the sign placed.

##### Commercial Signs

The base of all monument signs associated with a commercial retail / service use or a commercial office use shall be constructed of brick, stone, or concrete which is formed to have a masonry unit or brick appearance. If the primary building features brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the material used on the base of the sign shall match or be complimentary to the building material used on the primary structure. EIFS shall not be permitted to be used on more than 30% of the total façade a monument.

Service Station Canopies and Columns: Canopies, such as those associated with convenience stores with gasoline sales, must have the same predominate color as the main building. Columns must be clad in brick, stone, or concrete which is formed to have a masonry unit or brick appearance. If the primary building features brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the material used on the columns shall match the building material used on the primary structure. (REVISED: OR2017-12-131)

#### 1111.32 Required Site Features (OR2017-12-131)

Refuse Storage Areas -The purpose of these regulations is to ensure the provision of adequate, convenient and accessible locations for the collection and storage of refuse and/or recyclable materials within containers and enclosures that are compatible with surrounding land uses and structures. Refuse and/or recycling containers shall be required for all residential dwelling units of three or more dwellings and all non-residential developments in accordance with this Section. (OR 2015-10-83)

Location: Refuse storage containers shall be located in interior side yards or rear yards, and must comply with setback requirements for accessory structures.

Accessory Structure Limitation: A refuse storage area developed under these regulations on a residential property is exempt from the limit of one (1) accessory structure for zoning purposes.

Enclosure: All refuse storage containers for three or more dwelling units and all non-residential developments must be enclosed or screened so as not be visible from the public right-of-way or publically accessible area. The refuse storage area enclosure must be enclosed on all sides, one of which includes a gate or door that can be secured.

Access: Driveways and aisles providing vehicular access between the refuse storage areas and the public right of way shall be hard surfaced of concrete, asphalt, or concrete/brick pavers.

Enclosure Materials: The enclosure surrounding the refuse storage area will match the exterior finish of the principle building and may consist of solid wood, vinyl fencing or masonry walls.

Enclosure Height: The minimum height of the refuse storage area enclosure shall be one-foot taller than the container and no taller than eight (8') feet.

Landscaping: The exterior perimeter of the refuse storage area enclosure visible from the public right-of-way must be landscaped with the exception of the access point. (REVISED: OR2017-12-131)

Maintenance: Enclosures and landscaping must be maintained in a manner that protects adjacent properties as well as tenants located on the property from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests. The refuse storage area and surrounding area will be maintained as initially approved.

- 1111.50 Fencing: Fences in any front yard area are limited to a height of forty-two (42) inches. Fences in any side and rear yard areas are limited to a height of ninety-six (96") inches. Permitted fence types include: Wood privacy, decorative metal, wood non-privacy. Fencing requirements are also subject to sight distance requirements for public right of ways. (OR2017-12-131)

Chain-link style fencing and barbed wire fencing are allowed as a conditional use.

Fences located within a front yard area are allowed as a conditional use.

- 1111.60 Loading / Unloading Areas: Loading and Unloading areas shall be located in the rear of the primary structure. Such areas shall not be visible from the right of way. They shall be screened using a combination of fencing or walls in addition to landscaping and plantings. In the event that walls are used for screening they shall utilize a building material that is the same or complimentary to the primary building material on the primary structure. (OR2017-12-131)

Planning staff may authorize a location other than the rear of the building provided the applicant incorporate building improvements and site amenities which enhance the quality of the development. In doing, so planning staff shall determine that the applicant has sufficiently met two of the following three provisions:

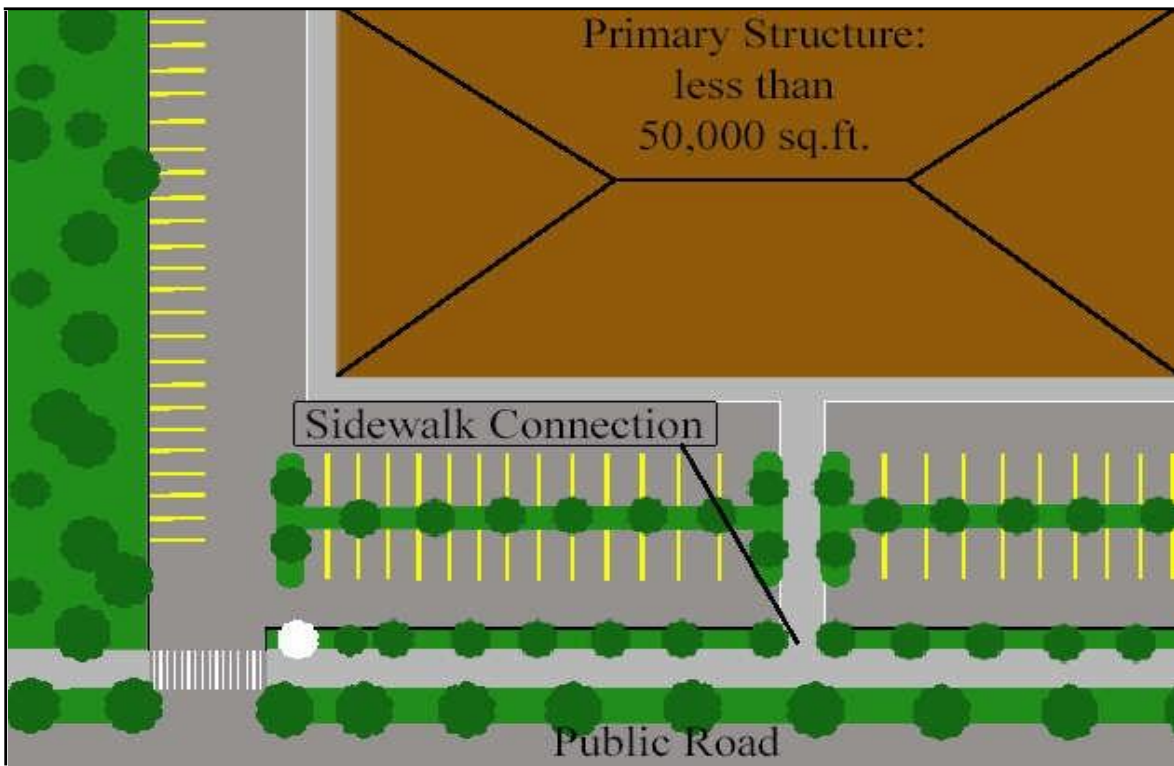
- a) The primary facade of the proposed building most visible to pedestrians and the right of way include the following:
  - i. Provision of transparency greater than the requirements of the zoning ordinance.
  - ii. Provision of building articulation in excess of the requirements of the zoning ordinance.
  - iii. Provision of architectural and design elements that enhance the aesthetic value of the public experience on the site.
- b) Provision of landscaping on the site greater than the requirements of the zoning ordinance.
- c) Provision of public amenities such as green space, recreation space, and space set aside and specifically designed for the purpose of social interaction and gathering.

1111.70 Sidewalk Requirements: All sidewalks must be designed and built to meet the City of Hamilton's sidewalk construction and design regulations and be a minimum of five (5) feet in width.

1111.70.1 Total Building Square Footage for a development less than fifty thousand(50,000) square feet: (REVISED: OR2017-12-131)

All non-residential construction that totals less than fifty thousand (50,000) square feet per development will be required to have a minimum of one (1) sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadway(s) within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on- street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb). – See Figure 1

Figure 1 Graphic for Section 1111.70.1





1111.70.2 Total Building Square Footage for a development greater than fifty thousand (50,000) square feet: (REVISED: OR2017-12-131)

All non-residential construction that totals more than fifty thousand (50,000) square feet per development will be required to have a minimum of one (1) sidewalk connection from all sidewalk(s) located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If only one public roadway is located adjacent to the development a minimum of two (2) sidewalk connections shall be required to the entrance of the primary structure. If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on-street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb) – See Figure 2a and 2b.

Figure 2a Graphic for Section 1111.70.2

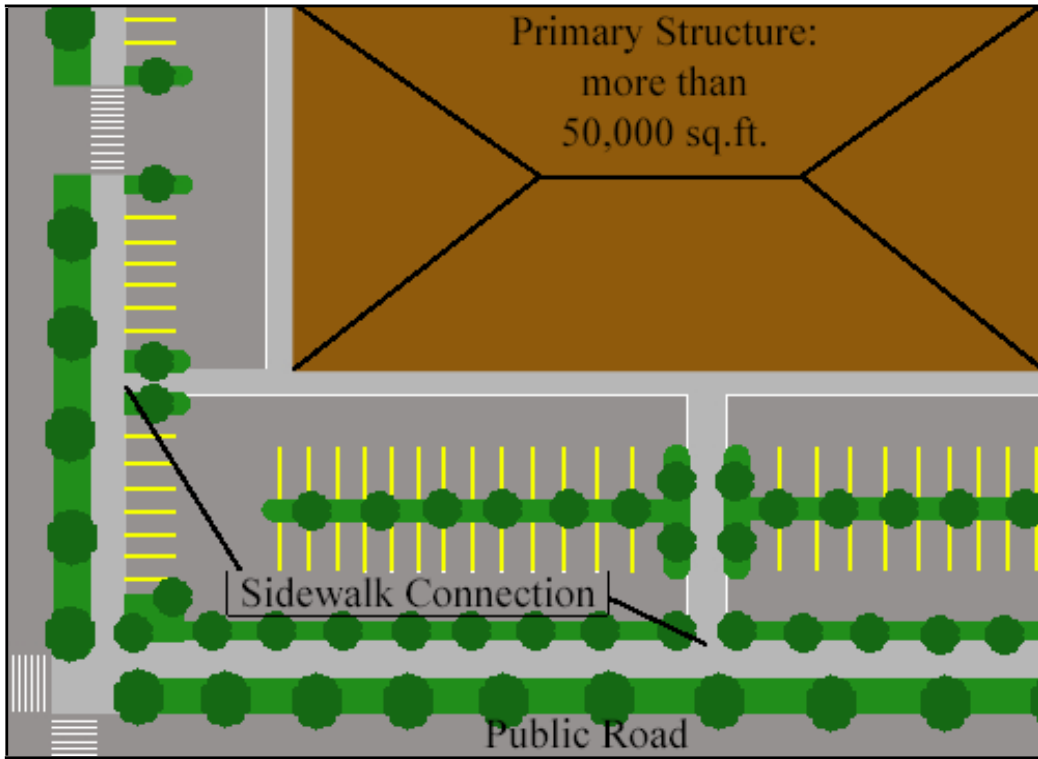
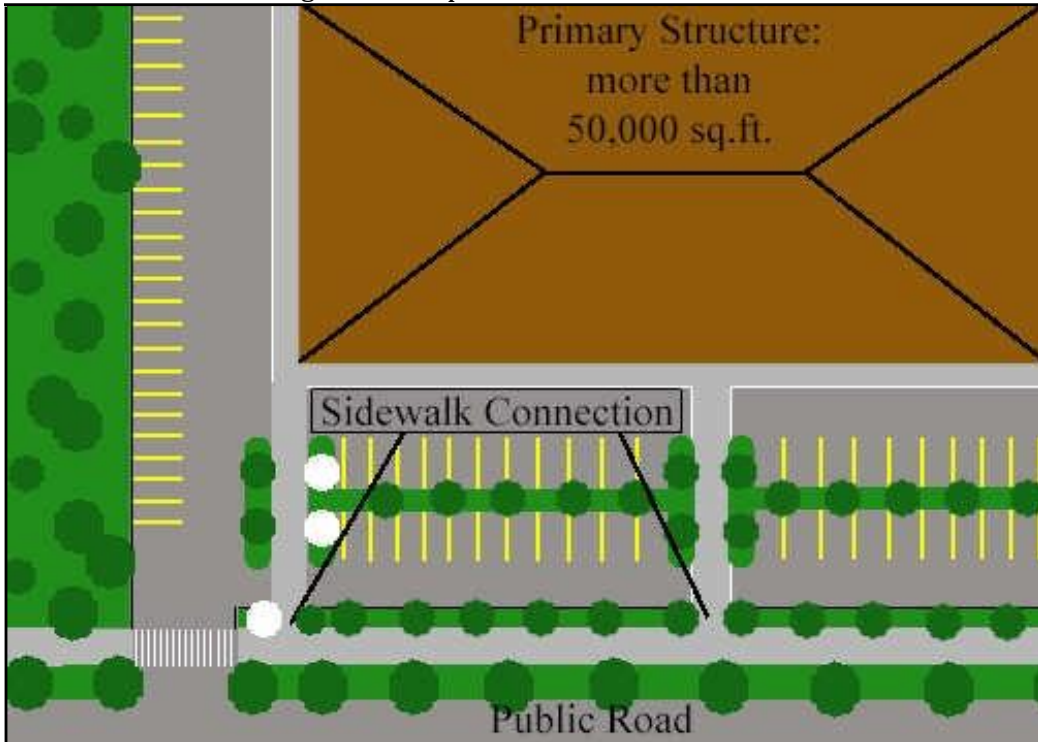
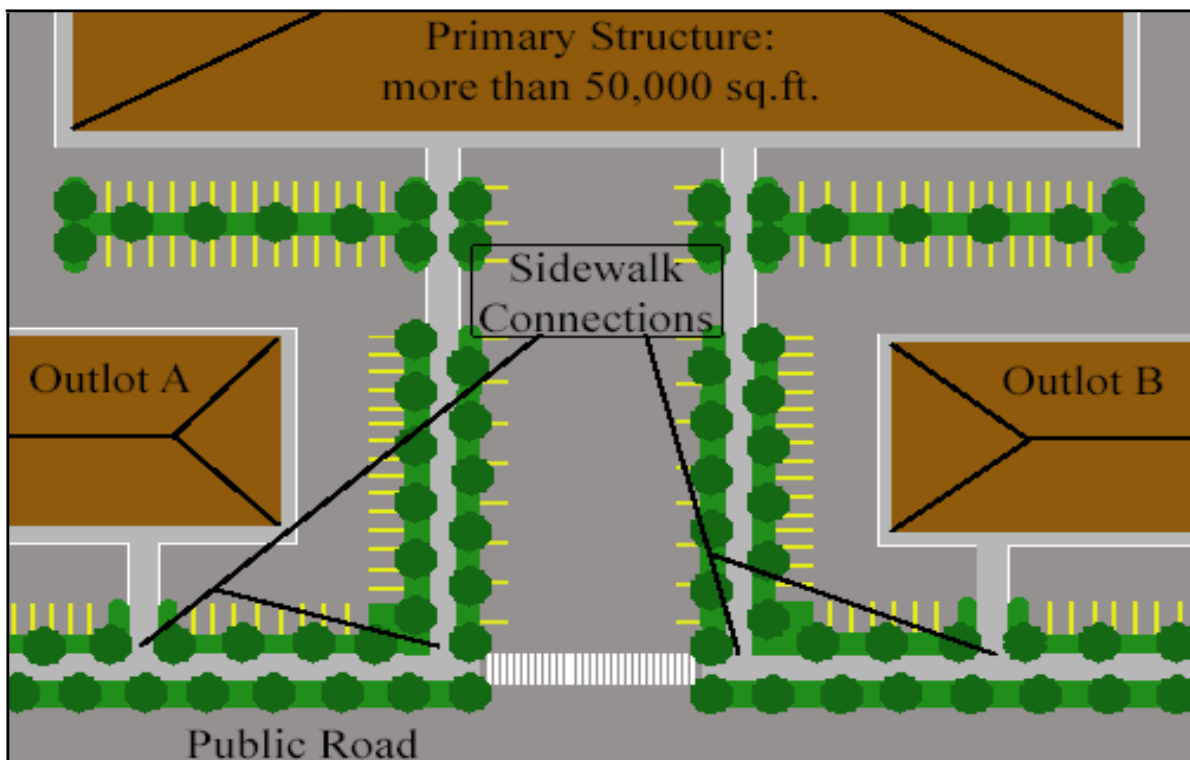


Figure 2b Graphic for Section 1111.70.2



1111.70.3 Out Parcels and Separate Buildings for Developments: All out parcels and separate primary buildings will be required to have a least one (1) sidewalk connection from its primary entrance to a sidewalk located along a public roadway. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb). This requirement doesn't supersede the requirements in Section 1111.70.1 and 1111.70.2. – See Figure 3

Figure 3 Graphic for Section 1111.70.3



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