

# City of Ridgeside

Proposed Ordinance 2008-01

October 15, 2008

**1.0 WHEREAS**, it is declared public policy of this municipality to achieve, maintain and protect human health and safety, foster the comfort of its residents, to declare prevent and remove nuisances.

1.1 Now, therefore, be it ordained by the Board of Commissioners of the City of Ridgeside established the following:

## **Standards and Restrictive Covenants for Property Owners**

### Introduction

2.0 These standards and restrictive covenants are intended for the common benefit and edification of all residents and property owners within the City of Ridgeside (City) and for the protection and enhancement of their properties. No standard or restriction is intended to be onerous or deleterious to any resident or group of residents.

2.1 Each standard is based on a foundation of liberty, integrity and fairness, and they are to be implemented in the spirit of community and mutual respect.

2.2 These standards and covenants are supplemental to the Ridgeside Zoning Ordinance.

2.3 Questions about the application and effect of these standards should be directed to the Commissioners of the City of Ridgeside or its appointed representatives serving as the Standards Committee.

### Review/Approval Process

3.0 A resident may make application for any situation to be considered. The first step of the process is for all Plans, changes or petition for exception to be submitted to the Standards Committee for review. The Standards Committee will then recommend approval or disapproval of a Plan based on a majority vote. Exceptions will be considered for the Standards and Covenants contained herein, examples may be where there is hardship placed on a resident or the resident is handicapped. If disapproved, the reasons for disapproval of the plan should be given. The Ridgeside Standards Committee will submit their recommendation to the City Commission for final approval or disapproval of all Land Use (see #1 below) Plans.

## Compliance

4.0 Property owners taking action without obtaining prior approvals as expressed herein shall be required to return the property to its prior condition at their own expense. Exceptions to this ordinance may be granted in writing as long as the exception is granted prior to actions being taken by the resident. Notification of violations will be made by certified letter to the owner. In addition, fines may be assessed not less than \$25 per day nor more than \$100 per day for delay in compliance or efforts to make substantive progress towards compliance 10 days after notice has been given. Material differences in the finished product which do not conform to the Standards or the approved plan will disqualify approval.

4.1 Finally, if resolution through court action is required, and the City prevails, the property owner will be responsible for all court costs and attorneys' fees as well as any other fees incurred by the City to achieve compliance.

## Effective Date

5.1 These standards and restrictive covenants were adopted by the City on \_\_\_\_\_, 2008, which is the effective date of all standards and restrictive covenants contained herein.

5.2 Action by any property owner occurring prior to the effective date, resulting in an existing building, wall, fence or other Structure, that is in violation of these standards and covenants shall be considered exempt from enforcement of the standards and covenants. In the event any building, wall, fence or other Structure that is in violation of these standards is dismantled, torn down or substantially destroyed by storms, fire or other accidental causes, it shall be redesigned or rebuilt to conform and comply with standards and restrictive covenants in effect at that time.

## Standards & Restrictive Covenants

6.0 . **Land Use:** All lots and property within the City shall be single -family dwellings, with one building per lot. Lots cannot be divided, nor homes converted to multiple family dwellings. No commercial enterprise that involves manufacturing, exterior signs, regular parking of non-resident vehicles, persistent traffic of customers, or transit or storage of major/heavy equipment is permitted.

6.1 No additional Structures will be permitted without review and approval. Any existing Structure if damaged or destroyed should be approved prior to being rebuilt. Structures should be built consistent and complementary to the Residence and the City. Fences (other than chain-link fences), patios and landscaping features such as walls and

water features may be considered and should be behind Residences or in areas not readily visible from the street. Chain-link fences are discouraged but may be considered.

6.2 Structures or exceptions required to accommodate the handicapped should follow the same process for approval outlined above. Consideration will be given to accommodate the resident's needs for quiet enjoyment of their property.

6.3 Any new Residence constructed in the City should be a minimum of 2000 sq. feet in size, and a minimum cost of construction of \$120 per square foot as measured in 2008 dollars. The newly constructed Residence should complement/improve the lot and surrounding Residences. The minimum amount will be adjusted annually at the discretion of the City Commission. New construction should progress in a timely manner with the construction period not exceeding one year from ground breaking to completion.

6.4 There should be no Residence built that is not consistent with the style (design, shape, material and color) of the community. No Residence should be more than two stories in height, excluding an attic and/or basement. Any exterior color other than neutral colors, such as white, beige or gray, or a variance of more than two shades from an existing color should be approved prior to the change.

6.5 If construction is undertaken at a residence lasting more than 1 week, a portable toilet should be made available if workers do not have access to facilities at the residence.

6.6 No mobile homes, motor homes, or recreational vehicles should be used as a Residence in the City. Storage is allowed so long as it is not visible from the street or the City Park. Temporary (less than 90 days) exceptions may be granted in writing by the City Commission.

6.7 If remodeling or construction is approved, construction permits should be obtained from Hamilton County and posted conspicuously. Permitting insures that inspections are made and all work is done according to Code.

7.0 **Maintenance:** All property owners and/or residents are responsible to maintain their property in well-kept condition and appearance. Residences requiring paint should be painted and visible damage repaired in a reasonable period of time. Lawns should be mowed, bushes trimmed, leaves raked and debris cleared to maintain a neat and attractive condition.

7.1 Property owners are responsible for keeping sidewalks passable and clear of low-hanging tree limbs and overgrown shrubs. Property owners are also responsible for trimming trees and shrubs that may obscure the vision of motorists or pedestrians at corners and intersections in the community.

7.2 While appropriate care and trimming of trees for safety, including removal of dead limbs, is encouraged, no living tree greater than 20 inches in diameter should be removed without written approval of the City. An exception to this is an emergency, where there is an eminent threat to the public or a Residence. Residents are encouraged to replace a tree that has been removed whenever possible.

7.3 Trash receptacles should be stored behind the Residence or in a location not visible from the street.

7.4 Lawn and garden tools and equipment should be stored in a garage or in a location not visible from the street.

7.5 Property owners and/or residents are responsible for maintaining septic tanks and sewer lines in proper working order except where that is the responsibility of the Hamilton County Waste Water Treatment Board.

8.0 . **Other Equipment:** All boats, motorcycles, trailers and other equipment should be stored behind a residence (preferably not visible from the street). Antennas and satellite dishes of any size should not be readily visible from the street or park.

9.0. **Signs:** With the exception of official signs posted by the City, no permanent signs are permitted. Signs of a temporary nature, such as a For Sale sign, are permitted as long as the do not exceed 5 square feet in size and are removed in a timely manner when no longer needed.

9.1 In no event shall a "For Rent" sign be posted at a Residence in the City.

10.0 . **Parking:** Except for special conditions where driveways are under repair, no resident vehicle should be left parked on the street for longer than 8 hours. Therefore, there should be no overnight parking on City streets. Any vehicles with commercial markings should be kept in a garage or parked in a location not readily visible from the street. Vehicles at no time may be parked anywhere other than the street or driveway. Vehicles may not be stored in a resident's yard. Vehicles not in working order should be removed within 30 days.

11.0 . **Animals:** No animals shall be raised, bred or kept within the City except for household pets, which may be kept provided they do not create a nuisance, menacing behavior or annoying barking.

12.0 . **Nuisances:** No noxious or offensive activity shall be carried on any property, nor anything that affects the quiet enjoyment of others in the City. There shall be no unreasonable exterior noises, no dumping of trash or debris (normal maintenance of leaves and brush which is picked up weekly is excepted), no storage of building materials, junk, vehicles or equipment. Building and landscaping projects should be

completed in a timely fashion.

**13.0 Rental Property:** Any resident who occupies property in the City as a renter or leaseholder is required to abide by the same standards and restrictive covenants as a property owner. The owners of any rental property in the City have full responsibility to uphold these standards and restrictive covenants and are obligated to inform renters and leaseholders of their responsibilities to the City and to neighbors.

**14.0 Enforcement:** The City Commission shall be responsible for enforcement of these standards except for those responsibilities assigned to Hamilton County.

## **DEFINITIONS**

### *Plan :*

15.0 The design and or specifications of any addition or change to the exterior of a property. Plans should be detailed and include drawings or pictures, estimated cost of Materials, and Labor, as well as relevant dates (milestone completion dates). A separate copy of a complete Plan will be supplied to the Standards Committee for approval at the cost of the property owner.

### *Residence :*

16.0 A home or dwelling where people live.

### *Structure :*

17.0 A storage building, garage, driveway, arbor, deck, wall, fence, patio, swimming pool, pond, waterfall, or other features or items shall be considered a Structure. A Structure requires digging, constructing or changing the appearance above and/or below the ground. A Structure could also be an addition to (adjacent or attached) a building or Residence on property located in the City of Ridgeside. A Structure has a permanent nature and is likely to last more than a year. Exceptions to this definition are sprinkler systems and landscaping.