

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 10-2019

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (U.D.O.), PART 11 OF THE UPPER ARLINGTON CODIFIED ORDINANCES, BY AMENDING U.D.O. SECTION 7.17- RESIDENTIAL DESIGN STANDARDS

WHEREAS, the City has a legitimate interest in protecting the quality and character of its residential neighborhoods, while also encouraging reinvestment and redevelopment of the housing stock of the City;

WHEREAS, The City's interest in preserving residential neighborhoods is Objective 1 of Chapter 2-Land Use, of the 2013 City of Upper Arlington Master Plan;

WHEREAS, staff has proposed amendments to the Unified Development Ordinance (UDO) Section 7.17- Residential Design Standards, in order to better protect existing residential neighborhoods and to encourage redevelopment, and to do so in a way that strikes a balance between redevelopment and the existing character of the City's neighborhoods and their residents;

WHEREAS, the Board of Zoning and Planning reviewed and recommended the proposed amendments at its March 4, 2019 meeting;

WHEREAS, in response to review and discussion at multiple City Council meetings, including significant public input, the proposed amendments to UDO Section 7.17 have been updated into a proposed final form as contained in this April 22, 2019 Version of Ordinance 10-2019;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Unified Development Ordinance that is being amended.

SECTION 2. That U.D.O. §7.17, Part 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

§ 7.17 - RESIDENTIAL DESIGN STANDARDS

(A) *Purpose and intent:* The purpose of these standards is to encourage R residential investment and infill redevelopment is encouraged to maintain and expand the property values in Upper Arlington, while also protecting the character of the residential neighborhoods by ensuring that new development blends in and is

compatible with existing and prominent neighborhood characteristics. These standards are in addition to all other standards and requirements of the Unified Development Ordinance. In the design of new single-family homes, major additions that exceed fifty percent (50%) of the total square footage, building footprint, or livable area of the existing structure, and for detached garages over four hundred (400) square feet in area, the following standards shall apply:

(B) Applicability: The following standards apply to the design of new single-family homes, major additions that exceed fifty percent (50%) of the total existing square footage, second story additions, additions over 1,000 square feet, detached garages over four hundred (400) square feet in area, any proposed modification of a Contributing Structure whereby its historical significance is materially compromised, and newly created or modified parcels.

(1) Neighborhood compatibility: New single-family homes, major additions and detached garages. The proposed design shall be consistent and compatible with prominent characteristics existing in the neighborhood, with particular consideration and focus on the characteristics existing on the same block (both sides of the street within two intersecting streets) or cul-de-sac as the subject property. Such characteristics include: relative to character, site layout, parcel or homesite width and configuration, architectural styles and materials, heights and massing, front yard setbacks, roof pitch and shape, garage location, front door orientation, amount of impervious surface, and other defining features of the neighborhood and with an emphasis on the block. Review for compatibility shall be based on all characteristics.



New infill single-family homes shall be consistent with neighborhood characteristics.

(2) Elevations and floor plans: Houses with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other. Hip roof forms, or similar roof forms or designs, and/or varied upper floor setbacks should be used to break-up overall massing, where appropriate. Where existing adjacent homes have lower massing profiles, roof forms and designs with lower profiles should be employed, and should be set back from existing wall planes. The height of new homes and proposed additions should be compatible with the other homes in the neighborhood, with particular consideration and focus on homes on the same block and with the totality of the other applicable design standards required under the Unified Development Ordinance. Number of stories, size of the lot, and proposed distance from neighboring homes may be considered in determining compatibility.

(3) Façade articulation: Building façades shall be articulated through the use of color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Design elements and detailing shall be continued completely around the structure; blank

elevations are prohibited. Such design elements shall include window treatments, trim detailing, and exterior wall materials.

- (4) *Privacy:* The location of the house on the lot, windows, orientation, building height, and location of on-site open spaces must be designed in such a manner as to preserve the privacy of existing adjacent homes and development. Second floor balconies proposed adjacent to an existing one-story single-family home shall be set back at least double the minimum side yard setback.
- (5) *Snout houses:* The front elevation of new homes shall not be dominated by attached garages. Where possible the garages of new homes shall be side_ or rear-loaded.
- (6) *Notification:* The property owner shall provide written notice of the pending construction of a new single-family residence to all property owners within 100 feet of the subject property. Such notice shall be hand-delivered or sent by postal mail prior to the submittal of a Building Permit application. Proof of notification shall accompany the Building Permit application.
- (7) The Director of Community Development (or designee) may request additional information in order to determine compliance with these standards, including but not limited to: streetscape renderings with adjacent homes, field specific measurements or material samples.
- (8) *Third-party Architectural Review:* Upon the submission of a Building Permit application, the Director of Community Development (or designee) may forward a copy of the proposed site plan and elevations to a third-party architectural design firm, to be assigned by the City Manager, for review. The third-party architectural design firm shall review the proposed plans and provide the Director of Community Development a recommendation as to compliance with these standards, which may include recommended changes to the plans so that compliance can be achieved. Such recommendations are not binding, but may be considered by the Director of Community Development in determining compliance with these standards.
Any individual entitled to notice pursuant to subsection (B)(6), and any individual who submits a Building Permit application, may request that the Director of Community Development refer such proposal to the third-party architectural design firm for review and recommendations as to compliance with these standards. The Director of Community Development shall determine if such third-party architectural review is necessary.
- (9) *Director of Community Development Determination:* Upon review of all materials submitted, including any additional information provided pursuant to subsection (B)(7), and including any recommendations (if any) from the third-party architectural design firm, as described in subsection (B)(8), the Director of Community Development shall determine compliance with these standards.
- (10) *Appeal to BZAP:* If the Director of Community Development (or designee) determines that these standards are not met by the Building Permit application (or by preliminary review), the applicant may appeal such determination to the Board of Zoning and Planning (BZAP). If an appeal is filed, the applicant shall notify all

property owners within 100 feet of the subject property of the time and place of the hearing at least 10 days prior to the hearing. The notice provided under this section is for informational purposes only. Receipt of the required notice under this section does not make the recipient an Aggrieved party and does not confer any right to participate in the appeal to BZAP or to appeal any decision of BZAP on such appeal. Only persons meeting the definition of "Aggrieved" in UDO Section 2.02 shall be considered Aggrieved.

(11) Street Trees: For all new homes, street trees shall be installed per Article 6.07, which requires one street tree to be planted (or retained) for each 25 feet of lot frontage. All existing on-site healthy trees shall be preserved to the fullest extent reasonable, unless directed otherwise by the City Forester.

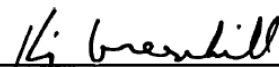
SECTION 3. That if any provision or section of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or applications, and to this end the provisions and sections of this ordinance are hereby declared severable.

SECTION 4: That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 5: That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

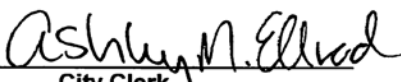
SECTION 6. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: April 22, 2019



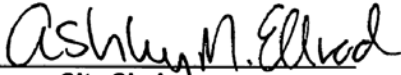
President of Council

ATTEST:



City Clerk

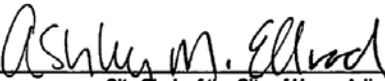
I, Ashley Ellrod, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.



City Clerk

CERTIFICATE OF POSTING

I, Ashley Ellrod, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 10-2019 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing April 23, 2019.



City Clerk of the City of Upper Arlington

Vote Slip

Sponsor: Mr. Close
Date Introduced: March 25, 2019

Legal Ad:
Newspaper:

Reading Date(s): March 25, 2019: April 22, 2019

Voting Aye: Unanimous
Voting Nay:
Abstain:
Absent:

Date of Passage: April 22, 2019

City Council Conference Session/Other Review:
March 18, 2019: April 8, 2019
Other: Thirty Day Clause



To: The Honorable Kip Greenhill and
Members of Upper Arlington City Council

From: Chad Gibson, AICP, Senior Planning Officer
Justin Milam, AICP, Planning Officer
Jesse Armstrong, Assistant City Attorney

Prepared for Meeting Dated: Monday, March 18, 2019

Subject: Proposed amendments to Unified Development Ordinance (UDO) Article 7.17 – Residential Design Standards Ordinance Number 10-2019

Actions Requested: Reviews on 3/18 and 3/25 with passage by Council on 4/8

Key Issues for Council’s Consideration:

- There are strong opinions on both sides of this issue; the goal of the proposed ordinance is to strike a reasonable balance between these competing interests. Upper Arlington is a very desirable place to live and there is substantial pressure to provide housing which includes modern amenities.
- Neighborhood compatibility standards have been codified for over 12 years and have yielded positive results for the community; the proposed amendments are not wholesale changes, rather helpful clarifications and incremental strengthening.
- The Board of Zoning and Planning (BZAP) includes two professionally trained architects who provide direction on all building design related issues.
- Existing zoning standards such as minimum setbacks, maximum building and development cover ratios, maximum building height, longwall and the minimum rear profile coefficient are in place to protect property values and limit ‘overdevelopment’.
- Providing Staff with the option of using a third-party architect to review new homes and large additions will add an independent review from a professionally trained design professional. Staff anticipates only a handful of such reviews each year.
- Defining the ‘area of influence’ for neighborhood compatibility has proven a challenge; the use of ‘subdivision plat’ or ‘neighborhood’ has yielded results which may be too broad, while ‘block’ was the code’s original intent. This change makes it clear what the specific review area is.
- In the Historic District, at the BZAP an option was included in the proposed code text which could require all new homes and large additions to be reviewed by BZAP; the Board recommended Option 2 while using the word ‘may’ instead of ‘shall’.



I. Overview/Background:

This proposed amendment to the Unified Development Ordinance (UDO) would *strengthen* UDO Article 7.17 – Residential Design Standards (a.k.a. Neighborhood Compatibility), to more effectively protect established residential neighborhoods. The goal of this ordinance is to strike a rational and defensible balance between the ongoing upgrade of Upper Arlington’s existing housing stock with the prevention of homes which do not reasonably blend with their surroundings. UDO Article 7.17 has been in effect for over a decade and has produced positive results of its application to new single-family homes and large additions (greater than 50 percent of the existing square footage). Recent community debate over some newly constructed single-family homes has brought attention to this important set of regulations, which were amended by City Council most recently in December 2017 (Ordinance #54-2017).

Over the past four years, redevelopment in the community has been historic, with average construction totals exceeding \$100M annually. Building permits are issued for new single-family homes and large additions only after comprehensive review and approval, which for new homes frequently means substantive design adjustments and revisions to better blend with predominant neighborhood characteristics. Ironically, Staff commonly hears from builders that our rules are *too strict*, while some residents believe that the rules *favor the developer*. It is Staff’s hope that providing an option for a third-party architect to review new homes and large additions will not only aid in the processing the thousands of permits submitted each year, but also add an independent review from a professionally trained design professional. On March 4, 2019 the Board of Zoning and Planning (BZAP) provided a positive recommendation to Council (5-1) regarding this proposed code amendment (see attached draft meeting minutes).

Since the inception of this ordinance, Staff has administered the code objectively and consistently, with the best interests of the community and its neighborhoods in mind. When considering this ordinance, Staff would request that BZAP consider several core themes such as: **1) Basic property rights; 2) Benefits of a diverse housing stock; 3) Modern housing needs and trends; 4) Current building code requirements; 5) Positive financial impacts of neighborhood reinvestment; 6) Key Master Plan objectives such as the necessary upgrade of Upper Arlington’s aging housing stock; and 7) The frequently poor condition of homes that are being replaced.**

These proposed amendments include:

- 1) Requiring notification by the applicant of adjacent property owners within 100 feet of a new single-family home via regular U.S. Mail and sign posting – ensuring the neighbors of a new-build single-family home receive the same notification that neighbors of an applicant seeking a variance would;**
- 2) Providing a clear definition of what constitutes the “neighborhood”, reverting back to the code’s original “area of influence” for design review - at the block level;**
- 3) Including lot size and lot width as additional factors for determining compatibility;**
- 4) Providing an option for third-party design review by a qualified architect appointed by the City Manager of new single-family homes;**

- 5) **Allowing all new single-family homes in the historic district and proposed modifications of any Contributing Structure whereby its historical significance is materially compromised, to receive third-party architectural review (already required for the replacement of Contributing Structures); and**
- 6) **Including language that all second story additions and additions over 1,000 square feet are reviewed for neighborhood compatibility.**

Following City Council's approval of Ordinance #54-2017 in December 2017, Staff met and/or spoke with a variety of stakeholders regarding the issue of neighborhood compatibility. These interviews included architects, designers and residents such as Gary Alexander (Gary Alexander Architects), Amanda Dunfield (WSA Studio), Mike Edwards (Michael Edwards Building and Design), Andy Melaragno (Melaragno Design Company), Ted Nemeth and Mark Braunsdorf (Compass Homes), Craig Tuckerman (Tuckerman Homes) and several others. These interested parties provided their perspectives and thoughts on a variety of approaches to the implementation of residential design standards, and Staff sincerely appreciates the time they dedicated. Staff has also considered the testimony from residents provided at Council and BZAP meetings, as well as from the River Ridge/Kingsdale West Study. [*One obvious takeaway from these one-on-one discussions was that there is an extremely broad range of opinions on the subject.*] Additionally, in anticipation of these changes, the City completed an RFP process for third-party architectural review services under the Procurement Code.

The City's zoning standards for new development and parcel configuration include many common restrictions such as: minimum lot size and area, minimum building setbacks (front, side and rear), maximum building height (35 feet; 28 feet in the River Ridge) and maximum number of stories (2.5). It includes other restrictions such as: maximum lot coverage (building, development and front yard). It also includes restrictions that are unique to Upper Arlington and which have been in place for several decades: side yard longwall setback (works to break-up long elevations next to the side yard) and rear yard profile (works to reduce looming impacts of rear additions on neighbors).

While examining these standards, Staff considered recommending additional, more stringent requirements, but submits that the current draft of these changes should address the City's concerns. Among other items, the additional requirements considered included providing for the creation of an Architectural Review Board, requiring BZAP to review all new homes, implementing a floor area ratio (density) limit; creating specific height limits by subdivision; adding a side yard profile; adding a solar access setback; requiring minimum exterior brick and/or stone requirements; limiting single-car detached garages. Based on the feedback received above, as well as the testimony at the public hearings in 2018 when BZAP and Council considered revising this provision, Staff recommends to Council to approve the changes as outlined in the proposed Ordinance.

II. Notification/Master Plan:

In addition to the standard agenda and online postings for the February 19, 2019 BZAP proceedings, a legal notice of this ordinance will be filed in the *Dispatch* prior to the Council

hearings. These proposed code text amendments directly correlate with the following 2013 Master Plan objectives/strategies:

Land Use:

- D3. Monitor and update the zoning code.*
- D9. Improve land use management with City government.*
- D1. Preserve residential neighborhoods.*

Housing:

- D1. Maintain and improve the existing housing stock.*
- D4. Continue to promote the City as an excellent place to live.*

III. Proposed Code Text Amendments:

§ 7.17 - RESIDENTIAL DESIGN STANDARDS

- (A) *Purpose and intent:* ~~The purpose of these standards is to encourage Rresidential investment and infill redevelopment is encouraged to maintain and expand the property values in Upper Arlington, while also protecting the character of the residential neighborhoods by ensuring that new development blends in and is compatible with existing and prominent neighborhood characteristics. In the design of new single-family homes, major additions that exceed fifty percent (50%) of the total square footage, building footprint, or livable area of the existing structure, and for detached garages over four hundred (400) square feet in area, the following standards shall apply:~~
- (B) *Applicability:* The following standards apply to the design of new single-family homes, major additions that exceed fifty percent (50%) of the total existing square footage, second story additions, additions over 1,000 square feet, detached garages over four hundred (400) square feet in area, and newly created or modified parcels.
- (1) *Neighborhood compatibility:* ~~New single-family homes, major additions and detached garages~~ The proposed design shall be consistent and compatible with prominent characteristics existing in the neighborhood, on the block (both sides of the street within two intersecting streets) or cul-de-sac. Such characteristics include, but are not limited to: relative to character, site layout, parcel or homesite width and configuration, architectural styles and materials, heights and massing, front yard setbacks, roof pitch and shape, garage location, front door orientation, amount of impervious surface, and other defining features of the block. For unusually-shaped blocks or blocks containing less than ten homes, the Community Development Director (or designee) shall determine the area of influence. In cases where the Board of Zoning and Planning reviews an application for compliance with this these standards, the Board may expand the area of influence utilized where appropriate to ensure adherence to the spirit and intent of these standards.



New infill single-family homes shall be consistent with neighborhood characteristics.

- (2) *Elevations and floor plans:* Houses with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other. Hip roof forms and/or varied upper floor setbacks shall be used to break-up overall massing. Roof forms with

lower profiles shall be employed when existing adjacent homes have lower massing profiles, and shall be set back from existing wall planes. New homes or proposed additions shall only be permitted where the proposed height is compatible with the height of the other homes on the block. Number of stories, size of the lot, and proposed distance from neighboring homes may be considered in determining compatibility.

- (3) *Façade articulation:* Building façades shall be articulated through the use of color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Design elements and detailing shall be continued completely around the structure; blank elevations are prohibited. Such design elements shall include window treatments, trim detailing, and exterior wall materials.
- (4) *Privacy:* The location of the house on the lot, windows, orientation, building height, and location of on-site open spaces must be designed in such a manner as to preserve the privacy of existing adjacent homes and development. Second floor balconies proposed adjacent to an existing one-story single-family home shall be set back at least double the minimum side yard setback.
- (5) *Snout houses:* The front elevation of new homes shall not be dominated by attached garages. Where possible the garages of new homes shall be side- or rear-loaded.
- (6) *Notification:* The property owner shall provide written notice of the pending construction of a new single-family residence to all property owners within 100 feet of the subject property. Such notice shall include, at a minimum, the proposed site plan and all exterior elevations. Such notice shall be hand-delivered or sent by postal mail prior to the submittal of a Building Permit application. Proof of notification shall accompany the Building Permit application.
- (8) The Community Development Director (or designee) may request additional information in order to determine compliance with these standards, including but not limited to: streetscape renderings with adjacent homes, field specific measurements or material samples.
- (9) *Third-party Architectural Review:* Upon the submission of a Building Permit application, the Community Development Director (or designee) may forward a copy of the proposed site plan and elevations to a third-party architectural design firm, to be assigned by the City Manager, who shall determine compliance with these standards. Such determination may include recommended changes to the application so that compliance can be achieved. Where there is not a prominent characteristic that is readily identifiable on the block, the third-party architect shall determine what is appropriate based on the spirit and intent of this ordinance.
- (10) *Historic District Review:*

[Option 1] A third-party architectural design firm shall review the design of any new single-family residence located within the boundaries of the Historic District. In reviewing an application for a new single-family residence located in the Historic District, the third-party architect shall review the application for compliance with these standards with respect to all homes on the block or cul-de-sac and all Contributing Structures.

[Option 2] A third-party architectural design firm shall review the design of any new single-family residence located within the boundaries of the Historic District and any proposed modification of a Contributing Structure whereby its historical significance is materially compromised. In reviewing an application for a home located in the Historic District or such modification of a Contributing Structure, the third-party architect shall review the application for compliance with these standards with respect to all homes on the block or cul-de-sac and all Contributing Structures.

- (11) *Appeal to BZAP:* If the Community Development Director (or designee) or the third-party architect determines that these standards are not met by the Building Permit application (or by preliminary review), the applicant may appeal such determination to the Board of Zoning and Planning (BZAP). If an appeal is filed, the applicant shall notify all property owners within 100

feet of the subject property of the time and place of the hearing at least 10 days prior to the hearing. The notice provided under this section is for informational purposes only. Receipt of the required notice under this section does not make the recipient an Aggrieved party and does not confer any right to participate in the appeal to BZAP or to appeal any decision of BZAP on such appeal. Only persons meeting the definition of "Aggrieved" in UDO Section 2.02 shall be considered Aggrieved.

(12) Street Trees: For all new homes, street trees shall be installed per Article 6.07, which requires one street tree to be planted (or retained) for each 25 feet of lot frontage. All existing on-site healthy trees shall be preserved to the fullest extent reasonable, unless directed otherwise by the City Forester.

Note: The highlighted text of proposed subsection 10 contains the two options which were provided to BZAP for review. After their discussion, BZAP recommended option 2 and to change the "shall" to a "may." These recommendations are reflected in the proposed text in Ordinance 10-2019, but staff felt it was appropriate to provide City Council the original version of the proposed changes that were reviewed by BZAP.

IV. Recommendation:

Staff believes that the proposed code text amendments are appropriate and respectfully requests that City Council approve Ordinance Number 10-2019. The proposed language is a direct result of feedback received over an extended period of time from various community stakeholders as well as from experience in the administration of the current code. Council is scheduled to review this ordinance and receive public input at the March 25 and April 8, 2019 Council meetings. Staff is available should there be any questions regarding this ordinance.

Attachments: January 8, 2018 Work Session minutes
March 4, 2019 draft Work Session minutes
Ordinance #10-2019
Legal notice from the *Dispatch* – February 26-28, 2019