

# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

## ORDINANCE NO. 67-2021

### AN ORDINANCE REVISING ARTICLES 4, 5, AND 6 OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE STANDARDS AND PROCEDURES

**WHEREAS,** City staff conducts periodic reviews of the Unified Development Ordinance to identify revisions that can improve the process or add clarity; and

**WHEREAS,** one of the process improvements is to shift from providing notice in a newspaper to posting on the city's website for at least ten days, which will increase visibility and in many cases extend the notice period; and

**WHEREAS,** another change clarifies the timeline for filing an appeal of a Community Development Director decision.

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

**SECTION 1.** Section 4.05 of the Unified Development Ordinance, Table 4-A is amended as follows:

**Table 4-A: Development Approvals**

Request	UDO Permit(s) Required Before Construction	Submittal Requirement	Approval Authority	Initial Appeal/Review Body
Accessory use-Major	<del>Accessory use permit</del> /CZC/Building Permit	Major site plan, <del>CZC application</del>	BZAP	Court of common pleas
Accessory use-Minor	<del>Accessory use permit</del> /CZC	Minor site plan, CZC application	Director of Community Development	Court of common pleas
Certificate of zoning compliance (CZC)	CZC	CZC application	Director of Community Development	BZAP
Conditional use	<del>Conditional use certificate</del> /CZC/Building Permit	Major site plan, <del>CZC application</del> Conditional Use application	BZAP	City Council
Development plan	<del>CZC</del> Building Permit	Preliminary development plan, final development plan	BZAP	City Council
Final plat	N/A Building Permit	Final plat application	City Council (accepts final plat) upon recommendation from BZAP	Court of common pleas
Plat Amendment	N/A Building Permit	Plat amendment application	City Council upon recommendation from	Court of common pleas

			BZAP	
Sign	Sign permit/ <del>CZC</del>	Sign permit application/ <del>CZC application</del>	Director of Community Development	BZAP
Site plan-Major	<del>CZC</del> <u>Building Permit</u>	Major site plan application	BZAP	City Council
Site plan-Minor	<u>Building Permit</u> ; <del>CZC</del>	Minor site plan application	Director of Community Development	Court of common pleas
Subdivision-Major	<del>Preliminary plan</del> <u>Building Permit after Final Plat approval</u>	Preliminary plan application/ <u>Major subdivision application</u>	BZAP	City Council
Subdivision-Minor	<u>Building Permit after Minor subdivision approval</u>	Minor subdivision application	Director of Community Development	BZAP
Temporary use	Temporary use permit	Temporary use application	Director of Community Development	N/A
Variance (not submitted as part of a development plan or major site plan)	<del>N/A</del> <u>Building Permit or CZC (depending on scope)</u>	Variance application	BZAP	Court of common pleas
Rezoning	<del>N/A</del> <u>Building Permit after approval of Development Plan, Site Plan or Subdivision</u>	Rezoning application	City Council upon recommendation by BZAP	Referendum
Code/Text amendment	N/A	Text amendment application	City Council upon recommendation by BZAP	Referendum
Historic demolition	<u>Building Permit after approval of Certificate of economic hardship</u>	Certificate of economic hardship application	BZAP	City Council
Historic demolition	<u>Building Permit after approval of Historic demolition permit</u>	Historic demolition permit application	Director of Community Development	BZAP
Graphics Plan for Mixed Use District	<del>N/A</del> <u>Sign Permit</u>	Graphics Plan	BZAP	N/A

BZAP = Board of Zoning and Planning

CZC = Certificate of zoning compliance

**SECTION 2.** Section 4.06 of the Unified Development Ordinance is amended as follows:

#### **§ 4.06 DEVELOPMENT APPROVALS: PROCEDURE.**

- (E) *Subdivision - Major:* Before any land is subdivided the owner of the property proposed to be subdivided, or his/her/its authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which includes a preliminary plan and final plat.
- (1) *Preliminary plan pre-application meeting:* The developer/subdivider shall meet with the Director of Community Development prior to submitting a preliminary plan for consideration by BZAP. Following the conclusion of the meeting, the Director of Community Development shall forward to the developer/subdivider a written summary of the results of the pre-application meeting including recommendations and all attached comments.
  - (2) *Preliminary review by Director of Community Development:* Upon receipt of an application, the Director of Community Development shall, within five (5) working days, review the application as to completeness. If it is incomplete, the Director of Community Development shall advise the applicant of the deficiencies and shall not process the application until all the necessary required

information has been provided. If it is complete, the Director of Community Development shall submit the application to the TRC.

- (3) *Review by the TRC:* The TRC shall review the application after the Director of Community Development determines that the application is complete and forward its comments within five (5) days to the Director of Community Development. The Director of Community Development shall forward copies of all documents filed with the Community Development Department to BZAP along with any report or recommendation of the TRC.
- (4) *Public hearing and notice by Director of Community Development:* Within five (5) working days of determining that an application contains all the necessary and required information, the Director of Community Development shall place the application on the agenda and schedule a public hearing on the application. ~~Notice of the hearing shall be provided at least once in one (1) or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall be posted on the City website at least ten (10) days before the date of the hearing.~~ The notice shall state the time and place of the hearing and a summary of the application. The maps and plans (if applicable) shall be on file for public examination in the office of the Director of Community Development.
- (5) *Notice to property owners:* The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within one hundred (100) feet of the area proposed to be platted to the Director of Community Development. Such notice shall be sent, by the applicant by certified mail, at least ten (10) days before the date of the hearing addressed to the owners appearing on the County auditor's current tax list and to such other list as verified by staff. The notice shall contain the same information as required of notices ~~published in newspapers~~ as specified in Subsection 4.06(E)(4) above.
- (6) *BZAP approval:* BZAP shall review the application and recommend that the preliminary plan be approved as requested; that the preliminary plan be approved as modified by BZAP; or that the preliminary plan be denied within 30 days of application submission unless waived by the applicant. The decision of BZAP shall indicate the specific reason(s) upon which the recommendation is based.
- (7) *Plan resubmittal:* The developer/subdivider shall submit a reproducible original preliminary plan meeting the approval and conditions of BZAP to the Director of Community Development for approval and signature. The plan shall meet the submittal requirements of Subsection 4.07(Q).
- (8) *Expiration:* The approval of a preliminary plan by BZAP shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes to the UDO. If after this twelve-month period, any phase(s) or portion(s) of the original approved preliminary plan has not received final plat approval, then no final plat approval will be given unless one (1) six-month extension of the preliminary plan approval is requested in writing to and granted by BZAP. BZAP may grant no more than one (1) six-month extension.
- (9) *Construction drawings:* A set of construction drawings for all improvements shall be provided to the City Engineer per the City Engineer's requirements.
- (10) *Final plat pre-application meeting:* The developer/subdivider is encouraged to meet with the Director of Community Development prior to submitting a final plat for consideration by BZAP. Following the conclusion of the meeting, the Director of Community Development shall forward to the developer/subdivider a written summary of the results of the pre-application meeting including recommendations and all attached comments.
- (11) *Preliminary review by Director of Community Development:* Upon receipt of an application, the Director of Community Development or a designated representative shall, within five (5) working days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the Director of Community Development shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been submitted. Final plats for all phases of the

subdivision must be submitted within twelve (12) months of the preliminary plan approval, unless one (1) extension has been granted by BZAP not to exceed six (6) months.

- (12) *Review by TRC:* The TRC shall review the application after the Director of Community Development determines that the application is complete and forward its comments within five (5) days to the Director of Community Development. The Director of Community Development shall forward copies of all documents filed with the Community Development Department to BZAP along with any report or recommendation of the TRC.
  - (13) *Public hearing and notice by Director of Community Development:* Once a complete application has been received, the Director of Community Development shall place the application on the agenda and schedule a public hearing on the final plat. ~~Notice of the hearing shall be given at least once in one (1) or more newspapers of general circulation in the City.~~ The notice shall be published on the City website at least ten (10) five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the application.
  - (14) *Notice to property owners:* The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within one hundred (100) feet of the area proposed to be platted to the Director of Community Development. Such notice shall be sent, by the applicant by certified mail, at least ten (10) days before the date of the hearing addressed to the owners appearing on the County auditor's current tax list and to such other list or lists as verified by staff. The notice shall contain the same information as required of notices ~~published in newspapers~~ as specified in Subsection 4.06(E)(13) above.
  - (15) *BZAP Hearing and Recommendation:* BZAP shall recommend, within thirty (30) days after the public hearing that the final plat be approved as requested; that the final plat be approved as modified by BZAP; or that the final plat be denied. The decision of BZAP shall indicate the specific reason(s) upon which the recommendation is based.
  - (16) *City Council acceptance of final plat:* Within thirty (30) days after BZAP makes its recommendation, the plat shall be transmitted to the City Council. City Council shall approve, approve with modifications, or deny the plat. Approval of the final plat by the Council shall be deemed to constitute acceptance by the public of the dedication of every street and other proposed public way or space shown on said plat.
  - (17) *Recording of final plat:* Once a final plat has been approved by Council, the original tracing shall be returned to the developer/subdivider for any and all modifications. Once complete, the original tracing shall be forwarded to the Director of Community Development for processing. Final plats may not be recorded until all required signatures of officials have been placed on the final plat. Once the final plat has been properly signed by the appropriate officials, the applicant can file the final plat with the Franklin County Recorder, which shall process the final plat prior to its recording. Once processed by the map office, the final plat will be forwarded to the county recorder's office. Once recorded, the original tracing of the final plat shall be filed with the City Engineer. ~~the original tracing of the final plat shall be filed with the City Engineer.~~
  - (18) *Expedited subdivision procedure:* In cases where the proposed subdivision includes less than ten (10) lots and can be developed in one (1) phase, the application does not warrant the full submittal procedure as determined by the Director of Community Development and the applicant may combine the final development plan, as outlined in Subsection 4.07(G)(2) and in the final plat procedures. In doing so the same procedural steps will occur, however, a single set of documents will be submitted as directed by the Director of Community Development. The timeframe for review and approval of a major subdivision under this procedure shall be consistent with the general timeframe as provided in Subsection 4.07(H).
- (F) *Final plat amendment:* Upon the application of an owner(s) of land described in a plat within the corporation limits of the City of Upper Arlington, the City Council may amend the final plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship.
- (1) *Plat amendment defined:* A plat amendment is a change that does not substantially alter the final plat including but not limited to changes in lot and block numbers, setback lines, or

subdivision names. The vacation or alteration of any street, road highway, alley, park, or easement by the City is not a plat amendment subject to the requirements of this section.

- (2) *Filing requirements:* The applicant(s) shall file with the Director of Community Development, at least twenty (20) working days before the BZAP meeting, a final plat amendment which meets the requirements of Subsection 4.05(H), and other city ordinances as applicable, together with an application for approval thereof and a fee for the review of said plat amendment.
- (3) *Procedure:* The procedure for a final plat amendment shall be, as follows:
  - (a) The applicant(s) shall file with the Director of Community Development an application including required submittals, which sets forth the location and description of the proposed plat amendment and the reason(s) why the amendment of the plat is sought. A copy of the application shall be filed along with the required sets of amended plat drawings proposed by the applicant(s).
  - (b) The applicant(s) shall provide proof of notification upon filing as required below. Proper notification requires that the applicant(s) shall send a copy of the application to all other landowners within the plat to be amended. The certified mail certificates shall be presented to the Director of Community Development with all other submittal requirements.
  - (c) The City shall give ~~thirty (30) days~~ notice of the proposed plat amendment application ~~by publication in a newspaper of general circulation in the jurisdiction posting on the City website at least ten (10) days before the date of the hearing.~~ Such notices shall set forth the part or the plat to be amended and briefly describe the proposed amendment, the date(s) of the BZAP meeting hearing(s) on the application and the date(s) City Council will consider the application.
- (4) *Letter of adequacy, service director:* Within ~~five (5)~~ ten (10) days after the final plat amendment application has been filed with the planning officer, a copy thereof shall be transmitted to the technical review committee (TRC), who will check said plat to determine adequacy with existing street, storm, sanitary, water and utility services. If said final plat amendment does so conform, the TRC, within ten (10) days working days after said plat has been transmitted to him/her, will return said plat to the Director of Community Development, together with a report verifying adequacy of the proposed amendment. The Director of Community Development shall thereupon transmit the report to BZAP for its consideration.
- (5) *BZAP review:* At the first meeting of BZAP after a copy of the final plat amendment application, together with the report, has been received by BZAP, it shall consider the final plat amendment and forward its recommendation to City Council. If BZAP recommends disapproval of the final plat amendment, it shall enter in its minutes the reason(s) for such disapproval.
- (6) *City Council acceptance of plat amendment:* BZAP's recommendation and the plat shall be transmitted to the City Council, together with all certificates and endorsements herein required. The Council shall take action regarding the plat amendment request at its next regular meeting after the plat amendment has been reviewed by BZAP. If the plat amendment is approved by City Council, the applicant(s) shall follow all final plat filing requirements.
- (G) *Vacation of streets, alleys, and easements:* City Council may, by ordinance, vacate any street, road, highway, alley or easement upon finding that there is good cause for such vacation. Any such vacation shall first be reviewed by the Community Development Department, in order to make a recommendation to City Council. Notice of the intention of Council to vacate any street, road, highway, ~~or alley, or easement~~ shall be published once in a newspaper of general circulation in the City at least twenty-one (21) days preceding such, and shall also be published on the City website at least ten (10) days before the hearing. ~~and shall be sent via certified mail, at least ten (10) days preceding such action, to all property owners abutting or within one hundred (100) feet of the street, road, highway, alley or easement to be vacated.~~ Notice of vacation of an easement shall be published on the City website at least ten (10) days before the hearing. The notification shall include a description of the street, alley, or easement to be vacated and the date scheduled for Council to consider the matter. For vacation of any easement, letters of approval from all pertinent utility companies are required. Any

application to vacate any street, road, highway, alley, or easement shall be in compliance with UACO 223.12 and 933.22 and be accompanied by a fee and the notification costs.

**SECTION 3.** Section 4.10 of the Unified Development Ordinance is amended as follows:

**§ 4.10 REVIEW PROCEDURES FOR APPEALS AND BZAP RECOMMENDATIONS.**

(A) *Initial Review by BZAP and/or City Council per Table 4-A:*

- (1) Following its review, the BZAP shall either:
  - (a) Approve as submitted.
  - (b) Approve with specific conditions.
  - (c) Deny.
- (2) Upon notification by the BZAP of approval or denial, Council shall legislatively accept, accept subject to specific conditions not included in the plan as submitted from BZAP, or deny the following BZAP decisions:
  - (a) Rezoning.
  - (b) Final plat.
  - (c) Plat amendments.
- (3) In considering one of the applications listed in (2), if BZAP recommends approval, the affirmative votes of a majority of voting members of Council shall be sufficient to grant approval or add specific conditions not included in the plan as submitted. If BZAP recommends denial, a two-thirds majority of voting members of Council shall be required to grant approval.

(B) *Legislative Review of BZAP Action:* Any person aggrieved by the decision of the BZAP regarding the following submissions may request a legislative review by City Council by filing a written request with the City Clerk and paying the filing fee and costs of any required notices within 21 days of the BZAP decision:

- Conditional Use.
- Development Plan.
- Major Site Plan.

- (1) If all the requirements, including standing, have been met, a public hearing will be scheduled within 90 days of the receipt of the request.
- (2) The party seeking review is responsible for paying for written notice of the public hearing by certified mail, certificate of mailing, or other form of tracking demonstrating it was sent, to all owners of property within one hundred (100) feet of the perimeter of the subject site. Such notice will be sent by the City Clerk at least ten (10) days before the date of the hearing.
- (3) A two-thirds majority vote of Council shall be required to overturn a BZAP decision.
- (4) Continuances: If the party seeking review requests a continuance, the party is responsible for paying for mail notification for the new date. If a continuance is requested, the hearing may be set outside the 90-day window. Council may continue a public hearing by a vote of the majority of council.
- (5) Legislative review is not a required administrative remedy that must be exhausted prior to bringing a legal action. Council may decline a legislative review hearing at its discretion. If this occurs, the applicant's legislative review fee shall be returned.
- (6) When standing is an issue under consideration, Council may do any of the following to make a determination:

- (a) Request a written submission from the party seeking review providing information regarding standing and render a decision on standing based on the submission by majority vote of Council.
  - (b) Schedule a hearing to provide an opportunity for the party to establish standing.
  - (c) Address the issue of standing at the public hearing.
- (C) *Appeal of Board of Zoning and Planning action:* Any person aggrieved by any order, requirement, decision, or determination made by BZAP per Table 4-A that is not eligible for legislative review, who actively participated at the hearing at which the order, requirement, decision, or determination being appealed was made, may appeal to the Franklin County Court of Common Pleas within 30 days after issuance of the Board's decision. A person actively participates where they appear at the hearing at which the order was made, either in person or through their legal counsel, and state their position on the record. The City Manager, the Director of Community Development, or a designated representative; may appeal any order, requirement, decision, or determination made by the BZAP.
- (GD) *Appeal of a Community Development Director action:* Any person aggrieved by any order, requirement, decision, or determination made by the Community Development Director per Table 4-A that is eligible for appeal to the Board of Zoning and Planning may file an appeal to the Board of Zoning and Planning within 10 days after the Director's decision. An appeal filed after 10 days from the decision will not be reviewed by the Board. The hearing will be scheduled for the next available BZAP hearing.
- (DE) ~~*Responsibility and*~~ *Computation of time:* In computing time prescribed under this section, the day of the act or order from which the designated period of time begins to run shall not be included. The last day of the period as computed shall be included, unless it is a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless otherwise specified. If the final day of the period falls on a Saturday, Sunday, or legal holiday, then the act may be performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday.
- (F) The review process outlined in this section does not apply to a decision to file a code enforcement citation in the Upper Arlington Mayor's Court or other court of competent jurisdiction.

#### **SECTION 4.**

Section 5.06 of the Unified Development Ordinance, Tables 5-E and 5-F are amended as follows:

#### **Table 5-E: Residential Building Area, Density and Setback Standards**

Building Area, Density and Setback													
District				Maximum Number of Stories Floors	Net Lot Area (in square feet)	Lot Area per Dwelling Unit	Net Density	Min Lot Width	Front Yard Setback	Min Side Yard Width <sup>4</sup>	Side Yard Sum	2Rear Yard Depth	Least Rear Yard Profile Coeff. (degree angle from rear property line; feet of rise in each 12 feet of run)
R - S	R-Sa	Res.		N/A 2.5	130,680	430,680	0.33	150	80	20	40	60	20; 4.3
		OPU <sup>3</sup>					200	25		50			
		Churches					NA	150					
	R-Sb	Res.		N/A 2.5	87,120	87,120	0.5	150	60	20	40	60	21.8; 4.8
		OPU <sup>3</sup>				130,680	430,680	0.33		200	25		50
		Churches				87,120	NA	NA		150	25		50
	R-Sc	Res.		N/A 2.5	43,560	43,560	4	150	40	12	30	50	24; 5.3
		OPU <sup>3</sup>				130,680	430,680	0.33		200	15		35
		Churches				43,560	NA	NA		150	25		50
	R-Sd	Res.		N/A 2.5	21,780	21,780	2	125	40	12	30	50	27.7; 6.3
		OPU <sup>3</sup>				130,680	430,680	0.33		200	15		35
		Churches				43,560	NA	NA		150	25		50

**Table 5-F: Residential Building Coverage and Height Standards**

Building Coverage									Building Height	
District			Number of Floors	Detached Garage Bldg. Cover Limit as a % of TLA <sup>1,2</sup>	Accessory Bldg. Cover Limit as a % of TLA <sup>2</sup>	Building Cover Limit as % of TLA <sup>2,3,6</sup>	Dev. Cover Limit as % of TLA <sup>2,5,6</sup>	Swimming Pool in Addition to Dev. Cover as % of TLA <sup>2</sup>	Principal Building <sup>7</sup>	Detached Garage
R-S	R-Sa			0.88%	0.11% 0.25%	40% 15%	45% 20%	2% 3%	35	17
		OPU <sup>3</sup>		0.88%	0.11%	6%	60%	2%		
		Churches <sup>1</sup>		NA	NA	NA	50%	0%		
	R-Sb			1.32%	0.17% 0.35%	40% 20%	45% 25%	3%	35	17
		OPU <sup>1</sup>		0.88%	0.11%	6%	60%	2%		
		Churches <sup>1</sup>		NA	NA	NA	50%	0%		
	R-Sc			2.64%	0.34% 0.70%	45% 20%	25% 35%	4%	35	17
		OPU <sup>1</sup>		0.88%	0.11%	5%	60%	1%		
		Churches <sup>1</sup>		NA	NA	NA	50%	0%		
	R-Sd			3.97%	0.69% 1.38%	20%	30%	5%	35	17



	OPU'		0.66%	0.11%	3%	60%	1%		
	Churches'		NA	NA	NA	50%	0%		

<sup>1</sup> In no case shall a detached garage exceed 870 square feet **unless located within the buildable area of the lot.**

<sup>2</sup> TLA is Total Land Area is **the total square footage of the property** any new cover request that results in equivalent or less.

<sup>3</sup> OPU is Other Permitted Uses **(see Table 5-A)** cover for sites currently exceeding permissible limits.

<sup>4</sup> Excepting steeples which may go to a height of 60 feet.

<sup>5</sup> Not more than 25% of the required front yard may be occupied by development cover, unless the use is an OPU, in which case 60% cover shall be permitted.

<sup>6</sup> The Director of Community Development may administratively approve any new **building or development** cover request that results in equivalent or less cover for sites currently exceeding permissible limits.

<sup>7</sup> The maximum permitted height for properties located in the River Ridge Addition (extended) shall not exceed 28 feet in height. All building heights are subject to neighborhood compatibility standards in Article 7.17.

**SECTION 5.** Section 6.01 of the Unified Development Ordinance is amended as follows:

## **§ 6.01 LOT ARRANGEMENT AND DIMENSIONAL STANDARDS.**

(D) *Yard projections in R-districts:* Certain architectural features may project into required yards or courts as follows:

Architectural Feature	Front Yards	Side Yards Along a Side Street Lot Line	Interior Side Yards and Side Yard Increased (Longwall)	Rear Yards
<b>Cornices, Canopies, Eaves, or Similar Architectural Roof Projections</b>	May project up to 2'	May project up to 2'	May project up to <del>1/2</del> <b>20 percent of the</b> required least width, not to exceed 3'	May project up to 2'
<b>Entrance Platforms/Porches</b>	May project up to 5'; subject to the limitations in footnote 1 below	May project up to 5' subject to the limitations in footnote 1 below	May project up to <del>1/2</del> <b>20 percent of</b> the required least width, not to exceed 3' subject to the limitations in footnote 1 below	May project up to 5' subject to the limitations in footnote 1
<b>Cantilevered Window Wall Projections such as, but not limited to, Bay, Bow, and Box Windows</b>	For yards that are platted, unless otherwise permitted by the terms of the plat or deed restriction, no projection permitted. For unplatted yards and platted yards which permit encroachments but do not specify sizes, these architectural features may project up to 2' not	No projections permitted	No projections permitted	May project up to 2', not to exceed 8' wide

	to exceed 8' in width			
<b>Chimneys and Direct Vent Fireplace Inserts</b>	No projection permitted	No projection permitted	May project up to 4/5 20 percent of the required least width, not to exceed thirty inches subject to the limitations in footnote 2	No projection permitted May project up to 5'
<b>Basement Egress Window or Below-Grade Stairs</b>	Projection permitted	Projection permitted	Projection permitted	Projection permitted
<b>Carport Enclosure (with no footprint changes or additional story in the River Ridge Addition only)</b>	No projection permitted	No projection permitted	Projection permitted when compatible with the principal residence and screening is provided	No projection permitted
<b>Footnote 1:</b> An entrance platform may encroach as noted in the table above if not exceeding a width of ten feet and not exceeding a height of two feet above the finished grade of the lot.				
<b>Footnote 2:</b> In the R-S and R-1 zoning districts only, a chimney, built as part of and serving the principal residence, may project as noted in the table above if not exceeding eight feet in width.				

**SECTION 6.** Section 6.09 of the Unified Development Ordinance is amended as follows:

**§ 6.09 ACCESSORY STRUCTURES AND USES.**

(D) *Standards:* The following standards are presented by accessory use and/or building type.

(12) *Private swimming pools and hot tubs:*

(a) *Location, area and height:*

- i. All hot tubs shall be located within the buildable area unless the hot tub is partially buried below grade. Swim spas and or hot tubs having more than one hundred fifty (150) square feet of area on the water surface when filled to capacity shall meet all regulations for swimming pools;
- ii. All swimming pools, swim spas and buried hot tubs and portions thereof, including walkways and decking, shall be located at least ten (10) feet from side and rear property lines, and shall be located behind the front building setback line. Location within a platted easement, platted reserve or platted side or rear yard setback line is prohibited; any change or modification would require plat amendment approval. Installation of a swimming pool may allow a development coverage bonus per Table 5-F;
- iii. The top of the walls, decks or walks of any swimming pool, swim spa or buried hot tub shall not project more than two (2) feet above the average finished grade of the pool site or portion of the lot immediately surrounding the pool;
- iv. Swimming pool accessories are limited to diving boards, slides and lights designed to illuminate the pool and the immediate surrounding area. None of these accessories may exceed ten (10) feet in height, such height to include handrails, supports and other safety devices, and may not cover a ground surface area in excess of thirty (30) square feet;
- v. Swimming pool equipment shall be located a minimum of three (3) feet from side and rear property lines, and shall not occupy any part of an easement; and
- vi. Swimming pool equipment shall not exceed sixty (60) decibels in sound output when measured at the property line.

(17) Solar panels: A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat, shall comply with the following restrictions:

(a) Location:

1. Ground mounted solar panels exceeding two (2) square feet in area shall be located in a side or rear yard only, shall maintain a setback of ten (10) feet from property lines, and shall not be located in a platted easement. However, utility companies may install solar panels within an easement, subject to aesthetic considerations and Subsection 6.10(C)(11).
2. Roof and flush-mounted solar panels may be located on any ~~roof structure which meets setback requirements~~ **principal residence, detached garage or accessory structure.**

(b) Height:

1. Ground mounted solar panels shall not exceed eight (8) feet in height.
2. Roof and flush-mounted solar panels shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.

(c) Aesthetic consideration: Ground mounted solar panels shall be fully screened from adjacent properties by fencing or structures (detached garages, neighboring accessory structures, etc.) or a combination of evergreen and deciduous plantings.

(d) Exemptions: Solar panels less than two (2) square feet in area and those installed within the right-of-way by a utility company pursuant to Subsection 6.10(C)(11) or by the City are not subject to the regulations set forth above.


**SECTION 7.**

That the City Manager, Community Development Director, City Clerk and the City Attorney are hereby authorized to take all actions, including the execution of all documents or amendments, necessary to administer this Ordinance.

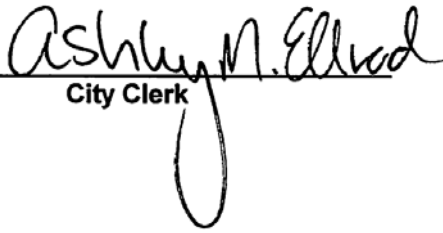
**SECTION 8.**

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

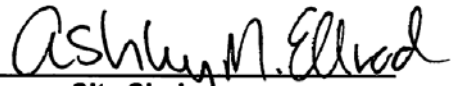
**PASSED: November 8, 2021**

  
\_\_\_\_\_  
President of Council

**ATTEST:**

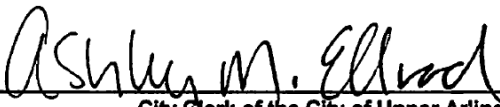
  
\_\_\_\_\_  
City Clerk

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 at the most public place in said corporation for a period of ten (10) days commencing passage.

  
City Clerk of the City of Upper Arlington

**Vote Slip**

Voting Aye: Unanimous  
Voting Nay:

Abstain:  
Absent:

Other Review: October 11, 2021: October 18, 2021

To: The Honorable Brendan King and  
Members of Upper Arlington City Council

From: Chad D. Gibson, AICP, Community Development Director  
Justin Milam, AICP, Senior Planner

Prepared for Meeting Dated: Monday, October 11, 2021

**Subject: Proposed miscellaneous amendments to Unified Development Ordinance (UDO) Articles 4, 5 and 6. Ordinance No. 67-20**

Action Requested: Reviews on 10/11, 10/18 and 11/8 (vote)

Master Plan Objective: **Land Use**  
*D9 / Improve land use management within City government*

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## Executive Summary

These proposed amendments to the City's Unified Development Ordinance (UDO) include an assortment of miscellaneous revisions to Articles 4, 5 and 6. Staff maintains a list of potential code changes based on administrative observations and/or changes in the planning field. Per the direction of the City's Master Plan, Staff regularly brings potential UDO amendments to the Board of Zoning and Planning (BZAP) and City Council for their review and consideration. Typically, BZAP reviews and makes a recommendation to City Council, who then decides whether or not to adopt the proposed code language. On August 18, 2021 the Board of Zoning and Planning (BZAP) provided a positive recommendation to City Council on these proposed amendments (6-0 vote, see attached draft meeting minutes). These proposed code changes:

- 1) Clarify Table 4-A to indicate that a Building Permit is required prior to construction and that a Sign Permit is required prior to erecting a permanent sign;
- 2) Amend Article 4.06 to change the notification requirement for Major Subdivisions, Final Plats and Easement Vacations from publishing in a local newspaper at least five (5) days before the hearing, to the City's website at least ten (10) days before the hearing;
- 3) Expand the title Article 4.10 to clarify that the section addresses appeals and BZAP recommendations, and clarify Article 4.10 to state that an appeal of a Community Development Director action must be filed within 10 days after the Director's decision;
- 4) Amend Table 5-E to add clarifying descriptors and increase the maximum coverages allowed in the R-S District, as they are currently too low and not practical;
- 5) Amend Article 6.01(D) to remove fractions and replace with percentages when calculating longwall and allow chimneys to project up to five (5) feet into the minimum rear yard setback; and
- 6) Amend Article 6.09 to address in-ground hot tubs and swim spas, as well as clarify allowable locations for solar panels on detached garages or accessory structures.



## Code Text Overview

The applicable code text is provided below with additions underlined and deletions in strike-through.

**Table 4-A: Development Approvals**

Request	UDO Permit(s) Required Before Construction	Submittal Requirement	Approval Authority	Initial Appeal/Review Body
Accessory use-Major	<del>Accessory use permit/CZC/</del> <u>Building Permit</u>	<del>Major site plan, CZC application</del>	BZAP	Court of common pleas
Accessory use-Minor	<del>Accessory use permit/CZC</del>	<del>Minor site plan, CZC application</del>	Director of Community Development	Court of common pleas
Certificate of zoning compliance (CZC)	CZC	CZC application	Director of Community Development	BZAP
Conditional use	<del>Conditional use certificate/CZC/</del> <u>Building Permit</u>	<del>Major site plan, CZC application</del> <u>Conditional Use application</u>	BZAP	City Council
Development plan	<del>CZC</del> <u>Building Permit</u>	Preliminary development plan, final development plan	BZAP	City Council
Final plat	<del>N/A</del> <u>Building Permit</u>	Final plat application	City Council (accepts final plat) upon recommendation from BZAP	Court of common pleas
Plat Amendment	<del>N/A</del> <u>Building Permit</u>	<u>Plat amendment application</u>	City Council upon recommendation from BZAP	Court of common pleas
Sign	Sign permit/ <del>CZC</del>	<del>Sign permit application, CZC application</del>	Director of Community Development	BZAP
Site plan-Major	<del>CZC</del> <u>Building Permit</u>	Major site plan application	BZAP	City Council
Site plan-Minor	<u>Building Permit</u> , <del>CZC</del>	Minor site plan application	Director of Community Development	Court of common pleas
Subdivision-Major	<del>Preliminary plan</del> <u>Building Permit after Final Plat approval</u>	Preliminary plan application/ <u>Major subdivision application</u>	BZAP	City Council
Subdivision-Minor	<u>Building Permit after</u> Minor subdivision <u>approval</u>	Minor subdivision application	Director of Community Development	BZAP
Temporary use	Temporary use permit	Temporary use application	Director of Community Development	N/A
Variance (not submitted as part of a development plan or major site plan)	<del>N/A</del> <u>Building Permit or CZC (depending on scope)</u>	Variance application	BZAP	Court of common pleas
Rezoning	<del>N/A</del> <u>Building Permit after approval of Development Plan, Site Plan or Subdivision</u>	Rezoning application	City Council upon recommendation by BZAP	Referendum
Code/Text amendment	N/A	Text amendment application	City Council upon recommendation by BZAP	Referendum
Historic demolition	<u>Building Permit after approval of</u> Certificate of economic hardship	Certificate of economic hardship application	BZAP	City Council



Historic demolition	<u>Building Permit after approval of Historic demolition permit</u>	Historic demolition permit application	Director of Community Development	BZAP
Graphics Plan for Mixed Use District	<u>N/A Sign Permit</u>	Graphics Plan	BZAP	N/A

BZAP = Board of Zoning and Planning

CZC = Certificate of Zoning Compliance

## § 4.06 DEVELOPMENT APPROVALS: PROCEDURE.

- (E) *Subdivision - Major*: Before any land is subdivided the owner of the property proposed to be subdivided, or his/her/its authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which includes a preliminary plan and final plat.
- (1) *Preliminary plan pre-application meeting*: The developer/subdivider shall meet with the Director of Community Development prior to submitting a preliminary plan for consideration by BZAP. Following the conclusion of the meeting, the Director of Community Development shall forward to the developer/subdivider a written summary of the results of the pre-application meeting including recommendations and all attached comments.
  - (2) *Preliminary review by Director of Community Development*: Upon receipt of an application, the Director of Community Development shall, within five (5) working days, review the application as to completeness. If it is incomplete, the Director of Community Development shall advise the applicant of the deficiencies and shall not process the application until all the necessary required information has been provided. If it is complete, the Director of Community Development shall submit the application to the TRC.
  - (3) *Review by the TRC*: The TRC shall review the application after the Director of Community Development determines that the application is complete and forward its comments within five (5) days to the Director of Community Development. The Director of Community Development shall forward copies of all documents filed with the Community Development Department to BZAP along with any report or recommendation of the TRC.
  - (4) *Public hearing and notice by Director of Community Development*: Within five (5) working days of determining that an application contains all the necessary and required information, the Director of Community Development shall place the application on the agenda and schedule a public hearing on the application. ~~Notice of the hearing shall be provided at least once in one (1) or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall be posted on the City website at least ten (10) days before the date of the hearing.~~ The notice shall state the time and place of the hearing and a summary of the application. The maps and plans (if applicable) shall be on file for public examination in the office of the Director of Community Development.
  - (5) *Notice to property owners*: The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within one hundred (100) feet of the area proposed to be platted to the Director of Community Development. Such notice shall be sent, by the applicant by certified mail, at least ten (10) days before the date of the hearing addressed to the owners appearing on the County auditor's current tax list and to such other list as verified by staff. The notice shall contain the same information as required of notices ~~published in newspapers~~ as specified in Subsection 4.06(E)(4) above.
  - (6) *BZAP approval*: BZAP shall review the application and recommend that the preliminary plan be approved as requested; that the preliminary plan be approved as modified by BZAP; or that the preliminary plan be denied within 30 days of application submission unless waived by the applicant. The decision of BZAP shall indicate the specific reason(s) upon which the recommendation is based.
  - (7) *Plan resubmittal*: The developer/subdivider shall submit a reproducible original preliminary plan meeting the approval and conditions of BZAP to the Director of Community Development for approval and signature. The plan shall meet the submittal requirements of Subsection 4.07(Q).



- (8) *Expiration:* The approval of a preliminary plan by BZAP shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes to the UDO. If after this twelve-month period, any phase(s) or portion(s) of the original approved preliminary plan has not received final plat approval, then no final plat approval will be given unless one (1) six-month extension of the preliminary plan approval is requested in writing to and granted by BZAP. BZAP may grant no more than one (1) six-month extension.
- (9) *Construction drawings:* A set of construction drawings for all improvements shall be provided to the City Engineer per the City Engineer's requirements.
- (10) *Final plat pre-application meeting:* The developer/subdivider is encouraged to meet with the Director of Community Development prior to submitting a final plat for consideration by BZAP. Following the conclusion of the meeting, the Director of Community Development shall forward to the developer/subdivider a written summary of the results of the pre-application meeting including recommendations and all attached comments.
- (11) *Preliminary review by Director of Community Development:* Upon receipt of an application, the Director of Community Development or a designated representative shall, within five (5) working days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the Director of Community Development shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been submitted. Final plats for all phases of the subdivision must be submitted within twelve (12) months of the preliminary plan approval, unless one (1) extension has been granted by BZAP not to exceed six (6) months.
- (12) *Review by TRC:* The TRC shall review the application after the Director of Community Development determines that the application is complete and forward its comments within five (5) days to the Director of Community Development. The Director of Community Development shall forward copies of all documents filed with the Community Development Department to BZAP along with any report or recommendation of the TRC.
- (13) *Public hearing and notice by Director of Community Development:* Once a complete application has been received, the Director of Community Development shall place the application on the agenda and schedule a public hearing on the final plat. ~~Notice of the hearing shall be given at least once in one (1) or more newspapers of general circulation in the City.~~ The notice shall be published on the City website at least ten (10) five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the application.
- (14) *Notice to property owners:* The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within one hundred (100) feet of the area proposed to be platted to the Director of Community Development. Such notice shall be sent, by the applicant by certified mail, at least ten (10) days before the date of the hearing addressed to the owners appearing on the County auditor's current tax list and to such other list or lists as verified by staff. The notice shall contain the same information as required of notices ~~published in newspapers~~ as specified in Subsection 4.06(E)(13) above.
- (15) *BZAP Hearing and Recommendation:* BZAP shall recommend, within thirty (30) days after the public hearing that the final plat be approved as requested; that the final plat be approved as modified by BZAP; or that the final plat be denied. The decision of BZAP shall indicate the specific reason(s) upon which the recommendation is based.
- (16) *City Council acceptance of final plat:* Within thirty (30) days after BZAP makes its recommendation, the plat shall be transmitted to the City Council. City Council shall approve, approve with modifications, or deny the plat. Approval of the final plat by the Council shall be deemed to constitute acceptance by the public of the dedication of every street and other proposed public way or space shown on said plat.
- (17) *Recording of final plat:* Once a final plat has been approved by Council, the original tracing shall be returned to the developer/subdivider for any and all modifications. Once complete, the original tracing shall be forwarded to the Director of Community Development for processing. Final plats may not be recorded until all required signatures of officials have been placed on the final plat. Once the final plat has been properly signed by the appropriate officials, the applicant can file the final plat with the Franklin County Recorder, which shall process the final plat prior to its recording. Once processed by the map office, the final plat will be forwarded to the county recorder's office. Once recorded, the





original tracing of the final plat shall be filed with the City Engineer. ~~the original tracing of the final plat shall be filed with the City Engineer.~~

- (18) *Expedited subdivision procedure:* In cases where the proposed subdivision includes less than ten (10) lots and can be developed in one (1) phase, the application does not warrant the full submittal procedure as determined by the Director of Community Development and the applicant may combine the final development plan, as outlined in Subsection 4.07(G)(2) and in the final plat procedures. In doing so the same procedural steps will occur, however, a single set of documents will be submitted as directed by the Director of Community Development. The timeframe for review and approval of a major subdivision under this procedure shall be consistent with the general timeframe as provided in Subsection 4.07(H).
- (F) *Final plat amendment:* Upon the application of an owner(s) of land described in a plat within the corporation limits of the City of Upper Arlington, the City Council may amend the final plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship.
- (1) *Plat amendment defined:* A plat amendment is a change that does not substantially alter the final plat including but not limited to changes in lot and block numbers, setback lines, or subdivision names. The vacation or alteration of any street, road highway, alley, park, or easement by the City is not a plat amendment subject to the requirements of this section.
- (2) *Filing requirements:* The applicant(s) shall file with the Director of Community Development, at least twenty (20) working days before the BZAP meeting, a final plat amendment which meets the requirements of Subsection 4.05(H), and other city ordinances as applicable, together with an application for approval thereof and a fee for the review of said plat amendment.
- (3) *Procedure:* The procedure for a final plat amendment shall be, as follows:
- (a) The applicant(s) shall file with the Director of Community Development an application including required submittals, which sets forth the location and description of the proposed plat amendment and the reason(s) why the amendment of the plat is sought. A copy of the application shall be filed along with the required sets of amended plat drawings proposed by the applicant(s).
- (b) The applicant(s) shall provide proof of notification upon filing as required below. Proper notification requires that the applicant(s) shall send a copy of the application to all other landowners within the plat to be amended. The certified mail certificates shall be presented to the Director of Community Development with all other submittal requirements.
- (c) The City shall give ~~thirty (30) days~~ notice of the proposed plat amendment application by publication in a newspaper of general circulation in the jurisdiction posting on the City website at least ten (10) days before the date of the hearing. Such notices shall set forth the part or the plat to be amended and briefly describe the proposed amendment, the date(s) of the BZAP meeting hearing(s) on the application and the date(s) City Council will consider the application.
- (4) *Letter of adequacy, service director:* Within ~~five (5)~~ ten (10) days after the final plat amendment application has been filed with the planning officer, a copy thereof shall be transmitted to the technical review committee (TRC), who will check said plat to determine adequacy with existing street, storm, sanitary, water and utility services. If said final plat amendment does so conform, the TRC, within ten (10) days working days after said plat has been transmitted to him/her, will return said plat to the Director of Community Development, together with a report verifying adequacy of the proposed amendment. The Director of Community Development shall thereupon transmit the report to BZAP for its consideration.
- (5) *BZAP review:* At the first meeting of BZAP after a copy of the final plat amendment application, together with the report, has been received by BZAP, it shall consider the final plat amendment and forward its recommendation to City Council. If BZAP recommends disapproval of the final plat amendment, it shall enter in its minutes the reason(s) for such disapproval.
- (6) *City Council acceptance of plat amendment:* BZAP's recommendation and the plat shall be transmitted to the City Council, together with all certificates and endorsements herein required. The Council shall take action regarding the plat amendment request at its next regular meeting after the plat amendment has been reviewed by BZAP. If the plat amendment is approved by City Council, the applicant(s) shall follow all final plat filing requirements.



- (G) *Vacation of streets, alleys, and easements*: City Council may, by ordinance, vacate any street, road, highway, alley or easement upon finding that there is good cause for such vacation. Any such vacation shall first be reviewed by the Community Development Department, in order to make a recommendation to City Council. Notice of the intention of Council to vacate any street, road, highway, ~~or alley, or easement~~ shall be published once in a newspaper of general circulation in the City at least twenty-one (21) days preceding such, and shall also be published on the City website at least ten (10) days before the hearing, and shall be sent via certified mail, at least ten (10) days preceding such action, to all property owners abutting or within one hundred (100) feet of the street, road, highway, alley or easement to be vacated. Notice of vacation of an easement shall be published on the City website at least ten (10) days before the hearing. The notification shall include a description of the street, alley, or easement to be vacated and the date scheduled for Council to consider the matter. For vacation of any easement, letters of approval from all pertinent utility companies are required. Any application to vacate any street, road, highway, alley, or easement shall be in compliance with UACO 223.12 and 933.22 and be accompanied by a fee and the notification costs.

#### **§ 4.10 REVIEW PROCEDURES FOR APPEALS AND BZAP RECOMMENDATIONS.**

(A) *Initial Review by BZAP and/or City Council per Table 4-A:*

- (1) Following its review, the BZAP shall either:
  - (a) Approve as submitted.
  - (b) Approve with specific conditions.
  - (c) Deny.
- (2) Upon notification by the BZAP of approval or denial, Council shall legislatively accept, accept subject to specific conditions not included in the plan as submitted from BZAP, or deny the following BZAP decisions:
  - (a) Rezoning.
  - (b) Final plat.
  - (c) Plat amendments.
- (3) In considering one of the applications listed in (2), if BZAP recommends approval, the affirmative votes of a majority of voting members of Council shall be sufficient to grant approval. If BZAP recommends denial, a two-thirds majority of voting members of Council shall be required to grant approval.

(B) *Legislative Review of BZAP Action*: Any person aggrieved by the decision of the BZAP regarding the following submissions may request a legislative review by City Council by filing a written request with the City Clerk and paying the filing fee and costs of any required notices within 21 days of the BZAP decision:

- Conditional Use.
  - Development Plan.
  - Major Site Plan.
- (1) If all the requirements, including standing, have been met, a public hearing will be scheduled within 90 days of the receipt of the request.
  - (2) The party seeking review is responsible for paying for written notice of the public hearing by certified mail, certificate of mailing, or other form of tracking demonstrating it was sent, to all owners of property within one hundred (100) feet of the perimeter of the subject site. Such notice will be sent by the City Clerk at least ten (10) days before the date of the hearing.
  - (3) A two-thirds majority vote of Council shall be required to overturn a BZAP decision.
  - (4) Continuances: If the party seeking review requests a continuance, the party is responsible for paying for mail notification for the new date. If a continuance is requested, the hearing may be set outside the 90-day window. Council may continue a public hearing by a vote of the majority of council.
  - (5) Legislative review is not a required administrative remedy that must be exhausted prior to bringing a legal action. Council may decline a legislative review hearing at its discretion. If this occurs, the applicant's legislative review fee shall be returned.
  - (6) When standing is an issue under consideration, Council may do any of the following to make a determination:
    - (a) Request a written submission from the party seeking review providing information regarding standing and render a decision on standing based on the submission by majority vote of Council.
    - (b) Schedule a hearing to provide an opportunity for the party to establish standing.



(c) Address the issue of standing at the public hearing.

(C) *Appeal of Board of Zoning and Planning action:* Any person aggrieved by any order, requirement, decision, or determination made by BZAP per Table 4-A that is not eligible for legislative review, who actively participated at the hearing at which the order, requirement, decision, or determination being appealed was made, may appeal to the Franklin County Court of Common Pleas within 30 days after issuance of the Board's decision. A person actively participates where they appear at the hearing at which the order was made, either in person or through their legal counsel, and state their position on the record. The City Manager, the Director of Community Development, or a designated representative; may appeal any order, requirement, decision, or determination made by the BZAP.

(GD) *Appeal of a Community Development Director action:* Any person aggrieved by any order, requirement, decision, or determination made by the Community Development Director per Table 4-A that is eligible for appeal to the Board of Zoning and Planning may file an appeal to the Board of Zoning and Planning within 10 days after the Director's decision. An appeal filed after 10 days from the decision will not be reviewed by the Board. The hearing will be scheduled for the next available BZAP hearing.

(DE) *Responsibility and computation of time:* In computing time prescribed under this section, the day of the act or order from which the designated period of time begins to run shall not be included. The last day of the period as computed shall be included, unless it is a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless otherwise specified. If the final day of the period falls on a Saturday, Sunday, or legal holiday, then the act may be performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

**Table 5-E: Residential Building Area, Density and Setback Standards**

Building Area, Density and Setback													
District				Maximum Number of Stories Floors	Net Lot Area (in square feet)	Lot Area per Dwelling Unit	Net Density	Min Lot Width	Front Yard Setback	Min Side Yard Width <sup>4</sup>	Side Yard Sum	2Rear Yard Depth	Least Rear Yard Profile Coeff. (degree angle from rear property line; feet of rise in each 12 feet of run)
R - S	R-Sa	Res.		N/A 2.5	130,680	130,680	0.33	150	80	20	40	60	20; 4.3
		OPU <sup>3</sup>					200	25		50			
		Churches					NA	NA		150			NA
	R-Sb	Res.		N/A 2.5	87,120	87,120	0.5	150	60	20	40	60	21.8; 4.8
		OPU <sup>3</sup>			130,680	130,680	0.33	200		25	50		
		Churches			87,120	NA	NA	150		25	50		NA
	R-Sc	Res.		N/A 2.5	43,560	43,560	1	150	40	12	30	50	24; 5.3
		OPU <sup>3</sup>			130,680	130,680	0.33	200		15	35		
		Churches			43,560	NA	NA	150		25	50		NA
	R-Sd	Res.		N/A 2.5	21,780	21,780	2	125	40	12	30	50	27.7; 6.3
		OPU <sup>3</sup>			130,680	130,680	0.33	200		15	35		
		Churches			43,560	NA	NA	150		25	50		



**Table 5-F: Residential Building Coverage and Height Standards**

Building Coverage										
District			Number of Floors	Detached Garage Bldg. Cover Limit as a % of TLA <sup>1,2</sup>	Accessory Bldg. Cover Limit as a % of TLA <sup>2</sup>	Building Cover Limit as % of TLA <sup>2,3,6</sup>	Dev. Cover Limit as % of TLA <sup>2,5,6</sup>	Swimming Pool in Addition to Dev. Cover as % of TLA <sup>2</sup>	Building Height	
									Principal Building <sup>7</sup>	Detached Garage
R-S	R-Sa			0.88%	0.11% 0.25%	40% 15%	15% 20%	2% 3%	35	17
		OPU <sup>3</sup>		0.88%	0.11%	6%	60%	2%		
		Churches <sup>1</sup>		NA	NA	NA	50%	0%		
	R-Sb			1.32%	0.17% 0.35%	40% 20%	15% 25%	3%	35	17
		OPU <sup>1</sup>		0.88%	0.11%	6%	60%	2%		
		Churches <sup>1</sup>		NA	NA	NA	50%	0%		
	R-Sc			2.64%	0.34% 0.70%	15% 20%	25% 35%	4%	35	17
		OPU <sup>1</sup>		0.88%	0.11%	5%	60%	1%		
		Churches <sup>1</sup>		NA	NA	NA	50%	0%		
	R-Sd			3.97%	0.69% 1.38%	20%	30%	5%	35	17
		OPU <sup>1</sup>		0.66%	0.11%	3%	60%	1%		
		Churches <sup>1</sup>		NA	NA	NA	50%	0%		

<sup>1</sup> In no case shall a detached garage exceed 870 square feet unless located within the buildable area of the lot.

<sup>2</sup> TLA is Total Land Area is the total square footage of the property any new cover request that results in equivalent or less.

<sup>3</sup> OPU is Other Permitted Uses (see Table 5-A) cover for sites currently exceeding permissible limits.

<sup>4</sup> Excepting steeples which may go to a height of 60 feet.

<sup>5</sup> Not more than 25% of the required front yard may be occupied by development cover, unless the use is an OPU, in which case 60% cover shall be permitted.

<sup>6</sup> The Director of Community Development may administratively approve any new building or development cover request that results in equivalent or less cover for sites currently exceeding permissible limits.

<sup>7</sup> The maximum permitted height for properties located in the River Ridge Addition (extended) shall not exceed 28 feet in height. All building heights are subject to neighborhood compatibility standards in Article 7.17.

## § 6.01 LOT ARRANGEMENT AND DIMENSIONAL STANDARDS.

(D) *Yard projections in R-districts:* Certain architectural features may project into required yards or courts as follows:

Architectural Feature	Front Yards	Side Yards Along a Side Street Lot Line	Interior Side Yards and Side Yard Increased (Longwall)	Rear Yards
<b>Cornices, Canopies, Eaves, or Similar Architectural Roof Projections</b>	May project up to 2'	May project up to 2'	May project up to 1/2 20 percent of the required least width, not to exceed 3'	May project up to 2'



<b>Entrance Platforms/Porches</b>	May project up to 5'; subject to the limitations in footnote 1 below	May project up to 5' subject to the limitations in footnote 1 below	May project up to $\frac{1}{5}$ 20 percent of the required least width, not to exceed 3' subject to the limitations in footnote 1 below	May project up to 5' subject to the limitations in footnote 1
<b>Cantilevered Window Wall Projections such as, but not limited to, Bay, Bow, and Box Windows</b>	For yards that are platted, unless otherwise permitted by the terms of the plat or deed restriction, no projection permitted. For unplatted yards and platted yards which permit encroachments but do not specify sizes, these architectural features may project up to 2' not to exceed 8' in width	No projections permitted	No projections permitted	May project up to 2', not to exceed 8' wide
<b>Chimneys and Direct Vent Fireplace Inserts</b>	No projection permitted	No projection permitted	May project up to $\frac{4}{5}$ 20 percent of the required least width, not to exceed thirty inches subject to the limitations in footnote 2	<del>No projection permitted</del> May project up to 5'
<b>Basement Egress Window or Below-Grade Stairs</b>	Projection permitted	Projection permitted	Projection permitted	Projection permitted
<b>Carport Enclosure (with no footprint changes or additional story in the River Ridge Addition only)</b>	No projection permitted	No projection permitted	Projection permitted when compatible with the principal residence and screening is provided	No projection permitted
<b>Footnote 1:</b> An entrance platform may encroach as noted in the table above if not exceeding a width of ten feet and not exceeding a height of two feet above the finished grade of the lot.				
<b>Footnote 2:</b> In the R-S and R-1 zoning districts only, a chimney, built as part of and serving the principal residence, may project as noted in the table above if not exceeding eight feet in width.				

## § 6.09 ACCESSORY STRUCTURES AND USES.

(D) *Standards:* The following standards are presented by accessory use and/or building type.

(12) *Private swimming pools and hot tubs:*

(a) *Location, area and height:*

- i. All hot tubs shall be located within the buildable area unless the hot tub is partially buried below grade. Swim spas ~~and~~ or hot tubs having more than one hundred fifty (150) square feet of area on the water surface when filled to capacity shall meet all regulations for swimming pools;



- ii. All swimming pools, **swim spas and buried hot tubs** and portions thereof, including walkways and decking, shall be located at least ten (10) feet from side and rear property lines, and shall be located behind the front building setback line. Location within a platted easement, platted reserve or platted side or rear yard setback line is prohibited; any change or modification would require plat amendment approval. Installation of a swimming pool may allow a development coverage bonus per Table 5-F;
  - iii. The top of the walls, decks or walks of any swimming pool, **swim spa or buried hot tub** shall not project more than two (2) feet above the average finished grade of the pool site or portion of the lot immediately surrounding the pool;
  - iv. Swimming pool accessories are limited to diving boards, slides and lights designed to illuminate the pool and the immediate surrounding area. None of these accessories may exceed ten (10) feet in height, such height to include handrails, supports and other safety devices, and may not cover a ground surface area in excess of thirty (30) square feet;
  - v. Swimming pool equipment shall be located a minimum of three (3) feet from side and rear property lines, and shall not occupy any part of an easement; and
  - vi. Swimming pool equipment shall not exceed sixty (60) decibels in sound output when measured at the property line.
- (17) Solar panels: A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat, shall comply with the following restrictions:
- (a) Location:
    - 1. Ground mounted solar panels exceeding two (2) square feet in area shall be located in a side or rear yard only, shall maintain a setback of ten (10) feet from property lines, and shall not be located in a platted easement. However, utility companies may install solar panels within an easement, subject to aesthetic considerations and Subsection 6.10(C)(11).
    - 2. Roof and flush-mounted solar panels may be located on any ~~roof structure which meets setback requirements~~ **principal residence, detached garage or accessory structure**.
  - (b) Height:
    - 1. Ground mounted solar panels shall not exceed eight (8) feet in height.
    - 2. Roof and flush-mounted solar panels shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.
  - (c) Aesthetic consideration: Ground mounted solar panels shall be fully screened from adjacent properties by fencing or structures (detached garages, neighboring accessory structures, etc.) or a combination of evergreen and deciduous plantings.
  - (d) Exemptions: Solar panels less than two (2) square feet in area and those installed within the right-of-way by a utility company pursuant to Subsection 6.10(C)(11) or by the City are not subject to the regulations set forth above.

