

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 21-2016

TO AMEND UDO ARTICLE 2 – DEFINITIONS; §5.02 – RESIDENTIAL DISTRICTS; UDO TABLE 5-D – MIXED USES; UDO TABLE 5-G – COMMERCIAL DEVELOPMENT STANDARDS; AND UDO §6.09 – ACCESSORY STRUCTURES AND USES; RELATIVE TO THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, staff has proposed amendments to the Unified Development Ordinance including the addition of 'Brewpubs' and 'Microwineries' as defined terms and uses, modification of building setbacks and coverage limits in some commercial areas, as well as changes to the regulation of accessory structures and solar panels;

WHEREAS, the Board of Zoning and Planning has reviewed and recommended the proposed amendments at its March 29, 2016 meeting;

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 the definition of Brewpub is added to UDO §2.02 – Definitions (A-B) to read as follows:

Brewpub: means a combination microbrewery (producing less than 15,000 barrels per year) and restaurant, where beer is brewed for consumption primarily on-site and is served along with a full food menu.

SECTION 3. That the definition of Microwineries is added to UDO §2.05 – Definitions (I-M) to read as follows:

Microwinery: means a small wine producer that sources its grape product from an outside supplier or an off-site vineyard, and offers a limited or full food menu.

SECTION 4. That the definition of Personal services contained in UDO §2.06 – Definitions (N-Q) is hereby amended to read as follows:

§ 2.06 - DEFINITIONS (N-Q).

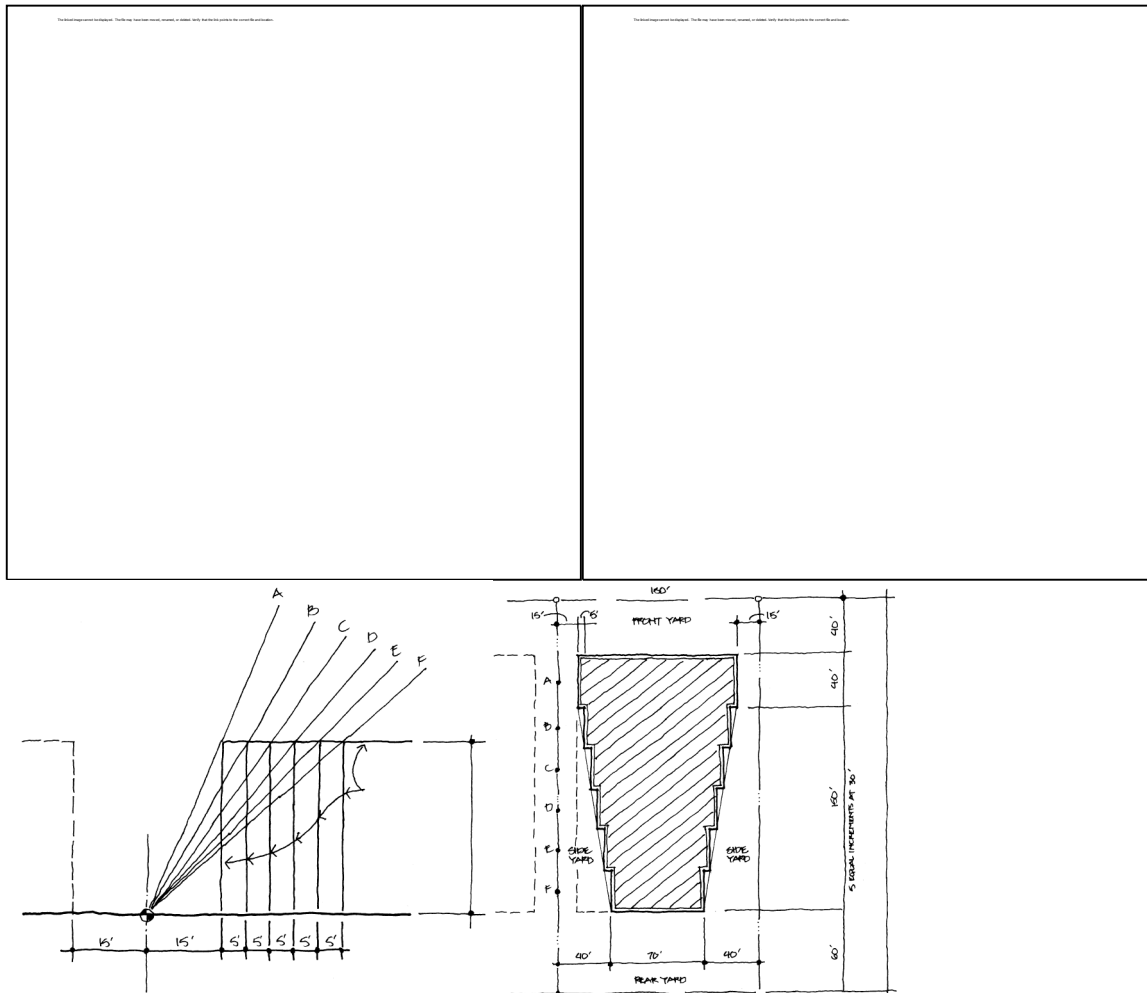
Personal services: means an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, non-overnight pet grooming, shoe repair shops, and tailor shops. A tattoo parlor or body-piercing studio shall not be considered a personal service.

SECTION 5. That the definition of Side yard increased (longwall) contained in UDO §2.07 – Definitions (R-S) is hereby amended to read as follows:

§ 2.07 - DEFINITIONS (R-S).

Side yard increased (longwall): means the situation where, beginning at the front façade of the structure, each side yard, where required, shall be increased in width by two (2) inches for each foot by which the elevation length of the building, adjacent to the side yard, exceeds forty (40) feet. Adjacent in this context means any portion of the side wall that is closer to the side property line than twenty-five percent (25%) of the lot width at the place of measurement. ~~In no case shall the total elevation length of the side wall of a principal structure exceed fifty percent (50%) of the average lot depth.~~

Longwall Plan



SECTION 6. That UDO §5.02 – Residential Districts is hereby amended to read as follows:

§ 5.02 - RESIDENTIAL DISTRICTS.

(A) Purpose: The following generally describes the purpose and general characteristics of each residential district:

- (1) R-S residential suburban district: The purpose of the R-S district is to allow single-family dwellings in low-density residential neighborhoods. This district is further subdivided into four (4) subdistricts: R-Sa, R-Sb, R-Sc, and R-Sd, differing primarily in required lot area and yard space. Net densities range from 0.33 dwelling units per acre in the R-Sa district to two (2) dwelling units per acre in the R-Sd district. Permitted uses generally include, but are not limited to, single-family residential, institutional, cultural, recreation, and day care.
 - (2) R-1 one-family residence district: The purpose of the R-1 district is to allow single-family dwellings in low- to medium-density residential neighborhoods. Two-family dwellings are a conditional use. The district is further subdivided into three (3) subdistricts: R-1a, R-1b, and R-1c, differing primarily in required lot area and yard space. Net densities range from 1.09 dwelling units per acre in the R-1a district to 4.84 dwelling units per acre in the R-1c district. Permitted uses generally include, but are not limited to, single-family residential, ~~two-family residential~~, institutional, cultural, recreation, and day care.
 - (3) R-2 one-to-four-family residence district: The purpose of the R-2 district is to allow single-family dwellings and two- to four-family dwellings in medium-density residential neighborhoods. The district is further subdivided into two (2) subdistricts: R-2a and R-2b, differing only in height regulations. Net densities range from 4.84 dwelling units per acre in the R-2a district to 14.52 dwelling units per acre in the R-2b district. Permitted uses generally include, but are not limited to, single-family and two- to four-family residential, institutional, cultural, recreation, and day care.
 - (4) R-3 multi-family residence district: The purpose of the R-3 district is to allow single-family dwellings and multi-family dwellings (up to six (6) units in a building) in medium-density residential neighborhoods. The district is further subdivided into two (2).
 - (5) RCD residential community development district: The purpose of the RCD district is to allow residential uses in medium- to high-density residential complexes. Permitted uses generally include, but are not limited to, single-family, and two- to six-family residential, institutional, cultural, recreation, day care, and adult care facility retirement homes.
- (B) Permitted, prohibited, accessory, and conditional uses: Permitted, prohibited, accessory, and conditional uses for each of the residential use districts are listed in Table 5-A, Residential Uses and Table 5-B, Home Occupational Uses.
- (C) Performance standards: Development standards for each of the residential districts are listed in Table 5-E, Residential Building Area, Density, and Setback Standards and Table 5-F, Residential Building Coverage and Height Standards. Standards for the RCD, residential community development district, shall be established by specific text approved by the Board of Zoning and Planning for each individual development.

SECTION 7.

That UDO Table 5-D – Mixed Uses is hereby amended to read as follows:

Table 5-D: Mixed Uses

Planned Mixed Use	Planned Mixed Use Districts						
	Kingsdale	Tremont	Northwest Boulevard	Mallway	Henderson Road	Lane Avenue	Route 33
Residential Uses							
Multi Family Residential (senior housing, townhouse,	P	P	P	P	P	P	C

condominiums, apartments, second story units, flex units)							
Residential/Commercial Uses							
Commercial Uses							
Daycare-	P	P	P	P	P	P	P
Live/Work Units	P	P	P	Pr	P	P	P
Lodging and Hotel	P	Pr	Pr	Pr	P	P	P
Administrative & Office, Community Scale	P	P	P	C	P	P	P
Administrative & Office, Neighborhood Scale	P	P	P	P	P	P	P
Automotive Service and Repair	Pr	Pr	Pr	Pr	C	C	C
Drive-Thru Uses	Pr	Pr	Pr	Pr	C	C	C
Drive-Thru Uses, rear and side only	C	C	C	Pr	C	C	C
Eating/Drinking Establishments (including brewpups and microwineries) and Outdoor Dining	P	P	P	P	P	P	P
Entertainment-Movie theaters, theaters	P	Pr	Pr	Pr	P	P	P
Financial Services (banks, savings and loans and credit unions)	P	P	P	P	P	P	P
Funeral Homes	C	Pr	Pr	Pr	Pr	Pr	Pr
In Between Gathering Place (coffee bar, pub, exercise clubs,	P	P	P	P	P	P	P

[illegible]

SECTION 8.

That UDO Table 5-G – Residential Districts is hereby amended to read as follows:

Table 5-G: Commercial Development Standards

District		Building Setback			Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Impervious Surface Coverage (Percent)	Minimum Lot Area
		Maximum from Curb Face ¹ (Feet)	Minimum from R.O.W. (Feet)	Maximum from R.O.W. (Feet)				
Commercial/Office Districts	B-1	15	0	10	10	10	70 80	NA
	B-2	15	0	10	10	10	70 80	NA
	B-3	15	0	10	10	10	70 80	NA
	PB-3	20	0	10	50	50	70 80	10 acres
	O	20	0	10	15	40	70 80	20,000 sq. ft.
	ORC	20	0	10	25	25	70 80	5 acres
Planned Mixed Use Districts	Kingsdale	15	0	10	0 ²	0	90	3 acres
	Kingsdale West	15	0	10	0 ²	0	90	1 acre
	Tremont	15	0	10	0 ²	0	80	2 acre
	Northwest Blvd	15	0	10	0 ²	0	80	2 acre
	Mallway	15	0	10	0 ²	0	90	1 acre
	Henderson Road	20	0	10	0 ²	0	80	3 acres
	Lane	20	0	10	0 ²	0	80	1 acre

	Avenue							
	Route 33	20	0	10	0 ²	0	80	1 acre
¹ If the maximum building setback from the curb is within the existing right-of-way, then the setback shall not exceed 10 feet or the maximum setback from the right-of-way for each district.								
² Adjacent to a different zoning category, the setback shall incorporate the adjacent setback up to six (6) feet.								

District		Minimum to Maximum Floor Area Ratio	Minimum Building Frontage (percent)	Maximum Block Length (feet)	Maximum Height to Cornice ⁴ (feet)	Maximum Parking Ratio		Minimum Residential Density (units per acre)
						Non-residential Spaces/sq. ft.	Residential Spaces/Dwelling Unit	
Commercial/Office Districts	B-1	.50-.75	60	400	30'	*5	*5	NA
	B-2	.60-.75	70	400	30'	*5	*5	NA
	B-3	.75-.80	75	400	35'	*5	*5	NA
	PB-3	.75-.90	80	400	35'	*5	*5	NA
	O	.50-.75	60	400	40'	*5	*5	NA
	ORC	.50-.75	60	400	*3	*5	*5	NA
Planned Mixed Use Districts	Kingsdale	.45-.75	45	400	96'	4/1000	1.5	15
	Kingsdale West	.40-.70	60	400	48'	3.5/1000	1.5	15
	Tremont	.35-.70	60	400	48'	3.5/1000	1.5	15
	Northwest Blvd	.35-.70	60	400	48'	3.5/1000	1.5	15

	Mallway	.35-.70	60	400	48'	3/1000	1.5	15
	Henderson Road	.35-.85	60	400	96'	5/1000	2.5	15
	Lane Avenue	.35-.70	60	400	48' Up to 96' for properties east of North Star Road which provide an appropriate transition approved by BZAP	Minimum 3/1000 for office, 4/1000 for retail, 5/1000 for medical office, and 7/1000 for restaurant	1.5	15
	Route 33	.35-.70	60	400	54'	3.5/1000	1.5	15
³ Height determined as part of the Major Site Plan.								
⁵ Parking ratios applicable to a specific use, refer to the Parking and Loading Standards, Section 6.03.								
*Additional parking for medical office and restaurant uses up to 5/1000 SF is permitted								
^Additional shared parking arrangements required for banquet halls and restaurant uses required. Proper enforcement language must be included. Uses not included require a minimum parking ratio of 3.5/1000 SF.								

SECTION 9.

That Subsection (C) – General Conditions of UDO §6.09 – Accessory Structures is hereby amended to read as follows:

§ 6.09 - ACCESSORY STRUCTURES AND USES.

(C) General provisions: The following general provisions shall apply:

(1) Types:

- (a) Storage structures: Any structure used solely for storage of materials, supplies, tools and similar items.
- (b) Recreational structures: Any structure used for recreational activity, including but not limited to, goal nets, backstops, trampolines, half-pipes, quarter-pipes, ramps, ~~pet structures, playhouses and playground equipment, pavilions, and outdoor fireplace or kitchen structures.~~ Basketball goals and portable lacrosse, hockey and small soccer goals in the front of the principal residence are exempt from the restrictions noted in this section.

- (c) Pet structures: Any structure used to house or contain family pets.
 - (d) Mechanical devices: Any device incidental to the operation or use of the principal building, including but not limited to, air conditioners, electric generators, heaters and rain barrels.
 - (e) Patio structures: Any detached, permanent structure used primarily for outdoor entertaining, cooking or dining purposes, including but not limited to: outdoor fireplaces, kitchens or bars.
- (2) Location:
- (a) No accessory structure shall be located in a platted easement or public right-of-way.
 - (b) No accessory structure shall be located in front of a platted building line or in a front yard ~~setback~~.
 - (c) Storage structures are ~~also~~ to maintain a minimum setback of three (3) feet from side and rear property lines.
 - (d) Recreational, ~~patio, structures~~ and pet structures are ~~also~~ to maintain a minimum setback of ten (10) feet from side and rear property lines.
 - (e) Mechanical devices, including wires, pipes, supports, or other appurtenances shall not be located in any front yard, nearer to any street than the front face of the principal building in question, or nearer to any side or rear property line than three (3) feet.
 - (f) All generators, including wires, pipes, supports, or other appurtenances, must be located within the buildable area of the lot, in addition to being behind the front face of the principal building.
- (3) Number/Size:
- (a) Only one (1) storage ~~accessory~~ structure;
 - (b) Only one (1) recreational structure; ~~and~~
 - (c) Only one (1) pet structure; ~~and is permitted in addition to those accessory structures regulated by separate ordinance per lot.~~
 - (d) The total square footage of all accessory structures shall not exceed the accessory cover limit specified in Table 5-F.
- (4) Height/Noise:
- (a) No storage ~~accessory~~ structure shall exceed ten (10) feet in height.
 - (b) No patio or recreational ~~accessory~~ structure shall exceed twelve (12) feet in height.
 - (c) No pet structure shall exceed six (6) feet in height.
 - (d) Mechanical devices shall not exceed eighty (80) inches in height.
 - (e) Mechanical devices shall not exceed sixty (60) decibels in sound output when measured at the property line.
- (5) Aesthetic consideration: The vistas of adjacent property owners shall be considered with the installation and maintenance of storage ~~accessory~~ structures and generators. As viewed from neighboring property lines, no more than fifty percent (50%) of said structure or generator shall be visible during all seasons of the year. Fifty percent (50%) opacity can be achieved by use of the following methods:
- (a) Existing or new vegetation.
 - (b) Existing or new fencing.
 - (c) Existing structures (detached garages, neighboring accessory structures, etc.).
- (6) Temporary exceptions/modifications to this section: The Director of Development is authorized to grant temporary exceptions to or modifications of this section in special circumstances where a necessity exists for the use of a vehicle described in Subsection 6.09(D)(6) and the prohibitions

contained in said section would constitute a real hardship. Such special circumstances may include, but are not limited to, the location of a field office required for a construction project. Such permission shall be limited to the time during which the use of such vehicle is reasonably necessary for the project for which such exception was granted.

- (7) Keeping of livestock: The keeping of livestock on any property, other than those properties zoned for agricultural use, shall be prohibited unless otherwise approved by the Board of Zoning and Planning.

SECTION 10. That Subsection (D)(2) – Standards: Decks and Balconies of UDO §6.09 – Accessory Structures is hereby amended to read as follows:

(2) Decks and balconies:

- (a) Location: ~~All decks and balconies shall be attached or contiguous to the principal structure or principal building.~~ Decks may be located in an interior side yard or rear yard as long as they are at least three (3) feet from the side and rear property lines, ~~and do not occupy any part of a platted easement, and are subject to the limitations described below. Unless utilized for a front porch or entrance platform per the requirements of Article 6.01(D), no deck shall project into the front yard. Detached or floating decks must be located within the buildable area of the lot, and are subject to limitations described below for encroaching decks.~~ Balconies shall be ~~attached or contiguous to the principal structure or building, and~~ located completely within the buildable area.
- (b) Encroachments: The following requirements apply only to decks that encroach into required yards and shall not apply to decks that are located entirely within the buildable area:
- i. The deck platform shall not exceed two (2) feet above grade at any point within six (6) feet of the deck's perimeter.
 - ii. The deck shall have no walls or roof planes, or permanently attached benches, seats, or other structures of any kind, except a guardrail, which may be up to forty-two (42) inches in height above the top of the deck.
 - iii. ~~The handgrip portion of the guardrail shall not be more than three and one half (3½) inches in width, if the handgrip is flat.~~

SECTION 11. That Subsection (D)(11) – Standards: Gazebos, trellises, pergolas, pavilions and other open-sided structures of UDO §6.09 – Accessory Structures is hereby amended to read as follows:

- (11) Gazebos, trellises, pergolas, pavilions and other open-sided structures: These structures are defined as a free-standing, unheated structure which is unenclosed except for a structural system supporting a roof, and screen panels which may be used to enclose the open spaces between structural elements. The structure must meet the following minimum design criteria:
- (a) All open-sided structures are limited to one (1) story; and the height to the top of the highest roof ridge beam, or to the highest point of any other roof form, from the finished floor may not exceed fifteen (15) feet.
 - (b) The area may not exceed two hundred (200) square feet.
 - (c) Materials: All finished roof surfaces, except for flat roofs, shall be either metal, seal-tab asphalt shingles, clay tile, slate or wood shingles. All other finish surfaces shall be either wood, brick, stone, screen or any combination thereof.
 - (d) All structures shall be located in the rear yard buildable area. ~~This area is defined as the interior lot area bounded by the rear yard setback line and a side yard setback line on each~~

~~side of the house, which is parallel to the side property line, and turns at a ninety-degree angle to intersect the corner of the house closest to the side yard being considered.~~

- (e) Illumination of the structure exterior is prohibited. Illumination within the structure shall not exceed seventy (70) footcandles measured at a horizontal plane three (3) feet above the finished floor.
- (f) If the structure is built on a mound, deck, or other elevated surface, the height of this elevated surface at its highest point above grade shall be added to the height of the structure to determine the overall height of the structure being measured.
- (g) These regulations shall not apply when an open-sided structure is attached to the principal residence and is within the buildable area of the lot.

SECTION 12. That Subsection (D)(17) – Standards: Solar Panels of UDO §6.09 – Accessory Structures is hereby amended to read, as follows:

(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. ~~shall be located on a side or rear yard facing roof structure, unless such installation is proven to the satisfaction of the Director of Development to be ineffective removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing roof installation.~~

(b) Height:

- 1. Ground mounted solar panels shall not exceed eight (8) feet in height.

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

PASSED: May 9, 2016

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. 21-2016 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 May 10, 2016.

City Clerk of the City of Upper Arlington

Vote Slip

Sponsor: Mr. Adams
Date Introduced: April 25, 2016

Legal Ad:
Newspaper:

Reading Date(s): April 25, 2016: May 9, 2016

Voting Aye: Adams, Casper, Greenhill, King and Johnson
Voting Nay:

Abstain:
Absent: DeCapua

Date of Passage: May 9, 2016

City Council Conference Session/Other Review: April 18, 2016

Other: Thirty Day Clause;