

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 54-2017

TO AMEND UDO ARTICLE 2 – DEFINITIONS; UDO SECTION 4.10 – APPEALS; UDO TABLE 5-D – MIXED USES; UDO TABLE 5-G – COMMERCIAL DEVELOPMENT STANDARDS; UDO 6.03(C) – PARKING AND LOADING STANDARDS: PARKING REQUIREMENTS; UDO TABLE 6-A – MINIMUM PARKING SPACE DIMENSIONS; UDO TABLE 6-G – PARKING REQUIREMENTS: F – MIXED USE; UDO SECTION 6.07 – LANDSCAPING, SCREENING AND BUFFERING; UDO SECTION 6.09(C) – ACCESSORY STRUCTURES: GENERAL PROVISIONS; UDO SECTION 6.09(D) – DETACHED GARAGES AND DECKS: STANDARDS; UDO SECTION 7.15 – BUFFERING AND SCREENING; AND UDO SECTION 7.17 – RESIDENTIAL CONSERVATION; RELATIVE TO THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, staff has proposed amendments to the Unified Development Ordinance to address microbreweries, marijuana dispensaries, appeals to BZAP, appeals to City Council, parking requirements for hotels, parking space dimensions, drainage and grading for large patios and sport courts, certain accessory structures including swimming pool houses, pergolas, and trellises, detached garage dormers and area limitations, buffering and screening of solid waste containers, and additional residential design standards; and

WHEREAS, the Board of Zoning and Planning has reviewed and recommended a majority of the proposed amendments at its September 18, 2017 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 “Automobile service” found in U.D.O. §2.02, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

Automobile service: means any building, structure, or land used primarily for the dispersal, sale, or offering for the cleaning and washing of automobiles or the sale of automotive fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including repair work, such as motor replacement, rebuilding, body and fender repair, or painting.

SECTION 3. That the definition of “Brewpub” found in U.D.O. §2.02, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be deleted:

~~***Brewpub:***~~ means a combination microbrewery (producing less than fifteen thousand (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 4. That the definition of “Impervious cover” found in U.D.O. §2.05, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be deleted:

~~***Impervious cover:***~~ means that portion of a lot or parcel of land which is covered by any material with a runoff coefficient greater than that assigned to the land in its natural state in Exhibit 5-2 of the Mid Ohio Regional Planning Commission's Stormwater Design Manual, dated June, 1977. (Larger coefficients produce increased rates of runoff within a given time period. This increased volume increases the possibility that the design capacity of a given storm sewer will be overextended).

SECTION 5. That the definition of “Light Loss Factor (LLF)” found in U.D.O. §2.05, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be deleted:

~~***Light loss factor (LLF):***~~ means a multiplier which is applied to account for the conditions which reduce light output over time. These include temperature and voltage variations, lamp aging and dirt build up on lamp, luminary, and room surfaces. In common practice, light loss factors are applied to initial foot candles to determine the light level that will be maintained in a given area.

SECTION 6. That U.D.O. §2.05, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to add the definition of “Microbrewery,” which shall read as follows:

Microbrewery: means a limited production brewery, producing less than fifteen thousand (15,000 barrels per year), where beer is brewed for consumption primarily on-site.

SECTION 7. That the definition of “Microwinery” found in U.D.O. §2.05, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended 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 8. That the definition of “Personal Services” found in U.D.O. §2.06, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

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 **or marijuana dispensary** shall not be considered a personal service.

SECTION 9. That U.D.O. §2.06, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to add the definition of “Pharmacy (or drug store),” which shall read as follows:

Pharmacy (or drug store): An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. Marijuana and marijuana-related products shall not be sold in a pharmacy or drug store.

SECTION 10. That the definition of “Retail, convenience” found in U.D.O. §2.07, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

Retail, convenience: A commercial enterprise having as its primary function the sale of goods and/or services directly to the consumer, where the goods for sale are available for immediate purchase and removal from the premises by the purchaser. A marijuana dispensary shall not be considered convenience retail.

SECTION 11. That the definition of “Retail, luxury” found in U.D.O. §2.07, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

Retail, luxury: A commercial enterprise having as its primary function the sale of goods directly to the consumer where the minimum price for the majority of individual items offered for sale exceeds one hundred fifty dollars (\$150.00), such as jewelry, men's or women's fashion clothing or accessories, or electronics such as computers. This shall not include big box retail or retail related to automobiles, automotive products, motorcycles, motorcycle products, boats or boating products, furniture, hot tubs/spas or appliances, and marijuana and marijuana-related products.

SECTION 12. That U.D.O. §4.10 (B), Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

(B) Appeals to BZAP: The following outlines the appeals process and notification requirements for appeals to BZAP from an administrative decision:

- (1) An appeal to BZAP shall be made within ten (10) days from the date of issue of the order appealed from, by filing a notice of appeal with the Director of Community Development. The Director shall transmit to the BZAP all the papers constituting the record upon which the order appealed from was taken. No enforcement action of the Director of Community Development shall take effect until after the expiration of ten (10) days from the date of the order.

(2) Upon the filing of the appeal and payment of the filing fee and cost of mailing, the Director of Community Development shall notify BZAP and schedule a public hearing on the proposed appeal. Unless continued as provided herein, the hearing shall be held within ninety (90) days of the date of the filing of such appeal. The hearing may be continued by either party upon filing a written notice to the Director and the approval of a majority of BZAP Members. If all parties are in agreement regarding a continuance, no vote of BZAP is required and the Chairman of BZAP may approve the new hearing date. The hearing may be continued by a majority vote of BZAP at any time. The Director shall give notice by one publication in a newspaper of general circulation at least five (5) days before the date of the hearing and shall give notice of the hearing to the interested parties. The notice shall state the time and place of the hearing and a summary of the proposed appeal.

(3) The BZAP shall hear the application or appeal at its first meeting occurring after such required publication and notice. It shall decide the case within thirty (30) days from the date of such hearing. At the hearing, any party may appear in person or be represented by an attorney.

SECTION 13. That U.D.O. §4.10 (C), Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

(C) *Appeals to City Council:* The following outlines the appeals process and notification requirements for appeals from a BZAP decision to City Council:

(1) No order of the BZAP shall take effect until the expiration of twenty-one (21) days from the date of the meeting at which such action is announced. An appeal to City Council shall be taken within twenty-one (21) days after the final action of the BZAP by filing a written notice of such appeal with the City Clerk and paying the filing fee and the cost of mailing the notices required in Subsection (C)(3). Payment shall be due at the time of filing the notice of appeal and shall be considered jurisdictional.

~~(2) Within five (5) working days of determining that a written notice of appeal filed with the City Clerk contains all the necessary and required information~~ Upon the filing of the appeal and payment of the filing fee and cost of mailing, the City Clerk shall notify place the written notice on the Council agenda and schedule a public hearing on the proposed appeal. Unless continued as provided herein, the hearing shall be held within sixty (60) days ninety (90) days of the date of the filing of such appeal. The hearing may be continued by either party upon filing a written notice to the City Clerk and the approval of a majority of Council Members. If all parties are in agreement regarding a continuance, no vote of Council is required and the President may approve the new hearing date. The hearing may be continued by a majority vote of City Council at any time. 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 state the time and place of the hearing and a summary of the proposed

appeal. Maps and plans (if applicable) shall be on file for public examination in the office of the City Clerk.

(3) Written notice of the public hearing shall be provided to all owners of property within one hundred (100) feet of the subject site, based on the information available from the Franklin County Auditor's website. Such notice shall be sent, by the City Clerk by certified mail, at least ten (10) days before the date of the hearing. The mailing of the notice is sufficient proof of service.

(4) The applicant, Council, staff or any party may request a change in the date of the public hearing pursuant to UDO Article 4.10 (C)(2) by filing a written request with the City Clerk setting forth the reason for the change in date. If the applicant makes the request and it is granted, the applicant shall be responsible for the City Clerk's costs to mail a new notice of hearing as required in Subsection (C)(3) and to publish a new notice of hearing as required in Subsection (C)(2). Failure to pay these costs prior to the hearing shall result in dismissal with prejudice of the appeal. Any change in the date of the public hearing requires the approval of the president of Council. The decision of the president of Council shall be final.

(5) A proper permit may be issued for construction before the expiration of the twenty-one-day waiting period provided all of the following conditions exist:

(a) Required notices have been given and not dispensed with by the BZAP.

(b) There are no written objections filed by any person aggrieved by the decision.

(c) There are no objections stated at the hearing of the BZAP by any person aggrieved by the decision.

(d) No appeal to Council has been filed with the City Clerk by any person aggrieved by the decision of the BZAP prior to the issuance of the permit.

(e) The applicant has filed a hold harmless application for the waiver of the twenty-one-day waiting period specifically acknowledging the rights of anyone appealing the decision of the BZAP and that the applicant understands he or she proceeds at his or her peril.

SECTION 14. That the use "Eating/Drinking Establishments (including brewpubs and microwineries) and Outdoor Dining" contained in U.D.O. Article 5, Table 5-D: Mixed Uses, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

Eating/Drinking Establishments (including ~~brewpubs~~ microbreweries and microwineries) and Outdoor Dining.

SECTION 15. That the footnote designated "A" as contained in U.D.O. Article 5, Table 5-G: Commercial Development Standards, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

^Additional shared parking arrangements required for banquet halls and restaurant uses required. Proper enforcement language must be included. Hotels require a minimum of one space per room plus one space per employee. Uses not included require a minimum parking ratio of 3.5/1000 SF.

SECTION 16. That U.D.O. §6.03 (C): *Parking requirements*, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

(C) *Parking requirements*: Parking spaces shall be provided per Table 6-G, Parking Requirements. For any use not specifically listed in Table 6-G, the parking requirements shall be those of the most similar use as determined by the Director of Community Development. Parking space dimensions and aisle widths shall be provided per Table 6-A, Minimum Parking Space Dimensions and Table 6-B, Minimum Aisle Width in feet. Up to 20% of required off-street parking spaces may be compact parking spaces.

SECTION 17. That U.D.O. Article 6, Table 6-A: Minimum Parking Space Dimensions, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

Table 6-A: Minimum Parking Space Dimensions

<u>Full-Size Parking Space</u>	<u>Parking Angle</u>		
	<u>< or = 45 Degrees (feet)</u>	<u>46-79 (feet)</u>	<u>80 Degrees or More (feet)</u>
Width	10 <u>9</u>	10 <u>9</u>	9
Length	23 <u>18</u>	20 <u>18</u>	18
<u>Compact Parking Space</u>	<u>Parking Angle</u>		
	<u>< or = 45 Degrees (feet)</u>	<u>46-79 (feet)</u>	<u>80 Degrees or More (feet)</u>
<u>Width</u>	<u>8</u>	<u>8</u>	<u>8</u>
<u>Length</u>	<u>16</u>	<u>16</u>	<u>8</u>

SECTION 18. That U.D.O. Article 6, Table 6-G: Parking Requirements, Section F. Mixed Use, Article 11 of the Upper Arlington Codified Ordinances, as shall hereby be amended to read as follows:

F. Mixed Use

Type of Use	Maximum Parking Spaces Required
Mixed development	use 3 per 1,000 sq. ft. (except Henderson Road study area — (see Table 5-G)

SECTION 19. That U.D.O. §6.07 (D): *Development coverage*, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

(D) *Development coverage*: Site development coverage shall not exceed the percentages listed in Table 5-F and Table 5-G. Permeable paving surfaces are encouraged as a means to mitigate stormwater runoff. Patios and sport courts which exceed 500 square feet and are within ten feet of a property line require approval of drainage and grading plan.

SECTION 20. That U.D.O. §6.09(C): *General Provisions*, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

(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, swimming pool houses, playhouses and playground equipment. Basketball goals and portable lacrosse, hockey and small soccer goals, as well as small, free-standing neighborhood book exchange boxes and small giving pantries 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: pergolas, trellises, 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.
- (c) Storage structures are to maintain a minimum setback of three (3) feet from side and rear property lines.
- (d) Recreational, patio, and pet structures are 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 structure;
- (b) Only one (1) recreational structure;
- (c) Only one (1) pet structure; and.
- (d) The total square footage of all non-patio accessory structures shall not exceed the accessory cover limit specified in Table 5-F.

(4) *Height/Noise:*

- (a) No storage structure shall exceed ten (10) feet in height.
- (b) No patio or recreational structure shall exceed twelve (12) feet in height. A pergola or trellis shall not exceed fifteen (15) 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 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 21. That U.D.O. §6.09(D)(1), Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

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

(1) *Detached garages and carports*:

- (a) *Setbacks*: No detached garage or carport shall be permitted nearer to any front lot line than sixty (60) feet. For corner lots, the detached garage or carport can be built along the front setback line when proposed along the longer of the street frontages. A detached garage or carport shall maintain a minimum side and rear yard setback of at least three (3) feet, and shall not occupy any easement.
- (b) *Timing of construction*: No detached garage or carport shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.
- (c) *Quantity*: There shall be no more than one (1) detached garage or carport per dwelling unit.
- (d) *Height*: Detached garage or carports located outside of the buildable area of the lot shall not exceed the height limitations specified in Table 5-F for detached garages and carports. Detached garages or carports located completely within the buildable area of the lot shall not exceed the height limitations specified in Table 5-F for principal buildings.
- (e) *Detached garage dormers*: ~~Dormers windows on detached garages or carports~~ are not permitted except when they face one (1) or more streets contiguous to a property line ~~of the parcel on which the dormer is located~~.
- (f) *Detached garage area limits*: Detached garages or carports located outside of the buildable area of the lot shall not exceed the detached garage building cover limit specified in Table 5-F. **The 870-square foot limit shall not apply to detached garages located in multi-family residential districts, only the detached garage cover limit.**
- (g) *Detached garage roof and plate height*: The top plate wall height supporting all sloping roofs for detached garages and carports outside of the buildable area of the lot shall not exceed nine (9) feet above the parking floor elevation of the garage.
- (h) *Driveway required*: All detached garages and carports are required to have a hard surface driveway that consists of an approved impervious material and shall have a minimum width of eight feet.

- (i) *Attached roof structures*: Pergolas, trellises and other roof structures that are attached to the detached garage shall meet all provisions within this Section.

SECTION 22. That U.D.O. §6.09(D)(11), Article 11 of the Upper Arlington Codified Ordinances, shall hereby be 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.
- (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.

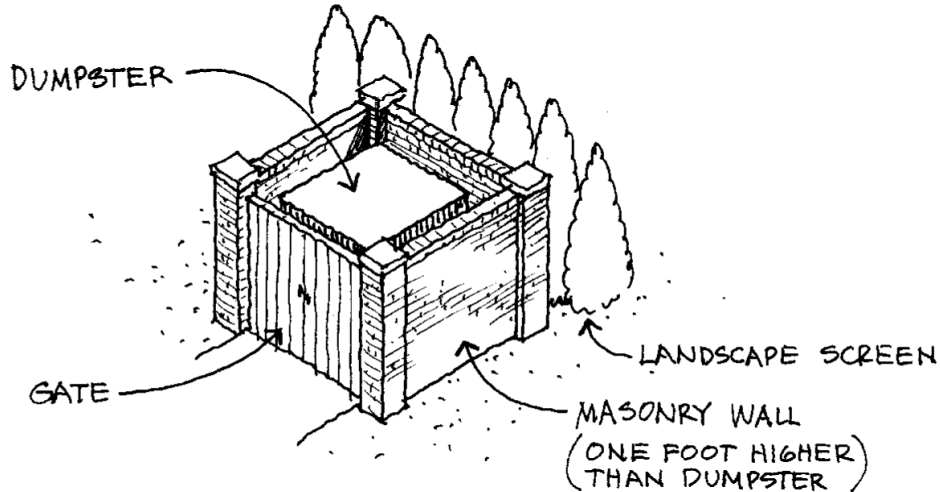
SECTION 23. That U.D.O. §7.15, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

§ 7.15 - BUFFERING AND SCREENING.

(A) *Purpose and intent*: Incompatible uses shall be sufficiently buffered and screened to ensure that adverse land use impacts should be mitigated. In the design of a screen or buffer, setbacks shall be taken into account to ensure an appropriate design solution. Where walls are used as screening, they shall be designed to blend with the parcel's architecture. See also Section 7.14, landscaping.

(1) *Trash dumpsters and donation bins/receptacles*: When located adjacent to buildings, but no further away than fifteen (15) feet, trash dumpsters and donation bins/receptacles shall be screened with masonry walls that match

the building. When located away from buildings further than fifteen (15) feet, trash dumpsters and donation bins/receptacles shall be screened in accordance with Section 6.07(H), with consideration given for masonry walls or other treatment that compliments the principal structure and with an entrance gate, but also screened with evergreen plant material on any side that faces a public right-of-way or residential use or zoning district. Screening shall exceed the height of the dumpster or donation bin/receptacle by one (1) foot and be no higher than six (6) feet.



(2) *Loading docks:* Loading docks shall be located adjacent to a building and screened with a masonry wing wall that matches the building.

(3) *Roof-, side- and ground-mounted mechanicals:* All outdoor equipment and mechanicals shall be screened from view. Screening of roof-mounted mechanicals shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Ground-mounted mechanicals shall be screened with evergreen plant material.

(4) Residential refuse containers: All solid waste, recycling and yard waste containers shall either be stored inside a garage or accessory structure or be stored outside. Containers stored outside shall be located to the side or rear of the residence and be reasonably screened so as to not be visible from the street. The containers shall be screened by either a natural landscape barrier with a minimum 50 percent opacity or a fence with a minimum height of 42 inches.

SECTION 24. That U.D.O. §7.17, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

§ 7.17 - RESIDENTIAL CONSERVATION DESIGN STANDARDS.

(A) *Purpose and intent:* Residential investment and infill redevelopment is encouraged to maintain and expand the property values in Upper Arlington. In the design of new single-family homes, major additions that exceed fifty percent (50%) of the total square footage, building footprint, or livable area of the existing structure, and for detached garages over four hundred (400) square feet in area, the following guidelines standards shall be considered apply:

- (1) *Neighborhood compatibility:* New single-family homes, major additions and detached garages shall be consistent with prominent characteristics existing in the neighborhood, relative to character, site layout, architectural styles and materials, heights, setbacks, roof pitch, garage location, front door orientation, amount of impervious surface, and other defining features.



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

- (2) *Elevations and floor plans:* Houses with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other.
- (3) *Façade articulation:* Building façades shall be articulated through the use of color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Design elements and detailing shall be continued completely around the structure. Such design elements shall include window treatments, trim detailing, and exterior wall materials.
- (4) *Privacy:* The location of the house on the lot, windows, orientation, building height, and location of on-site open spaces must be designed in such a manner as to preserve the privacy of existing adjacent homes and development.
- (5) *Snout houses:* The front elevation of new homes shall not be dominated by attached garages. Where possible the garages of new homes shall be side or rear loaded.

SECTION 25.

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

SECTION 26.

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

SECTION 27. That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

SECTION 28. That this ordinance shall take effect at the earliest date allowed by law.