

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2018-O-2335

TO APPROVE AN AMENDMENT TO CHAPTER 11 OF THE CITY CODE OF THE CITY OF HUBER HEIGHTS (PLANNING AND ZONING CODE) AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE 18-13).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 18-13 and on June 26, 2018 recommended approval by a vote of 5-0 to City Council the proposed amendment; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Title Seven of the Planning and Zoning Code of the City of Huber Heights is hereby amended as stated below.

Chapter 1180 – (BPO) Brandt Pike Revitalization Overlay District

1180.01 PURPOSE; INTENT

a. The purpose of the Brandt Pike Revitalization Overlay District is multi-faceted. On a practical level, the Overlay District standards are meant to implement the recommendations of the Brandt Pike Target Revitalization Study (2017) which identify a number of public health, safety, and welfare issues on Brandt Pike, including traffic congestion, changing land uses, aging shopping centers, unattractiveness, and lack of identity. As this part of Huber Heights has come close to reaching build-out, the opportunity to address these issues comes through site-by-site redevelopment, which is an incremental process that will occur in fragments. It is because of this fragmentation, that a cohesive framework that channels or guides new building and construction is needed; otherwise, redevelopment on individual parcels or sites will occur independent of the larger Brandt Pike Corridor context, perpetuating the public health, safety, and welfare issues. The Overlay is such a framework and is intended to supplement the land uses and development requirements of the multiple underlying zoning districts while providing more specific development standards that unify this unique corridor's development pattern by regulating primarily the form (scale, alignment, and composition of buildings); parking and loading; site amenities; landscape design; lighting; and graphics. It is also aimed at encouraging and incorporating environmentally-friendly design, facilitating pedestrian connections to adjacent neighborhoods, as well as better connecting the corridor to its surroundings and serve as a tool to achieve the City's vision for redevelopment and help to create an identity for this vital corridor.

b. It is the intent of the City of Huber Heights Brandt Pike Revitalization Overlay District to improve the health safety and welfare of the citizens of Huber Heights through objectives which include, but are not limited to, the following objectives:

A. To establish parking standards with the specific intent of coordinating traffic between adjoining properties.

B. To reduce access points to improve traffic safety, circulation, and coordination.

C. To provide standards for screening of service and loading areas, HVAC equipment, and other areas determined to detract from the aesthetic qualities of the streetscape.

- D. To regulate outdoor dining activities for the benefit of customers and pedestrians, while also preserving required parking and safe vehicular circulation.
- E. To minimize the potential for increased traffic congestion by providing incentives that require shared access points, cross-access easements, shared parking areas, and quality public spaces.
- F. To increase the number of pedestrian and vehicular connections between adjacent properties to provide complimentary and coordinated development of adjacent properties.
- G. To provide regulating standards which require orderly, well-planned development and to ensure that the new buildings and additions enhance the surrounding streetscape, including incentives for burial of existing utilities within the right-of-way.
- H. To use scale, building orientation and landscaping to establish community identity.
- I. To effectively and efficiently regulate the establishment and maintenance of businesses requiring outdoor storage of vehicles, type and heights of signage, equipment or merchandise.
- J. To establish a walkable streetscape by promoting a pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.

1180.02 APPLICABILITY TO UNDERLYING ZONING DISTRICTS

- a. The provisions of this chapter shall be applicable to all lands shown as being located within the boundaries of the "BP" Brandt Pike Revitalization Overlay District ("BP") on the Zoning Map and shall be supplemental to the regulations of the underlying zoning district.
- b. Any and all development, redevelopment, improvements, or the like, including, but not limited to, signage, and any variance, modification, and/or conditional use request for property with the BP shall be subject to the procedures and provisions set forth in this Chapter 1180. Any changes to the underlying zoning of property within the BP shall not remove the property from the BP unless expressly specified in the rezoning approval.
- c. The Planning Commission shall review the particular facts and circumstance of each proposed conditional use in terms of the requirements contained in this Chapter and shall find by a preponderance of the evidence that applicant has either met or made a good faith attempt to meet each applicable provision.

1180.03 PERMITTED USES

- a. Uses permitted in the underlying zoning districts; and
- b. Multi-family residential uses are permitted if incorporated into an overall mixed-use development.

1180.04 REQUIREMENTS FOR CONDITIONAL USE APPLICATION

Any applicant desiring to improve property, submit a land development or perform an alteration to an existing building located in the Brandt Pike Revitalization Overlay District is required to apply for and obtain conditional use approval pursuant to the provisions of this chapter, and said application shall be governed by the standards and criteria set forth below. If a Special Use permit is required for the use under the Underlying zoning, the applicant may submit a single application for special use/conditional use.

1180.05 CONDITIONAL USE GENERAL PROPERTY STANDARDS AND CRITERIA.

The Planning Commission shall review the particular facts and circumstance of each proposed conditional use in terms of the following requirements and shall find by a preponderance of the evidence that applicant has either met or made a good faith attempt to meet each of the following

- a. Applicants shall be required to pursue, where physically feasible, cross-easement agreements with neighboring property owners for the purpose of creating a cohesive and efficient parking configuration and traffic circulation plan including pedestrian and vehicular connections.
- b. Applicants shall be required to investigate the feasibility of and to reduce, to the extent possible, the number of existing curb cuts in order to improve traffic safety and circulation.
- c. Appropriate fenced and/or landscaped screening shall be required around all HVAC equipment, service and loading areas, trash receptacles, and other areas deemed appropriate by the Planning Commission. A privacy fence, landscaped buffer and/or low shrubs shall provide screening along the side and rear property boundaries to residential zoning districts.
- d. Applicants shall be required to investigate the feasibility of and, to the extent possible, consolidate two or more parcels, under separate ownership, prior to development, with the purpose of providing a more unified development.
- e. The applicant shall appropriately landscape along the backside of the public sidewalk with low shrubs, ornamental walls and earth shaping or any combination thereof. In those instances where parking is located in front of the building, vehicular screening shall be provided between the street right-of-way and the building by low brick walls 24-36" in height from the curb elevation with a 5" limestone cap or by landscaping of 100% opacity. The brick utilized in the wall shall match the brick used elsewhere in the corridor. Where it is determined by the Planning Commission that insufficient space exists for such landscaping, they may be located elsewhere on the lot, at locations determined acceptable by the Commission.
- f. The applicant shall renovate existing building facades to provide a combination of masonry materials, such as stone, stucco, or brick and decorative elements around windows and doors, such as columns, pediments, and shutters, and new roof plan where flat roofs presently exist. All exterior walls of Commercial, Office, and Mixed-Use Buildings shall be 100% masonry materials as per City Code 1181.24(b)(1). All buildings in the Brandt Pike Revitalization Overlay District shall be architecturally finished on all sides utilizing four-sided architectural design so that there will be no apparent rear of any building where visible by surrounding roadways, as determined by the City. All buildings shall have a minimum of two distinct building materials from the approved list with secondary materials covering a minimum of ten percent of the total building façades. Window walls shall be considered windows by the City Code. All materials, colors, and architectural details used on the exterior of a building should be compatible with the building style, and with each other.
- g. The applicant shall bring the front facade wall and sidewalk into conformity with 1180.11 contained herein.
- h. New developments shall be planned containing new streets and/or pedestrian ways such that no block within the development shall contain a block frontage greater than 600 feet in one direction and 400 feet in the opposite direction without an intervening street or pedestrian way.
- i. Shopping center out-parcels shall have an equivalent design treatment on all facades and shall be of a complimentary architecture to that of the shopping center.

j. Any right-of-way outside of the roadway shall be preserved for sidewalks and green area between the curbline and the front yard setback along the entire Brandt Pike, Chambersburg, Fishburg, Powell, Nebraska and Kitridge Road frontages.

k. Minimum green area: 20%, which may include any green area in the right-of-way as provided in Subsection J. If 20% green area is physically impossible, the applicant shall make a contribution in lieu of green area to the City of Huber Heights. Such contribution will be based on the assessed value of the property.

l. A maximum of one thirty-foot curb cut per street frontage shall be provided, unless additional curb cuts are approved by the City in order to accommodate existing or proposed circulation deemed desirable by the City, including installation of one-way movements limiting existing or proposed driveways to entrance or exit only. The applicant shall reduce the number and width of existing curb cuts when practicable.

m. A minimum of two hundred and fifty feet must be provided between curb cuts and public street intersections. A minimum of one hundred feet must be provided between curb cuts.

1180.06 OUTDOOR DINING

Outdoor dining may be permitted, subject to the following:

a. The Planning Commission may limit the volume of music, hours of operation and outdoor lighting of the outdoor dining area so as to minimize its impact on neighboring properties.

b. Outdoor cooking shall not be permitted unless specifically approved by Planning Commission.

c. Planters, posts with ropes, iron fencing or other removable enclosures are encouraged and shall be used as a way of defining the area occupied as outdoor seating.

d. Refuse facilities shall be provided.

e. Advertising or promotional features shall be limited to umbrellas or canopies.

f. Outdoor dining shall not impede pedestrian traffic flow.

g. Floor area devoted to outdoor dining shall be provided with off-street parking in the same fashion as required for restaurant use.

1180.07 OUTDOOR LIGHTING

All outside lighting on the premises, including sign lighting, shall be arranged, designed, and shielded or directed so as to protect the abutting streets and adjoining property from the glare of lights, and lighting shall be so shielded that the source of the light shall not be visible from any point outside the premises. No flashing or intermittent or moving lights shall be permitted, either freestanding, attached to a facade, or as a part of an approved sign. This does not include digital changeable copy.

1180.08 LOTS; SETBACKS; PARKING

The following dimensional requirements shall apply to all properties within the Brandt Pike Revitalization Overlay District:

a. Maximum building height: three stories, not to exceed 35 feet.

b. Front, side, and rear yard setbacks: The front, side, and rear yard setbacks shall be no less than 10 feet, unless adjacent to an existing residential zoning district, in which case the minimum side and rear yard setbacks shall be 30 feet.

- c. Lot coverage maximums shall be those of the underlying zoning district unless a mix of two or more uses is incorporated on site. In such case, all impervious surface areas, including building, parking, etc. shall not exceed more than 80% of the site for the entire development.
- d. Parking setback. All parking shall be set back a minimum of 10 feet from the ultimate right-of-way along all Brandt Pike and frontages. The parking setback along all collectors or residential streets may be zero feet from the ultimate right-of-way. A minimum of 10 feet from the curblines shall be provided for the placement of sidewalks, landscaping and utilities.
- e. Up to 25 percent of the required parking spaces may be replaced with landscaped area. This area is in addition to any other landscaping requirement.
- f. Up to 25 percent of the required parking spaces for any development may be compact spaces reduced in total area, width or depth for designated compact vehicle parking. Each compact vehicle parking space shall not be less than nine feet in width and 18 feet in depth.
- g. Parking Cap. Parking shall not exceed 110% of the minimum requirement. A fee shall be paid for each parking space added in excess in accordance with the fee schedule.
- h. Curbing. All parking and landscape areas shall be curbed with 6" concrete except in cases where bioretention basins or similar storm water management methods are utilized. Extruded curb is prohibited.
- i. Decorative, commercial-quality, bicycle racks, benches and trash receptacles shall be required for all retail and office developments unless specifically waived by the Planning Commission.
- j. Dumpsters shall be screened on all sides by a minimum 6-foot high brick or masonry wall with access via an opaque gate.

1180.09. SIGN AND GRAPHIC STANDARDS.

In addition to conformance with Chapter 1189 of the City of Huber Heights Planning & Zoning Code, all signs and graphics shall meet the following requirements:

- a. Signs must positively influence the overall character and appearance of the streetscape and must be designed to complement the architecture of the building.
- b. Franchise logos and identification signs shall be permitted only if they are appropriate in size and are integrated into the building façade and street character. This also includes patio umbrella graphics and signage.
- c. Canopies designed as signs are prohibited.
- d. Individual letters (either illuminated or nonilluminated) are considered preferable to sign cabinets.
- e. Signs shall be illuminated only by the following means:
 - i. By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or rights-of-way. Light fixtures shall be screened from view by site grading or evergreen shrubs. No exposed light sources (except in the case of a sign made of neon tubing) are permitted.
 - ii. By white interior light of reasonable intensity with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque and preferably made of aluminum (as opposed to Plexiglas) with routed-

out or push-through letters and graphics. No additional background lighting or illuminated borders or outlines shall be permitted.

f. Ground signs shall be set on grade or be placed on a low masonry base and to take on an architectural appearance compatible with the actual building and the streetscape. Maximum height of grounds signs is six (6) feet from ground level in relation to the back of curb of the nearest street.

g. Wall signs are prohibited above the ground floor level or above a height of one inch below the second floor window line, whichever is lower.

1180.10 UTILITY CONNECTIONS.

All wires, cables and lines providing telecommunication, including cable television and electric utilities services and connections of such utility systems to buildings and light poles shall be located underground.

1180.11 PEDESTRIAN STANDARDS.

a. Sidewalks are required to connect the street frontage sidewalks to all front building entrances, parking areas, central open space and any other destination that generates pedestrian traffic.

b. Sidewalks shall connect to existing sidewalks on abutting tracks and other nearby pedestrian destination points and transit stops.

c. Striped crosswalks shall be installed at any major intersection or other location as determined by the Planning Commission.

d. Sidewalks shall be a minimum of four feet in width and separated from the curbline by a minimum of five feet of grass and landscaped area, which shall, in any event, comply with the design standards contained herein, unless specifically waived by the Planning Commission.

e. All sidewalks and pedestrian connections shall be located a minimum of five feet from any buildings to allow for landscaping, unless arcades or entryways are part of the facade.

f. Pedestrian circulation areas shall be provided and clearly defined by the use of sidewalks, walkways or textured or colored paving materials.

1180.12 EXEMPTION

The following are exempt from compliance with the BP overlay standards:

a. Routine maintenance and in-kind replacement of materials, except for the replacement of graphics;

b. Properties used solely for one or two family residential purposes.

1180.99 CONSTRUCTION OR IMPLEMENTATION; PERMIT ISSUANCE, INVALIDATION.

a. The Planning Commission may modify or waive specific requirements of this section as well as the requirements of Chapter 1185, Parking and Loading, if the Commission determines an improved development plan or better vehicular or pedestrian circulation will result.

b. Construction or implementation of the proposed conditional use shall comply with the plans submitted with the application except to the extent those plans are modified by the Planning Commission, and shall also comply with all terms of the decision of the Commission.

c The City shall issue a conditional use permit to the extent a conditional use has been permitted by the Commission. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted and shall constitute a violation of the City’s Zoning Ordinance. The penalties for such violations are specified in Section 1125.99

d. A conditional use permit shall be deemed to authorize only one (1) particular conditional use and such permit shall automatically expire if, for any reason, the conditional use shall cease for more than one continuous (1) year.

e. A conditional use permit shall be transferable, but only if and when the transferee signs a form provided by the City acknowledging that the transferee is bound by all terms and conditions of the prior approval and permit.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 13th day of August, 2018.
___7___ Yeas; ___0___ Nays.

Effective Date: September 12, 2018

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date