



Ordinance: 23-17 (Amended)

Passed: October 23, 2023  
Effective: November 22, 2023

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**AMENDING AND UPDATING CERTAIN SECTIONS OF SECTION 1115 OF  
THE "PLANNING AND ZONING CODE", OF THE CITY'S CODIFIED  
ORDINANCES.**

**WHEREAS**, Section 1115 of the Planning and Zoning Code governs the development standards for the Big Darby region; and

**WHEREAS**, the City wishes to amend the development standards for future residential development within the Big Darby region of Hilliard; and

**WHEREAS**, the Greenbelt concept contained in the City's adopted 2023 Community Plan would be furthered by changes to the zoning code used for future development in the Big Darby region; and

**WHEREAS**, the City believes that amending the "Planning and Zoning Code" as identified in Exhibits "A" and "B", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

**SECTION 1.** Council finds that amending Section 1115 of the City's Codified Ordinances as identified in Exhibits "A" and "B", attached hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Planning and Zoning Code" as shown in track changes in the attached Exhibits "A" and "B" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "Planning and Zoning Code", not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

**ATTEST:**

Diane C. Werbrich, MMC  
Clerk of Council

**SIGNED:**

President of Council

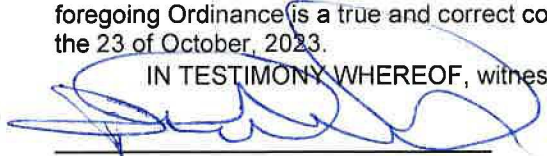
**APPROVED AS TO FORM:**

Philip K. Hartmann  
Director of Law

**CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance: 23-17 passed by the Hilliard City Council on the 23 of October, 2023.

IN TESTIMONY WHEREOF, witness my hand and official seal on the 23 of October, 2023.



Diane C. Werbrich, MMC

#### 1115.04 HILLIARD CONSERVATION DISTRICT REQUIREMENTS.

(a) *Designing a Conservation Subdivision.*

- (1) Delineate primary conservation areas as defined in the Big Darby Accord Watershed Master Plan (BDAWMP). Preserve as natural open space.
- (2) Delineate secondary conservation areas as defined in the BDAWMP; preserve selected areas as common (improved) or natural open space.
- (3) Draw building footprints outside the conservation areas. Draw the number of dwellings based upon the permitted density calculations, with lot lines.

(b) *Review Criteria and Design Standards.*

- (1) Dwellings should be oriented toward interior roads, rather than fronting on perimeter roads.
- (2) Retain or replant native vegetation adjacent to wetlands and surface waters.
- (3) Preserve existing hedge and tree lines to the extent practicable.
- (4) Preserve scenic views and vistas.
- (5) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
- (6) Preserve historic or archaeological sites (i.e. earthworks, burial grounds).
- (7) Landscape or retain vegetation in common areas with native trees and shrubs.
- (8) Place shade trees along internal roads on at least one side of the road.
- (9) Provide active recreational areas in proximity to residential concentrations.
- (10) Include a pedestrian circulation system, meaning a minimum of an eight-foot-wide asphalt ~~bike and walking~~ multi-use path throughout the development.
- (11) Protect natural drainage swales and creeks and prohibit buildings within the 100-year floodplain.
- (12) Provide permanent open space, in accordance with Section 1115.04e (4) and (5).

(c) *Applicability.* The following Plan Approval Process shall be required for all rezoning and plats within the Hilliard Conservation District:

- (1) *Pre-application Meeting.* Hilliard staff ~~and Planning and Zoning Commission~~ will meet with the applicant and review a preliminary site development plan as presented by the applicant.
- (2) *Proposal submitted.* Applicant shall submit the proposed development plan to the Planning Director or designee.
- (3) *Staff ~~Application~~ Review.* City of Hilliard staff will review the proposed development plan and certify its completeness. Once certified complete, the application and certification will be forwarded to the Big Darby Accord Advisory ~~Board Panel~~, the Environmental Sustainability Commission for their advisory recommendations, and, if applicable, Brown Township Board of Trustees. City of Hilliard staff will draft a report of the technical review findings which shall be forwarded to the Big Darby Accord Advisory ~~Board Panel~~, the Environmental Sustainability Commission and, if applicable, Brown Township.
- (4) *Big Darby Accord Advisory Meeting.* The Big Darby Accord Advisory ~~Board Panel~~ will hold a public meeting to review and make recommendations on the proposed project.
- (5) *Big Darby Accord Advisory ~~Board Panel~~ Recommendations.* Recommendations from the Advisory ~~Board Panel~~ meeting will be forwarded to City staff, ~~and the Planning and Zoning Commission-, and City Council.~~

- (6) *Environmental Sustainability Commission and Township Review.* Comments and recommendations from the Environmental Sustainability Commission and Township shall be forwarded to City staff, Planning and Zoning Commission, and City Council.
  - (7) *City of Hilliard Staff Review.* Following the recommendations of the Big Darby Accord Advisory ~~Board~~ Panel, Environmental Sustainability Commission, and Brown Township, the application will be reviewed by the City of Hilliard for compliance with all applicable zoning, engineering and City Codes, and shall follow the applicable review process, as outlined in Section 1139 of this Code, for the application submitted for zoning and plats.
- (d) *Application Requirements.* A Final Development Plan shall be submitted which is drawn to a scale of at least 1" = 100' and contains the following information:
- (1) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
  - (2) A preliminary drainage plan with a letter of feasibility from a licensed professional engineer.
  - (3) An explanation of the method/structure and proposed documentation and instruments to be used to perpetually preserve the required open space.
  - (4) The proposed uses of the site, including any limitations or controls to be placed on each.
  - (5) A table or narrative description of how the proposed development conforms to all design guidelines in Hilliard Design Manual. This description should include information about how sensitive areas will be protected during construction.
  - (6) Location of buildings and structures.
  - (7) Streets, roadways, pathways, sidewalks and parking areas.
  - (8) Existing utility easements and proposed new easements to the extent known.
  - (9) Proposed lot sizes.
  - (10) Minimum setback and spacing requirements.
  - (11) Recreational facilities.
  - (12) Preserved open space areas and a description of proposed open space improvements.
  - (13) All commonly owned structures.
  - (14) A landscape plan that depicts and identifies all existing and proposed landscaping and entrance features. The landscape plan shall conceptually illustrate the typical elevations and cross sections of landscape features. No invasive species, as identified by the Ohio Department of Agriculture, shall be permitted in landscape plantings of common areas or initial planting installations at homes and/or site structures.
  - (15) Dwelling unit types, the total number of dwelling units proposed for the site density and the method used to calculate density, subject to the restriction in (e)(6) below.
  - (16) Primary conservation areas. Provide an initial five-year maintenance plan for all open space and/or wetland restoration areas including clear maintenance schedules that shall be the responsibility of the developer unless otherwise stated in a Development Agreement.
  - (17) Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. No structure (other than approved drainage structures as shown on the Development Plan or other approved structures, such as a park shelter house) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Franklin County.
  - (18) The location of all woodland preservation areas and natural topography preservation areas.

- (19) Architectural design guidelines including materials, colors and typical renderings for structures and proposed procedures for controlling architectural design elements.
  - (20) Signs, including renderings of the sign elevations.
  - (21) The proposed provisions for water supply, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - (22) A preliminary traffic impact analysis based upon full build-out of the proposed development.
  - (23) The relationship of the proposed development to existing and anticipated uses of surrounding areas during the development timetable.
  - (24) Identification and location of all land dedicated to schools, parks and other public facility sites within or adjacent to the site.
  - (25) The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give City officials definitive guidelines for approval of future phases.
  - (26) Unless specifically superseded by the standards contained in this chapter or those standards approved in the Development Plan, the development shall comply with the requirements contained in the [Hilliard Design Manual](#). Except for density, and the percentage of required open space, the applicant may request a modification from the City of the development standards set forth in this chapter. An applicant making such a request shall specifically and separately list each requested modification and the justification therefore on the Development Plan submittals, with a request that the proposed modification be approved "per plan."
  - (27) Deed restrictions, protective covenants, and other legal instruments to be used to control the land which is to be commonly owned and maintained as the open space.
  - (28) The various plans that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.
- (e) *Development Standards for Residential Development*. The following minimum requirements shall apply:
- (1) *Minimum tract size*. 20 acres.
  - (2) *Minimum lot size*. No minimum lot size.
  - (3) *Minimum setbacks*. Minimum required setbacks shall be determined as part of the review and approval process to allow maximum flexibility.
  - (4) *Open space dedication*. At least ~~50~~ 70 percent of the gross tract acreage shall be designated as permanent open space, and at least 50 percent of the gross tract acreage shall be Naturalized Open Space.

Naturalized Open Space shall be defined as land preserved and/or maintained in a natural state to protect and maintain natural processes and the waters of the Big Darby Creek watershed including any paths or trails through them. Naturalized Open Space shall include woodlands of predominately native species, wetlands, or prairies. Naturalized Open Space shall not include mowed turf, playgrounds, sports fields or maintained landscapes.

Open spaces that have primary functions other than the protection and maintenance of natural processes would qualify towards the overall open space requirement but not the naturalized open space requirement.

The location of designated open space shall be identified on the development plan and shall be subject to approval by the City. Open space shall be owned, administered and maintained as identified on the

Development Plan, as outlined in this Section. Required open space may be located off site, provided it is within the [Big Darby Accord Planning Area](#).

(5) *Open space calculation.* The following criteria should be considered when calculating the required open space dedication:

- A. Up to 20 percent of the minimum required open space may be used for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but cannot be located within any Tier I or Tier II land as outlined within the Darby Accord. The Development Plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the Development Plan.
- B. [Open space that does not fit the definition of Naturalized Open Space may not be located within any Tier I or Tier II land.](#)
- ~~B.C.~~ In calculating open space, the areas of residential lots conveyed to homeowners shall not be included.
- D. Primary conservation areas, stormwater management detention/retention ponds, and constructed wetlands acting as detention basins may count in their combined aggregate for up to 50 percent of the required open space. These areas shall promote the character and purpose of the HCD District, and shall incorporate naturalized edges, native plants and be designed to complement the existing topography and landscape.
- E. [To further the concept of a greenbelt around the western side of Hilliard and recreational opportunities for residents, open space that is not immediately proximate to a development may be permitted. Additionally, all off-site open space shall be Naturalized Open Space.](#)

(6) *Number of dwelling units permitted.*

- A. Maximum overall gross density for residential development within the Conservation District shall be one dwelling unit per acre. [See Section 1115.02, the Table of Uses, regarding the type of permitted and conditional dwelling units in the HCD District.](#)
- B. Density Bonuses - Overall gross density may be increased as outlined below. Density bonuses are cumulative, but in no case shall the gross density exceed 1.5 dwelling units per acre.
  - 1. For every additional 10 percent of the site that is dedicated as open space above the required ~~50~~ 70 percent, an increase of .10 units per acre of the overall gross density of the site will be allowed.
  - 2. For significant [voluntary](#) stream restoration within the development site, an additional .10 units per acre of the overall gross density of the site will be allowed. Final determination will be required by the City.
  - 3. Up to an additional .10 units per acre of the overall gross density of the site may be granted by the Planning and Zoning Commission, ~~in its sole discretion,~~ for other sustainable design elements.
  - 4. An additional 0.10 units per acre of the overall gross density of the site may be granted by the Planning and Zoning Commission, ~~in its sole discretion,~~ for extraordinary costs for regional serving infrastructure.

(7) [Wetlands.](#) Wetland creation, restoration, enhancement, and mitigation shall comply with all applicable State and Federal requirements. Wetland/littoral shelves are required for all wet ponds.

(8) [Stormwater Management.](#) The stormwater management plan shall comply with all applicable federal, state, and City requirements and consider a variety of stormwater management best practices.

(f) *Design Standards.*

- (1) *Architecture.* Architecture in this District shall be designed in accordance with standards that are consistent with conservation practices and that emphasize the individual character of the property and surroundings.
  - (2) *Roadways.* All roadways shall be designed in accordance with the engineering and roadway standards specified in the Hilliard Design Manual [and best practices that minimize light pollution](#).
  - (3) *Lighting.* Lighting shall be designed in accordance with the engineering standards specified in the Hilliard Design Manual
- (g) *Exceptions.* [Political subdivisions are not obligated to comply, but are encouraged to make a good faith effort, with the open space standards. Political Subdivisions shall comply with other requirements of this code section.](#)
- (gh) *Ownership of Open Space.* Common open space within the development shall be owned, administered, and maintained by one of the following methods, either individually or in combination, and subject to approval by ~~the Planning and Zoning Commission~~ [City Council](#):
- (1) Offer of dedication to City.
  - (2) Homeowners association.
  - (3) Condominiums.
  - (4) Dedication of easements.
  - (5) Transfer of easements.
  - (6) Third-party ownership.



## 1115.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1115-2 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted Use (P)*. Land and/or buildings in this district may be used by right.
- (b) *Conditional Use (C)*. Land and/or buildings in this district may be used if approval is granted, based on compliance with applicable review standards and specific conditions that may additionally apply, as found in Chapter 1123.
- (c) *Specific Conditions*. Indicates requirements or conditions applicable to conditional uses, as listed in Chapter 1123, Conditional Uses.

Table 1115-2 Schedule of Uses: Special Purpose Districts					
Use	S-1	HCD	OH-MD Mixed Use	OH-RD Residential	Specific Conditions
<b>Residential</b>					
Bed and breakfast inn			P	P	Section 1123.13(a)
Continuing care retirement community			C	C	
Dwellings, detached single family		P	P	P	
Dwellings, attached single family		C	P	P	Maximum of 4 attached dwelling units allowable <del>20 percent of total allowable units in the HCD District</del>
Dwellings, multiple family		<del>C</del>	P	P	
Dwellings, two-family		C	P	P	
Dwelling units on upper floors of buildings with non-residential uses on street level			C	C	Section 1123.13(b)
Short-term rental			P	P	Section 1121.06(i)