

# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON  
STATE OF OHIO

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## ORDINANCE NO. 40-2023

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**AN ORDINANCE AMENDING ORDINANCE NO. 30-2023, AMENDING VARIOUS SECTIONS OF ARTICLES 2, 4, 5, AND 6, OF PART 11, UNIFIED DEVELOPMENT ORDINANCE, OF THE UPPER ARLINGTON CODE OF ORDINANCES, AS RECOMMENDED BY THE BOARD OF ZONING AND PLANNING**

**WHEREAS,** on June 26, 2023, City Council voted (7-0) to approve Ordinance No. 30-2023, an ordinance amending various sections of Articles 2, 4, 5, and 6, of Part 11, Unified Development Ordinance, of the Upper Arlington Code of Ordinances; and

**WHEREAS,** City Council had three readings of Ordinance 30-2023 on May 22, June 12, and June 26, with no speakers addressing City Council as opponents or proponents of the changes; and

**WHEREAS,** after passage of Ordinance No. 30-2023, staff discovered that modifications in the staff report were not included in the attachments; and


**WHEREAS,** an amendment of Ordinance No. 30-2023 is necessary for codification so that the intended and correct changes are reflected in the Upper Arlington Code of Ordinances.

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

**SECTION 1.** The Upper Arlington Code of Ordinances, Articles 2, 4, 5, and 6, of Part 11, Unified Development Ordinance, are hereby amended as set forth in EXHIBIT A, attached hereto and made a part herein.

**SECTION 2.** This ordinance shall take effect immediately upon passage.

**PASSED: August 28, 2023**

  
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President of Council

**ATTEST:**

  
City Clerk

I, Krystal Gonchar, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.

  
City Clerk

**CERTIFICATE OF POSTING**

I, Krystal Gonchar, 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

**Vote Slip**

Voting Aye: Unanimous  
Voting Nay:

Abstain:  
Absent:

Other Review: August 28, 2023

## Part 11

# UNIFIED DEVELOPMENT ORDINANCE

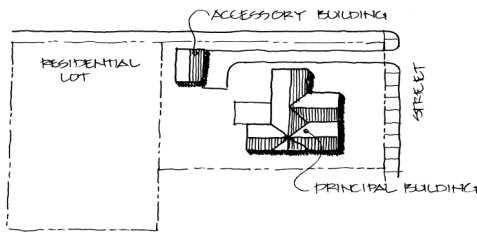
### ARTICLE 2. DEFINITIONS

#### § 2.02 DEFINITIONS (A—B).

The following words and phrases when used in the UDO or any zoning ordinance of the City shall have the meanings respectively ascribed to them unless otherwise stated.

*Above ground level:* means the height measured by the distance from the average grade level to the highest point on the structure, including any antenna and additional height required for co-location.

*Accessory structure:* means a subordinate structure detached from, but located on the same lot as the principal structure, and is incidental to the use of the principal structure. Accessory structures include but are not limited to sheds, play sets, outdoor kitchens or fireplaces, pet shelters, and mechanical units.



#### Accessory and Principle Structure

*Accessory use:* means a subordinate use detached from, but located on the same lot as the principal use of the property.

*Accessory use, major:* means an accessory use that, because of its size, location, or intensity of activity, may have impact on adjacent property and is listed in Table 5-A. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. The Director of Community Development shall determine if the accessory use is a major or minor accessory use. Major accessory uses and buildings are considered for approval by BZAP. See Section 6.09 for standards.

*Accessory use, minor:* means an accessory use that will not have significant impact on adjacent property and is listed as a minor accessory use in Table 5-A. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. Minor accessory uses and buildings are considered for approval by the Director of Community Development. See Subsection 6.09 for standards.

*Adult book store:* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

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- (2) Instruments, devices, or paraphernalia, which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult book store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult book store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

*Adult booth:* means any area of a sexually oriented business establishment set off from the remainder of such establishment by one (1) or more walls or other dividers or partitions and used to show, play or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

*Adult cabaret:* means a nightclub, bar, restaurant or similar establishment that features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or adult materials, films, motion pictures, video cassettes, slides, computer displays, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

*Adult care facility:* means an adult family home or an adult group home, as defined in the ORC § 3722 and licensed by the Ohio Department of Health which provides accommodations and supervision for three (3) to sixteen (16) unrelated adults, at least three (3) of whom are provided personal care services.

*Adult day care facility:* means a facility providing care for the elderly and/or functionally impaired adults in a protected setting for a portion of a twenty-four-hour day.

*Adult family home:* means an adult care facility licensed by the Ohio Department of Health, which provides accommodations for three (3) to five (5) unrelated adults, with supervision, and provides personal care services to at least three (3) individuals. Adult family homes are permitted by law in any residentially zoned district.

*Adult foster home:* means a residence certified by the Ohio Department of Aging, which will provide accommodations, supervision, personal care services to one (1) or two (2) unrelated adults. Adult foster homes will be certified by the area agency on aging in those counties under its jurisdiction, in accordance with rules for certification established by the Ohio Department of Aging.

*Adult group home:* means an adult care facility licensed by the Ohio Department of Health, which provides accommodations for six (6) to sixteen (16) unrelated adults, supervision, and personal care services to at least three (3) individuals. Adult group homes are permitted by law in any multi-family zoned district. An adult care facility does not include the following specific facilities, nor any which are similar in nature to these facilities: a nursing home, rest home, or home for the aging as defined in ORC § 3721.01; An alcohol and drug addiction program as defined in ORC § 3793.01; A habitation center as defined in ORC § 5111.041.

*Adult material:* means magazines, books, photographic reproductions, videotapes, movies, slides, compact discs in any format (e.g., CD-ROM, CD-R, CD-RW), digital video discs in any format (e.g., DVD), other devices used to reproduce or record computer images, or other print, video, film, electronic, computer-based, analog, or digital media characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas.

*Adult theater:* means a theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

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*Aggrieved:* means any person who demonstrates an interest that is directly affected by the order, requirement, decision, or determination. A person's interest is directly affected where it is subject to an immediate, unique harm distinct from the harm suffered by the community at large. A future, contingent, or speculative interest will not suffice. For the purposes of this definition, any person owning property contiguous or adjacent to a proposed land use site shall be considered directly affected with respect to any administrative hearing or appeal regarding that site.

*Agricultural uses:* means a use typically considered to be agricultural in nature, which includes, but is not limited to: farming, dairying, pasturage, beekeeping, horticulture, floriculture, viticulture, and animal and poultry husbandry.

*Aisle:* means that portion of the off-street parking and loading area that provides access to parking, stacking or loading spaces, exclusive of driveways and parking and loading spaces.

*Alley/Lane:* means a public way not more than twenty-two (22) feet wide affording only secondary means of access to abutting property.

*Amusement arcade:* means any place of business at which three (3) or more amusement devices are located for the use of entertaining or amusement of persons patronizing the place of business. Billiards/pool tables/rooms are excluded from this definition and are specifically referenced in the zones in which they are permitted. Any amusement device operated exclusively by an employee of the place of business for the entertainment or amusement of patrons shall not be considered in calculating the number of amusement devices, but shall instead be a prima facie indicator of the provision of entertainment.

*Antenna:* means any exterior apparatus used for transmitting and receiving, mounted on a tower, alternative tower structure, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals in the provision of wireless service.

*Antenna support structure:* means any building, poles (utility poles, light poles, or traffic signal poles) currently in place having been previously constructed for a primary purpose other than supporting wireless communication facilities, or other structure other than an antenna tower, which can be used for the location of wireless communication facilities.

*Antenna tower:* means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like.

*Antenna tower alternative structures:* means man made trees, clock towers, flagpoles, bell steeples, and similar alternative-design mounting structures that substantially camouflage or conceal the presence of antennas or towers such that one would not identify the structure as an antenna tower.

*Antenna tower height:* means the above ground level height measured by the distance from the average grade level of the base of the antenna tower or antenna support structure to the highest point on the tower or other structure, including any antenna and additional height required for co-location. Lightning rods up to six (6) feet in length and 1.25 inches in diameter may extend above the maximum height measured. When roof-mounted, antenna tower height shall be measured from the average grade level of the building to the highest point on the tower or other structure, including any antenna and additional height required for co-location.

*Apartment:* means a suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

*Apartment, efficiency:* means a dwelling unit in a multi-family building consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

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*Apartment hotel:* means an apartment house, which furnishes services for the use of its tenants, which are ordinarily furnished by hotels.

*Appeal:* means a request for a review of the Director of Community Development and BZAP interpretation of any provision of this Ordinance or a request for a variance.

*Area of shallow flooding:* means a designated AO or AH zone on the flood insurance rate map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) foot to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard:* means the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as zone A, AE, AH, AO, A1-30, and A99.

*Assisted living:* See "rest homes".

*Attached:* means (1) a use, room or space that has at least one (1) wall (or part of one (1) wall) in common with the remainder of a building; (2) a use, room or space that can be entered from and/or through other rooms and spaces within a building. An unenclosed roof connection shall not be considered attached.

*Automobile repair, major:* means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

*Automobile repair, minor:* means incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) tons capacity, but not including any operation named under automobile repair, major, or any other similar thereto.

*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. Automobile storage shall not be considered an automobile service.

*Automobile/Trailer sales area:* means an open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. The parking on such area of one (1) or more motor vehicles that do not bear current registration plates issued for such vehicles, shall be prima facie evidence of the use of such premises as an automobile sales area.

*Average grade level:* means a reference plane representing the average of finished ground level adjoining the structure or building at all exterior surfaces.



### Average Grade

*Balcony:* means a projecting platform on a building, sometimes supported from below, sometimes cantilevered; enclosed with a railing or balustrade. A balcony is distinguished from a deck when it projects from the building at a second story level or higher and is accessible from within the building.

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*Bank, finance and loan offices:* Banking, financial or loan facilities that house the offices of professional banking, financial or loan personnel that do not include tellers, ATMs or drive-throughs, and are not open to the general public. They are often located on the upper floors of a multi-story building.

*Bank, retail:* A banking operation that includes personal and/or business banking services, such as deposits, withdrawals and loans, and that is open to the public. A retail bank generally has tellers, ATMs and/or drive-throughs, and are located on the first floor of a building, typically by itself.

*Banner:* means a sign that contains a message, which is attached or imprinted on a flexible surface that deforms under light pressure, that is typically constructed of nondurable materials including paper, cardboard, cloth and/or plastic.

*Banquet hall:* means an establishment that is rented by individuals or groups to accommodate private functions such as weddings, anniversaries, business promotional events, and similar celebrations.

*Bar:* (see also "tavern") means an area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

*Base flood:* means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100-year flood.

*Basement:* means a story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

*Bed and breakfast:* means a transient lodging establishment generally in a single-family dwelling providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

*Big box retail:* means any single retail establishment having a gross floor area that exceeds sixty thousand (60,000) square feet, drawing customers from a distance greater than five (5) miles and is typically surrounded by parking lots.

*Big box retail, multi-story:* means any single retail establishment having a gross floor area that exceeds sixty thousand (60,000) square feet, draws customers from a distance greater than five (5) miles and has a minimum of two (2) similar-sized floors.

*Board:* means the Board of Zoning and Planning of the City of Upper Arlington, Ohio. The Board of Zoning and Planning (BZAP) is responsible for reviewing and recommending to City Council a master plan for the physical development of the City, official zoning map and UDO amendments, preliminary and final plats, and other administrative development approvals.

*Boarding/Lodging house:* means a dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three (3) or more persons for compensation by previous arrangement but not transients.

*Bottomless:* means less than full opaque covering of male or female genitals, pubic area or buttocks.

*Build-to line:* An alignment established at a certain distance from and parallel to the curb line along which the building shall be built.

*Buildable area:* means the internal area of a lot bounded by front, side, and rear yard setback lines.

*Building:* means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property, including detached garages.

*Building addition:* means a part added to a building, either by being built so as to form one (1) architectural whole with it, or by being joined with it in some way, as by a passage, and so that one is a necessary adjunct or appurtenance of the other or so that both constitute the same building.

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*Building cover:* means the lot area occupied by any structure used for the purpose of providing temporary or permanent forms of shelter. The calculation of building cover area shall include all areas covered by a building's roof and other forms of protection from the elements.

*Building directory signs:* A building directory sign is defined as an exterior building mounted commercial sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two (2) or more uses within one (1) building.

*Building footprint:* means the outline of the total area covered by a buildings' perimeter at the ground level.

*Building, height of:* means the vertical distance from the average existing grade around the foundation to the highest point of the coping of a flat roof, or mansard roof, or to the top of the highest ridge line of gable, hip or gambrel roofs. For commercial buildings and structures, maximum height shall be measured to the top of parapet wall, top of cornice or soffit, or top of eave fascia for sloped or mansard-style roofs, whichever is higher.

*Building setback line:* means the line beyond which no building or parts thereof shall project, except as otherwise provided by this Ordinance.

*Bus:* means a rubber-tired vehicle that is designed for roadway operation for public transportation service.

(Ord. No. 58-2011; Ord. No. 8-2012; Ord. No. 36-2014 Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 21-2016, § 2, 5-9-2016 ; Ord. No. 44-2017 , § 1, 7-5-2017; Ord. No. 53-2017 , §§ 1, 2, 12-11-2017; Ord. No. 54-2017 , §§ 2, 3, 12-11-2017Ord. No. 32-2018 , § 2, 4-23-2018 ; Ord. No. 47-2018 , § 2—5, 6-25-2018; Ord. No. 16-2019 , § 2, 6-10-2019)

## **§ 2.03 DEFINITIONS (C—E).**

The following words and phrases when used in the UDO or any zoning ordinance of the City shall have the meanings respectively ascribed to them unless otherwise stated:



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*Camper trailer:* means a folding or collapsible vehicular structure, mounted on wheels but without its own power, designed as a temporary living quarters for travel, camping, recreation and vacation uses, which is not covered by the definition of travel trailer.

*Canopy:* means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground. Any roof overhang extending more than two (2) feet from the face of a building shall be considered a canopy.

*Carport:* means a permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

*Cast Limestone:* means mixture of highly refined crushed natural limestone mixed with cement as a binder that has a look of natural limestone.

*Cemetery:* means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

*Certificate of economic hardship:* means a certificate issued by the Board authorizing the timely demolition of a contributing structure that meets the applicable criteria set forth in this Ordinance, based on a finding by the Board that delaying the demolition by one hundred eighty (180) days would cause unusual economic hardship for the property owner seeking a demolition permit.

*Certificate of zoning compliance:* means a document issued by the Community Development Department indicating compliance with the Unified Development Ordinance.

*Child day-care:* means administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, for any part of the twenty-four-hour day in a place or residence other than the child's own home.

*Child day-care center and type A home:* means any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at one time. In counting children for the purpose of this Ordinance, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

*Child day-care home and type B home:* means a permanent residence of the provider in which child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purpose of this Ordinance, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. A type B family day-care home does not include a residence in which the needs of children are administered to, if all of the children are siblings of the same immediate family and the residence is the home of the siblings.

*City:* means the City of Upper Arlington, Ohio.

*City property:* means land and other property in which the City holds a present right of possession and control such as, but not limited to, rights-of-way, easements, streets, parks, building parcels, and other grounds, regardless of the type of ownership interest in the property.

*Club:* means a non-profit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

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*Co-location:* means the use of wireless communications facilities by more than one (1) wireless communications provider.

*Collection box:* means any portable or permanent container of any type, construction or material designed for the collection and storage of articles donated to a recognized charitable, educational or similar organization.

*Community Development Department:* means the Community Development Department established pursuant to C.O. § 175.01.

*Community scale A:* means a commercial development consisting of a single user whose gross floor area ranges from five thousand (5,000) to twenty thousand (20,000) square feet in size.

*Community scale B:* means a commercial development consisting of a single user whose gross floor area ranges from twenty thousand one (20,001) to forty thousand (40,000) square feet in size.

*Community scale C:* means a commercial development consisting of a single user whose gross floor area ranges from forty thousand one (40,001) to sixty thousand (60,000) square feet in size.

*Conditional uses:* Conditional uses are those uses that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by BZAP and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

*Congregate housing:* means an independent rental housing facility in which hotel services are included in the monthly rental fee and lease agreement. For a building to qualify under this definition, services provided shall include a meal program available to all residents, a dining room with seating capacity for all residents as defined by the Ohio Basic Building Code, a full-service kitchen with staff and capacity to support the meal program and dining room service, and available housekeeping, laundry, and transportation services for its residents. No supervision or personal care need be provided.

*Connectivity:* The ability to establish vehicular and pedestrian connections between neighborhoods. These connections can take the form of paths or passages. Paths are pedestrian and bicycle connections traversing an open area and connecting with the sidewalk network. Passages provide shortcuts through long blocks or connect rear-parking areas with street frontage.

*Construction (beginning of):* means any act or process that requires a building permit and that adds an addition onto an existing building or erects a new principal or accessory structure on a lot, which is subject to the design standards for the district in which the property is located.

*Continuing care retirement community:* means a retirement community licensed by the Ohio Department of Health, which contains a number of different living arrangements from independent living to skilled care. Continuing care retirement communities often require the payment of an entrance fee or endowment in exchange for a promise of continuing care to the resident for a prescribed period, usually the life of the resident. Continuing care retirement communities will arrange for nursing care or provide it on the same site.

*Contributing structures:* means those buildings or structures that do not exist principally to serve a religious function, that stand within the "Upper Arlington Historic District," as defined by the National Register of Historic Places, that feature characteristics for which the National Register designation was made such as construction between 1915 and 1940, representation of early 20th century architecture, or local significance in the area of community planning or landscape design, and that were contained in the original nomination form and map for purposes of receiving the historic district designation.

*Coping:* means the protective top member of any vertical construction, such as a wall or chimney. A coping may be masonry, metal, or wood and is usually sloping or beveled to shed water in such a way that it does not run down the vertical face of the wall. Copings often project out from a wall with a drip groove on the under side.

*Cornice:* A horizontal molded projection that crowns or completes a building or wall to which it is affixed.

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*Council:* means the City Council of the City of Upper Arlington, Ohio.

*Country club, private:* A private organization with facilities set on a minimum of five acres available only to its members and their guests. Is formed primarily for recreational purposes, and may include a club house and golf course, and may also include swimming pools, tennis courts and a fitness center. Dining facilities, meeting rooms, organizational offices, lounges, snack bars, retail sales, maintenance facilities, and housing accommodations for not more than fifteen (15) seasonal/temporary employees may also be permitted as accessory uses.

*Court:* means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three (3) or more sides.

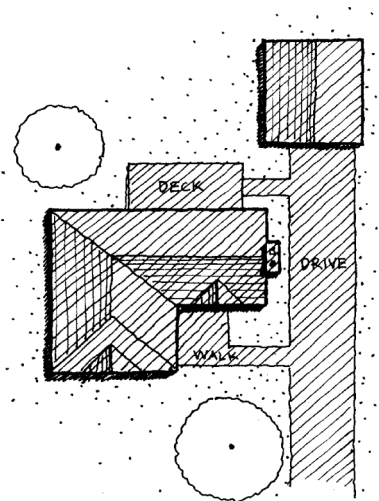
*Deck:* Means a horizontal platform supported by any combination of posts, beams, foundations, and/or joists with or without handrails, steps or terraces. Terrace in this definition means a portion of the deck stepping up or down with the grade and used in lieu of, or in combination with, more traditional steps.

*Decorative pole:* means a pole, arch, or structure other than a street light pole placed in the public way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following (1) electric lighting; (2) specifically designed informational or directional signage; (3) temporary holiday or special event attachments.

*Detached:* means (1) a use, room, space, building or assembly of buildings that is completely surrounded by open space; (2) a use, room, space, building or assembly of accessory buildings that is not attached or connected to a principally permitted use or building.

*Development:* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Development cover (also Impervious Cover):* means the amount of the lot area occupied by all principal and accessory structures, driveways, parking lots, decks, sidewalks, patios, swimming pools, athletic courts, permeable surface areas and any other permanent impervious development on the lot. Gravel and grass pavers do not count toward development cover.



## Development Cover

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*Development plan:* means a dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangement, public access, street pattern, and other similar features.

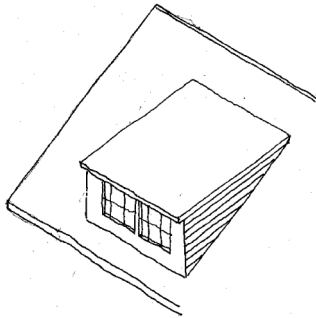
*Director of Community Development:* means the person appointed by the City Manager as the Director of Community Development pursuant to C.O. § 175.02.

*Display area:* means the entire area within a continuous perimeter, which encloses the message or display and any other material, color or feature, which forms an integral part of the sign and is used to differentiate such a sign from the masonry wall upon which it is placed.

*District:* means a portion of the territory of the City of Upper Arlington, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

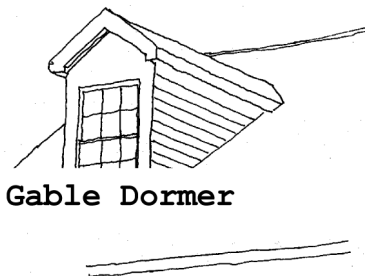
*Donation bin/receptacle:* means a large container placed in outdoor public locations for people to drop-off or donate used clothing or items, typically for charitable purposes.

*Dormer, shed:* means a structure projecting from a sloped roof which contains more than one (1) window unit or louver or which exceeds an overall exterior width of five (5) feet. Window dormers shall be considered a shed dormer when the sum of their exterior widths along any building elevation exceeds thirty percent (30%) of the overall projected elevation length of the building face on which they appear.



#### **Shed Dormer**

*Dormer, window:* means a structure projecting from a sloped roof containing one (1) window unit.



#### **Gable Dormer**

*Dwelling:* means any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons, but not including a tent, cabin, trailer, or trailer coach, boarding or rooming house, hotel or motel.

*Dwelling group:* means a group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

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*Dwelling, multi-family:* means a building or portion thereof designed for or used by three (3) or more families or housekeeping units.

*Dwelling, single-family:* means a building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.

*Dwelling, two-family:* means a building designed for or used exclusively by two (2) families or housekeeping units.

*Dwelling unit:* means a single housekeeping unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Dwelling unit - No bedroom:* means a dwelling unit which contains no bedroom and no other room or space which may be readily converted to a bedroom whether such room or space be designated as a library, study, or otherwise. Generally, a no bedroom unit will contain only a living room, kitchen or kitchenette, breakfast space, bath, dressing room and customary closets or storage areas.

*Dwelling unit - One-bedroom:* means a dwelling unit which has only one (1) bedroom and which does not contain another room or space which may be readily converted to an additional bedroom whether such room or space be designated as a library, study, or otherwise. Generally, a one-bedroom unit will contain only a living room, kitchen or kitchenette, dining or breakfast space, bath, one (1) bedroom and customary closets or storage areas.

*Elderly housing:* means housing in a community that is specifically designed and operated for the elderly under state or Federal programs; or housing intended for and occupied solely by persons who are at least 62 years of age; or housing that meets the following criteria: (1) at least eighty percent (80%) of the occupied units in the housing facility or community must be occupied by at least one (1) person 55 years of age or older, (2) the facility or community must publish and must adhere to policies and procedures that demonstrate intent to comply with the requirements of the federal Fair Housing Act, and (3) the community or facility must meet the rules for verification of occupancy promulgated by the Federal Department of Housing and Urban Development.

*Electric supplier:* means any electric light company as defined in section 4905.03 of the Ohio Revised Code, including electric light companies organized as nonprofit corporations, but not including municipal corporations or other units of local government that provide electric service.

*Elevation:* means the orthographically projected length of one (1) side of a building without compensation for indentations and projections included in the perimeter length.

*Eligible facilities request:* means any request for modification of an existing wireless tower or base station that involves (A) collocation of new transmission equipment; (B) removal of transmission equipment; or (C) replacement of transmission equipment as such terms are defined in 47 C.F.R. 1.40001.

*Employees (for determining parking requirements):* means the maximum number of employees on duty on the premises at one (1) time or on any two (2) successive shifts, whichever is greater.

*Essential services:* means the erection, construction, alteration or maintenance, by public utilities of municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

(Ord. No. 58-2011; Ord. No. 6-2012; Ord. No. 8-2012; Ord. No. 36-2014; Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 16-2017 , § 2, 4-10-2017; Ord. No. 42-2017 , § 1, 6-26-2017; Ord. No. 44-2017 , § 2, 7-5-2017; Ord. No. 47-2018 , § 6—10, 6-25-2018; Ord. No. 7-2020 , § 2, 9-14-2020; Ord. No. 75-2021 , § 1(Exh. A), 12-13-2021)

## **ARTICLE 4. DEVELOPMENT PROCEDURES**

**§ 4.05 DEVELOPMENT APPROVALS: CATEGORIES AND CRITERIA. (Note to Codifier: see section 4.05 changes in Ordinance No. 28)**

- (A) *General requirements:* The following table summarizes the development approvals permitted under the UDO. The subsequent sections of the UDO define the applicable approval processes and submittal requirements.

**Table 4-A: Development Approvals**

Request	UDO Permit(s) Required Before Construction	Submittal Requirement	Approval Authority	Initial Appeal/Review Body
Accessory use—Major	Building Permit	Major site plan	BZAP	Court of common pleas
Accessory use—Minor	CZC	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	Building Permit	Conditional use application	BZAP	City Council
Development plan	Building Permit	Preliminary development plan, final development plan	BZAP	City Council
Final plat	Building Permit	Final plat application	City Council (accepts final plat) upon recommendation from BZAP	Court of common pleas
Plat Amendment	Building Permit	Plat amendment application	City Council upon recommendation from BZAP	Court of common pleas
Sign	Sign permit	Sign Permit	Director of Community Development	BZAP
Site plan—Major	Building Permit	Major site plan application	BZAP	City Council
Site plan—Minor	Building Permit	Minor site plan application	Director of Community Development	Court of common pleas
Subdivision—Major	Building Permit after Final Plat approval	Preliminary plan application/Major subdivision application	BZAP	City Council

Subdivision—Minor	Building Permit after Minor subdivision approval	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)	Building Permit or CZC (depending on scope)	Variance application	BZAP	Court of common pleas
Rezoning	Building Permit after approval of Development Plan, Site Plan or Subdivision	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	Building Permit after approval of Certificate of economic hardship	Certificate of economic hardship application	BZAP	City Council
Historic demolition	Building Permit after approval of Historic demolition permit	Historic demolition permit application	Director of Community Development	BZAP
Graphics Plan for Mixed Use District	Sign Permit	Graphics Plan	BZAP	N/A

BZAP = Board of Zoning and Planning.

CZC = Certificate of zoning compliance.

- (B) **Accessory use and buildings—Major:** A major accessory use is an accessory use that, because of its size, location, or intensity of activity, may have impact on adjacent property and is listed as a major accessory use in Table 5-A. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. Major accessory uses and buildings are considered for approval by BZAP. See Section 6.09 for standards.
- (C) **Accessory use and buildings—Minor:** A minor accessory use is an accessory use that will not have significant impact on adjacent property and is listed as a minor accessory use in Table 5-A. Accessory uses and buildings may be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use. Minor accessory uses and buildings are considered for approval by the Director of Community Development. See Subsection 6.09 for standards.



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(D) *Certificates of zoning compliance (CZC)*: The certificate of zoning compliance shall demonstrate that an approved development complies with the requirements of the UDO. No building or other structure shall be erected, constructed, re-constructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until the following has occurred:

- (1) The owner of the property involved or a person having an interest in such property and acting under written authority of the owner has applied for a certificate of zoning compliance (CZC);
  - (a) For applications requesting that a CZC be issued for an in-law suite, the property owner submitting the application shall be required to submit an affidavit, upon penalty of perjury and falsification, attesting that the in-law suite will satisfy all of the factors set forth in this definition. This affidavit shall be completed on a form prepared by the city. The affidavit shall serve as a covenant that touches and concerns the land and is intended to be enforceable by the city against successors to the property owner;
- (2) The application for a CZC shall include the submittal of a site plan as defined here;
- (3) The Director of Community Development shall review and approve a CZC; and
- (4) The Director of Community Development has issued the zoning certificate following approval of the site plan.

A CZC shall become void at the expiration of one (1) year after the date of issuance unless construction has begun. If no construction has begun or the use has changed within one (1) year of the date of the certificate, a new application and certificate shall be required. Construction is deemed to begin when all necessary excavation and piers or footings of one (1) or more principal buildings included in the plan have been completed. The submission of a CZC would not satisfy the zoning review approval after BZAP has approved a development plan or major site plan, as this can only occur via Building Permit.

(E) *Changes in use*: A change in the use of a building or structure may be approved by the Director of Community Development if the use is substantially similar to the existing use or another permitted use under the existing zoning district classification as indicated on the official zoning map. A change in use may or may not involve interior or exterior building alterations. A Building Permit application must be filed.

(F) *Conditional use*: Conditional uses are those uses that because of special requirements or characteristics, may be allowed in a particular zoning district only after review by BZAP and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same district zone or vicinity. A conditional use shall be allowed in a zoning district after permission is granted by BZAP in accordance with the provisions of the UDO. Development standards for each conditional use are described in Section 6.10.

- (1) *Standards for approval*: The following standards shall be considered in the review of conditional use applications:
  - (a) The conditional use is a permitted conditional use in the district for which it is proposed;
  - (b) The conditional use will be in accordance with the general objectives, or with any specific objective, of the City's Master Plan or this UDO;
  - (c) The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  - (d) The conditional use will not be hazardous or reasonably disturbing to existing or future neighboring uses;
  - (e) The conditional use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and

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sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services;

- (f) The conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (g) The conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (h) The conditional use will have vehicular approaches to the property, which shall be designed so as not to interfere with traffic on surrounding public thoroughfares; and
- (i) The conditional use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

A conditional use certificate shall authorize a particular conditional use on a specific parcel for which it was approved. The conditional use certificate is non-assignable and shall expire six (6) months from the date of enactment, unless prior to that date the applicant commences actual construction or business. If the conditional use is approved by BZAP as part of a development or site plan, the conditional use shall not expire until such plan has expired. There shall be no modification of a conditional use certificate except by BZAP.

(G) *Development plan:* Approval of a development plan is required within the planned mixed-use district and the planned shopping center district. The two-step development plan review and approval process includes submission of a preliminary development plan and a final development plan. Both plans are reviewed by staff, the TRC and BZAP. Depending on the scope and complexity of the project proposed, BZAP may permit the preliminary development plan and the final development plan to be combined as one (1) submission. That request should be made at the work session with BZAP.

- (1) *Standards for approval:* The following standards shall be considered in the review of development plan applications:
  - (a) That it fully complies with the applicable requirements of this Ordinance;
  - (b) That it adequately protects other property or other uses located on the same property;
  - (c) That it is consistent with other development on nearby property;
  - (d) That it provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
  - (e) That it provides safe ingress and egress to emergency vehicles on the site.

After the final development plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of buildings may be requested by the proponents. The Director of Community Development shall review and approve amendments to final development plans if the change involves twenty-five percent (25%) or less of the original floor area, not to exceed ten thousand (10,000) square feet. Amendments to final development plans exceeding twenty-five percent (25%) of the floor area, or ten thousand (10,000) square feet, shall be reviewed and approved by BZAP.

After the final development plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of items other than buildings, such as drives, parking areas, recreation areas, entrances, heights, yards, signage, landscaping, exterior lighting, or similar modifications, may be requested by the proponents.

The Director of Community Development shall review and may approve such amendment(s) unless the Director determines that such amendment substantially modifies the original development plan, in which case BZAP shall review and approve such amendment.

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- (H) *Final plat*: A final plat must be accepted by City Council and recorded by the Franklin County Recorder's Office before lots may be transferred.
- (1) *Standards for approval*: The following standards shall be considered in the review of final plat applications:
- (a) The final plat is in accordance with the preliminary plan;
  - (b) The City Engineer has approved all infrastructure construction plans;
  - (c) Homeowners association and other agreements have been approved by the City Attorney's office;
  - (d) Maintenance bonding requirements have been met; and
  - (e) All fees have been paid.
- (I) *Floodplain permit*: A floodplain permit shall be obtained before construction begins within any area of special flood hazard as established in section 6.05, basis for establishing the areas of special flood hazard. Application for a floodplain permit shall be made on forms furnished by the Community Development Department.
- (1) *Standards for approval*: The following standards shall be considered in the review of floodplain permit applications:
- (a) The floodplain application does not include uses that are dangerous to health, safety and property;
  - (b) The application includes uses that are protected against flood damage at the time of construction;
  - (c) The alteration of stream channels, natural floodplains and protective barriers are controlled; and
  - (d) The filling, grading, dredging, and other development are sufficiently controlled.
- (J) *Landscape plan*: A landscape plan shall be submitted as part of the site plan and planned mixed-use district review process. Such plans shall be reviewed and approved by the Director of Community Development.
- (1) *Standards for approval*: The following standards shall be considered in the review of landscape plan applications:
- (a) The landscape plan fulfills the purposes and intent of the UDO;
  - (b) The landscape plan is in concurrence with relevant City plans and policies; and
  - (c) The public's health, safety and welfare will not be adversely impacted by the proposal.
- (K) *Lighting plan*: Prior to the approval of a building permit, occupancy permit, or certificate of zoning compliance, a plan demonstrating compliance with the exterior lighting standards of Section 6.08 will be submitted and approved by, the Director of Community Development.
- (1) *Standards for approval*: The following standards shall be considered in the review of lighting plan applications:
- (a) The lighting plan fulfills the purposes and intent of the UDO;
  - (b) The lighting plan is in concurrence with relevant City plans and policies; and
  - (c) The public's health, safety and welfare will not be adversely impacted by the proposal.

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- (L) *Sign permit*: No display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained until a sign permit has been issued by the Director of Community Development. This provision shall not apply to signs described in Subsection 6.06(C).
- (1) *Standards for approval*: The following standards shall be considered in the review of sign permit applications:
- (a) The sign permit application fulfills the purposes and intent of the UDO;
  - (b) The sign permit application is in concurrence with relevant City plans and policies; and
  - (c) The public's health, safety and welfare will not be adversely impacted by the proposal; and
  - (d) The sign permit application meets the provisions of any applicable comprehensive graphics plan for the development.
- (M) *Site plan - Major*: Approval of a site plan is required for zoning approval prior to construction. BZAP shall review all applications that do not meet the definition of a minor site plan as provided for in Subsection 4.05(N)(1).

After the major site plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of buildings, may be requested by the proponents. The Director of Community Development shall review and approve amendments to major site plans if the change involves twenty-five percent (25%) or less of the original floor area, not to exceed ten thousand (10,000) square feet. Amendments to major site plans exceeding twenty-five percent (25%) of the original floor area, or ten thousand (10,000) square feet, shall be reviewed and approved by BZAP.

After the major site plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of items other than buildings, such as drives, parking areas, recreation areas, entrances, heights, yards, signage, landscaping, exterior lighting, or similar modifications shall be reviewed and approved against all other UDO requirements.

- (1) *Uses requiring major site plan review*: The following uses and additions to uses require major site plan review:
- (a) Multi-family buildings four (4) units and above;
  - (b) Commercial office and all other non-residential buildings and structures;
  - (c) Additions greater than twenty-five percent (25%) or ten thousand (10,000) square feet;
  - (d) Parking structures and facilities and parking lots;
  - (e) Public buildings and structures;
  - (f) Parks; and
  - (g) Places of worship.
- (2) *Standards for approval*: The following standards shall be considered in the review of major site plan applications:
- (a) That it fully complies with all applicable requirements of this Ordinance;
  - (b) That it adequately protects other property or residential uses located on the same property from the potential adverse effects of a non-residential use;
  - (c) That it is consistent with the use and character of surrounding properties;
  - (d) That it provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways; and

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- (e) That it provides safe ingress and egress for emergency services.

Following approval of a site plan the Director of Community Development shall issue a CZC.

The Director of Community Development shall review amendments to major site plans if the change involves twenty-five percent (25%) or less of the original floor area, not to exceed ten thousand (10,000) square feet. Amendments to major site plans exceeding twenty-five percent (25%) of the original floor area, or ten thousand (10,000) square feet, shall be reviewed by BZAP. The Director of Community Development shall determine whether amendments to major site plans, other than those that are related to floor area, require BZAP review. These amendments may include architectural design features, footprint location, fencing or other elements of the approved plan.

- (N) *Site plan - Minor:* Approval of a site plan is required for zoning approval prior to construction. The Director of Community Development shall review: single-family residences; accessory uses and structures, multi-family dwellings of three (3) units or less; signs; and non-residential additions up to twenty-five percent (25%) or less of the original floor area, not to exceed ten thousand (10,000) square feet.
  - (1) *Uses requiring minor site plan review:* The following uses and additions to uses require minor site plan review:
    - (a) Single family buildings;
    - (b) Accessory uses and structures;
    - (c) Multi-family dwellings of three (3) units or less;
    - (d) Signs; and
    - (e) Non-residential additions up to twenty-five percent (25%) of the original floor area not to exceed ten thousand (10,000) square feet.
  - (2) *Standards for approval:* The following standards shall be considered in the review of minor site plan applications:
    - (a) That it fully complies with all applicable requirements of this Ordinance;
    - (b) That it adequately protects other property or residential uses located on the same property from the potential adverse effects of a non-residential use;
    - (c) That it is consistent with the use and character of surrounding properties;
    - (d) That it provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways; and
    - (e) That it provides safe ingress and egress for emergency services.
- (O) *Subdivision - Major:* A major subdivision is a platting of land for the purposes of development and transfer of ownership. It requires approval of a preliminary plan by BZAP, approval of a final plat by BZAP, acceptance by Council, and recording of the final plat prior to the transfer of land.
  - (1) *Standards for approval:* The following standards shall be considered in the review of major subdivision applications:
    - (a) The proposed subdivision is not contrary to the applicable standards of the UDO;
    - (b) The proposed lots in the subdivision shall have adequate space to accommodate the building area and other site requirements;
    - (c) The property has been surveyed and other information relating to the property has been submitted with the application;

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- (d) The proposed lots have been approved for access management and stormwater management; and
    - (e) The proposed lots have been approved relative to emergency access.
  - (P) *Subdivision - Minor*: A minor subdivision or lot split is a division of a parcel of land that is approved by the Director of Community Development and does not require a plat to be approved by BZAP.
    - (1) *Standards for approval*: The following standards shall be considered in the review of minor subdivision applications:
      - (a) The proposed subdivision is not contrary to the applicable standards of the UDO;
      - (b) The proposed subdivision shall have adequate area to accommodate the building area and other site requirements;
      - (c) The property has been surveyed and an acceptable sketch, legal description and other information relating to the property has been submitted with the application;
      - (d) The proposed lots have been approved for access management and stormwater management; and
      - (e) The proposed lots have been approved relative to emergency access.
  - (Q) *Temporary use*: A temporary use may be approved by the City Manager.
    - (1) *Standards for approval*: The following standards shall be considered in the review of temporary use applications:
      - (a) The site, if undeveloped, contains sufficient open space to support the temporary use;
      - (b) The site, if developed, contains an area that does not interfere with the function of the permanent use;
      - (c) The temporary use has sufficient off-street parking; and
      - (d) The public's health, safety, and welfare on and around the temporary use is assured.
  - (R) *Certificate of economic hardship*: After reviewing all evidence provided by an applicant for a certificate of economic hardship, the Board shall determine whether such a certificate is appropriate by considering whether:
    - (1) Denial of a certificate will result in a substantial economic burden on the applicant because the structure cannot be maintained in its current form at a reasonable cost during the required one hundred eighty-day delay demolition period;
    - (2) During the one hundred eighty-day delay demolition period, the denial of a certificate of economic hardship would result in substantial and unanticipated economic costs relating to the property that would not have been incurred except for the requirements that were imposed by the demolition review.
  - (S) *Graphics plan*: Prior to issuing a sign permit in any PMUD-zoned district, a plan demonstrating the types, sizes and locations of signage permitted in the development shall be approved by BZAP.
    - (1) *Standards for approval*: The following standards shall be considered in the review of graphics plan applications:
      - (a) The graphics plan fulfills the purposes and intent of the UDO;
      - (b) The graphics plan application is in concurrence with relevant City plans and policies; and
      - (c) The public's health, safety and welfare will not be adversely impacted by the proposal.

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(Ord. No. 62-2015, § 3, 11-23-2015 ; Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 7-2020 , § 6, 9-14-2020; Ord. No. 44-2021 , § 1, 6-28-2021; Ord. No. 67-2021 , § 1, 11-8-2021)

#### **§ 4.07 DEVELOPMENT APPROVALS: SUBMITTAL REQUIREMENTS.**

(A) *General:* The following general requirements shall apply:

- (1) Each development approval shall include an application provided by the Director of Community Development with the submittal.
- (2) Only complete applications shall be processed by the City. Determination as to completeness shall be made by the Director of Community Development.
- (3) The Director of Community Development may request additional supporting information that in his/her professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (4) The full application fee shall be presented to the City with the application.

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- (B) *Accessory use - Major*: The submittal for approval of a major accessory use shall include an application form for an accessory use-major/certificate of zoning compliance, a major site plan, related materials, and fee. The application shall include at a minimum:
- (1) Name and address of the current property owner;
  - (2) Address and zoning classification of the subject property;
  - (3) Description of the existing and proposed use;
  - (4) Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and
  - (5) A list of the surrounding uses and zoning classification(s).
- (C) *Accessory use - Minor*: The submittal for approval of a minor accessory use shall include an application form for an accessory use-minor/certificate of zoning compliance, a minor site plan, related materials, and fee. The application shall include at a minimum:
- (1) Name and address of the current property owner;
  - (2) Address and zoning classification of the subject property;
  - (3) Description of the existing and proposed use;
  - (4) Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and
  - (5) A list of the surrounding uses and zoning classification(s).
- (D) *Certificate of zoning compliance*: The submittal for a certificate of zoning compliance shall include an application and the appropriate site plan (major or minor as applicable). The application shall include at a minimum:
- (1) Name and address of the current property owner;
  - (2) Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;
  - (3) Address and zoning classification of the subject property;
  - (4) Description of the existing and proposed use;
  - (5) Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and
  - (6) A list of the surrounding uses and zoning classification(s).
- (E) *Change in use*: The submittal for approval of a change in use shall include an application form for a change in use with related materials and fee. The application shall include at a minimum:
- (1) Name and address of the current property owner;
  - (2) Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;
  - (3) Address and zoning classification of the subject property;
  - (4) Description of the existing and proposed use;
  - (5) Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and



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- (6) A list of the surrounding uses and zoning classification(s).
- (F) *Conditional use*: The submittal for approval of a conditional use shall include an application form for a conditional use with related materials and fee, unless included within a development plan or site plan application. The application shall include at a minimum:
- (1) Name and address of the current property owner;
  - (2) Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;
  - (3) Address and zoning classification of the subject property;
  - (4) A site plan and other drawings to scale, showing the existing and proposed use of the site, all pertinent natural and man-made features, and adjacent development character and buildings;
  - (5) A statement of need for the proposed use, its location and a report identifying the effects of the proposed use on the surrounding properties and the neighborhood; and
  - (6) A plan of how the potential negative effects of the proposed use will be mitigated including traffic, parking, noise, light intrusion, solid waste storage and removal.
- (G) *Development plan*: The following outlines the submittal requirements for preliminary and final development plan. Relative to the approval process, each preliminary and final development plan must be approved through the same process.
- (1) *Preliminary development plan*: Application for a preliminary development plan shall be provided at the time of submittal. The preliminary development plan shall be comprised of the following information:
    - (a) A general supporting statement. This is a narrative that explains what is being proposed and why. The narrative shall explain the development proposal in context of existing structures on the property and adjoining properties and shall provide the approximate allocation of land use by acreage and type and shall provide an estimate of the population of the project at build-out;
    - (b) An existing conditions plan at a scale not less than one (1) inch equals fifty (50) feet indicating existing topography, property boundaries, trees, structures, pavements, utilities, and the location of existing directly adjacent properties and their structures;
    - (c) Proposed site plan at not less than one (1) inch equals one hundred (100) feet scale indicating pavement, structures, service areas, loading areas, parking circulation, trash dumpsters, setbacks, vegetation to remain, points of access, required screens and buffers, and related site improvements. This plan shall include the location of existing contiguous properties and their structures;
    - (d) Conceptual architectural design and landscape planting;
    - (e) Longitudinal and transverse cross-sections through the building at its tallest point. These sections shall include contiguous property and their principal buildings to illustrate neighboring height relationships. The scale of these sections shall be no less than one (1) inch equals forty (40) feet;
    - (f) Engineering feasibility comments, report or study from a civil engineer for water, sanitary sewer and stormwater utilities;
    - (g) A complete traffic impact study (TIS) will be requested for any proposed development or redevelopment that meets one or more of the following criteria:
      1. Significantly-sized project. A development meets this criterion if it generates more than 100 trip ends (i.e., two-way vehicle trips) during any one hour of an average weekday (or weekend for certain types of development, if applicable). These trip ends shall be

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calculated using the latest edition of Trip Generation as published by the Institute of Transportation Engineers.

2. Modifications to roadways. This criterion is met when the proposed development is expected by Upper Arlington to significantly impact a roadway segment, or roadway segments, that are identified in the 10 Year CIP.
3. Nearby congestion. A development meets this criterion if the proposed development is expected, in the opinion of Upper Arlington Staff, to significantly impact surrounding roadways, intersections, or sets of intersections, which are already operating at a poor level of service.
4. High traffic impact area. This criterion is met when, in the opinion of Upper Arlington Staff, the proposed development is located in a high traffic impact area. A high traffic impact area requires special sensitivity to traffic condition changes due to existing congestion, problematic circulation patterns, burgeoning traffic operations problems, or other traffic conditions of special concern. A traffic impact study will be requested for any proposed new development or modifications to existing development within a high traffic impact area.
5. Multiple Drives. The number of driveways should be kept to a minimum whenever possible. Applications requesting multiple drives may be required to prepare a Traffic Impact Study.
6. Access analysis will be requested for applications which do not meet the warrants for a detailed traffic impact study identified but meet any one of the following conditions:
  - a. Existing sight distance limitations or high accident experience adjacent to the subject site.
  - b. Modifications to a site plan for an existing development where the proposed parking layout and/or internal circulation system could affect traffic operations on the external roadway system.

Examples of access analyses include studies of proposed driveway and intersection geometry and control, turn lane needs and design, accommodation of projected queuing conditions, accident experience and safety, and traffic signal warrant and progression analysis.

- (h) Other information necessary for the evaluation of existing site conditions and proposed development as deemed necessary by the Director of Community Development and/or BZAP.
- (2) *Final development plan:* Application for a final development plan shall be provided at the time of submittal. In addition to the preliminary development plan requirements outlined in Subsection 4.07(G)(1) above, the final development plan shall include the following:
- (a) Boundaries of the tract and legal description;
  - (b) Locations of buildings, streets, drives and parking areas. Locations and dimensions of rights-of-way, easements and all land to be dedicated to the City or reserved for specific uses;
  - (c) Proposed building floor plans at one-eighth ( $\frac{1}{8}$ ) inch equals one (1) foot;
  - (d) Proposed building elevations at one-eighth ( $\frac{1}{8}$ ) inch equals one (1) foot;
  - (e) Proposed exterior material schedule which identifies all exterior and site structure materials and color;

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- (f) Illustration of general architectural concepts, such as perspective renderings and building/site cross-sections, which may be needed to explain concepts, if applicable or requested;
  - (g) Location of existing trees or tree masses that will remain. Location of all individual trees on the site plan with diameters/calipers six (6) inches or greater;
  - (h) Location of public utility services, including storm drainage;
  - (i) Indicate whether streets and utilities are to be publicly or privately owned and maintained;
  - (j) The location and dimensions of rights-of-way, easements and all lands to be dedicated to the City or reserved for specific uses;
  - (k) Location of proposed construction limits and areas to remain undisturbed;
  - (l) Proposed landscape plan prepared by a registered landscape architect, as defined by Subsection 6.08(D) integrated with a grading plan, at one (1) inch equals twenty (20) feet scale indicating existing trees to be saved, new plantings, and a schedule of plant material showing proposed sizes and quantities;
  - (m) Location, dimensions, (including height, square feet and language) and elevations of all signs;
  - (n) Exterior lighting plan and specifications including cut-off angle, distribution plan, intensity in foot-candle value within the light distribution area produced by the fixture(s) proposed, and the relationship values of these foot-candle levels at all property lines;
  - (o) Longitudinal and transverse cross-sections through the building at its tallest point. These sections shall include contiguous property and their principal buildings to illustrate neighboring height relationships. The scale of these sections shall be no less than one (1) inch equals forty (40) feet;
  - (p) Grading plan including storm drainage by a licensed civil engineer;
  - (q) Engineering plans for sanitary sewer, storm sewer and pavements by a licensed civil engineer;
  - (r) A plat of the proposed development area showing street right-of-way, subdivided and common land and easements in accordance with the requirements of the UDO which shall be in form for recording;
  - (s) A text describing the character of the proposed development and includes standards that are supplemental to, and supportive of, the development standards contained within this Ordinance;
  - (t) A complete traffic impact study (TIS) will be requested for any proposed development or redevelopment that meets one or more of the following criteria:
    - 1. Significantly-sized project. A development meets this criterion if it generates more than 100 trip ends (i.e., two-way vehicle trips) during any one hour of an average weekday (or weekend for certain types of development, if applicable). These trip ends shall be calculated using the latest edition of Trip Generation as published by the Institute of Transportation Engineers.
    - 2. Modifications to roadways. This criterion is met when the proposed development is expected by Upper Arlington to significantly impact a roadway segment, or roadway segments, that are identified in the 10 Year CIP.
    - 3. Nearby congestion. A development meets this criterion if the proposed development is expected, in the opinion of Upper Arlington staff, to significantly impact surrounding roadways, intersections, or sets of intersections, which are already operating at a poor level of service.

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4. High traffic impact area. This criterion is met when, in the opinion of Upper Arlington staff, the proposed development is located in a high traffic impact area. A high traffic impact area requires special sensitivity to traffic condition changes due to existing congestion, problematic circulation patterns, burgeoning traffic operations problems, or other traffic conditions of special concern. A traffic impact study will be requested for any proposed new development or modifications to existing development within a high traffic impact area.
  5. Multiple Drives. The number of driveways should be kept to a minimum whenever possible. Applications requesting multiple drives may be required to prepare a Traffic Impact Study.
  6. Access analysis will be requested for applications which do not meet the warrants for a detailed traffic impact study identified but meet any one of the following conditions:
    - a. Existing sight distance limitations or high accident experience adjacent to the subject site.
    - b. Modifications to a site plan for an existing development where the proposed parking layout and/or internal circulation system could affect traffic operations on the external roadway system.

Examples of access analyses include studies of proposed driveway and intersection geometry and control, turn lane needs and design, accommodation of projected queuing conditions, accident experience and safety, and traffic signal warrant and progression analysis.

- (u) Shade or Shadow Study for all proposed buildings exceeding four (4) stories or sixty (60) feet in height.
  - (v) Other information necessary for the evaluation of existing site conditions and proposed development as deemed necessary by the Director of Community Development and/or BZAP.
- (3) *Effect of approval:* The approval of a preliminary development plan shall be for a period of two (2) years to allow for the submission of a final development plan application before it shall become voided. The final development plan or amendment thereto, as approved by BZAP, shall constitute an administrative act as it applies to the land included in the approved amendment. Detailed site plan approval is assured based on good faith compliance with the approved development plan. A final development plan or amendment thereto shall expire two years after BZAP approval unless a Building Permit has been issued. The City Manager may grant an extension of BZAP's approval of the final development plan or amendment thereto pursuant to an economic development agreement approved by City Council.

Expired development plans shall require BZAP review as a new application.

- (H) *Final plat:* An application form shall be completed by the developer/subdivider and submitted with the final plat. The application form shall be provided by the Community Development Department. The required fees shall also be paid at the time of application submittal. The following supplementary information shall be supplied in addition to these requirements:
- (1) *Boundary lines:* All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed one (1) to ten thousand (10,000).
  - (2) *Recorded streets:* The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.

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- (3) *Bearings*: True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.
  - (4) *Monuments*: The accurate location and material of all permanent reference monuments.
  - (5) *Site layout*: The exact layout including:
    - (a) Streets and alley lines - Their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street);
    - (b) The chord length of all arcs - Radii, points of curvature and tangent bearings;
    - (c) All easements and rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); and
    - (d) All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
  - (6) *Lots and block numbers*: Lots numbered in numerical order. In tracts containing more than a block, the blocks may be likewise numbered in numerical order or lettered in alphabetical order.
  - (7) *Property offered for dedication*: The accurate outline of all property, which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use other than streets or roads shall be marked "Dedicated to the Public". Streets and roads not dedicated shall be marked "Private Street".
  - (8) *Setback lines*: As shown on the preliminary plat.
  - (9) *Name of subdivision*: Name of subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
  - (10) *Adjoining subdivision*: Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.
  - (11) *Names of owners, etc.*: Names and addresses of the owner of record, the subdivider, and of the engineer or surveyor.
  - (12) *North-Point, etc.*: North-point, scale, date and title.
  - (13) *Engineer's certificate*: A certificate by a registered professional engineer or surveyor to the effect that said plat was prepared by him, pursuant to an actual survey of the premises and that said plat is correct.
  - (14) *Owner's certificate*: A certificate by the owner of the land to the effect that he has caused said land to be platted and that he dedicates to public use the streets, parks and other lands indicated on the plat as intended for public use. This certificate shall be executed as a conveyance is executed.
  - (15) *Bond or certificate to ensure street construction*.
  - (16) *Park and playground fee*: The proprietor of each new subdivision in the City, as a prerequisite to the approval of the final plat thereof on behalf of the City, shall pay a park and playground fee into the general fund of said City, said fee shall be computed in accordance with the provisions of Section 1.10 for each category listed below which is applicable to the new subdivision:
    - (a) For each lot shown on said plat which is intended for single-family residence use.

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- (b) For each lot intended for multi-dwelling use, the fee specified in Section 1.10 shall be paid for each dwelling unit permitted to be constructed thereon under applicable regulations of the zoning ordinance.
  - (c) For each lot or parcel intended for commercial, office or other business use.
  - (d) In lieu of payment of the above park and playground fee, the City Council on recommendation of BZAP may accept the dedication for public park and playground use of open spaces constituting a reasonable proportion of the gross acreage of the subdivision, suitably located and of adequate size, provided, however, that in no event shall the aggregate value of such dedicated land be less than the equivalent park and playground fee otherwise payable and computed in accordance with Section 1.10.
- (I) *Floodplain permit:* Application for a floodplain permit shall be made on forms, furnished by the Community Development Department and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. A floodplain permit shall be provided at the time of submittal. The following information is required:
- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
  - (2) Elevation in relation to mean sea level to which any proposed structure will be flood proofed in accordance with Section 6.05 where base flood elevation data are utilized; and
  - (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- (J) *Landscape plan:* A landscape plan prepared by a landscape architect (or landscape designer) shall be submitted to the Director of Community Development to coordinate review by city departments. Proposed landscape treatment shall be indicated on the major landscape plan and shall not be shown on any separately required major site plan. Landscape plans shall be submitted with major site plans and development plans as required in Section 4.07(O) and 4.07(G). Each landscape plan shall be drawn to scale, show the placement of individual plants and include the following information:
- (1) Project name and address;
  - (2) Project owner's name, address and telephone number;
  - (3) Name, address and telephone number of landscape architect;
  - (4) Distance from the property to nearest intersecting street;
  - (5) North arrow, scale (1"=20' preferred, no scale smaller than 1"=40'), date and/or date of revisions;
  - (6) A notation stating, "This landscape plan has been reviewed and approved by the owner/responsible agent who understands that any changes, substitutions, or deletions may require review and approval by the responsible reviewing authority";
  - (7) The species (common name and botanical name), location and crown spread to scale of all trees existing on the site prior to construction with a caliper of six (6) inches or greater at common breast height. An indication of which trees are to be retained and which are to be removed, including a plan for how those to be retained will be preserved;
  - (8) Existing and proposed buildings and accessory structures to include existing and proposed signs;
  - (9) Zoning designations of the site and adjacent properties;

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- (10) Parking and loading spaces showing all required wheel stops, curbs, driveways, landscape screening, parking lot landscaping, and sidewalks or other pedestrian paths;
  - (11) All sight triangles;
  - (12) Location, width and names of all existing/proposed streets and watercourses;
  - (13) All easements (provide dimensions and purpose);
  - (14) Location of all existing and proposed utilities, both overhead and underground;
  - (15) Principal buildings, streets (public and private), right-of-way lines and property lines;
  - (16) Location and type of trash disposal and details of screening;
  - (17) Location, height, type and material of all fences, walls, screen planting and landscaping details of all buildings and grounds. Show each individual plant on the plan;
  - (18) Location of all ground mounted heating, ventilating and cooling equipment;
  - (19) Location of all transformers;
  - (20) Square footage measurements of the total site, building, parking and hard surface areas, and landscape areas. Show percentage of landscape area for the total project. For parking spaces, show percentage of interior landscape area;
  - (21) Dimensions and distances of landscape strips as required in Section 6.07;
  - (22) Landscape notes indicating the following:
    - (a) All landscaping materials shall meet the minimum specifications and standards described in the American Standard for Nursery Stock, 1986 or as may be amended, published by the American Association of Nurserymen, 1250 I Street, N.W., Suite 500, Washington, D.C. 20005; and
  - (23) Grading plan, including mounding, and topographical lines at one-foot intervals.
    - (K) *Lighting plan:* A lighting plan shall be provided at the time of submittal. The plan shall be submitted along with other required site information to the Director of Community Development to coordinate review by City departments.
      - (1) Scaled building plans, site plans and elevations shall be submitted showing property boundaries, building location(s), parking lot layout, driveways, pedestrian pathways, all building entrances, adjacent rights-of-way, north arrow, scale, address or legal description, and locations of all luminaires, controls, and electrical transformers;
      - (2) Cut sheets (profiles) shall be submitted for all proposed exterior luminaires and poles;
      - (3) Scaled isofootcandle plots and/or point-by-point foot-candle layouts shall be submitted demonstrating compliance; and
      - (4) During the design and/or construction process after Community Development Department approval, changes shall be reviewed for re-approval prior to final acceptance.
    - (L) *Graphics plan:* A sign plan shall be provided at the time of submittal as may be required to assure compliance with the UDO, including:
      - (1) Name and address of the owner of the sign;
      - (2) Name and address of owner or the person in possession of the premises where the sign is located or to be located;

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- (3) Clear and legible drawings showing the location of the sign(s) that is subject to the permit including the sign's location with respect to existing right-of-way and property lines and all other existing signs whose construction requires permits, when such signs are on the same premises; and
  - (4) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment.
- (M) *Site plan - Major:* An application form shall be completed by the developer/subdivider and submitted with the major site plan. The application form shall be provided by the Community Development Department. Submittal requirements for a major site plan includes the following:
- (1) Name and address of current property owner;
  - (2) An accurate legal description prepared by, or certified by, a registered surveyor of the state;
  - (3) A property location map showing existing property lines, easements, utilities, and street rights-of-way;
  - (4) A site plan, prepared by a civil engineer, landscape architect, or architect drawn at a suitable scale not to exceed one (1) inch equals one hundred (100) feet indicating use, location, and height of existing and proposed buildings and structures, including accessory buildings, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights. The site plan should also show the location and configuration of off-street parking and loading areas, the arrangement of internal and in-out traffic movement including access roads and drives and the location of signs related to parking and traffic control;
  - (5) Topographic maps available from the Franklin County Auditor's Office with sufficient elevations to show existing and generally proposed grading contours, major vegetation features, wooded areas and existing trees over six (6) inches in diameter measured at the average breast height;
  - (6) Proposed landscaping plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping, screening elements and existing trees to be removed;
  - (7) Elevation drawings of proposed structures, floor plans, exterior construction materials, by type and color;
  - (8) Proposed sign plans indicating the location, size, and illumination of wall signs, ground mounted signs, and directional signs. Elevation drawings of ground mounted signs and wall signs shall also be included;
  - (9) Proposed lighting plans including exterior building, parking lot, and site lighting. Sample cut sheets indicating pole and luminaire height as well intensity of illumination in foot-candles on a point-by-point isofootcandle map shall also be provided;
  - (10) Summary table showing total acres of the proposed development; number of acres devoted to each type of residential and/or non-residential use including streets (right-of-way) and open space; number of dwelling units by type; total building square footage; and overall density (units per acre) and intensity (lot coverage);
  - (11) Proposed grading and stormwater management plan;
  - (12) Landscape plan indicating location of existing plants; proposed plantings, including planting height and caliper of proposed trees measured at the average breast height;
  - (13) A complete traffic impact study (TIS) will be requested for any proposed development or redevelopment that meets one or more of the following criteria:
    - (a) Significantly-sized project. A development meets this criterion if it generates more than 100 trip ends (i.e., two-way vehicle trips) during any one hour of an average weekday (or weekend for certain types of development, if applicable). These trip ends shall be calculated using the latest edition of Trip Generation as published by the Institute of Transportation Engineers;



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- (b) Modifications to roadways. This criterion is met when the proposed development is expected by Upper Arlington to significantly impact a roadway segment, or roadway segments, that are identified in the 10 Year CIP;
  - (c) Nearby congestion. A development meets this criterion if the proposed development is expected, in the opinion of Upper Arlington Staff, to significantly impact surrounding roadways, intersections, or sets of intersections which are already operating at a poor level of service;
  - (d) High traffic impact area. This criterion is met when, in the opinion of Upper Arlington Staff, the proposed development is located in a high traffic impact area. A high traffic impact area requires special sensitivity to traffic condition changes due to existing congestion, problematic circulation patterns, burgeoning traffic operations problems, or other traffic conditions of special concern. A traffic impact study will be requested for any proposed new development or modifications to existing development within a high traffic impact area;
  - (e) Multiple Drives. The number of driveways should be kept to a minimum whenever possible. Applications requesting multiple drives may be required to prepare a Traffic Impact Study;
  - (f) Access analysis will be requested for applications which do not meet the warrants for a detailed traffic impact study identified but meet any one of the following conditions:
    - 1. Existing sight distance limitations or high accident experience adjacent to the subject site;
    - 2. Modifications to a site plan for an existing development where the proposed parking layout and/or internal circulation system could affect traffic operations on the external roadway system;Examples of access analyses include studies of proposed driveway and intersection geometry and control, turn lane needs and design, accommodation of projected queuing conditions, accident experience and safety, and traffic signal warrant and progression analysis;
  - (14) Shade or Shadow Study for all proposed buildings exceeding four (4) stories or sixty (60) feet in height; and
  - (15) Other information necessary for the evaluation of existing site conditions and proposed development as deemed necessary by the Director of Community Development and/or BZAP.
  - (N) *Site plan - Minor*: The minor site plan shall be provided at the time of submittal. An application form shall be completed by the developer/subdivider and submitted with the minor site plan. The application form shall be provided by the Community Development Department. Submittal requirements for a minor site plan include the following:
    - (1) General layout plan with existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
    - (2) Proposed and existing buildings on site with general sketch floor plans and building elevations;
    - (3) Building height;
    - (4) List of property owners and labeling of adjacent property owners;
    - (5) Square footage of existing and proposed buildings;
    - (6) Zoning of property and existing use on site, including adjacent use and zoning;
    - (7) Preliminary grading plan, stormwater plan and landscape plan;
    - (8) Street and parking lot layout, including street rights-of-way, drive aisles, parking spaces, and sidewalk location; and

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- (9) Preliminary water and sewer plan.
- (O) *Subdivision - Major*: An application form shall be completed by the developer/subdivider and submitted with the major subdivision. The application form shall be provided by the Community Development Department. The following information shall be provided upon submittal of an application for a major subdivision:
- (1) *Major subdivision - Preliminary plan application and base information*: An application form shall be completed by the developer/subdivider and submitted with the preliminary plan and required supplemental information. The preliminary plan and base information shall be provided at the time of submittal. The application form shall be provided by the Community Development Department. The required fees shall also be paid at the time of application submittal. The Director of Community Development shall certify the receipt of a complete application package meeting the requirements of the UDO prior to scheduling the application on BZAP agenda. The preliminary plan shall be drawn on twenty-four-inch by thirty-six-inch sheets to a scale of not less than one (1) inch equals two hundred (200) feet. When more than one (1) sheet is required, an index shall be incorporated into the title block. The Director of Community Development may approve the consolidation of the submittal requirements provided the intent of this section is met. The preliminary plan shall contain the following information at a minimum:
- (a) Name and address of developer, property owner, land planner, landscape architect, engineer and/or surveyor;
  - (b) Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property structures within three hundred (300) feet or as specified by the Director of Community Development;
  - (c) Vicinity map (section and range);
  - (d) The ownership, acreage and boundaries of all adjacent properties within three hundred (300) feet of the subdivision or as specified by the Director of Community Development. If a recorded subdivision adjoins the subject site, the subdivision name, lot numbers, block numbers and recording number shall be indicated with dashed lines;
  - (e) North arrow;
  - (f) Title block shall be in the lower right-hand corner. The title block shall include title "Preliminary Plan", sheet title, proposed subdivision name, developer and preparer, scale of the plan, tax map and parcel numbers, sheet index, date and revisions numbered and dated;
  - (g) Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances; and
  - (h) Existing topography at two-foot intervals for slopes under ten percent (10%) and at ten-foot intervals for slopes ten percent (10%) or greater. Contour lines shall be indicated fifty (50) feet beyond the subdivision boundary.
- (2) *Preliminary plan - Existing conditions*: The existing conditions map and text shall indicate the subdivision and all property within two hundred (200) feet of the subdivision or as specified by the Director of Community Development, the following conditions depicted to scale:
- (a) Existing generalized natural features;
  - (b) Existing zoning;
  - (c) Existing utilities, including: water; sanitary sewer and stormwater facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; electric and telephone poles; street lights; fire hydrants; landfills; and public utility easements;

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- (d) Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and streets which have been preliminarily approved or recorded but which remain unimproved shall be indicated;
  - (e) Existing community facilities, including parks and recreation facilities; and
  - (f) Master plan recommendations for the subject site and applicable zoning districts and standards.
- (3) *Preliminary plan - Proposed subdivision plan:* The following proposed improvements are to be superimposed on top of the existing conditions map:
- (a) Proposed generalized land use, including proposed building footprint;
  - (b) Proposed layout of all proposed and existing lots with approximate dimensions and minimum area in square feet (acres if lot size is greater than one hundred thousand (100,000) square feet), section number, phase number and part number, building lines, lot frontages and required setbacks;
  - (c) Lot numbers in numerical or alphabetical order throughout the entire subdivision;
  - (d) The location, dimensions, use and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements; and
  - (e) Total number of lots, area of lots and parcels, area of public roadways, areas of open space dedications, and total area of the subdivision.
- (4) *Preliminary Plan - Proposed Water, Sanitary Sewer, and Stormwater:* The following improvements are to be superimposed on top of the existing conditions map:
- (a) Proposed water system;
  - (b) Proposed sewer system;
  - (c) Proposed drainage and stormwater management systems, including: the type of structures; drainage easements; proposed changes in topography; the 100-year floodplain (floodway and floodway fringe shall be indicated separately); and
  - (d) A preliminary storm drainage study including an evaluation of drainage structures and/or drainage systems, both upstream and downstream, affected by the drainage from the area covered by the preliminary plan, as directed by the City Engineer.
- (5) *Preliminary plan - Proposed circulation:* The following improvements are to be superimposed on top of the existing conditions map:
- (a) Proposed streets and roads, including: widths of rights-of-way and pavements; tentative profiles of each street centerline; tentative horizontal curve data; and typical cross sections of each type of street proposed;
  - (b) Proposed sidewalks and bike paths, including: locations; widths of rights-of-way; surface widths; and typical cross sections; and
  - (c) Proposed locations of street trees and landscape features.
- (6) *Preliminary plan - Proposed sedimentation and erosion control:* The following improvements are to be superimposed on top of the existing conditions map:
- (a) Locations and extent of tentative erosion and sedimentation control measures; and
  - (b) Preliminary grading plan for the entire area covered by the preliminary plan.

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- (7) *Construction documents:* The final plat shall include a set of construction drawings and specifications of improvements. This shall be a set of construction plans prepared by a registered professional engineer that shall include typical sections, plan and profile views, construction details, and estimates of quantities. A set of construction drawings and specifications for all improvements shall be provided to the City Engineer per the streets and services code.
- (8) *Security for construction:* In lieu of constructing improvements, the subdivider may apply for final plat approval by insuring completion of the required improvements by one of the following methods and review and approval by the City Attorney, the City Engineer and the Finance Director:
- (a) A surety performance bond running to the City sufficient to cover the full cost of said improvements as estimated by the officials having jurisdiction, to assure the satisfactory installation of said improvements in accordance with its regulations.
  - (b) The subdivider may deposit in a bank in Franklin County, Ohio, the sum not less than the total estimated improvement cost, to be held in escrow to guarantee the satisfactory completion of said improvements within the required time, the form of said escrow agreement to be subject to the approval of the Director of Community Development and the City Attorney and which agreement may provide for the making of payments from such funds from time to time upon certificates of the City Engineer that the balance remaining after such payments will, in his opinion, be adequate to pay the remaining costs of said improvements.
  - (c) The subdivider may deposit with the Director of Community Development a cashier's check or irrevocable letter of credit in the amount of the total estimated improvement cost to be held in escrow until the satisfactory completion of construction, unless a default in the completion of said improvements occurs, in which event the check may be cashed by the Director of Community Development and the proceeds thereof used to complete the improvements, to pay claims connected therewith for which the subdivider may be liable, or to cure any other default of the subdivider connected with the making of said improvements.
- (9) *Construction of buildings:* Construction of buildings shall not be permitted until all improvements are completed and accepted by the City.
- (P) *Regulation concerning improvements required in subdivisions:*
- (1) *Required minimum improvements:* Minimum improvements shall be installed: (a) in the case of subdivisions within the City, in accordance with the requirements of this Ordinance; and (b) in the case of subdivisions outside the corporate limits within three (3) miles of the City, in accordance with rules and regulations adopted by the Board of county commissioners, provided such county rules and regulations are equally or more restrictive than the requirements of this Chapter. In the event that the applicable county requirements are less restrictive, the provisions of this section shall govern.
  - (2) *Time for construction of improvements:* All required improvements shall be constructed within two (2) years of the acceptance of the final plat by the City Council.
  - (3) *Street construction:* Streets shall be graded to full width of the right-of-way and fully constructed with all-weather macadam or concrete pavements surfaced with asphaltic or Portland cement concrete wearing surfaces, concrete curbs and gutters with tile underdrain and porous backfill and proper storm drains and inlets. Streets constructed within this city shall be in conformity with the plans and specifications for street construction adopted by Council, duplicates of which shall be kept on file in the office of the City Manager and the City Engineer. Streets constructed outside the City shall be as specified by the county engineer.
  - (4) *Water supply:* Where a public water supply main is reasonably accessible, the subdivision shall be provided with a complete loop type water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants in accordance with

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- the requirements of the City of Columbus. Where public water supply is not available within a reasonable distance, the average size of the lots shall be not less than twenty thousand (20,000) square feet. The entire water system shall be designed to meet the approval of the officials having jurisdiction.
- (5) *Storm drainage*: Every subdivision shall be provided with a stormwater sewer or drainage system adequate to serve the area being platted and otherwise meeting the requirements of Section 6.04.
  - (6) *Sewerage*: Where a public sanitary sewer main is reasonably accessible, in the opinion of BZAP, the subdivision shall be provided with a complete sanitary sewer connected with such sewer main, including a lateral connection for each lot.
  - (7) *Electric and telephone lines*: Where it is necessary to locate electric or telephone lines in the street right-of-way, they shall be not less than nine (9) feet six (6) inches back of curb.
  - (8) *Street signs*: The City will erect the necessary street signs. The subdivider shall reimburse the City for the cost thereof.
  - (9) *Construction plans*: Construction plans, including the following, for improvements shall be furnished in accordance with the specifications of the City Engineer and shall receive approval of the City Engineer and the fire division before improvements are installed, and before approval of the final plat:
    - (a) The centerline profile of each proposed street, with tentative grades indicated;
    - (b) The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
    - (c) The plans and profiles of proposed sanitary sewers and stormwater sewers, with grades and sizes indicated, or method of sewage or stormwater disposal in lieu of sewers;
    - (d) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
    - (e) A drainage plan showing all existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades, waterway openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all stormwater, including drainage outlets, and such other data as may be required by the City Engineer and Section 6.04.
  - (10) *Inspection*: Prior to the start of any work covered by the above plans, after approval thereof, arrangements shall have been made to provide for inspection of the work sufficient, in the opinion of the City Engineer, to insure compliance with the plans and specifications as approved.
  - (11) *Completion of construction*: The construction of all improvements required by these rules and regulations must be completed within two (2) years from the date of approval of the final plat by City Council, unless good cause can be shown for the granting of an extension of time by authority of BZAP and City Council.
  - (12) *Maintenance after approval*: For a period of one (1) year from the date the constructed improvements were approved by the City Engineer the subdivider shall make such repairs or replacements as may be required by reason of defective workmanship or material.
- (Q) *Subdivision - Minor*: A minor subdivision application shall be provided at the time of submittal. An application form shall be completed by the developer/subdivider and submitted with the minor subdivision. The application form shall be provided by the Community Development Department. In order to be complete and to be accepted for review and processing, all minor subdivision (lot split) proposals must be legible and include or comply with the following:
- (1) Name, address, telephone number, fax number and e-mail address of existing property owner;

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- (2) Name, address, telephone number, fax number and e-mail address of surveyor or preparer of the submittal if different from the property owner;
  - (3) Location and size of existing and proposed parcels, including date of creation of existing parcel to be split;
  - (4) North arrow and bar scale;
  - (5) Location information including: location map; adjacent or frontage roads; adjacent parcel ownership; proposed easements of access; etc.;
  - (6) Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries;
  - (7) Proposed building envelope, building footprint and proposed site drainage and grading may be required by the TRC if existing data indicates a situation where development constraints should be addressed in detail sufficient for approving the development proposal;
  - (8) Site drainage and 100-year floodplain (floodway and floodway fringe, elevation and boundaries);
  - (9) Steep slopes, ravines, drainage swales, and all other natural features;
  - (10) All other natural and built features or conditions that in the determination of the Director of Community Development are directly relevant to the ability of the proposed lot(s) to be buildable per these regulations. Existing topography at two-foot intervals for slopes under ten percent (10%) and ten-foot intervals for slopes ten percent (10%) or greater or as approved by the TRC if topographic characteristics of the site and/or adjacent properties indicates a situation where development constraints should be addressed in detail sufficient for approving the development proposal;
  - (11) Any and all proposed easements, reserves or no build zones; and
  - (12) A filing fee shall be charged and must be paid at the time that the final survey is filed with the Community Development Department.
- (R) *Temporary use:* A temporary use application shall be provided at the time of submittal. An application for a temporary use shall be filed with the Director of Community Development on a form prescribed by the Director, along with the fee for such permit and the following information:
- (1) A sketch plan showing the boundaries of the property;
  - (2) The use of adjacent properties identified and labeled;
  - (3) The location of the temporary use or structure on the property.
- (S) *Certificate of economic hardship:* An applicant that reasonably believes that delaying a historic demolition of a contributing structure by one hundred eighty (180) days would cause economic hardship may submit an application for a certificate of economic hardship. Documents that the Board may consider shall be described on the application prepared by the Community Development Department.

(Ord. No. 8-2012; Ord. No. 87-2015, § 5, 12-14-2015; Ord. No. 75-2021 , § 1(Exh. A), 12-13-2021)

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#### **§ 4.09 VARIANCES.**

- (A) *Definition:* A variance may be granted allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by the zoning and subdivision provisions of the UDO where practical difficulties unique to the property in question prevent full compliance with such provisions. A variance may also be granted allowing a deviation from the permitted use provisions in the UDO in cases where limiting the use of a property in question to those permitted in the UDO would constitute an undue hardship resulting in denial of any economically viable use of the property.
- (B) *Variance process:* Authority to consider variance(s) from the terms of this UDO is granted to the Board of Zoning and Planning. The board may authorize, in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest.
  - (1) *Pre-application meeting:* The applicant may meet with the Director of Community Development or informal BZAP prior to submitting a variance request for consideration by BZAP. Following the conclusion of the meeting, the Director of Community Development shall forward to the applicant a written summary of the results of the pre-application meeting including recommendations and all attached comments.

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- (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 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 provided. If it is complete, the Director of Community Development may forward 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) *Major variance 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 proposed variance. 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 proposed variance. Maps and plans (if applicable) shall be on file for public examination in the office of the Director of Community Development and on the City website.
  - (5) *Notice to property owners:* Written notice of the date, time, location and reason for the public hearing shall be provided to all owners of property within one hundred (100) feet of the subject site. Such notice shall be sent by the applicant by certified mail, at least twenty-one (21) 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. As an alternative to certified mail delivery, such notice may be hand-delivered, with proof of delivery confirmed by a written receipt of such notice signed in-person by the owner(s) of each property subject to this notice requirement. Hand delivery of the notice must be completed at least twenty-one (21) days before the date of the hearing.
  - (6) *BZAP hearing and decision:* BZAP shall review the application at the public hearing and shall grant the variance as requested, grant the variance as modified by BZAP, or deny the variance. BZAP shall indicate the specific reason(s) for its decision.
  - (7) *Additional conditions and safeguards:* The BZAP may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.
- (C) *Expiration of the variance:* Variances shall expire two (2) years from the date of enactment, unless prior thereto the applicant is issued a building permit in accordance with the granted variance. There shall be no modification of variances except by further consideration of BZAP. Extension of variances, without modification, may be applied for prior to the date of expiration, if the variance does not carry a prohibition against the extension. Extensions may be granted by BZAP if it finds that the requested extension is consistent with the purpose, policies, and intent of the master plan, and the specifications of the UDO. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to Section 4.09.

Variances approved by BZAP as part of a subdivision, development or site plan shall not expire until said plan has expired.

- (D) *Standards for approval:* The following factors shall be considered and weighed by BZAP in determining practical difficulty or hardship:



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- (1) Whether special conditions and circumstances exist, which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions;
  - (2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - (4) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
  - (6) Whether special conditions or circumstances exist as a result of actions of the current or a previous owner;
  - (7) Whether the property owner's predicament feasibly can be resolved through some method other than a variance;
  - (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and/or
  - (9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- (E) *Submittal requirements:* An application for a variance shall be filed on a form provided by the Director of Community Development, and shall be accompanied by the following requirements:
- (1) Name, address, and phone number of applicant(s) and property owner;
  - (2) Proof of ownership, legal interest or written authority;
  - (3) Legal Description of property or portion thereof;
  - (4) Description or nature of variance requested;
  - (5) Narrative statements establishing and substantiating the justification for the variance pursuant to subsection 4.09(D);
  - (6) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
  - (7) Payment of the application fee as established by City Council; and
  - (8) Any other documents deemed necessary by the Director of Community Development.

(Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 16-2017 , § 4, 4-10-2017; Ord. No. 16-2019 , §§ 9—11, 6-10-2019)

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#### **§ 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

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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.
- (D) *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. If the appellant and/or appellee makes a written request for a continuance to the Community Development Director within 10 days of the submission of the appeal, the Community Development Director may reschedule the appeal to the following month's formal meeting. If both parties agree to the request for a continuance, the Community

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Development Director may reschedule the matter to a BZAP formal meeting within 90 days of the application submission.

- (E) *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.

(Ord. No. 44-2021 , § 2, 6-28-2021; Ord. No. 67-2021 , § 3, 11-8-2021)

Ord. No. 44-2021, § 2, adopted June 28, 2021, repealed the former § 4.10, and enacted a new § 4.10 as set out herein. The former § 4.10 pertained to appeals and derived from Ord. No. 87-2015, § 5, adopted Dec. 14, 2015; Ord. No. 54-2017, §§ 12, 13, adopted Dec. 11, 2017; and Ord. No. 32-2018, § 8, adopted April 23, 2018.

## **ARTICLE 5. ZONING DISTRICTS AND USE STANDARDS**

### **§ 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) sub districts: R-Sa, R-Sb, R-Sc, and R-Sd, differing primarily in required lot area and yard space. Net densities range from thirty-three hundredths (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) sub districts: 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 four and eighty-four hundredths (4.84) dwelling units per acre in the R-1c district. Permitted

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- uses generally include, but are not limited to, single-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) sub districts: 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. No residence or portion thereof may be rented or sublet/subleased out to any tenant(s) for a period of less than thirty (30) days.
  - (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.
- (Ord. No. 21-2016, § 6, 5-9-2016; Ord. No. 38-2018, § 2, 4-23-2018; Ord. No. 22-2019, § 3, 4-8-2019)

**§ 5.06 OFFICIAL ZONING MAP. (Note to Codifier: see section 5.06 changes in Ordinance No. 28)**

**Table 5-A: Residential Uses**

	<b>R-S</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RCD</b>
Accessory structures (see Article 6.09)	P	P	P	P	P
Adult Group Homes (six to 16 adults)	Pr	Pr	Pr	Pr	P
Adult Family Home (three to five adults)	P	P	P	P	P
Agricultural Uses	P <sup>2</sup>	Pr	Pr	Pr	Pr
Antenna and Antenna Towers	a	a	a	a	a
Cemeteries	C	C	C	C	C
Clubs/Organizations	Pr	Pr	C	C	C
Country Club, Private	P	P	P	P	P
Dwelling, Four-Family	Pr	Pr	P	P	P
Dwelling, Multi-Family	Pr	Pr	Pr	P	P
Dwelling, Single-Family	P	P	P	Pr	P
Dwelling, Three-Family	Pr	Pr	P	P	P
Dwelling, Two-Family	Pr	C	P	P	P
Elderly or Senior Housing	Pr	Pr	Pr	C	C
Essential Services	P	P	P	P	P
Funeral Homes	Pr	Pr	Pr	Pr	C
Home, Type A Day Care	P	Pr	Pr	P	P
Home, Type B Day Care	P	P	P	P	P
Home Occupations(see Table 5-B)					

In-law Suite	a	a	a	a	a
Libraries	P	P	P	P	P
Park including playground, recreation center	P	P	P	P	P
Parking Lot, Structured - Aboveground	Pr	Pr	C	C	C
Parking Lot, Structured - Underground	Pr	C	C	C	C
Parking Lot, Surface	Pr	C	C	C	C
Places of Worship or Churches	P	P	P	P	P
Private or Public Schools and their facilities (stadiums, fields, etc.)	P	P	P	P	P
Swimming Pools, Public	C	C	C	C	C
Tennis Courts, Private	A	A	A	A	A
Tennis Courts, Public	C	C	C	C	C
Utility Structures (see Table 6-K)					

KEY: P=Permitted Use, C=Conditional Use, Pr=Prohibited Use, A=Accessory Use

<sup>2</sup> =Permitted on property zoned R-5 with not less than 5 (five) acres.

**Table 5-B: Home Occupations**

KEY: P=Permitted Use, C=Conditional Use, Pr=Prohibited Use, A=Accessory Use

Section 1.01 Home Occupations	Status
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Aerobics with no more than 3 students at one time	P
Ambulance, landscaping, limousine or tow truck service	Pr
Animal hospitals, boarding, kennel or stables	Pr
Architectural, engineering, interior design, financial, marketing, or legal services (office use-related only)	P
Art restoration or studio	P
Automotive, boat or recreational vehicle repair, parts sales, upholstery, or detailing or washing service	Pr
Bakeries using equipment which is not normally associated with residential cooking	Pr
Beauty salons and barbershops	Pr
Ceramics (kiln of four cubic feet or more)	Pr
Daycare, adult (1-6 adults at one time)	P
Daycare, child, Type A (7-12 children at one time)	Pr
Daycare, child, Type B (1-6 children at one time)	P
Computer programming, data processing, publishing, coding or software development (excludes cryptocurrency mining)	P
Dance teachers with no more than 3 students at one time	P
Dental or medical offices and laboratories	Pr
Direct sale product distribution	Pr
Drafting and graphic services	P
Dressmaking, laundry or sewing/tailoring services	P
Electronic assembly	P
Fine arts education in music, painting, sculpture, and drawing (no more than 3 students at one time)	P



Flower arranging	P
General business office	P
Health salons, gyms, dance studios, aerobic exercise studios, licensed massage therapists with more than 3 clients/customers present at the same time	Pr
House cleaning business, locksmith	P
Insurance agents, real estate agents and brokers	P
Jeweler and jewelry making	P
Manufacturer's representative	P
Massage parlors	Pr
Ministers, Rabbis, Priests, or members of religious orders	P
Mortuaries	Pr
Private clubs and organizations	Pr
Private schools with organized classes	Pr
Repair shops or service establishments	Pr
Restaurants	Pr

Retail uses involving the sale of goods or articles individually or in quantity directly to the consumer (unless pre-paid and for pick-up only)	Pr
Ride sharing or delivery service with no more than two vehicles	P
Secretarial or writing services	P
Small appliance, furniture or watch repair	P
Small engine repair	Pr
Tutoring with no more than 3 students at one time	P

**Table 5-C: Commercial Uses**

<b>Commercial Use</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB-3</b>	<b>O</b>	<b>ORC</b>	<b>PMOD</b>
Adult Book Stores	Pr	Pr	P	Pr	Pr	Pr	Pr
Adult Motion Picture Theaters	Pr	Pr	P	Pr	Pr	Pr	Pr
Adult Only Entertainment Establishments	Pr	Pr	P	Pr	Pr	Pr	Pr
Amusement Arcades	Pr	Pr	P	Pr	Pr	Pr	Pr
Animal Boarding	Pr	P	Pr	P	Pr	Pr	Pr
Appliance, Plumbing & Heating Establishments	P	P	P	P	Pr	Pr	Pr
Automotive Service Establishments	Pr	P	P	Pr	Pr	Pr	Pr
Banks, Finance & Loan Offices	P	P	P	P	P	P	P

Bank Retail	P	P	P	P	S	S	SPU
Barber Shops & Beauty Parlors	P	P	P	P	S	S	SPU
Big Box Retail	Pr	Pr	P	Pr	Pr	Pr	Pr
Bowling Alleys	Pr	P	P	P	Pr	Pr	Pr
Brewery, Distillery or Winery	P	P	P	P	A	A	C
Business, Medical & Professional Offices	P	P	P	P	P	P	P
Child Day Care Centers	P	P	P	P	C	Pr	SPU
Coffee Shops	P	P	P	P	S	S	SPU
Pool or Billiard Rooms	Pr	C	P	Pr	Pr	Pr	Pr
Corporate Data Centers	Pr	Pr	Pr	Pr	P	P	SPU
Dancing Studios	C	P	P	P	Pr	Pr	Pr
Drive Through	C	C	C	C	C	Pr	C
Dry Cleaning Shops	P	P	P	P	Pr	Pr	Pr
Dry Goods & Apparel Stores	P	P	P	P	Pr	Pr	SPU
Fast Food Restaurants	Pr	C	P	Pr	Pr		C
Funeral Homes	P	P	P	P	Pr	Pr	Pr
Furniture & Appliance Stores	P	P	P	P	Pr	Pr	Pr
Grocery & Supermarket	P	P	P	P	Pr	Pr	SPU
Hotels/Motels	Pr	Pr	C	Pr	C	C	C
Hospitals	Pr	Pr	P	C	C	C	C
Laundromats	P	P	P	P	Pr	Pr	Pr
Liquor Stores	P	P	P	P	Pr		SPU
Luxury Retail	P	P	P	P	S	S	SPU
Massage Parlors	Pr	Pr	P	Pr	Pr	Pr	Pr
Movie Theaters	Pr	C	P	Pr	Pr	Pr	Pr
Night Clubs	Pr	Pr	P	Pr	Pr	Pr	Pr
Outpatient Surgery Centers	Pr	Pr	Pr	Pr	C	P	P
Package Shipment Service	P	P	P	P	S	S	SPU
Parking Lot, Structured - Aboveground	C	C	C	C	C	C	P
Parking Lot Structures - Underground	C	C	C	C	C	C	P

Parking Lot Surface	C	C	C	C	C	C	A
Pharmacies	P	P	P	P	S	S	SPU
Places of Worship, Churches	P	P	Pr	P	C	C	C
Radio & TV Studios	Pr	P	P	Pr	Pr	Pr	SPU
Research & Development in Technologies	Pr	Pr	Pr	Pr	C	P	P
Residential—Multi Family	C	Pr	Pr	Pr	S	S	SPU
Residential—Detached Single Family	Pr	Pr	Pr	Pr	Pr	Pr	Pr
Restaurants	C	P	P	P	S	S	C
Senior Housing (assisted living, independent living, memory care)	Pr	Pr	Pr	Pr	Pr	Pr	SPU
Tattoo parlor or Body-piercing studio	Pr	Pr	C	Pr	Pr	Pr	Pr

P=Permitted Use, C=Conditional Use, Pr=Prohibited Use, A=Accessory Use, S=Secondary Conditional Use, SPU=Secondary Permitted Use

**Table 5-D: Mixed Uses**

Planned Mixed Use	Planned Mixed Use Districts						
	Kingsdale	Tremont	Northwest Boulevard	Mallway	Henderson Road	Lane Avenue (see Lane Avenue Overlay in Article 5.05)	Route 33
<b>Residential Uses</b>							
Multi Family Residential (senior housing, townhouse, condominiums, apartments, second story units, flex units)	P	P	P	P	P		C
Residential/Commercial Uses							
<b>Commercial Uses</b>							

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(Supp. No. 10, Update 2)

Daycare	P	P	P	P	P		P
Live/Work Units	P	P	P	Pr	P		P
Lodging and Hotel	C	Pr	Pr	Pr	C		C
Administrative & Office, Community Scale	P	P	P	C	P		P
Administrative & Office, Neighborhood Scale	P	P	P	P	P		P
Automotive Service and Repair	Pr	Pr	Pr	Pr	C		C
Drive-Thru Uses	Pr	Pr	Pr	Pr	C		C
Drive-Thru Uses, rear and side only	C	C	C	Pr	C		C
Eating/Drinking Establishments (including microbreweries and microwineries) and Outdoor Dining	P	P	P	P	P		P
Entertainment-Movie theaters, theaters	P	Pr	Pr	Pr	P		P
Financial Services (banks, savings and loans and credit unions)	P	P	P	P	P		P
Funeral Homes	C	Pr	Pr	Pr	Pr		Pr
In Between Gathering Place (coffee bar, pub, exercise clubs, corner store)	P	P	P	P	P		P
Office Related Goods and Services (mail center, office supplies, reproduction, conference center)	P	P	C	C	P		P
Personal Services	P	P	P	P	P		P
<b>Other Uses</b>							
Parking Lot Structured - Aboveground	P	P	P	C	P		C
Parking Lot Structured - Underground	P	P	P	C	P		C
Parking, Surface	P	P	P	P	P		P

Public and Institutional (community center, post office, library, educational)	P	P	P	P	P		P
Transit Stop	P	P	P	P	P		P
<b>Retail</b>							
Convenience Retail	P	P	P	P	P		P
Neighborhood Scale	P	P	P	P	P		P
Community Scale A (5,000 to 20,000 SF)	P	P	P	C	P		P
Community Scale B (20,001 to 40,000 SF)	C	C	C	Pr	C		C
Community Scale C (40,001 to 60,000 SF)	C	C	C	Pr	C		C
Big Box Retail, single-story	C	Pr	Pr	Pr	C		Pr
Big Box Retail, multi-story	C	C	C	Pr	C		C
P=Permitted Use, C=Conditional Use, Pr=Prohibited Use *In Kingsdale West, only Residential Uses are permitted unless there is frontage along Tremont Road.							

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

Building Area, Density and Setback													
District				Maximum Number of Stories	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.		2.5	130,680			150	80	20	40	60	20; 4.3
		OPU <sup>3</sup>						200		25	50		
		Churches						150					NA
	R-Sb	Res.		2.5	87,120			150	60	20	40	60	21.8; 4.8
		OPU <sup>3</sup>			130,680			200		25	50		
		Churches			87,120			150		25	50		NA
	R-Sc	Res.		2.5	43,560			150	40	12	30	50	24; 5.3
		OPU <sup>3</sup>			130,680			200		15	35		
		Churches			43,560			150		25	50		NA
	R-Sd	Res.		2.5	21,780			125	40	12	30	50	27.7; 6.3
		OPU <sup>3</sup>			130,680			200		15	35		
		Churches			43,560			150		25	50		
R-1		All Churches		1 to 2.5	16,000	NA	NA	100	40	15	30	40	NA

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(Supp. No. 10, Update 2)

	R-1a	Res.		1&1.5	15,000	15,000	2.9	90	40	10	20	40	29; 6.6
				2&2.5						12	26		
		OPU		1&1.5	40,000	40,000	1.09	150		15	35		
				2&2.5						17	40		
	R-1b	Res.		1&1.5	12,000	12,000	3.63	90	40	10	20	40	30.4; 7
				2&2.5						12	26		
		OPU f'		1&1.5	40,000	40,000	1.09	150		15	35		
				2&2.5						17	40		
	R-1c	interior lot ≥75 width		1 to 2.5	9,000	9,000	4.84	75	40	10	20	40	32; 7.5
		pre-1995 corner lot ≥75 width										10	
		pre-1995 corner lot <75 width			NC	NC	NC	NC		8	16	8	
		pre-1962 <75 width										40	
		pre-1962 ≤60 width											
		OPU <sup>3</sup>		1&1.5	40,000	40,000	1.09	150	15	35			
				2&2.5					17	40			
		R-2	R-2a	1 Family		1&1.5	9,000	9,000	4.84	75	40	8	
2&2.5						20							
2 Family	1&1.5			4,500		9.68		16					
	2&2.5							20					
3 Family	1&1.5.			12,000	4,000	10.89	100	10	22	40			
	2&2.5												
4 Family	1&1.5			16,000				12	28	30			
	2&2.5												
<2 BR				1 to 2.5	12,000	3,000	14.52						
OPU <sup>5</sup>				1 to 2.5	20,000	NA	NA						
R-2b				Same as R-2a									
R-3	R-3A	1 Family	1&1.5			9,000	4.84				16		
			2&2.5								20		





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%	<del>0.25%</del> 0.50%	15%	20%	3%	35	17	
		OPU <sup>3</sup>		0.88%	<del>0.11%</del> 0.25%	6%	60%	2%			
	R-Sb			1.32%	<del>0.35%</del> 0.70%	20%	25%	3%	35	17	
		OPU'		0.88%	<del>0.11%</del> 0.25%	6%	60%	2%			
	R-Sc			2.64%	<del>0.70%</del> 1.4%	20%	35%	4%	35	17	
		OPU'		0.88%	<del>0.11%</del> 0.25%	5%	60%	1%			
	R-Sd			3.97%	<del>1.38%</del> 3%	20%	30%	5%	35	17	
		OPU'		0.66%	<del>0.11%</del> 0.25%	3%	60%	1%			
		Churches'	1 to 2.5	NA	NA	NA	50%	0%	50	17	
	R-1a		1&1.5	5.76%	<del>1.00%</del> 2%	25%	40%	5%	35	17	
			2&2.5								
		OPU'	1&1.5	2.16%	<del>0.38%</del> 1%		60%				
			2&2.5								
			1&1.5	7.20%	<del>1.25%</del> 2.5%		40%				
			2&2.5								

		OPU'	1&1.5	2.16%	<del>0.38%</del> 1%		60%			
			2&2.5							
	R-1c	interior lot >=75 width		6.39%	<del>1.67%</del> 3%	29% 0%	45%	5%	35' unless in the River Ridge Addition (extended) where a 28' limit exists. All building heights are subject to neighborhood compatibility standards in Article 7.17	17
		pre-1995 corner lot >=75 width						5%		
		pre-1995 corner lot <75 width								
		pre-1962 <75 width					50%			
		pre-1962 <=60 width		7.00%						
		OPU <sup>3</sup>	1&1.5	1.44%	<del>0.38%</del> 1%		60%	5%		
			2&2.5							
	R-2a	1 Family	1&1.5	6.39%	<del>1.67%</del> 3%	20%	35%	5%	35	17
			2&2.5							
		2 Family	1&1.5	12.78%		38%	55%	0%		
			2&2.5			18%	50%			
		3 Family	1&1.5	14.38%	<del>1.25%</del> 2.5%	35%	55%			
			2&2.5			19%	50%			
		4 Family	1&1.5			30%	55%			
			2&2.5		<del>0.94%</del> 2%	15%	50%			
		<2 BR	1 to 2.5	9.60%	<del>1.25%</del> 2.5%	10%	50%			
		OPU	1 to 2.5		<del>0.75%</del> 1.5%	20%	60%			

	R-2b			Same as R-2a, except principal building height permitted					22	17
R-3	R-3a	1 Family	1&1.5	6.39%	<del>1.67%</del> 3%	20%	35%	5%	35	17
			2&2.5							
		2 Family	1&1.5	12.78%		NA	55%	0%		
			2&2.5				50%			

		Multi Family	1&1.5	14.38%	1.25%-2.5%		55%			
			2&2.5				50%			
		<2 BR		NA	NA		50%			
		OPU <sup>3</sup>	1 to 2.5	4.17%	60%					
	R-3b	1 Family	1&1.5	6.39%	1.67%3%	20%	35%	5%	40	25
			2&2.5							
		2 Family	1&1.5	12.78%	NA	55%	0%			
			2&2.5			50%				
		Multi Family	1&1.5	14.38%		1.50%3%		55%		
			2&2.5					50%		
			3&3.5							
		<2 BR	1 to 3.5	9.60%		0.83%2%		50%		
		OPU <sup>3</sup>	1 to 2.5	NA		1.50%3%		60%		

		2 Family	1&1.5	12.78%		NA	55%	0%			
			2&2.5				50%				
		Multi Family	1&1.5	14.38%	1.25% 2.5%		55%				
			2&2.5				50%				
		<2 BR		NA	NA		50%		NA	NA	
	OPU <sup>3</sup>	1 to 2.5	4.17%	60%							
		1 Family	1&1.5	6.39%	1.67%3%	20%	35%	5%	40	25	
			2&2.5								
		2 Family	1&1.5	12.78%	3%	NA	55%				0%
			2&2.5				50%				
Multi Family		1&1.5	14.38%	3%			55%				
		2&2.5					50%				
3&3.5											
<2 BR	1 to 3.5	9.60%	0.8	50%							

					3%					
					2%					
		OPU <sup>3</sup>	1 to 2.5	NA	1.5		60%			
					0%					
					3%					

<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.

<sup>3</sup> OPU is Other Permitted Uses (see Table 5-A).

<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.

TLA is Total Land Area.

**Table 5-G: Commercial Development Standards**

District		Building Setback			Minimum Side Yard <sup>2</sup> , <sup>3</sup> (Feet)	Minimum Rear Yard <sup>2</sup> , <sup>3</sup> (Feet)	Maximum Impervious Surface Coverage (Percent)	Minimum Lot Area	
					Maximum from Curb Face <sup>1</sup> (Feet)	Minimum from R.O.W. (Feet)			
Commercial/Office Districts	B-1	15	0	10	10	10	80	NA	

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	B-2		15	0	10	10	10	80	NA
	B-3		15	0	10	10	10	80	NA
	PB-3		20	0	10	50	50	80	10 acres
	O		20	0	10	15	40	80	20,000 sq. ft.
	ORC		20	0	10	25	25	80	5 acres
	PMOD		N/A	0 10 along W. Henderson Road	10	0 adjacent to City park 25 50 adjacent to northwest border of District	0 adjacent to City park 25 40 adjacent to southern border of District	80	1 acre
Planned Mixed Use Districts	Kingsdale	15	0	10	0 <sup>2</sup>	0 <sup>2</sup>	90	3 acres	
	Kingsdale West		15	0	10	0 <sup>2</sup>	0 <sup>2</sup>	90	1 acre
	Tremont		15	0	10	0 <sup>2</sup>	0 <sup>2</sup>	80	2 acre
	Northwest Blvd		15	0	10	0 <sup>2</sup>	0 <sup>2</sup>	80	2 acre
	Mallway		15	0	10	0 <sup>2</sup>	0 <sup>2</sup>	90	1 acre
	Henderson Road		20	0	10	0 <sup>2</sup>	0 <sup>2</sup>	80	3 acres



	Lane Avenue (see Lane Avenue Overlay in Article 5.05)							
	Route 33	20	0	10	0 <sup>2</sup>	0 <sup>2</sup>	80	1 acre
<sup>1</sup> If the maximum building setback from the curb is within the existing right-of-way, then the setback shall not exceed ten (10) feet or the maximum setback from the right-of-way for each district. Vehicular access to Stonehaven Drive or Chevy Chase Avenue is prohibited.								
<sup>2</sup> Adjacent to a different zoning category, the setback shall incorporate the adjacent setback up to six (6) feet. In the Lane Avenue PMUD, the maximum building height within thirty (30) feet of an R-1 District is two and one-half (2.5) stories or thirty-five (35) feet.								
<sup>3</sup> A 25-foot building setback from the normal water surface elevation when adjacent to the lake applies.								

District		Minimum to Maximum Floor Area Ratio	Minimum Building Frontage (percent)	Maximum Building Length (feet)	Minimum to Maximum Number of Stories	Maximum Height to Cornice <sup>4</sup> (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	2—4	52'	*5	*5	NA
	B-2	.60—.75	70	400	2—4	52'	*5	*5	NA
	B-3	.75—.80	75	400	2—4	52'	*5	*5	NA
	PB-3	.75—.90	80	400	2—4	52'	*5	*5	NA
	O	.50—.75	60	400	2—5	64'	*5	*5	NA
	ORC	.50—.75	60	400	2—6	76'	*5	*5	NA
	PMOD	.50—2.0	60	400	2—6	PMOD-1: 76' PMOD-2: 64' PMOD-3: 64' for office use, 56' if any residential	*5	1.5	35 (maximum )

Planned Mixed Use Districts	Kingsdale	.45—.75	45	400	2—7	96'	4/1,000	1.5	15
	Kingsdale West	.40—.70	60	400	2—3 2—4 within 150 feet of Tremont Road	40' Up to 60' for properties within 150 feet of Tremont Road	3.5/1,000	1.5	15
	Tremont	.35—.70	60	400	2—4	52'	3.5/1,000	1.5	15
	Northwest Blvd	.35—.70	60	400	2—4	52'	3.5/1,000	1.5	15
	Mallway	.35—.70	60	400	2—3	52'	3/1,000	1.5	15
	Henderson Road	.35—.85	60	400	2—7	96'	5/1,000	1.5	15
	Lane Avenue						Minimum 3/1,000 for office, 4/1,000 for restaurant and retail, 1 per hotel room	Minimum 1.5	
	Route 33	.35—.70	60	400	2—5	64'	3.5/1,000	1.5	15
<sup>3</sup> Irrespective of the number of stories, the maximum building height shall be compliant.									
<sup>5</sup> Parking ratios applicable to a specific use, refer to the Parking and Loading Standards, Section 6.03.									
Uses not included require a minimum parking ratio of 3.5/1,000 SF. Shared parking may be permitted based on Article 6.03.									

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(Ord. No. 62-2015, § 4, 11-23-2015; Ord. No. 87-2015, § 5, 12-14-2015; Ord. No. 21-2016, §§ 7, 8, 5-9-2016; Ord. No. 54-2017, §§ 14, 15, 12-11-2017; Ord. No. 38-2018, § 3, 4-23-2018; Ord. No. 50-2018, § 3, 7-9-2018; Ord. No. 22-2019, § 3, 4-8-2019; Ord. No. 16-2019, §§ 12, 13, 14 (Exh. A), 6-10-2019; Ord. No. 5-2020, § 2, 9-14-2020; Ord. No. 7-2020, § 10, 9-14-2020; Ord. No. 67-2021, § 4, 11-8-2021; Ord. No. 75-2021, § 1 (Exh. A), 12-13-2021; Ord. No. 67-2022, § 2 (Exh. A), 12-5-2022)

## ARTICLE 6. DEVELOPMENT STANDARDS

### § 6.01 LOT ARRANGEMENT AND DIMENSIONAL STANDARDS.

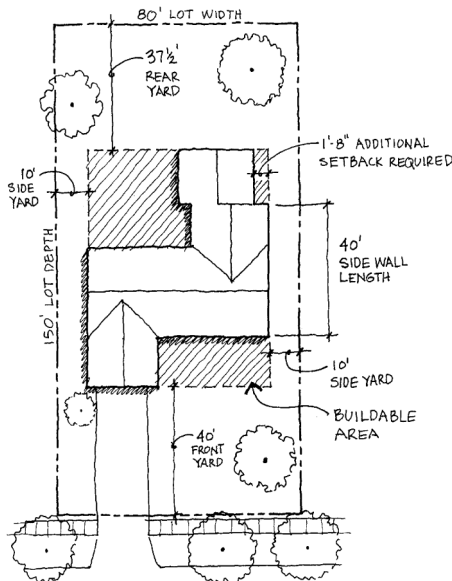
- (A) *Purpose:* The purpose of this section is to regulate the arrangement of lots and building heights within a subdivision and to ensure that lot and height dimensions are consistent with the appropriate zoning district standards.
- (B) *Lots:* All lots shall front onto a public or private road, and all lots shall conform to or exceed the requirements of the UDO and the zoning district regulations for the district in which they are located. The following regulations shall govern the design and layout of lots and lot improvements:
- (1) *Lot arrangement:* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with health and building regulations and in providing approved driveway access to buildings on the lots from an approved road.
  - (2) *Lot dimensions:* All lots shall comply with the standards of Table 5-E for residential uses and Table 5-G for commercial uses.
  - (3) *Future subdivision lots:* Where lots are more than double the minimum required area, BZAP may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the UDO.
  - (4) *Side lot lines:* In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule is approved by BZAP when such variance will give a better street or lot plan.
  - (5) *Corner lots:* Dimensions of corner lots shall be large enough to allow for the construction of buildings, observing the minimum front yard setback from both streets.
  - (6) *Building setback - Residential districts:* The building setback line shall be established from the edge of the right-of-way or the edge of an access easement. It shall be equal to the building setbacks listed in Table 5-E unless otherwise platted, in which case the platted setback shall take precedence as the minimum standard. The setbacks in the RCD, Residential Community Development District, shall be established by development standards approved by the Board of Zoning and Planning and City Council, and shall take precedence in all cases over the platted setback.  
  
*Building setback - Commercial, office and planned mixed-use districts:* The building setback line shall be established from the edge of the right-of-way or the edge of an access easement. It shall be equal to the building setbacks listed in Table 5-G and shall take precedence in all cases over the platted setback.
  - (7) *Commercial and mixed uses:* Depth and width of lots reserved or laid out for commercial and/or mixed use purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated.
  - (8) *Depth-to-width ratio:* No lot shall have an average depth, which is more than 4.5 times its average width. However, BZAP or the Director of Community Development as appropriate may permit a waiver of this recommended standard, permitting the lot depth to be up to 3.5 times the average width.
  - (9) *Double frontage lots:* In general, double frontage lots and reversed frontage lots should be avoided except where necessary to provide separation of residential development from traffic arterials or to

overcome specific disadvantages of topography or orientation, as determined by BZAP or the Director of Community Development as appropriate.

As to lots included in any plat approved by the BZAP and accepted by Council after April 1, 1960, the required depth of the front yard shall be the distance between the street right-of-way line and the setback line shown on the plat, if less than forty (40) feet. As to any lots in any recorded plat, which has greater restrictions than are required under this Ordinance, then these recorded restrictions shall apply and the Board shall have no authority to grant variances therefrom.

For corner lots where there is no platted setback along the longer street frontage, then the minimum front yard setback shall be twenty (20) feet.

- (10) *Lot frontage:* A lot shall front onto an improved public or private road. Lot frontage is measured at the right-of-way line.
- (11) *Side yard modification:* Beginning at the front face on the building, 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, other than corner lots shall the total elevation length of the side wall of a principal structure exceed fifty percent (50%) of the average lot depth, or the depth.



(a) This example illustrates how the side yard is modified as an extension is added to an existing home.

- (12) *Rear and side yard computation:* In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (½) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be. However, in no event shall any building or structure be erected closer than five (5) feet from any lot line, except accessory buildings.
- (C) *Height modifications:* The height limitations stipulated elsewhere in this Ordinance shall not apply to the following:
- (1) *Places of public assembly:* Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and

provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

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

Architectural Feature	Front Yards		Side Yards and Side Yard Increased (Long wall)	Rear Yards
<b>Cornices, Canopies, Eaves, or Similar Architectural Roof Projections</b>	May project up to 2'		May project up to 20 percent of the required least width, not to exceed 3'	May project up to 2'
<b>Entrance Platforms/Porches/Attached Patio Shelters open on all sides</b>	May project up to 6'		May project up to 20 percent of the required least width, not to exceed 3'	May project up to 6'
<b>Cantilevered Window Wall Projections such as, but not limited to, Bay, Bow, and Box Windows</b>	May project up to 2' not to exceed 8' in width		May project up to 2', not to exceed 8' wide	May project up to 2', not to exceed 8' wide
<b>Chimneys and Direct Vent Fireplace Inserts</b>	No projection permitted		May project up to 20 percent of the required least width, not to exceed thirty inches	May project up to 5'
<b>Basement Egress Window or Below-Grade Stairs</b>	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		Projection permitted when compatible with the principal residence and screening is provided	No projection permitted

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(Ord. No. 87-2015, § 5, 12-14-2015; Ord. No. 44-2016, § 3, 10-24-2016; Ord. No. 16-2017, § 5, 4-10-2017; Ord. No. 35-2018, § 3, 5-29-2018; Ord. No. 16-2019, § 15, 6-10-2019; Ord. No. 7-2020, § 11, 9-14-2020; Ord. No. 67-2021, § 5, 11-8-2021)

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## § 6.03 PARKING AND LOADING STANDARDS.

- (A) *Purpose:* The purpose of this section is to outline requirements for parking, stacking, and loading spaces by use and to regulate the location of parking areas in relation to adjacent uses.
- (B) *General requirements:* The following general requirements apply:
- (1) *Parking, stacking and loading space required:* When any building or structure is erected, modified, enlarged, or increased in capacity, or any open use is established, modified, or enlarged, the requirements of this section shall be met. For enlargements, modifications, or increases in capacity, the requirements of this section shall apply only to such enlargements, modifications, or increases in capacity. In other cases of mixed-use occupancy, the minimum number of parking, stacking, and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified (Table 5-G, Commercial Development Standards).
  - For properties with multiple uses, like churches, office campuses, schools, shopping centers, etc., the required minimum number of parking spaces may be based on the percentage of each use for the particular site if they will not all be used simultaneously, subject to review and approval by the Community Development Director.
  - (2) *Off- and on-street parking spaces:* In all districts except the planned mixed use districts, all required parking spaces shall be provided as off-street spaces. In the planned mixed-use districts, required parking spaces may be provided as both off-street and on-street spaces. The credit for on-street spaces for a lot shall be determined as provided in Subsection 7.10.
  - (3) *Handicap spaces:* Spaces for the physically handicapped shall be provided as required by the Building Code and Americans with Disabilities Act in off-street parking areas.
  - (4) *Minimum required:* In all instances where parking is required, except for residential uses and uses in the planned mixed-use districts, a minimum of five (5) parking spaces shall be provided.
  - (5) *Maintenance:* All parking, stacking and loading facilities shall be permanently maintained by the owners or occupants. They shall be in good condition and repair, with clearly marked lanes and spaces.
  - (6) *Access:* All parking, stacking, and loading facilities shall have vehicular access to a street, either directly or via a shared driveway or alley. This shall not apply to the Lane Avenue PMUD unless there is no Secondary Street or alley to provide access.
  - (7) *Additional parking facilities:* If any use change or expansion or any building or structure increase results in the need for an increase in off-street parking spaces of less than ten percent (10%) of the parking facilities previously provided or of less than five (5) spaces, whichever number is greater, no additional parking facilities shall be required.
  - (8) *Parking lot reduction:* Reducing the size of any parking lot in a manner that reduces the number of parking spaces below the amount required by the UDO shall require approval from BZAP.
  - (9) *Electric vehicle supply equipment (EVSE) or charging stations:* Any structured parking lot or surface parking lot having more than 50 surface parking spaces shall be required to install a minimum of one EVSE or electric charging station in a conspicuous location.
- (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.



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- (D) *Maneuvering*: Every parking and loading space shall have sufficient access and maneuvering area as defined in Tables 6-B, E and F.
- (E) *Stacking requirements*: Any use having a drive-through structure unit shall provide drive-in stacking area on-site to minimize off-site traffic congestion while waiting for service. For each pick-up window associated with a use, an owner shall provide stacking spaces, each the size of a regular parking space. The area required for any stacking space(s) is exclusive of any required parking space, loading space, driveway, aisle or required yard and is dependent on the total number of pick-up windows as shown in Table 6-D, Vehicle Drive-Through Stacking Requirements. Sites with stacking shall include an exclusive by-pass lane with a minimum width of ten (10) feet or include an aisle, driveway or other circulation area in the parking lot designed to allow vehicles to by-pass the stacking line. A pick-up window may project up to one (1) foot into the stacking area.
- (F) *Loading requirements*: The minimum number of off-street loading spaces required for various types of uses shall not be less than that as set forth in Table 6-E, Minimum Number of Loading Spaces for Institutional and Office, and Table 6-F, Minimum Number of Loading Spaces for Commercial Uses. Each use of an institutional or office nature including but not limited to a business office, hotel, motel, recreational or entertainment type use shall provide loading spaces based on gross floor area as shown in Table 6-E. Each commercial use involving the retail or wholesale exchange, sale, storage, processing or manufacturing of merchandise or personal property of any type, which is permitted in any commercial or mixed-use district, shall provide loading spaces based on gross floor areas as shown in Table 6-F. No off-street loading space shall be located in any part of a required front yard. Any off-street parking space may be located in any part of the required side or rear yard, except the side yard along the side street of a corner lot. No off-street loading space shall be located closer than fifty (50) feet to any lot in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a masonry wall or uniformly painted solid board fence matching the principal structure in color and not less than six (6) feet in height.
- (G) *Design standards*: For the purposes of this section, non-residential shall mean all commercial, office and institutional properties and uses. The term shall further include multi-family residential dwellings consisting of four (4) units or more. The following design standards shall apply to both residential and non-residential properties and uses, unless otherwise indicated:
- (1) *Design*: Parking facilities shall be designed and constructed to allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles; minimize delay and interference with traffic on public streets and access drives; and maximize sight distances from parking lot exits and access drives. All off-street parking spaces in parking lots shall have access from parking lot driveways and not directly from streets.
  - (2) *Screening*: Screening for non-residential properties and uses shall be provided per Subsection 6.07(K), landscaping, screening, and buffering.
  - (3) *Lighting*: Lighting for non-residential properties and uses shall be provided per Section 6.08, on-site lighting.
  - (4) *Striping*: All non-residential parking areas shall be striped and maintained in good condition to be clearly visible with lines four (4) inches wide to indicate parking space limits.
  - (5) *Traffic control*: Any non-residential off-street parking area shall be marked or posted with such traffic control devices as may be determined necessary by the Director of Community Development for the protection of operators and pedestrians, including directional arrows, one-way signs, no parking signs and fire lane signs and meet the Ohio Manual of Uniform Traffic Control Devices (OMUTCD).
  - (6) *Improvements*: Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights. Curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the City

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Engineer that such system is not practical for storm drainage purposes. All facilities shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.

- (7) *Wheel stops:* Whenever a non-residential parking area extends to a lot line, sidewalk, planter strip or building, a wheel stop device consisting of blocks, a permanent curb, expanded sidewalk or other suitable restraint shall be installed. The minimum height of a wheel stop device shall be five (5) inches and the minimum distance from a wheel stop device to a property line or protected area shall be two (2) feet six (6) inches.
- (8) *Driveways:* A driveway is an access corridor leading from a public right-of-way to a parking lot, aisle, parking circulation area, garage, off-street parking space or loading space. Each driveway shall be located and designed in a manner that provides for the safety of motorists and pedestrians. A driveway serving a non-residential parking lot shall be located and designed so that vehicles entering or leaving such parking lot will be traveling in a forward motion. Driveway construction, which requires the removal of trees within the public right-of-way shall receive the prior approval of the City Forester. The City Forester shall determine the number, type, size and location of replacement trees required.
- (a) *Residential driveways:*
- To ensure the location of driveway flares in front of the subject property, a driveway shall maintain a minimum three (3) feet setback from the (continued) side property line at the street, unless there is a shared driveway.
  - A driveway shall be six (6) feet or more from another driveway, except for a common drive serving two (2) adjoining lots, which uses a common driveway apron.
  - A driveway serving a residence shall have a minimum width of eight (8) feet and a maximum throat width of eighteen (18) feet. Shared residential drives shall not exceed a combined throat width of twenty-four (24) feet.
  - A driveway shall consist of an approved impervious material (i.e. concrete, asphalt, concrete pavers, etc.) Permeable pavement materials such as porous asphalt or concrete, modular or permeable pavers, or similar products, may be approved subject to review and approval by the Director of Community Development.
  - Residential properties, not located in the Upper Arlington Historic District, may be permitted to install one (1) dedicated parking space forward of the front building setback line, subject to approval of a certificate of zoning compliance (CZC) which demonstrates compliance with the following five (5) conditions:
    - 1) The dedicated parking space shall maintain a minimum setback of ten (10) feet from the public right-of-way line and three (3) feet from the side property line;
    - 2) Evergreen and perennial landscaping shall be required to screen the outer perimeter of the parking space to a minimum fifty percent (50%) opacity during all seasons of the year;
    - 3) The parking space must be parallel and contiguous to the existing driveway;
    - 4) Front yard development coverage shall not exceed twenty-five percent (25%) and overall site development coverage shall not exceed the limits set forth in Table 5-F; and
    - 5) The dedicated parking space and access throat area shall not exceed a total of two hundred fifty (250) square feet.
  - Residential parking spaces shall not be occupied by recreational vehicles, commercial vehicles, boats, or trailers, unless in compliance with Subsection 6.09(D)(5).

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- The driveway flare shall be a minimum distance of thirty-two (32) feet from a street intersection.
- (b) *Commercial driveways:*
- A driveway shall be six (6) feet or more from another driveway, except for a common drive serving two (2) adjoining lots, which uses a common driveway apron.
  - One-way driveways shall have a minimum throat width of ten (10) feet. All other two-way non-residential driveways shall have a minimum throat width of twenty (20) feet and a maximum throat width of thirty-five (35) feet, except curb returns.
- (11) *Bicycle racks:* A bicycle rack accommodating at least two (2) bicycles shall be installed near at least one (1) building entrance. The rack shall not interfere with pedestrian or vehicular circulation, and shall adhere to ADA and all other applicable requirements. It shall be securely anchored to the ground or building structure.
- (H) *Location:* When required off-street parking is permitted to be located off-site, it shall begin within the distance specified in Table 6-C, Maximum Walking Distances to Parking Lots.
1. Parking for any use may be provided in any non-residential district if parking is a permitted use or approved as a conditional use.
  2. Surface parking in a residential district for any use not permitted in that district is allowed under the following conditions:
    - a. The area where the parking is located shall be part of or abut the zone lot containing the use which the parking serves;
    - b. All access to such property shall be through non-residentially zoned property;
    - c. No parking shall be located more than one hundred twenty (120) feet into the residential zoning district;
    - d. Such surface parking lots shall include landscape islands of not less than eight (8) feet in width dividing the parking areas into bays of not more than ten spaces per bay. At least one Type A tree shall be placed in each required landscape island. Shrubbery, hedges, and other plant materials shall be used to complement the tree, but shall not be used in locations where they would be subject to damage by car overhangs or the opening of car doors.
    - e. Long term or dead storage, loading, sales, repair work, or servicing of vehicles is prohibited.
    - f. Must be a permitted use or approved as a conditional use for surface parking.
  3. Underground parking in a residential district for any use not permitted in that district is allowed under the following conditions:
    - a. The area where the parking is located shall abut the district containing the use which the parking serves;
    - b. All access to such property shall be through non-residentially zoned property;
    - c. No parking shall be located more than two hundred (200) feet into the residential zoning district;
    - d. Long term or dead storage, loading, sales, repair work, or servicing of vehicles is prohibited.
    - e. Must be a permitted use or approved as a conditional use for surface parking.
- (I) *Combined parking:* The owners of two (2) or more separate uses as specified in this section may establish a joint off-street parking facility to provide the total number of required off-street parking spaces for all such combined uses, provided a valid legal instrument is executed by the consenting parties for such joint use.

Such instrument shall be approved as to form and executed by the City Attorney and filed with the application for a building permit. Not more than fifty percent (50%) of the required off-street parking spaces for a theater, bowling alley, dance hall, or an establishment for the sale and consumption of food, alcoholic beverages or refreshments on the premises, and up to one hundred percent (100%) of the required off-street parking spaces for a church or an auditorium incidental to a private, public or parochial school, may be supplied by the following uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing buildings and similar uses.

- (J) *Planned mixed-use districts:* The provision of parking within planned mixed-use districts shall meet the maximum requirement provided in this section. In most cases, the provision of parking shall occur in parking lots and garages that meet the needs of multiple tenants and users. In cases where a single tenant structure or user is meeting all of its parking needs in a separate facility, the maximum parking requirement shall still apply.
- (1) *Shared parking factor:* For all properties in the planned mixed-use districts that must provide parking minimums, a shared parking factor may be applied upon approval by the Director of Community Development. All fractions of a parking space shall be rounded up to the nearest whole number.
- (a) The Shared Parking Factor for two functions, when divided into the sum of the two amounts as listed on the Required Parking table, produces the Effective Parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available. The following shows how, using office and retail functions together, the shared parking requirement is calculated:
- Step 1: Calculate Number of Office Spaces: 3.0/1,000 (Office) x 10,000 (Example SF) = 30 Spaces.
- Step 2: Calculate Number of Retail Spaces: 4.0/1,000 (Retail) x 10,000 (Example SF) = 40 Spaces.
- Step 3: Add Office and Retail Spaces: 30 spaces + 40 spaces = 70 Total Retail and Office spaces.
- Step 4: Divide Total Office and Retail Spaces by Shared Parking Factor (from Shared Parking Factor Table): 70/1.2 = 58.3 (or rounded to nearest whole number = 58).

#### SHARED PARKING FACTOR

FUNCTION	WITH		FUNCTION
RESIDENTIAL			RESIDENTIAL
LODGING			LODGING
OFFICE			OFFICE
RETAIL			RETAIL
	1	1.1	1.1
	1.4	1	1.4
	1.2	1.7	1.7
	1.3	1	1.3
	1.2	1.2	1.2
	1		1

- (K) *Bicycle parking:*
- (1) Calculation of Required Spaces:
- (a) Where bicycle parking has been provided by the City in the right-of-way, one required bicycle space may be substituted for every bicycle space provided by the City, provided the spaces

immediately about the subject property. Each space provided by the City may only be counted for one property.

- (2) Minimum Required Bicycle Parking: A minimum of one bicycle parking space shall be provided for every ten (10) residential units and/or every five thousand (5,000) square feet of commercial space.
- (3) Bicycle Parking Facilities:
  - (a) Bicycle parking must be located on-site, be publicly accessible in a convenient and visible area.
  - (b) Each required bicycle parking space must be at least one and a half (1.5) feet by six (6) feet. Where a bicycle can be locked on both sides of a bicycle parking space without conflict, each side can be counted as a required space.
  - (c) Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than three percent (3%). Surfaces cannot be gravel, landscape stone or wood chips.
  - (d) Bicycle parking must be provided in a well-lit area.
  - (e) Spacing of the bicycle racks must provide clear and maneuverable access.
  - (f) All bicycle parking spaces must be able to accommodate cable locks and "U" locks, including removing the front wheel and locking it to the rear fork and frame, and must be able to support a bicycle in a stable position, giving two points of contact with the bicycle frame.

**Table 6-A: Minimum Parking Space Dimensions**

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

**Table 6-B: Minimum Aisle Width**

Angle of Parking (Degrees)		
	One Way Aisle Width (feet)	Two Way Aisle Width (feet)
Parallel	13	20
Up to 50 Degrees	13	Not Applicable
50 up to 80 Degrees	17	Not Applicable
80 Degrees or More	22	22

**Table 6-C: Maximum Walking Distances to Parking Lots**

Use	Distance from Parking Facility to Building Required to Serve (feet)
One- and Two-Family Dwelling	On same lot
Multiple Dwelling	Not more than 200 Feet
Commercial and Institutional Uses First Permitted in B-Districts, Hospitals, Churches, Lodging	Not more than 300 Feet

Use Not Specified Herein	Not more than 1,000 Feet
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**Table 6-D: Vehicle Drive-Through Stacking Requirements**

Type of Use	Minimum Total Number of Vehicle Stacking Spaces per Pick-Up Window by Use
Financial institutions, grocery and retail stores, pharmacies, casual and fine dining restaurants and other similar uses not listed	4
Fast food and fast casual restaurants	8
Coffee shops	12

**Table 6-E: Minimum Number of Loading Spaces for Institutional and Office**

Gross Floor Area (square feet)	Minimum Loading Spaces Required
Under 25,000	0
25,000 to 100,000	1
100,000 to 350,000	2
350,000 or More	2 plus 1 for each 300,000 additional square feet or fraction thereof exceeding 350,000 square feet
Note: In the Planned Mixed-Use District the provision for loading may occur in public roads and alleys under specific conditions and with the approval of BZAP.	

**Table 6-F: Minimum Number of Loading Spaces for Commercial Uses**

Gross Floor Area (square feet)	Maximum Loading Space Required
Under 5,000	0
5,000 to 10,000	1
10,000 to 30,000	2
30,000 to 90,000	3
90,000 to 150,000	4
150,000 to 250,000	5
250,000 or More	5 plus 1 for each 80,000 square feet or fraction thereof exceeding 250,000 square feet

**Table 6-G: Parking Requirements**

**A. Residential**

Type of Use	Minimum Parking Spaces Required
One- or Two-Family Dwelling	1.5 per dwelling unit
Multi-Family\	
0—1 Bedrooms	
2 Bedrooms	1.5 per unit
3+ Bedrooms	1.5 per unit
Townhouse	1.5 per dwelling unit
Assisted Senior Living	0.50 per unit plus 1 per employee on the largest shift

Independent Senior Living	0.75 per unit
Home Occupations	Minimum one space, maximum 3 spaces in addition to required residential spaces
All Other Dwelling Units	1.5 per dwelling unit

#### B. Office

Type of Use	Minimum Parking Spaces Required
Administrative or Business	3 per 1,000 sq. ft. gross floor area
Medical or Dental	4 per 1,000 sq. ft. gross floor area

#### C. Institutional

Type of Use	Minimum Parking Spaces Required
Auditorium, Stadium, Conference Center or Other Place of Assembly	1 per 5 persons based on design capacity of building
Church	1 per 30 sq. ft. of sanctuary, auditorium, or main place of worship
Day or Nursery Schools	1 per teacher/employee + 1 per six students
Elementary Schools	2 per classroom + 1 per 60 sq. ft. of auditorium or assembly hall
High School, Business, Technical, or Trade School, College or University	2 per classroom + 1 for every 20 students for which the facility is designed, or 1 per 60 sq. ft. of auditorium or assembly hall, whichever is better
Hospital	2.5 per bed + 1 per employee on largest shift
Library or Art Gallery	1 per 250 sq. ft. + 1 per employee on largest shift
Recreation Center or Community Center	1 per 5 persons based on designed capacity of buildings(s)
Swimming Facility	1 per 75 sq. ft. + 1 per employee on largest shift

#### D. Commercial

Type of Use	Minimum Parking Spaces Required
Automobile Service Station	3 per service bay plus four stacking spaces/side of pump island
Beauty or Barber Shop	3 per operator
Car Washes-Full Service	Stacking for 30 vehicles or 10 per approach lane whichever is greater, plus 3 spaces /bay for manual drying plus 2/3 employees on the largest shift
Commercial or Business Service Uses, Including Retail Shopping Centers Except as Otherwise Specifically Provided for Herein	1 per 200 sq. ft. gross floor area.
Funeral Home	1 per 150 sq. ft. + 1 per business vehicle
Hotel	1 per hotel room

Restaurant, Tavern, Night Club Lounge or Dance Hall	1 per 100 sq. ft.
Vehicle Repair	3 per each service bay
Veterinary Services	4 per doctor plus one per employee

#### E. Recreation and Entertainment

Type of Use	Minimum Parking Spaces Required
Bowling Alley	5 per lane + spaces for restaurant
Golf Courses	4 per tee
Golf Driving Range	1 per tee
Skating Rink (Ice or Roller)	1 per 300 sq. ft.
Theater, Auditorium or Assembly Hall	1 per 3 patrons based on maximum capacity

#### F. Mixed Use

Type of Use	Maximum Parking Spaces Required
Mixed use development	See Table 5-G

(Ord. No. 106-2009; Ord. No. 74-2010; Ord. No. 96-2010; Ord. No. 65-2014, §§ 2, 3, 12-8-2014 ; Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 44-2016 , § 4, 10-24-2016; Ord. No. 16-2017 , §§ 6, 7, 4-10-2017; Ord. No. 54-2017 , §§ 16—18, 12-11-2017; Ord. No. 7-2020 , § 8, 9-14-2020; Ord. No. 75-2021 , § 1(Exh. A), 12-13-2021)

### § 6.07 LANDSCAPING, SCREENING AND BUFFERING.

- (A) *Purpose:* The purpose of these landscape regulations is to establish the minimum standards for the provision, installation and maintenance of the landscaped environment within Upper Arlington. All landscaping, screening and buffering are subject to the regulations that follow in this chapter.
- (1) The intent is to protect and enhance the visual appearance and natural beauty of Upper Arlington by encouraging the preservation of existing trees and requiring the planting of new trees and vegetation.
  - (2) To protect and enhance property values by providing reasonable yet appropriate conditions for buffering and screening buildings and uses from adjacent properties.
  - (3) To provide ecological benefits including: reduced stormwater runoff, reduced erosion, improved air and water quality, increased presence of native and pollinator-friendly flowers and plants, and to help promote energy conservation through the reduction in heat island effects and heat gain/loss.
- (B) *Applicability:* These requirements shall apply to new and existing development through a landscape plan, which is part of a development plan, site plan or major subdivision application. Such landscape plan shall be approved prior to the installation of any plant material. All landscaping shall be installed and permanently maintained in accordance with the approved landscape plan, and shall be replaced if damaged, removed or destroyed. Minor amendments to the landscape plan, such as tree location or species selection, may be approved by the City Forester.



- (C) *Tree preservation and habitat protection*: All existing on-site healthy trees shall be preserved to the fullest extent reasonable, unless directed otherwise by BZAP and/or the City Forester. Special consideration should be given to mature or exceptional specimens. If appropriate, a habitat protection area shall be established to protect stream banks, wetlands, steep slopes, wildlife scenic views and other unique natural resources.
- (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.
- (E) *Recommended species*: The following types and minimum sizes (at installation) of landscaping are recommended in Upper Arlington. Trees and shrubs not on this list may be substituted with approval from the City Forester. All existing invasive species should be removed and any new landscaping should include a majority of native species.


**Table 6-J: Recommended Landscape Plants**

Type	Description	Tree Type Examples	Minimum Size at Planting
A	Deciduous tree that matures over 40' Height	Bald cypress, Catalpa, Dawn Redwood, Ginkgo, Honey locust, Kentucky Coffee Tree, Linden <i>spp</i> , Maple <i>spp</i> , Oak <i>spp</i> , Tupelo <i>cv</i> , Tulip tree, Zelkova	2.5" Cal
B	Deciduous tree that matures less than 40' height, single stem	Elm Hybrids, Hornbeam and Hop hornbeam, Parrotia, Horse chestnut, Katsura, Amur Maackia, Red maple, Miyabe maple, Flowering-non fruiting tree <i>spp</i> , Yellowwood	2" Cal
C	Deciduous tree that matures less than 30' height, multi stem	Serviceberry, Sweetbay Magnolia, Flowering Magnolia, Ornamental maple <i>spp</i> , Redbud, Fringetree	10' Ht
D	Evergreen tree that matures over 30' height	White Pine, Pine <i>spp</i> , Norway Spruce, Green Giant Arborvitae, White Fir, Serbian Spruce	10' Ht

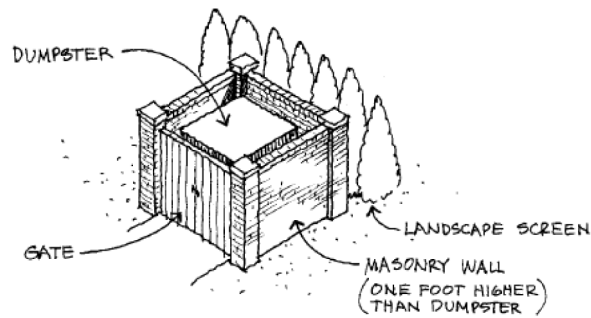
E	Evergreen tree that matures less than 30' height	Arborvitae <i>spp</i> , Juniper <i>spp</i> , various Dwarf cultivars	8' Ht
F	Evergreen or deciduous shrub that matures over 6' height	Viburnum, Oakleaf Hydrangea, Panicle Hydrangea, Red Chokeberry, Spicebush, Witch Hazel, Butterfly Bush, Yew	3' Ht
G	Evergreen or deciduous shrub that matures less than 6' height	Spiraea, Itea, Fragrant Sumac, Beautyberry, Boxwood Panicle Hydrangea <i>cv</i> , Oakleaf Hydrangea <i>cv</i> , Butterfly Bush <i>cv</i>	2' Ht
H	Evergreen or deciduous shrub that matures over 4' spread	Yew <i>cv</i> , Viburnum, Boxwood, Mops False cypress	18" Spread

(F) *Streetscape*: There shall be one Type A or B or similar tree planted along or within the City's right-of-way for each twenty-five (25) feet of street frontage. These required street trees may be planted in side and/or rear yards as Type C or D or similar trees. Decorative landscape beds within the City's right-of-way may be permitted, subject to approval by the City Forester.

(G) *Foundation plantings*:

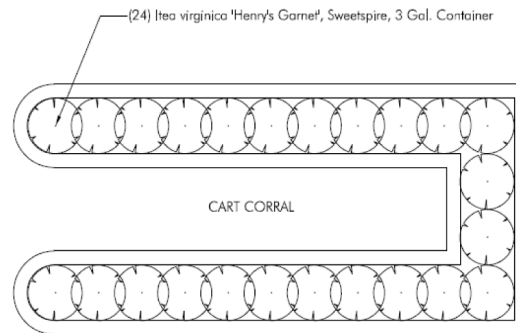
- (1) All building facades fronting on a public street or plaza, where the building is greater than four (4) feet from the sidewalk, shall have continuous foundation plantings consisting of Type G or H or similar plants.
- (2) In the case of additions to existing buildings, the facades of both the addition and the existing building shall be landscaped with continuous foundation plantings of Type G or H or similar plants.
- (3) Foundation plantings may be accommodated in planters or clustered in landscaped beds when continuous plantings are not feasible.

(H) *Trash containers, loading areas and mechanical devices*: Trash containers, loading areas, and mechanical devices shall be located at least twenty-five (25) feet from a pedestrian entry and forty (40) feet from a single-family lot line. They shall not be located between the building and the street. Service and utility areas shall be concealed from the street by employing means such as locating underground, locating internal to a structure or group of structures, providing enclosing of walls, fences, or screening, and locating along internal alleys or service drives. Trash containers and loading areas shall be shielded from view with either an opaque wall or fence that is compatible with the principal structure. Trash containers are to have an opaque gate that is to remain closed when not in use. In addition to the wall or fence, a landscape buffer of either Type F, G or H plants shall be installed on the side(s) that impact adjacent property owners. All such walls, fences, and gates shall exceed the height of the dumpster by a minimum of one foot and shall be a minimum of six (6) feet in height. Commercial mechanical devices, including but not limited to, air conditioners, generators and heat pumps shall be screened to minimize visual and noise impacts. Rooftop mechanical units must be screened from view from adjacent streets. This may include locating the unit within a mechanical penthouse, locating it behind an architectural screen, or locating it far enough into the building to effectively be invisible from view. Utility structures shall be screened per the provisions of Article 6.10(C)(11).



- (I) *Minimum landscape buffer:* Any property within a multi-family residence district, neighborhood business district, community business district, conditional business district, planned mixed use district or planned shopping center district shall contain a minimum landscape buffer of at least ten feet in width, except street frontages. The minimum landscape buffer shall provide the following, unless otherwise approved by the Board of Zoning and Planning:
- (1) *Fence or wall:* A six-foot tall high-quality wood fence or masonry wall shall be installed along side and rear property lines within the landscape buffer. If adjacent to a residential district, the fence or wall may project in front of the adjacent residential building line if reduced to a maximum of three and one-half (3.5) feet in height.
  - (2) *Fence or wall screening:* The fence or masonry wall along side and rear property lines shall be screened with at least one Type G or H or similar shrub planted every three (3) feet within the landscape buffer.
  - (3) *Canopy and shielding:* At least one Type A, B, C or D or similar tree shall be installed a minimum of every twenty (20) feet within the landscape buffer and shall exceed the height of the adjacent fence at installation.
- (J) *Parking area landscaping:* Any surface parking area containing five (5) or more parking spaces in a one-family residence district, one-to-four family residence district, multi-family residence district, neighborhood business district, community business district, conditional business district, planned mixed use district or planned shopping center district shall be required to provide the following landscaping:
- (1) *Landscape islands:* One landscape island shall be installed to divide parking areas in the above districts, except the planned mixed use district and planning shopping center district, into bays of not more than ten (10) parking spaces per bay. For parking areas in the planned mixed use district and planning shopping center district, one landscape island shall divide the parking area into bays of not more than fifteen (15) parking spaces. The minimum width of a landscape island is eight (8) feet; however, alternative designs meeting the general code intent may be approved. At least one Type A, B or C or similar tree shall be planted in each required landscape island, and shrubbery, hedges or other landscape plants shall be used to compliment the tree.
  - (2) *Interior greenspace ratio:* Interior parking lot landscaping shall cover a minimum of eight (8) percent of the surface parking area.
  - (3) *Minimum landscape buffer:* A landscape buffer around the parking area that complies with the requirements of UDO Article 6.07(I).
  - (4) *Adjacent to public right-of-way:* A minimum ten-foot wide landscape buffer shall be located between the parking lot and the right-of-way. A hedge, stone wall or other durable landscape barrier of Type G or similar plants shall extend the entire length of the landscape buffer. One Type A or similar tree shall be planted for each twenty (20) feet of length of the landscape buffer, but may be relocated elsewhere on the property if approved by the City Forester.

- (5) *Landscaping at driveway and street intersections:* In order to maintain the safety and visibility of pedestrians and motor vehicles, all landscaping that exceeds proscribed heights shall be planted outside of the intersection clearance zone and sight visibility triangles.
- (6) *Shopping cart corrals:* The perimeter of a shopping cart corral area shall be designed with a landscape buffer or hedge of Type H or similar plants. The buffer or hedge may be tied into other landscape islands. The landscaped cart corral may count toward landscape island requirements if a Type A, B, or C or similar tree is planted. Vertical signage or identification is prohibited.



- (K) *Rain barrels:* Rain barrels are encouraged but shall not be located nearer to any street than the nearest wall of the principal building and shall maintain a setback of at least three (3) feet from side and rear property lines. The rain barrel should match the color of the adjacent structure. A complete rain barrel system shall consist of the holding tank, downspout connector/diverter, a sealed lid or mosquito screen, a hose bib and an overflow connected to a storm sewer or an approved location.
- (L) *Rain gardens:* Rain gardens are encouraged, but shall be located a minimum of ten (10) feet from building foundations and a minimum of fifteen (15) feet from property lines. Rain gardens shall be subject to review and approval of the Chief Building Official and shall be constructed in accordance with the latest edition of the "Rain Garden Guidelines for Southwest Ohio" published by the Ohio State University Extension, Hamilton County. Rain gardens installed in the right-of-way by the City or a utility company shall not be subject to these regulations.
- (M) *Green roofs:* Green roofing systems are encouraged, but shall meet all fire and wind requirements for roof systems, as determined by the Chief Building Official. All systems shall include design load verification submitted by a licensed design professional.
- (N) *Community and private gardens:* Community and private gardens for edible produce shall be properly maintained and cared for, and shall not be located in City right-of-way. Community gardens may be permitted on private property with approval of the property owner. No community garden shall be located in a front yard.
- (O) *Compost bins:* Compost bins are permitted, provided that such materials are contained in a bin or enclosure, are properly turned and maintained, and do not create or cause a nuisance to adjacent property owners. The compost bin shall be located behind the nearest wall of the principal building and shall maintain a setback of at least three feet from side and rear property lines. Compost scrap piles are not permitted.

( Ord. No. 9-2015, §§ 1, 2, 4-27-2015 ; Ord. No. 54-2017 , § 19, 12-11-2017; Ord. No. 16-2019 , §§ 16, 17, 6-10-2019; Ord. No. 75-2021 , § 1(Exh. A), 12-13-2021)

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## § 6.09 ACCESSORY STRUCTURES AND USES.

- (A) *Purpose:* Accessory structures may be erected upon a lot on which a principal structure already exists. The use of the accessory structure must be secondary and incidental to the principal structure and use. An accessory structure that is attached to the main building shall comply with all the requirements of these regulations that are applicable to the principal building.
- (B) *Permit required:* A certificate of zoning compliance is required to be issued before an accessory structure is constructed or an accessory use may occur on a parcel or in a building (See Article 4, development procedures). A major accessory structure or use shall be approved by BZAP and a minor accessory structure or use shall be approved by the Director of Community Development. A building permit is required for any accessory structure that exceeds two hundred (200) square feet in area. See Table 5-f for size limitations.
- (C) *General provisions:* The following general provisions shall apply:
- (1) *Aesthetic consideration:* The vistas of adjacent property owners shall be considered with the installation and maintenance of storage structures, detached habitable structures, swimming pool equipment, swimming pool houses and generators. As viewed from neighboring property lines, no more than fifty percent (50%) of said structure or equipment 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.).
  - (2) *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.
  - (3) *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.
- (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. In the River Ridge Addition only, existing carports may be enclosed to create a garage if there are no changes to the footprint and if an additional story is not included. Such enclosure shall be compatible with the principal residence and include fence or other landscape screening adjacent to the structure.

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- (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 are not permitted except when they face one (1) or more streets contiguous to a property line.
  - (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 roofs for detached garages and carports outside of the buildable area of the lot shall not exceed nine (9.5) feet and six inches above the parking floor elevation.
  - (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 (8) 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.
  - (j) *Habitable spaces:* Habitable space (limited to home gyms, home offices, work studios, bathrooms and finished storage areas) are permitted within a detached garage as long as all requirements of detached garages are met. Separate dwellings, sleeping places, or in-law suites are not permitted within a detached garage.
- (2) *Decks and balconies:*
- (a) *Location:* 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, 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.
- (3) *Home offices and occupations:*

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- (a) *Permitted uses:* A home office or occupation is permitted as an accessory use in a dwelling unit in any residential area. All provisions of this UDO pertaining to residential uses shall be met. In addition, all special conditions specified in this UDO shall apply.
- (b) *Additional permitted uses:* Additional home offices and occupations not listed in Table 5-B may be permitted when, in the opinion of the Director of Community Development, these uses are similar in nature and will not violate any of the conditions noted below.
- (c) *Prohibited uses:* Therefore, the uses specified in Table 5-B shall not be permitted as accessory home offices and occupations in a residential zone because of their potential to impair the use and value of a residentially zoned area.
- (d) *Additional prohibited uses:* Additional home offices and occupations not listed in Table 5-B may be prohibited when, in the opinion of the Director of Community Development, these uses are similar in nature or will violate one (1) or more of the conditions noted below.
- (e) *Conditions:* The following conditions and limits of activity apply to all home occupations within the City:
- i. *Business traffic:* No traffic shall be generated by any home occupation unreasonably greater in volume or different in nature than would otherwise normally occur in the residential neighborhood in which it is located;
  - ii. *Construction alterations:* All structural alterations must comply with the building code when the scope of these alterations exceeds the building code's definition of accessory use;
  - iii. *Employees/Independent contractors:* No more than two (2) employees or independent contractors shall be on the premises at any given time, unless they are residents of the premises;
  - iv. *Signage:* There shall be no advertising, signs, display, or other indications of the home office or occupation in the yard, on the exterior of the dwelling or visible from anywhere outside the dwelling;
  - v. *Business area:* The home office or occupation shall be conducted within the principal structure or dwelling unit. It may be located anywhere within the dwelling unit, but its total area shall not exceed twenty percent (20%) or five hundred (500) square feet, whichever is the lesser, of the habitable square footage of the premises, which is entirely above grade. The entire structure must comply with the building code when this area exceeds the State of Ohio's definition of accessory use;
  - vi. *Hazard:* No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials are used or stored on the site, and no process may be used which is hazardous to public health, safety, morals, or general welfare;
  - vii. *Performance:* No plumbing, electrical wiring or equipment or apparatus of any kind may be installed or used that would create or increase the threat of fire, explosion, radiation, noise, odor, smoke, particulate, or other nuisance or hazard of any kind;
  - viii. *Interference:* Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers, or causes fluctuations in line voltage outside the dwelling unit, or that creates noise not normally associated with residential uses shall be prohibited. The lack of adequate shielding of neighboring receivers shall not be a defense to interference claims;

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- ix. *Storage:* Storage of equipment or materials used in the home office or occupation is permitted in addition to the business area limits specified above, as long as it does not further reduce the habitable space at the premises. Both storage areas and business areas must comply with the building code when these areas separately or collectively exceed the State of Ohio's definition of accessory use. There shall be no display or storage of equipment, materials, goods, or supplies used in the conduct of the home occupation outside of an enclosed building;
  - x. *Employee/Independent contractor parking:* If the Director of Community Development determines that a parking nuisance is being created by a home occupation, the provisions of Subsection 3.06(A) may be invoked to remove this nuisance from the neighborhood;
  - xi. *Vehicle graphics:* No passenger car as defined in ORC § 4501.01 as amended, with the home office or occupation name, descriptive wording, and/or identifying graphics on it shall exceed the graphic limitations identified in Subsection 6.09(D)(6)(b) for parking of trucks and trailers on private property when parked on the premises outside of a completely enclosed building;
  - xii. *Appearance:* There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home office or occupation when viewed from off the premises, except for the parking specifically permitted in these special conditions;
  - xiii. *Residency:* The owner, operator or officer of the home office or occupation shall reside in the dwelling unit in which the business operates; and
  - xiv. *Multiple home offices and occupations:* More than one (1) home office or occupation may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to home office and occupations are complied with. Such criteria shall be applied cumulatively to all home offices and occupations within the same dwelling.

(4) *Home sales:*

- (a) *Home sale:* Means a sale of personal property to the general public conducted in or on any property within a residential zoning district, to include, without limitation, garage sales, patio sales, yard sales, porch sales, driveway sales, motor vehicle sales, and the sale of boats, trailers, motorcycles, motor homes and the like.
- (b) *Prohibitions:* No person shall sell or offer for sale at such home sale any merchandise that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be evidence that such merchandise was acquired by the resident for purpose of resale. No person shall sell or offer at such sale any personal property except such as has been owned and maintained by such person or members of his family on or in connection with the premises on which such sale is held. The provisions of this paragraph shall not apply to not-for-profit corporations, churches, temples, schools, fraternities, sororities, associations, clubs or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations subject to the other provisions of Subsection 6.09(D)(6).
- (c) *Frequency and duration of sales:* Only one such sale may be conducted on any parcel of real estate in any six-month period, which sale shall be limited to not more than three (3) consecutive days or two (2) consecutive weekends of two (2) days each. No sale may commence before the hour of 8:00 a.m. or extend later than 8:00 p.m. This subsection shall not apply to the sale of motor vehicles, boats, trailers, motorcycles or motor homes.



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- (d) *Other conditions of sales:* Personal property offered for sale may be displayed in the front, side or rear yard of any such premises provided that such personal property is not located within a right-of-way or otherwise obstructs clear vision. All signage shall be consistent with the provision of Subsection 6.06(F)(3). Only one such sign may be displayed and its display shall be limited to the dates and hours during which the sale is held. Such sign shall not be larger than four (4) square feet in area, shall not be illuminated or animated, and shall not contain any advertising material unrelated to the conduct of the sale. No sign may be displayed for the sale of a motor vehicle, boat, trailer, motorcycle or motor home on the premises.
- (e) *Sale of motor vehicles, boats, trailers, motorcycles and motor homes:* The following provisions shall apply in the case of any motor vehicle, boat, trailer, motorcycle or motor home offered for sale:
- i. Such vehicles may be displayed for sale only upon an impervious surface on any portion of the lot, including those located in any front, rear or side yards, provided that the vehicle is not parked in the City's right-of-way. Only one such item may be displayed at any time;
  - ii. No person shall park or leave standing the above named vehicles upon any property not owned or controlled by such person for the principal purpose of advertising or displaying it for sale;
  - iii. Not more than two (2) signs, each of which shall not exceed one (1) square foot in area, may be displayed for the sale of such item upon or in the motor vehicle, boat, trailer, motorcycle or motor home only, provided that such signs shall not be illuminated or animated; and
  - iv. Any such motor vehicle, boat, trailer, motorcycle or motor home displayed for sale must be in operating condition and capable of being immediately moved under its own power if self-propelled or if not self-propelled by towing by ordinary means available upon the premises. This subsection shall not apply to corporations not-for-profits, churches, temples, schools, fraternities, sororities, associations, clubs, lodges, or any form of business, whether sole proprietorship, partnership, or corporation, carried on for profit whether formally organized or not.
  - v. Motor vehicles, boats, trailers, motorcycles, recreational vehicles, watercraft and recreational trailers offered for sale shall comply with the requirements of this section and Subsections 6.09(D)(6) and 6.09(D)(7).
- (f) *Exemptions:* Except as provided in Subsection 6.09(D)(4)(b), (d), and (e) above, the provisions of Subsection 6.09(D) shall not apply to a sale of property publicized solely by classified newspaper advertising, which describes or identifies the specific property offered for sale and does not designate the date, hours or location of the sale other than by stating the name, address or telephone number of the seller.
- (5) *Parking of motor vehicles:*
- (a) *Restrictions:* In any zoning district, an automobile, motorcycle or other motor vehicle as defined in Section 2.02 shall not remain on any non-impervious parking surface (such as lawn) of any lot for a period of more than four (4) hours. All vehicles parked or stored on private property other than in completely enclosed buildings shall be in operable condition and bear proper tags and validation stickers. For purposes of this section, a motor vehicle shall be deemed inoperable when any of the following conditions exist:
- i. One (1) or more wheels are missing;
  - ii. One (1) or more tires are missing;

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- iii. One (1) or more tires are flat;
  - iv. One (1) or more windows are cracked, broken or missing;
  - v. The windshield is shattered or missing;
  - vi. Parts necessary for the operation of the vehicle are missing; or
  - vii. When the vehicle is not capable of being started and driven from the location in question;  
or
  - viii. When an invalid license plate is displayed on the vehicle.
- (b) *No parking:* No motor vehicle shall be parked, stored or allowed to remain on a driveway within the City's right-of-way, or in violation of Subsection 6.09(D)(5)(a), except for emergency vehicles as defined in section 2.02.
- (c) *Collector's Vehicles:* In accordance with ORC § 4513.65, collector's vehicles as defined in Section 2.02 may be kept on private property with the permission of the person having the right to possession of the property, except that the vehicle must bear current registration, be parked on an impervious surface in compliance with the UDO and be concealed by means plant material or landscape design elements which obscure the visibility of the parked vehicle from adjacent residential property and public right-of-way.
- (6) *Parking of trucks and trailers on private property:*
- (a) *Required screening:* No motor vehicle having more than four (4) tires, and no trailer having more than two (2) tires, shall be parked, stored or allowed to remain for more than two (2) hours in any twenty-four-hour period on any lot or parcel of land in this City, unless fully contained within an enclosed structure. No vehicle excepted from the definition of motor vehicle, excluding motorized bicycles, no matter how many tires, shall be parked, stored or allowed to remain for more than two (2) hours in any twenty-four-hour period on any lot or parcel of land in this City, unless fully contained within an enclosed structure.
  - (b) *Restrictions for unscreened parking:* Any motor vehicle with no more than four (4) tires, and any trailer with no more than two (2) tires, may be parked, stored or allowed to remain outside of a fully enclosed structure, subject to the following conditions:
    - i. All such vehicles and trailers, when parked more than two (2) hours in any twenty-four-hour period, shall be located no closer to any street than the building setback line or the most remote wall of the building elevation facing the street, whichever is further from the street;
    - ii. All such vehicles or trailers, shall be parked at least three (3) feet from any side lot line. A side yard facing a street on a corner lot shall be considered a front yard;
    - iii. Only one such vehicle or trailer may be parked outside of a fully enclosed building at any one (1) dwelling unit, and may not be parked outside in addition to a recreational vehicle, trailer or boat parked in compliance with Subsection 6.09(D)(7);
    - iv. Any equipment and/or load attached to, or supported by, such vehicle must be totally enclosed within this vehicle to conceal it from external observation; and
    - v. Graphics are permitted on the sides of such vehicles only. Graphics are limited to the front passenger doors or to ten percent (10%) of the total area of each side of the vehicle, whichever is less. Said area shall be measured behind the cab or behind the front passenger door on a pick-up or van. Graphics are computed for and permitted on each side

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of the vehicle. No more than three (3) colors, exclusive of vehicle color, may be used. For the purposes of this UDO, black and white are considered colors.

- vi. All such vehicles or trailers shall be in operable condition as provided for in Subsection 6.09(D)(5) and shall not be parked or stored on any non-impervious parking surface (such as a lawn) of any lot for a period of more than four (4) hours.
- (c) *Exemption for noncommercial vehicles:* Passenger cars that qualify as noncommercial motor vehicles, as defined in ORC § 4501.01, are exempt from the requirements of this UDO.
- (d) *Exemptions for temporary vehicle usage:* This UDO shall not apply to recreational vehicles, watercraft or recreational trailers as defined in Subsection 6.09(D)(7), or to such vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles, or to the time during which such vehicle, trailer or semi-trailer is being loaded or unloaded, or used to deliver or hoist property or merchandise for completion of delivery, if such loading, unloading or other activities referred to in this provision are conducted diligently and without unnecessary delay.
- (7) *Parking of recreational vehicles, watercraft and recreational trailers on private property:* This UDO addresses three (3) types of equipment generically called recreational vehicles, watercraft and recreational trailers, (hereinafter referred to as vehicles), which are further defined below:
  - (a) *Definition of recreation trailers:* Types of recreational trailers include, but are not limited to, any form of device, equipment, or machinery on wheels, or a single wheel, that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting any boat, auto, snowmobile, recreational habitation, and the like, which does not have motor power, but is designed to be drawn by another vehicle.
  - (b) *Definition of watercraft:* Types of watercraft include, but are not limited to, any of the following when used or capable of being used for transportation on the water:
    - i. A boat, or similar personal watercraft, operated by machinery either permanently or temporarily affixed;
    - ii. A sailboat other than a sailboard;
    - iii. An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard; and
    - iv. A canoe or rowboat.
  - (c) *Definition of recreational vehicles:* See Article 2: Definition, Recreational Vehicle.
  - (d) *Specifications:* All vehicles shall meet the following conditions when parked in any zoning district within the City:
    - i. *Location/Screening:* When located outside an enclosed structure, all such vehicles must be parked on an impervious surface within the buildable area of any given lot, and be screened from the view of surrounding neighbors and passing motorists. The use of tarpaulins and/or location within an open-sided carport does not qualify as adequate screening. If an objection to the degree of obscurity is received by the Director of Community Development, the Director shall determine if adequate screening, or obscurity exists. The opinion of the Director of Community Development may be appealed to BZAP by any party affected by this opinion, pursuant to Section 4.10. The extent of owner liability for obscurity is limited to the erection of a six-foot opaque wooden fence screening the vehicle from view from all abutting property owners and streets.

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- ii. *Parking beyond buildable area:* No vehicle which is parked, stored or allowed to remain on a lot within the City shall remain for more than two (2) hours in any twenty-four-hour period outside the buildable area of that lot, except that a vehicle may be parked outside of the buildable area for not more than five (5) full or five (5) partial days in any thirty-day period when being loaded or unloaded. For purposes of this Ordinance, the term partial day shall mean more than two (2) hours cumulatively in any twenty-four-hour period.
  - iii. *Improvements:* No vehicle shall be parked, stored or allowed to remain on a lot or parcel of land which is not improved with a principal building.
  - iv. *Habitation/Guest occupancy:* A vehicle may not be used for overnight sleeping or living while parked on private property within the City, except that a vehicle may be parked on private property inside or outside the buildable area for a period not to exceed in the aggregate, seventy-two (72) hours in any thirty-day period, if the owner or person in charge of such vehicle is a bona fide guest of the occupant or occupants of such private property.
  - v. *Storage:* No materials of any kind shall be temporarily or permanently placed or stored beneath, or on top of, parked vehicles.
  - vi. *Registration:* All recreational vehicles and recreational trailers shall be operable and have borne valid registration and licenses within the most recent twelve-month period. All watercraft shall be operable and have been registered within the most recent twelve-month period. Operable in the case of a powered vehicle means a vehicle capable of being started and driven from the location in question. Operable in the case of a non-powered or waterborne vehicle means a vehicle capable of being towed from the location in question.
  - vii. *Indoor storage:* Parking vehicles under roof within a permanent enclosure is encouraged.
  - viii. *Maintenance/Condition:* A vehicle is inadequately maintained, and shall be removed from the City, when all of the following conditions are met:
    - a) The vehicle is three (3) years or older; and
    - b) The vehicle is extensively damaged. Such damage may include but is not limited to any of the following: broken windows or windshield, missing wheels, tires, motor or transmission; and/or the vehicle is apparently inoperable.
  - ix. *Ownership:* The vehicle must be owned by a resident on whose lot it is parked, unless it qualifies for the guest occupancy exception above.
  - x. *Safety:* The vehicle shall not be parked in an unsafe manner.
  - xi. *Commercial use of vehicle:* Any vehicle used partially or wholly for commercial purposes shall be governed by Subsection 6.09(D)(5), commercial purpose may include, but is not limited to:
    - a) Advertising on the vehicle indicating a non-residential use; or
    - b) The use of the vehicle for entertainment of customers related to a business purpose.
  - xii. *Construction/Delivery:* The other provisions of this section notwithstanding, this section shall not apply to such vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed, during the time of parking such vehicles or to the time during which such vehicle is being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery, if

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such loading, unloading or other activities referred to in this provision are conducted diligently and without unnecessary delay.

- xiii. *Watercraft length:* Watercraft may not exceed twenty-four (24) feet in length as measured from bow to stern.
- xiv. *Number of vehicles:* Only one such vehicle may be parked outside of a fully enclosed building at any parcel and shall not be parked outside in addition to a truck or trailer in compliance with Subsection 6.09(D)(6).

(8) *Authority to grant parking exceptions:* The City Manager is authorized to grant temporary exceptions to or modifications in special circumstances where a necessity exists for the use of a vehicle described in Subsections 6.09(D)(6)(c) and (d) hereof, 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.

(9) *Antenna and antenna towers:* Antenna means any system of wires, poles, rods or similar devices used for the transmission or reception of television broadcast signals, direct briches signals, direct briches satellite services or multi-channel multi-point distribution services, as defined and regulated by 47 C.F.R. Statute 1.4000. Antenna tower means any structure, greater than twenty-five (25) feet in height, used for the primary purpose of supporting one (1) or more antennas as defined above, including foundation, guys and other components thereof.

No antenna tower or tower mast shall be located in or occupy any part of a required front or side yard. Antennas, antenna towers, including foundation guys and other components thereof, shall not project over any property line. No antenna tower or tower mast shall extend more than sixty (60) feet above the ground site on which it is located. If mounted on the roof of a dwelling or other building, an antenna tower or mast shall not extend more than twenty (20) feet above the highest ridge of the roof nor more than twenty (20) feet above the ground level immediately below.

Not more than one (1) antenna tower with antennas or not more than one (1) satellite ground station as defined in this section shall be erected on any lot or parcel of land, whether the same is free-standing, attached to a building wall or mounted on a building roof; provided, however, that this restriction shall not apply to a tower or antenna attached to a wall or mounted on the roof of a residence which does not project more than six (6) feet above the highest ridge of the roof, and if the maximum horizontal dimension of such tower and antenna does not exceed twelve (12) feet.

(10) *Regulation of dish-type satellite signal receiving antennas:* The purpose of these regulations is to regulate the proper development and use of dish-type satellite signal receiving antennas in order to ensure safe installation, and to protect and enhance the overall physical appearance of the community. All dish-type satellite signal receiving antennas are subject to the provisions set forth in this section.

Satellite signal receiving antennas which are one (1) meter or more in diameter located in all zones, and two (2) meters or more in diameter located in industrial or commercial districts shall comply with the following restrictions so that the health, safety and aesthetic objectives of the community can be accomplished:

- (a) A satellite antenna may be mounted on a roof as long as it does not project above the ridge of the roof to which it is attached; or if attached to a flat roof, it may not project more than three (3) feet above the coping or parapet of said roof.
- (b) A satellite antenna shall not be mounted upon architectural features including but not limited to towers, cupolas, spires or chimneys.

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- (c) A satellite antenna may be ground mounted if no portion of the antenna exceeds a height of six (6) feet above the elevation of the ground site on which it is located; and shall be erected on a foundation designed to support the loads intended. Where the ground under the foundation has been raised to a higher level than the surrounding surface, the permissible height of the satellite antenna shall be reduced by the height of such mound or raised surface.
  - (d) A satellite antenna may be mounted to the side or rear walls of the principal building, but may not project above adjacent roof edge, ridge, and/or eave lines.
  - (e) A satellite antenna shall not be visible from the street, except when either located on the side or rear wall of the building, in the rear yard, or in the buildable area adjacent to the rear yard and behind the principal structure.
  - (f) Satellite antennas shall not be erected in the City without a zoning compliance and an electrical permit. A building permit is also required when a foundation is involved.

(11) *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 (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.

(b) *Fences:*

- i. Every swimming pool (including existing pools) shall be completely enclosed by a fence of sturdy construction not less than forty-eight (48) inches in height, measured from the level of the ground where located, which shall be of such design and construction as to effectually prevent a child from crawling or otherwise passing through or under such fence. Each gate in such fence shall be provided with a secure lock and shall be kept locked at all times when the depth of water in the pool exceeds eighteen (18) inches, unless said pool is in use or is under the immediate observation of a responsible person. No part of any fence

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shall be located between the building setback line and the street on which the lot or parcel abuts.

- (c) *Lights:* All lights used for illuminating such swimming pool, hot tub or the surrounding areas shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting property.
  - (d) *Drainage:* Provisions shall be made for drainage of swimming pools or hot tubs in compliance with the Ohio Plumbing Code and EPA standards.
  - (e) *Permits and operation:*
    - i. No person shall locate, construct or install any swimming pool or make any change therein or in the appurtenances thereof without having first submitted an application and plans therefore to, and having obtained a permit from the Department of Community Development and the health commissioner;
    - ii. Such permit shall not be issued unless and until the plans and specifications shall have been approved as to structural safety and compliance with this UDO by the Director of Community Development;
    - iii. Every swimming pool, including existing swimming pools, shall be provided with a filtration system approved by the Board of Health; and
    - iv. No person shall use, operate, repair or maintain any swimming pool or hot tub in violation of any of the provisions of this UDO or of any lawful order of the Director of Community Development, or in violation of any regulation of the Board of Health or any order of the health commissioner issued pursuant thereto.
  - (f) *Application of requirements:* All provisions of this UDO shall apply to private or noncommercial swimming pools and hot tubs. The provisions of Subsections 6.09 (D)(12)(b)—(f), inclusive, shall apply to all swimming pools.
- (12) *Fences:*
- (a) *Purpose:* The purpose of these fence regulations is to preserve and protect property values, to enhance safety and security, to provide privacy, and to improve the visual environment.
  - (b) *Applicability:* No fence, wall or barrier, other than a temporary construction or snow fence, shall be constructed, erected, installed or substantially replaced on any property without an approved fence permit from the Community Development Department. Minor repairs and maintenance do not require a fence permit. An underground/invisible pet fence shall not be subject to the limitations associated with fences, but shall not be located in city right-of-way.
  - (c) *Prohibited fences:* The following fences are prohibited:
    - i. Fences or walls having wire, metal prongs, spikes, or cutting points or edges of any kind whatsoever, or which is charged with electric current. Picket fences shall have points blunted. Chain link fences shall be coated with black, brown, or dark green vinyl, plastic, or other similar material.
    - ii. No fence or fences shall be constructed so that there are two (2) more or less parallel fences in the same yard on one (1) property unless there is a distance of at least five (5) feet between the fences or their appurtenances. This section is not intended to prohibit adjoining property owners from erecting abutting fences along a shared property line.
  - (d) *Location and height:* Fences may be located in yards as follows:

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- i. Front yard: As measured from the building setback line to the City right-of-way line:
    - A. Fences may extend fifteen (15) feet forward of the building line, provided such fence does not exceed three and one-half (3.5) feet in height, as measured above the elevation of the surface of the ground at such point.
    - B. Fence posts may exceed the height of the fence by a maximum of six (6) inches.
  - ii. Side and rear yards:
    - A. Fences shall not exceed six (6) feet in height, as measured above the elevation of the surface of the ground at such point, unless the side and/or rear yard abuts a Commercial or Planned District, then a fence may extend up to eight (8) feet in height.
    - B. Fence posts may exceed the height of the fence by a maximum of six (6) inches.
  - iii. For purposes of determining the location and height requirements, each yard abutting upon a street shall be considered as a front yard on each respective street.
  - iv. Fences or walls located completely within the buildable area are not subject to these height limitations.
  - v. Property line location: The accurate determination of the property line is the responsibility of the property owner or contractor securing the fence permit. The issuance of a fence permit does not indicate city review or approval of the property line location.
  - vi. Fences shall not be located in platted landscape preservation easements, do not disturb areas, planting strips or drainage easements. Fences may be located in a reserve, unless otherwise noted on the subdivision plat.
- (e) *Supporting elements:* Fences or walls supported by posts on the side of the fence or wall shall be erected so that exposed posts and supporting cross elements face the property upon which the fence or wall is being constructed. This provision shall not apply if adjacent property owners file, with the Director of Community Development, written consent to have the fence erected so that such posts and cross elements face their property. Fences shall be erected so that no exposed posts or supporting cross elements face public property. This section shall not apply if the fence is the same on both sides, such as split rail or board and batten fences.
- (f) *Construction on a mound:* Where a fence, wall, ornamental feature or hedge is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the fence, wall, ornamental feature or hedge shall be reduced by the height of such mound or raised surface.
- (g) *Ornamental and entry features:* May be located in yards as follows:
- 1. Shall not exceed forty-two (42) inches in height.
  - 2. Shall not exceed twenty (20) feet in total length.
  - 3. Shall not be located in city right-of-way, but may be located in any yard, provided they conform to intersection clearance zone requirements.
- (h) *Retaining walls and dry-stacked decorative stone walls:* May be located as follows:
- 1. Shall not be located in city right-of-way, but may be located in the front yard, provided they conform to intersection clearance zone requirements.
  - 2. Shall not exceed thirty-six (36) inches in height, if located in a front yard.



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3. Retaining walls shall be constructed per the Residential Code of Ohio.
- (i) *Swimming pool fences:* Every swimming pool shall be completely enclosed by a fence of sturdy construction not less than forty-eight (48) inches in height, as measured on the side of the fence that faces away from the swimming pool. Refer to Appendix G of the Residential Code of Ohio for additional requirements pertaining to swimming pool fences.
- (j) *Lamp posts and columns:* May be located as follows:
1. Shall not be located in city right-of-way, but may be located in the front yard, provided they conform to intersection clearance zone requirements.
  2. Shall not exceed 72 inches in height, not including the light fixture.
  3. Shall conform to the residential lighting requirements of Article 6.08.
  4. Shall require an Electrical Permit for non-low voltage wiring and/or a Gas Line Permit for gas lamps.
- (13) *Portable storage units:*
- (a) *Specifications:* All portable storage units and/or collection boxes shall meet the following conditions when located in any zoning district in the City:
- i. Duration:
    - Residential properties and uses - Portable storage units shall be permitted for a period not to exceed five (5) days and no permit shall be required. Collection boxes shall not be permitted on residential properties.
    - Non-residential properties and uses - Portable storage units and/or collection boxes shall be permitted for a period not to exceed five (5) days and no permit shall be required. The period may be extended to not more than twenty-one (21) days by permit only. Not more than two (2) permits shall be issued in any one (1) calendar year.
    - For the purposes of this section, non-residential shall mean all commercial, office and institutional properties and uses.
  - ii. Location: Portable storage units shall be internally located and not located at the perimeter of any property. Containers shall be located on an impervious surface and shall not obstruct right-of-way vision clearance at any time.
  - iii. Number: Not more than one (1) unit per property is permitted.
  - iv. PMUD: Portable storage units shall not be permitted in any planned mixed-use district unless otherwise approved as part of a final development plan.
  - v. Prohibited: Semi-trailer donation centers shall be prohibited.
- (b) *Exceptions:* The specifications noted above shall not apply to the following:
- i. Temporary construction sites, provided the portable unit is removed within sixty (60) days from the final occupancy issue date.
  - ii. When necessary to facilitate clean up and/or restoration activities resulting from natural disasters or fire for a period not to exceed one hundred eighty (180) days provided that a permit is obtained.
  - iii. Portable storage units used for the collection and storage of articles donated to a recognized charitable or educational organization may be approved by the Director of Community Development provided such unit will not be objectionable to contiguous

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properties or properties located directly across the street. Such approval may be subject to reasonable health, safety and welfare conditions as to the location, size, type and maintenance of such unit. Portable storage units shall not be permitted in any planned mixed-use district unless otherwise approved as part of a final development plan.

- (14) *Outdoor display - General:* All business, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants, fluids and such outdoor display or storage of vehicles, materials and equipment at service stations, as hereinbefore specifically authorized or as may be authorized by the Board. Merchandise may be displayed on the sidewalk, or walkway, immediately in front of and adjacent to business establishments provided:
- (a) No less than four (4) feet of uninterrupted pedestrian walking space is provided.
  - (b) Stacked merchandise shall not be displayed any closer to any entrance or exit than a distance equal to the actual height of the stacked materials; but in no event shall any merchandise be located any closer than three (3) feet from any entrance or exit.
  - (c) No merchandise shall be stacked higher than five (5) feet excepting merchandise that itself is higher than five (5) feet such as trees.
  - (d) Bagged or boxed material shall be stacked neatly and safely so as not to endanger pedestrians.
  - (e) No bulk or loose material may be piled. Plants, flowers, shrubs or trees shall not interfere with the required walking space.
  - (f) No signs, whirligigs or pennants (other than descriptions and price tags) may be used.
  - (g) This subsection does not relieve the business proprietor from obtaining the consent of the property owner(s) to use such private sidewalks.
- (15) *Temporary sales trailer specifications:* All temporary sales trailers require a certificate of zoning compliance and shall meet the following conditions:
- (a) *Duration:* Temporary sales trailers shall be permitted for a period not to exceed the shorter of three hundred sixty-five (365) days from the issuance of a certificate of zoning compliance or within ten (10) days of occupancy of the sales unit within the building;
  - (b) *Location:* The trailer shall be permitted in any non-residential zoning district and shall be located on the site as to provide safe access to the structure, be served by adequate parking, and shall not cause undue traffic congestion on the site;
  - (c) *Number:* Not more than one (1) trailer per development is permitted;
  - (d) *Maximum size and height:* Temporary sales trailers shall not exceed 720 square feet in size and 11'-6" in height;
  - (e) *Hours of operation:* Temporary sales trailers shall only operate between the hours of 8:00 a.m. and 7:00 p.m. each day;
  - (f) *Lighting/Screening:* Temporary sales trailers shall have lights near the entrance and shall have a skirt around the entire trailer base. An approved landscape plan shall be required;
  - (g) *Access:* Temporary sales trailers shall have an ADA compliant ramp;
  - (h) *Signage:* Only one (1) sign up to thirty-two (32) square feet is allowed;
  - (i) *Outdoor storage:* Outdoor storage is strictly prohibited;

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- (j) *Extensions:* The Director of Community Development may extend the duration or hours of operation after considering the unique conditions and circumstances of the property and the impact on adjacent property owners.
- (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 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) 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.
- (17) *Handicap ramps:*
- (a) *Location:* All handicap ramps shall be attached or contiguous to the principal structure or principal building. Ramps may be located in a front yard, 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.
- (b) *Screening:* Ramps projecting into the front yard setback must be screened with evergreen landscaping to a fifty (50) minimum percent opacity.

**Table 6-K: Accessory Structures**

Type of Accessory Structure	Side and Rear Yard Setback (not in any easement)	Number per property	Size Limits	Maximum Height Above Grade
Storage Structures: Any structure used solely for storage of materials, supplies, tools and similar items.	3'	1	See Table 5-F for Accessory Building, Building and Development Cover Limits. Shall be measured from	10'

			footprint of structure	
Recreational Structures: Any structure used for recreational activity, including but not limited to: goal nets, backstops, trampolines, half-pipes, quarter-pipes, ramps, 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	12'  Portable goals and nets are exempt.	1 (or swimming pool house)	See Table 5-F for Accessory building, Building and Development Cover limits. Shall be measured from footprint of structure.	12'
Pet Structures: Any structure used to house or contain family pets.	3'	1	See Table 5-F for Accessory building, Building and Development Cover limits. Shall be measured from footprint of structure.	6'
Building Support Systems: Any equipment or system incidental to the operation	3' Except generators must also be located behind the front face of	N/A	N/A	80"

or use of the principal building, including but not limited to air conditioners, generators, heaters, and rain barrels.	the principal building			
Patio Structures: Any detached, permanent structure used primarily for outdoor entertaining, cooking or dining purposes, including but not limited to: outdoor fireplaces/fire pits, kitchens, counters, or bars.	10'  Fireplaces/ Fire pits should be at least 15' from any building.	N/A	See Table 5-F for Accessory building, Building and Development Cover limits. Shall be measured from footprint of structure.	15'
Patio Shelters: Any detached, permanent, open-sided structure that is used for outdoor shelter. This includes, but is not limited to: trellises, pergolas, gazebos, and pavilions.	Rear yard buildable area for those shelters between 12'-1"-15' in height.  10' for those shelters 12' or less in height.	N/A	See Table 5-F for Accessory building, Building and Development Cover limits. Shall be measured from roof perimeter.	15'
Swimming Pool (or Tennis) Houses: Any outdoor shelter installed in conjunction with a swimming pool or tennis for the purposes of changing areas, entertaining, cooking, and/or dining.	Rear yard buildable area for those swimming pool houses between 10'-1"-12' in height.  10' for those shelters 10' or less in height.	1 (or recreational structure)	See Table 5-F for Accessory building, Building and Development Cover limits. Shall be measured from footprint of structure.	12'

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Detached Habitable Structures: Any detached home office, studio, or gym used exclusively by the property owner. No separate dwelling, sleeping place, or in-law suite is permitted. For requirements for habitable space in detached garages, see Section 6.09 (D)(1).				
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(Ord. No. 106-2009; Ord. No. 8-2012; Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 21-2016, §§ 9—12, 5-9-2016 ; Ord. No. 16-2017 , § 8, 4-10-2017; Ord. No. 54-2017 , §§ 20—22, 12-11-2017; Ord. No. 32-2018 , §§ 9, 10, 4-23-2018; Ord. No. 35-2018 , § 4, 5-29-2018; Ord. No. 16-2019 , §§ 18—23, 6-10-2019; Ord. No. 7-2020 , §§ 9, 12, 9-14-2020; Ord. No. 67-2021 , § 6, 11-8-2021; Ord. No. 75-2021 , § 1(Exh. A), 12-13-2021)

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## § 6.10 CONDITIONAL USES.

- (A) *Purpose:* The purpose of this section is to establish the provisions of conditional uses where such uses may be allowed in specific zoning districts.
- (B) *General provisions:* The following general provisions shall apply:
  - (1) *Administration:* Any owner of property in the City may submit an application to the City requesting a conditional use permit. The procedure required prior to authorization of a conditional use shall be as prescribed in Article 4, development procedures.
  - (2) *Development standards:* A conditional use, and its accessory uses, shall be permitted in a zoning district only when the use, and its location, extent, and method of development will not substantially alter the character of the area or interfere with the use of adjacent lots in the manner prescribed for the zoning district. The districts in which these uses are permitted are identified in Tables 5-A, 5-B, 5-C, and 5-D, Use Standards. In addition, the particular facts and circumstances of each proposed use, in terms of the decision standards, shall be reviewed, and the special standards in Subsection (C) shall be fully addressed.
  - (3) *Compatibility:* If not otherwise stated in the following standards, the standards established in the underlying district in which the conditional use is proposed to be located shall apply to the conditional use.
- (C) *Special standards:* This section presents the standards applicable to the specific conditional uses listed. Unless otherwise noted, the development standards of the zoning district and UDO shall apply:
  - (1) *Bar, lounge, and tavern:*
    - (a) *Purpose:* The use shall be for the purpose of selling food and beverages, including alcoholic beverages, to be consumed on the premises.
    - (b) *Standards:*
      - i. Such establishment shall be located at least two hundred fifty (250) feet from a residential district, churches and schools.
      - ii. All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.

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- iii. The site shall be kept free of litter and debris.
  - iv. The use of bars, lounges or taverns shall be no later than 2:00 a.m. unless otherwise specified in the approval.
- (2) *Reserved.*
- (3) *Day care, child (type A) and/or adult:*
- (a) *Purpose:* The use shall be for the purpose of providing temporary care for a portion of the day to children and/or adults. A day care facility also may be operated as an accessory use to a place of worship, school, or other public or semi-public organization.
  - (b) *Standards:*
    - i. Minimum lot area shall be one and one-half (1.5) acres and the minimum lot width shall be two hundred (200) feet.
    - ii. There shall be on the site a safe outdoor play space or recreation area that is enclosed or otherwise protected from traffic or other hazards. The space shall contain no less than sixty (60) square feet per client and shall provide an opportunity for supervised outdoor play or recreation each day in suitable weather. The area shall be enclosed by a fence or wall a minimum of five (5) feet in height. However, when the recreational area abuts a residential property, it shall instead be enclosed by a solid wood fence or masonry wall at least six (6) feet high along the property.
    - iii. Required parking shall be on the same lot as the principle use.
    - iv. An on-site drop off shall be provided at the main entrance to the facility with cueing area sufficient to accommodate eight (8) automobiles for facilities with twenty (20) or fewer clients plus one (1) additional vehicle for each additional ten (10) clients served.
    - v. Access to an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.
    - vi. The City may require additional fencing, screening, or other measures necessary to protect the health, safety, and welfare of clients using day care centers in commercial, industrial, or other high hazard areas. It may also deny a request to locate a facility in such areas based on these considerations.
    - vii. All day care centers shall provide evidence of comprehensive liability insurance insuring against damage to property or physical injury, in combined single limit form, in an amount of twenty-five thousand dollars (\$25,000.00) per person authorized to be cared for.
    - viii. The facility will comply with all applicable codes, as well as the specific requirements for child and/or adult day care facilities as set forth in ORC § 5104.
    - ix. Use of outdoor recreational areas shall be limited to between the hours of 7:30 a.m. and 8:00 p.m.
- (4) *Free-standing drive-through structures:*
- (a) *Purpose:* The use shall be for retail or service establishments, which provide a designated place where people can drive up in automobiles and conduct the major portion of business without having to get out of their automobiles or where the serving of the automobile is the major business. Drive-through uses include but are not limited to drive-through restaurants that prepare and/or dispense food or beverages and do not provide a place for all its customers to eat inside the building or which serve food or beverages for carry out; drive-in theaters, drive-in



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eating and drinking places, establishments where customers may serve themselves and may eat or drink the food or beverages on the premises; and drive-in banks.

(b) *Standards:*

- i. Minimum lot area shall be one and one-half (1.5) acres or sufficient area to accommodate the primary use and drive-through structure.
- ii. Drive-through menu board signs shall include freestanding, pole, pylon and monument signs. One (1) drive-through menu board sign is permitted only when all of the following conditions are fulfilled: the sign is located on the property to which it refers; the sign is not visible from the public right-of-way; the sign does not exceed six (6) feet in height; and the sign is located at least seventy-five (75) feet from a residential zone.
- iii. All outdoor storage must be completely screened from view from adjacent properties and the street.
- iv. Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties. Lighting shall be regulated in accordance with Section 6.08.
- v. No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment, shall be located in front of the established building line and at least one hundred (100) feet from any adjacent residential property or district. A solid wood fence, masonry wall, or hedge at least six (6) feet high shall be required along the property line on any side of the site adjacent to a residential property.
- vi. Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic. Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be one hundred (100) feet from an intersection. One (1) access drive per street frontage shall be permitted and interconnecting circulation aisles between parcels shall be provided in cross access easements.
- vii. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.
- viii. Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.
- ix. Off-street cueing space for eight (8) vehicles shall be provided for every drive-through facility. Cueing spaces shall not block or otherwise interfere with parking or site circulation patterns. Customer and employee parking shall be separated from drive-through activities and customer parking shall be located in the area with highest accessibility to customer sales.
- x. This use may be permitted when it can be demonstrated at the time of conditional use request that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.
- xi. Hours of operation shall be limited to between the hours of 8:00 a.m. and 10:00 p.m., if the drive-through is adjacent to a residential use. Drive-throughs adjacent to non-residential uses may operate no longer than 11:00 p.m. or as specified in the approval.

(5) *Hotel, lodge, and motel:*

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- (a) *Purpose:* The use shall be for the purpose of providing overnight accommodation to transient guests for compensation.
- (b) *Standards:*
- i. Parking and service areas shall be completely screened from view by a six-foot solid fence, wall or evergreen hedge when adjacent to a residential use.
  - ii. Access to an arterial or collector street is required. Sufficient area shall be provided to accommodate vehicular loading, unloading and drop-off without conflicting with parking and drive-aisles.
  - iii. The use shall be located on a major street.
- (6) Reserved.
- (7) *Motor vehicle-oriented business:*
- (a) *Purpose:* The use shall be for the purpose of providing services to motor vehicles, including but not limited to car washes, gasoline service stations and motor vehicle repair stations. It is exclusive of drive-through structures, such as restaurants, banks, etc.
- (b) *Standards:*
- i. Facilities shall be compatible with the surrounding area with sufficient site area to accommodate existing and future uses.
  - ii. All outdoor storage must be completely screened from view from adjacent properties and the street.
  - iii. Car wash facilities where vehicles are moved through the facility by a chain conveyor, rollover, or other similar methods shall be equipped with blow dryers to prevent excess water from pooling within the right-of-way.
  - iv. All hydraulic hoists, oil pits and all lubricants, greasing and repair equipment shall be enclosed entirely within a building. No outdoor assembly or repair of motor vehicles shall be permitted.
  - v. No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.
  - vi. All outdoor display areas, canopies, and any buildings used for service shall be located at least fifty (50) feet from any adjacent residential property or district.
  - vii. All outdoor display areas, gasoline pumps, canopies, and any buildings used for service or repair work shall be located at least fifty (50) feet from any adjacent residential property or district.
  - viii. A solid wood fence, masonry wall, or hedge at least six (6) feet high shall be required along the property line adjacent to a residential property.
  - ix. The minimum distance of driveways from intersections shall be two hundred (200) feet. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be one hundred (100) feet.
  - x. Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be two hundred (200) feet from an intersection; one (1) access drive per street frontage shall be permitted. Interconnecting circulation aisles between parcels shall be provided.

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- x. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Access to an arterial or collector street is required.
  - xi. Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.
  - xii. Five (5) off-street cueing spaces shall be provided for the facility. Cueing spaces shall not block or otherwise interfere with parking or circulation on the site.
  - xiii. Off-street, cueing space shall be provided for two (2) vehicles for each gasoline pump island located on the site. Cueing spaces shall not block or otherwise interfere with parking or site circulation patterns. Customer and employee parking shall be separated from drive-through activities and customer parking shall be located in the area with highest accessibility to customer sales.
  - xiv. All areas not paved or covered by the building shall be landscaped and all landscaped areas shall be separated from all paved areas by six-inch high curbing.
  - xv. Car wash facilities shall not operate when the outdoor temperature is below 32 degrees Fahrenheit.
  - xvi. All repair work shall be performed entirely within a motor vehicle repair station. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.
- (8) *Motor vehicle dealer (including new and used):*
- (a) *Purpose:* The use shall be for the display or sale of new or used passenger motor vehicles, motorcycles, or trucks and where no repair work is done except minor incidental repair of passenger motor vehicles, motorcycles, or trucks to be displayed and sold on the premises.
  - (b) *Standards:*
    - i. Minimum lot area shall be one (1) acre and the minimum lot width shall be two hundred (200) feet.
    - ii. For parking and display of automobiles, the front yard minimum dimensions shall be twenty (20) feet, and the side/rear yard minimum dimensions shall be twenty (20) feet.
    - iii. All outdoor display, storage, and sales facilities and areas shall be screened to their full height from the views from adjacent property view and shall be maintained in a neat and orderly condition.
    - iv. The outdoor display of goods for sale shall not be located in areas intended for traffic circulation according to the site plan. Access to an arterial or collector street is required.
    - v. All stored goods, merchandise, vehicles, or implements must be secured against theft, vandalism, or loss. All outdoor display, storage, and sales facilities shall be limited to those shown on the approved site plan.
- (9) *Convenience food stores and related drive-in and drive-through facilities; and fast food restaurants:*
- (a) *Purpose:* The use shall be for the sale of food for consumption on the premises and/or pick-up via drive-in or drive-through facility.
  - (b) *Standards:*
    - i. Minimum lot area shall be seven thousand five hundred (7,500) square feet, except those uses with drive-in or drive-through facilities shall be located on lots with a minimum area of forty thousand (40,000) square feet.

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- ii. All structures, including drive-in or drive-through windows and lanes, shall be set back at least one hundred (100) feet from any residential property.
  - iii. A solid wood fence or masonry wall six (6) feet high shall be constructed where a convenience food store, drive-in or drive-through store or fast food restaurant is located adjacent to a residential property.
  - iv. Stacking space for eight (8) vehicles shall be provided for every drive-in and drive-through facility. Stacking spaces shall not block or otherwise interfere with site circulation patterns.
  - v. Customer and employee parking shall be separated from drive-in and drive-through activities and customer parking shall be located in the area with highest accessibility to dining or sales areas.
  - vi. The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.
  - vii. Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.
- (10) *Wind energy conversion systems.* Wind energy conversion systems: any device, such as a wind charger, windmill, or wind turbine, and associated facilities including the support structure of the system such as a tower, that converts wind energy into electrical energy, shall comply with the following restrictions:
- (a) *Setbacks:* Wind energy conversion systems shall meet the minimum yard setback requirements as forth in the Unified Development Ordinance for the zoning district in which the system is proposed to be located. All new systems shall provide the minimum setback defined by the equation in this section. Setback distances shall be measured from the property line on which the system is located to the closest point on the perimeter of the turbine blade.

#### Section 1.01 EQUATION

##### Wind Energy Conversion System Setback = 2T-40

{Where T = maximum support tower height}

- (b) *Aesthetic consideration:* The wind turbine shall be either white or gray monochrome in color and advertising or identification of any kind on the system is prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations. Lighting shall be limited only to what is required by the Federal Aviation Administration and noise levels shall not exceed fifty (50) decibels.
- (c) *Maintenance:* All wind energy conversion systems shall be kept in good repair and free from rust, damaged supports, framework or other components.

*Abandoned or unused towers:* All abandoned or unused wind energy conversion systems shall be removed within twelve (12) months of the cessation of operations unless an extension is granted by the Board. After the wind energy conversion system is removed, the owner or operator shall restore the site to its original, or to an improved, condition.

- (11) *Utility structures:*
- (a) *Purpose:* The use shall be for the purpose of allowing the installation of utility structures within any yard or right-of-way.
  - (b) *Certificate of zoning compliance:*

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- i. A certificate of zoning compliance issued by the Director of Community Development shall be required for the following utility structures:
    - 1. New small utility structures located in the front yard or right-of-way.
    - 2. New medium utility structures regardless of location.
    - 3. New large utility structures located in the side or rear yard.
    - 4. Replacement of large utility structures in the front yard or right-of-way.
  - ii. The Director of Community Development shall review the application submitted by the utility company and any written concerns submitted by the property owner and all property owners within one hundred (100) feet of the utility structure.
  - iii. The Director of Community Development may issue a certificate of zoning compliance approving the utility structure as a conditional use if it meets the location guidelines and screening criteria and all unused utility structures are promptly removed.
- (c) *Conditional use permit:*
- i. A conditional use permit approved by the Board shall be required for the following utility structures:
    - 1. New large utility structures located in the front yard or right-of-way.
    - 2. New utility poles located in the front yard or right-of-way.
  - ii. The board shall conduct a public hearing to determine whether the utility structure meets the location guidelines and screening criteria.
- (d) *No approval required:* No certificate of zoning compliance or conditional use permit is required for the following utility structures:
- i. New small utility structures in the side or rear yard.
  - ii. New utility poles in the side or rear yard.
  - iii. Replacement of small or medium utility structures regardless of location, provided that all unused utility structures are promptly removed.
  - iv. Replacement of large utility structures in the side or rear yard, provided that all unused utility structures are promptly removed.
  - v. Replacement of utility poles regardless of location, provided that all unused utility structures are promptly removed.
- (e) *Notification requirements:*
- i. If a certificate of zoning compliance or conditional use permit is required, the utility company shall provide for written notice to the property owner and all property owners within one hundred (100) feet of the utility structure.
  - ii. The written notice may be hand-delivered or sent by ordinary mail.
  - iii. The utility company may request the Community Development Department to provide the written notice for a fee.
  - iv. A certificate of zoning compliance or a conditional use permit may not be issued until at least ten (10) days after the written notice has been hand-delivered or mailed.

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- v. If the utility structure does not require a certificate of zoning compliance or conditional use permit, then the utility company shall provide post-installation notification to the Director of Community Development within thirty (30) days.
- (f) *Size classifications:*
- i. Small utility structures shall be less than thirty (30) inches in height above grade, less than eighteen (18) inches in width, and less than eighteen (18) inches in depth.
  - ii. Medium utility structures shall be thirty (30) inches to fifty-four (54) inches in height above grade, eighteen (18) inches to fifty (50) inches in width, and eighteen (18) inches to thirty-six (36) inches in depth.
  - iii. Large utility structures shall be greater than fifty-four (54) inches in height above grade, greater than fifty (50) inches in width, and greater than thirty-six (36) inches in depth.
  - iv. If all three (3) dimensions do not fall within the same size classification, then the utility structure will be classified based on the dimension that falls within the largest classification.
- (g) *Location guidelines:*
- i. Utility structures should not be placed within the intersection clearance zone and should have a ten-foot minimum clearance from fire hydrants.
  - ii. Utility structures should be located within the public right-of-way, a platted utility easement, or a private utility easement.
  - iii. Utility structures should be coordinated with existing utility structures, reducing the total number of utility structures, providing the most effective screening, and minimizing the impact on existing trees should be considered in locating utility structures.
- (h) *Screening criteria:*
- i. The utility company shall minimize the visual impact of the utility structure, including size, color, and screening.
  - ii. The vistas of the property owner and adjacent property owners shall be considered with a goal of obtaining fifty percent (50%) opacity as viewed from neighboring property lines. Fifty percent (50%) opacity should be obtained upon installation. However, the Director of Community Development may permit planting to be postponed due to seasonal conditions. Fifty percent (50%) opacity shall not be required for utility poles or for wires and cables.
  - iii. Screening can be achieved by the use of the following methods:
    - 1. Existing or new vegetation.
    - 2. Existing or new fencing.
    - 3. Existing structures (detached garages, neighboring accessory structures, etc.).
- (i) *Temporary approvals:*
- i. The Director of Community Development may grant a utility company temporary approval of a utility structure when it is necessary in order to provide essential services in an emergency or to a new customer.
  - ii. If immediate action is required, a utility company has temporary approval to take whatever action is necessary in order to respond to an emergency. As soon as is practicable, the

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utility company shall notify the Director of Community Development of the emergency and the action taken.

- iii. Within five (5) days after obtaining temporary approval, the utility company shall file for a certificate of zoning compliance or for a conditional use.
- iv. Temporary approvals shall expire after ninety (90) days.
- v. Temporary approvals are conditioned upon the utility company relocating or removing the utility structure within one hundred twenty (120) days if a certificate of zoning compliance or conditional use permit is not granted for the utility structure.

(j) *Appeals:*

- i. Except as provided herein, appeals shall be conducted in accordance with the provisions of Section 4.10 of the UDO.
- ii. The Director of Community Development's decision to issue or deny a certificate of zoning compliance for new medium and large utility structures in the side or rear yards and for replacement large structures in the front yard or right-of-way may be appealed to the City Manager.
- iii. The City Manager's decision on appeal to issue or deny a certificate of zoning compliance for new medium and large utility structures in the side or rear yards and for replacement large structures in the front yard or right-of-way may be appealed to the Board.
- iv. The Director of Community Development's decision to issue or deny a certificate of zoning compliance for new small and medium structures in the front yard or right-of-way may be appealed to the Board.
- v. Any decision of the Board may be appealed to City Council.
- vi. All appeals involving utility structures must be made within ten (10) calendar days from the date of the action being appealed.
- vii. Any decision to issue a certificate of zoning compliance or conditional use permit shall not take effect prior to the expiration of the appeal period.

- (k) *Exception:* Subsection 6.10(C)(11) shall not apply to a utility structure that is physically attached to a building, such as a meter or service box or to the wiring, cable, pipe, or conduit that provides utility service from a service main to the individual property, or to gas meter regulators.

(l) *Fees:*

- i. The fee for a certificate of zoning compliance set forth in C.O. Ch. 401 shall be waived.
- ii. The fee for a conditional use set forth in C.O. Ch. 401 shall apply.

- (m) *Summary of requirements:* Table 6-L summarizes the utility structure requirements under the UDO.

**Table 6-L: Utility Structure Review Requirements**

Type of Utility Structure		Location of Utility Structure		
Size <sup>1</sup> or Type	New or Replacement	Front Yard or Right-of-Way	Side Yard	Rear Yard

<b>SMALL</b>	New	<b>DOCD Review - CZC</b>	<b>No Review</b>	<b>No Review</b>
<30" height		Screening required	Post Notice to City	Post Notice to City
<18" width <18" depth		10 day notice to property owner w/in 100'	No Screening	No Screening
		Appeal DOCD Decision to BZAP w/in 10 days		
		Appeal BZAP Decision to CC w/in 10 days		
	Replacement	<b>No Review</b>	<b>No Review</b>	<b>No Review</b>
		Post Notice to the City	Post Notice to the City	Post Notice to the City
		No Screening	No Screening	No Screening
<b>MEDIUM</b>	New	<b>DOCD Review – CZC</b>	<b>DOCD Review – CZC</b>	<b>DOCD Review – CZC</b>
30-54" height		Screening required	Screening required	Screening required
18-50" width 18-36" depth		10 day notice to property owners w/in 100'	10 day notice to property owners w/in 100'	10 day notice to property owners w/in 100'
		Appeal DOCD Decision to BZAP w/in 10 days	Appeal DOCD Decision to CM w/in 10 days	Appeal DOCD Decision to CM w/in 10 days
		Appeal BZAP Decision to CC w/in 10 days	Appeal CM decision to BZAP w/in 10 days	Appeal CM decision to BZAP w/in 10 days
			Appeal BZAP Decision to CC w/in 10 days	Appeal BZAP Decision to CC w/in 10 days
	Replacement	<b>No Review</b>	<b>No Review</b>	<b>No Review</b>
		Post Notice to the City	Post Notice to the City	Post Notice to the City
		No Screening	No Screening	No Screening
<b>LARGE</b>	New	<b>BZAP Review - CUP</b>	<b>DOCD Review – CZC</b>	<b>DOCD Review – CZC</b>
<54" height		Screening required	Screening required	Screening required
<50" width <36" depth		10 day notice to property owners w/in 100'	10 day notice to property owners w/in 100'	10 day notice to property owners w/in 100'
		Appeal BZAP Decision to CC	Appeal DOCD Decision to CM w/in 10 days	Appeal DOCD Decision to CM w/in 10 days



		w/in 10 days	Appeal CM decision to BZAP w/in 10 days	Appeal CM decision to BZAP w/in 10 days
			Appeal BZAP Decision to CC w/in 10 days	Appeal BZAP Decision to CC w/in 10 days
	Replacement	<b>DOCD Review - CZC</b>	<b>No Review</b>	<b>No Review</b>
		Screening required	Post Notice to the City	Post Notice to the City
		10 day notice to property owners w/in 100'	No Screening	No Screening
		Appeal DOCD Decision to CM w/in 10 days		
		Appeal CM decision to BZAP w/in 10 days		
		Appeal BZAP Decision to CC w/in 10 days		
<b>POLES</b>	New	<b>BZAP Review - CUP</b>	<b>No Review</b>	<b>No Review</b>
		Screening required	Post Notice to the City	Post Notice to the City
		10 day notice to property owners w/in 100'	No Screening	No Screening
		Appeal BZAP Decision to CC w/in 10 days		
	Replacement	<b>No Review</b>	<b>No Review</b>	<b>No Review</b>
		Post Notice to the City	Post Notice to the City	Post Notice to the City
		No Screening	No Screening	No Screening

NOTE: BZAP = Board of Zoning and Planning; DOCD = Director of Community Development; CZC = Certificate of Zoning Compliance; CUP = Condition Use Permit

Standards apply to right-of-ways, yards, utility easements and private easements.

All unused utility structures, including poles, must be removed upon the installation of a new or replaced structure.

<sup>1</sup> If a structure exceeds one of the size dimensions, it shall be classified as the next higher size. Height is measured from grade level.

( Ord. No. 62-2015, § 5, 11-23-2015 ; Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 38-2018 , § 4, 4-23-2018; Ord. No. 22-2019 , § 3, 4-8-2019)