

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 62-2015

TO AMEND UDO §2.04 – DEFINITIONS (F-H); UDO §2.05 – DEFINITIONS (I-M); UDO §4.05 – DEVELOPMENT APPROVALS: CATEGORIES AND CRITERIA; UDO TABLE 5-A – RESIDENTIAL USES; AND UDO §6.10 – CONDITIONAL USES; RELATIVE TO THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, staff has proposed amendments to the Unified Development Ordinance to make it easier to incorporate an In-Law Suite into a single-family home, which is directly in line with several Master Plan objectives regarding alternate housing options for seniors; and

WHEREAS, the Board of Zoning and Planning reviewed the **original** proposed amendments at its October 19, 2015 meeting and has recommended approval; **and**

WHEREAS, at its Conference Session on November 2, 2015, Council inquired as to how the proposed amendments could allow this accessory use and better preserve single-family character and use;

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

SECTION 1. That UDO §2.04 – Definitions (F-H) is hereby amended by amending the definition of “Housekeeping Unit,” to read as follows:

Housekeeping unit: means an individual or group of persons occupying a dwelling unit that has a single kitchen; provided, however, that an In-law Suite and the primary single-family residence to which it is an accessory use shall also be considered a single housekeeping unit even if the In-law Suite has its own kitchen.

SECTION 2. That UDO §2.05 – Definitions (I-M) is hereby amended to read, as follows:

§ 2.05 - DEFINITIONS (I-M).

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.

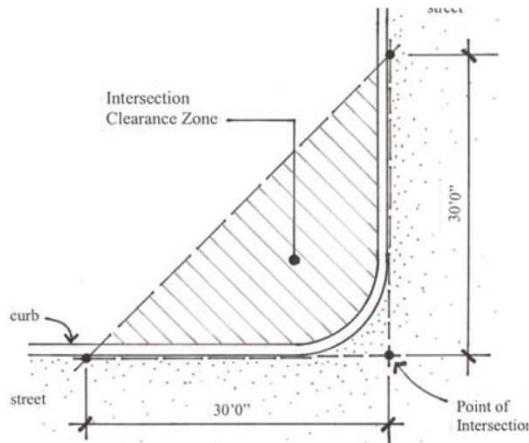
Identification: means the act of specifying the name, address, and number of a building, institution, or person or the activity carried on in the building or institution.

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

In between places: A location which fulfills a necessary role between the public and private realms. In between places usually occur in cafes, pubs, exercise clubs, corner stores, and the like.

In-law Suite: means an independent dwelling unit contained within a single-family residence, typically with its own entrance, kitchen, bedroom, and bathroom, and used exclusively for family members of the property owner, who must also live within the single-family residence. The structure must maintain a single-family residential appearance which blends with the principal structure and the neighborhood, and the In-law Suite may not exceed more than 816 square feet. The In-Law Suite shall be located within the buildable area of the lot, and shall not be detached from the home, be located in a detached garage or within another accessory structure. The In-Law Suite shall only be permitted on properties which meet minimum lot frontage and minimum lot size requirements in that zoning district. The In-law Suite shall be occupied in a manner consistent with a single-family use in conjunction with the primary residence. An In-law Suite is being occupied in a manner consistent with a single-family use in conjunction with the primary residence if all of the following factors are present: unrestricted access to the entire structure is provided to all occupants; interior passages connect the In-law Suite to the primary residence; household expenses and responsibilities are shared; the entire structure has no more than one meter and one connection for water, electricity, gas, and other household utilities, respectively; the In-law Suite does not have a separate mailbox or mailing address; the In-law Suite will not be used for transient accommodations; and no leasehold interest has been or will be granted in the In-law Suite.

Intersection clearance zone: means on a corner lot, an area between the curb line or edge of pavement of the two (2) intersecting streets and a diagonal line connecting the curb or edge of pavement of intersecting streets at a point thirty (30) feet from the their point of intersection. In an intersection clearance zone, no fence, snow fence, wall, ornamental landscaping or feature, mound, or hedge shall exceed thirty-two (32) inches in height above the grade of the pavement of street gutter.



Corner Lot Intersection Clearance Zone

Kennel: means any place where four (4) or more dogs, cats, or other animals over three (3) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed for purposes other than serving as individual or family pets.

Kitchen: means any room in a building or dwelling unit which is used for cooking or the preparation of food.

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

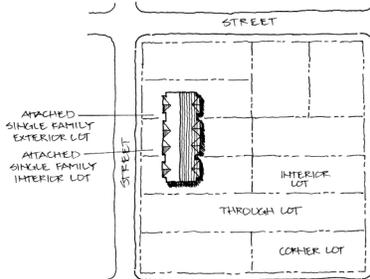
List(s), (notice): means the County auditor's current tax listing and/or any other listing that might be reasonably used to identify a current property owner of record or tenant.

Live-work quarters: means buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Livestock: means a generally accepted outdoor farm animal or grazing animal and shall include, but not be limited to: chickens, roosters, cocks, hens, pullets, chicks, capons or other barnyard fowl; ducks, geese or other waterfowl/wildfowl; cattle or other animals of the bovine species; horses, mules, burros, asses or other animals of the equine species; goats or other animals of the caprine species; swine or other animals of the porcine species; sheep or other animals of the ovine species. The term livestock shall not include cats, dogs or other house pets.

Longwall: See "side yard increased".

Lot: means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded plat and which is recognized as a separate legal entity for purposes of transfer of title.



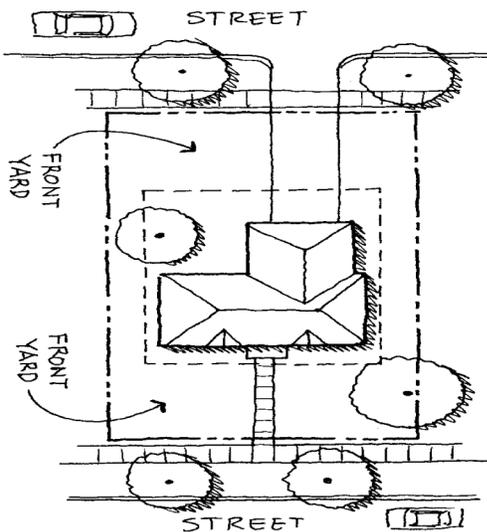
Lot Types

Lot area: means the computed area contained within the lot lines. In cases where the lot lines incorporate public rights-of-way, only the area outside the public rights-of-way shall be considered for purposes of this Ordinance.

Lot, corner: means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

Lot, depth: means the mean distance between the front and the rear lot lines.

Lot, double frontage: means a lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot (see "lot, through").



Defining the Front Yard for a Double Frontage Lot

Lot, flag: means a lot fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

Lot, interior: means a lot other than a corner lot.

Lot line: means the property lines bounding the lot.

Lot line, front: means the line separating the lot from a street on which it fronts (see "frontage").

Lot line, rear: means the lot line opposite and most distant from the front lot line.

Lot line, side: means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot line, street or alley: means a lot line separating the lot from a street or alley.

Lot, through: means a lot having frontage on two (2) parallel or approximately parallel streets.

Lot width: means the mean width of the lot measured at right angles to its depth.

Lowest floor: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this Ordinance for enclosures below the lowest floor.

Massing: means three-dimensional building form. Appearance and style are applied to massing, but do not appreciably affect the volume established, except for the roof form selected.

Monopole: means a single pole with no above ground lateral support from secondary structural members in either tension or compression.

Motor home: means a self-propelled vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

Motor vehicle: means any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

Motor vehicle wash facility: means a building or structure where chain conveyors, blowers, steam cleaners or similar mechanical devices are employed for the purpose of washing motor vehicles, or which provides coin-operated facilities for the washing of motor vehicles or which provides for the so-called do-it-yourself motor vehicles wash.

Mound: means an artificial rise or elevation above the natural grade of the surrounding ground created with earth, rock or other material.

Movie theater: means a specialized theater for showing movies or motion pictures.

SECTION 3. That UDO §4.05 – Development Approvals: Categories and Criteria is hereby amended by amending subsection (D)(1) to read as follows:

(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 Development or BZAP shall review and approve a CZC depending upon whether a major or a minor site plan is required; and

(4) The Director of 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.

SECTION 24. That UDO Table 5-A – Residential Uses is hereby amended to read, as follows:

Table 5-A: RESIDENTIAL USES.

	R-S	R-1	R-2	R-3	RCD
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 ²	Pr	Pr	Pr	Pr
Antenna and Antenna Towers	a	a	a	a	a
Apartment Hotels	Pr	Pr	Pr	Pr	C
Bed & Breakfast Homestay	C	C	C	C	C
Cemeteries	C	C	C	C	C
Clubs/Organizations	Pr	Pr	C	C	C
Country Club, Private	P	P	P	P	P
Decks	a	a	a	a	a
Dish-Type Antennas	a	a	a	a	a
Dish-Type Satellite Antennas	a	a	a	a	a
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 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 ¹					
Home Sales	a	a	a	a	a
Hospitals	C	Pr	Pr	Pr	C
Hot Tubs & Jacuzzis	a	a	a	a	a
Hotels and Motels	C	C	C	C	C
In-law Suite	C a				
Libraries	P	P	P	P	P
Mechanical Devices	a	a	a	a	a
Open Sided Structure	a	a	a	a	a
Park	P	P	P	P	P
Parking of Motor Vehicles	a	a	a	a	a
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
Parking of Recreational Vehicles, Watercraft, and Trailers	a	a	a	a	a

Parking of Trucks and Trailers	a	a	a	a	a
Pet Shelters	a	a	a	a	a
Places of Worship or Churches	P	P	P	P	P
Playhouses	a	a	a	a	a
Playground, Public	P	P	P	P	P
Recreation Center, Public	P	P	P	P	P
Private Schools	P	P	P	P	P
Public Schools	P	P	P	P	P
Storage Structures and Buildings	a	a	a	a	a
Swimming Pools, Private	a	a	a	a	a
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	C	C	C	C	C

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

¹=Home occupations' - See Table 5-B

²=Permitted on property zoned R-5 with not less than 5 acres.

SECTION 35. That UDO §6.10(C)(6): –In-Law Suites: is hereby deleted in its entirety to read, as follows:

§ 6.10 - CONDITIONAL USES.

~~(6) In-law suites:~~

~~(a) Purpose: The use shall be for the purpose allowing an independent dwelling unit in conjunction with and clearly subordinate to a primary dwelling unit, for the habitation of family members as described below:~~

~~(b) Standards:~~

- ~~i. The apartment must be located in the principal structure (which includes attached garages or areas over attached garages).~~
- ~~ii. Maximum size of the apartment dwelling unit shall not exceed eight hundred sixteen (816) square feet.~~
- ~~iii. The structure must maintain a single family residential appearance which blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided and approved by BZAP. Said plans shall include a landscape plan, which will be followed as approved.~~
- ~~iv. The accessory apartment may be located on the first or second floor.~~
- ~~v. Minimum lot size is one and one half (1.5) times the lot size for the district.~~
- ~~vi. Minimum road frontage is one hundred fifty (150) feet.~~
- ~~vii. Maximum lot coverage by the structures is twenty percent (20%).~~
- ~~viii. All structures must meet the current edition of the Building Code.~~
- ~~ix. Property owner must live on site, and the granny flat must be subservient to the principal use of the property as a dwelling.~~
- ~~x. The apartment (in law suite) shall be occupied only by a member of the family of the owner of the principal residence. Family is defined in this Ordinance.~~

SECTION 6.

That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire sections of the Unified Development Ordinance that are being amended.

SECTION 37.

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

PASSED: November 23, 2015

President of Council

ATTEST: _____
City Clerk

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

City Clerk

CERTIFICATE OF POSTING

I, Ashley Ellrod, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 62-2015 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing November 24, 2015.

City Clerk of the City of Upper Arlington

Vote Slip

Sponsor: Mr. Greenhill
Date Introduced: November 9, 2015
Legal Ad:
Newspaper:
Reading Date(s): November 9, 2015; November 23, 2015
Voting Aye: Adams, Greenhill, Johnson, Schadek, Yassenoff and Leach
Voting Nay:
Abstain:
Absent: DeCapua
Date of Passage: November 23, 2015
City Council Conference Session/Other Review: November 2, 2015
Other: Thirty Day Clause; Vote to Amend to 11-23-15 version