



2/12/2024 | 7:00 PM

**MUNICIPAL SERVICES CENTER, COUNCIL CHAMBER
3600 TREMONT ROAD**

If you are joining through Zoom, please click the link below to join the meeting:

<https://us06web.zoom.us/j/88268224042>

Or Telephone: 1 929 205 6099

Webinar ID:882 6822 4042

1. Call to Order/Roll Call

2. Pledge of Allegiance - Led by Vice President Brian Close

3. Consent Agenda

- a. Approve City Council Meeting Minutes for February 5, 2024
- b. Ordinance No. 12-2024 - An ordinance authorizing the City Manager to enter into contract with Dinkmar for the purchase of a leaf collection machine
- c. Ordinance No. 13-2024 - An ordinance authorizing the City Manager to enter into contract with Duke's Root Control, Inc. for sanitary sewer root control services

4. Reports/Presentations

- a. Economic Development Update - Nate Green, The Montrose Group
- b. Community Relations Committee Annual Update - Co-Chairs Farida El-Hennawy & Jason Sayat
- c. Community Center Parking Lease Contract Update - City Manager Steven Schoeny

5. Legislative Items for Third Reading/Public Hearing/ Council Action

- a. Ordinance No. 10-2024 - An ordinance amending Personnel Code §155.16 - Miscellaneous Compensation Provisions of the Upper Arlington Code of Ordinances (*Close*)

6. Legislative Items for First Reading/Public Hearing/Council Action

- a. Ordinance No. 14-2024 - An ordinance to accept deeds and other conveyances to the City of Upper Arlington, Ohio for the purposes therein expressed (*Lynch*)

7. Legislative Items for Second Reading/Public Hearing

- a. Ordinance No. 11-2024 - An ordinance amending §2.03, §2.06, §2.08, §5.06, and §6.10 of Part 11 – Unified Development Ordinance of the Upper Arlington Code of Ordinances regarding Utility Stations

8. Legislative Items for First Reading/Public Hearing

- a. Ordinance No. 15-2024 - An ordinance authorizing an expenditure to the Franklin County Emergency Management Agency (EMA) and Homeland Security for the City's proportionate share of the operational and administrative support activities of the agency
- b. Ordinance No. 16-2024 - An ordinance authorizing the City Manager to enter into contract with Franklin County Board of Health and Vector Disease Control International for mosquito management services

9. City Manager Update

10. Council Liaison Report

11. Executive Session

- a. Motion to enter executive session pursuant to R.C. 121.22(G)(3) for the purpose of conferring with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action (followed by a roll call vote)

12. Adjournment



February 5, 2024

City Council met in regular session in the Council Chamber of the Municipal Services Center, 3600 Tremont Road, and was called to order by President Awakessien Jeter at 7:00 p.m.

Members Present: Kathy Adams, Brian Close, John J. Kulewicz, Jim Lynch, Heidi Munc, Todd Walter, and President Ukeme Awakessien Jeter

Staff Present: Assistant City Manager Jackie Thiel, Finance Director Brent Lewis, City Attorney Darren Shulman, Community Development Compliance Assistant Mike Morris, Community Development Code Compliance Officer Tom Paisley, Community Development Director Chad Gibson, Public Service Director Gary Wilfong, Public Service Performance Analyst Katy Rees, Fire Chief Chris Zimmer, IT Director Jeff Kasson, Interim Police Chief Keith Hall, and City Clerk Krystal Gonchar

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Lynch.

CONSENT AGENDA

- a. **Approve City Council Meeting Minutes for January 29, 2024**
- b. **Ordinance No. 6-2024 – An ordinance authorizing the purchase of replacement computers as part of a planned five-year cyclical replacement strategy**
- c. **Ordinance No. 7-2024 - An ordinance authorizing the purchase of network equipment for the Bob Crane Community Center**
- d. **Ordinance No. 8-2024 - An ordinance authorizing the purchase of a Traqnology system from Baker Vehicle Systems Inc. for athletic fields**
- e. **Ordinance No. 9-2024 - An ordinance authorizing the City Manager to enter into contract with Cornwell Lawn and Landscaping, LLC and The**

Clover Landscape LLC for mowing of City parks and other city-owned properties

Vice President Close moved, seconded by Ms. Adams, to approve the Consent Agenda.

President Awakessien Jeter then called for a vote on the motion to approve the Consent Agenda.

VOTING AYE: Adams, Close, Kulewicz, Lynch, Munc, Walter, and President Awakessien Jeter
VOTING NAY: None
ABSENT: None
ABSTAIN: None

The motion carried.

REPORTS/PRESENTATIONS

a. Presentation from SWACO on the 2024-2038 Solid Waste Management Plan

A presentation was given by Joe Lombardi, Karen Seidel, and Andrew Booker of Solid Waste Authority of Central Ohio (SWACO) (attached hereto and incorporated herein as Exhibit A). The staff in Upper Arlington works well with SWACO and collaborates on many things for the benefit of residents. SWACO is seeking the support of Upper Arlington on their updated Solid Waste Management Plan. Mr. Lombardi is excited about the future vision of this plan and its programs. Mr. Booker shared some highlights of the plan: food waste initiatives, school programs, community recycling, business recycling, extensive education campaign, and landfill tours.

Ms. Adams asked for a breakdown of costs mentioned during the presentation. Mr. Booker responded that additional staff is needed. Ms. Adams asked if SWACO has resources to help with school programs. Mr. Booker stated that SWACO has training methods on the importance of waste programs for custodial staff in schools. They are active in chamber of commerce organizations to be present with businesses throughout the county. SWACO has a business recycling championship program, which partners with Waste Management and Rumpke. As part of the program, businesses receive a 50 percent discount on recycling containers to boost participation in the business.

Ms. Munc asked if there are targets for reduction year over year. Mr. Booker responded that their goal is to divert 75 percent of waste, although data collection is difficult. Mr. Walter asked if there are curb-side waste programs offered to

residents on an occasional basis. Mr. Booker confirmed that such programs are in place. They also provide grants to municipalities for unique waste collection, such as Styrofoam, which are opened up for all residents in the region. Upper Arlington offers an e-waste drop-off site.

Vice President Close asked if there are other fee changes in the plan. Mr. Booker confirmed that there are no other fee increases planned at this time, although there will be a tipping point in the future where increases will need to be approved in order to operate. For many years, they have underspent. Vice President Close asked about the frequency of recycling in the City of Columbus. Mr. Booker stated that they offer weekly recycling. Mr. Booker stated that Upper Arlington is a leader in the community when it comes to waste management.

b. Annual Code Enforcement Update

The Community Development Director, Code Compliance Officer, and Compliance Assistant gave a presentation (attached hereto and incorporated herein as Exhibit B). Mr. Paisley reviewed how the department addresses code compliance in a proactive manner. The department also provides resources for residents to help come into compliance. They work with the UA Fire Department and UA Cares for referrals. There were 466 code compliance violations investigated in 2023, with a 90 percent compliance rate. Mr. Morris reviewed the most common complaints they receive. He stated that they have entered into a contract with a pest control company which has decreased rodent complaints. Mr. Morris reviewed the proactive plan for 2024. The City is divided into 10 zones and that helps them map out proactive inspection.

Mr. Kulewicz asked about the percentage of complaints versus proactive work. Mr. Paisley said 80 percent are reported cases and 20 percent are proactive. Mr. Kulewicz asked about a plan to reach all zones. Mr. Paisley said it helps to have dedicated staff in the department; they were understaffed for a time. Mr. Paisley stated it is easier to locate issues on the street level, walking through the neighborhoods, rather than driving through town. Mr. Walter asked about the department's outreach process. Mr. Paisley stated that they encourage residents to contact the office and rely on residents to make contact through the app. Vice President Close stated that he recalled changing the code to allow for City to assess properties, asked how that process is going, and if there are other recommendations. Mr. Paisley said there were fewer abatements last spring, even though the maximum allowed height for grass was lowered from 10 inches to eight inches. In response to Vice President Close's question, there were 12 liens placed on properties last year. Residents have the option to voluntarily pay the invoice first. The City Attorney stated that a code section is easiest to apply to grass issues but can be used for driveway issues and more. This would require additional funding

and has not yet been implemented. Mr. Paisley will continue communicating with City Council regarding needs and issues.

LEGISLATIVE ITEMS FOR FIRST READING/PUBLIC HEARING/COUNCIL ACTION

- a. Resolution No. 3-2024 – A resolution of support for the adoption of the 2024-2038 Solid Waste Management Plan for the Solid Waste Authority of Central Ohio (SWACO)**

Ms. Adams moved, seconded by Vice President Close, to approve Resolution No. 3-2024.

Council Member Kulewicz abstained from discussion on Resolution No. 3-2024 for the purposes of compliance with Ohio Ethics Law. He left the chamber at 8:00 p.m.

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Resolution No. 3-2024.

President Awakessien Jeter then called for a vote on the motion to adopt Resolution No. 3-2024.

VOTING AYE: Adams, Close, Lynch, Munc, Walter, and President Awakessien Jeter
VOTING NAY: None
ABSENT: None
ABSTAIN: Kulewicz

The motion carried.

Council Member Kulewicz returned to the chamber at 8:01 pm.

LEGISLATIVE ITEMS FOR SECOND READING/PUBLIC HEARING

- a. Ordinance No. 10-2024 - An ordinance amending Personnel Code §155.16 - Miscellaneous Compensation Provisions of the Upper Arlington Code of Ordinances**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 10-2024.

Ms. Adams asked for the City Attorney's insight on this item. Mr. Shulman stated that he was included in the discussions for the proposed changes and would not anticipate any issues with the unions, but they would need to document the approvals for the time switch.

President Awakessien Jeter advised the Third Reading/Public Hearing/Council Action is scheduled for February 12, 2024.

LEGISLATIVE ITEMS FOR FIRST READING/PUBLIC HEARING

a. Ordinance No. 11-2024 – An ordinance amending §2.03, §2.06, §2.08, §5.06, and §6.10 of Part 11 – Unified Development Ordinance of the Upper Arlington Code of Ordinances regarding Utility Stations

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 11-2024.

The Community Development Director gave a presentation (attached hereto and incorporated herein as Exhibit C). This ordinance will balance infrastructure and public review. The new code will reference the neighborhood compatibility standards; thus, these new stations will blend into the neighborhood. Vice President Close asked if these changes would prevent what is happening on 5th Avenue. Mr. Gibson provided a summary of that issue but added that the substation there will be surrounded by brick. These proposed changes cannot prevent utility companies from building a station but can dictate the design for the building and screening. Vice President Close asked why these can be prohibited in one zoning district by code, but not others. The City Attorney explained that if the City had a good enough reason to object and offer a more ideal location, then they are more likely to force the utility to build in a different area. There would have to be a substantial reason for the City to deny one location and ask them to move it. The Assistant City Manager stated that included in these changes, structures must be fully enclosed.

Vice President Close asked for confirmation that all conditional use applications are heard before the Board of Zoning and Planning (BZAP). Mr. Gibson confirmed. Mr. Shulman stated that under the City's code any appeals would go directly to court, not Council. Vice President Close asked that Council be made aware of any conditional use applications that arise related to utility stations. Ms. Munc asked if there were any areas that these examples would be grandfathered in, or would the fenced areas need to come into compliance. Mr. Gibson stated that those would be grandfathered in unless there were plans to modify existing structures. Mr. Walter asked if other communities were researched as part of this process. Mr. Gibson stated that it was his opinion that many communities are unprepared and the City is ahead of the game. Staff believes these proposed changes are the best option. Vice President Close commented that staff may want to consider expanding notice requirements and make the Unified Development Ordinance consistent related to notices.

In response to Ms. Adams' question about the site in Marble Cliff, Mr. Gibson said that AEP looked at the minimum requirements and worked to make that area a featured entry point and aesthetically pleasing. President Awakessien Jeter asked what we know about how utility companies feel about these changes and if they are cost prohibitive. Mr. Gibson stated that they have had preliminary conversations with the utility companies. The biggest burden to the utilities is the high cost of land in the City. He does not foresee the utilities having issue with the design requirements.

President Awakessien Jeter advised the Second Reading/Public Hearing is scheduled for February 12, 2024, followed by a Third Reading/Public Hearing/Council Action on March 4, 2024.

b. Ordinance No. 12-2024 – An ordinance authorizing the City Manager to enter into contract with Dinkmar for the purchase of a leaf collection machine

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 12-2024.

The Public Service Director stated that due to aging, the existing machine is becoming costlier to maintain. Mr. Lynch commented that he was pleased to see the investment in this program, as it is an amenity that residents are pleased with.

President Awakessien Jeter advised the Second Reading/Public Hearing/Council Action is scheduled for February 12, 2024.

c. Ordinance No. 13-2024 – An ordinance authorizing the City Manager to enter into contract with Duke's Root Control for sanitary sewer root control services

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 13-2024.

Mr. Kulewicz asked for clarification on the project. Mr. Wilfong explained that all areas are inspected, and this contract mediates what was found during those inspections.

President Awakessien Jeter advised the Second Reading/Public Hearing/Council Action is scheduled for February 12, 2024.

CITY MANAGER UPDATE

The Assistant City Manager provided the following update: it is with excitement that the long span trusses were placed on the community center last week and the topping out ceremony will be Monday, February 12.

* * *

There being no further business to come before City Council Mr. Kulewicz moved, seconded by Ms. Adams, to adjourn.

Voting Aye: Adams, Close, Kulewicz, Lynch, Munc, Walter, and President Awakessien Jeter
Voting Nay: None
Absent: None
Abstain: None

Motion carried and the meeting was adjourned at 8:31 p.m.

President of Council

ATTEST: _____
City Clerk



Draft Solid Waste Management Plan

January 2024

Joe Lombardi
Executive Director

Jeff Gibbs
Board of Trustees
Chair, SWMP Committee

Andrew Booker
Programs Manager

SWACO

- The Solid Waste Authority of Central Ohio (SWACO) is a regional governmental entity.
- SWACO's jurisdiction is Franklin County and the 41 communities with a majority of their population within the county.
- SWACO's creation was required by House Bill 592, which passed in 1988. SWACO was formally established in 1989.
- Per House Bill 592, all Ohio counties must be part of a Solid Waste Management District or Authority. SWACO is 1 of 52 in Ohio.
- Developing and submitting a Solid Waste Management Plan to Ohio EPA is required by law every five years.

Solid Waste Management Plan

- Statutorily required
- Updated every 5 years
- Demonstrates meeting State of Ohio (Ohio EPA) goals
- Demonstrates adequate landfill capacity (and other types of processing capacity)
- Describes programs that will be implemented during the planning period
- Demonstrates financial ability to implement plan
- Provides authority to promulgate district rules & authority to designate disposal facilities

Solid Waste Management Plan

Approval Process

- Draft Plan developed by SWACO
- Draft Plan submitted to Ohio EPA for comments
- Plan finalized by SWACO
- Plan is available for public comment & revised as needed
- Plan “ratified” by local communities (this is the step we’re in now)
- Plan submitted to Ohio EPA for approval



Enhancement of Current Programs and Services

Community Programs

- Community Consortia & Contract Assistance
- Community Recycling Cart Initiative
- Recycle Right Educational Programing
- Engagement, Education, Presentations, and Outreach
- E-Waste Program
- Annual Community Data Collection

Grant Programs

- Community Waste Reduction Grant
- Event Waste Reduction Grant
- Special Project Grants
- Targeted Priority Grants

School Program

- School Consortium & Contract Assistance
- School Recycling Resources & Champions Program
- School District Champions Program
- School Food Waste Resources
- Presentations and Outreach

Food Waste Initiative

- Composting Infrastructure
- Awareness & Education Campaigns and Activities
- Technical Assistance & Incentives
- Community and Business Engagement
- Compost Collection and Drop-off
- Research, Pilot Projects, Collaboration

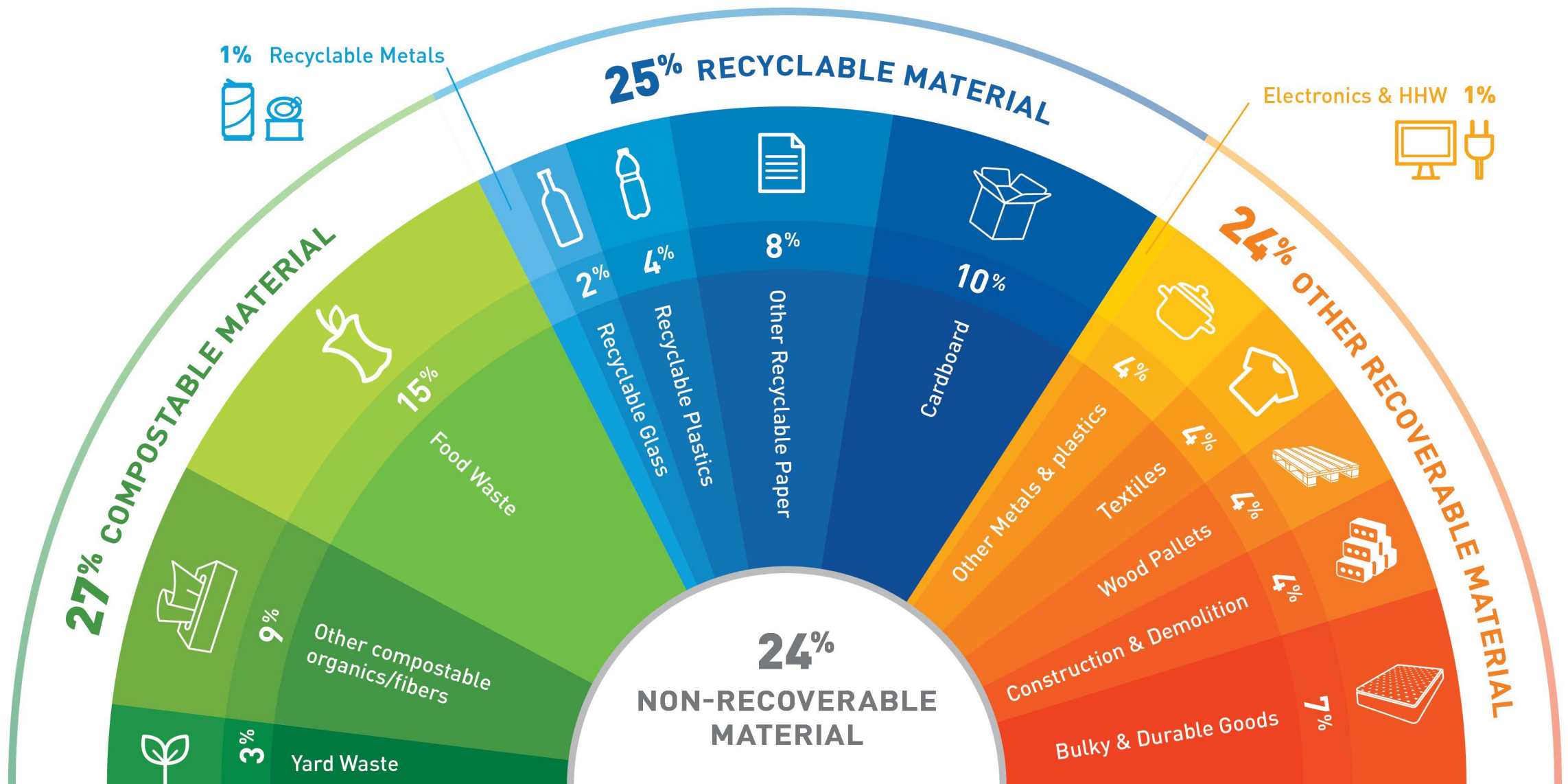
Business Program

- Waste Reduction and Diversion Resources
- Technical Assistance
- Financial incentives
- Recognition Program
- Presentations and Outreach
- Policy/Universal Recycling

Outreach & Landfill Tours

- School Groups & Field Trips
- Community Groups & Organizations
- Presentations, Workshops, and Tabling
- Education Partnerships
- New Education Center

What Goes in the Landfill



SWMP Budget

Areas of Planned Program Growth

- Organics
- HHW/Convenience Center
- New education center
- Business recycling
- School recycling
- Grants
- Expand internal capacity to expand business, school, and grant programs

SWACO Programs Budget

- SWACO programs and services are funded by a \$5.00/ton “Generation Fee”
 - Generation Fee was established in 2005
 - Collected at the transfer facilities and landfill
 - Unchanged under the Plan
- Generation fee results in approximately \$6.2MM annual revenue
- 2021 expenditures were approximately \$5.5MM
- Plan projects potential capital expenditures to be \$18MM in first 6 years and includes compost facility, education center, cart grants and HHW/Convenience Center.

SWACO Funding Strategy

No Changes to \$5/ton Generation Fee and Use of \$1/ton Allocated Dollar

What is the “Allocated Dollar?”

In 2017, SWACO removed the \$7 tipping fee associated with the payment of the City of Columbus Waste To Energy facility debt but recognized the need to retain the Allocated Dollar, a \$1 tipping fee to support waste diversion programs. The Allocated Dollar has been used to support the purchase of recycling carts for communities, for example, and is now formally identified in the plan.

The Plan Includes:

- **No change** in the \$5 Generation Fee
- Use of the Allocated Dollar for waste reduction programs in the Plan
- **No increase in fees** associated with implementation of Plan

SWMP Request to Franklin County Communities

To ratify the Solid Waste Management Plan, **SWACO needs approval of the Plan by Communities representing 60% of Franklin County's population** through the passage of a resolution or ordinance.

By law, each community has 90 days from receipt of the certified mail to pass a resolution or ordinance and email a copy to Andrew Booker (Andrew.Booker@swaco.org). For most communities, this deadline will be around Friday, April 5.

SWACO is happy to answer any additional questions.

Please contact:

Andrew Booker, Programs Manager

Andrew.Booker@swaco.org

(614) 296-1198

Code Compliance

EXHIBIT B

Tom Paisley, Code Compliance Officer

Mike Morris, Community Development Compliance Assistant

February 5, 2024



What is Code Enforcement?

2

- Code Compliance focuses on enforcing the International Property Maintenance Code, Unified Development Ordinances and City Building Code
- Code Compliance works with the Building and Zoning teams to inform and educate residents and contractors of City Codes
- Preserve residential neighborhoods
- Address existing city code violations
- Conduct proactive inspections in an effort to maintain property values



Sign Abatement, Relocation, and Recycling

3



- Annual average number of illegal signs impounded from the City's ROW: 500
- Two truckloads of signs were recycled after the November 2023 election
- Dozens of signs are relocated from the ROW
- MSC drop-off site for signs

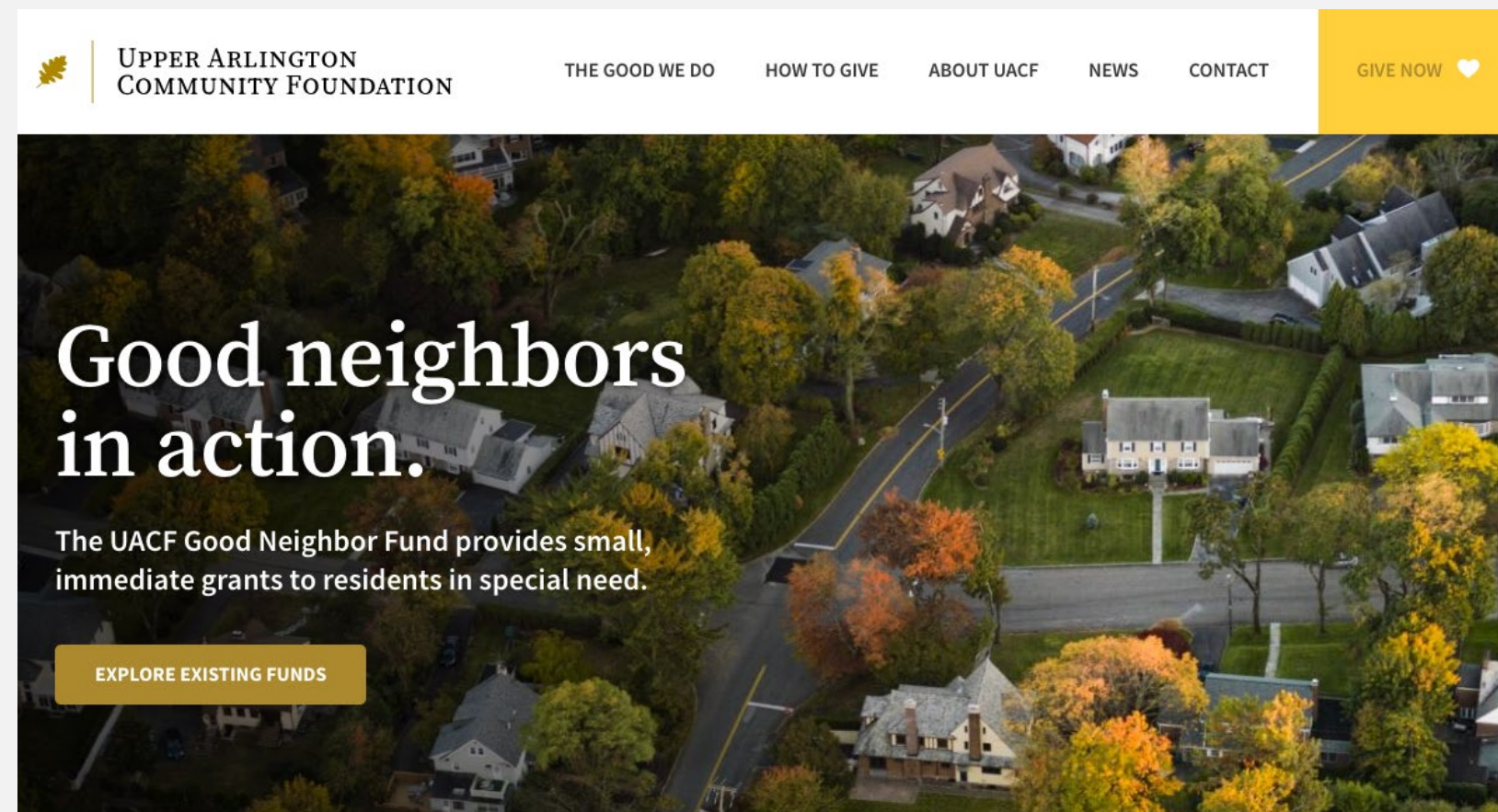


Code Compliance Resource Referrals

4



Franklin County
Board of Commissioners
OFFICE ON AGING



Realtor Care Day June 7th, 2023

5

- Partnered with UA Cares and Central Ohio Realtors to aid a resident in yard clean-up
- Goal to assist UA resident in plant overgrowth cleanup and other home exterior projects
- Day fell after wind-storm
- 10+ yard waste loads were loaded into two full-size truck beds and a trailer; hauled to Ohio Mulch's yard waste services on Roberts Road



Number of Confirmed Code Violations Reported and Investigated in 2023:

466 cases

Typical Voluntary Compliance Rate:

over 90%



Code Compliance Statistics

7

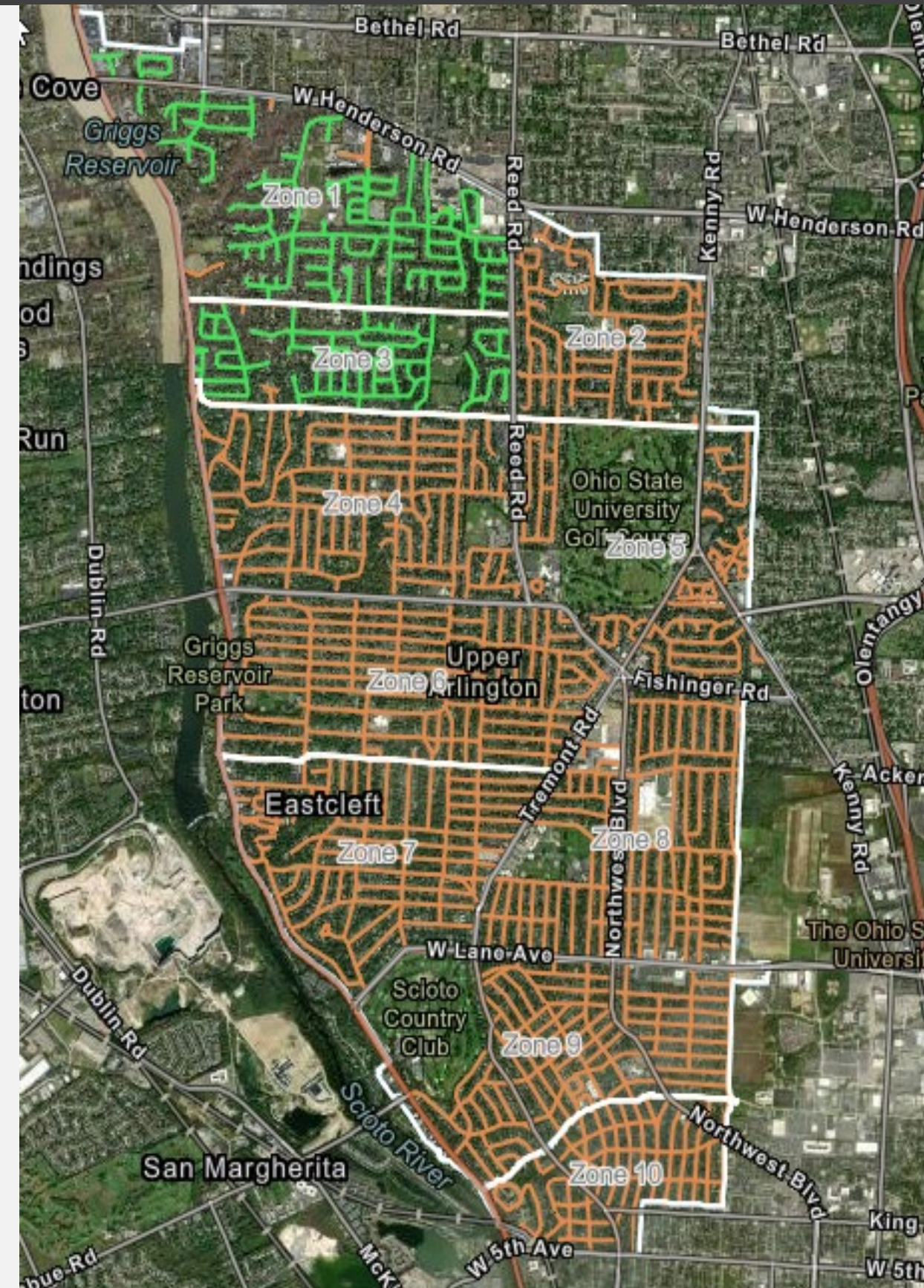
- Grass and Weeds remain as a common complaint for Code Compliance - 12 grass/weed abatements were conducted in 2023
- Bulk Trash and containers left at curb too long
- Exterior Hoarding: Vassar Place, Shrewsbury Road
- Rodent sightings/complaints have been reduced. Continual efforts to address non-complying composting piles and outside food sources. New contract with Champion Pest includes provisions for rodent infestation assessment and treatment as needed
- Driveways



Proactive Plan for 2024

8

- Created a map of City to divide into various zones, in order to efficiently conduct proactive Code Enforcement
- 10 Zones, using major roadways for the Zones boundaries
- Worked with GIS engineers to create digital map
- Goal for 2024, includes Zones 2,4,5,6



Before and After

9



Before and After

10



PM 1:56 MAR/21/2023

PM 2:58 JUN/ 5/2023

Before and After

11



PM 3:10 FEB/15/2023



AM 11:43 MAR/30/2023



Before and After

12



Thank you

13

Questions?



Ordinance No. 11-2024

UDO Amendments

Utility Stations

February 5, 2024

Chad D. Gibson, AICP

Community Development Director



Purpose

- Facilitate a balance between necessary infrastructure and protecting public health, safety and welfare, as well as property values
- Ensure that proposed major utility installations include BZAP review with an opportunity for public comment/input
- Reasonably accommodate necessary infrastructure for the dependable provision of core services



Timeline (2024)

- January 3 – Introduction to BZAP
- January 17 – BZAP recommendation vote
- February 5 – 1st Council reading
- February 12 – 2nd Council reading
- March 4 – 3rd Council reading/vote
- April 4 – If approved, ordinance becomes effective



Why Now?

- Staff regularly identifies portions of the code that could benefit from modification
- Population is increasing and utilities are expanding facilities to accommodate this growth
- Infrastructure is aging and mandated upgrades are underway
- The current code is not as robust as it needs to be regarding the regulation of utility stations



Utility Stations vs. Utility Structures

- **Utility Structures** are generally smaller aboveground structures such as pedestals, poles, cabinets, etc.
- **Utility Stations** are above- and below-ground utility facilities or equipment which exceed 100 SF in area and not typically located in City R/W such as boosters, compressors, data storage, pumps, separators, processing and/or transferring facilities, and valves



Utility Structure Examples

- Regulated in 2007
- Not what this ordinance addresses



Existing Utility Station Examples

➤ AEP - Kenny Road



Utility Station Examples (continued)

- Spectrum -
Sunset
Drive



Utility Station Examples (continued)

- Columbia Gas -
Brandon Road



Authors: Gary Wilfong, P.E., Public Service Director
Pat Kaune, Public Works Manager

Council Meeting Date: February 12, 2024

Subject/Legislative Item: Ordinance No. 12-2024 - An ordinance authorizing the City Manager to enter into contract with Dinkmar for the purchase of a leaf collection machine

Purpose: Continue to maintain the leaf collection machine fleet.

Executive Summary: Legislation authorizes the City Manager to enter into a contract with Dinkmar for the purchase of a leaf collection machine.

Purpose and Impact

This ordinance requests authorization for the City Manager to enter into a contract with Dinkmar in the amount of \$78,000 for the purchase of one (1) leaf collection machine. The City received five (5) bids for this purchase:

Vendor	Bid
Dinkmar (Partners Mfg. Group Inc)	\$78,000.00
Phoenix Contracting	\$84,995.00
Best Equipment Co., Inc.	\$98,222.88
BELL EQUIPMENT	\$125,856.00
Technology International, Inc.	\$168,000.00

Dinkmar submitted the lowest and best bid while meeting all specifications for the Leaf Vacuum Machine specifications. Dinkmar products are a proven performer and currently exist in our fleet inventory. In the 2024 approved budget, funds are available in the Capital Equipment fund to purchase the leaf collection machine (\$80,000). This equipment will be used for leaf collection throughout all districts in the City of Upper Arlington.

History

The City provides curbside leaf collection services each fall, to assist residents with the disposal of leaves. This program is considered a signature City service, with the Public Works Division Staff dedicated solely to this task throughout the duration of the program. This work



used to be done with machines that required staff to walk alongside and manually operate the vacuum arm for leaf collection. The City then converted to the machines we currently utilize and are recommending to purchase, Dinkmar. We currently have six (6) Dinkmars in service, one of which has a Faster rating of 15 and is due for replacement due to its high cost to maintain operational readiness.

There are currently two older manual leaf collection machines that are used as backups in the event one of the Dinkmar machines requires service. One of these machines will be disposed of, with the leaf machine being replaced with this purchase transitioned to a backup role.

Alternatives

Delaying the passage of this ordinance may negatively impact the cost of maintenance for aging leaf machines currently in our fleet and the ability of the City to perform leaf collection operations in the fall.

Attachments

1.	Ordinance No. 12-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 12-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH DINKMAR FOR THE PURCHASE OF A LEAF COLLECTION MACHINE

WHEREAS, the City provides curbside leaf collection services each fall, to assist residents with the disposal of leaves; and

WHEREAS, the program is considered a signature City service, with the Public Works Division staff dedicated solely to this task throughout the duration of the program; and

WHEREAS, the City currently has six (6) Dinkmar machines in service, one of which is due for replacement because of its high cost to maintain operational readiness; and

WHEREAS, The City received five (5) bids as outlined below; and

Vendor	Bid
Dinkmar (Partners Mfg. Group Inc)	\$78,000.00
Phoenix Contracting	\$84,995.00
Best Equipment Co., Inc.	\$98,222.88
Bell Equipment	\$125,856.00
Technology International, Inc.	\$168,000.00

WHEREAS, Dinkmar submitted the lowest and best bid while meeting all specifications for the Leaf Vacuum Machine specifications; therefore, it is recommended to enter into contract with Dinkmar for the purchase of a leaf collection machine.

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

SECTION 1. The City Manager is hereby authorized to enter into contract with Dinkmar for the purchase of a leaf collection machine for an amount not to exceed \$78,000.00.

SECTION 2. The City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions, including the execution of all documents or amendments necessary to enter into, implement, and administer the agreement, that are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

Authors: Gary Wilfong, P.E., Public Service Director
Pat Kaune, Public Works Manager

Council Meeting Date: February 12, 2024

Subject/Legislative Item: Ordinance No. 13-2024 - An ordinance authorizing the City Manager to enter into contract with Duke's Root Control, Inc. for sanitary sewer root control services

Purpose: Continue to maintain compliance with best practices for sanitary sewer management.

Executive Summary: Legislation authorizes the City Manager to enter into a contract with Duke's Root Control for Root Control Services.

Purpose and Impact

This ordinance requests authorization for the City Manager to enter into a contract with Duke's Root Control, Inc., in the amount of \$45,762.50 for Sanitary Sewer Root Control Services.

On January 22, the City received one (1) bid for Sanitary Root Control Services as follows:

<u>Vendor</u>	<u>Bid Amount</u>
Duke's Root Control, Inc.	\$45,762.50

In the 2024 budget, funds are available in the Sewer Surcharge Fund for this expenditure.

History

The Public Service Department is required by Upper Arlington City Code Ordinance 931.15 to maintain the City's 162 miles of sanitary sewer system. Performance standards set forth in the Capacity, Management, Operations and Maintenance manual (CMOM) require the department to video inspect and clean ten percent (10%) of the sanitary sewer system per year – approximately 85,000 linear feet annually. The Public Works Division cleaned and inspected over 152,000 linear feet of sanitary sewer lines in 2023. Historical inspections, along with those that occurred in 2023, identified sewer segments with tree root infiltration. Treatment with an EPA approved solution will eliminate the roots and reduce the possibility of a blockage.

The proposed contract will treat up to 21,750 linear feet of sanitary sewer lines with observed tree root infiltration. Approval and implementation of this contract will allow us to continue to



exceed our performance standard goals as set forth in the CMOM and also allow us to be proactive, rather than reactive, to sanitary sewer line issues.

Since this is an industry standard process to control root infiltration, the Public Service Department has contracted this service for over twelve (12) years to exceed performance goals in the maintenance of the sanitary sewer system.

Alternatives

Delaying the passage of this ordinance may allow the tree roots to grow exponentially and cause unexpected blockages in our sanitary sewer system.

Attachments

1.	Ordinance No. 13-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 13-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH DUKE'S ROOT CONTROL, INC. FOR SANITARY SEWER ROOT CONTROL SERVICES

WHEREAS, the Upper Arlington Code of Ordinances requires that the Public Service Department maintain the City's 162 miles of sanitary sewer systems; and

WHEREAS, performance standards outlined in the Capacity, Management, Operations, and Maintenance Manual (CMOM) require the department to inspect, by video, and clean 10% of the sanitary sewer system per year, approximately 85,000 linear feet, annually; and

WHEREAS, in 2023, the Public Works Division cleaned and inspected over 152,000 linear feet of sanitary sewer lines; and

WHEREAS, the proposed contract will treat up to 21,750 linear feet of sanitary sewer lines with observed tree root infiltration; and

WHEREAS, on January 22, 2024, the City received one bid, as detailed below; and

<u>Vendor</u>	<u>Bid Amount</u>
Duke's Root Control, Inc.	\$45,762.50

WHEREAS, Staff recommends moving forward with the contract to ensure the City's sanitary sewer system does not experience blockages from tree roots.

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

SECTION 1. The City Manager is hereby authorized to enter into contract with Duke's Root Control, Inc. for sanitary sewer root control services, for an amount not to exceed \$45,762.50.

SECTION 2. The City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions, including the execution of all documents or amendments necessary to enter into, implement, and administer the contract, that are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

Council Meeting Date: February 12, 2024

Presenters: Co-chairs Farida El-Hennawy & Jason Sayat

Subject: Community Relations Committee Annual Update

Summary: Section §160.03(B) of the Upper Arlington Code of Ordinances states that the Community Relations Committee shall provide an annual update to City Council to report on its accomplishments and discuss its goals and any funding requests for the coming year. Farida El-Hennawy & Jason Sayat, Co-Chairs of the Committee, will present their 2023 annual update to City Council on February 12, 2024.



Authors:	Abby Cochran, HR Director
Council Meeting Date:	February 12, 2024
Subject/Legislative Item:	Ordinance No. 10-2024 - An ordinance amending Personnel Code §155.16 - Miscellaneous Compensation Provisions of the Upper Arlington Code of Ordinances (<i>Close</i>)
Purpose:	Staff requests additional language in the City's personnel code to clarify payroll practices related to the use of Administrative Leave and to set forth the procedure for handling pay for employees impacted by Daylight Savings time.
Executive Summary:	The proposed language provides clear direction to the appropriate use of Administrative Leave under the authority of the City Manager. Administrative Leave is referenced in bargaining unit agreements and is appropriate to use in certain employment situations but the authority for the City Manager to grant such leave is not currently clearly given. Additionally, how to administer pay during Daylight Savings time is also currently not referenced in any of the bargaining unit agreements or in Code. Staff therefore requests the passage of this language to provide clear direction on how to address pay during these periods.

Purpose and Impact

The administrative leave language could impact all City employees while the daylight savings language would impact only those employees who are regularly scheduled to work during the overnight hours; for example, Police and Fire.

History

Any administrative leave use has been authorized by the City Manager. However, City staff believes it needs to be clear in the personnel code that the City Manager has the authority to do so.

Daylight Savings Time practices have been in place. However, the procedure for handling daylight savings has not been documented in a bargaining unit agreement or Personnel Code.



Alternatives

Administrative Leave: An alternative to use of paid administrative leave is for employees to be required to use their own leave time. In the circumstances, as listed in the proposed code language, it may be unfair for the employee to use leave time for a situation which may be outside of their control.

Daylight Savings Time: An alternative to providing one hour of paid administrative leave during Spring Forward would be to offer the employee the ability to use their own leave banks for the hour of their shift lost. Making up the time on another shift would not be an option as it could cause the employee to be eligible for overtime on the day they would make up that hour. During fallback, the City is required to pay for hours worked, so there is no alternative to offer for this.

Attachments

1.	Proposed Addition to 155.16
2.	Ordinance No. 10-2024



Proposed Addition to 155.16 Miscellaneous Compensation Provisions, Personnel Code

- (E) *Administrative Leave:* The City Manager shall have the authority to approve paid or unpaid administrative leave where in their judgement, such action would be in the best interest of the City. Absent exigent circumstances, the City Manager must approve the paid administrative leave before it is granted. The following are examples of when administrative leave may be approved but are not all inclusive: during the course of an internal investigation, instances required by a collective bargaining unit agreement, when a fitness for duty evaluation is conducted before an individual may be released to return to work, weather emergencies, other approved employee activities or building closures. All administrative leave must be documented in the payroll system as such.
- (F) *Daylight Savings Pay:* An employee who is on the clock as part of their regular work schedule when daylight savings begins at 2am in the spring will work one hour less as a result of the clock jumping from 2am to 3am. That employee will be eligible for one hour of administrative leave to cover the hour less worked. An employee who is on the clock as part of their regular work schedule when daylight savings ends at 2am in the fall will work an extra hour as a result of the clock winding back from 2am to 1am. The employee will receive the one hour of pay and any applicable overtime rules would apply.

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 10-2024

TO AMEND PERSONNEL CODE §155.16 – MISCELLANEOUS COMPENSATION PROVISIONS OF THE UPPER ARLINGTON CODE OF ORDINANCES

WHEREAS, Staff recommends changes to the personnel code to include the authority of the City Manager to authorize administrative leave; and

WHEREAS, the practice for how to administer pay during Daylight Savings time is not currently referenced in any bargaining unit agreements or City code; and

WHEREAS, administrative leave is referenced in bargaining unit agreements and is appropriate to use in certain employment situations but the authority for the City Manager to grant it should be addressed; and

WHEREAS, Staff requests the passage of this language to provide clear direction as to our administrative leave practices; and

WHEREAS, the administrative leave language could impact all City employees while the daylight savings language would impact only those employees who are regularly scheduled to work during the overnight hours, such as Police and Fire.

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

SECTION 1. Section 155.16 – Miscellaneous Compensation Provisions of the Upper Arlington Code of Ordinances shall be amended as follows:

§ 155.16 MISCELLANEOUS COMPENSATION PROVISIONS.

- (A) *Standby pay*: As designated by the division superintendent, employees in the technical, labor and trades group plan shall receive the same compensation for first-call duty responsibilities consistent with the same group of employees in the bargaining unit of the public service department.
- (B) *Call out pay*: An employee who is called out will be guaranteed a minimum of three (3) hours when called to duty after normal working hours at a rate of compensation of time and one-half.
- (C) *Severance pay—Senior executive class*: Severance pay for senior executives is to provide interim income for individuals who are involuntarily terminated due to no fault of their own. A senior executive would only be eligible if the individual is:
 - (1) Not retiring and not eligible for retirement;
 - (2) Not resigning voluntarily or of his own choice;
 - (3) Performing at or above a satisfactory level as indicated by performance appraisal evaluations;
 - (4) Complying with the personnel rules and personnel codified ordinances;
 - (5) Not leaving the City due to permanent disability; and
 - (6) Employed by the City at least three (3) years.

The severance pay will apply to, but not be limited to, the following possible situations:

- (1) Significant one (1) time or growing philosophical difference in administrative policy or practice with the City Manager;
- (2) Change in senior executive class position(s) initiated by a new City Manager; or
- (3) City Council direction to the City Manager to remove a senior class position incumbent.

The senior executive would be eligible to receive one (1) month of severance pay for each three (3) years of employment with the City up to a maximum of three (3) months of severance pay. Payment will be made in a lump sum at the time when final termination pay is rendered.

- (D) *Service club—Senior executive class*: Service club memberships will be paid for by the City, subject to the City Manager's approval, with an annual maximum of one thousand dollars (\$1,000.00) per senior executive.
- (E) Administrative Leave: The City Manager shall have the authority to approve paid or unpaid administrative leave where, in their judgement, such action would be in the best interest of the City. Absent exigent circumstances, the City Manager must approve the paid administrative leave before it is granted. The following are examples of when administrative leave may be approved, but are not all-inclusive: during the course of an internal investigation, instances required by a collective

bargaining unit agreement, when a fitness for duty evaluation is conducted before an individual may be released to return to work, weather emergencies, other approved employee activities or building closures. All administrative leave must be documented in the payroll system as such.

- (F) Daylight Savings Pay: An employee who is on the clock as part of their regular work schedule when Daylight Savings begins at 2 am in the spring will work one hour less as a result of the clock jumping from 2 am to 3 am. That employee will be eligible for one hour of administrative leave to cover the hour less worked. An employee who is on the clock as part of their regular work schedule when daylight savings ends at 2 am in the fall will work an extra hour as a result of the clock winding back from 2 am to 1 am. The employee will receive the one hour of pay and any applicable overtime rules will apply.

SECTION 2. Upon the effective date of this ordinance, the City Manager is hereby authorized to retroactively apply administrative leave for Daylight Savings pay for spring 2023.

SECTION 3. The City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions, including the execution of all documents necessary to administer amended §155.16 – Miscellaneous Compensation Provisions of the Upper Arlington Code of Ordinances, that are not substantially inconsistent with this ordinance.

SECTION 4. This ordinance shall take effect 30 days after passage.

Authors:	Darlene Pettit, Assistant City Attorney Darren Shulman, City Attorney
Council Meeting Date:	February 12, 2024
Subject/Legislative Item:	Ordinance No. 14-2024 - An ordinance to accept deeds and other conveyances to the City of Upper Arlington, Ohio for the purposes therein expressed (<i>Lynch</i>)
Purpose:	To formally accept all real property conveyances to the City.
Executive Summary:	The City Attorney's Office respectfully requests that Council approve this Ordinance to formally accept the eight listed conveyances.

Purpose and Impact

This Ordinance formally accepts deeds and other conveyances of real property rights granted to the City of Upper Arlington. This routine Ordinance is typically brought to City Council annually to accept all recent conveyances. Per the Council Rules, this Ordinance only requires a single reading.

History

The Ordinance lists eight conveyances of real property rights to the City, listed in the order of the recording date with the Franklin County Recorder's Office. These conveyances are for the benefit of the City but have not yet been formally accepted. Four of the conveyances stem from acquisition of additional right of way and easements for the Fishinger Road Reconstruction Project, including two parcels (Fifth Third Bank and Scioto View Center LLC) which were previously before Council to approve the purchase amounts in Ordinances 77-2021 and 33-2023. Two of the conveyances are easements from the ongoing Kingsdale projects. Finally, the last two on the list were acquisitions of Right-of-Way where the City already has a street and/or sidewalk. Since those properties were being redeveloped, the property owners agreed to formally provide the City with Right-of-Way abutting those parcels.

Alternatives

It is recommended that Council approve this Ordinance so that the City's records reflect that it approved and accepted these eight conveyances.

Attachments

1.	Ordinance No. 14-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 14-2024

TO ACCEPT DEEDS AND OTHER CONVEYANCES TO THE CITY OF UPPER ARLINGTON, OHIO FOR THE PURPOSES THEREIN EXPRESSED

WHEREAS, conveyances of real estate and interests therein have been granted to the City of Upper Arlington, which have not been formally accepted by ordinance.

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

SECTION 1. The City hereby accepts the following deeds and other conveyances to the City, which have been filed of record in the office of the Recorder of Franklin County, Ohio, and the premises and interest conveyed thereby are hereby accepted for public use for the uses and purposes therein respectively expressed.

Grantor	Date Recorded	Instrument No.	Conveyance Description
Fifth Third Bank, National Association	12/29/21	202201040001386	Right-of-Way at 1669 Fishinger Road for the 2022 Fishinger Road Reconstruction project
Continental Kingsdale Acquisitions LLC	12/22/2022	202212220172544	Public parking easement containing 2.2 Acres of Parking Facility Parcel for not less than 267 parking spaces
Echo Kingsdale LLC	1/11/2023	202301110003310	Easement containing 0.317 acres for public access of vehicular and pedestrian.
Kirsten Marie Bauman Houck (nka Kristen Tychonievich) and Michael A. Tychonievich	6/6/2023	202306060055166	Easement containing 0.002 acres of Parcel Number 070-006513-00 for public highway and road purposes, as part of Fishinger Road project

Ruth I Hall and Anthony S Hall	7/19/2023	202307190072029	Easement containing 0.002 acres of Parcel Number 070-003399-00 for highway construction purpose, as part of Fishinger Rd. project
Scioto View Center LLC	8/14/2023	202308140082162	General warranty covenants containing 0.209 acres of Parcel Number 070-007457-00 as part of Fishinger Road Phase II Reconstruction Project
Nicholas Paul Hoppel and Naomi Makni Hoppel	1/22/2024	202401220006900	General Warranty Deed for .043 acres of Parcel Number 070-004667-00 for Right-of-Way abutting 2581 North Star Road
Nicholas S. Schilling	1/22/2024	202401220006901	Quit-Claim Deed for .135 acres of Parcel Number 070-010198-00 for Right-of-Way abutting 2665 Lane Road

SECTION 2.

This ordinance shall take effect immediately upon passage.

Authors:	Chad Gibson, AICP, Community Development Director Justin Milam, AICP, Senior Planner
Council Meeting Date:	February 12, 2024
Subject/Legislative Item:	Ordinance No. 11-2024 - An ordinance amending §2.03, §2.06, §2.08, §5.06, and §6.10 of Part 11 – Unified Development Ordinance of the Upper Arlington Code of Ordinances regarding Utility Stations
Purpose:	The purpose of this Ordinance is to make code adjustments that facilitate a proper balance between necessary utility infrastructure (such as electricity, natural gas, telecommunications, and water) and protecting public health, safety and welfare, as well as property values. These amendments also ensure that major utility installations include Board of Zoning and Planning (BZAP) review with an opportunity for public comment/input. Such review would be in addition to those required by State Law, including R.C. Chapter 4906 (Ohio Power Siting Board).
Executive Summary:	These proposed amendments to the Unified Development Ordinance (UDO) include revisions regarding utility stations such as electric and gas substations. Staff maintains a list of potential code changes and regularly brings them to BZAP and City Council for review and consideration. These proposed code changes seek to recognize that utilities are necessary to provide core services to the community but also must be designed, installed, and maintained in a manner that protects public health, safety, and welfare. After the introduction of these proposed amendments to BZAP on January 3, 2024, the Board issued a unanimous positive recommendation to Council on January 17, 2024.

Purpose and Impact

The purpose of this Ordinance is to update the regulations as they pertain to utility stations, and to ensure public review of larger stations, while also reasonably accommodating necessary infrastructure. Essentially, these changes would designate large utility stations/installations as conditional uses, which would trigger public review by BZAP. Design



standards have also been incorporated which mirror the City's Residential Design Standards (and the Neighborhood Compatibility Policy).

History

The City currently has a regulatory scheme for utility structures, which are generally smaller and located within easements or the City's Right of Way. Ord. No. 108-2007 was the result of City Staff collaborating with various utilities to formulate the current regulations for utility structures (Ordinance No. 108-2007), which are generally smaller and serve a narrower area than a utility station which is larger and serves a more regional/larger network. The requirements developed in 2007 were primarily driven by the expected increase in installations brought about by changing technologies such as AT&T's U-Verse cable service. Through the 2007 ordinance and the proposed legislation, the City is seeking to reasonably accommodate this necessary infrastructure while also providing regulations with protection (and appeal rights) for residents.

Currently, there are a variety of different utility stations within the community. Examples of such installations include the Spectrum Communications facility at 3569 Sunset Boulevard (brick house), a large AT&T facility (stone commercial building) at 2025 Northwest Boulevard, an AEP substation at 3285 Kenny Road, as well as a Columbia Gas substation on Brandon Road (south of the high school) and at the northeast corner of Fishinger Road and Kioka Avenue (see attached). These larger installations are in addition to the myriad of smaller support structures such as utility cabinets, pedestals, etc. which are currently regulated per UDO Article 6.10(C)(11). Most smaller installations require zoning review (a Certificate of Zoning Compliance) to ensure proper siting and screening where practicable, with notification via U.S. Mail by staff to directly impacted neighbors.

Utility stations are generally larger, and are placed within the buildable area of a parcel, rather than within a utility easement or the City's right of way. The City is seeking to ensure that, because these stations are and can be placed within residential neighborhoods, appropriate review and protections are in place for new and/or replacement stations.

Council may also be aware of a recent electric substation expansion and upgrade by AEP at the northeast corner of 5th Avenue and Riverside Drive in the Village of Marble Cliff. This installation generated significant public interest and also had a substantial economic impact on the Village since office buildings were razed to accommodate the project.

Alternatives

There are a variety of approaches to the regulation of utility stations, but ultimately these services must be accommodated to serve the community. The rules could be made more liberal and not require BZAP review; review by Council could be added following BZAP's review. Council could also decide that code amendments regarding utility stations are not needed and leave the code 'as-is', which is not as comprehensive as to the larger utility stations.

Attachments

1.	UDO Amendments Summary - ORD 11-2024 - Utility Stations - 2.5.2024
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2.	Staff Report Attachment - Utility Station Examples Memo - 2.5.24
3.	DRAFT BZAP Hearing Minutes 1.17.24
4.	Ordinance No. 11-2024
5.	Ordinance 11-2024 Exhibit A



Article 2 Definitions

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. For the purposes of development cover in the front yard, any portion of the principal structure that is located in the front yard shall not be counted.

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; 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 and utility stations.

Parking lot, structured - Aboveground: means a structure designed to accommodate motor and other vehicle parking spaces that are fully or partially enclosed or located on the deck surface of a building where some of the parking spaces are located aboveground. ~~This definition includes parking garages, deck parking and under building parking areas.~~

Utility station: means any grouping of above- and below-ground utility facilities or equipment which exceed 100 square feet in area and are not typically located in City right-of-way. These include but are not limited to: boosters, compressors, data storage, pumps, separators, processing and/or transferring facilities, and valves, that are associated with a utility providing services to its customers. Such services shall include, but are not limited to: electricity, natural gas, telecommunications (except small cell facilities), cable, video and internet service, and water.

§ 5.06 OFFICIAL ZONING MAP.

Table 5-A: Residential Uses

	R-S	R-1	R-2	R-3	RCD
<u>Utility Station</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Pr</u>
Utility Structures (see Table 6-KL)					

§ 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:

(11) *Utility stations and 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 and Building Permit*:
- 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.
 - iv. A Building Permit shall be required for any new and/or replacement utility station(s)

(c) *Conditional use permit*:

- i. A conditional use permit approved by the Board shall be required for the following utility station and/or 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.
 3. Any new or replacement utility station.
 - ii. The board shall conduct a public hearing to determine whether ~~the utility structure meets the location guidelines and screening~~ all criteria are met.
- (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 or three hundred (300) feet of the utility station.
 - 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.
 - 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 of utility structures:*
- 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.
 - iv. Utility stations shall be located within the buildable area of the property and meet all applicable performance standards. No utility station shall be located in an RCD, Residential Community Development, zoning district.

(h) *Screening criteria for Utility Structures:*

- 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 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 of Utility Structures:*

- 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 for utility structures.
 - ii. The fee for a conditional use set forth in C.O. ch. 401 shall apply.
 - iii. The fee for a building permit set forth in C.O. ch. 401 shall apply.
 - (m) *Summary of requirements:* Table 6-L summarizes the utility structure requirements under the UDO.
 - (n) *Criteria for Utility Stations in addition to Conditional Use requirements:*
 - i. As practicable, all pipes, valves and related equipment shall be located inside fully enclosed, sound-limiting buildings, with closed windows and double-door entrances. Such buildings shall be designed to meet the City's Residential Design Standards in Article 7.17, which includes an architectural style in terms of height, scale, massing and exterior building materials that shall be consistent with the street segment. This shall include a pitched roof and at least 50 percent of the exterior building material shall be brick and/or stone.
 - ii. There shall be no more than three buildings per property: a larger primary building, a smaller secondary building and an accessory building. Each building has a height limit: 25'-6" for the primary, 15 feet for the secondary and 10 feet for the accessory.
 - iii. A landscape plan shall be submitted, which includes six-foot tall privacy fencing (or wall) along the side and rear property lines, not in the front yard, and a mixture of deciduous and evergreen trees. A minimum of one tree for each 25 feet of property line length shall be installed on-site. Any mature trees marked as good condition by the City Forester should be preserved.
 - iv. The property shall be restored to grass if the utility station is abandoned for more than two years.



Date: Monday, February 5, 2024

To: President Ukeme Awakessien-Jeter and Members of City Council

From: Chad D. Gibson, AICP, Community Development Director

RE: **Utility Station Examples**

Purpose:

The purpose of this attachment is to provide examples of existing utility stations and utility structures in the community to complement Staff's report on Ordinance No. 11-2024.

➤ **Utility Station - 2025 Northwest Boulevard ([PID #070-002574](#))**

- 0.83-acre site, zoned O, Office District
- Purchased by Ohio Bell Telephone (now AT&T) in 1929
- Institutionally-styled, multi-story stone structure
- 21,198-square foot building, built in 1948
- Design and use of real stone would meet the proposed standards; height would be an issue in a single-family residential area



➤ **Utility Station - 4646 Reed Road (PID #070-011080)**

- 2.73-acre site, zoned PMUD, Planned Mixed Use District
- Purchased by Ohio Bell Telephone (now AT&T) in 1960
- Commercial/office-styled structure w/ brick and stone exterior
- 19,257-square foot building which also includes some office space
- Would likely not meet the proposed standards due to design and setback considerations



➤ **Utility Station - 3569 Sunset Drive (PID #070-005012)**

- 0.27-acre site, zoned R-1c, One-Family Residence District
- Purchased by Time Warner Cable (now Spectrum) in 1996
- Residentially-styled brick enclosure; BZAP approved via Application BZ-15-96
- Would likely meet the proposed design standards



➤ **Utility Station - Brandon Road** ([PID #070-003629](#))

- 0.26-acre site, zoned R-1c
- Purchased by Columbia Gas in 1964
- Residentially-styled brick enclosure with visible valves and pipes
- Located within a platted subdivision ([Brandon Heights Addition](#), Lot #199)
- Chain-link fence is nonconforming
- Would not meet proposed standards due to lack of screening and design standards



[View from City Manager's Driveway 😊]



City of Upper Arlington

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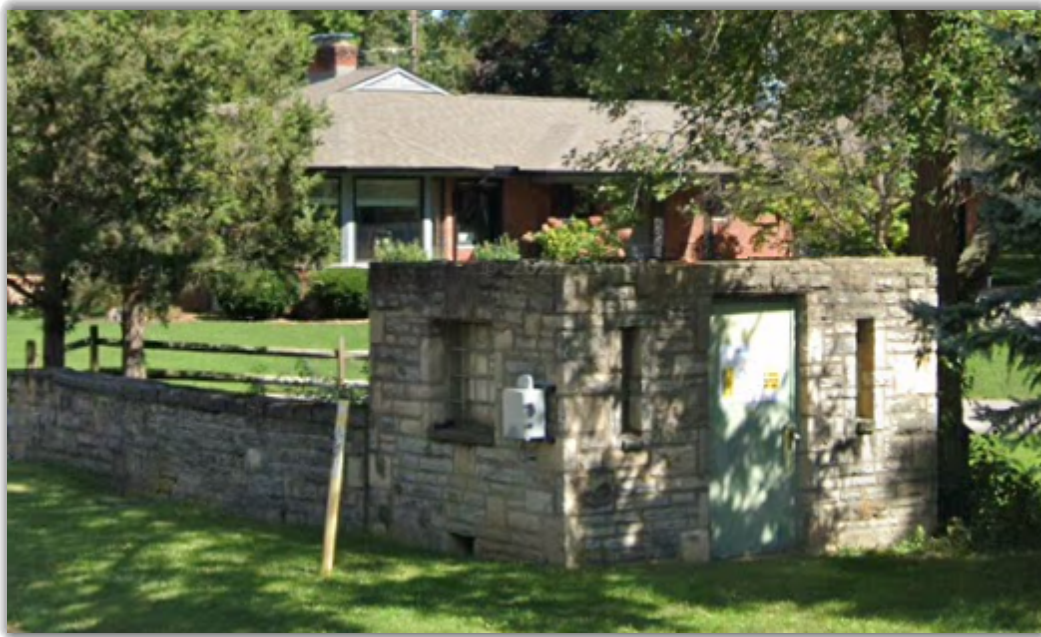
➤ **Utility Station - 3285 Kenny Road ([PID #070-009609](#))**

- 4.88-acre site, zoned RCD, Residential Community Development District
- Purchased by Columbus & Southern Ohio Electric Co (now AEP) in 1973
- Electric substation enclosed with a tall masonry wall
- Would not meet proposed standards due to design standards and wall height



➤ **Utility Station - Fishinger Road at Kioka ([PID #070-003076](#))**

- 0.01-acre site, zoned R-1b
- Purchased by Columbia Gas of Ohio in 1964
- Stone natural gas accessory building
- Small accessory-type structure; would likely meet proposed standards



1/17/2024 | 6:00 PM

**Municipal Services Center, Council Chamber
3600 Tremont Road**

Members Present: Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook

Members Absent: Daniel Barringer, Donald Osterhout

Staff Present: Senior Planner Justin Milam, Planning Officer Alyssa Kelly, Assistant City Attorney Darlene Pettit, Deputy City Clerk Abbie Emison

1. Call to Order/Roll Call

Chair Tolliver called the meeting to order at 6:06 pm.

Mr. Westbrook moved, seconded by Ms. Mitchell, to excuse Mr. Barringer and Mr. Osterhout.

VOTING AYE: Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook

VOTING NAY: None

ABSENT: Daniel Barringer, Donald Osterhout

ABSTAIN: None

The motion carried (5-0).

2. Consent Agenda

- a. **Review of the January 3, 2024 BZAP Work Session minutes and November 15, 2023 BZAP meeting minutes.**

- b. **3109 Mountview Road (VAR-03-24) - To allow additions that encroach up to 1'-4" into the eight-foot minimum south side yard setback (existing), up to three feet into the eight-foot minimum north side yard setback (existing four-foot encroachment), and results in a side yard sum of 11'-8" when 16 feet is the minimum (10'-8" existing).**

Finding #4 was noted in the Staff Report.

- c. **1560 Cardiff Road (VAR-04-24) - To allow a two-story addition to encroach up to six feet into the 20-foot minimum front yard (unplatted) setback. 3003 Sudbury Road (VAR-06-24) - To allow an addition to encroach up to four feet into the 32'-9" minimum rear yard setback.**

Finding #4 was noted in the Staff Report.

- d. **3003 Sudbury Road (VAR-06-24) - To allow an addition to encroach up to four feet into the 32'-9" minimum rear yard setback.**

Findings #1 and #4 were noted in the Staff Report.

Mr. Westbrook moved, seconded by Ms. Mitchell, to accept the consent agenda.

VOTING AYE:	Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook
VOTING NAY:	None
ABSENT:	Daniel Barringer, Donald Osterhout
ABSTAIN:	None

The motion carried (5-0).

Ms. Emison administered an oath to those persons wishing to present testimony this evening, including applicants, representatives of applicants, and anyone speaking as a proponent or opponent of an application.

3. Variance/Conditional Uses

- a. **1912 Collingswood Road (VAR-01-24) - To permit a detached garage to be 20'-6" in height, when 17 feet is the limit.**

Ms. Kelly gave an overview of the detached garage project. Currently, there is a two-story house that sits behind the setback and has an existing detached garage. The homeowner would like to add office space to a new



City of Upper Arlington

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detached garage. The home is located behind the 40-foot front yard setback, resulting in a somewhat constrained backyard. The proposed new garage meets the size limits for the property but requires a height variance. To achieve the office space the homeowner desires on the second floor, they would like to exceed the 17-foot height limit.

Ms. Kelly referenced similar detached garage cases that came before the Board at the November hearing. At that time Staff suggested increased setbacks to mitigate the additional height; however, the Board decided that was unnecessary. Staff is recommending approval for this application, but because this is a newer type of request, Staff wanted the Board’s review.

Juliet Bullock, architect for the applicant, reminded the Board of her previous testimony at the November meeting. She stated that this particular site is unique because the house is set 62 feet back from the street, limiting the homeowner’s buildable area. The house has recently undergone renovations to the front and the homeowner does not want to make any changes to those renovations. Adding habitable space on the second floor of a detached garage provides a good solution to adding more space without impacting the footprint. In addition, as part of this project, the homeowner plans to modify the existing patio to meet development coverage requirements.

Ms. Mitchell asked for clarification on modifications to the back patio. Ms. Bullock explained that they are putting in a smaller patio to reduce development coverage.

Chair Tolliver asked for public comment; there was none.

Motion by Ms. Mitchell, seconded by Mr. Westbrook, to approve the 1912 Collingswood Road variance (VAR-01-24).

- VOTING AYE:** Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook
- VOTING NAY:** None
- ABSENT:** Daniel Barringer, Donald Osterhout
- ABSTAIN:** None

The motion carried (5-0).

b. 4462 Summit Ridge Drive (VAR-02-24) - To allow a new home to encroach up to 10 feet into the 20-foot minimum west side yard

setback, up to five feet into the 20-foot minimum east side yard setback, and up to 4'-6" into the 60-foot minimum front yard setback.

Mr. Milam gave an overview of the property located just south of Henderson Road. The applicant came before the Board approximately one year ago and received approval for a front yard variance and a garage variance. Once the building permit was issued the contractor found structural issues and the homeowner chose not to proceed with the remodel. The homeowner decided it would be more prudent to rebuild completely. The City recently issued a demolition permit and the house is currently in the middle of demolition.

Mr. Milam explained that all new construction must meet current code; however, the applicant is requesting variances for the new house. The Staff Report outlines what was previously granted compared to what is in the current proposal. The footprints are largely the same and the elevations are similar. However, the new proposal changes the house from a split-level to a full two-story house. Historically, it is difficult to get a variance for a new house, but Staff believe there are some challenging conditions including topography and setbacks.

The application is for three variances: front yard setback, west side yard setback, and east side yard setback. Last year the Board approved similar variances. The applicant has attempted to follow the spirit of the previously granted variances. Staff is supportive but has asked the applicant to simplify the roof pitches and materials upon recommendation by the third-party architect.

Ms. Pettit explained that this item has to come back before the Board, even though it is very similar to what was granted last year because the wording of the previous variance was specifically for a front porch and an addition.

Chair Tolliver asked for clarification on the roof pitches and materials. Mr. Milam said the Board could make these a condition of approval.

James Ross, the applicant's builder, said they were open to making aesthetic changes, but haven't had time to address them yet. The plan is to figure out the details once the project gets approved.

Chair Tolliver asked for public comment; there was none.



Mr. Carpenter said he normally is opposed to variances on new builds, but this is a unique site with special circumstances, and he is supportive of the application.

Mr. Ross said the house was just too damaged to renovate and was sliding down the ravine.

Mr. Carpenter asked how the builder will ensure that the new house will not have issues with sliding in the future. Mr. Ross said the rear footers are seven feet wide and 12 inches thick and contain rebar. Mr. Carpenter asked about the depth of the footers. Mr. Ross said they are approximately four feet deep and the foundation walls are almost 13 feet tall. For the garage, the most important aspect is having the slabs over the poured walls and tied together with rebar. The width of the footers is the key to making sure the house is stable.

Motion by Ms. Mitchell, seconded by Mr. Carpenter to approve the 4462 Summit Ridge Drive variance (VAR-02-24), with the following conditions: simplify the materials selection and roof design subject to review and approval by Staff.

- VOTING AYE:** Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook
- VOTING NAY:** None
- ABSENT:** Daniel Barringer, Donald Osterhout
- ABSTAIN:** None

The motion carried (5-0).

c. 4300 Riverside Drive (VAR-05-24) - To allow a six-foot tall fence to project up to 32 feet into the front yard setback, when a maximum 42-inch tall fence that projects up to 15 feet is permitted.

Ms. Kelly provided an overview of the application, which is for the construction of a fence in the front yard. She said this is a variance the Board has not typically approved; however, unique conditions are present in this case. The homeowner recently applied for a pool permit and due to the site, they are having difficulty siting the safety fence appropriately and retaining backyard space. The house sits on a hill along Riverside Drive and Stratford Drive. It currently has a fence that was approved via a previous variance in the 1990s. The homeowner would like to replace the existing

fence in the same location, but with a six-foot privacy fence to act as pool security and provide a buffer from Riverside Drive.

Ms. Kelly said the applicant has submitted three options, with Option A being the preferred option. Given all the unique site characteristics and the landscaping that will act as a screen, Staff recommends approval for Option A.

Ms. Mitchell asked if the current landscaping is in good shape. Mr. Milam said it will be cleaned up and expanded so that the fence will not be visible from the street.

Chair Tolliver asked for clarification on the pool fence height requirement. Ms. Kelly responded that one of the options offered shows the minimum required for pool safety (four feet) along the front yard setback. Code allows a maximum of 42 inches for fences in the front yard, which is insufficient for pool safety.

Marc Duff, the applicant, stated the homeowner would like to keep the fence where it is and simply add to the height to provide additional privacy and security. Mr. Duff said that to make the fence code compliant it would need to be right up against the patio and the homeowner would prefer to keep some yard space, thus the preferred Option A. Mr. Duff also added that the existing hedges are approximately six feet tall and will remain; additional buffering and screening are also planned.

Chair Tolliver asked the applicant if he agrees with Staff's condition to keep the existing landscaping and add screening. Mr. Duff confirmed he agrees.

Chair Tolliver asked for public comment; there was none.

Mr. Carpenter stated that the site is unique and the fence will not be seen from the street. While the fence is in the front yard, it is also on Riverside Drive. He is supportive of Option A. Chair Tolliver concurred that the arrangement of the site and house is unique. Ms. Mitchell agreed that Option A is the best.

Motion by Mr. Westbrook, seconded by Mr. Carpenter, to approve Option A of the 4300 Riverside Drive variance application (VAR-05-24), with the condition that existing landscaping be retained to screen the six-foot tall fence from view.



VOTING AYE: Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook
VOTING NAY: None
ABSENT: Daniel Barringer, Donald Osterhout
ABSTAIN: None

The motion carried (5-0).

4. Development/Site Plans

**a. 3200-3240 Tremont Road and 3181 Northwest Boulevard (DEV-06-23)
– Review of a Graphics Plan for the Bob Crane Community Center and parking garage, senior housing building (The Coventry), and apartment building (The Kingston) at Kingsdale.**

Mr. Milam noted that the freestanding signage for The Coventry has been removed from the agenda by the applicant due to costs. They may bring a proposal back in the future.

Mr. Milam said the City is working with Giant Eagle to build a parking garage in the current parking lot, just south of the apartment building. The garage will block signage for some tenants; the City is looking at ways to add signage to the garage. Mr. Milam said they are looking to bring that before the Board in February.

Mr. Milam gave an overview of the signage for the apartment building (The Kingston). He noted this is the only item the Board will be voting on as part of this application. The signage follows the overall plan that the Board approved for the Kingsdale development. There are four building signs, all halo-lit and in scale with the building, including blade signs (similar to Homewood Suites on Lane Avenue). Mr. Milam noted that there are two parking signs because the apartments are located on top of a parking garage. Overall, there is minimal signage and Staff is supportive of this.

Matt Wilhite, the applicant, offered to answer any questions.

Ms. Mitchell asked if any of the signage included the address. Mr. Wilhite said he will make sure that there are address numerals posted. Mr. Milam said the numerals are not included in this package, but Staff will work to make sure it is handled.



Motion by Ms. Mitchell, seconded by Mr. Westbrook, to approve the 3181 Northwest Boulevard exterior signage package (DEV-06-23) for the apartment building (The Kingston) at Kingsdale.

VOTING AYE: Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook

VOTING NAY: None

ABSENT: Daniel Barringer, Donald Osterhout

ABSTAIN: None

The motion carried (5-0).

Mr. Milam noted that he will review the signage for the Community Center at the end of the meeting.

5. City Business

- a. **1480 W. Lane Avenue and 2455 North Star Road (APP-01-24) – Appeal submitted by Mr. Daniel Callanan of the Community Development Director’s decision to issue Certificate of Zoning Compliance #23-3185 to allow parking lot improvements for OhioHealth.**

Chair Tolliver asked Ms. Pettit to review the appeal process. Ms. Pettit stated that the appeal process is slightly different than the typical items that come before the Board. With an appeal, the Board is acting in a quasi-judicial capacity. The decision before the Board tonight is whether to grant (i.e., overturn the Community Development Director’s approval) or deny the appeal (i.e., confirm the Community Development Director’s approval). Procedurally, Staff will give an overview of the project in question, Mr. Callanan will present his arguments, OhioHealth will have the opportunity to cross-examine any witnesses and present their arguments, and Mr. Callanan will have the opportunity for cross-examination. Ms. Pettit also noted that the Board can allow public comment if they desire. The Board will then deliberate; because this is a quasi-judicial proceeding, this can be done in Executive Session. All votes and a record of the findings will need to be done in the open meeting. Ms. Pettit said that because there are only five Board members present tonight, a simple majority (three votes) is needed to grant or deny the appeal.

Mr. Milam gave an overview of the project and the Certificate of Zoning Compliance (CZC) that was issued. The subject property includes a three-story medical office building and associated parking lots. OhioHealth



purchased the property in 2022 and is currently renovating the building. In addition, they purchased the property directly to the north (currently a parking lot). This property previously held a three-story office building from 1972 to approximately 2017 when it was demolished. It was used as a state government building until approximately 2010 when it became vacant. While these two parcels are currently separate, OhioHealth plans to combine them.

Mr. Milam stated that in July 2023, a CZC was submitted to improve the northern rear parking area. Improvements included like-for-like replacement of parking areas and driveways, as well as improvements to landscaping and screening. This includes repairing or replacing an existing brick wall and enhancing and beautifying parking.

The Planning, Engineering, Fire, and Parks and Forestry departments were involved in ensuring all ordinances and rules were followed. The CZC was issued in October 2023.

From a zoning perspective, surface parking is a permitted use in the Lane Avenue Planned Mixed-Use District, even if it is a standalone parking area. However, OhioHealth intends to combine the two parking areas. In addition, the City has an agreement with OhioHealth to use some of the spaces in the rear parking area during off hours.

Once the CZC was issued, an appeal was filed within 10 days. OhioHealth began work on the area at their own risk. If the appeal is upheld, Staff would have to deny the zoning permit and work to find a resolution.

Since the CZC was issued, OhioHealth has resurfaced the existing driveway and parking area and added a sidewalk connection. Mr. Callanan owns the medical research office building to the south. The driveway is approximately six inches from his property line. There is a curb between the driveway and Mr. Callanan's property to prevent any cross-access. Before OhioHealth resurfaced, the parking area was not in good shape and many items, such as lighting, were not compliant. There is a connection to the main OhioHealth parking lot so that users can access both Lane Avenue and North Star Road. Mr. Milam noted that facilitating the flow of traffic via cross-access is a high priority for Staff and the Board.

Mr. Milam said Staff has spent a considerable amount of time trying to mediate the issue with Mr. Callanan and OhioHealth. One of Mr. Callanan's requests is to move the driveway further north from his property; however,



OhioHealth determined that the cost would have been substantial and with the move, there could be impacts to City infrastructure (i.e., sanitary sewer and storm sewer line, as well as fiber). Mr. Callanan also asked for additional landscaping or bollards, but there is not enough space on OhioHealth's property, and anything installed would be offsite. Mr. Milam said that there were also concerns with cross-access traffic, but this is something the City tries to encourage (even between different owners) to facilitate the flow of traffic. In addition, it is allowed per the UDO.

Additional items noted in Mr. Callanan's appeal relate to the cut-through, traffic, financial burden, and negative impacts on his office tenants. Staff did not believe these items were applicable.

Mr. Milam stated that as the Senior Planner in the Community Development Department, the Community Development Director allows the Senior Planner to make decisions related to CZCs, building permits, as well as other permits. During review of this particular CZC, he evaluated all seven articles of the code to see if approval of an existing parking lot would require approval by the Board. This review determined that Board review was not required. The parking lot is a permitted use and it is conforming. Mr. Milam stated that when the OhioHealth building and associated parking lot development came to the City it did not include the additional parking area to the north. However, the Community Development Director did not feel that it was a substantial amendment to include the additional rear parking area, as noted in Article 4.05 of the UDO. Mr. Milam stated they also looked at Article 5, which relates to uses; surface parking and medical offices are both permitted uses. Articles 6.07 and 6.08 relate to landscaping and screening, all of which are being met by OhioHealth.

Mr. Milam stated that Staff is requesting that the Board deny the appeal and uphold the decision to issue the Certificate of Zoning Compliance.

Mr. Carpenter requested more information about the project timeline; it appears that the Board approved the development plan in 2004. He asked when the expansion of the site to include the adjacent parking lot occurred. Mr. Milam said that occurred during review of the zoning permit in July/August 2023. OhioHealth already owned the property; it was purchased in 2022. Mr. Milam stated the building that was previously on the site was torn down in 2017, but the driveway and parking area have been in place since the 1970s. Ms. Mitchell asked where the former building was located. Mr. Milam stated it was located in the grassy area to the north of the driveway. This is also where the sanitary sewer and fiber lines are



located. Mr. Milam stated that OhioHealth approached Brassica and Mr. Callanan about making connections to their parking lots and driveways, but it would require a cost share and they were not interested.

Dan Callanan, the appellant, provided his basis for appeal. He said that two parcels comprise the project, but they are not currently joined. The rear parking area was a self-contained 510-foot-long parking lot when he purchased the adjacent property (2447 North Star Road) in 2019. He stated that he is here tonight as a result of a variety of occurrences, including City Council's approval of the lease of the rear parking area and the permitted connectivity between the two OhioHealth parking areas. By joining these two parcels and permitting access off of North Star Road it is creating harm to the community, a dangerous situation for the driveway, and creating errant driveway access to Mr. Callanan's property. He said that if a driver misses the OhioHealth driveway on North Star Road, they will use his parking lot as a turnaround. This will generate additional traffic.

Mr. Callanan stated that the Certificate of Zoning Compliance is not the appropriate permit; it should be a major site plan. He said that even if the CZC is the correct permit, what is being created is an alleyway, not a driveway. The permit was for the existing driveway, with modifications for lighting and pavement, not for widening the driveway to create an alleyway. Mr. Callanan said the driveway was anticipated to be 17 feet 8 inches wide and showed the OhioHealth Lane Parking Lot Modification Private Site Improvement Plan (attached hereto and incorporated herein as Exhibit A). There is an existing 10-foot setback on the northern edge of the property line that remains. Mr. Callanan is asking to center the driveway, which he believes will not interfere with the fiber optic lines or give the southern property line the same setback of 10 feet.

Mr. Callanan stated he made this request on February 15, 2023, just prior to OhioHealth closing on the property. He said it was brought to the City and this was always the main sticking point with any of the modifications. Mr. Callanan said that the Board may hear about gates and other modifications, but none of those are in the proposal or have been submitted. He said that this connection is creating enhanced traffic issues with visitors, patients, deliveries, etc. Mr. Callanan also stated that the excavation and connectivity of the two lots were done in advance of the approval by the City.

Mr. Callanan said he filed an appeal on October 31, 2023, and has had one business day to prepare for this meeting after seeing the Staff report.



Mr. Callanan referenced a picture of the original driveway (attached hereto and incorporated herein as Exhibit B) to illustrate what was supposed to be replaced—a 17-foot 10-inch driveway—not for anything wider or an alley. Citing another picture (attached hereto and incorporated herein as Exhibit C), Mr. Callanan said that the excavation and work on the wall were completed prior to the CZC being issued. In another picture (attached hereto and incorporated herein as Exhibit D), Mr. Callanan showed a current sign that is guiding people out of the North Star Road exit, creating additional traffic, and showing drivers how to cut through from Lane Avenue.

Mr. Callanan referenced Article 4.05, Section 2.03 of the UDO—the definition of connectivity. He said the definition discusses a path or passageway, not an alleyway. What has been designed and implemented is an alleyway. Mr. Callanan said the eligible connectivity in a CZC is very clear that it is a path or a passage. He referenced the definitions of an alley and a passage in the City of Columbus code (attached hereto and incorporated herein as Exhibit E). He believes what is being created fits the definition of an alley. He also said that what is being designed and implemented is not a 17-foot 10-inch straight driveway.

Ms. Mitchell asked if Mr. Callahan believed the driveway was larger than 17-feet 10-inches. Mr. Callanan confirmed he believes it is wider. The plan submitted to the City showed the driveway as 17-foot 10-inch straight back to the parking area. However, he said that regardless of the width or any type of gate, the driveway will still be used as a cut-through.

Mr. Callanan stated that City Council has, or will have, a 15-year lease with OhioHealth for the rear parking area to be used as public parking. He said this will make it impossible to control the amount of traffic coming in and out of the driveway. The thoroughfare between Lane Avenue and North Star Road will become a highly congested alley. Mr. Callanan also said that the flares of the existing driveway already extend four feet past the property line. He said that at the very least he is requesting a 10-foot setback similar to what is at the northern edge of the property. However, he would prefer it to comply so that the end of the flare does not extend past the property line. He believes the driveway has been redesigned as an alley of approximately 23.5 feet.

Mr. McGrath summarized Mr. Callanan's arguments as: 1) Previously, there was parking lot access and a new curb and pavement was added, but it was



installed wider than it should have been and 2) The driveway should have been installed in a straight line.

Mr. Callanan said that he would like the driveway to be located 10 feet off of his property line.

Mr. Milam stated that driveways, alleys, and streets can be located along a property line. A driveway flare cannot cross over the property line; however, if it is pre-existing, it is allowed to remain and be replaced. If the parking were to continue out towards North Star Road, the code would require a ten-foot setback with fencing or a wall in addition to landscaping, subject to the Board's review.

Mr. Carpenter asked Staff why this project did not qualify as a major site plan, which would require Board approval. Mr. Milam said that because the project is located within a planned mixed-use district, a development plan applies, not a major site plan (as specified in Section 4.05 of the UDO). He provided a similar example with Upper Arlington Lutheran Church.

Mr. Carpenter asked if the development plan was reviewed by the Board, in accordance with Section 4.05(g) of the UDO. Mr. Milam said that Staff determined that the Board reviewed the development plan in 2004 and the addition of the rear parking lot did not substantially change that plan, therefore no additional review was required. Mr. Carpenter is concerned because the project now includes a different property, which at the time of the development plan approval was owned by a separate entity. Mr. Milam said that the parcels are now owned by the same entity and will be consolidated under the same address.

Mr. Callanan asked Staff if they can request the Board review a major development plan. Mr. Milam stated that the code would not allow it.

Mr. Callanan asked Staff if the parking lot improvements are in conformance with the plans that were submitted. Mr. Milam said that what is constructed is different from what was approved on the CZC. It is Staff's understanding that OhioHealth plans on resubmitting plans, but they wanted to wait until this process was resolved.

Mr. Callanan asked the Board to consider reducing the cut-through traffic and the errant entrance into his property by requesting that the setback be at least 10 feet, and more preferably the driveway be centered.



Mr. McGrath asked how moving the driveway would reduce traffic. Mr. Callanan said it will reduce the amount of errant traffic into his property and, if it is tree-lined, it will be clearer that the driveway is for OhioHealth and not a cut-through. Mr. Westbrook said he believes it will make no difference if the driveway is moved ten feet. Mr. Callanan said it may not eliminate the traffic, but it will reduce it. Mr. Callanan said with the driveway moved north, drivers would not be able to see Lane Avenue and anticipate the driveway as a cut-through. Ms. Mitchell asked if there is errant traffic now, and Mr. Callanan confirmed there is.

Roland Tokarski, Vice President for Real Estate Construction and Facilities for OhioHealth, gave an overview of OhioHealth's interest in the property. In 2021 OhioHealth started to explore expanding its services in Upper Arlington at the site on Lane Avenue. One of the services they are planning for this particular site is neuro services (e.g., Parkinson's). They are concerned with safety and access for these vulnerable patients. When investigating all of the access points, the rear parking lot offered an interesting addition. Key aspects were the additional parking spaces, an existing roadway and curb cut, and a way for visitors to access Lane Avenue without having to make a left turn onto Lane Avenue. OhioHealth purchased both parcels in 2022. OhioHealth submitted plans to the City, they were approved, and OhioHealth moved forward with construction. They intend to open in March 2024. Mr. Tokarski pointed out that OhioHealth is planning to add a gate between the two parking areas to restrict access.

Ms. Mitchell asked what type of services OhioHealth plans to provide at the site. Mr. Tokarski said they are primarily neuro services. She also asked for specifics on the gate location. Mr. Tokarski said it would be where the exit to North Star Road sign is located; between the two parking areas. He also said OhioHealth is open to any type of signage along North Star Road, speed bumps, etc.

Mr. Carpenter asked why the entrance off of North Star Road was built differently than the plans. Mr. Tokarski said that as the project progressed they felt widening the driveway would provide a safer path; however, the curb cut remains the same. He said they notified the City of the changes.

Aaron Heironimus, Director of Construction for the OhioHealth project, said they expanded the drive aisle up to 24 feet. The 24-foot driveway allows better two-way traffic flow, this is particularly important given the type of patients planned for this facility.



Mr. Carpenter asked if the City was aware that OhioHealth was expanding the driveway. Mr. Heironimus confirmed that they notified the City. Mr. Carpenter asked if the building permit was modified. Mr. Milam said they were aware of the driveway expansion, but the revised plans have not been submitted. Mr. Carpenter asked if the plan moving forward is to submit updated as-built plans after this process is concluded. Mr. Heironimus confirmed that is OhioHealth's plan.

Mr. Carpenter asked if they plan to add anything to limit access to the parking off of North Star Road. Mr. Tokarski said they have no plans to limit access to this parking area because the City will be using it for public parking. He said this access point will allow patients to easily access Lane Avenue going east.

Ms. Pettit noted that last year City Council approved Ordinance 20-2023, authorizing the City Manager to enter into a 15-year lease agreement to use the rear parking area as public parking after hours.

Chair Tolliver asked for public comment; there was none.

Motion by Ms. Mitchell, seconded by Mr. Carpenter, to enter into Executive Session in order to deliberate in the Board's quasi-judicial capacity.

<u>Roll Call</u>	<u>Vote</u>
Carpenter	Aye
McGrath	Aye
Mitchell	Aye
Tolliver	Aye
Westbrook	Aye

Motion carried and the Board went into Executive Session at 7:51 pm, held in the Council Committee Room.

Motion by Mr. Westbrook, seconded by Ms. Mitchell, to end the Executive Session.

<u>Roll Call</u>	<u>Vote</u>
Carpenter	Aye
McGrath	Aye
Mitchell	Aye
Tolliver	Aye
Westbrook	Aye



Motion carried and the Board ended Executive Session at 8:25 pm.

Mr. Carpenter said there are several issues related to the appeal and the parking lot modifications. Issue 1: Per the UDO, driveways can be located on the existing property line, and the subject property had a driveway that was located on the property line that has subsequently been expanded to the north. However, it is essentially located in its original location. Issue 2: Increased errant traffic does not change if you move the driveway further to the north. Issue 3: This relates to financial burden and Mr. Carpenter said that this is not typically the purview of the Board. Ms. Pettit said it would be relevant on an issue of standing, but she did not hear that in the testimony tonight. Item 4: There was no testimony related to negative impacts on the working environment at 2447 North Star Road and Mr. Carpenter does not believe this is the purview of the Board.

Mr. Carpenter said he does have some concerns regarding changes to the approved plans and wants to make sure the as-built plans are submitted so the City has a record. He supports cut-throughs, especially given the use of these facilities, and eliminating left turns onto Lane Avenue.

Mr. McGrath agrees with Mr. Carpenter. He believes that the majority of the arguments in the appeal focus on centering the driveway, but this does not appear to have a basis in the code.

Motion by Mr. Carpenter, seconded by Ms. Mitchell, to grant the appeal at 1480 W. Lane Avenue and 2455 North Star Road (APP-01-24).

<u>Roll Call</u>	<u>Vote</u>
McGrath	No
Mitchell	No
Tolliver	No
Westbrook	No
Carpenter	No

The motion failed (0-5).

6. Zoning Map/Text Amendments

- a. Review and recommendation to City Council of proposed amendments to the Unified Development Ordinance (UDO).**



City of Upper Arlington

BZAP Minutes | Page 16 of 19 | 1/17/2024

Mr. Milam reviewed the proposed UDO changes related to utility stations. Many of these stations are located within enclosed buildings that were constructed in the 1990s. Since that time, the City adopted the UDO in 2002 and the code doesn't address these types of structures. Staff are beginning to anticipate improvements from utilities, such as AEP, Columbia Gas, etc., and want to ensure there are appropriate guardrails in place to protect the public. Mr. Milam cited upcoming utility work in Marble Cliff and Clintonville.

The proposed changes include definitions, particularly for utility stations. Mr. Milam said these generally follow the current code and processes for utility structures (e.g., small cable boxes). He noted that none have come before the Board yet but would be conditional uses if they did. Staff did include standards that all the equipment for the utility stations would be housed in a structure that blends in with the existing character of the area.

Mr. Milam stated that Staff is asking the Board for a recommendation to City Council. City Council would like to review these changes before Spring Break. He noted two things: 1) the definition of development cover has changed (gravel and grass pavers and any part of the principal structure in the front yard setback do not count) and 2) the definition of a structured parking lot was updated.

Ms. Pettit added that Staff simplified the UDO changes, but the City is limited on what it can control with utilities. The City wants to ensure stations located in residential areas blend into the areas, therefore, these types of structures will come before the Board for review. Utilities have a lot of special rights that other property owners do not have.

Mr. Westbrook asked if pedestals were included in this new definition. Mr. Milam confirmed they are not. Pedestals are utility structures, not utility stations. Ms. Pettit noted that pedestals can still be located in the right-of-way or easements.

Mr. Carpenter suggested that Section 6.10(C)(11)(b)(iv) be changed to read "A Building Permit shall be required for any new and/or replacement utility station(s)." Mr. Milam and Ms. Pettit agreed to the change.

Motion by Ms. Mitchell, seconded by Mr. Carpenter, to recommend the proposed amendments to the UDO to City Council with the addition of "or", as noted above.



VOTING AYE: Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook
VOTING NAY: None
ABSENT: Daniel Barringer, Donald Osterhout
ABSTAIN: None

The motion carried (5-0).

7. Community Center Update

a. Bob Crane Community Center Signage

Mr. Milam presented the signage plan for the Bob Crane Community Center. Signage includes a halo-lit UA Parks and Recreation logo with the Community Center title on the north exterior. Ms. Mitchell asked if they had considered making the signage larger. Mr. Milam confirmed he has spoken with the Parks and Recreation Department about this issue, but they are confident the lettering is large enough. Mr. Milam noted the Community Center address is on the Tremont Road side of the building. A vertical halo-lit sign is located facing south along Tremont Road. There is another smaller sign at the south entrance. Also, along Tremont Road are two signs, one on the vertical post and the other on the first-floor siding. Mr. McGrath asked about the cladding. Mr. Milam said he believes it is masonry. Mr. Westbrook asked Staff to confirm. Overall it is not a great deal of signage. Ohio State is not getting any signage, nor is the café. Staff does not anticipate any temporary signage.

Mr. McGrath asked if there is wayfinding signage. Mr. Milam said it is still in progress.

Chair Tolliver asked why the Board does not need to approve the signage plan. Mr. Milam stated it is because it is a City facility, although the Board could make recommendations if they desired. Mr. Milam stated Staff will come back with parking garage signage soon.

8. Adjournment

Mr. Westbrook moved, seconded by Ms. Mitchell, to adjourn.

VOTING AYE: Kevin Carpenter, Matt McGrath, Marianne Mitchell, Shannon Tolliver, Bill Westbrook
VOTING NAY: None
ABSENT: Daniel Barringer, Donald Osterhout
ABSTAIN: None



City of Upper Arlington

BZAP Minutes | Page 18 of 19 | 1/17/2024

The motion carried (5-0) and the meeting was adjourned at 8:50 pm.

ATTEST:

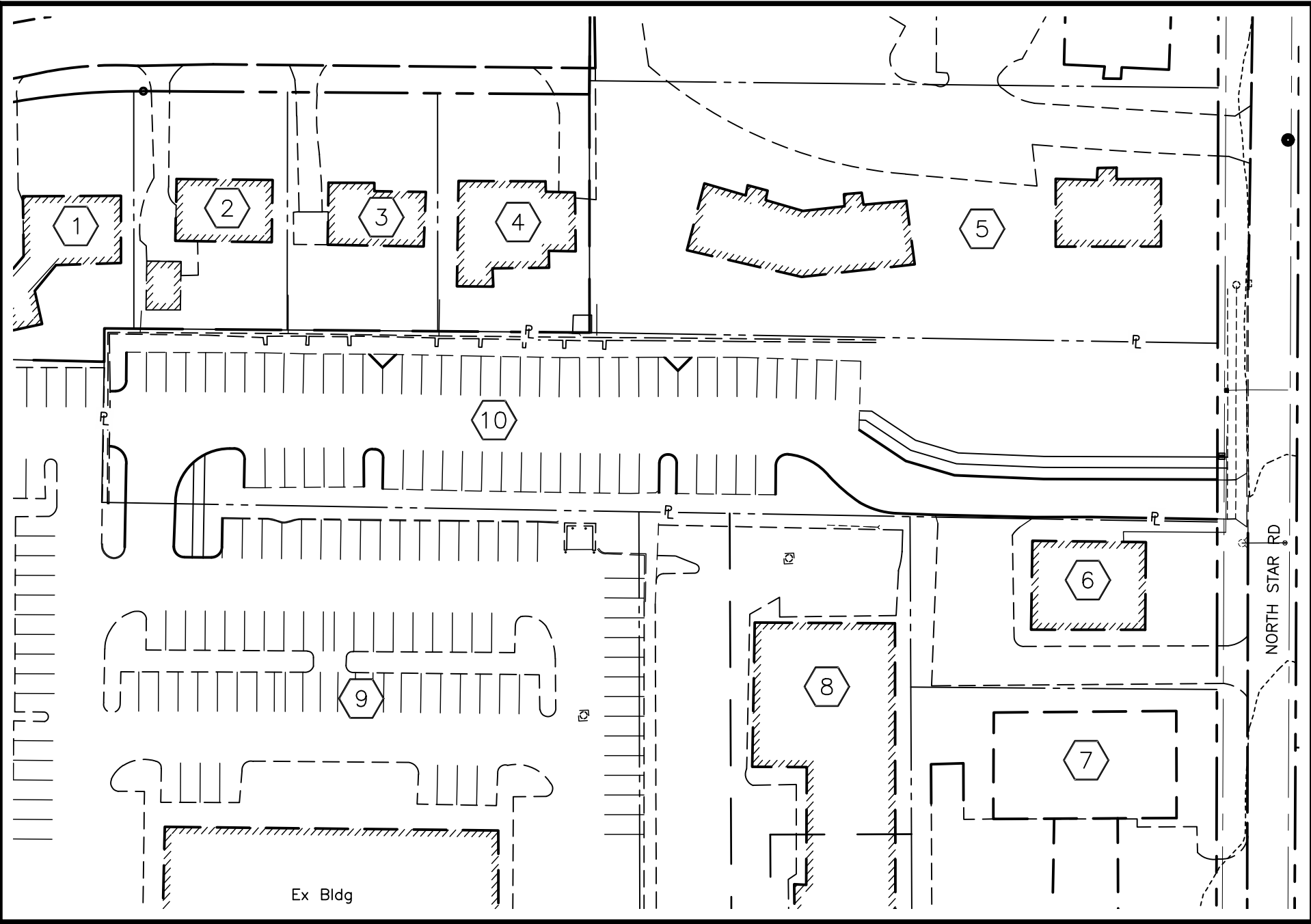
CHAIR:



CITY OF UPPER ARLINGTON, FRANKLIN COUNTY, OHIO
PRIVATE SITE IMPROVEMENT PLAN
FOR
OHIO HEALTH LANE
PARKING LOT MODIFICATIONS
2023

BENCH MARKS
(NAVD 1988)

- BM#41 Chiseled square on the north side of a concrete light pole base located 275 feet north of the northwest building corner of 1480 W. Lane Ave.
Elev. = 837.00
- BM#42 Chiseled square on the north side of a concrete light pole base located 275 feet north of the northeast corner of 1480 W. Lane Ave.
Elev. = 837.24

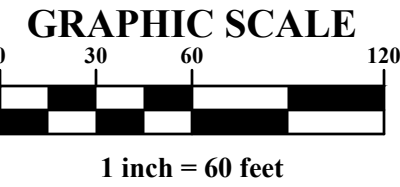


INDEX MAP
Scale: 1" = 60'

STANDARD CONSTRUCTION DRAWINGS

The Standard Construction Drawings listed on these plans are to be considered a part thereof.

- AA-S112
AA-S115
AA-S133B



SHEET INDEX

TITLE SHEET	1
GENERAL NOTES	2
DETAILS	3
EXISTING CONDITIONS AND DEMOLITION PLAN	4
PAVEMENT PLAN	5
UTILITY AND GRADING PLAN	6
EROSION CONTROL PLAN	7
LANDSCAPE PLAN	8
LANDSCAPE DETAILS AND NOTES	9

OWNERSHIP

- 1 Song Young
APN: 070-008041-00
Deed Acreage: 0.1863 ac
- 2 Sharon S Arnold
APN: 070-008040-00
Deed Acreage: 0.1752 ac
- 3 Roberta W Lindner
APN: 070-008039-00
Deed Acreage: 0.1716 ac
- 4 James M Vaughan
APN: 070-008038-00
Deed Acreage: 0.1735 ac
- 5 Omberley Village INC
APN: 070-004514-00
Deed Acreage: 0.7651 ac
- 6 Akinita Five LLC
APN: 070-004548-00
Deed Acreage: 0.2487 ac
- 7 Emro Marketing Co
APN: 070-004168-00
Deed Acreage: 0.5425 ac
- 8 C-Z Company
APN: 070-004547-00
Deed Acreage: 0.8286 ac
- 9 Ohio Health Corporation
APN: 070-004546-00
Deed Acreage: 1.8739 ac
- 10 Ohio Health Corporation
APN: 070-004665-00
Deed Acreage: 0.9496 ac

PREPARED BY:



DEVELOPER/OWNER

Elford
Ally Ritter
1220 Dublin Road
Columbus, Ohio 43215
Tel: (614) 315-4277

Registered Engineer No.

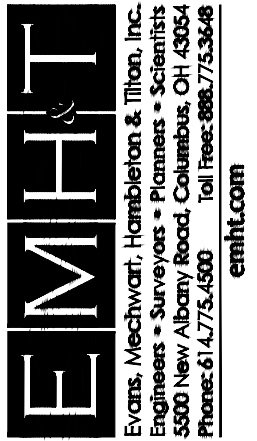
Date

REVISIONS

MARK	DATE	DESCRIPTION

Elford

CITY OF UPPER ARLINGTON, FRANKLIN COUNTY, OHIO
PRIVATE SITE IMPROVEMENT PLAN
FOR
OHIO HEALTH LANE
TITLE SHEET



DATE

July 14, 2023

SCALE

1" = 60'

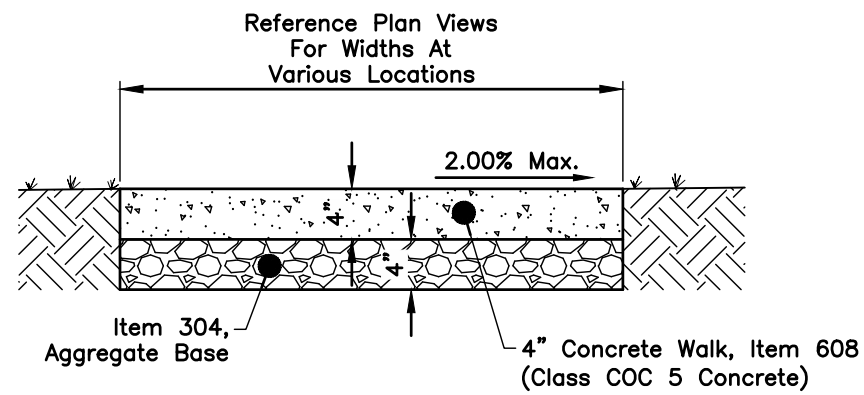
JOB NO.

20230106

SHEET

1/9

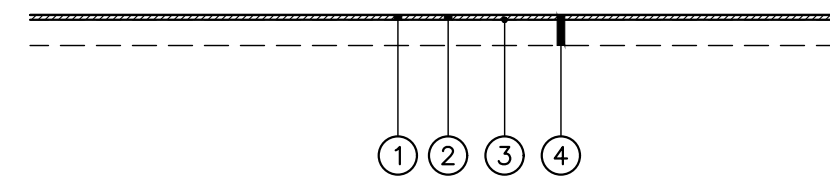
J:\20230106\Drawings\Site Improvement Plan\20230106 - General Notes & Details.dwg, Last Saved By: Imiller, 7/14/2023 6:54 AM Last Printed By: Bauman, Katherine, 7/14/2023 11:01 AM (No Xrefs)



NOTES

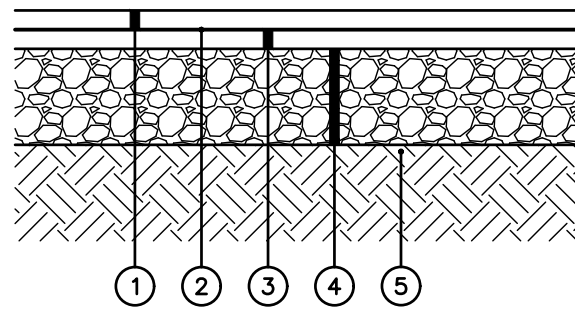
Sidewalk Joints Shall Be In Accordance With CMSC Item 608.03 Unless Otherwise Detailed As A Part Of The Building Or Landscape Architect Plans.

A DETAIL
CONCRETE SIDEWALK Not to Scale



- Item 254, 1-1/2" Pavement Planing, Asphalt Concrete
- Item 448, 1-1/2" Asphalt Concrete, Surface Course, Type 1 Medium Traffic, PG 64-22
- Item 407, Tack Coat (Applied @ A Rate Of 0.10 Gal./sq.yd.) Contractor Shall Clean Asphalt Surface Prior To Application.
- Existing Pavement Or Gravel

D DETAIL
ASPHALT OVERLAY WITH PAVEMENT PLANING Not to Scale

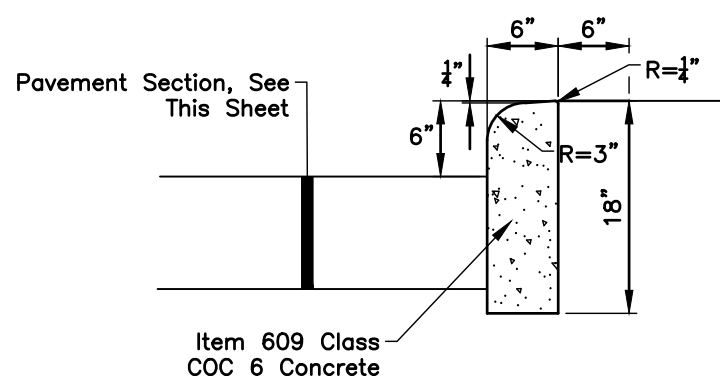


- CMSC Item 441, 1.5" Asphalt Concrete, Surface Course, Type 1, (448) PG 64-22
- CMSC Item 407, Tack Coat, Applied At A Rate Of 0.10 Gal. Per Sq. Yd.
- CMSC Item 441, 1.5" Asphalt Concrete, Intermediate Course, Type 2, (448)
- CMSC Item 304, 6" Aggregate Base
- CMSC Item 204, Subgrade Compaction

NOTES

- Pavement Recommendation Provided By [Geotechnical Consultant] EMH&T Assumes No Liability For Pavement Section

B DETAIL
STANDARD DUTY ASPHALT PAVEMENT Not to Scale



E DETAIL
CURB, 18" STRAIGHT WITHOUT UNDERDRAIN Not to Scale

General Notes:

- The height of a silt fence shall not exceed 16-inches (higher fences may impound volumes of water sufficient to cause failure of the structure).
- The filter fabric shall be purchased in a continuous roll cut to the length of the barrier to avoid the use of joints. When joints are necessary, filter cloth shall be spliced together only at a support post, with a minimum of a 6 inch overlap, and securely sealed.
- Posts shall be spaced a maximum of 10 feet apart at the barrier location and driven securely into the ground (minimum of 12 inches).
- A trench shall be excavated approximately 4 inches wide and 6 inches deep along the line of posts and upslope from the barrier.
- The standard strength filter fabric shall be stapled or wired to the fence, and 8 inches of the fabric shall be extended into the trench. The fabric shall not extend more than 16 inches above the original ground surface. Filter fabric shall not be stapled to existing trees.
- The trench shall be backfilled and soil compacted over the filter fabric.
- Silt fences shall be removed when they have served their useful purpose, but not before the upslope area has been permanently stabilized.

Maintenance Notes:

- Silt fences and filter barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately. Should the fabric on a silt fence or filter barrier decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, the fabric shall be replaced promptly. Sediment deposits should be removed after each storm event. They must be removed when deposits reach approximately one-half the height of the barrier.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required shall be dressed to conform with the existing grade, prepared and seeded.

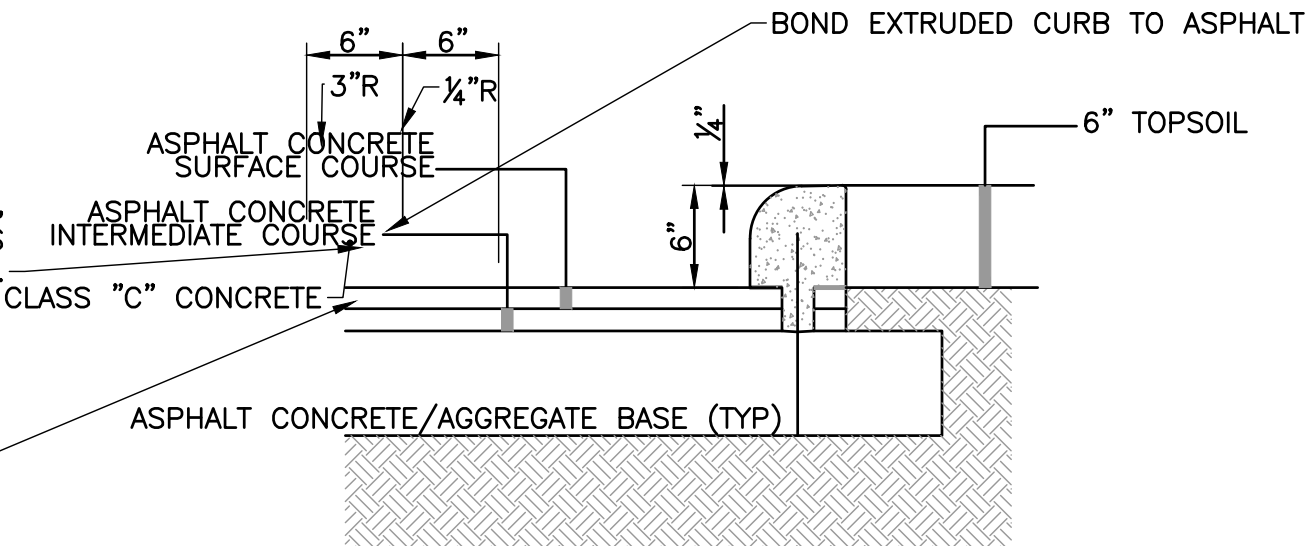
Notes:

-The use of straw wattles has proven to be a versatile and effective ESC BMP, especially in residential settings. Straw wattles may be substituted for silt fence.
-Additionally, the use of compost filter socks and compost blankets are gaining wider acceptance nationwide. They are now approved for use on all Columbus SWPPP plans and construction sites.

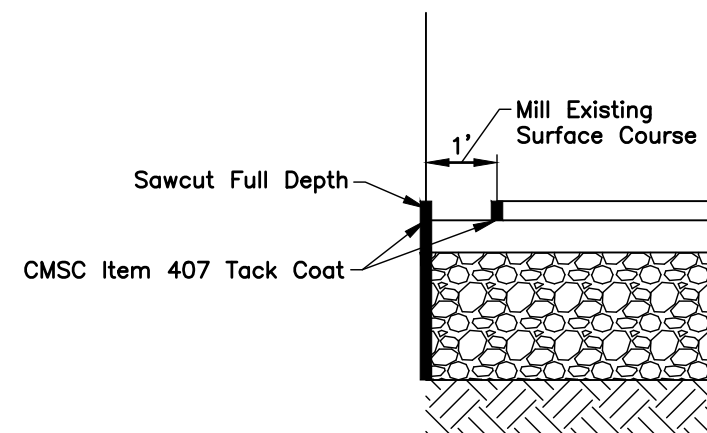
G DETAIL
SEDIMENT FENCE Not to Scale

"KEY" CONCRETE CURB TO PAVEMENT, SPACE 3" HOLE AT 4' INTERVALS OR AS DIRECTED BY ENGINEER.

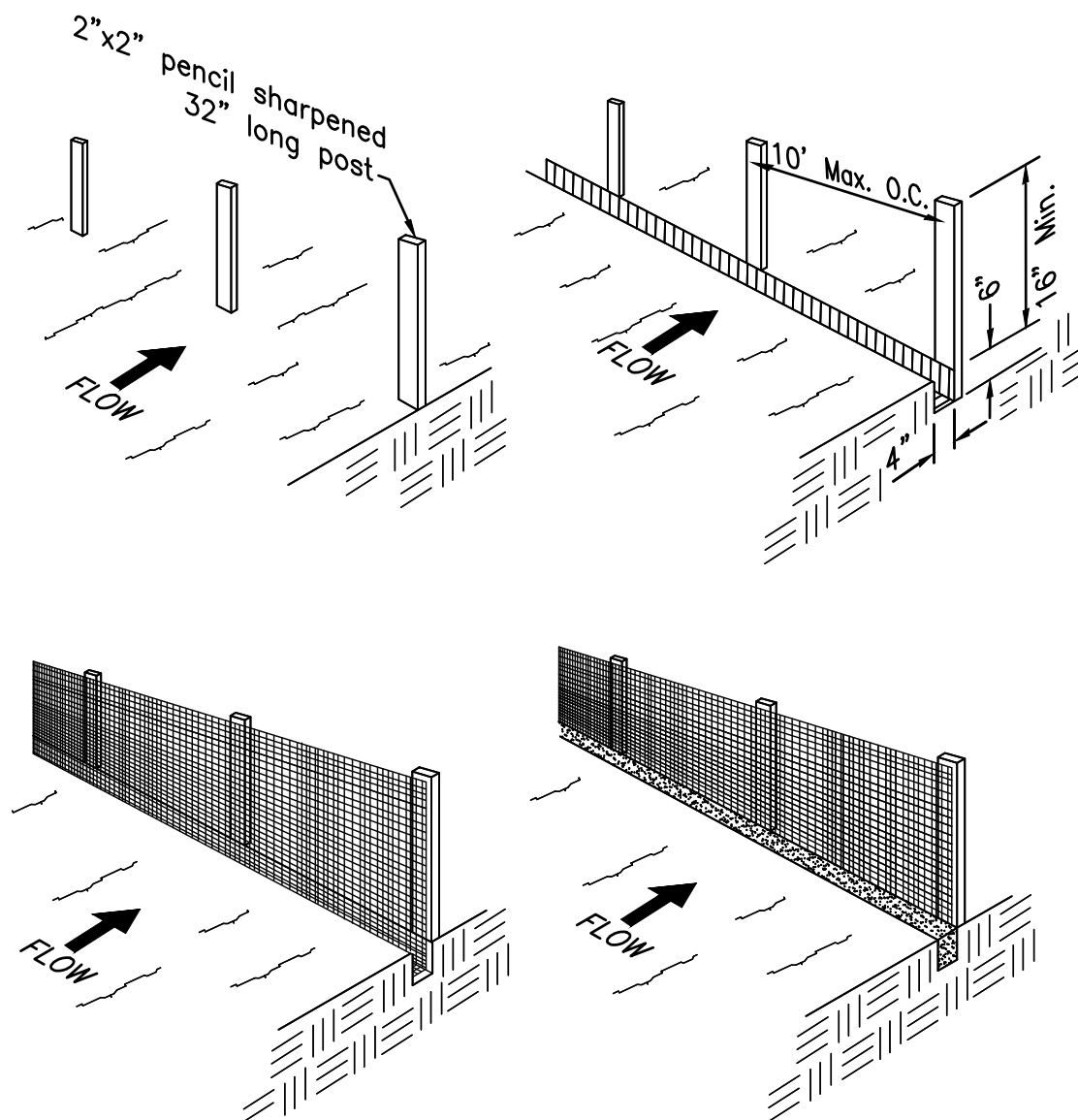
1/2" REBAR 12" LONG PLACED EVERY 8' IN EVERY OTHER "KEY". TOP OF REBAR TO BE PLACED THAT END OF REBAR IS 2" BELOW FINISHED TOP OF CURB.



C DETAIL
EXTRUDED CURB Not to Scale



F DETAIL
SAWCUT JOINT DETAIL Not to Scale

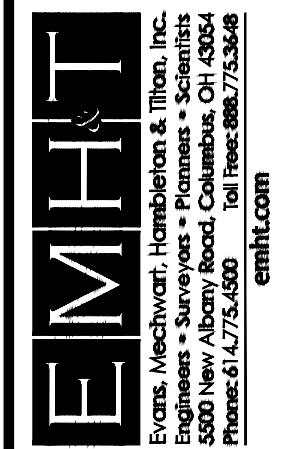


REVISIONS

MARK	DATE	DESCRIPTION

Elford

CITY OF UPPER ARLINGTON, FRANKLIN COUNTY, OHIO
PRIVATE SITE IMPROVEMENT PLAN
FOR
OHIO HEALTH LANE
DETAILS



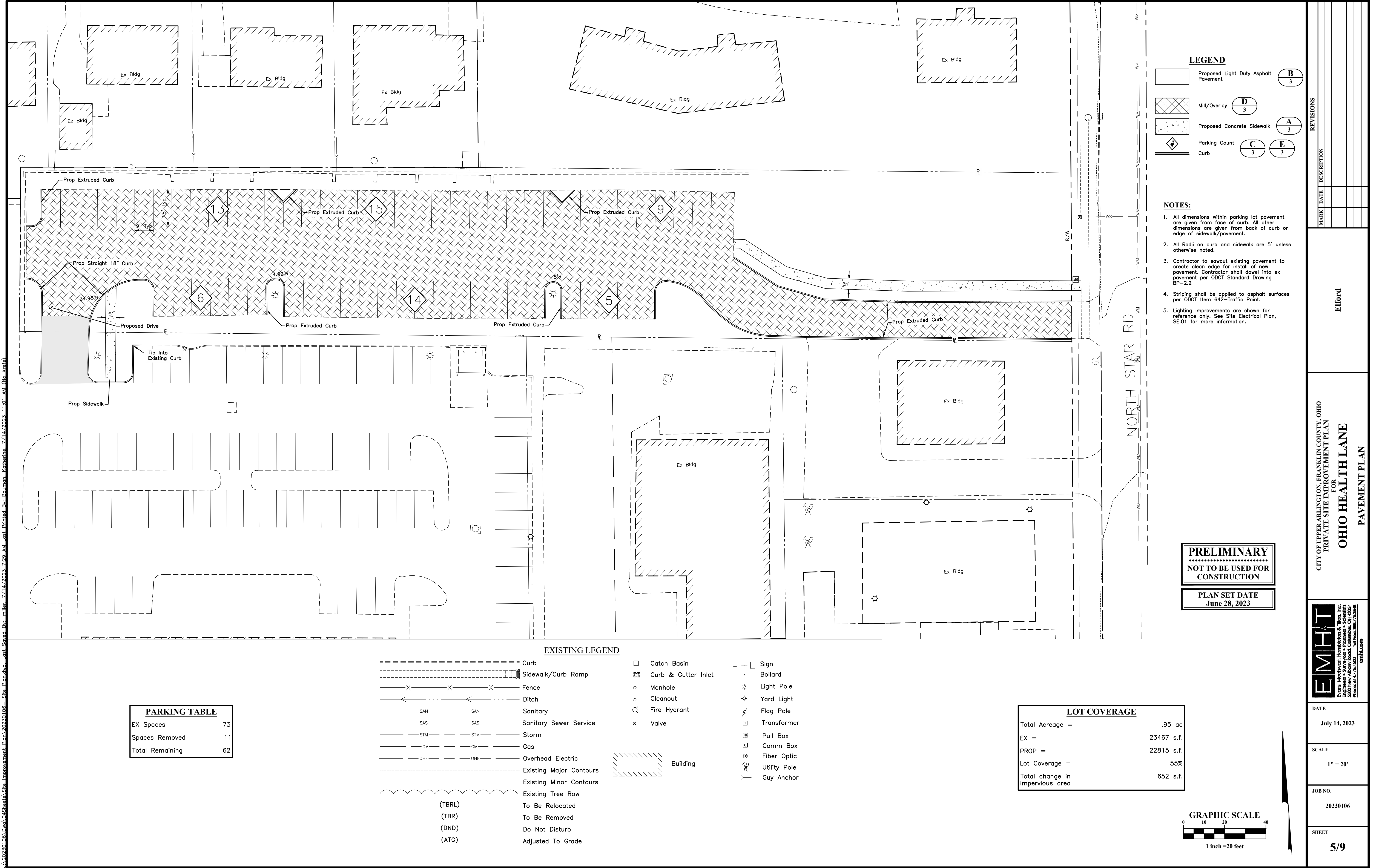
DATE
July 14, 2023

SCALE
1" = 20'

JOB NO.
20230106

SHEET
3/9

\\20230106\Draw\04\Sheets\Site Improvement\Plan\20230106-Site Plan.dwg, Last Saved By: Bauman, Katherine, 7/14/2023 11:01 AM (No Xrefs)



LEGEND

	Proposed Light Duty Asphalt Pavement	
	Mill/Overlay	
	Proposed Concrete Sidewalk	
	Parking Count	
	Curb	

NOTES:

- All dimensions within parking lot pavement are given from face of curb. All other dimensions are given from back of curb or edge of sidewalk/pavement.
- All Radii on curb and sidewalk are 5' unless otherwise noted.
- Contractor to sawcut existing pavement to create clean edge for install of new pavement. Contractor shall dowel into ex pavement per ODOT Standard Drawing BP-2.2
- Striping shall be applied to asphalt surfaces per ODOT item 642-Traffic Paint.
- Lighting improvements are shown for reference only. See Site Electrical Plan, SE.01 for more information.

PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

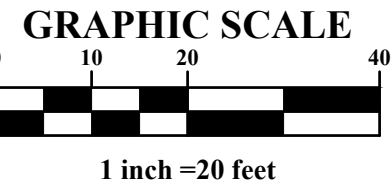
PLAN SET DATE
June 28, 2023

PARKING TABLE	
EX Spaces	73
Spaces Removed	11
Total Remaining	62

EXISTING LEGEND	
	Curb
	Sidewalk/Curb Ramp
	Fence
	Ditch
	Sanitary
	Sanitary Sewer Service
	Storm
	Gas
	Overhead Electric
	Existing Major Contours
	Existing Minor Contours
	Existing Tree Row
(TBRL)	To Be Relocated
(TBR)	To Be Removed
(DND)	Do Not Disturb
(ATG)	Adjusted To Grade
	Catch Basin
	Curb & Gutter Inlet
	Manhole
	Cleanout
	Fire Hydrant
	Valve
	Building
	Sign
	Ballard
	Light Pole
	Yard Light
	Flag Pole
	Transformer
	Pull Box
	Comm Box
	Fiber Optic
	Utility Pole
	Guy Anchor

LOT COVERAGE

Total Acreage =	.95 ac
EX =	23467 s.f.
PROP =	22815 s.f.
Lot Coverage =	55%
Total change in impervious area	652 s.f.



MARK	DATE	DESCRIPTION

Elford

CITY OF UPPER ARLINGTON, FRANKLIN COUNTY, OHIO
PRIVATE SITE IMPROVEMENT PLAN
FOR
OHIO HEALTH LANE
PAVEMENT PLAN

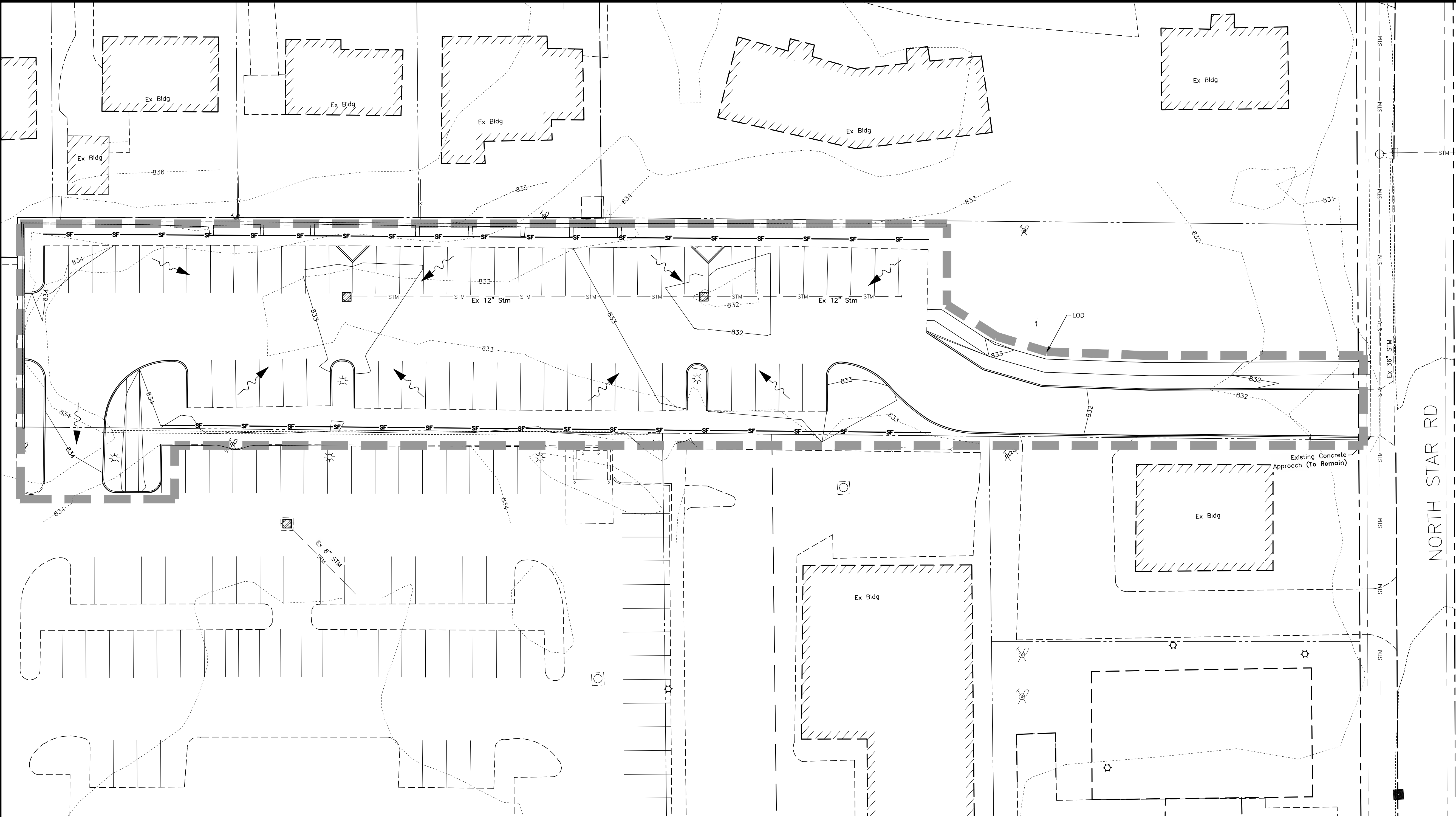
EMHT
Eckman, McSherry, Hunsberger & Tiller, Inc.
Engineers - Surveyors - Planners - Scientists
5800 New Albany Road, Columbus, OH 43254
Phone: 614.775.5500 Fax: 614.775.5501 emht.com

DATE	July 14, 2023
SCALE	1" = 20'
JOB NO.	20230106
SHEET	5/9

	Catch Basin		Sign
	Curb & Gutter Inlet		Bollard
	Manhole		Light Pole
	Cleanout		Yard Light
	Fire Hydrant		Flag Pole
	Valve		Transformer
			Pull Box
			Comm Box
			Fiber Optic
			Utility Pole
			Guy Anchor

Building

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LEGEND

Flood Routing Arrow

Flow Arrow

Existing Contours

Proposed Contours

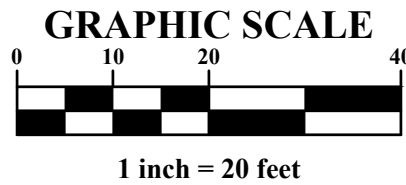
Limits of Disturbance

Silt Fence
(See Detail, Sheet 7)

Dandy Bag Sediment Filter
(See Detail, Sheet 9)

PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

PLAN SET DATE
June 28, 2023



REVISIONS

MARK	DATE	DESCRIPTION

ELFORD

CITY OF UPPER ARLINGTON, FRANKLIN COUNTY, OHIO
PRIVATE SITE IMPROVEMENT PLAN
FOR
OHIO HEALTH LANE
EROSION CONTROL PLAN

EMHT
E.M. HART
5000 New Albany Road, Columbus, OH 43244
Phone: 614.775.5500 Fax: 614.775.5501 emht.com

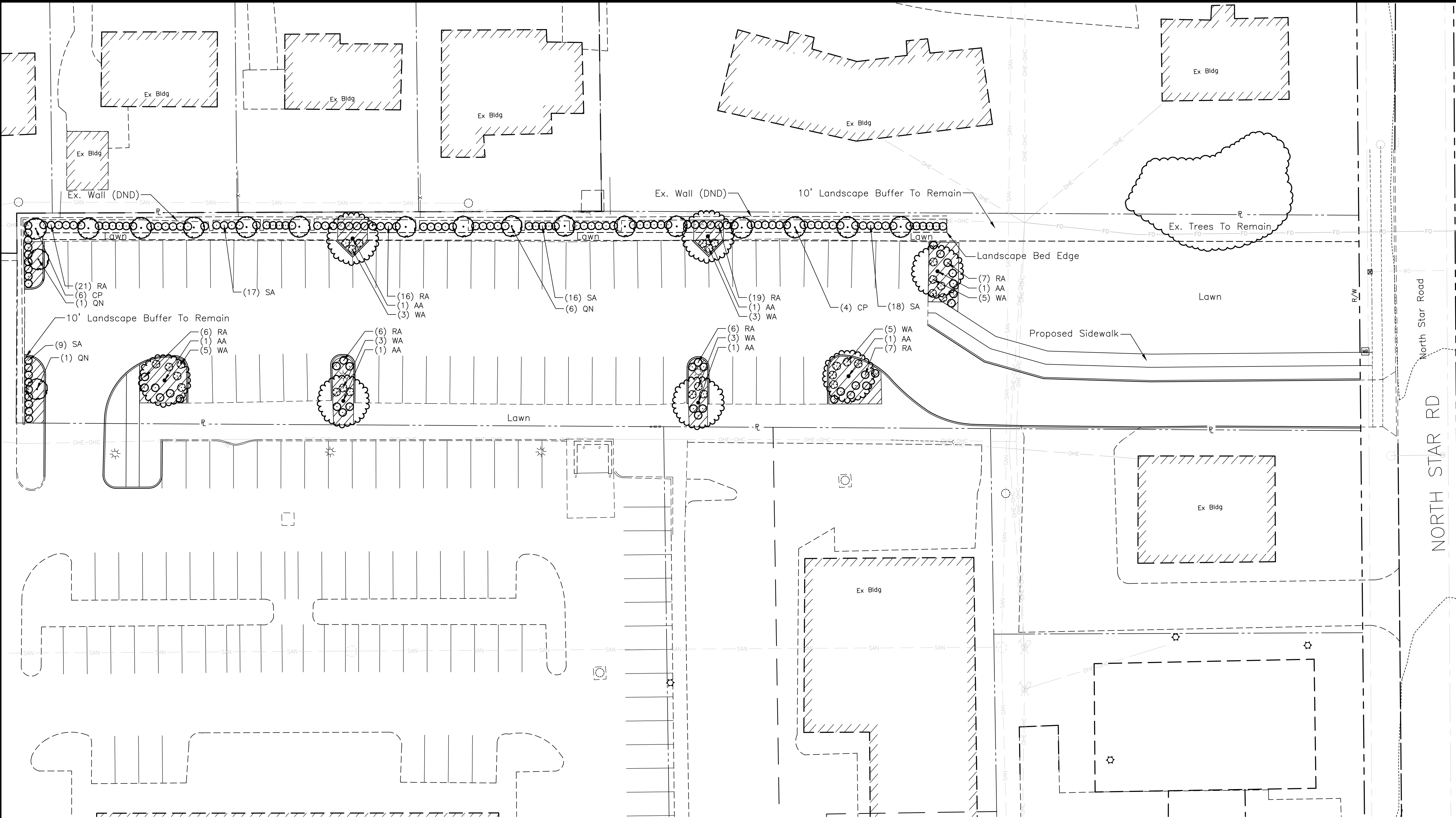
DATE
July 14, 2023

SCALE
1" = 20'

JOB NO.
20230106

SHEET
7/9

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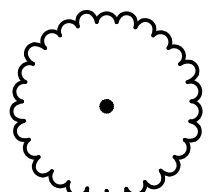
LANDSCAPE CALCULATIONS

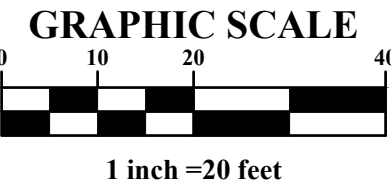
Refer to City of Upper Arlington Ohio Code of Ordinances
6.07 Landscaping, Screening, and Buffering

- (I) Minimum Landscape Buffer: Any property within a planned mixed use district shall contain a minimum buffer of at least 10 feet in width, except street frontages
- (1) Fence or wall: Existing Wall to Remain
 - (2) Fence or wall Screening: One type G shrub planted every 3 feet within the landscape buffer.
 - (3) Canopy and Shielding - At least one type A, B, C, or D tree shall be installed at a minimum of every 20 feet within the landscape buffer and shall exceed the height of the adjacent fence at installation.
- Type A Tree Prairie Sentinel Hackberry Installed every 20 feet

- (J) Parking Area Landscaping
- (1) Landscape Islands: PMUD requires one landscape island between every 15 parking spaces. One type A, B, or C tree shall be in each landscape island, and shrubbery, hedges, or other landscape plants shall be used to compliment the tree.
 - (2) Interior Green Space Ratio: Interior parking lot landscaping shall cover at least 8% of the parking area
Parking Surface Area:
19,520 x .08 = 1,562 sq. ft. of landscaped area needed
1,575 sq. ft. landscaped area provided
 - (3) Minimum Landscape Buffer: Provided. See 6.07(I) above.
 - (4) Adjacent to public right of way: Not Applicable

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
	AA	7	Acer saccharum 'Autumn Splendor'	Autumn Splendor Sugar Maple	3" Cal.	B&B
	CP	10	Celtis occidentalis 'JFS-KSU1'	Prairie Sentinel Hackberry	3" Cal.	B&B
	QN	7	Quercus robur x bicolor 'Nadler'	Kindred Spirit Oak	3" Cal.	B&B
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
	RA	88	Ribes alpinum	Alpine Currant	2' Ht.	Cont.
	SA	60	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spirea	2' Ht.	Cont.
	WA	27	Weigela florida 'Alexandra'	Wine & Roses Weigela	2' Ht.	Cont.
			Interior Green Space			



REVISIONS	
MARK	DESCRIPTION

Elford

CITY OF UPPER ARLINGTON, FRANKLIN COUNTY, OHIO PRIVATE SITE IMPROVEMENT PLAN FOR OHIO HEALTH LANE LANDSCAPE PLAN
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EMHT
Engineering, Mapping, & Technology, Inc.
Engineers • Surveyors • Planners • Scientists
5800 New Albany Road, Columbus, OH 43254
Phone: 614.775.5500 • Fax: 614.775.5501 • emht.com

DATE
July 14, 2023

SCALE
1" = 20'

JOB NO.
20230106

SHEET
8/9



1. Prior to installation, the landscape contractor shall inspect the general site conditions and verify the subgrade, elevations, utility locations and topsoil provided by general contractor. The landscape contractor shall notify the general contractor of any unsatisfactory conditions and work shall not proceed until such conditions have been corrected and are acceptable to the landscape contractor.
2. All plants shall meet or exceed standards set in the American Standard for Nursery Stock, ANSI Z60.1, current edition. All plants shall equal or exceed the measurements and sizes specified in the schedule.
3. Substitutions shall only be permitted with notification and written approval from the Owner. Substituted material shall be of equal or greater in size than the specified plant. Substituted plants shall have the same essential characteristics and growth habit of the specified plant.
4. Confirm location of all utilities and subsurface drain lines prior to plant installation.
5. A pre-installation conference shall be conducted prior to planting operations with Owner and Contractor present.
6. Contractor may slightly field adjust plant locations as necessary to avoid utilities. Finished planting beds shall be graded to provide positive drainage.
7. Irrigation system, if applicable, shall be complete and operational prior to landscape planting.
8. Contractor shall repair all lawn areas disturbed during construction with seed and water and a healthy, weed free lawn prior to project acceptance.
9. Seed all areas within contract limits that are not covered by paving, buildings or planting beds unless otherwise noted. Seeding shall not begin until area has received topsoil and finished grade.
10. Mix planting beds with shredded hardwood mulch of uniform dark brown color. Mulch shall be free of twigs, leaves, disease, pest or other material unsightly or injurious to plants. Average applied thickness shall be 3" depth. Mulch edges in a continuous bed.
11. Planting beds shall be covered with pre-emergent herbicide applied at product specified rate unless otherwise noted.
12. Bed edge shall be smooth, consistent, hand trenched 4" deep and "V" shaped unless otherwise noted. All excavated material shall be removed from the bed edge and planting bed.
13. All planting bed edges to be smooth flowing arcs or straight lines as shown on plan. Plant locations and layout of beds shall be located by Contractor and approved by Landscape Architect prior to planting.
14. Install all plants in accordance with planting details and specifications.
15. Parking lot and street trees shall have a clear canopy height of 6' min.
16. Trees shall be placed in a minimum 3' x 3' square planting area.
17. Topsoil shall be placed in a blended, manufactured soil consisting of three (3) parts topsoil, one (1) part compost, one (1) part sand. Topsoil shall be per ASTM D5268, pH range of 5.5 to 7, min. 4 percent organic material, free of stones and soil clumps 3/4 inch and larger. Compost shall be yard waste compost from an EPA rated Class IV compost facility or Com-till compost from City of Columbus Department of Public Utilities. Sand shall be per item ASTM C33.
18. Proprietary manufactured Planting Submit products such as Kurta Bros. Professional Blend Place Planting Mix in settled 6 inch lifts.
19. Mix Mycorrhizal Fungi into Planting Mix during placement of Planting Mix. Application rate shall be according to manufacturer's written recommendations. Mycorrhizal Fungi shall be a dry, granular inoculant containing vesicular-arbuscular mycorrhizal Fungi and ectomycorrhizal fungi.
20. Roto-till planting beds to a depth of 12 inches, unless otherwise indicated. Roto-till subgrade of excavation to a depth of 4 inches, unless otherwise indicated. Incorporate a 6 inch lift of planting mix into subgrade. Place remaining Planting Mix in settled 6 inch lifts.
21. Planting beds, including mulch, shall be no higher than 6 inches above adjacent grade and shall not impede surface drainage.
22. All trees and shrubs shall be fertilized with Planting Mix to a minimum settled thickness of 6 inches. Roto-Till subgrade below lawns to a depth of 4 inches, unless otherwise indicated, prior to placement of Planting Mix.
23. All trees and shrubs shall be fertilized with controlled release tablets of 20-10-5 composition. Size and number of tablets shall be per manufacturer's instructions.
24. Concentration and application rate of lawn fertilizer shall be sufficient to amend soil according to recommendations of a qualified soil testing agency. Submit soil test results and amendment recommendations to Owner. Lawn fertilizer shall be in a dry granular form.
25. Contractor to determine plant list quantities from the plan. Graphic representation on plan supersedes in case of discrepancy with quantities on schedule.
26. Any item or areas damaged during construction shall be repaired or replaced to its original condition at the contractor expense.
27. Contractor shall thoroughly water all plants at time of installation and as needed until project acceptance by owner. Contractor shall guarantee all plants installed (except annuals) for one full year, or state of acceptance by the Owner. All plants shall be alive and at a vigorous rate of growth at the end of the guarantee period.
28. All annuals to be provided by Contractor from available seasonal stock.
29. Lawn seed mix shall be proportioned by weight as follows: 10 percent NuBlue or Blue Chip Kentucky Bluegrass; 10 percent Coddieshack or GoldKeeper Perennial Ryegrass; 80 percent Quest, Inferno, Ard 3 and/or Phixie Tall Fescue (cells to 1000 square feet).
30. Sodded lawns shall consist seeded lawns. Seeding rate shall be 6 to 10 pounds per 1000 square feet.
31. Lawn seed shall not have less than 98 percent purity and shall not have less than 90 percent germination.

Elford

CITY OF UPPER ARLINGTON, FRANKLIN COUNTY, OHIO
PRIVATE SITE IMPROVEMENT PLAN

**FOR
OHIO HEALTH LANE**

LANDSCAPE DETAILS AND NOTES



July 14, 2023

SCALE

$$1'' = 20'$$

JOB NO.

20230106

SHEET

9/9





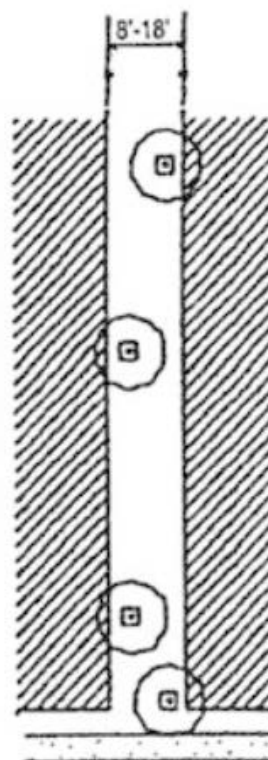
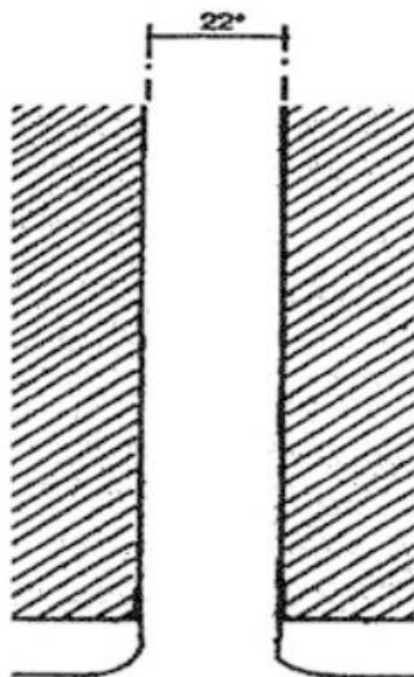
Exhibit D



**More Parking
and Exit on
North Star Rd**

THOROUGHFARE TYPES

AL: Alley
 BV: Boulevard
 CL: Close
 CO: Collector
 CS: Commercial Street
 LA: Lane
 PT: Path
 PS: Passage
 ST: Street

**Thoroughfare Standards****AL-22-22**

Alley: A vehicular access way to the rear of more urban lots providing service areas, parking access, and utility easements. Alleys must be approved by Refuse Collection Division.

PS-0-8

Passage: A pedestrian connector passing between buildings. Passages provide shortcuts through long blocks and connect rear parking areas with street frontages. Passages may be roofed over and lined by shopfronts.

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 11-2024

TO AMEND §2.03, §2.06, §2.08, §5.06, AND §6.10 OF PART 11 – UNIFIED DEVELOPMENT ORDINANCE OF THE UPPER ARLINGTON CODE OF ORDINANCES REGARDING UTILITY STATIONS

WHEREAS, the purpose of this ordinance is to make code adjustments that facilitate a proper balance between necessary utility infrastructure (such as electricity, natural gas, telecommunications, and water) and protecting public health, safety, and welfare, as well as property values; and

WHEREAS, these amendments also ensure that major utility installations include Board of Zoning and Planning review with an opportunity for public comment; and

WHEREAS, such review would be in addition to those required by Ch. 4906 - Power Siting of Title 49 - Public Utilities of the Ohio Revised Code; and

WHEREAS, the proposed UDO amendments were reviewed by the Board of Zoning and Planning on January 17, 2024, and the Board voted unanimously to recommend the changes to City Council; and

WHEREAS, it is the recommendation of Staff that City Council approve the proposed changes to the Unified Development Ordinance.

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

SECTION 1. Sections 2.03, 2.06, 2.08, 5.06, and 6.10 of Part 11 – Unified Development Ordinance of the Upper Arlington Code of Ordinances are hereby amended as described in EXHIBIT A, attached hereto and made a part herein.

SECTION 2. This ordinance shall take effect 30 days after passage.

Ordinance No. 11-2024 Exhibit A

§ 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:

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.

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 underside.

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

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.

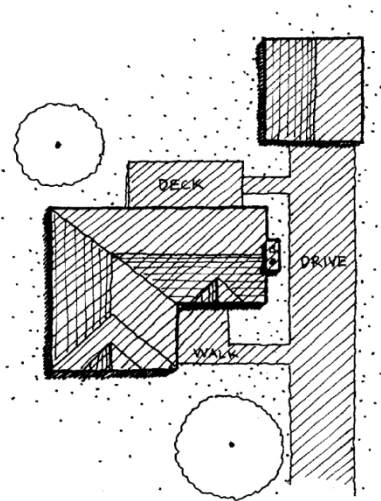
Deck: Means a horizontal platform supported by any combination of posts, beams, foundations, and/or joists with or without handrails, steps or terraces. Terrace in this definition means a portion of the deck stepping up or down with the grade and used in lieu of, or in combination with, more traditional 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. For the purposes of development cover in the front yard, any portion of the principal structure that is located in the front yard shall not be counted.



Development Cover

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.

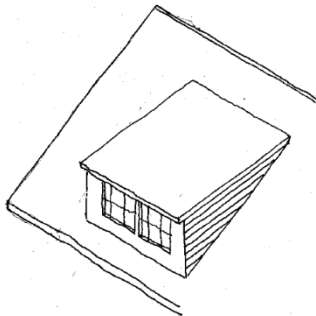
Director of Community Development: means the person appointed by the City Manager as the Director of Community Development pursuant to C.O. § 175.02.

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.

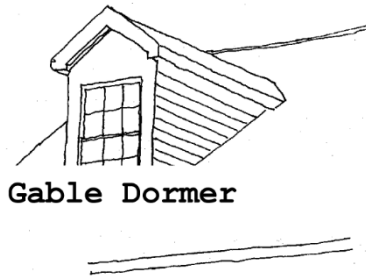
Donation bin/receptacle: means a large container placed in outdoor public locations for people to drop-off or donate used clothing or items, typically for charitable purposes.

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.



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.

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 [and utility stations](#).

(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)

§ 2.06 DEFINITIONS (N—Q).

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.

National Register of Historic Places: means the official listing of properties (including districts, buildings, structures, sites, and objects) managed by the National Park Service to recognize the value of preserving certain structures that are important to local, state, or National American History.

Neighborhood scale: means a commercial development consisting of a single user whose gross floor area is less than five thousand (5,000) square feet in size.

Nonconforming uses: means a building, structure or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, floor area or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

No-impact wireless communication facility: means a facility which is either:

- (1) Virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or
- (2) Camouflaged with stealth design so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna.

Nude: means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

Nursing home: means a home licensed by the Ohio Department of Health which is used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care.

Off-street loading space: means a space for parking one (1) commercial vehicle for pickups and deliveries, which space has minimum dimensions of twelve (12) feet in width, fifty (50) feet in length and fifteen (15) feet in vertical height, which is located in a building or in the open on the same lot as the use such space is intended to serve, which has access to a public street, and which is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation drive or off-street parking space.

Off-street parking space: means an area for parking one (1) or more motor vehicles, which is located in a building or in the open, which has access to a public street, and which is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation drive or off-street loading space. Off-street parking spaces shall have minimum rectangular dimensions as shown in Section 6.03.

Open-sided structure: means a free-standing, unheated structure unenclosed except for a structural system supporting a roof, and screen panels which may be used to enclose the open spaces between structural elements.

Open space: means the land remaining after all development cover has been constructed on a given lot or in a given area. Open space for public use, such as parks, should not be confused with open space provided to separate buildings, parking, roads and miscellaneous pavement as part of an overall project design.

Ornamental feature: means a structure or any part of a structure of wood, metal, masonry or other material used to ornament any part of a yard area.

Overlay district: means a district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

Package shipment services: A commercial enterprise having as its primary function the pick-up, transport, shipping and delivery of parcels or packages.

Parking area, private: means an open area for the same uses as private garage.

Parking area, public: means an open area, excluding a street or other public way, used for the parking of automobiles and available to the public, whether for free or for compensation.

Parking lot, structured - Aboveground: means a structure designed to accommodate motor and other vehicle parking spaces that are fully or partially enclosed or located on the deck surface of a building where some of the parking spaces are located aboveground. ~~This definition includes parking garages, deck parking and under-building parking areas.~~

Parking lot, structured - Underground: means a below grade structure designed to accommodate motor and other vehicle parking spaces where all of the parking spaces are located underground.

Parking lot, surface: means a parking area for motor and other vehicles where there is no gross building area above or below the parking area.

Parking space: means a permanently surfaced area of not less than one hundred sixty-two (162) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

Pavilion: means a freestanding structure that is used primarily for entertainment, relaxation, and/or leisure activities.

Pedestrian Active Uses: means uses which generate significant pedestrian traffic and interest at street level including consumer and service-oriented retail and retail displays, commercial and restaurants, hotel uses, and in some cases residential and residential-oriented services. Entrances and lobbies to groups of uses on higher floors are also considered pedestrian active uses.

Pedestrian Zone: means the area of the Streetscape adjacent to the Furniture Zone that is reserved for pedestrian traffic. The Pedestrian Zone is to remain clear and unobstructed for ease of travel and maintenance.

Performance, standard: means a criterion established in the interest of protecting the public health and safety for the control of vibration, noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

Person: means any natural person, corporation, or partnership and also includes any governmental entity.

Personal services: means an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, massage parlors or spas where the massage is given by a State of Ohio (Ohio State Cosmetology and Barber Board or Board of State of Ohio Nursing or State Medical Board of Ohio or Ohio State Chiropractic Board) licensed massage therapist, non-overnight pet grooming, shoe repair shops, and tailor shops. A tattoo parlor or body-piercing studio shall not be considered a personal service.

Pervious concrete: means a special type of concrete with a high porosity used for concrete flatwork applications that allows water from precipitation and other sources to pass through it, thereby reducing the runoff from a site and recharging ground water levels. The high porosity is attained by a highly interconnected void content, with little to no fine aggregate and enough cementitious paste to coat the aggregate particles.

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

Porch: means a covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

Portable storage unit: means any portable enclosed unit of any type construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

Preservationists: means those entities or individuals that are considered experts by specialized knowledge, skill, experience, training, or education the field of historic preservation.

Primary Street: means a thru vehicular and pedestrian access way that connects to existing public streets of adjacent neighborhoods and is dedicated public right-of-way. A Primary Street may include those designated by the Traffic Code as an arterial, collector, or highway or laned street and is the street that the lot takes its address from, has the highest street classification or highest traffic counts, and orients mostly toward pedestrians.

Principal structure: means a structure, or group of structures, in which is conducted the primary use of the lot on which the structure is located. As regulated in zoning districts, the principal structure contains the principally permitted use.

Principal use: means the primary use and chief purpose of the lot or structure. As regulated in zoning districts, the use of a lot which is permitted within the district. This is often referred to as the principally permitted use, or uses, within the district.

Profile coefficient: means a number which defines the angle of the rear yard profile limit. The definition of rear yard profile limit identifies where this angle is to be constructed. Defining the increase in height permitted in a twelve-foot run is another way of defining the profile limit slope created by this angle. If the number 12 is divided by the profile coefficient, or cotangent, the result will indicate the feet or rise permitted in a twelve-foot run.

Protected Zone: means the residentially-zoned properties surrounding the Lane Avenue PMUD.

Public property: means real estate owned, leased, or otherwise controlled by the City of Upper Arlington, the Upper Arlington School District, or other local, state or federal public agency as determined by the Community Development Department.

(Ord. No. 106-2009; Ord. No. 8-2012; Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 21-2016, § 4, 5-9-2016 ; Ord. No. 54-2017 , §§ 8, 9, 12-11-2017; Ord. No. 32-2018 , § 4, 4-23-2016; Ord. No. 47-2018 , § 12, 6-25-2018; Ord. No. 75-2021 , § 1(Exh. A), 12-13-2021)

§ 2.08 DEFINITIONS (T—Z).

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:

Tattoo parlor or body-piercing studio: means an establishment whose principle business activity is in the practice of inserting ink into the layers of skin to change the pigment for decorative or other reasons, or is to create an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern: (see also "bar") 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.

Technical review committee (TRC): means an administrative committee made up of city staff responsible for the initial review of applications forwarded to it by the Director of Community Development.

Thoroughfare: means an officially designated federal or state numbered highway or county or other road or street designated as a thoroughfare on the official Thoroughfare Plan of the City of Upper Arlington.

Throat width: means the edge-to-edge linear width of any residential or non-residential driveway measured at the right-of-way line.

Tower: see "antenna Tower".

Traditional public forum: means City-owned parks, the surfaces of City-owned streets to the extent that such use does not constitute a hazard to public safety as reasonably as determined by the Chief of Police; and, subject to the limitations set forth herein and as otherwise necessary to protect, the public health, safety, moral or welfare, sidewalks forming the City's vehicular and pedestrian circulation system. Sidewalks located along the outside perimeter of the Municipal Services Center are included within this definition. Specifically excluded, however, from this definition, and in no way to be construed as a Traditional Public Forum, are the interiors of the Municipal Services Center, the Public Service Center, or other buildings on City Property.

Trailer: means a vehicle, standing on wheels or rigid supports, which is used for living, sleeping or business purposes.

Transportation/Thoroughfare plan: means the official Transportation/Thoroughfare Plan of Upper Arlington, as recommended by the Board of Zoning and Planning and adopted by City Council on the date noted on the official record. This plan, establishing the location and official right-of-way width of principal highways and streets in the City, shall be kept on file in the office of the City Clerk, together with all amendments thereto subsequently adopted.

Travel trailer: means a ~~non-self-propelled~~[non-self-propelled](#) recreational vehicle, including a tent type fold out camping trailer as defined in ORC § 4517.01(S).

Truck camper: means a ~~non-self-propelled~~[non-self-propelled](#) recreational vehicle, without wheels for road use but with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use; and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers, which consist of walls and roof, but do not have floors and facilities for using same as a dwelling.

Truck: means a motor vehicle of three (3) different types: heavy truck, medium truck and light truck. A heavy truck includes tractor trailers and truck tractors and similar vehicles with two (2) or more rear ~~axels~~[axles](#). A medium truck includes vehicles other than truck tractors, with single rear ~~axels~~[axles](#) and dual rear wheels. Light trucks include vehicles with single rear ~~axels~~[axles](#) and single rear wheels.

Unified Development Ordinance (UDO): The combining of development regulations and procedures, including zoning and subdivision regulations, sign and floodplain regulations, administrative and hearing procedures, etc. into one unified code as in the City of Upper Arlington Unified Development Ordinance.

Unusual and compelling circumstances: means those uncommon and rare instances in which the preservation of a contributing structure may not be justified due to conditions unique to the property including that the structure is unsafe or constitutes a threat to the public health, safety, or welfare, that the contributing

structure has been previously modified to such an extent that it has lost its historic architectural integrity, or that the proposed demolition involves only an accessory structure and will not diminish the historical significance of the principal structure; and where the proposed replacement plan is found to be compatible with the surrounding neighborhood in terms of architectural style, scale, massing, height and materials, consistent with the character of the historic district.

Use: means the purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

Use - Conditional: means a use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Board of Zoning and Planning in accordance with Subsection 4.05(F).

Use - Principal permitted: means a use which is permitted outright in a district for which a zoning certificate may be issued by the Director of Community Development in accordance with Subsection 4.05(D).

Utility pole: means a structure that is designed for or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.

Utility station: means any grouping of above- and below-ground utility facilities or equipment which exceed 100 square feet in area and are not typically located in City right-of-way. These include but are not limited to: boosters, compressors, data storage, pumps, separators, processing and/or transferring facilities, and valves, that are associated with a utility providing services to its customers. Such services shall include, but are not limited to: electricity, natural gas, telecommunications (except small cell facilities), cable, video and internet service, and water.

Utility structure: means any above ground structure, facility, or equipment, including but not limited to, pedestals, poles, boxes, cabinets, meters, storage facilities, or utility stations, that are associated with a utility providing services to its customers. Such services shall include, but are not limited to: electricity, natural gas, telecommunications, cable, video and internet service, and water. Utility structures shall not include fire hydrants, traffic control devices, or other city equipment.

Variance: means a grant of relief from the standards of this Ordinance consistent with the variance conditions herein.

Video service provider: means a person granted a video service authorization under sections 1332.21 to 1332.34 of the Ohio Revised Code in accordance with section 777.16 of the Codified Ordinances.

Vision clearance: means the intersection clearance zone defined as an area in which no fence/wall, ornamental feature, snow fence, mound or hedge may be located so as to obstruct vision from the driver's position in a vehicle or a pedestrian approaching on a street.

Window/Window area: means the area within and surrounded by a combination of structural elements designed to contain a pane of glass or other transparent panel. Window panes within a window sash that are separated by muntins are not considered separate windows. Decorative separations with materials such as, but not limited to, lead and plastic also do not create separate windows with a sash or single glass area.

Wireless communication facility: includes, but shall not be limited to, towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes, and/or any other equipment or facilities associated with the transmission or reception of communications as regulated by the FCC (or other unregulated wireless communication facility). The term shall not include:

- (a) Any satellite earth station antenna two (2) meters or less in diameter or diagonal measurement located in a non-residential district.
- (b) Any satellite earth station antenna one (1) meter or less in diameter that is designed to receive direct broadband satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite.

- (c) Any antenna that is one (1) meter or less in diameter or diagonal measurement and is designed to receive video programming service via broadband video services (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
- (d) Antennas used by amateur radio operators.
- (e) Towers, structures, antennas, or other equipment used for the purposes of operating a public safety voice or data radio network or an outdoor early warning system within the city limits. This includes directional and omnidirectional antenna equipment, as well as microwave and point-to-point equipment.

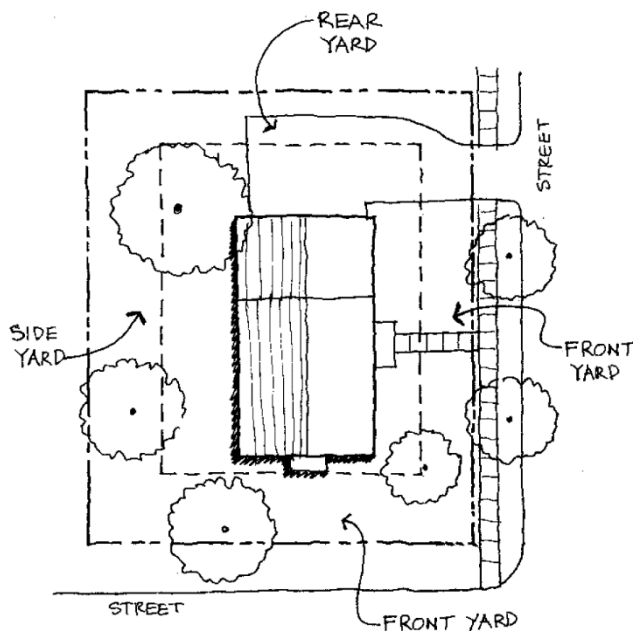
Wireless service: means any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless service provider: means a person who provides wireless service as defined in division (A)(19) of section 4927.01 of the Ohio Revised Code.

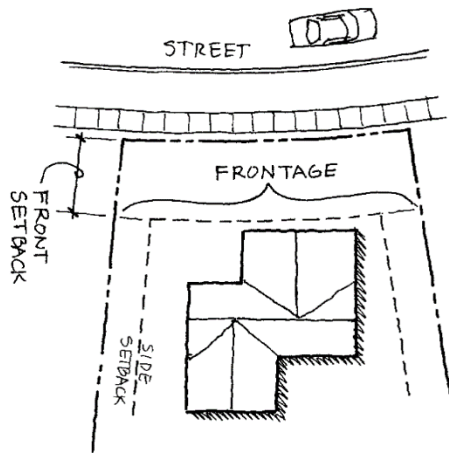
Wireline backhaul facility: means a facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.

Yard, front: means a yard extending across the full width of the lot, the depth of which is the minimum distance between the front lot line and line parallel thereto on the lot as required in the district where located. In the case of a corner lot, the front yard shall be consistently defined as that yard having the shorter street frontage dimension. In the case of lots where the property line curves at the street intersection, the radius of the curve shall be excluded from the comparison of frontage. In the case of equal frontages, the yard adjacent to the street on which the property is addressed shall be considered the front yard. In the case of a corner lot abutting more than two (2) streets, the front yard shall be defined by the Director of Community Development.

Yard, front - How measured: means such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as established on the thoroughfare plan or on the Official Zoning Map of the City of Upper Arlington differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan or Official Zoning Map.



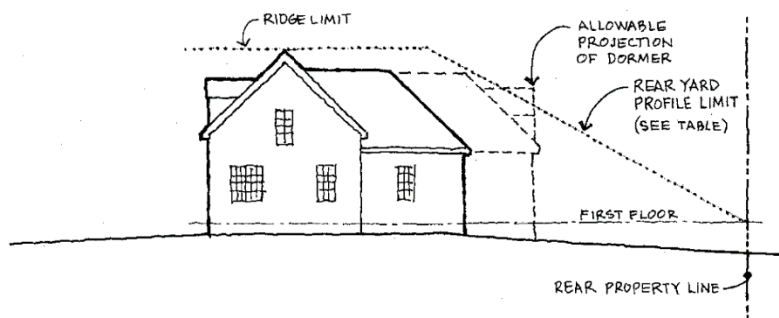
Defining the Front Yard for a Corner Lot



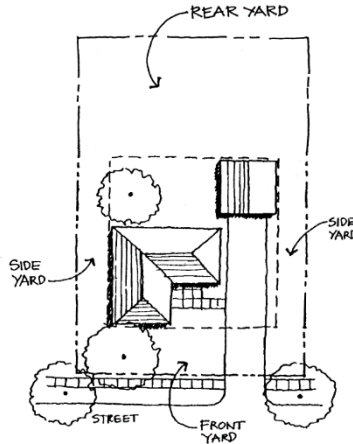
Frontage on a Cul-de-sac

Yard, rear: means a yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required in the District where located. In the case of an R-1c corner lot, the rear yard shall be considered the minimum side yard required. In the case of a corner lot abutting more than two (2) streets, the rear yard, subject to the provision above, shall be determined by the Director of Community Development. In all corner lot cases, the rear yard shall be defined as being the opposite from the narrower street frontage.

Yard, rear (profile limit): means a sloping plane which may not be penetrated by the height and bulk of any principal structure. This imaginary plane slopes up from each rear property line segment to its intersection with the maximum building height permitted in Table 5-E. This slope begins at the intersection formed by the vertical projection of each rear property line segment and the horizontal projection of the [first-floor](#) elevation of the principal structure at its lowest point. The maximum slope permitted is defined by the profile coefficients, or cotangents, listed for each zone in Table 5-E. No principal structure shall exceed the height and number of stories specified in Table 5-E, nor shall its outermost roof membrane project above the rear yard profile limit specified in Table 5-E. Window dormers may project above the rear yard profile limit when the top of the dormer does not exceed the ridge height of the roof to which it is attached, and when the face of the dormer does not project beyond the face of the wall below. Shed dormers may not project above the rear yard profile limit.



Yard, required: means a required amount of open space on a lot, unoccupied by building cover, whose area is defined by the yard requirements of the district (zone) in which it is located.



Yard, side: means a yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required in the district where located.

Yard, side - Least width, how measured: such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the thoroughfare plan or on the Official Zoning Map of the City of Upper Arlington differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the thoroughfare plan or official zoning map.

Zoning map: means the official City of Upper Arlington map(s), as adopted and amended by City Council, which includes zoning, overlay, and historic district boundaries and classifications within the community.

(Ord. No. 106-2009; Ord. No. 8-2012; Ord. No. 87-2015, § 5, 12-14-2015 ; Ord. No. 42-2017 , § 3, 6-26-2017; Ord. No. 44-2017 , § 3, 7-5-2017; Ord. No. 47-2018 , § 16—20, 6-25-2018; Ord. No. 7-2020 , § 3, 9-14-2020)

§ 5.06 OFFICIAL ZONING MAP.

Table 5-A: Residential Uses

	R-S	R-1	R-2	R-3	RCD
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 ²	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
<u>Utility Station</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Pr</u>
Utility Structures (see Table 6-L)					

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

²=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
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

Commercial Use	B-1	B-2	B-3	PB-3	O	ORC	PMOD
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
Residential Uses							
Multi-Family Residential (senior housing, townhouse, condominiums, apartments, second story units, flex units)	P	P	P	P	P		C
Residential/Commercial Uses							
Commercial Uses							
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
Other Uses							
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
Retail							
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 ⁴	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 ³						200		25	50		
		Churches						150					NA
	R-Sb	Res.		2.5	87,120			150	60	20	40	60	21.8; 4.8
		OPU ³			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 ³			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 ³			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
	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 ³		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	16	30	32; 7.5		
				2&2.5							20				
		2 Family		1&1.5	4,500	9.68					16			40	
				2&2.5				20							
		3 Family		1&1.5	12,000	4,000	10.89			10	22	30			
				2&2.5											
		4 Family		1&1.5	16,000		100			12	28				
				2&2.5											
		<2 BR		1 to 2.5	12,000	3.000	14.52								
		OPU ⁵		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	9,000	4.84	75	40	8	16	30	32; 7.5	
2&2.5												20			
2 Family							4,500	9.68							16
			2 & 2.5									20			

		Multi Family	1&1.5		12,000	4,000	10.89	100			22			
			2&2.5					10		28				
		<2 BR			NA	3,000	NA	NA	NA	NA	NA	NA	NA	NA
		OPU ³	1 to 2.5		10,000	NA		100	40	12	28	NA	32; 7.5	
	R-3B	1 Family	1&1.5		9,000	9,000	4.84	75	40	8	16	30	32; 7.5	
											20			
		2 Family	1&1.5			4,500	9.68				16			
			2&2.5								20			
		Multi Family	1&1.5		10,000	4,000	10.89	100		10	22	25		
			2&2.5							12	28			
			3&3.5											30
		<2 BR	1 to 3.5		18,000	3,000	14.52							
		OPU ³	1 to 2.5		10,000	NA	NA							

See Article 2, Profile Coefficient Definition.

² Dimension Stated, or ¼ of the lot depth, whichever is less.

³ OPU is Other Permitted Uses.

⁴ For elevations longer than 40 feet, see Article 2, Side Yard Increased.

Table 5-F: Residential Building Coverage and Height Standards

Building Coverage										
District			Number of Floors	Detached Garage Bldg. Cover Limit as a % of TLA ^{1,2}	Accessory Bldg. Cover Limit as a % of TLA ²	Building Cover Limit As % of TLA ^{2, 3, 6}	Dev. Cover Limit as % of TLA ^{2,5,6}	Swimming Pool in Addition to Dev. Cover as % of TLA ²	Building Height	
									Principal Building ⁷	Detached Garage
R-S	R-Sa			0.88%	0.50%	15%	20%	3%	35	17
		OPU ³		0.88%	0.25%	6%	60%	2%		
	R-Sb			1.32%	0.70%	20%	25%	3%	35	17
		OPU'		0.88%	0.25%	6%	60%	2%		
	R-Sc			2.64%	1.4%	20%	35%	4%	35	17
		OPU'		0.88%	0.25%	5%	60%	1%		
	R-Sd			3.97%	3%	20%	30%	5%	35	17
		OPU'		0.66%	0.25%	3%	60%	1%		
R-1		Churches'	1 to 2.5	NA	NA	NA	50%	0%	50	17
	R-1a		1&1.5	5.76%	2%	25%	40%	5%	35	17
			2&2.5							
		OPU'	1&1.5	2.16%	1%		60%			
			2&2.5							
	R-1b		1&1.5	7.20%	2.5%	27%	40%	5%	35	17
			2&2.5							
OPU'		1&1.5	2.16%	1%	60%					

			2&2.5							
	R-1c	interior lot >=75 width		6.39%	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								
		pre-1995 corner lot <75 width						5%		
		pre-1962 <75 width					50%			
		pre-1962 <=60 width		7.00%						
		OPU ³	1&1.5 2&2.5	1.44%	1%		60%	5%		
R-2	R-2a	1 Family	1&1.5 2&2.5	6.39%	3%	20%	35%	5%	35	17
		2 Family	1&1.5 2&2.5	12.78%		38% 18%	55% 50%	0%		
		3 Family	1&1.5 2&2.5	14.38%	2.5%	35% 19%	55% 50%			
		4 Family	1&1.5 2&2.5		2%	30% 15%	55% 50%			
		<2 BR	1 to 2.5	9.60%	2.5%	10%	50%			
		OPU	1 to 2.5		2.5%	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%	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%	2.5%		55%					
			2&2.5				50%					
		<2 BR		NA	NA		50%				NA	NA
		OPU ³	1 to 2.5	4.17%			60%					
	R-3b	1 Family	1&1.5	6.39%	3%	20%	35%	5%	40	25		
			2&2.5			NA	55%	0%				
		2 Family	1&1.5	12.78%	50%							
			2&2.5		55%							
		Multi Family	1&1.5	14.38%	3%		50%					
			2&2.5				50%					
			3&3.5									
		<2 BR	1 to 3.5	9.60%	2%		50%					
		OPU ³	1 to 2.5	NA	3%		60%					

		2 Family	1&1.5	12.78%		NA	55%	0%				
			2&2.5				50%					
		Multi Family	1&1.5	14.38%	2.5%		55%					
			2&2.5				50%					
		<2 BR		NA	NA		50%				NA	NA
		OPU ³	1 to 2.5	4.17%	60%							
	R-3b	1 Family	1&1.5	6.39%	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%		55%						
			2&2.5			50%						
			3&3.5									
		<2 BR	1 to 3.5	9.60%		2%		50%				
	OPU ³	1 to 2.5	NA	3%		60%						

¹ In no case shall a detached garage exceed 870 square feet unless located within the buildable area of the lot.

² TLA is Total Land Area is the total square footage of the property.

³ OPU is Other Permitted Uses (see Table 5-A).

⁴ Excepting steeples, which may go to a height of 60 feet.

⁵ 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.

⁶ 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.

⁷ 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 ² , ³ (Feet)	Minimum Rear Yard ² , ³ (Feet)	Maximum Impervious Surface Coverage (Percent)	Minimum Lot Area	
			Maximum from Curb Face ¹ (Feet)	Minimum from R.O.W. (Feet)	Maximum from R.O.W. (Feet)				
Commercial/Office Districts	B-1	15	0	10	10	10	80	NA	
	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	0 adjacent to City park 25 40 adjacent to southern border of District	80	1 acre

						border of District			
Planned Mixed Use Districts	Kingsdale	15	0	10	0 ²	0 ²	90	3 acres	
	Kingsdale West		15	0	10	0 ²	0 ²	90	1 acre
	Tremont		15	0	10	0 ²	0 ²	80	2 acre
	Northwest Blvd		15	0	10	0 ²	0 ²	80	2 acre
	Mallway		15	0	10	0 ²	0 ²	90	1 acre
	Henderson Road		20	0	10	0 ²	0 ²	80	3 acres
	Lane Avenue (see Lane Avenue Overlay in Article 5.05)								
	Route 33		20	0	10	0 ²	0 ²	80	1 acre
¹ 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.									
² 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.									
³ 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 ⁴ (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	Minimum 1.5	

							hotel room		
	Route 33	.35—.70	60	400	2—5	64'	3.5/1,000	1.5	15
³ Irrespective of the number of stories, the maximum building height shall be compliant.									
⁵ 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.									

(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

§ 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.
 - 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:*

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- 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~~-principal 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 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.

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- 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:*

- (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.
 - xi. 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.
 - xii. 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.
 - xiii. 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.
 - xiv. 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.
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- xv. 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.
 - xvi. Car wash facilities shall not operate when the outdoor temperature is below 32 degrees Fahrenheit.
 - xvii. 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.
 - 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.
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- 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 stations and 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 and Building Permit:*
 - 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.

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- 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.
 - iv. A Building Permit shall be required for any new and/or replacement utility station(s).
- (c) *Conditional use permit:*
- i. A conditional use permit approved by the Board shall be required for the following utility station and/or 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.
 - 3. Any new or replacement utility station.
 - ii. The board shall conduct a public hearing to determine whether ~~the utility structure meets the location guidelines and screening~~ all criteria are met.
- (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 or three hundred (300) feet of the utility station.
 - 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.
 - 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.
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- 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.
 - iv. Utility stations shall be located within the buildable area of the property and meet all applicable performance standards. No utility station shall be located in an RCD, Residential Community Development, zoning district.
- (h) *Screening criteria for Utility Structures:*
- 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 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.
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- 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 for utility structures.
 - ii. The fee for a conditional use set forth in C.O. Ch. 401 shall apply.
 - iii. The fee for a building permit 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 ¹ or Type	New or Replacement	Front Yard or Right-of-Way	Side Yard	Rear Yard
SMALL	New	DOCD Review - CZC	No Review	No Review
<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	No Review	No Review	No Review	
		Post Notice to the City	Post Notice to the City	Post Notice to the City	
		No Screening	No Screening	No Screening	
MEDIUM	New	DOCD Review – CZC	DOCD Review – CZC	DOCD Review – CZC	
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	No Review	No Review	No Review
			Post Notice to the City	Post Notice to the City	Post Notice to the City
No Screening			No Screening	No Screening	
LARGE		New	BZAP Review - CUP	DOCD Review – CZC	DOCD Review – CZC
<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 w/in 10 days		Appeal DOCD Decision to CM w/in 10 days	Appeal DOCD Decision to CM 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	DOCD Review - CZC	No Review	No Review
		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		
POLES	New	BZAP Review - CUP	No Review	No Review
		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	No Review	No Review	No Review
		Post Notice to the City	Post Notice to the City	Post Notice to the City
		No Screening	No Screening	No Screening

(n) Criteria for Utility Stations in addition to Conditional Use requirements:

- i. As practicable, all pipes, valves and related equipment shall be located inside fully enclosed, sound-limiting buildings, with closed windows and double-door entrances. Such buildings shall be designed to meet the City's Residential Design Standards in Article 7.17, which includes an architectural style in terms of height, scale, massing and exterior building materials that shall be consistent with the street segment. This shall include a pitched roof and at least 50 percent of the exterior building material shall be brick and/or stone.

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- ii. There shall be no more than three buildings per property: a larger primary building, a smaller secondary building and an accessory building. Each building has a height limit: 25'-6" for the primary, 15 feet for the secondary and 10 feet for the accessory.
 - iii. A landscape plan shall be submitted, which includes six-foot tall privacy fencing (or wall) along the side and rear property lines, not in the front yard, and a mixture of deciduous and evergreen trees. A minimum of one tree for each 25 feet of property line length shall be installed on-site. Any mature trees marked as good condition by the City Forester should be preserved.
 - iv. The property shall be restored to grass if the utility station is abandoned for more than two years.

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~~rights-of-way, yards, utility easements and private easements.

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

¹ 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)

Authors: Brent Lewis, Finance Department Director

Council Meeting Date: February 12, 2024

Subject/Legislative Item: Ordinance No. 15-2024 - An ordinance authorizing an expenditure to the Franklin County Emergency Management Agency (EMA) and Homeland Security for the City's proportionate share of the operational and administrative support activities of the agency

Purpose: To authorize the expenditure of funds for the City's proportionate share of the operational and administrative support activities of the Franklin County EMA and Homeland Security, including the countywide mass notification system and outdoor warning siren system.

Executive Summary: The City's proportionate share is \$69,568.60, which is an increase from the 2023 proportionate share of \$63,918.41.

Purpose and Impact

The annual amount paid to the Franklin County EMA is separated into two sections: Operational and Warning. The Operational Budget (which includes planning, public education, exercises, and disaster recovery) is funded primarily by local communities. The local share is determined by using the Franklin County Auditor's tax duplicate and population based on the latest census information. The City of Upper Arlington's proportionate share is \$62,368.60 (\$57,918.41 in 2023). The Warning Budget for the outdoor warning system (which includes maintenance and repairs) is \$7,200 (\$6,000.00 in 2023), for a combined total of \$69,568.60 (\$63,918.41 in 2023).

History

This is an annual expenditure authorization brought before the Council.

Alternatives

N/A

Attachments

1.	Ordinance No. 15-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 15-2024

TO AUTHORIZE AN EXPENDITURE TO THE FRANKLIN COUNTY EMERGENCY MANAGEMENT AGENCY (EMA) AND HOMELAND SECURITY FOR THE CITY'S PROPORTIONATE SHARE OF THE OPERATIONAL AND ADMINISTRATIVE SUPPORT ACTIVITIES OF THE AGENCY

WHEREAS, the Franklin County Emergency Management Agency Operational and Warning Budget is to be shared proportionately between each governing body within Franklin County; and

WHEREAS, the Operational and Warning Budget includes planning, public education, exercises, disaster recovery, maintenance, and repairs; and

WHEREAS, the local share is determined by using the Franklin County Auditor's tax duplicate and population based on the latest census information; and

WHEREAS, it is necessary to reimburse the Franklin County Emergency Management Agency for the City's proportionate share of the Operational and Warning Budget for 2024.

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

SECTION 1. City Council hereby authorizes an expenditure to the Franklin County Emergency Management Agency (EMA) for the City's proportionate share of the Operational and Warning Budget for 2024, for an amount not to exceed \$69,568.60.

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

Authors:	Gary Wilfong, P.E., Public Service Director Katy Rees, Performance Analyst
Council Meeting Date:	February 12, 2024
Subject/Legislative Item:	Ordinance No. 16-2024 - An ordinance authorizing the City Manager to enter into contract with Franklin County Board of Health and Vector Disease Control International for mosquito management services
Purpose:	Continue to provide mosquito management services
Executive Summary:	Legislation authorizes the City Manager to enter into a contract with Franklin County Board of Health and Vector Disease Control International to provide mosquito management services

Purpose and Impact

This ordinance requests authorization for the City Manager to enter into a contract with Franklin County Board of Health and Vector Disease Control International for an amount not to exceed \$73,280.64 for mosquito management services (\$24,426.88 per year). The proposed contract is a three (3) year agreement for the continuation of the mosquito management services through December 2026. This is included in the General Fund Operating Budget.

History

In Fall 2023, Franklin County Public Health (FCPH) released a request for proposals for the 2024-2026 Mosquito Management Program. The proposers were Clarke Environmental Mosquito Management (Clarke) and Vector Disease Control, International (VDCI). The proposals were evaluated in two categories, responses to the RFP and pricing. VDCI scored highest on the RFP responses and had the lowest pricing proposal. While there was an increase in costs from prior years, FCPH is taking on additional responsibilities from the contractor for 2024-2026 to try and hold down costs which includes, performing West Nile Virus testing, setting traps, and conducting pesticide resistance testing, and managing all data and mapping.

The mosquito management plan shows a focus on surveillance, outreach/education, prevention and control. This includes, but is not limited to, weekly monitoring and testing of mosquito traps, routine monitoring and inspection of mosquito breeding sites, and mosquito management spraying application from mid-May through the end of September.

Alternatives



Council also has the option to not continue the mosquito management program by declining to accept the proposal.

Attachments

1.	Ordinance No. 16-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 16-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH FRANKLIN COUNTY BOARD OF HEALTH AND VECTOR DISEASE CONTROL INTERNATIONAL FOR MOSQUITO MANAGEMENT SERVICES

WHEREAS, in fall 2023, Franklin County Public Health released a request for proposals for the 2024-2026 Mosquito Management Program, and received proposals from Clarke Environmental Mosquito Management and Vector Disease Control International (VDCI); and

WHEREAS, the proposals were evaluated in two categories—responses to the RFP and pricing—with VDCI scoring highest on the RFP responses and quoting the lowest cost; and

WHEREAS, while there was an increase in costs from prior years, Franklin County Public Health will be taking on additional responsibilities from the contractor for 2024-2026 to try and hold down costs which include performing West Nile Virus testing, setting traps, conducting pesticide resistance testing, and managing all data and mapping; and

WHEREAS, the mosquito management plan shows a focus on surveillance, outreach, education, prevention and control, which includes, but is not limited to, weekly monitoring and testing of mosquito traps, routine monitoring and inspection of mosquito breeding sites, and mosquito management spraying application from mid-May through the end of September; and

WHEREAS, the contract is for a three-year period, for an amount not to exceed \$73,280.64 (\$24,426.88 per year).

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

SECTION 1. The City Manager is hereby authorized to enter into a three-year contract with Franklin County Public Health and Vector Disease Control International for mosquito management services for for an amount not to exceed \$73,280.64, expiring December 31, 2026.

SECTION 2. The City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions, including the execution of all documents or amendments necessary to enter into, implement, and administer the agreement, that are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.