



9/4/2024 | 6:00 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/87960308160>

1. Call to Order/Roll Call

2. Unfinished Business

- a. 1441 Langston Drive (VAR-44-24) - To allow a swimming pool house with an outdoor kitchen to encroach four feet into the 10-foot minimum side yard setback and five feet into the 10-foot minimum ~~30 feet into the 35-foot rear yard setback.~~

3. Informal Review

- a. 4000 Horizons Drive - Informal review of proposed changes to the existing office and digital media production building into a mixed-use/flex space concept.
- b. ~~Informal review of proposed minor and clean-up amendments to the Unified Development Ordinance.~~ (cancelled)

4. Updates & Reports

- a. Updates from the Community Development Department.

5. Adjournment

Authors: Alyssa Kelly, AICP, Planning Officer

BZAP Meeting Date: September 4, 2024

Subject: 1441 Langston Drive (VAR-44-24) - To allow a swimming pool house with an outdoor kitchen to encroach four feet into the 10-foot minimum side yard setback and five feet into the 10-foot minimum ~~30 feet into the 35-foot rear yard setback.~~

Overview

At the August 21, 2024 BZAP hearing, the applicant requested postponement so they could explore options to mitigate the concerns of the Board: namely the size and location of the structure, and the fact that the property already exceeded the development cover limit of 45 percent. Since the hearing, the applicant has modified the plans by reducing the structure from 464 square feet (14'-6" x 32') to 375 square feet (12'-6" x 30'), its height from 12 feet to ten, and moving the structure an additional foot in from the side property line for a six-foot side yard setback. ~~The structure remains 12 feet tall, when 10 feet is the limit.~~ The revised plan also shows the removal of existing concrete patio space in the backyard that would reduce the development coverage from 55.1 percent to 54.4 percent. New landscaping would be added.

Zoning Code Requirements

- To allow a swimming pool house with an outdoor kitchen to encroach ~~five~~ four feet into the 10-foot minimum side yard setback (Article 5.02); and
- To allow a swimming pool house with an outdoor kitchen to encroach five feet into the 10-foot minimum ~~30 feet into the 35-foot rear yard setback~~ (Article 5.02).

~~As noted in the original Staff Report, if the swimming pool house's height were reduced to 10 feet, the rear yard setback requirement would decrease to 10 feet. A taller swimming pool house has a larger rear yard setback requirement due to its combined activity with a swimming pool.~~

Staff would also note that since the structure was reduced to 10 feet in height, the side and rear yard setback requirements have also been reduced to 10 feet. Outdoor kitchens require a 10-foot setback from side and rear property lines, but are included with the proposed structure since it is not free-standing by itself.

The Board has approved two previous variances for this property:



- An increase in development coverage from 25 percent to 35.6 percent (BZ-42-1994); and
- A garage addition that encroached 3.8 feet into the 35-foot rear yard setback (BZ-24-2000).

Should the Board consider a vote on this application, Staff would offer the following Findings to discuss: #3 (substantial request/minimum necessary), #4 (impacts to adjacent property), #6 (special conditions from a previous owner) and #8 (spirit and intent of the code).

Attachments

1.	Variance Application - 1441 Langston Drive
2.	1441 Langston Drive Revised Plans 8.30.24
3.	1441 Langston Drive - Staff Report 8.21.24
4.	BZAP Staff Report Pictures - 1441 Langston Drive





24-3340

Variance Application

Status: Active

Submitted On: 7/23/2024

Primary Location

1441 LANGSTON DR
UPPER ARLINGTON, OH 43220

Owner

SMITH ASHLEY E
LANGSTON 1441 Langston
Drive Columbus, OH 43220

Applicant

 Ashley Smith
 614-756-7561
 boydsmith.ashley@gmail.com
 1441
Langston Drive
Upper Arlington, Ohio 43220

Variance Information

Describe Variance Request

Requesting a 5 foot setback from fence/property line instead of 10 foot setback for Pavilion

What practical difficulty, special conditions and/or circumstances exist that are peculiar to the land or structure involved and which are not generally applicable to other lands or structures in the same zoning districts?

There is a pool in the backyard and the pavilion is planned to be centered fencing the pool. Because the pool was put in 1971, the pool is currently closer to the southern fence property line. It would look off centered if the pavilion has to be built 10 feet from the southern property line. It also would not allow for a large enough structure to be built to cover the outdoor furniture for our family because of the size of the existing pool, if it has to be 10 feet from the east property line. There will be no change in hardscape, as there is already concrete in place which the structure will be built on.

Will granting the variance confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district?

No, it would not encroach on the neighbors or be an extreme exception. There is an existing fence already with existing high privacy trees. It would mainly be visible for our house only, with the slight exception of only 5 feet from the fence property lines. There would be no change in hardscape that is already in place.

Will the essential character of the neighborhood area be substantially altered or will adjoining properties suffer substantial detriment as a result of the variance?

It will not. There is already lots of home renovations in our neighborhoods which is adding to property values. This project would also add property value as the pool is a main feature of this home. This house was built with the pool in mind, as the entire back of the house opens up to the backyard/pool. The house was built in 1970, and the pool was built in 1971. This would only make the backyard an additional living space to hang out. The concrete is cracking and I would be enhancing the neighborhood with this pavilion and variance requested. As mentioned previously, there are already high privacy trees and fences where this pavilion will be built which would not be very visible for the neighbors on the south and East sides.

Have all reasonable alternatives been investigated or exhausted to find that this variance request is the minimum necessary to make reasonable use of land and structures?

Yes. For any other structure, it would be off centered to the pool and would not be large enough to provide shade and protection over outdoor furniture and eating space for our family.

Can this property yield a reasonable return or can there be any beneficial use of the property without the variance?

Without the variance, this structure will not be able to be built and would lose this living space for the backyard.

SMITH RESIDENCE
1441 LANGSTON DRIVE

873.97 sf

PROPERTY
LINE

PROPERTY
LINE

10'

17'

EXISTING HOME
2,752.4 sf

185.49 sf

17' 2"

EXISTING
CONCRETE

3,530.54 sf

EXISTING
CONCRETE

EXISTING POOL

PROPOSED
PAVILION

1' ROOF
OVERHANG

PROPERTY
LINE







Revised: May 2023

Certification of Notice

Applicant Name: Ashley E Smith

Location of property subject to BZAP request: 1441 Langston Drive 43220

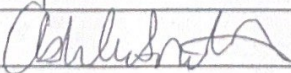
This application will be heard by the Board of Zoning and Planning on: 8/21/2024

Describe activity which requires Board of Zoning and Planning review:

Variance request for building pavilion 5 feet from property line/fence rather than 10 feet.

Board of Zoning and Planning (BZAP) meetings begin at 6 PM on Wednesdays and are held at the Upper Arlington Municipal Services Center, 3600 Tremont Road, Upper Arlington, Ohio, 43221. Meeting location details and additional instructions will be provided on the Agenda, which is posted on the City's website at upperarlingtonoh.portal.civicclerk.com. For further information, please contact the Planning Division at planning@uaoh.net.

Your signature below DOES NOT constitute approval or disapproval of the request. Your signature only represents that you have been properly notified of the request. You are encouraged to attend any and all meetings regarding this matter.

Address of Property to be notified:	Property Owner Name:	Property Owner Signature or Certified Mail No.:	Date obtained or Mail sent:
1460 Bridgeton Drive	Joseph Lyden	95890710527021797485 06	7/16/2024
1450 Bridgeton Drive	Michael Ochab	95890710527021797485 20	7/16/2024
1440 Bridgeton Drive	Matthew Photides	95890710527021797485 37	7/16/2024
4245 Greensview Drive	Maria Haberman	95890710527021797485 44	7/16/2024
4263 Greensview Drive	Brian Bell	95890710527021797485 51	7/16/2024
1451 Langston Drive	Brett Southworth	95890710527021797485 68	7/16/2024
1461 Langston Drive	Jessica Blake	95890710527021797485 13	7/16/2024
4301 Greensview Drive	Board of Education Upper Arlington	95890710527021797485 75	7/16/2024
Applicant Signature: 			Date: <u>7/16/24</u>

Hello Neighbor,

My name is Ashley Smith and I live at 1441 Langston Drive. I am planning home project which includes an outdoor pavilion. I am requesting a variance through the UA Community Development Department, and with that process, I am required to send you written notice of my project plans. I am requesting the pavilion to have a setback of 5ft from the property lines instead of 10 feet. The hearing will take place on the date below should you have any questions. Please feel free to reach out to me directly as well.

Ashley Smith

614 756 7561

Community Development Department

3600 Tremont Road

Wednesday 8/21/2024 at 6p

SMITH RESIDENCE
1441 LANGSTON DRIVE

PROPERTY
LINE

PROPERTY
LINE

10'

17'

EXISTING HOME

17' 2"

14' 4"

EXISTING
CONCRETE

EXISTING
CONCRETE

11' 4"

13'

EXISTING POOL

5'

40'

20'

12'

PROPOSED
PAVILION

1' ROOF
OVERHANG

12' 6"

30'

PROPERTY
LINE

MULCH
BED

S 90° 0' 0" W

MULCH
BED

140'

140'

Authors: Victoria Brubaker, Intern
Justin Milam, AICP, Senior Planner

BZAP Meeting Date: August 21, 2024

Subject: 1441 Langston Drive (VAR-44-24) - To allow a swimming pool house with an outdoor kitchen to encroach five feet into the 10-foot minimum side yard setback and 30 feet into the 35-foot rear yard setback.

Site Description/History

The subject property, 1441 Langston Drive, is located on the south side of the street, just west of Greensview Drive and directly across from Greensview Elementary School. The property has 95 feet of frontage with a depth of 140 feet, similar to others in the neighborhood. It is zoned [R-1b](#), One-Family Residence District, and is platted as Lot #30 in the [Reedbury Addition Extension No.3](#) Subdivision. A two-story, stone and vinyl home sits squarely between the 40-foot building setback line and 35-foot rear yard setback. A nonconforming 40' x 20' swimming pool, built in 1971, with a large patio is present in the backyard; the patio stretches to the side and rear property lines. [It appears this rear patio area was expanded without a permit by a previous property owner; existing development coverage is approximately 55.1 percent, where 45 percent is the limit, which includes a five percent bonus.] A six-foot tall fence encloses the entire backyard. There are two mature trees in the front yard, but very little landscaping in the rear yard due to the large patio. There are several mature evergreen trees off-site from the property that screen off-site neighboring views of the rear yard area. The home was built in 1970 and purchased by the applicant in 2016.

The Board has approved two previous variances for this property:

- An increase in development coverage from 25 percent to 35.6 percent (BZ-42-1994); and
- A garage addition that encroached 3.8 feet into the 35-foot rear yard setback (BZ-24-2000).

Proposal

The proposal includes the construction of 32' x 14'-6" swimming pool house at the southeast corner of the property, five feet from side and rear property lines. The pool house is essentially a 12-foot tall pavilion with an outdoor kitchen and seating area. The structure includes two gables facing the swimming pool with six columns supporting the roof structure. Column lights are shown facing the swimming pool as well. Building coverage



remains below permissible limits, while there is no change in the existing development coverage.

Zoning Code Requirements

- To allow a swimming pool house with an outdoor kitchen to encroach five feet into the 10-foot minimum side yard setback ([Article 5.02](#)); and
- To allow a swimming pool house with an outdoor kitchen to encroach 30 feet into the 35-foot rear yard setback ([Article 5.02](#)).

Staff would note that if the swimming pool house's height were reduced to 10 feet, then the rear yard setback requirement would decrease to 10 feet. A taller swimming pool house has a larger rear yard setback requirement due to its combined activity with a swimming pool.

Staff would also note that if this were a pavilion without a swimming pool, the side and rear yard setbacks would only be 10 feet. Outdoor kitchens require a 10-foot setback from side and rear property lines, but are included with the proposed structure since it is not free-standing by itself.

Alternatives

The applicant has explored several options over the past few years but believes this to be the most practical solution given the existing placement of the swimming pool and patio, which has been there for more than 50 years. With the swimming pool and patio being so close to the rear property line already, it is difficult to center a pavilion of any size with it that would look correct. A reduction of any size would result in an area that would be less desirable and functional.

Requested Action and Findings

Staff has reviewed the application and plans, visited the site and met with the applicant. Ordinarily, Staff would push back against any swimming pool house (or pavilion) like this due to its height being so close to the property line and excess development coverage. However, the design does blend well with the home, and may not be viewed from the street or adjacent property due to existing fencing and off-site mature trees (Finding #4). The location of the swimming pool and large patio have been in place without complaint for a substantial period of time, which creates a challenge for any improvement (Finding #6).

Staff does agree that centering any swimming pool house with a swimming pool is important, but the submitted plan is not entirely centered. The proposed structure is also larger than most swimming pool houses submitted to the City. Should the Board choose to support this application or recommend a postponement to Work Session, Staff would recommend that the above Findings be considered, along with any of the following conditions:

1. That the width of the swimming pool house be reduced to 30 feet, allowing for it to be centered with five feet on each side of the swimming pool. [This would also create a wider opening between the house and structure and is a slight reduction in its size];



2. That the height of the structure be reduced to 10 feet, which reduces a variance request and more in line with accessory structures in rear yard corners;
3. That any outdoor lighting and/or speakers be on the west and/or north elevations only;
4. That the existing hardscape to the east and south of the proposed structure be removed and replaced with landscaping; and
5. That additional hardscape on the west and south sides of the swimming pool be removed and replaced with landscaping.

Attachments

1.	Variance Application - 1441 Langston Drive
2.	BZAP Staff Report Pictures - 1441 Langston Drive



1441 Langston Drive

BZAP Staff Report Pictures



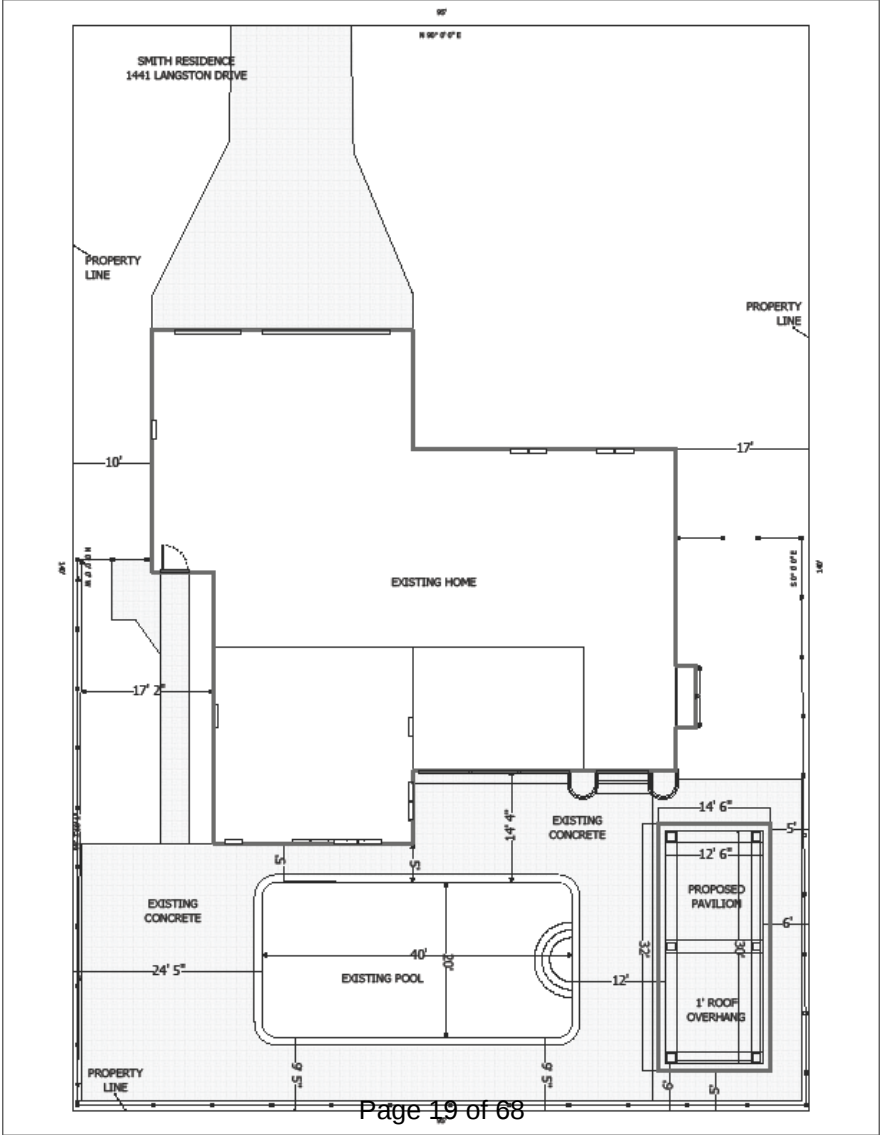
Google Maps ® Aerial – Looking North



Existing Front Elevation



Proposed Site Plan



Proposed Elevations



Authors: Justin Milam, AICP, Senior Planner

BZAP Meeting Date: September 4, 2024

Subject: 4000 Horizons Drive - Informal review of proposed changes to the existing office and digital media production building into a mixed-use/flex space concept.

Overview

A prospective buyer of 4000 Horizons Drive will be present to introduce and discuss a potential concept with the Board that would require a Conditional Use application and likely variance(s) related to the use of the building. This discussion is not a formal decision by the Board, but will help the buyer determine whether to move forward with the purchase. The property includes two parcels: an undeveloped 0.9-acre parcel (west) and a 1.5-acre parcel (east) with a farmhouse-style, two-story, 26,000+/- square foot building with offices and digital media production space. The properties have been a part of various potential real estate transfers over the past several years, with the latest being a bank-offered short sale. The building is/was home to the digital media group Horizons Companies.

Should the prospective buyer move forward, they are looking to renovate and convert much of the existing space to a mix of office, private restaurant, and bar/co-working space:

- The west side of the building would be converted into a small-scale, fine dining restaurant (hosted by a world-renowned chef with 15-20 seats and limited hours), and a dual-function private, member-only bar and co-working office/meeting space.
- The east side would remain a business office and digital media production on two floors.
- No changes are proposed to the exterior of the building or the 50 existing parking spaces at this time.

Zoning Code Requirements

The subject property is zoned ORC, Office and Research District. Article 5.03(A)(6) of the City's Unified Development Ordinance (UDO) states: ORC office and research district: The purpose of this district is to allow offices and research facilities that will contribute to the City's physical pattern of planned, healthy, safe, and attractive neighborhoods. The ORC district should also provide job opportunities and services to residents and contribute to the City's economic stability. Permitted uses in the ORC district are: business and professional offices, research and development, book and periodical publishing, insurance carriers, corporate data



centers, survey research firms, bank finance and loan offices, outpatient surgery centers, hospitals, and such permitted uses as are set forth or may in the future be set forth in Table 5-C. At least eighty-five percent (85%) of the gross floor area of any building located in an ORC district shall be exclusively dedicated to one of these permitted uses. The lesser of fifteen percent (15%) of the gross floor area or ten thousand (10,000) square feet of any building located in an ORC district may be dedicated to secondary conditional uses as listed in Table 5-C. Secondary conditional uses shall be subject to the conditional use review process set forth in UDO Subsection 4.05(F).

Business and professional offices, as well as digital media production, are permitted uses in this zoning district; restaurants are a secondary conditional use and a bar is an accessory use. Per the Ordinance, to allow a restaurant, the office and media production components must exceed 85 percent of the floor area of the building. Right now, at least 50 percent is provided for office and digital media production, and a yet-to-be-determined percentage for the private bar/co-work space.

Existing Use	SF		Proposed Use	SF	%	Zoning
Retail	2,520		Restaurant	4,018	15%	Secondary CU
Retail	4,400		Private Bar/Co-Work	9,379	35%	TBD (Accessory AND Business/Prof Office)
Office	10,033		Office (2nd floor)	8,037	30%	Business/Prof Office
Office	6,781		Digital Production	5,352	20%	Business/Prof Office
Office	3,052					
Total	26,786			26,786	100%	

To move forward with the project, a conditional use application with a variance to the minimum percentage of permitted use in the ORC District would be needed. Staff would recommend that the prospective buyer respond to each of those Standards of Approval should an application be filed; if submitted, it would likely be heard by the Board on October 2.

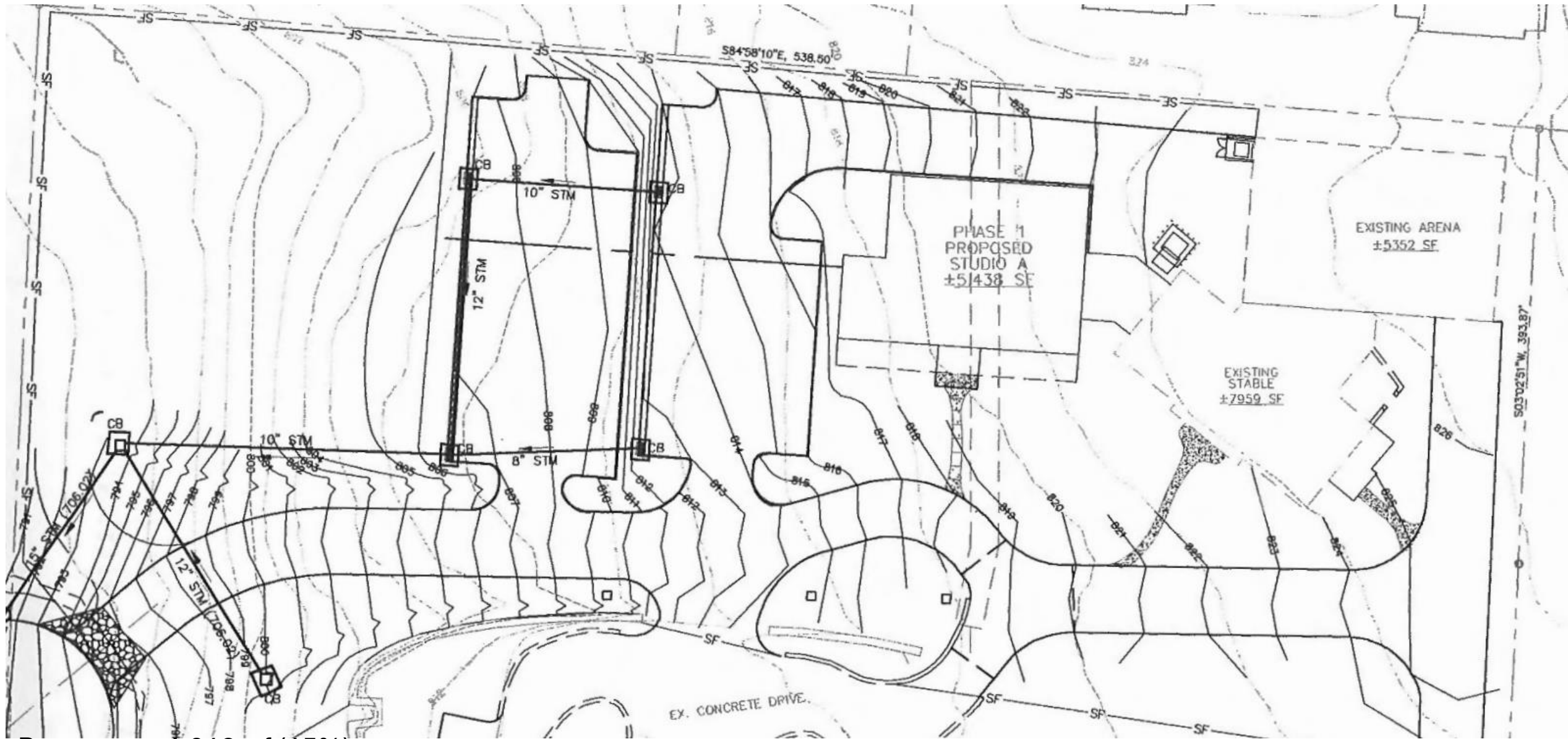
Attachments

1.	4000 Horizons Drive - Potential Reuse Plan
2.	4000 Horizons Drive - Broker Photos



4000 Horizons – Use Description

- Greg Aler – Owner of Golden Reserve plans to bring 12-15 jobs+ that will bring a \$1.5m payroll that has the potential to grow. These jobs will occupy space that will be used for call center and general office that will also serve as a private bar/co-working area. Hours for office would be 7am-6pm and the private bar use would be 3pm-12am with approximately 50-75 members.
- One of the current studios that is in the previous riding arena will be utilized for a production space for podcasts and online media videos.
- The newest studio located adjacent to the parking lot will be converted to a high end dining restaurant with an award winning chef, Jon Mathieson, who has started numerous restaurants in the Washington DC and NYC metros. This restaurant would be an intimate dining experience with limited hours and guests. Seating capacity is estimated to be 15-20 tops with approximately 1-2 turns per night. The goal would be to only use the studio which is about 4,000 sf and that would equate to 15% dedicated to the restaurant. The front lobby would be common area to the building for access to the coworking/private bar. Hours would be anticipated to be 6pm-10pm Weds-Saturday (Closed Sun, Mon, Tues).
- While we don't have detailed plans from Architectural Alliance, the existing plan provided by the owner shows square footage in the 26,786 sf range that has approximately 8,000+ sf on the second floor that is not accessible by an elevator and not ADA compliant. Percentage breakdowns of uses are listed on the following site plan.
- Timing – The purchase contract due diligence period expires October 13th in which Buyer would need some reassurance the uses could get approved. It is a Short Sale with a distressed Buyer and Huntington National Bank. Buyer must close by October 28, 2024.



Restaurant 4,018 sf (15%)

Private Bar/Coworking – 9379 sf 1st floor/8,037 sf 2nd Floor (17,416 sf – 65%)

Studio Space – 5352 sf 1st Floor (20%)

TOTAL: 26,786































































Authors: Justin Milam, AICP, Senior Planner

BZAP Meeting Date: September 4, 2024

Subject: Informal review of proposed minor and clean-up amendments to the Unified Development Ordinance. (cancelled)

Overview

Attached is a draft of proposed amendments to the Unified Development Ordinance (UDO) for the Board's consideration. Many of these updates are minor clean-ups, error-correcting, condensing/eliminating, or new concepts. This round of amendments includes:

- Revisions to definitions;
- Eliminating the side yard setback sum requirement; and
- Reducing the rear yard setback requirement for corner lots in the R-1b zoning district.

These draft amendments have not been reviewed by the City Attorney's Office nor tentatively scheduled for review by City Council. Staff simply wants to get input from the Board before moving forward with these (or any other) potential amendments. Staff is also working through the UDO to eventually combine the Development Plan and Site Plan application types, as they are identical.

Zoning Code Requirements

See attached.

Attachments

1.	2024+ UDO Amendments - 08.30.24 revised clouded
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Article 2 Definitions

Building, height of: means the vertical distance from the average existing grade around the foundation to the highest point of the coping of a flat roof, or mansard roof, or to the top of the highest ridge line of gable, hip or gambrel roofs. For commercial buildings and structures, maximum height shall be measured to the top of parapet wall, top of cornice or soffit, or top of eave fascia for sloped or mansard-style roofs, whichever is higher. A cupola, chimney, weathervane or other accessory does not count toward building height.

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. Any breezeway connecting the detached garage to the house must be located within the buildable area.

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 front porch that is located in the front yard shall not be counted.

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

~~the in-law suite will not be used for transient accommodations; and no leasehold interest has been or will be granted in the in-law suite.~~

Lot width: means the mean width of the lot measured ~~at right angles to its depth.~~ along the street frontage and front building setback line. To satisfy Table 5-E for Minimum Lot Width, both the width measured along the street frontage and at the front building setback line must the minimum requirement.

Side yard increased (longwall): means the situation where, beginning at the front façade of the structure, each side yard, where required, shall be increased in width by two (2) inches for each foot by which the elevation length of the building, adjacent to the side yard, exceeds forty (40) feet. Adjacent in this context means any portion of the side wall that is closer to the side property line than twenty-five percent (25%) of the lot width at the place of measurement. This shall not apply when an attached covered porch is open adjacent to the side yard with or without a chimney.

Story: means ~~that portion~~ the footprint of a building included between the surface of any floor and the surface of the floor next above it, or, if no floor above it, then the space between the floor and the ceiling next above it, regardless of whether the area between framed walls is habitable or not. Knee walls below three feet in height do not count toward the limit.

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. Medical tattooing and/or permanent makeup is permitted as a Personal Service.

§ 3.01 CITY COUNCIL.

(B) *Powers and duties:* For the purposes of this UDO the City Council shall have the following powers and duties:

- (1) To adopt the official Master Plan of the City of Upper Arlington;
- (2) To determine the number, qualifications, and terms of the members of BZAP and confirm appointments to the Board based on those determinations;
- (3) To initiate or act upon proposed amendments, enactments to the UDO and changes to the zoning map, or changes to the UDO text per C.O. Ch. 157;
- (4) To accept final plats;
- (5) To hear appeals of the decisions of BZAP;

- (6) To decline to follow a recommendation of BZAP provided that such action is passed or approved by a majority vote of the members of the City Council;
- (7) To modify or postpone the payment of ~~park and playground~~ fees, upon application by the property owner, as provided for in the UDO;
- (8) To monitor and insure implementation of the principles, goals, and strategies of the master plan; and
- (9) To adopt or amend the official transportation plan and the Official Zoning Map of the City of Upper Arlington.

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

Building Area, Density and Setback													
District				Maximum Number of Stories ⁵	Net Lot Area (in square feet) ⁵	Lot Area per Dwelling Unit	Net Density	Min Lot Width ⁵	Front Yard Setback ⁵	Min Side Yard Width ⁵	Side Yard Sum ⁵	2Rear Yard Depth ⁵	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 25 for corner lot	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 (narrowest side)										10		
		pre-1995-corner lot <75 width (narrowest side)			NC	NC	NC	NC		8	16	8		
		pre-1962< interior lot <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	100		16			
			2 & 2.5		20								
		Multi Family	1&1.5		12,000	4,000	10.89		22				
			2&2.5				10	28					
		<2 BR			NA	3,000	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	100		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													
<2 BR		1 to 3.5	18,000	3,000	14.52			30					
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.

⁵ Lot dimensions, setbacks, and stories are subject to neighborhood compatibility standards in Article 7.17.

Article 6.01: Lot Arrangement and Dimensional Standards

(10) *Lot frontage*: A lot shall front onto an improved public or private road. ~~Lot frontage is measured at the right-of-way line.~~

Article 6.07: Landscaping

(L) *Rain gardens*: Rain gardens are encouraged, but shall be located a minimum of three feet ~~ten (10) feet~~ from building foundations and a minimum of fifteen (15) from property lines. Such rain gardens shall not shed water off-site and are to be properly maintained at all times. ~~Rain gardens shall be subject to review and approval of the Chief Building Official and shall be constructed in accordance with the latest edition of the "Rain Garden Guidelines for Southwest Ohio" published by the Ohio State University Extension, Hamilton County. Rain gardens installed in the right-of-way by the City or a utility company shall not be subject to these regulations.~~

(M) *Green roofs*: Green roofing systems are encouraged, but shall meet all fire and wind requirements for roof systems, as determined by the Chief Building Official. All systems shall include design load verification submitted by a licensed design professional as part of a Building Permit application.

(N) *Community and private gardens*: Community and private gardens for edible produce shall be properly maintained and cared for, and shall not be located in City right-of-way. Any private garden fencing in the front yard shall not exceed 36 inches in height and must be an open-style fence. Community gardens may be permitted on private property with approval of the property owner. No community garden shall be located in a front yard.

(O) *Compost bins*: Compost bins are permitted, provided that such materials are contained in a bin or enclosure, are properly turned and maintained, and do not create or cause a nuisance to adjacent property owners. The compost bin shall be located behind the nearest wall of the principal building and shall maintain a setback of at least three feet from side and rear property lines. Compost scrap piles are not permitted.

(P) Artificial Grass or Turf: Artificial grass or turf is permitted when located behind the front building setback line.

Article 6.08: Outdoor Lighting

(E) *Glare control criteria:* In order to eliminate glare, all fixtures shall be mounted horizontal to the ground and meet the following:

(1) All other outdoor lighting, including but not limited to parking lots, loading/service areas, pedestrian pathways, doorways, architectural, accent, landscape, signage, decorative, security, floodlighting, or area lighting shall meet Illuminating Engineering Society of North America (IESNA) full cutoff classification.

(2) Directional control shields ~~may be~~ **are** required **when adjacent to a residential use** in order to limit stray light. These are to be aimed and controlled so that the directed light is confined to the object intended to be illuminated.

(3) No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield, nor shall any illumination occur upward from a reflected light source.

(F) *Non-essential illumination:* All non-essential lighting shall be turned off by 10:00 p.m. or when not in use. The use of timers or motion sensors is encouraged. Public spaces that are frequented at night should stay illuminated until closed.

(G) *Energy efficiency and dark skies:* In order to promote energy efficiency and dark skies, light-emitting diode (LED) and induction lighting shall be considered before incandescent, halogen, florescent, or high pressure sodium lamp fixtures. ~~Narrow band amber LED (NBALED), Phosphor-converted amber LED (PCALED),~~ Filtered LED, Low Temperature (1800K-2700K) white LED or Low-Pressure Sodium (LPS) are all encouraged.

Article 6.09: Accessory Uses and Structures

(C) *General provisions:* The following general provisions shall apply:

(1) No accessory structure shall be located in a reserve, preservation/do not disturb area or public right-of-way. An accessory structure may be located within a platted easement with approval of an easement encroachment permit when no site excavation work is performed.

(a) No accessory structure shall be located in front of a platted building line or in a front yard, unless specifically exempted.

(b) In residential districts, the number of accessory structures for non-residential permitted uses (other permitted uses) may exceed the limitations in subsections (3)(a), (b), and (c), so long as the total coverage area of all accessory structures is in compliance with the coverage limitation in Table 5-F.

(c) Mechanical devices building support systems shall not exceed sixty (60) decibels in sound output when measured at the property line. The test cycle of a generator should be set for each Wednesday at noon.

(d) Patios and/or decks that are connected to or attached to an accessory structure are permitted, provided that the patio and/or deck are included in the accessory building cover percentage limit and all other height, area and screening requirements are met.

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

Storage Structures: Any structure used solely for storage of materials, supplies, tools and similar items, including greenhouses.

Patio Structures: Any detached, permanent structure used primarily for outdoor entertaining, cooking or dining purposes, including but not limited to: outdoor fireplaces/fire pits, kitchens, counters, or bars.	10' Fireplaces/Fire pits shall be at least 15' from any building.	N/A	See Table 5-F for Accessory building, Building and Development Cover limits. Shall be measured from footprint of structure.	15'
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10' unless the required rear and/or side yard for principal structures is less.

Permanent Fireplaces/Fire pits ~~shall~~ should be at least 15' from any building and shall meet all Building and Fire Code requirements.
Portable fireplaces and fire pits are exempt from the setback requirement.

Type of Accessory Structure	Side and Rear Yard Setback (not in any easement)	Number per property	Size Limits	Maximum Height Above Grade
Storage Structures: Any structure used solely for storage of materials, supplies, tools and similar items.	3'	1	See Table 5-F for Accessory Building, Building and Development Cover Limits. Shall be measured from footprint of structure	10'
Recreational Structures: Any structure used for recreational activity, including but not limited to: goal nets, backstops, trampolines, half-pipes, quarter-pipes, ramps, playhouses and playground equipment. Basketball goals and portable lacrosse, hockey and small soccer goals, as well as small, free-standing neighborhood book exchange boxes and small giving pantries in the front of the principal residence are exempt from the restrictions noted in this section	12' Portable goals and nets are exempt.	1 (or swimming pool house)	See Table 5-F for Accessory building, Building and Development Cover limits. Shall be measured from footprint of structure.	12'

Side and Rear Yard Setback for Recreational Structures ~~12'~~ **10'**

(D)(12) Fences

(d) *Location and height:* Fences may be located in yards as follows:

i. Front yard: As measured from the building setback line to the City right-of-way line:

A. Fences may extend fifteen (15) feet forward of the building line, provided such fence does not exceed three and one-half (3.5) feet in height, as measured above the elevation of the surface of the ground at such point.

B. Fence posts may exceed the height of the fence by a maximum of six (6) inches.

ii. Side and rear yards:

A. Fences shall not exceed six (6) feet in height, as measured above the elevation of the surface of the ground at such point, unless the side and/or rear yard abuts a Commercial or Planned District, or another municipality or township, then a fence may extend up to eight (8) feet in height.

B. Fence posts may exceed the height of the fence by a maximum of six (6) inches.

C. Fences may be located within a platted side and/or rear yard unless otherwise noted on the subdivision plat. If the platted side and/or rear building line is adjacent to an open space (golf course, park, etc.), then such fence must be an open-style in order to preserve views and vistas.

iii. For purposes of determining the location and height requirements, each yard abutting upon a street shall be considered as a front yard on each respective street.

iv. Fences or walls located completely within the buildable area are not subject to these height limitations.

v. Property line location: The accurate determination of the property line is the responsibility of the property owner or contractor securing the fence permit. The issuance of a fence permit does not indicate city review or approval of the property line location.

vi. Fences shall not be located in platted landscape preservation easements, do not disturb areas, planting strips or drainage easements. Fences may be located in a reserve or floodplain, unless otherwise noted on the subdivision plat. Fences located within a floodplain must be an open-style in order to allow water to move through.

D(18) In-Law Suite

(a) One in-law suite is permitted as an accessory use in designated districts per Table 5-A.

(b) Appearance: The structure shall maintain a single-family residential appearance, which blends with the principal structure and the neighborhood. It may have its own entrance, kitchen, bedroom, and bathroom.

(c) Size: The structure shall not exceed eight hundred sixteen (816) square feet.

- (d) Location: The in-law suite shall be located within the buildable area of the lot and shall be attached to the home. It cannot be located in a detached garage or within another accessory structure. It is only permitted on properties which meet minimum lot frontage and minimum lot size requirements in that zoning district.
- (e) Additional Conditions: The in-law suite shall be occupied in a manner consistent with a single-family use, in conjunction with the primary residence. An in-law suite is being occupied in a manner consistent with a single-family use in conjunction with the primary residence if all of the following conditions are present:
- a. It is used exclusively for family members of the property owner, who must also live within the single-family residence;
 - b. Unrestricted access to the entire structure is provided to all occupants;
 - c. Interior passages connect the in-law suite to the primary residence;
 - d. Household expenses and responsibilities are shared;
 - e. The entire structure has no more than one meter and one connection for water, electricity, gas, and other household utilities;
 - f. The in-law suite does not have a separate mailbox or mailing address;
 - g. The in-law suite will not be used for transient accommodations; and
 - h. No leasehold interest has been or will be granted in the in-law suite.