

ORDINANCE NO. 2019-19

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

**AN ORDINANCE ENACTING CODIFIED ORDINANCE
CHAPTER 1251 OF THE ZONING CODE ENTITLED
“RESIDENTIAL ATTACHED DISTRICT.”**

WHEREAS, the City wishes to create a new zoning district and to enact regulations thereunder for the purpose of permitting and promoting the development of high density residential dwellings and development;

WHEREAS, enactment of Chapter 1251 entitled “Residential Attached District” will allow the City to offer additional housing options to its residents and will allow the City to put certain land within its boundaries to its highest and best use;

WHEREAS, high density housing developments may result in the addition of many new residents and could have a positive impact on the local economy; and

WHEREAS, the zoning regulations proposed in this ordinance have been reviewed and approved by the City’s Planning Commission, which review and approval was given following the holding of a public hearing for the purpose of obtaining input and comment from the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Council hereby adopts Codified Ordinance Chapter 1251 entitled “Residential Attached District,” in the form attached hereto as Exhibit A, which is incorporated herein by reference as if fully rewritten.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: 04/15/2019

PASSED: 06/17/2019

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

EXHIBIT A

Chapter 1251 Residential Attached District

1251.01	Definitions
1251.02	Purpose
1251.03	District Establishment
1251.04	Permitted Uses in the RA District
1251.05	Accessory Uses in the RA District
1251.06	Site Planning and Design
1251.07	Area, Yard, Siting and Design Regulations
1251.08	Diagrams & Modifications

1251.01 DEFINITIONS

(a) “Active Uses” means those habitable spaces of a dwelling most often used for living, eating, or cooking. These spaces encourage “eyes on the street” and include such spaces as living rooms, offices, kitchens, or family rooms. Non-habitable spaces, garages, hallways, corridors, bathrooms, closets, storage, mechanical rooms, utility spaces, or similar are not considered Active Uses.

(b) “Frontage Build-Out” means the portion of the Principal and Secondary Street Frontage containing a building.

(c) “Interior Frontage” means, for lots fronting an alley or without a street line, the frontage of a residential attached unit where the principal pedestrian entrance is located.

(d) “Principal Pedestrian Entrance” is the exterior door exclusive to the dwelling unit that offers a pedestrian the most visible and direct means of ingress and egress to a public right of way.

(e) “Principal Street Frontage” means the street line where the residential attached unit’s principal pedestrian entrance is located. Where a residential attached unit has a lot line abutting a public space, that frontage shall be regulated as a Principal Street Frontage.

(f) “Residential Attached Building” is a building composed of two (2) or more residential attached units.

(g) “Residential Attached Unit” is a single family dwelling on its own lot, served by its own exclusive exterior pedestrian entrance, and attached to one (1) or more other such units by fire walls or fire separation walls.

(h) “Secondary Street Frontage” means, with respect to corner lots, all street lines that are not the Principal Street Frontage; also known as the “side street frontage.”

1251.02 PURPOSE

Residential Attached Districts (RA) are established to set the requirements for the form, site plan and building features of residential attached developments. Safe sidewalks, inviting streets and compelling urban form are essential elements of vibrant, walkable urban neighborhoods. The inherent density of residential attached units is a key component

of this vision, but without thoughtful site planning and design, this goal will not be fully realized. The provisions of this section are intended to make these elements the standards for RA development in University Heights.

1251.03 District Establishment

The RA District is hereby established, and shall conform to the standards and regulations hereafter set forth in this chapter.

1251.04 Permitted Uses in the RA District

The following uses are principle uses permitted in the RA District provided that all requirements of other City ordinances and this Code have been met:

1. Residential Attached Units/Buildings

1251.05 Accessory Uses in the RA District

The following accessory uses are permitted in association with the “permitted uses” listed above, subject to review and recommendation by the Planning Commission and approval of City Council:

1. Private garage and related parking areas;
2. Circulation drives;
3. Outdoor community areas;
4. Trash receptacles;
5. Porches, decks, patios, and rooftop terraces;
6. Freestanding air conditioning machinery, aboveground components of geothermal energy systems, emergency generators, and other similar equipment.

1251.06 Site Planning and Design

No building permit shall be issued for the original construction of a Residential Attached Unit or Residential Attached Building without review and recommendation of the Planning Commission and approval by City Council, which shall seek to ensure that the development meets the spirit and intent of subsection 1251.02 by applying the standards set forth below:

- A. Compatibility. The development shall be visually compatible with nearby properties with respect to such design elements as scale, height, setbacks, orientation to existing streets, roof lines, architectural character, materials, colors, and proportions of architectural features.
- B. Site Layout. Buildings, structures and landscape features shall be arranged so as to create visual interest, promote security and personal safety, promote safe, efficient, and comfortable pedestrian circulation, facilitate safe and efficient vehicular circulation, conserve natural features and provide usable common and private open space.
- C. Building Features. Residential Attached Units shall contribute to the character of the neighborhood by drawing from the best examples of architecture and urbanism. Residential Attached Units shall be designed to create active, attractive, street frontages that promote safety and walkability using the essential elements of traditional urban architecture.
- D. Circulation and Parking. Circulation and parking shall be designed to achieve the following:
 1. Provide proper access for service and safety vehicles
 2. Minimize conflicts between pedestrians and vehicles
 3. Minimize the number of curb cuts
 4. Prohibit placement of garage doors so close to sidewalks as to impair pedestrian safety.

1251.07 Area, Yard, Siting and Design Regulations

The following yard and area regulations shall apply in the RA District.

- (a) Lot Dimensions
 - 1. No minimum
- (b) Setback Requirements
 - 1. Front Yard Depth
 - a. Principal: minimum 0' from the public right of way and maximum 12'
 - b. Secondary: no minimum from the public right of way
 - c. Interior: minimum 7'
 - 2. Interior Side Yard Depth
 - (i) Adjoining U-1 and U-2 districts: minimum 3'
 - (ii) Adjoining other district: no minimum
 - 3. Rear Yard Depth
 - (i) Rear lot line adjoining U-1 and U-2 districts: minimum 7'
 - (ii) Rear lot line adjoining other district: no minimum
- (c) Building Design Features
 - 1. First-story glazing (% of façade required to be transparent windows and doors between 3' and 7' above finished floor)
 - (i) Principal: minimum of 35%. Where the finished first floor is 48" or more above grade: minimum 20 % glazing between grade and the finished first floor, less frontage feature areas.
 - (ii) Secondary: a minimum of 25%. Where the finished first floor is 48" or more above grade: minimum 20% glazing between grade and the finished first floor, less frontage feature areas.
 - (iii) Interior: minimum 20%.
 - 2. Active uses on first story
 - (i) Principal: No requirement
 - (ii) Secondary: No requirement
 - (iii) Interior: No requirement
 - 3. Floor Area Ratio
 - (i) No requirement
 - 4. Entrances
 - (i) Each unit with a street line shall provide a principal pedestrian entrance directly to that street line or interior frontage. Corner lots are required only one (1) principal pedestrian entrance.
 - 5. Frontage feature (See Figure in Section 1251.08.1 hereof)
 - (i) B, C, D, or E Required. Minimum area: 16 square feet
 - 6. Height of finished first floor above grade
 - (i) Principal: Minimum 28", maximum 5'6"
 - (ii) Secondary: Minimum 28", maximum 5'6"
 - (iii) Interior: Minimum 18", maximum 5'6"
 - 7. First floor materials
 - (i) Principal:
 - A. Human scaled: ex. Brick, stone, lap siding, wood, terra cotta or similar
 - B. Above first-story: Materials in any dimension are permitted
 - C. Prohibited materials on principal and secondary street frontage; plain and split-face concrete masonry units and synthetic stucco

- (ii) Secondary:
 - A. Same as Principal

8. Height of Building

- (i) The height of any building in the RA District shall not exceed forty (40) feet.

9. Roof Structures

- (i) Stairway and elevator or ventilating equipment penthouses, and penthouses for similar purposes, water tanks, cooling towers, ornamental towers, scenery lofts, poles, chimneys, or other necessary appurtenances, when erected upon and as an integral part of the building, may be erected or extended above the maximum height specified in 1251.07(c)(8) upon approval of the Planning Commission.

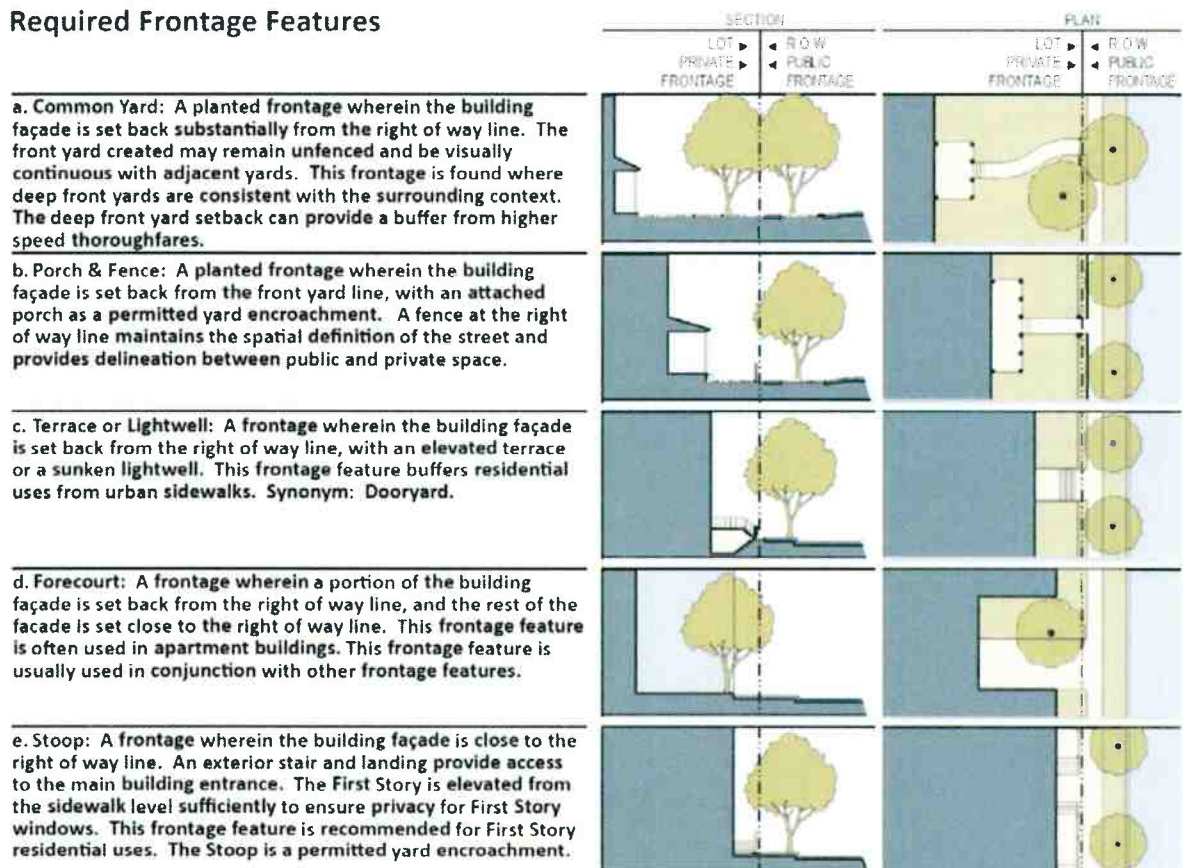
(d) Garages, Car Openings and Driveways

1. Garage or Car Openings perpendicular to a principal and secondary street frontage at a public right of way:
 - (i) Landscaping is required at actual principal and secondary street setback, minus permitted driveways
 - (ii) Landscaping and fencing shall be a minimum 3.5' in heights, maximum height as allowed by the Zoning Code
2. Garage or Car Openings within an established front yard setback on a secondary street at a public right of way:
 - (i) Landscaping and fencing are required along the shared rear/side yard property line
 - (ii) Landscaping and fencing shall be a minimum 3.5' in height, maximum height as allowed by the Zoning Code
3. One-way vehicular driveway width: maximum 11'
4. Two-way vehicular driveway serving multiple units width: maximum 20'
5. Continuous at-grade sidewalk and apron: required

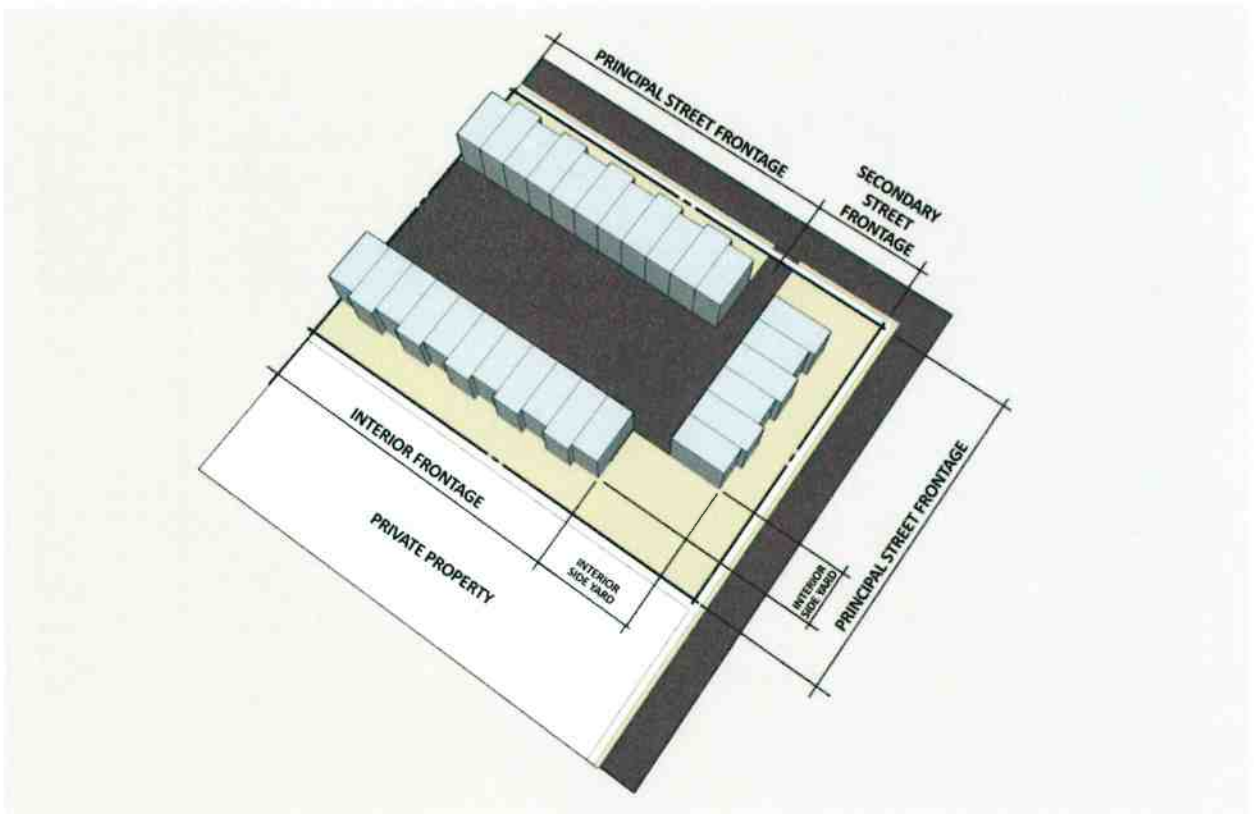
1251.08.1 Diagrams & Modifications

(a) Required Frontage Features

Required Frontage Features



(b) Frontage Diagram



(c) Administrative Modifications

1. The Building Commissioner, without referral to the Board of Zoning Appeals, may require a numerical standard that is different from the standard under section 1251.06 of up to twenty (20) percent in any direction if it is determined that such relief will result in an Residential Attached unit or building that is more appropriately situated and/or more consistent with its context. This provision shall not apply to section 1251.06(C)(6).

(i) Example application of Commissioner discretion: In the RA District, the Commissioner may administratively reduce the required Interior Front Yard Depth from the numerical standard of 7' to 5'7" ($7' \times 0.8 = 5'7"$).