

### **219.01 Department of ~~public service~~ Public Service established.**

There is established a ~~department of public service~~ Department of Public Service consisting of a ~~director of public service~~ Director of Public Service, two (2) deputy directors of public service, the ~~division of transportation, the division of refuse collection, and the division of parking violations bureau~~ Division of Mobility Options, the Division of Planning and Operations, the Division of Design and Construction, and the Division of Refuse Collection. The ~~department~~ Department of Public Service shall perform all lawful functions as may be directed by the mayor or ordinance of council.

### **219.02 Duties of director and deputy director.**

The ~~director of public service~~ Director of Public Service shall be appointed by the mayor and shall serve at the pleasure of the mayor at a salary fixed by ordinance of council. The ~~director of public service~~ Director of Public Service shall have all powers and duties connected with and incident to the appointment, regulation and government of the ~~department of public service~~ Department of Public Service and all powers and duties specifically vested in the ~~director of public service~~ Director of Public Service by the Charter of the city. The ~~director~~ Director shall designate one (1) of the deputy directors of public service who shall serve in the absence of the ~~director~~ Director.

### **219.03 ~~Division of transportation.~~ Division of Mobility Options.**

The ~~division of transportation~~ is established as a division of the department of public service. The administrative head of the division shall be the ~~transportation administrator~~. The ~~division of transportation~~ shall have as its primary duties the design, construction, maintenance and repair of traffic control systems and devices and streets, highways, bridges, sidewalks and other applicable public ways and the coordination, direction, inspection and supervision of the construction of streets, highways, bridges, storm sewers, sanitary sewers, street lighting, water distribution lines, traffic control devices and any other city owned or operated facility and such other related matters as may arise in connection with such construction. The city engineer and city traffic engineer shall be Ohio registered professional engineers, who may be the ~~transportation administrator or other qualified transportation division staff designated in writing by the transportation administrator.~~ The Division of Mobility Options is established as a division of the Department of Public Service. The administrative head of the division shall be the Mobility Options Administrator. The Division of Mobility Options shall have as its primary duties the planning and design of complete streets elements including sidewalks, bikeways, rail and mass transit, ADA services, and traffic calming into the transportation infrastructure. The division shall also provide parking management services including the Parking Violations Bureau as established by 2150.04 of the Columbus City Code.

### **219.031 Division of Planning and Operations.**

The Division of Planning and Operations is established as a division of the Department of Public Service. The administrative head of the division shall be the Planning and Operations Administrator. The Division of Planning and Operations shall have as its primary duties planning services for transportation infrastructure including traffic and safety studies, pavement and structures management, capital project prioritization and scoping, zoning and right-of-way permit reviews, and plat reviews. The division shall also provide street and traffic maintenance services including street sweeping, litter control, graffiti removal, snow removal, installation and maintenance of pavement markings, traffic signals, traffic signage, and parking meters.

### **219.032 Division of Design and Construction.**

The Division of Design and Construction is established as a division of the Department of Public Service. The administrative head of the division shall be the Design and Construction Administrator. The Division of Design and Construction shall have as its primary duties the design of transportation infrastructure including development of construction plans, plan review, right-of-way and utility management, and management of design contracts. The division shall also provide construction services including management of construction contracts, construction inspection, surveying, and materials testing.

### **219.04 ~~Division of refuse collection~~ Refuse Collection.**

The division of ~~refuse collection~~Division of Refuse Collection is established as a division of the ~~department of public service~~Department of Public Service. The administrative head of the division shall be the ~~refuse collection administrator~~Refuse Collection Administrator. The division shall have as its primary duty the collection of refuse.

#### **~~219.06 Division of parking violations bureau.~~**

~~The division of parking violations bureau is established pursuant to Section 4521.04 of the Ohio Revised Code as a division of the department of public service. The administrative head of the division shall be the parking violations administrator (or violations clerk). The parking violations bureau has jurisdiction over each parking infraction that occurs within the territory of the city of Columbus; issuing of parking citations; parking meter collections; issuing residential parking permits; and all related cashing and accounting functions for both the PVB and the police division's vehicle impounding lot.~~

#### **327.02 Payment to contractors with interest.**

Interest at the rate of one and one-quarter (1 1/4) percent per annum upon the sum so retained, as set out in C.C. 327.01, shall be paid to the contractor semi-annually, and upon the receipt of a compliance certificate, as hereinafter provided, after expiration of the term of guaranty, the investment shall by the trustees be converted into money, and the sum so retained, together with any such interest thereon then accrued but unpaid, shall be paid over to the contractor. Provided, however, that no payment of principal or interest shall be made to the contractor by the trustees except upon a certificate which shall state that the contractor has complied with the terms and conditions of their guaranty. This certificate shall be signed by the administrative head of the department having the work in charge ~~and if issued by the director of public service shall be countersigned by the transportation administrator or designee.~~

#### **594.30 Hours of operation.**

Carriages shall not operate during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday, except on legal holidays, and on other dates and times of restriction by the ~~division of transportation~~Department of Public Service, public safety license section or police division.

#### **594.31 Routes.**

- (A) The company shall operate horse drawn carriages only upon streets according to routes and restrictions authorized by the license section.
- (B) Companies are barred from using streets which:
  - (1) Have a speed limit exceeding thirty-five (35) m.p.h., unless prior approval is obtained from the license section;
  - (2) Involve major arterials during the hours of 6:30 a.m. to 6:30 p.m. except Saturday, Sunday and holidays as determined by the license section. Exceptions may be made with the express consent of the license section.
- (C) The authorized routes and tether locations shall be subject to amendment as needed by the ~~transportation administrator~~Department of Public Service and/or police division in order to ensure safe and efficient movement of traffic.
- (D) Advance charter tours may deviate from the route provided the company operates on streets approved for routes.
- (E) A company shall receive prior approval of the license section to deviate from streets which have not been approved for routes or destinations which require use or crossing of streets designated as arterial or collector streets on the city's major street plan and official map.

#### **901.01 Agreements to improve street areas.**

Upon receipt of requests for the right and privilege to cause the improvement of any public street, avenue, boulevard or alley in the city, the ~~director of public service~~Director of Public Service is authorized to enter into agreements, granting such right and privilege, and such agreements shall contain the following provisions and conditions.

- (a) The pavements so constructed shall be in accordance with plans to be approved by the ~~transportation administrator and the director of public service~~Director of Public Service and their designee, which plans shall meet the standard minimum requirements as adopted by the city council.

- (b) ~~The transportation administrator~~ Director of Public Service and/or their designee shall furnish detailed specifications, which shall be complied with in every respect.
- (c) The grades of the streets, alleys or other public ways to be so paved shall be as shown on the plans therefor and shall be recorded in the profile books ~~in the office of the transportation administrator~~ maintained by the Department of Public Service.
- (d) The city shall be held free and harmless from any and all claims for damages of every nature arising or growing out of the improvements so agreed to be made.
- (e) The party requesting such right and privilege shall pay the costs of inspection and the cost of fire hydrants and shall deposit, with the city treasurer through the ~~transportation administrator~~ Director of Public Service and/or their designee, the sums of money estimated by the ~~transportation administrator~~ Director of Public Service and/or their designee to be necessary therefor, and in the event that such estimated amounts are found to be insufficient shall deposit such additional amounts as are necessary upon demand. All unexpended monies so deposited shall be refunded.
- (f) Such party shall furnish a surety bond or an irrevocable letter of credit issued by a bank and subject to the provisions of Chapter 1305 of the Ohio Revised Code satisfactory to the ~~director of public service~~ Director of Public Service, or an escrow agreement acceptable to the city attorney and ~~director of public service~~ Director of Public Service, or a certified check upon a solvent bank of the city, in the sum of one hundred (100) percent of the estimated cost of the proposed improvements to guarantee the performance of the agreement.
- (g) Any violation of the terms of the agreement or noncompliance therewith shall constitute a breach of contract and the ~~transportation administrator~~ Director of Public Service and/or their designee shall have the right and privilege to stop the work forthwith.
- (h) Upon completion of the work in accordance with the plans and specifications therefore, the pavements shall become the property of the city at no cost to the city and without encumbrance of any nature.
- (i) City council shall by ordinance establish and periodically amend a schedule of fees for the review of street plans. All fees are for the purpose of defraying costs incurred by the ~~division of transportation~~ Department of Public Service for reviewing street plans to assure conformance to city specifications. Once the fee has been paid it shall not be refundable. The ~~transportation administrator~~ Director of Public Service and/or their designee shall not release street plans for construction until the fee has been paid in full. All fees shall be paid to the city treasurer for deposit into the development services special revenue fund. The schedule of fees and service charges shall be posted in the ~~office of the division of transportation, public service department~~ Department of Public Service offices.
- (j) All fees collected are for the purpose of paying for services rendered by the ~~Transportation Division~~ Department of Public Service for coordinating, directing, inspecting and supervising the construction of streets, highways, bridges, storm sewers, sanitary sewers, street lighting, water distribution lines, traffic control devices and any other city-owned or operated facility and such other related matters as may arise in connection with such construction to assure conformance to city specifications. All fees shall be paid to the city treasurer for deposit into the building services special revenue fund. Council shall, by separate ordinance, establish and periodically adjust the fees for all types of applications and review provided by the Department of Public Service, hereinafter referred to as the "Fee Schedule," for the purpose of defraying the costs of providing service. The fee in effect on the date of receipt of any application shall be the fee charged.

#### **901.02 Improvements for purpose of developing subdivisions.**

In the event that a street improvement or sewer construction, or any other comparable improvement, made on an assessment basis for the purpose of developing subdivisions, is sought by petition, the following procedure and petitioner requirements are to be in full force and effect for the sole purpose of facilitating an equitable, business-like and timely action by the council upon such petitions for street improvements or sewer construction or other comparable improvement:

- (a) Each such petitioner shall, at the time of filing his petition with the city clerk, deposit the sum of not less than one hundred and fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00), as may be determined by the city attorney, which such deposit shall be for the appraisal services in connection with the proposed improvement or construction, and shall secure the cost of appraisers' fees and cost of the appraisal board's valuation and feasibility report. The city clerk shall remit any such deposit to the ~~transportation administrator~~ Director of Public Service and/or their designee who shall credit such deposit to the credit of street construction maintenance and repair fund. Any such part of any such deposit so made as is found to be in excess of the fee charged by appraisers, shall be refunded by the ~~transportation administrator~~ Director of Public Service and/or their designee to the depositor within a

reasonable time after such determination is made.

(b) There is created a board to be known as the street improvement and sewer construction appraisal board. Such board shall consist of three (3) members, two (2) to be regularly qualified and acting realtor members of the Columbus real estate board, and one (1) member being a duly qualified and practicing Ohio-registered professional civil engineer. Each such board member shall at all times be a freeholder and a bona fide resident of the city. Members of the board shall be appointed by the city attorney and shall serve for the term of one (1) year from the date of appointment, or until such time thereafter as a qualified successor is appointed. In case of the death, resignation or removal by reason of disqualification, of any member of such board, successor board members shall be appointed by the city attorney in like manner as the original appointments are made.

(c) It shall be the duty of the street improvement and sewer construction appraisal board to make a timely survey of each such proposed improvement or construction and an appraisal of the values of each and every parcel of real estate affected, the cost of each street improvement or sewer construction or other improvement project, and forthwith to make a full and complete written report of each such survey and appraisal to the city council. Copies of such report shall be submitted to the ~~transportation administrator~~ Director of Public Service and/or their designee and city attorney, such report to contain the board's findings and conclusions as to each such valuation or costs; the feasibility of such improvement or construction, and the board's recommendations to the city council in connection therewith, particularly referable to the justifiable risk or nonjustifiable risk of the city in ordering such proposed improvement or construction. Such original report in each such instance shall be filed with the city clerk. Such reports of the board shall be considered confidential and the city council shall consider each such report with respect to any such proposed street improvement or sewer construction, or other comparable improvements, together with the ~~transportation administrator~~ Director of Public Service and/or their designee's report as to the estimated cost of such improvement or construction, and each such report shall also be used by the city council to assist it in the determination of its course of action in either approving or disapproving the street improvement, or sewer construction or other comparable improvement, as sought by the petitioners.

#### **902.01 Littering.**

(a) No person, regardless of intent, shall deposit litter, cause litter to be deposited, or allow litter to accumulate in an unsightly, unsanitary, or unsafe manner on any public property, on any private property, or in or on waters of the city, or convey or carry through any street, square, court, lane, avenue, alley, or other public place, any liquid refuse matter or slops of any kind, unless such liquid refuse matter is conveyed in watertight wagons, carts, vehicles, or vessels.

(b) Persons engaged in the repair or construction of any building in the city may occupy certain portions of a street or sidewalk as authorized by the ~~transportation administrator~~ Director of Public Service and/or their designee as required by Chapter 903 of the Columbus City Code.

(c) In the event any person causes or permits the littering of streets or alleys with dirt, mud, debris or excavating or building materials, such person shall clean and/or remove such litter.

(1) Upon failure of any person to remove such dirt, mud, debris or excavating or building materials, then cleaning service shall be rendered by the ~~division of transportation~~ Department of Public Service and the person billed at the current hourly rates of the ~~division's~~ Department of Public Service's equipment and personnel.

(2) Failure to pay such bill within ten (10) days shall be grounds for revocation of any and all city permits, licenses, performance bonds, and letters of credit issued to or posted by such person and for refusal to issue any new permits or licenses for so long as the bill remains unpaid.

(d) The littering of streets adjacent to any project for which a city permit or license was issued shall be deemed to have been caused or permitted by the permittee or licensee in the absence of proof to the contrary.

(e) As used in this section:

(1) "Litter" means garbage, trash, waste, rubbish, ashes, cigarette butts, cigar butts, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, debris, leaves, dead and decaying material, human excreta or any refuse of any description or any other thing, matter, or substance which may accumulate in an unsightly, unsanitary, or unsafe manner.

#### **902.02 Obstructing sidewalks, bikeways or streets.**

(a) No person, regardless of intent, shall place, deposit, maintain, or use, or cause or permit to be placed, deposited, maintained, or used upon any street, alley, sidewalk, bikeway as defined in Section 900.03, highway, or right-of-way

any materials, containers, vending equipment, structures, appliances, furniture, merchandise, bench, stand, sign, or advertising of any kind, or any other similar device or obstruction except as authorized by the ~~transportation administrator~~, Director Public Service and/or their designee, as required by Chapter 903 of the Columbus City Code.

(1) Any person, regardless of intent, who places, deposits, maintains, or uses, or causes or permits to be placed, deposited, maintained, or used upon any street, alley, sidewalk, bikeway, highway, or right-of-way any obstructions as defined in Section 902.02(a), except as authorized by the ~~transportation administrator~~ Director Public Service and/or their designee as required by Chapter 903 of the Columbus City Code, shall remove such obstructions.

(2) In addition to any civil and/or criminal penalties set forth in this chapter, upon failure of any person to remove such obstructions as defined in Section 902.02(a), then the removal service may be rendered by the appropriate city agency and the person billed at the current hourly rates of the agency's equipment and personnel.

(3) Failure to pay such bill within ten (10) days shall be grounds for revocation of any and all city permits, licenses, performance bonds, and letters of credit issued to or posted by such person and for refusal to issue any new permits or licenses for so long as the bill remains unpaid.

(b) No person shall knowingly erect, or cause to be erected or permit to remain standing:

(1) Any porch, portico, veranda, stairs, steps, cellar doors, area, or other projection, extending over or upon the sidewalk, or shared-use path as defined in Section 900.03 of any street, alley, or public highway in the city, provided that, the city council may grant the right to construct areaways under sidewalks or shared-use paths upon the condition that they are constructed to the approval of the chief building inspector;

(2) Any house, building, wall, fence, post, pole, rocks, blocks, timbers, curbs, landscaping materials, or other structure in such a manner that any part thereof shall stand or project beyond the line of any lot or parcel of ground into any street, alley, sidewalk, bikeway, highway, or right-of-way. Mailbox supports, street trees as defined in Chapter 912 of the Columbus City Codes and utility poles are not regulated by this section.

(a) No person being the owner of any lot abutting on a street or avenue of the city which is enclosed by a fence shall have the gate at the entrance of such lot from the street or avenue so constructed as to be allowed to swing outward over the street or avenue or the sidewalks or shared-use path unless such gates shall be so constructed and supplied with springs, chain, and weight or other appliances as to automatically close such gates and keep them closed when not in use.

(b) No person shall play at a game of ball upon any street or street park in the city.

### **902.03 Maintaining improper or unsafe sidewalks, shared-use paths or streets.**

(a) Every owner, occupant, or person having charge of any lot or parcel of land in the city shall cause the paved sidewalk or shared-use path, or any part thereof, in front of and abutting, or to the side or rear of and abutting upon such lot or parcel of land, to be clear of snow and ice each day. If for any cause it shall be impossible to remove all the snow and ice which may adhere to such sidewalk or shared-use path, then every such owner, occupant, or person having charge shall cover such snow or ice as shall remain with such coating of sand or other substance as may be necessary to render travel safe and convenient.

(b) No person shall do any of the following:

(1) Place or deposit snow or ice collected from parking lots, driveways, or any other private property onto a street, sidewalk, shared-use path, alley, or right-of-way; place or deposit snow or ice collected from driveway entrances or any other location onto a street, shared-use path or sidewalk in such a manner as to impede safe travel.

(2) Open any door constructed in and as a part of a public sidewalk, shared-use path or street and as a covering over an areaway under such sidewalk, shared-use path or over an entrance way to the basement of a building, or use such opening or entrance way, except between the hours of 6:00 p.m. and 8:00 a.m.

(3) Allow cellar doors or any other opening of a similar nature to remain open on any sidewalk or shared-use path of any street or alley unless a substantial railing surrounds the opening or unless there is stationed at such cellar door, trap door, or any other opening of a similar nature a guard or watchman during the time or period of its remaining open.

(4) Pave, repave, or repair any sidewalk or shared-use path in the public right-of-way, or cause the same to be done, without first obtaining a permit to do so from the ~~transportation administrator~~ Director Public Service and/or their designee.

(c) No person shall construct:

(1) On any sidewalk, shared-use path, street, or alley any smooth iron doors or coverings of manholes, coalholes, or gratings, or by whatever other name they may be called. When such doors or coverings of manholes, coalholes, or gratings are constructed they shall be of rough corrugated iron on the level with such sidewalk, shared-use path,

street, or alley neither higher nor lower than the sidewalk, shared-use path, street, or alley on which they are constructed;

(2) Any pipe, stopcock or valve on any sidewalk or shared-use path unless they are constructed so as to conform with the level of the sidewalk or shared-use path neither higher nor lower than the sidewalk or shared-use path on which they are constructed.

(d) No person shall:

(1) Remove, displace, destroy, or deface any barrier, marker, sign, obstruction, or light set placed by any person acting under the direction of the Director of Public Service or the Director of Public Safety, in or on any public street or alley for the purpose of temporarily closing such street or alley or for the purpose of temporarily prohibiting driving, parking, stopping, or standing of vehicles thereon in connection with the improvement, repair, maintenance, or cleaning of such street or alley, or for any other authorized reason;

(2) Drive, park, stop, or stand any vehicle in or upon any street or alley when street or alley is so marked by any barrier, marker, sign, obstruction or light for the purposes stated in subsection (d)(1);

(3) This section shall not apply to any person requiring the use of such street or alley so temporarily regulated for access to any premises abutting on the portion of such street or alley so temporarily regulated, when such person shall have obtained a written consent to use the street or alley for such purpose from the officer under whose authority the regulation was established.

(e) The Director of Public Service and the Director of Public Safety each is authorized, in their separate official capacity, to temporarily regulate the driving, parking, stopping or standing of vehicles upon any street or alley in the city, when such regulation is required for the purpose of improving, repairing, maintaining or cleaning such street or alley.

(f) No regulation under subsection (e) shall be effective until and unless the street or alley to be regulated is properly posted by appropriate signs or markers.

#### **902.04 Driveway and ditch pipe installation and maintenance.**

(a) It shall be the duty of every owner of any lot or parcel of land in the city having a driveway crossing a roadside ditch or area ditch, to provide and maintain a driveway pipe of the proper size, material, and at the proper grade to allow free flow of water in the roadside ditch. This responsibility includes, but is not limited to, installing, replacing, resetting, cleaning, and related maintenance of said driveway pipe. Every owner, prior to performing said installation or maintenance work, or extending or installing any pipe or conduit for the purpose of enclosing a ditch, shall secure the consent of the ~~transportation administrator~~ Director Public Service and/or their designee, as required by Chapter 903 of the Columbus City Code. All work involving sewer pipes must conform to all applicable requirements of Title 11, Article 3 of the Columbus City Code.

#### **903.01 ~~Transportation administrator's~~ Director Public Service and/or their designee's consent required.**

(a) All public service agencies, companies or corporations, persons and individuals wishing to dig into or open holes, ditches or trenches in the sidewalk, bikeway or roadway or to occupy the right-of-way of any streets, alleys or public ways of the city in order to place, extend or repair therein any pipes, conduits or wires, or for any other reason, shall at least ten (10) working days before proposing or preceding to do so, obtain the consent of the ~~transportation administrator~~ Director Public Service and/or their designee. All such requests shall be submitted to, reviewed and approved by, along with appropriate fees and deposits paid to the city, before it shall become effective. All such fees shall be deposited by the ~~transportation administrator~~ Director Public Service and/or their designee with the city treasurer to the credit of the street construction maintenance and repair fund. All deposits shall be returned upon completion and acceptance of the work. A record of such written consent shall be ~~kept in the office of the transportation administrator~~ maintained by the Department of Public Service.

(b) All public service agencies, companies or corporations, persons and individuals wishing to occupy the public right-of-way of any street, alley, sidewalk, bikeway, public way or paving of the city in order to repair, replace, renovate, extend, refurbish, alter, mark, decorate, install, maintain any building, structure, surface, pole, conduit, pipe, wires, sign or graphic, cable, sewer or drain structure or building connection of any kind above, near or adjacent to said right-of-way shall at least five (5) working days before proposing or preceding to do so, obtain the consent of the ~~transportation administrator~~ Director Public Service and/or their designee. All such requests shall be submitted to, reviewed and approved by, along with appropriate fees paid to the city, before it shall become effective. All such fees shall be deposited by the ~~transportation administrator~~ Director Public Service and/or their

designee with the city treasurer to the credit of the street construction maintenance and repair fund. A record of such written consent shall be ~~kept in the office of the transportation administrator~~ maintained by the Department of Public Service.

(c) Strict liability is intended for this section.

### **903.02 Supervision of ~~transportation administrator~~ Director of Public Service and/or their designee.**

The ~~transportation administrator~~ Director Public Service shall promulgate reasonable rules and regulations to carry out the provisions of this chapter. The ~~transportation administrator~~ Director Public Service and/or their designee shall supervise and control the work done thereon in the way and manner provided for the digging in and opening up of holes, trenches and ditches in any street, alley or public way of the city, in the sidewalk, bikeway or the roadway or to occupy the right-of-way thereof. The plan and manner of such work shall be as described by the ~~transportation administrator~~ Director Public Service and/or their designee.

### **903.04 Restoration--Traffic obstructions--Damages.**

Whenever any person shall have authority, as provided in C.C. 903.01, to excavate or dig in or to occupy the right-of-way of any street, alley, sidewalk, bikeway or public way the person causing such excavation, digging or occupancy to be done shall complete the same such excavation or digging with all possible dispatch. The person shall fill in and cover over such excavation or digging in such manner, and by such time as may be required by the ~~city engineer~~ Director Public Service and/or their designee, or shall be liable to the city for the expense thereof, if it be filled in or covered by the city. During the progress of any such work at least one-half of the street or alley shall be kept open and free for the passage of vehicles, except when in the opinion of the ~~city engineer~~ Director Public Service and/or their designee the street or alley must be closed to facilitate the work to be done. The person so causing any such excavation, digging or occupancy to be done shall be liable for all damages to persons or property which in any way result therefrom.

### **903.05 Restoration regulations.**

It is the duty of each and every owner of real estate, and of the agent or lessee of such owner, and of any and every other person who shall, under authority as provided for in CC. 903.01, open, excavate or occupy the right-of-way or cause or permit the same, whether under contract with the city or otherwise, any street, alley, sidewalk, bikeway or other public way within the corporate limits, for any lawful purpose whatsoever, immediately upon completion of such work cause it to be put back and placed in reasonably close conformity to the condition before such work began. This work shall include but not be limited to the following:

For the purpose of laying or repairing any:

Water pipe for the conveyance of water;

Gas pipe for the conveyance of gas;

Sewer pipe for the conveyance of drainage or sewerage;

Construction of any kind of sewer or other drain structure;

Electric or cable type conduit of any kind; or

For the purpose of making house connections of any kind whatsoever;

For placing or repairing any overhead lines or other similar facilities;

For opening, excavating or occupying the right-of-way, or cause or permit to be opened, be excavated in or to occupy the right-of-way, of any such street, alley, sidewalk, bikeway or other public way, for any lawful purpose whatsoever.

The aforesaid work shall include the proper and thorough compacting and settling of the earth displaced, replacement of backfill, subbase or pavement as required by current city standards and in accordance with the current Construction and Material Specifications of Columbus (CMSC). The top of any such opening shall be laid with the same or nearly the same kind of material(s) as the CMSC permit as composed the surface thereof before such opening and in the same manner and upon the same level as it lay before such opening was made. All of the aforesaid shall be done before leaving such work, and immediately after the accomplishment of the purpose of such opening or occupancy of the right-of-way, so that the street, alley, sidewalk, bikeway or other public way so opened shall, immediately after such work is done, be placed in reasonably close conformity to the original condition in every respect, as it was before such work was commenced. The duty of so closing up such openings or excavations

as aforesaid, is also imposed upon any contractor and any officer and upon any and all other persons under whose direction, supervision or oversight such opening is made, or upon whose request, permission or cooperation such opening is made. It is the duty of the Director of Public Service ~~through the transportation administrator and/or their designee~~ to require and see that the provisions of this section are strictly, promptly, fully and carefully carried out and enforced.

**904.02 ~~Administrator of transportation division's~~ Director of Public Service and/or their designee's consent required.**

- A. Any company, corporation, persons or individuals wishing to use or occupy public right-of-way or other real property within the public right-of-way for placement of private amenities including but not limited to sidewalk or shared-use path seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, placement of temporary signage and any other uses authorized in the rules and regulations associated with this chapter must apply for and obtain written consent from the ~~administrator of the transportation division~~ Director of Public Service and/or their designee. Such consent shall be given in the form of a lease for use of public sidewalk or shared-use path or other real property within the public right-of-way, which shall be executed by the ~~administrator of the transportation division~~ Director of Public Service and/or their designee. The city shall review any lease for commercial uses entered into pursuant to this chapter on an annual basis and based upon such review shall determine the suitability of any request for renewal.
- B. Any company, corporation, persons or individuals wishing to install banners or flags within the public right-of-way must apply for and obtain written consent, in the form of an agreement, from the ~~administrator of the transportation division~~ Director of Public Service and/or their designee.
- C. The ~~administrator of the transportation division or their designee~~ Director of Public Service shall promulgate reasonable rules and regulations to carry out the provisions of this chapter.

**904.05 Fees.**

- A. Fees shall be as follows:
1. For uses deemed by the city to be private amenities to the public right-of-way including but not limited to flower boxes, planters, and benches a one time fee of two hundred fifty dollars (\$250.00) per application will be required;
  2. For uses deemed by the city to be commercial in nature including but not limited to sidewalk or shared-use path dining, kiosks, and shoeshine stands an initial fee of five hundred dollars (\$500.00), due at the time the original application is submitted and a fee of fifty dollars (\$50.00) for any subsequent annual renewal will be required. Any material change in the scope or purpose for which the original lease was issued will require a five hundred dollars (\$500.00) fee to process the modification;
  3. No application or annual fees shall be required for the installation of banners/flags within the public right-of-way.
- B. Fees shall be submitted to the ~~administrator of the transportation division~~ Director of Public Service and/or their designee for deposit into the operating fund. Fees shall be paid by check or money order and shall be made payable to the treasurer -- city of Columbus;
- C. Fees shall remain reasonable and nondiscriminatory;
- D. Total revenues generated by such fees shall represent a reasonable allocation of public right-of-way related costs as determined by the ~~administrator of the transportation division~~ Director of Public Service and/or their designee;
- E. The ~~administrator of the transportation division~~ Director of Public Service and/or their designee must receive all fees before any placement of privately owned amenities to or limited use and occupation of sidewalk or other real property within the public right-of-way of the city of Columbus will be permitted;
- F. Fees shall not be refundable in the event of any revocation or city required removal of facilities as specified in Section 904.08 and 904.09 of this chapter.

**904.06 Special obligations for those seeking leases.**

For those companies, corporations, persons or individuals wishing to lease the public right-of-way for installation of private amenities as described in Section 904.02(A) of this chapter the following obligations shall apply:

- A. The lessee shall restrict use of the leased premises to the patrons, customers and guests of the lessee's establishment when said premises are used for outdoor seating and dining purposes;



- B. The lessee shall not erect or permit any obstructions of a permanent nature to be located within the leased premises;
- C. The lessee shall not erect or permit obstructions of a permanent or temporary nature to be located within the non-leased portion of the public sidewalk or shared-use path or other real property within the public right-of-way;
- D. The lessee shall restrain and prevent its employees, patrons, customers, business invitees, and guests from blocking, obstructing or hindering the flow of pedestrian traffic upon the non-leased portion of the public sidewalk, or pedestrian and bicycle traffic upon the shared-use path or other real property within the public right-of-way;
- E. The lessee shall keep the premises and any adjacent non-leased public sidewalk or shared-use path or other real property within the public right-of-way clean and free of debris;
- F. Lessee shall acknowledge acceptance of the premises in "as is" condition with absolutely no warranties, implied or expressed, by the city as to the condition or suitability of the premises for the intended use;
- G. Lessee shall apply for and receive approval for all building, zoning and any other permits required as a result of the proposed use of public sidewalk or shared-use path or other real property within the public right-of-way before any occupation of the public sidewalk or shared-use path or other real property within the public right-of-way may occur;
- H. Lessee shall not assign any lease without the written consent of the ~~administrator of the transportation division~~ Director of Public Service and/or their designee. Such consent shall not be unreasonably withheld.

**905.02 Definitions.**

For purposes of this chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (A) "Authorized agent" for the abutting property owner shall mean a contractor having an active valid Home Improvement Contractor's (H.I.C.) License on file with the Department of Trade and Development, Building Services Division;
- (B) "City" means the city of Columbus, Ohio;
- (C) "Director" shall mean the Director of the Public Service Department or their designee;
- (D) "Director of the Department of Development" shall by reference include the Development Director or their designee;
- (E) "Owner" means any of the following:
  - (1) The owner of record as shown on the current tax list of the County Auditor in which the property is located;
  - (2) The mortgage holder of record, if any, as shown in the mortgage records of the County Recorder in which the property is located;
  - (3) Any person who has a freehold or lesser estate in the premises;
  - (4) A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the County Sheriff in which the property is located has issued a deed for the premises whether or not the deed has been recorded;
  - (5) Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;
  - (6) Any person who holds himself or herself out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.
- (F) "Person" means, without limitation, a natural person, his heirs, executors, administrators, or assigns, and also includes a corporation, partnership, an unincorporated society or association, or any other type of business or association, including respective successors or assigns, recognized now or in the future under the laws of the state or the city;
- (G) "Right-of-way" means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public shared-use path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the city;
- (H) ~~"Transportation Administrator" shall mean the Administrator of the Transportation Division of the Public Service Department or their designee.~~

(H) "Bikeway" as defined in 900.03.

#### **905.05 Supervision and control by the ~~Transportation Administrator~~.**

No person or business organization shall construct, reconstruct, repair, or level any sidewalk, shared-use path, curb, curb & gutter or driveway entrance in the public right-of-way, or easement either by private or public agreement, until after having obtained a written sidewalk, shared-use path, curb replacement, or driveway entrance permit from the ~~Transportation Administrator~~Director.

All work shall be performed in accordance with the current Construction and Material Specifications of Columbus (CMSC), the city's current Standard Construction Drawings, and to the satisfaction and approval of the ~~Transportation Administrator~~Director. Said CMSC and Standard Construction Drawings shall be available to all members of the public for purchase or viewing within the ~~offices of the Transportation Administrator~~ Department of Public Service offices during normal business hours.

Construction of or on any sidewalk, shared-use path, curb, curb and gutter, or driveway entrance within the public right-of-way or easement performed contrary to the provisions of this chapter, or the associated rules and regulations of the Director, shall constitute a violation of this code and may be ordered stopped and or removed by the transportation administrator. The ~~transportation administrator~~Director may order replacement of a sidewalk, shared-use path, curb, curb and gutter, or driveway entrance subsequent to such ordered removal. Sidewalk, shared-use path, curb, curb and gutter, and or driveway entrance removal and replacement shall be completed pursuant to the provisions herein within thirty (30) days after receipt of such order.

#### **905.06 Sidewalk, shared-use path and driveway entrance maintenance and repair.**

The abutting private property owner of record shall be responsible for the proper maintenance and repair of all sidewalks, shared-use paths and driveway entrances within the abutting right-of-way or easement for any improved or unimproved street, alley, or other public way within the city, which provides access around, in, or to said private property. For driveway entrances, this includes any curb, to the nearest tool joint, constructed as a part of, or to accommodate the driveway entrance. This shall include dropped curb, mountable curb, combination curb and gutter or other curb condition at the street entrance to the approach, as well as any flairs and radii of the driveway approach.

All sidewalks, walk paths, curb ramps, and driveway entrances shall be constructed, reconstructed, and or repaired through the use of Portland Cement Concrete except where existing sidewalk is composed of alternate materials that have been previously approved by the ~~Transportation Administrator~~Director, as outlined within the City's Standard Construction Drawings or, as authorized by the ~~Transportation Administrator~~Director. All shared-use paths shall be constructed, reconstructed, and or repaired through the use of either Portland Cement Concrete or hot mix asphalt concrete except where existing shared-use paths are composed of alternate materials that have been previously approved by the ~~Transportation Administrator~~Director, as outlined within the City's Standard Construction Drawings or, as authorized by the ~~Transportation Administrator~~Director. Where existing sidewalks or shared-use paths are composed of alternate City approved materials, they shall be replaced in kind unless otherwise authorized by the ~~Transportation Administrator~~Director.

In accordance with Sections 912.10 and 912.11 of Columbus City Code, neither trees, bushes, nor shrubs located within the public right-of-way or easement may be damaged or removed, including limbs and roots, to accommodate sidewalk, shared-use path or driveway approach construction or repair without the prior approval of the Recreation and Parks Department in the form of a plant "Maintenance" or "Removal Permit."

#### **905.07 Sidewalk specifications—Grade.**

Sidewalks shall be constructed so as to conform with the specified locations, lines, grades, and widths on file ~~for each roadway within the offices of the Transportation Administrator~~ in the Department of Public Service offices and shall generally slope toward the street centerline where practical. In no case shall these sidewalks be less than a minimum width of four (4) feet for all streets having a right-of-way width of twenty (20) or more feet, and shall be so located that the nearest edge of sidewalk to the back of the curb or edge of pavement along the street shall not be less than three (3) feet, unless otherwise approved by the ~~transportation administrator~~Director. When a sidewalk is specified, or permitted, to be placed next to a curb in no case shall it be less than a minimum width of six (6) feet. Public sidewalks associated with this chapter shall be constructed within the existing public right-of-way, so as not

to encroach upon private property, unless previously approved by the ~~Transportation Administrator~~Director. Where the ~~Transportation Administrator~~Director has approved the construction of a public sidewalk outside of existing right-of-way, said approval shall be contingent upon the property owner's granting of additional right-of-way or pedestrian access easement to the city under said sidewalk area. The form of acceptable property rights transfer shall be at the ~~Transportation Administrator's~~Director's discretion.

The line, grade, and cross-slope of sidewalks and walk paths shall comply with all requirements of the Americans with Disabilities Act of 1990, and all regulations and amendments promulgated thereto, and the city's Standard Construction Drawings. No depression or lowering of the level or grade of such sidewalks or walk paths shall be recognized or permitted for the purpose of making or constructing a driveway or entrance to private or public property or premises bounding or abutting on such street from the roadway thereof except as permitted by an approved driveway entrance.

All sidewalks and/or walk paths constructed, reconstructed, or repaired at an intersection shall include the construction of an Americans with Disabilities Act of 1990 compliant curb ramp in accordance with the current CMSC, the city's Standard Construction Drawings, and the rules and regulations associated with this chapter.

#### **905.071 Shared-use path specifications-Grade.**

Shared-use paths shall be constructed so as to conform with the specified locations, lines, grades, and widths on file for each roadway within the offices of the ~~Transportation Administrator~~in the Department of Public Service offices and shall generally slope toward the street centerline where practical. In no case shall these shared-use paths be less than a minimum width of ten (10) feet for all streets having a right-of-way width of thirty-five (35) or more feet, and shall be so located that the nearest edge of sidewalk to the back of the curb or edge of pavement along the street shall not be less than three (3) feet, unless otherwise approved by the ~~Transportation Administrator~~Director. When a shared-use path is specified, or permitted, to be placed next to a curb in no case shall it be less than a minimum width of eleven (11) feet.

Public shared-use paths associated with this chapter shall be constructed within the existing public right-of-way, so as not to encroach upon private property, unless previously approved by the ~~Transportation Administrator~~Director. Where the ~~Transportation Administrator~~Director has approved the construction of a public shared-use path outside of existing right-of-way, said approval shall be contingent upon the property owner's granting of additional right-of-way or access easement to the city under said shared-use path area. The form of acceptable property rights transfer shall be at the ~~Transportation Administrator's~~Director's discretion.

The line, grade, and cross-slope of shared-use paths shall comply with all requirements of the Americans with Disabilities Act of 1990, and all regulations and amendments promulgated thereto, and the city's Standard Construction Drawings. No depression or lowering of the level or grade of such shared-use paths shall be recognized or permitted for the purpose of making or constructing a driveway or entrance to private or public property or premises bounding or abutting on such street from the roadway thereof except as permitted by an approved driveway entrance.

All shared-use paths constructed, reconstructed, or repaired at an intersection shall include the construction of an Americans with Disabilities Act of 1990 compliant curb ramp in accordance with the current CMSC, the city's Standard Construction Drawings, and the rules and regulations associated with this chapter.

#### **905.08 Permits and fees.**

Prior to requesting a driveway entrance permit for all new commercial or multi-family development driveway entrance(s), or a new single or two-family residential driveway on any roadway, the applicant shall submit site plans to the ~~Transportation Administrator~~Director in accordance with Section 3342.03 of Columbus City Code.

The fee for permits to construct, reconstruct, or repair sidewalks or shared-use paths or driveway entrances shall be established by the Director. Such fees shall include the cost to issue, perform necessary inspections and plan review as needed and required. Such fee shall be charged and collected by the ~~Transportation Administrator~~Director and deposited with the city treasurer to the credit of the development services revenue fund.

All permits herein provided for shall become null and void ninety (90) days from the date of issuance, if not used, and any money paid therefore shall in no case be refunded. No permit shall be issued except to the owner of the abutting property or their authorized agent. The ~~Transportation Administrator~~Director may refuse to issue any permit when design is not in compliance with the associated rules and regulations of the Department of Public Service Department, the city's Standard Construction Drawings, and / or standard engineering profession principles

and shall refuse any permit where the ~~Transportation Administrator~~Director has not approved the plans for construction of the requested driveway entrance.

#### **905.09 Driveway widths—Compliance.**

No single driveway entrance shall exceed thirty-five (35) feet in width at the curb line or edge of pavement without the consent of the ~~Transportation Administrator~~Director. Only where traffic conditions, type of vehicle and/or volume of traffic using the proposed driveway entrance warrant, may this maximum width may be exceeded, with the ~~Transportation Administrator's~~Director's consent. Where such driveway entrance is built, it must be built as a street intersection in accordance with current standard drawings and CMSC on file in the ~~Transportation Administrator's office~~Department of Public Service offices. Upon proper application and payment of the required fee by the owner of the premises, or the owner's authorized agent, and approval by the ~~Transportation Administrator~~Director, a driveway entrance permit in excess of thirty-five (35) feet may be issued.

All new driveway entrances shall be constructed so as to maintain a minimum of six (6) foot of clearance from existing water fire hydrants.

#### **905.10 Maintaining pedestrian and bicycle access.**

Where public sidewalks or bikeways exist within the city of Columbus, they may not be eliminated, nor removed for any purpose other than their legal replacement, without the express written consent of the ~~Transportation Administrator~~Director.

It is also the intent and purpose of this chapter that pedestrian and bicycle access be maintained at all times possible during sidewalk, bikeway, and driveway approach maintenance and repair operations. Pedestrian and bicycle access and the re-routing of pedestrian and bicycle traffic where access cannot be maintained during maintenance and repair operations shall be performed in accordance with the ~~Public Service Department's~~ Department of Public Service's Rules and Regulations relating thereto.

#### **905.11 Code maintenance violation criteria.**

No abutting property owner shall allow the condition of the sidewalk, shared-use path, and/or driveway approach within the public right-of-way or easement to deteriorate beyond the criteria herein established. Criteria for ordering the replacement or repair of sidewalks, hared-use paths, or driveway approaches shall be any or all of the conditions described as follows:

Offset of one half inch or greater;

Crack which has a gap of greater than one half inch;

An area where there exists a difference in elevation of material of one half inch or greater;

Excessive deterioration, spalling or exposed gravel of one half inch or greater in depth;

Excessive slope caused by a shifting of the sidewalk, shared-use path or driveway approach.

Patching shall not be permitted as a means of eliminating criteria for replacement. The complete removal or leveling of existing concrete shall be required of a concrete panel from joint to joint. If a construction tool joint is not present, then the entire area shall be corrected unless authorized otherwise by the ~~Transportation Administrator~~Director.

Where offsets, elevation differences, deterioration, and/or spalling exceeds one and one-half (1.5) inches in depth within a sidewalk, shared-use path or driveway approach, and/or where excessive sidewalk or shared-use path cross slope is equal to or greater than ten (10) percent, these conditions shall be considered just cause for emergency barricade and/or repair by the ~~Transportation Administrator~~Director, as outlined within Section 905.13, Emergency Orders.

#### **905.12 Notice of violation.**

(A) Issuance of Notice of Violation. Whenever the ~~Director of the Department of Public Service~~, or the Director of the Department of Development, determines, or has reasonable grounds to believe, that there exists a condition that violates any provisions or requirements set forth within this chapter, they may issue a notice setting forth the alleged violations and advising the abutting property owner or person having charge that such violations must be corrected.

(B) Content of Notice of Violation.

(1) All notices of violation, except emergency orders, shall be in writing and shall be served on the abutting owner

from whom action, forbearance or compliance is required;

(2) All notices of violation shall identify the sections of this chapter to which the order applies;

(3) All notices of violation shall provide a description of the premises where the violations are alleged to exist or to have been committed;

(4) All notices of violation shall specify a thirty (30) day time frame for compliance with the order, except in the case of an emergency order, as described in Section 905.13;

(5) All notices of violation shall advise the abutting property owner or person having charge of the right to appeal, within fifteen (15) days of receipt of notice;

(6) All notices of violation shall advise the owner or person having charge that if the order is not complied with by the time specified for compliance, the ~~director~~Director may initiate a civil and/or criminal complaint against the owner or person having charge; and/or the ~~director~~Director may, by city personnel or private contractor, cause the violations to be corrected with the cost of such correction to be charged as a lien upon the real estate;

(C) Service of Notice of Violation. A notice of violation shall be served upon the abutting owner or any person from whom action, forbearance or compliance is required. Such notice shall be served by any one (1) of the following methods:

(1) Personal service; or

(2) Certified mail; or

(3) Publication in a newspaper of general circulation in the county; or

(4) Regular mail service to an address that is reasonably believed to be:

(a) A place of residence of the owner, or

(b) A location at which the owner regularly receives mail; or

(5) Posting the notice of violation on the abutting property, except that if the structure or abutting property is vacant, then the notice shall be posted on the structure or premise and one (1) of the above methods of service shall also be used.

(D) When the notice of violation has been properly serviced, the order shall be effective as to anyone having any interest in the premises whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the Director;

(E) Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the abutting owner pursuant to Section 905.14 shall constitute evidence of written acknowledgment by the owner of service of notice of violation.

### **905.13 Emergency order.**

Whenever the Director ~~of the Department of Public Service~~, or Director of the Department of Development, finds that an emergency exists, as described in Section 905.11, which requires immediate action to protect the health and safety of any person, they may issue an oral or written emergency order reciting the existence of such an emergency and requiring that such action as they deem necessary shall be taken to eliminate the emergency. Notwithstanding the other provisions of this code, such emergency order shall be effective immediately and complied with immediately.

In cases where it reasonably appears that there is imminent danger to the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the abutting property owner it appears that the abutting property owner will not or cannot immediately correct the condition, the Director may ~~order the Transportation Administrator to~~ initiate whatever reasonable action necessary to eliminate such hazard. These actions may include the temporary barricade of the area, re-routing of pedestrian, bicycle and/or vehicular traffic, or whatever action deemed necessary to eliminate the hazard on an interim or permanent basis.

The Director shall further cause the cost of all such temporary and/or permanent abatement to be billed to the abutting property owner as a municipal lien or to be recovered in a civil suit against the owner at the current hourly rates of the ~~Division's~~Department of Public Service's equipment and personnel, or those of its contractual agent, including the cost for materials provided that can not be reasonable salvaged by the city.

### **905.16 Procedure upon failure to comply with notice of violation.**

Whenever, upon inspection the Director, or Director of the Department of Development determines that there are reasonable grounds to believe that there is a violation of this Sidewalk, Bikeway and Driveway Maintenance and

Repair Code resulting in the existence of an actual or potential public nuisance, or whenever there exist conditions that adversely affect the health, safety or welfare of any person, or when notices or orders issued pursuant to this code or other notice sections of City Codes do not alleviate such public nuisance or condition, they may:

(A) Cause the correction or abatement of any condition which violates any section of the Sidewalk, Bikeway and Driveway Maintenance and Repair Code and employ the necessary labor to perform the task;

Upon performance of the labor mentioned above with respect to abatement of the above-mentioned public nuisances, the ~~director~~Director shall with respect to each parcel of land report to city council a statement of the charge for the services, the amount paid for performing the labor, and the fees of the officers who made the service of the notice and return;

Upon receipt of the statement and approval thereof by council, the city clerk shall make a return in writing to the auditor of the applicable county of such statement that shall be entered upon the tax duplicate of the county for the purpose of assessing these costs.

(B) Cause to be filed a civil complaint for injunctive relief seeking abatement of the public nuisance in a court of jurisdiction. The procedures to be followed will be pursuant to the Ohio Rules of Civil Procedure; or

(C) Cause to be filed a criminal complaint in a court of jurisdiction.

### **923.03 Block party street closures.**

(A) No person shall use any public street to conduct a block party, as defined in Section 923.01, without first obtaining a block party permit.

(B) No person shall use any public street to conduct a block party, as defined in Section 923.01, without first closing the public street by the use of barricades meeting the standards set forth by the ~~transportation administrator~~Director of Public Service and/or their designee.

(C) No permit shall be issued for a block party requiring the closing of a public thoroughfare as set forth in the City of Columbus thoroughfare plan without first obtaining the documented approval of the Columbus division of police, the Columbus division of fire and the Columbus ~~division of transportation~~Department of Public Service.

(D) No street shall be closed for more than five (5) consecutive days without the documented permission from the Director of Recreation and Parks.

(E) No block party activity shall be conducted between the hours of 12:01 a.m. and 8:00 a.m. without the documented permission from the Director of Recreation and Parks.

(F) Application for a block party permit shall be made at the office of the department of recreation and parks upon the forms provided. The application shall be filed not less than seven (7) work days before the date of the block party.

(G) The department of recreation and parks shall issue a block party permit if the following requirements are met:

(1) The applicant has met the requirements of the block party application and paid the required fees;

(2) The applicant has submitted a petition bearing the signatures of eighty (80) percent of the property owners or tenants, or building managers whose property adjoins the public street being closed. A petition with less than the required signatures may be accepted provided the applicant has demonstrated a good faith effort in attempting to contact the property owners or tenants or building managers who did not sign the petition;

(3) The applicant has executed the indemnity agreement required under Section 923.04.

(H) The Recreation and Parks Department will only approve festival or event block parties between the hours of 12:01 am and 8:00 am to accommodate event set-up, clean-up, and when it is determined that the proposed activities do not adversely affect the citizens of Columbus. Residential block parties must end by midnight.

### **1141.04 Portions extending under public places.**

The owner of a privately constructed sewer shall pay all costs of extending the sewer under any public street, alley, public place, or easement in the city. The owner shall also obtain and pay for street opening and right of way permits, and comply with all ordinances and specifications required by the ~~Transportation Division~~Department of Public Service for such work.

### **1143.01 Agreements for construction.**

The ~~director of public service~~Director of Public Service is authorized to enter into agreements whereby the right and privilege of constructing new pavements on public streets, avenues, boulevards or alleys, and the repavement or

reconstruction of pavements over trenches or over openings in such public ways under private contract at no cost to the city, is granted to responsible applicants. Such agreements shall contain the following provisions and conditions.

**1143.02 Plans.**

The new pavements or repavements over trenches and openings so constructed shall be in accordance with plans to be approved by the ~~transportation administrator and the director of public service~~ Director of Public Service and their designee, which plans shall meet the standard minimum requirements as adopted by the city council.

**1143.03 Compliance with specifications.**

The ~~transportation administrator~~ Director of Public Service and/or their designee shall furnish detailed specifications which shall be complied with in every respect.

**1143.05 Cost of fire hydrant inspection.**

The parties requesting such right and privilege shall pay the cost of inspection of fire hydrants and shall deposit with the city treasurer through the ~~transportation administrator~~ Director of Public Service and/or their designee, the sums of money estimated by the ~~transportation administrator~~ Director of Public Service and/or their designee to be necessary therefor, and in the event such estimated amounts are found to be insufficient, additional amounts shall be deposited as are necessary upon demand. All unexpended moneys so deposited shall be refunded.

**1143.06 Surety bond.**

Such parties shall furnish a surety bond satisfactory to the ~~director of public service~~ Director of Public Service and/or their designee in the sum of one hundred (100) percent of the estimated cost of the proposed construction of pavements or repaving to guarantee the performance of the agreement.

**1143.09 Paving to become city property.**

Upon completion of the work in accordance with the plans and specifications therefor, and to the satisfaction of the ~~transportation administrator~~ Director of Public Service and/or their designee, the pavements or repaving shall become the property of the city at no cost to the city and without encumbrances of any nature.

**1165.06 Improvements; requirements.**

- (a) Plans for the improvements required in this chapter shall be prepared and signed by a registered engineer holding a State of Ohio Certificate of Registration. (Ord. 1371-90.)
- (b) Plans for the improvements required by this chapter shall be installed after approval of the final plat which is prepared for recording. In lieu of immediate completion of the improvements the developer shall enter into an agreement with the Director of Public Utilities and file a surety bond or irrevocable letter of credit with him to secure to the City of Columbus the actual construction of such improvements within a period not to exceed one year, in accordance with the specifications, and inspection by the City of Columbus ~~Engineer~~.

**2105.03 Traffic regulations by service director.**

The service director is empowered to make regulations necessary to make effective the provisions of this Traffic Code and to make temporary regulations to cover emergencies or special conditions. He shall also establish, by regulation promulgated in accordance with Section 121.05, Columbus City Codes, reasonable rates for public parking facilities operated by the ~~division of traffic engineering and parking~~ Department of Public Service. Such rates will be based upon relevant cost factors as well as market conditions prevailing in the area served by the facilities and the need for public parking facilities to expedite the flow of traffic. In the event the service director is not available due to emergency or other reason, and the placement of such devices

may be necessary to preserve the public safety and welfare, he may ~~designate the assistant service director to promulgate~~ delegate the promulgation of the relevant traffic orders in his stead.

#### **2105.21 Residential permit parking.**

Whenever the service director determines that parking congestion in the streets of a particular residential district or a portion of a residential district is such that the restriction or prohibition of parking to nonresidential users during certain hours of the day and days of the week is necessary to reduce hazardous traffic conditions and to promote the health, safety and welfare of the residents of the district by providing adequate parking spaces to gain access to their residences, residential permit parking may be authorized in such districts. Such authorization shall be made only after a parking study has been conducted by the ~~division of transportation~~ Department of Public Service and shall be implemented by regulations promulgated by the service director pursuant to Section 2105.03 of the City Codes. The issuance or renewal of a permit under this section shall not be granted until all outstanding parking infractions under the city code are paid in full. The establishment of residential permit parking shall not conflict with any other restrictions contained in this Traffic Code.

### **Chapter 2106 DIVISION OF TRAFFIC ENGINEERING AND PARKING DEPARTMENT OF PUBLIC SERVICE**

#### **2106.02 Duties.**

The ~~division of transportation~~ Department of Public Service shall be responsible for the design, construction, installation and maintenance of all traffic control devices including but not limited to signs, signals, markings, parking meters, and devices for the purpose of regulating, warning or guiding traffic.

The ~~division~~ Department of Public Service shall be responsible for conducting traffic and accident studies related to the design, construction, installation, and maintenance of all traffic control devices, and the movement of traffic. The ~~division~~ Department of Public Service shall review and approve all construction and building plans for conformance to city codes and standards relating to parking, and the safe and efficient movement of pedestrians and vehicles.

The ~~division~~ Department of Public Service shall be responsible for the operation and development of off-street parking facilities owned by the city. The ~~division~~ Department of Public Service shall have other powers and duties as assigned by ordinance of city council, Columbus City Codes and all general laws not in conflict with this or other sections of the Administrative Code.

#### **2139.011 ~~Transportation administrator's~~ Director of Public Service and/or their designee's consent required.**

Pursuant to Ohio Rev. Code § 4513.34, all public service agencies, companies or corporations, persons and individuals, wishing to transport oversize/overweight equipment over streets within the corporation limits of the city, prior to doing so, shall obtain consent from the ~~transportation administrator~~ Director of Public Service and/or their designee. The ~~transportation administrator~~ Director of Public Service shall promulgate reasonable rules and regulations to carry out the provisions for issuing of such permits. All such requests shall be submitted to, reviewed and approved by, along with the appropriate fees paid to the ~~division of transportation~~ Department of Public Service, before it shall become effective. All such fees shall be deposited by the ~~division of transportation~~ Department of Public Service with the city treasurer to the credit of the street construction maintenance and repair fund. A record of such written consent shall be kept in the ~~office of the division of transportation~~ Department of Public Service offices.

#### **2150.04 Parking Violations Bureau.**

(a) The city of Columbus ~~parking violations bureau~~ Parking Violations Bureau is hereby established pursuant to Section 4521.04 of the Ohio Revised Code. The ~~parking violations bureau~~ Bureau shall be a ~~division~~ section within the Division of Mobility within the Department of Public Service. The ~~parking violations bureau~~ Bureau has jurisdiction over each parking infraction that occurs within the territory of the city of Columbus. The Parking Violations Bureau will also issue Residential parking permits for areas established pursuant to Section 2105.21 of this Code. The issuance or renewal of a permit under this section shall not be granted until all outstanding parking



infractions under this code are paid in full. Notwithstanding any other provision of law to the contrary, each parking infraction that occurs within the jurisdiction of the ~~bureau~~Bureau and the enforcement of each such parking infraction shall be handled pursuant to and be governed by the provisions of Title 21 of this Code.

(b) The operating costs of the ~~parking violations bureau~~Bureau shall be paid by the city of Columbus. The Director of Public Service shall appoint a ~~parking violations bureau administrator~~Parking Violations Bureau coordinator (violations clerk), hearing examiners and the necessary clerical employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this State or formerly was employed as a law enforcement officer.

(c) The fines, penalties, fees and costs established for a parking infraction shall be collected, retained and disbursed by the violations clerk if the parking infraction out of which the fine, penalties, fees and costs arose occurred within the jurisdiction of the ~~bureau~~Bureau. The violations clerk shall issue tickets for parking infractions to law enforcement officers for the city of Columbus and prescribe conditions for issuance and accountability. The fine, penalties, fees and costs collected by a violations clerk for a parking infraction shall be disbursed by the clerk to the city of Columbus.

(d) The Director of Public Service shall have authority to contract with any non-governmental entity to provide services in processing, collecting and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this chapter. No contract shall affect the responsibilities of hearing examiners as prescribed in this chapter or the ultimate responsibility of the violations clerk to collect, retain and disburse fines, penalties, fees and costs for parking infractions and monies paid in satisfaction of judgments and default judgment entered pursuant to this chapter.

#### **2151.01 Parking prohibitions in specified places.**

(1) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with any other traffic or to comply with the directions of a police officer or a traffic control device in any of the following places:

(a) On a sidewalk, except a bicycle;

(b) In front of or within five (5) feet of a public or private driveway;

(c) Within an intersection;

(d) Within ten (10) feet of a fire hydrant;

(e) On a crosswalk;

(f) Within twenty (20) feet of a crosswalk at an intersection, or, if there is no crosswalk, within twenty (20) feet of an intersection;

(g) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;

(h) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic control device;

(i) Within fifty (50) feet of the nearest rail of a railroad crossing;

(j) Within twenty (20) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of such entrance when it is properly posted with signs;

(k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(l) Alongside any vehicle stopped or parked at the edge or curb of a street;

(m) Upon any bridge or other elevated structure upon a street or within a street tunnel unless such bridge or tunnel is properly posted with a sign to allow parking;

(n) Within one (1) foot of another parked vehicle;

(o)(1) At any place designated as no parking pursuant to rules and regulations promulgated by the ~~director of public service~~Director of Public Service under the authority provided in Chapter 2105;

(o)(2) At any place designated as no stopping pursuant to rules and regulations promulgated by the ~~director of public service~~Director of Public Service under the authority provided in Chapter 2105;

(p) In front of all schools as defined in Section 2101.341, for a distance of seventy-five (75) feet in each direction from the main entrance to the school when properly posted with signs;

(q) In front of all theaters for a distance of twenty-five (25) feet in each direction from the center of the main entrance when it is properly posted with signs;

(r) Upon any street or alley twenty-three (23) feet or less in width when it is properly posted with signs;

(s) In front of any church where conditions are such that they warrant a parking prohibition and for the distance that the ~~Traffic Engineer~~Director of Public Service and/or their designee deems advisable when it is properly posted with signs;

- (t) Upon any traffic control island or median that separates traffic on a street, highway, roadway or boulevard;
  - (u) In front of any auto-mail box for a distance of twenty (20) feet in each direction from the auto-mail box, when it is properly posted with signs;
  - (v) Within the right-of-way line of a controlled-access highway, freeway, expressway or thruway, except for emergency purposes;
  - (w) Upon a service road or upon the public property alongside a service road;
  - (x) Within twenty (20) feet of the junction of an alley and a street;
  - (y) In a public right-of-way, within ten (10) feet of a bulk refuse container;
  - (z) In a handicapped designated parking space as defined in Section 2155.01(h) unless the vehicle is a handicapped designated vehicle as defined in Section 2155.01(g) or a handicapped designated vehicle from a state other than Ohio entitled to reciprocity pursuant to Section 5502.03 of the Ohio Revised Code;
  - (aa) In front of, or within one (1) foot of, a wheelchair ramp;
  - (bb) Other than a motor bus, in a bus loading area, when such area has been officially designated and appropriately posted with a sign, except the driver of a passenger vehicle may stop temporarily therein for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor bus entering or leaving such bus loading area;
  - (cc) Any place marked as a loading zone for any period of time longer than is necessary for the expeditious loading or unloading of passengers or merchandise.
- (2) A violation of any provision of this section constitutes the commission of a parking infraction pursuant to and governed by the provisions of Chapter 2150.

### **2155.01 Definitions.**

The following definitions shall apply to terms used in this chapter:

- (a) "Individual street parking space" means a portion of the paved surface of the street approximately twenty-three (23) feet in length extending from the sidewalk curb into the street a sufficient distance to accommodate a vehicle when the same is parked parallel to the curb with the right wheels thereof not more than four (4) inches from such curb or on a one-way street where parking is permitted on the left side of the street, when a vehicle shall be parked parallel to the curb with the left wheels thereof not more than four (4) inches from such curb.
- (b) "Parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in compliance with directions of a police officer or traffic control device.
- (c) "Parking meters" means a device which indicates thereon the length of time during which a vehicle may be parked in a particular place, which has as a part thereof a receptacle or chamber for receiving and storing required coin, coins, currency, credit card, or electronic fund transfer card equivalence of United States money, a slot or place in which such coin, coins, currency, credit card, or electronic fund transfer card equivalence can be deposited, a time mechanism to indicate the passage of an interval of time during which parking is permissible, and which also displays an appropriate signal when the aforesaid interval of time has elapsed or a receipt which displays the time the parking will expire.
- (d) "Vehicle" means any device in, upon, or by which any person or property is or may be transported upon a public street, except such devices as are used exclusively upon stationary rails or tracks and such devices as are propelled exclusively by human power.
- (e) "Off-street parking lot" means any lot, piece, or parcel of land owned by the city and designated by council for the purpose of metered, time-regulated storing or parking of vehicles.
- (f) "Individual off-street parking space" means a portion of the paved surface of the off-street parking lot approximately twenty (20) feet in length and nine (9) feet in width.
- (g) "Handicapped designated vehicle" means a motor vehicle that displays either (1) a parking card issued under section 4503.44 of the Ohio Revised Code or (2) a special license plate issued under section 4503.44 of the Ohio Revised Code and is being operated by or for the transport of a handicapped person. For purposes of this section "handicapped person" means any person who has lost the use of one (1) or both legs or one (1) or both arms, who is blind or deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition. When a motor vehicle displays a temporary parking pass, disabled veteran plate, permanent parking card from the appropriate state agency, or special license plate, that is being operated by or transporting a disabled or handicapped person, the motor vehicle shall have the decal or parking card clearly displayed on the left dashboard or in the left

front windshield of enclosed vehicles so that the parking privilege information is on the front side of the card and is readily readable from outside the windshield. (ORC 4503.44)

(h) "Handicapped designated parking space" means parking spaces on public or private streets, parking lots and parking garages designated for the exclusive use of a handicapped designated vehicle and denoted as such in accordance with the requirements of the Ohio Revised Code Section 4511.69 (E), Ohio Revised Code Section 3781.111 (C), the Ohio Manual of Uniform Traffic Control Devices and the City of Columbus Transportation ~~Division~~ Sign Installation Manual.

(i) "Meter day" means any day that parking meters are enforced.

### **3123.08 Design standards.**

(a) New subdivision streets shall conform to the principal existing streets in the adjacent area, or centerline projection made when adjoining land is not subdivided, when found necessary by the director; together with the continuation of all existing utility mains in adjoining areas. Offset streets shall be avoided. New streets of like alignment shall bear the names of existing streets.

(b) When a proposed subdivision adjoins or contains an arterial street or expressway, consideration should be given to alternative methods, including the dedication of a parallel street, for controlling access to said arterial street or expressway.

(c) Streets and alleys shall be constructed in accordance with the following widths:

(1) The widths for arterial streets shall conform to the widths designated on the city of Columbus thoroughfare plan and arterial construction types adopted by city council and in effect at the time of final approval.

(2) The minimum dedicated width for collector streets shall be sixty (60) feet.

(3) The minimum dedicated width for local streets shall be fifty (50) feet except that upon a determination that a lesser right-of-way is appropriate for the area and function to be served the director may approve a narrower right-of-way of not less than twenty-nine (29) feet for a cul-de-sac or dead-end street which provides direct access to no more than sixty-two (62) dwelling units or for any other local street which provides access to no more than one hundred twenty-five (125) dwelling units and which discourages through traffic thereon. In making such determination the director shall seek and consider recommendations of the ~~transportation administrator~~ Director of Public Service and/or their designee, and the fire chief.

(4) Where it is desirable to subdivide a tract of land, which, because of its size or location, does not permit a layout directly related to a normal street arrangement there may be established one (1) or more "T" type turn-around or cul-de-sacs, provided that proper access shall be given to all lots abutting the same. A cul-de-sac shall terminate in an open circular space having a minimum radius of fifty (50) feet. Except in unusual cases, no such cul-de-sac shall exceed six hundred (600) feet in length.

(5) The minimum width of an alley in a commercial district shall be twenty (20) feet. The minimum width of an alley in a residential district where permitted, alley intersections shall have a minimum five (5) -foot cutoff. In alleys where acute angles occur, a greater cutoff may be required.

(6) Where alleys are not required, utility easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines to provide access for the installation and maintenance of all utility lines, overhead or underground. Wider easements may be required along or across lots for main, storm or sanitary sewers or other utilities, or where a combination of utility lines is indicated.

(7) Off-street parking provisions shall be provided in all subdivisions in accordance with all off-street parking regulations in the Columbus Zoning Code.

(8) Where the design of a new subdivision requires that both power and telephone service be provided by underground cables, the owner or developer shall offer an easement for television cable and television cable equipment within the easement shown on the plat for power and telephone utilities. The easement shall be granted, at no expense to the television cable operator, if the cable operator installs the necessary television cable and television cable equipment in the utility trench during the time the trench is open for the installation of telephone and power cables; otherwise, the owner or developer may revoke the offer of an easement.

### **3123.16 Improvements; requirements.**

Plans for the improvements required in this section shall be prepared and signed by a registered engineer holding a state of Ohio certificate of registration.

The improvements listed below shall be installed after approval of the final plat which is prepared for recording. In

lieu of this immediate completion of the improvements the subdivider shall enter into an agreement with the director of public service and the director of public utilities and file a surety bond with him to secure to the city the actual construction of such improvements within a period not exceeding one (1) year, in accordance with the specifications, and inspection by the ~~city engineer~~City of Columbus.

The owner of the tract may prepare and secure tentative approval of a subdivision plat for an entire area or a portion thereof. The improvements shall be installed or bond posted to cover such installations in all the subject area or that portion of the area for which a final plat is approved for recording. The owner may sell or lease, or offer for sale or lease, lots in that portion of the property for which trunk sewers, water lines, or other utilities have been provided, and where such utilities are so designed that they can be readily expanded or extended to serve the entire area, or a portion thereof.

The following improvements are to be installed: (a) All intersections of the subdivision streets and boundary lines shall be marked with permanent monuments. A permanent monument shall be deemed to be a one-half (1/2) inch or larger steel rod or pipe extending three (3) feet below the finished grade line. Where conditions prohibit the placing of monuments on the line, offset monuments will be permitted. Such offset monuments and distances shall be properly shown on the subdivision plat.

(b) Where a benchmark is nonexistent within a reasonable distance, the ~~city engineer~~Director of Public Service and/or their designee shall place a permanent benchmark, the elevation of which shall be based on sea level datum as determined by the U.S. Coast and Geodetic Survey and shall be accurately noted on the subdivision plat.

(c) All intersecting street lines shall have rounded corners, as specified in C.C. 3123.10(e) and all streets and alleys must be graded and improved by surfacing. Surfacing shall be in accordance with standard specifications of the city entitled "Construction and Material Specifications for the city of Columbus, Ohio," in force at the time of the improvement.

(d) The type of foundation and surfacing required shall be determined by the city engineer whose approval shall be evidenced on all such plans by stamp and signature. All grading, foundation and surfacing of streets and alleys and all construction of sidewalks shall be subject to the approval and supervision of the ~~city engineer~~Director of Public Service and/or designee. Sidewalks shall be constructed and in place at the time the buildings are completed.

(e) Where the public water supply is already reasonably accessible, the subdivider shall enter into an agreement with the administrator of the division of water of the city for the extension of the public water system, including the stand installation of valves and fire hydrants and the public water service shall be made available to each lot in that part of the subdivision to be immediately developed.

(f) When it is apparent that the public water supply cannot be extended for a period of years, the subdivider shall construct a private water supply system in such manner that an adequate supply of potable water will be available to every lot in that part of the subdivision to be immediately developed. The source, supply and distribution system shall comply with the requirements of the State Board of Health of Ohio, and be approved by the board of health of the city.

(g) There shall be no obligation on the part of the city to incorporate such private water system into any public system of water supply that may be built in the future.

(h) If the subdivision can be served by the extension of any existing public sanitary sewer, the subdivider shall enter into an agreement with the division of sewerage and drainage of the city for the extension thereof to each lot in that part of the subdivision to be immediately developed.

(i) Storm water disposal shall be subject to approval and supervision of the division of sewerage and drainage and the ~~city engineer~~Department of Public Service.

### **3123.17 Sidewalk and bikeway requirements.**

All subdivisions, site developments or sections thereof which, shall have installed in them sidewalks and bikeway facilities as specified in the Bicentennial Bikeways Plan to serve each lot or parcel therein. Such sidewalks and bikeway facilities shall be installed by the property owners abutting the street rights-of-way within the development and along the existing streets fronting the development, except as provided for in subsections (E), (F), (G) and (H) below, and they shall be constructed according to the requirements herein.

(A) Sidewalks and bikeways shall have a hard, improved surface constructed of materials and to standards established by the ~~public service director~~Director of Public Service and/or their designee depending on type of street construction, anticipated permanence of sidewalk, and land uses being served. Such specifications shall be available for inspection in the ~~appropriate office of the~~ Department of Public Service offices.

(B) Sidewalks and bikeways shall be located in the right-of-way of the street or as close to the right-of-way line as possible, and shall extend across the entire dimension of each lot or parcel side adjacent to a public street.

(C) All sidewalks and bikeways required by this chapter shall be completed upon the occurrence of any one of the following conditions:

(1) Prior to final inspection by the department of the building, structure, or other improvement on the lot or parcel that the sidewalk serves.

(2) In the case of vacant lots or parcels, whenever seventy-five (75) percent of the lots or parcels located on a given side of a dedicated street between two (2) consecutive intersecting streets (a block) have been serviced with a final inspection by the department.

(3) Not later than the second (2nd) anniversary after the date of acceptance of the improved streets by the city.

(D) Bikeways shall be located, configured and completed according to the Bicentennial Bikeways Plan and include separate shared-use paths, bike lanes and signed and marked shared bike routes.

(E) Notwithstanding the provisions stated earlier where a subdivision includes a dedicated street to provide access from an existing street to the subdivision, and such dedicated street bisects property and thereby creates parcels which are not a part of the subdivision but are adjacent to the dedicated street, then it shall be the responsibility of the developer or subdivider to install sidewalks and bikeway facilities within the dedicated street right-of-way or easement whenever sidewalks and bikeway facilities are required in the subdivision itself. Such sidewalks and bikeway facilities shall be installed along the dedicated street right-of-way or easement from the existing street to the first lots or parcels in the subdivision, and shall be completed prior to acceptance of the improved street by the city.

(F) Notwithstanding the foregoing provisions of this section, where the zoning code permits placement of continuous sidewalks in common space rather than in the public right-of-way, then the placement provisions of the zoning code shall govern.

(G) Sidewalk or Bikeway Fee in Lieu of Construction. It is the desire of the city to have required sidewalks and bike facilities built at the time of and congruent with development. However, there may be circumstances regarding safety, economic waste and geographical features that preclude such construction. The Director of Public Service has the authority to approve construction exemptions and collect a fee in lieu of as set out in properly promulgated rules and regulations. In no instance will a private or public entity not build or pay a fee in lieu of sidewalk or bike facility construction.

### **3125.03 Definitions.**

“Horizon year” means the anticipated completion year of a proposed development assuming full build-out and occupancy or ten (10) years beyond the current year, whichever is later. Horizon years analyzed shall be stated in the memorandum of understanding.

“Institute of Transportation Engineers or ITE” means the professional society of transportation engineers and planners professionally engaged in planning, designing, operating, managing, and maintaining surface transportation systems for the safe and efficient movement of people and goods on streets, highways, and transit systems.

“Major development” means a new development or expansion of an existing development expected to generate the following number of average trip ends at the peak hour of the land use or the peak hour of the roadway, whichever is more significant.

Four hundred (400) or more trip ends:

Fast food restaurant;

Service station;

Supermarket;

Convenience market;

Shopping center.

Two hundred (200) or more trip ends:

All other uses.

Trip ends are calculated using the latest ITE trip generation methodology and definitions.

“Memorandum of understanding” means a memorandum submitted by the traffic impact study preparer, with which the city concurs, confirming topics, procedures, assumptions, data sources, report contents, timetable, horizon years, time periods analyzed, and other items to be addressed in the study.

“Nonmajor development” means a new development or expansion of an existing development that is expected to generate fewer average trip ends at the peak hour of the land use or the peak hour of the roadway than a major development.

“Roadway improvement area” means an area, to be defined in each memorandum of understanding, that at a minimum shall include:

(A) All site access points and major signalized or unsignalized intersections within an area bounded by the nearest arterial intersection or signalized intersection in all directions from the subject development site.

Any modified area as determined by the ~~division of transportation~~ Department of Public Service, in consultation with the department, based on factors reasonably related to the study area, including, but not limited to:

- (1) Local or site-specific factors;
- (2) Development type or size;
- (3) Traffic conditions; and
- (4) Public goals and policies potentially affected by the proposed development.

“Traffic impact study or TIS” means a report determining and recommending necessary improvements to the nearby road system to maintain satisfactory levels of service and safety for a proposed development. A traffic impact study shall ascertain the level of specific improvements required to mitigate the impact of the proposed development and incorporate existing and potential development and redevelopment sites in the general vicinity of the subject development site. The traffic impact study area, and land use assumptions therein, shall be defined in each memorandum of understanding.

(A) As part of the traffic impact study, the following site and off-site development factors shall be identified and examined:

- (1) Impacts and transportation infrastructure needs required to maintain horizon year roadway level of service both with and without site development. These shall be assessed separately.
- (2) The impact of all significant developments in the traffic impact study area that have been approved or are likely to occur by the horizon year. These shall be assessed separately from those of the proposed development.
- (3) For each horizon year, off-site traffic volumes shall be estimated.
- (4) Improvements necessary to accommodate the nonsite traffic in the horizon year at level of service “D” shall be determined.
- (5) Development proposed to be located on the site under study shall be categorized by specific land use type consistent with classifications contained in the latest edition of Trip Generation, published by ITE.

(B) If the proposed land use or density is inconsistent with the Columbus comprehensive plan or adopted area plan, a comparison of the traffic impacts of the proposed development and the impacts resulting from plan provisions shall be made using classifications contained in Trip Generation.

(C) The traffic impact study shall determine for the transportation improvements required the rough proportionality of the improvements attributable to the traffic generated by the proposed development to total traffic.

(D) A traffic impact study shall make recommendations that:

- (1) Address conclusions resulting from analyses of the proposed development’s access needs and impacts on the transportation system;
- (2) Address feasible transportation system improvements needed to satisfactorily accommodate site-generated and nonsite-generated traffic which will be identified separately;
- (3) Reflect improvements currently planned or programmed by any public or private agency and may include information concerning relevant project scheduling changes;
- (4) Address an implementation sequence that will provide maximum compatibility with the overall roadway system needed for network effectiveness;
- (5) Are sensitive to:
  - (a) Timing of committed and scheduled network improvements,
  - (b) Anticipated time schedules of adjacent developments,
  - (c) Size and timing of individual phases of the proposed development,
  - (d) Logical sequencing of various transportation improvements,
  - (e) Amount of right-of-way needed and time required for acquisition,

- (f) Local long-range priorities for transportation improvements and funding, including the Columbus thoroughfare plan,
  - (g) Cost effectiveness of implementing improvements at a given stage of development,
  - (h) Lead time necessary for additional design and construction, and
  - (i) Standards and policies of other public agencies and jurisdictions.
- (E) A traffic impact study shall contain:
- (1) A cover containing the development's name and location, applicant's name, preparer's name, and report date;
  - (2) A title page containing all information on the cover plus the applicant's address, telephone and fax numbers; preparer's address, telephone and fax numbers; and preparer's engineering registration seal;
  - (3) A table of contents which lists all major section headings by title and page number;
  - (4) A list of exhibits identifying all maps and tables by name and page number;
  - (5) An executive summary in the initial chapter presenting the study's purpose, issues, synopsis, conclusions, and recommendations;
  - (6) Text and exhibits to clearly present and describe conditions, conclusions and recommendations of the study;
  - (7) Additional materials as agreed upon in memorandum of understanding.

**3125.05 Traffic impact study required.**

- (A) A traffic impact study shall be required for:
- 1. Major developments involving a rezoning, preliminary subdivision plat, zoning variance, or special permit.
  - 2. Nonmajor developments when, based on engineering judgement and the guidelines presented in the current edition of the ITE's recommended practice report, circumstances specific to that project warrant the preparation of a traffic impact study. A request for a nonmajor development's traffic impact study shall be made within thirty (30) days of receipt by the ~~division of traffic engineering and parking~~ Department of Public Service of the application for a rezoning, preliminary subdivision plat approval, zoning variance, or special permit.
  - 3. Any development where the latest ITE Trip Generation report does not address the traffic impact of that proposed land use, unless waived by the ~~administrator of the division of traffic engineering and parking~~ Director of the Department of Public Service and/or their designee. This traffic impact study shall demonstrate if the project is major or nonmajor in scope and if found to be major in scope, all requirements for major projects outlined in this chapter shall be followed.
  - 4. Any development where the development plan changes significantly between the time that a rezoning, preliminary subdivision plat, zoning variance, or a special permit is granted or approved and a subsequent rezoning, preliminary subdivision plat, zoning variance, or special permit is sought.
- (B) The requirement for a traffic impact study may be waived by the ~~traffic engineering and parking administrator~~ Director of Public Service and/or their designee if a developer presents data demonstrating the development's uniqueness and the traffic generation rate for the development is expected to be less than that commonly observed at other developments in the same land use category and which traffic generation rate is too low to require a traffic impact study.

**3125.07 Development requirements.**

- (A) Favorable staff recommendations concerning approval of rezonings, and zoning variances, or staff approval of special permit applications and preliminary subdivision plats is contingent, in part, upon assumption by the developer of financial responsibility for the amount of roadway infrastructure roughly proportional to the development's contribution to total traffic in the area at the study's horizon year.
- (B) The city may relax requirements imposed upon the developer when:
- 1. The city determines that the identified improvements are not in the best interests of the city due to physical and environmental limitations or if the city chooses to finance the improvements;
  - 2. A determination is made by the ~~transportation administrator~~ Director of Public Service and/or their designee that the enforcement of these requirements for roadway improvements would result in a gross inequity. The applicant shall bring the situation to the attention of the transportation administrator to request such a determination be made.
- (C) The contribution shall be quantified or otherwise determined using traffic projection studies or other methods as the city may reasonably require to be conducted by the applicant prior to approval of the development plan.

**3125.13 Documentation, review and revision.**

Each traffic impact study will be reviewed by a review team of staff members appointed by the ~~transportation administrator~~ Director of Public Service and/or their designee. A traffic impact study which is judged incomplete by the aforementioned review team will be returned to the applicant for additional work.

### **3320.13 Administration.**

#### **A. General Provisions.**

1. A traditional neighborhood development (TND) can include one (1) or more of four (4) zoning districts: neighborhood edge, neighborhood general, neighborhood center and town center. The procedures in Chapters 3305 and 3307 of the Columbus City Code apply to a TND. Additional requirements are described herein.
2. The TND is not subject to limited overlay provisions of Columbus City Codes Chapter 3370.
3. Should conflicts exist with other provisions of the Zoning Code, the more stringent provisions shall apply.
4. Should conflicts exist, this article shall take precedence over Section 3123.08 of Columbus City Codes.
5. Should conflicts exist, the Columbus Building Code shall take precedence over this article.
6. Applications shall comply with requirements of Chapters 3318 and 3125.
7. The definitions in this article apply only to the TND Article. In the absence of a definition in this article, other definitions of the Zoning Code apply.
8. The minimum land area for rezoning to a TND district is two (2) acres.
9. If the development contains private roads, each property owner must be notified of this fact by deed or covenant.
10. Diagrams included in this article serve only as illustrations and shall not be used as definitions or limitations.
11. Projects of fifty (50) to one hundred (100) acres shall have no less than ten (10) percent of the project area contained in each of two (2) TND districts
12. Projects over one hundred (100) acres shall have no less than ten (10) percent of the project area contained in each of three (3) TND districts.
13. No more than fifty (50) percent of any TND project area shall be allocated to neighborhood edge district.
14. Projects over one hundred (100) acres shall have no more than fifty (50) percent of the project area allocated to neighborhood center district.
15. Perimeter lots in the neighborhood general district that abut the neighborhood center district may be developed using neighborhood edge standards. No other use of neighborhood edge districts or standards may occur adjacent to neighborhood center or town center districts.

#### **B. Rezoning Application Requirements.**

1. An application for rezoning must include:

A. Development plan including a site plan indicating the proposed district(s) (neighborhood edge, neighborhood general, neighborhood center, or town center), conceptual bicycle plan, conceptual thoroughfare plan including thoroughfare types and connections to adjacent thoroughfares and properties, designation of public thoroughfares known at the time of zoning, and the one-third (1/3) mile pedestrian shed of commercial uses; civic spaces including the location of play equipment, and civic buildings; location and size of civic spaces and civic building sites; maximum number of residential units, and maximum square footage of non-residential uses for each district.

B. Regional context diagram (drawing upon the existing land uses, the proposed land use plan, and/or approved area plan) showing how the application fits into the surrounding land uses and is consistent with the purpose statement and intent of this article per Chapter 3320.

C. Statement addressing the consistency of the application with each TND principle in Section 3320.011.

D. An existing conditions plan, depicting the site at the time of zoning application, at least one (1) inch equals two hundred (200) feet min., showing location, north arrow, scale, property lines, dimensions and area, adjacent properties, existing thoroughfares, existing buildings and natural and historic resources.

2. After approval of the application for rezoning by city council the applicant must submit the Regulating Plan (Section 3320.135) and any additional documentation requested to support compliance with requirements of the rezoning ordinance.

#### **C. Regulating Plan Administrative Review.**

1. After approval of the rezoning application by city council, the applicant must submit a regulating plan for administrative determination of compliance with the requirements of this article. To receive administrative approval the regulating plan must be in compliance with the boundaries of the zoning districts, maximum number of residential units and maximum square footage of non-residential uses as approved by city council and the requirements of this article. Substantial compliance must be achieved with respect to the conceptual thoroughfare plan, bikeway plan and the location and size of civic spaces and civic building sites approved by city council. No



zoning clearance shall be issued without such approval. Substantial compliance with regard to the conceptual Thoroughfare Plan will mean compliance with type of public and publicly accessible thoroughfares, unless changes are approved by ~~Transportation Division~~ Department of Public Service, general location and type of access to adjacent thoroughfares and properties, the general internal circulation pattern, and the designation of public thoroughfares.

2. The purpose of the administrative review is to confirm that submitted documents conform to the requirements of this article. A checklist containing the mandatory and desired elements of Sections 3320.15, 3320.17, 3320.19, and 3320.21 with a minimum score required, will be used to determine regulating plan compliance with the code.

3. A regulating plan may be submitted for all or a portion of territory zoned in one or more TND districts. If the regulating plan is intended to claim points for features or meet requirements such as parking through features, contained in the larger territory but outside the limits of the regulating plan itself, a Memorandum of Agreement (MOA) is required to be submitted at the time of regulating plan submittal. The MOA is an agreement among the owner(s) of the property that was the subject of the rezoning, the developer(s) of the regulating plan area, and the city of Columbus. The MOA must describe specifically the areas in which points will be claimed for features outside the regulating plan area and whether it is intended to claim points for such features on future regulating plans.

4. The owner(s) of property and the developer(s) of the regulating plan area must sign the MOA at the time of regulating plan submittal. Upon approval of the regulating plan, the director of the department of development or his/her designee will sign the MOA and copies will be transmitted to the owner(s) and developer(s). A copy of the MOA will be placed in the rezoning file for use in the review of each regulating plan for territory contained in the TND district(s) covered by the rezoning.

5. The regulating plan must contain all mandatory elements in each section (Thoroughfares, Natural and Historic Resources, Civic Spaces and Civic Buildings, Private Buildings) and obtain at least fifty (50) percent of the possible points in the Desired Elements category of each section and seventy-five (75) percent of the possible points of both categories (Mandatory and Desired Elements) for all sections added together. Within the Desired Elements categories, items not applicable to a particular application shall not count toward the basis points for calculating the percentages. Under no circumstances are bonus points to be considered toward the basis points.

6. Documents including, but not limited to, the following shall constitute the regulating plan.

Form A: Regulating Plan Review Application.

Form B: Project Statistics Table.

A Site Plan at least one (1) inch equals two hundred (200) feet minimum, with corresponding statistics, showing natural and historic resources, zoning districts, proposed thoroughfares and thoroughfare types, proposed civic spaces, and adjacent properties, thoroughfares, buildings, and natural and historic resources. All thoroughfare types, parking regulations, zoning districts and boundaries, frontage types, building parcels and/or lots must be labeled on the site plan.

List of street tree species for the approval of the City Forester.

Civic Space Detail Plans at one (1) inch equals fifty (50) feet minimum, showing landscaping and location of benches and play equipment, catalog cuts of site furniture, details and specifications of pads for site furniture, layout drawings of playground equipment and manufacturer specifications, and details and specifications of playground surfacing materials.

An Illustrative Site Plan at one (1) inch equals two hundred (200) feet minimum. (optional)

Proposed home owners association documents.

Any additional materials, as required, to document compliance with the code.

### **3332.18 Basis of computing area.**

Area shall be computed based on the following guidelines:

(A) That portion of a corner lot in excess of seventy-two hundred (7,200) square feet and most distant from the intersecting street abutting the longest dimension of such corner lot shall be considered as an interior lot.

(B) A lot shall be deemed to extend to the center of any alley adjoining the rear lot line or side lot line of such lot. A lot adjoining alleys on more than one (1) side shall be deemed to extend to the center of only one (1) such alley.

(C) In an SR, R-1, R-2, R-3, R-2F, R-4 or MHD area district, if the depth of a lot is more than three (3) times the width of such lot, a depth of only three (3) times such width shall be used in computing density.

(D) No dwelling hereafter erected shall occupy alone or together with any other building greater than fifty (50) percent of the lot area; nor shall any manufactured home hereafter erected occupy alone or together with any building greater than fifty (50) percent of the lot area.

(E) A multiple-dwelling development, as defined in Chapter 3303, C.C., shall be allowed only in an R-4 area district and shall be on a single lot of twenty thousand (20,000) square feet or more in area and under one (1) control. The required minimum lot area per dwelling unit may be calculated utilizing the area of the entire development, including community open spaces, parking spaces, and drives other than public streets, which are within the same lot and accessible to all occupants of the entire development, as well as the private individual space accessible directly to an individual building, but excluding any area dedicated to an individual building, but excluding any area dedicated for public purposes. All street and alley arrangements shall be subject to approval by the building services administrator after consultation with the ~~transportation administrator~~ Director of Public Service and/or their designee.

(F) No yard or other open space provided for any building for the purpose of complying with the provisions of these regulations shall again be considered as the yard or other open space for any other building; nor shall any yard or other open space provided for any manufactured home for such purpose again be considered as the yard or other open space for any other manufactured home or building.

### **3332.19 Fronting.**

Each dwelling or principal building shall front upon a public street. However, those dwellings containing three (3) or more dwelling units located in a multiple-dwelling development, as defined in Chapter 3303, C.C., may front upon a private street if such plan is approved by the building services administrator after consultation with the ~~transportation administrator~~ Director of Public Service and/or their designee. Such buildings shall be subject to all regulations pertaining to building lines of both fronting and side streets and corner lot requirements.

### **3332.36 Child day care.**

A child day care center may be an accessory use subject to the requirements of Ohio Revised Code Chapter 5104 and the following additional conditions:

- (a) A center shall be associated with a school or church and be established in a building occupied by the principal use; and
- (b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

### **3333.06 Child day care.**

A child day care center shall be subject to the requirements of Ohio Revised Code Chapter 5104 and the following conditions:

As part of the application for a certificate of zoning clearance for a child day care center as a principal use or as an accessory use, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

### **3333.15 Basis of computing area.**

Area shall be computed based on the following guidelines:

- (a) That portion of a corner lot in excess of seventy-two hundred (7,200) square feet and most distant from the intersecting street abutting the longest dimension of such corner lot shall be considered as an interior lot.
- (b) A lot shall be deemed to extend to the center of any alley adjoining the rear lot line or side line of such lot. A lot adjoining alleys on more than one (1) side shall be deemed to extend to the center of only one (1) such alley.
- (c) No residence building hereafter erected shall occupy alone or together with any other building greater than fifty (50) percent of the lot area.
- (d) A multiple-dwelling development or an apartment complex, as defined in Chapter 3303, C.C., shall be on a

single lot of twenty thousand (20,000) square feet or more in area and under one (1) control. The required minimum lot area per dwelling unit may be calculated utilizing the area of the entire development or complex, including community open spaces, parking spaces, and drives other than public streets, which are within the same lot and accessible to all occupants of the entire development or complex, as well as the private individual space accessible directly to an individual building, but excluding any area dedicated for public purposes. All street and alley arrangements shall be subject to approval by the building services administrator after consultation with the ~~transportation administrator~~ Director of Public Service and/or their designee.

(e) No yard or other open space provided for any building for the purpose of complying with the provisions of these regulations shall again be considered as the yard or other open space for any other building.

### **3333.16 Fronting.**

Each dwelling, apartment house or principal building shall front upon a public street.

However, those dwellings containing three (3) or more dwelling units located in a multiple-dwelling development, as defined in Chapter 3303, C.C., or apartment houses located in an apartment complex, as defined in Chapter 3303, C.C., may front upon a private street if such plan is approved by the building services administrator with the ~~transportation administrator~~ Director of Public Service and/or their designee. Such buildings shall be subject to all regulations pertaining to building lines of both fronting and side streets and corner lot requirements.

### **3333.33 Child day care as accessory use.**

A child day care center may be an accessory use subject to the requirements of Ohio Revised Code Chapter 5104 and the following additional conditions:

- (a) A center shall be associated with a school or church and be established in a building occupied by the principal use; and
- (b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

### **3333.41 Standards.**

A certificate of zoning clearance for a town house development shall be issued if the administrator finds that an otherwise proper application complies with the following standards:

- (a) Only new construction on a site of no less than one (1) acre, in an apartment residential district, comprising a subdivision of record shall be considered for town house development.
- (b) Density shall not exceed twelve (12) town houses per acre of land.
- (c) The maximum number of town houses permitted in any row shall be eight (8); the minimum shall be three (3). No detached dwelling unit shall be constructed in a town house development.
- (d) A town house together with accessory buildings, if any, shall occupy no more than fifty-five (55) percent of the lot area and at least twenty (20) percent of the lot area (in addition to the front setback area) shall be reserved for private open space.
- (e) The minimum width of a town house lot shall be fifteen (15) feet.
- (f) The minimum area of a town house lot shall be one thousand five hundred (1,500) square feet.
- (g) No minimum depth shall be required of a town house lot.
- (h) Each town house lot shall have a minimum of fifteen (15) feet of frontage on a dedicated public street except that those lots which are separated from a street only by common space shall have a minimum of fifteen (15) feet of frontage on such common space.
- (i) A side yard, required only at each end of a row, shall be no less than seven and one-half (7-1/2) feet wide.
- (j) A building line shall be established no less than twenty-five (25) feet from the front lot line irrespective of the orientation of the building.
- (k) A building line shall be established no less than ten (10) feet from the rear lot line or the centerline of an alley, as the case may be, irrespective of building orientation.

(1) Unobstructed, permanent access of at least ten (10) feet in width shall be provided to both the front and rear of each town house lot and between rows of four (4) or more town houses for emergency use, fire protection and maintenance.

(m) Hard-surfaced parking spaces of regulation size and of material approved by the ~~transportation administrator~~ Director of Public Service and/or their designee shall be provided for each town house as follows:

(1) Two (2) spaces per unit shall be located on or adjacent to the lot to be served thereby.

(2) An additional one-half (1/2) space per unit shall be located no farther than two hundred (200) feet from the town house to be served thereby.

Except that where two (2) parking spaces of regulation size are provided on the rear of each lot, and the street upon which the row fronts is not utilized in any manner for required parking: only two (2) parking spaces shall be required per town house.

(n) Parking spaces may be provided perpendicular to and immediately adjacent to the right-of-way only if such parking is:

(1) Within common space adjacent to:

(A) a cul-de-sac or dead end street providing access to no more than sixty-two (62) dwelling units; or

(B) a local residential street providing access to no more than one hundred twenty-five (125) dwelling units, and discouraging through traffic thereon; or

(C) an alley or roadway provided each lot served thereby fronts upon a street; or

(2) Within the rear of a private lot adjacent to an alley or roadway provided each such lot fronts upon a street.

Perpendicular parking provided pursuant to (1)(A) or (B) above, shall be no closer than one hundred (100) feet to the right-of-way line of any local street or collector, or two hundred (200) feet to the right-of-way line of any arterial.

The conditions of this paragraph shall not apply to a wholly internal local street servicing the town house development.

In no event shall perpendicular parking be provided immediately adjacent to an arterial or a collector of any width; or to a local residential street which (1) provides access to more than one hundred twenty-five (125) dwelling units or (2) which encourages through traffic.

(o) Single or tandem parking spaces may be provided within the front setback of a lot which fronts upon:

(1) a cul-de-sac or dead-end street providing access to no more than sixty-two (62) dwelling units; or

(2) a local residential street providing access to no more than one hundred twenty-five (125) dwelling units, and discouraging through traffic thereon.

(p) Adjacent to all parking spaces other than those in a garage or in a driveway serving no more than two (2) town houses, curbs shall be installed separating such parking spaces from any common area, sidewalk, bikeway, walkway, or setback in accordance with specifications on file in the ~~office of the transportation administrator~~ Department of Public Service offices for curbs installed within the public right-of-way.

(q) No portion of a parking space shall overlap any portion of the sidewalk or shared-use path.

(r) Continuous sidewalks or shared-use paths no less than four (4) feet in width and located no closer than three (3) feet to any curb, except for access to the street, shall be provided in accordance with city specifications on file in the ~~office of the transportation administrator~~ Department of Public Service offices except that such sidewalks may be located within twenty-five (25) feet of the right-of-way affording principal access to any town house where common space for parking is provided between the property line and the street.

(s) Where four (4) or more perpendicular parking spaces are positioned immediately adjacent to the street and to each other, the public or common sidewalk or shared-use path shall be installed between such parking and the row it serves to promote safety and to discourage pedestrian traffic at the rear of parked vehicles.

(t) Common open space exclusive of any common area devoted to parking, sidewalks, shared-use paths or vehicular circulation shall be provided at a rate of four hundred (400) square feet per town house.

(u) All access to parking spaces and open spaces shall be held in common ownership by the homeowners' association or dedicated to the city when determined necessary by the administrator.

### **3342.01 Purpose.**

The purpose of this chapter is to regulate land use for parking, loading and maneuvering; to assure the provision of at least the minimum number of off-street parking spaces for each use; to enact standards for parking and loading; to assure maintenance of existing parking; and to prohibit inappropriate parking. These standards are designed to provide for the parking and loading needs of occupants, customers, visitors or others involved in the use or occupancy of any building or parking lot; to minimize parking on the public street and traffic congestion; and to

limit noise pollution and wear and tear on the public streets; all to protect the public health, safety and general welfare.

This chapter regulates parking and loading that is designed for either principal or accessory uses. The standards in this chapter are those that will be reviewed by the division of building services before issuing a certificate of zoning clearance. Other parking or parking lot requirements may be regulated by the ~~division of traffic engineering~~ Department of Public Service and the division of sewerage and drainage.

### 3342.02 Administrative requirements.

1. Each owner of real property shall provide and continue to provide parking in compliance with code provisions in effect at the time such particular use commenced.

2. Any person who initiates a new use, or changes or expands an existing use on any lot shall provide off-street parking, loading and maneuvering spaces in compliance with this chapter. For purposes of this chapter, "existing" means prior to change or expansion and includes "former"; and "new" means subsequent to change or expansion and includes "proposed."

3. The minimum number of parking and loading spaces required for a particular use are specified in this chapter. Exceptions to these minimum requirements are as follows:

a. Special Parking Areas. A lot which lies within a special parking area, shall be subject to specifications for that area.

b. Change of Use. A use of higher intensity requires more parking spaces than does a use of lower intensity. For purposes of comparison "intensity" means the demand for parking spaces generated by a particular use. Such demand is measured by the requirements of this chapter. Any person who changes a use on any lot, shall provide the number of parking spaces required by the intensity of such use calculated as specified in items (1) through (6).

(1) Without expansion of an existing building, a new use of intensity equal to or lower than the existing use shall provide the same number of parking spaces as the existing number of parking spaces; no additional parking spaces shall be required. Example:

<b>Existing medical clinic</b>	<b>New law office</b>
Required spaces = 10	Required spaces = 7
Existing spaces = 5	
	Total parking spaces required for new use = 5

(2) With expansion of an existing building, a new use of intensity equal to or lower than the existing use shall provide the same number of parking spaces as the existing number of parking spaces, plus the additional parking spaces required for the expansion. Example:

<b>Existing medical clinic</b>	<b>New law office</b>
Required spaces = 10	Required spaces = 7
Existing spaces = 5	
	Building expansion Required spaces = 4
Existing parking spaces	= 5
Spaces required for building expansion	= 4
Total parking spaces required for new use	= 9

(3) Without expansion of an existing building, a new use of higher intensity than the existing use shall provide the same number of parking spaces as the existing use, plus additional parking spaces equal to the difference between that required for the higher and lower intensity uses. Example:

<b>Existing retail store</b>	<b>New restaurant</b>
Required spaces = 8	Required spaces = 27
Existing spaces = 5	
Existing parking spaces	= 5
Difference between intensities (27-8)	= 19

Total parking spaces required for new use = 24

(4) With expansion of an existing building where the number of existing parking spaces is less than the number required for the existing use and is also less than that required for the new use, a new use of higher intensity than the existing use shall provide the same number of parking spaces as the existing use, plus additional parking spaces equal to the difference between that required for the higher and lower intensity uses, plus that number required for the expansion. Example:

<b>Existing retail store</b>	<b>New restaurant</b>
Required spaces = 8	Required spaces = 27
Existing spaces = 5	
	Building expansion Required spaces = 12
Existing parking spaces	= 5
Difference between intensities (27-8)	= 19
Spaces required for building expansion	= <u>12</u>
Total parking spaces required for new use	= 36

(5) With expansion of an existing building where the number of existing parking spaces is less than that required for the existing use but is more than that required for the new use, a new use shall provide the number of parking spaces required for the new use plus that required for the expansion. Example:

<b>Existing medical clinic</b>	<b>New law office</b>
Required spaces = 10	Required spaces = 7
Existing spaces = 9	
	Building expansion Required spaces = 4
Parking spaces required for new law office	= 7
Spaces required for building expansion	= <u>4</u>
Total parking spaces required for new use	= 11

(6) With expansion of an existing building where the number of existing parking spaces exceeds both that required for the existing use and that required for the new use, a new use shall provide the number of parking spaces required for the new use plus that required for the expansion. Example:

<b>Existing retail store</b>	<b>New restaurant</b>
Required spaces = 8	Required spaces = 27
Existing spaces = 29	
	Building expansion Required spaces = 12
Parking spaces required for new restaurant	= 27
Spaces required for building expansion	= <u>12</u>
Total parking spaces required for new use	= 39

That additional number of parking spaces required by a change of use or by a minor addition consisting of less than two hundred (200) square feet may be waived if, after consultation with the ~~transportation administrator~~ Director of Public Service and/or their designee, the building services administrator determines that the increased intensity will not create adverse traffic congestion in the area.

4. Parking spaces shall be provided on the same lot as the use they are intended to serve with the following exceptions:

a. Guest parking for town house development may be located within two hundred (200) feet of the lot served within the same development plat.

b. For a commercial, institutional or industrial use, the parking may be provided on a lot that is:

(1) Located within seven hundred and fifty (750) feet of the use to be served; and

(2) Owned or leased by the applicant and located in an appropriate zoning district with a limited overlay having

conditions which limit its use to parking reserved for the duration of that use to be served.

5. Revision of an approved parking lot; including, but not limited to reduction, enlargement, restriping or remarking of any parking lot in a manner that differs from the existing site plan; shall require a new site plan and a certificate of zoning clearance prior to such change.

6. Off-street parking and loading spaces required for any use not specifically listed herein shall be the same as that required for a similar type use as determined by the administrator.

### **3342.15 Maneuvering.**

Every parking and loading space shall have sufficient access and maneuvering area. The maneuvering area for a parking space may occur anywhere on a lot except in the area between the street right-of-way line and the parking setback line.

The maneuvering area may include an aisle, circulation area, or improved alley. In single-family or two (2)-family residential districts or in town house developments, the maneuvering area may include a driveway, street, or parking space.

The ~~transportation administrator~~ Director of Public Service and/or their designee may waive the requirement for maneuvering area only for a parking lot which has and continues to have an operator on duty during all hours of operation.

### **3343.13 Roadways.**

Each manufactured home site in a manufactured home park or section thereof shall abut on a paved roadway within the manufactured home park which has a clear, unobstructed, paved width to accommodate the contemplated parking and traffic load. The design, installation and subsequent improvement of all roadways shall be subject to the final approval of the ~~transportation administrator~~ Director of Public Service and/or their designee. The ~~transportation administrator~~ Director of Public Service and/or their designee shall approve no circulation or roadway plan unless it meets the following minimum criteria:

(A) Each two (2) -way entrance and exit roadway shall have a width of no less than thirty-five (35) feet exclusive of any median strip. Each one (1) -way exit or entrance roadway shall have a width of no less than twenty (20) feet;

(B) A minor or cul-de-sac roadway may have a width of no less than twenty (20) feet provided that no parking is permitted therein;

(C) Parking may be permitted on both sides of a roadway having a width of thirty-five (35) feet or more;

(D) Parking may be permitted on both sides of a roadway having a minimum width of twenty-eight (28) feet provided that such roadway has been designated as and traffic movement is limited to one-way;

(E) Parking may be permitted on only one side of a two-way roadway having a minimum width of twenty-eight (28) feet;

(F) Parking may be permitted on one side of a roadway that has a minimum width of twenty (20) feet provided that such roadway has been designated as and traffic movement is limited to one-way.

The ~~transportation administrator~~ Director of Public Service and/or their designee shall not approve any private roadway unless it meets the following minimum criteria:

(A) The improved surface shall be constructed of asphalt concrete or Portland cement concrete on an appropriate sub-base as required by the ~~transportation administrator~~ Director of Public Service and/or their designee.

(B) Curbs and gutters made of Portland cement concrete shall be required along each side of the improved portion whenever such improved portion has a required width of thirty (30) feet or more. Such curbs and gutters shall be of the integral type.

(C) Improved roadways with a required width of less than thirty (30) feet may be of the V section type, or of the crown type with curbs and gutters along each side, whichever is preferred by the developer.

### **3343.14 Access to the manufactured home park.**

(A) Access to a manufactured home park from an adjacent public street shall be by means of at least two (2) collector-width roadways, the location of which shall comply with requirements of the ~~division of transportation~~ Department of Public Service. Additional accesses may be required depending upon the size and design of the manufactured home park.

(B) No manufactured home site shall have direct vehicular access to a public street. Any manufactured home site that is adjacent to a public street shall be separated from such street by either a natural or an artificial barrier.

**3345.10 Cluster design of housing groups.**

(a) Two (2) or more buildings containing dwelling units shall be termed a cluster if the buildings have design and architectural unity, and are located around a common point of activity, including parking lots, cul-de-sacs, open space, service area, plazas and recreational areas. Such activity must be of a scale and scope that the residents of the dwelling within the group are directly benefited and the central point of activity is designed integrally within the site plan for all buildings in the cluster. Buildings in the cluster are located close enough to one another, that as a group, all buildings taken together as a unit are separated from other such clusters by buffers or open space, including landscaping, streets, or parking areas.

(b) Each cluster must abut and have access to a public street. Streets included in the interior of the cluster are considered private driveways with direct access to public streets. Public streets serving such clusters may terminate in a cul-de-sac no longer than six hundred (600) feet in length. Public streets may be designed and laid out in subdivisions and large developments on one (1) site in a super blockform, with more than one (1) cluster abutting and having access to the public street.

(c) The design of each cluster, submitted as a site plan, shall be approved by the building services administrator, who may refer the site plan to the ~~division of transportation~~ Department of Public Service, division of fire, division of environmental health, recreation and parks, division of sewerage and drainage and the division of water for their review and recommendation.

**3345.155 Child day care.**

A child day care center may be an accessory use subject to the requirements of Ohio Revised Code Chapter 5104 and the following additional conditions:

(a) A center shall be associated with a school or church and be established in a building occupied by the principal use or be constructed as an integral part of and accessory to a new apartment complex; and

(b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

**3347.115 Child day care.**

A child day care center may be an accessory use subject to the requirements of Ohio Revised Code Chapter 5104 and the following additional conditions:

(a) A center shall be associated with a school or church and be established in a building occupied by the principal use; or be constructed as an integral part of a new apartment complex during its construction; and

(b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

**3349.03 Permitted uses.**

Within an I-institutional district, no building or premise shall be used and no building shall be erected, constructed, altered or enlarged which is arranged, intended or designed to be used for any use or purpose except:

(a) Apothecary (limited to the sale of pharmaceuticals and medical supplies);

(b) Church;

(c) Clinic, dental or medical;

(d) Electric substation;

(e) Fire station;

(f) Funeral home;



- (g) Gas regulator station;
- (h) Laboratory, dental or medical;
- (i) Library (public);
- (j) Museum (public);
- (k) Optician;
- (l) Police station;
- (m) Post office;
- (n) Telephone exchange;
- (o) Utility pumping station;
- (p) Offices, medical, dental, religious, education or charitable institution;
- (q) General hospital;
- (r) Home for the aging, nursing home, rest home;
- (s) Schools (public, parochial or private);
- (t) Public park;
- (u) Public playground;
- (v) Nursery school;
- (w) Housing for the elderly, with a density not to exceed one (1) dwelling unit per two thousand five hundred (2,500) square feet of lot area;
- (x) Child day care center subject to the requirements of Ohio Revised Code Chapter 5104 and the following additional condition: As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

**3357.01 C-5 commercial district.**

A. Because of the peculiar operational characteristics and traffic congestion connected with automobile service stations, carry-outs, car washes, drive-ins, and fast-food business, the C-5 commercial district is established primarily for the location of such uses. Once such a district has been established, the only uses permitted on the property shall be as follows:

1. Automobile service stations;
2. Carry-outs;
3. Car washes;
4. Drive-ins;
5. Establishments serving food or beverages to customers in their automobiles;
6. Fast-food business;
7. Billboards, subject to the provisions of Chapter 3378, C.C.

B. Prior to establishing a new use of the type listed in subsection (A) above the person desiring to do so shall:

1. First obtain a rezoning of the property to the C-5 commercial district. Such rezoning shall be applied for and processed in the same manner as any other rezoning; and
2. Obtain a zoning clearance and building permit in the same manner as for any other use.

C. For any permitted use in a C-5 commercial district, except automobile service stations that are governed by the provisions contained in C.C. Sections 3357.11 through 3357.18, the following physical characteristics of the property shall be applicable:

1. The minimum lot area shall be not less than fifteen thousand (15,000) square feet.
2. The minimum lot width at the front building line shall be not less than one hundred and twenty (120) feet.

D. For any permitted use in a C-5 commercial district, except automobile service stations that are governed by the provisions contained in C.C. Sections 3357.11 through 3357.18, the yard line building line requirements in C.C. 3357.04 shall be applicable with the following additional provisions:

1. Whenever any portion of the property abuts property used or zoned for any type of residential use then there shall be a landscaped yard of not less than ten (10) feet in width provided along that portion of the property line abutting the property used or zoned for any type of residential purposes.
2. No portion of any building or structure shall be located or extend closer than twenty-five (25) feet to either a front or street side property line.

E. For any permitted uses in a C-5 commercial district, except automobile service stations that are governed by the

provisions contained in C.C. Sections 3357.11 through 3357.18, the height of any building or structure shall not exceed twenty-five (25) feet.

F. In any C-5 commercial district, provisions shall be made for access, and off-street parking and loading facilities as required by C.C. Sections 3357.08 through 3357.10. G. For any proposed new use or enlargement of an existing one in a C-5 commercial district, sufficient copies of the site plan for a zoning clearance shall be submitted to enable the division to refer such site plans to various other city departments and divisions as appropriate for their review and recommendations.

H. In addition to all other development standards specified elsewhere in this Zoning Code or in other city codes, the following requirements shall be applicable:

1. The location of all curb cuts and traffic flow patterns shall require the approval and a permit from the ~~division of transportation~~ Department of Public Service prior to any curb being cut or any driveway being installed.

2. Any use, such as a car wash, that could cause a drainage problem, shall require the approval of the division of sewerage and drainage, and such uses may be required to install storm sewers as required to alleviate the problem.

3. Any use, such as a fast-food business, that could cause a traffic congestion problem shall require approval of the ~~division of transportation~~ Department of Public Service, and such uses may be required to install frontage roads as required to alleviate the problem.

4. Any use, such as a fast-food business, that could create an excessive litter problem, may be required to install fences as determined by the department, and trash receptacles as may be required by the division of health and division of refuse collection, to alleviate the problem.

5. Other city departments and divisions whose operations or area of jurisdiction may be affected by the proposed use may recommend to the department of development additional requirements necessary to comply with various city codes applicable to the use and to protect and preserve the public health, safety, and welfare.

6. If, at the time of public hearings on the application for a rezoning to the C-5 commercial district, council has imposed any specific development standards or other requirements, then the site plans submitted for the zoning clearance shall show full compliance with all such standards and requirements.

### **3365.37 Child day care.**

A child day care center may be an accessory use subject to the requirements of Ohio Revised Code Chapter 5104 and the following additional conditions:

(a) A center shall be associated with and accessory to a less objectionable manufacturing use for employee convenience and be established in a building occupied by the principal use; and

(b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

### **3367.31 Child day care.**

A child day care center may be an accessory use subject to the requirements of Ohio Revised Code Chapter 5104 and the following additional conditions:

(a) A center shall be associated with and accessory to a less objectionable manufacturing use for employee convenience and be established in a building occupied by the principal use; and

(b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The building services administrator shall consult with the ~~transportation administrator~~ Director of Public Service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

### **3369.03 Required performance standards and conditions.**

In addition to the requirements of the performance standards of C.C. Section 3311.16, the following performance standards and conditions shall be complied with in the excavation of gravel or sand or the quarrying of stone in the EQ District:

(a) All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate as far as practicable, noise, vibration or dust which would injure or annoy persons living in the vicinity,

and accessways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.

(b) No quarrying or gravel or sand extraction shall be permitted nearer than fifty (50) feet to the boundary of the EQ District.

(c) In order to insure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet and backfilled to at least one hundred fifty (150) feet and all quarrying or blasting shall be located at least fifty (50) feet from the right-of-way line of any existing or platted street, road, highway or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road or highway where officially approved by the ~~city engineer~~ Director of Public Service and/or their designee.

(d) No excavation of gravel or sand shall be made from the banks or beds of the Scioto and Olentangy Rivers, or the Big Walnut, Little Walnut, Big Darby, Little Darby, Rocky Ford, Blacklick or Alum Creeks unless approved by the ~~city engineer~~ Director of Public Service and/or their designee with the finding that such excavation will not impair the lateral support needed for permanent stream levees.

(e) All excavations of gravel or sand shall either be made to a water-producing depth, plus five (5) feet or graded or backfilled with non-noxious and nonflammable solids to assure (1) that the excavated area will not collect and retain stagnant water or (2) that the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.

The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than two (2) feet horizontal to one (1) foot vertical and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes or grasses where re-vegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded and seeded as prescribed herein.

(f) Whenever the floor of a quarry is more than five (5) feet below the average grade of the street, road, highway or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6)-foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway or the boundary of the EQ District.

(g) No quarrying shall be permitted closer than two hundred (200) feet to either bank of the Scioto River unless approved by the ~~City Engineer~~ Director of Public Service and/or their designee with the finding that adequate lateral support will be provided for permanent river levees.

(h) All quarrying, blasting or drilling shall be carried out in compliance with the requirements of C.C. Section 3311.16 on performance standards, provided, however, that until such time as adequate equipment, staff, and facilities or outside technical assistance is available to conduct the measurements, test and analyses required for enforcement of such performance standards, the building inspector may require the quarry operator to submit other satisfactory proof that all quarrying, blasting and drilling will be conducted in such a manner and on such scale as to minimize dust, noise and vibration and to prevent adversely affecting the surrounding neighborhood.

(i) When any quarrying has been completed, such excavated area shall either be left as a permanent spring-fed lake or the bottom or floor thereof shall be leveled to prevent the collection and stagnation of water to provide proper drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a six (6)-foot mound of earth planted with a double row of multiflora rose bushes or other equally effective planting.

### **3372.407 Parking and circulation.**

Parking and circulation requirements for all commercially used or zoned property are as follows:

A. Parking, stacking and circulation aisles are not permitted between a public street right-of-way line and a principal building.

B. Additional curb cuts along streets identified in the Columbus Thoroughfare Plan will not be permitted unless the ~~Division of Transportation~~ Department of Public Service staff determines that a new curb cut is the only means available to provide vehicular access to the site and that the new location of the curb cut meets the requirements of the ~~Division of Transportation~~ Department of Public Service.

C. The required number of off-street parking spaces may be reduced by up to fifty (50) percent by the Chief Zoning Official or designee in consultation with the ~~Division of Transportation~~ Department of Public Service staff. Factors

to be considered include, but are not limited to: the availability of on-street, public, permit or shared parking; available transit service; pedestrian traffic and accessibility; elimination of arterial curb cuts; hours of operation and existing/proposed land use. The required number of loading spaces may be eliminated at the discretion of the Chief Zoning Official or designee, with due consideration given to: frequency and time of deliveries; size and nature of vehicles accommodated by the loading spaces; the character of the neighborhood; and impact upon adjoining streets or alleys.

**3372.564 Parking.**

A. No more than thirty-five (35) percent of any lot area shall be devoted to the parking and maneuvering of vehicles.

**Exception:** An application permitted to exceed a floor area ratio of 0.66 shall be permitted a parking area greater than thirty-five (35) percent of lot area, provided a layout is used that accommodates the required parking and maneuvering in the smallest area possible, as determined by the ~~division of transportation~~ Department of Public Service.

B. Required parking spaces shall be provided as determined by utilizing the following formula:

$$\frac{[\text{total calculated floor area} - (\#d.u.* \times 300)] \times .66}{200} = \text{minimum spaces required}$$

Exception: For substantial rehabilitation of an original contributing building involving an increase in floor area or a change of use, required parking spaces shall be provided as determined by utilizing the following formula: (For the purposes of this formula, the total calculated floor area in excess of an amount determined by a 0.80 floor area ratio shall not be considered.)

$$\frac{[\text{total calculated floor area} - (\#d.u.* \times 360)] \times .66}{240} = \text{minimum spaces required}$$

\*(#d.u. means the number of dwelling units)

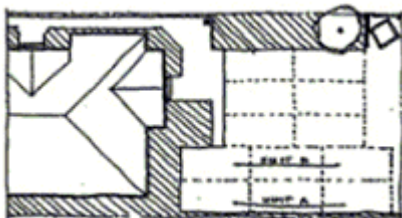
Exception to the formulas: Other than for a residence requiring a rooming house license, the total number of parking spaces required need never exceed the product of four (4) parking spaces times the number of dwelling units.

C. In addition to stacked parking two (2) cars deep, stacked parking three (3) -cars-deep shall also be permitted, but limited to a rate of one (1) such occurrence for every five (5) parking spaces required. Each such triple-stacked stall shall correspond to a dwelling unit of one thousand (1,000) square feet in calculated floor area or greater and shall be marked to indicate that dwelling unit.

Example layout:

Units A & B exceed one thousand (1,000) square feet

Twelve (12) spaces required = two (2) triple-stacked occurrences permitted



D. Screening to a height no less than three (3) feet above the parking lot grade and otherwise in compliance with Section C.C. 3342.17(c), Parking Lot Screening, shall only be required between a parking lot and a street right-of-

way, except as in Section C.C. 3342.25, Vision Clearance; or in the case of an apartment complex or multiple dwelling development, between its parking lot and an adjoining single-family or two (2) -family use.

#### **3374.05 Parking and loading.**

Any use established or building erected, which is arranged, intended or designed to be used for a use permitted in the UCRPD shall be exempt from the minimum number of off-street parking spaces. However, uses located within one hundred (100) feet of the perimeter of the district shall comply with all other parking and loading standards contained in Chapter 3342 of the Zoning Code unless recommended for modification by the building services administrator in consultation with the ~~transportation administrator~~ Director of Public Service and/or their designee.

#### **3375.17 Road construction guide sign standards.**

A. Temporary Guide Sign Related to Public Road Construction. To facilitate access and promote a general sense of well-being where access to a property is disrupted by public roadway or other similar construction, a temporary directional or guide sign may be permitted by the director with concurrence of the ~~transportation administrator~~ Director of Public Service and/or their designee.

B. Eligibility. A temporary guide sign to be allowed by this section shall be installed to serve only a business or other destination which meets the following criteria:

1. Access to the destination(s) indicated on such sign must be closed or otherwise temporarily disrupted by public roadway or other similar construction.
2. Such sign shall, in general, be located on the same property as the use served. A request for an off-premises sign shall be considered only where it has been determined by the director that such off-premises sign will cause minimal conflict to motorists and with on-site uses and signs.
3. Eligibility shall be limited to the time period of actual construction or disruption. Any such sign shall be completely removed from the site within three (3) calendar days after the completion of construction or removal of disruption, whichever comes first.

C. Review Requirements. An application for approval of a temporary guide sign allowed by this section shall be submitted in the format determined by the director. Each application shall include a precise description of the size, sign copy and location of each proposed sign, along with written consent of the property owner at each proposed sign location.

D. Sign Design. Each such sign shall be designed with the longest side of the face aligned horizontally, i.e., a horizontal rectangle.

1. For a single use the maximum graphic area shall be six (6) square feet along streets with a speed limit of thirty-five (35) mph or less and twelve (12) square feet along streets with a speed limit greater than thirty-five (35) mph.
2. For a complex or multiple uses on the same sign, the maximum graphic area shall be twelve (12) square feet along streets with a speed limit of thirty-five (35) mph or less and twenty-four (24) square feet along streets with a speed limit greater than thirty-five (35) mph.
3. Sign copy shall be limited to the street address, name of the complex, individual business and/or other destination served by said sign, direction arrow(s) and/or other necessary directional information.
4. Maximum height of said sign shall be two and one-half (2 1/2) feet where said sign will be located less than ten (10) feet from a driveway.
5. Maximum height shall be six (6) feet where said sign will be located ten (10) feet or more from a driveway.
6. Sign face colors shall be limited to the use of black sign copy on an orange background.

E. Installation. Such sign shall be securely attached to either an existing pole or another appropriate sign structure.

1. Any such sign larger than sixteen (16) square feet shall be installed by a sign erector licensed by the city.
2. No person shall install such sign in any public right-of-way.

F. Maintenance and Removal. Such sign shall be maintained in compliance with C.C. 3381.04. A damaged sign shall be removed, repaired or replaced within three (3) working days of being damaged.

1. At the end of the eligibility period for each such sign, the sign installer, or the owner of the subject property, shall remove said sign from the site.
2. The general contractor for the construction project shall have the authority to remove any sign allowed by this process, when said sign is situated within the construction easement and when, in the opinion of the general contractor, said sign will interfere with the normal course of construction. The contractor shall make a reasonable attempt to inform the affected party of the need to remove said sign.

### **3389.131 Temporary parking lot.**

The purpose of this section is to permit the utilization of undeveloped land for a temporary parking lot while awaiting development without the financial investment required for a more permanent parking lot. A special permit shall be required for the establishment of any nonaccessory parking lot. The board of zoning adjustment shall grant a special permit for a temporary parking lot only when it finds that all of the following conditions have been met.

1. The lot is located in a C-3 or C-4 commercial or M-manufacturing district and qualifies as a nonaccessory parking lot.
2. The parking to be provided is not code-required.
3. The site is on a lot where development can reasonably be expected to occur within two (2) years.
4. The parking lot shall be graded and maintained so as to prevent damage from surface water drainage, accumulation of stagnant surface water, and improper diversion of surface water. Drainage shall conform to the division of sewerage and drainage standards.
5. The parking lot shall be developed in accordance with provisions of Chapter 3342 not in conflict with this section. The parking lot plan shall be approved by the ~~transportation administrator~~Director of Public Service and/or their designee.
6. Access and curb cuts shall be provided in accordance with guidelines issued by the ~~transportation administrator~~Director of Public Service and/or their designee.
7. A surface consisting of at least No. 304 aggregate compacted and covered with No. 8 stone, or any other surface approved in writing by the ~~transportation administrator~~Director of Public Service and/or their designee, shall be installed and shall be maintained in a dust-free condition.
8. Parking spaces, traffic pattern and layout shall be controlled by striping, numbering, bumper blocks, signs or other suitable means approved by the ~~transportation administrator~~Director of Public Service and/or their designee.
9. A buffer shall be provided adjacent to any adjacent street. Such buffer shall consist of a ten (10) foot wide grass strip, a three (3) foot high brick or masonry wall, or a combination of grass, landscaping, walls, fences or similar materials which in the opinion of the board of zoning adjustment is a reasonable alternative to a ten (10) foot wide grass strip. Such a buffer shall be installed and maintained in a live, neat, clean and orderly condition adjacent to any street. Buffering requirements may be waived when the site is not adjacent to a residential zoning district and the board of zoning adjustment finds that unbuffered parking will not negatively impact any commercially developed frontage; however, parking shall be restrained so as to prevent encroachment upon the sidewalk.
10. The special permit applicant for the subject lot has certified in writing that the parking lot shall conform to any and all special permit conditions stated herein plus any special condition to be imposed thereon.
11. Any additional special condition that the board of zoning adjustment may reasonably require due to special circumstances.
12. The special permit shall be limited to a term of not exceeding two (2) years.
13. The special permit shall not be renewed. Rather, if necessary and upon a showing of good cause, a new application may be filed, notice shall be given, public hearing shall be held and decision shall be made based on then existing circumstances.
14. The special permit granted and the responsibilities assumed by the applicant hereunder shall run with the use of the land and shall be applicable to any subsequent owner or operator so long as the temporary parking lot operation continues.

### **4105.08 Cooperation of other officials.**

The building official may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of the ~~transportation administrator~~Director of Public Service and/or their designee in fixing grades, of the chief of police in enforcing orders, of the city attorney in prosecuting violations, and of other city officials.

### **4113.77 Moving permits.**

- (1) No person shall move any building or structure over eight (8) feet wide and over one thousand (1,000) cubic feet in area, without applying for and obtaining a permit from the building official for such purpose and paying the fee prescribed therefor in the fee schedule.
- (2) All applications for moving permits shall be accompanied with plans of the building or structure to be moved

together with the correct location and character of all other buildings or structures on the lot.

(3) The ~~transportation administrator~~Director of Public Service and/or their designee of the city shall, when any building or structure is proposed to be moved over, along or across any street or public place in the city, designate the streets or other public places to be used in the moving of such building or structure together with the time which such building or structure may remain upon the street or other public place and it shall be unlawful for any person to take a different route other than the one designated in such permit, or to allow a building or structure to remain in the streets or public places a longer time than so designated. The permit issued by the ~~transportation administrator~~Director of Public Service and/or their designee for the use of such streets and public places and the time it is allowed thereon shall be in writing and shall be submitted to the director of trade and development for his approval.

(4) Before moving any building or structure upon a street or public place, such licensee shall notify the chief of the division of fire to that effect and such licensee shall daily report to the chief of the division of fire the location of the building or structure, until moved to its new location.

(5) No permit shall be granted for the moving of any building or structure, which has from any cause deteriorated more than fifty (50) percent of its original strength or value across or along any public street, avenue or alley, or from one location to another within the city.

(6) No permit shall be granted for the moving of any building or structure to a location where it would be in violation of any of the provisions of this Building Code relating to its erection, location and occupancy of buildings or structures.

(7) In case a permit is required from both the building official and the ~~transportation administrator~~Director of Public Service and/or their designee, such permit shall not be valid and in force until obtained from both divisions and until all other preliminary requirements of this Building Code and department rules pertaining to house moving and occupancy of public property are complied with.

(8) No building or structure shall be permitted to be or remain in any street or alley, or part thereof, from thirty (30) minutes before sunset to thirty (30) minutes after sunrise unless the licensee moving such building shall adequately warn all persons using such street or alley of the obstruction so existing in such highway by the proper placing of an adequate number of red lights in such position as will reasonably serve such purpose.

(9) It shall be the duty of the ~~transportation administrator~~Director of Public Service and/or their designee to enforce all the provisions of this chapter relating to the moving of any building or structure along or across any street or public place and it shall be the duty of the building official to enforce the remaining provisions thereof.

#### **4123.05 Locations for storage of material and equipment.**

Upon obtaining a Street Occupancy Permit from the ~~Transportation Division Administrator~~Director of Public Service and/or their designee, in accordance with Chapter 903 of Columbus City Code and subject to subsequent revocation for cause, material or equipment necessary for the work under a building permit may be placed or stored on public property in the following locations:

(A) In Front of the Building Site. In the one-third portion of the roadway of the street that is adjacent to the curb in front of the building site for which a building permit has been issued; provided that no material or equipment shall be placed or stored within 25 feet (7.62 m) of any rail of any railway track. When adjacent to railroad right-of-way, prior to placing any material or equipment that would interfere with the movement of rail traffic or create a close clearance hazard for railroad personnel, the railroad must be notified and assess said placement for potential hazards to railroad personnel and equipment.

(B) In Front of the Adjoining Site. In the roadway of the street adjoining the building site for which a permit has been issued to the same extent and under the same restrictions as specified in subsection (A) of this section.

A due waiver of claim against the city for damages on account of such placement or storage shall be obtained from the owner of such property and submitted to the ~~Transportation Division Administrator~~Director of Public Service and/or their designee at the time of Street Occupancy Permit application. A copy of said waiver shall also be filed in the office of the chief building official before such material or equipment may be so placed or stored.

(C) In the Alley. In the alley adjoining the building site for which a permit has been issued, provided that a clear and unobstructed roadway not less than 10 feet (3048 mm) in width is maintained through such alley along the building site.

(D) Public Sidewalk in Front of Building Site. On any portion of the public sidewalk in front of the building site for which a permit has been issued, except on the walkway required to be maintained.

**4123.07 Storage of materials and equipment on public property.**

Storage of materials and equipment on public property required for work to be done under a building permit issued by the Department must comply with Chapters 902 and 903 of Columbus City Code and shall have prior permission and approval of the ~~Transportation Division Administrator~~Director of Public Service and/or their designee.

**4123.15 Protection of pedestrians on public property.**

(A) Walkway. All temporary walkways located within the public right-of-way, at minimum, must conform to the Americans with Disabilities Act (ADA) Accessibility Guidelines and the ~~City Transportation Division's~~Department of Public Service's standards, and must be pre-approved as to their design prior to construction by the ~~Transportation Division Administrator~~Director of Public Service and/or their designee. A walkway not less than four (4) feet (1219 mm) wide with a railing on the street side shall be maintained on the sidewalk in front of the building site during construction, alteration, or demolition. Additionally the walkway shall be free of obstructions and provide five (5) feet wide (1524 mm) and five (5) feet in length (1524 mm) passing spaces at a maximum two hundred (200) feet (61 m) apart. Temporary and permanent walkways must conform to ADA requirements including but not limited to cross slopes, running slopes, walkway grades, detectable warnings requirements, surface discontinuities, joints, and gratings. The temporary walkway shall be on the same side of street unless an alternate path is approved by the ~~Transportation Division Administrator~~Director of Public Service and/or their designee and appropriate signs installed as required.

(B) Type Required. Protection for pedestrians shall be provided between the walkway and the construction as set forth in C.C. Table 4123.15 and shall be constructed as specified in this chapter. Such protection shall be maintained in place and kept in good order for the entire length of time those pedestrians on the street and sidewalk, which abuts the property line, may be endangered, and such protection shall be completely removed as soon as such construction work will allow its safe removal.

(C) Railing. The railing shall be substantially built and not less than three (3) feet (914 mm) high.

(D) Fence. Fences shall be substantially built of tight boards eight (8) feet (2438 mm) high above grade and placed on the side of the walkway nearest to the building site. Fences shall extend the entire length of the building site and each end shall be turned and extended to the building line.

Doorways may be cut in the fence if they are protected by doors that are kept closed, except when opened to permit materials or persons to pass through.

(E) Barricades. Barricades shall be continuous, stable, non-flexible, and shall consist of a solid wall or fence or a Type II or Type III barricade as specified within the State of Ohio's Manual of Uniform Traffic Control Devices (MUTCD) Section 6F-6O with the bottom or lower rail one and one-half (1.5) inches (38 mm) maximum above the ground or walkway surface, and the top of the fence, wall, or upper rail thirty-six (36) inches (914 mm) minimum above the ground or walking surface. Barricade support members shall not protrude beyond the barricade face into the pedestrian access route or alternative circulation path.

(F) Canopy. The protective canopy shall have a clear height of ten (10) feet (3048 mm) above the walkway. The roof shall be tightly boarded. Every canopy shall have a tight board fence built along its entire length, on the side next to the building site. The fence shall be solid from the sidewalk or walkway to the canopy roof and each end shall be turned and extended solid to the building site.

The entire structure shall be designed to carry the loads to be imposed on it; provided, the minimum live load to be used in design shall be not less than thirty-five (35) pounds per square foot (1673 N/m<sup>2</sup>), uniform load.

If materials are stored or work is done on the roof of the canopy, the street sides and ends of the canopy roof shall be protected by a tight curb board not less than one (1) foot (305 mm) high and a railing not less than three (3) feet high (914 mm).

The space under the canopy over the walkway and the approaches thereto shall be kept well lighted with artificial lighting continuously between sunset and sunrise.

**Table 4123.15  
Type of Protection Required for Pedestrians**

Height of Construction	Distance from Construction to Walkway	Protection Required
8 feet or less	Less than 6 feet	Railing



8 feet or less	6 feet or more	None
More than 8 feet	Less than 6 feet	Fence and Canopy
More than 8 feet	6 feet or more and one-quarter height of construction or less	Fence and Canopy
More than 8 feet	6 feet or more and one-fourth to one-half height of construction	Fence
More than 8 feet	6 feet or more and at least one-half height of construction	None

**4123.23 Demolition standards.**

- (A) Immediately prior to demolition of the premises, rodents, insects, and other vermin shall be eliminated therefrom by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the health commissioner or his or her designee.
- (B) All debris on the demolition site resulting from the demolition process shall be removed and disposed of by the demolition contractor on or before conclusion of the demolition.
- (C) In the event a building permit has been issued for new construction on the demolition site, the foundation hole may remain unfilled and barricaded for a period not to exceed sixty (60) days. Immediately if no such permit is issued, or at the end of such sixty (60) day period if construction has not commenced, the site shall be brought to a finished level evenly continuous with the abutting properties and shall be so graded and drained that run-off water neither is directed to abutting property nor can form standing pools on the demolition site.
- (D) Any damage to a public sidewalk shall be repaired. Gaps in a sidewalk left by the removal of trap doors, gratings, or similar openings shall be backfilled and paved with Portland cement concrete to the specifications of the ~~Transportation Division Administrator~~ Director of Public Service and/or their designee in accordance with Chapter 905 of Columbus City Code for the balance of balance of the sidewalk. This work shall be accomplished within two (2) weeks after the building has been demolished down to grade.
- (E) All coal hole covers, trapdoors, gratings, or other attachments in the sidewalk area shall be removed. The openings shall be filled in accordance with the requirements of Chapter 903 of Columbus City Code and the ~~Transportation Administrator~~ Director of Public Service and/or their designee.
- (F) All entrance steps, including steps encroaching on the sidewalk, shall be removed.
- (G) Driveways, slabs, and sidewalks of concrete or other material within twenty-four (24) inches (610 mm) the finished grade, shall be removed.
- (H) All structures, including foundation walls, columns, piers, partitions, and retaining walls, shall be removed down to a level twenty-four (24) inches (610 mm) below the finished grade. Foundation walls and retaining walls supporting an abutting property shall be left in place.
- (I) Basement floor slabs of concrete shall be broken up into pieces having a maximum dimension of one (1) foot (305 mm), and left in place.
- (J) Before any fill material is placed in any basement or other sub-grade cavity, all partitions, boxes, metal containers, wood, paper, trash, and any combustible or perishable matter shall be removed.
- (K) Trees that are not to be removed shall be so marked.
- (L) No open fire or other source of flame, except necessary cutting torches, will be permitted on the inside of a building which is being demolished, nor in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

**4123.27 Projection into alley.**

No part of any structure or any appendage thereof, shall project into any streets, alleys, or other public rights-of-way without first having obtained the formal approval of the city of Columbus. Applications to place private improvements in, under, over, or upon the public right-of-way shall be made in writing to the ~~Transportation Division Administrator~~ Director of Public Service and/or their designee. Any such applications for the installation of permanent private improvements within the public right-of-way shall be made in advance of their proposed construction date allowing for review time. Formal city council approval may be required.