

PETITION FOR ORGANIZATION
OF A NEW COMMUNITY AUTHORITY

TO THE CITY COUNCIL
OF THE CITY OF COLUMBUS, OHIO:

Pursuant to Chapter 349 of the Ohio Revised Code, Gay Street Condominium, LLC (the "Developer") hereby petitions for creation of a new community authority (the "Authority"). The Developer is an Ohio limited liability company and is the "developer", within the meaning of Section 349.01(E) of the Ohio Revised Code, for the new community district described in paragraph 3 below.

The Developer further states as follows:

1. The Authority is named "One Neighborhood New Community Authority".
2. The principal office of the Authority shall be located at 495 South High Street, Suite 150, Columbus, Ohio 43215, or such other location as may hereafter be determined by the Board of Trustees of the Authority.
3. Attached to this petition as Exhibits A-1 and A-2 are a map (Exhibit A-1) and legal descriptions (Exhibit A-2) of those parcels comprising the new community district (the "District"), including a full and accurate description of the boundaries of the District, which is located entirely within the City of Columbus (the "City") and Franklin County. All properties within such boundaries will be included in the District. The total acreage to be included in the District will be approximately 5.912 acres, all of which acreage is owned or controlled (within the meaning of Section 349.01(E) of the Ohio Revised Code) by the Developer. The property to be included in the District is developable as one functionally interrelated community.
4. Attached to this petition as Exhibit B is a statement setting forth the zoning regulations adopted for the area within the boundaries of the District for comprehensive development as a new community. The area within the boundaries of the District lies within the zoning jurisdiction of the City of Columbus. Certified copies of the applicable adopted zoning regulations are included as part of Exhibit B.
5. Attached to this petition as Exhibit C is a current plan indicating the proposed development program (the "Program") for the District; the land acquisition and land development activities, community facilities, and services which it is proposed the Authority will undertake under the Program; the proposed method of financing these activities and services; and the projected total population of the new community.
6. Consistent with Section 349.04 of the Ohio Revised Code, the Board of Trustees governing the Authority should consist of seven members, with three of those members to be citizen members appointed by the City Council of the City of Columbus (the "Commissioners"), three members to be appointed by the Developer, and one member to be appointed by the Commissioners to serve as a representative of local government.

7. Attached to this petition as Exhibit D is a preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed District size, present and future socio-economic conditions, public services provision, financial plan, and a statement of the Developer's management capability.

8. The development will comply with all applicable environmental laws and regulations.

9. For purposes of the establishment of the Authority, the City of Columbus is the only "proximate city" as that term is defined in Section 349.01(M) of the Ohio Revised Code.

Attached Exhibits A, B, C and D are part of this petition.

Words and terms not defined herein shall have the meanings given in Section 349.01 of the Revised Code unless the context requires a different meaning.

The Developer hereby requests that the City Council of Columbus, as the organizational board of commissioners under Section 349.03 of the Ohio Revised Code, determine that this petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code, and further requests that the Commissioners fix the time and place of a hearing on this petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, that hearing must be held not less than thirty nor more than forty-five days after the filing of this petition pursuant to Section 349.03 of the Revised Code on this ____ day of _____, 2007.

GAY STREET CONDOMINIUM, LLC

By: TOW, Ltd.
Its: Sole Member

By: 
Title: Managing Member

Proximate City Approval

The City of Columbus by Ordinance No. _____, passed by the City Council on _____, 2007, has authorized _____, the City Clerk, to sign this petition, and the petition is herewith signed, as evidence of that approval.

City of Columbus

By: _____

City Clerk

EXHIBIT A-1

Map of New Community District

[Attached]

EXHIBIT A-2

Legal Description of New Community District

[Attached]

**DESCRIPTION OF A
0.409 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Half Section 25, Township 5, Range 19, Refugee Lands, being part of Lot 45 and 48, all of Lots 46 and 47 of Deshler's Addition, a subdivision of record in Deed Book, 34, Page 1 as conveyed to James A. Griffin, Bishop by deed of record in Instrument Number 200205230128563 and that 0.013 acre tract as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200703230050305, (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a PK nail set at the intersection of the northerly right-of-way line of Gay Street and the westerly right-of-way line of Fifth Street;

Thence South 81° 44' 46" West, a distance of 90.00 feet, along the northerly right-of-way line of Gay Street, the southerly line of said 0.013 acre tract, to a PK Nail set at the intersection of the northerly right-of-way line of Gay Street and the easterly line of proposed Arman Alley;

Thence North 08° 15' 14" West, a distance of 198.00 feet, along the easterly line of proposed Arman Alley, to a PK nail set on the southerly right-of-way line of Elm Street (24 feet in width);

Thence North 81° 44' 46" East, a distance of 90.00 feet, along the southerly right-of-way line of said Elm Street, the northerly lines of Lots 45, 46, 47 and 48, to a PK nail set at the intersection of the southerly right-of-way line of said Elm Street and the westerly right-of-way line of Fifth Street;

Thence South 08° 15' 14" East, a distance of 198.00 feet, along the westerly right-of-way line of said Fifth Street to the **POINT OF BEGINNING**, containing 0.409 acre, more or less, subject to all easements, restrictions and rights-of-way of record.

**DESCRIPTION OF A
0.366 ACRE TRACT
CITY OF COLUMBUS
FRANLIN COUNTY, OHIO**

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Half Section 25, Township 5, Range 22, Refugee Lands, being the easterly 21.00 feet of Lot 4 and all of Lot 5 of Bernard McNally's Amended Addition Subdivision a subdivision of record in Plat Book 1, Page 363, as conveyed to Gay Street Condominium, LLC. by deed of record in Instrument number 200609050176543, (all records herein of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

BEGINNING at a drill hole set on the northerly right-of-way line of Long Street (82.5 feet in width), being the southeasterly corner of Lot 5;

Thence South 81° 47' 55" West, a distance of 83.00 feet, along the line common to said Lots 4 and 5 and the northerly right-of-way line of Long Street, to a drill hole set at the intersection of the northerly right-of-way line of Long Street and the easterly right-of-way line of Neilston Street (54 feet in width);

Thence North 08° 12' 06" West, a distance of 192.00 feet, along the easterly right-of-way line of Neilston Street to a drill hole set at the intersection of the easterly right-of-way line of Neilston Street and the southerly right-of-way line of Lafayette Street (width varies);

Thence North 81° 47' 55" East, a distance of 83.00 feet, along the line common to the southerly right-of-way line of Lafayette Street and northerly line of said Lots 4 and 5 to a 1/2 inch capped rebar set;

Thence South 08° 12' 06" East, a distance of 192.00 feet, along the line common to said Lots 5 and 6 of Bernard McNally's Amended Subdivision to the **TRUE POINT OF BEGINNING**, containing 0.366 acres, more or less, subject to all easements, restrictions and rights-of-way of record.

**DESCRIPTION OF A
0.650 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, Franklin County, City of Columbus, Half Section 25, Township 5, Range 19, Refugee Lands, being all of that 0.024, 0.012 and 0.012 acre tracts as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200703230050305, all of Lots 21 and 22 and part of Lot 23 of Deshler's Addition, a subdivision of record in Deed Book, 34, Page 1 and all of Lots 1, 2, 3 and 4 of L. Humphrey's Subdivision, a subdivision of record in Book 1, Page 30 as conveyed to Westwater Co. (aka Westwater Realty Inc.) by deed of record in Deed Volume 3425, Page 73 and Deed Volume 3355, Page 211, a part of that 0.110 acre tract (Young Street) as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200703230050305, part of Lots 41 and 42 of Deshler's Addition, a subdivision of record in Deed Book, 34, Page 1 as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200702210030715, part of Lot 43 of Deshler's Addition, a subdivision of record in Deed Book, 34, Page 1 as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200702210030716 and part of Lot 44 of Deshler's Addition, a subdivision of record in Deed Book, 34, Page 1 as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200702210030717 (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING, at a PK nail set at the intersection of the northerly right-of-way line of Gay Street (varies in width) and the easterly right-of-way line of Fourth Street (varies in width);

Thence North 08° 15' 14" West, a distance of 74.00 feet, along the easterly right-of-way line of Fourth Street, to a PK nail set at the northeasterly corner of said 0.013 acre tract;

Thence North 81° 44' 46" East, a distance of 327.33 feet, partly along the said easterly right-of-way line of Fourth Street, crossing Lots 23, said 0.110 acre tract, Lots 41, 42 and 43 and partly crossing Lot 44, to a PK nail set;

Thence North 08° 15' 14" West, a distance of 124.00 feet, crossing said Lot 44 to a PK nail set on the southerly right-of-way line of Elm Street (24 feet in width);

Thence North 81° 44' 46" East, a distance of 23.00 feet, along the southerly right-of-way line of Elm Street, to a PK nail set in the westerly right-of-way line of proposed Arman Alley;

Thence South 08° 15' 14" East, a distance of 198.00 feet, along the westerly right-of-way line of proposed Arman Alley, to a PK nail set at the intersection of said westerly right-of-way line of proposed Arman Alley and the northerly right-of-way line of Gay Street;

Thence the following nine (9) courses and distances along the northerly right-of-way line of said Gay Street;

1. South 81° 44' 46" West, a distance of 90.00 feet, to a PK nail set;

2. North 08° 15' 14" West, a distance of 6.00 feet, to a PK nail set;
3. South 81° 44' 46" West, a distance of 56.00 feet, to a PK nail set;
4. South 08° 15' 14" East, a distance of 6.00 feet, to a PK nail set;
5. South 81° 44' 46" West, a distance of 90.00 feet, to a PK nail set;
6. North 08° 15' 14" West, a distance of 6.00 feet, to a PK nail set;
7. South 81° 44' 46" West, a distance of 23.00 feet, to a PK nail set;
8. South 08° 15' 14" East, a distance of 6.00 feet, to a PK nail set;
9. South 81° 44' 46" West, a distance of 91.33 feet to the **POINT OF BEGINNING**, containing 0.650 acres, more or less, of which 0.018 acre lies in Lot 23, 0.039 acre lies in said 0.110 acre tract, 0.039 acre lies in Lot 41, 0.047 acre lies in Lot 42, 0.050 acre lies in Lot 43 and 0.115 acre lies in Lot 44, and being subject to all easements, restrictions and rights-of-ways of record.

**DESCRIPTION OF A
0.518 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 25, Township 5, Range 22, Refugee Lands, being all of Lots 53, 54, 55 and 56 of Deshler's Addition, a subdivision of record in Plat Book 34, Page 1, as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200603100045268, (all records herein of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Begin, for reference at 1 inch iron pin found at the southwest corner of Lot 49 of said Deshler's Addition as conveyed to Allright Corp. by deed of record in Instrument Number 200308220267239, being at the intersection of the easterly right-of-way line of Young Street (25 feet in width) and the northerly right-of-way line of Elm Alley (24 feet in width);

Thence North 81° 44' 46" East, a distance of 125.28 feet, along a line common to the northerly right-of-way line of said Elm Alley and the southerly line of said Deshler's Addition, to a 1 inch iron pin found at the southeasterly corner of Lot 52 of said Deshler's Addition as conveyed to Acme Holding Co. by deed of record in Deed Volume 2961, Page 1 and being the **TRUE POINT OF BEGINNING**;

Thence North 08° 07' 09" West, a distance of 192.96 feet, along a line common to Lots 52 and 53, to a 3/4 inch iron pipe set at the northeasterly corner of said Lot 52, being on the southerly right-of-way line of Long Street (82.5 feet in width);

Thence North 81° 47' 55" East, a distance of 116.95 feet, along the southerly right-of-way line of Long Street, the northerly line of said Deshler's Addition, to a drill hole set at the northeasterly corner of said Lot 56, being the intersection of the southerly right-of-way line of said Long Street and the westerly right-of-way line of Fifth Street (43 feet in width);

Thence South 08° 07' 09" East, a distance of 192.86 feet, along the westerly right-of-way line of Fifth Street and the easterly line of said Lot 56, to a railroad spike found at the southeasterly corner of said Lot 56, being the intersection of the westerly right-of-way line of said Fifth Street and the northerly right-of-way line of said Elm Alley;

Thence South 81° 44' 46" West, a distance of 116.95 feet, along the northerly right-of-way line of said Elm Alley and the southerly lines of said Deshler's Addition, to the **TRUE POINT OF BEGINNING**, containing 0.518 acre, more or less, subject to all easements, restrictions, and rights-of-way of record.

**DESCRIPTION OF A
0.795 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 25, Township 5, Range 22, Refugee Lands, being all of Lots 45 through 53 of Kelley Place Addition, a subdivision of record in Plat Book 3, Page 238, as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200606300128804 (all records herein of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

BEGINNING at the southwest corner of Lot 53 of said Kelley Place Addition, being the intersection of the easterly right-of-way line of Fifth Street (43 feet in width) and the northerly right-of-way line of an alley (14 feet in width), said point being referenced by a railroad spike found, 0.06 feet east;

Thence North 08° 07' 09" West, a distance of 130.43 feet, along the easterly right-of-way line of said Fifth Street, the westerly line of said Lot 53, to a drill hole set at the northwesterly corner of said Lot 53, being on the southerly right-of-way line of Long Street (82.5 feet in width);

Thence North 81° 47' 55" East, a distance of 265.46 feet, along the southerly right-of-way line of said Long Street, the northerly line of said Kelley Place Addition, to a PK nail set at the northeasterly corner of said Lot 45, at the intersection of the southerly right-of-way line of said Long Street and the westerly right-of-way line of Normandy Avenue (50 feet in width);

Thence South 08° 07' 09" East, a distance of 130.43 feet, along the westerly right-of-way line of said Normandy Avenue, the easterly line of said Lot 45, to a PK nail set at the southeasterly corner of said Lot 45, at the intersection of the westerly right-of-way line of said Normandy Avenue and the northerly right-of-way line of said alley;

Thence South 81° 47' 55" West, a distance of 265.46 feet, along the northerly right-of-way line of said alley and the southerly line of said Kelley Place Addition, to the **POINT OF BEGINNING**, containing 0.795 acre, more or less, subject to all easements, restrictions, and rights-of-way of record.

**DESCRIPTION OF A
0.414 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Half Section 25, Township 5, Range 19, Refugee Lands, and being all of Lots 59, 60, 61, 62 and 63 of Kelley Place Addition to the City of Columbus, a subdivision of record in Plat Book 3, Page 238 as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200605080088011, Deed Book 3625, Page 291 and Deed Book 3625, Page 292 (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the northeasterly corner of said Lot 63, at the intersection of the westerly right-of-way line of Normandy Avenue (50 feet in width) and the southerly right-of-way of a 14 foot wide alley;

Thence South 08° 07' 09" East, a distance of 144.27 feet, along said westerly right-of-way line of Normandy Avenue, to a magnetic nail set at the southeasterly corner of said Lot 59, being at the intersection of the westerly right-of-way line of Normandy Avenue and the northerly right-of-way line of a 14 foot wide alley;

Thence South 81° 53' 03" West, a distance of 125.23 feet, along the southerly line of said Lot 59, the northerly right-of-way line of said 14 foot wide alley, to a magnetic nail set at the southwesterly corner of said Lot 59, being at the intersection of said 14 foot wide alley and the easterly right-of-way line of a 15 foot wide alley;

Thence North 08° 07' 09" West, a distance of 144.08 feet, along the easterly line right-of-way line of said 15 foot wide alley, to a magnetic nail set at the northwesterly corner of said Lot 63;

Thence North 81° 47' 55" East, a distance of 125.23 feet, along the northerly line of said Lot 63, to the **POINT OF BEGINNING**, containing 0.414 acre, more or less, subject to all easements, restrictions and right-of-ways of record.

**DESCRIPTION OF A
0.257 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Half Section 25, Township 5, Range 19, Refugee Lands, and being the remainder of Lot 6 and 15 feet of the west side of the remainder of Lot 7 (Parcel I) and all of the remainder of Lot 8 and 19 feet of the east side of the remainder of Lot 7 (Parcel II) of Kelley Place Addition to the City of Columbus, a subdivision of record in Plat Book 3, Page 238 as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200605080088011 (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set on the line common to Lots 5 and 6, being on the northerly right-of-way line of Gay Street (width varies) as established and conveyed to the City of Columbus by deed of record in Deed Book 791, Page 581;

Thence North 08° 07' 09" West, a distance of 113.50 feet, along the westerly line of Lot 6, to a magnetic nail set at the northwesterly corner of said Lot 6, being on the southerly right-of-way line of a 14 foot wide alley;

Thence North 81° 53' 03" East, a distance of 98.46 feet, along the southerly right-of-way line of a 14 foot wide alley, to a magnetic nail set on the northeasterly corner of said Lot 8, being the intersection of the southerly right-of-way line of said 14 foot wide alley and the westerly right-of-way line of Normandy Avenue (50 feet in width);

Thence South 08° 07' 09" East, a distance of 113.50 feet, along said westerly right-of-way line of Normandy Avenue, to a magnetic nail set at the intersection of the westerly right-of-way line of Normandy Avenue and the northerly right-of-way line of Gay Street;

Thence South 81° 53' 03" West, a distance of 98.46 feet, along the northerly right-of-way line of Gay Street, to the **POINT OF BEGINNING**, containing 0.257 acre, more or less.

**DESCRIPTION OF A
0.096 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Half Section 25, Township 5, Range 19, Refugee Lands, and being 54 feet off the north end of

Lot 9 and a 6 foot by 54 foot strip off the northwest corner of Lot 10 (Parcel III) and being the southerly 76 feet off the remainder of Lot 9 and a 6 foot by 54 foot strip off the remainder of Lot 10 (Parcel IV) of Kelley Place Addition to the City of Columbus, a subdivision of record in Plat Book 3, Page 238 as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200605080088011 (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the intersection of the northerly right-of-way line of Gay Street (width varies) as established and conveyed to the City of Columbus by deed of record in Deed Book 788, Page 504 and the easterly right-of-way line of Normandy Avenue (50 feet in width);

Thence North 08° 07' 09" West, a distance of 113.50 feet, along the easterly right-of-way line of Normandy Avenue, to a magnetic nail set at the northwesterly corner of said Lot 9, being at the intersection of the westerly right-of-way line of said Normandy Avenue and the southerly right-of-way line of a 14 foot wide alley;

Thence North 81° 53' 03" East, a distance of 37.00 feet, along said southerly right-of-way line of a 14 foot wide alley, to a magnetic nail set;

Thence South 08° 07' 09" East, a distance of 113.50 feet, crossing said Lot 10 to a magnetic nail set on the northerly right-of-way line of Gay Street;

Thence South 81° 53' 03" West, a distance of 37.00 feet, along said northerly right-of-way line of Gay Street, to the **POINT OF BEGINNING**, containing 0.096 acre, more or less.

**DESCRIPTION OF A
1.625 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 25, Township 5, Range 22, Refugee Lands, being all of Lots 37 through 43 and 64 through 73 of Kelley Place Addition, a subdivision of record in Plat Book 3, Page 238, and portions of vacated alleys by Ordinance Number 1047-73 and Ordinance Number 616-73 as conveyed to Gay Street Condominium, LLC by deed of record in Instrument Number 200606300128804 (all records herein of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

BEGINNING at a 1 inch iron pin found at the northeasterly corner of said Lot 37, being the intersection of the westerly right-of-way line of Sixth Street (50 feet in width) and the southerly right-of-way line of said Long Street;

Thence South 08° 13' 29" East, a distance of 289.16 feet, along the easterly lines of said Lot 37 and said Lots 73 through 69, the westerly right-of-way line of said Sixth Street, and crossing said Alley, to a 1 inch iron pin found (bent) at the southeasterly corner of said Lot 69, being the intersection of the westerly right-of-way line of said Sixth Street and the northerly right-of-way line of an Alley (14 feet in width);

Thence South 81° 53' 03" West, a distance of 260.29 feet, along the northerly right-of-way line of said Alley, the southerly lines of said Lots 69 and 68, crossing an Alley (15 feet in width), to a railroad spike found at the southwest corner of said Lot 68, being the intersection of the said northerly right-of-way line of an Alley (14 feet in width) and the easterly right-of-way line of said Normandy Avenue;

Thence North 08° 07' 09" West, a distance of 151.34 feet, along the easterly right-of-way line of said Normandy Avenue and the westerly lines of said Lots 68 through 64 of Kelley Place Addition to a cotton gin spindle set in the centerline of an Alley (14 feet in width);

Thence North 81° 47' 55" East, a distance of 31.75 feet, along the centerline of said Alley, to a cotton gin spindle set;

Thence North 08° 07' 09" West, a distance of 137.43 feet, crossing said Alley, along the line common to said Lot 43 and Lot 44 of said Kelly Place Addition, as conveyed to H. J. Israel & J. W. Inzetta by deed of record in Deed Volume 3416, Page 962, to a 3/4 inch iron pin set in the southerly right-of-way line of Long Street (82.5 feet in width);

Thence North 81° 47' 55" East, a distance of 228.01 feet, along the southerly right-of-way line of said Long Street, the northerly lines of said Lots 43 through 37, of Kelly Place Addition, to the **POINT OF BEGINNING**, containing 1.625 acres, more or less, subject to all easements, restrictions, and rights-of-way of record.

**DESCRIPTION OF A
0.782 ACRE TRACT
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Half Section 25, Township 5, Range 19, Refugee Lands, and being all of Lots 74, 75, 76 77 and 78, part of Lots 17, 18, 19, 20 of Kelley Place Addition to the City of Columbus, a subdivision of record in Plat Book 3, Page 238 and all of that 14 foot wide alley vacated by the City of Columbus ordinance #1529-62, the aforementioned being all of Parcel No. 1 and Parcel No. 2 as conveyed to Earl L. Hamilton, as administrator WWA of the Estate of Dorothy F. Fowler and Ned B. Herriott by deed of record in Instrument Number 199807150177172 and Bank One Trust Company, N.A., Trustee of The Dorothy F. Fowler Trust by deed of record in Instrument Number 199811050264533 (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a drill hole set at the northwesterly corner of said Lot 74 and being the southerly right-of-way line of a 14 foot wide alley;

Thence North 81° 53' 03" East, a distance of 125.35 feet, along the southerly right-of-way line of a 14 foot wide alley, the northerly line of said Lot 74 to a point on the westerly line of Milton Street (14 feet in width), said point being referenced by a 3/4 inch iron pin found 0.57 feet north, 1.36 feet, east;

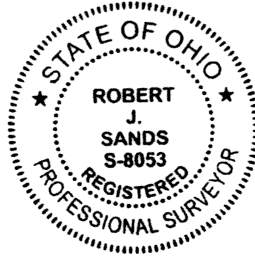
Thence South 08° 06' 23" East, a distance of 272.23 feet, along the westerly right-of-way line of said Milton Street and the easterly line of said Lots 74, 75, 76, 77 and 78 and the easterly line of said 14 foot vacated alley and the easterly line of said Lot 20, passing a 3/4 inch iron pin found at 76.11 feet (1.13 feet north, 0.76 feet east) to a point at the intersection of the westerly right-of-way line of Milton Street and the northerly right-of-way line of Gay Street (width varies), and being referenced by a 3/4 inch iron pin found 1.00 feet north, 0.89 feet east;

Thence South 81° 53' 03" West, a distance of 124.79 feet, along the northerly right-of-way line of Gay Street as established by City of Columbus Ordinance Numbers 35118 and 35297 and crossing said Lots 20, 19, 18 and 17 to a drill hole set on the easterly right-of-way line of Sixth Street;

Thence North 08° 13' 29" West, a distance of 272.23 feet, along the easterly right-of-way line of Sixth Street and the easterly line of said Lot 17 and the westerly line of said 14 foot vacated alley and the westerly line of said Lots 78, 77, 76, 75 and 74 to the **POINT OF BEGINNING**, containing 0.782 acres more or less, subject to all easements, restrictions and rights-of-way of record.

Unless otherwise noted, all iron pins set are 3/4 inch iron pipes, 30 inches in length, with a yellow cap bearing the name "R.D. ZANDE".

Bearings are based on the bearing of North 81° 44' 46" East for the northerly right-of-way line of Gay Street, as determined by a network of GPS field observations performed in August 2006. Ohio State Plane Coordinate System, South Zone, 1986 Adjustment.



R.D. Zande & Associates, Inc.

Robert J. Sands 08/21/07
Robert J. Sands P.S. Date
Professional Surveyor No. S-8053

EXHIBIT B

Zoning Regulations Applicable to New Community District

[Attached]

Title 33 ZONING CODE

Chapter 3359 DOWNTOWN DISTRICT

- 3359.00 Effective date.
- 3359.01 Purpose.*
- 3359.02 Issuance of permit.
- 3359.03 Downtown District boundary.
- 3359.04 Permitted uses.
- 3359.05 Setbacks.
- 3359.06 Encroachment.
- 3359.07 Plaza areas.
- 3359.075 Entrances.
- 3359.08 Skywalks.
- 3359.09 Height.
- 3359.10 Rooftop design.
- 3359.11 Graphics.
- 3359.12 Vehicle access.
- 3359.13 Parking.
- 3359.14 Property maintenance.
- 3359.15 Demolition.
- 3359.16 Special sub-districts.
- 3359.17 Core sub-district.*
- 3359.18 Riverfront sub-district.*
- 3359.19 East Town Street sub-district.*
- 3359.20 Jefferson Avenue sub-district.*
- 3359.21 North Market sub-district.*
- 3359.22 PenWest sub-district.*

3359.23 Warehouse sub-district.*

3359.24 Overlay provisions.

3359.25 Transparency overlay.

3359.26 Parking overlay.

3359.27 Downtown commission.

3359.00 Effective date.

The provisions of this chapter shall take effect on June 1, 1997. (Ord. 899-97 § 2 (part).)

3359.01 Purpose.*

The Downtown District shall ensure the implementation of plans and vision for the downtown. To reinforce the downtown's uniqueness and character standards herein, any future standards, shall adhere to the following principles:

- (1) Downtown and the sub-districts within the downtown should always permit a diverse mix of land uses;
- (2) Housing is an acceptable land use anywhere in the downtown;
- (3) The market place, and not regulations, should be the primary force that drives the mix of land uses;
- (4) Appropriate district standards and design review shall be the principal tools to ensure compatible, high quality development;
- (5) The streetscape and its public amenities, should be so attractive and friendly that it sets downtown apart from the suburban environment. Creating and maintaining the streetscape environment is a responsibility that should be upheld in the public sector's provision of infrastructure and in private sector development projects;
- (6) Development standards may vary within sub-districts, and areas containing overlay provisions in order to achieve specific long-range planning objectives; and
- (7) Development regulations should promote the continued use of older structures. (Ord. 899-97 § 2 (part).)

* **Editor's Note:** Downtown should be everyone's neighborhood. It should be the urban and cultural center of the region and a place where people and companies want to be for business, entertainment, retail, and residential activity. Inviting streetscapes and excellence in building design should combine to produce a quality environment. Strategically placed civic features such as parks, medians, street trees, and public art should be provided to increase property value and stimulate both new development and redevelopment. Like other major cities, Columbus' downtown has unique special districts, all rich in character. These districts should maintain a diverse mix of land use and activities, and a special flavor which should be carefully nurtured through acting with a clear vision for continued development. Housing should be considered a desirable activity in any downtown district. Finally, Downtown should possess a connectiveness which effortlessly draws people from one end to the other.

3359.02 Issuance of permit.

Within the boundaries of the Downtown District the department shall issue no certificate of zoning clearance or permit for construction for projects requiring a certificate of appropriateness as listed in Section 3359.27(D), certificate of appropriateness, and shall issue no demolition permit unless:

- (1) The downtown commission or its designee has issued a certificate of appropriateness; or
- (2) On appeal, as provided for in Section 3359.27(F), Appeals of Commission Decisions, the downtown commission's denial of a certificate of appropriateness has been overruled.

When a certificate of appropriateness is required it shall be issued in conformance with all the

provisions of Chapter 3359, Downtown District.

For the purposes of Chapter 3359, Downtown District, the following code sections and chapters shall not apply: 3116.21, 3307.02, 3307.03, 3307.04, 3307.05, 3307.06, 3307.07, 3307.09, 3307.11, 3307.12, and Chapter 3118. (Ord. 3416-98 § 1.)

3359.03 Downtown District boundary.

The Downtown District is that area indicated on the official city zoning map and bounded as follows:

Beginning at the intersection of Interstate 70 and the western bank of the Scioto River;
Thence northeasterly along the Scioto River to the first railroad right-of-way;
Thence northerly along said railroad right-of-way to the first intersecting railroad right-of-way;
Thence westerly along said railroad right-of-way to the intersection of State Route 315;
Thence northerly along State Route 315 to the intersection of Interstate 670;
Thence easterly along Interstate 670 to the intersection of Interstate 71;
Thence southerly along Interstate 71 to the intersection of Interstate 70;
Thence westerly along Interstate 70 to the place of beginning.

**Map 1
Downtown District**



(Ord. 899-97 § 2 (part).)

3359.04 Permitted uses.

(A) A permitted use within the Downtown District shall be any use permitted in any residential, institutional, commercial, manufacturing, or parking district, excepting therefrom uses listed in subsection (B) of this section and uses which are permitted only by certificate of appropriateness as listed in subsection (C) of this section.

(B) Prohibited Uses. The following uses are prohibited within the Downtown District including public rights-of-way:

- (1) Billboard;
- (2) Drive-in outdoor movie theater;
- (3) Automobile salvage;
- (4) Junk and salvage yards; and
- (5) Free-standing communications tower, including but not limited to radio, television, and telephone.

(C) Uses Permitted Only By Certificate of Appropriateness. The following uses are permitted provided a certificate of appropriateness is granted by the downtown commission.

- (1) Drive-thru window;
- (2) Automobile sale;
- (3) Service station;
- (4) Automobile repair shop or installation facility;
- (5) Manufacturing use permitted in M, M-1, or M-2 Manufacturing District;
- (6) Skywalk; and
- (7) Any use listed in Chapter 3389, Special permit uses, as a use permitted city-wide by the granting of a special permit. (Ord. 899-97 § 2 (part); Ord. 2625-00 § 1.)

3359.05 Setbacks.

(A) The distance between any part of a building or structure and the right-of-way line of a public street shall be zero (0) feet unless adjacent buildings have an existing setback greater than ten (10) feet, in which case the distance shall be no less than the lesser of the two (2) adjacent setbacks, or in the case of only one (1) adjacent building—the setback of that building; but in no event greater than twenty-five (25) feet.

(B) The distance between any part of a building or structure and the right-of-way line of an alley shall be no more than twenty-five (25) feet or the distance necessary to accommodate any on-site accessory surface parking, or plaza area.

(C) The distance between any part of a building or structure and the side lot line shall be:

- (1) Zero (0) to twenty-five (25) feet when an adjacent building has a side yard setback greater than zero (0) feet; or
- (2) Zero (0) feet when the nearest adjacent buildings on either side of the subject lot and within the blockface, regardless of surface parking lots or vacant lots, all have zero (0) side yard setbacks; or

(D) A distance established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27 (D), Design Review. (Ord. 899-97 § 2 (part).)

3359.06 Encroachment.

Portions of a building or structure may extend under, over or into the public right-of-way, pursuant to the approval of the director of the public service department, provided the following conditions are met:

- (1) The minimum vertical clearance between the established grade of the public right-of-way and the underside of the encroaching structure shall be the height of the entire first floor. In no case shall such vertical clearance be less than ten (10) feet;
- (2) Supporting columns will be permitted within the sidewalk area when the grade level floor of the structure is set back a distance equal to or greater than the sidewalk area lost to the supporting columns. This requirement shall not apply in the case of an existing building where an addition or alteration may result in the necessity to locate supporting columns within the sidewalk area;
- (3) Structures built over the public right-of-way do not interfere with any element of the streetscape including but not limited to lighting, landscaping, and pedestrian circulation;
- (4) The structure extension has been reviewed, with due consideration to public right-of-way

width, above ground and underground utilities, pedestrian views or visibility, and adjacent structures, and is approved by the downtown commission pursuant to Section 3359.27(D), Design review. Engineering requirements of the director of the public service department shall be accommodated in the downtown commission's design review process. (Ord. 3416-98 § 2; Ord. 2625-00 § 2.)

3359.07 Plaza areas.

For the purposes of this section plaza areas shall mean any outdoor area that is immediately adjacent to the public right-of-way, excluding alleys, open or covered areas between buildings, or indoor atriums. Plaza areas essentially function as or appears to be an extension of the public right-of-way leading to a building's public entrance. Such improvements shall be:

- (1) Free from heating, ventilating, air conditioning, telecommunications, and other mechanical equipment, unless the downtown commission approves screening such equipment from the public view;
- (2) Accessible to the public;
- (3) Illuminated during hours of darkness;
- (4) Handicapped accessible; and
- (5) Reviewed and approved by the downtown commission pursuant to Section 3359.27(D), Design Review, with due consideration given to the entire provision for pedestrian amenities and their appropriateness to the site and surrounding area, including but not limited to, the provision of seating, lighting, public art, walkways, landscaping, fountains, and other public plaza features. (Ord. 899-97 § 2 (part).)

3359.075 Entrances.

There shall be at least one pedestrian entrance door(s) on each building elevation facing a public street, excluding alleys. (Ord. 3416-98 § 3.)

3359.08 Skywalks.

Pedestrian skywalks may be constructed to connect structures and activity centers across public streets or alleys, pursuant to the approval of the Director of the Public Service Department, in order to provide separation from vehicular traffic and protection from weather. Short sections of skywalks may be provided parallel to any face of a structure provided that it is for the purpose of achieving proper alignment to a larger skywalk that connects structures or activity centers across public streets or alleys. In order to minimize their impact, skywalks shall be subject to the provisions of Section 3359.27(D), Design Review. In addition to the proceeding conditions the review process shall consider the total impact of the skywalk and its appropriateness to the site and surrounding area, including but not limited to, the effects of and/or on: shadowing, lighting, transparency, view corridors, and other features of public or private property. Engineering requirements of the director of the public service department shall be accommodated in the downtown commission's design review process. (Ord. 899-97 § 2 (part).)

3359.09 Height.

A building or structure, or any part thereof, shall not exceed eight (8) stories or a height of one hundred (100) feet, unless otherwise specified elsewhere in this chapter, or a height established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review. (Ord. 899-97 § 2 (part).)

3359.10 Rooftop design.

The design and materials of mechanical enclosures shall be architecturally integrated with the

sculptured building top and the balance of the entire building. Rooftop mounted antennae shall be permitted on buildings over sixty (60) feet in height. Rooftop design may be subject to the provisions of Section 3359.27(D), Design Review. (Ord. 3416-98 § 4.)

3359.11 Graphics.

Graphics shall comply with the Graphics Code, including the areas of special control for I-670, PenWest, and Capitol Square, with the following exceptions:

- (1) No off-premise or on-premise billboards are permitted.
- (2) Graphic standards provisions contained in Section 3359.26, Parking overlay, shall prevail over any conflicting standard in the Graphics Code.
- (3) All graphics associated with any project requiring review as per C.C. 3359.
- (4) All graphics for any project which has already received a Certificate of Appropriateness as per C.C. 3359.
- (5) Requests for all graphic variances and special permits as provided for by the Graphics Code.
- (6) All graphics mounted over two (2) stories or twenty-four (24) feet above grade.
- (7) Graphic standards contained in a Graphics Plan, as approved by the downtown commission, shall prevail over any conflicting standard in the Graphics Code.
- (8) Or such standards as shall have been adopted by city council upon recommendation of the downtown commission. (Ord. 3398-98 § 3.)

3359.12 Vehicle access.

Vehicle access shall comply with the standards in Chapter 3342, Off-Street Parking and Loading; standards required by the director of the public service department, and; any standards established by the downtown commission as determined through the design review process, pursuant to Section 3359.27(D), Design Review. Vehicle access to a parking facility is subject to the provisions of Section 3359.26, Parking overlay. Engineering requirements of the director of the public service department shall be accommodated in the downtown commission's design review process. (Ord. 899-97 § 2 (part).)

3359.13 Parking.

- (A) There are no requirements for off-street parking within the Downtown District. However, all off-street parking and loading spaces provided shall comply with the provisions in Chapter 3342, Off-Street Parking and Loading, and the provisions of Section 3359.26, Parking overlay. Whenever there is a conflict between the parking chapter of this zoning code and the provisions of Section 3359.26, Parking overlay, the provisions of the parking overlay shall prevail.
- (B) An accessory and nonaccessory surface parking lot and parking garage are subject to the provisions of Section 3359.27(D), Design Review. (Ord. 899-97 § 2 (part).)

3359.14 Property maintenance.

No owner of a property or structure shall by wilful action or wilful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure, including the maintenance and upkeep to areas within the public right-of-way, that are, by virtue of other codes and ordinances, the responsibility of the property owner to maintain.

For the purposes of this section, maintenance and upkeep shall include, but not be limited to, keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, dead or dying trees or landscaping or any other condition that constitutes a violation of city code.

Maintenance shall also mean the continuing compliance with all the conditions and standards of the Zoning Code, including any special conditions of a permit or design review approval given by the downtown commission. By resolution the downtown commission may present evidence of code violations to the regulation administrator who shall initiate appropriate action thereon. (Ord. 899-97 § 2 (part).)

3359.15 Demolition.

Except in cases of public emergency, no permit for the demolition of a structure, where a replacement use is proposed, shall be issued unless all required permits, design review clearances or historic reviews or applicable appeals processes for a replacement use have been applied for and either resolved or granted.

Where no replacement use is proposed, except in cases of public emergency, no permit for the demolition of a structure shall be issued unless a plan is submitted to and approved by the downtown commission detailing how the property will be maintained. (Ord. 3416-98 § 5.)

3359.16 Special sub-districts.

In order to allow for compatibility of development, maintain consistency in scale and streetscape, maintain and encourage the character and environment in special districts, and provide appropriate automobile and pedestrian access, sub-districts may be created within the Downtown District. Sub-districts should have logical and definable boundaries to allow for the sensible application of their provisions and standards.

The provisions and standards of the Downtown District apply to all sub-districts. However, exceptions to the Downtown District provisions and standards may be set forth in a sub-district. Such exceptions may be more restrictive or less restrictive; and in all cases prevail over a conflicting provision or standard of the Downtown District. (Ord. 899-97 § 2 (part).)

3359.17 Core sub-district.*

(A) Purpose. The purpose of the Core sub-district standards are to ensure implementation of plans and the vision for the core area.

(B) Boundary. The Core sub-district is that area as indicated on the official city zoning map and as illustrated on Map 2.

(C) Height. The maximum height of a building within the Core sub-district is unlimited. The minimum height of a building within the Core sub-district shall be three (3) stories or forty (40) feet, or a maximum or minimum height established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review.

(D) Setback. A structure shall maintain a zero (0) setback from each of its lot lines, unless otherwise restricted by the Building Code, or a setback established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review.

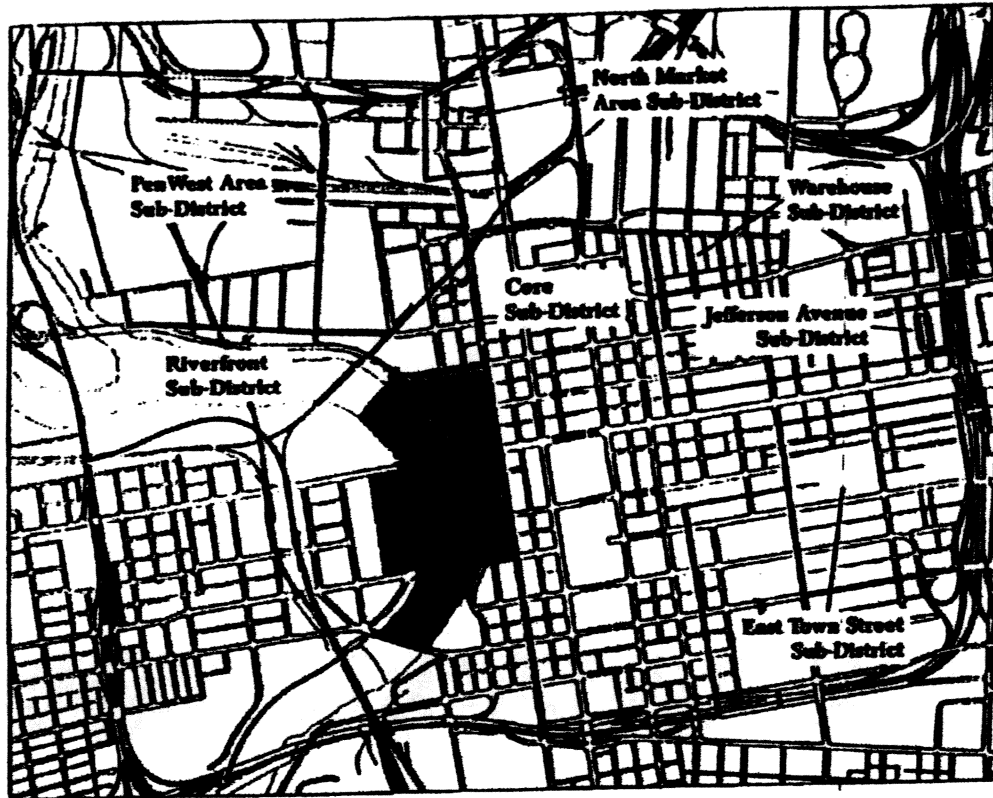
* **Editor's Note:** The downtown Core should be a densely developed, eclectic mixture of activity centers. Office buildings and hotels may ultimately surround Capitol Square. Ideally shops, banks, and restaurants would occupy the ground floor space adjacent to the State House grounds. Most buildings have been built up to the edge of the sidewalk, however, new buildings with well designed outdoor plaza areas can offer pleasant diversions from the linear streetscape. City Center should remain a regional draw with shoppers coming from all over Central Ohio. Whenever possible, as office buildings and hotels are built around City Center they should be directly connected to the mall. These buildings can also contribute to the growing network of high density parking structures. New buildings south of the mall should continue to conform to the development pattern already established on their relatively narrow lots. These new buildings might well be low-rise structures and a mix should be encouraged projecting street level retail, cafes, restaurants and small shops with, where appropriate, housing in the upper stories. Gay Street, State Street, and Town Street should remain special streets primarily made up of low-rise buildings, on narrow lots, occupied by small companies, and street level business. These high interest pedestrian streets help to effortlessly move people east and west from district to district. Convention center and hotel space should continue to expand to meet the requirements of regional and national conventions. The convention center might well meet its demand for nearby structured parking.

Broad Street should remain the primary east-west street, although automobile traffic might well be slowed by the addition of pedestrian amenities such as the old Broad Street Median. Ideally

most of the major buildings in the Core would have places for taxis and automobiles to pull over and drop-off passengers. Any remaining surface parking lots should be well integrated into the streetscape.

Most new parking needs should be satisfied by public and private parking structures.

**Map 2
Downtown Sub-Districts**



(Ord. 3416-98 § 6.)

3359.18 Riverfront sub-district.*

(A) Purpose. The purpose of the Riverfront sub-district is to ensure implementation of plans and the vision for the Riverfront area.

(B) Boundary. The Riverfront sub-district is that area as indicated on the official city zoning map and as illustrated on Map 2.

(C) Setback. Any portion of a structure that is not abutting the riverfront public right-of-way shall maintain zero (0) lot line setbacks, or a setback established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review. Any portion of a structure that is abutting the riverfront public right-of-way shall setback an adequate distance to allow for riverfront access. Such setback, and any improvements in this space shall be subject to the provisions of Section 3359.27(D), Design Review.

(D) Encroachment. Structures, or any other improvements over the riverfront public right-of-way shall not preclude or otherwise discourage or impede the public from accessing or using an existing or proposed park or bike path.

Supporting columns are not permitted within the circulation area of a park or bike path within the public right-of-way. Such area of circulation shall be defined by the recreation and parks department.

(E) Plaza Areas. Plaza areas that are abutting the riverfront public right-of-way shall be constructed to be compatible with and to merge into existing or proposed public improvements. Such plaza areas should provide for easy and inviting access into public areas and to the waters edge.

(F) Height, Massing and Orientation. There are no maximum structure height restrictions. In order to preserve public access and the provision of sunlight and prevent shadowing and a tunnel like effect, buildings on sites that are adjacent to the riverfront public right-of-way and the waters edge should gradually step back their height and massing.

Building height, massing, and orientation shall minimize any reduction of existing overall views to the river from any existing building(s) within the Riverfront sub-district, but in no case shall such overall views be reduced by more than fifty (50) percent. Applicants shall submit sufficient view study diagram(s) for the downtown commission's design review as required by Section 3359.27 (D), to substantiate that said standards have been met.

(G) Parking. No surface parking facilities shall be permitted opposite and abutting the riverfront public right-of-way except accessory parking spaces required to serve the momentary needs of public or commercial service vehicles, public boat launches, loading or unloading for concessionaires, restaurants and other business, and for emergency vehicles. All such accessory parking areas will be subject to the provisions of Section 3359.27(E), Design Review. (Ord. 899-97 § 2 (part).)

* **Editor's Note:** Buildings and bridges recognized as composing the Civic Center should continue to be restored and maintained and will presumably be occupied for the most part by city, state, and federal agencies, or other institutional/public uses. Although, the addition of pedestrian-oriented ground floor uses should be encouraged. New buildings and structures, such as the new Broad Street Bridge, should respect the character and architecture of the Civic Center. Stretching from Long Street down to Main Street and from Front Street down to the river, Civic Center and its connecting plazas should continue to serve as the downtown's primary entrance to the riverfront. On both sides of the river a continuous ribbon of walkways, parkland and open space, taking every advantage of the water's edge, should move pedestrians and bicyclists under bridges and through the downtown to adjoining riverfront neighborhoods. New development should never impede this pedestrian movement. Whenever possible riverfront amenities and walkways should encourage connections to areas outside the downtown. In many instances the river and its public amenities should be the common thread that binds neighborhoods and districts together.

The riverfront park system should continue to serve as a stage for riverfront events like the Arts Festival and Red, White, and Boom and efforts should be made to increase this type of activity. Just south of the Civic Center, high-rise housing might well front on Bicentennial Park. Ideally small shops, restaurants, and convenience stores would occupy the ground floor of most of these buildings and some of the street corners. Housing if it exists could coexist with low and mid-rise offices west of Front Street.

From Bicentennial Park it should be an inviting walk to City Center and the Brewery District. The old Town Street Bridge and the Broad Street Bridge might be the primary pedestrian links between the Scioto Peninsula and the east riverfront and core areas. The Riverfront Commons Corporation's long-range plans should be the guide for development and redevelopment within the district.

3359.19 East Town Street sub-district.*

(A) Purpose. Recognizing the special nature of this area, this district establishes a mechanism to ensure implementation of plans and the vision for the East Town Street area.

(B) Boundary. The East Town Street sub-district is that area indicated on the official city zoning map and as illustrated on Map 2.

(C) Prohibited Uses. In addition to the uses listed in 3359.04(B), Prohibited Uses, the following uses are also prohibited:

(1) A manufacturing use listed as a permitted use in the M, M-1, or M-2 Manufacturing Districts.

(D) Uses Permitted Only By Certificate of Appropriateness. In addition to the uses listed in

3359.04(C), the following uses are permitted provided a certificate of appropriateness is granted by the downtown commission:

(1) A commercial use listed as a permitted use in the C-1, C-2, C-3, C-4, or C-5 Commercial Districts.

(E) Encroachment. No building or structure, or any part thereof, shall be built over the public right-of-way.

(F) Setback. The maximum building or structure setback shall be determined pursuant to Section 3359.05, Setbacks.

(G) Height. The maximum height shall be no greater than four (4) stories or fifty (50) feet, or a height established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review. (Ord. 3416-98 § 7.)

* **Editor's Note:** As a primary alternative to the downtown high-rise lifestyle, the East Town Street sub-district contains some of the city's finest urban housing. Many of the buildings in the district still appear to be large single-family structures, however, most are actually occupied by apartments or professional offices. Some of the area's buildings should be allowed to be converted into bed-and-breakfasts. Apartments and student housing as well as a mix of small professional offices for doctors, attorneys, and realtors should be encouraged. Small corner restaurants or boutiques would be appropriate. Many buildings have small front yards with grass. Many have low, black iron fences with unlocked gates. All this can coexist on tree lined streets with sidewalks and pedestrian scale street lighting.

The Old Deaf School Park remains a focal point and public gathering place in the East Town Street neighborhood. A row of narrow, three and four story brownstone housing units would be appropriate adjacent to the north edge of the park.

3359.20 Jefferson Avenue sub-district.*

(A) Purpose. Recognizing the special nature of this area, this district establishes a mechanism to ensure implementation of plans and the vision for the Jefferson Avenue area.

(B) Boundary. The Jefferson Avenue sub-district is that area indicated on the official city zoning map and as illustrated on Map 2.

(C) Prohibited Uses. In addition to the uses listed in 3359.04(B), Prohibited Uses, the following uses are also prohibited:

(1) A manufacturing use listed as a permitted use in the M, M-1, or M-2 Manufacturing Districts.

(D) Uses Permitted Only By Certificate of Appropriateness. In addition to the uses listed in 3359.04(C), the following uses are permitted provided a certificate of appropriateness is granted by the downtown commission:

(1) A commercial use listed as a permitted use in the C-1, C-2, C-3, C-4, or C-5 Commercial Districts.

(E) Encroachment. No building or structure, or any part thereof, shall be built over the public right-of-way.

(F) Setbacks. The maximum building or structure setback shall be determined pursuant to Section 3359.05, Setbacks.

(G) Height. The maximum height shall be no greater than four (4) stories or fifty (50) feet, or a height established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review. (Ord. 899-97 § 2 (part); Ord. 3416-98 § 8.)

* **Editor's Note:** The Jefferson Avenue sub-district consists predominantly of offices representing institutions focused on the arts, humanities and education. An amazing level of architectural detail has been salvaged and restored. Under ordinary circumstances new buildings in the district should not be taller than the average height of existing buildings. Buildings should sit back a short distance from the sidewalk providing for a small front yard. The majority of the district's buildings front on the Jefferson Avenue median park. This lighted median park provides for a degree of passive recreation, and is the one civic feature that holds the district together and makes it a special place to be.

3359.21 North Market sub-district.*

(A) Purpose. Recognizing the special nature of this area, this district establishes a mechanism to ensure implementation of plans and the vision for the North Market area.

(B) Boundary. The North Market sub-district is that area indicated on the official city zoning map and as illustrated on Map 2.

(C) Prohibited Uses. In addition to the uses listed in 3359.04(B), Prohibited Uses, the following uses are also prohibited:

(1) Drive-thru window;

(2) Automobile sales (outdoor); and

(3) Automobile repair shops or installation facility.

(D) Setback. The maximum building or structure setback shall be no greater than zero (0) feet, unless otherwise restricted by the Building Code, or a setback established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review.

(E) Height. The maximum height shall be no greater than five (5) stories or sixty (60) feet, or a height established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review. (Ord. 899-97 § 2 (part).)

* **Editor's Note:** The North Market sub-district should be one of the most heavily used pedestrian areas in the city. High Street and Nationwide Boulevard should allow for the safe and steady crossing of pedestrians into and out of the district. New development should support the character of the district and respect the scale of the district's existing buildings. Local grocery shoppers and downtown workers should continue to be served by an increasing number of restaurants and shops. The successful North Market should be allowed to continue meeting its parking needs with a combination of short-term on-street parking, existing surface parking lots, and parking structures. The preservation of historic structures should be encouraged through flexibility of loading, parking, and access requirements. Pedestrian amenities should invite a flow of people between the adjoining Short North neighborhoods, the Convention Center and the North Market area. The city council adopted North Market Plan should be the guide for development and redevelopment within the district.

3359.22 PenWest sub-district.*

(A) Purpose. Recognizing the special nature of this area, this district establishes a mechanism to ensure implementation of plans and the vision for the PenWest area.

(B) Boundary. The PenWest sub-district is that area indicated on the official city zoning map and as illustrated on Map 2.

(C) Setback. The maximum building or structure setback shall be no greater than zero (0) feet, unless otherwise restricted by the Building Code, or a setback established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review.

(D) Height. The maximum height shall be no greater than five (5) stories or sixty (60) feet, or a height established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review. (Ord. 899-97 § 2 (part).)

* **Editor's Note:** The PenWest sub-district, rich with old warehouse and manufacturing buildings, is a popular mixed use, avant-garde neighborhood. Loft apartments, alternative performing arts organizations, artist studios, nightclubs, fitness clubs, light industrial uses, incubator businesses, and restaurants are all appropriate uses in this district. Light industrial, ad and design companies, and research companies can thrive during the day. After dark, the nightclubs, restaurants, and downtown housing side of the district's split personality can take over. Just a short walk to the west, the district's workers and residents can enjoy the parks and riverwalks at the edge of the Olentangy River. This pathway system should tie this district into the entire downtown riverfront and short north neighborhoods up to the Ohio State University. New development east of Neil Avenue should respect the scale and character of the district.

Also to the east, Nationwide Boulevard should ultimately serve as the primary vehicular and pedestrian connection to the downtown core. The city council adopted PenWest Plan should be the guide for development and redevelopment within the district.

3359.23 Warehouse sub-district.*

(A) Purpose. Recognizing the special nature of this area, this district establishes a mechanism to ensure implementation of plans and the vision for the Warehouse area.

(B) Boundary. The Warehouse sub-district is that area indicated on the official city zoning map and as illustrated on Map 2.

(C) Setback. The maximum building or structure setback shall be no greater than zero (0) feet, unless otherwise restricted by the Building Code, or a setback established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27(D), Design Review.

(D) Height. The maximum height shall be no greater than six (6) stories or seventy-two (72) feet, or a height established by the downtown commission that is appropriate to the site and surrounding area as determined through the design review process, pursuant to Section 3359.27 (D), Design Review. (Ord. 899-97 § 2 (part).)

* **Editor's Note:** The Warehouse sub-district should have a mixture of uses thoroughly integrated into the district. Uses such as photo studios, art studios, small corporate offices, restaurants, housing, fitness clubs, and light manufacturing firms could coexist and thrive. Most of the older buildings were built to the edge of the sidewalk. New in-fill buildings should reinforce the character of the district and respect the scale of the district's existing buildings. Consideration should be given to placing a passive park nearby.

3359.24 Overlay provisions.

The intent of an overlay is to provide specialized provisions and standards necessary to achieve physical development objectives in certain areas. Such objectives transcend single parcel ownership and district boundaries and represent a need to establish, maintain, or change the character or function of an area. Overlay provisions may increase, decrease, or add to the provisions and standards of the Downtown District or any sub-district. In addition to compliance with all applicable zoning code regulations, a property within an affected area of an overlay is also subject to all the provisions and standards of that overlay; and in the event of conflicting standards with other sections of this code, the provisions and standards of the overlay shall prevail. (Ord. 899-97 § 2 (part).)

3359.25 Transparency overlay.

The purpose of the transparency overlay is to enhance the economic and urban environment, by limiting blank walls on the ground-floor level to encourage continuity of retail and pedestrian consumer service uses; to provide a pleasant, rich, and diverse experience for pedestrians by visually connecting activities occurring within a structure to adjacent sidewalk areas; to restrict fortress-like facades at the street level; and to avoid a monotonous environment.

(A) Affected Areas. The provisions of the transparency overlay shall apply to frontages along streets, excluding alleys and other small streets dividing a full square block as indicated on the official city zoning map and as illustrated on Map 3.

(B) At least sixty (60) percent of each building facade, between the height of two (2) feet and ten (10) feet above the sidewalk grade shall be transparent.

(C) Uses which can be seen from the sidewalk inside the building within the required transparency area shall be occupied space and shall not be devoted to parking areas, truck loading areas, vehicular access ways, or storage.

(D) The required transparency area shall not apply to sides of buildings having residential units located adjacent to the sidewalk; buildings of historic significance as determined by the Columbus Register of Historic Properties designation criteria contained in C.C. 3117.05; churches, synagogues or other buildings of religious worship; and buildings with plaza areas, set back from the right-of-way line of a public street more than forty (40) feet.

(E) With the approval of the downtown commission display windows or display window boxes affixed to building walls may be substituted to meet the transparency requirements of Section 3359.25(B).

**Map 3
Downtown Transparency Overlay Area**



(Ord. 899-97 § 2 (part).)

3359.26 Parking overlay.

The purpose of the parking overlay is to ensure that when off-street parking is provided it is appropriate to the site and surrounding area and activities.

There are no requirements for off-street parking within the Downtown District. However, all off-street parking and loading spaces provided shall comply with the provisions of Chapter 3342, Off-Street Parking and Loading and the provisions of 3359.26, Parking overlay. Whenever there is a conflict between Chapter 3342, Off-Street Parking and Loading and the provisions of Section 3359.26, Parking overlay, the provisions of the parking overlay shall prevail.

The following provisions and standards shall be met when providing a parking facility in the downtown. In order to specifically meet the objectives of various areas of the downtown, two (2) parking zones are hereby established and are subject to the provisions and standards of this overlay as applicable to each zone.

(A) Affected Areas. The provisions of the parking overlay shall apply to parking facilities within parking zones as indicated on the official city zoning map and as illustrated on Map 4.

(B) Design Review. An accessory or nonaccessory surface parking facility or parking garage is subject to the provisions of Section 3359.27(D), Design Review.

(C) Parking Zone A.

(1) Parking Structures are Permitted. The facades of parking structures that front on public streets, excluding alleys, shall be clad in a material architecturally compatible with the other occupied floors of the building and/or compatible with the material used to cover the exterior of the abutting building. Such material shall effectively and attractively obscure the view to the

interior of all parking decks. Stand-alone parking structures, parking structures that are not abutting an adjacent building, shall be clad in a material which is appropriate to the surrounding area. Such material shall effectively and attractively conceal the view to the interior of all parking decks. Parking structures are subject to the standards contained in Section 3359.25, Transparency overlay.

(2) Accessory Surface Parking is Permitted. Accessory surface parking means automobile parking as a subordinate use, and of a nature incidental to but supportive of the principal use (building). Accessory surface parking shall meet the following standards:

(a) The lot shall be located within one thousand three hundred twenty (1,320) feet of the principal building it is accessory to;

(b) There shall be no attendant buildings or structures, parking rate graphics or money collection devices normally associated with nonaccessory parking lots;

(c) Up to fifty (50) percent of the parking spaces may be leased by contract, to the owners of another building other than the principal building, as accessory parking;

(d) Applicants shall submit sufficient documentation to the downtown commission (copies of contracts, leases and deeds) to substantiate that the provisions of 3359.26(C)(2)(a) and (c) have been met.

(e) A four (4) to six (6) foot high steel tube or solid bar fence shall be provided at the street right-of-way line (property line), with or without masonry pier supports, with a three (3) foot wide (minimum) landscape area, on the parking lot side of the fence. Such landscape area shall be planted with two (2) to three (3) foot high evergreen shrubs, groundcover, and trees as specified in the parking lot screening guidelines as the commission shall have adopted, see Illustration 1 and the suggested guidelines for parking lot screening. Such fence and landscape areas are required on all sides of the parking lot that front on public streets, excluding alleys; and

(f) There shall be no direct vehicular access from a property to the public right-of-way (curb cuts) onto High Street, Broad Street, Third Street, or Gay Street.

(g) Accessory surface lots shall not be permitted under the temporary parking lot provisions of this zoning code.

(3) Nonaccessory surface parking is not permitted. Nonaccessory means automobile parking as a principal rather than a subordinate land use and is not accessory parking.

(a) Nonaccessory surface parking lots located within "Parking Zone A" established prior to January 15, 1999, shall be considered nonconforming uses and as such have specific rights under C.C. 3391 to continue, expand (up to fifty (50) percent), and temporarily discontinue (for a period not to exceed two (2) years) when the intent of the owner to retain the option to reestablish the nonaccessory surface parking lot is submitted in writing to the department prior to discontinuation of use.

(D) Parking Zone B.

(1) Parking Structures are Permitted. The facades of parking structures that front on public streets, excluding alleys, shall be clad in a material architecturally compatible with the other occupied floors of the building and/or compatible with the material used to cover the exterior of the abutting building. Such material shall effectively and attractively obscure the view to the interior of all parking decks. Stand-alone parking structures, parking structures that are not abutting an adjacent building, shall be clad in a material which is appropriate to the surrounding area. Such material shall effectively and attractively conceal the view to the interior of all parking decks. Parking structures may be subject to the standards contained in Section 3359.25, Transparency overlay.

(2) Accessory Surface Parking is Permitted. Accessory surface parking means automobile parking as a subordinate use, and of a nature incidental to but supportive of the principal use (building). Accessory surface parking shall meet the following standards:

(a) The lot shall be located within one thousand three hundred twenty (1,320) feet of the principal building it is accessory to;

(b) There shall be no attendant buildings or structures, parking rate graphics or money collection devices normally associated with nonaccessory parking lots;

(c) Up to fifty (50) percent of the parking spaces may be leased by contract, to the owners of another building other than the principal building, as accessory parking;

(d) Applicants shall submit sufficient documentation to the downtown commission (copies of contracts, leases and deeds) to substantiate that the provisions of 3359.26(D)(2)(a) and (c) have been met.

(e) A four (4) to six (6) foot high steel tube or solid bar fence shall be provided at the street right-of-way line (property line), with or without masonry pier supports, with a three (3) foot wide (minimum) landscape area, on the parking lot side of the fence. Such landscape area shall be

planted with two (2) to three (3) foot high evergreen shrubs, groundcover, and trees as specified in the parking lot screening guidelines as the commission shall have adopted, see Illustration 1. Such fence and landscape areas are required on all sides of the parking lot that front on public streets, excluding alleys; and

(f) There shall be no direct vehicular access from a property to the public right-of-way (curb cuts) onto Town Street or Main Street.

(3) Nonaccessory Surface Parking Lots are Permitted. Nonaccessory surface parking lots shall meet the same standards that apply to accessory surface parking lots as detailed in 3359.26(D) (2)(e), and (f). Nonaccessory surface parking lots may have attendant buildings or structures, parking rate graphics or money collection devices.

(a) Nonaccessory surface lots shall not be permitted under the temporary parking lot provisions of this zoning code.

(E) Parking Signs. Parking structures and surface parking lots shall have no sign or signs other than:

(1) The standard public parking identification sign shown in Illustration 2 may be erected at every entrance. It may be internally illuminated. No face shall exceed sixteen (16) square feet in surface area. For surface parking lots it may be erected as a ground or wall sign. For parking structures it may be erected as a wall sign or a projecting sign. It shall not be higher than sixteen (16) feet above street grade.

(2) The public parking ownership sign shown in Illustration 3 may be erected at every entrance. For surface parking lots it may be erected as a wall sign or be affixed to the fencing. In a parking structure this sign may be erected as an interior wall sign as shown in Illustration 4.

Nonaccessory surface parking lots may include rate information within the copy area of an ownership sign.

(F) Maintenance. Any parking lot landscaping provided shall be maintained in good order. All plant material shall be watered, fertilized, pruned, kept free from weeds and litter, and replaced if diseased, injured, or dead, consistent with good horticultural practices.

Map 4 Parking Overlay Areas



(Ord. 3416-98 §§ 9, 10.)

3359.27 Downtown commission.

The downtown commission shall concern itself with the development of the downtown, compliance with the purpose and intent of the downtown district, and the implementation of downtown plans and vision for downtown. The actions and decisions of the downtown commission shall be governed by the principals for downtown development as stated in Section 3359.01, Purpose.

(A) **Creation, Membership, and Terms.** The downtown commission is created consisting of up to nine (9) members. All members shall work or reside downtown or have substantial involvement in downtown business, planning or development activities. At least one (1) member shall reside downtown. Each member shall be appointed by the mayor, and serve staggered terms. One (1) member shall be appointed for an initial term of one (1) year; three (3) members shall be appointed for an initial term of two (2) years; three (3) members shall be appointed for an initial term of three (3) years; and two (2) members shall be appointed for an initial term of four (4) years. All subsequent terms shall be for a period of four (4) years. There shall be no restriction on the serving of multiple terms. Appointments shall be made so as to include on the commission at all times at least one (1) member engaged as a developer or realtor with experience in the sale or management of downtown properties; one (1) member who is an architect or landscape architect with experience in downtown scale projects; one (1) member who is a professional with historic resources rehabilitation experience; and, one (1) member who is a lawyer with land use law experience. A member of the commission may be removed from service for missing four (4) consecutive meetings or a total of five (5) meetings in one (1) calendar year. Members shall not be paid for commission service.

(B) **Rules of Procedure.** The downtown commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the downtown district. Four (4) members shall constitute a quorum for the purpose of conducting business. With a quorum, the majority vote of

those members present shall be necessary to reverse or modify any condition, requirement, decision or determination; to grant a certificate of appropriateness, recommend approval or disapproval of an area plan, or to take any other action. Whenever a quorum is present and an applicant fails to obtain the majority votes in favor of a certificate of appropriateness then such decision or determination shall be final.

(C) Duties. The downtown commission shall hear and decide on applications for certificates of appropriateness; hear and decide appeals from any person affected by an order, requirement, decision or determination made by the director of the department of trade and development in the administration or enforcement of Chapter 3359, Downtown District; and recommend to Columbus city council the approval or disapproval of a public plan or downtown district code amendment. The downtown commission shall review, based on standards contained in the graphics code or an adopted graphics plan, all graphics associated with any new project requiring a certificate of appropriateness as per city codes 3359, all graphics for any project already receiving a certificate of appropriateness as per city codes 3359, requests for all graphic variances and special permits as provided for by the Graphics Code, all graphics mounted over two (2) stories or twenty-four (24) feet above grade, and all graphics plans.

(D) Design Review. The downtown commission shall hear and decide on applications for certificates of appropriateness within the jurisdiction of the commission. The commission shall have the authority to grant an approval of certificates of appropriateness for the following uses or circumstances: (1) for accessory or nonaccessory surface parking lots; (2) for all parking structures; (3) for projects in which the total floor area exceeds three (3) times the first floor area, and for such other projects that are determined by the director of the department of trade and development to be major projects or are determined to have major effects on other properties, public or private, such determination shall be issued in writing within ten (10) days of the filing of an application for a zoning clearance; (4) for encroachments into the public right-of-way; (5) plaza areas; (6) skywalks; (7) building setbacks abutting the riverfront public right-of-way and any improvements within the setback; (8) height, massing, and orientation of buildings on sites that are adjacent to the riverfront public right-of-way; (9) for the location and design of public parks and the siting of public works of art; (10) when an applicant or the commission proposes an alternative to any provision or standard within Chapter 3359, Downtown District; (11) uses listed in Section 3359.04(C), Uses Permitted Only By Certificate of Appropriateness; (12) uses listed in Section 3359.19(D), Uses Permitted Only By Certificate of Appropriateness; (13) uses listed in Section 3359.20(D), Uses Permitted Only By Certificate of Appropriateness; (14) for the enlargement or expansion of any buildings or parking lot approved prior to the adoption of Chapter 3359, Downtown District; and, (15) for any use listed in Chapter 3389 as a use permitted city-wide by a special permit. The commission will utilize the following criteria in the design review process:

- (1) That all the provisions and standards, including any established by the commission, of a district, sub-district, or overlay district have been met.
- (2) That the proposed building or structure shall not be approved if it is inappropriate to the site and surrounding area. The commission may also consider such things as the provision of parking and loading areas, vehicular access, traffic generation, sun reflectance and sun access to streets and other public areas, building materials, shadows, open space or plazas, public art, lighting, graphics, colors, pedestrian orientation, proximity to residential uses, or any other design features.
- (3) That the proposed building or structure is consistent with guidelines prepared by the commission. Such guidelines shall be adopted by city council within one (1) year after the commission is established. In the granting of a certificate of appropriateness, the downtown commission may impose reasonable requirements and conditions regarding the location, character, and other features of the proposed uses or structures to carry out the intent and purpose of Chapter 3359, Downtown District and to otherwise safeguard the public safety and welfare.

(E) Appeals to the Commission. The downtown commission shall hear appeals from any person affected by an order, requirement, decision or determination made by the director of the department of trade and development in the administration or enforcement of Chapter 3359, Downtown District upon application and within such time as shall be set by rule of the commission. The commission may reverse, affirm, or modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination, as in its opinion and consistent with Chapter 3359 ought to be made and to that end shall have the powers of the office from which the appeal is taken. The commission shall not entertain any appeal applied for more than twenty (20) days after the date of the order, requirement, decision

or determination appealed from or within such different time as may be specifically provided in Chapter 3359.

(F) Appeals of Commission Decisions. Upon the request of an applicant, any commission decision including denial of a certificate of appropriateness, will be forwarded to city council for reconsideration by the filing of a notice of appeal with the clerk of city council within thirty (30) days after the date of the commission's decision.

(G) Plan Approval. The downtown commission shall recommend approval or disapproval to Columbus city council within the jurisdiction of the commission for any public plan, including but not limited to area plans, streetscape plans, park plans, and major street circulation plans.

(H) Downtown District Amendments. The downtown commission may, at any time, recommend that the department of trade and development prepare minor amendments to Chapter 3359, Downtown District. The downtown commission, with the assistance of the department of trade and development, shall undertake a complete review of Chapter 3359, Downtown District every five (5) years. The first such review shall take place five (5) years from the date the Downtown District was first adopted. Such reviews will be undertaken in order to ensure that it remains relevant and up-to-date. Upon completion of a five (5) year review, the commission shall recommend that the department of trade and development prepare the necessary amendments to bring Chapter 3359, Downtown District, up-to-date.

Illustration 1

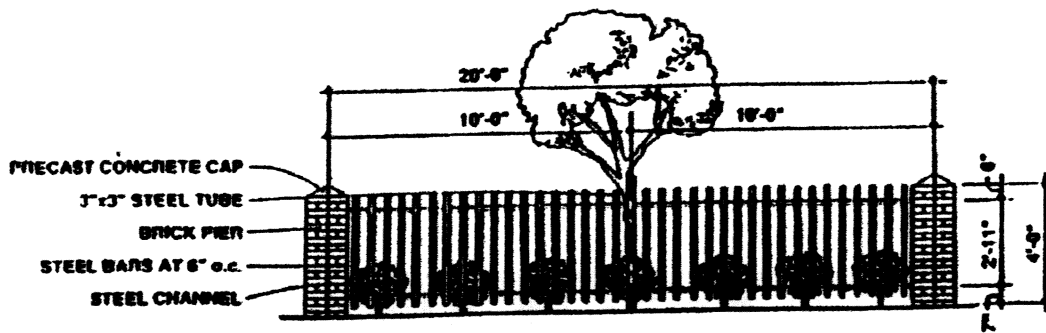


Illustration 1

FENCING FOR SURFACE PARKING LOTS

Illustration 2

PARKING ILLUSTRATION
STANDARD PUBLIC PARKING IDENTIFICATION SIGN

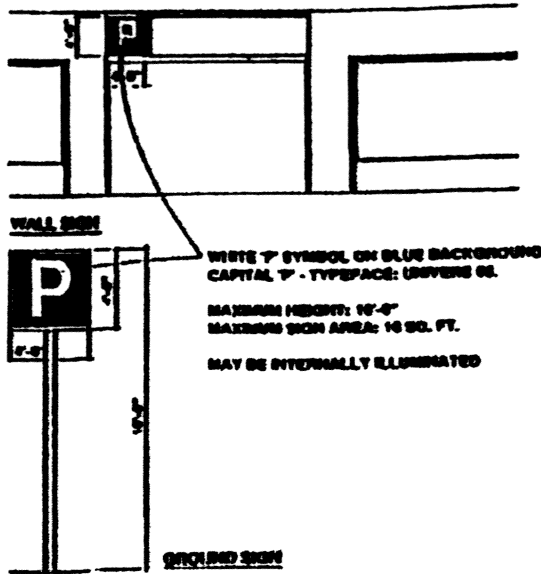


Illustration 2

Illustration 3

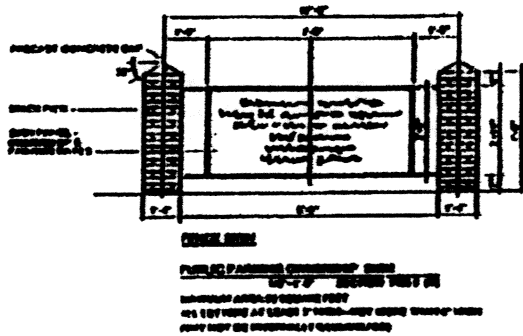
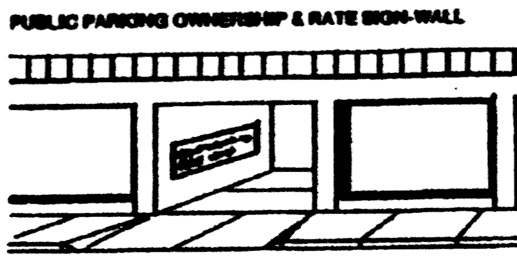


Illustration 3

Illustration 4



PUBLIC PARKING OWNERSHIP & RATE SIGN-WALL

INTERIOR WALL SIGN
(INFORMATION ON SIGN—SAME AS FENCE SIGN)
(SIGN AREA: 20 SQUARE FEET)

Illustration 4

(Ord. 3416-98 § 11; Ord. 3398-98 § 4; Ord. Ord. 2625-00 § 3.)

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EXHIBIT C

PROPOSED CURRENT DEVELOPMENT PROGRAM AND PLAN

A. Proposed New Community Development Program

One Neighborhood is an approximately \$80 million residential development project located in downtown Columbus. The current development plan envisions a residential community of approximately 250 residential units including townhouses, lofts, garden condominiums; and parks and community space. Adequate parking will be provided for the development utilizing garages and street parking. Full attention has also been given to pedestrian movement throughout the site as well as throughout the existing downtown area.

Site Description

The new community district (the "District") is comprised of 5.912 acres covering nine city blocks located in the Columbus downtown area north of Gay Street, west of Grant Avenue, south of Long Street and east of Fourth Street. The area is currently characterized by surface parking lots and commercial buildings.

The New Community Project

The new community project (the "Project") will create a vibrant residential community that will bring a market of ready consumers to downtown retailers.

Zoning

The District is currently zoned as a Downtown District, as more fully described in Exhibit B.

B. Proposed Land Acquisition and Land Development Activities

The Developer owns or controls (within the meaning of Section 349.01(E) of the Ohio Revised Code (the "ORC")) all land within the proposed District as depicted on Exhibit A-1 to this petition.

The Developer plans to develop a vibrant community of residential units. Development of the neighborhood will include residential units, parks and open spaces. The neighborhood will be unified by facade, street, and park improvements.

The first phase of the project commenced in late spring of 2007. The components of this phase include twenty-seven residential units, one park, street and pedestrian improvements and streetscape beautification.

C. Proposed Community Facilities and Services

The "land development" to be financed or otherwise paid for by the Authority is intended to include the improvement of water distribution systems, sewers, sewage collection systems, gas and electric lines, and the acquisition, construction, repair, relocation, equipping and operation of roads, streets, alleys, parkland, street beautifications, curbs, gutters, sidewalks, retaining walls,

storm drainage facilities, sewer lines, irrigation systems, utility lines, refuse collection materials and facilities and other installations or work, and the construction of community facilities, together with all appurtenances thereto.

The “community facilities” to be financed or otherwise paid for by the Authority are intended to include the buildings, structures or other facilities, including related fixtures, equipment and furnishings to be owned, operated, financed, constructed and maintained by the community authority. These include neighborhood buildings, recreation facilities, natural resource facilities, including parks, streetscapes and other open space, community streets, pedestrian walkways, street and park lighting, design amenities including fountains, landscaping, benches and fencing, or other community facilities that will benefit District and non-District residents.

The proposed Authority is precluded, pursuant to ORC Section 349.05, from providing the public services of fire and police protection, and, unless such services cannot be obtained from other existing political subdivisions, is also precluded from providing water supply and sewage treatment and disposal. The anticipated sources of these public services are set forth in Exhibit D to this Petition.

The Authority will provide any necessary maintenance of community facilities or land development financed by the Authority unless and until those facilities become the maintenance responsibility of others. Maintenance services will be provided by contracting for those services or employing a staff paid by the Authority.

A director of the Authority (the “Director”) may be engaged pursuant to ORC Section 349.06(G) to coordinate the day-to-day activities of the Authority, and to report directly to the Board of Trustees. The Director could be assisted by contracted for or employed administrative and operations staff.

D. Proposed Method of Financing the Community Activities and Services

Community facilities and services will be financed using receipts from the community development charge imposed by the New Community Authority under ORC Chapter 349. Further discussion of the financial plan for the District is included in Exhibit D to this petition.

E. The Projected Total Population of the New Community

The current plan projects that the total population of the new community will be approximately six hundred (600) upon full development of the new community district.

EXHIBIT D

PRELIMINARY ECONOMIC FEASIBILITY ANALYSIS

A. Location and Area Development Pattern and Demand

The area of the proposed District is in the center of downtown Columbus, surrounded by commercial and retail development. The continued population growth of the Columbus Metropolitan area drives a strong demand for housing. The Project intends to increase the viability of downtown retail while satisfying the demand for residential housing. The increased residential community in the downtown area will provide retail spaces with ready consumers and increased visitors. The Project will also result in the redevelopment of an area currently characterized by surface parking lots and commercial buildings. The style of the Project will present residents with a unique housing opportunity in downtown Columbus, and will diversify the population to whom downtown living appeals.

The site of the proposed District is properly zoned for development by the Developer as reflected and discussed in Exhibits B and C to the Petition.

B. Location and Proposed District Size

The location of the boundaries of the District is shown on the map attached to this petition as Exhibit A-1.

C. Present and Future Socio-Economic Conditions

There are no current residents in the District. The surrounding area is mostly commercial and retail in character.

Major employment concentrations in the Columbus area include the Central Business District surrounding the area of the New Community District. The Short North is just northwest of the District, and the City's Arena District is immediately northwest of the District.

D. Public Services Provision

1. Freeways and Roads

The District is located in the downtown area of the City of Columbus and is served by the existing road infrastructure including Sixth Street and Normandy Street within the

development, Grant Avenue to the east, Gay Street to the south, Long Street to the north, and Fourth Street to the west.

2. Provision of Public Services and Utilities.

The District is located in the City of Columbus and Franklin County. The District lies entirely in the Columbus City School District. Central sewer treatment and water supply service will be provided by the City of Columbus. Electric, gas, telephone and cable services will be provided by various publicly held utilities and private companies and are readily available. While the utility companies' practice is to incur the costs to bring the services to the site if they are not already available, the development may incur some additional incremental costs to take existing electrical and telephone lines underground to enhance the appearance of the area. Solid waste disposal will be provided by or through the City of Columbus.

E. Financial Plan

Community Development Charge

The Authority will levy and collect annually the Community Development Charge on each parcel located within the District in an amount not greater than 23.5 mills of the assessed valuation (attributable to the land and any improvements thereto) of each parcel. The Community Development Charge shall be imposed on each parcel commencing with the first tax year immediately succeeding the tax year in which a certificate of occupancy is issued for a particular parcel. The Community Development Charge shall be imposed and collected in accordance with ORC Chapter 349.

Disclosures to Homeowners

During the sales process, purchasers of property in the District will be informed pursuant to ORC Section 349.07 of the existence of the Authority and the community development charge.

Public Charge Covenant Filing

The Developer will file a Declaration of Covenants and Restrictions for the Community Authority (the "Covenant") with the Franklin County Recorder for the purpose of creating covenants running with the land to establish the obligation of current and future landowners to pay the Authority community development charges. Once the District is formed, that charge will be implemented by the Board of Trustees.

Anticipated Community Development Charge Revenues

Community development charge revenues have been projected based on anticipated development plans and expected home and property values that will be created as those

plans are implemented. Total community development charge revenue available for programs will be dependent on sales and development of property in the District. Following full build-out in 2012, the preliminary estimate of charge revenues that will be generated in 2013 based on an estimated total value for the Property of \$27,403,047.00 are approximately \$643,971.60 [total value x 35% x 23.5]. The expected development and level of the community development charge are reasonably expected by the Developer to generate revenues sufficient to pay debt service on bonds issued by the Authority pursuant to ORC Sections 349.06 through 349.10 (the "Bonds") and to meet the limited operation and maintenance expenses of the Authority.

Use of Community Development Charge Revenues

Based on the annual budget approved by the Board of Trustees, anticipated community development charges will be used to finance the construction, operation and maintenance of Community Facilities as discussed in Exhibit C, together with all planning, engineering, administrative, construction management, legal, development and architectural costs and expenses and all other expenses necessary and incident to the development of the Community Facilities, and together with all interest charges on any financing of the construction, operation and maintenance of the Community Facilities and all costs of issuance of the Bonds.

Community Development Charge Collections

Community development charge collections will be administered under the direction of the Board of Trustees. Community development charges are payable annually or semiannually on due dates to be determined by the Board. As permitted by ORC Section 349.07, the Board may certify past due charges to the Franklin County Auditor, who shall enter the unpaid charge on the tax list and duplicates of real property and certify the charge to the Franklin County Treasurer. Past due charges will be collected in the manner provided for the collection of real property taxes.

F. Developer's Management Capability

1. Other Developments

The Developer is an Ohio limited liability company located in Columbus, Ohio. The Developer is held by The Edwards Companies, a holding company for numerous operating companies engaged in the business of land development, single and multi-family home building, student housing, and condominiums. The Edwards Companies have developed communities for nearly 50 years and have built more than 25,000 residential units.

The Edwards Companies have recently participated in the development and redevelopment of many noteworthy communities, including:

Ballantrae, a master-planned golf course community located in Dublin, Ohio comprised of 1,090 home sites, including 677 single-family homes, 332 condominiums and 90 villas.

Tuttle Crossing in Dublin, Ohio, which included the first privately-funding Interstate Highway interchange along I-270.

Brewery District in Columbus, Ohio, which included the renovation of eight buildings into residential condominiums, rental apartments, office and restaurant space and the construction of two new buildings, including a multi-level parking garage.

2. Principal Management

Jeffrey W. Edwards is involved in all of The Edwards Companies, serving as President, and is also President and CEO of Installed Building Products. Mr. Edwards has served on a number of boards, and is a past President of the Salvation Army and current President of the Columbus Museum of Art. Mr. Edwards is a graduate of Miami University of Ohio.