

Chapter 4310 – PARKING IMPACT STUDY CODE

4310.01 Purpose.

This Parking Impact Study code is enacted to preserve and promote the public health, safety, and welfare by providing a process for the study of how development may impact public parking systems and authorizing requirements to address any discovered impacts to adequately support growth in the City.

4310.02 Applicability.

The provisions of this Parking Impact Study Code shall apply to all new Developments and to the expansion or change in use of an existing Development in the following circumstances:

- (A) The Development is located within a parcel with a 2024 Zoning Code district designation for which there is no minimum vehicular parking requirement; or
- (B) Any Development for which there is a request for variance to the minimum parking requirements.

4310.03 Definitions.

For purposes of Chapter 4310 the following definitions will apply:

- (A) “Development” means the construction or alteration of buildings, structures, parking facilities, or roadways within:
 - (1) A parcel or parcels of land; or
 - (2) A parcel of land to be subdivided into multiple parcels of land.
- (B) “Director” when used without clarification means the Director of the Department of Public Service or designee.
- (C) “Parking Impact Study” means a report that determines the impact a development will have on a nearby public parking system and identifies any additional costs for the City that are necessary to manage the parking impact of said proposed development.
- (D) “Public Parking Systems” means an assemblage of publicly owned or publicly managed facilities designated for the temporary placement of vehicles, including but not limited to:
 - (1) On-street parking spaces, including metered or non-metered;
 - (2) Off-street parking facilities, including surface parking lots or parking garages;
 - (3) Portions of streets or alleys designated for loading, deliveries, valet or other short-term curb access purposes;
 - (4) Portions of streets, alleys or sidewalks designated for the temporary storage of bicycles, e-scooters or other personal or shared mobility devices; or
 - (5) Facilities that are publicly available but privately owned.

4310.04 Process.

The Director is authorized to promulgate rules and regulations for the administration of a Parking Impact Study and any mitigation efforts resulting from said Study. Rules and regulations will be promulgated by filing the same with the City Clerk for publication in the City Bulletin pursuant to Section 121.05 of the Columbus City Codes.

All information deemed necessary for the Director to make a determination of parking impact shall be provided by the applicant for the Development as part of the site plan review process provided for in CC Section 4113.29 or upon an application for variance request, whichever is applicable, and upon a form or in a manner approved by the Director.

4310.05 Parking Impact Study.

- (A) The Director must determine when a Parking Impact Study is required and publish guidelines in the rules and regulations. This determination will be based on, but not limited to:
- (1) Site proximity to nearby Public Parking Systems;
 - (2) Size and land use of the proposed development;
 - (3) Amount of on-site parking and/or loading spaces in the proposed development;
 - (4) The zoning classification of the proposed development; and
 - (6) Any other factors deemed relevant in promoting the purpose of this code.
- (B) Each Parking Impact Study must be reviewed by person(s) designated by the Director and in accordance with the rules and regulations.

4310.06 Mitigation.

- (A) The Director will have final authority to determine if a Parking Impact Study reasonably concludes that action is required to mitigate the proposed development's impact on nearby Public Parking Systems. Guidelines for such determination shall be published in the rules and regulations and be based on, but not limited to:
- (1) Existing and projected supply of affected nearby Public Parking Systems; and
 - (2) Local market demand for public and private parking or loading near the proposed development.
- (B) The appropriate form of mitigation are those actions necessary to reasonably negate the increased demand for Public Parking Systems directly caused by that development, such actions include:
- (1) new services, including, but not limited to, shared parking services, public transit passes, car sharing, and shared mobility devices; and/or
 - (2) payment of a fee.

The Director shall determine those necessary actions. Guidelines for such determination shall be published in the rules and regulations.

- (C) Mitigation required in the form of payment of a fee must be, at maximum, the actual costs incurred by the City in negating the increased demand for Public Parking Systems directly caused by that development. Such costs include the costs of enforcement operations, permitting operations, infrastructure, and staff administration.
- (D) Any payments received by the City pursuant to this Chapter shall be used for the mitigation of the impacts as determined by the Parking Impact study.

4310.07 Appeal to the Director.

- (A) An applicant required to mitigate the proposed Development's impact on nearby Public Parking Systems, as determined by the Parking Impact Study, may appeal the requirement to mitigate by filing a notice of appeal with the Department of Public Service. The notice of appeal shall be in writing, on a form and in the manner provided for by the rules and regulations of the Director.
- (B) The written notice of appeal must be received by the Department of Public Service within fifteen (15) calendar days from the date of issuance of the notice that mitigation is required.
- (C) Failure to submit a notice of appeal within fifteen (15) calendar days from the date of issuance of the notice shall constitute a waiver of the right to appeal.
- (D) A written notice of appeal shall include the name, address and telephone number of the appellant, the date of the written notice of appeal, and set forth the basis for the action being appealed. The Director shall convene a hearing on the matter within thirty (30) calendar days of receipt of the notice of appeal. The Director may grant continuances as deemed necessary.
- (E) The Director shall designate a hearing examiner. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer. The hearing examiner shall not be a city employee.
- (F) The Director shall maintain a record of the hearing consistent with the Department's records retention schedule. The record may be made by stenographic means or by the use of an audio electronic recording device.
- (G) Each hearing shall be conducted in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing but all testimony shall be under oath. The hearing examiner is authorized to administer oaths. The hearing examiner shall pass upon the admissibility of evidence, but a party may at the time make objections to the ruling of the hearing examiner and if the hearing examiner refuses to admit evidence, the party offering the same shall make a proffer thereof, and such proffer shall be made a part of the record of such hearing.
- (H) All parties shall have the right to:
 - (1) Offer and examine witnesses and present evidence in support of their case;
 - (2) Cross-examine adverse witnesses;
 - (3) Proffer evidence into the record if its admission has been denied.

- (I) The original notice that mitigation is required issued pursuant to this Chapter or any true copy of it shall be considered a record kept in the ordinary course of business of the City of Columbus and the Department and shall be prima-facie evidence of the facts contained within.
- (J) All hearings shall proceed as in a trial of a civil action with the City having the burden of proving, by a preponderance of the evidence, that the person for whom the hearing is being conducted committed the violation(s). Upon agreement of the parties and approval by the hearing examiner, hearings may be conducted based on stipulated facts and briefs of the parties. Each party shall provide the hearing examiner and any other parties a proposed list of witnesses and exhibits to be used by that party at the hearing at least five (5) business days prior to the scheduled hearing, if required by the hearing examiner.
- (K) All parties shall have the right to appear and be heard in person, or have legal counsel, to present their case.
- (L) The hearing examiner shall issue a written report within ten (10) calendar days of the hearing. The report shall contain a finding of facts, conclusions of law, and recommendation(s) related to the matter. The report shall be forwarded to the both parties. The Director may adopt, modify, or reject the recommendation(s) of the hearing examiner.
- (M) The decision of the Director shall be considered a final appealable order.

4310. 08 Public Record.

Each Parking Impact Study will become part of the public record upon initial submittal to the Director's study review team.