



## Legislation Details (With Text)

**File #:** 1149-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/22/2012      **In control:** Rules & Reference Committee

**On agenda:** 7/16/2012      **Final action:** 7/18/2012

**Title:** To amend Section 3357.01 of the Columbus City Codes regarding uses in the C-5 Commercial District to remove a provision that is inconsistent with other zoning code sections.

**Sponsors:** A. Troy Miller

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/18/2012	1	CITY CLERK	Attest	
7/17/2012	1	MAYOR	Signed	
7/16/2012	1	COUNCIL PRESIDENT	Signed	
7/16/2012	1	Columbus City Council	Approved	Pass
7/9/2012	1	Columbus City Council	Read for the First Time	

### BACKGROUND:

Chapter 3357 of the Columbus zoning code regulates C-5, Highway-oriented commercial uses including car washes and gas stations. Section 3357.01(B)(1) specifies that C-5 uses shall be permitted only through rezoning to the C-5, Commercial District. However, in Chapter 3361, Commercial Planned Development District, C-5 uses can also be permitted in CPD zoning districts. Additionally, C-5 uses (utilizing C-5 development standards) are permitted in the M, Manufacturing District under 3363.01. Deleting Section 3357.01(B) will remove the inconsistencies in the zoning code regarding C-5 uses, while maintaining adequate development standards for such uses.

The Columbus Development Commission voted to recommend approval of this Columbus Zoning Code revision at its monthly public meeting on May 10, 2012

**FISCAL IMPACT:** No funding is required for this legislation.

To amend Section 3357.01 of the Columbus City Codes regarding uses in the C-5 Commercial District to remove a provision that is inconsistent with other zoning code sections.

**WHEREAS**, the revision to CC Section 3357.01(B) will remove language in the C-5, Commercial district section that can be interpreted to allow C-5 uses only through rezoning to the C-5, Commercial District; and

**WHEREAS**, the City of Columbus currently allows C-5 uses not only through a rezoning to the C-5, Commercial district, but also by rezoning to a CPD, Commercial Planned Development District; an M, Manufacturing District; or by a Council variance; and

**WHEREAS**, adequate development standards for C-5 uses are applied not only by rezoning to the C-5, Commercial or M, Manufacturing Districts, but also through negotiated standards approved by City Council within a CPD, Commercial Planned Development District or a Council variance; and

**WHEREAS**, the Columbus Development Commission voted to recommend approval of this revision at its monthly public meeting on May 10, 2012; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That existing section 3357.01 of the Columbus City Codes is hereby amended to read as follows:

**3357.01 - C-5 commercial district.**

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

1. Retail fuel sales, filling stations and automobile service stations;
2. Carry-outs;
3. Car washes;
4. Drive-ins;
5. Establishments serving food or beverages to customers in their automobiles;
6. Fast-food business;

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

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

~~B.~~ For any permitted use in a C-5 commercial district, except fuel sales, filling stations and automobile service stations that are governed by the provisions contained in C.C. Sections 3357.12 through 3357.18, the following physical characteristics of the property shall be applicable:

1. The minimum lot area shall be not less than 15,000 square feet.
2. The minimum lot width at the front building line shall be not less than 120 feet.

~~B.C.~~ For any permitted use in a C-5 commercial district, except fuel sales, filling stations and automobile service stations that are governed by the provisions contained in C.C. Sections 3357.12 through 3357.18, the yard and building line requirements in C.C.3357.04 shall be applicable with the following additional provisions:

1. Whenever any portion of the property abuts property used or zoned for any type of residential use then there shall be a landscaped yard of not less than ten feet in width provided along that portion of the property line abutting the property used or zoned for any type of residential purposes.

2. No portion of any building or structure shall be located or extend closer than 25 feet to either a front or street side property line.

E.D. For any permitted uses in a C-5 commercial district, except fuel sales, filling stations, and automobile service stations that are governed by the provisions contained in C.C. Sections 3357.11 through 3357.18, the height of any building or structure shall not exceed 25 feet.

F.E. In any C-5 commercial district, provisions shall be made for access, and off-street parking and loading facilities as required by the Off-street Parking and Loading chapter and the General Site Development Standards of this code.

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

1. The location of all curb cuts and traffic flow patterns shall require the approval and a permit from the division of transportation prior to any curb being cut or any driveway being installed.
2. Any use, such as a car wash, that could cause a drainage problem, shall require the approval of the division of sewerage and drainage, and such uses may be required to install storm sewers as required to alleviate the problem.
3. Any use, such as a fast-food business, that could cause a traffic congestion problem shall require approval of the division of transportation, and such uses may be required to install frontage roads as required to alleviate the problem.
4. Any use, such as a fast-food business, that could create an excessive litter problem, may be required to install fences as determined by the department, and trash receptacles as may be required by the division of health and division of refuse collection, to alleviate the problem.
5. Other city departments and divisions whose operations or area of jurisdiction may be affected by the proposed use may recommend to the department of development additional requirements necessary to comply with various city codes applicable to the use and to protect and preserve the public health, safety, and welfare.
6. If, at the time of public hearings on the application for a rezoning to the C-5 commercial district, council has imposed any specific development standards or other requirements, then the site plans submitted for the zoning clearance shall show full compliance with all such standards and requirements.

**SECTION 2.** That prior existing section 3357.01(B) of the Columbus City Codes, 1959, is hereby repealed.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period provided by law.