



Legislation Details (With Text)

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Title: To amend Chapter 3342 of the Columbus Zoning Code, entitled Parking and Off Street Loading, in order to remove the provision for administrative waivers for the additional number of parking spaces required during a change of use or a minor addition consisting of less than two hundred (200) square feet.

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Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/22/2008	1	CITY CLERK	Attest	
10/21/2008	1	MAYOR	Signed	
10/20/2008	1	Columbus City Council	Approved	Pass
10/20/2008	1	COUNCIL PRESIDENT	Signed	
10/6/2008	1	Columbus City Council	Read for the First Time	
6/13/2008	1	Dev Drafter	Sent to Clerk's Office for Council	
6/13/2008	1	City Clerk's Office	Sent back for Clarification/Correction	
6/13/2008	1	Dev Drafter	Sent to Clerk's Office for Council	
6/11/2008	1	Dev Drafter	Sent for Approval	
6/11/2008	1	CITY ATTORNEY	Reviewed and Approved	
6/10/2008	1	Dev Drafter	Sent for Approval	
6/10/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	

BACKGROUND: This legislation amends Chapter 3342, Parking and Off Street Loading, to remove the provision for administrative waivers of the additional number of parking spaces required for a change of use or a minor addition consisting of less than two hundred (200) square feet. The code provides that the additional number of parking spaces may be waived if it is determined that the increased intensity will not cause adverse traffic congestion in the area. Many of the properties that are subject to administrative parking waivers are in relatively high density, mixed-use areas. Even in instances where no adverse traffic congestion is anticipated, changes of use and minor additions may be incompatible with nearby residential uses and less intense commercial uses. Staff believes these potential land use conflicts are more appropriately addressed through parking reduction variances in a public hearing process. Accordingly, the Board of Zoning Adjustment has the authority to impose requirements and conditions regarding the location, character, and other features of the proposed uses or structures the board deems necessary to carryout the intent and purpose of the Zoning Code and to otherwise safeguard the public safety and welfare. This legislation is consistent with the proposed changes to the Urban, Community, and Regional Commercial Overlays.

FISCAL IMPACT: No funding is required for this legislation.

To amend Chapter 3342 of the Columbus Zoning Code, entitled Parking and Off Street Loading, in order to remove the provision for administrative waivers for the additional number of parking spaces required during a change of use or a minor addition consisting of less than two hundred (200) square feet.

WHEREAS, C.C.3342.02(b)(6) provides that the additional number of parking spaces required for a change of use or by a minor addition consisting of less than two hundred (200) square feet may be waived if, after consultation with the transportation administrator, the building services administrator determines that the increase in intensity will not create adverse traffic congestion in the area; and

WHEREAS, while such administrative parking waiver requests may not create adverse traffic congestion in the area, they may not be compatible with nearby residential and less intense commercial uses; and

WHEREAS, staff believes that these potential land use conflicts are more appropriately addressed through parking reduction variances in a public hearing process; and

WHEREAS, the Board of Zoning Adjustment has the authority to impose requirements and conditions regarding the location, character, and other features of the proposed uses or structures the board deems necessary to carryout the intent and purpose of the Zoning Code and to otherwise safeguard the public safety and welfare; and

WHEREAS, this ordinance will remove the provision for administrative parking waivers because it is in the best interest of the city to require a variance for these circumstances under the due process of a public hearing where the BZA may impose conditions to mitigate incompatibility; and

WHEREAS, this code change is consistent with the proposed changes to the Urban, Community, and Regional Commercial Overlays; **now, therefore,**

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

Section 1. That Section 3342.02 of the Columbus city Codes, 1959, is hereby amended to read as follows:

3342.02 Administrative requirements.

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

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

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

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

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

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

Existing medical clinic

Required spaces = 10

Existing spaces = 5

New law office

Required spaces = 7

Total parking spaces required for new use = 5

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

Example:

Existing medical clinic

Required spaces = 10

Existing spaces = 5

Existing parking spaces

Spaces required for building expansion

Total parking spaces required for new use

New law office

Required spaces = 7

Building expansion Required spaces = 4

= 5

= 4

= 9

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

Existing retail store

Required spaces = 8

Existing spaces = 5

Existing parking spaces

Difference between intensities (27-8)

Total parking spaces required for new use

New restaurant

Required spaces = 27

= 5

= 19

= 24

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

Existing retail store

Required spaces = 8

Existing spaces = 5

Existing parking spaces

Difference between intensities (27-8)

Spaces required for building expansion

Total parking spaces required for new use

New restaurant

Required spaces = 27

Building expansion Required spaces = 12

= 5

= 19

= 12

= 36

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

Existing medical clinic

Required spaces = 10

Existing spaces = 9

Parking spaces required for new law office

Spaces required for building expansion

Total parking spaces required for new use

New law office

Required spaces = 7

Building expansion Required spaces = 4

= 7

= 4

= 11

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

Existing retail store

Required spaces = 8

Existing spaces = 29

New restaurant

Required spaces = 27

Building expansion Required spaces = 12

Parking spaces required for new restaurant	= 27
Spaces required for building expansion	= <u>12</u>
Total parking spaces required for new use	= 39

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

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

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

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

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

(2) Owned or leased by the applicant and located in an appropriate zoning district with a limited overlay having conditions which limit its use to parking reserved for the duration of that use to be served.

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

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

Section 2. That existing Section 3342.02 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.