



Legislation Details (With Text)

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Title: To enact, amend, and repeal various sections of the Columbus City Codes to eliminate the Division of Building Services within the Department of Development, to create the new Department of Building and Zoning Services, and to reflect the impact of the creation of this new department in all affected code sections of the Columbus City Codes, including moving codes related to platting and development related engineering functions into the currently unutilized Title 43; and to declare an emergency.

Sponsors: A. Troy Miller, Priscilla Tyson

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/6/2010	1	MAYOR	Signed	
4/6/2010	1	CITY CLERK	Attest	
4/5/2010	1	Columbus City Council	Approved	Pass
4/5/2010	1	COUNCIL PRESIDENT	Signed	
3/22/2010	1	Dev Drafter	Sent to Clerk's Office for Council	
3/19/2010	1	CITY ATTORNEY	Reviewed and Approved	
3/15/2010	1	Dev Drafter	Sent for Approval	
3/15/2010	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
3/15/2010	1	Dev Drafter	Sent for Approval	

BACKGROUND:

This ordinance creates the new Department of Building and Zoning Services and makes the needed code changes to ensure that the new department has all the necessary tools and resources it will need to begin delivering better customer service to the private development community. This new department will streamline the reporting structure and increase accountability by reporting directly to the Administration.

Through these changes, an efficient and effective department will emerge, allowing for an improved customer-centered department. These changes were developed over the last two years in conjunction with an operational review conducted by Zucker Systems Consulting and input from the Building Services Review Committee which represents of all facets of the building industry. The costs for the new department will continue to be sustained by the permit and review fees charged, allowing the new department to continue to be self-sufficient.

FISCAL IMPACT:

There is no direct fiscal impact associated with this reorganization and associated code changes, however, in the long term, the new department should create operational efficiencies and streamline existing functions. Any costs associated with these changes shall be the liability of the Development Services 240 Special Revenue Fund.

To enact, amend, and repeal various sections of the Columbus City Codes to eliminate the Division of Building Services within the Department of Development, to create the new Department of Building and Zoning Services, and to reflect the impact of the creation of this new department in all affected code sections of the Columbus City Codes, including moving codes related to platting and development related engineering functions into the currently unutilized Title 43; and to declare an emergency.

WHEREAS, this ordinance creates the new Department of Building and Zoning Services and makes the needed code changes to ensure that the new department has all the necessary tools and resources it will need to begin delivering better customer service to the private development community; and

WHEREAS, this new department will streamline the reporting structure and increase accountability by reporting directly to the Administration; and

WHEREAS, through these changes, an efficient and effective department will emerge, allowing for an improved customer-centered department; and

WHEREAS, these changes were developed over the last two years in conjunction with an operational review conducted by Zucker Systems Consulting and input from the Building Services Review Committee which represents of all facets of the building industry; and

WHEREAS, the costs for the new department will continue to be sustained by the permit and review fees charged, allowing the new department to continue to be self-sufficient; and

WHEREAS, an emergency exists within the usual and daily operation of the City of Columbus that it is necessary for these code changes that are associated with the creation of the new Department of Building and Zoning to become effective immediately to allow for the correct and proper accounting of these organizational changes, including the creation of a new department, under the City of Columbus 2010 Operating Budget, for the preservation of the public health, safety, peace and welfare; **now, therefore,**

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

Section 1. That the existing Section 215.01 of the Columbus City Codes. 1959, is hereby amended to read as follows:

215.01 Department of development established.

There is established a department of development. The department of development shall consist of a director, one (1) department deputy director and the following divisions; economic development, planning, housing, and code enforcement building services. Within the director's office there shall be a land redevelopment office and an administrative office. The department of development shall have as its primary duty the coordination, enforcement of codes regulation, management, implementation and promotion of programs to encourage; business expansion and attraction, planned growth, creation of housing opportunities, a lively downtown, healthy, safe and revitalized neighborhoods and code enforcement. The department of development shall perform all other lawful functions as directed by the mayor or ordinance of council.

Section 2. That the existing Section 215.02 of the Columbus City Codes. 1959, is hereby amended to read as follows:

215.02 Duties of director and deputy directors.

The director of the department shall be appointed by the mayor and shall serve at the pleasure of the mayor with a salary fixed by ordinance of council. The director shall have all powers and duties connected with and incident to the appointment, regulation and government of the department of development. The deputy director shall serve in the absence of the director.

~~The director of the department shall have and exercise all powers, duties and functions given to a city planning commission, city platting commission and platting commissioner by Chapter 711 of the Ohio Revised Code and Sections 735.17 to 735.26, inclusive, of the Ohio Revised Code, notwithstanding the provisions in Section 713.03 of the Ohio Revised Code to the contrary.~~

Section 3. That the existing Section 215.07 of the Columbus City Codes. 1959, is hereby amended to read as follows:

215.07 Division of code enforcement building services.

The division of code enforcement ~~building services~~ is established as a division of the department of development. The division shall have as its primary duties the facilitation of the enforcement of codes and sound growth and safety of the city through appropriate building inspections and plans review, permitting, zoning, code enforcement, and other duties as may be authorized by the director or ordinance of council.

Section 4. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 216, entitled "Department of Building and Zoning Services" and consisting of two (2) sections oddly numbered 216.01 through 216.03 and reading as follows:

216.01 Department of building and zoning services established.

There is established a department of building and zoning services. The Department of Building and Zoning Services shall consist of a director and one (1) department deputy director. The Department of Building and Zoning Services shall have as its primary duty the protection of public safety, health and welfare by regulation and management of programs to encourage planned and orderly growth and ensuring safe construction. The department of building and zoning services shall perform all other lawful functions as directed by the mayor or ordinance of council.

216.03 Duties of director and deputy directors.

The director of the department shall be appointed by the mayor and shall serve at the pleasure of the mayor with a salary fixed by ordinance of council. The director shall have all powers and duties connected with and incident to the appointment, regulation and government of the department of building and zoning services. The deputy director shall serve in the absence of the director.

The director of the department shall have and exercise all powers, duties and functions given to a city planning commission, city platting commission and platting commissioner by Chapter 711 of the Ohio Revised Code and Sections 735.17 to 735.26, inclusive, of the Ohio Revised Code, notwithstanding the provisions in Section 713.03 of the Ohio Revised Code to the contrary.

Section 5. That the existing Section 703.05 of the Columbus City Codes, 1959, is hereby amended to read as follows:

703.05 Letter D.

"Debris" means the scattered remains of something or the ruins of something.

"Department", unless otherwise specified, means the department of development.

"Dilapidated" means a general condition of decay or extensive disrepair.

"Director" when used without clarification means the director of the department of development or his or her designee.

"Division" when used without clarification means the code enforcement division of ~~neighborhood services~~ of the department of development.

"Dormitory sleeping room" means a room providing sleeping quarters for a number of persons.

"Dumpster" means a type of automated collection container that is made of metal or other material approved by the public service director and is collected primarily by front-loading waste collection vehicles.

"Dwelling" means any building or structure, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.

"Dwelling unit" means one (1) or more habitable rooms forming a single habitable unit within a dwelling with facilities, which are used or intended to be used by one (1) or more persons for living, sleeping, cooking and eating.

Section 6. That the existing Section 902.00 of the Columbus City Codes, 1959, is hereby amended to read as follows:

902.00 Right to enforce.

The director of the public service department, the director of the department of safety, the director of the department of ~~trade and~~ development, the health commissioner, and their designees shall have the authority to enforce such sections of the Ohio Revised Code and the Columbus City Code Chapter 902.

Section 7. That the existing Section 905.14 of the Columbus City Codes, 1959, is hereby amended to read as follows:

905.14 Appeal procedure.

Any persons affected by any notice issued in connection with this chapter may request and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice, provided that:

(A) Such person shall file a written petition requesting such appeal hearing with the ~~Neighborhood Services Division Office, of the~~ Department of Development, within fifteen (15) calendar days after the notice is served; and,

(B) The petition shall set forth the factual reasons why a particular violation or violations is being appealed.

Appeals shall be conducted and the notice of the board findings shall be completed as set forth in the Columbus Housing Code, Chapter 4509.03.

Section 8. That the title of "Planning and Platting", Title 31, Columbus City Codes, 1959, is hereby amended to read as follows:

Title 31 - Planning ~~and Platting~~ and Historic Preservation Code

Section 9. That the existing Section 3101.07 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3101.07 Enforcement and appeal.

The director, or his or her designee, shall have the powers of a police officer for the purpose of enforcement of the provisions of this Planning and Historic Preservation Platting Code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain, correct or abate such violations; ~~or to prevent occupancy of the unlawful building or structure.~~ Strict liability shall be the standard for enforcement.

Appeals, unless otherwise specified in this code, of any notice of violation for an alleged violation of this code issued by the department shall be made in writing within fifteen (15) days of the date of service of the notice of violation, pursuant to the requirements prescribed in this code. Any person affected by a notice of violation in connection with this code may request and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice of violation unless directed by this code otherwise.

Section 10. That the existing Section 3109.14 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3109.14 Functions and duties.

An area commission is an advisory body. No duty or function of an area commission shall invalidate any action of council. In general, an area commission shall:

- A. In the interests of local planning for local needs, identify and study the problems and requirements of the commission area in order to:
 - (1) Create plans and policies which will serve as guidelines for future development of the area;
 - (2) Bring the problems and needs of the area to the attention of appropriate government agencies or residents; and
 - (3) Recommend solutions or legislation.
- B. Aid and promote communications within the commission area and between it and the rest of the city by means of:
 - (1) Regular and special meetings of the commission which are open to the public;
 - (2) Public hearings on problems, issues, and proposals affecting the area;
 - (3) Public forums and surveys to provide an opportunity for area residents, businesses, and organizations to state their problems and concerns;
 - (4) Soliciting active cooperation of all segments of the area and city, including organizations, institutions, and government;
 - (5) Initiating proposals and supporting those introduced by individual citizens or area organizations, which will enhance the quality of life enjoyed by area residents and preserve the unique residential and commercial mix of the area; and
 - (6) Promoting and encouraging businesses whose functions, methods of operation, architectural appearance, and locations are consistent with the character and requirements of the area.
- C. Initiate, review and recommend criteria and programs for the preservation, development, and enhancement of the commission area, including, but not limited to, parks, recreational areas, sidewalks, streets and traffic, by means of:
 - (1) Reviewing the proposed capital improvements budget and proposing new items and changes relating to the area;
 - (2) Making recommendations for restoration and preservation of the historical elements within the area; and
 - (3) Receiving and reviewing for recommendation, prior to adoption by governmental bodies, any new or revised comprehensive plan affecting the area.
- D. Recommend priorities for and review government services and operation of the various government departments in the commission area by means of:
 - (1) Requesting and receiving from departments or agencies periodic reports concerning governmental services or practices in the area;
 - (2) Meeting with administrative heads of any department or agency, or any of their subordinates, to obtain additional information deemed necessary for the commission to fulfill its functions;
 - (3) Requesting and receiving from departments or agencies, prior to implementation, full reports on any proposed changes in service or practice in the area, and recommending approval or disapproval of the proposed changes;
 - (4) Reviewing and evaluating pending legislation substantially affecting the area prior to its consideration by council; and
 - (5) Regularly receiving for review, comment and recommendation ~~from the development regulation division~~ copies of applications and notices of all public hearings related to rezonings, special permits, variances, demolitions, and zoning appeals regarding property located wholly or partially within the area.
- E. Recommend persons from the commission area for nomination to membership on city boards and commissions which make

decisions or recommendations affecting the commission area.

Section 11. That the existing Section 3118.02 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3118.02 Purpose.

A nonjudicial appeal procedure is required from decisions of the various architectural review and historic preservation commissions established in Titles 31 and 33 of the Columbus City Codes, 1959, in addition to the rehearing, mediation and alternate plan development processes provided to efficiently facilitate problem resolution regarding historic preservation and architectural review.

Section 12. That the existing Section 3118.07 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3118.07 Standards on appeal.

On appeal from any decision of a commission the board of commission appeals shall recognize the importance of:

- (A) The architectural characteristics, guidelines and standards for the district or listed property and standards of Chapters 3116 through 3119 and 3418, C.C.; and
- (B) The standards for unusual and compelling circumstances and/or substantial economic hardship as the case requires.

Section 13. That the title of Article III of Title 31, Columbus City Codes, 1959, is hereby amended to read as follows:

Article III. ~~Platting and~~ Land Development

Section 14. That the existing section 3301.01 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3301.01 Purpose.

This Zoning Code, pursuant to the Columbus City Charter and Article ~~XVIII~~ ~~XVII~~, Section 3, of the Ohio Constitution which grants municipalities the legal authority to adopt land use and control measures, is enacted to preserve and promote the public health, safety and welfare by means of regulations and restrictions enacted pursuant to a comprehensive plan designed to, among other purposes, encourage the orderly growth and development of the city; provide for adequate light, air, open space and convenience of access; protect against fire and natural hazards; and maintain and enhance the value of buildings, structures and land throughout the city.

Section 15. That the existing section 3303.04 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3303.04 Letter D.

"Density" means a unit of measurement of the number of dwelling units per acre of land derived by dividing the total number of dwelling units within the particular project, development or subdivision for which an application is filed by the total number of acres contained in such project, development or subdivision excluding all dedicated public streets therein.

"Densely planted planting strip" means a landscaped screen consisting of shrubs, trees, or other plants that provides year round opacity of at least 75%.

"Department" when used without clarification means the department of building and zoning services ~~development of the city~~.

Directional Sign. See "Sign."

"Director" when used without clarification means the director of the department of building and zoning services ~~development~~ or his or her designee.

Directory Sign. See "Sign."

"District," for the general purposes of the Zoning Code but not for purposes of architectural review, all properties of the same use, height and area classification which adjoin or are continuous without intervening property of another classification regardless of any street, alley, easement or reserve that may intervene.

~~"Division" when used without clarification means the building services division in the department of development.~~

"Dormitory" means a building arranged, intended, or designed to be occupied by unrelated persons as either individuals or groups who occupy common sleeping rooms and share related facilities such as bathrooms and washrooms. This type use differs from an "apartment house" in that separate cooking facilities are not available for each of the individuals, or groups of individuals, who occupy the building but common eating facilities and related cooking facilities may be provided in the building.

"Double duplex" means a separate or detached four (4) family residence, the first and second floors of which are each designed and arranged for use by two (2) families separated by a vertical division wall, each unit of which is heated independently of the others. Each dwelling unit shall have its own separate, private means of ingress.

Double-Faced Sign. See "Sign."

"Drive-in" or "drive-in business" means a use of an individual tract of land or lot on which all of the following exist:

The use is contained in a building with a gross floor area of less than ten thousand (10,000) square feet; and

The buildings and site are designed, developed, and operated as a business which is conducted primarily for convenience of customers arriving and departing from the place of business by automobile to purchase the products or receive services; and

The business includes a limited range of food and beverage items or services for sale, a high volume of sales, and sales transactions are usually completed within five (5) to fifteen (15) minutes.

A drive-in is distinguishable from other businesses allowed in the C-1 ~~C-1~~ through C-4 zones such as book stores, department stores, and supermarkets, where trade in the product or service is the primary purpose, and use of the automobile to patronize the business is incidental to purchasing the product or receiving the services. Products or services sold at a drive-in may be consumed or used either on or off the premises or lot. Drive-in includes a carry-out and fast-food business.

"Drive-in Theater" means a premises designed, intended to be used, or used to show films or provide other entertainment to patrons in their motor vehicles.

"Drive-up unit" means a structural element allowing a customer to participate in business transactions while remaining in a motor vehicle. The term includes "pickup unit."

"Dry cleaning establishment" means a use involving the cleaning or dyeing of fabrics, employing the services of more than three (3) persons, the use of mechanical appliances requiring more than a three (3) horsepower motor, and the use of volatile or explosive substances.

"Dwelling" means a building containing a minimum of one (1) but not more than four (4) dwelling units.

"Dwelling unit" means a single, self-contained unit providing independent living facilities for one (1) or more individuals and which contains eating, living, sanitary and sleeping areas and one (1) cooking facility, all for exclusive use by the occupants. This definition does not apply to units in dormitories, homeless shelters, hotels, motels or other buildings designed for transients.

Section 16. That the existing Section 3303.18 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3303.18 Letter R.

Real Estate Sign. See "Sign."

"Rear of a building", "Rear line of a building" and "rear yard line", respectively mean that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

"Reconstruction" means the replacement or rebuilding of a building, premises or structure.

"Recreational vehicle" means a vehicle manufactured or modified to contain temporary living quarters for travel, recreation, or vacation purposes including, but not necessarily limited to, camper, travel trailer, truck camper, and motor home.

~~"Regulations", when referring to the name of a division of the city administration, means the Department of Development.~~

"Religious facility" means a building or structure in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

"Residence" is the general term implying place exclusively used for human habitation and embracing both residential and apartment residential district classifications.

"Residential care facility" means a use of a dwelling unit or dwelling units within a building primarily for providing supervised room, board and care in a residential setting to residents thereof whose disabilities or status limit their ability to live independently, and secondarily for training, rehabilitation and nonclinical services. The term excludes use as a clinic, institution, hospital, nursing home, convalescent home, school, child day care center, nursery school, dormitory or other similar use. The term shall not be applied to owner-occupied premises with one (1) or two (2) roomers. However, for the purpose of licensing, the term is included within "rooming house" as defined in Section 4501.32.

"Residential complex" means a residential development with fifteen (15) or more dwelling units situated on the same tax parcel.

Residential Use. See "Use, residential."

"Residentially zoned district or use" means any area zoned for residential use as defined in this Zoning Code or any area where persons may reside.

"Restaurant" means an establishment that involves the preparation of food and drink, served to and consumed by patrons primarily within the building.

"Rest home" means a home that provides personal assistance for three (3) or more individuals who are dependent on the services of others by reason of age or physical or mental impairment but who do not require skilled nursing care. A rest home shall be licensed under Chapter 3721 of the Revised Code to provide only accommodations and personal assistance and may not admit individuals requiring skilled nursing care.

"Retail filling station" means a use involving the supplying to individual vehicles for their use only, of oil, grease, gasoline, or other fuel or power source, with other optional customary incidental service.

~~"Retail filling station" means a use involving the supplying to individual vehicles for their use only, of oil, grease or gasoline or other liquid fuel with other customary incidental service, the storage facilities of which use shall not be in excess of two (2) tank cars or total storage capacity of thirty thousand (30,000) gallons.~~

~~"Retail filling station" is the same as gasoline service station.~~

"Right-of-way line" means the limit of publicly owned land or easement encompassing a street or alley.

"Roof line" means in the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

Roof Sign. See "Sign."

"Rooming house" means a residential building, other than a hotel, in which part or parts are kept, used or held out to be a place where

sleeping accommodations are offered for hire for three (3) or more persons.

"Row" is a group of attached residences, separated by vertical fire walls, in which each residence has its own front and rear yards, and has appropriated to it the entire building between the fire walls.

Section 17. That the existing Section 3305.04 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3305.04 Expiration or revocation of certificate of zoning clearance.

A certificate of zoning clearance shall automatically expire one (1) year after issuance if the use authorized by the certificate is not commenced within said one (1) year period, unless the work in preparation for the authorized use will take longer than one (1) year to complete. If the work will take longer than one (1) year to complete, the one (1) year period shall be extended to allow for completion of the work provided that the work is commenced within a reasonable period of time and diligently carried to completion. Whenever a building permit has been issued for work to be done in preparation for the authorized use, the certificate shall not expire so long as the building permit remains in effect.

Upon discovery that a certificate has been issued contrary to this Zoning Code, the director ~~regulations administrator~~ shall revoke such erroneous certificate.

If the certificate is revoked, the director ~~regulations administrator~~ shall post notice of the revocation on the premises covered by the certificate which notice shall state that further work as authorized by the certificate shall not proceed unless and until a new certificate is obtained.

Section 18. That the existing Section 3305.051 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3305.051 Fees-Refund.

(A) Unless specifically indicated in the fee schedule, department refund policy or this code, all fees are not refundable.

(B) In the event of a refund, a refund service fee, as indicated in the fee schedule or department refund policy, and any costs for services already provided, shall be deducted from the amount to be refunded.

(C) The eligibility, process, and any required refund fee shall be as indicted in the Department refund policy.

(D) The director may waive the refund fee if he or she finds that the refund is necessary because of an error on the part of a city employee. In the event any refund due is less than the required refund fee, no balance shall be due or returned.

~~A. All zoning fees as enumerated in the fee schedule and administrative services charges as may be adopted are non-refundable except as otherwise denoted in this section.~~

~~B. A refund shall require a refund fee to cover the cost of making the refund and/or costs incurred. This refund fee shall be deducted from any amount to be refunded.~~

~~C. An overpayment equal to or less than the refund fee shall be considered the refund fe and shall be added to the permit fee.~~

~~D. Any refund of a permit application fee submitted for land, which is later determined to be located outside the city is subject to a refund fee.~~

~~E. The director may waive the refund fee upon determination that the refund is necessary due to an error on the part of a city employee.~~

~~F. The director shall not refund a fee upon determination that the refund is necessary due to an error on the part of an applicant.~~

Section 19. That the existing Section 3305.06 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3305.06 Protection of complainant.

~~Any person may file a complaint with the department~~ regulations administrator whenever a violation of this Zoning Code occurs or is alleged to have occurred. The director ~~administrator~~ shall keep the identity of a complainant confidential.

Section 20. That the existing Section 3305.07 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3305.07 Enforcement.

The director, or his or her designee, of the department of development and the director of the department of building and zoning services, or their designees, shall have the power to enforce all provisions of this Zoning Code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification or any use; to restrain, correct or abate such violations; or to prevent occupancy of the unlawful building or structure. Strict liability shall be the standard for enforcement.

Section 21. That the existing Section 3307.08 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3307.08 Variances in general.

Requests for variances from this Zoning Code (except those to be considered by the graphics commission) shall be heard and decided by the city council or the board of zoning adjustment as permitted under the provisions of this chapter.

The ~~department development regulation division~~ shall submit recommendations within such time as provided by rule of the body hearing the request. The ~~department division~~ is authorized to request and receive reports from the various city departments and ~~divisions~~ as to their opinions concerning the effect of any variance on their operation and administration, and to correlate such reports into the ~~department's division's~~ recommendation concerning the variance request.

Section 22. That the existing Section 3307.11 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3307.11 Application for appeals, special permits or variances.

Any application for an appeal, special permit, or variance shall be submitted on a form provided for that purpose and filed with the department ~~in the office of the division~~. Any required fees shall be paid as provided by this Zoning Code or other ordinances of council. Applications may include more than one (1) lot or parcel of land, provided that all such lots or parcels are contiguous to each other and located within the city. For the purpose of this section, lots or parcels separated only by a public highway, street or alley are considered contiguous.

Section 23. That the existing Section 3310.01 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3310.01 Application for amendment.

Any person may apply to city council through the ~~department division~~ for an amendment of the Zoning Map as it relates to a particular property on a form provided for that purpose by the ~~department division~~ and filed in its office with the required fee in accordance with C.C. 3305.05. Such application shall be processed according to the provisions of this chapter. An application may include more than one (1) lot or parcel of land provided that all are contiguous to each other. For the purpose of complying with this section and computing the fee required, lots or parcels separated only by a public street or alley shall be considered as contiguous to each other. The development commission shall review applications for amendment of the Zoning Map and make recommendations thereon to council.

Section 24. That the existing Section 3310.05 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3310.05 Zoning Map amendment.

Each application for amendment of the Zoning Map shall comply with the requirements of this section.

(A) Each application shall be given by attesting to the truth and exactness of the information supplied therein and shall be accompanied by:

- (1) A plot plan or sketch of the subject lot and building, if any, and the immediate vicinity drawn to scale with dimensions;
- (2) A map showing the location of the property within the city;
- (3) A legal description of the subject property;
- (4) An affidavit of the applicant listing the names and addresses as shown on the county engineer's ownership maps, the county auditor's current tax list and the county treasurer's mailing list of all owners of:
 - (a) The property to be rezoned or redistricted;
 - (b) All contiguous property ignoring any intervening public right-of-way per C.C. 3310.01;
 - (c) All property within one hundred twenty-five (125) feet of the exterior boundaries of the property to be rezoned; and
 - (d) Any property within one hundred twenty-five (125) feet of the applicant's property in the event the applicant owns property contiguous to the subject property;
- (5) A statement of the applicant's interest in the proposed rezoning and of the present and proposed zoning classification of the subject premises; and
- (6) Such further information as is reasonable and necessary for proper consideration by the ~~department division~~, the development commission and the city council.

(B) The ~~director administrator~~ is authorized to request and receive reports from various city departments and divisions and other agencies concerned with such amendment as to its probable favorable or unfavorable effect upon their operation and administration, to correlate such reports, and to make a recommendation to the development commission and to city council for or against such amendment. The ~~director administrator~~ shall include in his or her report a statement of the ~~department's division's~~ position and justification for that position based on applicable planning principles and policies.

(C) Before the development commission makes a recommendation to city council concerning such amendment, the ~~department's division's~~ staff shall notify the applicant; all of the owners of the subject property; all of the owners of neighboring property as set out in the applicant's affidavit; and the concerned area commission, if any; of the time and place of the development commission meeting at which such amendment will be considered.

(D) Upon receipt of the development commission's recommendation for or against such amendment and the ~~director's~~ administrator's report, city council shall take such further steps as it deems necessary and appropriate regarding hearings, notices and other matters pertaining to such amendment.

Section 25. That Columbus City Codes, 1959, are hereby supplemented with the enactment of a new section numbered 3310.11, reading as follows:

3310.11 Development commission-Membership-Terms.

The development commission, created as the successor to the city planning commission, shall consist of seven (7) regular members and three (3) alternate members who all shall be citizens of the City of Columbus and who shall, while members of the commission, hold no other salaried public office. The members shall be appointed by the mayor with the approval of council. The three (3) alternate members shall also be appointed by the mayor with the approval of council.

All commission members shall be paid for commission service in accordance with the master salary ordinance. Failure of a regular member to attend seventy-five (75) percent of all regularly scheduled meetings per year, or failure to attend two (2) regularly scheduled meetings in one (1) year without notifying the director or such staff person as designated by the director of that member's inability to attend and the need for an alternate member to take the regular member's place and without an excuse acceptable to a majority of the other members of the commission, shall be cause for the revocation of appointment by the mayor with the approval of council.

Terms of the members shall be three (3) years. The commission shall annually elect from among the regular membership a chairperson and such other officers as may be appropriate, who shall serve in such capacity for one (1) year or until such time as a successor is elected; such duly elected officers may be re-elected for consecutive terms. Members heretofore appointed to the development commission and approved are hereby ratified and confirmed as regular members of the development commission for the balance of the term to which they were originally appointed.

Each alternate member of the development commission shall be on call for all development commission meetings to take the place of a regular member when such regular member cannot attend a meeting. The alternate member shall have all of the powers and responsibilities of the regular member when serving in the place of such regular member.

Section 26. That Columbus City Codes, 1959, are hereby supplemented with the enactment of a new section numbered 3310.13, reading as follows:

3310.13 Functions of development commission.

The development commission shall have all of the powers, authority and duties granted to it by ordinances of council, and by Section 713.02 of the Ohio Revised Code, to the extent that the same are not in conflict with the Columbus City Codes, the Charter, or with ordinances or resolutions heretofore enacted by council. The development commission, in addition to the duties set forth above, shall serve as an advisory body to the Director, and the city council in matters related to the preparation, execution and administration of urban renewal development, rehabilitation and conservation plans.

Section 27. That Columbus City Codes, 1959, are hereby supplemented with the enactment of a new section numbered 3310.15, reading as follows:

3310.15 Duties of development commission relating to zoning.

The development commission shall:

- A. Hold hearings on all applications for rezonings;
- B. Consider all proposals and recommendations for amendments to the official zoning map;
- C. Submit to council the recommendations of the development commission, together with the reasons for such recommendations, in all matters pertaining to applications for rezoning;
- D. Have all of the powers conferred on a planning commission by Sections 713.06 to 713.10 inclusive, of the Ohio Revised Code;
- E. Delegate to the director such of its powers and duties as it deems necessary for the proper administration and enforcement of this Zoning Code; and
- F. Perform such other duties and functions as may be assigned to by this Zoning Code or other ordinances of council.

Section 28. That the existing Section 3311.09 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.09 Approved planned unit development districts registered.

Upon approval of the application for the planned unit development district by city council, or approval of the application to convert a proposed stage to a complete stage as provided in Section 3345.12, including acceptance of plats of dedication of public lands within the same area covered by the planned unit development district, the ~~director~~ administrator shall register a copy of the approved planned unit development district or approval application to convert a proposed stage to a completed stage among the records of the

development department.

Section 29. That the existing Section 3311.12 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.12 Approved commercial planned development district register.

Upon approval of the application for the commercial planned development district by city council, the director administrator shall register a copy of the approved development plan as part of the records of the department.

Section 30. That the existing Section 3311.13 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.13 Subsequent review procedures for a certificate of zoning clearance for construction within a CPD.

The director administrator shall review any applications for a certificate of zoning clearance for any construction within any CPD, commercial planned development district, and shall direct that the certificate of zoning clearance shall be issued if the proposed construction complies with the approved and registered development plan.

If, however, the director administrator determines that the proposed construction does not comply with the approved and registered development plan he shall direct that the certificate of zoning clearance not be issued. The applicant may appeal the determination of the director administrator to the board of zoning adjustment as provided for in Chapter 3307 or make an application for an amendment to a previously established CPD, commercial planned development district, as provided for in Chapter 3310.

Section 31. That the existing Section 3311.16 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.16 Use permit required.

No building permit shall be issued, nor shall any building be constructed or enlarged, nor shall any equipment be installed, nor shall any building or premises be used for any use or purpose, listed in C.C. 3363.01 to 3363.17, 3365.01 to 3365.15 and 3367.01 to 3367.08, both inclusive, and Chapter 3369 unless and until a use permit for such use or purpose in such location shall have been granted or issued by the director administrator.

Section 32. That the existing Section 3311.17 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.17 Application for use permit.

No use permit shall be granted until an application for the same shall have been filed with the department division. The application shall be filed in duplicate, together with such plans and specifications as the director administrator shall consider necessary and adequate to indicate that the use and installation in the particular location and as designed, arranged and to be operated shall be in compliance with this Zoning Code. Additional copies of the application may be required where the director administrator finds such to be necessary to effect an efficient clearance of said applications.

Section 33. That the existing Section 3311.18 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.18 Clearance.

Copies of said application, plans and specifications shall be submitted by the applicant to the department division of building services, to the division of sewerage and drainage, and any other agency considered by the director administrator to be concerned with such use, installation, activity or process (each such agency to receive such plans as are pertinent to its functions).

Section 34. That the existing Section 3311.19 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.19 Approved technical institute.

Where an application for a use permit is for a use, the enlargement of an existing use, or the installation of equipment to an existing use as listed in C.C. 3363.09 to 3363.16, and 3365.09 to 3365.15, both inclusive, for more objectionable uses, the applicant, when deemed necessary by the director administrator, shall submit, at the expense of the applicant, a copy of the aforesaid plans and specifications to a recognized technical institute approved by the director administrator as competent to analyze industrial layouts, developments, installations and processes and the abatement and control of such objectionable noise, vibration, heat, glare, dust, other particulate matter, odor, sewage waste, and/or any other condition as would be injurious, noxious, offensive, objectionable or detrimental to the surrounding neighborhood.

Section 35. That the existing Section 3311.20 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.20 Analysis, report and recommendations.

The approved technical institute stated in C.C. 3311.19 shall make an analysis and report on the proposed location and said plans and said specifications at the expense of the applicant and recommendations by the institute for or against approval of the plans and

specifications by the director administrator or for modification thereof. The report and recommendations shall be submitted to the director administrator.

Section 36. That the existing Section 3311.22 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.22 Action upon application.

Where the application for a use permit, together with the plans and specifications, has been submitted to the department division, to any other municipal agency concerned therewith and to the aforesaid approved technical institute, and where the agencies and the approved technical institute have studied the same, have made the surveys, inspections, analysis, reports and recommendations as required by C.C. 3311.19 and C.C. 3311.20, then the director administrator shall take action thereon as to approval, disapproval or modification of the application. Where the applicant has complied with C.C. 3311.18 to 3311.20 and with this section and the plans, specifications and proposed use comply with the regulations and requirements of this Zoning Code, then the application shall be approved and a use permit shall be granted.

Section 37. That the existing Section 3311.23 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.23 Approval.

Where the director of development has approved the application for a use permit, then a use permit shall be as provided in C.C. 3311.26. Furthermore, where an application is for a permit or for a use or equipment or its enlargement, and complies with the restrictions and qualifications of C.C. 3311.28(a) and/or (b), then the director administrator may follow the procedure specified in C.C. 3311.28, and approve the application without requiring a resolution of approval by the director.

Section 38. That the existing Section 3311.24 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.24 Disapproval.

Where the director administrator has disapproved any application for a use permit, then no use permit shall be issued or granted for such use, activity, building, equipment, enlargement and/or extension thereof.

Section 39. That the existing Section 3311.25 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.25 Modification.

Where the director administrator has taken action to modify the application for a use permit and its accompanying plans and specifications, then any use permit, building permit and any other permit thereafter issued or granted shall be revoked if the applicant or his agent shall violate, refuse to comply with, or fail to comply with at any time with the modifications.

Section 40. That the existing Section 3311.26 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.26 Granting of use permit.

Where an application for a use permit or for a certain use or extension thereof and/or a certain installation or enlargement thereof has been submitted to the department division, processed and approved, then the director administrator or an authorized staff member shall issue or grant a use permit therefor.

Section 41. That the existing Section 3311.28 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.28 Requirements.

(a) Less Objectionable Uses. Where an application for a use permit is for a use or equipment or their enlargement as listed in C.C. 3363.02 to 3363.08, 3365.02 to 3365.08 and 3367.02 to 3367.08, inclusive, for less objectionable uses, such application may be approved and a use permit for same may be granted by the director administrator without further clearance within M-2, M-1 and M-manufacturing districts, provided such use complies with the performance standards and other regulations as required in this Zoning Code; and, further, provided that within an M-2 or M-manufacturing district such use is located not less than twenty-five (25) feet from any residential and apartment residential districts.

(b) More Objectionable Uses. Where an application for a use permit is for a use or equipment or its enlargement as listed in C.C. 3363.09 to 3363.16 and 3365.09 to 3365.15, inclusive, for more objectionable uses, such application may be approved by the director administrator and a use permit may be granted by him; provided, (1) the location of such use or equipment or its enlargement is conclusively shown to be both in an M-1 or M-manufacturing district and within not less than six hundred (600) feet from any residential and apartment residential districts, and, (2) the director administrator has received a report with a favorable recommendation concerning such location, use, equipment and/or enlargement from the aforesaid approved technical institute.

Furthermore, where an application for a use permit is for a use or equipment or its enlargement as listed in C.C. 3363.09 to 3363.16 and 3365.09 to 3365.15, inclusive, for more objectionable uses, and where a survey, analysis, report and recommendations

concerning the proposed location, use, equipment and/or enlargement have been made by the aforesaid approved technical institute, then the director administrator may approve said application; provided the performance standards and other requirements of this Zoning Code are complied with.

(c) Atomic Energy Products and Uses. Where an application for a use permit is for a use or equipment or their enlargement as listed in C.C. 3363.17, such application may be approved by the director administrator and a use permit may be granted as provided by subsection (b) above, provided that a survey, analysis and report and recommendation on such use, equipment, enlargement and its location shall have been made, at the expense of the applicant, by a recognized technical institute approved by the director administrator as required by C.C. 3311.20; and provided, further, such use permit shall be conditional upon further inspections and requirements as provided in C.C. 3311.29.

(d) Excavation and Quarrying. Where an application for a use permit is for a use listed in Chapter 3369, such application may be approved and a use permit may be granted by the director administrator under the following conditions:

- (1) That the use or activity is to be conducted entirely within an EQ excavation and quarrying district;
- (2) That the applicant agrees to pay for such inspection as the director administrator and building inspector may require for appropriate enforcement of the regulations requirements of Chapter 3369 and C.C. 3311.23.

Section 42. That the existing Section 3311.29 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.29 Atomic energy products.

Atomic energy products and uses permitted only in M-manufacturing districts, subject to the provisions of this Zoning Code are:

Manufacture, processing operations with, compounding, packaging, storage or treatment of the following classes of materials or uses, subject to the restrictions of this section:

- Atomic energy materials;
- Fusionable materials;
- Uranium and other fissionable materials.

None of the above activities, operations or uses listed in this section shall be permitted or authorized, nor shall any building permit be issued therefor, unless and until the following have been complied with:

- (a) Submission by applicant of plans and specifications to the development commission in triplicate.
- (b) Submission of one (1) copy of said plans and specifications by the director administrator to a recognized technical institute approved by the director administrator as competent to analyze industrial layouts, developments and processes and the abatement and control of such objectionable noise, vibration, heat, glare, radioactivity, dust, other particulate matter, odor, sewage wastes and/or any other condition as would be injurious, noxious, offensive, objectionable or detrimental to the surrounding neighborhood.
- (c) Analysis and report by the aforesaid technical institute at the expense of the applicant. Said analysis and report shall include recommendations on:

The report and recommendations shall be submitted to the director administrator.

- (1) Location, including recommended minimum distances from residential, apartment residential and commercial districts;
 - (2) Plans and specifications;
 - (3) Approval or disapproval of said plans by the director administrator or for modification thereof.
- (d) Approval, disapproval or modification of said plans and specifications by the director administrator after aforesaid report and recommendations by said approved institute.
- (e) Approval or disapproval by the director administrator of the installation, when made, after an inspection by a representative of the director administrator, together with a representative of said approved institute. In the event of disapproval of said installation, a report shall be made to the director administrator recommending such corrective measures as the inspectors consider necessary to abate, control or eliminate such conditions as they consider objectionable and requiring correction. The director administrator may further refuse to grant approval of said installation until said corrective measures have been made and approved by the director administrator.

Section 43. That the existing Section 3311.31 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.31 Application for zoning clearance.

An application for a certificate of zoning clearance shall be submitted to the director administrator and shall contain the following information in addition to that required by C.C. Sections 3347.05, 3311.41, and 3311.17:

- (a) Four (4) copies of a current survey of the topography of the property with a maximum contour interval of two (2) feet. A smaller contour interval may be required to accurately delimit the floodway and floodway fringe boundaries.
- (b) Four (4) copies of a development plan which shall contain the following information:

The site survey and site plan shall be prepared under the supervision of a professional engineer registered in the state of Ohio. The site survey and site plan must be submitted on base maps of the same scale, which must be a minimum of one (1) inch equals two hundred

(200) feet.

- (1) The location and quantity as to area covered and depths of all proposed fill and excavations;
- (2) The elevations of the lowest floor, including the basement, cellar or crawl space, or all proposed buildings;
- (3) Specifications for building construction and materials and floodproofing procedures as required by C.C. Chapters 4175 and 4175.041.

(c) For development proposed within the floodway, the following additional information may be requested by the director administrator for review by an approved technical institute or other governmental agency as set forth in C.C. 3311.32:

- (1) A representative cross-section of the floodplain perpendicular to the direction of flow, showing the usual channel of the stream and the elevation of land areas adjoining each side of the channel of the stream and the elevation of land areas adjoining each side of the channel within the designated floodplain;
- (2) Photographs of the site topography looking both upstream and downstream from the development site which show the usual channel and adjacent areas within the floodplain;
- (3) The location and description of any floodway obstruction in the vicinity of the site.

Section 44. That the existing Section 3311.32 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.32 Review by an approved technical institute or governmental agency.

Where an application for a zoning clearance is for a new structure or an enlargement of an existing structure in the floodway, the director administrator, when necessary, may submit a copy of the accompanying site plan and specifications to a technical institute or other governmental agency approved by the director administrator as competent to analyze and evaluate the impact of the proposed structures on the floodway. The technical institute or governmental agency shall make an analysis and report on the increase in the flood stage as a result of the proposed structures and means by which the impact of the structure could be minimized as set forth in Section 3385.08. Where there is a fee required by the aforementioned technical institute or governmental agency, the analysis and report shall be made at the expense of the applicant. The report and recommendations for or against approval of the site plans and specifications or for modifications thereof shall be submitted to the director administrator.

4That the existing Section 331.33 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3311.33 Action on application.

The director administrator shall accept all properly prepared applications for zoning clearances. The director administrator shall investigate all complaints, give notice of violations, and enforce the provisions of Chapter 3385 and Sections 3311.31 through 3311.33. The director administrator shall request from the building inspector a review of site plans submitted with all applications to determine whether proposed structures comply with the provisions of C.C. Chapters 4175 and 4175.041. After having received the approval of the building inspector, and the recommendations of the technical institute when applicable, if the director administrator finds that the proposed work or construction meets the requirements of Chapter 3385 and Sections 3311.31 through 3311.33 and other zoning regulations for the district in which it is located, then he shall indicate his or her approval upon a certificate of zoning clearance.

Section 46. That the existing Section 3332.18 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3332.18 Basis of computing area.

Area shall be computed based on the following guidelines:

- (A) That portion of a corner lot in excess of seventy-two hundred (7,200) square feet and most distant from the intersecting street abutting the longest dimension of such corner lot shall be considered as an interior lot.
- (B) A lot shall be deemed to extend to the center of any alley adjoining the rear lot line or side lot line of such lot. A lot adjoining alleys on more than one (1) side shall be deemed to extend to the center of only one (1) such alley.
- (C) In an SR, R-1, R-2, R-3, R-2F, R-4 or MHD area district, if the depth of a lot is more than three (3) times the width of such lot, a depth of only three (3) times such width shall be used in computing density.
- (D) No dwelling hereafter erected shall occupy alone or together with any other building greater than fifty (50) percent of the lot area; nor shall any manufactured home hereafter erected occupy alone or together with any building greater than fifty (50) percent of the lot area.
- (E) A multiple-dwelling development, as defined in Chapter 3303, C.C., shall be allowed only in an R-4 area district and shall be on a single lot of twenty thousand (20,000) square feet or more in area and under one (1) control. The required minimum lot area per dwelling unit may be calculated utilizing the area of the entire development, including community open spaces, parking spaces, and drives other than public streets, which are within the same lot and accessible to all occupants of the entire development, as well as the private individual space accessible directly to an individual building, but excluding any area dedicated to an individual building, but excluding any area dedicated for public purposes. All street and alley arrangements shall be subject to approval by the director building-services administrator after consultation with the director of public service and/or their designee.

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

Section 47. That the existing Section 3332.19 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3332.19 Fronting.

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

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

Section 48. That the existing Section 3332.195 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3332.195 Building design in a manufactured home development district.

Each dwelling, manufactured home or principal building in a manufactured home development district shall be designed to meet the following criteria:

1. Its minimum width shall be at least twenty (20) feet for at least fifty (50) percent of its length and its minimum length shall be at least twenty (20) feet for at least fifty (50) percent of its width.
2. It shall contain either a basement of at least two hundred eighty-eight (288) square feet, a garage of at least two hundred eighty-eight (288) square feet, or a permanently constructed storage building containing at least one hundred (100) square feet and attached to a permanent continuous foundation in accordance with Chapter 4177, C.C. Each garage or storage building shall be designed to be compatible with the principal building or manufactured home. The director administrator shall determine whether a design is compatible.
3. All roofs shall be double pitched at least three (3) feet vertical for twelve (12) feet horizontal or greater and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt, composition or fiberglass shingles but excluding corrugated aluminum, corrugated fiberglass or metal roofing.
4. The exterior siding shall have a dull finish, not a high-gloss finish, and shall be residential in appearance, including, but not limited to: brick, stone, stucco, clapboard, simulated clapboard such as conventional vinyl or metal siding, wood shingles, shakes, or similar material; but excluding smooth, ribbed or corrugated metal or plastic panels.
5. Each dwelling, principal building or manufactured home shall be designed so that it has a front entrance and front facade facing upon a public street.

Section 49. That the existing Section 3332.36 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3332.36 Child day care.

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

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

Section 50. That the existing Section 3333.06 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3333.06 Child day care.

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

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

Section 51. That the existing Section 3333.07 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3333.07 Licensing and integration.

A. Uses are subject to all city ordinances, rules and regulations including but not limited to Title 41 ~~Titles 41 and 43~~ of the city codes, entitled the Building Code, and may be subject to Title 45, the Housing Code.

B. The term "residential care facility" as used in this section means a residential care facility licensed by the state of Ohio.

C. Each owner of any use such as, but not limited to, a boarding home, home for the aging, nursing home, rest home, rooming house, residential care facility, or shared living facility regulated by a federal, state or local agency which requires it to be licensed or certified thereby shall prior to occupancy and continuously thereafter obtain and display said license or certificate together with any renewal thereof upon the premises and provide a copy of same to:

1. The ~~neighborhood services division~~ of the department of development; and
2. The board of health;

upon issuance and thereafter upon each renewal. As soon as one (1) owner provides such copies any remaining co-owners of the same use are excused from so doing until the next submission is due.

D. In the same manner each owner shall obtain a rooming house license if so required by Title 45, C.C.

E. In order to promote the benefits of normal residential surroundings for the beneficiaries of residential care facilities and in order to promote the goal of deinstitutionalization and to foster integration of said beneficiaries into the mainstream of society, no residential care facility shall be located within one thousand, three hundred twenty (1,320) feet of any other residential care facility.

Exception: Any residential care facility which is in conformity with the city codes prior to enactment of this section shall upon enactment become a non-conforming use.

F. The board of zoning adjustment may issue a special permit to allow a residential care facility to locate within one thousand, three hundred twenty (1,320) feet of another residential care facility upon a finding that:

1. The future residents of said facility will benefit from normal residential surroundings; and
2. The placement within one thousand, three hundred twenty (1,320) feet of another residential care facility does not hinder the goal of deinstitutionalization; and
3. The placement of the residential care facility furthers the goal of integrating the future residents into the mainstream of society; and
4. A hardship exists in that suitable housing is unavailable elsewhere in the community that meets the one thousand, three hundred twenty (1,320) foot spacing requirement.

Section 52. That the existing Section 3333.15 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3333.15 Basis of computing area.

Area shall be computed based on the following guidelines:

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

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

(c) No residence building hereafter erected shall occupy alone or together with any other building greater than fifty (50) percent of the lot area.

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

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

Section 53. That the existing Section 3333.16 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3333.16 Fronting.

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

However, those dwellings containing three (3) or more dwelling units located in a multiple-dwelling development, as defined in Chapter 3303, C.C., or apartment houses located in an apartment complex, as defined in Chapter 3303, C.C., may front upon a

private street if such plan is approved by the ~~director building services administrator~~ with the director of public service and/or their designee. Such buildings shall be subject to all regulations pertaining to building lines of both fronting and side streets and corner lot requirements.

Section 54. That the existing Section 3333.33 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3333.33 Child day care as accessory use.

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

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

Section 55. That the existing Section 3333.39 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3333.39 Conflicting provisions.

Upon receipt of a proper application for clearance for town house development, the ~~director regulations administrator~~ shall first apply the standards of C.C. 3333.36 through C.C. 3333.41, inclusive, which shall take precedence over any conflicting provision of the standards contained in C.C. 3333.01 through 3333.35, inclusive, to determine compliance with the Zoning Code.

Section 56. That the existing Section 3333.41 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3333.41 Standards.

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

- (a) Only new construction on a site of no less than one (1) acre, in an apartment residential district, comprising a subdivision of record shall be considered for town house development.
- (b) Density shall not exceed twelve (12) town houses per acre of land.
- (c) The maximum number of town houses permitted in any row shall be eight (8); the minimum shall be three (3). No detached dwelling unit shall be constructed in a town house development.
- (d) A town house together with accessory buildings, if any, shall occupy no more than fifty-five (55) percent of the lot area and at least twenty (20) percent of the lot area (in addition to the front setback area) shall be reserved for private open space.
- (e) The minimum width of a town house lot shall be fifteen (15) feet.
- (f) The minimum area of a town house lot shall be one thousand five hundred (1,500) square feet.
- (g) No minimum depth shall be required of a town house lot.
- (h) Each town house lot shall have a minimum of fifteen (15) feet of frontage on a dedicated public street except that those lots which are separated from a street only by common space shall have a minimum of fifteen (15) feet of frontage on such common space.
- (i) A side yard, required only at each end of a row, shall be no less than seven and one-half (7½) feet wide.
- (j) A building line shall be established no less than twenty-five (25) feet from the front lot line irrespective of the orientation of the building.
- (k) A building line shall be established no less than ten (10) feet from the rear lot line or the centerline of an alley, as the case may be, irrespective of building orientation.
- (l) Unobstructed, permanent access of at least ten (10) feet in width shall be provided to both the front and rear of each town house lot and between rows of four (4) or more town houses for emergency use, fire protection and maintenance.
- (m) Hard-surfaced parking spaces of regulation size and of material approved by the director of public service and/or their designee shall be provided for each town house as follows:
Except that where two (2) parking spaces of regulation size are provided on the rear of each lot, and the street upon which the row fronts is not utilized in any manner for required parking: only two (2) parking spaces shall be required per town house.
 - (1) Two (2) spaces per unit shall be located on or adjacent to the lot to be served thereby.
 - (2) An additional one-half (½) space per unit shall be located no farther than two hundred (200) feet from the town house to be served thereby.
- (n) Parking spaces may be provided perpendicular to and immediately adjacent to the right-of-way only if such parking is:

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

- (1) Within common space adjacent to:
 - (A) A cul-de-sac or dead end street providing access to no more than sixty-two (62) dwelling units; or
 - (B) A local residential street providing access to no more than one hundred twenty-five (125) dwelling units, and discouraging through traffic thereon; or
 - (C) An alley or roadway provided each lot served thereby fronts upon a street; or
- (2) Within the rear of a private lot adjacent to an alley or roadway provided each such lot fronts upon a street. Perpendicular parking provided pursuant to (1)(A) or (B) above, shall be no closer than one hundred (100) feet to the right-of-way line of any local street or collector, or two hundred (200) feet to the right-of-way line of any arterial. The conditions of this paragraph shall not apply to a wholly internal local street servicing the town house development.
- (o) Single or tandem parking spaces may be provided within the front setback of a lot which fronts upon:
 - (1) a cul-de-sac or dead-end street providing access to no more than sixty-two (62) dwelling units; or
 - (2) a local residential street providing access to no more than one hundred twenty-five (125) dwelling units, and discouraging through traffic thereon.
- (p) Adjacent to all parking spaces other than those in a garage or in a driveway serving no more than two (2) town houses, curbs shall be installed separating such parking spaces from any common area, sidewalk, bikeway, walkway, or setback in accordance with specifications on file in the department of public service offices for curbs installed within the public right-of-way.
- (q) No portion of a parking space shall overlap any portion of the sidewalk or shared-use path.
- (r) Continuous sidewalks or shared-use paths no less than four (4) feet in width and located no closer than three (3) feet to any curb, except for access to the street, shall be provided in accordance with city specifications on file in the department of public service offices except that such sidewalks may be located within twenty-five (25) feet of the right-of-way affording principal access to any town house where common space for parking is provided between the property line and the street.
- (s) Where four (4) or more perpendicular parking spaces are positioned immediately adjacent to the street and to each other, the public or common sidewalk or shared-use path shall be installed between such parking and the row it serves to promote safety and to discourage pedestrian traffic at the rear of parked vehicles.
- (t) Common open space exclusive of any common area devoted to parking, sidewalks, shared-use paths or vehicular circulation shall be provided at a rate of four hundred (400) square feet per town house.
- (u) All access to parking spaces and open spaces shall be held in common ownership by the homeowners' association or dedicated to the city when determined necessary by the director administrator.

Section 57. That the existing Section 3342.01 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3342.01 Purpose.

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

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

Section 58. That the existing Section 3342.17 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3342.17 Parking lot screening.

For purposes of this section, "affected residential owner" shall mean any owner of residentially zoned property whose boundary lies within eighty (80) feet of the perimeter of a parking lot; and "parking lot" shall include any parking driveway thereto.

a. Parking Lot Screening Required. Any portion of a parking lot located within eighty (80) feet of residentially zoned property shall be screened, as hereinafter set forth, on the perimeter affecting same. The portion of such perimeter, if any, lying between the street right-

of-way line and the parking setback line shall be excluded from screening requirements.

b. Screening Indicated on Site Plan. Screening required by this section shall be indicated on the original site plan filed to obtain a certificate of zoning clearance for any parking lot. Parking lot screening shall be provided to reduce headlight glare and to visually screen a parking lot from any residentially zoned property within eighty (80) feet thereof. Such parking lot screening shall be installed in accordance with the site plan and this section except when a limited waiver as set forth in subsection (d) hereof is in effect. For such express exceptions screening requirements shall be temporarily waived.

c. Standards. Parking lot screening shall conform to the following standards:

1. Screening shall consist of a fence, landscaped earth mound of suitable slope, wall, planting or combination thereof installed, repaired, replaced and maintained to a total height of no less than five (5) feet above the parking lot grade and to an opacity of not less than seventy-five (75) percent.
2. Screening shall be installed and maintained in a neat and orderly manner.
3. Screening shall be reasonably uniform in height and opacity along its entire length, provided, however, that screening is not required within one (1) foot of the ground.
4. The percentage of opacity shall be determined by measurement of any square foot of the vertical surface of the screening from a point perpendicular thereto. Permissibly open area shall not be included in the opacity determination.
5. When screening of live plants is installed, alone or in combination with other materials, the plants shall:
 - (a) Be selected for year-round dense foliage adequate to shade residences from headlight glare;
 - (b) Be selected to achieve the height and density specified in (b) above within three (3) years of installation;
 - (c) Be matured to a minimum height of three (3) feet at the time of installation; and
 - (d) Be maintained in a healthy, live state and replaced as needed to comply with the original site plan and the specifications and standards herein set forth.

d. Limited Waiver Agreement. The requirements for installation of parking lot screening may be temporarily waived when all affected residential owners agree with the parking lot owner that such screening is neither necessary nor desirable. The department ~~division~~ shall recognize such agreement upon receipt of an appropriate affidavit.

e. Affidavit. Any parking lot owner who has a limited waiver agreement with all affected residential owners shall notify the department ~~division~~ of such agreement by affidavit on a form prescribed by the director ~~administrator~~.

f. Cancellation of Agreement. The limited waiver agreement, however, shall be cancelable upon thirty (30) days notice to the parking lot owner by any affected residential owner. Within thirty (30) days of receipt of such notice, the parking lot owner shall install screening in conformity to this section, enter a new agreement with all affected residential owners, or apply for a variance. Any such parking lot owner failing to so act shall be in violation of the Zoning Code.

g. Exemptions. No screening shall be required for any parking lot not specifically provided for in this section or for a parking lot effectively screened to this section's standards and specifications by existing natural or artificial barriers. A parking lot need not be screened from the use it serves.

Section 59. That the existing Section 3342.21 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3342.21 Parking space for a small car.

Excess parking over and above the minimum required by this chapter may be designed to accommodate small cars. The design and placement of each space shall be reviewed and approved by the Department of Public Service ~~Division of Traffic Services~~ prior to approval by this department ~~Division~~.

Section 60. That the existing Section 3345.07 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3345.07 Contents of application for establishment of PUD.

An application or petition for a Zoning Map amendment to establish a planned unit development district at a particular location or to amend the regulations applicable to a previously established planned unit development district shall contain or be accompanied by:

- (a) A vicinity map showing dedicated streets, easements and lots and showing the location of the perimeter boundary of the area included in the application;
- (b) A topographic survey of all land within the proposed district showing five (5) -foot contours or less as required by the director ~~administrator~~ to delineate the character of land, in whole or part, within the proposed district;
- (c) A boundary survey and a boundary map with a point of reference to the intersection of two (2) public rights-of-way;
- (d) Except as otherwise allowed in subsection (i) herein, a site plan signed by the applicant(s) showing all the following information: the locations and boundaries of the density classification of each part of the planned unit development district as set forth in Section 3345.03; the locations of all land uses present and proposed, all information required in Section 3345.11 pertaining to lots; the location of proposed buildings, including the height and number of floors of any building over thirty-five (35) feet in height; as an alternate, building location required in this section for any lots proposed in the site plan, minimum building setbacks from district and proposed lot boundaries and from adjacent streets; location of all public lands

to be dedicated; and building and housing types described to be located throughout all parts of the plan as listed in Section 3345.04, Permitted uses;

(e) Except as otherwise allowed in subsection (i) herein or Section 3345.10, separate plans at appropriate smaller scale signed by the applicant(s) for each type of housing group or cluster to be built in the first stage, showing the information required in (d) above;

(f) A statement of the proposed average density including the proposed average density for each proposed state total number of dwelling units to be contained in the planned unit development district and in each part thereof, where applicable, total tract size, and total land area of dedicated right-of-way;

(g) The application may contain more detailed representations regarding the location or use of streets and buildings. If the application does contain such representations, they shall be binding on the applicant;

(h) The application must be accompanied by an affidavit of the petitioner listing the names and addresses of all persons to receive notice as required by C.C. 3310.05(a);

(i) Site plans submitted with the application for the planned unit development district to be developed later in proposed stages as provided in Section 335.12 need not show proposed locations of buildings nor any building requirement of Section 3345.07(e).

Preliminary site plans or schematic plans for housing groups or clusters that may be developed later in proposed stages may be included with the original application for the planned unit development district or in previously submitted stages as provided in Section 3345.12. However, in the application for conversion of a proposed stage to a completed stage within which preliminary site plans or schematic plans had been submitted such plans shall be submitted in final form as provided in Section 3345.12. Conversion of proposed stages to completed stages as provided in Section 3345.12, shall require all other information on site plans otherwise exempted by this subsection at the time of submission of the application to convert the proposed stage to a complete stage.

Section 61. That the existing Section 3345.08 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3345.08 Performance criteria.

(a) All structures in this district including signs shall not exceed thirty-five (35) feet in height. Church steeples and bell towers as part of the construction of a church are exempted from this requirement.

(b) Buffer Space. Yards and setbacks of the perimeter of a planned unit development district shall be in substantial compliance with yard and setback standards applicable in other zoning districts in which comparable land uses are commonly found. The director administrator may approve lesser yards or setbacks containing physical or natural barriers in lieu of such yard and setback standards.

(c) Building Location. The location of buildings in relation to each other and to streets shall provide:

(1) Adequate light and ventilation to protect the health of the occupants and users thereof;

(2) Necessary access for fire equipment and other emergency vehicles;

(3) A reasonable degree of privacy for the residents and occupants of the development.

(d) Traditional Yard. Whenever any nonresidential use is established in this district on a lot shown or proposed within the site plan which adjoins any other lot shown or proposed to be residentially developed within the site plan within the planned unit development district or any lot located in any R or AR district, a transitional yard shall be provided on such lot by the nonresidential use along such common boundary to a depth of ten (10) feet, and screening shall be provided within such yard which shall be sufficient to insulate visually the nonresidential use from the residential property, such transitional yard shall be landscaped and shall not contain any principal or accessory structures or any parking lot or driveway.

Section 62. That the existing Section 3345.10 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3345.10 Cluster design of housing groups.

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

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

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

Section 63. That the existing Section 3345.12 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3345.12 Partial development of planned unit development districts.

- (a) A planned unit development may be developed in stages. Plans for proposed stages need not include building locations, design of clusters, or location and design of driveways, parking areas, sidewalks or landscaping.
- (b) Proposed stages shall be identified on the site plan for the entire planned unit development district with a traverse boundary shown to include each proposed stage on the application, with each proposed stage clearly marked "proposed stage" on the face of the plan within the area included in each proposed stage.
- (c) In all proposed stages, location of streets, public lands, and lots shall be shown to scale. Lots shown in proposed stage need not be separate lots of proposed ownership or record required in Section 3345.11; clusters included in proposed stages need only be shown as one (1) lot, however, when proposed stages are converted to a completed stage, all lots of proposed ownership or record shall be shown as provided in this chapter.
- (d) Prior to beginning development of any portion of a rezoning application approved by council as a proposed stage, applicants shall submit all information required for complete stages. A stage shall be at least twenty (20) contiguous acres in size. The last proposed stage remaining in the area, which is less than twenty (20) acres in size, or any planned unit development district smaller than twenty (20) acres in size shall be considered in its entirety as one (1) stage. The ~~director administrator~~ shall review site plans submitted for converting proposed stages to completed stages and shall approve the site plans conforming with the information shown in the originally approved proposed stage. Approval of site plans of a proposed stage submitted to provide a complete stage shall be by the ~~director administrator~~; no certificate of zoning clearance shall be approved for any completed stage until all public lands have been dedicated and accepted.
- (e) No certificate of zoning clearance shall be approved for any land included in any proposed stage. Applications including proposed stages shall contain a statement on the face of the site plan that no certificate of zoning clearance shall be granted until the conditions and procedures of Section 3345.12(d) have been complied with for such proposed stages.

Section 64. That the existing Section 3345.155 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3345.155 Child day care.

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

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

Section 65. That the existing Section 3347.03 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3347.03 Contents of application.

An application or petition for a Zoning Map amendment to establish a planned community district at a particular location or to amend the regulations and comprehensive plan applicable to a previously established planned community district shall contain or be accompanied by a comprehensive plan consisting of:

- (a) A map showing the location of the property within the city;
- (b) A topographic survey of all land within the proposed district showing ten (10) foot contours or less as required by the ~~director administrator~~ to delineate the character of land, in whole or part, within the proposed district;
- (c) A boundary survey or legal description;
- (d) A map showing the existing land use and approximate location of buildings on the property and all adjoining property, including property across streets or highways;
- (e) A development plan which may consist of various maps, signed by the applicant(s) showing:
 - (1) The approximate proposed location of all streets, sewers, water mains and other utility transmission facilities. Such location may be shown in the form of corridors five hundred (500) feet or less in width,
 - (2) The approximate location and size in acres of any land to be devoted to non-residential use, including land to be devoted to schools or active recreation, but not including land to be devoted to residential parking or other uses accessory to residential uses,
 - (3) A statement of the maximum number of dwelling units to be contained in the proposed district;

(f) If the proposed district is to be developed in stages, the development plan shall divide the proposed district into sections each constituting one (1) proposed stage of development, and shall number such stages in order of the proposed development. If development is all to commence at once, the entire development shall be deemed a single stage for the purposes of this section. For each stage the application shall contain:

- (1) A statement of the maximum number of dwelling units to be contained in such stage,
- (2) A statement of the maximum number of dwelling units of each of the following classes of buildings to be constructed in such stage:
 - (A) Single-family dwellings,
 - (B) Other residences in buildings less than five (5) stories in height,
 - (C) Residences in buildings five (5) or more stories in height,

(3) The proposed date for commencement of development of the stage;

(g) If requested by the director administrator or by the city council, or if desired by the applicant, the application may contain more detailed representations regarding the location or use of streets and buildings. If the application does contain such representations they shall be binding on the applicant as provided in C.C. 3347.07(d);

(h) The application must be accompanied by an affidavit of the petitioner listing the names and addresses of all persons to receive notice as required by C.C. 3310.05(a).

Section 66. That the existing Section 3347.04 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3347.04 Performance criteria.

(a) Density. The overall residential density within any planned community district shall not exceed fourteen (14) units per gross acre of land in the district.

(b) Height. In order to insure compatibility with surrounding neighborhoods, no building or structure in any planned community district shall exceed the heights specified as follows:

(1) In any part of the planned community district located within three hundred (300) feet horizontally of one (1) of the height districts set forth in C.C. 3309.14 or 3309.141, no building or structure shall exceed the height permitted in such district. For land located within three hundred (300) feet horizontally of two (2) or more height districts, the lowest height restrictions shall apply;

(2) In any part of the planned community district not subject to the previous paragraph, no building or structure shall exceed two hundred (200) feet in height.

(c) Buffer Space.

(1) No building, structure or use shall be permitted in the land along the perimeter of any planned community district allowing any use or activity significantly detrimental to or incompatible with the uses permitted by zoning of property adjacent to the planned community district. Land along the perimeter that complies with yard and setback standards applicable in other zoning districts in which comparable land uses are commonly found shall be presumed to be in compliance with the above standards. In addition, the director administrator may approve lesser yards or setbacks containing appropriate physical or natural barriers such as, but not limited to, fences, screening or topography of steep gradient, if he finds they are in substantial compliance with the above standards; and

(2) All land within a planned community district is within ten (10) feet of any land in a district in which residences are permitted shall be devoted to lawns, landscaping, screening, fencing, shrubbery or other similar uses.

(d) Building Location.

The location of buildings and structures in relation to each other and to streets shall provide:

- (1) Adequate light and ventilation to protect the health of the occupants and users thereof;
- (2) Necessary access for fire equipment and other emergency vehicles;
- (3) A reasonable degree of privacy for the residents and occupants of the development.

Site plans that comply with yard and setback standards applicable in other zoning districts in which comparable land uses are commonly found shall be presumed to be in compliance with the above standards. In addition, the director administrator may approve other site plans containing deviations if it is found ~~he finds~~ that they are in substantial compliance with the above standards.

Section 67. That the existing Section 3347.07 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3347.07 Permits for staged development.

Within a planned community district no buildings shall be erected, constructed, altered or enlarged, except upon the issuance of a certificate of zoning clearance by the director administrator for each particular stage in which the development is proposed. An application for a certificate of zoning clearance shall be submitted to the director administrator for approval, containing, in addition to all the information required by C.C. Sections 3347.03, 3311.41, 3311.17, the exact location of all utility easements. No such application shall be approved unless:

- (a) It is filed within four (4) years of the date of the Zoning Map amendment creating the planned community district, or within four (4) years of the date which was indicated for development of the particular stage in the application filed prior to such amendment as required by C.C. Section 3347.03(f), whichever later occurs; failure to meet this qualification beyond the latest time allowed herein shall require the development commission to hold a hearing to ascertain the reasons for failure to meet this qualification and therewith the commission shall recommend an extension of time of stated duration or shall direct the director administrator to file an application for rezoning the property;
- (b) The development conforms to the stage identified on development plans submitted pursuant to Section 3347.03(f) provided, however, that a different numbered stage may be substituted for the one required by the schedule contained on the development plan, if the substitution of the stage will not disrupt the development of the streets and utilities and will preserve development of the district in accord with the comprehensive plan filed by the applicant pursuant to C.C. Section 3347.03. Where a substitution is made the stage substituted shall assume the number and date of the commencement of the stage which has assumed its position on the schedule;
- (c) The development proposed in the application meets all the requirements of C.C. Sections 3347.02 and 3347.04;
- (d) The development proposed in the application is in full and substantial compliance with the representations made in the Zoning Map amendment creating the planned community district; provided, however, that if seventy-five (75) percent of the separate linear lengths of streets, sewer mains, and water mains in the stage are located within the corridors shown in the Zoning Map amendment creating the planned community district, such sewer mains, water mains, and streets shall be deemed to be in compliance in regard to location;
- (e) At least five (5) percent of the maximum number of dwelling units proposed for the entire district pursuant to C.C. Section 3347.03(f) have been initiated and completed in the first two (2) stages; and
- (f) The development of the proposed stage shall not cause the residential density of the portion of the district which will have been developed upon completion of the proposed stage to exceed seventeen and one-half (17-½) dwelling units per gross acre, and in no case shall the overall density of the planned community district exceed fourteen (14) units per gross acre upon completion of the project.

Section 68. That the existing Section 3347.115 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3347.115 Child day care.

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

- (a) A center shall be associated with a school or church and be established in a building occupied by the principal use; or be constructed as an integral part of a new apartment complex during its construction; and
- (b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The director building services administrator shall consult with the director of public service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

Section 69. That the existing Section 3349.03 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3349.03 Permitted uses.

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

- (a) Apothecary (limited to the sale of pharmaceuticals and medical supplies);
- (b) Church;
- (c) Clinic, dental or medical;
- (d) Electric substation;
- (e) Fire station;
- (f) Funeral home;
- (g) Gas regulator station;
- (h) Laboratory, dental or medical;
- (i) Library (public);
- (j) Museum (public);
- (k) Optician;
- (l) Police station;
- (m) Post office;
- (n) Telephone exchange;

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

Section 70. That the existing Section 3349.035 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3349.035 Licensing.

A. Uses are subject to all city ordinances, rules, and regulations including but not limited to Title 41 ~~Titles 41 and 43~~ of the city codes, entitled the Building Code, and may be subject to Title 45, the Housing Code.

B. Each owner of any use such as, but not limited to, a boarding home, home for the aging, nursing home, rest home, rooming house, residential care facility, or shared living facility regulated by a federal, state or local agency which requires it to be licensed or certified thereby shall prior to occupancy and continuously thereafter obtain and display said license or certificate together with any renewal thereof upon the promises and provide a copy of same to:

1. The ~~neighborhood services division~~ of the department of development; and
2. The board of health;

upon issuance and thereafter upon each renewal. As soon as one (1) owner provides such copies any remaining co-owners of the same use are excused until the next submission is due.

C. In the same manner each owner shall obtain a rooming house license if so required by Title 45, C.C.

Section 71. That the existing Section 3353.05 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3353.05 C-2 district development limitations.

A. Adult and child day care center shall provide a transportation plan submitted as part of the zoning clearance application. The plan shall include a description of the loading and unloading, parking and traffic circulation areas. The Director of the department of public services or designee shall review the transportation plan, and may approve, modify, or disapprove the plan for safety reasons.

B. Dwelling units only when located above uses permitted in this district.

C. Monopole telecommunication antennas require a special permit before being erected on any property or parcel listed on the Columbus Register of Historic Properties or that is included in an architectural review commission area.

D. The following standards for monopole telecommunication antennas apply:

1. A certificate of zoning clearance may be issued only after the following conditions have been met:
 - a. Affidavits have been submitted by the applicant and placed on file with the ~~director~~ Administrator attesting to the lack of any reasonable alternative, including collocation and concealment, to the construction of the monopole antenna as well as documentation of this finding;
 - b. Affidavits have been submitted by the applicant and placed on file with the ~~director~~ Administrator attesting to the owner's willingness to allow other entities to rent or lease space for additional antennas on the monopole antenna for commercially reasonable terms.
2. The base of all monopole telecommunication antenna sites and associated support structures shall be screened and buffered and may be enclosed by a security fence. The buffer shall contain hedges or other plants that provide a 5 foot high, 75 percent opaque screen. Existing vegetation and topography can be used as part of this screening.
3. At no time shall any monopole telecommunication antenna have affixed or attached to it in any way any lights, reflectors, signs, banners, graphics, or other illumination device, except as required by the Federal Aviation Administration or the Federal Communications ~~Communication~~ Commission. All exterior finishes shall be, unless otherwise required, neutral gray in color.
4. The base of all monopole telecommunication antenna sites and associated support structures shall be set back 200 percent of the total height of the antenna from all residentially zoned districts. All support structures shall meet district setbacks.

5. Monopole telecommunication antennas are exempt from C.C. 3342.28 and C.C. 3309.14 up to a maximum height of:
 - a. 100 feet if built for one (1) or more providers;
 - b. 150 feet if built for two (2) or more providers.

6. Within 180 days of the termination of use of the monopole telecommunication antenna, the monopole telecommunication antenna and all associated structures and buildings shall be removed from the site or will be declared a nuisance as per C.C. 4107.

E. A rooftop telecommunication installation for receiving or transmitting wireless telecommunications may be erected on any existing legal structure 50 feet or more in height provided that it is in accordance with C.C. 3309.142(C).

F. Veterinarians in this zoning district are limited to small animal practice and shall not provide long-term boarding, no kenneling, and no outside runs or stables. (Also see the C-4 district)

Section 72. That the existing Section 3356.11 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3356.11 C-4 district setback lines.

A. Building setback lines in the C-4 district shall be measured from street right-of-way lines and the requirements shall not be less than specified setback and apply in descending order as follows:

1. That distance specified if the site is subject to an ordinance, overlay, plat, or variance.
2. That distance equal to one-half the right-of-way as denoted on the Columbus Thoroughfare Plan (CTP) if the site abuts a designated CTP street unless buildings exist on both abutting parcels at less than a 25 foot setback, then the setback would be no less than the distance equal to the average of the building setbacks on both abutting parcels (For corner lots with either or both lot frontages are less than 65 feet, the setback shall be as shown below for corner lots).
3. If the site does not abut a designated CTP street, the setback shall be no less than 25 feet, unless buildings exist on both abutting parcels at less than a 25 foot setback, then the setback would be no less than the distance equal to the average of the building setbacks on both abutting parcels (For corner lots with either or both lot frontages are less than 65 feet, the setback shall be as shown below for corner lots).
4. For corner lots where none of the above apply and either or both lot frontages are less than 65 feet, the setback along the shortest frontage shall not be less than the setback of the nearest building on an abutting parcel if less than 25 feet or no less than 25 feet if no building exists and shall be no less than 10 feet along the longest street frontage.

In instances of conflict, the most restrictive building setback applies.

B. All structures except graphics shall be setback behind the building line unless otherwise permitted elsewhere on site by an overlay or other provisions of this Zoning Code.

C. Graphic setbacks shall be in compliance with provisions of Article XV of this Zoning Code, unless specified in an overlay or area of special graphics control.

Section 73. That the existing Section 3357.01 of the Columbus City Codes. 1959, 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. Automobile service stations;
2. Carry-outs;
3. Car washes;
4. Drive-ins;
5. Establishments serving food or beverages to customers in their automobiles;
6. Fast-food business;
7. Billboards, subject to the provisions of Chapter 3378, C.C.

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

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

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

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

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

the following additional provisions:

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

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

F. In any C-5 commercial district, provisions shall be made for access, and off-street parking and loading facilities as required by C.C. Sections 3357.08 through 3357.10.

G. For any proposed new use or enlargement of an existing one in a C-5 commercial district, sufficient copies of the site plan for a zoning clearance shall be submitted to enable the department ~~division~~ to refer such site plans to various other city departments and divisions as appropriate for their review and recommendations.

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

1. The location of all curb cuts and traffic flow patterns shall required the approval and a permit from the department of public service prior to any curb being cut or any driveway being installed.
2. Any use, such as a car wash, that could cause a drainage problem, shall require the approval of the division of sewerage and drainage, and such uses may be required to install storm sewers as required to alleviate the problem.
3. Any use, such as a fast-food business, that could cause a traffic congestion problem shall require approval of the department of public service, and such use 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 department of public health ~~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 74. That the existing Section 3357.015 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3357.015 Telecommunication antennas.

A. Monopole telecommunication antennas are permitted uses in the C-5 commercial district except in the following locations, where a special permit is required:

1. Any property or parcel listed on the National Register of Historic Places, the Columbus Register of Historic Properties, or that is included in an architectural review commission area.

B. The following standards for monopole telecommunication antennas shall apply:

1. A certificate of zoning clearance shall be issued only after the following conditions have been met:
 - a. Affidavits have been submitted by the applicant and placed on file with the director ~~administrator~~ attesting to the lack of any reasonable alternative, including collocation and concealment, to the construction of the monopole antenna as well as documentation of this finding;
 - b. Affidavits have been submitted by the applicant and been placed on file with the director ~~administrator~~ attesting to the owner's willingness to allow other entities to rent or lease space for additional antennas on the monopole antenna for commercially reasonable terms.
2. The base of all monopole telecommunication antenna sites and associated support structures shall be screened and buffered and may be enclosed by a security fence. The buffer shall contain hedges or other plants that provide a five (5) foot high, seventy-five (75) percent opaque screen. Existing vegetation and topography can be used as part of this screening.
3. At no time shall any monopole telecommunication antenna have affixed or attached to it in any way any lights, reflectors, signs, banners, graphics, or other illumination device, except as required by the Federal Aviation Administration or the Federal Communications ~~Communication~~ Commission. All exterior finishes shall be, unless otherwise required, neutral grey in color.
4. The base of all monopole telecommunication antenna sites and associated support structures shall be set back two hundred (200) percent of the total height of the antenna from all residentially zoned districts. All support structures shall meet district setbacks.
5. Monopole telecommunication antennas shall be exempt from C.C. 3342.28 and C.C. 3309.14 up to a maximum height of:
 - a. One hundred (100) feet if built for one (1) or more providers;

- b. One hundred fifty (150) feet if built for two (2) or more providers;
- 6. Within one hundred eighty (180) days of the termination of use of the monopole telecommunication antenna, the monopole telecommunication antenna and all associated structures and buildings shall be removed from the site or shall be declared a nuisance as per C.C. 4107.

C. A rooftop telecommunication installation for receiving or transmitting wireless telecommunications may be erected on any existing legal structure fifty (50) feet or more in height provided that it is in accordance with C.C. 3309.142(C).

Section 75. That the existing Section 3359.14 of the Columbus City Codes. 1959, is hereby amended to read as follows:

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.~~

Section 76. That the existing Section 3361.03 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3361.03 Development plan.

In addition to those materials required by Chapter 3310, an application to establish a commercial planned development district shall include a development plan containing the following items:

- A. A vicinity map showing the dedicated streets, easements and lots, and showing the location of the perimeter boundaries of the land areas included in the application;
- B. A topographical survey of all land included in the application and such other land adjoining the subject property as may be reasonably required by the ~~director administrator~~ showing five (5) foot contours or contours at an interval as may be required by the ~~director administrator~~ to delineate the character of the land included in the application and the adjoining land;
- C. A boundary survey and boundary map with a point of reference to the intersection of two (2) public rights-of-way;
- D. A report signed by the applicant describing the existing conditions in terms of the following categories and how an overall concept of the proposed development is integrated and designed to be compatible with the existing environment:
 - 1. Natural Environment. Topography, soils, wetland, drainage pattern, streams and vegetation,
 - 2. Existing Land Uses. Agricultural, residential, commercial, industrial and recreational,
 - 3. Transportation and Circulation Facilities. Streets, highways, pedestrian walkways, bicycle paths, transit stops and park and ride transit facilities,
 - 4. Visual Form of the Environment: Size, height, bulk, scale, density of the existing environment and the identity of the residential and nonresidential areas,
 - 5. View and Visibility. Visibility at intersections, access points, crosswalks, etc. and views along the streets,
 - 6. Proposed Development. Private and public, including structures and utilities,
 - 7. Behavior Patterns. The ways people typically use the existing environment for residential, working, shopping and recreation and how they commute between these various activities,
 - 8. Emissions. The levels of light, sounds, smells and dust.

In preparing this report, the applicant should discuss the design considerations contained in Section 3361.05 as they apply to this proposal. The report should include examples of these criteria depicted by such means as diagrams, sketches, photography, and like material supporting the proposals made in the text;

E. A site plan that shall graphically demonstrate that the performance criteria in Section 3361.04, have or have not been treated or resolved and which may show as much of the following information as may be necessary to adequately describe the proposed development:

- 1. Approximate location, size of structures, total square feet in buildings, height, and the use categories,
- 2. Approximate size, location and use of other portions of the tract including landscaping, parking, loading, service, utilities, maintenance, various transportation terminals and other community facilities,
- 3. The proposed vehicular and pedestrian circulation pattern, including access drives, parking arrangement, pedestrian walks, cycle paths, intersections, safety areas and related furnishings,
- 4. Permanent signs larger than ten (10) square feet, including but not limited to identification signs, ingress/egress signs and billboards,

5. The approximate location and width of public and private utilities indicating the type, transformers, air conditioners, condenser ponds, retention basins, and other storm drainage facilities,
6. The approximate schedule of construction of structures, utilities and associated facilities and those structures, facilities and utilities located off-site which relate to on-site development,
7. Additional information may be included in the presentation and as such shall be included in the registered development plan.

Section 77. That the existing Section 3363.175 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3363.175 Telecommunication antennas.

A. Monopole telecommunication antennas are permitted uses in the M-manufacturing district except in the following locations, where a special permit is required:

1. Any property or parcel listed on the National Register of Historic Places, the Columbus Register of Historic Properties, or that is included in an architectural review commission area.

B. The following standards for monopole telecommunication antennas shall apply:

1. A certificate of zoning clearance shall be issued only after the following conditions have been met:
 - a. Affidavits have been submitted by the applicant and placed on file with the ~~director administrator~~ attesting to the lack of any reasonable alternative, including collocation and concealment, to the construction of the monopole antenna as well as documentation of this finding.
 - b. Affidavits have been submitted by the applicant and placed on file with the ~~director administrator~~ attesting to the owner's willingness to allow other entities to rent or lease space for additional antennas on the monopole antenna for commercially reasonable terms.
2. The base of all monopole telecommunication antenna sites and associated support structures within one hundred (100) feet of a nonmanufacturing district or a public right-of-way shall be screened and buffered and may be enclosed by a security fence. The buffer shall contain hedges or other plants that provide a five (5) foot high, seventy-five (75) percent opaque screen. Existing vegetation and topography can be used as part of this screening.
3. At no time shall any monopole telecommunication antenna have affixed or attached to it in any way any lights, reflectors, signs, banners, graphics, or other illumination device, except as required by the Federal Aviation Administration or the Federal ~~Communications~~ ~~Communication~~ Commission. All exterior finishes shall be, unless otherwise required, neutral grey in color.
4. The base of all monopole telecommunication antenna sites and associated support structures shall be set back two hundred (200) percent of the total height of the antenna from all residentially zoned districts. All support structures shall meet district setbacks.
5. Monopole telecommunication antennas shall be exempt from C.C. 3342.28 and C.C. 3309.14 up to a maximum height of:
 - a. One hundred (100) feet if built for one (1) or more providers;
 - b. One hundred fifty (150) feet if built for two (2) or more providers; and
 - c. Two hundred (200) feet if built for three (3) or more providers.
6. Within one hundred eighty (180) days of the termination of use of the monopole telecommunication antenna, the monopole telecommunication antenna and all associated structures and buildings shall be removed from the site or shall be declared a nuisance as per C.C. 4107.

C. A rooftop telecommunication installation for receiving or transmitting wireless telecommunications may be erected on any existing legal structure fifty (50) feet or more in height provided that it is in accordance with C.C. 3309.142(C).

Section 78. That the existing Section 3365.085 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3365.085 Telecommunication antennas.

A. Monopole telecommunication antennas are permitted uses in the M-1 manufacturing district except in the following locations, where a special permit is required:

1. Any property or parcel listed on the National Register of Historic Places, the Columbus Register of Historic Properties, or that is included in an architectural review commission area.

B. The following standards for monopole telecommunication antennas shall apply:

1. A certificate of zoning clearance shall be issued only after the following conditions have been met:
 - a. Affidavits have been submitted by the applicant and placed on file with the ~~director administrator~~ attesting to the lack of any reasonable alternative, including collocation and concealment, to the construction of the monopole antenna as well as documentation of this finding.
 - b. Affidavits have been submitted by the applicant and placed on file with the ~~director administrator~~ attesting to the owner's willingness to allow other entities to rent or lease space for additional antennas on the monopole antenna

for commercially reasonable terms.

2. The base of all monopole telecommunication antenna sites and associated support structures within one hundred (100) feet of a non-manufacturing district or a public right-of-way shall be screened and buffered and may be enclosed by a security fence. The buffer shall contain hedges or other plants that provide a five (5) foot high, seventy-five (75) percent opaque screen. Existing vegetation and topography can be used as part of this screening.

3. At no time shall any monopole telecommunication antenna have affixed or attached to it in any way any lights, reflectors, signs, banners, graphics, or other illumination device, except as required by the Federal Aviation Administration or the Federal Communications ~~Communication~~ Commission. All exterior finishes shall be, unless otherwise required, neutral grey in color.

4. The base of all monopole telecommunication antenna a sites and associated support structures shall be set back two hundred (200) percent of the total height of the antenna from all residentially zoned districts. All support structures shall meet district setbacks.

5. Monopole telecommunication antennas shall be exempt from C.C. 3342.28 and C.C. 3509.14 up to a maximum height of:

- a. One hundred (100) feet if built for one (1) or more providers;
- b. One hundred fifty (150) feet if built for two (2) or more providers; and
- c. Two-hundred (200) feet if built for three (3) or more providers.

6. Within one hundred eighty (180) days of the termination of use of the monopole telecommunication antenna, the monopole telecommunication antenna and all associated structures and buildings shall be removed from the site or shall be declared a nuisance as per C.C. 4107.

C. A rooftop telecommunication installation for receiving or transmitting wireless telecommunications may be erected on any existing legal structure fifty (50) feet or more in height provided that it is in accordance with C.C. 3309.142(C).

Section 79. That the existing Section 3365.37 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3365.37 Child day care.

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

- (a) A center shall be associated with and accessory to a less objectionable manufacturing use for employee convenience and be established in a building occupied by the principal use; and
- (b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The director building services administrator shall consult with the director of public service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

Section 80. That the existing Section 3367.31 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3367.31 Child day care.

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

- (a) A center shall be associated with and accessory to a less objectionable manufacturing use for employee convenience and be established in a building occupied by the principal use; and
- (b) As part of the application for a certificate of zoning clearance, the center operator shall submit a transportation plan which describes in text and plan the manner of child loading and unloading, parking and traffic circulation. The director building services administrator shall consult with the director of public service and/or their designee concerning the safety of such plan and may modify or deny the application for safety reasons.

Section 81. That the existing Section 3367.085 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3367.085 Telecommunication antennas.

A. Monopole telecommunication antennas are permitted uses in the M-2 manufacturing district except in the following locations, where a special permit is required:

1. Any property or parcel listed on the National Register of Historic Places, the Columbus Register of Historic Properties, or that is included in an architectural review commission area.

B. The following standards for monopole telecommunication antennas shall apply:

1. A certificate of zoning clearance shall be issued only after the following conditions have been met:
 - a. Affidavits have been submitted by the applicant and placed on file with the ~~director~~ ~~administrator~~ attesting to the lack of any reasonable alternative, including collocation and concealment, to the construction of the monopole antenna as well as documentation of this finding.
 - b. Affidavits have been submitted by the applicant and placed on file with the ~~director~~ ~~administrator~~ attesting to the owner's willingness to allow other entities to rent or lease space for additional antennas on the monopole antenna for commercially reasonable terms.
2. The base of all monopole telecommunication antenna sites and associated support structures within one hundred (100) feet of a nonmanufacturing district or a public right-of-way shall be screened and buffered and may be enclosed by a security fence. The buffer shall contain hedges or other plants that provide a five (5) foot high, seventy-five (75) percent opaque screen. Existing vegetation and topography can be used as part of this screening.
3. At no time shall any monopole telecommunication antenna have affixed or attached to it in any way any lights, reflectors, signs, banners, graphics, or other illumination device, except as required by the Federal Aviation Administration or the Federal ~~Communications~~ ~~Communication~~ Commission. All exterior finishes shall be, unless otherwise required, neutral grey in color.
4. The base of all monopole telecommunication antenna sites and associated support structures shall be set back two hundred (200) percent of the total height of the antenna from all residentially zoned districts. All support structures shall meet district setbacks.
5. Monopole telecommunication antennas shall be exempt from C.C. 3342.28 and C.C. 3309.14 up to a maximum height of:
 - a. One hundred (100) feet if built for one (1) or more providers;
 - b. One hundred fifty (150) feet if built for two (2) or more providers; and
 - c. Two hundred (200) feet if built for three (3) or more providers.
6. Within one hundred eighty (180) days of the termination of use of the monopole telecommunication antenna, the monopole telecommunication antenna and all associated structures and buildings shall be removed from the site or shall be declared a nuisance as per C.C. 4107.

C. A rooftop telecommunication installation for receiving or transmitting wireless telecommunications may be erected on any existing legal structure fifty (50) feet or more in height provided that it is in accordance with C.C. 3309.142(C).

Section 82. That the existing Section 3370.02 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3370.02 Application.

Any person desiring the establishment of a limited overlay on any lot proposed to be rezoned for any permitted use may file an application, in conformity with all the provisions for amendments to the Zoning Code or map and the provisions of this chapter, with the ~~department~~ ~~division~~ on a form provided by it. Said application will be processed together with the application to rezone the subject property and will be reviewed in the same manner as a rezoning application by staff, the development commission and city council. A fee may be imposed by ordinance of council.

Section 83. That the existing Section 3372.03 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3372.03 Application.

A. Any person or organization desiring the establishment of a planning overlay may file an application in conformity with all the provisions for amendments to the Zoning Code and the provisions of this chapter with the ~~department~~ ~~regulations division~~ on a form provided by it. Said application will be processed and reviewed by the staff, development commission and city council as a rezoning application. A fee may be imposed by ordinance of council.

The intended purpose of a planning overlay shall be clearly evident and relate to the underlying land use pattern in a reasonable way. Proposals should exhibit the following characteristics:

1. Implement recommendations contained in a council-approved plan passed by resolution;
2. Specify standards which establish, maintain or change the development character of an area;
3. Evidence advanced planning which supports and justifies the variations in existing standards or the imposition of additional standards.

B. The Director may request additional information when needed to properly review the application. In all cases the minimum standards of the underlying zoning classification shall govern unless the planning overlay approved by council specifically stipulates a variation to that standard.

Section 84. That the existing Section 3372.404 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3372.404 Applicability and extent.

The following requirements apply to all residentially or commercially used or zoned property as well as institutional uses that contain a residential component (including, but limited to, children's homes, nursing homes, etc.). The standards contained in the East Franklinton Overlay are in addition to the regulations of the underlying zoning districts. Where the provisions of this chapter conflict with those of the underlying zoning district or other provisions of this Zoning Code, the most restrictive provision applies.

- A. The placement, construction, or reconstruction of a principal building is subject to all standards and requirements of this chapter relevant to its use/zoning.
- B. For residentially used or zoned property, the expansion of a principal building is subject to all applicable standards and requirements of this chapter when the increase in the gross floor area is twenty-five (25) percent or more. An expansion is subject only to C.C. 3372. 406 (design standards) when the increase in the gross floor area is less than twenty-five (25) percent.
- C. For commercially used or zoned property, the expansion of a principal building is subject to all applicable standards and requirements of this chapter when the increase in the gross floor area is fifty (50) percent or more. An expansion is subject only to C.C. 3372. 406 (design standards) when the increase in the gross floor area is less than fifty (50) percent.
- D. The extension or expansion of a principal building towards a public street is subject to all standards and requirements of this chapter relevant to its use/zoning.
- E. Exterior alteration of a primary building façade is subject to C.C. 3372. 406 (design standards). Secondary building façades and primary building façades set back from an abutting street a distance of more than thirty (30) feet are exempt from this requirement. For purposes of this requirement, the placement of window shutters, fabric canopies and awnings, and/or building-mounted signage is not considered to be an exterior alteration.
- F. The standards and requirements of this chapter may be waived by the ~~development~~ director or designee for buildings listed on the Columbus Register of Historic Properties if they would result in an unacceptable modification of the original, historic appearance of the building as determined by the city of Columbus Historic Resources Commission.
- G. Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this chapter.

Section 85. That the existing Section 3372.507 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3372.507 Submission of calculations.

All calculations and documentation necessary to show conformance with applicable standards and guidelines of this subchapter shall be submitted to the ~~department~~ division with the permit application. When optional standards are available, the applicant shall indicate which option is used. When applicant determines the building line by using the average setback of adjacent buildings, the setback and building and porch footprint of said buildings shall be shown on the site plan. With the exception of single-family dwellings, all calculations and documentation necessary to show conformance with applicable standards and guidelines of this subchapter shall be certified as to their accuracy by an Ohio-registered architect or engineer.

Section 86. That the existing Section 3372.510 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3372.510 Exemption of parking space loss due to refuse storage requirement.

A. Any owner of property zoned apartment-residential and of residential use in the university area who provides a refuse storage receptacle or cubic yard container (dumpster) as required by Title 13 C.C. and thereby loses one (1) or more existing, required parking spaces will be exempt from the necessity of replacing such lost space if on or before January 1, 1995, the owner notifies the director by affidavit of his name, the property's address, the number of legal parking spaces lost due to compliance with C.C. 1303.12, and the number of legal parking spaces remaining. Said document shall be retained in the ~~department~~ division for future reference in a manner similar to board of zoning adjustment's variance retention files.

B. This exemption shall be valid only for so long as: a sufficient refuse storage receptacle or cubic yard container is provided on site; there is no new construction of habitable floor area of two hundred (200) square feet or more; and there is no change of use in or upon said premises.

Section 87. That the existing Section 3372.569 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3372.569 Refuse storage.

Adequate refuse storage facilities shall be provided for each dwelling unit on a lot. These standards shall apply in addition to or in place of requirements in Chapter 1303. When a standard in Chapter 1303 conflicts with a standard in this chapter, the standard in Chapter 3372 shall govern.

A. A refuse storage facility or dumpster shall be provided on-site and shall not be located in any front yard, required side yard,

required landscaped area or required parking area.

B. An area large enough to accommodate the required refuse storage facility or dumpster and access thereto shall be designated for each lot. A concrete pad shall be provided for each dumpster.

C. Limited location waiver. The requirement for storing refuse on-site may be temporarily waived if, after consultation with the refuse division administrator, the director determines the following conditions are met: After such waiver is obtained, the originally designated refuse storage area may be landscaped provided it retains the capability to serve as an area for a refuse storage facility in the future. The director may cancel such waiver at any time for good cause or at the request of either property owner. Within thirty (30) days of receipt of notice of cancellation, the owner of the property without a refuse storage facility on-site shall provide a refuse storage facility on-site in conformance with this subchapter.

1. That required storage facilities will be provided for occupants' use on a lot no more than thirty (30) feet from the subject lot;
2. That there is sufficient storage capacity to accommodate both lots' requirements; and
3. An affidavit of agreement executed by owners of both properties, serving as evidence of such arrangement, is submitted to the department ~~development regulation division~~.

D. Screening of a dumpster is not required.

Section 88. That the existing Section 3374.04 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3374.04 Site development regulations.

Any use established or building erected, which is arranged, intended or designed to be used for a use permitted in the UCRPD and is located within one hundred (100) feet of the perimeter of the district or public right-of-way shall comply with the most restrictive standards required by a residential, commercial or industrial district of the Zoning Code which permits such use. Only those standards which can reasonably be applied shall be required, such as setback from public right-of-way, side yard and rear yard adjacent to neighboring property, landscaping and height.

Additional site development regulations requested by the applicant and recommended by the director ~~administrator~~ or the development commission may be included as part of the rezoning and implemented by a planning overlay. Only approved P-UCRPD standards or university-college research-park activities essential to such institution's purpose and mission shall justify a departure from the minimum standards referenced or contained in this chapter.

Section 89. That the existing Section 3374.05 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3374.05 Parking and loading.

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

Section 90. That the existing Section 3375.20 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3375.20 Grand opening display standards.

One (1) or more promotional banners may be utilized as a grand opening display, subject to the following provisions:

- A. A grand opening display shall be utilized only on the site of the subject new use within the first six (6) months following either issuance by the department ~~division~~ of a final occupancy permit for said new use, or, where no occupancy permit is required, within the first six (6) months of issuance of any required installation permit for a permanent sign to identify said use.
- B. No more than one (1) such display shall be utilized by each new use.
- C. A miscellaneous permit, as required by C.C. 3375.11, shall be obtained by the business owner prior to installation.
- D. A grand opening display shall be displayed no more than thirty (30) continuous calendar days.
- E. The aggregate graphic area shall be no more than sixteen (16) square feet in a residential or institutional district, and shall be no more than thirty-two (32) square feet in a commercial or manufacturing district.
- F. A request for a grand opening display that exceeds the allowable display time or graphic area, or both, shall be heard and decided by the graphics commission.

Section 91. That the existing Section 3380.01 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3380.01 Areas of special graphics control.

Graphic standards and design specifications for each area of special graphics control, as provided for in C.C. 3375.03(D), shall be included within this chapter as they are established and adopted by city council.

A. Procedure. Creation of an area of special graphics control shall result only from a planning process for such area which culminates in a plan adopted by city council, and may include any planning overlay, historic, scenic or cultural area so designated. ~~The planning division of the department of trade and development shall coordinate preparation of the plan and provide an opportunity for review and comment to interested parties including owners of property within the area, concerned area commission, if any, and representatives of the sign industry and of area businesses. The planning division shall schedule a review conference with interested parties.~~

B. Plan. The plan shall clearly describe the planning area and explain its special or unique characteristics. The plan shall delineate the goals and objectives for the area and the necessity for special graphic standards and design specifications to address the area's uniqueness. Development guidelines shall be designed to meet its objectives and shall be used to codify its standards.

The graphics commission and the development commission shall each hold a public hearing on the plan prior to its submission to council.

C. Creation by Council. Prior to being filed with the city clerk, legislation to create an area of special graphics control shall be considered by the graphics commission and the development commission at regularly scheduled public hearings. The plan and the ordinance for adoption of the plan and creation of an area of special graphics control may be considered at the same public hearing. Notice shall be published in the city bulletin at least ten (10) days before any hearing and shall be sent in accordance with C.C.

3310.05(c). Additionally, representatives of the sign industry and of area businesses shall be notified.

The department shall forward both development and graphics commission's recommendations with the legislation to council. When approved by council at the conclusion of this procedure, the creation of the individual special graphics control area and establishment of standards and design specifications for graphics therein, shall be enacted into this chapter.

Section 92. That the existing Section 3381.20 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3381.20 Assignment and issuance to business concern.

A. A sign erector's license shall be issued in the name of the individual who successfully meets the qualifications and passes the examination required by this chapter. However, said individual, at the time of application, or at any time thereafter, may assign his or her license rights to one (1) business concern with whom he or she is associated with as a legal, full-time officer, proprietor, partner, or employee, and may designate that his or her license shall be issued in the name of said concern. In such event, said license shall be issued in the name of said business concern, which shall be known as the licensed-business, and no license shall be issued to the individual applicant in his own name during the period he or she is associated with said business concern. In such event, the license shall state on its face the name and position in the business concern of the individual who qualified for the license under the terms of this chapter. No individual may be named on more than one (1) license within a trade at the same time.

B. In the event the individual named on the license becomes disassociated from the licensed-business, the license shall become null and void at ninety (90) calendar days after such disassociation, except where another license-holder becomes associated with the business concern and the business concern so notifies the ~~department~~ division in writing. During this ninety (90) day period, the work on existing permits may be followed through to completion, but no new work shall be commenced. The license-holder shall notify the ~~department~~ division of any change of status. In such event, a new license, setting forth the name of the new individual, shall be issued to the licensed-business. A non-refundable fee, as prescribed in the fee schedule, shall be required for the issuance of this new license.

C. There shall be a ninety (90) calendar day waiting period on the transfer of assignment of a license from one company to another, unless it had been in the department-issued license of the licensee him or herself.

Exception: Upon presentation of satisfactory evidence of whichever of the following conditions having occurred that caused the termination of the currently licensed-business, the ninety (90) day period may be waived by the chief building official:

- (1) Closure of the licensed-business because of Chapter 7 bankruptcy;
- (2) Dissolution of the licensed-business that is a corporation, limited liability partnership (LLP), or a limited liability corporation (LLC) that was filed and recorded and in good standing with the Secretary of State of Ohio; or
- (3) Merger or consolidation of the licensed-business with a corporation, limited liability partnerships (LLP), or a limited liability corporations (LLC) that are filed and recorded and in good standing with the Secretary of State of Ohio.

The provisions of this exception may be implemented only once in any thirty-six (36) consecutive month period.

D. When a license is assigned to a business concern, all work carried on by the licensed-business shall be deemed to be carried on under the personal supervision of the individual named in the license, and any violation of the license terms shall be imputed to the individual named therein.

E. The license-holder shall be actively engaged in the business and shall be readily available for consultation with the department within two (2) business days after notification. No license-holder shall permit his or her license to be used in more than one (1) business at any time. It shall be cause for the revocation of the license issued to a business concern if it shall be shown that the license -holder is not, or is no longer, a legal, full-time officer, proprietor, partner or employee of said business concern.

No individual shall be entitled to be named in any license who has outstanding against him or her, as an individual or as a full-time

officer, proprietor, partner, or employee of a business concern, any suspension or revocation of another license as a contractor; however, another qualified full-time officer, proprietor, partner, or employee may be substituted upon proper application therefor.

Section 93. That the existing Section 3382.04 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3382.04 Appeal.

The graphics commission shall hear an appeal upon application and within ninety (90) calendar days from the date the application is received by the ~~department division~~, unless the person appealing agrees to a later hearing. The graphics 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 this Graphics Code 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 filed more than thirty (30) calendar days after the date of the order, requirement, decision or determination appealed from or within such different time as may be specifically provided in this Graphics Code.

Section 94. That the existing Section 3384.08 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3384.08 Avigation easement.

The applicant for a variance, rezoning, change of use, or special use permit, prior to receiving final approval of the application, shall convey to the operating authority of the appropriate airport, an avigation easement granting the right to fly in the airspace above the subject property. Avigation easements may be obtained for all other new uses. Such easement shall be supplied in a form prescribed by the ~~director building-services administrator~~ in conjunction with the operating authority of the appropriate airport and shall be recorded in the appropriate county recorder's office.

Section 95. That the existing Section 3384.09 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3384.09 Notice.

The ~~department division~~ shall provide a notice to an applicant for a development-related permit in the AEO-airport environs overlay district that the subject property is located, either partially or wholly, within the AEO-airport environs overlay district and may be subject to aircraft overflight.

Section 96. That the existing Section 3384.10 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3384.10 Development review.

The zoning compliance process for the city of Columbus shall apply to the AEO-airport environs overlay district with the following additional review:

Airport Authority Staff Review. The ~~department division~~ shall provide a copy of any application for a certificate of zoning clearance within the AEO-airport environs overlay district, including the development plan, within five (5) days of its submittal by the applicant, to the staff of the operating authority of the airport appropriate for the subject site and which shall provide a written recommendation to the ~~director administrator~~ within seven (7) days after receipt.

Section 97. That the existing Section 3384.11 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3384.11 Development plan.

A development plan as identified herein shall be submitted with any application for a certificate of zoning clearance or application for rezoning in addition to other submittal requirements therefor and said plan shall include at a minimum technical substantiation, maps, plans, drawings, and such other information as is necessary to show:

- (a) Site/Ldn Contour Map. Zoning district boundaries shall be superimposed on a site plan of the development site to indicate FAA-approved noise contours for the subject property. All maps shall be drawn to a scale designated by the ~~director administrator~~.
- (b) Location of Structures. Location of all existing and proposed buildings and structures shall be identified on the site/Ldn

contour map.

(c) Specification of Uses. Uses to occur within each building, structure or activity area shall be specified on the site/Ldn contour map.

(d) Narrative Description. A narrative shall be provided describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, such as proposed residential density, and the relation of the proposed development plan to the Columbus comprehensive plan and any applicable area plan.

Section 98. That the existing Section 3390.03 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3390.03 Authority to issue.

The ~~director administrator~~ is authorized to grant or extend temporary use permits for specified uses in accordance with the provisions of this chapter.

Section 99. That the existing Section 3390.04 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3390.04 Temporary use permit required.

No person shall use any building structure or premises or erect any building or structure for particular uses specified in this section except in compliance with a temporary use permit issued by the ~~director administrator~~ as provided in this chapter.

(A) A real estate office is permitted in any residential subdivision actively under construction, as determined by the ~~director administrator~~, for the purpose of selling lots in such subdivision. A model home may be used as a temporary sales office. A temporary use permit for such use may be issued for one (1) year. At the end of a year, a new permit may be issued if the ~~director administrator~~ determines that such subdivision is still actively under construction. A temporary use permit may be issued for a mobile home or portable building to be used as a temporary sales office to allow earlier sales for new developments pending completion of a furnished model home. Off-street parking requirements for the subject lot shall not be enforced during the term of either permit.

(B) A mobile home for emergency housing for the victim of a fire or catastrophic loss is permitted on the lot where such loss occurred. A portable storage unit may be used in conjunction with such temporary housing. A temporary use permit for such use may be issued for ninety (90) days, renewable for an additional maximum term of ninety (90) days and may be subject to additional restrictions.

(C) A temporary use of a building for seasonal celebrations such as a "haunted house" is permitted in any residential, commercial or industrial district for a period not to exceed thirty (30) days one (1) time each year.

(D) A temporary structure or portable building is permitted on a Christmas tree sales lot in a commercial or manufacturing district. A temporary use permit may be issued for a period not to exceed sixty (60) days and shall provide that such structure or building shall be removed by the first day of January.

Section 100. That the existing Section 3390.06 of the Columbus City Codes. 1959, is hereby amended to read as follows:

3390.06 Application.

An application for a temporary use permit shall contain such information as the ~~director administrator~~ deems reasonably necessary for a determination of compliance or noncompliance with the Zoning Code and to assist enforcement thereafter. The applicant shall sign the application and each copy thereof, attesting to the truth and exactness of the information supplied and to his intent to terminate such use within the period set forth therein.

Section 101. That the title of "Part I, Building Code", Title 41, Columbus City Codes, 1959, is hereby amended to read as follows:

Title 41 - ~~Part I~~, Building Code

Section 102. That the title of Chapter 4105 of the Columbus Building Code, Title 41, of the Columbus City Codes, 1959, is hereby amended to read as follows:

**Chapter 4105 - POWERS, DUTIES, AND ENFORCEMENT ~~DEVELOPMENT REGULATION DIVISION;~~
BUILDING INSPECTOR**

Section 103. That the existing Section 4101.01 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4101.01 Letter A.

~~"Administrator" when used without clarification means the building services division administrator or his or her designee.~~

"Aisle" means the clear width and length of an area which is provided for ingress or egress between rows of seats, or between rows of seats and a wall, or between desks, tables, counters, machines, or other equipment or materials, or between such articles or materials and a wall.

"Aisle longitudinal" means an aisle approximately at right angles to the rows of seats served.

"Aisle transverse" means an aisle approximately parallel to the rows of seats between which it passes.

"Alcove" means a recessed portion of a room with an unobstructed opening into said room.

"Alteration" as applied to one (1), two (2), and three (3) -family dwellings and related accessory buildings means a permanent change or modification in construction, fixtures and/or equipment which does not include an addition to the building or structure.

Approved.

(a) "Approved" material, device, or mode of construction refers to the approval by the building inspector as the result of investigation and test conducted by him or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(b) "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building inspector or the Ohio Board of Building Standards.

(c) "Approved testing agency" means an established, nationally recognized business entity identified, in writing, by the director of the department of ~~development~~ which is regularly engaged in the promulgation and administration of examinations for, but not limited to, the construction industry and its related craft(s) and trade(s), used to decide the knowledge and skill of applicants for consideration of licensing by the city of Columbus.

"Appurtenant structure" means a structure or device attached to the exterior of a building or erected on the roof thereof and designed to provide architectural ornamentation, to support service equipment or to be used in connection therewith, for advertising or display purposes, or for any other similar purpose. "Appurtenant structure" includes but is not necessarily limited to a cornice, parapet, architectural terra cotta, projecting and freestanding ornamentation, exterior fire escape, balcony, marquee, light fixture, chimney, or sign and its support structure.

Section 104. That the existing Section 4101.04 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4101.04 Letter D.

"Dance hall" means a building or part thereof the primary purpose of which is for dancing by a gathering of people.

"Department" when used without clarification means the department of building and zoning services ~~development~~.

"Departmental regulations" means printed interpretations of sections of this code prepared by the building inspector with the approval of the building commission. An appeal for change of or relief from the requirements of the departmental regulations may be made to the building commission, which shall have authority to change the same.

Departmental regulations shall be published in the City Bulletin and shall become effective sixty (60) days after approval and issuance of printed copies to all persons, firms, contractors, and organizations on a list of holders of this Building Code.

"Director" when used without clarification means the director of the department of building and zoning services ~~development~~ or his or her designee.

~~"Division" when used without clarification means the building services division of the department of development or his or her designee.~~

"Dome" means a roof formed by a series of arches or curved surfaces, every point of which is in a curved surface, receding from the supporting walls of the building and springing from a plane base either circular or polygonal and covering and meeting at a ridge or finial with no appreciable part of such roof flat or a plane surface.

"Dormer" means a minor architectural roof structure containing one (1) or more small vertical windows and situated upon a sloping roof.

" Dwelling" means any residence building or portion thereof, which is not an "apartment house," which contains one (1), two (2) or three (3) dwelling units, used, intended, or designed to be used, rented, leased, let or hired out to be occupied or which are occupied for living purposes by one (1) family each.

(a) "One (1) family dwelling" means a building containing one (1) dwelling unit with not more than five (5) lodgers or boarders.

(b) "Two (2) and three (3) family dwellings" means buildings containing two (2) or three (3) dwelling units with not more than five (5) lodgers or boarders per building.

"Dwelling unit" means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 105. That the existing Section 4103.13 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4103.13 Approval of unlabeled equipment.

Any equipment which is not labeled or cannot be accepted as meeting the requirements of this code may be approved as indicated in this section.

The Building Official may, after a review of all technical data and a thorough visual inspection of the equipment submitted, give his approval for use of said equipment with the city. However, if after said inspection the Building Official determines that said equipment does not meet his approval, the installer, owner, or manufacturer may, at his own expense, submit his equipment to a locally recognized testing agency for its evaluation. The agency must be acceptable to the building official. A copy of the evaluation shall be forwarded to the department ~~division in care of the Administrator~~.

Section 106. That the existing Section 4103.16 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4103.16 Directives.

In accordance with C.C. 121.05, the building official is authorized to make and adopt directives necessary for the proper administration of the Ohio Basic Building Code and the Columbus Building Code which are not in conflict therewith. The building official shall immediately file a certified copy of such directive with the city clerk for publication in The City Bulletin. Directives shall be presented to the building commission for review and approval. Each adopted directive shall be on file and available to the public at the department's ~~division's~~ offices. A fee to cover costs shall be charged for copies thereof.

Section 107. That the existing Section 4109.04 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4109.04 Posting of signs.

The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER UNSAFE TO OCCUPY. DEPARTMENT OF BUILDING AND ZONING SERVICES BUILDING SERVICES DIVISION, CITY OF COLUMBUS, OHIO." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the building official or for any person to enter the building, except for the purpose of making the required repairs or of demolishing same.

Section 108. That the existing Section 4109.07 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4109.07 Unsafe conditions; reports.

Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that there exists, on the premises, a condition which may endanger other property or the life or limb of any person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall, within twenty-four (24) hours after such discovery, report the existence of such dangerous condition to the building official, who shall forthwith take such steps as may be necessary to protect the public safety and welfare. If the building official cannot be located, such report shall be made to the ~~development~~ director. No person who is an owner, manager, lessee, or occupant of a building on which premises such a dangerous condition exists and who knows or should know of such dangerous condition shall fail to make such report to either the building official or the director within twenty-four (24) hours after such knowledge is obtained and should have been obtained.

Section 109. That the existing Section 4109.073 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4109.073 Exterior walls and appurtenant structures.

The owner of any building shall maintain the building's exterior walls and appurtenance structures in a safe condition. For purposes of this section "owner" includes agent, person, or organization in control, possession or charge of the subject building.

In order to maintain a building's exterior walls and appurtenant structures in a safe condition, the following additional requirements shall apply to each building which is:

- (1) Twenty (20) years old or older; and
- (2) Located within ten (10) feet of a public right-of-way or open pedestrian walkway or plaza; hereinafter referred to as an "applicable building." For the purposes of this section an open pedestrian walkway does not include a private service walk affording no more than direct access to an entrance or exit of a building.

(a) Critical Observation Requirements. The owner of an applicable building shall conduct, supervise, or contract for a critical observation of its exterior walls and appurtenant structures as set forth below: Each critical observation shall include all building elevations, exterior walls and appurtenances regardless of their proximity to a public right-of-way; shall include a complete review of the last observation report; and shall be conducted in accordance with the most recent rules, regulations and guidelines promulgated by the director ~~administrator~~.

- (1) For a building which attains applicability status before July 1, 1985, the initial critical observation

shall be completed within the first twelve (12) months after said date with subsequent observations at least one (1) time every five (5) years thereafter;

(2) For a building which attains applicability status before July 1, 1986, the initial critical observation shall be completed within the first twelve (12) months of the building's attaining applicability status with subsequent observations at least one (1) time every five (5) years thereafter;

(3) For a building which attains applicability status after July 1, 1986, the initial critical observation shall be completed within thirty (30) days of the date on which such building becomes applicable with subsequent observations at least one (1) time every five (5) years thereafter.

(b) Critical Observation Report. The person who conducted or supervised such critical observation shall prepare a written report of such critical observation and the results thereof. Said report shall contain critical observation findings prescribed by the ~~director's regulations~~ administrator's rules and regulations. The extent of the critical observation and the results thereof shall be documented in sufficient detail so that a comparison of successive reports will indicate any change of condition of the building's exterior walls and appurtenant structures. The owner shall keep and maintain said report at the applicable building's site or produce said report at said site within forty-eight (48) hours of any request for same by the building official or the chief of the bureau of fire prevention.

(c) Notice of Critical Observation. Upon completion and within thirty (30) days of the required critical observation, the owner of said building shall notify the building official by certified mail of the following information:

- (1) The location of the building;
- (2) The age of the building;
- (3) The date the building was critically observed;
- (4) The name, address and title of the person or firm who conducted the critical observation and issued the critical observation report;
- (5) The location of such report;
- (6) The condition of the building's exterior. If, in the course of the critical observation, unsafe or unacceptable conditions are discovered, such conditions must be identified in said notice and immediately communicated to the building official;
- (7) Any other information required by the rules and regulations of the director ~~administrator~~.

(d) Imminently Hazardous and Unsafe Conditions.

Upon the discovery of any imminently hazardous condition relating to the exterior walls or appurtenant structures of an applicable building, the owner shall immediately begin repair, reinforcement or precautionary measures so as to abate the immediate hazard and within twenty-four (24) hours, notify the building official. Subsequently, he shall promptly employ an architect or a registered professional engineer who specializes in structural engineering to perform a critical observation and prepare a report. The building owner shall submit a complete copy of said report to the director ~~administrator~~.

Any other conditions found to be in violation of this code shall be corrected within a reasonable time as determined by the building official and the rules and regulations and guidelines issued pursuant to this section by the director ~~administrator~~.

(e) Exception.

This section shall not apply to one (1), two (2) or three (3) family residential dwelling or to any accessory structures related thereto.

Section 110. That the existing Section 4109.10 of the Columbus City Codes, 1959, is hereby amended to read as follows:

4109.10 Fire insurance claims.

All claims shall comply with the provisions of Chapter 4509.

(A) No insurance company doing business in the state shall pay a claim of a named insured for fire damage to a building or structure or portion thereof located within the city where the loss agreed to between the named insured or insureds and the company or companies is more than five thousand dollars (\$5,000.00) and equals or exceeds sixty (60) percent of the aggregate limits of liability on all fire policies covering the building or structure unless there is compliance with subsections (B) and (C) of this section.

(B) The insurance company or companies in accordance with Division (F) of Section 715.26 of the Ohio Revised Code shall transfer from the insurance proceeds to the director of trade and development in the aggregate two thousand dollars (\$2,000.00) for each fifteen thousand dollars (\$15,000.00), and each fraction of that amount, of a claim, or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure.

(C) Upon receipt of proceeds by the director as authorized by this section, the director shall deposit same with the treasurer

who shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing the building or structure incurred by the city pursuant to Section 715.261 of the Ohio Revised Code.

When transferring the funds as required in this section, the insurance company shall provide the director with the name and address of the named insured or insureds, whereupon the director shall contact the named insured or insureds, certify that the proceeds have been received by the city and notify them that the following procedures will be followed:

The fund shall be returned to the named insured or insureds when repairs, or removal, or securing of the building or structure have been completed and approved by the director, if the city has not incurred any costs for such repairs, removal, or securing. If the city has incurred any costs for repairs, removal, or securing of the building or structure, such costs shall be paid from the fund and if excess funds remain, the city shall transfer the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of the city to recover any deficiency under Section 715.261 of the Revised Code.

Nothing in this section shall be construed to prohibit the city and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

Section 111. That the existing Section 4113.29 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4113.29 Issuance of permit, plans and specifications.

The application, plans and specifications filed by an applicant for a permit shall be examined by the chief building official. Such plans shall be forwarded to other departments of the city for review if deemed necessary by the chief building official, to determine compliance with the laws and ordinances under their jurisdiction. If the chief building official is satisfied that the work described in the application for a permit and the plans filed therewith conform to the requirements of this Building Code and other pertinent laws and ordinances, he or she shall issue a permit therefor to the applicant.

The department shall in no case grant any permit for the construction, alteration, or use of any building, structure or premises in the flood plain, as determined by the flood profile and flood boundary and floodway map on file in the department without a copy of the appropriate certificate of zoning clearance issued to the applicant, stating that said building, structure or premises, as proposed to be constructed, altered, or used, would not be in violation of any regulation established by Chapter 3385 of the Zoning Code.

The department shall in no case grant any permit for the construction, alteration, or use of any building, structure or premises without first receiving a certificate of zoning clearance stating that the said building, structure or premises as proposed to be constructed, altered or used, would not be in violation of any regulation established by the department ~~division of planning or of any rule or regulation duly adopted by the director.~~

When the chief building official issues the permit he shall endorse in writing or stamp plans and specifications "APPROVED." Such approved plans and specifications from the chief building official shall be kept on the job during the time work is being carried on and all work shall be done in accordance with the approved plans, which shall not be changed without written authorization of the chief building official.

Section 112. That the existing Section 4113.77 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4113.77 Moving permits.

(1) No person shall move any building or structure over eight (8) feet wide and over one thousand (1,000) cubic feet in area, without applying for and obtaining a permit from the building official for such purpose and paying the fee prescribed therefor in the fee schedule.

(2) All applications for moving permits shall be accompanied with plans of the building or structure to be moved together with the correct location and character of all other buildings or structures on the lot.

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

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

(5) No permit shall be granted for the moving of any building or structure, which has from any cause deteriorated more than fifty (50) percent of its original strength or value across or along any public street, avenue or alley, or from one (1) location to another within the city.

(6) No permit shall be granted for the moving of any building or structure to a location where it would be in violation of any of the

provisions of this Building Code relating to its erection, location and occupancy of buildings or structures.

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

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

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

Section 113. That the existing Section 4114.911 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4114.911 Appeals.

The decision of the board of review of general and home improvement contractors concerning a demolition contractor registration application, or of the ~~Department's building services division's~~ license section concerning an application for a fire alarm and detection equipment and/or fire protection company registration or a general contractor registration, shall be appealed to the Columbus building commission pursuant to Chapter 4107. Such an appeal shall be limited to the record created during the proceeding before the applicable board of review or of the ~~Department's building services division's~~ license section. An appeal before the building commission pursuant to Chapter 4107 shall not be a trial de novo. Such an appeal to the Columbus building commission shall be filed within thirty-one (31) calendar days from the date of the board of review or the license section made its determination.

Section 114. That the existing Section 4116.01 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4116.01 Authority.

The ~~building services administrator~~ director shall have the responsibility and authority for managing and coordinating plan approval, permitting, and inspection of private development activities necessary for timely, consistent, and efficient provision of development services.

Section 115. That the existing Section 4116.03 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4116.03 Development services council established.

There is hereby established a development services council as an advisory body to provide advice to the ~~director~~ development director and the ~~building services administrator~~ regarding the implementation and enforcement of development services standards. The ~~director of development~~ shall determine the number of members and their term of office.

Section 116. That the existing Section 4116.09 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4116.09 Remediation.

Upon the written request of the applicant, the appropriate director or his or her designee may cause issuance of a credit or rebate of five (5) percent of the applicable fee for plat/plan review or permit for each day beyond the service standard it takes the city staff to approve the plat/plan or issue the permit, up to fifty (50) percent of the full fee amount. Refunds in excess of twenty thousand dollars (\$20,000.00) shall require city council approval. In lieu of a fee credit or rebate, the applicant may request in writing a hearing before the ~~director~~ building services administrator when a plan has not been approved within the service standard. The ~~director~~ building services administrator or his or her designee shall meet with appropriate plan reviewers and the project decision-maker within seventy-two (72) hours of receiving the request for hearing and render a decision on plan disposition within forty-eight (48) hours of the hearing. The director of public service or his or her designee shall act in lieu of the ~~director~~ building services administrator in the case of roadway engineering plans and the public utilities director or his or her designee shall act in lieu of the ~~director~~ building services administrator in the case of water or sewer engineering plans.

Section 117. That the title of "Part II, Building Code", Title 43, Columbus City Codes, 1959, is hereby amended to read as follows:

Title 43 - Part II, Building Code Platting and Engineering Code

Section 118. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 4301, entitled "Purpose, Scope and Enforcement" and consisting of eight (8) sections oddly numbered 4301.01 through 4301.99 and reading as follows:

4301.01 Purpose.

This code is enacted to preserve and promote the public health, safety and welfare by means of regulations and restrictions enacted to encourage the orderly growth and development of the city; to provide for adequate light, air, open space and convenience of access; to protect against fire and natural hazards; and to maintain and enhance the value of buildings, structures and land throughout the city.

4301.03 Scope and application of provisions.

The provisions of this code shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare and shall be so interpreted and applied.

It is not intended by this code to repeal, abrogate, annul or in any way impair or interfere with other laws or ordinances or public or private restrictions placed upon property by covenant, deed or other agreement, except that where this code imposes higher or more restrictive standards the provisions of this code shall control.

4301.05 Severability.

The provisions of this code are considered to be severable; and if a court of competent jurisdiction holds a provision or part of a provision unconstitutional, that decision will not automatically invalidate the remainder of a provision or any other provision or part thereof.

4301.07 Fees and Refunds.

Fee shall be charged in accordance with the adopted fee schedule for the department.

(A) Unless specifically indicated in the fee schedule, department refund policy or this code, all fees are not refundable.

(B) In the event of a refund, a refund service fee, as indicated in the fee schedule or department refund policy, and any costs for services already provided, shall be deducted from the amount to be refunded.

(C) The eligibility, process, and any required refund fee shall be as indicted in the Department refund policy.

(D) The director may waive the refund fee if he or she finds that the refund is necessary because of an error on the part of a city employee. In the event any refund due is less than the required refund fee, no balance shall be due or returned.

4301.09 Expiration of application.

Any application for any platting and engineering related administrative action and held either at the request of applicant, or due to the need for additional information not submitted by the applicant after a written request by the city has been made, shall expire one (1) year from the date the initial application was accepted or six (6) months from the date the additional information was requested in writing, whichever is later. The applicant shall be notified in writing thirty (30) days prior to the expiration of any application. Any application delayed due to a legislated moratorium or other legislated initiative shall not be subject to the time limit until such time as the legislated moratorium or either legislated initiative expires. An application that so expires shall be deemed null and void and shall require a complete new application for reactivation, including the submittal of all fees required at the time the new application is made.

4301.11 Enforcement.

The director, or his or her designee, shall have the powers of a police officer for the purpose of enforcement of the provisions of this code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain, correct or abate such violations; or to prevent occupancy of the unlawful building or structure. Strict liability shall be the standard for enforcement.

4301.13 Violation.

A violation of this code exists when a person or owner:

- A. Fails to comply with relevant provisions of requirements of this code title; or
- B. Fails to comply with an order issued by the director or designee.

4301.99 Penalties.

A person, owner, or anyone in their employ who is found guilty of having committed or assisted in the commission of one or more of the violations listed in C.C. 3101.09, may be charged with a separate misdemeanor of the third degree for each day the violation exists in addition to and separate from other penalties provided for by this code. Separate penalties may be imposed for each offense.

Section 119. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 4303, entitled "Definitions" and consisting of one (1) section oddly numbered as 4303.01 and reading as follows:

4303.01 Definitions.

For purposes of Title 43, the Platting and Engineering Code, the following definitions shall apply:

"Department" when used without clarification means the department of building and zoning services.

"Director" when used without clarification means the director of the department of building and zoning services or his or her designee.

Section 120. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 4305, entitled "Land Development; Schools, Parks and Recreation Areas" and consisting of five (5) sections oddly numbered 4305.01 through 4305.09 and reading as follows:

4305.01 Jurisdiction of land development regulations.

No person, firm or corporation shall subdivide or develop land within the city or the territory located within three (3) miles of the corporate limits thereof, except in compliance with the existing subdivision regulations and the provisions of this chapter.

4305.03 Procedure on recommendations for park and recreation areas.

The department of recreation and parks shall submit recommendations for new public parks and recreation areas in undeveloped and partially developed areas within the city and three (3) miles beyond the corporate limits thereof in accordance with the base plan for the Columbus master plan entitled "A Report Upon Schools, Parks and Recreation," adopted by Ordinance No. 1518-54, and with particular respect to the acquiring of land for park and recreation purposes adjacent to new and proposed public school sites.

4305.05 Acquiring areas of new plats for schools, parks and recreation.

Upon receipt of any tentative, preliminary or proposed plat of a subdivision, the director shall forthwith inform the department of recreation and parks and the Columbus board of education (or other appropriate school authorities) of the location, extent and nature of such proposed subdivision. Within thirty (30) days from the date of the filing of the plat with the director, the Columbus board of education (or other appropriate school authority), or the department of recreation and parks shall acquire any land needed for school, park and recreation purposes or within such time shall file with the director a written agreement or option to acquire such land. If such written agreement or option is not filed with the director within thirty (30) days or within such further time the owner, subdivider or developer may agree to, the plat shall be approved, if otherwise satisfactory.

4305.07 Park and recreation areas adjacent to proposed schools.

Whenever the Columbus board of education (or other appropriate school authorities) shall have selected a new or proposed school site, the city shall consider acquisition of sufficient land adjacent to such school site for park and recreation purposes.

4305.09 Exemption when master plan discloses no school or recreation area.

The provisions and requirements of C.C. 3395.03 and 3395.05 shall not apply to the division of land included in the base plan for the Columbus master plan where such base plan discloses no proposed school, park or recreation areas.

Section 121. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 4307, entitled "Regulations for Land Development" and consisting of eighteen (18) sections oddly numbered 4307.01 through 4307.35 and reading as follows:

4307.01 Subdivision of land defined.

"Subdivision of land" means:

(A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access dedicated for public use, or the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempt; or

(B) The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, or extension of any street or streets dedicated for public use.

4307.03 Street Definitions for the subdivision of land.

"Arterial street" means any street whose primary function is to move vehicles from one section of the city or county to another and which is so designated on the City of Columbus thoroughfare plan and arterial construction types adopted by city council.

"Collector Street" means a street whose function is to provide for traffic movement within a section of the city between local and arterial streets, and to provide direct access to abutting property.

"Local Street" means a local street is any street or roadway whose function is to provide direct access to abutting property and to provide for local traffic movement in a residential, industrial or commercial area.

"Expressway" is an arterial street with full or partial control of access and grade separation at a majority of its crossroads.

"Freeway" is an arterial street with full control of access and complete grade separation at all crossroads.

4307.05 Lot, plan and plat defined.

(A) "Lot" means a division of land intended for sale and described on a recorded subdivision plat or recorded survey map.

(B) "Plan" means a drawing of a proposed design or of work to be performed.

(C) "Plat" means a map of a subdivision described by accurate distances and bearings.

4307.07 Jurisdiction.

Each subdivision of land within the area embraced by the corporate boundaries of the city, or within three (3) miles of the corporate boundaries, shall be shown upon a plat and submitted to the director for approval or disapproval.

Each final plat which has been approved by the director, with endorsement shown thereon shall be recorded in the office of the Franklin County recorder, and no lots shall be sold from such plat until approved as hereinabove provided.

4307.09 Subdivision procedure.

The subdivider shall submit a preliminary subdivision plat to the department.

The preliminary subdivision plat should indicate, in dashed lines, the proposed layout of the entire area to be platted and in solid lines the layout of that part of the subdivision proposed for immediate development.

The preliminary subdivision plat shall also show general details and character of the proposed development according to the standards provided in this Code. If such preliminary subdivision plat conforms to such standards, and the subdivider and the department agree upon any revision, the plat shall be approved by the director.

Before improvements are installed and approved, or surety bond posted securing the city in an amount adequate to insure such improvements in that part of the subdivision to be immediately developed, the final record plat must be received and approved by the director.

4307.11 Subdivision standards in special flood hazard areas.

The following standards apply to affected portions of all subdivision proposals, including manufactured home subdivisions, and other proposed developments to be located entirely or partially in a Special Flood Hazard Area:

A. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of the Columbus City Codes.

B. All subdivision proposals shall be consistent with the need to minimize flood damage;

C. All subdivision proposals shall locate and construct public utilities and facilities such as sewer, gas, electrical, and water systems to minimize flood damage;

D. All subdivision proposals shall provide adequate drainage to reduce exposure to flood damage; and

E. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least fifty (50) lots or five (5) acres, whichever is less.

4307.13 Design standards.

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

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

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

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

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

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

(4) Where it is desirable to subdivide a tract of land, which, because of its size or location, does not permit a layout directly related to a normal street arrangement there may be established one (1) or more "T" type turn-around or culs-de-sac, provided that proper access shall be given to all lots abutting the same. A cul-de-sac shall terminate in an open circular space

having a minimum radius of fifty (50) feet. Except in unusual cases, no such cul-de-sac shall exceed six hundred (600) feet in length.

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

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

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

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

4307.15 Residential blocks.

No residential blocks shall be longer than twelve hundred (1,200) feet between street lines, except all blocks fronting on arterial and collector streets shall be not less than fifteen hundred (1,500) feet between street lines unless existing conditions require different dimensions.

The director may require a dedicated crosswalk near the center of blocks which are over eight hundred (800) feet in length, provided, however, that no crosswalk shall be required unless it leads to a school or dedicated park or recreational area. The right-of-way of such crosswalk shall be not less than ten (10) feet in width.

In plotting normal residential lots, the area of which shall be from five thousand (5,000) to twenty thousand (20,000) square feet, the recommended depth of blocks should not exceed three hundred fifty (350) feet.

4307.17 Lots.

(A) All side lot lines shall be at right angles or as near ninety (90) degrees as possible to straight street lines, or radial to curved street lines unless a variation of this standard would provide a better street and lot plan. Lots with double frontage shall be avoided.

(B) The minimum width of lots shall be fifty (50) feet at the front building line; provided that existing lots may be increased in size but shall not be decreased in size.

(C) A rectangular or irregular-shaped lot shall contain an area of not less than five thousand (5,000) square feet.

(D) A corner lot shall have extra width to permit the establishment of a front building line on both the front and side of the lot.

(E) Within ten (10) feet of a street intersection, intersecting property lines of a corner lot shall be curved to an arc with a radius of no less than ten (10) feet except that within twenty (20) feet of an arterial or collector street intersection, intersecting property lines of any corner lot shall be curved to an arc with a radius of no less than twenty (20) feet if the director finds that such intersection is likely to be dangerous to traffic movement. On commercial lots the chord of such arc may be substituted for the arc. Where a grade separation structure is proposed at any intersection, the lots and improvements in the subdivision shall be arranged to provide for such structure.

(F) The minimum depth of residential lots shall be one hundred twenty (120) feet.

(G) All lots must have a minimum of fifty (50) feet of frontage on a dedicated public street except lots located on culs-de-sac, curved streets or "T" turn-arounds which lots must have a minimum of thirty-five (35) feet of frontage on a dedicated street and at least fifty (50) feet of width at the front building line.

(H) The requirements of (b), (c), (f) and (g) above shall be subordinate to requirements concerning lot width, depth, area or frontage contained in the Zoning Code. Where the Zoning Code requires a greater width, depth, lot area or frontage than this section or permits a lesser width, depth, lot area or frontage than this section, then such minimum requirements of the Zoning Code shall govern.

4307.19 Planned unit, planned community, town house and condominium development.

A subdivision plat shall be required for each planned unit, planned community or town house development as provided in Title 33, C.C. The subdivision plat required for a planned unit development shall be identical to all registered site plans required by C.C. 3345.07. The subdivision plat required for a planned community development shall be identical to all registered site plans required by C.C. 3347.07. The subdivision plat for a town house development shall be identical to all registered site plans required by C.C. 3333.40.

Any subdivision plat filed with the city for a tract to be developed as condominium property shall be consistent with the declaration prepared and filed pursuant to Sections 5311.05 and 5311.06 of the Revised Code.

4307.21 Character of development; maintenance.

Where a subdivision contains water supply systems, park areas, street trees, paved areas or other physical facilities, which are not and cannot be satisfactorily maintained by any existing governmental agency or a public utility, provision shall be made by an agreement which shall become a part of the deed and be noted on the plat acceptable to the agency having jurisdiction over the location and improvements for the proper and continuous maintenance and supervision by the subdivider or legally constituted home owners association owning such facilities. A declaration of covenants, conditions, restrictions, easements and assessment liens running with the land providing for maintenance, repair, insurance and replacement in event of loss shall accompany the plat where necessary due to provisions for common space, common walls or common facilities.

4307.23 Parks, school sites, playgrounds and street trees.

The subdivider shall give consideration to suitable sites for schools, parks, playgrounds and other areas for public use and give consideration to the planting of street trees by the developer so as to conform with the recommendations of the director. Provisions for schools, parks, and playgrounds shall be indicated on the preliminary plan so that it may be determined when and in what manner such areas shall be acquired by the appropriate governmental agency. Provisions for street trees shall be indicated on the preliminary plan as to variety and spacing in conformance with the master street tree plans as set by the department of recreation and parks.

4307.25 Access.

Within each subdivision through which a stream, channel or watercourse flows, access shall be provided thereto and delineated on the plat thereof for inspection and maintenance by the proper governmental agency or private body having jurisdiction to inspect and maintain streams, channels or watercourses. Common space shall be accessible for public service, safety and travel.

4307.27 Improvements; requirements.

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

The improvements listed below shall be installed after approval of the final plat which is prepared for recording. In lieu of this immediate completion of the improvements the subdivider shall enter into an agreement with the director of public service and the director of public utilities and file a surety bond with him to secure to the city the actual construction of such improvements within a period not exceeding one (1) year, in accordance with the specifications, and inspection by the City of Columbus.

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

The following improvements are to be installed: (a) All intersections of the subdivision streets and boundary lines shall be marked with permanent monuments. A permanent monument shall be deemed to be a one-half (½) inch or larger steel rod or pipe extending three (3) feet below the finished grade line. Where conditions prohibit the placing of monuments on the line, offset monuments will be permitted. Such offset monuments and distances shall be properly shown on the subdivision plat.

(B) Where a benchmark is nonexistent within a reasonable distance, the director of public service and/or their designee shall place a permanent benchmark, the elevation of which shall be based on sea level datum as determined by the U.S. Coast and Geodetic Survey and shall be accurately noted on the subdivision plat.

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

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

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

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

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

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

(I) Storm water disposal shall be subject to approval and supervision of the division of sewerage and drainage and the department of public service.

4307.29 Sidewalk and bikeway requirements.

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

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

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

(C) All sidewalks and bikeways required by this chapter shall be completed upon the occurrence of any one (1) of the following conditions:

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

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

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

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

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

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

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

4307.31 Preliminary plats.

(A) In the subdivision of land into building lots and in the dedication of streets, alleys, and areas for the public use, the owner or his agent shall submit eleven (11) black or blue line white prints of the preliminary sketch plat to the director. The same procedure is to be followed for a final plat. Plats of five (5) lots or less may be exempted from the above provision. The required application form for submitting preliminary and final plats may be obtained from the department. The fees for platting shall be those adopted in conformance with C.C. 3123.21 and 3305.05.

(B) The preliminary plat shall be drawn to a scale of not less than one hundred (100) feet to the inch, and it shall indicate:

(1) The present location of all public and private boundaries, streets, watercourses, topography and other features within the area to be subdivided, and similar facts regarding existing conditions of land immediately adjacent thereto;

(2) The proposed location and width of streets, alleys, lots, crosswalks and easements;

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract and adjacent thereto;

(4) The general location and size of the nearest water main and sewer or outlet;

(5) The title under which the proposed subdivision is to be recorded, appropriate evidence of ownership of the tract to be subdivided, and the names of the subdivider and the engineer or surveyor platting the tract;

(6) The name of each owner of a large tract or the title of each subdivision abutting the boundary of the proposed subdivision;

- (7) Contours with intervals of two (2) feet, more or less, referred to sea level datum as determined by the U.S. Coast and Geodetic Survey;
 - (8) North point, scale and date;
 - (9) The zoning classification of the property to be subdivided;
 - (10) Reports and/or statements regarding the location and type of sanitary sewers or other disposal facilities to be provided;
 - (11) Any park, planted area, playground or common open space proposed by the developer;
 - (12) The front setback lines; and
 - (13) Base flood elevation data.
- (C) Persons presenting subdivision layouts and the required improvements for such layouts under control of any federal agency, shall submit such plans and show proof of intention to carry out the completed subdivision and required improvements in accordance with the subdivision standards of the city.
- (D) All preliminary plats shall be reviewed for flood plain development to determine whether they will be reasonably safe from flooding.
- (E) If a subdivision is proposed for any part of the flood plain it shall be reviewed to assure that:
- (1) Flood damage shall be minimized;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.

4307.33 Final plat.

- (a) The final plat shall be drawn to a scale of not less than one hundred (100) feet to the inch.
- (b) The director may permit a variation in scale for plats of unusual size. If more than two (2) sheets are required for any such plat, an index sheet of the same dimensions shall be filed showing the entire subdivision on one (1) sheet with an indication of all the areas noted on any other sheet of the plat.
- (c) Drawings should be held to a minimum of twenty by thirty inches (20" × 30") and a maximum of thirty by forty inches (30" × 40") outside dimensions.
- (d) The final plat should contain and illustrate:
 - (1) The boundary lines of the area being subdivided with accurate distance and bearings; including section, township, corporation and county lines;
 - (2) The property lines of all proposed streets and alleys with their widths, names and bearings;
 - (3) The accurate boundary lines of all grounds for public use or common use, and the acreage of same;
 - (4) The line of departure of one street from another;
 - (5) All common boundary corners of all adjoining lands and adjacent streets and alleys with their widths and names;
 - (6) All lot lines with their bearings, identification system of lots, blocks and other areas;
 - (7) Easements for public use, services or utilities with their dimensions;
 - (8) All dimensions, linear and angular, boundary locations, lots, streets, alleys, easements and areas for public or private use expressed in decimals of a foot;
 - (9) Radii, arcs and chords, points of tangency, and central angles for all curvilinear streets, and radii for all rounded corners;
 - (10) The name of the subdivision and description of the property subdivided, showing its location and extent, points of compass, scale and plan, dedication of streets and alleys, and names of owners and subdivider, together with appropriate evidence of ownership of the subdivision;
 - (11) The front setback lines;
 - (12) Certification by land surveyor, registered in the state, to the effect that the plat represents a survey made by him, and that all the necessary survey monuments are correctly shown thereon;
 - (13) Base flood elevation data.

4307.35 Variation and exceptions.

Whenever a tract to be subdivided is of such unusual size or shape or is surrounded by such unusual conditions so that the strict application of these standards would result in hardships or injustices, the director may vary or modify the application of such standards so that the property may be developed in a reasonable manner which will not be detrimental to the public welfare and interests of the city, but will be in keeping with the general intent of these standards.

In addition, the director may vary or modify the application of the standards of this chapter to reasonably effect the purposes set out in C.C. 3339.27 for town house development, in C.C. 3345.01 for planned unit development and in C.C. 3347.01 for planned community development according to standards set out in pertinent chapters of the Zoning Code.

A variance shall not be issued within any area designated as a floodway on the flood boundary and floodway map. Due consideration shall be given to all provisions for flood plain development.

Section 122. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 4309, entitled "Traffic Standards Code" and consisting of ten (10) sections oddly numbered 4309.01 through 4309.19 and reading as follows:

4309.01 Purpose.

This Traffic Standards Code is enacted to preserve and promote the public health, safety and welfare by means of regulations to provide for adequate transportation facilities to serve growth, development and redevelopment.

4309.03 Definitions.

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

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

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

Four hundred (400) or more trip ends:

- Fast food restaurant;
- Service station;
- Supermarket;
- Convenience market;
- Shopping center.

Two hundred (200) or more trip ends:

All other uses.

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

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

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

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

(A) All site access points and major signalized or unsignalized intersections within an area bounded by the nearest arterial intersection or signalized intersection in all directions from the subject development site. Any modified area as determined by the department of public service, in consultation with the department, based on factors reasonably related to the study area, including, but not limited to:

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

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

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

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

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

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

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

- (1) Address conclusions resulting from analyses of the proposed development's access needs and impacts on the transportation system;

- (2) Address feasible transportation system improvements needed to satisfactorily accommodate site-generated and nonsite-generated traffic which will be identified separately;
- (3) Reflect improvements currently planned or programmed by any public or private agency and may include information concerning relevant project scheduling changes;
- (4) Address an implementation sequence that will provide maximum compatibility with the overall roadway system needed for network effectiveness;
- (5) Are sensitive to:
 - (a) Timing of committed and scheduled network improvements;
 - (b) Anticipated time schedules of adjacent developments;
 - (c) Size and timing of individual phases of the proposed development;
 - (d) Logical sequencing of various transportation improvements;
 - (e) Amount of right-of-way needed and time required for acquisition;
 - (f) Local long-range priorities for transportation improvements and funding, including the Columbus Thoroughfare Plan;
 - (g) Cost effectiveness of implementing improvements at a given stage of development;
 - (h) Lead time necessary for additional design and construction; and
 - (i) Standards and policies of other public agencies and jurisdictions.

(E) A traffic impact study shall contain:

- (1) A cover containing the development's name and location, applicant's name, preparer's name, and report date;
- (2) A title page containing all information on the cover plus the applicant's address, telephone and fax numbers; preparer's address, telephone and fax numbers; and preparer's engineering registration seal;
- (3) A table of contents which lists all major section headings by title and page number;
- (4) A list of exhibits identifying all maps and tables by name and page number;
- (5) An executive summary in the initial chapter presenting the study's purpose, issues, synopsis, conclusions, and recommendations;
- (6) Text and exhibits to clearly present and describe conditions, conclusions and recommendations of the study;
- (7) Additional materials as agreed upon in memorandum of understanding.

4309.05 Traffic impact study required.

(A) A traffic impact study shall be required for:

- (1) Major developments involving a rezoning, preliminary subdivision plat, zoning variance, or special permit.
- (2) Nonmajor developments when, based on engineering judgment and the guidelines presented in the current edition of the ITE's recommended practice report, circumstances specific to that project warrant the preparation of a traffic impact study. A request for a nonmajor development's traffic impact study shall be made within thirty (30) days of receipt by the department of public service of the application for a rezoning, preliminary subdivision plat approval, zoning variance, or special permit.
- (3) Any development where the latest ITE Trip Generation report does not address the traffic impact of that proposed land use, unless waived by the director of the department of public service and/or their designee. This traffic impact study shall demonstrate if the project is major or nonmajor in scope and if found to be major in scope, all requirements for major projects outlined in this chapter shall be followed.
- (4) Any development where the development plan changes significantly between the time that a rezoning, preliminary subdivision plat, zoning variance, or a special permit is granted or approved and a subsequent rezoning, preliminary subdivision plat, zoning variance, or special permit is sought.

(B) The requirement for a traffic impact study may be waived by the director of public service and/or their designee if a developer presents data demonstrating the development's uniqueness and the traffic generation rate for the development is expected to be less than that commonly observed at other developments in the same land use category and which traffic generation rate is too low to require a traffic impact study.

4309.07 Development requirements.

(A) Favorable staff recommendations concerning approval of rezonings, and zoning variances, or staff approval of special permit applications and preliminary subdivision plats is contingent, in part, upon assumption by the developer of financial responsibility for the amount of roadway infrastructure roughly proportional to the development's contribution to total traffic in the area at the study's horizon year.

(B) The city may relax requirements imposed upon the developer when:

1. The city determines that the identified improvements are not in the best interests of the city due to physical and environmental limitations or if the city chooses to finance the improvements;
2. A determination is made by the director of public service and/or their designee that the enforcement of these requirements for roadway improvements would result in a gross inequity. The applicant shall bring the situation to the attention of the Department of Public Service to request such a determination be made.

(C) The contribution shall be quantified or otherwise determined using traffic projection studies or other methods as the city may

reasonably require to be conducted by the applicant prior to approval of the development plan.

4309.09 Process.

The director of the department of public service and the director shall promulgate rules and regulations designed to guide in the preparation of a traffic impact study.

4309.11 Horizon year and time period.

- (A) Each traffic impact study shall address traffic conditions in the horizon year.
- (B) If the proposed development is to be implemented in phases each major phase shall be analyzed at the appropriate horizon year.
- (C) For each defined horizon year, specific peak time periods related to the land use proposed shall be analyzed.

4309.13 Documentation, review and revision.

Each traffic impact study will be reviewed by a review team of staff members appointed by the director of public service and/or their designee. A traffic impact study which is judged incomplete by the aforementioned review team will be returned to the applicant for additional work.

4309.15 Qualifications of preparer.

- (A) A traffic impact study shall be prepared by professionals with training and experience in traffic engineering under the supervision of a registered professional engineer with training and experience in traffic engineering including operations and safety analysis.
- (B) The responsible registered engineer shall sign and seal the traffic impact study.
- (C) The preparer shall not be a member of the traffic impact study review team. Neither shall the preparer be related to a review team member nor hold a financial interest in the project under study.

4309.17 Right-of-way requirement.

An applicant for a rezoning, zoning variance, special permit, or preliminary subdivision plat approval shall dedicate rights-of-way for roadways along and through subject properties as stipulated in the Columbus thoroughfare plan.

4309.19 Public record.

Each traffic impact study shall become part of the public record upon initial submittal to the city's study review team.

Section 123. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 4311, entitled "Blockwatch Program Facilitation" and consisting of three (3) sections oddly numbered 4311.01 through 4311.05 and reading as follows:

4311.01 Purpose.

This chapter creates a requirement for developers of residential communities in excess of fifty (50) units to work with the department of public safety to facilitate opportunities to establish neighborhood Blockwatch programs. The city intends to create opportunities for new neighborhoods throughout the city to launch Blockwatch programs. Blockwatch programs establish a formal network for citizens to exchange ideas and information with their neighbors and the police. Residents learn how to become the extended eyes and ears of the police, reporting on suspicious or unusual activity in their communities and forwarding that information to the proper authorities. Participants of a Blockwatch also learn the best techniques for securing their homes and property, along with the tips on personal safety for themselves and their families when shopping, traveling and engaging in other activities away from home.

4311.03 Requirements.

Upon the submission of an application for approval of either a preliminary plat or a certificate of zoning, clearance for residential purposes in excess of fifty (50) units a developer must submit a work plan and timetable to the director of public safety. The work plan and time table shall address the responsibilities of a developer to distribute to the residents within the neighborhood a notice of a public meeting, to arrange for the use of a meeting facility in close proximity to where the Blockwatch is being proposed, to arrange with the division of police for a representative to attend the public meeting and explain the Blockwatch program in detail, to assist with the creation and costs associated for communicating among Blockwatch neighbors.

The following requirements will apply to the review, approval and construction of new residential projects:

- A. The mechanism to establish a neighborhood Blockwatch program must be provided by the owner of any tract of land that is to be developed with more than fifty (50) dwelling units of any type or combination of types. It is the responsibility of the owner to review the proposed residential development project with the director of public safety or designee prior to submitting an application for approval of either preliminary plat or a certificate of zoning clearance.
- B. An application for approval of a preliminary plat for a residential subdivision containing more than fifty (50) dwelling

units must include the determination of the director of public safety, as required in part A of this section.

C. An application for a certificate of zoning clearance for a residential development project containing more than fifty (50) dwelling units on the same lot must include the determination of the director of public safety director as required in part A of this section.

4311.05 Limits.

In no case shall a developer be held responsible for the failure of a Blockwatch program to be established or for its overall success in reducing, preventing or eliminating crime of a given neighborhood.

It is understood by the City of Columbus that the success of the Blockwatch and its longevity may vary by neighborhood.

Section 124. That the existing Section 4501.087 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4501.087 - Division.

"Division" when used without clarification means the code enforcement ~~neighborhood services~~ division of the department of development.

Section 125. That the existing Section 4509.03 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4509.03 Hearing.

A. Any person affected by any notice which has been issued in connection with the enforcement of any provision of the Columbus City Codes, except as otherwise specified, including but not limited to the Nuisance Abatement Code, the Health, Sanitation, and Safety Code, the Housing Code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the property maintenance appeals board on all matters set forth in such notice, provided that:

1. Such person shall file a written petition for such appeal hearing with the department ~~in the neighborhood services division office~~ within fifteen (15) calendar days after the notice is served; and,

2. The petition shall set forth the factual reasons why a particular violation or violations is being appealed.

B. Upon the receipt of such petition, the director, acting as secretary to the board, shall set a time and place for such hearing and shall give the petitioner written notice thereof.

C. At such hearing all parties shall have the right to appear and be heard in person, or by legal counsel, to present their case.

D. The hearing shall be commenced not later than forty-five (45) calendar days after the day on which the petition is filed, except the board may continue the hearing by its own motion, or at the request of either party.

Section 126. That the existing Section 4509.05 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4509.05 Proceedings at hearings.

(A) Within a reasonable time period following the conclusion of any hearing, the proceedings at such hearings, including the findings and the decision of the property maintenance appeals board, shall be summarized, reduced to writing, and entered as a matter of public record with the department ~~in the division of neighborhood services office~~. The findings, decisions and orders of the board of housing appeals shall be final. Such record shall also include a copy of every notice or order issued in connection with the matter.

(B) A copy of the written findings and decision of the property maintenance appeals board shall be provided to the petitioner.

(C) The findings, decisions and orders of the property maintenance appeals board shall be final.

Section 127. That the existing Section 4509.06 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4509.06 - Emergency orders.

(a) Whenever the ~~director administrator~~ finds that an emergency exists which requires immediate action to protect the public health and safety or the health and safety of any person, he may issue an order reciting the existence of such an emergency and requiring that such action as he deems necessary be taken to meet the emergency. Notwithstanding the other provisions of this Housing Code, such order shall be effective immediately and complied with immediately.

(b) If necessary to protect the public health and safety or the health and safety of any person where an emergency exists in an occupied building, the ~~director administrator~~ shall order that the premises be vacated forthwith and further that they shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the director administrator.

(c) In cases where it reasonably appears that there is imminent danger to the public health and safety or the health and safety of any

person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the ~~director administrator~~ may cause the immediate abatement, including building demolition, of such emergency condition. The ~~director administrator~~ shall further cause the cost of such abatement to be charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.

Section 128. That the existing Section 4525.06 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4525.06 Discontinuance of service or facility.

No owner or other person, except a public utility company or private supplier for nonpayment of a utility bill, shall remove, shut off, discontinue, interrupt or cause the removal, shut off, discontinuance or interruption of any service, facility, equipment or utility which is required under this Housing Code from any occupied dwelling except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during emergencies when discontinuance is approved by the ~~director Development Regulation Administrator~~. Failure or neglect by an owner who has responsibility for payment of a utility bill for any unit he does not occupy to pay such bill with a resulting shut off of the utility shall be construed as causing the shut off.

Section 129. That the existing Section 4705.01 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4705.01 - Board makeup.

A. The safe neighborhood review board shall be composed of nine (9) members as follows:

1. The director, or his or her representative;
2. The administrator of the ~~code development~~ neighborhood services division of the department, or his or her representative;
3. The chief of the division of police, or his or her representative;
4. The chief of the bureau of fire prevention of the division of fire, or his or her representative;
5. The chief of the environmental health division of the department of public health, or his or her representative;
6. The chief building official, or his or her representative;
7. A public member appointed by the director who represents the historical preservation community;
8. A public member appointed by the director who is a member of an area commission;
9. A public member appointed by the director.

B. The terms of appointment of all public members appointed by the director shall be three (3) years each, and they shall serve until a successor is appointed.

C. The director shall serve as secretary of the board.

D. The board shall adopt those rules necessary to conduct its affairs.

Section 130. That all fees, as indicated in the Combined Development Related Fee Schedule, adopted by Ordinance 1707-07, that applied when an application was made for review by the Department of Development shall now be applied when subject to review by the Department of Building and Zoning Services.

Section 131. That Chapter 3105, 3121, 3123, 3125, 3127 of the Columbus City Codes, 1959, are hereby repealed.

Section 132. That prior existing sections 215.01, 215.02, 215.07, 703.05, 902.00, 905.14, 3101.07, 3109.14, 3118.02, 3118.07, 3301.01, 3303.04, 3303.18, 3305.04, 3305.051, 3305.06, 3305.07, 3307.02, 3307.08, 3307.11, 3310.01, 3310.05, 3311.09, 3311.12, 3311.13, 3311.16, 3311.17, 3311.18, 3311.19, 3311.20, 3311.22, 3311.23, 3311.24, 3311.25, 3311.26, 3311.28, 3311.29, 3311.31, 3311.32, 3311.33, 3332.18, 3332.19, 3332.195, 3332.36, 3333.06, 3333.07, 3333.15, 3333.16, 3333.33, 3333.39, 3333.41, 3342.01, 3342.17, 3342.21, 3345.07, 3345.08, 3345.10, 3345.12, 3345.155, 3347.03, 3347.04, 3347.07, 3347.115, 3349.03, 3349.035, 3353.05, 3356.11, 3357.01, 3357.015, 3359.14, 3361.03, 3363.175, 3365.085, 3365.37, 3367.31, 3367.085, 3370.02, 3372.03, 3372.404, 3372.507, 3372.510, 3372.569, 3374.04, 3374.05, 3375.20, 3380.01, 3381.20, 3382.04, 3384.08, 3384.09, 3384.10, 3384.11, 3390.03, 3390.04, 3390.06, 4101.01, 4101.04, 4103.13, 4103.16, 4109.04, 4109.07, 4109.073, 4109.10, 4113.29, 4113.77, 4114.911, 4116.01, 4116.03, 4116.09, 4501.087, 4509.03, 4509.05, 4525.06, and 4705.01 of the Columbus City Codes, 1959, are hereby repealed.

Section 133. That the changes provided for by this ordinance shall become effective May 1, 2010.

Section 134. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves or vetoes the same.