



City of Columbus

Office of City Clerk
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Legislation Text

File #: 2185-2013, **Version:** 1

BACKGROUND: The City of Columbus Planning Division, working with the Department of Building and Zoning Services, has drafted the East Franklinton District as a new zoning tool to implement the adopted *East Franklinton Creative Community District Plan* (2012). The East Franklinton District is an urban, mixed use zoning classification that provides flexibility for development consistent with the adopted plan. It creates the East Franklinton Review Board, which issues Certificates of Approval to ensure new development, expansion of existing development, site improvements and graphics are consistent with the adopted plan. The companion rezoning ordinance (Ordinance No. 1569-2013, Z13-043) reclassifies 551 parcels to the East Franklinton District. The rezoning proposal is endorsed by the Franklinton Area Commission and the Columbus Development Commission has recommended its adoption.

This ordinance makes minor code changes that were supported with the initial codification effort in Ordinance 1508-2013, but were inadvertently missed in that initial effort.

FISCAL IMPACT: No funding is required for this legislation.

To amend one section of the newly enacted Chapter 3323 of the Columbus City Codes, 1959, entitled “East Franklinton District” in order to make minor code changes that were supported with the initial codification effort in Ordinance 1508-2013, but were inadvertently missed in that initial effort.

WHEREAS, East Franklinton is a unique and valued part of the City of Columbus by virtue of its history, urban character and architectural scale; and

WHEREAS, the *East Franklinton Creative Community District Plan* was adopted by Columbus City Council on November 12, 2012, to establish a new vision to guide development and redevelopment in the district; and

WHEREAS, the goal of this new zoning classification is to provide a flexible set of regulations that will ensure new development is consistent with the character of East Franklinton and the vision recommended in the adopted plan; and

WHEREAS, it is necessary and appropriate for the general welfare for the City of Columbus to undertake this creation of a new zoning code chapter and area wide rezoning to promote appropriate development and redevelopment, preserve the neighborhood’s character, and protect the value of existing and neighboring properties; and

WHEREAS, all affected property owners and those within 125 feet of the area to be rezoned were notified by mail of an informational public meeting in the neighborhood and of the Development Commission meeting during which the code change and rezoning proposal was reviewed; and

WHEREAS, these changes were supported as part of the initial codification effort in Ordinance 1508-2013, but were missed in that initial effort; now, therefore,

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

SECTION 1. That existing section 3323.09 of the Columbus City Codes is hereby amended to read as follows:

3323.09 East Franklinton review board.

A. Creation, Terms, Membership and Officers.

1. Creation. The Review Board shall consist of seven (7) members appointed by the Mayor and approved by City Council.
2. Organization. Unless otherwise specified, as soon as convenient after the members of the Review Board are appointed by the Mayor and approved by City Council, the Review Board shall meet and organize by the election of a chairman and secretary.
3. Initial Terms. When the Review Board is first constituted, one (1) member shall be appointed for an initial term of one (1) year; three (3) members shall be appointed for an initial term of two (2) years; and three (3) members shall be appointed for an initial term of three (3) years. All subsequent terms shall be for a period of four (4) years.
4. Membership. At least four (4) members of the Review Board shall reside or own a business or property in Franklinton. Among the professions that shall be represented on the Board, one (1) member shall be engaged as a developer or realtor with experience in the sale or management of urban properties; one (1) member shall be an architect, landscape architect or urban planner; one (1) member shall be a design professional or contractor with historic rehabilitation experience; and one (1) member shall be a lawyer with land use experience. One (1) member of the board shall be recommended by the Franklinton Area Commission as its representative and one (1) member shall be recommended by the Franklinton Board of Trade as its representative. A member may represent more than one required role.
5. Nomination Process. Candidates for seats on the Review Board shall be recommended by the Development Department to the Mayor's Office for review and approval before submittal to City Council for final action. The Franklinton Area Commission and Franklinton Board of Trade shall each submit two (2) candidates for consideration by the city in fulfilling each organization's seat on the Board. The Development Department will review and select one of the nominees for submittal to the Mayor's Office.
6. Term. A member whose term has concluded may continue to temporarily serve on the Review Board until his/her appointment is renewed or is officially concluded through the appointment of a replacement member for that seat, provided that such temporary service shall not extend for more than one-hundred-twenty (120) days after the conclusion of a member's term.
7. Removal. By a majority vote of the Review Board, a member of the board may be removed from service for missing four (4) consecutive meetings or a total of five (5) meetings in one (1) calendar year.
8. Pay. Members shall serve without compensation.
9. Officers. The Review Board shall elect a chair and vice-chair each year at an organizational meeting each January. At that same meeting, the board shall review the list of Staff Approvable Items and vote to ratify, expand or modify the list (see Section 3323.13, Certificate of Approval- Staff Review).
10. Bylaws. The Review Board shall establish a set of bylaws for the conduct of its business.

B. Proceedings. The Review Board ~~may~~ shall adopt rules of procedure providing for regular and special meetings, provided that those rules do not conflict with this Chapter. Such rules shall not be deemed operative until reviewed and approved by the City Attorney or his/her designee. The Board members shall take official action only by a vote of a majority of the Board members voting on the question on the table during a public meeting at which there is a quorum. A quorum exists when a majority of the Board members appointed to and serving on the Review Board are physically present at the meeting. All board meetings shall take place in a publicly accessible building and shall be open to the public. A record of proceedings shall be maintained and available for public inspection. Notices of all regular board meetings shall be published no less than twenty (20) days prior to the meeting in the City Bulletin. Notice of special meetings shall be published no less than five (5) days prior to the meeting in the City Bulletin or a newspaper of general circulation.

C. Duties. The Review Board shall have the following duties:

1. Design Review. The Review Board shall hear and decide applications for Certificates of Approval. A

Certificate of Approval is issued by the board in accordance with the standards of this Chapter, East Franklinton Plan and guidelines as approved by City Council. The board shall conduct such review for any projects requiring a Certificate of Approval as outlined in section 3323.11, Certificate of Approval - Required. Project review may include preliminary consideration of conceptual or interim proposals.

Design review shall be based upon the following considerations:

- a. Compliance with the provisions and standards of this Chapter.
- b. Consistency with adopted development standards and design guidelines that are part of the East Franklinton Plan.
- c. Consistency with other adopted plans, guidelines and policies.
- d. Other code and regulatory requirements as may be applicable.

In granting a Certificate of Approval, the Review Board may impose reasonable requirements and conditions regarding the location, dimensions, character, access, building materials, and other features of the proposed uses or structures to carry out the intent and purpose of Chapter 3323, East Franklinton District, and to otherwise safeguard the public health, safety and welfare.

The Review Board may modify applicable development and performance standards of this district as necessary in reviewing and approving a site plan, building, structure, parking, graphic or other related improvement under its jurisdiction.

The Review Board may delegate final review of minor items to a subcommittee of the Board or to the city staff. In so doing, the board should provide clear direction regarding its expectations for final resolution of such design issues. Subcommittee meetings shall be subject to public notice provisions and a written record of the deliberations shall be provided to the board.

2. **Public Plan Review.** Within its jurisdiction, the Review Board shall review and provide a recommendation to City Council regarding adoption for any public plan, including but not limited to neighborhood plans, streetscape plans, park plans, bicycle and pedestrian plans, and major street, parking and circulation plans.
 3. **Design Guidelines.** The Review Board may recommend approval or disapproval to City Council of design guidelines or amendments thereto for use in reviewing applications that come before the board, including staff approvals.
 4. **Zoning Change, Variance, Special Permit or Temporary Use.** The Director of the Department of Building and Zoning Services shall promptly transmit a copy of agendas or notices as issued for public hearing related to rezoning, special permits, variances, and zoning appeals, regarding property located wholly or partially within the East Franklinton District to the chairperson of the East Franklinton Review Board as a matter of information and for comments and advice. In addition, the city clerk shall include such chairperson on the council's mailing list for agendas. However, the Review Board shall be responsible for confirming that the mailing lists contain the currently appropriate name and address for proper notification. Failure of notification shall not constitute grounds for denial of a requested action or reversal of a prior decision; however, such failure may be a cause for postponement if appropriate.
 5. **Amendments.** Amendments to CC 3323, East Franklinton District, may be prepared by the city or initiated by the Review Board.
 6. **Review of Public Art.** The Review Board shall consider proposals for the placement of public art, as defined in Chapter 3114, Columbus Art Commission, and provide a non-binding recommendation to the art commission as provided for herein.
- D. **Appeals of Staff Decisions.** Within thirty (30) days of a decision by the city staff regarding a Certificate of Approval, any person directly affected by said decision may file an appeal to the Review Board.
- E. **Appeals of Review Board Decisions.** Within thirty (30) days of a decision by the Review Board regarding a Certificate of Approval, any person directly affected by said decision may file an appeal to the Board of Commission Appeals, as provided for in Chapter 3118.

SECTION 2. The Department of Development is directed to conduct an evaluation of the district in three years from the effective date of Ordinance 1508-2013 and to propose any amendments for consideration by the East Franklinton Review Board, Franklinton Area Commission, Development Commission and City Council.

SECTION 3. That prior existing section 3323.09 of the Columbus City Codes, 1959, is hereby repealed.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period provided by law.