



Legislation Text

File #: 1922-2006, **Version:** 3

BACKGROUND: The purpose of this Ordinance is to establish the Conservation Neighborhoods Pilot Project through the creation of a new Columbus City Code Chapter 3120 entitled 'Conservation Neighborhoods' in the Planning and Platting Code Section that will include a description of the purpose, administration, definitions, establishment of the Conservation Neighborhood Review Board, the process for designating such area, nominating procedures, standards of eligibility, eligibility determination, public hearings, standards, processes for certification, and staff review procedures.

Conservation Neighborhoods will identify an area(s) neighborhood(s) with a distinct contributing atmosphere or characteristic(s) and to enhance the existing significant built environment through conservation and design review to: Promote and conserve the unique, identifying, and contributing built environment and social attributes of the neighborhoods; Stabilize the property values of neighborhoods, business districts, and real property by respecting the culture, architecture, and context of their built environmental characteristics; Afford the current residents the opportunity to retain residency in the neighborhood; Enhance the character and diversity of neighborhoods by permitting ready clearance for certain alterations which are consistent with, and do not destroy, the unique built environmental characteristics; Foster civic pride in the beauty and distinctive character of the areas identified; Promote local design qualities and reduce streetscape conflicts by encouraging infill development that respects the context of the contributing built environmental characteristics; and, Increase the city's tax base through reinvestment in the neighborhoods.

FISCAL IMPACT: No funding is required for this legislation.

To establish Conservation Neighborhoods in the City of Columbus via a new Columbus City Code Chapter 3120 within Title 31, the Planning and Platting Code to be entitled 'Conservation Neighborhoods'.

WHEREAS, City Council recognizes that enabling Conservation Neighborhoods will identify an area(s) and/or neighborhood(s) with a distinct contributing atmosphere or characteristic(s) will provide a mechanism to promote and conserve the neighborhood's unique features; and

WHEREAS, Conservation Neighborhoods, and authorizing City Code, will stabilize the property values of neighborhoods, business districts, and real property by respecting the culture, architecture, and context of their built environmental characteristics; and

WHEREAS, Conservation Neighborhoods, and authorizing City Code, will afford the current residents the opportunity to retain residency in the neighborhood, enhance the character and diversity of neighborhoods by permitting ready clearance for certain alterations which are consistent with, and do not destroy, the unique built environmental characteristics; and

WHEREAS, Conservation Neighborhoods, and authorizing City Code, will foster civic pride in the beauty and distinctive character of the areas identified, promote local design qualities, and reduce streetscape conflicts by encouraging infill development that respects the context of the contributing built environmental characteristics; and

WHEREAS, A working group consisting of the local preservation groups and the staff of the Neighborhood Services Division of the City of Columbus have given a considerable input in preparing this document, including the study of Conservation Neighborhoods overlays in other cities of United States with an analysis of the eight (8) different Conservation Neighborhood ordinances and their suitable features have been incorporated in this Ordinance; and

WHEREAS, The Administration of the Conservation Neighborhoods shall be the responsibility of the Director, Department of Development, City of Columbus or Director's designee, and the duties of the Historic Preservation Office with respect to the Conservation Neighborhoods shall include, but not be limited to the following:

1. To guide the neighborhood residents and the preservation groups about neighborhood features that may be maintained and give technical guidance to compile the set of documents although the primary responsibility lies with the neighborhood residents.
2. To keep the official records of the individual properties in the Conservation Neighborhood.
3. To initially review the merits of the proposal of the Conservation Neighborhoods.
4. To give necessary guidance to the neighborhood residents during the study period.
5. To work with the neighborhood residents and preservation groups on framing the standards that will conserve the character of the neighborhood;

WHEREAS, The implementation of the Conservation Neighborhoods legislation is intended to allow for a pilot project to establish a minimum of one (1), and not more than three (3), test Conservation Neighborhood(s) in order to ensure best practices and procedures for any/all future Conservation Neighborhood legislation which may come now, therefore,

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

Section 1. That a new Chapter 3120 of the Columbus City Code 1959, entitled "Conservation Neighborhoods", consisting of twenty-seven (27) oddly numbered sections is hereby enacted and shall read as follows:

3120.01 Purpose.

The purpose of this Chapter, and the Board established herein, is to identify an area(s), neighborhood(s), and/or district(s) for the Conservation Neighborhood pilot project with a distinct contributing atmosphere or characteristic(s) and to enhance their significant built environment through conservation and design review to:

- A. Promote and conserve the unique, identifying, and contributing built environment and social attributes of the neighborhood(s);
- B. Stabilize the property values of the neighborhood(s), business district(s), and real property by respecting the culture, architecture, and context of their built environmental characteristics;
- C. Afford the current residents the opportunity to retain residency in the neighborhood;
- D. Enhance the character and diversity of neighborhood(s) by permitting ready clearance for certain alterations which are consistent with, and do not destroy, the unique built environmental characteristics;
- E. Foster civic pride in the beauty and distinctive character of the areas identified;
- F. Promote local design qualities and reduce streetscape conflicts by encouraging infill development that respects the context of the contributing built environmental characteristics; and
- G. Increase the city's tax base through reinvestment in the neighborhoods.

3120.03 Administration:

Administering the Conservation Neighborhood(s) pilot project is the responsibility of the Director. The Director is hereby authorized to:

- A. Provide guidance to the neighborhood residents and the preservation groups about architectural characteristics that may be conserved and give technical guidance to compile the set of documents although the primary responsibility lies with the neighborhood residents;
- B. Keep and maintain the official records of the individual properties in the established Conservation Neighborhood;
- C. Initially review the merits of the proposal of the Conservation Neighborhoods;
- D. Give necessary guidance to the neighborhood residents during the study period; and
- E. Work on framing the Standards with the neighborhood residents and preservation groups that will conserve the character of the neighborhood.

3120.05 Definitions

The definitions listed are intended for CC 3120 only.

"Architectural Feature" means the architectural treatment(s) and arrangement that is /are identified and described as being important characteristics of the built environment or cultural attributes of a Conservation Neighborhood, or as identified in the adopted Standards.

"Authorization Document" or "Authorization" means a document issued by the Director (or his designee) to an applicant following review and approval of proposed construction, alteration, and/or demolition of a listed property or as identified in the adopted standards.

"Board" means, when used without clarification, the Conservation Neighborhood Review Board.

"Block" means the length of street between two (2) intersecting streets, as shown on Recorder's Plat Book of the City of Columbus.

(see Chapter 3320, Traditional Neighborhood Development zoning code).

"Built environment" means the distinctive architectural features, scale, associations, and setting that make up streetscapes and create the rhythm, pattern, expression, or texture of a neighborhood or as identified in the adopted Standards.

"Characteristics" means the unique, distinct attributes or qualities of a property or a group of properties, including but not limited to: buildings, architectural features, landscape, man made, or natural features which make up the built environment or cultural attributes of a neighborhood or as identified in the adopted standards.

"Concept Review" means an evaluation of a preliminary design or general plans for an alteration, new construction, demolition, site improvement, or as identified in the adopted standards.

"Cultural Attributes" means all of the physical or social features of the neighborhood that, independently or by virtue of their interrelationship, shall be identified and described as being important characteristic(s) of a neighborhood, as shall be identified in the adopted Standards.

"Conservation Neighborhood" means an established neighborhood, and/or defined blocks with the distinct feature(s) or cultural characteristic(s) identified to promote and maintain the contributing built environment.

"Department" when used without clarification means the Department of Development.

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

"Listed Property" means any property in the Conservation Neighborhood designated by the City Council pursuant to the provisions of this code.

"Neighborhood" means (A) The Conservation Neighborhood area as set out in the C.C. 3120, and/or (B) minimum of ten (10) contiguous blocks grouped together in a geographically defined area possessing a significant concentration, linkage, or continuity of structures that are united by a distinct and/or identifying characteristic(s).

"Owner(s) of Property" means the owner of record, a mortgagee or vendee in possession, or the mortgage holder of record as shown on the current tax list of the auditor of Franklin County, Ohio.

"Standards" means the document adopted by the Director that sets forth the neighborhood features identified for conservation and generally defining what constitutes an appropriate alteration, construction, site improvement, or demolition.

"Study Period" means the length of time, not to exceed one (1) year, in which the neighborhood residents of a proposed district will carry out the required study/research to identify the set of built and environmental characteristics. The study period will begin after the first Public Hearing organized by the Director. The neighborhood residents, with the assistance of The Director and the interested Preservation Groups, will compile a study report within this same time frame.

"Study Report" means the report compiled in the study period. The report shall list the following:

- A. The characteristic(s) that need to be maintained through the designation of Conservation Neighborhood status;
- B. List of the characteristics that will require staff review and authorization;
- C. Written description of the Public Process;
- D. Attendance records for all the Public Meetings;
- E. Comments, objections to the proposed designation; and
- F. Signatures from the property owners of the neighborhood supporting the designation of the Conservation Neighborhood and to the conservation of the unique built environment.

3120.07 Establishment of Conservation Neighborhood Review Board.

The Conservation Neighborhood Review Board is hereby established, consisting of seven (7) members. All members shall be appointed by the mayor and serve without compensation. Council recommends that appointments to the Conservation Neighborhood Review Board selected from different professions such as, but not limited to, architects, landscape architects, city planners, tradesmen, builders, developers, business owners, bankers, lawyers, etc. The members need to be owners of property, residents or work in the City of Columbus. Initially two (2) members will be appointed to serve for a term of one (1) year, two (2) members will be appointed to serve for a term of two (2) years, and three (3) members will be appointed to serve for a term of three (3) years. All subsequent terms shall be for a period of three (3) years. Vacancies caused by death, resignation or otherwise, shall be filled for the

unexpired term in the same manner as original appointments are made.

3120.09 Process for designation of the Conservation Neighborhood

Any person wishing to establish a Conservation Neighborhood shall submit the following to the Director:

A. An Application, which shall include the following information

1. A statement of how the neighborhood meets the designation criteria for listing;
2. A description of the distinctive characteristics of the neighborhood;
3. Photographic documentation in the form of color printouts highlighting the unique character that needs to be conserved through Conservation Neighborhood status;
4. Map of the neighborhood highlighting the physical boundaries of the proposed Conservation Neighborhood;
5. A list of names and addresses of all property owners and residents in the area of request; and
6. Any other information which the Director determines necessary for the application.

B. A Letter of Intent;

1. Submitted with the Application, the Letter of Intent shall be signed by a minimum of ten (10) different owners of property located in the proposed Conservation Neighborhood.

C. A written petition outlining the concept of the Conservation Neighborhood and describing the proposed characteristics to be conserved (as per "Study Report" definitions A through F), and establishing an affirmative response to the concept of a Conservation Neighborhood by signature of a minimum of sixty percent (60%) of the owners of property located within the proposed boundaries of the Conservation Neighborhood. In order for a signature to be valid, the signatory must be listed on the current property deed as filed at the Franklin County Recorder's Office, or a power of attorney document authorizing the signature must be submitted with the petition.

1. This confirmation shall be submitted to the Director within one hundred eighty (180) calendar days after submission of the Application.

3120.11 Determination of Eligibility

3120.11 Determination of Eligibility

Upon receipt of an application, and letter of intent, and petition, the Director shall determine the eligibility of the area for designation as a Conservation Neighborhood classification in accordance with the following criteria:

1. The designation of the neighborhood as the Conservation Neighborhood shall not result in the displacement of the current residents;
2. The area shall contain a minimum of ten (10) contiguous blocks;
3. The area shall have an identifying, distinctive atmosphere, or character, which can be conserved by protecting or enhancing its architectural or cultural attributes; and
4. The area shall contain significant and contributing built environmental characteristics or cultural attributes as those terms are defined in this section;
5. The listing of the neighborhood shall not be inconsistent with the city's comprehensive plan; and;
6. The listing of the neighborhood shall be consistent with efforts to create and maintain housing for the handicapped and people of low to moderate income.

3120.13 Notification of Determination

A. If the Director determines that the area is not eligible for Conservation Neighborhood classification, the Director shall notify the applicants of this fact in writing, stating the reasons for the ineligibility. The applicants may appeal the decision of the Director to the Conservation Neighborhood Review Board. To perfect the appeal request, the applicant shall submit a written request with the Director within thirty (30) days of the date of receipt of the denial. The appeal case will be heard by the Conservation Neighborhood Review Board at a scheduled meeting.

1. In considering the appeal, the Conservation Neighborhood Review Board shall use the criteria established by this code.
2. The Board may ask the applicants to furnish some additional information before making its decision.
3. The Board may affirm or deny the decision of the director, and may recommend changes to the proposal for the establishment of Conservation Neighborhood.
4. The Board's determination of eligibility is final.
5. If the Board recommended changes to the proposal, the applicant may resubmit the proposal with revision(s) based on those recommendations for the Conservation Neighborhood designation.

B. Upon determination that an area is eligible to be a listed Conservation Neighborhood, the Director shall give notice to the owners of property, and any Area Commission or recognized Civic or Neighborhood Organization with jurisdiction within the area, of the following;

1. An application to become a listed Conservation Neighborhood is submitted and under consideration; and
2. The date and time of a public hearing scheduled to discuss the Application and potentially begin the Study Period.
3. The notice shall include a clear description of both benefits and restrictions that could apply to the neighborhood after becoming a Conservation Neighborhood; and
4. A consent or objection form for completion by each property owner or entity.

Such notice shall be in writing and be served by personal service, or regular mail, and if any owners cannot be served by the above methods, by publication in two consecutive City Bulletins. If notice is made by publication, such notice must be completed at least twenty (20) days prior to the public hearing.

3120.15 Public Hearings

- A. Upon notification that the Director has determined an applicant is eligible to be listed as a Conservation Neighborhood, the neighborhood property owners, residents and/or civic and area associations with the assistance of preservation groups and the Director shall schedule a public hearing. At this public hearing, the Director will put forward the list of documents described in C.C 3120.13 for discussion. The public meeting will mark the commencement of the study period.
- B. The neighborhood residents and/or civic and area associations may organize public hearing(s) to get public input during the study period.
- C. An owner of any lot or parcel within the proposed Conservation Neighborhood, who objects to the designation or to the conservation of the proposed built environment may file an objection(s) in the public hearing(s) or in writing with the Director.
- D. At the end of the study period the Director shall notify by certified mailing all affected property owners, Area Commissions, Civic Organizations, and members of the Conservation Neighborhood Review Board of the findings of the study, informing them that the study findings will be presented at a public hearing of the Conservation Neighborhood Review Board. At such hearing, upon hearing the study findings, the Board may make comments, and shall prepare a recommendation related to the potential conservation neighborhood to the City Council.

3120.17 - Designation by Council

Upon completion of all documents, public hearing(s), and the hearing before the Conservation Neighborhood Review Board, the Historic Preservation Office will prepare an ordinance recognizing the Conservation Neighborhood and submit it through the Department of Development to the City Council for final adoption. The Conservation Neighborhood shall be designated upon City Council passage of the ordinance establishing the Conservation Neighborhood.

3120.19 Standards Required.

- A. The neighborhood group shall prepare the Standards within one (1) year of passage of the ordinance establishing the Conservation Neighborhood. The Neighborhood group may consult with and seek assistance from the Board, Historic Preservation Office staff, owners of property, residents of the neighborhood and the interested conservation parties in preparing the Standards. The Standards shall provide:
 1. A list of identified characteristics of the neighborhood that will require staff authorization or board approval for construction, demolition, site improvement(s), or alteration(s).
 2. The specifications for the construction, demolition, site improvement, or alteration of the identified characteristics.
- B. The Director shall provide maintain the proposed Standards on file and available for public review, and provide notification of the time and place of a public hearing scheduled for the purpose of seeking comments thereon. Such notice shall be in writing, and shall be:
 1. Mailed to each owner of property in the designated Conservation Neighborhood, all relevant City Departments, appropriate Area Commissions and Civic Associations or neighborhood organizations within whose jurisdiction the designated Conservation Neighborhood lies; and
 2. Published in The City Bulletin as early as possible prior to the hearing.
- C. Comments on the Standards may be submitted in writing to the Historic Preservation Officer or made in person at the public hearing. The Board will consider comments submitted prior to approving the Standards for City Council adoption, and may adopt, modify, or refuse to incorporate any such comments.
- D. Upon completion of the final document, the Historic Preservation Officer shall publish:
 1. Notification in the City Bulletin that the standards have been finalized and are on file available for review, and
 2. A schedule delineating when it is anticipated that the standards will be heard by the Board for review and approval, then heard by City Council for adoption.
- F. The Board shall approve the standards for final adoption. The Director shall review the standards and prepare the final document for the adoption by City Council.

G. The Board is authorized to review and recommend revision to the Standards upon providing notice by publication in the City Bulletin of such review, and may recommend alterations, or updates to the standards for approval by City Council upon receipt of proposed revision(s) to the Standards with an affirmative vote of a minimum of sixty percent (60%) of owners of property in the Conservation Neighborhood.

H. Upon adoption of the standards by City Council and notification to the owners of property within the proposed boundaries [per Chapter 3120.13(B)], the Conservation Neighborhood must be established within two (2) years or the proposed Conservation Neighborhood and standards shall be rendered void.

3120.21 Application for Authorization.

Whenever any owner intends to perform any activity on any feature identified in the Conservation Neighborhood Standards on any property located within a City Council adopted Conservation Neighborhood, that owner shall first obtain an authorization or a clearance as per this Chapter. The procedure for obtaining such authorization or a clearance is as follows;

A. The owner shall file an application for authorization with the City Historic Preservation Office upon the City's application form prepared for such use.

1. The owner may request a concept review from the Historic Preservation Office prior to, or in conjunction with the authorization application. Such concept review would facilitate discussion of the project between the owner and staff.

B. The Director shall review and determine the completeness of the application per C.C. 3116.07, and make a recommendation thereon.

C. The Historic Preservation Office staff shall consider applications and issue authorization as per C.C. Section 3120.25.

D. The Board shall consider applications at its meetings that will be scheduled as per the need, and is authorized to grant, grant with modification, or refuse the authorization.

3120.23 Authorization that No Established Standard is Involved

If, upon review of an application submitted as set forth in C.C. section 3120.21, the Historic Preservation Office staff determines that no established Standard is involved as specified in the adopted Standards of the Conservation Neighborhood, it shall cause staff to endorse on the application or to issue a clearance that no established standard is involved.

3120.25 Staff Authorization.

The Historic Preservation Office staff may administratively approve and authorize the construction, reconstruction, alteration, demolition, site improvement(s), etc. of the features identified in the Conservation Neighborhood Standards. All authorizations and approvals made by staff shall be reported to the Board. The Historic Preservation Office staff or the applicant shall have the option of referring any application to the Board. Upon receiving such referral, the Board will hear any such case as per this chapter.

3120.27 Authorization Required

Except in cases excluded by C.C. section 3116.23, no person shall alter the built environment characteristics of the Conservation Neighborhood as defined in the Neighborhood Standards now or hereafter or make site improvements thereon without first applying for authorization therefore and obtaining either such authorization or a clearance.

Section 2. That this ordinance is intended to allow for the conduct of the pilot project for a minimum of one (1) and maximum of three (3) Conservation Neighborhoods.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.