



Legislation Text

File #: 0239-2010, Version: 1

BACKGROUND: This ordinance makes minor changes to the Columbus Zoning Code in an effort to streamline the application review process and to reduce problems and frequent questions that arise through the administration of the code. The changes include adding clarification that apartment complexes can contain two or more buildings as the current code defines that use as starting with three or more buildings, leaving a two-building apartment complex as undefined. Also being added are child day-care uses to the AR2 district. Child day-care was omitted due to an apparent oversight and is currently allowed in other, more intense, apartment-residential districts. This ordinance also removes antiquated terms and synonyms for institutional uses and facilities that are no longer used or may now be perceived as potentially offensive as well as expanding the lot-of-record exception in order to allow two-family dwellings on lots-of-records in the R-2F and R-4 districts in order to further assist with appropriate in-fill housing opportunities.

Changes also include clarification that medical offices are in-fact a permitted use in the AR-O district and repeal of outdated separation requirements for residential care facilities that have been preempted by case law arising from the federal Fair Housing Act and its amendments.

These code changes were reviewed by the Columbus Development Commission at their January 14, 2010, meeting and the Columbus Development Commission recommended the changes for approval.

FISCAL IMPACT: No funding is required for this legislation.

To make minor changes in various sections of the Columbus Zoning Code, Title 33, in order to remove antiquated terms and synonyms for institutional facilities, to add two-unit dwellings to the existing lot of record exemption in order to assist with infill development, to add child day-care to the AR-2 apartment residential district as it does not already permit such use due to oversight, and to remove residential care separation requirements from the code as these have been preempted by federal case law arising from the federal Fair Housing Act and its amendments.

WHEREAS, this ordinance clarifies that apartments complexes can contain two or more buildings as current code defines that use as starting with three or more buildings, leaving a two-building complex as undefined; and

WHEREAS, this ordinance adds child day-care to the AR2 uses as it was omitted due to an oversight and the use is currently allowed in other, more intense, apartment residential districts; and

WHEREAS, this ordinance removes antiquated terms and synonyms for institutional facilities that are no longer used or may now be perceived as potentially offensive; and

WHEREAS, this ordinance expands the lot-of-record exception in order to allow two-family dwellings on lots-of-records in the R-2F and R-4 districts to further assist with appropriate in-fill housing opportunities; and

WHEREAS, this ordinance clarifies that medical offices are permitted in the AR-O district; and

WHEREAS, this ordinance removes outdated separation requirements for residential care facilities that have been preempted by case law arising from the federal Fair Housing Act and its amendments; and

WHEREAS, these code changes were reviewed by the Columbus Development Commission at their January 14, 2010, meeting and the Columbus Development Commission recommended the changes for approval; now, therefore,

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

Section 1. That the existing section 3303.01 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3303.01 Letter A.

"Abutting" means bordering.

"Accessory" means a subordinate use, building or structure located on the same lot with and of a nature incidental to the principal use, building or structure.

"Accessory Parking" and "Non-accessory Parking."

1. "Accessory parking" means automobile parking as a subordinate use and of a nature incidental to but supportive of the principal use, building or structure. Accessory parking is characterized as a free service for employees and/or customers of the principal use, building or structure.

2. "Non-accessory parking" means automobile parking as a principal rather than a subordinate land use and is neither accessory nor code-required. Non-accessory parking is generally characterized as a commercial service.

"Activities, specified sexual." (See "Specified sexual activities.")

"Activity" means an individual tenant, business, or other commercial or noncommercial establishment or occupancy.

"Addition" means a part added to a building either by constructing so as to form one (1) architectural whole, or by joining, as by a passage, so that each is a necessary adjunct or appurtenance of the other or so that they constitute the same building.

"Administrator" when used without clarification means the director or his or her designee.

"Adult booth" means an area of an adult entertainment establishment or adult store separated from the rest of a building by a divider, partition or wall and used to:

1. Demonstrate, play, or show adult material, or
2. View a live performance distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.

"Adult entertainment establishment" means an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater or other similar commercial establishment that recurrently features or provides one or more of the following:

1. Persons who appear in the nude;
2. A live performance distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities; or
3. Audio or video displays, computer displays, films, motion pictures, slides or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure or representation of specified anatomical areas, or the conduct or simulation of specified sexual activities.

"Adult material" means items consisting of one or more of the following:

1. Digital or printed books, magazines, periodicals, audio, video displays, computer displays, films, motion pictures, slides, or other visual representations or recordings that are characterized or distinguished by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities, or
2. Devices, instruments, novelties or paraphernalia designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

"Adult store" means one or more of the following:

1. An establishment which has a majority of its shelf space or square footage devoted to the display, rental, sale, or viewing of adult material for any form of consideration.
2. An establishment with an adult booth.

"Aggregate Graphic Area." (See "Graphic area.")

"Alley" means a right-of-way not less than ten (10) feet wide but less than thirty-five (35) feet wide located at the rear or side of lots, dedicated to public use for travel or transportation and generally affording secondary access to abutting property.

"Alley line" means a lot line bordering on an alley.

"Alter" or "Alteration," and "Structural Alteration."

"Alter" or "alteration" means any change, rearrangement or modification in construction or in the exit facilities or the moving of partitions from one location or position to another.

"Structural alteration" means any change in the supporting members of a building such as bearing walls, columns, lintels, beams or girders or floor construction.

"Amusement park" means any premises offering three (3) or more amusement rides for hire on a per use basis or the charging of an admission fee for more than twenty-one (21) calendar days in a calendar year. An amusement ride is a ride or device, aquatic device, or a combination of devices that carries or conveys passengers on, along, around, over, or through a fixed restricted course within a

defined area for the purpose of giving its passengers amusement pleasure, or excitement. "Amusement ride" includes carnival rides, bungee jumping, inflatable rides and fair rides. Amusement park does not include an approved special event allowed by C.C. Chapter 3390.

"Anatomical Areas, Specified" (See: "Specified anatomical areas.")

"Animal kennel" or "animal shelter" means any building, structure, or premises which is used, arranged, intended or designed to be used for the boarding and/or breeding of animals for more than a consecutive twenty-four (24) hour period and not located or operated in conjunction with the practice of a licensed veterinarian on the same parcel. Pet day care, pet grooming facilities, pet stores and pet supply stores, with no outside runs, shall not be considered an animal kennel.

"Animated Graphic" (See "Graphic.")

"Antenna" means any system of wires, poles, rods or similar devices for transmitting or receiving radio signals or television signals, or both, together with the structure used for the primary purpose of supporting same, including the foundation, guys, and all other components thereof.

"Apartment complex" means a residential development under one control and consisting of ~~two~~ ~~three~~ (3) or more apartment houses erected on a lot which has frontage on and access to a public street through an approved system of private drives.

"Apartment hotel" means a building arranged, intended or designed to be occupied by five (5) or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

"Apartment house" means a building arranged, intended or designed to be occupied by five (5) or more individuals, groups of individuals or families living independently of each other and with cooking facilities for the exclusive use of each of the individuals, groups of individuals, or families who occupy the premises. The number which an apartment house is designed to accommodate shall be determined by the number of separate dwelling units in such dwelling.

"Approved combustible material" means wood or any material not more combustible than wood, as specified in the most recent National Electrical Code; and approved plastics.

"Architectural decoration" means an element, design or motif, other than an architectural feature; installed, attached, painted or applied to the exterior of a building or structure for the purpose of ornamentation or artistic expression. (Compare with "Architectural feature.")

"Architectural feature" means a window, door or other element of building design intended to be functional and any ornamentation associated therewith. (Compare with "Architectural decoration.")

"Architectural review commission" when used without clarification means the historic resources commission created by Chapter 3117, C.C., or an architectural review commission created by Title 31, C.C. and having jurisdiction over the application.

"Architectural review commission guidelines" means the document adopted by an architectural review commission that sets forth the architectural characteristics of a listed property or an architectural review commission area, or a specific property therein and provides design guidance for appropriate construction or alteration therein pursuant to the provisions of the pertinent chapter. Guidelines and standards are intended to be consistent with each other.

"Arterial street" means any street for which the primary function is to move vehicles from one section of the city or county and which is so designated on the city of Columbus thoroughfare plan and arterial construction type adopted by city council and used for express, moderate speed travel (usually thirty-five to fifty (35-50) miles per hour) within an urbanized area.

"Automatic changeable copy." (See "Changeable copy.")

Aviation Field. See "Landing field."

"Awning" means a hood or cover that projects from the wall of a building intended only for shelter or ornamentation.

"Fixed awning" means an awning constructed with a rigid frame which cannot be retracted, folded or collapsed.

"Illuminated awning" means a fixed awning covered with a translucent membrane and which is, in whole or part, illuminated by light passing through the membrane from within the structure; also known as an "electric awning."

"Retractable awning" means an awning, which can be, retracted, folded, or collapsed against the face of the supporting building.

"Canopy" means an awning, which is additionally supported by one (1) or more columns.

"Marquee" means a fixed awning or canopy, which requires additional loading for graphics.

Section 2. That the existing section 3333.02 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3333.02 AR-12, ARLD and AR-1 apartment residential district use.

Within an AR-12, ARLD or AR-1 apartment residential district no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for other than one (1) or more of the following specified uses:

- (1) Apartment house, as defined in Chapter 3303, C.C., containing five (5) or more dwelling units;
- (2) Apartment complex, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000) square feet;
- (3) Dwelling containing no fewer than three (3) dwelling units and no more than four (4) dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;
- (4) Multiple dwelling development, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000)

square feet;

(5) Town house development, as defined in Chapter 3303, C.C., containing no more than eight (8) town houses in a row and no fewer than three (3) town houses in a row, and in accordance with town house development standards;

(6) Church;

(7) Kindergarten if in connection with a school, as defined in Chapter 3303, C.C., on school grounds or if in connection with a church on church grounds;

(8) School, as defined in Chapter 3303, C.C.;

(9) Public playground;

(10) Public park;

(11) Public library;

(12) Public museum;

(13) Public recreation building;

(14) Water supply reservoir, well, water tower, or filter bed;

(15) Public or parochial college or university (other than a trade or business institution);

(16) In accordance with C.C. 3333.055 one (1) detached single-family dwelling or a single two (2) -family dwelling, as defined in Chapter 3303, C.C.

Section 3. That the existing section 3333.025 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3333.025 AR-2 apartment residential district use.

Within an AR-2 apartment residential district no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for other than one (1) or more of the following specified uses:

(1) Apartment house, as defined in Chapter 3303, C.C., containing five (5) or more dwelling units;

(2) Apartment complex, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000) square feet;

(3) Dwelling containing no fewer than three (3) dwelling units and no more than four(4) dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;

(4) Multiple dwelling development, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000) square feet;

(5) Town house development, as defined in Chapter 3303, C.C., containing no more than eight (8) town houses in a row and no fewer than three (3) town houses in a row, and in accordance with town house development standards;

(6) Church;

(7) Kindergarten if in connection with a school, as defined in Chapter 3303, C.C., on school grounds or if in connection with a church on church grounds;

(8) School, as defined in Chapter 3303, C.C.;

(9) Public playground;

(10) Public park;

(11) Public library;

(12) Public museum;

(13) Public recreation building;

(14) Water supply reservoir, well, water tower, or filter bed;

(15) Public or parochial college or university (other than a trade or business institution);

(16) Apartment hotel;

(17) College fraternity, sorority or club house;

(18) Convent or monastery;

(19) In accordance with C.C. 3333.055, one (1) detached single-family dwelling or a single two (2) -family dwelling, as defined in Chapter 3303, C.C.

(20) Child day care center limited according to C.C. 3333.06 Child day care.

Section 4. That the existing section 3333.03 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3333.03 AR-3 apartment residential district use.

Within an AR-3 apartment residential district no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for other than one (1) or more of the following specified uses:

(1) Apartment house, as defined in Chapter 3303, C.C., containing five (5) or more dwelling units;

(2) Apartment complex, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000) square feet;

- (3) Dwelling containing no fewer than three (3) dwelling units and no more than four (4) dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;
- (4) Multiple-dwelling development, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000) square feet;
- (5) Town house development, as defined in Chapter 3303, C.C., containing no more than eight (8) town houses in a row and no fewer than three (3) town houses in a row, and in accordance with town house development standards;
- (6) Church;
- (7) Kindergarten if in connection with a school, as defined in Chapter 3303, C.C., on school grounds or if in connection with a church on church grounds;
- (8) School, as defined in Chapter 3303, C.C.;
- (9) Public playground;
- (10) Public park;
- (11) Public library;
- (12) Public museum;
- (13) Public recreation building;
- (14) Water supply reservoir, well, water tower, or filter bed;
- (15) Public or parochial college or university (other than a trade or business institution);
- (16) Apartment hotel;
- (17) College fraternity, sorority or club house;
- (18) Convent or monastery;
- (19) Boarding home, community center building, home for the aging, nursing home, rest home, shared living facility, Y.M.C.A., Y.W.C.A., fraternal organization, or philanthropic institution, conditioned per C.C. 3307.06(B) 3333.07;
- (20) Hospital, infirmary, or orphanage, or sanitarium (other than for the insane, feeble minded, epileptics, drink or drug addicts), provided no part of such building shall be located within fifty (50) feet of any lot line other than a street or alley line of the property occupied by such use;
- (21) Child day care center limited according to C.C. 3333.06;
- (22) In accordance with C.C. 3333.055, one (1) detached single-family dwelling or a single two (2) -family dwelling, as defined in Chapter 3303, C.C.

Section 5. That the existing section 3333.035 of the Columbus City Codes, 1959, is hereby amended to read as follows:

3333.035 AR-4 apartment residential district use.

Within an AR-4 apartment residential district no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for other than one (1) or more of the following specified uses:

- (1) Apartment house, as defined in Chapter 3303, C.C., containing five (5) or more dwelling units;
- (2) Apartment complex, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000) square feet;
- (3) Dwelling containing no fewer than three (3) dwelling units and no more than four (4) dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;
- (4) Multiple-dwelling development, as defined in Chapter 3303, C.C. and located on a lot of no less than twenty thousand (20,000) square feet;
- (5) Town house development, as defined in Chapter 3303, C.C., containing no more than eight (8) town houses in a row and no fewer than three (3) town houses in a row, and in accordance with town house development standards;
- (6) Church;
- (7) Kindergarten if in connection with a school, as defined in Chapter 3303, C.C., on school grounds or if in connection with a church on church grounds;
- (8) School, as defined in Chapter 3303, C.C.;
- (9) Public playground;
- (10) Public park;
- (11) Public library;
- (12) Public museum;
- (13) Public recreation building;
- (14) Water supply reservoir, well, water tower, or filter bed;
- (15) Public or parochial college or university (other than a trade or business institution);
- (16) Apartment hotel;
- (17) College fraternity, sorority or club house;
- (18) Convent or monastery;

- (19) Boarding home, community center building, home for the aging, nursing home, rest home, shared living facility, Y.M.C.A., Y.W.C.A., fraternal organization, or philanthropic institution, conditioned per C.C. ~~3307.06(B)~~ 3333.07;
- (20) Hospital, infirmary, or orphanage, or ~~sanitarium (other than for the insane, feeble minded, epileptics, drink or drug addicts),~~ provided no part of such building shall be located within ~~fifty (50)~~ 50 feet of any lot line other than a street or alley line of the property occupied by such use;
- (21) Child day care center limited according to C.C. 3333.06;
- (22) Rooming house, or the leasing or renting of rooms limited according to C.C. ~~3333.09~~ 3333.07;
- (23) College dormitory;
- (24) In accordance with C.C. 3333.055, one (1) detached single-family dwelling or a single two (2) -family dwelling, as defined in Chapter 3303, C.C.

Section 6. That the existing section 3333.04 of the Columbus City Codes, 1959, is hereby amended to read as follows

3333.04 Permitted uses in AR-O apartment office district.

Within an AR-O apartment office district no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used for other than one (1) or more of the following specified uses.

- (1) Apartment house containing five or more dwelling units. ~~for five (5) or more families;~~
- (2) Dwelling containing no fewer than three (3) dwelling units and no more than four dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;
- (3) Art studio;
- (4) Bank;
- (5) Ecclesiastical, eleemosynary or philanthropic use;
- (6) Office building or offices, including medical offices;
- (7) Photography studio;
- (8) Radio or television studio;
- (9) Telephone exchange together with concealed electric substation necessary for such use;
- (10) Public or private clinic, hospital, infirmary, or orphanage ~~or sanitarium~~ provided no part of such building shall be located within fifty (50) feet of any lot line other than a street or alley line of the property occupied by such use and not for veterinarian purpose;
- (11) School, as defined in Chapter 3303, C.C.;
- (12) Public library;
- (13) Public museum;
- (14) Public recreation building;
- (15) Water supply reservoir, well, water tower, or filter bed;
- (16) Child day care center limited according to C.C. 3333.06;
- (17) Rooming house, shared living facility or the leasing or renting of rooms limited according to C.C. 3333.07;
- (18) In accordance with C.C. 3333.055, one (1) detached single-family dwelling or a single two (2) -family dwelling, as defined in Chapter 3303, C.C.

Section 7. That the existing section 3333.055 of the Columbus City Codes, 1959, is hereby amended to read as follows

3333.055 Exception for single- ~~Single-~~ or two-family dwelling.

Within an AR-12, ARLD, AR-1, AR-2, AR-3, AR-4 or AR-O area district on a lot that was separately owned and of record on January 14, 1959, the effective date of Ordinance 1540-58, or on a lot in a recorded subdivision of record on such date or platted between January 14, 1959, and July 16, 1986, the effective date of Ordinance 1506-86, either of the following shall be permitted as the sole use:

- (A) One (1) detached single-family dwelling, as defined in Chapter 3303, C.C.; or
- (B) One single ~~One (1)~~ two (2) -family dwelling, as defined in Chapter 3303, C.C., in compliance with C.C. 3332.14 area standards. Such lots when so used are designated to be in the 35-foot height district by C.C. 3333.26.

Section 8. 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 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 9. That the existing section 3332.16 of the Columbus City Codes, 1959, is hereby amended to read as follows

3332.16 Exception for single- or two-family dwelling.

In an R-rural, LRR, RRR, RR, SR, R-1, R-2, R-3, R-2F or R-4 area district, a detached single-family dwelling may be erected on any lot that was separately owned and of record on January 14, 1959, the effective date of Ordinance 1540-58, or on any lot in a recorded subdivision that was on record on such date notwithstanding the requirements of C.C. 3332.05 through 3332.15, inclusive. In addition to the above, in an R-2F or R-4 area district, a two-family dwelling may be erected on any lot that was separately owned and of record on January 14, 1959, the effective date of ordinance 1540-58, or on any lot in a recorded subdivision that was on record on such date notwithstanding the requirements of C.C. 3332.05 through 3332.15, inclusive.

Section 10. That existing sections 3303.01, 3333.02, 3333.025, 3333.03, 3333.035, 3333.04, 3333.05, 3333.055, 3333.07, and 3332.16 of the Columbus City Codes, 1959, are hereby repealed.

Section 11. That this ordinance shall take effect and be in force from and after the earliest period provided by law.