



Legislation Text

File #: 2342-2013, **Version:** 1

BACKGROUND:

As state law and state building codes have changed, allowing for long term, residential stays at facilities built under the Ohio Building Code as hotels and licensed by the state as such, the City of Columbus has seen exponential growth in the number of hotels being used as residential apartments despite being located in commercial zoning districts and not in areas zoned for multi-unit residential uses.

When developed in this manner, these hotels are subjected to less restrictive development standards and have no density limitations. These developments provide fewer parking spaces, less lot area, and are not required to participate in the Parkland Dedication Ordinance. When compared to traditional multi-unit residential developments, this creates an unfair competitive advantage, while creating an environment not designed for long term residential use.

This code change creates a definition for extended stay hotels and modifies the C-4, Commercial District to ensure that extended stay hotel uses are subject to the same development standards as multi-unit residential uses in the AR-4, Apartment Residential District, as well as being subject to the Parkland Dedication Ordinance.

The Columbus Development Commission voted to recommend approval of this Columbus Zoning Code revision at its monthly public meeting on September 12, 2013.

FISCAL IMPACT: No funding is required for this legislation.

To amend various sections of the Columbus Zoning Code in order to create a definition for extended stay hotels and to modify the C-4, Commercial District to require extended stay hotels to be subject to the development standards of the AR-4, Apartment Residential District as well as being subject to the Parkland Dedication Ordinance.

WHEREAS, as state law and state building codes have changed, allowing for long term, residential stays at facilities built under the Ohio Building Code as hotels and licensed by the state as such, the City of Columbus has seen exponential growth in the number of hotels being used as residential apartments despite being located in commercial zoning districts and not in areas zoned for multiunit residential uses; and

WHEREAS, when developed in this manner, these hotels are subjected to less restrictive development standards and have no density limitations; and

WHEREAS, these developments provide fewer parking spaces, less lot area, and are not required to participate in the Parkland Dedication Ordinance; and

WHEREAS, when compared to traditional multiunit developments, this creates an unfair competitive advantage, while creating an environment not designed for long term residential use; and

WHEREAS, this code change creates a definition for extended stay hotels and modifies the C-4, Commercial District to ensure that extended stay hotel uses are subject to the same development standards as multi-unit residential uses in the AR

-4, Apartment Residential District as well as being subject to the Parkland Dedication Ordinance; and

WHEREAS, the Columbus Development Commission voted to recommend approval of this Columbus Zoning Code revision at its monthly public meeting on September 12, 2013; now, therefore,

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

SECTION 1. That existing section 3303.08 of the Columbus City Codes is hereby amended to read as follows:

3303.08 Letter H.

"Habitable space" means space in a dwelling unit used only for cooking, eating, living or sleeping.

"Halfway house" or "community residential treatment center" means a facility for supervision and rehabilitation of persons placed therein by the Department of Rehabilitation and Correction, Federal Bureau of Prisons, a court, or otherwise for parole, probation, furlough, treatment of drug or alcohol abuse and addiction, vocational training and counseling, or adjustment to private life and noninstitutional society and which may be licensed and inspected by the Ohio Department of Rehabilitation and Correction, the Adult Parole Authority, the Ohio Department of Health or a similar agency.

Height.

"Height of a detached garage" means the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot where such grade is higher than the curb, to the highest point of such garage.

"Height of any other building" is the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot where such grade is higher than the curb, to the highest point of the roof beams in the case of flat roofs, and to the mean between the point of the gable and the eaves in the case of high pitched roofs, the measurements in all cases to be taken through the center of the facade of the house. Where a building is on a corner lot and there is more than one grade level the measurements shall be taken through the center of the facade on the street having the lowest elevation.

Height of a Sign. See "Sign height."

Helipad. See "Landing field."

Heliport. See "Landing field."

"Historic district" means a group of two or more sites, buildings, structures, or objects in the city designated as listed in the National Register of Historic Places or the Columbus Register of Historic Properties, or within an architectural review commission area.

"Historic site" means any site, building, structure or object in the city designated as listed in the National Register of Historic Places or the Columbus Register of Historic Properties.

"Home occupation" means an accessory use of a dwelling unit for a legitimate business, profession, trade or vocation conducted within an enclosed dwelling, which is clearly incidental and secondary to residential occupancy and does not change the residential character thereof.

"Home for the aging" or "home for the aged" means a home that provides:

1. Personal assistance for three or more individuals who are dependent on the services of others by reason of age and physical or mental impairment, but who do not require skilled nursing care;
2. Personal assistance and skilled nursing care for three or more individuals.

A home for the aging or aged shall be licensed by the Ohio Director of Health. The part or unit of the home for the aging that provides personal assistance shall be licensed as a rest home. The part or unit that provides skilled nursing care shall be licensed as a nursing home.

"Hotel" or "motel" means a building or part of a building, containing six or more guest rooms or suites offering temporary residence for compensation, primarily for transient guests. Hotels and motels may include a manger's unit, and incidental amenities and services customarily provided by hotels and motels. Incidental services may include: cooking facilities within units; furnishings; linen service; maid service; food service; banquet, reception, meeting and recreational facilities; and ancillary internal retail sales and services provided for the convenience of hotel and motel guests.

"Hotel, Extended Stay" means a building or part of a building, containing six or more guest rooms or suites, offering temporary residence for compensation and specifically constructed, licensed, and/or maintained, all or in part, for non-transient extended stays and/or stays longer than 30 days, regardless of the presence of leases for shorter periods of time.

"Housing for the elderly" means a use of property to provide housing for elderly persons applicable for such assistance under existing state and federal programs. Housing for the elderly is to be distinguished from other uses in that dwellings devoted to this use shall contain some or all of the following:

1. Ramps or elevators for wheelchair use;
2. Doors of sufficient width to accommodate wheelchairs in all rooms;
3. Grab bars around tubs and toilets; and
4. Special features associated with group living such as dispensaries, medical facilities, common dining facilities, group recreation facilities and similar or related facilities.

SECTION 2. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new section 3318.06 and reading as follows:

3318.06 Extended Stay Hotels

For the purpose of this Parkland Dedication requirement, Hotels, Extended Stay, shall be subject to the same requirements as a multi-unit residential use.

SECTION 3. That existing section 3356.03 of the Columbus City Codes is hereby amended to read as follows:

3356.03 - C-4 permitted uses.

The following are uses permitted in the C-4, Commercial District; however these are not meant to be exhaustive nor an exclusive listing. The Director has the authority to decide if an unnamed use is of similar enough character and nature to warrant inclusion into the C-4 district.

The North American Industry Classification System, or its successor document, is the reference document used to provide use families for this chapter. The Director may use the current NAICS or its successor, as one document in making decisions as to the appropriateness of any future use permitted to be in the C-4, district.

A. All uses listed in C.C. 3351, C.C. 3353 and C.C. 3355

B. Commercial uses allowing dwelling units above the primary use, including:

- Appliance Stores
- Automotive Accessories, Parts and Tire Stores
- Automobile and Light Truck Dealers
- Automobile Driving Training Facility
- Automotive Sales, Leasing and Rental
- Bars, Cabarets and Nightclubs
- Blood and Organ Banks
- Building Material and Supplies Dealers
- Caterers
- Check Cashing and Loans
- Community Food Pantry
- Consumer Goods Rental
- Discount Department Stores
- Electronics Stores
- Floor Covering Stores
- Furniture and Home Furnishings Stores
- General Merchandise Stores
- Home Centers
- Household and Personal Goods Maintenance and Repair
- Linen and Uniform Supply
- Missions/Temporary Shelters
- Motorcycle, Boat, and Other Motor Vehicle Dealers
- Motor Vehicle Accessories and Parts Dealers
- Outdoor Power Equipment Stores
- Parking Lots and Parking Garages as allowed in C.C. 3356.05

Pawn Brokers
Recreational Vehicle Dealers
Reupholster and Furniture Repair
Sporting Goods and Outfitters Stores
Supermarkets
Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing
Used Merchandise Stores
Vending Machine Operators
Warehouse Clubs and Super Centers
C. Commercial uses not allowing dwelling units above the primary use, including:
Automotive Maintenance and Repair
Bowling Centers
Carpet and Upholstery Cleaning Services
Drive-In Motion Picture Theaters
Exterminating and Pest Control Services
Farm Equipment and Supply Stores
Garden, Landscaping and Nursery Centers and Sales
Hotels and Motels
Hotels, Extended Stay
Hospitals
Janitorial Services
Lawn and Garden Equipment and Supplies Stores
Limousine and Taxi Service
Paint and Wallpaper Stores
Performing Arts, Spectator Sports and Related Industries
Theaters, Dance Companies and Dinner Theaters
D. Commercial uses not allowing dwelling units above the primary use and subject to the additional provisions of C.C. 3356.05, including:
Animal Shelter
Amusement Arcade
Halfway House
Veterinarians (Unlimited practice)
E. Dwelling units, as allowed under C.C. 3356.05

SECTION 4. That existing section 3356.05 of the Columbus City Codes is hereby amended to read as follows:

3356.05 - C-4 district development limitations.

A. Animal Shelter - or Animal Kennel.

1. All activities shall be conducted indoors.
2. Buildings containing animals shall be located a minimum distance of 100 feet from a residential district.
3. Waste products shall be located a minimum distance of 100 feet from a residential district and in compliance with Columbus Department of Health regulations.

B. Amusement park or arcade when in compliance with applicable provisions of the Special Permit requirements.

C. Dwelling units when located above uses contained in the C-1, C-2, and C-3, Commercial Districts and those specified in the C-4 Commercial District; however, dwelling units are not permitted in a building containing those specified C-4 Commercial uses nor are the specified C-4 Commercial uses permitted to be established in a building containing dwelling units.

D. Halfway house when in compliance with applicable provisions of the Special Permit requirements.

E. Hotels, Extended Stay:

1. Shall be subject to all AR-4, Apartment Residential district development standards except side and rear yard setbacks where abutting non-residentially zoned parcels.
2. Shall be subject to the parking requirements and parkland dedication requirements for a multi-unit residential use.

Hotels, extended stay, built prior to the effective date of Ordinance No. 2342-2013 shall be deemed conforming to the standards in place at the time of their approval.

F. E. Parking lots and Garages, (Both Private and Public).

1. Dwelling units are permitted above parking garages or parking lots only if the parking facilities are adjoining to one or more other uses listed in C.C. 3351, C.C. 3353, C.C. 3355 or 3356.03(B). The parking garage or parking lot shall be located within the same structure as these uses.
2. Required adjoining uses specified in subsection (E)(1) of this section must occupy the entire length of at least one property frontage as defined in C.C. 3303 except that driveways and pedestrian entrances to the parking lot or garage are permitted provided that said driveways and pedestrian entrances occupy no more than 20 percent of the length of that frontage.

G. F. Veterinarians (unlimited practice).

1. Open air confinement of animals shall not be allowed.
2. Outdoor therapeutic exercise areas or therapeutic equipment shall be located a minimum distance of 100 feet from a residential zoning district. Stables are not allowed.
3. Distance separation as required in this section is measured from the closest point on a parcel line containing the outdoor exercise area or therapeutic equipment and the closest point on a parcel line containing the zoning district or use it is to be separated from.

SECTION 5. That prior existing sections 3303.08, 3356.03 and 3356.05 of the Columbus City Codes, 1959, are hereby repealed.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period provided by law.