



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 1/14/2014      **In control:** Rules & Reference Committee

**On agenda:** 3/3/2014      **Final action:** 3/6/2014

**Title:** To amend sections of Chapter 3391, "Nonconformities," of the Columbus Zoning Code, in order to clarify the rebuild requirements in the case of a conforming building with a nonconforming use.

**Sponsors:** A. Troy Miller

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/6/2014	2	CITY CLERK	Attest	
3/5/2014	2	MAYOR	Signed	
3/3/2014	2	COUNCIL PRESIDENT	Signed	
3/3/2014	1	Columbus City Council	Amended as submitted to the Clerk	Pass
3/3/2014	1	Columbus City Council	Approved as Amended	Pass
2/24/2014	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** This ordinance revises sections of Columbus Zoning Code Chapter 3391, "Nonconformities," in order to improve readability and clarify intent.

The Columbus Development Commission voted to recommend approval (5-0) of this Zoning Code revision at its monthly public hearing on November 14, 2013.

**FISCAL IMPACT:** No funding is required for this legislation.

To amend sections of Chapter 3391, "Nonconformities," of the Columbus Zoning Code, in order to clarify the rebuild requirements in the case of a conforming building with a nonconforming use.

**WHEREAS,** this ordinance revises portions of Columbus Zoning Code Chapter 3391, "Nonconformities," which regulates nonconforming structures, uses, and parcels; and

**WHEREAS,** Chapter 3391 was recently revised under Ordinance No. 2323-2012, passed December 10, 2012; and

**WHEREAS,** the meaning of one sentence is unclear in section 3391.05, Limits to modifications of nonconforming structures, part (B); and

**WHEREAS,** this revision will modify that sentence to better express its intended meaning, which was based on the premise that a nonconforming use does not cause its structure to be nonconforming; and

**WHEREAS**, this revision will clarify that a conforming structure is not subject to the rebuild limitations of nonconforming structures even if that conforming structure houses a nonconforming use; and

**WHEREAS**, other non-substantive changes to wording are included to improve readability and clarify intent; and

**WHEREAS**, the Columbus Development Commission voted to recommend approval (5-0) of this Zoning Code revision at its monthly public meeting on November 14, 2013; now, therefore:

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

**SECTION 1.** That the existing Section 3391.01 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**3391.01 Purpose and definitions.**

The purpose of this chapter is to regulate Nonconforming Uses, Nonconforming Structures, and Nonconforming Parcels.

A. Nonconforming Structures. A nonconforming structure is any structure, other than a graphic, that was:

1. Lawfully constructed in accordance with all applicable local zoning codes prior to the effective date of this zoning code or any of its amendments, that does not conform to a subsequently enacted applicable development standard of this zoning code, or
2. Lawfully constructed when annexed to the city, that does not comply with an applicable development standard of this zoning code.

B. Nonconforming Uses. A nonconforming use is any use, other than a billboard, that was:

1. Lawfully established in accordance with all applicable local zoning codes prior to the effective date of this zoning code or any of its amendments, that does not conform to a subsequently enacted applicable use regulation of this zoning code, or
2. Lawfully established when annexed to the city, that does not conform to an applicable use regulation of this zoning code.

C. Nonconforming Lots and Parcels. A nonconforming lot or parcel is:

1. Any individual taxing parcel or lot that was lawfully established, recorded, and existing in compliance with all applicable local zoning codes prior to the effective date of this zoning code that does not comply with either a subsequently enacted applicable lot width ~~and~~ or lot area standard of this zoning code; or
2. Any individual taxing parcel or lot that was lawfully established, recorded, and existing in compliance with all applicable local zoning codes when annexed to the city, that does not comply with either an applicable lot width ~~and~~ or lot area standard of this zoning code.

**SECTION 2.** That the Section 3391.03 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**3391.03 Authority to continue nonconformities.**

Any nonconforming use, structure, lot or parcel that legally existed at the effective date of this zoning code; or when annexed to the city or that becomes nonconforming upon the adoption of any amendment to this zoning code, may be continued in its zoning district so long as it remains otherwise in compliance with the provisions of this chapter. This chapter shall not be interpreted as authorizing the continuation of any use of a structure or land that did not lawfully exist on the effective date of this zoning code or any of its amendments, or when annexed to the city.

**SECTION 3.** That the Section 3391.05 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**3391.05 Limits to modifications of nonconforming structures.**

A. A nonconforming structure, other than a graphic or billboard, may not be moved, repaired, maintained, altered, or enlarged except as allowed by this chapter or required by law.

1. Repair, Maintenance, Alteration, and Expansion.

a. A nonconforming structure with a conforming use of record may be repaired, maintained, altered, or enlarged; provided that no such repair, maintenance, alteration, or expansion shall either create any new condition of noncompliance to any standard of this zoning code, or otherwise increase the degree of the existing nonconformity of all, or any part, of such

structure for which an exception is not provided in this zoning code.

b. Notwithstanding the above, expansion of a nonconforming structure having floor area shall not exceed 50 percent of the total floor area of the original nonconforming structure.

2. Additions. For nonconforming structures, housing permitted residential uses, ordinary non-habitable additions that are external to dwelling units such as attached garages, porches, and decks, although requiring zoning clearance, shall not be considered expansions of nonconforming structures. A non-habitable addition, to a nonconforming structure housing a permitted residential use, shall comply with the applicable development standards of the district that permits such residential use.

3. Moving. A nonconforming structure may not be moved, in whole or in part, for any distance whatsoever, to any other location on the same parcel or to any other parcel unless the entire structure conforms to all applicable standards of this zoning code after being moved.

4. Removal/Reconstruction. Once a nonconforming structure is damaged to the extent that fifty (50) percent or more of the existing total floor area is destroyed, or is removed from a site for any reason or by any means, any new or reconstructed structure on the site shall comply with all applicable standards of this zoning code. Reconstruction of a nonconforming structure having no floor area shall be limited to fifty (50) percent of the structure's replacement value. ~~a.~~ Once brought into compliance, neither that structure nor any future replacement structure may revert to a nonconforming shape or location.

**B. Nonconforming uses do not automatically cause the structure to be nonconforming:** Structures that conform to development standards that also containing nonconforming uses are not subject to the provisions of this section, 3391.05 Limits to Modifications of Nonconforming Structures. Nonconforming uses shall be subject to all of the provisions of Nonconforming Uses, sections 3391.07 through 3391.13.

**SECTION 4.** That the prior existing sections 3391.01, 3391.03, and 3391.05 of the Columbus City Codes, 1959, are hereby repealed.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.