



## Legislation Details (With Text)

**File #:** 0506-2017      **Version:** 1

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

**File created:** 2/21/2017      **In control:** Rules & Reference Committee

**On agenda:** 3/27/2017      **Final action:** 3/29/2017

**Title:** To supplement the Columbus Zoning Code, Title 33, with a new Section 3312.051, to create the Short North Special Parking Area, and to amend Section 3303.01 by adopting a definition for "Art Gallery."

**Sponsors:** Shannon G. Hardin, Jaiza Page

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/29/2017	1	CITY CLERK	Attest	
3/28/2017	1	MAYOR	Signed	
3/27/2017	1	COUNCIL PRESIDENT	Signed	
3/27/2017	1	Columbus City Council	Approved	Pass
3/13/2017	1	Columbus City Council	Read for the First Time	

### BACKGROUND:

The City of Columbus recognizes that public on-street parking as well as off-street parking for individual businesses and residential land uses may be limited in some areas. In an effort to achieve specific development or traffic initiatives in these areas, Chapter 3312.05 of the Columbus City Code allows for the creation of a special parking area.

Special parking areas can be established with different parking requirements that aid in balancing the needs of both residents and businesses in the defined area. Special parking areas benefit the community by enhancing efforts to review and manage parking impacts and demands.

In an effort to evaluate parking pressures in the Short North, a parking study was completed in 2015. Creating a special parking area with appropriate parking requirements and payment in-lieu process was a key recommendation in developing alternative options to address parking needs.

The in-lieu fee establishes a process to effectively manage parking when residential and non-residential developments do not satisfy the parking requirements within the special parking area. This process requires developers to pay a fee in-lieu of providing all or a portion of the parking spaces required by the special parking area. The revenue generated from the fees will focus on enhancing parking and mobility initiatives to balance the parking needs within the special parking area.

The Columbus Development Commission reviewed and recommended approval of this amendment at its monthly public meeting held on December 8, 2016. Columbus City Council held a public hearing at the Goodale Park Shelter House on January 10, 2017, to offer an opportunity for residents and developers to learn more about the proposal and provide input.

**FISCAL IMPACT:** The potential revenue generated from the prescribed fees will be dedicated to enhancing parking and mobility initiatives to balance the parking needs within the special parking area.

To supplement the Columbus Zoning Code, Title 33, with a new Section 3312.051, to create the Short North Special Parking Area, and to amend Section 3303.01 by adopting a definition for “Art Gallery.”

**WHEREAS**, the City of Columbus recognizes that public on-street parking as well as off-street parking for individual businesses and residential land uses may be limited in some areas; and

**WHEREAS**, in an effort to achieve specific development or traffic initiatives in these areas, Chapter 3312.05 of the Columbus City Code allows for the creation of a special parking area; and

**WHEREAS**, special parking areas can be established to set different parking requirements that aid in balancing the needs of both residents and businesses in the defined area; and

**WHEREAS**, special parking areas benefit the community by enhancing efforts to review and manage parking impacts and demands; and

**WHEREAS**, in an effort to evaluate parking pressures in the Short North, a parking study was completed in 2015; and

**WHEREAS**, creating a special parking area and payment in-lieu process was a key recommendation in developing alternative options to handle parking issues, encourage alternate modes of transportation, and create a process to manage parking variances while promoting economic development; and

**WHEREAS**, the Columbus Development Commission reviewed and recommended approval of this amendment at its monthly public meeting held on December 8, 2016; 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 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 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 feet wide but less than 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 or more amusement rides for hire on a per use basis or the charging of an admission fee for more than 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 passenger's 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 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 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 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 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.

"Art Gallery" means an establishment used primarily for displaying and/or offering for sale works of art to the general public and does not involve the preparation of food or drink or offering food or drink for sale or for consumption on site.

"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 35 to 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 or more columns.

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

**SECTION 2.** That Columbus City Codes are hereby supplemented with the creation of a new section numbered 3312.051, reading as follows:

### **3312.051 Short North Special Parking Area**

A. The Short North Special Parking Area is that area indicated on the official city zoning map and bounded as follows:

On the north by the centerline of Fifth Avenue, on the east by the centerline of the first set of railroad tracks east of North Fourth Street, on the south by the centerline of Interstate 670, and on the west by the centerline of first alley or street east of Neil Avenue, said western boundary being more particularly described, following centerlines, as follows:

Beginning at the intersection of Hunter Avenue and West Goodale Street;

Thence northerly along Hunter Avenue to West Poplar Avenue;

Thence westerly along West Poplar Avenue to the first alley east of Neil Avenue;

Thence northerly along the first alley east of Neil Avenue to Collins Avenue;

Thence easterly along Collins Avenue to Highland Street;

Thence northerly along Highland Street to Division Alley;

Thence westerly and northerly along Division Alley to West Second Avenue;

Thence westerly along West Second Avenue to Sunside Alley;

Thence northerly along Sunside Alley to West Third Avenue,

Thence westerly along West Third Avenue to Sunside Alley,

Thence northerly along Sunside Alley to the first nameless alley south of West Fourth Avenue;

Thence westerly and northerly along the first nameless alley south of West Fourth Avenue to West Fourth Avenue;

Thence westerly along West Fourth Avenue to Forsythe Avenue;

Thence northerly along Forsythe Avenue to West Fifth Avenue.

B. Non-residential, off-street vehicle parking requirements in the Short North Special Parking area shall be One-Half (1/2) of the off-street parking as required in this chapter, except as follows:

Art Gallery - No off-street parking shall be required;

Extended Stay Hotel - 1 space per unit;

Retail Uses, 2,500 square feet or less - No off-street parking shall be required;

Two-, Three-, and Multi-Unit Dwellings - 1 per unit;

Single-Unit Dwellings - No off-street parking shall be required for single-unit dwellings when located as a single unit on its own parcel that was subdivided prior to the effective date of this ordinance. For single-unit dwellings that do not meet the requirements in the preceding sentence, 1 space per unit shall be required.

No other off-street parking reductions, including any provided by any commercial overlay, shall apply.

Loading spaces and any required bicycle parking shall be as required in this chapter. Where there is no feasible means to locate bicycle parking spaces in a usable location on the subject parcel, the bicycle parking requirement may be satisfied by payment of a fee in lieu of providing the required bicycle parking spaces, as determined by the Director of Public Service, or designee. In the Short North Special Parking area, no further reduction or variance to the number of required off-street parking spaces shall be granted by a variance by the Board of Zoning Adjustment or City Council.

C. The Director of the Department of Public Service shall promulgate rules and regulations for the administration of the Short North Special Parking Area and shall have the authority to collect a fee in lieu of providing the required number of off-street vehicle and bicycle parking spaces as set out in these rules and regulations.

D. Upon the submission of an application for zoning clearance, the Director of the Department of Public Service, or his or her designee, shall determine the cost of the payment in lieu of providing the required number of off-street vehicle and bicycle parking spaces in the Short North Special Parking area.

E. Payments shall be dedicated for the establishment, operation, and maintenance of facilities and programs to address and/or mitigate parking demands and deficiencies within the boundaries of the Short North Special Parking Area.

**SECTION 3.** That prior existing section 3303.01 of the Columbus City Codes is hereby repealed.

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