



## Legislation Text

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**File #:** 0854-2008, **Version:** 1

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**BACKGROUND:** Since 1999, a series of commercial zoning overlays and special graphics control area designations have been applied to areas of Columbus as a means of addressing community planning and design priorities. These designations work in conjunction with underlying zoning districts to provide additional standards for such things as building setback, screening, lighting and graphics. As the City gains experience in the administration of these code sections, a number of areas have been identified for needed revision. A city staff team undertook a comprehensive review of the commercial overlays (Urban, Community and Regional) as well as the Morse Road and Olentangy River Road special graphics control areas. This legislation submits changes to the code resulting from that effort. Many suggested modifications clarify ambiguous language or provide greater consistency of approach among overlays. In other cases, redundant standards or provisions were removed. The legislation eliminates code sections that tie parking reductions to administrative waivers in the Urban and Community Commercial Overlays, and instead uses a standard range of parking reductions. It also proposes greener parking lot standards, and folds the special graphics control area standards into the regional commercial overlay section, thereby eliminating two code sections.

This legislation will have no impact on the boundaries of existing areas. Targeted informational briefings and input sessions, notification of key stakeholders, and four public meetings were among the elements of the public review process, culminating in the Development Commission's recommendation for approval at their March 27, 2008 policy meeting.

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

To update the provisions of the Urban, Community, and Regional Commercial Overlays; to incorporate the Morse Road and Olentangy River Road special graphics control areas code provisions in the Regional Commercial Overlay; and to renumber certain code sections.

**WHEREAS,** a series of commercial zoning overlays and special graphics control area designations have been applied to specific areas of Columbus as a means of addressing community planning and design priorities; and

**WHEREAS,** as the City gains experience in the administration of these code sections, a number of areas have been identified for needed revision; and

**WHEREAS,** a city staff team undertook a comprehensive review of the city's commercial overlays (Urban, Community and Regional) as well as the Morse Road and Olentangy River Road special graphics control areas; and

**WHEREAS,** a series of recommended changes were developed to improve the consistency and administration of these code sections; and

**WHEREAS,** these changes serve to clarify ambiguous language, provide greater efficiency and consistency of approach among overlays, update landscaping standards, eliminate redundant standards, and replace administrative parking waivers with a standardized approach; and

**WHEREAS,** informational and input sessions were held with key stakeholders, information was provided on the city's website, and four public meetings were held on these proposed changes; and

**WHEREAS,** for clarity, the Hellbranch Run Watershed Protection Overlay is being renumbered, verbatim, so that all the commercial overlays will be in numerical order in the Columbus City Codes; and

**WHEREAS**, the City's Development Commission recommended approval of the legislation at their March 27, 2008, policy meeting; **now therefore**,

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

Section 1. That section 3303.06 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**3303.06 Letter F.**

"Facing," in reference to a sign, means the readable copy area visible to traffic proceeding in one (1) direction along a public street.  
"Fast-food business" means a retail business operation, established on an individual tract of land or lot, occupying less than ten thousand (10,000) square feet of gross floor area, where the products purchased by the customer consist of prepared food and beverages ready for immediate consumption.

"Fit to display" means, in the context of a flag or banner, that the entire flag or banner and supporting structure is in good and safe condition, with no holes, and that is not tattered, substantially faded or reduced in readability, or that is in a state of mechanical deterioration.

"Flag" means an ensign, standard, colors, or emblem of a governmental body.

Flashing Graphic. See "Graphic."

"Flood plain development." See Chapter 3385.

"Freeway" means an arterial street with full control of access, and complete grade separation at all crossroads. Freeways accommodate heavy traffic at high speeds (usual fifty-five (55) to sixty-five (65) miles per hour).

"Front line of a building" and "front yard line" means, respectively, that portion of the building line or yard line adjacent to the street line affording principal access to the building. (See also "Lot front.")

"Frontage," of a building, and of a lot or property:

1. "Building frontage" means the facade of a building most nearly parallel to an abutting public ~~street right-of-way which affords principal access.~~

2. "Lot frontage" or "property frontage" means the length of the property line of any one (1) premises along an abutting public right-of-way.

"Fronting" means bordering, in the sense of affording principal access.

Section 2. That section 3303.16 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**3303.16 Letter P.**

"Panel antenna" means the combination of a rectangular panel not to exceed two (2) feet wide by six (6) feet tall by six (6) inches deep and any associated support structure used to facilitate wireless radio and telecommunication transmissions. This definition excludes lattice, guyed, dish or erector-style antennas.

"Parking space" means a rectangular area of not less than nine (9) feet by eighteen (18) feet, exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area and designed for parking a motor vehicle.

"Parking lot" means any off-street area or facility, which meets one (1) of the following conditions:

1. Contains one (1) or more parking, loading or stacking space for commercial, institutional or industrial use; or

2. Contains five (5) or more parking spaces for any residential use.

"Pennant" means a flag or banner that is triangular in shape. (See "Banner," "Flag" and "String of pennants.")

Permanent Sign. See "Sign."

"Person" means, without limitation, a natural person, his heirs, executors, administrators, or assigns, and also includes a corporation, partnership, an unincorporated society or association, or any other type of business or association, including respective successors or assigns, recognized now or in the future under the laws of the state or the city.

"Personal assistance" means supervision as required and services including help in walking, bathing, dressing, feeding, or getting in and out of bed.

Pickup Unit: "Pickup unit" means a building or portion thereof that, by design, permits customers to receive goods or services while remaining in a motor vehicle.

"Pitch" means the slope of a roof expressed in feet as a ratio of vertical rise to horizontal run.

"Pole cover" means a decorative enclosure that covers the structural support of a sign.

Political Sign. See "Sign."

"Porch" means a roofed platform projecting from a building at an entrance and is separated from the building by the walls of the building, and is partially supported by piers, posts or columns. A porch may be open, enclosed or partially enclosed. "Open porch" means a porch which is unenclosed (except possibly for screens) by anything higher than thirty-six (36) inches above the floor except for the roof and roof supports.

"Portable building" means any building or vehicle designed with running gear permanently attached for transportation on the public

streets and highways under its own power or towed behind another vehicle, arriving at the site, substantially ready for use, whether for residential, office, commercial or manufacturing use. Removal of packing and baffles; interconnection of two (2) or more buildings or vehicles; and connection of or to utilities shall not be considered in determining whether a portable building is substantially ready for use. The towing hitch, wheels, axles, and other running gear may not be removed from a portable building preventing it from being portable.

Portable Sign. See "Sign."

"Portable storage container" means a non-permanent, non-habitable, self-contained structure of less than one hundred sixty-nine (169) square feet in size and eight (8) feet in height designed for temporary placement on and subsequent removal from a parcel for the purpose of facilitating off-site storage.

"Premises" means land together with the buildings and structures thereon.

"Primary building frontage" means a building frontage that abuts a street listed as a primary street in the applicable overlay areas.

Principal Building: "Principal building" means a building in which the principal use of the property is conducted. All parcels containing at least one building shall be deemed to have a principal building.

"Private access" means driveway as defined and regulated in the parking chapter hereof.

"Private club" means a building and accessory facilities owned and operated by an association, a corporation, or a group of individuals established for the cultural, educational, fraternal, recreational, or social enrichment of its members and not primarily for profit, and whose members pay dues and meet certain prescribed qualifications for membership.

"Private garage" means a building or portion of a building for the housing of motor vehicles as an accessory use permitted in a residential district or an apartment district and in which no service, work, trade, occupation, or business is carried on connected in any way with a motor vehicle as defined by Ohio Revised Code Section 4511.01.

"Private residence" means a place of usual or customary abode.

"Private roadway" means a privately owned and maintained strip of land designed, improved, and intended to be used for vehicular traffic.

Projecting Sign. See "Sign."

Projector Graphic. See "Graphic."

Property Frontage. See "Frontage."

Property Owner. See "Owner."

"Public garage" means any building or portion of a building other than a private garage, for the housing of commercial or noncommercial motor vehicles.

"Public notice" of a hearing or proceedings means ten (10) days notice of the time and place thereof printed (see "printed" in 101.03 Interpretation) in The City Bulletin.

"Public nuisance" means any structure which is permitted to be or remain in any of the following conditions:

(A) In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare, or well being of the surrounding area; or

(B) A fire hazard; or

(C) Any vacant building that is not secured and maintained in compliance with Chapter 4513; or

(D) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used in violation of any division of Section 2925.13, Ohio Revised Code.

"Public nuisance" also means any structure or real property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health or sanitation ordinance of the Columbus City Code or Columbus City Health Code, or any real property upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment.

"Public service announcement" means a temporary graphic display for the purpose of informing the public about events or activities involving the arts, or involving community service or not-for-profit organizations.

Public-Private Setback Zone: "Public-private setback zone" means an area between a principal building and a public street utilized for seating, outdoor dining, public art and/or other pedestrian amenities.

Public Sign. See "Public graphic" and "Sign."

"Public way" means an alley, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, lane, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other way in which a public entity has a proprietary right, or which is dedicated whether or not it has been improved.

**Section 3.** That section 3303.18 of the Columbus City Codes, 1959, is hereby amended to read as follows:

### **3303.18 Letter R.**

Real Estate Sign. See "Sign."

"Rear of a building", "Rear line of a building" and "rear yard line", respectively mean that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

Reconstruction: "Reconstruction" means the replacement or rebuilding of a building, premises or structure.

"Recreational vehicle" means a vehicle manufactured or modified to contain temporary living quarters for travel, recreation, or vacation purposes including, but not necessarily limited to, camper, travel trailer, truck camper, and motor home.

"Regulations", when referring to the name of a division of the city administration, means the ~~Building Services Division of the~~ Department of Development.

"Religious facility" means a building or structure in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

"Residence" is the general term implying place of exclusively used for human habitation and embracing both residential and apartment residential district classifications.

"Residential care facility" means a use of a dwelling unit or dwelling units within a building primarily for providing supervised room, board and care in a residential setting to residents thereof whose disabilities or status limit their ability to live independently, and secondarily for training, rehabilitation and nonclinical services. The term excludes use as a clinic, institution, hospital, nursing home, convalescent home, school, child day care center, nursery school, dormitory or other similar use. The term shall not be applied to owner-occupied premises with one (1) or two (2) roomers. However, for the purpose of licensing, the term is included within "rooming house" as defined in Section 4501.32.

"Residential complex" means a residential development with fifteen (15) or more dwelling units situated on the same tax parcel. Residential Use. See "Use, residential."

"Residentially zoned district or use" means any area zoned for residential use as defined in this Zoning Code or any area where persons may reside.

"Restaurant" means an establishment that involves the preparation of food and drink, served to and consumed by patrons primarily within the building.

"Rest home" means a home that provides personal assistance for three (3) or more individuals who are dependent on the services of others by reason of age or physical or mental impairment but who do not require skilled nursing care. A rest home shall be licensed under Chapter 3721 of the Revised Code to provide only accommodations and personal assistance and may not admit individuals requiring skilled nursing care.

"Retail filling station" means a use involving the supplying to individual vehicles for their use only, of oil, grease or gasoline or other liquid fuel with other customary incidental service, the storage facilities of which use shall not be in excess of two (2) tank cars or total storage capacity of thirty thousand (30,000) gallons.

"Retail filling station" is the same as gasoline service station.

"Right-of-way line" means the limit of publicly owned land or easement encompassing a street or alley.

"Roof line" means in the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

Roof Sign. See "Sign."

"Rooming house" means a residential building, other than a hotel, in which part or parts are kept, used or held out to be a place where sleeping accommodations are offered for hire for three (3) or more persons.

"Row" is a group of attached residences, separated by vertical fire walls, in which each residence has its own front and rear yards, and has appropriated to it the entire building between the fire walls.

**Section 4.** That section 3303.19 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**3303.19 Letter S.**

"Salvage" means any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, processed, sorted or stored for reuse or resale such as: any type of used building material, such as, but not limited to, lumber, brick, concrete and masonry, steel beams, girders and columns, trusses, plumbing pipe and fixtures, and any other material formerly used for the construction of a structure, used or salvaged motor vehicles which are primarily used for parts, used steel drums and used containers, used fats, oils and greases, used tires, and similar or related articles or property.

"Salvage dealer" means any person who buys, exchanges, collects, receives, stores or sells any article defined as junk or salvage.

"Salvage yard" means any place where a person who is a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvaged material.

"School" means a public or parochial primary or grade school, middle or junior high school, or senior high school as those terms are ordinarily used and shall not include a vocational or trade school or any institution other than one for children whose attendance is required by the laws of the state.

"Sculpture" means a three-dimensional construction or form, generally executed for the purposes of decoration or artistic expression; and displayed in any place accessible to the public.

Secondary building frontage" means a building frontage that abuts an alley or a street not listed as a primary street in the applicable Overlay Areas.

Self-Contained Graphic. See "Graphic."

Self-Propelled Sign. See "Sign."

"Service station" means a use of property for retail sales of gasoline or other motor vehicle fuels and oils for delivery into automotive vehicles and may include retail sales of lubricants, tires, batteries, and automotive accessories; the rendering of services and the making of adjustments and replacements to motor vehicles; the washing, waxing and polishing of motor vehicles without an independent structure therefor; and the making of light repairs to motor vehicles which does not include or necessitate the dismantling or repair of the motor vehicle outside of the building, or the storage outside of the building of dismantled motor vehicles or any outside storage or assemblage of motor vehicle parts, accessories or components.

"Setback line" means the building line.

"Shall" means mandatory and not merely directory.

"Shared living facility" means a dwelling unit cooperatively used by six (6) or more individuals, unrelated to each other by blood or marriage, as a single housekeeping unit wherein each of the common areas of the unit such as, but not limited to, the kitchen, living room and dining room, is available to each such individual who participates in the costs and maintenance of the unit.

The term "shared living facility" expressly excludes use as a boarding home, child day care center, clinic, convalescent home, dormitory, hospital, institution, nursery school, nursing home, rooming house, school, or other similar use. For the purpose of licensing and regulating such use, however, the term "shared living facility" is included within the term "rooming house" as defined in C.C. 4501.32 and as used in Title 45, C.C.

The term shall include each "residential care facility" composed of six (6) or more individuals.

"Show window display" means a display of goods or advertising materials in a show window as defined in Article 100 of the National Electrical Code, most recent version.

Side Wall Sign. See "Sign."

"Sign" means a name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land or affixed to the glass on the outside or inside of a window or door, or inside a building within three (3) feet of a window or door so as to be readable from outside the building, and which directs attention to an object, product, place, activity, person, institution, organization, business, or the like.

The term "sign" includes any associated sign face, sign structure, pole cover, embellishment, decorative element and source of illumination; but excludes architectural decoration, mural, sculpture, show window display, outline lighting and projector graphic.

"Abandoned sign" means a sign which no longer identifies or advertises the service, product, or activity with which the sign was most recently associated and/or for which the owner cannot be found.

"Civic sign" means a permanent off-premises sign advertising the existence or availability within the local area of civic, fraternal, religious, or other institutional organizations.

"Construction sign" means a temporary sign to denote a future facility, to identify a project under construction on the lot on which the sign is erected, and to indicate project name, logo, address, contractor, subcontractor, architect, bank, or similar information.

"Co-op sign" means an on-premises sign that both identifies and promotes an establishment on the site and promotes a specific product or service that is not the principal product or service available at the site.

"Directional sign" means an on-premises sign conveying only directions or instructions with respect to the premises on which it is located.

"Directory sign" means a sign (usually on-premises) that incorporates a list of names or activities.

"Double-faced sign" means a sign with two (2) sign faces arranged back-to-back parallel to each other and separated by no more than two (2) feet, or arranged back-to-back with the faces separated by an angle of no more than sixty (60) degrees. Where directed to a public street, the sign faces of a double-faced sign shall be perpendicular to that street.

"Entry feature sign" means a permanent on-premises sign identifying a vehicular entrance to a residential subdivision, residential complex or institutional use.

"Ground sign" means a freestanding detached sign whose support structure is imbedded in the ground.

"Identification sign" means a sign which primarily displays the name and address of a building, institution, or person and/or the activity or occupation being identified.

"Illegal sign" means a sign which does not meet the requirements of the Graphics Code and which is not a nonconforming sign.

"Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

"Monument sign" means a ground sign, usually low in profile, with a monolithic, base.

"Multi-faced sign" means a sign with more than two (2) sign faces arranged so that some or all of the faces are not parallel to each other, and/or directed to different streets or vantage points.

"Neon sign" means a sign formed in whole or part with neon.

"Nonilluminated sign" means a sign without lighting of any kind as part of the sign installation or structure.

"Off-premises sign" means a sign used to advertise, promote, or provide direction to any person, activity, establishment, product or service available, produced or manufactured at a location other than on the property on which the sign is located; including any display surface, supporting structure, lighting, maintenance walkway and embellishment. The term includes "billboard" as defined in C.C. 3303.02.

"On-premises sign" means a sign which pertains to the use of the premises on which it is located.

"Permanent sign" means a legal sign which is not restricted as to the duration of time it may be displayed.

"Political sign" means a temporary sign, the purpose of which is to inform the public or to support or oppose any candidate or candidates for public office or any ballot question or issues to be voted on in any election.

"Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. The term does not include a self-propelled or trailer sign.

"Private sign" means any sign other than a public sign.

"Projecting sign" means a sign that is attached to the facade of a building or to an awning or canopy attached to a building facade; which projects outward from the facade more than twenty-four (24) inches and which is installed with the sign faces between forty-five (45) degrees and ninety (90) degrees relative to said facade or to the street to which the sign is directed.

"Public sign" means a sign required by law or governmental regulations, including but not limited to legal notices and traffic controls or similar regulatory devices.

"Real estate sign" means a sign advertising the sale, rental or lease of all or a portion of the building or land upon which it is displayed.

"Roof sign" means a sign erected upon the roof of a building, any portion of which is above the roof line of the building.

"Self-propelled sign" means an off-premises sign that is mounted on or attached to a self-propelled vehicle.

"Side wall sign" means an on-premises wall sign attached to or displayed on a building facade which is most nearly perpendicular to a public street bordering the subject site.

"Single-faced sign" means a sign with one (1) facing only.

"Temporary sign" means a sign having a specific limitation as to the length of time it may be displayed.

"Trailer sign" means a sign mounted on a trailer chassis with or without wheels and used as an on-premises or off-premises sign.

"Wall sign" means a sign that is mounted on or attached to a building facade or other structure which supports a roof, including any sign which is part of or attached to an awning or canopy; that does not project outward more than twenty-four (24) inches from the surface to which it is attached; and that is less than forty-five (45) degrees from parallel to the plane of the facade to which it is attached.

"Window sign" means a sign applied to a window or door and readable from the outside. (See also "Exterior graphic" and "Interior graphic.")

"Sign copy" means any combination of letters, numerals, words, symbols, pictures, emblems or other characters that constitute a message in either permanent or removable form.

"Sign face" means the surface or plane on which the copy and other individual graphic elements constituting a sign are displayed.

"Sign height" means the vertical distance measured from the highest point of the sign, excluding embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (Compare with "Clearance.")

"Sign setback line" means the boundary of an area adjacent to a public right-of-way or other lot line and within which no part of a sign shall be located. "Required sign setback" means the minimum allowable separation between a sign and a property line or right-of-way line.

"Sign structure" means the portion of a sign which supports, has supported or is capable of supporting a sign face and/or copy.

Single-faced sign. See "Sign."

"Single-family dwelling" means a residential building consisting of one (1) dwelling unit and which is arranged, intended or designed for one (1) family. The term shall not include a manufactured home or a mobile home.

"Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated, including, without limitation, procedures such as:

1. Irrigations, catheterization, application of dressings, and supervision of special diets;
2. Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;

3. Special procedures contributing to rehabilitation;

4. Administration of medication by any method ordered by a physician such as hypodermically, rectally, or orally;

5. Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill administration.

"Slaughterhouse" means a use of a building arranged or devoted to the killing of animals other than poultry or game.

Special Event and Approved Special Event.

"Special event" means a preplanned major activity sponsored by an organization, proposed to be held on public property or private property and open to the public, for the purpose(s) of entertainment, celebration, amusement, cultural recognition, arts and crafts displays and/or sales, amateur sports demonstration or competition, or similar activities.

"Approved special event" means a special event for which all permits, licenses or other approvals required by the city, or other governmental body have been obtained.

"Specified anatomical area" means the following:

1. A human anus, buttocks, genitals, or pubic region with less than a complete and opaque covering,
2. A human female breast below a point immediately above the top of the areolae, but not including a portion of the cleavage of the female breast exhibited by a bathing suit, blouse, dress, leotard, shirt, or other wearing apparel, provided that neither the areolae nor nipples are exposed,
3. Human male genitals in a discernibly tumid state, even with a complete and opaque covering, or
4. A covering or device that when worn, simulates human female genitals, human female areolae or nipples, or human male genitals in a discernibly tumid state.

"Specified sexual activities" means the following:

1. Actual or simulated sex acts including masturbation, oral copulation, sexual intercourse, or sodomy;
  2. Fondling or other erotic touching of a human anus, buttocks, genitals, pubic region, or female breast, whether self-directed or as part of direct contact between two or more persons;
  3. Human genitals in a state of sexual arousal, stimulation, or tumescence; or
- ry functions as part of or in connection with an activity listed in numbers 1 through 3 of this definition.

"Stockyard" means an area enclosed by fence or other structural means for the keeping of livestock.

Story and Half Story.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. When the ceiling of the lower story of a building can be used for any purpose except service equipment pertaining to the building such lower and or attic story shall be a story for the purpose of this Zoning Code. The first floor level shall mean the floor level at or nearest the grade level at the principal entrance.

"Half story" means a story under a gable, hip or gambrel roof, the wall plates of at least two (2) of the exterior walls being not more than three (3) feet above the floor of such story.

"Storage yard" means an open place where materials other than junk or salvage are stored.

"Street" means any public thoroughfare or public park not less than thirty-five (35) feet in width which has been dedicated or deeded to the city for public uses.

"Street line" means the lot line bordering a street, park or other public way other than an alley.

"String of banners" means a display consisting of four (4) or more banners attached to the same flag pole or to a string, rope, wire or the like.

"String of lights" means four (4) or more electric lamps arranged with individual lampholders supported and powered by electrical conductors which are exposed to view.

"String of pennants" means a display consisting of four (4) or more pennants attached to the same flag pole or to a string, rope, wire or the like.

"Structure" means a combination of materials, other than a building, to form a construction that is safe and stable including, but not limited to, stadium, gospel or circus tent, reviewing stand, platforms, staging, observation tower, shed, coal bin, or fence in excess of six (6) feet in height. The term "structure" shall be construed as if followed by the words "or parts thereof."

"Studio" means the working room of an artist, painter, sculptor, or by extension, one engaged in any more or less artistic employment such as photography or design.

"Supermarket" means a store which is primarily for the retail sale of food and which has a gross floor area, including all types of storage rooms, restrooms, and other incidental rooms or areas, of ten thousand (10,000) square feet or more.

"Swimming pool, private" means any in-ground, on-ground, or above-ground permanently affixed pool filled or capable of being filled with water to a depth greater than thirty (30) inches at any point therein and maintained solely for use by a property owner and guests as an accessory use and structure to a residence.

"Swimming pool, portable" means any non-permanent on-ground or above-ground swimming or wading pool filled or capable of being filled with a water depth of no more than thirty (30) inches at any point therein. A portable swimming pool is considered a structure under this Code.

**Section 5.** That the existing Section 3372.01 of the Columbus City Codes, 1959, is hereby amended to read as follows:

### **3372.01 Purpose and intent.**

This chapter establishes a planning overlay which provides the means to incorporate in the Zoning Code development standards designed to implement council-approved plans for special areas. Overlay standards and standards extracted from such approved plans, may increase, decrease, or add conditions to the minimum development standards of the underlying district, or use, but shall include additions or deletions to permitted uses within such district.

The planning overlay provides a formalized method for implementing acceptable community plans through specialized standards intended to achieve physical development objectives in certain areas of the city. Such objectives transcend single parcel ownership

and land use district boundaries and represent a need to establish, maintain, or change the character of development in a planning area.

**Section 6.** That the existing Section 3372.03 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**3372.03 Application.**

A. Any person or organization desiring the establishment of a planning overlay may file an application in conformity with all the provisions for amendments to the Zoning Code and the provisions of this chapter with the regulations division on a form provided by it. Said application will be processed and reviewed by the staff, development commission and city council as a rezoning application. A fee may be imposed by ordinance of council.

The intended purpose of a planning overlay shall be clearly evident and relate to the underlying land use pattern in a reasonable way. Proposals should exhibit the following characteristics:

1. Implement recommendations contained in a council-approved plan passed by resolution;
2. Specify standards which establish, maintain or change the development character of an area;
3. Evidence advanced planning which supports and justifies the variations in existing standards or the imposition of additional standards.

B. The ~~Director administrator~~ may request additional information when needed to properly review the application. In all cases the minimum standards of the underlying zoning classification shall govern unless the planning overlay approved by council specifically stipulates a variation to that standard. ~~The planning overlay shall only be used to vary the physical development standards of a district and shall in no way be used or construed so as to be used to change the permitted uses of the underlying zoning classification.~~

**Section 7.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new subchapter entitled "Urban Commercial Overlay"

**Section 8.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.601, reading as follows:

**3372.601 Purpose and intent.**

The purpose of the Urban Commercial Overlay (UCO) is to regulate development in specifically designated areas in order to protect, re-establish and retain the unique architectural and aesthetic characteristics of older urban commercial corridors. Such corridors are typically characterized by pedestrian-oriented architecture, building setbacks ranging from zero (0) to ten (10) feet, rear parking lots, commercial land uses, a street system that incorporates alleys and lot sizes smaller than one-half (1/2) acre.

The provisions of the UCO are intended to encourage pedestrian-oriented development featuring retail display windows, reduced building setbacks, rear parking lots, and other pedestrian-oriented site design elements. Use of this overlay also serves as a means of implementing key policy recommendations of neighborhood plans and design studies.

**Section 9.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.602, reading as follows:

**3372.602 Overlay areas.**

The boundaries of designated Urban Commercial Overlay areas are part of the Official Zoning Map and described in separate sections beginning with C.C. 3372.650 and ending with C.C. 3372.699. For the purposes and requirements of an Urban Commercial Overlay area, the term "primary street" means: Third Avenue, Fourth Street, Fifth Avenue, Fifth Street, Broad Street, Cleveland Avenue, Front Street, Indianola Avenue, High Street, Hudson Street, Lane Avenue, Livingston Avenue, Long Street, Main Street, Mt. Vernon Avenue, Parsons Avenue, Summit Street.

**Section 10.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.603, reading as follows:

**3372.603 Applicability and extent.**

The standards and requirements of the UCO apply as follows:

A. Residentially-zoned properties and properties that are used exclusively as residences are exempt from the standards and requirements of this overlay.

B. The placement, construction, or reconstruction of a principal building is subject to all standards and requirements of this overlay, except as applied to non-conforming buildings as provided in Section 3391.01 and except as applied to routine maintenance and in-kind replacement of materials.



- C. The expansion of a principal building's gross floor area by up to fifty (50) percent is subject to applicable provisions of C.C. 3372.605 and C.C. 3372.607 and the expansion of a principal building's gross floor area by more than fifty (50) percent is subject to all standards and requirements of this overlay.
- D. The extension or expansion of a principal building toward a public street is subject to all applicable standards and requirements of this overlay.
- E. Exterior alteration of a primary building frontage is subject to applicable provisions of C.C. 3372.605. For purposes of this requirement, the placement of window shutters, fabric canopies and awnings and/or building-mounted signage is not considered to be exterior alteration.
- F. The parking standards in C.C. 3372.609 apply to existing buildings, additions, and new construction.
- G. The construction or installation of a new parking lot, graphic, exterior lighting, fence or other accessory structure is subject to all the applicable provisions herein.
- H. In architectural review commission districts properties are subject to C.C. 3372.604, 3372.607, 3372.608 and 3372.609, and are not subject to Sections 3372.605 and C.C. 3372.606. Any standard or requirement of this overlay may be modified or waived by an architectural review commission for structures within that architectural review commission's given boundary.
- I. The Graphics Commission may consider a variance request to any graphics standard or graphics requirement of this overlay. Nonconforming graphics and routine maintenance and in-kind replacement of materials are exempt from the graphics standards and requirements of this overlay and are subject to Section 3381.08.
- J. The standards contained in the overlay are in addition to the regulations of the underlying zoning districts and the general requirements contained in the Columbus Zoning Code. Where a specific overlay standard is imposed, it is to be followed in lieu of a general provision of the Zoning Code: where the overlay does not address a required standard and it is otherwise contained in the Zoning Code, the Zoning Code standard shall be followed. Except as conditioned by City Council, the Board of Zoning Adjustment or Graphics Commission, the provisions of this overlay are deemed more restrictive.

**Section 11.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.604, reading as follows:

**3372.604 Setback requirements.**

Setback requirements are as follows:

- A. The minimum building setback is zero (0) feet and the maximum building setback is ten (10) feet, except where a public-private setback zone is provided. Where a public-private setback zone is provided, a maximum setback of fifteen (15) feet is permitted for up to fifty (50) percent of the building frontage.
- B. The minimum setback for parking lots is five (5) feet. Parking lots and accessory buildings shall be located behind the principal building. Where access behind the property is not possible from a public alley or street, up to fifty (50) percent of the parking may be located at the side of the principal building.
- C. The minimum setback for fences and masonry or stone walls is zero (0) feet.

**Section 12.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.605, reading as follows:

**3372.605 Building design standards.**

Design standards are as follows:

- A. A primary building frontage shall incorporate at least one (1) main entrance door. At a building corner where two (2) primary building frontages meet, one (1) main entrance door may be located so as to meet the requirement for both building frontages.
- B. The width of a principal building(s), including any significant architectural appurtenances thereto, along a primary building frontage shall be a minimum of sixty (60) percent of the lot width; except for a building serving an activity that occurs outside a structure.
- C. A building frontage that exceeds a width of fifty (50) feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of fifteen (15) feet to thirty-five (35) feet along the entire building frontage.
- D. For each primary building frontage, at least sixty (60) percent of the area between the height of two (2) feet and ten (10) feet above the nearest sidewalk grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four (4) feet. For a secondary building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten (10) feet.
- E. The standards below apply to upper story windows. The standards are intended to recognize that regularly spaced upper story windows (any story above ground) create a repeated pattern for unity and are an integral part of the building design. Upper story windows are generally smaller than storefront windows at street level, are spaced at regular intervals and give scale and texture to the street edge formed by building facades.

1. For any new installation or replacement of upper story windows, the new/replacement windows shall be clear/non-tinted glass.
2. Windows shall not be blocked, boarded up, or reduced in size, unless otherwise required by code for securing a vacant structure.
3. At least twenty-five (25) percent of the second and third floor building frontages (as measured from floor to ceiling) shall be window glass unless historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage shall be maintained.

F. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.

G. Pickup units and coverings are prohibited on primary building frontages and shall be attached to the rear or side of the principal building.

H. Backlit awnings are not permitted.

**Section 13.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.606, reading as follows:

**3372.606 Graphics.**

Graphics standards are as follows:

In addition to signs prohibited in Chapter 3375, the following types of signs shall not be permitted: off-premise signs, billboards, signs with flashing lights or bare bulbs, co-op signs, rotating signs, monopole signs, automatic changeable copy signs, projecting signs and roof-mounted signs.

**Section 14.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.607, reading as follows:

**3372.607 Landscaping and screening.**

Landscaping and screening standards are as follows:

A. Surface parking lots shall be screened from all abutting public streets. In architectural review commission districts, required parking lot screening will be the screening approved by the architectural review district commissions. In all other areas, parking lot screening shall consist of:

1. A four (4) foot high solid masonry or stone wall, or
2. A four (4) foot high metal tube or solid metal bar fence located at the street right-of-way line (property line), with or without masonry pier supports, with a minimum three (3) foot wide landscaped area along either side of the fence. The landscaped area shall be planted with three (3) evergreen shrubs and one deciduous shade tree per thirty (30) feet of frontage. In the case where the landscaping is provided on the street side of the fence, the fence may be set back three feet from the right-of-way line to allow for the required landscaping.

B. Interior landscaping. In all surface parking areas in which more than ten (10) parking spaces are required:

1. A landscaped island or peninsula of at least 162 square feet at least nine (9) feet in width left unpaved, but concrete curbed, filled with suitable topsoil and covered with either grass, groundcover, or mulch shall be provided for every ten (10) parking spaces, or portion thereof;
2. No less than one (1) shade tree of two and one-half (2-1/2) inches or more in caliper shall be provided in each landscaped island or peninsula;
3. Every parking aisle that is bounded at an end by a traffic lane shall be terminated at such traffic lanes by such a landscaped island or peninsula;
4. Landscaped islands or peninsulas do not need to be uniformly spaced, but must be contained within and dispersed throughout the interior of a parking lot.
5. Space devoted to interior landscaping shall be in addition to any required front, side or rear yard or any required screening area.
6. If part of a bioretention or other storm water control measure approved by the director of public utilities, curbs on landscaped islands or peninsulas may contain openings to allow for drainage. The required tree for an island or peninsula designed for bioretention shall be flood tolerant.

C. Fences, with or without masonry piers, shall be constructed of metal tubes or solid metal bars. Fences shall not exceed a height of four (4) feet. Chain-link fences are prohibited. Walls shall not exceed a height of four (4) feet. Masonry or stone walls are recommended for screening, sitting, or for use as independent architectural elements.

D. In addition to the provisions regulating dumpsters in Chapter 3342, dumpsters shall be located behind the principal building and be screened from public view to the height of the dumpster.

E. Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view to the height of the equipment.

F. Plant species shall be installed and maintained as follows:

1. Shade trees shall be a minimum of two and one-half (2 1/2) inches in caliper
2. Ornamental trees shall be a minimum of two (2) inches in caliper
3. Hedges and shrubs may be deciduous or evergreen but shall be a minimum of twenty-four (24) inches in height at time of planting

G. Native species as recommended in the Stormwater Drainage Manual are recommended for all landscaping requirements.

H. All plants and landscaped areas shall be maintained in a neat and healthy condition. Replacement plants shall be planted no later than the next planting season; and shall also meet the size requirements herein.

**Section 15.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.608, reading as follows:

**3372.608 Lighting.**

Lighting standards are as follows:

A. Exterior lighting shall be designed, located, constructed, and maintained to minimize light trespass and spill over off the subject property.

B. The average horizontal illumination level on the ground shall not exceed two (2) footcandles. The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half (1/2) footcandle.

C. The height of any parking lot light pole/fixture shall not exceed eighteen (18) feet above grade.

D. Lights greater than fourteen (14) feet shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.

E. Non-shielded exterior lighting shall not exceed fourteen (14) feet above grade and shall not be more intense than four thousand (4,000) lumens per fixture.

F. Exterior building illumination shall be fully shielded. The maximum illumination of any vertical surface or angular roof surface shall not exceed four (4) footcandles.

G. Canopy lighting shall be recessed within a canopy and use an opaque shield around the sides of a light.

H. All external outdoor lighting fixtures, which are being used for the same purpose, within a given development, shall be from the same or similar manufacturer's type to insure aesthetic compatibility.

**Section 16.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.609, reading as follows:

**3372.609 Parking and circulation.**

Parking, access and vehicular circulation standards are as follows:

A. Parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line.

B. In recognition of the development pattern associated with this overlay, the required number of off-street parking spaces for non-residential uses shall be reduced in the following manner:

1. All uses, regardless of size, are permitted a 25% reduction of the required parking in Chapter 3342.
2. All uses, other than bars, cabarets, restaurants, night clubs, private clubs, places of assembly, and medical offices, that are 10,000 square feet or less, are permitted an additional 25% reduction (for a total reduction of 50%) of the required parking in Chapter 3342.
3. Provided parking shall not exceed the standard provided for in Chapter 3342.
4. For this provision, area is based on total size of use including any additions.

**Section 17.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new subchapter entitled "Community Commercial Overlay"

**Section 18.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.701, reading as follows:

**3372.701 Purpose and intent.**

The purpose of the Community Commercial Overlay (CCO) is to apply standards designed for corridors that typically include a mix of pedestrian and vehicle oriented development patterns, setbacks ranging from twenty (20) to forty (40) feet, lot widths of at least fifty (50) feet, and commercial uses.

The overlay standards are intended to achieve the following objectives:

- A. Establish, reinforce and enhance the character and pedestrian-oriented development patterns of quasi-urban commercial corridors;
- B. Implement appropriate building and parking setback standards that accommodate redevelopment and establish continuity and consistency along the corridors; and
- C. Promote development that features landscaping, façade transparency, rear parking lots, user-friendly access, and appropriately scaled lighting and signage.

Use of this overlay also serves as a means of implementing key policy recommendations of neighborhood plans and design studies.

**Section 19.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.702, reading as follows:

**3372.702 Overlay areas.**

The boundaries of the Community Commercial Overlay areas are part of the Official Zoning Map and shall be described in separate sections beginning with C.C. 3372.750 and ending with C.C. 3372.799. For the purposes and requirements of a Community Commercial Overlay area, the term "primary street" means: High Street.

**Section 20.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.703, reading as follows:

**3372.703 Applicability and extent.**

The standards and requirements of the CCO apply as follows:

- A. Residentially-zoned properties and properties that are used exclusively as residences are exempt from the standards and requirements of this overlay, except in architectural review commission districts.
- B. The placement, construction, or reconstruction of a principal building is subject to all standards and requirements of this overlay, except as applied to non-conforming buildings as provided in Section 3391.01 and except as applied to routine maintenance and in-kind replacement of materials.
- C. The expansion of a building's gross floor area by more than fifty (50) percent is subject to all the provisions herein.
- D. The extension or expansion of a building towards a public street is subject to all the applicable provisions herein.
- E. Exterior alteration of a primary building frontage is subject to applicable provisions of C.C. 3372.705. For purposes of this requirement, the placement of window shutters, fabric canopies and awnings and/or building-mounted signage is not considered to be exterior alteration.
- F. The parking standards in C.C. 3372.709 apply to existing buildings, additions, and new construction.
- G. The construction or installation of a new parking lot, graphic, exterior lighting, fence, or other accessory structure is subject to all the applicable provisions herein.
- H. In architectural review commission districts properties are subject to C.C. 3372.704, 3372.707 and 3372.708, and C.C. 3372.709 and are not subject to Sections 3372.705 and C.C. 3372.706. Any standard or requirement of this overlay may be modified or waived by an architectural review commission for structures within that architectural review commission's given boundary.
- I. The Graphics Commission may consider a variance to any graphics standard or graphics requirement of this overlay. Nonconforming graphics and routine maintenance and in-kind replacement of materials are exempt from the graphics standards and requirements of this overlay and are subject to Section 3381.08.
- J. The standards contained in the overlay are in addition to the regulations of the underlying zoning districts and the general requirements contained in the Columbus Zoning Code. Where a specific overlay standard is imposed, it is to be followed in lieu of a general provision of the Zoning Code: where the overlay does not address a required standard and it is otherwise contained in the Zoning Code, the Zoning Code standard shall be followed. Except as conditioned by City Council, the Board of Zoning Adjustment or Graphics Commission, the provisions of this overlay are deemed more restrictive.

**Section 21.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.704, reading as follows:

**3372.704 Setback requirements.**

Setback requirements are as follows:

- A. Along a primary street, the setback for a building or structure shall be twenty-five (25) +/- two (2) feet, however, a maximum of one-third (1/3) the overall width of such building or structure may be located up to five (5) feet in advance of and/or up to fifteen (15) feet beyond the twenty-five (25) +/- two (2) foot line.
- B. Along a street that is not a primary street, the setback for a building or structure shall be a minimum of ten (10) feet and a

maximum of twenty-five (25) feet.

C. The setback for a building or structure from an interior lot line shall be a maximum of fifty (50) feet at the front building line.

D. The setback for a parking lot along a primary street shall be a minimum of twenty-five (25) feet and a minimum of five (5) feet along any other public way.

E. When the activity occurs outside of a structure, such as a car sales lot, miniature golf facility, or mulch sales, the setback for such activity shall be a minimum of twenty-five (25) feet along a primary street; and a minimum of ten (10) feet along any other public way or along a lot line that borders (disregarding alleys) a residentially-zoned or used property.

**Section 22.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.705, reading as follows:

**3372.705 Building design standards.**

Design standards are as follows:

A. A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within fifteen degrees of being parallel.

B. The width of a principal building(s), including any significant architectural appurtenances thereto, along a primary building frontage shall be a minimum of sixty (60) percent of the lot width; except for a building serving an activity that occurs outside a structure.

C. The height of a building shall be a minimum of sixteen (16) feet above grade.

D. A primary building frontage shall incorporate a primary entrance door.

E. A building frontage that exceeds a width of fifty (50) feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of fifteen (15) feet to thirty-five (35) feet along the entire building frontage.

F. For a primary building frontage of a commercial use, a minimum of forty (40) percent of the area between the height of two (2) feet and ten (10) feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four (4) feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten (10) feet.

G. Any pickup unit or canopy shall be attached to the principal building and be located behind or to the side of the building.

H. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.

I. Backlit awnings are not permitted.

**Section 23.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.706, reading as follows:

**3372.706 Graphics.**

Graphics standards are as follows:

A. A graphic or sign for a commercial use shall comply with provisions, in particular the Table of Elements, as they pertain to a Commercial Planned Development District (CPD); i.e. using a mass factor of two (2) to determine the allowable graphic area.

B. In addition to signs prohibited in Chapter 3375, the following types of signs are not permitted: off-premise signs, billboards, signs with flashing lights or bare bulbs, co-op signs, rotating signs, monopole signs, automatic changeable copy signs, bench signs, projecting signs and roof-mounted signs.

C. Ground Sign.

1. Only one ground sign is permitted per development parcel; however it may include the name of all the major tenants of that parcel.

2. Only a monument type ground sign is permitted.

3. The sign base shall be integral to the overall sign design and complement the design of the building and landscape.

4. The setback for a ground sign shall be a minimum of fifteen (15) feet.

5. The height of a ground sign shall not exceed six (6) feet above grade.

6. When indirectly lighting a ground sign, the light source shall be screened from motorist view.

D. Wall Sign.

1. Multiple wall signs, including those for individual tenants, are permitted on the primary building frontage provided the aggregate graphic area does not exceed the allowable graphic area for its building frontage. Each tenant is permitted a wall sign of a size determined by the wall area corresponding to its individual frontage provided the aggregate graphic area of all individual tenant signs does not exceed the allowable graphic area for its corresponding building frontage.

2. For a use fronting on more than one (1) street, a wall sign with a maximum area of thirty (30) square feet is permitted on the secondary building frontage.

E. The following signs are permitted in addition to the primary sign:

1. Pickup unit menu board(s) with a total graphic area not to exceed twenty (20) square feet;
2. Temporary window signs with a total graphic area not to exceed ten (10) square feet provided they are not displayed for more than twenty (20) consecutive days and no more than five (5) times within a period of a year; and
3. Signs associated with identifying the sale of gasoline with a graphic area not to exceed five (5) square feet.

**Section 24.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.707, reading as follows:

**3372.707 Landscaping and screening.**

Landscaping and screening standards are as follows:

- A. The front yard shall be planted with live vegetation and a shade tree(s) (in addition to any street tree requirements), except for paved areas expressly designed for vehicular and pedestrian use. The minimum number of shade trees required is determined by the formula of one (1) tree per fifty (50) lineal feet, or fraction thereof, of frontage.
- B. In lieu of the tree planting requirement of Section 3372.707(A), the setback area referenced in Section 3372.704(E) shall be landscaped and planted with at least one (1) shade tree and three (3) evergreen shrubs per thirty (30) lineal feet, or fraction thereof.
- C. At the time of planting a new shade tree shall have a minimum two and one-half (2 1/2) inch caliper trunk and new shrubs for screening shall have a minimum height of twenty-four (24) inches.
- D. All plants and landscaped areas shall be maintained in a neat and healthy condition. Replacement plants shall be planted no later than the next planting season; and shall also meet the size requirements herein.
- E. Native species as recommended in the Stormwater Drainage Manual are recommended for all landscaping requirements.
- F. Screening shall be provided along a lot line that borders (disregarding alleys) a residentially-zoned or used property. A screen, such as a fence or evergreen plants, shall maintain minimum seventy-five (75) percent opacity and permanently obstruct the view to a height of six (6) feet.
- G. A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a wall or fence (excluding chain link), or a continuous row of shrubs to a minimum height of three (3) foot [two (2) feet at time of planting] and a maximum height of five (5) feet. Screening shall be maintained to provide opacity of not less than seventy-five (75) percent when is leaf.
- H. Interior landscaping.

In all surface parking areas in which more than ten (10) parking spaces are required:

  1. A landscaped island or peninsula of at least 162 square feet at least nine (9) feet in width left unpaved, but concrete curbed, filled with suitable topsoil and covered with either grass, groundcover, or mulch shall be provided for every ten (10) parking spaces, or portion thereof;
  2. No less than one (1) shade tree of two and one-half (2-1/2) inches or more in caliper shall be provided in each landscaped island or peninsula;
  3. Every parking aisle that is bounded at an end by a traffic lane shall be terminated at such traffic lanes by such a landscaped island or peninsula;
  4. Landscaped islands or peninsulas do not need to be uniformly spaced, but must be contained within and dispersed throughout the interior of a parking lot.
  5. Space devoted to interior landscaping shall be in addition to any required front, side or rear yard or any required screening area.
  6. If part of a bioretention or other storm water control measure approved by the director of public utilities, curbs on landscaped islands or peninsulas may contain openings to allow for drainage. The required tree for an island designed for bioretention shall be flood tolerant.
- I. In addition to the provisions regulating dumpsters in Chapter 3342, dumpsters shall be located behind the principal building and be screened from public view to the height of the dumpster.
- J. Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view to the height of the equipment.

**Section 25.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.708, reading as follows:

**3372.708 Lighting.**

Lighting standards are as follows:

- A. Exterior lighting shall be designed located, constructed and maintained to minimize light and reflected light trespass and spill over off the subject property.

- B. The height of any source of exterior lighting shall not exceed eighteen (18) feet above grade.
- C. Lights greater than fourteen (14) feet shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
- D. Non-shielded exterior lighting shall not exceed fourteen (14) feet above grade and the level shall not be more intense than four thousand (4,000) lumens per fixture.
- E. All external outdoor lighting fixtures, which are being used for the same purpose, within a given development shall be from the same or similar manufacturer's type to insure aesthetic compatibility.
- F. Canopy lighting shall be recessed within a canopy and use an opaque shield around the sides of a light. Exterior building illumination shall be fully shielded. The maximum illumination of any vertical surface or angular roof surface shall not exceed four (4) footcandles.
- G. The average horizontal illumination level on the ground shall not exceed two (2) footcandles.
- H. The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half (1/2) footcandle.

**Section 26.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.709, reading as follows:

**3372.709 Parking and circulation.**

Parking, access and vehicle circulation standards are as follows:

- A. Parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line.
- B. In recognition of the development pattern associated with this overlay, the required number of off-street parking spaces for non-residential uses shall be reduced in the following manner:
  - 1. All uses, regardless of size, are permitted a 25% reduction of the required parking in Chapter 3342.
  - 2. All uses, other than bars, cabarets, restaurants, night clubs, private clubs, places of assembly and medical offices that are 10,000 square feet or less are permitted an additional 25% reduction (for a total reduction of 50%) of the required parking in Chapter 3342.
  - 3. Provided parking shall not exceed the standard provided for in Chapter 3342.
  - 4. For this provision, area is based on total size of use including any additions.

**Section 27.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.760, reading as follows:

**3372.760 High Street Community Commercial Overlay.**

The provisions of the Community Commercial Overlay shall apply to properties that front along High Street from Morse Road/Rathbone Avenue north to the City of Worthington corporation line.

**Section 28.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new subchapter entitled "Regional Commercial Overlay"

**Section 29.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.801, reading as follows:

**3372.801 Purpose and intent.**

The purpose of the Regional Commercial Overlay (RCO) is to create a safe, aesthetically pleasing, economically viable, and pedestrian friendly atmosphere along certain commercial corridors. Such corridors are typically characterized by vehicular-oriented architecture, large off-street parking lots, building setbacks greater than thirty (30) feet, strip-commercial land uses, a street system that incorporates frontage roads and lot sizes greater than one-half (1/2) acre.

The Regional Commercial Overlay is established to meet the following objectives:

- A. To establish consistent and appropriate setbacks to improve the traffic safety and aesthetics of the corridor.
- B. To reduce the amount and improve the visual quality of surface parking adjacent to public rights-of-way.
- C. To create safe pedestrian access on and between lots and to public rights-of-way.
- D. To establish safe access to lots and encourage adequate internal circulation through shared access and appropriate spacing between entrances.
- E. To create a defined "edge" along public right-of-ways through consistent screening of adjacent surface parking lots and to provide landscaping in the interior of surface parking lots.
- F. To provide non-hazardous lighting of lots.
- G. Use of this overlay also serves as a means of implementing key policy recommendations of neighborhood plans and design studies

H. To create a corridor with signs that are compatible, as to type, size, and location, and consistent in style and design.

**Section 30.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.802, reading as follows:

**3372.802 Overlay areas.**

The boundaries of the Regional Commercial Overlay areas are part of the Official Zoning Map and shall be described in separate sections beginning with C.C. 3372.850 and ending with C.C. 3372.899. For the purposes and requirements of a Regional Commercial Overlay area, the term "primary street" means: Morse Road, Olentangy River Road.

**Section 31.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.803, reading as follows:

**3372.803 Applicability and extent.**

The standards and requirements of the RCO apply as follows:

- A. Residentially-zoned properties and properties that are used exclusively as residences are exempt from the standards and requirements of this overlay, except in architectural review commission districts.
- B. The placement, construction, or reconstruction of a principal building is subject to all standards and requirements of this overlay, except as applied to nonconforming buildings as provided in Section 3391.01 and except as applied to routine maintenance and in-kind replacement of materials.
- C. The expansion of a building's gross floor area by more than fifty (50) percent is subject to all provisions herein.
- D. The construction or installation of a new parking lot, graphic, exterior lighting, fence or other accessory structure is subject to any provisions herein.
- E. The Graphics Commission may consider a variance request to any graphics standard or graphics requirement of this overlay. Nonconforming graphics and routine maintenance and in-kind replacement of materials are exempt from the graphics standards and requirements of this overlay and are subject to Section 3381.08.
- F. The standards contained in the overlay are in addition to the regulations of the underlying zoning districts and the general requirements contained in the Columbus Zoning Code. Where a specific overlay standard is imposed, it is to be followed in lieu of a general provision of the Zoning Code: where the overlay does not address a required standard and it is otherwise contained in the Zoning Code, the Zoning Code standard shall be followed. Except as conditioned by City Council, the Board of Zoning Adjustment or Graphics Commission, the provisions of this overlay are deemed more restrictive.
- G. In architectural review commission districts properties are subject to C.C. 3372.804, 3372.807, 3372.808 and 3372.809, and are not subject to Sections 3372.806. Any standard or requirement of this overlay may be modified or waived by an architectural review commission for structures within that architectural review commission's given boundary.

**Section 32.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.804, reading as follows:

**3372.804 Setback requirements.**

Setback requirements are as follows:

- A. The setback for a building or structure along a primary street shall be a minimum of twenty (20) feet when a parking lot is not located in front of the building. The front yard shall be landscaped, as per code.
- B. The setback for a surface parking lot along a primary street shall be a minimum of ten (10) feet.
- C. Parking lot setbacks are measured from abutting service roads when a service road is not part of the street right-of-way.

**Section 33.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.805, reading as follows:

**3372.805 Building design standards.**

The standards of the Columbus Zoning Code shall apply.

**Section 34.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.806, reading as follows:

**3372.806 Graphics.**

Graphics standards are as follows:

- A. Sign information can contain only the name, address, logo of the establishment and a secondary message, such as a businesses



primary function.

B. All signs are limited to four (4) colors (black and white are considered colors). Registered corporate logos will not be limited in terms of color.

C. In addition to signs prohibited in Section 3375.13, the following types of signs are not permitted: off-premise signs, billboards, signs with flashing lights or bare bulbs, co-op signs, rotating signs, monopole signs, automatic changeable copy signs, bench signs, projecting signs and roof-mounted signs.

D. Pickup unit menu boards are permitted in addition to a use's primary sign but must not be visible from the public right-of-way or from adjacent residentially zoned property.

E. General Standards:

1. The sign must be set back a minimum of six feet from the right-of-way.
2. The sign height must not exceed six (6) feet unless the sign is set back at least ten (10) feet from the right-of-way, in which case the sign can be eight feet in height.
3. The overall sign area must not exceed 60 square feet; with the graphic area not to exceed forty (40) square feet. If a sign qualifies to be eight feet in height, the overall sign area must not exceed eighty (80) square feet; with the graphic area not to exceed fifty (50) square feet.

a. Ground Signs

1. For Commercially zoned lots greater than five (5) acres an architectural sign may be permitted with the approval of the Graphics Commission.

The following standards must be met:

a. Single-tenant buildings.

1. The sign must be set back a minimum of twenty (20) feet from the right-of-way.
2. The sign height must not exceed twenty (20) feet.
3. The overall sign area must not exceed one hundred sixty (160) square feet; with the graphic area not to exceed eighty (80) square feet.

b. Multi-tenant buildings.

1. The sign must be set back a minimum of twenty (20) feet from the right-of-way.
2. The sign height must not exceed thirty (30) feet.
3. The overall sign area must not exceed three hundred twenty (320) square feet; with the graphic area not to exceed one hundred sixty (160) square feet.

2. The business address, or address range, must be clearly displayed on the sign. Minimum letter/number height is six (6) inches.
3. The sign base must be between eighteen (18) inches to thirty six (36) inches in height and as long and wide as the sign structure itself.
4. The sign base must be landscaped with either low shrubs or perennial plantings for a minimum two (2) feet perimeter around the sign base.
5. The sign base shall be constructed of limestone or limestone veneer, horizontally coursed with flush raked mortar joints. Any caps on walls or piers should be continuous natural stone caps) must be incorporated into the sign design. The stone must be used as the sign base, but is not limited to this part of the sign.

b. Cemetery Signs

In lieu of a monument sign, a lot that is used specifically for a cemetery is permitted to incorporate a sign into an entrance gate or fence adjacent to the corridor.

**Section 35.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.807, reading as follows:

**3372.807 Landscaping and screening.**

Landscaping and screening standards are as follows:

The intent of the requirements contained below is to provide adequate screening of parking lots, to create a defined "edge" along streets within the overlay boundaries, and to provide interior parking lot landscaping.

A. A minimum three (3)-foot high continuous row of planted shrubs shall be planted to screen surface parking lots from a public street to an overall opacity of seventy-five (75) percent when in leaf. Ornamental plantings, in addition to the above requirement, are not prohibited. Such row of shrubs cannot exceed two hundred (200) lineal feet without incorporating one or more of the following changes in treatment:

1. A different species of shrub;
2. A masonry pier with a minimum height of forty-eight (48) inches. Limestone or limestone veneer, horizontally

coursed with flush raked mortar joints (any caps on walls or piers should be continuous natural stone caps) shall be used as the masonry material;

3. A three-foot masonry wall. Limestone or limestone veneer, horizontally coursed with flush raked mortar joints (any caps on walls or piers should be continuous natural stone caps) shall be used as the masonry material; or

4. Access drive, that is compliant with all standards herein.

**B. Interior landscaping.**

In all surface parking areas in which more than ten (10) parking spaces are required:

1. A landscaped island or peninsula of at least 162 square feet at least nine (9) feet in width left unpaved, but concrete curbed, filled with suitable topsoil and covered with either grass, groundcover, or mulch shall be provided for every ten (10) parking spaces, or portion thereof;
2. No less than one (1) shade tree of two and one-half (2-1/2) inches or more in caliper shall be provided in each landscaped island or peninsula;
3. Every parking aisle that is bounded at an end by a traffic lane shall be terminated at such traffic lanes by such a landscaped island or peninsula;
4. Landscaped islands or peninsulas do not need to be uniformly spaced, but must be contained within and dispersed throughout the interior of a parking lot.
5. Space devoted to interior landscaping shall be in addition to any required front, side or rear yard or any required screening area.
6. If part of a bioretention or other storm water control measure approved by the director of public utilities, curbs on landscaped islands or peninsulas may contain openings to allow for drainage. The required tree for an island or peninsula designed for bioretention shall be flood tolerant.

C. Native species as recommended in the Stormwater Drainage Manual are recommended for all landscaping requirements.

**D. Plant species shall be installed and maintained as follows:**

1. Shade trees shall be a minimum of two and one-half (2 1/2) inches in caliper
2. Ornamental trees shall be a minimum of two (2) inches in caliper
3. Hedges and shrubs may be deciduous or evergreen but shall be a minimum of twenty-four (24) inches in height at time of planting
4. All plants and landscaped areas shall be maintained in a neat and healthy condition. Replacement plants shall be planted no later than the next planting season; and shall also meet the size requirements herein.

E. Motor vehicle sales and boat dealerships are not required to landscape, plant trees, or otherwise screen areas used solely for new and used automobile display and inventory areas, but shall maintain perennial plantings or a minimum twenty-four (24) inch high continuous hedge or shrub on any perimeter, which faces or abuts a public street.

1. Employee and customer parking shall be landscaped, planted and screened to the standards of this section.

2. Areas used for the storage of cars awaiting repair shall be screened to the standards of this section if they abut a public street.

3. All display, inventory, parking, and storage areas shall be clearly delineated on a site plan.

F. Loading areas that are visible from a public right-of-way shall be fully screened by structures and/or landscaped to a minimum height of six (6) feet and to a minimum of ninety (90) percent opacity when in leaf.

G. In addition to the provisions regulating dumpsters in Chapter 3342, dumpsters shall be located behind the principal building and be screened from public view to the height of the dumpster

**Section 36.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.808, reading as follows:

**3372.808 Lighting.**

Lighting standards are as follows

A. Exterior lighting shall be designed, located, constructed, and maintained to minimize light trespass and spill over off the subject property

B. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.

C. Non-shielded exterior lighting shall not exceed fourteen (14) feet above grade and the level shall not be more intense than four thousand (4,000) lumens per fixture.

D. All external outdoor lighting fixtures, which are being used for the same purpose, within a given development shall be from the same or similar manufacturer's type to insure aesthetic compatibility.

E. Parking lot lighting shall be in accordance with the following standards:

1. Light fixtures shall not exceed twenty (20) feet above grade when located on a lot or premise of two (2) acres or less:

2. Light fixtures shall not exceed twenty-eight (28) feet above grade when located on a lot or premise of more than two (2) acres:
3. When located within twenty-five (25) feet of a residential district the height of a light fixture shall not exceed fourteen (14) feet above grade: and
4. In parking lots, lights shall be placed in parking lot islands or on a solid base to protect both lights and vehicles from possible damage.

F. Canopy lighting shall be recessed within a canopy and use an opaque shield around the sides of a light.

G. The average horizontal illumination level on the ground shall not exceed two (2) footcandles.

H. The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half (1/2) footcandle.

I. Exterior building illumination shall be fully shielded. The maximum illumination of any vertical surface or angular roof surface shall not exceed four (4) footcandles.

**Section 37.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.809, reading as follows:

**3372.809 Parking and circulation.**

Parking, access and circulation standards are as follows:

- A. The number of parking spaces provided shall be within a range of  $\pm 5\%$  (plus or minus five percent) of the minimum required in chapter 3342.
- B. A pedestrian walkway shall be provided along the front of a building that contains multiple tenants.
- C. A pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public street can access adjacent buildings on paths delineated with markings, crosswalks, and/or different materials, directing foot traffic and separating it from primary access drives.
- D. A lot or premises of two (2) acres or less, which has a single use, is limited to two (2) rows of parking spaces and one (1), two (2)-way maneuvering aisle in front of a principle building. The remaining parking shall be located behind the principle building's front building façade.
- E. A lot or premises of more than two (2) acres shall be designed and organized to clearly define pedestrian circulation. Parking adjacent to a primary street shall be minimized by placing at least half of the parking to the side or rear of the building or by reducing the amount of the site's frontage along the primary street by building behind existing or proposed buildings that are adjacent to the primary street.

**Section 38.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.870, reading as follows:

**3372.870 Morse Regional Commercial Overlay.**

The provisions of the Regional Commercial Overlay shall apply to all properties indicated on Exhibit A, "Boundary of the Morse Road Planning Overlay", as contained in Ordinance No. 1535-02.

**Section 39.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.878, reading as follows:

**3372.878 Olentangy River Road Regional Commercial Overlay.**

The provisions of the Regional Commercial Overlay (RCO) shall apply to all properties indicated on Exhibit B, "Boundary of the Olentangy River Road Regional Commercial Overlay".

**EXHIBIT A  
Boundary**

**Morse Road Planning Overlay is an attachment to this ordinance**

**EXHIBIT B**

**Boundary of the Olentangy River Road Regional Commercial Overlay is an attachment to this ordinance**

**Section 40.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new subchapter entitled "Hellbranch Run Watershed Protection Overlay"

**Section 41.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.901, reading as follows:

**3372.901 Findings, purpose, and implementation.**

A. Findings. The Big Darby Creek is both a national and state scenic river and is among the top five (5) warm freshwater habitats in the nation. The Big Darby is the home to endangered and rare species of fish and other organisms. The Hellbranch Run is tributary to the Big Darby, and the water quality of the Hellbranch Run has a direct impact on the Big Darby. Unrestrained development would threaten this natural resource by encouraging flooding, and by degrading the water quality of the Hellbranch and the Big Darby. Natural resource protection is inherently linked to the quality of life and the character of our community. It is hereby determined that the system of streams and other natural watercourses within the Hellbranch Run watershed contributes to the health, safety, and general welfare of the residents of the community.

B. Purpose. The purpose of the Hellbranch Run watershed protection overlay is to safeguard the public health, safety and welfare through the use of reasonable and practicable development standards in the portion of the Hellbranch Run watershed which lies outside of the proposed environmentally sensitive development area to minimize development impacts to the Hellbranch Run and the Big Darby Creek. These measures are intended to:

1. Assure that development design and activities will not impair the ability of riparian areas to:

- a. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow;
- b. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses and in runoff before they enter watercourses;
- c. Provide shade and food which are essential components of high quality stream ecosystems; and
- d. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

2. Reduce bank erosion, channel degradation, aggradation, and downcutting as a result of modification of land use while still allowing for the natural transport of bedload and sediments and maintenance of the stream's natural ability to adjust its position, dimension, pattern and profile.

3. Benefit the city economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as retention basins, and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents; and by contributing to the scenic beauty and environment of the city, and thereby preserving the character of the city, the quality of life of the residents of the city, and corresponding property values.

C. Implementation. To implement this overlay, the city will adopt a three (3) tiered approach to its development decisions in the portion of the Hellbranch Run watershed which lies outside of the proposed environmentally sensitive development area:par 1. First, the city will approve only those developments that recognize a pesre existing natural features, including but not limited to watercourses, flood plain, and riparian buffers. See C.C.C. § 3372.905.

2. Second, the city will approve only those developments that minimize the generation of stormwater through site design criteria that reduce stormwater runoff. See C.C.C. § 3372.906.

3. Third, the city will approve only those developments that manage stormwater throug bes amagement practices for both flood control and watr quality protection. See C.C.C. §332.07.

**Section 42.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.902, reading as follows:

**3372.902 Definitions.**

For the purposes of the Hellbranch Run watershed protection overlay only, the following phrases, terms, words, and their derivations have the meaning given herein.

Letter A.

"Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production.

"Association" means a legal entity operating under recorded land agreements or contracts through which each unit owner in the development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.

Letter B.

"Best management practices" or BMPs mean management practices or structural practices designed to reduce the quantities of pollutants, such as sediment, nitrogen, phosphorus, and animal wastes washed by rain or snow melt into nearby receiving waters.

Letter D.

"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

"Director" means the director of the department of development or the director's designee.

Letter E.

"Environmentally sensitive development area" or proposed environmentally sensitive development area (ESDA) means the territory identified as such by the Columbus Metropolitan Facilities Plan Update (November 3, 2000) as filed with the Ohio Environmental Protection Agency.

Letter F.

"Floodplain" or "100-year flood plain" means a river or other watercourse and its adjacent area subject to inundation by the "base flood." The "floodplain" or "100-year flood plain" is also known as "special flood hazard area" and is composed of the "floodway" and "floodway fringe." Special flood hazard areas are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, AI-30 or A99.

"Floodway" means that portion of the "special flood hazard area," excluding the "floodway fringe," which is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the "base flood" without cumulatively increasing the water surface elevation by more than one-half (1/2) foot.

"Floodway fringe" means that portion of the "special flood hazard area," excluding the "floodway," which is subject to inundation by the "base flood."

Letter I.

"Impervious cover" means any surface resulting from development that cannot effectively absorb or infiltrate rainfall and includes "impervious area" as defined by C.C.C. § 1 149.02.006.

Letter N.

"Natural channel design" means the process by which new or restored watercourse channels are designed to be naturally functional and self-sustaining, such that they emulate dynamically stable watercourses.

Letter O.

"Open space" means an area that is intended to provide light and air. Open space may include, but is not limited to, publicly or privately owned meadows, wooded areas, watercourses, wetlands, and flood plains. Open space does not include:

- (a) Private roads and public road rights-of-way;
- (b) Parking areas, accessways, and driveways;
- (c) Required setbacks between buildings, parking areas, and project boundaries;
- (d) Required setbacks between buildings and streets;
- (e) Required minimum spacing between buildings, and between buildings and parking areas;
- (f) Private yards;
- (g) Other small fragmented or isolated open areas that have a dimension less than fifty (50) feet in any direction.

Letter P.

"Paving blocks" means cement or plastic grids with void spaces. Paving blocks make the surface more rigid and gravel or grass planted inside the holes allows for infiltration. Depending on the use and soil types, a gravel layer can be added underneath to prevent settling and allow further infiltration.

"Permeable or semi-permeable material" means paving blocks or porous pavement.

"Porous pavement" means permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. This porous surface replaces traditional pavement, allowing parking lot runoff to infiltrate directly into the soil and receive water quality treatment. There are several pavement options, including porous asphalt, pervious concrete, and grass pavers. Porous asphalt and pervious concrete appear the same as traditional pavement from the surface, but are manufactured without "fine" materials, and incorporate void spaces to allow infiltration. Grass pavers are concrete interlocking blocks or synthetic fibrous grid systems with open areas designed to allow grass to grow within the void areas.

Letter S.

"Stream corridor protection zone" means the area of the floodplain that is necessary to maintain or allow redevelopment of a functional natural drainage system capable of flood storage during common flood events, separating fine sediments from discharge and assimilating pollutants, and recharging stream base flow and ground water. The width of the stream corridor protection zone (Z), as measured in feet, is based upon the size of the drainage area of the watercourse, but in no case may the stream corridor protection zone be less than the floodway. To determine Z, calculate the drainage area (DA) of the watercourse at the downstream end of the proposed development site.

- a. When DA is equal to or greater than 16 square miles, then  $Z = 87 \text{ DA}^{0.43} + 100'$ ;
- b. When DA is less than 16 square miles, then  $Z = 117 \text{ DA}^{0.43}$ ; and
- c. When DA is equal to or less than 90 acres, then  $Z = 50'$ .

In most instances, the stream corridor protection zone is located by placing the centerline of the zone over the centerline of the watercourse. However, individual site conditions, including but not limited to valley topography, must be reviewed to determine the precise location of the stream corridor protection zone.

Letter U.

"Upland" means land generally at a higher elevation than and extending inland from the watercourse.

Letter W.

"Watercourse" means any ephemeral, intermittent, perennial, natural or manmade creek, ditch (excepting any roadside ditch), river, or stream with a defined bed, bank or channel.

**Section 43.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.903, reading as follows:

**3372.903 Overlay boundaries.**

The Hellbranch Run Watershed Protection Overlay is comprised of all parcels within the geographic area that is naturally tributary to the Hellbranch Run, including areas tributary to the Clover Groff ditch, which lie outside of the proposed Environmentally Sensitive Development area and which upon the effective date of this overlay were not subject to an approved preliminary plat or to a properly recorded final subdivision plat or condominium declaration. The Hellbranch Run Watershed Protection Overlay includes the territory identified in Appendix A. However, any area which is not tributary to the Hellbranch Run Watershed shall not be included within the Hellbranch Run Watershed Protection Overlay regardless of whether it is included within Appendix A.

**Section 44.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.904, reading as follows:

**3372.904 Application and exemptions.**

A. Application. Any city action affecting development of a parcel of land within the Hellbranch Run Watershed Protection Overlay, including but not limited to rezoning, subdivision approval, floodplain alteration approval, stormwater plan review, and zoning clearance is subject to the requirements of the Hellbranch Run Watershed Protection Overlay. In the event of conflict with other provisions of the city codes, the more environmentally protective standard shall apply.

B. Exemptions. The following development activities are exempt from the provisions of this zoning overlay:

1. Agricultural land management practices;
2. Additions or modifications to existing single-family structures which are not part of a platted and recorded subdivision or the use, construction or maintenance of structures ordinarily appurtenant thereto, such as but not limited to, recreational equipment, outbuildings, fences, pavilions, and swimming pools.
3. Streambank stabilization/erosion control measures. Streambank stabilization/erosion control measures which are ecologically compatible and substantially utilize natural materials and native plant species where practical and available. Such streambank stabilization/erosion control measures shall only be undertaken upon approval by the director of the department of public utilities or the director's designee of a streambank stabilization plan that provides long-term streambank protection. In reviewing this plan, the director may consult with a representative of the Ohio Department of Natural Resources, Division of Natural Areas and Preserves; Ohio Environmental Protection Agency, Division of Surface Water; Franklin County Soil and Water Conservation District; or other technical experts as necessary.

**Section 45.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.905, reading as follows:

**3372.905 Standards for preserving existing natural features.**

Development of a lot or parcel within the Hellbranch Run Watershed Protection Overlay is subject to the following standards intended to preserve existing natural features of the property that promote flood control and protect water quality.

A. Watercourse Preservation. All watercourses shall remain open and shall not be enclosed within a storm sewer or other engineered structure. Channelization or other physical alterations may only be permitted when no other practicable alternative exists and when natural channel design principles are implemented in a manner approved by the director of public utilities or the director's designee. Compliance with the requirements of this section does not supplant any other applicable federal or state permitting requirements.

B. Floodplain Preservation. Neither the total one hundred (100) year flood storage capacity nor the total area of the one hundred (100) year floodplain shall be reduced. Floodplain fill permits may be granted for fill outside the limits of the stream corridor protection zone upon demonstration by the applicant that any net loss of both the area and the flood storage volume of the one hundred (100) year floodplain will be fully mitigated within the watershed at a site as close as practicable to the area of fill through either the creation of new floodplain or the management and treatment of additional flood volumes equal to those which would have been managed and treated within the lost floodplain.

C. Stream Corridor Protection. The stream corridor protection zone shall be kept in as natural state as possible so that it can perform its inherent function of flood storage and water quality protection.

1. The applicant shall identify on the plat or plan and visibly delineate on the site the stream corridor protection zone prior to any development of the site to prevent excursions onto the zone during construction. Such delineation must be submitted to the director of public utilities or the director's designee for review and approval prior to construction.

2. No later than the conclusion of construction, the applicant shall permanently delineate the stream corridor protection zone in an aesthetically harmonious manner, approved by the director, such that the location of the zone is apparent to a casual observer and that permits access to the zone.
3. Land managed in compliance with this overlay and designated as a stream corridor protection zone may, at the option of the land owner, be deeded in fee simple to the city of Columbus.
4. That portion of a lot or parcel reserved as the stream corridor protection zone may be included in the total area for computing the density permitted by the particular underlying zoning district for that parcel even if ownership of the stream corridor protection zone is subsequently transferred. The resulting increase in net density permitted on that portion of the lot or parcel located outside of the stream corridor protection zone is acceptable to the extent that the gross density for the total area does not exceed the density prescribed by the underlying zoning district.
5. Designated stream corridor protection zones, located outside of the floodway, shall be credited toward the open space or parkland set aside required in Chapter 3318 of the Columbus City Codes; provided, however, the stream corridor protection zone may not constitute more than fifty (50) percent of such open space or parkland set aside requirement without the express written consent of the director of recreation and parks.
6. Permitted Uses. No use permitted under these regulations shall be construed as allowing trespass on privately held lands.
  - a. Passive Uses. Uses that are passive in character shall be permitted in stream corridor protection zones, including, but not limited to, passive recreational uses, as permitted by federal, state, and local laws, such as hiking, fishing, hunting, picnicking, and similar uses. Construction of paved trails to further such passive recreation uses is also authorized. However, trails that become damaged due to natural erosion shall not be repaired but shall be moved upland or removed altogether.
  - b. Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed. Due to the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than six (6) inches in diameter at the cut end shall be cut into sections no longer than six (6) feet, anchored to the shore, or removed from the one hundred (100) year floodway.
  - c. Revegetation and/or Reforestation. Revegetation and/or reforestation of the stream corridor protection zone using approved species pursuant to Appendix B. Appendix B lists species of shrubs and vines recommended for stabilizing flood prone areas and/or constructing wetlands for the Hellbranch Run watershed.
  - d. Public Utilities. Sanitary sewer, storm sewer and/or water lines and public utility transmission lines may be located within the stream corridor protection zone, and disturbances of the zone necessary to place and/or maintain such utilities are also authorized. The placement, construction and maintenance of such utilities shall minimize disturbance to riparian areas and shall mitigate any necessary disturbances.
  - e. Existing Crossings and New Arterial Streets. Construction and operation, including maintenance, widening, and new construction of any existing crossing or bridge or new arterial street or arterial street bridge, as that term is defined in C.C.C. § 3123.03. A new crossing or new roadway for a street other than an arterial may be permitted to cross the stream corridor protection zone only in those circumstances when the parcel has no other existing access or when such crossing is necessary for public health or safety. Such activity shall minimize disturbance to stream corridor protection zones and shall mitigate any necessary disturbances.
  - f. Disturbances of the zone necessary to accomplish the uses described in paragraphs a through e of this subsection are also authorized. However, all such disturbances shall be minimized and any necessary disturbances shall be mitigated.
7. Prohibited Uses. Any use not authorized under these regulations shall be prohibited in the stream corridor protection zone. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:
  - a. Construction. There shall be no structures of any kind.
  - b. Dredging or Filling. There shall be no drilling, filling, dredging, grading, or dumping of soil, spoils, liquid, or solid materials. No floodplain fill permits may be granted for area within the stream corridor protection zone.
  - c. Roads or Driveways. There shall be no new roads or driveways other than arterial streets as that term is defined in C.C.C. § 3123.03.
  - d. Motorized Vehicles. There shall be no use of motorized vehicles.
  - e. Disturbance of Natural Vegetation. There shall be no disturbance of the natural vegetation at any time including during construction on the remainder of the site, except for such conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of these regulations.
  - f. Parking Lots. There shall be no parking lots or other human made impervious cover.
  - g. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Stream corridor protection zones shall not be used for the disposal or treatment of sewage except for those treatment and/or disposal systems existing at the time of passage of these regulations when such systems are properly permitted in accordance with the city of Columbus or Franklin County health departments and/or Ohio Environmental Protection Agency regulations.

**Appendix B.  
Native Plants for Use in Hellbranch Area**

\*Plants must be the species to ensure the use of natives. Go by exact scientific name (not common name).

Conifers

Eastern Red Cedar (*Juniperus virginiana*)

Vines

Virginia Creeper (*Parthenocissus quinquefolia*)

Shrubs

Spicebush (*Lindera benzoin*)

Serviceberry (*Amelanchier arborea*)

Buttonbush (*Cephalanthus occidentalis*)

Mapleleaf Viburnum (*Viburnum acerifolium*)

Arrowwood Viburnum (*Viburnum dentatum*)

Silky Dogwood (*Cornus amomum*)

Trees

Boxelder (*Acer negundo*)

Sugar Maple (*Acer saccharum*)

Red Maple (*Acer rubrum*)

Hackberry (*Celtis occidentalis*)

Tulip (*Liriodendron tulipifera*)

Bur Oak (*Q. macrocarpa*)

Black Oak (*Quercus velutina*)

Red Oak (*Quercus rubra*)

Shingle Oak (*Quercus imbricaria*)

Swamp White Oak (*Quercus bicolor*)

White Oak (*Quercus alba*)

Chinquapin Oak (*Quercus muhlenbergii*)

Black Willow (*Salix nigra*)

Sycamore (*Platanus occidentalis*)

Eastern Hophornbeam (*Ostrya virginiana*)

Ironwood (*Carpinus caroliniana*)

Flowering dogwood (*Cornus florida*)

Staghorn Sumac (*Rhus typhina*)

Butternut (*Juglans cinerea*)

Mockernut Hickory (*Carya tomentosa*)

Shagbark Hickory (*Carya ovata*)

Pignut Hickory (*Carya glabra*)

Green Ash (*Fraxinus pennsylvanica*)

Blue Ash (*Fraxinus quadrangulata*)

White Ash (*Fraxinus americana*)

Honeylocust (*Gleditsia tricanthos*)

American Elm (*Ulmus americana*)

Slippery Elm (*Ulmus rubra*)

Black Cherry (*Prunus serotina*)

Common Chokecherry (*Prunus virginiana*)

American Basswood (*Tilia americana*)

Ohio Buckeye (*Aesculus glabra*)

Pawpaw (*Asimina triloba*)

Grasses, Sedges, Rushes and Horsetails

Big Bluestem (*Andropogon gerardi*)

Sideoats Grama (*Bouteloua curtipendula*)

Little Bluestem (*Schizachyrium scoparium*)



Indian Grass (*Sorghastrum nutans*)  
Nodding Wild Rye (*Elymus Canadensis*)  
Fowl Manna Grass (*Glyceria striata*)  
Blunt Spike Rush (*Eleocharis obtusa*)  
Bristly Sedge (*Carex comosa*)  
Awl-fruited Sedge (*Carex stipata*)  
Fox Sedge (*Carex vulpinoidea*)  
Hardstem Bulrush (*Scirpus acutus*)  
River Bulrush (*Scirpus fluviatilis*)  
Soft-stem Bulrush (*Scirpus validus*)  
Common Rush (*Juncus effusus*)

#### Flowers

New England Aster (*Aster nova angliae*)  
Spotted Jewelweed (*Impatiens capensis*)  
Black-eyed Susan (*Rudbeckia hirta*)  
Common Milkweed (*Asclepias syriaca*)  
Butterfly Milkweed (*Asclepias tuberosa*)  
Thistle (*Cirsium discolor*)  
Purple Coneflower (*Echinacea purpurea*)  
Joe Pye Weed (*Eupatorium maculatum*)  
Boneset (*Eupatorium perfoliatum*)  
Rough Blazing Stars (*Liatris aspera*)  
Wild Bergamot (*Monarda fistulosa*)  
Common Evening Primrose (*Oenothera biennis*)  
Stiff Goldenrod (*Solidago rigida*)  
Late Goldenrod (*Solidago gigantea*)  
Early Goldenrod (*Solidago juncea*)  
Prairie False Indigo (*Baptisia lactea*)  
Virginia Bluebells (*Mertensia virginica*)  
Hairy Penstemon (*Penstemon hirsutus*)  
Grayhead Prairie Coneflower (*Ratibida pinnata*)  
Rosinweed (*Silphium trifoliatum*)  
Cup Plant (*Silphium perfoliatum*)  
Golden Alexanders (*Zizia aurea*)  
Queen-of-the-prairie (*Filipendula rubra*)  
Bloodroot (*Sanguinaria canadensis*)  
Jack-in-the-pulpit (*Arisaema triphyllum*)  
Large-flowered Trillium (*Trillium grandiflorum*)  
Wild Geranium (*Geranium maculatum*)  
Wild Blue Phlox (*Phlox divaricata*)  
Yarrow (*Achillea millefolium*)  
Columbine (*Aquilegia canadensis*)  
Biennial Gaura (*Gaura biennis*)

#### **Moist Areas :**

Swamp Milkweed (*Asclepias incarnata*)  
Marsh marigold (*Caltha palustris*)  
Blue Flag Iris (*Iris virginica*)  
Cardinal Flower (*Lobelia cardinalis*)  
Michigan Lily (*Lilium michiganense*)  
Common Water Plantain (*Alisma subcordatum*)  
Nodding Beggarticks (*Bidens cernua*)

Common Beggarticks (*Bidens frondosa*)  
Common Sneezeweed (*Helenium autumnale*)

Blue Vervain (*Verbena hastata*)  
Turtlehead (*Chelone glabra*)

**Section 46.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.906, reading as follows:

**3372.906 Standards for minimizing stormwater generated.**

Development of a lot or parcel within the Hellbranch Run watershed protection overlay is subject to the following standards intended to minimize the stormwater generated from the development site.

A. Street Widths. No alley, boulevard, close, collector, commercial street, lane, or street, as those terms are defined in the Traditional Neighborhood Development Article at C.C.C. § 3320.03, shall be any wider than the standard prescribed in the Thoroughfare Standards Table in Traditional Neighborhood Development Article at C.C.C. § 3320.15.

B. Replanting. Where natural vegetation does not exist within the stream corridor protection zone, native riparian tree species and other native vegetation, as identified in Appendix B, shall be planted. Replanting in the stream corridor protection zone minimizes stormwater runoff by intercepting rainwater on leaves, branches, and trunks allowing intercepted water to evaporate into the atmosphere, by improving water infiltration characteristics of the soil, by slowing down stormwater runoff, and by stabilizing banks.

C. Other Stormwater Minimization Practices. Development is encouraged to be designed to incorporate other stormwater minimization design practices including but not limited to:

1. Minimize Commercial Parking. Minimize parking lots as that term is defined by C.C.C. § 3303.16, by including only the number of parking spaces anticipated to be necessary for regular use, but not less than the minimum defined by C.C.C. § 3342.28(B). If parking spaces in excess of those required for regular use are desired, such spaces may be constructed using permeable or semi-permeable materials when soil conditions are appropriate.

2. Open Space Reservation. Preserve open space in the one hundred (100) year floodplain to the maximum extent practicable, by clustering development outside of the floodplain. Areas designated for open space may be preserved in their natural state, designed and intended for the use and/or enjoyment of residents of the proposed development, utilized for stormwater management BMPs or utilized for farming when authorized in a conservation easement or within the association's covenants and restrictions. At the option of the land owner, open space reserved pursuant to this section may be prohibited from further subdivision or from development, excepting development associated with acceptable uses herein, by deed restriction, conservation easement, or other agreement in a form acceptable to the city attorney and duly recorded in the office of the recorder of deeds of Franklin County.

3. Impervious Cover Reduction. Minimize impervious surfaces by utilizing permeable or semi-permeable material to the maximum extent practicable.

**Section 47.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.907, reading as follows:

**3372.907 Standards for implementing stormwater best management practices.**

Development of a lot or parcel within the Hellbranch Run watershed overlay is subject to the following general principles intended to implement stormwater best management practices within the development site. The director of public utilities shall promulgate through regulations standards to implement these general principles.

A. Detention and Treatment. Stormwater generated as the result of development shall be managed using best management practices such as extended detention, natural or constructed wetlands, or other approved means to the extent necessary to meet water quality pollutant removal goals, reduce channel erosion, prevent overbank flooding, and pass extreme floods. The applicant shall demonstrate that the stormwater management practices for the development site are designed to:

1. Capture and treat ninety (90) percent of the average annual stormwater runoff volume (water quality volume - WQv);

2. Provide twenty-four (24) hour extended detention of the post-developed one (1) year, twenty-four (24) hour storm event (channel protection storage volume - Cpv);

3. Control the peak discharge of the post-development runoff volume from the ten (10) year, twenty-four (24) hour storm event to the ten (10) year predevelopment peak discharge rate (overbank flood protection discharge volume) unless a watershed hydraulic model indicates the ten (10) year control is not needed on the site; and

4. Control the peak discharge of the post-development runoff volume from the one hundred (100) year, twenty-four (24) hour storm event to the one hundred (100) year pre-development peak discharge rate (extreme flood volume - Qf), unless the site is smaller than five (5) acres or a regional flood model indicates the one hundred (100) year control is not needed for the site.

B. Conveyance. All stormwater generated as the result of development shall flow into the nearest receiving stream or approved storm sewer drainage system without increasing flood depths or causing standing water either upstream or downstream. To assure that this goal will be achieved, the applicant must affirmatively demonstrate that: between the proposed development site and the point in the receiving watercourse at which the proposed development site is ten (10) percent of the total area tributary, post-development

stormwater peak rate of runoff for the ten (10) year, twenty-four (24) hour storm event will be less than or equal to the pre-development stormwater peak rate of runoff.

**Section 48.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.909, reading as follows:

**3372.909 Variance.**

Variances from the standards of the Hellbranch Run watershed protection overlay may be granted pursuant to C.C.C. § 3307.09 and/or § 3307.10. In addition to the factors provided in those sections, the board of zoning adjustment or the city council shall consider whether the proposed variance provides flood and water quality protection equal to or superior than that provided within this overlay.

**Section 49.** That Columbus City Codes, 1959, are hereby supplemented with the creation of a new section numbered 3372.910, reading as follows:

**3372.910 Regulations.**

The director of development and/or the director of public utilities may adopt regulations necessary to administer and enforce the provisions of the Hellbranch Run Watershed Protection overlay. Regulations promulgated, pursuant to this section by either director shall be published in the City Bulletin, with copies of the regulations being available for public review at the director's office and other locations that may be designated by the director. No person shall violate any regulation adopted by the director pursuant to this chapter.

**Appendix A is an attachment to this ordinance.**

**Section 50.** That prior existing sections 3303.06, 3303.16, 3303.18, 3303.19, 3372.01, 3372.03, 3372.601, 3372.602, 3372.603, 3372.604, 3372.605, 3372.606, 3372.607, 3372.608, 3372.609, 3372.611, 3372.612, 3372.613, 3372.615, 3372.701, 3372.702, 3372, 703, 3372.704, 3372.705, 3372.706, 3372.707, 3372.709, 3372.710, 3372.800, 3372.801, 3372.802, 3372.803, 3372.804, 3372.805, 3372.806, 3372.807, 3372.808, 3372.809, 3372.810, 3372.811, 3372.812, 3372.814, 3372.815, 3372.816, 3372.860, 3372.900, 3372.901, 3372.902, 3372.903, 3372.904, 3372.905, 3372.906, 3372.907, 3372.908, 3372.909, 3372.910, 3372.912, 3372.970, 3372.978, 3380.101, 3380.103 of the Columbus City Codes, 1959, are hereby repealed.

**Section 51.** That this ordinance shall take effect and be in force from and after the earliest period provided by law.