

## Proposed Bike Law

**Background:** The purpose of this legislation is to lay a foundation for the development of policy, rules and regulations pertaining to sidewalks and bikeways. This foundation includes the consideration of an evolving understanding of complete streets, the importance of alternate means of transportation, the promotion of better community health, and improving safety for pedestrians and bicyclists. This legislation further establishes a requirement for bikeways associated with the development of land and codifies the requirement to provide sidewalks along private streets. Furthermore, this legislation creates a mechanism for a monetary donation to be made by a developer when circumstances preclude the reasonable and practical construction of sidewalks and bikeways.

This legislation is expected to result in more sidewalks and bicycle facilities to be completed in the city of Columbus.

On December 6, 1993, Columbus City Council adopted the *Columbus Comprehensive Plan* (Ordinance 2515-93.) The plan as adopted provides specific recommendations for adequate pedestrian facilities for all existing, expanded, and new developments regardless of the type of use, intensity, or zoning classification. The plan also recommends that the Public Service Department develop a bikeways plan for the city of Columbus.

On July 20, 1998, Columbus City Council adopted Ordinance 1985-98, which establishes a parkland dedication requirement for developments. The ordinance as adopted states in pertinent terms that the City will “*determine whether a land or monetary donation shall be required.*”

On June 7, 1999, Columbus City Council adopted Ordinance 1276-99, which amended Chapter 2105, “Service Director, Powers & Duties”, and Chapter 3123, “Regulations for Land Subdivision”, in order to provide for sidewalks and other pedestrian facilities to enhance safety, efficiency and accessibility.

On July 17, 1999, following City Council adoption of Ordinance 1276-99, the Director of Public Service published in the City Bulletin notice of promulgation of rules and regulations. Said rules included a provision for the Director of Public Service to waive sidewalk construction on a case-by-case basis “*if such facilities will not materially advance pedestrian access.*”

Subsequent to the promulgation of rules in 1999, the Public Service Department received 186 sidewalk waiver requests between 2000 and 2007, of which 87 were approved. Of those waivers approved, the substantial majority were granted for industrial commercial uses. No residential developments were waived. Other waivers were granted for reasons of difficult site topography or where the city of Columbus did not have jurisdiction over the right-of-way adjacent to the site.

In 2007, the Columbus City Attorney notified the Public Service Department that the 1999 sidewalk rules and regulations were not promulgated according to the requirements of Section 121.05 of the Columbus Codified Ordinances. Since the notification, the Public Service Department has placed a moratorium on granting sidewalk waivers, and has worked to create new rules and regulations, which will be properly promulgated subsequent to City Council adopting related code changes, as proposed in this legislation.

On July 23, 2007, Columbus City Council passed Ordinance 1165-2007 authorizing an asset inventory contract as part of the Operation SAFEWALKS program created by Mayor Michael B. Coleman in February, 2007. The asset inventory effort provides sidewalk asset information throughout the city of Columbus, which is being used to prioritize sidewalk and sidewalk-inclusive projects.

On July 23, 2007, Columbus City Council passed Ordinance 1178-2007 authorizing the Mid-Ohio Regional Planning Commission to assist the Public Service Department in developing the Operation SAFEWALKS program. Operation SAFEWALKS program when fully developed will provide priorities and strategies for sidewalk construction along major roadways in the city of Columbus, first targeting underserved neighborhoods within older sections of the community.

On November 29, 2007, Columbus City Council member Maryellen O'Shaughnessy held a public meeting where the Public Service Department presented an overview of past, present and future complete streets-oriented efforts.

On June 9, 2008, City Council passed Ordinance 0849-2008 to adopt the *Bicentennial Bikeways Plan*, ordaining *"That all City of Columbus departments and divisions are hereby authorized and directed to use the Columbus Bicentennial Bikeways Plan in initiating or reviewing projects within the planning area or adjacent areas and require that such projects generally conform to the plan"*.

The *Bicentennial Bikeways Plan* recommends adopting a complete streets policy that will *"support the development of a complete system of bikeways, pedestrian facilities and shared-use paths, bicycle parking and safe crossings connecting residences, businesses, transit stops and public places. The City will promote bicycling and walking for health, environmental sustainability, exercise, transportation, and recreation."* The plan further recommends that *"bicycle and pedestrian facilities shall be provided in new construction, reconstruction and maintenance projects in the City, including traffic impact mitigations by private developers"*.

On July 28, 2008, Columbus City Council adopted Resolution 0151X-2008 in support of furthering complete streets in the city of Columbus.

On December 4, 2008, Columbus City Council member Maryellen O'Shaughnessy held a public hearing on the proposed code changes.

On December 11, 2008, the Transportation and Pedestrian Commission reviewed and recommended adoption of this legislation as proposed.

**Fiscal Impact:** There is no cost to the city of Columbus at this time.

..Title

To add Chapter 900, and to amend Chapters 902, 903, 904, 905, 2101, 2105, 2131, 2133, 2173, 3123, 3303, 3318, 3333, 3372, 3375, 3376, 3377, 3381, 3389, 3390, 4101, and 4501 of the Columbus City Code for consideration of greater sidewalk and bikeway connectivity and safety.

..Body

**WHEREAS**, the city of Columbus recognizes through the *Columbus Comprehensive Plan*, adopted by Ordinance 2515-93, the benefits of sidewalks and other pedestrian facilities for safety, efficiency and accessibility; and

**WHEREAS**, the *Columbus Comprehensive Plan* contains provisions calling for development of a bikeways plan for the city of Columbus; and

**WHEREAS**, the *Columbus Comprehensive Plan* contains provisions calling for pedestrian facilities in all new and existing developments; and

**WHEREAS**, the city of Columbus requires, through its adoption of Ordinance 1276-99, the construction of sidewalks associated with land development; and

**WHEREAS**, it has been found that physical site constraints can make city of Columbus sidewalk construction requirements infeasible, undesirable, or the costs for such construction be excessively disproportionate to the need or probable use; and

**WHEREAS**, future planned city capital improvement projects may result in the removal of sidewalks newly constructed by developers, which is economically wasteful; and

**WHEREAS**, initial findings from the Operation SAFEWALKS program identify over 121 miles of sidewalks missing on major city streets; and

**WHEREAS**, City Council adopted Ordinance 0849-2008, the *Bicentennial Bikeways Plan*, ordaining “*That all City of Columbus departments and divisions are hereby authorized and directed to use the Columbus Bicentennial Bikeways Plan in initiating or reviewing projects within the planning area or adjacent areas and require that such projects generally conform to the plan*”; and

**WHEREAS**, the *Bicentennial Bikeways Plan* is intended to serve as a guide for development, and the planning of future public infrastructure improvements and programs; and

**WHEREAS**, the *Bicentennial Bikeways Plan* recommends the construction of 538 miles of bikeways over the next 20 years; and

**WHEREAS**, the *Bicentennial Bikeways Plan* recommends the modification of city codes to further complete streets in the city of Columbus by integrating bikeways within roadway and right-of-way definitions, addressing lawful use of the roadway and inclusion of bikeways in land development activities, and

**WHEREAS**, City Council adopted Resolution 0151X-2008, resolving “*That this Council supports the implementation of Complete Streets policies in Columbus, and urges the Public Service Department and the Transportation Division to include these policies in all street construction, reconstruction and repair project*”; and

**WHEREAS**, Columbus City Council adopted Ordinance 0950-2008, the bicycle safety helmet law, which established greater safety requirements for children using bicycles in the city of Columbus, and which during deliberations of the legislation several inconsistencies were identified within Columbus City Code, and with Ohio Revised Code, which were agreed by City Council to defer to a future date; and

**WHEREAS**, this ordinance will result in more sidewalks and bicycle facilities in the city of Columbus where it has been determined they are needed the most; and

**WHEREAS**, In 2009, the city, regional agencies and private party partners will collaborate to produce education programs to further improve safety for pedestrian and bicyclists; and

**WHEREAS**, In the future, anticipated future changes to state law outlined in House Bill 390 will require further modification to city code to be compliant; and

**WHEREAS**, In addition, future best practices will be incorporated as they are developed; and

**WHEREAS**, that ordinance provided that all fees collected in lieu of sidewalk and bikeway construction be deposited in the Sidewalk Improvement Fund and Bikeway Improvement Fund, respectively; and

**WHEREAS**, this ordinance is necessary in order to create those Funds and to establish the purposes for which monies in those Funds may be expended; now therefore,

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

**Section 1.** That Chapter 900 of the Columbus City Code, 1959 is hereby added to read as follows:

**Chapter 900 Definitions**

### **900.01 Meaning of words and phrases**

The following words and phrases when used in this Streets, Parks and Public Properties Code, except as otherwise provided, shall have the meaning respectively ascribed to them in this chapter.

### **900.02 Alley**

“Alley” means street or highway intended to provide access to the rear or side of lots or buildings in the city and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an “alley” by council. (ORC 4511.01(XX))

### **900.03 Bikeway**

Bikeway” means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows:

(a) “Bike Shared-use path” (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children’s non-motorized vehicles separated from motor vehicle traffic except at bike crossings.

(b) “Bike lane” (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane utilities existing roadways and is contiguous thereto but provides a separate lane of travel for the exclusive or semi-exclusive use of bicycles. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.

(c) “Bike route” (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

### **900.04 Crosswalk**

“Crosswalk” means:

(1) (a) That part of a roadway or alley at intersections, ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(b) If the service director authorizes curb ramps which are outside the crosswalk established by subsection (a) but within fifteen (15) feet of that crosswalk, the crosswalk shall be extended to encompass the pathway between two (2) opposed ramps; and

(c) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(2) Notwithstanding subsections (a), (b) and (c) of this section, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (ORC 4511.01(LL))

### **900.05 Driver or Operator**

“Driver” or “operator” means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

### **900.06 Right of Way**

“Right of way” means either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual’s path;

(2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the state or local authority.

(ORC 4511.01(UU))

### **900.07 Sidewalk**

“Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

### **900.08 Street or Highway**

“Street” or highway” means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

### **900.09 Vehicle**

“Vehicle” means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that “vehicle” does not include any motorized wheelchair, any electric personal assistive mobility device, or any device that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

**Section 2.** That Chapter 902 of the Columbus City Code, 1959 is hereby amended to read as follows:

### **902.02 Obstructing sidewalks, bikeways or streets.**

(a) No person, regardless of intent, shall place, deposit, maintain, or use, or cause or permit to be placed, deposited, maintained, or used upon any street, alley, sidewalk, bikeway as defined in Section 2101.041, highway, or right-of-way any materials, containers, vending equipment, structures, appliances, furniture, merchandise, bench,

stand, sign, or advertising of any kind, or any other similar device or obstruction except as authorized by the transportation administrator, as required by Chapter 903 of the Columbus City Code.

(1) Any person, regardless of intent, who places, deposits, maintains, or uses, or causes or permits to be placed, deposited, maintained, or used upon any street, alley, sidewalk, bikeway, highway, or right-of-way any obstructions as defined in Section 902.02(a), except as authorized by the transportation administrator as required by Chapter 903 of the Columbus City Code, shall remove such obstructions.

(2) In addition to any civil and/or criminal penalties set forth in this chapter, upon failure of any person to remove such obstructions as defined in Section 902.02(a), then the removal service may be rendered by the appropriate city agency and the person billed at the current hourly rates of the agency's equipment and personnel.

(3) Failure to pay such bill within ten (10) days shall be grounds for revocation of any and all city permits, licenses, performance bonds, and letters of credit issued to or posted by such person and for refusal to issue any new permits or licenses for so long as the bill remains unpaid.

(b) No person shall knowingly erect, or cause to be erected or permit to remain standing:

(1) Any porch, portico, veranda, stairs, steps, cellar doors, area, or other projection, extending over or upon the sidewalk, or shared-use path as defined in Section 2101.041 of any street, alley, or public highway in the city, provided that, the city council may grant the right to construct areaways under sidewalks or shared-use paths upon the condition that they are constructed to the approval of the chief building inspector;

(2) Any house, building, wall, fence, post, pole, rocks, blocks, timbers, curbs, landscaping materials, or other structure in such a manner that any part thereof shall stand or project beyond the line of any lot or parcel of ground into any street, alley, sidewalk, bikeway, highway, or right-of-way. Mailbox supports, street trees as defined in Chapter 912 of the Columbus City Codes and utility poles are not regulated by this section.

(a) No person being the owner of any lot abutting on a street or avenue of the city which is enclosed by a fence shall have the gate at the entrance of such lot from the street or avenue so constructed as to be allowed to swing outward over the street or avenue or the sidewalks or shared-use path unless such gates shall be so constructed and supplied with springs, chain, and weight or other appliances as to automatically close such gates and keep them closed when not in use.

(b) No person shall play at a game of ball upon any street or street park in the city.

### **902.03 Maintaining improper or unsafe sidewalks, shared-use paths or streets.**

(a) Every owner, occupant, or person having charge of any lot or parcel of land in the city shall cause the paved sidewalk or shared-use path, or any part thereof, in front of and abutting, or to the side or rear of and abutting upon such lot or parcel of land, to be clear of snow and ice each day. If for any cause it shall be impossible to remove all the snow and ice which may adhere to such sidewalk or shared-use path, then every such owner, occupant, or person having charge shall cover such snow or ice as shall remain with such coating of sand or other substance as may be necessary to render travel safe and convenient.

(b) No person shall do any of the following:

(1) Place or deposit snow or ice collected from parking lots, driveways, or any other

private property onto a street, sidewalk, shared-use path, alley, or right-of-way; place or deposit snow or ice collected from driveway entrances or any other location onto a street, shared-use path or sidewalk in such a manner as to impede safe travel.

(2) Open any door constructed in and as a part of a public sidewalk, shared-use path or street and as a covering over an areaway under such sidewalk, shared-use path or over an entrance way to the basement of a building, or use such opening or entrance way, except between the hours of 6:00 p.m. and 8:00 a.m.

(3) Allow cellar doors or any other opening of a similar nature to remain open on any sidewalk or shared-use path of any street or alley unless a substantial railing surrounds the opening or unless there is stationed at such cellar door, trap door, or any other opening of a similar nature a guard or watchman during the time or period of its remaining open.

(4) Pave, repave, or repair any sidewalk or shared-use path in the public right-of-way, or cause the same to be done, without first obtaining a permit to do so from the transportation administrator.

(c) No person shall construct:

(1) On any sidewalk, shared-use path, street, or alley any smooth iron doors or coverings of manholes, coalholes, or gratings, or by whatever other name they may be called. When such doors or coverings of manholes, coalholes, or gratings are constructed they shall be of rough corrugated iron on the level with such sidewalk, shared-use path, street, or alley neither higher nor lower than the sidewalk, shared-use path, street, or alley on which they are constructed;

(2) Any pipe, stopcock or valve on any sidewalk or shared-use path unless they are constructed so as to conform with the level of the sidewalk or shared-use path neither higher nor lower than the sidewalk or shared-use path on which they are constructed.

(d) No person shall:

(1) Remove, displace, destroy, or deface any barrier, marker, sign, obstruction, or light set placed by any person acting under the direction of the Director of Public Service or the Director of Public Safety, in or on any public street or alley for the purpose of temporarily closing such street or alley or for the purpose of temporarily prohibiting driving, parking, stopping, or standing of vehicles thereon in connection with the improvement, repair, maintenance, or cleaning of such street or alley, or for any other authorized reason;

(2) Drive, park, stop, or stand any vehicle in or upon any street or alley when street or alley is so marked by any barrier, marker, sign, obstruction or light for the purposes stated in subsection (d)(1);

(3) This section shall not apply to any person requiring the use of such street or alley so temporarily regulated for access to any premises abutting on the portion of such street or alley so temporarily regulated, when such person shall have obtained a written consent to use the street or alley for such purpose from the officer under whose authority the regulation was established.

(e) The Director of Public Service and the Director of Public Safety each is authorized, in their separate official capacity, to temporarily regulate the driving, parking, stopping or standing of vehicles upon any street or alley in the city, when such regulation is required for the purpose of improving, repairing, maintaining or cleaning such street or alley.

(f) No regulation under subsection (e) shall be effective until and unless the street or alley to be regulated is properly posted by appropriate signs or markers.

**Section 3.** That Chapter 903 of the Columbus City Code, 1959 is hereby amended to read as follows:

**903.01 Transportation administrator's consent required.**

(a) All public service agencies, companies or corporations, persons and individuals wishing to dig into or open holes, ditches or trenches in the sidewalk, bikeway or roadway or to occupy the right-of-way of any streets, alleys or public ways of the city in order to place, extend or repair therein any pipes, conduits or wires, or for any other reason, shall at least ten (10) working days before proposing or preceding to do so, obtain the consent of the transportation administrator. All such requests shall be submitted to, reviewed and approved by, along with appropriate fees and deposits paid to the city, before it shall become effective. All such fees shall be deposited by the transportation administrator with the city treasurer to the credit of the street construction maintenance and repair fund. All deposits shall be returned upon completion and acceptance of the work. A record of such written consent shall be kept in the office of the transportation administrator.

(b) All public service agencies, companies or corporations, persons and individuals wishing to occupy the public right-of-way of any street, alley, sidewalk, bikeway, public way or paving of the city in order to repair, replace, renovate, extend, refurbish, alter, mark, decorate, install, maintain any building, structure, surface, pole, conduit, pipe, wires, sign or graphic, cable, sewer or drain structure or building connection of any kind above, near or adjacent to said right-of-way shall at least five (5) working days before proposing or preceding to do so, obtain the consent of the transportation administrator. All such requests shall be submitted to, reviewed and approved by, along with appropriate fees paid to the city, before it shall become effective. All such fees shall be deposited by the transportation administrator with the city treasurer to the credit of the street construction maintenance and repair fund. A record of such written consent shall be kept in the office of the transportation administrator.

(c) Strict liability is intended for this section.

**903.02 Supervision of transportation administrator.**

The transportation administrator shall promulgate reasonable rules and regulations to carry out the provisions of this chapter. The transportation administrator shall supervise and control the work done thereon in the way and manner provided for the digging in and opening up of holes, trenches and ditches in any street, alley or public way of the city, in either the sidewalk, bikeway or the roadway or to occupy the right-of-way thereof. The plan and manner of such work shall be as described by the transportation administrator.

**903.04 Restoration--Traffic obstructions--Damages.**

Whenever any person shall have authority, as provided in C.C. 903.01, to excavate or dig in or to occupy the right-of-way of any street, alley, sidewalk, bikeway or public way the person causing such excavation, digging or occupancy to be done shall complete the same such excavation or digging with all possible dispatch. The person shall fill in and cover over such excavation or digging in such manner, and by such time as may be required by the city engineer, or shall be liable to the city for the expense thereof, if it be filled in or covered by the city. During the progress of any such work at least one-half of the street or alley shall be kept open and free for the passage of vehicles, except when in the opinion of the city engineer the street or alley must be closed to facilitate the work to be done. The person so causing any such excavation, digging or occupancy to be done shall be liable for all damages to persons or property which in any way result therefrom.

### **903.05 Restoration regulations.**

It is the duty of each and every owner of real estate, and of the agent or lessee of such owner, and of any and every other person who shall, under authority as provided for in CC. 903.01, open, excavate or occupy the right-of-way or cause or permit the same, whether under contract with the city or otherwise, any street, alley, sidewalk or other public way within the corporate limits, for any lawful purpose whatsoever, immediately upon completion of such work cause it to be put back and placed in reasonably close conformity to the condition before such work began. This work shall include but not be limited to the following:

For the purpose of laying or repairing any:

Water pipe for the conveyance of water;

Gas pipe for the conveyance of gas;

Sewer pipe for the conveyance of drainage or sewerage;

Construction of any kind of sewer or other drain structure;

Electric or cable type conduit of any kind; or

For the purpose of making house connections of any kind whatsoever;

For placing or repairing any overhead lines or other similar facilities;

For opening, excavating or occupying the right-of-way, or cause or permit to be opened, be excavated in or to occupy the right-of-way, of any such street, alley, sidewalk, bikeway or other public way, for any lawful purpose whatsoever.

The aforesaid work shall include the proper and thorough compacting and settling of the earth displaced, replacement of backfill, subbase or pavement as required by current city standards and in accordance with the current Construction and Material Specifications of Columbus (CMSC). The top of any such opening shall be laid with the same or nearly the same kind of material(s) as the CMSC permit as composed the surface thereof before such opening and in the same manner and upon the same level as it lay before such opening was made. All of the aforesaid shall be done before leaving such work, and immediately after the accomplishment of the purpose of such opening or occupancy of the right-of-way, so that the street, alley, sidewalk, bikeway or other public way so opened shall, immediately after such work is done, be placed in reasonably close conformity to the original condition in every respect, as it was before such work was commenced. The duty of so closing up such openings or excavations as aforesaid, is also imposed upon any contractor and any officer and upon any and all other persons under

whose direction, supervision or oversight such opening is made, or upon whose request, permission or cooperation such opening is made. It is the duty of the Director of Public Service through the transportation administrator to require and see that the provisions of this section are strictly, promptly, fully and carefully carried out and enforced.

### **903.06 Protection and lighting required.**

Whenever any excavation or trench work or vault grating or other opening in any street, alley, sidewalk, bikeway or public way of the city shall be opened for use, or otherwise, it shall be carefully protected in such manner as to prevent accidents. If opened during nighttime, the opening shall be protected with a yellow steady burning lamp. Any person having charge or control over any vault, area, cellarway or other opening in any street, alley, sidewalk, bikeway or public way of the city, or of the house or building to which the same is attached who shall permit the same to remain open and unprotected, at any time, or to become out of order or repair shall be deemed guilty of a misdemeanor. Such protection including traffic control devices shall meet current standards and specifications. All traffic control devices used for maintenance of traffic shall conform to the state of Ohio Department of Transportation's "Manual of Traffic Control for Construction and Maintenance Operations" or similar standards in effect at the time.

**Section 4.** That Chapter 904 of the Columbus City Code, 1959 is hereby amended to read as follows:

### **904.01 Purpose and scope of chapter.**

The purpose of this chapter is to provide for the regulation of privately owned amenities to, or the limited use and occupation of sidewalk or other real property within the public right-of-way in the city of Columbus and to set forth the policies of the city related thereto. Nothing in this chapter shall relieve the applicant from the responsibility to obtain those additional permits required by Columbus City Codes, Chapters 902, Health and Safety; 903, Excavation/Occupancy Regulations; 905, Sidewalk, Bikeway and Driveway Construction and Repair and 910, Comprehensive Rights-of-Way or any other Columbus City Code Chapters that might be relative to the installation proposed by the applicant.

### **904.02 Administrator of transportation division's consent required.**

A. Any company, corporation, persons or individuals wishing to use or occupy public right-of-way or other real property within the public right-of-way for placement of private amenities including but not limited to sidewalk or shared-use path seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, placement of temporary signage and any other uses authorized in the rules and regulations associated with this chapter must apply for and obtain written consent from the administrator of the transportation division or their designee. Such consent shall be

given in the form of a lease for use of public sidewalk or shared-use path or other real property within the public right-of-way, which shall be executed by the administrator of the transportation division or their designee. The city shall review any lease for commercial uses entered into pursuant to this chapter on an annual basis and based upon such review shall determine the suitability of any request for renewal.

B. Any company, corporation, persons or individuals wishing to install banners or flags within the public right-of-way must apply for and obtain written consent, in the form of an agreement, from the administrator of the transportation division or their designee.

C. The administrator of the transportation division or their designee shall promulgate reasonable rules and regulations to carry out the provisions of this chapter.

### **904.03 Application procedure.**

Applications for use of the public sidewalk or shared-use path or other real property within the public right-of-way shall be submitted in such form and in such manner as the rules and regulations developed pursuant to Section 904.02 of this chapter shall require. All applications will be reviewed, and if approved, leases or agreements shall be issued within thirty (30) business days of submission.

### **904.04 Criteria for granting a lease or executing an agreement.**

A. The city shall grant a lease for the use of public sidewalk or shared-use path or other real property within the public right-of-way upon determination that:

1. The public health, safety or welfare will not be negatively impacted upon the granting or renewal of such a lease;
2. The granting of the lease will be consistent with the policy of the city as set fourth in Section 904.01;
3. The applicant is not delinquent on any taxes or other obligations to the city or county;
4. For any proposed location within the boundaries of the downtown zoning district, as established in Columbus City Code Chapter 3359.03, or within the boundaries of any architectural review commission, created by one of the chapters included within Chapters 3319 to 3331 of Columbus City Codes, or for any location falling under the review authority of the historic resources commission, as established in Chapter 3117 or any location within the boundaries of any recognized area commission established in Chapter 3111 of Columbus City Codes, the applicant has received a certificate of appropriateness from the appropriate commission or commission staff.

B. An agreement allowing the installation of banners and/or flags shall be granted upon determination that:

1. The public health, safety or welfare will not be negatively impacted upon the execution of such an agreement;
2. The execution of an agreement will be consistent with the policy of the city as set fourth in Section 904.01;
3. The applicant is not delinquent on any taxes or other obligations to the city or county;
4. The applicant has followed and conformed to the rules and regulations established by the Greater Columbus Convention and Visitor's Bureau or their successor for the installation of banners and/or flags for any proposed location within that area bounded on

the south by Interstate Route 70, the east by Interstate 71, the north by Goodale Boulevard and the west by Grubb Street, and known as the downtown banner/flag program area;

5. The applicant has followed and conformed to the rules and regulations established by the Columbus Neighborhood Design Assistance Center or their successor for the installation of banners and/or flags for any proposed location within the boundaries of an officially recognized neighborhood commercial revitalization area;
6. The applicant has followed and conformed to the rules and regulations established pursuant to Section 904.02 of this chapter for the installation of banners and/or flags for any proposed location not within the boundaries of the downtown banner/flag program or an officially recognized neighborhood commercial revitalization area.

#### **904.05 Fees.**

A. Fees shall be as follows:

1. For uses deemed by the city to be private amenities to the public right-of-way including but not limited to flower boxes, planters, and benches a one time fee of two hundred fifty dollars (\$250.00) per application will be required;
2. For uses deemed by the city to be commercial in nature including but not limited to sidewalk or shared-use path dining, kiosks, and shoeshine stands an initial fee of five hundred dollars (\$500.00), due at the time the original application is submitted and a fee of fifty dollars (\$50.00) for any subsequent annual renewal will be required. Any material change in the scope or purpose for which the original lease was issued will require a five hundred dollars (\$500.00) fee to process the modification;
3. No application or annual fees shall be required for the installation of banners/flags within the public right-of-way.

B. Fees shall be submitted to the administrator of the transportation division or their designee for deposit into the operating fund. Fees shall be paid by check or money order and shall be made payable to the treasurer -- city of Columbus;

C. Fees shall remain reasonable and nondiscriminatory;

D. Total revenues generated by such fees shall represent a reasonable allocation of public right-of-way related costs as determined by the administrator of the transportation division;

E. The administrator of the transportation division must receive all fees before any placement of privately owned amenities to or limited use and occupation of sidewalk or other real property within the public right-of-way of the city of Columbus will be permitted;

F. Fees shall not be refundable in the event of any revocation or city required removal of facilities as specified in Section 904.08 and 904.09 of this chapter.

#### **904.06 Special obligations for those seeking leases.**

For those companies, corporations, persons or individuals wishing to lease the public right-of-way for installation of private amenities as described in Section 904.02(A) of this chapter the following obligations shall apply:

- A. The lessee shall restrict use of the leased premises to the patrons, customers and guests

of the lessee's establishment when said premises are used for outdoor seating and dining purposes;

B. The lessee shall not erect or permit any obstructions of a permanent nature to be located within the leased premises;

C. The lessee shall not erect or permit obstructions of a permanent or temporary nature to be located within the non-leased portion of the public sidewalk or shared-use path or other real property within the public right-of-way;

D. The lessee shall restrain and prevent its employees, patrons, customers, business invitees, and guests from blocking, obstructing or hindering the flow of pedestrian traffic upon the non-leased portion of the public sidewalk, or bicycle traffic upon the shared-use path or other real property within the public right-of-way;

E. The lessee shall keep the premises and any adjacent non-leased public sidewalk or shared-use path or other real property within the public right-of-way clean and free of debris;

F. Lessee shall acknowledge acceptance of the premises in "as is" condition with absolutely no warranties, implied or expressed, by the city as to the condition or suitability of the premises for the intended use;

G. Lessee shall apply for and receive approval for all building, zoning and any other permits required as a result of the proposed use of public sidewalk or shared-use path or other real property within the public right-of-way before any occupation of the public sidewalk or shared-use path or other real property within the public right-of-way may occur;

H. Lessee shall not assign any lease without the written consent of the administrator of the transportation division or their designee. Such consent shall not be unreasonably withheld.

#### **904.07 Indemnification and insurance.**

Anyone having a lease or an agreement with the city for the purpose of installing private amenities, banners or flags within the sidewalk or shared-use path or other real property within the public right-of-way shall forever indemnify and hold harmless the city and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from said use of the public sidewalk or shared-use path or other real property within the public right-of-way by them, their agents, representatives, employees, patrons, customers, business invitees and guests or any other person or persons who may use said public sidewalk or shared-use path or other real property within the public right-of-way. In addition they shall obtain liability insurance in the amount of one million five hundred thousand dollars (\$1,500,000.00) and shall name the city as an additional insured on said policy. A copy of the certificate of insurance shall be provided to the city and shall become a part of any lease or agreement executed by the city.

#### **904.08 Revocation--Termination.**

Either party shall have the right to terminate a lease or agreement entered into pursuant to this chapter fifteen (15) days after written notice of such termination has been given to

the other party. The city shall have the right to revoke any lease entered into pursuant to this chapter in the event of a breach by lessee under Section 904.06 of this chapter.

#### **904.09 Removal of property.**

The city shall have the right to require removal of any facilities installed pursuant to this chapter fifteen (15) days after written notice of revocation or termination of such a lease or agreement has been given to the appropriate party should said premises be required for any public purpose or should there be a material change in the use of the public sidewalk or shared-use path or other real property within the public right-of-way which would render the premises unsuitable or inappropriate for the uses for which the lease or agreement was given. Additionally the city retains the right to require immediate removal of any facilities located within the public sidewalk or shared-use path or other real property within the public right-of-way in the event any public agency or private utility company or corporation must make emergency repairs to any utility located in, over, across, under or through said premises. Failure to remove facilities upon receipt of the notification to remove such facilities may result in the city removing the facilities with the cost of such city removal being assessed to the appropriate party and may result in the revocation or termination of the lease or agreement.

**Section 5.** That Chapter 905 of the Columbus City Code, 1959 is hereby amended to read as follows:

#### **905.01 Purpose.**

The purpose of this code is to protect the health, safety and welfare of all persons by way of preventing and/or abating hazardous sidewalk, shared-use path and driveway approach conditions within the public rights-of-way of the city of Columbus by establishing minimum standards relative to:

- (A) The maintenance and construction of sidewalks, shared-use paths and driveway approaches within the public right-of-way;
- (B) The control and abatement of hazardous sidewalks, shared-use paths and driveway approaches within the public right-of-way.

#### **905.02 Definitions.**

For purposes of this chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

- (A) “Authorized agent” for the abutting property owner shall mean a contractor having an active valid Home Improvement Contractor's (H.I.C.) License on file with the Department of Trade and Development, Building Services Division;
- (B) “City” means the city of Columbus, Ohio;

- (C) “Director” shall mean the Director of the Public Service Department or their designee;
- (D) “Director of the Department of Development” shall by reference include the Development Director or their designee;
- (E) “Owner” means any of the following:
- (1) The owner of record as shown on the current tax list of the County Auditor in which the property is located;
  - (2) The mortgage holder of record, if any, as shown in the mortgage records of the County Recorder in which the property is located;
  - (3) Any person who has a freehold or lesser estate in the premises;
  - (4) A mortgagee or vendee in possession. “In possession” means someone who evidences charge, care or control of the premises, and includes someone to whom the County Sheriff in which the property is located has issued a deed for the premises whether or not the deed has been recorded;
  - (5) Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;
  - (6) Any person who holds himself or herself out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.
- (F) “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;
- (G) “Right-of-way” means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public shared-use path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the city;
- (H) “Transportation Administrator” shall mean the Administrator of the Transportation Division of the Public Service Department or their designee;:-
- (I) “Bikeway” as defined in 2101.041.

### **905.03 Right to enforce.**

The Director of the Public Service Department, the Director of the Department of Development, and their designees shall have the authority to enforce Columbus City Code Chapter 905. They are hereby directed and empowered to do so.

### **905.04 Adoption of rules and regulations.**

The Director may promulgate rules and regulations, as the Director deems appropriate from time to time, to carry out the express purposes and intent of this chapter. The Director shall promulgate proposed rules and regulations by filing the same with the city

clerk for publication in the City Bulletin pursuant to Section 121.05 of Columbus City Code.

#### **905.05 Supervision and control by the Transportation Administrator.**

No person or business organization shall construct, reconstruct, repair, or level any sidewalk, shared-use path, curb, curb & gutter or driveway entrance in the public right-of-way, either by private or public agreement, until after having obtained a written sidewalk, shared-use path, curb replacement, or driveway entrance permit from the Transportation Administrator.

All work shall be performed in accordance with the current Construction and Material Specifications of Columbus (CMSC), the city's current Standard Construction Drawings, and to the satisfaction and approval of the Transportation Administrator. Said CMSC and Standard Construction Drawings shall be available to all members of the public for purchase or viewing within the offices of the Transportation Administrator during normal business hours.

Construction of or on any sidewalk, shared-use path, curb, curb and gutter, or driveway entrance within the public right-of-way performed contrary to the provisions of this chapter, or the associated rules and regulations of the Director, shall constitute a violation of this code and may be ordered stopped and or removed by the transportation administrator. The transportation administrator may order replacement of a sidewalk, shared-use path, curb, curb and gutter, or driveway entrance subsequent to such ordered removal. Sidewalk, shared-use path, curb, curb and gutter, and or driveway entrance removal and replacement shall be completed pursuant to the provisions herein within thirty (30) days after receipt of such order.

#### **905.06 Sidewalk, shared-use path and driveway entrance maintenance and repair.**

The abutting private property owner of record shall be responsible for the proper maintenance and repair of all sidewalks, shared-use paths and driveway entrances within the abutting right-of-way for any improved or unimproved street, alley, or other public way within the city, which provides access around, in, or to said private property. For driveway entrances, this includes any curb, to the nearest tool joint, constructed as a part of, or to accommodate the driveway entrance. This shall include dropped curb, mountable curb, combination curb and gutter or other curb condition at the street entrance to the approach, as well as any flairs and radii of the driveway approach.

All sidewalks, walk paths, curb ramps, and driveway entrances shall be constructed, reconstructed, and or repaired through the use of Portland Cement Concrete except where existing sidewalk is composed of alternate materials that have been previously approved by the Transportation Administrator, as outlined within the City's Standard Construction Drawings or, as authorized by the Transportation Administrator. All shared-use paths shall be constructed, reconstructed, and or repaired through the use of either Portland Cement Concrete or hot mix asphalt concrete except where existing shared-use paths are composed of alternate materials that have been previously approved by the Transportation Administrator, as outlined within the City's Standard Construction Drawings or, as authorized by the Transportation Administrator. Where existing

sidewalks or shared-use paths are composed of alternate City approved materials, they shall be replaced in kind unless otherwise authorized by the Transportation Administrator.

In accordance with Sections 912.10 and 912.11 of Columbus City Code, neither trees, bushes, nor shrubs located within the public right-of-way may be damaged or removed, including limbs and roots, to accommodate sidewalk, shared-use path or driveway approach construction or repair without the prior approval of the Recreation and Parks Department in the form of a plant “Maintenance” or “Removal Permit.”

#### **905.07 Sidewalk specifications—Grade.**

Sidewalks shall be constructed so as to conform with the specified locations, lines, grades, and widths on file for each roadway within the offices of the Transportation Administrator and shall generally slope toward the street centerline where practical. In no case shall these sidewalks be less than a minimum width of four (4) feet for all streets having a right-of-way width of twenty (20) or more feet, and shall be so located that the nearest edge of sidewalk to the back of the curb or edge of pavement along the street shall not be less than three (3) feet, unless otherwise approved by the transportation administrator. When a sidewalk is specified, or permitted, to be placed next to a curb in no case shall it be less than a minimum width of ~~five~~six (~~5~~)(6) feet.

Public sidewalks associated with this chapter shall be constructed within the existing public right-of-way, so as not to encroach upon private property, unless previously approved by the Transportation Administrator. Where the Transportation Administrator has approved the construction of a public sidewalk outside of existing right-of-way, said approval shall be contingent upon the property owner's granting of additional right-of-way or pedestrian access easement to the city under said sidewalk area. The form of acceptable property rights transfer shall be at the Transportation Administrator's discretion.

The line, grade, and cross-slope of sidewalks and walk paths shall comply with all requirements of the Americans with Disabilities Act of 1990, and all regulations and amendments promulgated thereto, and the city's Standard Construction Drawings. No depression or lowering of the level or grade of such sidewalks or walk paths shall be recognized or permitted for the purpose of making or constructing a driveway or entrance to private or public property or premises bounding or abutting on such street from the roadway thereof except as permitted by an approved driveway entrance.

All sidewalks and/or walk paths constructed, reconstructed, or repaired at an intersection shall include the construction of an Americans with Disabilities Act of 1990 compliant curb ramp in accordance with the current CMSC, the city's Standard Construction Drawings, and the rules and regulations associated with this chapter.

#### **905.071 Shared-use path specifications—Grade.**

Shared-use paths shall be constructed so as to conform with the specified locations, lines, grades, and widths on file for each roadway within the offices of the Transportation Administrator and shall generally slope toward the street centerline where practical. In no case shall these shared-use paths be less than a minimum width of ten (10) feet for all

streets having a right-of-way width of thirty-five (35) or more feet, and shall be so located that the nearest edge of sidewalk to the back of the curb or edge of pavement along the street shall not be less than three (3) feet, unless otherwise approved by the Transportation Administrator. When a shared-use path is specified, or permitted, to be placed next to a curb in no case shall it be less than a minimum width of eleven (11) feet. Public shared-use paths associated with this chapter shall be constructed within the existing public right-of-way, so as not to encroach upon private property, unless previously approved by the Transportation Administrator. Where the Transportation Administrator has approved the construction of a public shared-use paths outside of existing right-of-way, said approval shall be contingent upon the property owner's granting of additional right-of-way or access easement to the city under said shared-use path area. The form of acceptable property rights transfer shall be at the Transportation Administrator's discretion.

The line, grade, and cross-slope of shared-use paths shall comply with all requirements of the Americans with Disabilities Act of 1990, and all regulations and amendments promulgated thereto, and the city's Standard Construction Drawings. No depression or lowering of the level or grade of such shared-use paths shall be recognized or permitted for the purpose of making or constructing a driveway or entrance to private or public property or premises bounding or abutting on such street from the roadway thereof except as permitted by an approved driveway entrance.

All shared-use paths constructed, reconstructed, or repaired at an intersection shall include the construction of an Americans with Disabilities Act of 1990 compliant curb ramp in accordance with the current CMSC, the city's Standard Construction Drawings, and the rules and regulations associated with this chapter. (Ord. 588-06 § 2 (part).)

### **905.08 Permits and fees.**

Prior to requesting a driveway entrance permit for all new commercial or multi-family development driveway entrance(s), or a new single or two-family residential driveway on any roadway, the applicant shall submit site plans to the Transportation Administrator in accordance with Section 3342.03 of Columbus City Code.

The fee for permits to construct, reconstruct, or repair sidewalks or shared-use paths or driveway entrances shall be established by the Director. Such fees shall include the cost to issue, perform necessary inspections and plan review as needed and required. Such fee shall be charged and collected by the transportation administrator and deposited with the city treasurer to the credit of the development services revenue fund.

All permits herein provided for shall become null and void ninety (90) days from the date of issuance, if not used, and any money paid therefore shall in no case be refunded. No permit shall be issued except to the owner of the abutting property or their authorized agent. The transportation administrator may refuse to issue any permit when design is not in compliance with the associated rules and regulations of the Public Service Department, the city's Standard Construction Drawings, and / or standard engineering profession principles and shall refuse any permit where the transportation administrator has not approved the plans for construction of the requested driveway entrance.

### **905.10 Maintaining pedestrian and bicycle access.**

Where public sidewalks or ~~walk-paths~~bikeways exist within the city of Columbus, they may not be eliminated, nor removed for any purpose other than their legal replacement, without the express written consent of the Transportation Administrator.

It is also the intent and purpose of this chapter that pedestrian and bicycle access be maintained at all times possible during sidewalk, ~~walk-path~~bikeway, and driveway approach maintenance and repair operations. Pedestrian and bicycle access and the re-routing of pedestrian and bicycle traffic where access can not be maintained during maintenance and repair operations shall be performed in accordance with the Public Service Department's Rules and Regulations relating thereto.

### **905.11 Code maintenance violation criteria.**

No abutting property owner shall allow the condition of the sidewalk, ~~walk~~shared-use path, and/or driveway approach within the public right-of-way to deteriorate beyond the criteria herein established. Criteria for ordering the replacement or repair of sidewalks, ~~walk~~shared-use paths, or driveway approaches shall be any or all of the conditions described as follows:

Offset of one half inch or greater;

Crack which has a gap of greater than one half inch;

An area where there exists a difference in elevation of material of one half inch or greater;

Excessive deterioration, spalling or exposed gravel of one half inch or greater in depth;

Excessive slope caused by a shifting of the sidewalk, shared-use path or driveway approach.

Patching shall not be permitted as a means of eliminating criteria for replacement. The complete removal or leveling of existing concrete shall be required of a concrete panel from joint to joint. If a construction tool joint is not present, then the entire area shall be corrected unless authorized otherwise by the Transportation Administrator.

Where offsets, elevation differences, deterioration, and/or spalling exceeds one and one-half (1.5) inches in depth within a sidewalk, shared-use path or driveway approach, and/or where excessive sidewalk or shared-use path cross slope is equal to or greater than ten (10) percent, these conditions shall be considered just cause for emergency barricade and/or repair by the Transportation Administrator, as outlined within Section 905.13, Emergency Orders.

### **905.13 Emergency order.**

Whenever the Director of the Department of Public Service, or Director of the Department of Development, finds that an emergency exists, as described in Section 905.11, which requires immediate action to protect the health and safety of any person, they may issue an oral or written emergency order reciting the existence of such an emergency and requiring that such action as they deem necessary shall be taken to eliminate the emergency. Notwithstanding the other provisions of this code, such emergency order shall be effective immediately and complied with immediately. In cases where it reasonably appears that there is imminent danger to the health and

safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the abutting property owner it appears that the abutting property owner will not or cannot immediately correct the condition, the Director may order the Transportation Administrator to initiate whatever reasonable action necessary to eliminate such hazard. These actions may include the temporary barricade of the area, re-routing of pedestrian, bicycle and/or vehicular traffic, or whatever action deemed necessary to eliminate the hazard on an interim or permanent basis.

The Director shall further cause the cost of all such temporary and/or permanent abatement to be billed to the abutting property owner as a municipal lien or to be recovered in a civil suit against the owner at the current hourly rates of the Division's equipment and personnel, or those of its contractual agent, including the cost for materials provided that can not be reasonable salvaged by the city.

#### **905.15 Prohibition against failure to comply with notice of violation.**

No person shall violate any provision of this Sidewalk, Bikeway and Driveway Construction and Repair Code or any rules or regulations promulgated by the Director in accordance with this chapter.

No owner or person having charge or authority over a violation of this Sidewalk, Bikeway and Driveway Construction and Repair Code shall fail to comply with a notice of violation, or emergency order, of this Sidewalk, Bikeway and Driveway Construction and Repair Code, or any rules or regulations promulgated by the Director in accordance with this chapter, obstruct or interfere with the execution of such order, or omit to obey such notice of violation or emergency order.

No person shall fail to comply with the time specified in a notice of violation or emergency order after receiving notification of being in violation of this Sidewalk, Bikeway and Driveway Construction and Repair Code, or any rules or regulations promulgated by the Director in accordance with this chapter.

#### **905.16 Procedure upon failure to comply with notice of violation.**

Whenever, upon inspection the Director, or Director of the Department of Development determines that there are reasonable grounds to believe that there is a violation of this Sidewalk, Bikeway and Driveway Maintenance and Repair Code resulting in the existence of an actual or potential public nuisance, or whenever there exist conditions that adversely affect the health, safety or welfare of any person, or when notices or orders issued pursuant to this code or other notice sections of City Codes do not alleviate such public nuisance or condition, they may:

(A) Cause the correction or abatement of any condition which violates any section of the Sidewalk, Bikeway and Driveway Maintenance and Repair Code and employ the necessary labor to perform the task;

Upon performance of the labor mentioned above with respect to abatement of the above-mentioned public nuisances, the director shall with respect to each parcel of land report to city council a statement of the charge for the services, the amount paid for performing the labor, and the fees of the officers who made the service of the notice and return;

Upon receipt of the statement and approval thereof by council, the city clerk shall make a

return in writing to the auditor of the applicable county of such statement that shall be entered upon the tax duplicate of the county for the purpose of assessing these costs.  
(B) Cause to be filed a civil complaint for injunctive relief seeking abatement of the public nuisance in a court of jurisdiction. The procedures to be followed will be pursuant to the Ohio Rules of Civil Procedure; or  
(C) Cause to be filed a criminal complaint in a court of jurisdiction.

**Section 6.** That Chapter 2101 of the Columbus City Code, 1959 is hereby amended to read as follows:

**2101.041 Bikeway.**

“Bikeway” means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows:

(a) “Bike Shared-use path” (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children’s non-motorized vehicles separated from motor vehicle traffic except at bike crossings.

(b) “Bike lane” (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane~~utilities existing roadways and is contiguous thereto but provides a separate lane of travel for the exclusive or semi-exclusive use of bicycles.~~ The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.

(c) “Bike route” (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

**Section 7.** That Chapter 2105 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**2105.125 Sidewalks and bikeways.**

The Director of Public Service is empowered to promulgate rules and regulations for the approval of site plans and capital improvement projects in order to provide for sidewalks and bikeways to increase pedestrian and bicycle safety, accessibility and the efficiency of pedestrian and bicycle travel. Standards for such sidewalks and bicycle facilities shall be at the discretion of the Director of Public Service. Bike facilities include multi-use paths, bike lanes and signed and marked shared bike routes.

**2105.19 Bike lanes, bike routes and bike crossings.**

The Public Service Director shall:

(a) Mark ~~lanes~~roadway pavement with painted lines, pavement coloration, symbols, curbing or other barriers to establish ~~bike lanes~~bikeways on streets according to the Bicentennial Bikeways Plan as he or she may deem advisable in the interest of public safety;

(b) Mark by appropriate signs, ~~bike routes~~ bikeways on streets according to the Bicentennial Bikeways Plan as he or she may deem necessary in the interest of public safety; and

(c) Mark by markings on the pavement and appropriate signs, bike crossings at such places on streets according to the Bicentennial Bikeways Plan as he or she may deem necessary in the interest of public safety.

### **2105.20 Driveways.**

The Director of Public Service is empowered to make rules and regulations for the approval of driveway plans, private street plans and sidewalks along said private streets to encourage pedestrian safety, health and connectivity, and to prevent the construction and use of driveways providing vehicular access from private property and to a public right-of-way where such access would adversely affect the safety, property and welfare of the traveling public or unreasonably interfere with the safe, orderly and efficient flow of traffic and where providing sidewalks along private streets will connect to public sidewalks.

**Section 8.** That Chapter 2131 of the Columbus City Code, 1959 is hereby amended to read as follows:

### **2131.01 Driving upon right side of roadway; exceptions.**

a) Upon all streets or highways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the street or highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three (3) or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b)(1) Upon all roadways any vehicle proceeding at less than the ~~normal~~ prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, ~~or as close as practicable and far enough~~ to the right-hand curb or edge of the roadway, except when right to allow passing by faster vehicles, if such passing is safe and reasonable, except under any of the following circumstances:

(i) When overtaking and passing another vehicle proceeding in the same direction ~~or when~~:

(ii) When preparing for a left turn-;

(iii) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2) Nothing in division (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (a)(2) of this section. This division shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.25)

### **2131.03 Overtaking, passing to left; driver's duties.**

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) of this section, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When the operator of a vehicle overtakes a bicycle or other slow vehicle, the operator shall pass at a distance of not less than three feet between the vehicle and the bicycle or other slow vehicle.

~~(2) Except when overtaking and passing on the right is permitted, the~~ The operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 2131.31, a limited access highway as defined in Section 5511.02 of the Ohio Revised Code or a highway with four (4) or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.27)

### **2131.07 Hazardous or no passing zones.**

(a) Hazardous zones, commonly called “no passing zones,” shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver’s lane of travel (to the right of the normal center line or marked lane line), no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal centerline or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver’s lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone. When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distance set out in Section 2131.06.

(b) Division (a) of this section does not apply when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.

(3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of section 4511.29 of the Revised Code, considering the speed of the slower vehicle.

~~(c)~~ Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.31)

#### **2131.14 Signals before changing course, turning or stopping.**

(a) No person shall turn a vehicle or move right or left upon a street or highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator’s hands are needed for the safe operation of the bicycle. .

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a street or highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet, whether a single vehicle or a combination of vehicles. The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.39)

#### **2131.43 Prohibitions against earphones.**

(a) No person shall operate a motor vehicle or bicycle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

(b) This section does not apply to:

- (1) Any person wearing a hearing aid;
- (2) Law enforcement personnel while on duty;
- (3) Fire Department personnel and emergency medical service personnel while on duty;
- (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;
- (5) Any person engaged in the operation of refuse collection equipment.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.84)

**Section 9.** That Chapter 2133 of the Columbus City Code, 1959, is hereby amended to read as follows:

#### **2133.04 Slow speed; posted minimum speeds.**

(a) No person shall stop or operate a vehicle at such a an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever it is determined by the Ohio Director of Transportation or City authorities on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Ohio Director of Transportation or City authorities may declare a minimum speed limit below which no person shall operate a motor vehicle, except when necessary for safe operation or in compliance with law. No minimum speed limit established hereunder shall be less than thirty (30) miles per hour, greater than fifty (50) miles per hour, nor effective until the provisions of Ohio Section 4511.21 of the Ohio Revised Code, relative to appropriate signs, have been fulfilled and City authorities have obtained the approval of the Ohio Director of Transportation.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously as been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.22)

**Section 10.** That Chapter 2173 of the Columbus City Code, 1959, is hereby amended to read as follows:

#### **2173.01 Code application to bicycles, children's non-motorized vehicles.**

(A) The provisions of this Traffic Code that are applicable to bicycles apply whenever a bicycle is operated upon any street or highway or upon any shared-use path ~~set aside for the exclusive use of bicycles~~ or however specifically provided for in Chapter 2173.

(B) The provisions of this Traffic Code, except those that by their nature are inapplicable shall apply to bicycles except those which by their nature are not applicable, and any person operating a bicycle on a street shall comply with all operational rules and traffic control devices applicable to vehicular traffic.

(C) Except as provided in division (E) of this section, a bicycle operator who violates any section of the Traffic Code that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Chapter 4510 of the Ohio Revised Code.

(D) Except as provided in division (E) of this section, in the case of a violation of any section of the Traffic Code by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of the Revised Code or the Columbus City Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed for that violation.

(E) Divisions (C) and (D) of this section do not apply to violations of section 2133.01 of the Columbus City Traffic Code.

### **2173.02 Rules for bicycles, motorcycles, snowmobiles, and children's non-motorized vehicles.**

(A) A person operating a bicycle ~~or motorcycle~~ shall not ride other than upon or astride the permanent and regular seat attached thereto, and a person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one (1) hand upon the handle bars.

No bicycle or motorcycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a street or highway when the handle bars or grips are more than fifteen (15) inches higher than the seat or saddle for the operator.

No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in Section 4507.13 of the Ohio Revised Code shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(B) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

~~(B)~~(C)(1) No person under the age of eighteen (18) shall operate a bicycle or children's non-motorized vehicle within the City without wearing a protective helmet on the person's head, with the chin strap fastened under the person's chin. Such helmet shall be fitted to the size of the operator's head and shall meet or exceed the standards set forth by the U.S. Consumer Product Safety Commission (CPSC).

No person the age of one (1) or older but under the age of eighteen (18) shall ride as a passenger on a bicycle or non-motorized vehicle equipped with a firmly attached passenger seat or astride a regular seat on a tandem bicycle, within the City without wearing a protective helmet on the person's head, with the chin strap fastened under the person's chin. Such helmet shall be fitted to the size of the operator's head and shall meet or exceed the standards set forth by the U.S. Consumer Product Safety Commission (CPSC).

Failure to wear a protective helmet as required in this division shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child nor on the part of the child nor shall such failure be admissible in any civil action.\*

\*Editor's Note: The protective helmet requirements contained in this subsection 2173.02(B)(1) shall not be enforced until twelve (12) months from the date of final passage of the ordinance codified in this section. Ordinance 0950-2008 was adopted on 7-14-2008.

(2) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen (18) years of age shall authorize or knowingly permit such child to violate any provision of this division.

~~(C)~~(D)(1) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division ~~(B)~~(C) of this section shall be fined no more than twenty-five dollars (\$25.00), or the least amount allowable under the Ohio Revised Code.

~~(D)~~(E) The Director of Public Safety and the Chief of Police shall be responsible for enforcing division ~~(B)~~(C) of this section, and shall, as in all other enforcement actions, be afforded discretion and professional judgment in determining the appropriate enforcement action, including a verbal or written warning or the issuances of a summons.

~~(E)~~(F) All fines collected for violations of division ~~(B)~~(C) of this section shall be deposited into the Bicycle Safety Fund.

~~(F)~~(G) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.53)

### **2173.05 Signal devices on bicycle; brake.**

(A) Every bicycle when in use at the times specified in Section 2137.02 of the Columbus City Code, shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or the operator that shall emit a

white light visible from a distance of at least five hundred (500) feet to the front and three hundred (300) feet to the sides. A generator-powered lamp that emits lights only when the bicycle is moving may be used to meet this requirement;

(2) A red reflector on the rear of a type approved by the Ohio Director of Public Safety that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A lamp emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (A)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.;

~~(4) An essentially colorless reflector on the front of a type approved by the Ohio Director;~~

~~(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of six hundred (600) feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Ohio Director.~~

(B) Additional lamps and reflectors may be used in addition to those required under division (A) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(C) ~~No person shall operate a A bicycle unless it is may be equipped with a bell or other device capable of giving an audible signal, for a distance of at least one hundred (100) feet,~~ except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(D) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

### **2173.07 Riding bicycle on right side of roadway; traffic control devices; hand and arm signals; yield right of way.**

(a) Any person operating a bicycle or children's non-motorized vehicle shall:

(1) Ride as near to the right-hand side of the roadway as practicable, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Yield the right of way to a pedestrian upon a sidewalk, bikeway or when crossing a sidewalk or a crosswalk;

(3) Give a timely and audible signal before overtaking and passing a pedestrian, bicycle or children's non-motorized vehicle upon a roadway, bikeway or sidewalk.

(b) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.55)

### **2173.10 Riding bicycles on sidewalks.**

(a) No person shall operate a bicycle upon a sidewalk, except as provided for in Section 2173.105 (2) or, at locations that the Columbus city council designates as bikeways or shared-use paths.

(b) Whoever violates this section is guilty of a minor misdemeanor.

### **2173.105 Driving motor vehicles and riding motorcycles on sidewalks, ~~bike~~shared-use paths or bike lanes.**

(a) No person shall operate a motor vehicle or motorcycle upon a sidewalk, ~~bike~~shared use path or in a bike lane.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.711)

**Section 11.** That Chapter 3123 of the Columbus City Code, 1959, is hereby amended to read as follows:

### **3123.17 Sidewalk and bikeway requirements.**

All subdivisions, site developments or sections thereof which, shall have installed in them sidewalks and bikeway facilities to serve each lot or parcel therein. Such sidewalks and bikeway facilities shall be installed by the property owners abutting the street rights-of-way within the development and along the existing streets fronting the development, except as provided for in subsections (E), (F), (G) and (H) below, and they shall be

constructed according to the requirements herein.

(A) Sidewalks and bikeways shall have a hard, improved surface constructed of materials and to standards established by the public service director depending on type of street construction, anticipated permanence of sidewalk, and land uses being served. Such specifications shall be available for inspection in the appropriate office of the Department of Public Service.

(B) Sidewalks and bikeways shall be located in the right-of-way of the street or as close to the right-of-way line as possible, and shall extend across the entire dimension of each lot or parcel side adjacent to a public street.

(C) All sidewalks and bikeways required by this chapter shall be completed upon the occurrence of any one of the following conditions:

(1) Prior to final inspection by the department of the building, structure, or other improvement on the lot or parcel that the sidewalk serves.

(2) In the case of vacant lots or parcels, whenever seventy-five (75) percent of the lots or parcels located on a given side of a dedicated street between two (2) consecutive intersecting streets (a block) have been serviced with a final inspection by the department.

(3) Not later than the second (2nd) anniversary after the date of acceptance of the improved streets by the city.

(4) Bikeways will not be required until sidewalk and bikeway rules and regulations are promulgated according to city code.

(D) Bikeways shall be located, configured and completed according to the Bicentennial Bikeways Plan and include separate multi-use paths, bike lanes and signed and marked shared bike routes.

(E) Notwithstanding the provisions stated earlier where a subdivision includes a dedicated street to provide access from an existing street to the subdivision, and such dedicated street bisects property and thereby creates parcels which are not a part of the subdivision but are adjacent to the dedicated street, then it shall be the responsibility of the developer or subdivider to install sidewalks and bikeway facilities within the dedicated street right-of-way whenever sidewalks and bikeway facilities are required in the subdivision itself. Such sidewalks and bikeway facilities shall be installed along each side of the dedicated street right-of-way from the existing street to the first lots or parcels in the subdivision, and shall be completed prior to acceptance of the improved street by the city.

~~(F)~~ Notwithstanding the foregoing provisions of this section, where the zoning code permits placement of continuous sidewalks in common space rather than in the public right-of-way, then the placement provisions of the zoning code shall govern.

(G) Construction Exemption. Notwithstanding the foregoing provisions of this section, where the city has planned a capital improvement project, where topographical constraints prevent the economical installation of sidewalks and bikeway facilities, where satisfying the foregoing provisions for sidewalk and bikeway facility completion may create a hazardous situation for pedestrians and bicyclists, or when considered to be in the best interest of the city, the public service director may approve one of the following exemptions to construction of sidewalk and bikeway facilities:

(1) a deferment of sidewalk and bikeway facility construction to a certain future date; or

(2) an alternate route through private property with dedicated public easement or public right-of-way; or

(3) a monetary donation in lieu of sidewalk and bikeway construction. Monetary donations will be used exclusively for the design and construction of sidewalk and bikeways, including wheelchair ramps within the Community Planning Area as defined in the Columbus Comprehensive Plan in which the subject property is located, provided the city has planned Capital Improvement Projects planned in the Community Planning Area. If no project is planned within the Community Planning Area at the time of monetary donation, said donation will be used for sidewalk and bikeway design and construction at other priority locations in the city; or

(4) a monetary donation in lieu of bikeway construction for any such facility other than a shared use path recommended by the Bicentennial Bikeways Plan a construction exemption shall be granted so that such facilities are placed on a project wide basis by the city at such time as deemed appropriate; or

(5) a modification of sidewalk and bikeway requirements. When it is in the interest of public safety or deemed in the best interests of the city, the Director of Public Service may modify the above requirements such that a practical application of said requirements can be determined.

(6) where such fees in lieu of construction have been collected, said property shall hereby be waived from any future requirement for fees or assessments collected for the purpose of sidewalk or bikeways, exclusive of repair or replacement due to condition.

(H) Monetary donations. Sidewalk and bikeway monetary donations will be computed as follows:

(1) Determine a practical engineering design for the sidewalk and bikeway, meeting all applicable city, state and federal engineering standards for sidewalks, bikeways,

wheelchair ramps and related work necessary for the installation of the sidewalks and bikeways.

(2) Estimate the cost of construction of the sidewalk and bikeway facilities, including design, right-of-way, easement acquisition and inspection costs. Said cost estimate will be conducted by an Ohio-registered practicing professional engineer, and will be subject to the approval of the city engineer.

(3) A permanent special fund shall be established, in which will be deposited monetary donations for sidewalks and bikeway facilities, and which will only be used for the purpose of design and construction of sidewalks and bikeway facilities.

(4) Fees shall be collected at the time of development or site plan approval.

(I) Appeals. Decisions of the city engineer may be appealed to the Transportation & Pedestrian Commission, which shall review the staff decision and the appeal request, and forward to the public service director with recommendation for action. The decision of the public service director will be final.

**Section 12.** That Chapter 3303 of the Columbus City Code, 1959, is hereby amended to read as follows:

**3303.02 Letter B.**

“Banner” means a non-rigid cloth, canvas, or plastic graphic, other than a flag.

“Corporate banner” means the emblem or standard of a for-profit or not-for-profit corporation, or other similar entity.

“Ornamental banner” means a banner that utilizes any of a variety of images or colors of an ornamental nature, and that displays no on-premises or off-premises copy.

“Promotional banner” means a banner that displays on-premises or off-premises copy. (See also “String of banners.”)

“Bar” means an establishment used primarily for the dispensing, or sale of alcoholic beverages by the drink for on-site consumption.

“Bikeway” means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows:

(a) “Bike Shared use path” (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children’s non-motorized vehicles separated from motor vehicle traffic except at bike crossings.

(b) “Bike lane” (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane utilities existing roadways and is contiguous thereto but provides a separate lane of travel for the exclusive or semi-exclusive use of bicycles. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.

(c) “Bike route” (Class III Bikeway) utilizes existing streets and roads. No separation of

motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

“Billboard” means an off-premises sign which consists of one (1) or more sign faces primarily intended by the sign owner to be available for sale, lease or rental for the purpose of promoting any business or other activity which is not situated on the same property as the billboard or of promoting any product or service which is not primarily available on the same property as the billboard; and incidentally used for the display of public service messages.

“Boarding house” means a residential building, other than a hotel, in which meals are served together with lodgings for hire to three (3) or more persons.

“Breezeway” means a roofed, weather-protected, non-habitable space connecting a dwelling and a detached garage.

“Building” means any structure having a roof supported by columns or walls, or any series of structures separated only by “fire separations” but contained under a common roof or within common walls, and requiring a building permit in accordance with Title 41 of the Building Code that is used for shelter, occupancy, enclosure, or support of persons, animals, or property.

“Building line” means a clearance line limiting the approach to a lot line of a building exclusive of open porches, steps, terraces, walkways or separate accessory building, or as otherwise provided in this Zoning Code.

### **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” 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” 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” 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.”

### **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.

“Shared use path” (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children’s non-motorized vehicles separated from motor vehicle traffic except at bike crossings.

“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
4. Excretory 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 13.** That Chapter 3318 of the Columbus City Code, 1959, is hereby amended to read as follows:

### **3318.03 Requirements.**

Upon the submission of an application for rezoning of land in excess of one (1) acre, the recreation and parks commission or its designee and the applicant shall determine whether a land or monetary donation shall be required.

If a land donation is required, then land to be dedicated for public parkland/open space shall be identified on a preliminary survey or site plan and deeded to the city at the time of final zoning clearance approval or plat approval by the department. Said dedication shall be exclusive of any street, road, highway, ~~or~~ sidewalk or bikeway. However, the dedicated land may include areas incorporated into the overall development plan for aesthetic purposes, shared-use paths or dedicated open space.

One of two alternatives shall be used for all monetary payments made in lieu of land dedication or to meet the fee requirements of commercial and industrial development. Under the first alternative, payments shall be used exclusively for the purchase or development of public parkland/open space within the service area of a one (1) mile radius when possible. If not possible, then purchase or development shall occur in the designated planning area as shown on the community planning areas map.

Under the second alternative, payments shall be used for the purchase of shares in a community park land bank. This option shall be used in designated community planning areas, which are in need of community parks, as defined in the Columbus comprehensive plan, and have an established land bank. The applicant's property must be in a designated community planning area.

Payment shall not be used for operating or maintenance purposes.

**Section 14.** That Chapter 3333 of the Columbus City Code, 1959, is hereby amended to read as follows:

### **3333.41 Standards.**

A certificate of zoning clearance for a town house development shall be issued if the administrator finds that an otherwise proper application complies with the following standards:

- (a) Only new construction on a site of no less than one (1) acre, in an apartment residential district, comprising a subdivision of record shall be considered for town house development.
- (b) Density shall not exceed twelve (12) town houses per acre of land.
- (c) The maximum number of town houses permitted in any row shall be eight (8); the minimum shall be three (3). No detached dwelling unit shall be constructed in a town house development.
- (d) A town house together with accessory buildings, if any, shall occupy no more than fifty-five (55) percent of the lot area and at least twenty (20) percent of the lot area (in addition to the front setback area) shall be reserved for private open space.
- (e) The minimum width of a town house lot shall be fifteen (15) feet.
- (f) The minimum area of a town house lot shall be one thousand five hundred (1,500) square feet.
- (g) No minimum depth shall be required of a town house lot.

(h) Each town house lot shall have a minimum of fifteen (15) feet of frontage on a dedicated public street except that those lots which are separated from a street only by common space shall have a minimum of fifteen (15) feet of frontage on such common space.

(i) A side yard, required only at each end of a row, shall be no less than seven and one-half (7-1/2) feet wide.

(j) A building line shall be established no less than twenty-five (25) feet from the front lot line irrespective of the orientation of the building.

(k) A building line shall be established no less than ten (10) feet from the rear lot line or the centerline of an alley, as the case may be, irrespective of building orientation.

(l) Unobstructed, permanent access of at least ten (10) feet in width shall be provided to both the front and rear of each town house lot and between rows of four (4) or more town houses for emergency use, fire protection and maintenance.

(m) Hard-surfaced parking spaces of regulation size and of material approved by the transportation administrator shall be provided for each town house as follows:

(1) Two (2) spaces per unit shall be located on or adjacent to the lot to be served thereby.

(2) An additional one-half (1/2) space per unit shall be located no farther than two hundred (200) feet from the town house to be served thereby.

Except that where two (2) parking spaces of regulation size are provided on the rear of each lot, and the street upon which the row fronts is not utilized in any manner for required parking: only two (2) parking spaces shall be required per town house.

(n) Parking spaces may be provided perpendicular to and immediately adjacent to the right-of-way only if such parking is:

(1) Within common space adjacent to:

(A) a cul-de-sac or dead end street providing access to no more than sixty-two (62) dwelling units; or

(B) a local residential street providing access to no more than one hundred twenty-five (125) dwelling units, and discouraging through traffic thereon; or

(C) an alley or roadway provided each lot served thereby fronts upon a street; or

(2) Within the rear of a private lot adjacent to an alley or roadway provided each such lot fronts upon a street.

Perpendicular parking provided pursuant to (l)(A) or (B) above, shall be no closer than one hundred (100) feet to the right-of-way line of any local street or collector, or two hundred (200) feet to the right-of-way line of any arterial. The conditions of this paragraph shall not apply to a wholly internal local street servicing the town house development.

In no event shall perpendicular parking be provided immediately adjacent to an arterial or a collector of any width; or to a local residential street which (1) provides access to more than one hundred twenty-five (125) dwelling units or (2) which encourages through traffic.

(o) Single or tandem parking spaces may be provided within the front setback of a lot which fronts upon:

(1) a cul-de-sac or dead-end street providing access to no more than sixty-two (62) dwelling units; or

(2) a local residential street providing access to no more than one hundred twenty-five (125) dwelling units, and discouraging through traffic thereon.

(p) Adjacent to all parking spaces other than those in a garage or in a driveway serving no more than two (2) town houses, curbs shall be installed separating such parking spaces from any common area, sidewalk, bikeway, walkway, or setback in accordance with specifications on file in the office of the transportation administrator for curbs installed within the public right-of-way.

(q) No portion of a parking space shall overlap any portion of the sidewalk or shared-use path.

(r) Continuous sidewalks or shared-use paths no less than four (4) feet in width and located no closer than three (3) feet to any curb, except for access to the street, shall be provided in accordance with city specifications on file in the office of the transportation administrator except that such sidewalks may be located within twenty-five (25) feet of the right-of-way affording principal access to any town house where common space for parking is provided between the property line and the street.

(s) Where four (4) or more perpendicular parking spaces are positioned immediately adjacent to the street and to each other, the public or common sidewalk or shared-use path shall be installed between such parking and the row it serves to promote safety and to discourage pedestrian traffic at the rear of parked vehicles.

(t) Common open space exclusive of any common area devoted to parking, sidewalks, shared-use paths or vehicular circulation shall be provided at a rate of four hundred (400) square feet per town house.

(u) All access to parking spaces and open spaces shall be held in common ownership by the homeowners' association or dedicated to the city when determined necessary by the administrator.

**Section 15.** That Chapter 3372 of the Columbus City Code, 1959, is hereby amended to read as follows:

**3372.406 Design standards.**

Design standards for all residentially used or zoned property are as follows:

A. The primary building façade must abut a city street (i.e., be a building frontage).

B. The main entrance shall be accompanied by a concrete stoop or roof-covered wood porch. The stoop/porch must be a minimum of thirty (30) inches high with no less than three (3) steps.

C. Windows in all building frontages of the principal building must be double-hung, with a minimum allowable width of thirty (30) inches and minimum allowable height of sixty (60) inches.

D. A principal building with a sloped roof must have a minimum pitch of six twelfths (6/12) for a hipped roof and eight twelfths (8/12) for a gabled roof.

E. A principal building with a flat roof must have a minimum three (3) foot high parapet on the front and side elevations.

F. When a gable in the primary building façade terminates the main roof structure, it must contain a window. When a hipped roof in the primary building façade terminates the main roof structure, it must contain a dormer with a window.

G. Venting from the roof and any roof-mounted mechanicals shall be located out of public view or screened to the height of the equipment. Masonry (or masonry appearing)

chimneys are exempt from this requirement.

H. A minimum of thirty (30) inches of the principal building's foundation must be visible on the exterior of the structure. The exposed portion of the foundation must be rusticated to resemble stone on all building frontages.

I. The following materials are not permitted on the exterior of primary buildings: stucco, vertical siding, and siding with horizontal strips greater than four (4) inches. Concrete block is permitted only for foundations.

J. Garages and parking pads shall be to the building rear of principle buildings. Access to all garages and parking pads must be from the alley when an alley borders the property. A curb cut and driveway from a street is permitted only when no alley exists.

Design standards for all commercially used or zoned property are as follows:

A. The primary building façade must abut a city street (i.e., be a building frontage).

B. A building frontage shall incorporate at least one main entrance with an operable door. At a building corner where two building frontages meet, one main entrance with an operable door may be located so as to meet the requirement for both building frontages.

C. Building materials shall be the same on all building frontages. A building frontage that exceeds a width of 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 a primary building façade, at least sixty (60) percent of the first floor wall area (i.e., the area between the height of two (2) feet and ten (10) feet above the nearest sidewalk or shared-use path grade) shall be clear/non-tinted window glass, which permits a view of the building's interior to a minimum depth of four (4) feet. At least twenty-five (25) percent of second and third floor wall areas shall be clear/non-tinted window glass.

E. When a secondary building façade is adjacent to a residentially used or zoned property, the building materials and the pattern of window glass shall continue from the primary building façade a minimum distance of ten (10) feet.

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 incorporate the aesthetic character of the building.

G. Dumpsters and all ground-mounted mechanical equipment shall be located at the building rear and screened from public view to the height of the dumpster/equipment.

H. Parking lots that abut public streets must be screened using either a four (4) foot high metal tube or metal bar fence or a four (4) foot high stone or masonry wall. Chain link fences are not permitted. A minimum three (3) foot wide landscaping strip, containing three evergreen shrubs and one deciduous ornamental tree per thirty (30) feet of frontage, must be provided between the sidewalk or shared-use path and fence/wall. Trees and shrubs must be maintained in good condition; dead material must be replaced within one year. Parking lots that abut alleys and/or adjacent property are subject to the screening requirements in C.C. 3342.17.

I. Drive-thru pickup windows and coverings are prohibited on building frontages and are allowed to the rear or side of the principal building only when the adjacent property is not residentially used or zoned.

### **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 or shared-use path 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.

### **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 plus or minus five percent ( $\pm 5\%$ ) 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 or shared-use path 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 16.** That Chapter 3375 of the Columbus City Code, 1959, is hereby amended to read as follows:

**3375.14 Temporary use sign standards.**

A. No more than two (2) temporary on-premises signs shall be displayed on a lot in a residential, commercial or manufacturing district to advertise the following temporary uses allowed by C.C. 3390.02(A), (B), (D) or (E), or C.C. 3390.04(A) or (C): An approved carnival or circus, Christmas tree sales lot, assembly in a tent, tent sale, temporary parking lot, temporary real estate office in a residential subdivision or a building used for seasonal celebration. Such temporary signs shall be subject to the following limitations:

1. Such signs shall be displayed only during the time period allowed for such temporary use.
2. Aggregate graphic area shall not exceed thirty-two (32) square feet; maximum height shall be six (6) feet.
3. Required sign setback line shall be at least two (2) feet from the right-of-way line of any abutting street and at least two (2) feet from any public sidewalk or shared-use path.

B. No more than one (1) temporary on-premises sign shall be displayed on any lot in a residential, commercial or manufacturing district to advertise a garage sale or yard sale being conducted on said lot, as provided by C.C. 3390.02(C). Such temporary sign shall be subject to the following limitations:

1. Such sign shall be displayed only during the time period allowed for such temporary use.
2. Maximum graphic area shall be four (4) square feet.
3. Required sign setback line shall be at least two (2) feet from the right-of-way line of any abutting street and at least two (2) feet from any public sidewalk or shared-use path.

**Section 17.** That Chapter 3376 of the Columbus City Code, 1959, is hereby amended to read as follows:

**3376.04 Residential complex identification signs.**

A residential complex shall display no more than one (1) permanent identification sign directed to any street abutting the complex, subject to the following provisions:

A. Sign copy shall be limited to the name, logo, and street address of the complex; except that the phone number and/or name of the owner or property management office may be displayed in addition to the above, provided such copy shall occupy no more than twenty (20) percent of the approved graphic area of the sign.

B. A ground sign shall be set back no less than fifteen (15) feet from any abutting street right-of-way line, except where the established building line applicable to the subject site is less than fifteen (15) feet from the right-of-way line of the street to which the sign is directed. Where the established building line is less than fifteen (15) feet, a ground sign may be installed at a reduced setback, subject to height and graphic area limitations. The required sign setback line shall be no less than two (2) feet from the right-of-way line of the street to which the sign is directed and no less than two (2) feet from any public sidewalk or shared-use path.

C. A ground sign shall be set back no less than ten (10) feet from any adjacent interior lot line; an illuminated sign shall be set back at least fifty (50) feet from a residentially or institutionally zoned district.

D. No residential complex identification sign shall exceed the following area and height limits, based on the size of the residential complex and distance such sign is set back from the abutting street right-of-way line:

Complex Size	Setback	Graphic Area	Height
15--50 dwelling units	2--15 ft. over 15 ft.	24 sq. ft. 32 sq. ft.	6 ft. 8 ft.
51 or more dwelling units	2--15 ft. over 15 ft.	32 sq. ft. 64 sq. ft.	8 ft. 12 ft.

E. In lieu of a permanent identification sign, a residential complex comprised of fifteen (15) to fifty (50) dwelling units may utilize no more than one (1) entrance feature sign, in compliance with the provisions of C.C. 3376.05. (Ord. 2837-96 § 4 (part).)

**3376.05 Residential complex entrance feature signs.**

In addition to any allowed permanent identification sign, a residential complex comprised of fifty-one (51) or more dwelling units may utilize one (1) or more permanent entrance feature signs directed to any abutting street, subject to the following provisions:

A. Said complex shall utilize no more than one (1) entrance feature sign at each public entrance to the complex. An entrance feature sign may be a single-face sign, a double-face sign, or consist of one (1) sign face installed on each side of the street or driveway entering the complex and directed to vehicular traffic in only one (1) direction.

B. Written consent of the property owner of each proposed sign location shall be

submitted with each permit application.

C. Sign copy shall be limited to the name, street address, and logo of the complex.

D. An entrance feature sign shall be set back no less than fifteen (15) feet from any abutting street right-of-way line, except where the established building line applicable to the subject site is less than fifteen (15) feet from the street right-of-way line to which the sign is directed. Where the established building line is less than fifteen (15) feet, a ground sign may be installed at a reduced setback, subject to height and graphic area limitations. An entrance feature sign shall be set back no less than two (2) feet from the right-of-way line of the street to which the sign is directed and no less than two (2) feet from any public sidewalk or shared-use path.

E. No entrance feature sign shall exceed the following area and height limits, based on the distance said sign is set back from the abutting street right-of-way line:

Setback	Graphic Area	Height
2--15 ft.	24 sq. ft.	4 ft.
over 15 ft.	32 sq. ft.	6 ft.

### **3376.06 Residential complex instructional signs.**

A residential complex may utilize one (1) or more permanent nonilluminated instructional signs displaying messages such as, but not limited to, “rental office,” “guest parking,” or “club house,” and subject to the following provisions:

A. No advertising or promotional sign copy shall be displayed.

B. No more than two (2) such signs shall be directed to any street that abuts the complex.

C. The maximum graphic area of each such sign shall be four (4) square feet; the maximum height for a ground-mounted instructional sign directed to a street shall be three (3) feet, measured from the adjacent curb or edge of pavement of said street.

D. A ground-mounted instructional sign shall be set back at least two (2) feet from the right-of-way line of any abutting street and at least two (2) feet from any public sidewalk or shared-use path.

### **3376.08 Nameplates and home occupation signs.**

A. Nameplates. A dwelling unit in a one- or two-family dwelling, a townhouse or rowhouse shall display no more than one (1) nonilluminated nameplate on each dwelling, subject to the following provisions:

1. Sign copy shall be limited to the street address of the dwelling and the occupant’s name.

2. The graphic area of each such sign shall not exceed two (2) square feet.

3. A nameplate shall be wall-mounted, or ground-mounted, adjacent to the entrance to said dwelling unit.

B. Home Occupation Signs. A dwelling unit containing a home occupation shall, in lieu of a nameplate, display no more than one (1) permanent nonilluminated home occupation sign directed to the fronting street, subject to the following provisions:

1. Sign copy displayed shall be limited to the occupant’s name, address, profession or

service and phone number.

2. The graphic area of each such sign shall not exceed four (4) square feet.
3. Installations shall be limited to either a wall or window sign at the ground floor level, a ground sign with an overall height of three (3) feet, or mounted on a post lamp designed to support the sign.
4. A ground-mounted or post lamp-mounted home occupation sign shall be set back at least two (2) feet from the right-of-way line of the fronting street and at least two (2) feet from any public sidewalk or shared-use path.
5. Such sign shall not be directed to a freeway.
6. Said sign shall be removed from the lot when the underlying home occupation ceases.

**3376.09 Permanent signs for other uses in residential districts.**

An institutional use, or a nonresidential, nonconforming use situated in a residentially zoned district may display one (1) or more permanent on-premises signs, subject to the following provisions:

A. Identification Sign. Such use shall display no more than one (1) permanent identification sign directed to any street abutting the lot.

1. Sign copy shall be limited to the name, logo and street address of the use, except that an educational, religious, cultural or recreational use may utilize up to fifty (50) percent of the graphic area of one (1) such sign for a manual changeable copy sign.
2. A ground sign shall be set back no less than fifteen (15) feet from any abutting street right-of-way line, except where the established building line applicable to the subject site is less than fifteen (15) feet from the right-of-way line of the street to which the sign is directed. Where the established building line is less than fifteen (15) feet a ground sign may be installed at a reduced setback, subject to height and graphic area limitations. The required sign setback line shall be set back no less than two (2) feet from the right-of-way line of any abutting street and no less than two (2) feet from any public sidewalk or shared-use path.
3. A ground sign shall be set back no less than ten (10) feet from any adjacent interior property line; however, an illuminated sign shall be set back at least fifty (50) feet from any residentially or institutionally zoned district.
4. No institutional use, or nonconforming use identification sign shall exceed the following area and height limits, based on the size of the lot frontage and distance such sign is set back from the abutting street right-of-way line:

Lot Frontage	Setback	Graphic Area	Height
300 feet, or less	2--15 ft.	24 sq. ft.	6 ft.
	over 15 ft.	32 sq. ft.	8 ft.
over 300 feet	2--15 ft.	32 sq. ft.	8 ft.
	over 15 ft.	64 sq. ft.	12 ft.

5. In lieu of a permanent identification sign, an institutional use situated on a lot with a lot frontage, along any one (1) street, of three hundred (300) feet or less shall utilize no

more than one (1) entrance feature sign, in compliance with C.C. 3376.05.

B. Permanent Signs for a Large Institutional Use. An institutional use, with over three hundred (300) continuous lineal feet of lot frontage along any one (1) street, shall display no more than the following permanent on-premises signs directed to that street:

1. One (1) identification sign in compliance with the provisions of C.C. 3376.09(A)(1)--(4).
2. One or more entrance feature signs in compliance with the provisions of C.C. 3376.05.
3. One or more instructional signs in compliance with the provisions of C.C. 3376.06.

### **3376.10 Temporary on-premises signs--General provisions.**

A temporary on-premises sign may be displayed on a lot in a residentially zoned district for the purposes specified in this section. A temporary sign shall be subject to the following general provisions:

- A. A temporary permit shall be required to authorize the installation of any temporary sign allowed by this chapter with a graphic area larger than sixteen (16) square feet.
- B. Proof of approval, in a format determined by the director, shall be displayed on each sign allowed by said temporary permit. Where no permit is required, the date (month, year) said temporary sign is installed, shall be legibly displayed on the sign.
- C. A temporary sign shall be displayed for no more than one (1) year, except where otherwise specified in this chapter. Such sign shall be removed from the lot at the end of the allowable display period, or within seven (7) calendar days of the completion of the project, sale of the property or leasing of available units, whichever occurs first.
- D. No temporary sign allowed by this chapter shall be illuminated.
- E. A temporary sign allowed by this chapter shall be a ground sign only, except in a situation where no conforming location for a ground sign exists. No temporary projecting sign or roof sign shall be permitted.
- F. A temporary ground sign shall be set back at least two (2) feet from the right-of-way line of any abutting street, or the setback required by this chapter, whichever is greater, and no less than two (2) feet from any public sidewalk or shared-use path. Where wall-mounted, allowable setback shall be that of the wall to which said sign is attached.

**Section 18.** That Chapter 3377 of the Columbus City Code, 1959, is hereby amended to read as follows:

### **3377.14 Ingress/egress signs.**

An ingress/egress sign may be installed adjacent to any approved driveway or other approved vehicular access, for the purpose of aiding traffic flow, subject to the following provisions:

- A. No more than one (1) such sign shall be allowed for each ingress and one (1) for each egress.
- B. Graphic area shall be no more than six (6) square feet along any street with a speed limit greater than thirty-five (35) mph; and four (4) square feet along a street with a speed limit of thirty-five (35) mph or less.
- C. Sign height shall not be limited, however the silhouette of said sign, including any

base, pole cover or ornament, shall be no more than twice the allowable graphic area.

D. Required sign setback shall be no less than two (2) feet from any abutting street right-of-way line and no less than two (2) feet from any public sidewalk or shared-use path.

E. Sign copy shall be limited to such directional information as “in,” “out,” “entrance,” “exit” or a directional arrow, and in addition, no more than twenty-five (25) percent of the area of the sign face shall be used to display the name or logo of said use or house number of the property. No additional advertising or promotional sign copy shall be displayed.

### **3377.27 Temporary on-premises signs--General provisions.**

A temporary on-premises sign may be displayed on a lot in an institutional, commercial and manufacturing district for the purposes specified in this section. A temporary sign shall be subject to the following general provisions:

- A. A temporary permit shall be required to authorize the installation of any temporary sign allowed by this chapter with a graphic area larger than sixteen (16) square feet. EXCEPTION: A temporary permit shall not be required to install a temporary real estate sign with a graphic area of thirty-two (32) square feet or less, to be displayed on a property in a commercial or manufacturing district.
- B. Proof of approval, in a format determined by the director, shall be displayed on each sign allowed by said temporary permit. Where no permit is required, the date (month, year) said temporary sign is installed, shall be legibly displayed on the sign.
- C. A temporary sign shall be displayed for no more than one (1) year, except where otherwise specified in this chapter. Such sign shall be removed from the lot at the end of the allowable display period, or within seven (7) calendar days of the completion of the project, sale of the property or leasing of available units, whichever occurs first.
- D. No temporary sign allowed by this chapter shall be illuminated.
- E. A temporary sign allowed by this chapter shall be a ground sign only, except in a situation where no conforming location for a ground sign exists. No temporary projecting sign or roof sign shall be permitted.
- F. A temporary ground sign shall be set back at least two (2) feet from the right-of-way line of any abutting street, or the setback required by this chapter, whichever is greater, and no less than two (2) feet from any public sidewalk or shared-use path. Where wall-mounted, allowable setback shall be that of the wall to which said sign is attached.

### **3377.28 Temporary construction signs.**

A project under construction shall display no more than one (1) temporary construction sign along each street bordering the subject site, subject to the following additional provisions:

- A. A temporary construction sign shall be displayed for no more than eighteen (18) months, or until the final occupancy permit is issued by the city, whichever is less.
- B. Sign copy may be modified during the eighteen (18) month period without an additional certificate of zoning clearance or temporary permit provided that all sign copy shall pertain to the project with which the sign was originally associated.

C. No temporary construction sign shall exceed the following graphic area and height limits, based on setback from the abutting street right-of-way line:

Setback	Graphic Area	Height
2--15 feet	32 square feet	8 feet
15--25 feet	64 square feet	12 feet
25--50 feet	96 square feet	16 feet
over 50 feet	160 square feet	24 feet

D. In a location where the construction site requires the use of a sidewalk or shared-use path occupancy permit and a temporary construction fence or barricade, the sign may be located on the approved fence or barricade.

**Section 19.** That Chapter 3381 of the Columbus City Code, 1959, is hereby amended to read as follows:

**3381.03 Installation and temporary permits.**

A. Installation Permit. An installation permit shall be required for the installation or refacing of the types of permanent graphics, including signs, listed in this section:

1. A nonilluminated, permanent, on-premises exterior sign with an aggregate graphic area larger than (10) square feet.
2. An illuminated, permanent, on-premises exterior sign, regardless of size.
3. A permanent neon graphic or neon outline lighting, exterior or interior, regardless of size.
4. A permanent on-premises ground sign, projecting sign, or wall sign, regardless of size, any part of which encroaches upon any public right-of-way more than six (6) inches.
5. Installation of an off-premises sign, including a billboard, regardless of size.
6. Refacing of an off-premises sign other than a billboard.

B. Temporary Permit. A temporary permit shall be required for the installation of any temporary, on-premises exterior sign with a graphic area larger than sixteen (16) square feet. EXCEPTION: A temporary permit shall not be required to install a temporary real estate sign with a graphic area of thirty-two (32) square feet or less, to be displayed on a property in a commercial or manufacturing district.

C. Installation Requirements. No person shall install a graphic without first meeting the following requirements:

1. Obtain a certificate of zoning clearance, except as exempted by this Graphics Code.
2. Furnish scale drawings and specifications of the graphic, including any of the following which is appropriate: Dimensions; anchorage or foundation data; pole or structural attachment data; pole size and standard chart or engineering data from which the pole size and foundation was calculated.
3. Obtain an installation permit.

D. Ground Inspection. The erector of a graphic shall allow the director to make a pre-installation inspection.

E. Permit Issuance. An installation permit or a temporary permit for a graphic shall be

issued only to the following:

1. A person, firm or corporation properly licensed. In the event that the holder of such license is a business concern, only the person named on the face of the license or another bona fide, full-time employee of said concern who is authorized by the concern at the time of mailing its application for a license or renewal, may sign the application for a permit on behalf of said business concern.

2. A residential owner-occupant, provided that all work shall be done with the owner-occupant's own hands on the premises of a residence which is occupied or is to be occupied by no one except his own family.

F. License Required. It is unlawful for any person to undertake or perform the work of a general or limited sign erector or to represent or advertise himself, either publicly or privately, as being ready, willing or able to contract or perform such work, within the corporate limits of the city without having first procured a license duly issued by the city. The work of a general or limited sign erector includes, but is not limited to, the erection, maintenance, and removal of any permanent, illuminated exterior sign, permanent neon graphic or neon outline lighting, exterior or interior, any graphic on an exterior illuminated awning; permanent, nonilluminated exterior sign more than ten (10) square feet in area; and a temporary exterior sign more than sixteen (16) square feet in area.

G. Installation of Electrical Graphics. In installing any permanent electrical graphic regulated by this Graphics Code, including a sign, the sign erector shall be permitted to make the necessary electrical connections from an existing approved junction box located no more than six (6) feet from the graphic location.

H. Work From or Over the Public Right-of-Way. A street occupancy permit shall be obtained when a public street, shared-use path or sidewalk is to be used during installation.

I. Installation, Maintenance and Removal by Owner. A property owner who is not a general or limited sign erector may remove or cause to be removed a graphic which meets all of the following requirements:

1. Is located no closer to any lot line than twice its greatest dimension;
2. Is no more than ten (10) square feet in area;
3. Has no electrical components; and
4. Shall not extend over, nor be lowered to, any portion of the public right-of-way.

**Section 20.** That Chapter 3389 of the Columbus City Code, 1959, is hereby amended to read as follows:

### **3389.131 Temporary parking lot.**

The purpose of this section is to permit the utilization of undeveloped land for a temporary parking lot while awaiting development without the financial investment required for a more permanent parking lot. A special permit shall be required for the establishment of any nonaccessory parking lot. The board of zoning adjustment shall grant a special permit for a temporary parking lot only when it finds that all of the following conditions have been met.

1. The lot is located in a C-3 or C-4 commercial or M-manufacturing district and qualifies as a nonaccessory parking lot.

2. The parking to be provided is not code-required.
3. The site is on a lot where development can reasonably be expected to occur within two (2) years.
4. The parking lot shall be graded and maintained so as to prevent damage from surface water drainage, accumulation of stagnant surface water, and improper diversion of surface water. Drainage shall conform to the division of sewerage and drainage standards.
5. The parking lot shall be developed in accordance with provisions of Chapter 3342 not in conflict with this section. The parking lot plan shall be approved by the transportation administrator.
6. Access and curb cuts shall be provided in accordance with guidelines issued by the transportation administrator.
7. A surface consisting of at least No. 304 aggregate compacted and covered with No. 8 stone, or any other surface approved in writing by the transportation administrator, shall be installed and shall be maintained in a dust-free condition.
8. Parking spaces, traffic pattern and layout shall be controlled by striping, numbering, bumper blocks, signs or other suitable means approved by the transportation administrator.
9. A buffer shall be provided adjacent to any adjacent street. Such buffer shall consist of a ten (10) foot wide grass strip, a three (3) foot high brick or masonry wall, or a combination of grass, landscaping, walls, fences or similar materials which in the opinion of the board of zoning adjustment is a reasonable alternative to a ten (10) foot wide grass strip. Such a buffer shall be installed and maintained in a live, neat, clean and orderly condition adjacent to any street. Buffering requirements may be waived when the site is not adjacent to a residential zoning district and the board of zoning adjustment finds that unbuffered parking will not negatively impact any commercially developed frontage; however, parking shall be restrained so as to prevent encroachment upon the sidewalk or shared-use path.
10. The special permit applicant for the subject lot has certified in writing that the parking lot shall conform to any and all special permit conditions stated herein plus any special condition to be imposed thereon.
11. Any additional special condition that the board of zoning adjustment may reasonably require due to special circumstances.
12. The special permit shall be limited to a term of not exceeding two (2) years.
13. The special permit shall not be renewed. Rather, if necessary and upon a showing of good cause, a new application may be filed, notice shall be given, public hearing shall be held and decision shall be made based on then existing circumstances.
14. The special permit granted and the responsibilities assumed by the applicant hereunder shall run with the use of the land and shall be applicable to any subsequent owner or operator so long as the temporary parking lot operation continues.

**Section 21.** That Chapter 3390 of the Columbus City Code, 1959, is hereby amended to read as follows:

**3390.02 No temporary use permit required.**

For purposes of the Zoning Code and subject to the provisions of this chapter, the following temporary uses are permitted without a temporary use permit in accordance with the conditions specified.

(A) A carnival or a circus is permitted on any lot developed with an existing religious, educational or fraternal organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed fifteen (15) days and a maximum of two (2) times each year. No structure or equipment shall be placed within twenty (20) feet of any residential building or structure.

(B) A Christmas tree sales lot is permitted on any lot developed with an existing religious, educational or fraternal organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed sixty (60) days; provided, however, that any such lot shall be cleared by the first day of January. In a commercial or manufacturing district, a temporary structure or portable building may be used on such a lot but only if a temporary use permit has been obtained for such structure or portable building.

(C) A garage or yard sale is permitted on any lot in any residential, commercial or industrial district for a maximum of two (2) times each year and a maximum of four (4) days at a time.

(D) An assembly in a tent is permitted on any lot developed with an existing religious, educational or fraternal organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed thirty (30) days and a maximum of two (2) times each year. No structure or equipment shall be placed within twenty (20) feet of any residential building or structure.

Off-street parking requirements for subject lot shall not be enforced during the period that such temporary use complies with this chapter.

(E) A temporary parking lot for special events open to the general public is permitted on any lot, properly zoned to permit parking for a period not to exceed twenty-one (21) days and a maximum of one (1) time each year.

Parking lot requirements for the subject lot shall not be enforced during the period that such temporary use complies with this chapter.

(F) Portable Storage Containers. Portable storage containers are a temporary structure designed for storage that are less than one hundred sixty-nine (169) square feet in size and eight (8) feet in height that may be delivered onsite by a commercial enterprise then picked up and removed to a commercial storage facility or the customer's destination. Portable storage containers are permitted as a non-permanent accessory use to provide temporary storage for moving and similar short-term purposes.

One (1) portable storage container may be located on any parcel for two non-sequential periods, not exceeding fourteen (14) days for each period, per calendar year. The portable storage container shall be situated on an improved surface when possible and not block any sidewalk or shared-use path. A portable storage container is not permitted as a permanent accessory storage structure regardless of the proposed location of the unit on a parcel.

### **3390.02 No temporary use permit required.**

For purposes of the Zoning Code and subject to the provisions of this chapter, the following temporary uses are permitted without a temporary use permit in accordance with the conditions specified.

(A) A carnival or a circus is permitted on any lot developed with an existing religious, educational or fraternal organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed fifteen (15) days and a maximum of two (2) times each year. No structure or equipment shall be placed within twenty (20) feet of any residential building or structure.

(B) A Christmas tree sales lot is permitted on any lot developed with an existing religious, educational or fraternal organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed sixty (60) days; provided, however, that any such lot shall be cleared by the first day of January. In a commercial or manufacturing district, a temporary structure or portable building may be used on such a lot but only if a temporary use permit has been obtained for such structure or portable building.

(C) A garage or yard sale is permitted on any lot in any residential, commercial or industrial district for a maximum of two (2) times each year and a maximum of four (4) days at a time.

(D) An assembly in a tent is permitted on any lot developed with an existing religious, educational or fraternal organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed thirty (30) days and a maximum of two (2) times each year. No structure or equipment shall be placed within twenty (20) feet of any residential building or structure.

Off-street parking requirements for subject lot shall not be enforced during the period that such temporary use complies with this chapter.

(E) A temporary parking lot for special events open to the general public is permitted on any lot, properly zoned to permit parking for a period not to exceed twenty-one (21) days and a maximum of one (1) time each year.

Parking lot requirements for the subject lot shall not be enforced during the period that such temporary use complies with this chapter.

(F) Portable Storage Containers. Portable storage containers are a temporary structure designed for storage that are less than one hundred sixty-nine (169) square feet in size and eight (8) feet in height that may be delivered onsite by a commercial enterprise then picked up and removed to a commercial storage facility or the customer's destination. Portable storage containers are permitted as a non-permanent accessory use to provide temporary storage for moving and similar short-term purposes.

One (1) portable storage container may be located on any parcel for two non-sequential periods, not exceeding fourteen (14) days for each period, per calendar year. The portable storage container shall be situated on an improved surface when possible and not block any sidewalk or shared-use path. A portable storage container is not permitted as a permanent accessory storage structure regardless of the proposed location of the unit on a parcel.

**Section 22.** That Chapter 4101 of the Columbus City Code, 1959, is hereby amended to read as follows:

## **4101.02 Letter B.**

“Balcony, exterior” means a parapet or railing-enclosed platform projecting outward from the exterior wall of a building.

“Balcony, interior,” as applied to a place of assembly, means an open seating level located above the main assembly floor level but does not include a continuation of a rise of the main floor or other integrated seating area in connection therewith.

“Bikeway” means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows:

(a) “Bike Shared use path” (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children’s non-motorized vehicles separated from motor vehicle traffic except at bike crossings.

(b) “Bike lane” (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane utilities existing roadways and is contiguous thereto but provides a separate lane of travel for the exclusive or semi-exclusive use of bicycles. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.

(c) “Bike route” (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

“Building” means any structure used for shelter, occupancy, enclosure, or support of persons, animals, or property or intended for supporting or sheltering any use or occupancy, having a roof supported by columns or walls and requiring a building permit. For application of this Code, each portion of a building completely separated from other portions by fire walls complying with the Ohio Building Code (OBC) shall be considered as a separate building. Whenever possible herein, the term “building” shall include the term “structure.”

(a) “Building addition” or “addition” means a part added to a building, either by being built so as to form one architectural whole with it, or by being joined with it in some way, as by a passage, and so that one is a necessary adjunct or appurtenance of the other or so that both constitute the same building.

(b) “Building Code” means Titles 41 and 43 of the Columbus City Codes.

(c) “Building line” means the clearance line limiting the approach of a building, exclusive of open porches, steps, terraces or walkways, to a property line, or to other buildings on the same lot.

(d) “Existing building” means a building already erected or one for which a legal permit has been issued prior to the adoption of the Building Code.

(e) “Building official” means the officer so designated by the director of the department of development. The building official may also be referenced as the “chief building official” in this code. The building official and his regularly authorized representatives are charged with the administration and enforcement of the building code. The authorized representatives may include city employees or registered contract inspectors. The building official is also the designated authority charged with the administration and enforcement in the city of Columbus of the Ohio Building Code (OBC) approved by the

Ohio Board of Building Standards (OBBS) in accordance with Chapter 1, "Administration", of the Ohio Building Code.

**4101.19 Letter S.**

"Shared use path" (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children's non-motorized vehicles separated from motor vehicle traffic except at bike crossings.

"Shed" means a roofed one (1) story structure, open on one (1) or more sides, and not a porch or marquee as defined in this chapter.

"Sidewalk space" means the part of a public street provided or set apart as a walkway for pedestrians, including the planting strip when the same exists, as distinguished from the roadway of said street.

"Skeleton construction" means that construction whereby all external and internal loads and stresses are transmitted to the foundation by a skeleton or framework of metal, or concrete reinforced by metal.

"Spire" means a tapering structure with vertical dimensions much greater than the dimension of the base.

"Structure" means an assembly of materials forming a construction for occupancy or use, including but not limited to: building; stadium; gospel or circus tent; reviewing stand; platform; staging; observation tower; communication, radio or television tower; water tank; trestle; pier; wharf; open shed; coal bin; shelter; fence in excess of six (6) feet in height; display sign; dish antenna and any other similar assembly of materials. The word "structure" is construed as if followed by "or parts thereof."

**Section 23.** That the City Auditor is hereby authorized and directed to establish fund/subfund no. XXX-XXX, titled Sidewalk Improvement Fund.

**Section 24.** That the City Auditor is hereby authorized and directed to establish fund/subfund no. YYY-YYY, titled Bikeway Improvement Fund.

**Section 25.** That all revenues arising from the collection of fees in lieu of constructing sidewalks as set forth in Section 3123.17 of the Columbus City Codes, 1959, as amended herein, shall be deposited into fund XXX-XXX.

**Section 26.** That all revenues arising from the collection of fees in lieu of constructing bikeways as set forth in Section 3123.17 of the Columbus City Codes, 1959, as amended herein, shall be deposited into fund YYY-YYY.

**Section 27.** That such monies shall be limited in their use to the design and construction of sidewalks and bikeways.

**Section 28.** That investment earnings attributable to monies contained in funds XXX-XXX and YYY-YYY and shall be deposited to funds XXX-XXX and YYY-YYY, respectively and used for the same purposes as described in this ordinance.

**Section 29.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.