



## MEMORANDUM

**To: City Council Members  
Steve Lutz, City Manager**

**From: David M Betz, AICP  
Director of Development**

**Date: August 15, 2008**

**Subject: Proposed Initiative Amendment**

A proposed zoning text amendment, even with the best of intentions, if adopted, can lead to many problems down the road if it is not thoroughly analyzed and amended to remove or change what could be drastic unintended consequences. That is one reason why the zoning code itself is written in order for the proper review and approval process of zoning text amendments. This process is intended to provide for research, analysis, advertised public hearings and much public debate regarding the issues. This memo is intended to provide a brief overview of issues that we feel as a Staff requires discussion as Council members review the proposed provisions of the Initiative Amendment Ordinance.

Staff has several concerns related to the proposed initiative amendment (in no particular order):

1. This proposed Ordinance could violate the CEDA. According to Section 1147.16 (c), "All existing and future zoning regulations applicable to the Sawmill Parkway Corridor as defined in this section shall be in effect, except to the extent they conflict with this Section, ***in which event this section shall control.***" The CEDA territory annexed into the City, including the Golf Village property (Sub-Area 2) falls within the Sawmill Parkway Corridor. We agreed to enact and enforce the Township Zoning Plan with respect to the Golf Village territory. If this initiative amendment is approved, it could be interpreted that these provisions prevail over the zoning text of Golf Village, even if Section 1143.11 (s) is in conflict with the initiative amendment, the initiative amendment "shall control". This language should be changed.
2. The initiative amendment does not set forth why the Sawmill Parkway Corridor is such a special place within the city that it merits special regulations such as these. Typically, when a municipality believes that a corridor is something special, a Corridor Master Plan is created, with much public input, and the area is declared something special that would merit special regulations within that corridor. Then, zoning regulations are put in place to protect such a special corridor based upon what makes it so special. That has not been done here. One special corridor does exist within the City, the Olentangy River Corridor. After the 1988 Comprehensive Plan was adopted, the special Olentangy River Overlay District was created within the Zoning Code, setting forth protections for that corridor. Zoning regulations created without basis within a Comprehensive Plan or some other adopted planning document (Area Plan, Corridor Plan, etc.) is less defensible in court.
3. The attached maps shows the current land area within the City that will be affected by the proposed initiative amendment, as well as the land outside of the City that will be affected if it is annexed. Without this same type of regulation being enforced within Liberty Township, this proposed initiative will prevent current or future commercial development from annexing into the City.
4. There are about a dozen existing properties within the City that will be directly affected by the proposed initiative amendment. Some of these will become legal nonconforming uses

or structures and could be affected by insurance rates and the inability to rebuild if they are destroyed.

5. Some of the terminology within the proposed initiative amendment is ill-defined (such as “remodeling”, “retail”, “arranged”). It is important to have well defined terms within the zoning text.
6. The initiative amendment covers territory within one-half mile of Sawmill Parkway. This affects properties that have potential to develop or redevelop within the City that really do not have any direct effect on the Sawmill Parkway environs. The initiative amendment will have a drastic effect on the potential for redevelopment of several sites that are currently underdeveloped and/or in need of good redevelopment.
7. Some of the sites within the corridor are within the current Tax Increment Finance (TIF) District. If these sites are unable to develop to their current potential, then that will negatively affect the amount of income into the TIF Fund.

We hope this information is helpful.