b. Upper Five Points:

1. The maximum building height is 50 feet within 200 feet of any residential zoning district, at the time of adoption of this ordinance.
2. The maximum building height beyond 200 feet of a residential zoning district shall be 75 feet, provided that the portion of the building above 50 feet is set back 1 foot from the front lot line for each additional 2.5 feet in height.
3. No portion of a building shall be higher than 35 feet when that building or portion thereof is within 30 feet of a residential zoning district.

(2) *Off-street parking requirements:* Parking requirements listed in Section 17-258, Table of Permitted Uses, shall be reduced by 20 percent for all uses within the 5P district.

(3) *Reduction for existing conditions:* Where a property does not have the area available to provide off-street parking spaces because of existing conditions that were lawful at the time of establishment (e.g. an existing building covers the entire parcel), those non-residential uses listed upon Table 1 of section 17-258 with the exception of vehicle-related uses (SIC 55 and 75) with an off-street parking requirement equivalent to 3.5 parking spaces for each 1000 square feet of gross floor area or less shall only be required to provide as many off-street parking spaces as may physically fit upon the property.

(4) *Signage size allowance:* Total allowable square footage of signage for a building may be increased by 25 percent if internally illuminated signage is not used for any sign for any business located within that building.

(Ord. No. 2008-025, 6-18-08)

Sec. 17-323. Interim measures for community character protection.

(a) Creation of overlay district and application of interim measures for community character protection.

(1) The -CC overlay district is intended to minimize the possibility that demolition and construction activity within a residential community would drastically negatively affect the existing character of that community. Also, it is intended that this district be established for a period of time only long enough for that community to determine whether or not a historic or design protection overlay district is appropriate.

(2) The -CC designation and the associated interim measures for community character protection are not intended to be utilized as a stand-alone zoning district classification, but as a set of regulations which are overlaid and supplemental to the regulations of the existing zoning district.

(3) The interim measures provided for in this ordinance shall apply to property zoned or used residentially for a period of two years from the effective date of the ordinance from which this section derives, or until such time as city council votes to grant or deny a request for a historic or a design preservation overlay district for that geographic area.

(4) Notwithstanding subsection 17-132(b), only a member of city council may initiate an amendment to the zoning map to overlay these interim measures to other geographic areas, and the interim measures shall apply to property zoned or used residentially for a period of two years from the effective date of the ordinance applying the interim measures to the particular geographic area.

(5) In conjunction with an application for a historic or design preservation overlay district for a geographic area within the two-year periods provided hereinabove, the zoning administrator shall also initiate a text and map amendment to remove the interim measures for that particular geographic area.

(b) *Limits to demolition.*

(1) The city shall not issue a demolition or relocation permit for any structure 50 years old or more within any geographic area to which these interim measures for community character protection apply without prior review and approval by the design development review commission (DDRC) unless the structure is deemed "noncontributing" in accordance with subsection 17-655(a)(2) by city staff. City staff may review and approve the demolition or relocation of a structure deemed "noncontributing" in accordance with subsection 17-655(a)(2).

(2) The age of a structure shall be established by the records maintained by the Richland County Assessor's Office. If the age of the structure cannot be established by the records maintained by the Richland County Assessor's Office, the applicant for a demolition or relocation permit shall present other documentation to the city to establish the age of the structure.

(3) Where prior review and approval by the DDRC is required, the applicant for a demolition or relocation permit shall submit an application for certificate of design approval to the DDRC.

(4) The property upon which the structure is located shall be posted with notice of the application to demolish or relocate at least fifteen days prior to the consideration of the application by the DDRC.

(5) For applications to demolish a structure, the DDRC shall apply the criteria for review of requests for demolition permits as set forth in subsection 17-674(e).

(6) For applications to relocate a structure, the DDRC shall apply the Guidelines for Relocation as published by the DDRC.

(7) If an application for a demolition or relocation is denied, the applicant may appeal to city council pursuant to section 17-677.

(8) The following demolitions are exempt from this section:

a. Partial demolitions where city staff determines that the portion of structure to be demolished does not contribute to the design integrity of the structure or the character of the structure.

b. Demolitions ordered by the city to remedy a life or safety issue.

c. Demolitions ordered by the city as a conclusion of a property maintenance or housing code case.

d. Demolition requested within an application to rezone the property to PUD and the application for a PUD is approved by city council.

(9) Demolition or relocation without a permit or certificate of design approval as required by the provisions of this ordinance shall be unlawful. Any person demolishing or relocating without a permit or certificate of design approval as required by the provisions of this section shall be subject to the penalties provided for in section 17-656.

(c) *Limits upon new construction and subdivisions.*

(1) *Side yard setbacks.* Within any geographic area to which these interim measures for community character protection apply, the side yard setbacks for a newly subdivided residential lot shall be the mean side yard setback for all improved residential lots within a 750-foot radius, except that:

a. Side yard setbacks for newly subdivided residential lots subdivided from a corner lot shall be determined pursuant to subsections (2), (3) or (4) below.

b. Side yard setbacks shall not reduce the width of a building pad upon a newly subdivided residential lot to less than 30 feet in width.

c. Side yard setbacks upon a newly subdivided residential lot shall not be less than five feet unless reduced by an approved PUD or variance.

(2) *Subdivisions of improved corner lots.* Within any geographic area to which these interim measures for community character protection apply, the following shall apply to an application to subdivide a new residential lot from an improved corner lot:

a. If the application for subdivision seeks to orient a structure perpendicular to the existing structure located upon the "remaining" corner lot, no new lot line shall be closer to the existing structure than 30 feet. Covered or enclosed landings, porches, or patios incidental to the structure and less than 75 square feet gross floor area may encroach into this thirty-foot setback. (See Figure 1)

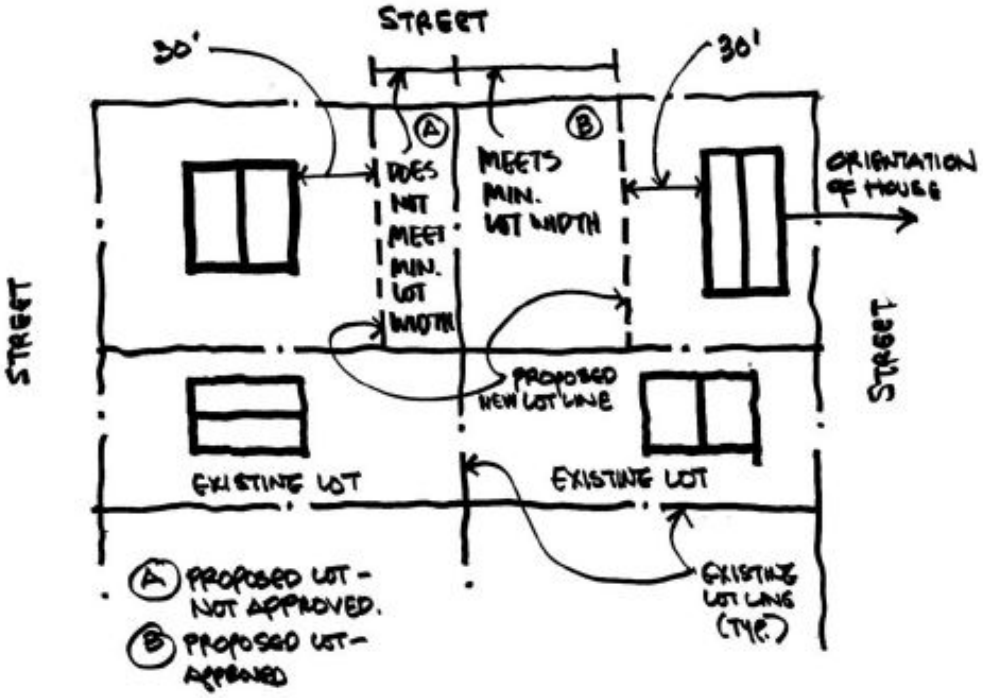

Figure 1

b. If the application for subdivision seeks to orient a structure in the substantially same orientation as the existing structure located upon the "remaining" corner lot, the front yard setback of the new lot shall be the same as the same street setback of the existing structure upon the "remaining" corner lot. (See Figure 2)

c. Side yard setbacks shall be established pursuant to subsection 1 above. (See Figure 2)

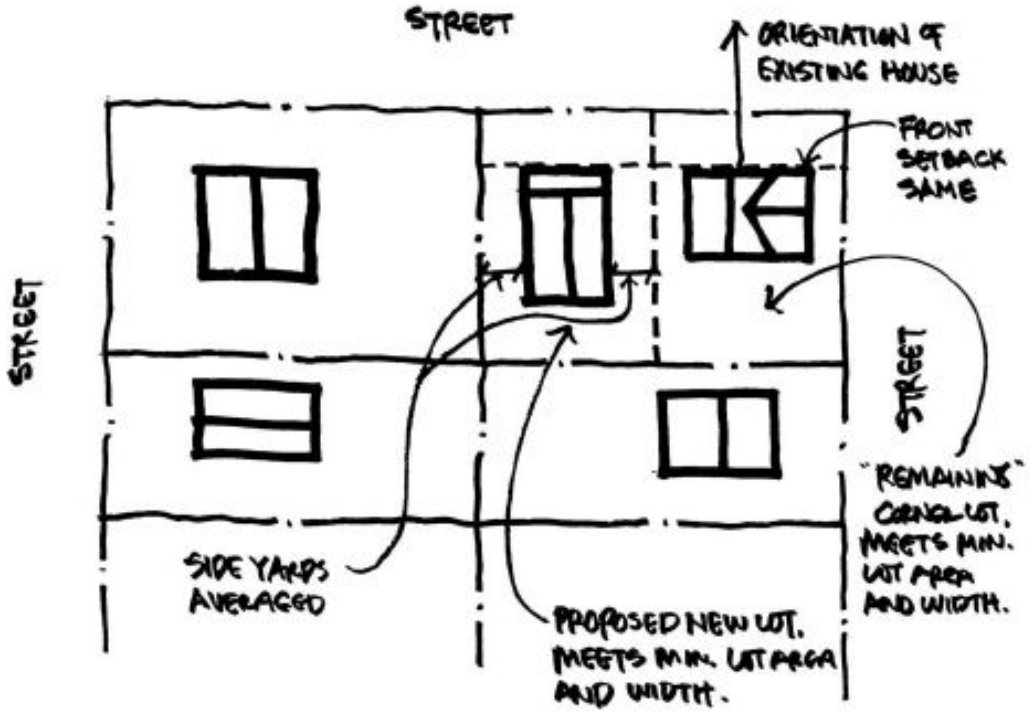

Figure 2

(3) *Subdivisions of vacant corner lots.* Within any geographic area to which these interim measures for community character protection apply, the following shall apply to an application to subdivide a new residential lot from a vacant corner lot (See Figure 3):

a. The subdivision shall be platted so the structure built upon the "remaining" corner lot has setbacks from both street lot lines that align with the existing setbacks of existing structures in each direction.

b. The street setback for any new "interior" lot shall align with the existing setback of an existing adjacent structure. If no adjacent structure exists to establish the street setback, or if the street setback of an existing structure is atypical for the area, the street setback shall be determined by the average of all similarly oriented street setbacks along the same street within a two-block radius.

c. Side yard setbacks shall be established pursuant to subsection (1) above.

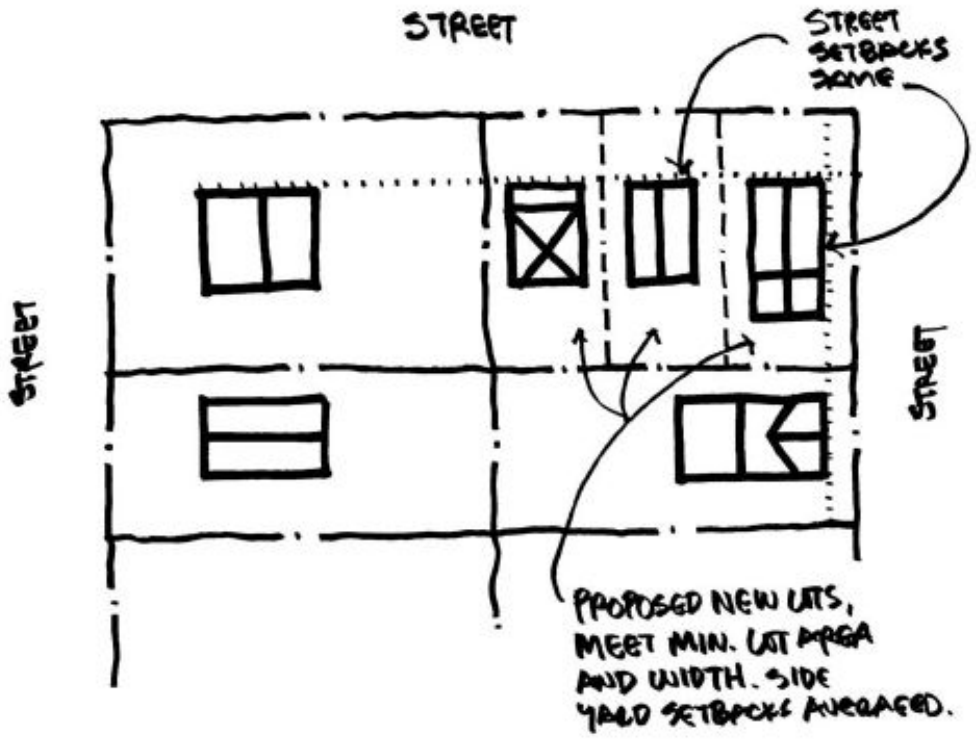

Figure 3

(4) *Subdivisions of corner lots, generally.* The zoning administrator may require a different orientation or setback than that required by this ordinance or by section 17-275, 17-276, or 17-278 if a different orientation or setback would further the intent of these interim measures, or where such orientation would preserve a grand and/or significant tree. The applicant for subdivision may appeal this determination to the board of zoning appeals as an appeal from an administrative decision of the zoning administrator.

(5) *Height considerations.* Within any geographic area to which these interim measures for community character protection apply, any structure constructed upon a newly subdivided residential lot which is contiguous to a lot upon which a structure 1½ stories high or less exists shall be no higher than a line drawn at a 45-degree angle from a point eight feet above the common lot line or than the maximum allowance within the underlying zoning district, whichever is less. These provisions shall not apply to chimneys and other unoccupied appurtenances attached to the structure. (See Figure 4)

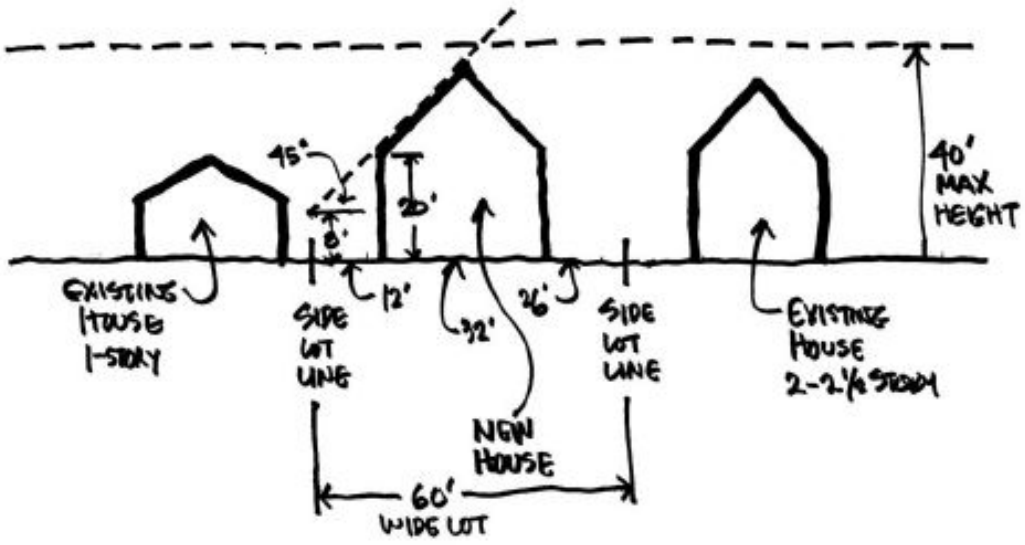

Figure 4

(6) *Newly subdivided residential lot.* For the purpose of this ordinance, "newly subdivided residential lot" shall mean any residential lot created by a plat of subdivision filed and recorded after the effective date of this ordinance upon which no more than a single-family or two-family dwelling can be constructed. Lots of record existing upon the 1999 Richland County Tax Maps are exempt from the provisions of this section.

(7) *New construction.* For the purpose of this section, new construction includes the placement of a structure moved from another site. The following subdivisions are exempt from this section:

a. Subdivision requested within an application to rezone the property to PUD and the application for a PUD is approved by city council.

b. Subdivision of a parcel five acres or larger.

(Ord. No. 2008-001, 8-6-08)

Editor's note—Ord. No. 2008-001, adopted Aug. 6, 2008, amended the Code by adding provisions designated as § 17-322. In order to avoid conflicts in section numbering the editor has renumbered the provisons of Ord. No. 2008-001 as herein set out.

Sec. 17-324. -ID innovista design district.

(a) *Applicability/establishment.* The ID overlay district shall be established as a district which overlays the general use zoning districts. The extent and boundaries of the ID districts are indicated on the official zoning maps for the City of Columbia.