

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 5, 2017**

SUMMARY

A request by the City of Columbia to adopt a Unified Development Code (UDC) governing subdivision and land use regulations throughout the City of Columbia’s corporate limits as requested by the City Council and supported by the City’s 2013 comprehensive plan entitled “Columbia Imagined - The Plan for How We Live and Grow.” The UDC will replace Chapter 20 (Planning), Chapter 23 (Signs), Chapter 25 (Subdivisions), and Chapter 29 (Zoning) of the existing City Code. It will also amend Chapter 12A (Land Preservation) by relocating the provisions of Article III (Tree Preservation and Landscaping Requirements) into a single document. **(Case #16-110)**

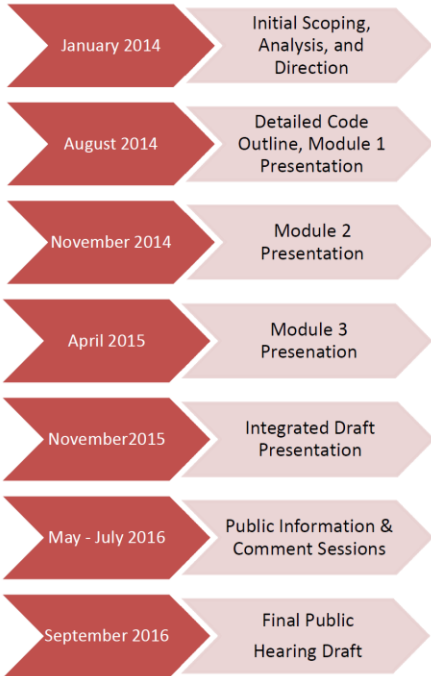
DISCUSSION

Background -

Comprehensive revision to the City’s development codes began in January 2014 with the assistance of Clarion Associates and Ferrell-Madden the City’s Code Consultants. The Code Consultants were tasked with the responsibility of creating a Unified Development Code (UDC) that would incorporate “all things development” into a single document as well as incorporate provisions for a “Form-based” zoning district. In addition, the Consultants were charged with streamlining the development code provisions and making the code more user-friendly and intuitive.

The timeline to the right shows action taken between January 2014 and September 2016. On October 20, 2016, the Planning and Zoning Commission held the first of seven (7) public hearings (October 20 & 27, November 2, 10, & 16, and December 8 & 15) spanning a total of approximately 40 hours to obtain public comment.

These meetings were broken into manageable segments, generally based on the UDC chapters, and involved limited staff presentation, public input, Planning Commission discussion, and Planning Commissioner segment amendments. As each segment of the UDC was completed the proposed segment amendments were set aside for a final vote until the entire content of the UDC had been presented and the public hearing on the UDC was closed.



The final public hearing on the UDC was held on December 15, 2016. At this meeting, following the final Planning Commissioner amendment, the Commission moved for a continuance of this case to its January 5, 2017 meeting.

In preparation for the January 5, 2017 meeting, the attached UDC Errata Sheet (dated December 30, 2016) has been prepared. This document contains all proposed amendments that were recommended at each of the public hearings between October 20 and December 15. Several of the recommended graphic revisions are in process and will be incorporated into the final UDC document presented to Council for their consideration.

The following sections of this report provide a summary of the Unified Development Code's contents. Interested parties can review the entire code on-line at the following link:

www.como.gov/community-development/

Chapter 29-1 (General Provisions) -

This chapter contains the legal authorization for the adoption of the Unified Development Code (UDC) as well as informs users of other related documents (i.e. the Zoning Map or City regulations/codes) that effect development. This chapter also includes provisions on how third-party private agreements, transitioning to the new UDC, and UDC interpretations will be handled – all new provisions. The final section of the chapter, Section 29-1.11, is a comprehensive and updated list of definitions for terms referenced within the UDC.

Transitioning to the new UDC will result in several existing uses and zoning districts being revised. Some uses currently listed as “permitted” will become “conditional” and vice-versa. The provisions contained in Section 29-1.9 (Transiting to this UDC) provide guidance on how these impacted uses and districts will be handled following adoption of the UDC.

In summary no existing use will be required to obtain any additional approvals to continue operation. Uses that were once permitted, but converted to conditional will be granted their conditional use permit as part of the UDC adoption process. Uses no longer permitted and not considered conditional will be subject to the legal non-conforming standards of Chapter 29-5. All “planned” district property will be recoded to “PD” and subject to their approving ordinance provisions. A PD project will have the opportunity to rezone to a non-PD district through the regular rezoning process.

The consolidation of the definitions into Section 29-1.11 is one of the first major changes that the new UDC will propose. This change not only provides updated definitions, but also consolidates them into a single section of the regulations. This was done to enhance document usability. A final enhancement to this section will be a further consolidation of definitions in “definition groups”. This added change will group related definitions under a single heading to

further aid users in finding definitions for specific code regulations such as Form-based terms, floodplain terms, Historic Preservation terms, etc.

Chapter 29-2 (Zone Districts) -

This chapter includes descriptions of each zoning district included within the UDC and the general dimensional and “other” standards or provisions associated with them. The UDC proposes a zoning district structure that reduces the total number of zoning classifications from 25 to 17. This reduction was accomplished by the consolidation of two (2) multi-family, three (3) office, four (4) industrial, and four (4) planned districts into single districts for each prior classification (Attachment 1). Additionally, a new “open space” district is being proposed as part of the UDC.

In addition to the above consolidations, other notable zoning district changes include:

- 1) A new district for downtown to be known as M-DT (Mixed-use Downtown). This district is a form-based zoning district and will replace the current C-2 district.
- 2) New optional zoning provisions for “Cottage” housing (in the R-2 district) and “Pedestrian” and “Transit” oriented development within the M-N (Mixed Neighborhood) and M-C (Mixed Corridor) districts, respectively.
- 3) Elimination of the Telecommunication Antenna Tower and Wind Energy System provisions as separate free-standing sections of the code. These provisions have now been converted to “use-specific standards” which are described in Chapter 29-3.3.

This chapter also includes all the provisions dealing with the existing overlays found within the current code. Limited revisions to the Floodplain (FP-O), Scenic Roadway (SR-O), and Historic Preservation (HP-O) overlays have been made and are denoted by either footnotes or side-margin notes within the hearing draft.

In addition to making the limited changes to the above referenced overlay provisions, the code has incorporated the existing ordinances that govern development within the Benton-Stephens and East Campus Urban Conversation Overlay districts (UC-O) into the Code. These provisions are currently free-standing ordinances outside Chapter 29 and were chosen to be integrated into the Code to further the concept of placing “all things development” into one unified document.

Substantive revisions are proposed to the Benton-Stephens UC-O. These draft revisions were developed by a committee of stakeholders and presented to the Planning Commission at its May 19 meeting for inclusion into the public hearing draft.

The following revisions (as annotated with strike-out and under text as well as side margin notes) have been made to the East Campus UC-O:

- 1) Location. Instead of a stand-alone ordinance, the existing ordinance and map of the East Campus area is now in the UDC. This is necessary for consistency with the "unified" development code concept; it is better for consistency of enforcement; and it is better for transparency.
- 2) The insertion of "subsection 29-2.3(a)(3)(ii)" in several places is nothing more than acknowledgement of the East Campus overlay's new location in the UDC.
- 3) Update of zoning district names. Zoning districts that are being replaced in the UDC - R-3, O-P, C-P, O-1 - need to be replaced in the overlay or the overlay will contain references to zoning districts that are no longer found anywhere else in the code.
- 4) Update of the violations/penalties cross reference. Section number 29-39 will no longer exist therefore the overlay must use 29-5.6, the new location of the violations and penalties language in the UDC.
- 5) The definition of legal lot change is a general change in the subdivision section of the ordinance and is not specific to the overlay. The insertion of a lot establishment date is necessary for consistency with that definition.
- 6) The note beside 29-2.3 (F) is an advisory note by the Law Department indicating that the process for amendment of the East Campus overlay written in 2002 is not considered best practice in 2016. The language has been left intact, however.

Chapter 29-3 (Permitted Uses) -

This chapter provides code users with a simplified view of all the zoning districts and the uses permitted within those district. This simplification has been achieved by the use of Table 29-3.1, the Permitted Use Table. This table (Attachment 2) and the organization of this chapter is a further illustration of the Code Consultants meeting the task of creating a more user-friendly document. Table 29-3.1, groups uses together by major land use category (e.g. residential, commercial, public and institutional, industrial, etc.). In total there are six (6) land use categories which are further broken into sub-groups that include uses related to the main category.

The table also provides the opportunity to guide a user to "use-specific" standards that may apply to a particular land use. These standards are generally pre-existing provisions that provided additional conditions or controls on a particular use to ensure its proper integration into the environment in which it would be built. The use-specific standards that apply to a particular use are located within Section 29-3.3.

It should be noted that not all uses that previously appeared in each zoning district of Chapter 29 appear in Table 29-3.1. This is the result of consolidating outdated uses under new use terms. If a use that once existed does not appear in the Table 29-3.1 a reader should consult the footnotes below the tables to see if the use has been consolidated and given a new term. It should be further noted that if a use is proposed that does not appear in Table 29-3.1, the

Director is authorized to determine if that use is consistent with other similar uses and may administratively approve such a use on a particular site.

The choice of including or excluding uses or allowing uses as permitted, conditional, accessory, or temporary in any zoning district was made based on the desire to have each district fulfill its intended purpose as described in Chapter 29-2. Existing uses that are in operation at the time of the UDCs adoption that are not shown within the zoning district as being either a permitted, conditional, temporary, or accessory use will be considered a legal non-conformity and allowed to continue in operation under the provisions of Chapter 29-1 and 29-5.

It should be further noted that in some locations throughout the City the actual land use of property does not match that of the zoning district classification. In such instances, it is the intent of staff to recommend that a comprehensive parcel-by-parcel examination of such areas be undertaken to identify what zoning district classifications may be appropriate. Any recommended changes to a parcel's zoning would be presented to the Planning Commission, following consultation with the property owner, following the standard procedure for rezoning property as described in Chapter 29-5.

Chapter 29-4 (Form and Development Controls) -

This chapter of the UDC is intended to provide standards that define "how good a development must be" to obtain approval. This chapter includes provisions that address dimensional standards, M-DT Form-based requirements, subdivision, parking, landscaping, screening, and tree preservation standards, lighting requirements, design guidelines, neighborhood protection standards, signage standards, and operation and maintenance requirements.

The contents of this chapter as illustrated above are broad and inclusive. The most significant regulatory change included in this chapter is the proposed standards that will apply within the M-DT (Mixed-use Downtown) zoning district. This new zoning classification is a form based district and is governed by a Regulating Plan (attached) that is similar to the City's general zoning map. The regulations applicable to the area shown on the map are intended to create a more pedestrian-friendly walkable downtown and primarily focus regulatory efforts on building form versus building usage.

The Regulating Plan identifies various regulatory elements only applicable within boundaries of the M-DT district. Features such as a "required building line", a "parking setback line", and four (4) unique "building form standard" types were created to facilitate specific building outcomes as parcels within the district's boundaries are redeveloped. The M-DT regulations further include standards that address building height in different locations throughout the district, architecture treatment, business and vehicular access, ground-level design, and other site design standards such as open space and street walls.

The M-DT district will replace the current C-2 (Central Business) district. Much of the City's downtown is zoned C-2; therefore, it is proposed to be rezoned to M-DT as part of the UDC

adoption process. Additionally, the area proposed for inclusion in the M-DT boundary has property that is zoned M-1 (General Industrial). This property is also proposed to be rezoned to M-DT as part of the UDC adoption process. Existing uses within the downtown that do not meet the new M-DT standards will be permitted to continue in operation as a legal non-conformities and are subject to the non-conforming use standards of Chapter 29-5. No existing business will be compelled to comply with the new M-DT standards until such time as the property is redeveloped or proposes improvements that trigger M-DT compliance.

While the M-DT district provisions are the most significant addition to this chapter there have been several additional regulatory changes that are noteworthy. The first are identified in the subdivision standards. New provisions providing for a “Land Analysis Map” have been proposed which are intended to help identify sensitive land features on parcels greater than 5 acres and new preliminary plats. New provisions for “cluster” and “rural” subdivisions have been proposed. Revisions to existing access management standards and formalization of the requirement for traffic impact studies have been proposed for inclusion in the subdivision requirements as well.

A second significant area of regulatory change is found within the parking requirements (Chapter 29-4.4). The Parking Table (Table 4.4-1) shows, for almost every land use, either a reduction in the amount of required parking or a significant simplification of the standards used to calculate required parking spaces. Parking required in the M-DT district for residential development is proposed to remain 0.25 spaces/bedroom and parking within the R-MF district is proposed to remain as it is currently calculated for R-3 development.

Other notable changes shown within Chapter 29-4.4 include additional parking alternatives for sharing or reducing parking, a maximum parking standards that may be modified administratively or by the Board of Adjustment, parking structure design criteria, drive-through vehicle stacking requirements, revised off-street loading standards, and a proposed maximum bicycle parking requirement of 50 spaces.

A third area of major revisions is found within the landscaping, screening and tree preservation requirements (Chapter 29-4.5). The changes proposed are intended to provide greater clarity relating to existing City practices and to incorporate proposed changes requested by the City’s Tree Task Force. The changes most notable within this section include clarification on “climax forest” designation and preservation, climax forest removal prior to annexation and mitigation/replacement criteria, landscape plant material diversity, street frontage landscaping and buffer width increases, revision of the “Property Edge Buffering” table, revision of the parking lot landscaping standards, proposed standards preservation of existing mature landscaping, and updated tree clearing requirements.

A fourth area of major revisions is found within Chapters 29-4.7 (Design Standards) and 29-4.8 (Neighborhood Protection) which are new regulations proposed as part of the UDC. These standards are intended to help address concerns regarding the appearance of development as well as the preservation of neighborhood character. Provisions within Chapter 29-4.7 are

applicable to all non-residential building types throughout the City and include standards relating to entries, transparency, wall plane and roof articulation, canopies and awnings, and loading docks.

The standards of 29-4.8 have been created to ensure that new development adjacent to existing one and two-family dwellings or R-1 and R-2 zoned property are not negatively impacted by non-similar construction. The provisions within this section regulate non-similar building height through increased setbacks or step-backs, provide supplemental provisions to the location of landscape buffering, and address how parking, loading and circulation are to be installed.

The standards of this section would apply to a developing property that is in the R-MF district and next to an improved site with a one or two-family dwelling or any other non-R-1 or R-2 parcel (regardless of its zoning) sharing a side or rear property line with an R-1 or R-2 property regardless if that property is improved or not.

The exterior lighting provisions (Chapter 29-4.6) have undergone minimal change from how they currently appear in Chapter 29. The revisions have been generally limited to providing cross-references to neighborhood protection standards that effect light pole height and location as well other technical corrections necessary properly integrate the provisions into the overall UDC.

Similar to the provision of Section 29-4.6, the signage provisions (Chapter 29-4.9) have undergone minimal change from how they currently appear in Chapter 23 of the City Code. Changes have been made to address prior public comments that the standards are regulating signage content. The City's Law Department has reviewed the standards proposed for adoption and finds that they are legal. No revisions other than those shown in footnotes or side-margin notes are proposed at this time.

Chapter 29-5 (Procedures and Enforcement) -

The final chapter of the UDC is new and includes the provisions from Chapter 20 of the City Code and other regulatory procedures that were previously located within either specific zoning districts or other sections of Chapter 25 and 29 relating the processing of the various types of development applications (i.e. subdivisions, rezoning, or variances). This chapter also consolidates into one location all enforcement-related provisions that were located within Chapter 25 and 29.

To assist a code user in understanding what city departments, board/commissions, or elected officials are engaged in the development process Chapter 29-5.1 identifies all the groups that have some level of involvement in the development process. This section provides an overview of the group and explains its general duties. Table 5.2-1 (attached) provides a quick reference to who is responsible for what type of development approval.

Chapter 29-5.3 and 29-5.4 provide the general and specific procedural requirements to obtain application approval for a development project. Most of the standard within these section are a consolidation of prior requirements that were scattered throughout existing Chapters 25 and 29.

The most significant changes found within these sections include updated public notification procedures, new provisions addressing amendments to the M-DT Form-based standards and Board of Adjustment approval of “optional” development standards, revised provisions for Conditional Use Permits (to be a Planning Commission/Council process), revised subdivision platting standards that address small area transfers, time limits on preliminary plat approvals (reduced to 3 years), and resubdivision of platted property, new provisions for obtaining PD (Planned District) approval (requires development plan at time of application), and inclusion of standards for “tall structure” (over 10 stories/120-feet) approval in the M-DT district (added per public/Planning Commission comment).

Chapter 29-5.5 address provisions dealing with “non-conformities”. This section includes provisions addressing non-conforming uses, lots, structures, and signage as well as includes specific provisions dealing with continuation, changes, and discontinuance of those specific types of non-conformities.

Chapter 29-5.6 includes addresses violations, enforcement, penalties of specific UDC provisions. This portion of the chapter is also a consolidation of previously scatter enforcement and penalty provisions that existed throughout Chapters 12A, 23, 25, and 29. Limited changes have been made to these standards and generally were contained to those necessary for UDC integration purposes.

Appendix A (Street Standards) –

This portion of the UDC is a consolidation of the existing street standards contained within Chapter 25 and an uncodified Appendix of Chapter 25 that provides design standards for streets, sidewalks and bikeways within the community. Additionally, the Appendix includes M-DT Urban Space standards that are referenced in Chapter 29-4.2.

Recommendation

Staff is presenting the Unified Development Code for adoption as amended per the UDC Errata Sheet, dated December 30, 2016.

SUPPORTING DOCUMENTS

- UDC Errata Sheet, dated December 30, 2016
- Attachment 1 – Table 29-2.1 (Zoning Districts)
- Attachment 2 – Table 29-3.1 (Permitted Use Table) (except)
- Regulating Plan for M-DT (Mixed-use Downtown) District
- Public Correspondence Received After 12/9/16
- General Public Correspondence
- Public Correspondence Boards and Commissions
- Public Correspondence Mixed-use Downtown (M-DT)
- Public Correspondence Neighborhood Protection
- Public Correspondence Overlay Districts
- Public Correspondence Permitted Use Table