

# Proposed Text Revisions - Avoidance of Sensitive Areas

March 16, 2018

## 29-5.1(b) - Avoidance of Sensitive Areas.

Except under approved special safeguards, land shall be neither subdivided nor developed, where there is a finding by the Council that a proposed subdivision or development poses a threat to the safety, health and general welfare of inhabitants of the land or surrounding areas due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, topography, utility easements or other adverse conditions. Portions of the proposed subdivision or development that cannot be developed without damage to sensitive areas shall be set aside for such use as shall not pose an undue hazard to life and property.

### (1) Land Analysis Map.

- (i) Each application for subdivision or re-subdivision of a land area of five (5) acres or more, either alone or contiguous with another subdivision by the same applicant, shall prepare and submit a Land Analysis Map identifying sensitive lands to be protected from development. Such map shall be provided at the time of concept review for property proposed to be preliminarily platted regardless of the parcel size. In preparing such ~~the~~ Land Analysis Map, those areas shown on the Future Land Use Map of the City's Comprehensive Plan as "sensitive" shall be identified as well as other areas which through reasonable investigation should be known to be sensitive areas.
- (ii) The Land Analysis Map shall identify as sensitive lands to be protected from development, all of the following:
  - (A) Stream corridors, which shall include all land from top-of-bank to top-of-bank of any waterway, ~~that~~ shown as a solid blue or dashed blue line on the corresponding USGS 7.5 minute quadrangle map and further defined within Chapter 12A of the City Code;
  - (B) Steep slopes, which shall include all land with a natural undisturbed an average vertical slope of twenty-five (25) thirty-three (33) percent or more and height of 10-feet or greater, measured from top-of-slope to foot-of-slope, plus an additional ten (10) feet or additional setback as required by Chapter 12A as it relates to stream buffers; and
  - (C) Any lands designated as floodway on the Flood Insurance Rate Maps (FIRMs) for the City of Columbia or FIRMs for unincorporated Boone County if the subject subdivision or re-subdivision is not inside the City's boundary. In instances where the designated floodway has been modified or amended by action of the Federal Emergency Management Agency (FEMA) and is not reflected on the adopted FIRM Maps, proof of such modification or amendment shall be provided at the time of land analysis map submission and shall be recognized as the official boundary of the floodway .or lands contained within the FP-O Floodplain Overlay District.

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~~(C)(iii)~~ The Land Analysis Map shall further identify that portion of a site located within the floodplain (i.e. flood fringe) shown on the Flood Insurance Rate Maps (FIRMs) for the City of Columbia or FIRMs for unincorporated Boone County if the subject subdivision or re-subdivision is not inside the City's boundary. Such areas shall not be considered restricted from development; however, they are subject to the development standards of the FP-O (Floodplain Overlay) district. Preservation and avoidance of such areas in the course of site development may qualify for a "preservation bonus" in accordance with the provisions provided below.

(2) Avoidance of Sensitive Lands. The applicant shall lay out the subdivision or re-subdivision so that:

~~(i)~~ To the greatest degree practicable, no lot intended for development shall include land features designated as sensitive lands, as indicated in 29-5.1(b)(ii), unless on the Land Analysis Map and any if any lot contains sensitive lands, such inclusion shall be supported by:

~~(A)~~ supported by written and graphical documentation that avoidance was not possible and the corresponding code provision(s) requiring such inclusion, to meet the regulatory requirements of this Chapter, are cited, and

~~(B)~~ Written certification by a Missouri Licensed Professional Engineer that such inclusion will not pose a threat to the health, safety, and welfare of the inhabitants of the surrounding land. ~~and inclusion of such features was required to meet other regulatory requirements of this Chapter;~~

~~(iv)(ii)~~ If any lot intended for development includes designated sensitive lands, ~~the subdivision plat shall restrict~~ construction of permanent structures shall be restricted to a designated building envelope ~~area on that lot which~~ does not include any designated sensitive land areas. ~~The Such~~ sensitive lands on the lot shall be permanently protected by designation within a preservation easement or located on a separate common lot; and

~~(v)(iii)~~ Street crossings of sensitive land areas are minimized to the maximum extent practicable.

(3) Adjustment of Minimum Lot Sizes.

If the avoidance of designated sensitive lands ~~designated other than~~ except floodways ~~and flood fringe areas~~ results in ~~the~~ subdivision containing fewer buildable parcels than it would have been allowed if sensitive lands were not avoided, the applicant may adjust the minimum lot size and/or lot width in the subdivision by up to fifteen (15) percent to recapture in order to include as many lots as would have been possible if sensitive lands were not avoided. This reduction shall not be combined with any other lot area or width reduction permitted elsewhere within this Chapter. No adjustment of minimum lot sizes or widths shall be made for avoidance of floodway or flood fringe areas.

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### (4) Preservation Bonus – Floodplain/Flood Fringe Avoidance

If a property owner/developer chooses to voluntarily restrict subdivision development from those areas shown on the Land Analysis Map as floodplain/flood fringe, in addition to those areas identified as “sensitive features”, the following shall be permitted:

(i) For developments zoned R-1, R-2, R-MF, M-OF, and M-N, where single or two-family lots are created, minimum lot size and/or lot width may be reduced up to twenty-five (25) percent of that required by this Chapter. This reduction shall not be combined with any other lot area or lot width reduction permitted elsewhere within this Chapter.

(ii) For developments zoned R-MF, M-OF, M-N, M-C, or IG parking may be reduced by a maximum of ten (10) percent from that required by Table 4.3-1, unless otherwise restricted within this Chapter.