

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
March 22, 2018**

**SUMMARY**

A request by the City of Columbia to amend Section 29-5.1(b) of the Unified Development Code as it relates to avoidance of sensitive areas, land analysis mapping, and preservation of sensitive areas. **(Case # 18-83)**

**DISCUSSION**

The City is proposing amendments to Section 29-5.1(b) the Unified Development Code (UDC) as they relate avoidance of sensitive land areas. The proposed revisions were precipitated by the identification of a conflict between Sections 29-5.1(b) and Section 29-1.6. The conflict that has arisen has to deal with the designation of the flood fringe, a part of the FP-O (Floodplain Overlay) district, as a sensitive feature that is restricted from all development. This classification is in conflict with the provisions of Section 29-1.6 which states that if a conflict exists between the provision of an overlay zone district and another regulation within the UDC, the provisions of the overlay zone shall govern.

In short, the provisions of Section 29-1.6 permit development within the flood fringe provided such development complies with the provisions of the FP-O district. The FP-O district includes specific regulatory provisions which have been accepted by Federal Emergency Management Agency (FEMA) that authorize the City to permit development within the flood fringe. Applications for construction permits must obtain a “Floodplain Development Permit” prior to commencing construction within the flood fringe. The FP-O district also contains other flood-related provisions designed to protect the health, safety and general welfare of the city’s residents, minimize flood-related losses, and maintain the City’s eligibility for participation in the Flood Insurance Program.

In addition to the primary purpose of proposing the text change, the attached amended ordinance addresses several public comments received at the March 8, 2018, Planning Commission meeting regarding Section 29-5.1(b). When viewed holistically the proposed revisions not only remove the regulatory conflict, but also provide clarity to the existing regulatory text and add incentives to preserve sensitive features that are no longer protected due to the exemption provided by Section 29-1.6.

It should be noted that the City’s regulatory processes for land disturbance and stream buffers found in Chapter 12A of the City Code provide additional levels of protection for the built environment. Concerns were expressed at the March 8 Commission meeting that the proposed revisions would weaken the protections currently in place and potentially make worse existing stormwater or historical flooding conditions. While an expressed concern, staff is unaware of any actual instance in which new development has worsened an existing condition

Furthermore, the approval of the proposed revisions is to primarily correct the existing conflict, add incentives to protect what has been lost through the permitted exemption, and add clarity

to what is expected of the development industry when approaching new development containing identified sensitive features. It is staff's belief that the proposed amendments will not diminish the regulations effectiveness, but rather enhance them.

The attached amendment shows text to be removed as ~~strikeout~~, text to be added as underlined, and modified text from the March 8 meeting as highlighted. Below is a summary of the modifications of the text and an explanation of why the changes were made.

29-5.1(b)(1)(ii)(A)

Text added was to address a public comment that noted the USGS maps are arbitrary. The added text provides reference to Chapter 12 A, as suggested, which defined the City's stream classes (Type I, Type II, Type III).

29-5.1(b)(1)(ii)(B)

Text added to address public comment regarding defining what type of steep slopes where intended to be regulated. The revision to the percentage of slope to be regulated was reviewed by staff and found to be a reasonable revision given that the 33% (3:1) is consistent with the regulatory provisions that are applied with building permitting and other land disturbance activities. The revision would ensure the UDC's provisions are aligned with other regulatory standards enforced by the City.

29-5.1(b)(1)(ii)(C)

Text added to address public comment and to acknowledge that properly modified floodway designations will be accepted at the time of land analysis map submission.

29-5.1(b)(2)(i)

Text added at the request of staff to provide clarity on what sensitive features where intended to be avoided.

29-5.1(b)(2)(i)(A) & (B)

Subsections added to provide greater clarity regarding what must be submitted as justification to allow a lot proposed for development to contain a sensitive feature.

Text in item (A) added by staff and would require applicant connect request to an actual code provision necessitating the need for the sensitive feature to be located on the lot.

Text in item (B) added to address public comment. Text furthers the purpose for the requirement of a land analysis map and promotes the broader goals of the UDC as well as the comprehensive plan.

29-5.1(b)(2)(ii)

Text added at request of staff for clarity on how sensitive areas could be preserved. As written, the provisions of this subsection would allow the create of lots containing sensitive features, provided that they meet the criteria of 29-5.1(b)(2)(i), and either place the features within a preservation easement or on a common lot. This amended text replaces proposed text from the March 8 draft that specifically restricted development lots being created that included floodway (a sensitive feature) within their boundaries.

29-5.1(b)(4)(i)& (ii)

Text added to address public comment and reworked to provide greater clarity on its applicability. The text provides incentives to preserve floodplain/flood fringe areas for both residential and non-residential development.

**RECOMMENDATION**

Approval of the proposed amendments to Section 29-5.1(b) of the Unified Development Code.

**ATTACHMENTS**

- Proposed text amendment
- Public Correspondence (as of 3-16-18)

Report prepared by Patrick Zenner