



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 16, 2018

Re: Unified Development Code Text Change - Section 29-5.1 (b) (Case #18-83)

Executive Summary

If approved, the proposed text amendment will clarify which land features are considered “sensitive” and restricted from development to ensure internal consistency between Section 29-1.6 (Relationship to Other Regulations) and Section 29-5.1 (b) (Avoidance of Sensitive Areas) of the Unified Development Code. Additionally, the text amendment provides added clarity on what constitutes a steep slope, acknowledgement of Federal Emergency Management Agency (FEMA) amendments to the Flood Insurance Rate Maps (FIRMs), criteria for justification of encroachments into “sensitive” feature areas, and incentives to protect areas not defined as “sensitive” features so as to further the goals and objectives of the City’s Comprehensive Plan.

Discussion

The attached text amendment has been prepared to address an identified conflict between Sections 29-5.1 (b) and 29-1.6 of the Unified Development Code (UDC). Section 29-5.1 (b), Avoidance of Sensitive Areas, states that areas designated as part of the FP-O (Floodplain Overlay) district (inclusive of floodplain and floodway) are *sensitive land areas* that are restricted from all development. This designation, however, 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.”** The FP-O district contains regulations that specify how development within the floodplain may occur through the issuance of a Floodplain Development Permit. As such, the restriction upon development in floodplain areas per Section 29-5.1 (b) has created confusion and is sought to be clarified.

Section 29-2.3(d) contains the Floodplain Overlay (FP-O) provisions, which (together with definitions) also may be referred to as the City’s Floodplain Ordinance, a requirement of the city’s participation in the National Flood Insurance Program. The ordinance was updated concurrent with UDC and the update included review by the State Emergency Management Agency (SEMA) and Federal Emergency Management Agency (FEMA) for compliance with Flood Insurance Program requirements.

The attached text amendment proposes such clarification by the introduction of new text that separates areas that are required to be protected from those that are not. While the focus of the text change is resolution of the conflict with the FP-O district and its regulated features, Section 29-5.1 (b) covers additional areas that were identified as being environmentally sensitive such as steep slopes and stream corridors.



As part of its desire to correct the conflict, the Planning and Zoning Commission solicited public input about other potential amendments to the text of this section from local stakeholders. As a result of this public input several additional changes were considered and have been recommended by the Commission that are believed to add clarity to the existing text as it relates to the overall goal and objective of protecting sensitive land features. These additional changes are fully described within the attached staff report.

At its March 22, 2018 meeting the Planning and Zoning Commission considered the requested text change. Staff provided its report and explained the changes made between this hearing and the March 8, 2018 public comment meeting. One member of the public spoke expressing concern with the proposed changes regarding steep slopes, the potential for unintended consequences, and the need for more time to consider the revisions.

Following public comment, the Commission had limited addition discussion and voted 5-2 in favor of the proposed revisions. In arriving at its recommendations, dissenting Commissioners indicated concern with the proposed revision that a steep slope be increased from 25% to 33%.

A copy of the Planning and Zoning Commission staff report, proposed text change, public correspondence, and meeting excerpts area attached.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Environmental Management, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Livable & Sustainable Communities

Legislative History

| Date | Action |
|------|--------|
| N/A | N/A |



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Suggested Council Action

Approve the proposed text amendment to Section 29-5.1 (b) as recommended by the Planning and Zoning Commission.