

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 21, 2021**

SUMMARY

A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 [Definitions]; 29-2.2 [Base zoning districts]; 29-3.2 [Permitted Use Table]; 29-4.1 [Dimensional summary table]; 29-4.3 [Parking and loading]; 29-4.4 [Landscaping, screening, and tree preservation]; 29-4.7 [Neighborhood protection standards]; 29-5.1 [Subdivision standards]; 29-5.2 [Subdivision of land procedures]; 29-6.1 [Reviewers and decision-making bodies]; 29-6.4 [Specific regulatory procedures]; Appendix A, Section A.1 [Design standards for streets, sidewalks and bikeways]; and Appendix A.7 [Terminal streets]. **(Case #49-2021)**

DISCUSSION

Staff has prepared for consideration a list of proposed zoning text amendments to Chapter 29 of the City Municipal Code, which is also referred to as the Unified Development Code (UDC). The UDC was adopted on March 20, 2017 and at the time replaced several sections of the City's Municipal Code that addressed subdivision and zoning regulations.

With the UDC in place for more than 3 years, work has begun on revisiting sections of the code that are leading to outcomes that were not originally intended, no longer desired, or written in a way that is confusing to the general public. There are also general errors that require correction. Evaluation and proposing amendments to recently adopted codes is common practice and is seen as a way of ensuring the code remains relevant given the dynamic conditions it is required to provide oversight for. This evaluation and amendment process is expected to continue as needed, with additional text amendment proposals in the future.

There are 17 separate text amendments proposed with this case that are numbered #A1 - #A17. Each amendment may include revisions to several sections of the UDC when the amendments to each section are related.

The proposed text amendments are attached to this report and are titled accordingly as Amendment #A1 - #A17. The original text of the amendment is listed, and any **additions to the text are in bold**, and deletions ~~marked with a strikethrough~~.

Background

The Planning and Zoning Commission previously reviewed the list of proposed text amendments over a period of three separate work sessions on September 9 and 24, and December 10, 2020¹. The text amendments were presented by staff, and the Planning and Zoning Commission provided recommendations on revisions to the amendments. Based upon those work sessions, the draft text amendments have been revised to produce the final draft being presented at this time. Additional details on the discussion from those work sessions can be found at the link at the bottom of this page.

¹ See agendas for background: <http://www.como.gov/Council/Commissions/meetings.php?year=2020&bcid=38>

Proposed amendments

#A1: 29-1.11(a) Definitions - General - Street, Arterial

Revise the term Arterial to Arterial Street.

Other street classifications listed in the UDC include the word Street in the defined term (e.g., Collector Street). When the different types of streets are listed in the definition section of the UDC, the term Street is listed first (e.g. Street, Collector), resulting in all of the street terms being grouped together in definitions. This revision would place the term *Street, Arterial* in the same alphabetical location as other defined streets.

#A2: 29-1.11(a) Definitions - General - Banks and Financial Institution; Consumer Lending Institution; Office; Pawn Shop

#A2: 29-3.2 Permitted Use Table (Table 29-3.1)

Create *Bank and Financial Institution*, *Consumer Lending Institution*, and *Pawn Shop* as new unique permitted uses in both the definitions section and the permitted use table, unique from the current *Office* and *General Retail* definition.

The adoption of the UDC saw the elimination of *Banks, other financial institutions, and travel agencies* as a separate permitted use. The *Banks and other financial institutions* use was included as part of the *Office* permitted use. However, the definition of *Office* does not specifically list banks as a sub-category of that use.

Adding *Banks and Financial Institution* as its own distinct permitted use in the permitted use table and as a definition will make it easier to determine where these businesses may be located. Other businesses that also have a financial component were identified during research and work session discussion. As such, *Consumer Lending Institution* and *Pawn Shop* are also proposed to be included as unique uses to make it easier to understand which zoning districts permit them. *Consumer Lending Institution* is also permitted in the same zoning districts as *Office*, while *Pawn Shop* is permitted in the same zoning districts as *Retail, General*.

#A3: 29-1.11(a) Definitions - General - Clear Cutting

#A3: 29-4.4(i)(1) Landscaping, Screening, and Tree Preservation - Clearing of trees

Delete *Clear Cutting* definition and the one location where it is present within the UDC.

The term *Clear Cutting* is a defined term in the UDC that is used in only one location within the code. Generally, defining words is a best practice when they are used repeatedly throughout the UDC, but need only be defined once. If a word is only used once within the code, it may be more expedient to use the definition itself within the code.

Staff is proposing to eliminate the definition of clear cutting altogether, and in its place within Section 29-4.4(i)(1), include specific language to clearly re-state that no existing trees can be cleared on a site that is less than one acre without the relevant permit being issued.

#A4: 29-1.11(a) Definitions- General - Sign, Wall

Delete the reference to Painted Wall Surface Sign, which is a prohibited sign, in the definition of *Wall Sign*. Delete repeated phrases within the definition.

The term Painted Wall Surface Sign appears within the definition of *Wall Sign*. However, signs painted on buildings are expressly prohibited in Section 29-4.8(c) Prohibited Signs. Separating the terms makes it clear that wall signs are permitted, but signs painted on buildings are not specifically considered wall signs and are prohibited, which is how the sign regulations are currently administered.

In addition, the definition of *Sign, Wall* includes the phrase “is a wall sign” at the end of that sentence; it is superfluous and can be deleted.

#A5: 29-1.11(a) Definitions - General - Corner Yard

The only occurrence of the term *Yard, Corner* or *Corner Yard* in the UDC is in the definition section. However, the term “corner side yard” is used in several locations, and is the correct usage of the term. Given this finding it is recommended that the definition be revised to *Yard, Corner Side*.

A new graphic has also been included to show how a corner side yard is intended to be applied to a lot. This new graphic will replace the existing one within the UDC which did not previously define a corner side yard.

#A6: 29-2.2(c)(4)(iii)(A) PD planned development - Permitted use

Remove repeated text in this section.

#A7: 29-4.1(c)(2) Exceptions and Encroachments - Yard Areas (Table 4.1-5: Yard Area Exceptions)

The current maximum permitted width of commercial driveways in the UDC does not match the maximum permitted width of commercial driveways in the Public Works Street, Storm Drain, and Sanitary Sewer Specifications and Standards Manual (p. 410.03). In general, specifications such as driveway widths should be consistent between the Public Works manual and the UDC. The manual is considered to be the authoritative guide for driveway widths and was used prior to the adoption of the UDC for evaluating driveway widths. It is therefore believed best practice to revise the UDC standards to permit a maximum commercial driveway of upto 42 feet in width as allowed by the Public Works manual.

In addition, the specification for a 24-foot driveway is not included in the manual and was likely inadvertently added to the UDC. As such, this phrase has been recommended to be deleted to ensure consistency with the Public Works manual.

#A8: 29-4.3(a)(2)(ii)(A & B) Parking and Loading - Exceptions - Small Lots

Section (A) was intended to waive parking requirements for uses located on small *lots*, which are identified as lots that are less than 10,000 sq.ft. However, the text incorrectly refers to “gross floor area”, which is a reference to the size of a building, instead of only referring to the lot area. The reference to gross floor area was thus deleted.

In addition, the lot size description (... smaller than 10,000 sq.ft.) was moved to be directly after “lot” in the sentence to make it clearer that it is referencing lot size.

Section (B) is proposed for deletion in its entirety. The section waives all minimum parking requirements for any *building* that is smaller than 10,000 square feet. It also does not appear to be in line with this section's intent to grant parking exceptions for small *lots*. This section could result in waiving 34 spaces for a retail or office use, or 50 spaces for a restaurant; it seems unlikely that this was the expected outcome.

#A9: 29-4.3(e) Maximum parking limit

The structure of the section is confusing (e.g., it is unclear that the 200% maximum parking limit applies to all permitted uses). In general the section was reorganized and rewritten to be easier to understand.

Reference to the Board of Adjustment to exceed the 200% maximum was deleted as it is unnecessary given that whenever an applicant is aggrieved by application of a zoning provision the path for relief is to the Board. This process is specified in other Code locations and is expressed by staff when questioned about zoning provision non-compliance.

In the existing Section (1), the first criteria for allowing parking over 150% was deleted. This criteria required a letter to be submitted to the Director of Community Development to justify the request to exceed the 150% limit on parking. However, without clear objective standards on when to grant the exception the letter does not appear to be consequential. Given this conclusion and in efforts to streamline the process, the new provision would allow a site to exceed 150% of minimum parking if the user meets the criteria in new sections (2)(i) and (2)(ii), which were the other two remaining landscaping requirements from the original text.

#A10: 29-4.3(i)(2)(vi) Location and design of stacking lanes

Revise “land” to “lane” when referring to a by-pass lane, which is required for a drive-through facility.

#A11: 29-4.7(g) Neighborhood Protection Standards - Lot Lines

#A11: 29-5.1(f)(3) Subdivision Standards - Lots - Lot Lines

Amendment would allow parking lots and pavement to be constructed over lot lines.

Due to a revision to the definition of structure when the UDC was adopted, nearly all things that are constructed are considered structures. In addition, a provision was included in the UDC that prohibits construction of buildings and structures over a lot line, which had been allowed prior to adoption of the UDC. Since pavement is considered a structure, constructing a parking lot over a lot line would not be permitted, even in a commercial district.

Additionally, the prohibition on permitting structures to cross lot lines occurs in two sections of the UDC. Given that the two regulations are worded exactly the same, the redundancy of the section is unnecessary and could lead to confusion; therefore, deleting the reference provided in Section 29-4.7(g) is proposed.

#A12: 29-5.2(d)(1)(i) Resubdivision or replat - Applicability

#A12: 29-5.2(e)(1)(iv) Administrative Plat - Applicability

This amendment clarifies how the new 120-foot roadway frontage provision in the administrative plat requirements is applied. The additional clarity is proposed by restructuring the administrative plat section and combining it with the existing replat section.

The UDC added a new criteria for administrative plats that would prohibit the creation of new lots by combining lots when the resulting lot has more than 120 feet of street frontage (or put more plainly, is more than 120 feet wide at the street). This provision is intended to allow certain subdivisions to be platted as administrative plats (which reduce cost and time since they do not require Council approval),

but prohibits large combinations of lots that could alter the context of existing development patterns within a subdivision or neighborhood.

However, the language of the section was somewhat unclear so the interpretation of this section was that if the total amount of street frontage for all the lots included on an administrative plat application exceeded 120 feet, it was not eligible to be processed as an administrative plat, even if no lots were being combined. The language has been revised to clearly state this requirement. In addition, references to the 120-foot requirement were removed from the Resubdivision section altogether, since the criteria is already located within the Administrative Plat section, which is their logical location.

Also, administrative plats are by definition a resubdivision action as well. To make this hierarchy more clear, the Administrative Plat section is now nested under the Resubdivision section. For further additional clarity, a provision was added under Procedures (D) to address the process an applicant would take if their application for an administrative plat was not approved by the Director.

#A13: 29-5.2(g)(1) Monuments

While administratively under the Agriculture Department, the Missouri Board for Architect, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects is the organization that promulgates and, from time to time, revises the state standards. Recently they changed the name and (slightly) changed the contents. Revision would update the text with correct information.

#A14: 29-6.1(b)(2)(i) Reviewers and decision-making bodies - Planning and zoning commission (P&Z) - Powers and duties.

The Human Rights Commission (HRC) has submitted a request to revise the PZC's Power and Duties section. The recommendation is related to the negative connotation of the term "slum clearance", which is found within the Missouri State Statute Section [89.340 RSMo](#) that this section is based upon. To address the HRC's request, it is recommended that the current reference be deleted along with some additional text and replaced with "development projects". In addition, reference to the relevant state statute is included within the revised text should there ever be a question as to what's the Planning and Zoning Commission's fully State enabled duties.

#A15: 29-6.4(j)(1)(i)(A) Optional development standards approval - Applicability

This section deals with R-2 "cottage" development standards, and makes reference to Table 4.2-1 as the normal standards for R-2. However, Table 4.2-1 is dimensional standards for mixed use districts, not residential districts. To correct the error it is recommended that the erroneous reference to Table 4.2-1 with replaced Table 4.1-1.

#A16: 29-6.4(m)(2)(i)(F) Conditional Use Permit - Criteria for Approval - General Criteria

This section addresses conditional use criteria; however, erroneously makes reference to "variance". To correct the error it is recommended that the reference to variance be replaced with a reference to conditional use.

#A17: Appendix A.1(c)(1)(i)(C) Design Standards for Streets, Sidewalks and Bikeways - Local Residential Street Design Standards

#A17: A.1(c)(1)(ii)(B)(3) Design Standards for Streets, Sidewalks and Bikeways - Local Residential Street Design Standards

#A17: A.1(d)(1)(i)(B) Design Standards for Streets, Sidewalks and Bikeways - Local Non-Residential Street Design Standards

#A17: A.7 Terminal Streets

This amendment would revise the cul-de-sac design standards to be consistent with currently adopted International Fire Code and specifics how small and by what process an aggrieved applicant can seek relief to install cul-de-sacs that do not meet the International Fire Code.

The 2018 International Fire Code (IFC) Appendix D was adopted by City Council and requires that turnarounds for terminal streets comply with one of the allowed designs. One of those designs is a cul-de-sac, which requires a minimum pavement diameter of 96 feet. The current UDC provision requires only 76 feet. Since the IFC was adopted by Council and requires a wider pavement design than the UDC, the larger design is required unless otherwise authorized by the Fire Official and approved by the Public Works Director. The new text will reference the IFC, but also maintains the option to seek approval of cul-de-sacs using the current UDC standards for both the pavement and right of way.

RECOMMENDATION

Approve the recommended text amendments to the UDC.

SUPPORTING DOCUMENTS (ATTACHED)

- Proposed Text Amendments

Report prepared by Clint Smith

Approved by Patrick Zenner