

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 307-20

AN ORDINANCE

rezoning property located on the south side of Broadway, between Garth Avenue and Providence Road (30 E. Broadway) from District C-2 (Central Business) to District R-MF (Multiple-family Dwelling); repealing all conflicting ordinances or parts of ordinances; granting the issuance of a conditional use permit to Columbia Cemetery Association to allow the continuation of the operation of a cemetery; providing a severability clause; and fixing the time when this ordinance shall become effective.

WHEREAS, pursuant to Section 29-6.4(m)(1) of the City Code, the Planning and Zoning Commission (hereinafter "Commission") held a public hearing and submitted a written recommendation to the City Council related to issuance of a conditional use permit on property located on the south side of Broadway, between Garth Avenue and Providence Road (30 E. Broadway) and legally described as set forth in "Exhibit A" attached hereto and incorporated by reference; and

WHEREAS, the City Council has considered the recommendation of the Commission along with the criteria set forth in Section 29-6.4(m)(2)(i) of the City Code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The "Official Zoning Map of the City of Columbia, Missouri" established and adopted by Section 29-1.4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property will be rezoned and become a part of District R-MF (Multiple-family Dwelling) and taken away from District C-2 (Central Business):

FOUR TRACTS LOCATED IN SECTION 13 TOWNSHIP 48 NORTH, RANGE 13 WEST CITY OF COLUMBIA BOONE COUNTY MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

ALL THAT PART OF LOTS 6 AND 62, 123, 70, 129 AND THE NORTH HALF OF CHERRY STREET LYING ADJACENT TO LOT 129 IN THE ORIGINAL TOWN OF COLUMBIA AS SHOWN IN BOOK A PAGE 333 LYING WEST OF THE EAST LINE OF THE SURVEY AS SHOWN IN BOOK

2669 PAGE 127 ALL OF THE BOONE COUNTY RECORDS AND BEING CURRENTLY ZONED C2.

ALL THAT PART OF LOT 123, LOT 70 AND THE VACATED ALLEY LYING IMMEDIATELY NORTH OF LOT 70 AND THE VACATED PORTION OF LOCUST STREET IN THE ORIGINAL TOWN OF COLUMBIA AS SHOWN IN BOOK A PAGE 333 LYING WEST OF THE EAST LINE OF THE SURVEY AS SHOWN IN BOOK 2669 PAGE 127 ALL OF THE BOONE COUNTY RECORDS AND BEING CURRENTLY ZONED C2.

ALL THAT PART OF LOT 129 AND THE NORTH HALF OF CHERRY STREET LYING ADJACENT TO LOT 129 IN THE ORIGINAL TOWN OF COLUMBIA AS SHOWN IN BOOK A PAGE 333 LYING WEST OF THE EAST LINE OF THE SURVEY AS SHOWN IN BOOK 2669 PAGE 127 ALL OF THE BOONE COUNTY RECORDS AND BEING CURRENTLY ZONED C2.

ALL THAT PART OF THE TRACT 2 AND 4 AS SHOWN BY THE SURVEY IN BOOK 358 PAGE 332 LYING WEST OF THE EAST LINE OF THE SURVEY IN BOOK 2669 PAGE 127 ALL OF THE BOONE COUNTY RECORDS AND BEING CURRENTLY ZONED C2.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. The City Council finds and determines that the criteria established in Section 29-6.4(m)(2)(i) of the City Code has been met and hereby grants the issuance of a conditional use permit to Columbia Cemetery Association to allow the continuation of the operation of a cemetery on property located at 30 E. Broadway in an R-MF (Multiple-family Dwelling) zoning district, subject to the following conditions:

- a. The conditional use permit is granted to the property owner and shall be valid for the duration of the use or revocation of the permit. Any discontinuance of the use for a period of twelve (12) months or more or any change in the character of the use shall render the permit null and void.
- b. The property owner shall comply with the requirements of District R-MF and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- c. The allowed use, per this conditional use permit, shall not create negative impacts on neighboring properties and rights-of-way, including but not limited to:

1. Lighting and glare beyond the property lines;
 2. Excessive noise;
 3. Dust and odor;
 4. Excessive traffic not compatible with the surrounding neighborhood;
 5. Storm water impacts; or
 6. Physical appearance.
- d. If any of the conditions of this conditional use permit are not complied with, the City Council, upon recommendation of the Commission following written notice and a noticed public hearing by the Commission, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit.

SECTION 4. The provisions of this ordinance are severable and if any provision is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor