

024567

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First Reading 2-15-21

Second Reading 3-1-21

Ordinance No. 024567

Council Bill No. B 74-21

AN ORDINANCE

amending Chapter 29 of the City Code to correct a scrivener's error as it relates to criteria for approval for the issuance of a conditional use permit in the Unified Development Code (UDC); and fixing the time when this ordinance shall become effective.

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

SECTION 1. Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 29-6.4. Specific regulatory procedures.

(a) *Zoning compliance.* Each application under this chapter that does not require one or more of the specific regulatory procedures in subsections (b) through (q) below shall be reviewed for zoning compliance. Zoning compliance checks shall be conducted by the department, and applications shall be approved if they comply with this chapter. The department's decision may be appealed to the board pursuant to section 29-6.3(f).

...

(m) *Conditional use permit.*

(1) *Procedure.*

...

(2) *Criteria for approval.* After giving due consideration to the following criteria, the commission may recommend and the council may grant a conditional use permit which may include any conditions deemed necessary to carry out the provisions and intent of this chapter.

(i) *General criteria.*

(A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;

(B) The proposed conditional use is consistent with the city's adopted comprehensive plan;

(C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;

(E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and

(F) The proposed conditional use ~~variance~~ will not cause significant adverse impacts to surrounding properties.

(ii) *Criteria for communication antennas and towers.* When considering a conditional use permit application for a communications antenna or tower, the application shall be submitted to the board and the board shall consider the following criteria in addition to those listed in subsection (i) above, and its decision shall be based on substantial evidence in the written record:

(A) Whether or not existing towers are located within the geographic area necessary to meet the applicant's engineering requirements;

(B) Whether or not existing towers, structures or buildings within the applicant's required geographic area are of sufficient height to meet system engineering requirements;

(C) Whether or not existing towers or structures have sufficient structural strength to support the applicant's proposed antenna;

(D) Whether or not the fees, costs, or other contractual terms required by the owner(s) of existing tower(s), structure(s) or building(s) within the required geographic area of the applicant or to retrofit the existing tower(s) or structure(s) are reasonable;

(E) Whether or not there are other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable;

(F) Whether or not the proposal minimizes the number and size of towers or structures that will be required in the area;


(G) Whether or not the applicant has previously failed to take advantage of available shared use opportunities provided by this section or otherwise; and

(H) Whether or not the applicant has provided sufficient evidence indicating that the tower will be made available for use by others, subject to reasonable technical limitations and reasonable financial terms.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 1st day of March, 2021.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor