

OVERVIEW OF CODE DISCUSSION
PLANNING & ZONING HEARINGS 1 & 2
JUNE 2016

During the past month, the City of Columbia has embarked on hearing process designed to allow discussion of the proposed new Unified Development Ordinance (UDO), better known as the new Zoning Code.

A 4-hour overview meeting was held on April 30 that was facilitated by both City Staff and city commission leaders or representatives. The stated purpose of that meeting was “to assist interested persons with understanding the draft Development Code as we begin the public hearing process in May...”. It was not, however, considered as part of the official public hearing process since no board, commission or council was impaneled to hear testimony. A detailed description of the discussion from that meeting has not been published.

On May 5, the Planning & Zoning Commission held the first in a series of meetings designed to hear testimony from the public about the new zoning code and to discuss key provisions of the code draft as published. A second similar hearing was conducted on May 19 by the P&Z Commission. (It should be noted that the document used as the draft code during the meeting on May 5 was somewhat preliminary and was later revised and presented as a new draft document at the May 19 Planning & Zoning Commission meeting. Primary changes to the document included the integration of notes from Clarion Associates and some margin notes from City staff.)

A review of testimony from those two P&Z hearings – both public testimony and staff reports – has revealed several areas of interest that may need to be addressed, clarified, or amended prior to the recommendation of this document by the Planning and Zoning Commission and adoption by the Columbia City Council.

The following list, although not entirely comprehensive, provides a list of many of the topics mentioned during the first two P&Z meetings. It should be pointed out that the current working document contains more than 1,100 footnotes and margin notations. Some are explanatory in nature. Others may serve as discussion points in future hearings. Many are inter-related and could be clarified, amended or explained once the rationale or intent of the new code changes are explained.

LIST OF AREAS OF INTEREST

Initial code testing did not consider cost impact of new rules.
(Confirmed by staff.)

Stated goal of new code is to provide more flexibility in zoning and to move away from the negotiated Planned Development that had become prevalent under the old code. However, from the results of the initial code testing and after reading the new code, it appears that many projects will be better suited to Planned zoning applications.

(Discussion inconclusive on this topic, although staff indicated that Planned Zoning is accommodated and should be considered for properties that are difficult to develop, irregular or beyond the scope of what could be foreseen by the basic code.)

New Planned Zonings applications will require a complete plan during the initial application process – a factor that is significantly different than under the past scenario.
(May add cost to process up front.)

How will sufficiency of resources be determined?

(Discussion inconclusive. Staff indicated that they will make the initial determination, but that builders will be required to provide engineering information related to expected use and load. Also indicated that builders may need to project future use on undeveloped tracts. Staff did not articulate a list of services that will be reviewed when determining “sufficiency” (such as sewer, water, electricity, roads, etc.) nor could they provide a method for determining the extent to which each service does exist in any given area of the community, or whether planned improvements are considered as “available”. Requests for building permits do NOT require a sustainability test. Applications for rezoning or Planned developments DO. The “scorecard” currently in use may not be the same criteria used in the future. Indications were that such a sufficiency test may be developed by the Task Force On Infrastructure by August of this year. It was also indicated that this may be judged on “insufficiency” rather than on some pre-set model of “sufficiency”.)

Why is “private open space” required in downtown buildings?

(Rationale inconclusive. Staff indicated that consultant simply indicated that usually buildings with this requirement are “better construction” but offered no compelling evidence to that end. Staff did indicate that the 15% requirement was based on the footprint, not the total square footage of any M-DT project.)

Four-sided design definition and application.

(Definition is inconclusive regarding scope of visibility requirements and is not truly a requirement for “four-sides” depending on how building is situated on property. Needs clarification.)

Neighborhood protection provisions regarding setbacks and build-downs for adjacent properties. Is the rule triggered by use of adjoining properties or by the zoning of the underlying property?

(Rule applied inconsistently. In general neighborhoods, provisions are triggered by the existence of R-1 or R-2 zoning next to and R-3 property. In transitional neighborhoods, provisions are triggered by use (the existence of a single-family dwelling) even if the land is zoned R-3. Vacant lots were assumed to have the “capability” of having a single family dwelling. Rule also enforced even if neighboring property owner concurs with new development according to staff interpretation.)

How will P&Z make recommendations for changes or amendments to draft document, what is the process and when will that occur?

(Staff indicated that a rolling revised document will not be issued, but that if individuals wanted to pose questions in writing they could be taken up meeting-by-meeting by P&Z, and that those recommendations would be integrated into a final voting document available in August. That document would then go to City Council for final debate and consideration.)

What is the nature of architectural enhancements required for building exteriors? Do they need to be functional, particularly doors?

(Staff indicated that despite the fact that this is a form-based code, emphasizing the appearance over use, some features promote pedestrian traffic and circulation. Despite the fact that many exterior enhancements are NOT functional (such as changes in veneers or siding patterns, roof pitch, etc.), some

are assumed to be functional (doors, vents and other fenestrations). Staff believed that doors should be functional.

How will current M-1 properties in the downtown area be treated and why are many current uses allowed in M-1 NOT allowed in the new IG zoning category? Will downtown area M-1 properties be treated the same as all other M-1 properties?

(Staff indicated that all C-2 and M-1 properties in the downtown area will be rolled into the new M-DT zoning district. According to the allowed uses chart, M-1 properties that migrate to the new IG zoning classification will lose many previously allowed uses, including bars, nightclubs, bed and breakfasts and all residential. However, hotels and more industrial uses will still be allowed. It was further explained that the old C-2 district is NOT the same footprint that the new M-DT district will encompass because the city instructed the consultant to create a new C-2 district, even though staff also indicated that redrawing of the city zoning map was not within the purview of this contract. It was also noted that all downtown property owners will be notified of actions which could impact those properties in much the same way as properties affected by an application for zoning change. Clarification is needed on M-1 treatment under the new code in terms of rationale, consistency and application.)

Historic preservation vs. historic renovation was mentioned. It seems as though the new code would not allow for historic renovation, such as has been done all along Broadway.

(Staff believed that some downtown renovation that has storefronts and lofts above may work with the new code, but places such as Orr Street Studios and peripheral downtown buildings may be a challenge. It has also been noted that the building at the southeast corner of Broadway and 7th could not be built according to the new proposed rules, and that other new construction buildings would not meet the new code regulations. It was also explained that NO Planned Zoning would be allowed within the new M-DT zone. Clarification needed on this major line of discussion.)

Why are some streets coded as partial blocks except at the corners as office or limited residential use, but commercial retail at corners; how was that decision made and what is the rationale? Seems counter-intuitive in many locations and counter-productive. How can this be addressed?

(Staff indicated that most of the areas drawn in this fashion were intended to be transitional uses, but that not all areas took into account current use or even anticipated growth of the downtown commercial area. Also indicated that the real goal was not to have ten story buildings at the edge of the M-DT district and believed that there should be more accommodation for mixed uses. Additional testimony indicated that the same configuration was drawn on some streets within the heart of downtown and that some adjustment to the regulating plan should be considered, for instance, along Hitt between Broadway and Cherry. New plan does not match existing use.)

Solid waste handling in the downtown area was cited as a problem and that some new buildings are reverting to solid-waste handling in alleyways rather than on-site.

(Staff indicated that the new code is basically silent on this; that city staff is working on some sort of solution to that problem, but that it is probably not something that goes in the zoning code other than screening, pad site location or possibly loading facilities. Issue may be outside the zoning code process, although there are some provisions in the new code regarding alley preservation, rear setback requirements and creation of alleys on large block parcels potentially.)

Can individuals with properties zoned as PUD projects under the old code migrate those properties into a new, standard zoning designation? Is there a specified process?

(Staff indicated that there was no automatic migration, since Planned zoning properties are basically governed by the plan, not the overall zoning code (within limits). Most likely, such a change in status or designation would need to go through the regular rezoning request process.)

Can property owners use downzoning to invoke Neighborhood protection provisions of the new law, i.e., downzone from a R-3 property to R-2 and cause additional setbacks and size limitations on an adjacent property?

(Staff indicated that that could happen, but that staff would look at when the downzoning was requested and for what reason. Such a request would have to be approved by P&Z and the council before it could take effect.)

How are Overlay Districts recognized in the new code?

(Overlay Districts are supplemental to the new zoning code, but are presented with the code document for clarity. Elements of Overlay Districts that conflict with the code take precedence whether they are more restrictive or more permissive. Benton-Stephens and East Campus neighborhoods are currently updating the Overlay Districts contained within those neighborhoods. Benton-Stephens is proposing additional green space requirements and off-street parking requirements for properties that are not used as single-family dwellings.)

Definition of yards and open space does not seem to allow for trees, safety lighting, etc.

(Staff did not respond, but further investigation indicates that these definitions need more clarity or interpretation before they are incorporated into the new code.)

Comments regarding the application of the new zoning code to properties along the Business Loop indicated that new code provisions would not allow for redevelopment of small lots and that it may conflict with goals of the recently formed Business Loop CID.

(Staff indicated that some buffer and setback rules may need to be looked at to determine best approach to resolving potential redevelopment projects.)

Timely availability of public documents related to the adoption of the new zoning code has been lacking with late posting of notes and code revisions.

(Commission indicated that they will address process in future meetings.)

Published maps of new zoning configurations, particularly in the downtown area are too small to read on a street-by-street basis.

(No further discussion.)

Rules for designation of an historic district indicate that a majority of neighbors can control the designation of an individual property without the consent of the property owner. Asked for minimum thresholds for such action.

(Staff indicated that individual property designations require individual property owner consent, but districts are governed in a different manner, including under current rules.)

A request for clarification about the role of the Comprehensive Plan (Columbia imagined) in the crafting and application of the new code.

(The point was made that Columbia Imagined was designed to be a “guiding” document, and not serve as the legal basis for zoning decisions. Also pointed out that the Columbia Imagined plan has internal inconsistencies; conflicts, in part, with other sub-plans such as the East Columbia Area Plan and the

Northeast Columbia Area Plan; and that all of these plans were adopted under the expectations set by the old zoning code which emphasized the use of Planned Development to a greater degree than the intended new plan, making the Comprehensive plan in place of lesser relevance.)

Special Use for funeral homes requires that funeral homes be completely contained structures which would not allow for small porticos or covered drives often used during inclement weather for the convenience and respect of the deceased, pall bearers and other members of the funeral party.
(Staff could not provide a rationale for this rule and agreed that the covered drive scenario is common to funeral homes in this region and throughout the country. Reconsideration of this rule is in order.)