

Source: Community Development - Planning

Agenda Item No: REP24-14

To: City Council
From: City Manager and Staff

Council Meeting Date: March 17, 2014

Re: C-2 District "Interim" Amendments

EXECUTIVE SUMMARY:

Council members have indicated a desire to move forward quickly with amendments to the C-2 district provisions in the City zoning ordinance. Staff has prepared for Council review and comment a draft amendment to selected provisions in the C-2 Central Business District. Since the City has a comprehensive zoning amendment process underway that will improve the structure of the ordinance as well as institute new and revised standards, the attached ordinance should be thought of as an "interim" measure meant to respond to three issues of current public and City Council concern: residential parking, building height, and first floor retail space. The ordinance is drafted within the existing structure of Chapter 29. The future amendments may consider other aspects of downtown development and will restructure the regulations in a more user-friendly illustrated format.

DISCUSSION:

The C-2 District Business District is a compact zoning district of approximately 144 total acres located primarily in the Original Town of Columbia area as indicated on the attached map. The District allows a mix of commercial, institutional, and residential uses in buildings that may be placed with no setback from lot lines and without restriction on building height. The district has a minimum of restrictions on development. Besides controlling the use of buildings, the district requires a conditional use for on-site, surface parking areas, and specifies a handful of other conditional uses. A "conditional use" is a permitted use that may not be appropriate for all sites within a zoning district. The Board of Adjustment must examine each proposed conditional use and approve them case-by-case. Besides these use regulations, C-2 requires, through appropriate cross-references, landscaping when buildings are setback from lot lines and, when dwelling units are involved, each dwelling unit is subject to a 400 square foot minimum floor area.

There is currently no parking requirement for new construction or changes in use in C-2. As is often the case for compact downtown districts, the public relies on public parking to provide spaces for vehicles in the form of public garages, parking lots, and on-street parking spaces.

The draft ordinance changes three things:

1. **Building height.** Instead of unlimited building height, buildings greater than 10 stories or 120 feet in height are subject to a special review by the Planning and Zoning Commission and the City Council. The Commission and Council are to apply specific criteria to each proposal for a tall building: plan consistency, impact on emergency response capability, impact on views, air and light, availability of public utilities and infrastructure, and traffic impacts on streets and sidewalks.

2. **Residential parking.** Instead of no parking requirement, new residential uses are required to provide on-site parking spaces. The ratio of parking supply to dwelling units is less than the ratio for dwelling units outside of the C-2. The parking requirement is graduated such that it increases as the number of bedrooms per unit increases. There is also an exemption for the retrofitting of historic buildings with new residential units. To allow some flexibility in meeting the requirement, no conditional use is required for surface parking lots that are located behind buildings and are not adjacent to streets.

3. **Street-level retail.** On several specified blocks, all of them on Broadway and Ninth Street, no street level residential use is permitted in the draft ordinance. The draft language specifies that this condition applies only to specific blocks. Staff advises against a general requirement that first floor space be reserved for retail uses throughout the District. Many successful downtowns feature particular streets that have a strong, pedestrian-oriented retail function while nearby streets are "role players," accommodating residential and other non-

commercial uses on the first floor space, much of which complements the pedestrian-oriented retail found nearby. By specifying particular blocks, the Council may use the C-2 to ratify strong development trends that have concentrated retail on particular blocks rather than risk "over-zoning" street frontage for retail to the exclusion of other viable uses. The selection of blocks may be changed from time to time.

Staff recommends that this item be referred to the Planning & Zoning Commission for a public hearing. The City's zoning consultants have been advised of the pending amendment and are prepared to comment on it and suggest possible revisions to the Commission and Council.

FISCAL IMPACT:

There is no fiscal impact associated with this report

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

6.2 Goal: Downtown Columbia will have a variety of safe housing options, including new and revitalized units, for all age groups and income levels with easy access to desirable amenities. Development and design guidelines will be instituted.

6.3 Goal: People and vehicles will have easy access to downtown businesses and services and enhanced movement within and through the downtown area.

SUGGESTED COUNCIL ACTIONS:

Refer the draft amendment to the Planning and Zoning Commission for a public hearing and recommendation to the City Council

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	6.2
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	6.3
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

DISCUSSION DRAFT C-2 DISTRICT *INTERIM* PARKING AND BUILDING HEIGHT AMENDMENTS

[Note: "Interim" means this amendment is intended to be effective until the development code update project is completed. The update, scheduled to be completed by the end of calendar year 2015, may make other changes to the C-2 District and will make changes to the existing format of the Zoning Ordinance as a whole. To be successful, an interim amendment should be focused. This one focuses on the residential parking, maximum building height, and retail use at street level. Other issues should be considered in the context of the larger update to avoid disrupting the consultant scope of work and project budget]

Chapter 29 ZONING*

Section 29-15 District C-2, central business district.

(a) Purpose. This district is intended to provide for commercial facilities in the central business district. The principal land uses are retail sales, services, offices, **mixed-use including housing** and public facilities.

[Note: Successful downtowns are mixed use, with housing providing a 24-hour downtown and a live-in market for downtown businesses. The District purpose should reflect that.]

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non--Conforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6) **and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:**

Broadway, from the east side of 8th Street to Hitt Street; and Ninth Street, from the south side of Walnut to Elm Street.

Armories.

Assembly and lodge halls.

Automobile repair facilities, provided that all repair shall take place within an enclosed building.

Bakeries.

Bars, cocktail lounges and nightclubs.

Billiard halls and game arcades.

Bicycle repair shops.

Bus stations.

Car washes, coin-operated or attendant-operated.

Electrical repair shop.

Garment storage facilities.

Government buildings and facilities.

Hospitals for small animals, if within an enclosed building.

Hotels.

Laundries, commercial.

Lumberyards.

Multi-level, underground or covered commercial parking for automobiles and light trucks.

Newspaper publishing plants.

Printing shops.

Restaurants, cafes and cafeterias.

Service stations, provided all fuel storage tanks are located underground.

Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) per cent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Sign painting shops.

Theatres, not including drive-in theatres.

Trade schools.

Wholesale sales offices and sample rooms.

Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27.

Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in district C-2 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23:

Halfway houses for not more than fifteen (15) occupants, provided that the board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Mortuaries, which may include a crematory.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Self-service storage facilities, subject to the following conditions:

(1) The application required by section 29-23 shall include a conceptual design plan that shows:

- a. The location of the proposed facility in relation to the existing uses of the building.
- b. The square footage of the total building and area that will be allocated for the proposed facility.
- c. The means of ingress and egress to the proposed facility.
- d. The use group or groups that the building is currently permitted for as defined in chapter 6 of this code.
- e. How the altered building will address parking and loading demands generated by the proposed facility.

The conceptual design plan is not required to be "sealed" by a registered design professional. The plan may be drawn by the applicant. The plan shall be prepared in a manner that all details are legible.

- (2) The facility is incidental to the primary use of the building in which it is located (i.e., a mixed use occupancy building shall be required).
- (3) The facility shall not be used to store flammable gases, aerosols, paints, thinners, feed, fertilizer, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, construction materials, inoperable vehicles, or for bulk storage of any kind.
- (4) The use of power tools, paint sprayers, or servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment is prohibited in the facility.
- (5) The facility shall be used exclusively for the storage of goods. No individual tenant may convert, use, or otherwise alter a leased or rented unit to sell any stored item from the facility or to conduct any type of commercial activity at the facility.
- (6) When the facility is located on the first floor of a building, it shall not be located in front of the primary use so that it is the visible storefront of the building.
- (7) When the facility is located in the basement or on any floor higher than the first floor of a building, it may occupy the entire basement or floor only if existing exterior windows remain intact and are "blacked-out" to ensure that stored items are not visible and that the architectural integrity of the building façade is maintained. Building facades on new or renovated construction shall incorporate design elements that break-up the façade so it does not create a blank elevation.
- (8) When the facility is located in an existing or renovated building, loading and unloading activities, on public rights-of-way, shall not occur between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. (Monday thru Friday).
- (9) When the facility is located in a newly constructed building, provision for off-street loading/unloading facilities shall be incorporated into the design of the structure. The facility shall be of adequate depth from the right-of-way so that no blockage of the travel way will occur during loading/unloading activities. When such provision is made, the limitation on hours of loading and unloading, stated in subsection 8, shall not apply. On-site parking requirements shall be governed by the provisions of section 29-30.
- (10) All proposed construction, renovation, or alteration activities necessary to permit the facility to occupy an existing or new structure shall be in accordance with the requirements of chapter 6 and chapter 9 of this code. Activities begun before submission, review and approval of professionally sealed plans and the issuance of a building permit shall be a violation of the conditional use permit conditions and this code.

Uncovered, surface commercial parking for automobiles and light trucks **abutting a public street**, except for publicly-owned parking facilities. **Parking areas located behind buildings, not directly adjacent to a public street (except an alley) are permitted.**

[Note: The existing prohibition on surface parking is over broad. If surface parking is concealed by a building facade, should it still require a conditional use permit? The "decorative wall" provision encourages designers of parking lots to avoid the unwelcome flatness and emptiness that parking lots create adjacent to busy streets]

Uncovered, surface off-street parking areas , except for publicly-owned parking facilities.

(d) Height and Area Regulations. In district C-2 any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see section 29-26, Height and Area Exceptions):

(1) Lot size. No minimum requirement.

(2) Yards. No minimum requirement.

(3) Building height. **No maximum height. One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the Planning and Zoning Commission and approval by the City Council according to the standards and procedures in section 29-15 d(7)** *[Note: The "or" is intentional. If somehow a building is ten stories and does not exceed 120 feet in height, it is still subject to the ordinance. Code requirements that result in an increased height can be accounted for in this way. "Height" excludes specified appurtenances]*

(4) Vision clearance. No requirement.

(5) Floor area. No minimum requirement.

(6) Parking. **On-site parking is required for dwelling units in new buildings and buildings expanded after [effective date of the amendment]. On site parking shall not be required for new dwelling units created in buildings or parts of buildings that are at least fifty (50) years old.** (See section 29-30, Off-Street Parking and Loading.) *[note: The ordinance would grandfather existing buildings such that developers after the institution of the parking requirement could add loft residential space within historic buildings without the burden of providing parking. Net residential expansion of he historic building would require provision of parking]*

(7) Tall structure approval.

All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be

referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments).

Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study. *[note: a "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent properties and streets, by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building]*

A tall building may be approved by the City Council if it satisfies the following criteria:

(i) The height is consistent with adopted City plan recommendations for the specific location; *[note: selected City plans have recommended differentiated height limits in parts of the downtown. Though not the same as code, these recommendations acknowledge that tall structures are not appropriate in all locations]*

(ii) The additional height will not impair emergency response to the subject building; *[note: In practice the PZC and Council would rely on the testimony and review comments of City emergency services experts that they believe the building makes adequate provision for fire, medical, and security emergencies]*

(iii) The additional height will not adversely affect public views of historic buildings; *[note: The ordinance could single out selected "iconic" views such as Jesse Hall and Avenue of the Columns or it could define historic resources more generally]*

(iv) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; *[note: this section allows adjacent property owners, the City, and other users of public streets to object the impact of the building on the "livability" of neighboring places]*

(v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity. *[note: this section allows the City to deny a building that requires utility service or infrastructure in excess of capacity]*

(vi) Public sidewalks, crosswalks, and streets adjacent to the site are sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure. *[note: This criterion recognizes that vehicle and pedestrian trip generation from taller buildings may be out of proportion to the size and capacity of adjacent streets and sidewalks, and may be mitigated by developer contributions to improve public infrastructure with their plans]*

(Code 1964, § 19.163; Ord. No. 9958, § 1, 10-3-83; Ord. No. 11702, § 1, 12-7-87; Ord. No. 12088, § 1, 12-12-88; Ord. No. 13526, § 1, 12-7-92; Ord. No. 14777, § 1, 3-4-96; Ord. No. 15134, § 1, 2-3-97; Ord. No. 15471, § 1, 1-5-98; Ord. No. 16105, § 1, 8-2-99; Ord. No. 17667, § 1, 5-5-03 ; Ord. No. 20285, § 1, 6-1-09)

Section 29-30 Off-street parking and loading regulations.

(a) General Requirements:

(1) Except for non-residential buildings in District C-2, existing buildings and parts of existing buildings 50 years and older in District C-2 re-used for residential purposes, and except as provided in subsection (a)(2), all uses established and all buildings erected, constructed, reconstructed, or expanded after November 19, 2001 shall be provided with off-street parking spaces, either in the form of parking garages or open parking areas for the parking of motor passenger vehicles, as specified herein.

...

(b) Parking Requirements. Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30 (b)(1).

Table 29-30 (b) (1)

Add: Residential uses within the C-2 Central Business District:

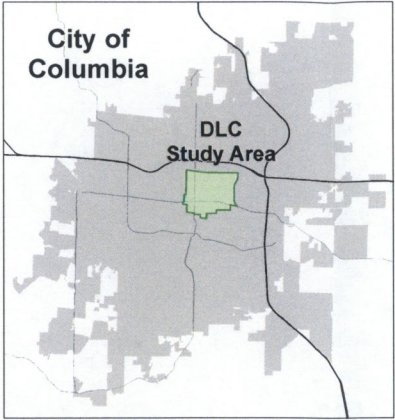
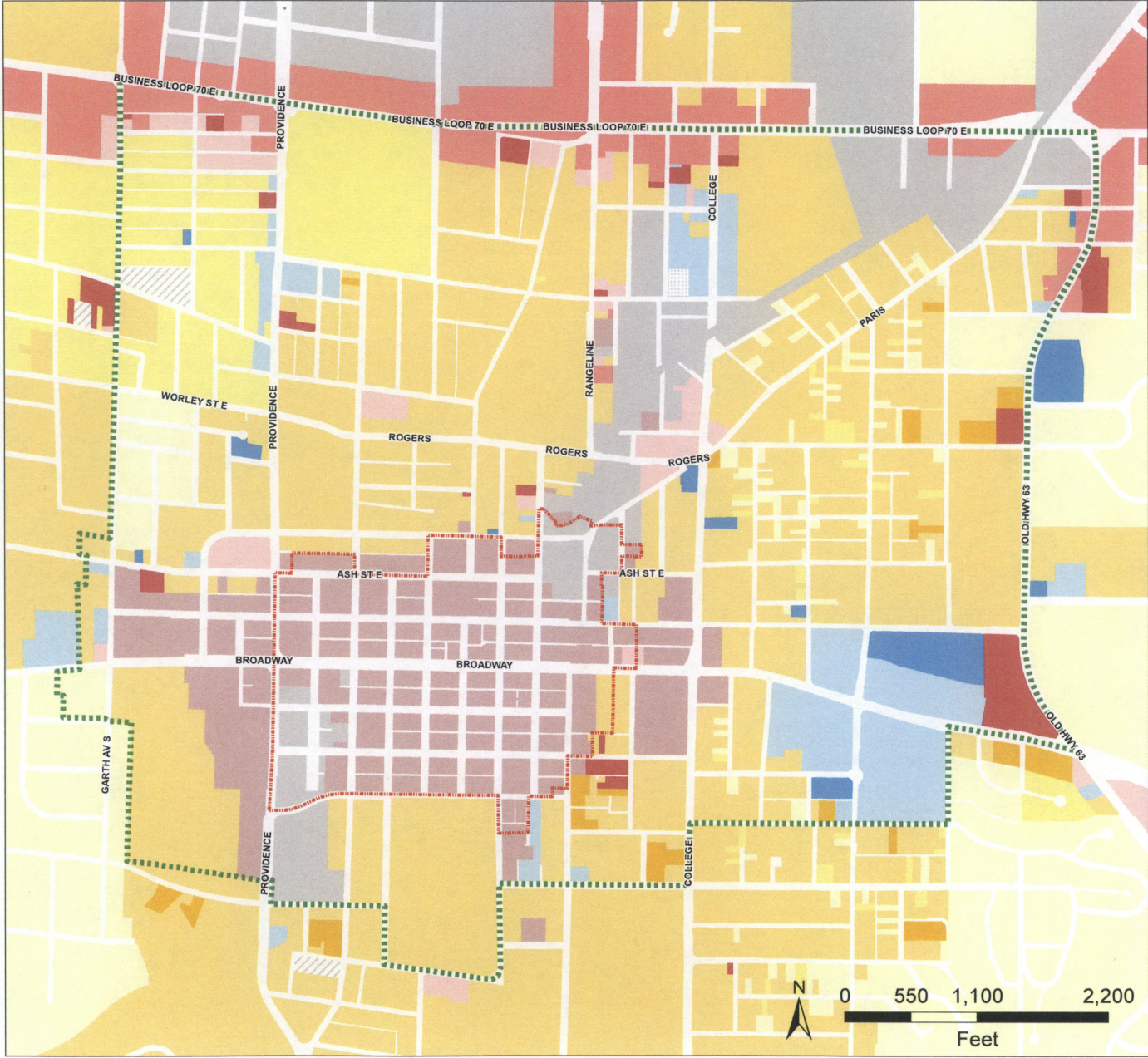
One (1) off-street parking space for each 1,000 square feet of new residential development (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom in dwelling units having 3 or more bedrooms.

Minimum parking supply shall be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, or surface parking for which a conditional use permit has been approved.

[Note: The one space per 1,000 square foot standard is common in mixed-use urban environments with good pedestrian infrastructure and transit availability. The "new space" criterion is a bonus provision for developers that remodel existing historic buildings to create residential units. The 0.5 per bedroom requirement for 3-4 bedroom units is a mild disincentive to build 4-bedroom units]

Downtown Leadership Council Study Area
Primary and Overlay Zoning Districts

City of Columbia, Community Development Department, EDD 6/3/2013



- CID Boundary
DLC Downtown Study Area
- Zoning Districts**
- Agricultural
 - Planned Unit Development
 - One-Family Dwelling
 - R-1 Planned Unit Development
 - Two-Family Dwelling
 - R-2 Planned Unit Development
 - Medium Density Multi-Family
 - R-3 Planned Unit Development
 - High Density Multi-Family
 - Residential Manufactured Home
 - Office
 - Special Office
 - Planned Office
 - Intermediate Business
 - Central Business
 - General Business
 - Planned Business
 - Research Development
 - Controlled Industrial
 - Underground Space
 - General Industrial
 - Planned General Industrial

Updated: 2/21/2014 - TAA