022823

Introduced by Treece

First Reading 5-2-16 Second Reading 5-16-16

Ordinance No. 022823 Council Bill No. B 123-16 A

Permanent Record
Filed in Clerk's Office

AN ORDINANCE

establishing an administrative delay on the processing of applications for a building permit to construct new multi-family units and demolition of structures which are at least fifty years old within a one mile radius of an area bounded on the north by Elm Street, the west by Providence Road, the south by Stadium Drive and the east by Hitt Street, providing circumstances under which issuance of building or demolition permits may be approved; providing an exception for issuance of permits for which an application was on file with the Community Development Department Director on or prior to May 16, 2016; and fixing the time when this ordinance shall become effective.

WHEREAS, in the past five years the City of Columbia has experienced unprecedented growth in the construction of off campus student housing complexes; and

WHEREAS, the University of Missouri has announced it expects an enrollment decline of about 1,500 students in the fall of 2016 and the closure of two on campus residence halls; and

WHEREAS, due to the unique design in construction of the majority of off campus buildings created specifically to provide individual college students with group living housing options such housing is incompatible in design and function for typical single family residential uses and is unlikely to be repurposed to provide housing to a wider more varied segment of the city's population; and

WHEREAS, the City Council finds the sudden expansion of single purpose built student housing complexes within downtown Columbia has begun to usurp the original intended purpose and land uses of the C-2 zoning district, which are: retail sales, services, offices, mixed-use including housing, and public facilities; and

WHEREAS, the City Council further finds the construction and occupancy of multi-family residential housing in downtown Columbia is a significant change of use from the former and existing uses in such area; and

WHEREAS the City Council further finds the high demands placed on existing infrastructure (including but not limited to parking, water, sewer, storm water, electricity, trash, police, fire, streets, and sidewalks) from the rapid growth associated with the construction of multi-family residential dwellings creates a strain on the city's existing

infrastructure requiring further evaluation and study to ensure adequacy and protection of resources together with creation of a comprehensive plan for the improvement of the physical infrastructure of the area; and

WHEREAS, the City Council further finds the conversion of existing office and commercial buildings in the C-2 zoning district has the same effect on usurpation of the intended purpose and land uses and existing infrastructure as the construction of new structures; and

WHEREAS, the City Council further finds historic properties and neighboring single family residential uses in close proximity to the University of Missouri and downtown Columbia are also being eroded by the proliferation of multi-family and purpose built student housing; and

WHEREAS, the City Council further finds the preservation of historic properties is in the public interest so that the vital legacy of cultural, educational aesthetic, inspirational, and economic benefits of such properties will be maintained an enriched for future generations of Columbians; and

WHEREAS, the City Council further finds that there are limited historic resources within the city and the demolition of such properties to make way for rapid uncontrolled growth and development has been a problem in the central portion of the city; and

WHEREAS, the City Council further finds the proliferation of purpose built student housing poses a direct and immediate threat to the long term health and well-being of the community and needs additional further study and evaluation before the issuance of any additional construction permits for such housing; and

WHEREAS, the City Council further finds the construction of multiple single family or two-family dwellings on a single lot (or combination of lots) contributes to the degradation of existing neighborhoods and is an unintended consequence and interpretation of the existing city code creating the need for a temporary delay in order for the City Council to review and consider implementation of appropriate controls for organized development designed to protect the historic and family character of such neighborhoods; and

WHEREAS, the city is in the final stages of studying, developing, drafting and updating its zoning and subdivision ordinances to implement its comprehensive plan "Columbia Imagined"; and

WHEREAS, the City Council believes it is important to have the code updates in place to protect the existing city resources and guide the future development of the city in an thoughtful and organized fashion in order to promote and protect the public health, safety and general welfare of the city; and

WHEREAS, the City Council further finds a temporary delay in the issuance of permits is necessary and in the best interest of the citizens of the city of Columbia, is necessary to promote and protect the public health, safety and general welfare of the city and will not cause irreparable harm; and

WHEREAS, in the case of exigent circumstances, the City Council desires to provide for consideration of a request by a property owner for relief from the administrative delay in order to provide for issuance of a permit;

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

SECTION 1. The City Council makes and reaffirms the findings set forth above and incorporates the same by reference as if fully set forth herein.

SECTION 2. Except as otherwise provided herein, no building permit for the construction of a new multi-family structure, or series of structures when combined would include the construction of three or more dwelling units on any single lot or contiguous lots under common ownership nor permit for demolition or removal of any structure which was constructed fifty (50) or more years ago which is located within a one mile radius of an area bounded on the north by Elm Street, the west by Providence Road, the south by Stadium Drive and the east by Hitt Street shall be issued from the date of passage of this ordinance until December 1, 2016 except as provided herein. Such administrative delay on issuance of building permits for new construction shall apply to the conversion and/or remodeling of any existing structure into a structure containing in whole, or part, three or more dwelling units.

SECTION 3. The City Council may, by resolution, allow the issuance of a building permit for the construction of a multi-family structure located within a one mile radius of an area bounded on the north by Elm Street, the west by Providence Road, the south by Stadium Drive and the east by Hitt Street under any of the following circumstances:

(a) The Council determines that failure to allow construction of the structure would cause undue and substantial economic hardship on the property owner, adequate infrastructure exists (or will exist at the completion of the project) to provide necessary city services to the structure, and such construction will not be otherwise detrimental to the health, safety, and general welfare of the city; or

(b) The Council determines the owner has taken adequate steps to design and construct the structure in a manner which will maintain the vital legacy of cultural, educational, aesthetic, inspirational, and/or economic benefits of the property and surrounding neighborhood, adequate infrastructure exists (or will exist at the completion of the project) to provide necessary city services to the structure, and such construction will not be otherwise detrimental to the health, safety, and general welfare of the city; or

(c) The Council determines the construction of the structure complies with all existing and foreseeable planned city regulations, adequate infrastructure exists to provide necessary city services to the structure, adequate infrastructure exists (or will exist at the completion of the project) to provide necessary city services to the structure, and such construction will not be otherwise detrimental to the health, safety, and general welfare of the city.

SECTION 4. The City Council may, by resolution, allow the issuance of a permit for the demolition or removal of a structure located within a one mile radius of an area bounded on the north by Elm Street, the west by Providence Road, the south by Stadium Drive and the east by Hitt Street which was constructed fifty (50) or more years ago under any of the following circumstances:

(a) The Council determines the building to be demolished is a dangerous structure; or
(b) The Council determines the building to be demolished is obsolete and no longer of such historic significance to warrant a delay in demolition pending the study and enactment of regulations to preserve historic properties within the community; or
(c) The Council determines that failure to allow demolition or removal of the structure would cause undue and substantial economic hardship on the property owner; or
(d) The Council determines the property owner has taken adequate steps to salvage, preserve or reconstruct the historic structure in a manner which will maintain the vital legacy of cultural, educational, aesthetic, inspirational, and economic benefits of such property; or
(e) The Council determines the demolition or removal of the building would not interfere with the goal of preserving historic properties or is otherwise in the public interest.

SECTION 5. This ordinance shall not apply to any structure for which there was an application for issuance of a building or demolition permit on file with the Community Development Department on or before May 16, 2016.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this 16th day of May, 2016.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor