

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 340-13

AN ORDINANCE

amending Chapter 29 of the City Code to revise the definition of "family"; 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. 29-2. Definitions.

For the purpose of this chapter, the following words and terms as used are defined to mean the following:

...

Family:

- (1) An individual, ~~or~~ married couple, or registered domestic partnership and the children thereof and no more than two (2) other persons related directly to the individual, ~~or~~ married couple or registered domestic partnership by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage; or
- (2) a. 1. In zoning districts R-1 and PUD (when the PUD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood, ~~or~~ marriage or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.

2. The use of a dwelling unit by four (4) persons not related by blood, ~~or marriage~~ or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use.

- b. In all other applicable zoning districts, a group of not more than four (4) persons not related by blood, ~~or marriage~~ or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.

...

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

PASSED this _____ day of _____, 2013.

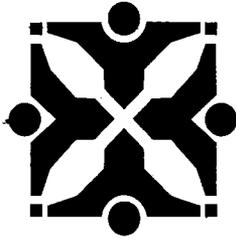
ATTEST:

City Clerk

Mayor and Presiding Officer

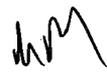
APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning 

Agenda Item No:

To: City Council
From: City Manager and Staff 

Council Meeting Date: Nov 18, 2013

Re: Amending the definition of "family" in the Zoning Ordinance (case 13-226)

EXECUTIVE SUMMARY:

In response to comments of the City Council, staff has prepared for Council consideration an amendment of the definition of "family" in the Zoning Ordinance to add references to registered domestic partnerships. The amendment would accommodate unmarried adults living together with dependent children under the present rule that limits occupancy of single-family dwellings in single-family districts to "a group of not more than three (3) persons not related by blood or marriage" and occupancy of dwelling units in two- and multiple-family dwelling districts to "four (4) persons not related by blood or marriage"

DISCUSSION:

During the recent review of the "over-occupancy" issue and amendments to the City Code creating occupancy disclosures, City Council members expressed concern that the present definition of "family" does not sufficiently accommodate unmarried adult couples living with dependent children. The City Code of Ordinances defines a "domestic partnership" as follows:

"Domestic partners" means two adults who share the same principal residence, and are jointly responsible for the basic necessities of life. The individuals need not contribute equally to the cost of these necessities, as long as they agree that both are responsible for the cost. [Chapter 12 Human Relations, Article IV Domestic Partnership Registry, Section 12-71 Definitions]

By adding the references to the domestic partnership registry, the zoning definition of "family" would recognize two unmarried adults, same sex or not, caring for dependent children as a single family. Currently "family" is defined as an *individual or married couple* which may include an unspecified number of dependent children - plus up to two additional relatives and one additional unrelated person. Two unmarried adults, each with its own dependent children, is not recognized in this definition of "family." The amendment clarifies that this arrangement, and others like it (e.g., in-home elder care) may be considered a single-family and is not "over-occupancy."

The Planning & Zoning Commission conducted a public hearing on the proposed text amendment on November 7, 2013. No member of the public spoke on the proposed amendment. One member of the commission suggested changing the term "domestic partnership" to "domestic partners" as more precise usage. The commission recommended the amendment by a vote of 6-0, three absent.

FISCAL IMPACT:

There is no fiscal impact

VISION IMPACT:

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

4.2 Goal: Columbia will be an inclusive community where people from all walks of life hear, appreciate, understand, respect, and trust each other, and where positive relationships are fostered and human rights are advanced.

SUGGESTED COUNCIL ACTIONS:

Approval of the proposed amendment.

Minutes, Planning & Zoning commission staff report, and proposed ordinance are attached.

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/Expands 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 #	4.2
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 7, 2013**

SUMMARY

A request by the City of Columbia to amend Chapter 29 (Zoning), Section 29-2 (Definitions) of the City Code as it relates to the definition of "family." **(Case # 13-226)**

DISCUSSION

Presently the zoning ordinance defines "family" as follows:

Family:

- (1) *An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage; or*

- (2)
 - a. 1. *In zoning districts R-1 and PUD (when the PUD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.*

 2. *The use of a dwelling unit by four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use.*

 - b. *In all other applicable zoning districts, a group of not more than four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.*

The attached text change is being presented for Commission and Council consideration. The proposed text change would add reference to the City of Columbia Domestic Partnership Registry to the definition of "family." In the zoning ordinance, the definition of family determines how many persons may occupy a single dwelling unit.

City Council members recently expressed concern that the present definition does not sufficiently accommodate unmarried adult couples living with dependent children. The City Code of Ordinances defines a "domestic partnership" as follows:

"Domestic partners" means two adults who share the same principal residence, and are jointly responsible for the basic necessities of life. The individuals need not contribute equally to the cost of these necessities, as long as they agree that both are responsible for the cost. [Chapter 12 Human Relations, Article IV Domestic Partnership Registry, Section 12-71 Definitions]

The Law Department has drafted the attached language to address the Council concerns.

RECOMMENDATION

Approve the proposed ordinance amendment.

Report prepared by Timothy Teddy

Case #13-226
Definition of family – proposed ordinance exhibit

Proposed deletions in ~~strikethrough~~
Proposed additions underscored

Family:

(1) An individual, ~~or~~ married couple, or registered domestic partnership and the children thereof and no more than two (2) other persons related directly to the individual, ~~or~~ married couple or registered domestic partnership by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage; or

(2) a. 1. In zoning districts R-1 and PUD (when the PUD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood, ~~or marriage~~ or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.

2. The use of a dwelling unit by four (4) persons not related by blood, ~~or marriage~~ or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use.

b. In all other applicable zoning districts, a group of not more than four (4) persons not related by blood, ~~or marriage~~ or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.

EXCERPTS
PLANNING AND ZONING COMMISSION
NOVEMBER 7, 2013

Case No. 13-226

A request by the City of Columbia to amend Chapter 29 (Zoning) Section 29-2 (Definitions) of the City Code as it relates to the definition of “family”.

DR. PURI: May we have a staff report, please?

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends approval of the proposed ordinance amendment.

DR. PURI: Commissioners, any questions of the Staff? Ms. Loe?

MS. LOE: This may be semantics, but in Item No. 1 the language appears to be referring to persons or individuals, not to a union or arrangement --

MR. TEDDY: Uh-huh.

MS. LOE: -- in that individuals are married couples, but the language referring to registered domestic partners is referred to as registered domestic partnership.

MR. TEDDY: Uh-huh.

MS. LOE: Should that not be registered domestic partners in both instances? In Items 2A and B, I agree that it's referring to an arrangement or a union, i.e. blood, marriage, or partnership.

MR. TEDDY: Yeah. And it -- I think the point is a good one because if you go to the Human Relations chapter of the City Code, which is Chapter 12, the definition is of domestic partners --

MS. LOE: Correct.

MR. TEDDY: -- not domestic partnership.

MS. LOE: Which is included on your first page.

MR. TEDDY: Yeah. And that's in the Staff --

MS. LOE: I just think it's unequal in how it is referring to the different groups.

DR. PURI: Any other questions? Mr. Stanton?

MR. STANTON: How does the City's definition line up with, let's say, the U.S. Census definition of a family? Is there going to be any problems with Census collection of data? You know, you -- do the definitions line up?

MR. TEDDY: I don't think there is a problem either way because this is a definition of family really only in the context of zoning and the allowed occupancy level of a single-family unit, of a two-family unit, et cetera. So I think it is really a very limited purpose definition. It doesn't extend outside of the zoning ordinance.

DR. PURI: Any other questions?

MR. TEDDY: And this is a definition we have had for many years -- the language regarding an individual or married couple. That's been in place since the early 70s, and perhaps earlier still.

We've made some changes in recent years to eliminate the requirement that there be only one kitchen serving that family, and that was at the request of the Homebuilder's Association. Some of you might remember that amendment a few years ago. And then over the years, this three and four unrelated adults standard, that's been changed. At one time it was, I think, four adults period. I think there was a period of time when five unrelated adults could live as a family, but -- so that has obviously been amended over the decades.

DR. PURI: Any other questions of the Staff, Commissioners? Ms. Loe?

MS. LOE: In the first item, again, it refers to no more than two other persons related directly to the individual married couple or registered domestic partners, if I may, by blood or marriage occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person not related to the family by blood or marriage. I'm just curious as to why or if domestic partnerships should be showing up after the blood or marriage in that instance if we're trying to consider domestic partnership a different but equal type of family household.

MR. TEDDY: Well, I think the aim is to -- and I'll take the R-1 case first. When we have a single-family residence, I think the desire is to still limit the family to not more than three unrelated. Now, if you have a domestic partner's situation or a partnership, I think this language recognizes that a relative of one of the two partners would be part of that family -- you know, an adult relative to two persons related. So grandparents -- a pair of grandparents, for example, I think it accommodates that. And then it goes on to say at the final sentence, family may include not more than one additional person not related to the family by blood or marriage. So you can have a boarder in your house, for example, or, you know, a friend or associate stay with you and you're not going to be in violation there. But I think it's just to give a little bit of flexibility. Are you concerned that the phrase by blood or marriage follows? I think -- because I think it means by blood or marriage relationship to the -- you know, the domestic partners, if that's who we are talking about.

MS. LOE: I guess my concern is that the statement of family may include not more than one additional person not related to the family by blood or marriage does not include or by registered domestic partnership.

MR. TEDDY: Oh, I see. So insert it a second time there is your --

MS. LOE: Yes. We're saying --

MR. TEDDY: -- suggestion?

MS. LOE: -- blood or marriage repeated. I'm just wondering why we are not saying registered domestic partnership repeated -- if there's a distinction being made.

MR. TEDDY: Yeah. Yeah. I think it's -- at that point we are considering it the family unit. So further qualification, that's probably why they didn't make that change.

DR. PURI: Questions? At this time, open the item for any public comments on this case.

PUBLIC HEARING OPENED

DR. PURI: Would anybody from the public like to comment on this? Seeing no one.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion?

MR. STANTON: Straight forward.

DR. PURI: Is that a motion, Mr. Stanton?

MR. STANTON: I move we accept the City's recommendation to approve this provision, Chapter 12, Article IV of the City Code.

MS. LOE: I'll second.

DR. PURI: Ms. Loe, second. May we have a roll call, please, Mr. Secretary?

MR. REICHLIN: In the matter of 13-226, a request by the City of Columbia to amend Chapter 29 or the zoning regulation, Section 29-2 (Definitions) of the City Code, definition of family, we have a motion and second.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Vander Tuig, Mr. Wheeler. Motion carries 6-0.