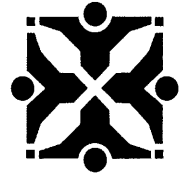


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: Supplemental Information B295-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 12/7/2015

Re: Chapter 20 amendment - Downzoning fees (Case #16-4) Supplemental Information

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: PR 195-92, current fee schedule

Executive Summary

If approved, this amendment would eliminate the base rezoning application fees associated with the downzoning of any property to the R-1 (one-family dwelling) district. Advertising fees would remain the responsibility of the applicant. This memo responds to several Council and public comments heard at the October 19, 2015 Council meeting.

Discussion

The City Council and several public speakers raised questions regarding the draft fee ordinance amendment. Those items and staff response are summarized below.

1. **Downzoning as “neighborhood stabilization.”** Some areas of the city exhibit a mismatch between platting, land use, and zoning. An example is the West Central Area where an overwhelming majority of lots are zoned R-2 Two-family dwelling but the actual use of the lots are single-family detached dwellings and the lot dimensions (either minimum lot width, or lot area, or both) are sufficient to support single-family detached dwellings but are not sufficient to permit duplex or two-family dwellings. Voluntary downzoning of such single-family lots assures individuals making investments in single-family homes that there will not be land assembly and redevelopment of two-family dwellings on the “downzoned” properties. Owners of property that choose to downzone do forfeit certain property rights, such as the right to sell their property to a developer of attached or multiple-family housing or the ability to rent an existing dwelling to four unrelated adults rather than a maximum of three as required in R-1.
2. **Impact of downzoning on adjacent two-family or multi-family zoned lots.** Council heard a concern that if downzoning is allowed to proceed, it may have an adverse impact on adjacent lots that remain zoned for two-family or multi-family because zoning to R-1 triggers buffering and transition requirements for future development on the adjacent parcels. Staff’s position is that this is an issue best left to analysis of the particular rezoning cases rather than the fee discussion. All rezoning requests are subject to Planning & Zoning Commission public hearing and Council approval. Also, the draft development code contains protections for both single-family zoning and single-family use regardless of zoning.

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3. **Include downzoning to R-2 District in fee waiver.** Some neighborhoods such as East Campus and Benton-Stephens have had some history of voluntary downzoning from R-3 Medium-density multiple-family district to R-2 Two-family dwelling district as well as R-1 One-family dwelling district. Council may amend the ordinance to include “downzonings” to R-2. Staff would suggest the waiver apply to zoning from “higher density residential” (R-3 medium density or R-4 high density) to R-2.
4. **Include other types of downzoning in the fee waiver.** Staff does not view other downzonings, such as from industrial to office, or commercial to multi-family residential, as within the spirit of the fee waiver policy resolution. The City currently waives fees for permanent zoning in annexations where the zoning change is from an equivalent category of Boone County zoning, including rezoning from Boone County A-1 or A-2 to City Agriculture District. Most agricultural zoning occurs by this route. The City also waives an application fee for individuals that place their properties in the Historic Preservation Overlay.
5. **Waiver of the advertising fee.** Currently staff collects a separate payment of \$125 (rate subject to change based on advertising cost) to reimburse the city for the notice of public hearing advertising that is required by law. The policy resolution waived the advertising charge as well as the filing fee but allowed for some predictability by requiring that applications be filed in groups each December-January. Staff proposes to accept downzoning applications year round but would recommend that applicants be responsible for the advertising. The city has a fixed budget for notification costs and this policy could have a negative fiscal impact. To retain the spirit of the policy resolution, however, staff would suggest that Council have discretion to waive advertising costs in cases where groups of property owners coordinate their voluntary downzoning applications.
6. **Waiver of fees for rezoning to R-1 from any district.** There was some question that the proposed ordinance language waiving fees for any rezoning to R-1 was too broad. Staff drafted the ordinance this way for simplicity. In cases of R-1 subdivision development, the original R-1 often qualifies for fee waiver as equivalent to County R-S (in annexations). There are also considerable fees paid for development actions such as subdivision approvals.

If the proposed revision to Section 20-24 is approved, PR 195-92 is no longer necessary as a new and more clear process for downzoning property will have been established.

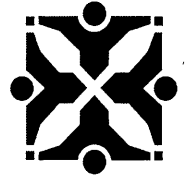
A copy of the proposed ordinance and amendment sheet is attached for review.

Fiscal Impact

Short-Term Impact: None. This change would affect future fee collections on rezoning requests.
Long-Term Impact: Limited. In FY 2015 there were no requests to downzone property from higher density residential to lower density residential. Future requests may be limited and collection of fees for advertising will off-set direct costs for the services rendered.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Operational Excellence...High-Level Service from Engaged Employees

Comprehensive Plan Impact: Land Use & Growth Management, Livable & Sustainable Communities

Suggested Council Action

Approval of the amendment to waive fees for downzoning of property from any zoning district to district R-1; from any higher residential (R-3 or R-4) district to district R-2; and to provide a mechanism to waive advertising fees for coordinated voluntary downzoning applications.

Legislative History

None.

Department Approved

City Manager Approved



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

PR 195-92
Ch. 20 Fee Schedule

Introduced by

M. C. Collum

Council Bill No.

PR 195-92

A RESOLUTION

establishing the City's policy on Council initiated downzonings of property in residential neighborhoods.

WHEREAS, the City Council has recently received a petition from a number of property owners in the East Campus neighborhood requesting that their property be downzoned; and

WHEREAS, these property owners have requested that the Council initiate a rezoning of their land in order that they might avoid the expense and effort of individual rezonings; and

WHEREAS, the Council recognizes that such downzonings may promote neighborhood revitalization or stabilization and is willing to initiate rezoning of the property in the East Campus neighborhood; and

WHEREAS, the Council recognizes the need of establishing guidelines for similar future requests.

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

SECTION 1. The City Council will consider initiating a downzoning requested by a group of property owners in a residential neighborhood upon receipt of a petition which meets the requirements of this resolution.

SECTION 2. A petition from a neighborhood group requesting downzoning must contain the following information for each parcel of land to be rezoned:

- a) The name and address of each owner of the property,
- b) An accurate legal description of the property to be rezoned and the street number and name of the property,
- c) The current zoning and the requested zoning.

SECTION 3. The petition requesting downzoning must be signed by an owner of each parcel of land to be rezoned.

SECTION 4. The petition must be filed with the City Planning Department in January or December of any year.

SECTION 5. The City shall pay the cost of advertising the notices of public hearings to be held in connection with rezonings initiated by the Council at the request of neighborhood groups complying with the requirements of this resolution.

ADOPTED this 4th day of January, 1993.

ATTEST:

Laura B. Daniel
City Clerk

Mary Anne McCollum
Mayor and Presiding Officer

APPROVED AS TO FORM:

Fred Berlin
City Counselor

Permanent Record
Filed in Clerk's Office

Sec. 20-24. - Schedule of fees.

The following processing fees are established:

- (1) Preliminary plat\$600.00 +
\$10.00 per lot
- (2) Final plat (in addition to recording fee)\$400.00 +
\$10.00 per lot
- (3) Replat (in addition to recording fee)\$300.00 +
\$10.00 per lot
- (4) Rezoning (in addition to advertising):
0 to 2 acres\$300.00

Greater than 2 acres to 5 acres\$450.00

Greater than 5 acres to 10 acres\$600.00

Greater than 10 acres to 15 acres\$900.00

Greater than 15 acres to 20 acres\$1,200.00

Greater than 20 acres\$1,500.00
- (5) Planned district development plan or major revision to a development plan (in addition to advertising):
0 to 2 acres\$300.00

Greater than 2 acres to 5 acres\$450.00

Greater than 5 acres to 10 acres\$600.00

Greater than 10 acres to 15 acres\$900.00

Greater than 15 acres to 20 acres\$1,200.00

Greater than 20 acres\$1,500.00
- (6) Minor revisions to planned district development plan\$200.00
- (7) Vacation of public easement, street or alley (in addition to recording fee)\$350.00
- (8) Variance from subdivision regulations\$350.00
- (9) Rezoning from district A-1 to district R-1No fee
Rezoning to district H-PNo fee
- (10) Annexation petitions (voluntary or agreement)\$250.00
(in addition
to advertising)
- (11) Rezoning to equivalent or lesser intensity Boone County zoning concurrent with annexation petitionNo fee
- (12) Hearing Continuance (applicant request after advertising)\$100.00

- (13) Administrative Plat\$200.00 +
\$10.00 per lot
- (14) Plat Vacation (abrogation)\$300.00
- (15) Cell Tower (new)\$1,500.00
- (16) Cell Tower (co-locate)\$250.00

(Ord. No. 16588, § 1, 9-13-00; Ord. No. 17090, § 1, 11-5-01; Ord. No. 20412, § 1, 9-21-09; Ord. No. 22213, § 1, 9-15-14; Ord. No. 22261, § 1, 11-3-14, eff. 1-1-15)

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 295-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 10/19/2015

Re: Chapter 20 amendment - Downzoning fees (Case #16-4)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: PR 195-92

Executive Summary

If approved, this amendment would eliminate the base rezoning application fees associated with the downzoning of any property to the R-1 (one-family dwelling) district. Advertising fees would remain the responsibility of the applicant.

Discussion

With the recent adoption of the City's new comprehensive plan, Columbia Imagined, and the nearing completion of the West Central Neighborhood Area Plan there has been increasing interest in the downzoning of property from higher intensity residential districts to the R-1 district. Such requests often provide an opportunity to preserve neighborhood character which is a goal and objective of Columbia Imagined as well as the neighborhood planning process.

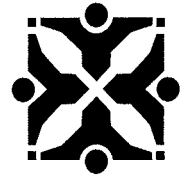
In 1992, the Council passed Policy Resolution 195-92 (PR 195-92) that gave specific guidance on how to handle downzoning requests in the East Campus Neighborhood with anticipation of similar requests in other areas of the City. The policy resolution included specific provisions stating that application and advertising fees could be waived if a "neighborhood group" were to petition Council at two specific times of the year. Since its passage the policy resolution has seen limited use.

Given the conditions under which PR 195-92 can be applied, staff questions its effectiveness in promoting neighborhood revitalization or stabilization. Staff believes permitting property owners the ability to submit downzoning requests free of "base" application charges at any time during the year would be more effective in promoting the revitalization and stabilization objectives of PR 195-92, Columbia Imagined and the neighborhood planning process.

To facilitate such efforts, the existing Schedule of Fees listed in Section 20-24 of the City Code is proposed to be revised. Such revision proposes to provide specific language authorizing the waiver of application fees for requests to downzone property from any zoning district to district R-1. There would be no limitation on when such requests would be permitted - they would be processed like any other standard rezoning request.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



While application fees are proposed to be waived, the advertising fee (which is a separate fee) is proposed to be required. Such requirement that advertising be paid by the applicant is consistent with other application types that are processed through the Planning Commission and Council (i.e. voluntary annexation).

If the proposed revision to Section 20-24 is approved, PR 195-92 is no longer necessary as a new and more clear process for downzoning property will have been established.

Fiscal Impact

Short-Term Impact: None. This change would impact future fee collections on rezoning requests.
Long-Term Impact: Limited. In FY 2015 there were no requests to downzone property from higher density residential to lower density residential. Future requests may be limited and collection of fees for advertising will off-set direct costs for the services rendered.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Operational Excellence...High-Level Service from Engaged Employees


Comprehensive Plan Impact: Land Use & Growth Management, Livable & Sustainable Communities

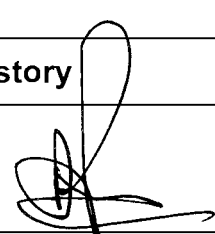
Suggested Council Action

Approval of the amendment to waive fees for downzoning of property from any zoning district to district R-1.

Legislative History

None.


Department Approved


City Manager Approved

MOTION TO AMEND:

MADE BY: _____

SECONDED BY: _____

MOTION: I move that Council Bill B 295-15 be amended as set forth on this amendment sheet.

=====

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

Sec. 20-24 is amended as follows:

Sec. 20-24. Schedule of fees.

The following processing fees are established:

(1) Preliminary plat \$600.00 + \$10.00 per lot

...

(9) Rezoning from any district A-4 to district R-1 No application fee
(advertising fee shall apply)

Rezoning from district R-3 or R-4 to district R-2 No application fee
(advertising fee shall apply)

Rezoning to district H-P No application or advertising fee

Waiver of the advertising costs for any rezoning application for which there is no application fee may be authorized by the city council upon written request of the applicant. Any such waiver shall be requested and granted or denied prior to the filing of the rezoning application.

...

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 295-15

AN ORDINANCE

amending Chapter 20 of the City Code as it relates to the schedule of fees for processing rezoning applications from any district to district R-1; 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 20 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. 20-24. Schedule of fees.

The following processing fees are established:

(1) Preliminary plat \$600.00 + \$10.00 per lot

...

(9) Rezoning from any district A-4 to district R-1 No application fee
(advertising fee shall apply)

Rezoning to district H-P No fee

...

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

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

PR 195-92

Introduced by W. C. Callum Council Bill No. PR 195-92

A RESOLUTION

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WHEREAS, the City Council has recently received a petition from a number of property owners in the East Campus neighborhood requesting that their property be downzoned; and

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WHEREAS, the Council recognizes that such downzonings may promote neighborhood revitalization or stabilization and is willing to initiate rezoning of the property in the East Campus neighborhood; and

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SECTION 4. The petition must be filed with the City Planning Department in January or December of any year.

SECTION 5. The City shall pay the cost of advertising the notices of public hearings to be held in connection with rezonings initiated by the Council at the request of neighborhood groups complying with the requirements of this resolution.

ADOPTED this 4th day of January, 1993.

ATTEST:

Laura B. Daniel Mary Anne McCallum
City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

Fred Berlin
City Counselor

Permanent Record
Filed in Clerk's Office