



SPECIAL REPORT: NEW ZONING CODE APPROVAL PROCESS

The Situation

Nearly two years ago, the Columbia City Council adopted new zoning rules for the downtown Columbia area. Those rules have come to be known as “the interim C-2 rules”. Some individuals believed the new rules were needed to address some inadequacies in the existing code. Other people believe they were adopted to block some new development in the downtown area.

Regardless of the motive, the interim C-2 rules have become the source of significant debate, particularly in light of the fact that the City has proposed to overhaul the ENTIRE zoning code which covers land use, not just downtown, but citywide. To that end, the City hired zoning consultants Clarion and Ferrell Madden to develop a revised zoning code proposal that must be reviewed by the stakeholders, the Columbia Planning and Zoning Commission and finally approved the Columbia City Council.

Over the course of the past two years the new zoning code proposal was released in a series of three modules. Module 1 covered Zoning Districts and Permitted Uses. Module 2 dealt with Form and Development Standards. Module 3 addressed Procedures and Enforcement. In mid 2015 a unified code was created containing all three modules along with various changes proposed by stakeholders. A copy of that Unified Code draft is available at the following link: http://www.gocolumbiamo.com/community-development/wp-content/uploads/sites/14/2015/09/ColumbiaIntegratedCodePUBLICDRAFT_2015_11-171.pdf

None of the changes or provisions of the underlying code have yet received approval by the City Council, however testing of the code *as proposed* has been initiated by the city. Ostensibly, this testing would predict how various projects would fare in terms of acceptance under the new rules. Supplemental testing is also being conducted by the Downtown Columbia CID to determine additional potential impacts of the new code.

It should be noted that some stakeholders do not agree with various provisions of the new proposal, but for testing purposes, all rules that have been recommended by the consultants are included during the initial testing phase. Based on testing results and other considerations, stakeholders will ostensibly be able to identify strengths and weaknesses of the document before it is finally adopted. Some concerns that were raised about the new code proposal BEFORE testing began can be reviewed in the document found at the following link: <http://www.gocolumbiamo.com/community-development/wp-content/uploads/sites/14/2015/09/Columbia-Development-Code-Clarion-Response-to-Concerns-11-16-15.pdf>

What Next?

City staff is currently in the process of developing an approval process schedule. That process is supposed to include several aspects including: code testing; discussion and evaluation of specific items recommended by the consultant but not generally agreed to by all stakeholders; a series of public hearings by the Columbia Planning and Zoning Commission; and a process for deliberation and adoption by the City Council.

When the process first began, Clarion and Ferrell Madden consultants predicted that the entire process would be completed by December of 2015. That deadline has since passed, and both the testing phase and approval phase has not been completed. It should be noted that in the original timeline, those two phases took three months and four months respectively, for a total evaluation period of 7 months. ***Reportedly, the city has completed or has nearly completed code testing on six properties. As this report is being compiled, the results of that testing has not been made public. That testing process also does not take into account additional testing that has been initiated by the Downtown Columbia CID, a major stakeholder in terms of impact of the new code. It is unclear if the city will be willing to wait on the outcome of that additional testing before proceeding with the formal discussion and approval hearing process.***

The protocol for the final approval phase is equally unclear at this point in time. In the original consultant timeline, this final phase was called “Refinement and Adoption”. The task was defined as follows:

“City staff will then compile any changes suggested by the code testing (and other late changes) and those will be included in a Hearing Draft of the development code. The consultant team will then present the code at adoption hearings, and if those hearings result in requests for additional changes, will incorporate those changes into the final development code.”

During a work session of the Columbia Planning Zoning Commission held on February 18, Planning & Development representative Pat Zenner outlined the

process being considered at this time. What follows is an excerpt from the minutes of that meeting:

Mr. Zenner then explained in greater detail what the proposed schedule was for the review of the new development code. He noted that Mr. Teddy was completing work on the "code testing" portion of the project and that a memo would be provided to Council outlining the steps forward to getting the document to them for consideration. Mr. Zenner noted that staff has considered that a minimum of 4 public hearings on the development code would be held prior to a final Commission recommendation moving to Council. This series of meeting would permit the public an opportunity to make comments and understand the document better. There would be 3 meetings dealing with each of the modules as previously presented and on meeting on the "code tests". A potential for a fifth meeting may be necessary to summarize the public comments and change made to the public hearing draft.

There was Commission discussion on the proposed schedule and the approach presented by Mr. Zenner. Mr. Moehlman indicated that Mr. Zenner's proposal of a lengthy public dialogue was critical to ensure that less opportunity existed for individuals to claim they did not have an opportunity to comment on such a significant document. He supported the general approach to the meeting structure.

There was discussion regarding how to incorporate such a significant public process into the regular meeting schedule for the Commission. Mr. Zenner indicated the Commission could hold a special set of meeting specifically for the new code or would just have to be prepared for extended regular meetings. Commission's voiced concerns regarding both options and suggested starting the meetings earlier than 7 pm. Mr. Zenner noted he would not recommend before 6 pm. There was discussion and the Commission agreed that convening at 5:30 for dinner and then starting meetings at 6 pm would be best. Mr. Zenner indicated that this could be accommodated and would have to be coordinated with the need to finish the CIP review.

Although this approach was presented as a basic outline, and has NOT been finalized, at least four aspects of the approval process are unclear.

1. No specific timeline is suggested. No mention is made of when these proposed hearings will commence or with what regularity they will occur. It is believed that no hearings will occur until after the municipal elections slated for April 5.
2. The format for the hearings is not specified. The report from Zenner indicates that the initial approval hearings will be held in conjunction with regularly scheduled Planning and Zoning meetings. If that is the case it would seem that people who wish to comment would be limited to presentations of just 3 or possibly 6 minutes each. Critics have indicated that this may not be sufficient time to explain arguments both for and against what the staff describes as "such a significant document." It would also indicate that there would be no question and answer format since no such mechanism allows for this under current P&Z rules.

3. There is no mention of how or if Downtown Columbia CID testing results will be evaluated or incorporated into the discussion.

4. There is no mention of any open house or moderated public discussion forum that could include the direct exchange between stakeholders, staff and potentially council and P&Z members.

Questions and comments regarding the proposed approval process and the content of the Hearing Draft of the new code may be directed to Tim Teddy, Director of Community Development at ttteddy@gocolumbiamo.com .

© 2016 CityWatch-Columbia