

JUN 20 2016

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3271

AN ORDINANCE AMENDING SECTION 17.28 "GENERAL BUSINESS DISTRICT"
OF THE CITY OF COLUMBIA MUNICIPAL CODE TO PERMIT AND REGULATE
MIXED-USE DEVELOPMENTS

Debra J. Hoff
City Clerk

WHEREAS, the City Council of the City of Columbia ("City Council") previously adopted Section 17.28 "General Business District" of the City of Columbia Municipal Code ("City Code"), addressing regulations, requirements, standards and procedures within the City of Columbia ("City"); and

WHEREAS, the City Council believes it is in the best interest of the City, and now desires to amend Section 17.28 "General Business District" of the City Code to incorporate Section 17.28.015 "Mixed-Use Development" that will permit and regulate mixed-use developments in a C-2 "General Business" zoned district;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one ("1") of this Ordinance.

Section 2. That Section 17.28 "General Business District" of the City Code shall be amended to incorporate Section 17.28.015 "Mixed-Use Development" to read as follows:

Section 17.28.015 Mixed-Use Development

A. Purpose and Intent:

The following regulations provide the standards and establish the procedure for review by the Plan Commission and City Council for mixed use development proposals in the C-2 General Business District. It is the intent of these regulations to provide a means of achieving greater flexibility in development of land and/or reuse of existing buildings in a manner not readily achievable with conventional zoning district regulations; to encourage a more imaginative and innovative design of land development and reuse of existing buildings; and to promote a desirable community environment.

The City Council, upon recommendation by the Plan Commission, may by ordinance, authorize a mixed use development within the C-2 General Business District when the proposed development or use of a specific tract of land or area warrants greater flexibility, yet greater scrutiny of development design, than is afforded under the standard C-2 regulations. These Mixed Use Development regulations are not intended

to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The City Council may, upon proper application, approve a Mixed Use Development to facilitate the use of flexible techniques of land development, site design and/or reuse of existing buildings, by providing relief from conventional zoning standards and/or place certain restrictions on a mixed use development in order to achieve one or more of the following objectives:

1. Site planning that better adapts to site conditions and its relation to surrounding properties that would not otherwise be possible or would be inhibited under the C-2 District regulations;
2. Encourages walkable urban neighborhoods;
3. Functional and beneficial uses of public spaces;
4. Creation of a safe and desirable living environment for mix of residential and commercial uses;
5. Rational and economical in relation to public utilities and services; and
6. Efficient and effective traffic circulation, both within and adjacent to the development site.

B. Amendment Ordinance and Coordination with Subdivision Code and other Codes:

1. Obtaining a Mixed Use Development designation in the C-2 General Business District requires an amendment to the Official Zoning Map (rezoning), except that the procedure for such amendment shall be in accordance with this Section 17.28.015 instead of Section 17.02.050 of Title 17, "Zoning". The nomenclature for this designation shall be "C-2 Mixed Use Development" or "C-2 MXD".
2. When a mixed use development involves any subdivision activity, the subdivision review and approval procedure requirements contained the Subdivision Code shall be carried out simultaneously with the review of a mixed use development under this Section of this Title.
3. Obtaining a Mixed Use Development Designation does not relieve the property owner from compliance with other City, state and federal

codes, including the requirements of Title 15, Building and Construction, of the Columbia Municipal Code.

C. Permitted Uses:

1. Permitted uses shall be established in the conditions of the ordinance adopted by the City Council governing the particular C-2 MXD district. Specific uses may include those uses designated as permitted or special uses in any of the business districts.
2. In addition to those uses referenced in paragraph "1." above, the following uses may be approved as permitted uses and established as such in the ordinance governing the particular C-2 MXD district:
 - a. Multiple-family residential dwelling units located in mixed use buildings, provided that residential dwelling units located on the first or ground floor level shall limited to buildings that are dedicated to residential use only. Buildings considered to be dedicated to residential use only include buildings that are part of a building complex with firewalls separating the individual building footprints.
 - b. Multi-events venues such as buildings adaptable to multiple venues such as movie and/or performing arts, banquets, receptions and parties.
 - c. Microbreweries in conjunction with a full service restaurant.
 - d. Outdoor restaurant seating as an accessory use to a full service restaurant, subject to the regulations and standards contain in Subsection E, "Density and Development Regulations and Other Standards", of this Section.

D. Minimum Mixed Use Development Site Size:

The minimum site size for any of a C-2 MXD district shall be one and one-half (1.5) acres. This minimum site size may be waived by the City Council upon report by the Plan Commission; if it is determined that the use proposed mixed use development is desirable or necessary in relationship to the surrounding neighborhood; or, if the City Council should determine such waiver to be in the public interest.

E. Density and Dimensional Regulations and other Standards:

1. General Standards: The approval of a mixed use development may provide for such exceptions from the regulations associated with Title 17, "Zoning", as may be deemed necessary and desirable to achieve the objectives of the proposed mixed use development. No mixed use development shall be allowed which would result in:
 - a. Inadequate or unsafe vehicular access to the development;
 - b. Peak-hour traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing "level of service D" as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers;
 - c. An undue burden on schools, fire police protection, utilities and other public facilities which serve or are proposed to serve the planned development; and
 - d. Other detrimental impacts on the surrounding area.
2. Residential Use Ground Floor Proportions: Residential use shall not exceed 50% of the total ground floor area of all buildings located within the mixed use development.
3. Restaurant Outdoor Seating Requirements:
 - a. Outdoor seating shall be located on decorative pavement or decking material.
 - b. Hours of operation: The hours of operation shall as determined by the City Council and established in the conditions of the ordinance approving the C-2 MXD development.
 - c. Outdoor tables, chairs, umbrellas and other furniture and decorative hardscape shall be made of durable material intended for outdoor use.
 - d. Outdoor sound system: Outdoor sound systems shall be for background music for enjoyment by restaurant patrons and shall

not be audible, including low frequency vibrations, from the interior of on-site or nearby residential dwellings. The Council may place other restrictions on outdoor sound systems, including hours of use.

- e. Litter control: Adequate provisions shall be made for litter and trash control including the providing of and regular maintenance of trash receptacles. The outdoor seating area and adjoining areas shall be free of debris at all times.
- f. Lighting: Provisions shall be made for appropriate lighting that will not disturb on-site residences or adjoining properties or streets.
- g. Pedestrian circulation: The outdoor seating area shall not obstruct any building access points and an unobstructed walkway of at least six (6) feet wide shall be maintained between the seating and the edge of street pavement (or back of curb).

F. Preliminary Development Plan Approval and Rezoning Petition Procedure:

1. Submittal Requirements: The property owner(s) shall file an application for review and approval of a preliminary development plan and a petition for rezoning the subject property to C-2 MXD. The applicant shall deposit a fee for the rezoning petition pursuant to Section 17.02.050 B. of Title 17, "Zoning". The following shall be submitted to the City Clerk's office:
 - a. Plot plan showing the size, dimensions and location of the property.
 - b. The proposed and/or existing building setback lines.
 - c. The proposed and/or existing buildings, including location and approximate size.
 - d. Other on site features or amenities, such as courtyards, restaurant outdoor seating, etc.
 - e. Elevation drawings of the proposed and/or existing buildings showing the height, scale and massing of the building or buildings.
 - f. The preliminary parking layout and vehicular circulation patterns.

- g. The approximate existing and proposed contours (for new developments or redevelopment projects).
 - h. A general landscaping plan.
 - i. A table or matrix that clearly quantifies all uses planned as part of the mixed use development, including the total square footage of each use, and the type of residential units proposed (apartments, townhomes, condominiums, etc.) and the number of units for each type.
 - j. A proposed project schedule indicating the project start and completion dates. If phasing is proposed, a specific phasing plan shall be included.
 - k. Any additional information on the proposed mixed use development that may be voluntarily provided by the applicant or requested by the Plan Commission that would aid in understanding the nature and scope of the project.
2. Plan Commission Review: The Plan Commission shall review the application and rezoning petition and make a recommendation to the City Council pursuant to the following procedure:
- a. Within forty-five (45) days of receipt of the application and rezoning petition by the City Clerk, the Plan Commission shall hold a public hearing on the rezoning request and the associated preliminary development plan. Notice shall be given of the time and place of the hearing, not more than 30 nor less than 15 days before the hearing, by publishing a notice thereof in a newspaper published in the City. The notice shall state the time and place of the hearing, a description of the property or properties affected, and a brief statement of the nature of the amendment. Such notice need not include a metes and bounds legal description, provided that the notice includes:
 - (i) The common street address or addresses; and
 - (ii) The property index number ("PIN") or numbers of all parcels of real property contained in the affected area.

- b. Within ten (10) days following the close of the hearing, the Plan Commission shall file a report of the hearing and its recommendations with the Mayor and City Council.
 - c. In case of a written protest against the proposed rezoning, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the rezoning shall not be passed except by a favorable vote of two-thirds of the aldermen of the City then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the rezoning petition.
3. City Council Action on Preliminary Development Plan and Rezoning Request:
- a. If the preliminary development plan is approved by the City Council, it shall adopt a resolution approving said preliminary development plan, with changes or conditions as may be specified by the City Council and authorizing the preparation of the final development plan (the "Approval Resolution").
 - b. Simultaneously with the Approval Resolution, the City Council shall adopt an ordinance rezoning the site to the C-2 MXD district and said ordinance shall include, but not be limited to, the following:
 - (i) Legal description of the subject property;
 - (ii) Reference to the Approval Resolution;
 - (iii) Permitted uses, including any conditions of use;
 - (iv) A statement requiring approval of a final development plan and plat (if applicable), by the City Council, prior to issuing building permits;

- (v) Building and structure height limitations;
- (vi) Minimum building setback requirements; and
- (vii) Off-Street parking requirements, if different than the requirements set forth in Section 17.44 of Title 17, "Zoning".

4. Effect of Approval of Preliminary Development Plan and Period of Validity:

- a. All conditions imposed as a part of any mixed use development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of said area.
- b. Approval of the preliminary development plan by the City Council is merely an authorization to proceed with the preparation of the final development plan.
- c. Approval of the preliminary development plan shall be valid for a period of two (2) years from the date of City Council approval. If an application for final plan approval for all or a geographic portion of the preliminary development plan has not been filed within the two (2) year period, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plan approval. The City Council, upon recommendation from the Plan Commission, may grant up to a one (1) year extension, from the date that the period of validity expired. The Council may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan.
- d. In no case shall a building permit be issued prior to final development plan approval.
- e. At such time the period of validity has expired, the resolution approving preliminary development plan shall become null and void. In the event that the development plan involved rezoning all or a portion of the property comprising the development, the City Council may initiate proceedings to rezone the property to its original or other appropriate zoning district, in accordance with the

procedures and requirements of Section 17.02.050 of Title 17, "Zoning".

G. Final Development Plan Review Approval Procedure:

1. Final Development Plan Submittal Requirements: A final development plan shall be filed with the City Clerk's office and include the following:
 - a. The information required for the preliminary development plan, except that it be in its final form.
 - b. The landscape plan shall include specific location of all plant materials and specifying size and species.
 - c. The parking layout plan shall include delineation of spaces, circulation isles and loading/delivery zones.
 - d. Provisions for handling solid waste and recycling and the method of enclosing and/or screening solid waste and recycling containers.
 - e. All other information that the City Council may have included as a condition of approval of the preliminary development plan.
2. Compliance with Approved Preliminary Development Plan: The final development plan shall be in substantial compliance with the approved preliminary development plan. Modifications and refinements, resulting from the final design process, may be approved. In no event shall any modification of the development plan result in the following:
 - a. A change in the use or character of the development.
 - b. An increase in building or site coverage.
 - c. An increase in the intensity of use by more than 10% (e.g., number of dwelling units or building square footage).
 - d. An increase in vehicular traffic generation or significant changes in traffic access and circulation.

3. Review and Approval:

- a. The Plan Commission shall review such documents in light of the Approval Resolution. The Plan Commission shall report to the City Council with its recommendation whether the final development plan is substantially consistent with the Approval Resolution and satisfies all of the conditions of the Approval Resolution.
- b. The Plan Commission shall transmit their recommendation in writing to the City Council within thirty (30) days of filing the final development plan, or thirty (30) days from the date on which the last item of required documentation is received by the City Clerk's office, whichever is later.
- c. The City Council shall review the final development plan and shall either approve or disapprove via ordinance said final development plan within thirty (30) days after receiving the recommendation from the Plan Commission. The concurring vote of a majority of the City Council (Mayor and Aldermen holding office) shall be required for the granting of approval of said development plan; except that, a proposed development plan that fails to receive the approval of the City's Plan Commission shall not be approved by the City Council except by two-thirds (2/3) vote of all Aldermen of the City then holding office. If the final development plan is approved by the City Council, the Mayor shall immediately affix his/her signature to the final development plan and cause there to be attached thereto a notation that the final development plan has received final approval of the City Council. The City Clerk shall then attest to the signature of the Mayor and affix the City Seal thereto.
- d. If the final development plan is disapproved, the reasons(s) for such action and specific instances where such final development plan is not in conformance with requirements herein shall be noted and conveyed in writing to the property owner or applicant.

H. Changes to Final Development Plan:

1. Minor Changes: Minor changes in the location, siting and height of buildings and structures may be authorized by the Building Inspector if required by engineering or other circumstances not foreseen at the

time the final development plan was approved. No change authorized by this section shall cause any of the following:

- a. A change in the use or character of the development.
 - b. An increase in building or site coverage.
 - c. An increase in the intensity of use (e.g., building square footage or number of dwelling units).
 - d. An increase in vehicular traffic generation or significant changes in traffic access and circulation.
 - e. A reduction in approved landscaping area, open space or required buffer areas or screening.
 - f. A change that would cause a re-subdivision or other material modification to the record plat, if applicable.
2. Plan Amendments: All proposed changes in use, or rearrangement of lots, blocks and building tracts or siting, and changes which would cause any of the situations listed under paragraph 1 above shall be subject to approval by the City Council. In such event, the owner or applicant shall file a revised final development plan and be subject to the requirements of this Section as if it were an entirely new application.

I. Failure to Initiate Construction After Final Development Plan Approval:

1. Period of Validity: No approval of a final development plan shall be valid for a period longer than two (2) years from the date of approval unless within such period a building permit is obtained and construction of the development is commenced and diligently being prosecuted to towards completion.
2. Extension: The City Council may grant a one (1) year extension upon written request of the applicant.
3. Lapse in Period of Validity: At such time as the period of validity of an approved final development plan lapses, the City Council may pass an

ordinance declaring that the final development plan and all uses, terms and conditions thereof are null and void. In addition, the City Council may initiate proceedings to rezone the site to its original or other appropriate zoning district in accordance procedures and requirements of Section 17.02.050 of Title 17, "Zoning".

Section 3. This Ordinance shall be in full force and effect immediately upon passage as provided by law.


YEAS: Aldermen Ebersohl, Agne, Niemietz, Huch, Reis, Holtkamp and Martens.

NAYS: None.

ABSENT: Alderman Roessler.

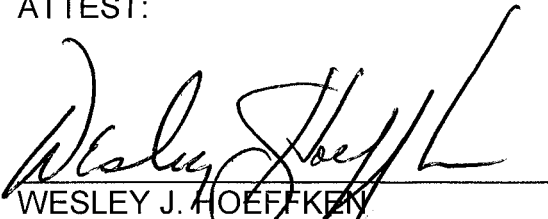
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 20th day of June, 2016.



KEVIN HUTCHINSON
Mayor
City of Columbia

ATTEST:



WESLEY J. HOEFFKEN
City Clerk
City of Columbia