

# AN ORDINANCE TO PROVIDE INTERIM MEASURES FOR COMMUNITY CHARACTER PROTECTION

## GEOGRAPHY

Interim measures shall apply the Cottontown, Heathwood, Hollywood/Rose Hill, Shandon, and Wales Garden neighborhoods, whose boundaries are recognized by the Columbia Council of Neighborhood (hereinafter referred to as “CCN”) and more specifically described within Exhibits A.1 and A.2.

The City Council may amend this ordinance to provide these interim measures to other areas in accordance with the following procedures:

1) Any amendment to this ordinance shall be processed as an amendment to the text of the Zoning Ordinance.

2) Process for Neighborhoods Recognized by CCN.

a) A neighborhood recognized by CCN (hereinafter referred to as a “neighborhood association”) shall place an item upon the agenda of a regularly scheduled neighborhood association meeting labeled “DISCUSS AND/OR VOTE UPON INTERIM MEASURES FOR COMMUNITY CHARACTER PROTECTION” and shall cause this agenda to be widely circulated at least 30 days prior to the meeting. At a minimum, the circulation of this agenda shall also include a copy of the interim measures and a map of the neighborhood association.

b) At the meeting, the neighborhood association shall provide a sign-up sheet upon which persons may record their attendance.

c) At the meeting, the neighborhood association shall conduct a vote upon the following question: Do you wish to ask City Council to apply Interim Measures for Community Character Protection to the neighborhood association?

d) If a majority of those persons present vote “yes” to the above question, then the president of the neighborhood association shall send a letter to the Zoning Administrator and the Preservation Planner requesting that the neighborhood association be considered for interim measures (hereinafter referred to as an “opt-in letter”). The letter shall describe the ways in which the agenda/notice was circulated, a copy of the agenda and sign-up sheet, and a breakdown of the vote (number of “ayes” and “nays”).

3) Process for Areas Not Recognized by CCN.

a) Generally, a contiguous area may apply for interim measures where that area is zoned or used residentially and consists of more than 2 acres of private property. The Planning Commission may vary this area requirement upon a finding that extraordinary circumstances exist (e.g. a residential area less than 2 acres is surrounded by nonresidential property).

b) An area representative shall collect the signatures of a majority of the property owners within the proposed area upon a document that minimally asks the question: Do you wish to ask City Council to apply Interim Measures for Community Character Protection to the proposed area? That document shall also include a copy of the interim measures and a map of the proposed area. For the purpose of this ordinance, a majority shall be measured as more than 50 percent of the persons owning property within the proposed area and each property owner shall be afforded one vote per parcel within the proposed area.

c) If a majority of the property owners vote “yes” to the above question, then the area representative shall send a letter to the Zoning Administrator and the Preservation Planner requesting that the area be considered for interim measures. The letter shall describe the ways in which the signatures were collected and copies of those signatures.

#### 4) Adoption Process.

- a) Upon receipt of an opt-in letter, the Zoning Administrator shall place the request upon the next available agenda of the Planning Commission. The Zoning Administrator shall send a letter to the President of the neighborhood association or the area representative confirming the date and time of the meeting, and the Zoning Administrator shall place notice within a newspaper of general circulation at least 10 days prior to the meeting. Following this publication, in accordance with the pending ordinance doctrine, the City would not issue any permit that would be contrary to the interim measures.
- b) At the Planning Commission meeting, the Planning Commission shall review the opt-in letter and forward a recommendation to City Council.
- c) The recommendation of the Planning Commission shall be considered by City Council at next regularly scheduled zoning public hearing before City Council.

#### LIMITS TO DEMOLITION

- 1) Within the areas described within Exhibits A.1 and A.2, the City shall not issue a demolition or relocation permit for any structure 50 years old or more without review and approval by the Design Development Review Commission (DDRC). Staff of the DDRC may review and approve the demolition or relocation of a building deemed “noncontributing” in accordance with § 17-655 (a)(2).
- 2) To determine age of a structure, the City shall use the on-line Richland County Assessor’s Office Assessed Property and Tax Inquiry. If that information is not available, the applicant shall present other documentation to the City to establish the age of the structure.
- 3) The applicant shall submit an application for Certificate of Design Approval to the DDRC.
- 4) Staff to the DDRC shall post the property upon which the structure is located at least 15 days prior to the consideration of the application by the DDRC.
- 5) In review of an application involving demolition, the DDRC shall employ the criteria for review of requests for demolition permits outlined within § 17-264 (e) of the City Code.
- 6) In review of an application to relocate a structure, the DDRC shall employ established principles and guidelines and evaluate the following:
  - a) The importance of the building, structure, or object to the ambience of the district; and
  - b) Whether or not preservation on-site is not feasible given the circumstances.

As part of the review of an application to relocate a structure, the applicant must include the following items:

- a) Report that the structure is safe to be moved;
- b) Documentation that the site to which the structure will be relocated is suitable;
- c) Site plan of lot showing location of structure and setbacks from adjoining property lines;
- d) Rehabilitation plans once relocated.

*Note: Current DDRC Principle Regarding Relocation: Much of a building’s value is in its context: the street on which it sits, the buildings that surround it, and the landscape. Together, these things create the fabric of a community and establish the integrity of the district. Therefore, a building should remain in its context unless its existence is threatened by*

*encroachment or it cannot be preserved in the original location;*

*Current DDRC Guideline Regarding Relocation: Moving a building into the district is permitted if the building will be compatible with the historic buildings surrounding the new location in terms of height, scale, setback, and rhythm of spacing, materials, texture, details, roof shape, orientation, and proportion and rhythm of openings.*

7) In the event the DDRC denies the an application involving demolition or relocation, the applicant may appeal that determination to City Council in accordance with § 17-677 of the City Code.

8) For the purpose of this ordinance, the following demolitions are exempt from this ordinance:

- a) Partial demolitions where staff to the DDRC determines that the portion of structure to be demolished does not contribute to the design integrity of the structure or the significance of the structure.
- b) Where demolition is ordered by the City to remedy a life/safety issue.
- c) Where demolition is ordered by the City as a conclusion to a property maintenance or housing case.
- d) Where demolition is made a component of an application to rezone the property to PUD, and the City Council approves the application.

9) Demolition or relocation without a permit or Certificate of Design Approval shall be prosecuted in accordance with § 17-656 of the City Code.

## **LIMITS UPON NEW CONSTRUCTION AND SUBDIVISIONS**

In the adoption of this section, it is the intent of City Council that new construction that originates from new subdivisions be (1) oriented in a manner generally consistent with the existing orientation of proximate residences and (2) be generally massed and/or setback such that larger residences do not negatively impact adjacent smaller residences.

1) Within the areas described within Exhibits A.1 and A.2, where an applicant proposes to subdivide a new residential lot, the side yard setbacks imposed upon the new lot shall be the mean side yard setback for all improved residential lots within a 750-foot radius. Generally, side yard setbacks shall not be imposed upon a new lot that would leave a building pad less than 30 feet wide, except where the original lot is a corner lot; in these instances, larger lots may need to be platted to ensure that the setbacks align as required within nos. 2 and 3 below. Unless reduced via a PUD or variance, in no instance shall a side yard setback upon a new lot be less than 5 feet.

2) Subdivisions from Improved Corner Lots. Within the areas described within Exhibits A.1 and A.2, where an applicant proposes to subdivide a new residential lot from an improved corner lot:

- a) Where the new lot would dictate a building orientation perpendicular to the existing residence located upon the “remaining” corner lot, no new lot line shall be closer to a principal structure than 30 feet. See illustration (Exhibit B.1).
- b) Where the new lot would dictate a building orientation similar to the existing residence located upon the “remaining” corner lot, the front yard setback of the new lot shall be the same as the same street setback of the existing residence upon the “remaining” corner lot, and side yard setbacks shall be established in accordance with No. 1 above. See illustration (Exhibit B.2).

3) Subdivisions from Vacant Corner Lots. Within the areas described within Exhibits A.1 and A.2, where an applicant proposes to subdivide a new residential lot from a vacant corner lot, the subdivision shall be platted such that the structure built upon the “remainder” corner has setbacks from both street lot lines that align with the existing setbacks of residences in each direction. Similarly, the street setback upon any new “interior” lot shall align with the existing setback of an existing residence. If no adjacent residence exists to establish this street setback, or if the street setback of an existing

residence is atypical for the area, the street setback shall be determined by the average of all similarly oriented street setbacks along the same street within a 2-block radius. See illustration (Exhibit B.3).

4) Subdivisions from Corner Lots, Generally. The Zoning Administrator may determine that the most appropriate orientation for any required yard or setback is different from that suggested within nos. 2 and 3 above or as may be required by § 17-275, 276, or 278 of the Zoning Ordinance where it appears that such different orientation will further the intent of these interim measures or where such orientation would preserve a grand and/or significant tree. The applicant for subdivision may appeal this determination to the Board of Zoning Appeals as an appeal from an administrative decision of the Zoning Administrator.

*Note: The language proposed above nearly exactly mirrors current language found within § 17-278 (4) of the Zoning Ordinance. It gives the Zoning Administrator the flexibility to evaluate unique circumstances that the Zoning Ordinance could not have envisioned, while allowing an appeals process for the applicant.*

5) Within the areas described within Exhibits A.1 and A.2, where any new construction upon a new residential lot would be contiguous to a lot containing a structure or portion of a structure 1 1/2 stories high or less, that new construction shall be no higher than a line drawn at a 45-degree angle from a point 8 feet above the common lot line or than the maximum allowance within the underlying zoning district, whichever is less. Chimneys and other unoccupied appurtenances are not subject to this limitation. See illustration (Exhibit C).

*Note: The intent of this approach is to permit bigger homes on bigger lots. It also minimizes the most-common complaint about McMansions -- that they dwarf adjacent structures. The calculation works out such that the permitted height equals 8 feet plus 1 foot for every 1-foot side setback. A typical 1- to 1 1/2-story house could still be built at the standard 5-foot setback, but the setback would probably have to go to at least 10 feet to have a 2- to 2 1/2-story house.*

6) For the purpose of this ordinance, “new residential lot” shall mean any residential lot created by a plat of subdivision filed and recorded after the effective date of this ordinance upon which no more than a single-family or two-family dwelling can be constructed. Lots of record existing upon the 1999 Richland County Tax Maps are exempt.

7) For the purpose of this ordinance, new construction includes the placement of a structure moved from another site, and the following subdivisions are exempt:

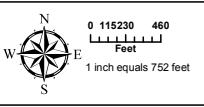
a) Where subdivision is made a component of an application to rezone the property to PUD, and the City Council approves the application.

b) Where the subdivision is from a parcel 5 acres or larger.

## **SUNSET CLAUSE & CHANGES TO THE GEOGRAPHY**

These interim measures shall expire within 2 years of the effective date of this ordinance. For any neighborhood association or area that opts-in after the original adoption of this ordinance, a 2-year time period would be afforded to that neighborhood association or area starting from the effective date of the necessary amendment to this ordinance. The time frame associated with these interim measures could only be extended following a recommendation from the Planning Commission and public hearing and two readings of an ordinance by City Council – the same process required for an amendment to the text of the Zoning Ordinance. Similarly, any change to the geography of these interim measures would require the same process, except where City Council formally voted upon a request for historic designation of an included geography. In that instance, because City Council either made the geography a historic district or determined it did not warrant that designation, one could argue that the interim measures are no longer appropriate.

**EXHIBIT A.1**  
*Neighborhood Associations covered by interim measures to protect community character.*



ORIGINAL PREPARATION DATE:  
 This map was prepared by:  
 David L. Hatcher  
 September 12, 2007

REVISION NUMBER/DATE:
None



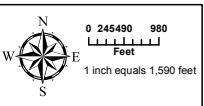
**LEGEND**

- COTTONTOWN
- PARCELS
- CITY LIMIT

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\*\* DATA SOURCE - CITY OF COLUMBIA, GIS DIVISION

**EXHIBIT A.2**  
*Neighborhood Associations covered by interim measures to protect community character.*



ORIGINAL PREPARATION DATE:  
 This map was prepared by:  
 David L. Hatcher  
 September 12, 2007

REVISION NUMBER/DATE:
None



**LEGEND**

- HEATHWOOD
- HOLLYWOOD/ROSE HILL
- SHANDON
- WALES GARDEN
- PARCELS
- CITY LIMIT

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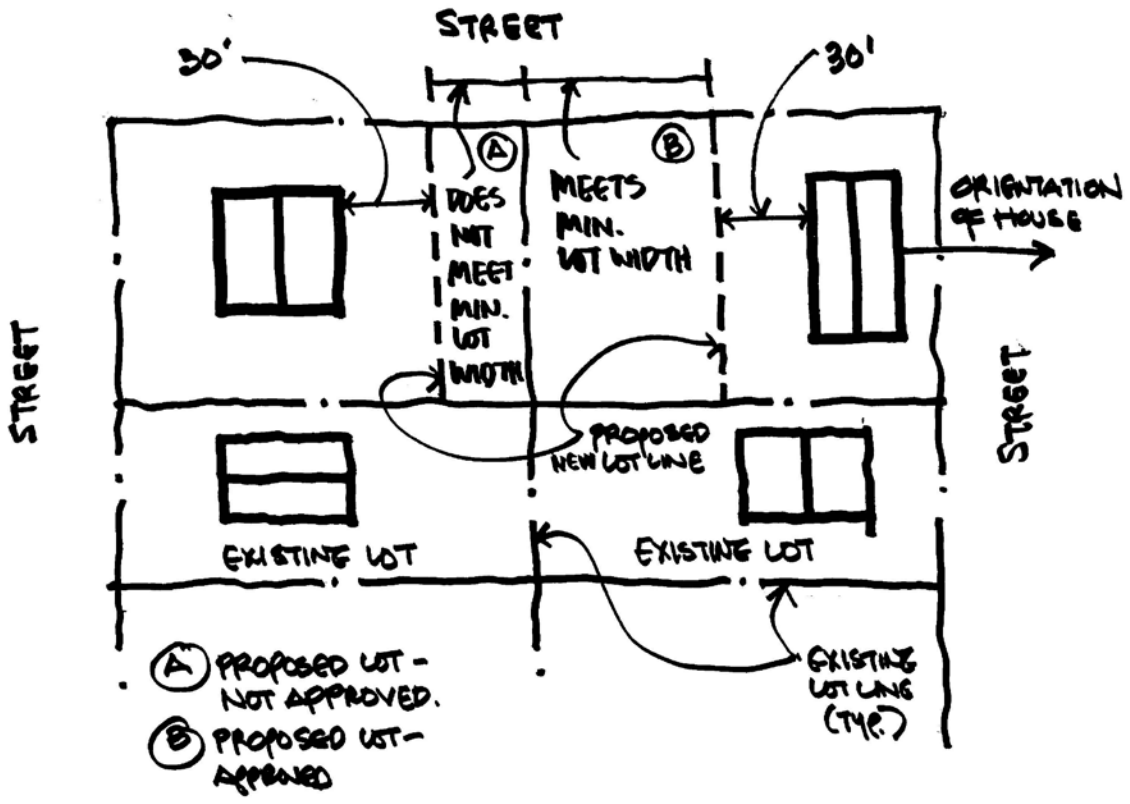


EXHIBIT B.1.

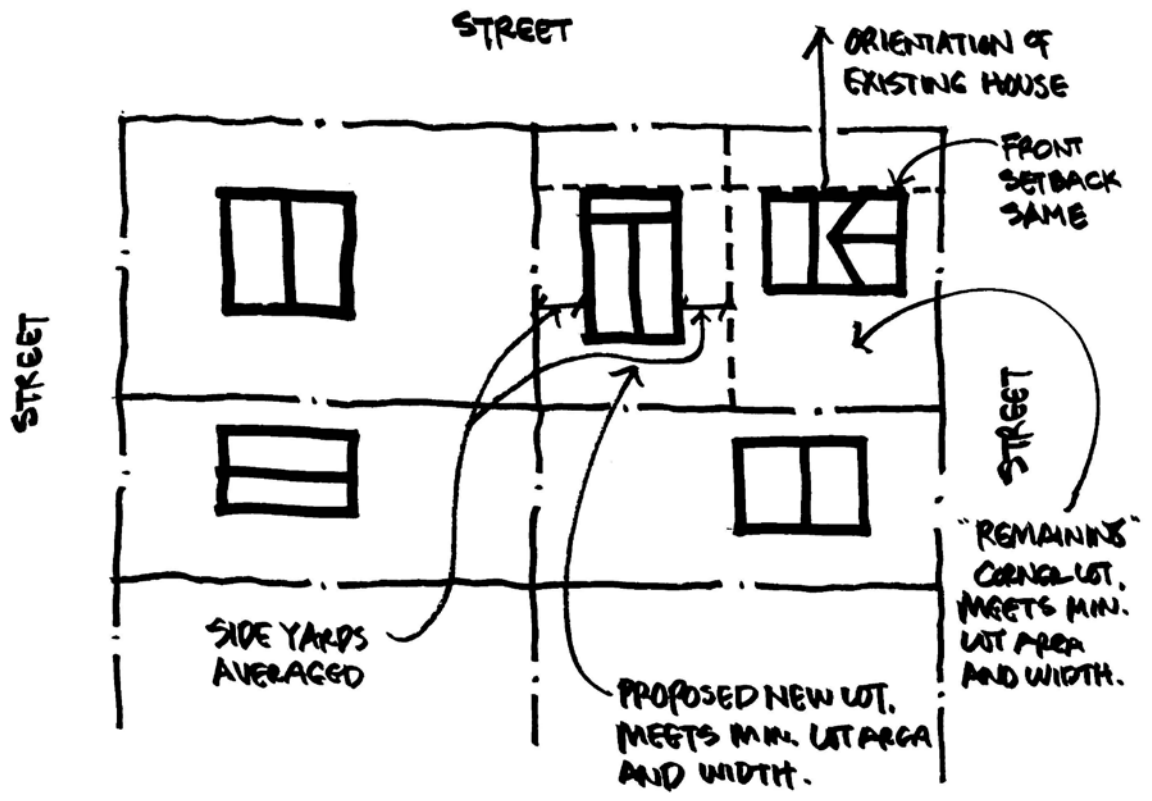


EXHIBIT B.2.

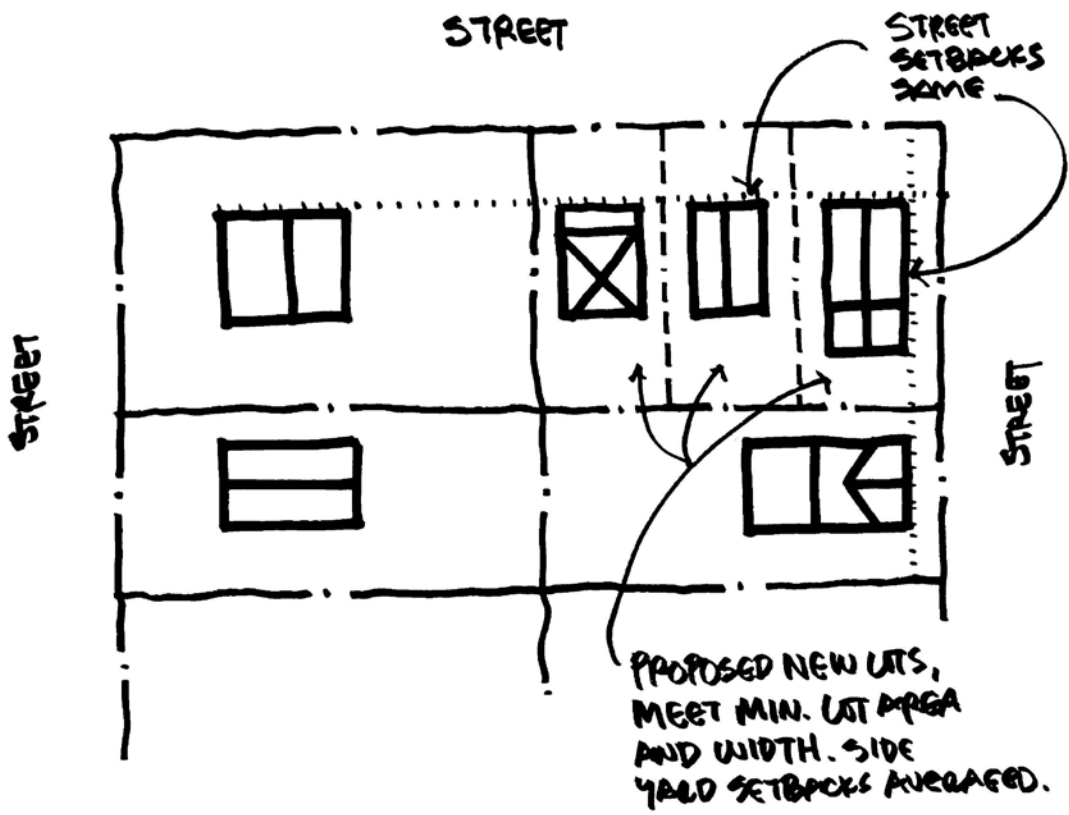


EXHIBIT B.3.

EXHIBIT C

