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**ORDINANCE NO.: 2009-131**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, Sec. 17-231 Districts enumerated to add -NC North Columbia overlay district; Sec. 17-275 Lot size, setback and height requirements, Table 2; Sec. 17-283 Wireless Communication facilities (c) Districts where permitted, height and setbacks (6) Table 3 to add "NC" (North Main Corridor); and to add Sec. 17-295-NC North Main Corridor; Division 9, Supplementary District Regulations to add Sec. 17-324 -NC North Main Corridor overlay district; Article V, Historic Preservation and Architectural Review, Division 1, Generally, Sec. 17-653 Design and development review commission (9) to add -NC; and Sec. 17-655 Administration to amend (d) Administration of -ID and to add (e) Administration of -NC design guidelines*

BE IT ORDAINED by the Mayor and Council this 17th day of March, 2010, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, Sec. 17-231 Districts enumerated to add -NC North Columbia overlay district; Sec. 17-275 Lot size, setback and height requirements, Table 2; Sec. 17-283 Wireless Communication facilities (c) Districts where permitted, height and setbacks (6) Table 3 to add "NC" (North Main Corridor); and to add Sec. 17-295-NC North Main Corridor; Division 9, Supplementary District Regulations to add Sec. 17-324 -NC North Main Corridor overlay district; Article V, Historic Preservation and Architectural Review, Division 1, Generally, Sec. 17-653 Design and development review commission (9) to add -NC; and Sec. 17-655 Administration to amend (d) Administration of -ID and to add (e) Administration of -NC design guidelines, are amended to read as follows:

**Sec. 17-231. Districts enumerated.**

(a) For the purpose of promoting the health, safety, morals and general welfare of the city, and for other purposes as enumerated in division 1 of this article, the city is hereby divided into districts, as enumerated in this division, within which are regulated and restricted the erection, construction, reconstruction, alteration, repair or use of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(b) The regulations in this article have been made with reasonable consideration of, among other things, the character of each district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the city.

(c) The regulations of this division shall apply uniformly to each class or kind of structure or land located within any of the following district classifications respectively:

- D-1 Development District
- RS-1 Single-Family Residential District
- RS-1A Single-Family Residential District
- RS-1B Single-Family Residential District
- RS-2 Single-Family Residential District
- RS-3 Single-Family Residential District
- RD Two-Family Residential District
- RG-1 General Residential District
- RG-1A General Residential District
- RG-2 General Residential District
- RG-3 Townhouse and High-Rise Residential District
- UTD Urban Transitional District
- C-1 Office and Institutional District

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- C-2 Neighborhood Commercial District
- C-3 General Commercial District
- G-3A General Commercial Overlay District
- C-4 Central Area Commercial District
- C-5 Central Business District
- C-6 Limited Commercial District
- MX-1 Mixed-Use Corridor/Neighborhood District
- MX-2 Mixed-Use Urban
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PUD-R Residential Planned Unit Development District
- PUD-C Commercial Planned Unit Development District
- MU Multiple Use Areas
- AP Airport Height Restrictive Area
- FW Floodway Area
- FP Floodplain Area
- DP Design and Preservation Area
- S Sign Designated Area
- DD Design/Development District
- PD Planned Development Area
- 5P Five Points Overlay District
- ID Innovista Design District
- NC North Main Corridor

**Sec. 17-275. Lot size, setback and height requirements.**

Lot, setback and height requirements shall comply with table 2 unless modified by special provisions, exceptions and conditions contained elsewhere in this article.

TABLE 2. SCHEDULE OF MAJOR HEIGHT AND AREA REQUIREMENTS

District	Minimum Lot Area per Unit (square feet)			Minimum Yard Requirements (feet)			Minimum Lot Width (feet)	Maximum Height (feet)	Percent Maximum Lot Coverage
	First Unit	Each Additional Unit	Approximate Maximum Density (units per acre)	Front	Rear	Side			
D-1	40,000	NA	1.1	35	15	10	150	40	25
RS-1	15,000	NA		35	15	8	90 h	40	30
RS-1A	12,000	NA	3.6	35	15	6	75 h	40	30
RS-1B	10,000	NA	4.4	25	10	5	60 h	40	30
RS-2	8,500	NA	5.1	25	10	5	60 h	40	30
RS-3	5,000	NA	8.7	20	10	5	50 h	40	30
RD g	5,000	2,500 f	5.8	25	10	5	50 h	40	50
RG-1 g	5,000	5,000	8.7	25	10	5	50 h	40	40

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RG-1A g	5,000	3,600	11.7	25	10	5	50 h	40	40
RG-2 g	5,000	2,500	16.4	25	10	5	50 h	40	40
RG-3 i	NA a	NA	NA	25	25	25	150	6x <sup>b</sup>	40
C-1 g	5,000	2,500	16.4	25	10	5	NA h	50 c	50
C-2	NA	NA	NA	25	10	0 or 3	NA	50 c	NA
C-3	NA	NA	NA	25	10	0 or 3	NA	50 c	NA
C-3A	0	NA	0	25	10	0 or 3	0	50	50
C-4	NA	NA	NA	NA	NA	0 or 3	NA	NA	NA
C-5	NA	NA	NA	NA	NA	NA	NA	NA	NA
C-6	NA	NA	NA	NA	NA	0 or 3	NA	50 c	NA
M-1	NA	NA	NA	25	0 e	0 d	NA	50 c	NA
M-2	NA	NA	NA	25	0 e	0 d	NA	50 c	NA
UTD	5,000	NA	8.7	25	10	5	50	40	30
MX-1	N/A	N/A	N/A	0 -10 <sup>j</sup>	N/A	N/A	N/A	50'	N/A
MX-2	N/A	N/A	N/A	N/A <sup>k</sup>	N/A	N/A	N/A	N/A <sup>l</sup>	N/A

Note: Detached single-family units shall require 5,000 square feet per unit and the density shall meet the same requirements for the first unit.

Footnotes:

<sup>a</sup> Minimum lot area for a high-rise residential development shall be one acre.

<sup>b</sup> The height of a high-rise residential development shall not exceed six times the distance from the property line adjacent to the street to the face of the building.

<sup>c</sup> Buildings between the height of 50 and 75 feet may be allowed provided there is an increase of one foot in side, front and rear yards over the minimum requirements for each additional three feet in height.

<sup>d</sup> No side yard is required except that a landscaped buffer must be provided in accordance with this article.

<sup>e</sup> No rear yard is required except that a landscaped buffer must be provided in accordance with this article.

<sup>f</sup> A minimum lot area of 7,500 square feet is required for a duplex.

<sup>g</sup> Detached single-family dwellings shall be required to have 5,000 square feet per unit. The density shall meet the same requirements for the first unit.

h Residential lots shall have a minimum lot depth of 70 feet.

i Minimum lot area of 5,000 square feet is required for single-family units. Minimum yard requirement for single-family units is: rear--ten feet, and side--five feet.

j Principal structures shall be no more than ten feet from a front lot line.

k No required minimum front yard setback. Maximum front yard setback shall be 15 feet.

l The building façade of the floor located at or directly above 45 feet in height, shall be setback at least 8 feet from the main façade and the area created may be used for outdoor uses. This requirement may be waived for any area of the façade within 50 feet of a street corner.

### Sec. 17-283. Wireless communication facilities.

(a) *Intent.* It is the intent of this section to provide a definition of wireless communication facilities and to provide regulations for placement of them.

(b) *Definitions.* For the purposes of this section, the following words or phrases shall have the following meanings:

(1) *Co-location* means the placement of two or more provider's wireless communication antenna upon the same wireless communication facility.

(2) A *communication tower* is a guy-wire communication tower, a lattice communication tower, or a monopole communication tower only.

(3) *DDRC* is an abbreviation for "design development review commission".

(4) A *guy-wire communication tower* is a ground-mounted tower supported by guys extending from various points upon the tower to anchors at the base of the tower that supports wireless communication antenna.

(5) A *lattice communication tower* is a ground-mounted, many-legged, self-supporting tower created by the joining of structural members that supports wireless communication antenna.

(6) *Monopole communication tower* is a ground-mounted, pole-shaped, self-supporting tower that supports wireless communication antenna.

(7) A *stealth wireless communication facility* is a structure fabricated in a manner that aesthetically masks its appearance as a wireless communication facility, including but not limited to a flagpole, tree, light standard, and bell tower.

(8) A *support structure* is a structure that supports wireless communication antenna and/or an equipment building or cabinet including but not limited to an existing structure, guy-wire communication tower, lattice communication tower, a monopole communication tower, and stealth communication facility.

(9) *Wireless communication antenna* is the one or more components of a wireless communication facility that directly radiate and/or receive any signal related to AM, FM, two-way, private, and commercial-free radio services; to television services; to telephone, pager, and beeper services; and to data or internet services.

(10) An *equipment building or cabinet* is an accessory structure that contains equipment necessary for the proper operation of wireless communication antenna and in all other ways conforms to the definition of Accessory Building or Use within section 17-55.

(11) A *wireless communication facility* is the principal use that consists of a wireless communication antenna, support structure, and/or an equipment building or cabinet.

(12) WCF is an abbreviation for "wireless communication facility".

(c) *Districts where permitted, height, and setbacks.* WCFs may be located in accordance with, and built to a height outlined within, Table 3, "Permissibility of and Bulk Requirements for Wireless Communication Facilities According to Support Structure," except that:

(1) Where a new communication tower or a new stealth WCF would be visible from property listed within the National Register of Historic Places, the South Carolina State Historic Preservation Officer must issue a letter stating that the design would have no adverse effect before the zoning administrator or his or her designee shall issue a zoning permit;

(2) Where a new communication tower or a new stealth WCF would be visible from property listed within a locally designated architectural conservation district, historic commercial district, or landmark district, the DDRC must review and approve the design of the structure against the standards outlined within subsection (e) below before the zoning administrator or his or her designee shall issue a zoning permit;

(3) Where a new communication tower or a new stealth WCF would be visible from property designated as a local landmark, the DDRC must review and approve the design of the structure against the standards outlined within subsection (e) below before the zoning administrator or his or her designee shall issue a zoning permit; and

(4) Where the above sub-sections would require a "no adverse effect" letter from the State Historic Preservation Officer and review and approval by the DDRC, both requirements shall be fulfilled before the zoning administrator or his or her designee shall issue a zoning permit.

(5) Procedure to determine "visible." To determine whether or not a proposed WCF would be visible as the term is used within subsections (c)(1)—(3) above, apply a line of site six feet above grade from the property line of any property that would be within a 1,000-foot radius from the proposed WCF. To be certain, stealth WCFs are considered visible in totality even though the associated wireless communication antenna and/or equipment building or cabinet may not be easily discernable.

(6) Applicability of supplementary districts. Any permissibility, location, or height restrictions of a supplementary district located within Division 9 of this Article shall supersede Table 3, except for WCFs located within DD "Design Development" "5P" (Five Points), "ID" (Innovista Design) "NC" (North Main Corridor) and DP "Design Preservation" areas which are included within Table 3.

(7) Expansion of nonconformity. Notwithstanding section 17-201 et seq., which regulates nonconformities, no WCF proposed upon an existing structure permitted in accordance with Table 3 shall be construed to expand or otherwise exacerbate an existing nonconformity.

(8) Stability of nonconforming structures. Notwithstanding section 17-201 et seq., which regulates nonconformities, where an applicant proposing to use an existing structure for a WCF provides documentation from a certified structural engineer that the existing structure cannot support the WCF, and where the existing structure does not comply with the use or bulk requirements (i.e. height, setbacks) of the zoning ordinance, the applicant may request a special exception from the board of zoning appeals to demolish the existing structure and rebuild it. To grant such a

special exception, the board of zoning appeals shall find that the new structure is similar in all outwardly appearances to the original structure. To be certain, this provision does not negate any reviews and approvals that would otherwise be required by Table 3 of this section, and this provision does not authorize an increase in or additional height to the existing structure except as allowed within Table 3 of this section.

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<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Permitted?</i>	<i>Maximum Height in Feet</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
1. New guy-wire communication tower or new lattice communication tower	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD					
	C-1, C-2, C-3, C-3A, MX-1					
	C-4, C-5, C-6, MX-2					
	M-1, M-2	Yes	225'	500'	500'	1' for every 1' of structure height
		By special exception and subject to §17-283 (d) 1	300'	500'	500'	1' for every 1' of structure height
Any with DD, ID, 5P, NC or DP Appendage	No	n/a				
2. New Monopole Communication Tower	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	No	n/a			
	C-1, C-2, C-3, C-3A, MX-1	By Special Exception, Subject to §17-283 (d) 1	180'	300'	300'	50'
	C-4, C-5, C-6, MX-2	Yes	225'	300'	300'	0'
	M-1, M-2	Yes	225'	300'	300'	0'
	Any with DD, ID, 5P, NC or DP Appendage	No	n/a			

<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Permitted?</i>	<i>Maximum Height in Feet</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
3. New LOW-PROFILE stealth wireless communication facility	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By special exception and subject to §17-283 (d) 1 and 2.	60'	District minimum yard setback (See Note 3)	District minimum front yard setback (see note 3)	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (d) 1 and 2	80'			
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to §17-283 (d) 1 and 2	100' (see note 4)			
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
	Any with DD, ID, 5P, NC or DP Appendage	By special exception, subject to §17-283 (d) 1, and subject to review and approval by DDRC in accordance with §17-283 (e)	Same height and setback requirements as underlying zoning district			
4. New HIGH-PROFILE stealth wireless communication facility	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (d) 1 and 2	180'	300'	n/a	
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to §17-283 (d) 1 and 2		300'	150'	
	C-4, C-5, C-6, MX-2			150'	150'	
	M-1, M-2			150'	150'	
	Any with DD, ID, 5P, NC or DP Appendage	By special exception, subject to §17-283 (d) 1, and subject to review and approval by DDRC in accordance with §17-283 (e)	Same height and setback requirements as underlying zoning district			

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<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Permitted?</i>	<i>Maximum Height in Feet</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
5. Existing structure ≤ 40' high and increase or add height ≤ 10'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By special exception and subject to §17-283 (d) 1 and 2	Support structure ≤ 10' above height of existing structure	n/a	0'	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (d) 1 and 2				
	C-1, C-2, C-3, C-3A, MX-1	Yes				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P, NC or DP Appendage	Where underlying zoning district is "yes" or "by special exception", DDRC approval also required (§17-283 (e))	Same height and setback requirements as underlying zoning district				
6. Existing structure > 40' high and increase or add height ≤ 10'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	Yes for co-location upon existing communication towers and no increase to height of tower; all others by special exception and subject to 17-283(d)(1)	Support structure ≤ 10' above height of existing structure	n/a	0'	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	Yes for co-location upon existing communication towers and no increase to height of tower; all others by special exception and subject to 17-283(d)(1)				
	C-1, C-2, C-3, C-3A, MX-1	Yes				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					

<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Permitted?</i>	<i>Maximum Height in Feet</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
	Any with DD <sub>2</sub> , ID, 5P, NC or DP Appendage	Where underlying zoning district is "yes" or "by special exception", DDRC approval also required (§17-283 (e))	Same height and setback Requirements as underlying zoning district			
7. Existing structure ≤ 40' High and Increase or Add Height > 10' and ≤ 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (d) 1 and 2	Support structure ≤ 20' above height of existing structure	n/a	0'	
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to 17-283(d)(1)				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P, NC or DP appendage	Where underlying zoning district is "yes" or "by special exception", DDRC approval also required (§17-283 (e))	Same height and setback requirements as underlying zoning district				
8. Existing structure > 40' high and increase or add height > 10' and ≤ 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	By special exception and subject to §17-283 (d) 1 and 2	Support structure ≤ 20' above height of existing structure	n/a	0'	
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By Special Exception and subject to §17-283 (d) 1 and 2				
	C-1, C-2, C-3, C-3A, MX-1	Yes				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P, NC or DP appendage	Where underlying zoning district is "yes" or "by special exception", DDRC approval also required (§17-283 (e))	Same height and setback requirements as underlying zoning district				

<i>Support Structure (Number for Reference Only)</i>	<i>Zoning Districts</i>	<i>Permitted?</i>	<i>Maximum Height</i>	<i>Minimum Setback from Single-family Residential Districts (See Note 1)</i>	<i>Minimum Setback from General Residential Districts (See Note 2)</i>	<i>Minimum Setback from Public ROW (See §17-283 (m))</i>
9. Existing structure ≤ 40' high and increase or add height > 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	No	n/a			
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to §17-283 (d) 1 and 2	Support structure ≤ 1 times the height of existing structure	n/a	0'	
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P, NC or DP Appendage	Where underlying zoning district is "yes" or "by special exception", DDRC approval also required (§17- 283 (e))	Same height and setback requirements as underlying zoning district				
10. Existing structure > 40' High and Increase or Add Height > 20'	D-1, RS-1, RS-1A, RS-1B, RS-2, RS-3, RD	No	n/a			
	RG-1, RG-1A, RG-1B, RG-2, RG-3, UTD	By special exception and subject to §17-283 (d) 1 and 2	Support structure ≤ 40' above height of existing structure	n/a	0'	
	C-1, C-2, C-3, C-3A, MX-1	By special exception and subject to 17-283(d)(1)				
	C-4, C-5, C-6, MX-2					
	M-1, M-2					
Any with DD, ID, 5P, NC or DP appendage	Where underlying zoning district is "yes" or "by special exception", DDRC approval also required (§17- 283 (e))	Same height and setback requirements as underlying zoning district				

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**Sec. 17-295. -NC North Main Corridor**

The NC overlay district is intended to implement the general principles found in the Master Plan for the Villages of North Columbia dated December 1, 2005 by encouraging a vibrant, mixed-use, pedestrian-oriented urban fabric that compliments the adjacent neighborhoods. Development within the NC area must comply with design guidelines adopted by City Council, entitled "North Main Corridor Design Guidelines, October 2009."

The boundaries are outlined on the official City of Columbia zoning map.

**Sec. 17-324. -NC North Main Corridor overlay district**

(a) *Applicability/establishment.* The NC overlay district shall be established as a district which overlays the general use zoning districts. The extent and boundaries of the NC district is indicated on the official zoning maps for the City of Columbia.

(b) *Supplemental district regulations*

(1) *Building Height:*

- (a) No portion of a building shall be higher than 35 feet when that building or portion thereof is within 30 feet of a residential zoning district.
- (b) The building façade of the floor located at or directly above 35 feet shall be setback at least 10 feet from the main façade and the area created may be used for outdoor uses. This requirement may be waived for any area of the façade within 50 feet of a street corner.
- (c) Building height may be increased to 60 feet when a minimum of 25 percent of gross floor area is constructed and programmed for residential use.

(2) *Building setback:*

- (a) Minimum required front yard setback is 5 feet. Maximum required front yard setback is 15 feet.

(3) *Off-street parking requirements:*

- (a) Parking requirements listed in Section 17-258, Table of Permitted Uses, shall be reduced by 20 percent for all uses within the NC overlay district.
- (b) Dwelling units created in an existing building shall require a minimum of one parking space.

(4) *Permitted uses.* Notwithstanding the provisions in this chapter concerning non-conforming uses (§17-201 through §17-205), the following existing uses or structures, if conforming as of January 2010, may be expanded for one time only up to 20 percent of the gross floor area on the same lot of record.

- Construction (SIC Division C)
- Manufacturing (SIC Division D)
- Wholesale trade (SIC Division F)

**Sec. 17-653. Design and development review commission.**

(a) *Established.* There is hereby created a board of architectural review pursuant to S.C. Code 1976, § 6-29-890, which shall be known as the Columbia Design and Development Review Commission (referred to in this article as the "DDRC" or the "commission"), which shall serve the functions and in the capacities set forth in this Code.

(b) *Purpose and duties.* The purposes of the commission shall be as follows:

- (1) Advise the city council upon the designation of landmarks, landmark districts, architectural conservation districts, and protection areas.
- (2) Carry out those regulatory duties relating to subsection (b)(1) of this section as set forth in this section.

- (3) Plan and direct continuing studies of areas, physical features and improvements in the city relating to urban design, historic preservation, beautification, civic improvement and other considerations in furtherance of this article, and in doing so, properly coordinate such plans and studies with the various departments and agencies of the city.
  - (4) Engage in educational activities related to the furtherance of this article in order to promote appropriate urban design, historic preservation and conservation of historic or aesthetic features of the city.
  - (5) Advise, assist and represent the best interest of the city in matters relating to coordination of and assistance to other public bodies and private interests in activities related to this article.
  - (6) Advise and assist the city council in acquisition of any gift, grant, purchase, bequest, devise, lease, fee simple or lesser interest, development right, easement (including scenic easement), covenant or other contractual right which may accrue to the furtherance of the purposes of this article.
  - (7) Advise the city council in actions of eminent domain taken in furtherance of the purposes of this article.
  - (8) Upon request of the city council, manage, control and maintain any property related to the purpose of this article or to the purposes of the commission.
  - (9) Administer the design guidelines for the -DD, -5P, -ID, and -NC areas.
- (c) *Membership.* The membership of the commission shall be as follows:
- (1) *Number of members; qualifications of members.* The commission shall consist of not more than ten members, of whom at least one shall be an architect registered in the state, at least one shall be a lawyer admitted to practice before the supreme court of the state, at least one shall be experienced as an architectural historian, at least one shall be experienced as a city planner, at least one shall be a real estate developer or licensed real estate broker, and one shall be an architect with historic preservation experience and the remainder, if any, shall be persons who, by reason of other experience or education, shall be qualified for service on such commission.
  - (2) *Appointment of members; terms; vacancies.* Every such member shall be appointed by the city council and shall serve at the pleasure of the council for a term of three years. The commission may submit a list of recommended nominees to fill vacancies for consideration by the city council. No member of the commission may be appointed to serve for more than two successive terms.
  - (3) *Removal of members; compensation.* Members may be removed at any time with or without cause. Any member who fails to attend two consecutive meetings of the commission without giving five days' advance written notice of conflict to the chairman and secretary of the commission shall be deemed to have abandoned his membership on the commission. No member shall receive compensation for his service on the commission, but he may be reimbursed for his actual expenses necessarily incurred in the performance of his official duties.
- (d) *Rules of procedure; officers; records.* The procedures of the commission shall be as follows: The commission shall adopt, and from time to time may amend, bylaws concerning its internal management. Such bylaws and amendments must be approved by resolution of the city council. The commission shall elect one of its members as chairman and another as vice-chairman. The city manager shall designate an employee of the city to serve as its secretary. The records of the commission shall set forth every determination made by the commission, the vote of every member participating in such determination and the absence or failure to vote of every other member.

**Sec. 17-655. Administration.**

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Upon adoption of urban design and historic preservation regulations by the city council, administration of the regulations shall take place as follows:

(a) *Administration of historic preservation regulations.*

(1) *Certificate of design approval.* No construction, reconstruction, addition, alteration, relocation, repair, or demolition of any structure or site improvement, erection or replacement of any sign, marquee, awning or other exterior architectural feature, or attachment of any appurtenance to a landmark or to any structure within a designated landmark district, architectural conservation district, historic commercial district or protection area shall be permitted unless a certificate of design approval has been appropriately issued therefore under the terms of the regulations adopted by the city council. For actions which do not require DDRC certificate of design approval, as set forth in subsection (2) of this section, a zoning permit shall serve as a certificate of design approval. Interior alterations which require zoning and building permits do not require a certificate of design approval. A certificate of design approval shall be required whether or not a building permit is required.

(2) *Issuance of certificate of design approval.* Issuance of a certificate of design approval shall be based upon the requirements adopted by the city council. Issuance shall be governed as follows:

a. Issuance by the staff of the DDRC is permitted for:

1. Minor repairs which require a building permit but do not alter the exterior appearance of a building.
2. Major repairs to buildings in all historic districts using like materials.
3. Major repairs to individually designated landmarks using like materials at the option of staff and as set forth in this section.
4. Additions to buildings, new structures and fencing in rear areas of property not visible from the street.
5. Alterations of exterior appearance to noncontributing or nonhistoric buildings in historic districts.
6. Signage for buildings in all historic districts except those that are individually designated as landmarks.
7. Demolition of noncontributing buildings in historic districts.

b. Issuance shall be by the DDRC after a duly held public hearing for:

1. Major repairs to individually designated landmarks which utilize large quantities of replacement material.
2. Actions, including site improvements, which alter the exterior appearance of individually designated historic buildings and contributing historic buildings in historic districts.
3. New construction in historic districts which is visible from the street.
4. Signage for all individually designated landmarks.
5. Demolition of all contributing historic buildings and all individually designated landmarks.

All actions in historic commercial districts which are subject to review by the DDRC shall also be subject to the review of a subcommittee appointed by the mayor and council. This subcommittee shall consist of seven individuals who are deemed to have a substantial interest in the functioning of the particular historic commercial district. This subcommittee shall only serve in an advisory capacity to the DDRC concerning applications for certificates of design approval made for properties in the particular district they represent. The subcommittee members shall also be appointed and serve as stated in subsections 17-653(c)(2) and (3).

- c. Certificates of design approval which may be issued by the staff may be deferred for commission action, and any issuance or denial of a certificate of design approval may be appealed to the commission by any party at interest.

(b) *Administration of -DD area design guidelines.*

(1) *Issuance of zoning and building permits.* No zoning permit or building permit shall be issued for any construction, reconstruction, alteration, repair or demolition of any structure, erection or replacement of any sign marquee, awning or other exterior architectural feature, or attachment of any appurtenance to any structure within the -DD design/development area unless a certificate of design approval has been issued therefore under the terms of the design guidelines as adopted by the city council. Interior alterations which require zoning and building permits do not require a certificate of design approval.

(2) *Issuance of certificate of design approval.* Issuance of a certificate of design approval shall be based upon the requirements set forth in design guidelines adopted by the city council. Issuance shall be governed as follows:

- a. Issuance by the staff of the DDRC is permitted for any project involving construction of new buildings of less than 50,000 square feet or renovation or new construction of less than \$500,000.00;
- b. Issuance shall be by the DDRC after a duly held public hearing for any project involving construction of new buildings of greater than 50,000 square feet or renovation or new construction of more than \$500,000.00.
- c. Certificates of design approval which may be issued by the staff may be deferred for commission action, and any issuance or denial of a certificate of design approval may be appealed to the commission by any party at interest.

(c) *Administration of -5P design guidelines*

(1) *Issuance of zoning and building permits.* No zoning or building permit shall be issued for any construction, reconstruction, or alteration of any structure, erection or replacement of any sign, awning, or other exterior architectural feature, or attachment of any appurtenance to any structure within the -5P area unless a certificate of design approval has been issued therefore under the terms of the design guidelines as adopted by the city council. Interior alterations which require zoning and building permits do not require a certificate of design approval.

(2) *Issuance of certificate of design approval.* Issuance of a certificate of design approval shall be based on the requirements set forth in design guidelines adopted by the city council. Issuance shall be governed as follows:

- a. Issuance by the staff of the DDRC is permitted for any project involving construction of new buildings of less than 5000 square feet, AND less than 35 feet in height, AND for renovations or new construction not exceeding \$500,000.00 as listed on the permit.

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- b. Issuance shall be by the DDRC after a duly held public hearing for any project involving construction of new buildings of greater than 5,000 square feet, or with a height of greater than 35 feet, or renovation or new construction of more than \$500,000.00 as listed on the permit.
  - c. Certificates of design approval which may be issued by the staff may be deferred for commission action, and any issuance or denial of a certificate of design approval may be appealed to the commission by any party of interest.
- (d) Administration of -ID design guidelines
- (1) Issuance of zoning and building permits. No zoning or building permit shall be issued for any construction, reconstruction, or alteration of any structure, erection or replacement of any sign, awning, or other exterior architectural feature, or attachment of any appurtenance to any structure within the -ID area unless a certificate of design approval has been issued therefore under the terms of the design guidelines as adopted by the city council. Interior alterations which require zoning and building permits do not require a certificate of design approval.
  - (2) Issuance of certificate of design approval. Issuance of a certificate of design approval shall be based on the requirements set forth in design guidelines adopted by the city council. Issuance shall be governed as follows:
    - a. Issuance by the staff of the DDRC is permitted for any project involving construction of new buildings of less than 50,000 square feet, or renovation or new construction of less than \$660,000.00. This dollar figure shall change monthly in accordance with the latest monthly non-preliminary Producer Price Index (PPI) for "materials and components for construction" as published by the U.S. Department of Labor, Bureau of Statistics. The base figure for this calculation is \$660,000.00 as of July 2009.
    - b. Issuance shall be by the DDRC after a duly held public hearing for any project involving construction of new buildings of greater than 50,000 square feet, or renovation or new construction of more than \$660,000.00. This dollar figure shall change monthly in accordance with the latest monthly non-preliminary Producer Price Index (PPI) for "materials and components for construction" as published by the U.S. Department of Labor, Bureau of Statistics. The base figure for this calculation is \$660,000.00 as of July 2009.
    - c. Certificates of design approval which may be issued by the staff may be deferred for commission action, and any issuance or denial of a certificate of design approval may be appealed to the commission by any party of interest.
- (e) Administration of -NC design guidelines
- (3) *Issuance of zoning and building permits.* No zoning or building permit shall be issued for any construction, reconstruction, or alteration of any structure, erection or replacement of any sign, awning, or other exterior architectural feature, or attachment of any appurtenance to any structure within the -NC area unless a certificate of design approval has been issued therefore under the terms of the design guidelines as adopted by the city council. Interior alterations and/or additions not visible from the public right-of-way which require zoning and building permits do not require a certificate of design approval.
  - (4) *Issuance of certificate of design approval.* Issuance of a certificate of design approval shall be based on the requirements set forth in design guidelines adopted by the city council. Issuance shall be governed as follows:
    - a. Issuance by the staff of the DDRC is permitted for:
      - 1. Additions up to and including 25 percent of gross floor area

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2. Reduction or expansion in size of openings in walls visible from the public right-of-way
  3. Site Improvements
  4. Change in roof pitch
  5. Change in exterior materials
  6. Signage
- b. Issuance shall be by the DDRC after a duly held public hearing is permitted for:
1. New construction and/or additions greater than 25 percent of gross floor area
  2. Projects involving the granting or establishment of a special exception, variance, or Planned Unit Development.
- c. Certificates of design approval which may be issued by the staff may be deferred for commission action, and any issuance or denial of a certificate of design approval may be appealed to the commission by any party of interest.

(f) *Certificate conditions.* Appropriate conditions may be attached to the certificate of design approval as the commission may find necessary or desirable to effect the purposes of this article, and the commission may modify or remove any such conditions. (1) *Appeals.* Appeals from actions of the staff of the DDRC shall be taken to the DDRC.

(1) Appeals from actions of the DDRC shall be taken to a court of competent jurisdiction within a period of 30 days following the date of determination of the action appealed.

Requested by:

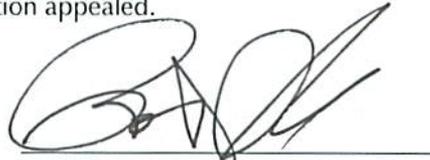
Planning and Development Services

Approved by:

City Manager

Approved as to form:

City Attorney

  
MAYOR

ATTEST:

  
City Clerk

Introduced: 1/20/2010  
Final Reading: 3/17/2010