

## **Amendments to Chapter 1 – General Provisions**

### **Section 29-1.11**

Move that the definition of artisan industry be modified such that the last full sentence is stricken, and the word "retail" is inserted in front of teaching. So it would read "accessory uses including retail, teaching of these skills to others in the course of fabrication, preparation, or production, and outdoor seating areas".

*Artisan Industry.* Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include but are not limited to small-scale welding and sculpting or arts and crafts, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, cheese shops, craft breweries, and micro-distilleries. Accessory uses include **retail** teaching of these skills to others in the course of fabrication, preparation, or production, and outdoor seating areas. ~~The sale of goods produced on the premises to the public is permitted, but the sale of goods produced offsite is not permitted.~~<sup>33</sup>

### **Section 29-1.11**

Add "offices" to the definition of "Personal Services"

*Personal Services, General.* Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer after the goods have been treated or processed at that location or other locations. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale, and incidental retail sales of products used on the premises to patrons. This use includes but is not limited to barber and beauty shops; dry cleaning, laundering, pressing, and dyeing establishments; coin-operated laundries; photographic service shops and studios; repair of household appliances; shoe repair shops, garment storage facilities, rental service, and bicycle repair shops **and offices as defined within this UDC.** ~~uses.~~ Outdoor storage, display, or service areas are not permitted.<sup>174</sup>

### **Section 29-1.11**

Replace the existing definitions of **Front Porch and Stoop** as follows:

*Front Porch.* ~~The ground floor platform attached to the Facade or Required Building Line side of the main building.~~ **The ground floor area consisting of an impervious surface attached to the façade or required building line side of the main building, which is delineated by a change in elevation, surface type or surface texture or combination thereof.**<sup>113</sup>

*Stoop.* ~~An entry platform on the Facade of a building.~~ **The ground floor area consisting of an impervious surface attached to the façade or required building line side of the main building, which is delineated by a change in elevation, surface type or surface texture or combination thereof.** (See the Building Form Standards for specifications.)<sup>211</sup>

### **Section 29-1.11**

Add the following definition: **Gas Station/Fueling Center. The sale of vehicle fuel from a facility or lot having pumps and underground storage tanks. Such facility may also include a convenience store which sells convenience-related items to the general public.**

### Section 29-1.11

Remove the last full sentence in the definition of “Mechanical and Construction Contractor”.

*Mechanical and Construction Contractors.* Construction, landscaping, plumbing, heating, air-conditioning, and electrical construction or repair activities and incidental storage at establishments and on lots other than job sites. This use does not include establishments where the primary activity is retail sale of goods to the general public, but includes related contracting, retail, and wholesale sales and distribution from the premises of materials used in mechanical and construction contract work. ~~Typical uses include building and materials stores, tools and equipment rental, or mechanical and construction contractor offices.~~<sup>155</sup>

### Section 29-1.11

Add the following to the definition of light industry:

- 1) After “previously prepared materials”, add “sheet metal shops or”; and
- 2) After “which activities are conducted”, add “at a minimum of 80 percent or”

*Light Industry.* The manufacturing, compounding, processing, packaging, storage, assembly, treatment of finished or semi-finished products from previously prepared materials, **sheet metal shops, or** servicing or sale of consumer products, which activities are conducted **at a minimum of 80 percent or** wholly within an enclosed building and that do not emit noxious fumes or odors.

### Section 29-1.11

Eliminate “sheet metal shops” from the last sentence of the definition of heavy industry.

*Heavy Industry.* The processing, manufacturing, or storage of products under potentially hazardous conditions, such as the creation of products from extracted raw materials and the use of flammable and explosive materials. This use may include, but is not limited to, concrete plants, electroplating works, forges, galvanizing works, ~~sheet metal shops~~, and other similar uses.

### Section 29-1.11

Revise the definition of “group home, small” to add the sentence “Residences with up to three unrelated residents are not defined as a group home”.

*Group Home, Small.* A facility that provides care, treatment or custody for up to eight (8) individuals considered to be disabled or handicapped under the federal Fair Housing Act (as amended and interpreted by the federal courts) or the laws of the State of Missouri, and may include two (2) additional persons providing oversight of the facility, none of which need to be related to each other. **Residences with up to three unrelated residents are not defined as a group home.**

## **Amendments to Chapter 2 – Zoning Districts**

### **Section 29-2.2(c)(4)(Permitted Uses)(1)**

Move that Section 29-2.2(c)(4) under Permitted Uses, item #1, following the word "uses", the following be placed in parentheses "permitted use, conditional use, accessory use, conditional accessory use and temporary uses", end parentheses. In table 29-3.1 hyphen permitted use table will be allowed in all or specific portions of the PD district.

#### **(4) PD Planned Development**

##### **Purpose**

The purpose of the Planned Development (PD) district is to allow for innovation and flexibility in design, to encourage creative mixes of complementary uses, and to promote environmentally sound and efficient use of land. The major objectives of a Planned Development are:

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##### **Permitted Uses**

1. An application for rezoning to a PD district shall identify which of the uses **(permitted, conditional, accessory, conditional accessory, or temporary)**, listed in Table 29-3.1 (Permitted Use Table), will be ~~Permitted~~ **allowed** uses in all or specific portions of the PD district.

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### **Section 29-2.3 & 29-2.3(ii)(F)**

Retain the overlays in the UDC and retain the existing language in paragraph F as written in the East Campus Overlay.

(F) Amendments.

The City Council shall amend this subsection 29-2.3(a)(3)(ii) only upon the receipt of a petition to amend the ordinance signed by the owners of fifty percent or more of the parcels of land within the East Campus Urban Conservation District or upon the request of a committee the Council considers representative of the property owners of the District. The Council shall not consider a committee representative of the property owners of the District unless the committee is composed of at least seven owner-occupants of property in the District and at least seven non-resident landlords of property in the District.

## **Amendments to Chapter 3 – Permitted Uses**

### **Table 29-3.1**

Add police, fire, rec center, higher education, restaurants, bars and night clubs as a “Conditional Use” to the I-G district.

#### **SEE ATTACHEMENT A – Table 29-3.1: Permitted Use Table**

### **Section 29-3.3 (d)**

Add M-DT to the list of districts that caps maximum number of bedrooms in a single building (29-3.3(d)(7)(i))

(d) Dwelling, Multi-family

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(7) Additional Standards

If more than over fifty (50) percent of the dwelling units in the structure have four (4) or more bedrooms, the following additional standards shall apply.

- (i) In the R-MF and M-N, **and M-DT** districts, no principal structure may contain more than two hundred (200) bedrooms in any one structure.

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### **Section 29-3.3(cc)**

Add Item #5 which states: Gas station or fuel centers with a convenience stores are permitted within the M-DT Urban General West frontage type, as shown on the M-DT Regulating Plan, and shall not be required to comply with the required building line (RBL) standards.

(cc) Light Vehicle Service and Repair

- (1) In the M-N, M-C, M-DT, M-BP, and I-G districts, all service and repair activities must take place in an enclosed structure.
- (2) Vehicle bodywork or painting, or major engine or transmission repairs shall not be permitted within the M-N or M-DT district. Such activities shall be permitted in the M-C, M-BP, and I-G districts provided such activities are conducted within a fully enclosed building.
- (3) Inoperable or damaged vehicles awaiting repair shall be screened from view of all adjacent properties.
- (4) No salvage activities shall be permitted.

- (5) Gas station or fuel centers with a convenience stores are permitted within the M-DT Urban General West frontage type, as shown on the M-DT Regulating Plan, and shall not be required to comply with the required building line (RBL) standards.

**Section 29-3.3 (ee)(1)**

Add an item (iv) that would read, "Eighty percent of the use activity shall occur within an enclosed building and hazardous materials are a minor component of its business activity."

**(ee) Light Industry**

This use shall be subject to the following standards.

1. In all zone districts where this is a permitted use:
  - (i) No use or activity shall result in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere.
  - (ii) No use or activity shall be conducted in a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious or offensive by reason of the creation of a fire, explosion or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, vibration, radiation or fumes.
  - (iii) No outside storage shall be allowed.
  - (iv) Eighty percent of the use activity shall occur within an enclosed building and hazardous materials are a minor component of its business activity.

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**Section 29-3.3 (mm)**

Motion to amend 29-3.3(mm)(4). Delete reference to **one ton** and replace with **five tons or 10,000 pounds**. Delete reference to **20 feet** and replace with **24 feet**.

**(mm) Outdoor Storage in Residential Districts**

- (1) No portion of any front yard, except a legal driveway and for not more than two consecutive weeks, shall be used for the storage of motor vehicles, boats, trailers, recreational vehicles, camper trailers, camper shells, commercial vehicles.
- (2) A maximum of two inoperative motor vehicles intended for repair or restoration may be kept on a property provided all of the following conditions are satisfied:
  - (i) The vehicles are not stored on any part of a front yard.
  - (ii) The vehicles shall be kept in an enclosed garage, under an opaque cover designed for the vehicle, or otherwise screened from view from public streets.
  - (iii) No vehicular parts shall be stored outdoors.
- (3) Storage of recreational vehicles, trailers, boats, camper trailers, and camper shells shall comply with the following standards.
  - (i) In residential districts, the above listed vehicles and items shall be stored only in the side or rear yard, and shall not be stored within two (2) feet of any property line.

(ii) No vehicle shall be used for living or sleeping purposes for a period of more than two consecutive weeks while stored on the premises.

(4) Vehicles with gross weight exceeding ~~one (1)~~ **5 tons or 10,000 pounds**, or longer than twenty-~~four~~ **(24)** feet, or containing more than six (6) wheels, or over twelve thousand (12,000) pounds licensed gross vehicle weight, shall not be permitted to be stored outside in any residential district.

### **Section 29-3.3 (oo)**

Delete item # 1 which states “no outside storage of materials intended for sale....”

(oo) Tree or Landscaping Service

When such use is located in the M-C or M-BP district the following standards shall apply:

~~(1) No outside storage of materials intended for sale (i.e. mulch, dirt, or similar bulk products)~~  
~~shall be located on the site~~

~~(2)~~ **(1)** No grinding or reprocessing of materials or debris shall be permitted on the site

~~(3)~~ **(2)** Vehicles and equipment used as part of such business operations may be located on the site provided they are screened from adjoining residential property in accordance with the provisions of this UDC and are not located forward of the principal building on the site.

~~(4)~~ **(3)** Repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure.

## **Amendments to Chapter 4 – Form and Development Controls** **(except M-DT {Mixed-use Downtown})**

### **Section 29-4.1(b)(1)**

Add a sentence to the end of that paragraph stating that “in no case shall the setback be less than the minimum setback established in table 4.1-3 unless granted by waiver”.

### **(b) Special Dimensional Standards or Measurements**

#### **(1) Median Front Yard for Multiple Lots**

- (i) In the R-1, R-2, and R-MF districts, where the nearest lots on either side of a residential lot have been developed with residential structures, the median of the front yards of such residential buildings shall establish the minimum front yard depth for the subject lot. **In no case shall the setback be less than the minimum setback established in Table 4.1-3 unless a reduction is approved by the Board of Adjustment.**
- (ii) Where a recorded plat has been filed showing a setback line that otherwise complies with the requirements of this UDC, but is less than the established setback for the block as provided above, the setback line shown on the plat shall apply.

### **Section 29-4.3(b)(ii)(B) – (Section becomes 29-5.1(b)(1)(ii))**

Change the 15 percent slope requirement to 25 percent with the requirement of a 10-foot setback or additional setback as required by 12A as related to stream buffers. Strike paragraphs (c), (e), and (f) from the section.

- (ii) The Land Analysis Map shall identify as sensitive lands to be protected from development all of the following:
  - (A) Stream corridors, which shall include all land from top-of-bank to top-of-bank of any waterway that shown as a solid blue or dashed blue line on the corresponding USGS 7.5minute quadrangle map;
  - (B) Steep slopes, which shall include all land with an average vertical slope of ~~fifteen (15)~~ **twenty-five (25)** percent or more, measured from top-of-slope to foot-of-slope, **plus an additional 10-foot or additional setback as required by Chapter 12A as it relate to stream buffers;**
  - ~~(C) Any lands identified as Bentonite soils or designated by the state or a governmental agency as unsuitable for development;~~
  - ~~(D)~~ **(C)** Any lands designated as floodway or lands contained within the FP-O Floodplain Overlay district; and
  - ~~(E) Any lands identified as habitat for species listed as threatened or endangered by the state or federal governments.~~

~~(F) Any areas not covered in the above items that are identified within the City's Comprehensive Plan including, but not limited to views, cultural and/or historical features, burial mounds, wildlife habitats, or wildlife corridors.~~

**Section 29-4.3 (c)(3)(i)(K) – (Section becomes 29-5.1(c)(7))**

Replace the existing provisions with the following:

**(7) Intersections**

~~Intersections shall comply with the standards in Appendix A unless the Director of Public Works determines that a more restrictive requirement is necessary to safeguard the public health, safety and general welfare from potentially hazardous street design.~~ **Four-way intersections of local streets will be platted and constructed as roundabouts unless otherwise approved by the director of public works.**

**Section 29-4.4 (a)(2)(i)(B) – (Section becomes 29-4.3(a)(2)(i)(B))**

Correct missing text relating the 0.25 space per bedroom parking requirement within the M-DT.

(B) Residential development and redevelopment in the M-DT district shall provide one-quarter (0.25) of one parking space per bedroom. This requirement can be satisfied on the site or **within one-quarter (0.25) mile (1,320 feet) of the site. Measurement of the walking distance shall be from entrance to entrance.** ~~within one-half (0.5) mile of the site.~~

**Section 29-4.4(e) – (Section becomes 29-4.3(e))**

Revise the maximum percentages of parking as follows: **(e)(1) from 125 percent to 150 percent (both locations), (e)(2) from 150 percent to 200 percent, and (e)(3) to 200 percent -- from 150 percent to 200 percent.**

**(e) Maximum Parking Limit**

(1) In the Mixed Use districts, no single building that contains more than fifty thousand (50,000) square feet of gross floor area, in which a single-user or multiple users operate a use listed in the Retail, Office, or Personal Service categories in Table 29-3.1 (Permitted Use Table), may provide on-site automobile parking in an amount greater than one hundred **fifty (150)** ~~twenty-five (125)~~ percent of the minimum amount required by Table 4.3-1, except as permitted below in subsections (2) and (3).

In the M-DT districts, maximum on-site parking is limited to one hundred **fifty (150)** ~~twenty-five (125)~~ percent of the minimum amount required for the same use in other Mixed Use districts, even though those minimums do not apply to the M-DT district.

(2) The parking on a site may be increased to ~~150%~~ **200%** of the minimum amount required by Table 4-4.1 provided that:

(i) Such request is submitted to the Director in writing with justification of why such increase is necessary;

(ii) The development site's landscaped area is not reduced to be less than 15 percent (15%) as a result of the increased parking;

(iii) The interior parking lot landscaping area required by Section 29-4.4(f) shall be increased to 20 percent (20%) and comply with the tree planting and/or landscaping standards specified within subsections (1), (2), and (3).

- (3) Parking in excess of ~~150%~~**200%** of the minimum amount required by Table 4-3.1 shall require approval of a variance by the Board of Adjustment in accordance with the standards of Section 29-6 of this UDC.

**Table 4.4-5 – (Table becomes Table 4.3.5)**

Revise the text in the column two above that required for “Bus and Truck Terminals” to read as follows: **1 space for each 50,000 square feet of gross floor area in the structure or part thereof shall be provided. If a common loading dock is present, no off-street loading or unloading spaces are required on-site.**

| <b>Table 4.3-5: Off-Street Loading Space Standards</b>                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Type of Use or Facility</b>                                                                                                                                                                                                                                                    | <b>Off-Street Loading Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Office or Lodging<br>Personal services and repair<br>Retail store (large)                                                                                                                                                                                                         | 1 space for each 50,000 sf of gross floor area in the structure or part thereof shall be provided. <del>, up to a maximum of 3 spaces.</del> If a common loading dock is present <del>and the GFA of the structure is greater than 50,000 sf no additional off-street</del> loading/unloading spaces are required on-site.<br><del>1 space for each 50,000 sf of gross floor area in the structure, or part thereof, up to a maximum of 2 spaces</del> |
| Building material sales<br>Garden material sales<br>Furniture and floor covering sales<br>Industrial Services and Manufacturing Light Vehicle sales, rental, storage, repair, or service<br>Heavy vehicle and equipment sales, rental, storage, repair, or service<br>Wholesaling |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Bus and Truck Terminals                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                   | Space sufficient to accommodate the maximum number of buses or trucks to be stored or loading/unloading at the terminal at any one time                                                                                                                                                                                                                                                                                                                |

**Section 29-4.5 – (Section becomes 29-4.4(b)(3) & 29-4.4(g)(1))**

Verify that there is not a conflict between Section 29-4.5(b)(3) and Section 29-4.5(g)(1) {Conflict does exist. Correct to match (g)(1)}

**Section 29-4.5(b)(4) – (Section becomes 29-4.4(d)(4))**

Standardize the reference to the M-DT throughout the UDC, were appropriate, either by its code reference (29-4.2) or abbreviation (M-DT)

**Section 29-4.5 (c)(1)(i)(b) – (Section becomes 29-4.4(c)(1)(i)(b))**

Add the following text at the end of the provision: **, and shall not include trees, located within a stream buffer, right-of-way or utility easement.**

- (B) The twenty-five (25) percent of climax forest to be saved on parcels greater than one (1) acre in size. Such preservation areas shall be depicted as specified in item “d”, below, **and shall not include trees, located within a stream buffer, right-of-way or utility easement.**

**Table 4.5-1 – (Table becomes Table 4.4-1)**

Amend the table so that the minimum parcel size (shown in Column 2) for the 120,000-square-foot reserve, the 240,000-square-foot reserve, and the 480,000-square-foot reserve be changed to **30,000 square feet**. Amend the maximum number of parcels (shown in Column 3) for the 480,000-square-foot reserve to **3**. Amend the minimum parcel size (shown in Column 2) for the greater than 480,000 square foot reserve to **180,000 square feet**.

| <b>Table 4.4-1: Climax Forest Division</b>       |                                                      |                                  |
|--------------------------------------------------|------------------------------------------------------|----------------------------------|
| <b>Required area to be preserved (in sq.ft.)</b> | <b>Minimum parcel size (in sq.ft.)<sup>[1]</sup></b> | <b>Maximum number of parcels</b> |
| 60,000                                           | 30,000                                               | 2                                |
| 120,000                                          | <del>60,000</del> <b><u>30,000</u></b>               | 2                                |
| 240,000                                          | <del>120,000</del> <b><u>30,000</u></b>              | 2                                |
| 480,000                                          | <del>240,000</del> <b><u>30,000</u></b>              | <del>2</del> <b><u>3</u></b>     |
| Greater than 480,000                             | <del>240,000</del> <b><u>180,000</u></b>             | Unlimited                        |

**Notes:**

[1] – No parcel created shall have less than the minimum area specified

**Section 29-4.5 (c)(1)(x)(a) – (Section becomes 29-4.4(c)(1)(x)(a))**

Revise the text reading “five years” shown in line 2 to “six years” and delete in whole the last sentence of the section that begins with “Annexed property”.

- (x) Any land annexed or within the City of Columbia corporate limits that did not follow the tree preservation provisions of this UDC and is sought to be redeveloped or subdivided shall be subject to the following:
- No permit for the purpose of allowing redevelopment or subdivision shall be issued for a period of **six** ~~(6) five (5)~~ years unless the provisions of item (b), below, have been met. ~~Annexed property that was used as a legal agricultural operation within the 3 years prior to annexation shall be exempt from this permitting restriction.~~

.....

**Section 29-4.5 (c)(1)(x)(b) – (Section becomes 29-4.4(c)(1)(x)(b))**

Add a new item, (ii), which will read as follows **(underlined and bold text)** and renumber the sections that follow accordingly.

- To obtain relief from the permitting restriction specified in item (a), above, the following shall be met:
  - The subject property shall be reforested such that the required 25% of the climax forest that should have been preserved is re-established on a designated common lot. If required preservation is greater than 30,000 square feet multiple common lots may be established in accordance with the provisions of Table 4.4-1.
  - In addition to the reforestation requirements indicated in item (i) above, any annexed tract containing a regulated stream for which a stream buffer -- for which a stream buffer would have been required and no longer exists shall be reforested with native plant species at the rate**

**reforested as shown below. The reforested stream buffer shall not be credited towards meeting the 25 percent climax forest required by item (i) above.**

- (iiii) Reforested common lots shall meet the following coverage standards:
- (1) 50% of the area shall be covered with the following types of trees. No more than 50% of the trees used to meet this requirement may be the same size.
    - (a) Tree whips between 1-3 feet height at planting;
    - (b) Tree saplings between 4-7 feet in height at planting;
    - (c) Container or root bag trees ½-inch to 1½ -inch caliper trunk size measured 6-inches off the ground;
  - (2) 50% of the area shall be covered by shrubs that are 1-3 feet in height at planting
  - (3) 100% of the area shall be covered in native grasses and forbes seed mix that includes: Indian grass, Big Bluestem, Coreopsis, Tick seed, Prairie Partridge Pea, Illinois Bundle Flower, and Purple Prairie Clover.
  - (4) Coverage and spacing of required reforestation plant materials is shown in Table 4.4-2.

**Section 29-4.5(d)(i) – (Becomes Section 29-4.4(d)(i))**

Replace “Landscape Strip” with **“Landscape Buffer”** in heading line and replace the existing text of the item with the following: **All paved areas with more than 40 feet of length within 25 feet of a street right-of-way shall have at least a six-foot wide landscaped buffer which shall be improved in accordance with the provisions of Section 29-4.5(e)(2) within private yards separating parking areas from abutting street right-of-way.**

**(i) Landscaping ~~Strip~~ Buffer Within Private Yards**

All paved areas with more than forty (40) feet of length within twenty-five (25) feet of a street right-of-way shall have at least a six (6) foot wide **landscaped buffer which shall be improved in accordance with the provisions of Section 29-4.5(e)(2) within private yards separating parking areas from abutting street right-of-way.** ~~street yard landscaping strip within private yards separating parking areas from abutting street rights-of-way.~~

**Figure 4.5-1 – (Figure becomes Figure 4.4-1)**

Replace reference to “strip” with **“buffer”** and revise the dimension from the right of way from 15’ to **25’**.

## Section 29-4.5 (e)(2)(iii)(c) – (Section becomes 29-4.4 (e)(2)(iii)(c))

Revise the referenced section to read as follows: **Shrubs and flowering plants that cover a minimum of fifty (50) percent of the remaining area with a minimum of twenty-five (25) percent of that plant material being in flowering shrubs.**

### (2) Landscape Buffer Location and Design

- (i) The required landscape buffer shall be installed on the applicant's side of the screening device, except as otherwise required in Section 29-4.7(d).
- (ii) It shall be designed so that at least eighty (80) percent opacity is achieved, viewed horizontally, in the space between one (1) foot and five (5) feet above grade at the screen line, at the time of installation.
- (iii) The landscape buffer shall include the following plant mix:
  - a. Four of the categories of planting material contained in Section 29-4.4(c)(6) and the Guidelines for Landscaping and Screening, or as approved by the City Arborist;
  - b. One tree with a two inch caliper that is ten (10) feet in height at the time of installation for each two hundred (200) square feet of buffer area, and
  - c. Shrubs and flowering plants that cover a minimum of ~~twenty-five (25)~~ **fifty (50)** percent of the remaining area with a minimum of twenty-five (25) percent of that plant material being in flowering shrubs.

## Section 29-4.5(e), Table 4.5-4 – (Section becomes 29-4.4(e), Table 4.4-4)

Revise columns and rows within table that are labeled “single-family” to be labeled as “single and two-family”.

| Table 4.4-4: Transitional Screening and Buffering |                                                            |                 |                                                            |                |                |          |           |        |             |                |            |
|---------------------------------------------------|------------------------------------------------------------|-----------------|------------------------------------------------------------|----------------|----------------|----------|-----------|--------|-------------|----------------|------------|
| Use of Subject Property                           |                                                            |                 |                                                            |                |                |          |           |        |             |                |            |
| Use of Adjacent Properties                        | Adjacent Zone District                                     | Applicant's Use | <del>Single-Family</del><br><u>Single &amp; two-family</u> |                | Multi-Family   |          | Mixed-Use |        | Commercial  |                | Industrial |
|                                                   | Zone District                                              | Structure Type  | Res.                                                       | Non-Res.       | Res.           | Non-Res. | Vert.     | Horiz. | 1-3 Stories | 3+ Stories     | --         |
|                                                   | <del>Single-Family</del><br><u>Single &amp; two-family</u> | Residential     | 0                                                          | 2              | 1              | 2        | 3         | 3      | 3           | 34             | 34         |
|                                                   |                                                            | Non-Residential | <del>2</del> 0                                             | 0              | 2              | 1        | 1         | 1      | 1           | 2              |            |
|                                                   | Multi-Family                                               | Residential     | <del>1</del> 0                                             | 2              | 0              | 2        | 2         | 2      | 3           | 34             | 34         |
|                                                   |                                                            | Non-Residential | 0 <del>2</del>                                             | 0              | 1              | 0        | 1         | 1      | 1           | 2              |            |
|                                                   | Mixed-Use                                                  | Vertical        | 0 <del>3</del>                                             | 1              | 2              | 1        | 0         | 0      | 1           | 2              | 34         |
|                                                   |                                                            | Horizontal      | 0 <del>3</del>                                             | 1              | 2              | 1        | 0         | 0      | 0           | 1              |            |
|                                                   | Commercial                                                 | 1-3 Stories     | 0 <del>3</del>                                             | 1              | 3              | 1        | 1         | 0      | 0           | <del>0</del> 1 | 34         |
|                                                   |                                                            | 3+ Stories      | <del>0</del> 4                                             | <del>0</del> 2 | <del>4</del> 3 | 2        | 2         | 1      | 0           | 0              | 34         |
| Industrial                                        | --                                                         | <del>4</del> 0  | 04                                                         | 34             | 34             | 34       | 34        | 34     | 34          | 0              |            |

Level 0 does not require a screen or landscape buffer.  
Level 1 requires a six foot wide landscape buffer.  
Level 2 requires a four-foot wide landscape buffer and a six foot tall screening device.  
Level 3 requires a 10-foot wide landscape buffer and an eight-foot tall screening device.

### Section 29-4.5(g)(3)(i) – (Section becomes 29-4.4(g)(3)(i))

Add at the end of the provision the words “or utility easement”

#### (3) Significant Trees

- (i) Twenty-five (25) percent of significant trees shall be preserved during development or redevelopment. All vacant and undeveloped land and all property to be redeveloped, including additions and alterations that require a land disturbance permit, shall abide by this section. A “significant tree” means a tree that is not diseased, dying, or of a noxious invasive species and that is at least twenty (20) inches diameter at breast height (DBH) for a deciduous tree that is located outside of the Tree Preservation and Stream buffer or utility easement.

### Section 29-4.5(g)(3)(ii)(a) – (Section becomes 29-4.4(g)(3)(ii)(a))

Add the following text “large to medium” before the words “deciduous trees”

#### (3) Significant Trees

.....

- (ii) When a significant tree is removed, the property owner shall replace such tree(s) on the lot as follows:
  - a. A significant deciduous tree that is removed shall be replaced by three (3) large to medium deciduous trees, each with a minimum size at planting of two (2) inches caliper.

.....

### Section 29-4.8 (c)(1) & (2) – (Sections become 29-4.7(c)(1) & (2))

Motion to change the words "the side and rear" to "contiguous side and rear."

#### (c) Building Height<sup>1</sup>

Buildings constructed after the effective date of this Code with a height greater than twenty-four (24) feet shall reduce the perceived height of the building when viewed from abutting lots by using at least one (1) of the following techniques.

- (1) “Stepping down” building height of any portion of the building within twenty-five (25) feet of the contiguous side and rear lot lines to a maximum of twenty-four (24) feet.
- (2) Increasing the contiguous side yard and rear yard setbacks a minimum of ten (10) feet beyond that otherwise required in the zone district where the property is located.

---

<sup>1</sup> New standard. This replaces the current code requirements for a 10 foot side yard where O-1 & 2, C-1 & 3, and M-1 districts abut residential districts.

## Section 29-4.8(d) – (Section becomes 29-4.7(d))

Delete all the text that follows the word “apply” in the first sentence.

### (d) Screening and Buffering

The standards of Section 29-4.4(e) apply. ~~In addition, when the standards of that Section require the construction of an opaque wall or fence, the following applies:~~

- ~~(1) If the applicant’s property is in the R-MF district, the required landscaping shall be installed on the side of the fence or wall facing towards the adjacent lot with a single or two-family dwelling; and~~
- ~~(2) If the applicant’s property is in any other district except the R-1 or R-2 districts, the required landscaping shall be installed on the side of the fence or wall facing towards the R-1 or R-2 district.~~

## Section 29-4.9(d)(1), Table 4.9-1 – (Section becomes 29-4.8(d)(1), Table 4.8-1)

Increase the maximum area to 7.5 square feet per single- or two-family ID and sale or rent. Increase the maximum area to 7.5 square feet for multiple family sale or rent.

| Table 4.8-1: Residential Use Signs – Identification (ID) & Sale/Rent |                        |                      |                 |                      |                                                                     |                                                                                                                |
|----------------------------------------------------------------------|------------------------|----------------------|-----------------|----------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
|                                                                      | Single- or Two- Family |                      | Multiple-Family |                      | Manufactured Home                                                   | Land                                                                                                           |
| Type                                                                 | ID                     | Sale/Rent            | ID              | Sale/Rent            | ID                                                                  | Sale/Lease                                                                                                     |
| Maximum Number                                                       | 1/each street frontage |                      |                 |                      | See Section 29-4.10<br><b>Error!</b><br>Reference source not found. | 1/lot                                                                                                          |
| Maximum Area                                                         | 4 <b>7.5</b> sq. ft.   | 4 <b>7.5</b> sq. ft. | 15 sq. ft.      | 4 <b>7.5</b> sq. ft. |                                                                     | <b>Lots greater than 1 acre:</b> 12 sq. ft./acre; 32 sq. ft. (max)<br><b>Lots less than 1 acre:</b> 12 sq. ft. |
| Location                                                             | On premises            |                      |                 |                      |                                                                     |                                                                                                                |
| Other                                                                |                        |                      |                 |                      |                                                                     |                                                                                                                |

Section 29-4.9(d)(1), Table 4.9-2 – (Section becomes 29-4.8(d)(1), Table 4.8-2)

In the column for **open house/model home column**, change the block other to read, "**Signs shall be permitted 48 hours prior to the time the house is open for viewing and removed one hour after closure of viewing time.**"

| Table 4.8-2: Residential Use Signs - Other |                                                                                                                                                                                                                                |                                                                                                                  |                                                      |                                               |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------|
|                                            | Open House/Model Home                                                                                                                                                                                                          | Solicitation                                                                                                     | Garage Sale                                          | Real Estate Sales Office (Temporary)          |
| Type                                       | Advertise open house                                                                                                                                                                                                           | Prohibit solicitors, peddlers, hawkers, itinerant merchants, or transient vendors from entering private property | Advertise garage sale conducted on premises          | Identify a temporary real estate sales office |
| Maximum Number                             | 3/property                                                                                                                                                                                                                     | 1/property                                                                                                       | 1/each street abutting the premises                  | 1/property                                    |
| Maximum Area                               | 4 <u>7.5</u> sq. ft./sign                                                                                                                                                                                                      | 1 sq. ft.                                                                                                        | 4 sq. ft./sign                                       | 6 sq. ft.                                     |
| Maximum Height                             |                                                                                                                                                                                                                                |                                                                                                                  |                                                      | 4 ft.                                         |
| Location                                   | On or Off premises                                                                                                                                                                                                             | On premises                                                                                                      | On premises                                          | On premises                                   |
| Other                                      | <del>Signs are only permitted during the hours the home is open for viewing</del> <b>Signs shall be permitted 48 hours prior to the time the house is open for viewing and removed one hour after closure of viewing time.</b> |                                                                                                                  | Signs are only permitted during the time of the sale |                                               |

## **Amendments to M-DT (Mixed-use Downtown)**

### **Section 29-4.2**

Delete the Section 29-4.2(4), detached frontage, of the M-DT provisions.

### **Section 29-4.2 (c)**

Extend the “Urban General” BFS on Ninth Street such that it ends within 30 feet Park Avenue.

### **Section 29-4.2 (c)**

Add 608 Cherry Street to the M-DT Regulating Plan map as a civic structure.

### **Section 29-4.2 (c)**

Remove the alley segment east of Hitt Street between property addressed as 8 and 10 Hitt Street from the M-DT Regulating Plan.

### **Section 29-4.2 (c)**

Amend the M-DT Regulating Plan so that the Urban Storefront building form standard is extended east all the way to west edge of the Hitt Street right of way.

### **Section 29-4.2(c)**

Revise the M-DT Regulating Plan such that its boundary line is moved to the center line of St. James as it travels from Park to Ash and retract that small tails that are remaining back to the intersection of St. James and Ash and St. James and Park.

### **Section 29-4.2(c) – (Amendment reverses amendment made above)**

Motion to reverse the amendment that moved the retracted the M-DT boundary to the centerline of St. James Street between Park Ave and Ash Street and extend the M-DT boundary to include the currently excluded properties east of St. James.

### **Section 29-4.2(c)**

Amend the M-DT Regulating Plan to change the frontage of Locust Street to the center of the intersection with Waugh and then north on Waugh to Broadway from Townhouse/Small Apartment to Urban General. The tail of Townhouse/Small Apartment south of Locust would remain unchanged.

### **Section 29-4.2(c)**

Move to amend the M-DT regulating map as follows: Eliminate the alley running east-west in the block bordered by Broadway, Providence, Walnut, Fourth as the alley is not legal and correct (previously vacated).

### **Section 29-4.2(c)**

Amend the regulating plan to remove the alley between Sixth and Seventh Street north of Elm.

### Section 29-4.2(c)

Motion that staff research if the legal status of the alley behind 24 South Ninth Street and if it is not legal have the alley removed from the regulating map.

### Section 29-4.2(c)

Modify the “Core Height” area on the regulating map such that it is extended to the west right of way line of Hitt Street, south of Broadway, and follows property lines to the north of Broadway so it does not bisect buildings.

### Section 29-4.2(d)(6)(v), Section 29-4.2(d)(9)(iii)

Delete the words “shopfronts” and “bay windows” from both of those sections.

#### (6) Siting

.....

(v) No part of any building may be located outside of the Buildable Area except overhanging eaves, awnings, ~~shopfronts, bay windows~~, stoops, steps, or balconies. Handicapped ramps approved by the Director in order to comply with federal law may also extend beyond the Buildable Area. Stoops, steps, and ramps shall not be located within a required Clear Walkway. For appropriate commerce and retail uses, temporary displays or cafe seating may be placed in the Dooryard.

.....

#### (9) Other Building Elements

.....

(iii) No part of any building may project forward of the Required Building Line except overhanging eaves, awnings, ~~Shopfronts, Bay windows~~, stoops, steps, or balconies. Handicapped ramps approved by the Director in order to comply with federal law may also extend beyond the Buildable Area.

.....

### Section 29-4.2(d)(6)(vii)

Revise graphics and text to adjust rear alley setback from **25-feet to 12-feet**.

#### (6) Siting

.....

(vii) There is no required setback from Alleys or Common Drives except as stated on the Building Form Standards. On lots without Alley access, a minimum ~~twenty-five (25)~~ **twelve (12)** foot setback from the rear lot line shall apply.

.....

## Section 29-4.2(d)(6)(ix)(B)

29-4.2 (d) (ix) (B), strike “24 feet” and revise it to “no closer than six feet to the required building line”.

### (6) Siting

.....

- (ix) The Parking Setback Line is generally twenty-four (24) feet behind the Required Building Line and extends as a vertical plane from the first floor level unless otherwise shown on the Regulating Plan or otherwise stated in this Section 29-4.2. Vehicle parking shall be located behind the Parking Setback Line, except where parking is provided below grade, on-street, or otherwise indicated on the Regulating Plan.
- (A) Except for buildings located along Ninth Street and Broadway, the Parking Setback Line on second floor levels and above may extend to the Required Building Line of the frontage type as shown on the Regulating Plan.
- (B) Parking shall not be located closer than ~~twenty-four~~ **six (6)** (feet) to the Required Building Line on any first floor level, with the following exceptions: a) If a public utility easement is located within the parking setback, preventing its use for building purposes, parking may be included in the easement area; b) A parking area of not greater than sixty (60) feet in width located to the side of a building may be permitted if the parking area is screened from the street by a street wall and no new curb cut is made in the public street.

.....

## Section 29-4.2(d)(6)(xii)

Strike the word “metal picket” and replace it with “material”.

### (6) Siting

.....

- (xii) Street walls shall be constructed of masonry, ornamental ~~metal picket~~ **material**, or a combination. Walls may be opaque or partially open and may include landscaping.

.....

## Section 29-4.2(d)(6)(xii)

Added “private landscape buffer” as an option to requiring a street wall to be constructed of masonry, or ornamental materials.

The revised provision will read as follows: **Street walls may be constructed utilizing either masonry, ornamental materials, or a private landscape buffer in accordance with the provision of Section 29-4.5(d)(i), or any combination thereof. Walls may be opaque or partially open and may include landscaping.**

## (6) Siting

.....

(xii) ~~Street walls shall be constructed of masonry, ornamental metal picket material, or a combination. Walls may be opaque or partially open and may include landscaping.~~ **Street walls may be constructed utilizing either masonry, ornamental materials, or a private landscape buffer in accordance with the provision of Section 29-4.5(d)(i), or any combination thereof. Walls may be opaque or partially open and may include landscaping.**

.....

## Section 29-4.2(d)(8)

Add a new Item (ii) which states: **Balconies shall not project more than 2 feet forward of the required building line (RBL).** All sections following this new item shall be renumbered accordingly.

**Section 29-4.2(d)(8)(ii)(A)** – (revised to (iii)(A) per amendment to Section 29-4.2(d)(8), above)

Add a period after the following “... or other means” and delete the remaining text in the sentence.

**Section 29-4(d)(8)(iii)(C)** – (revised to (iv)(C) per amendment to Section 29-4.2(d)(8), above)

Motion to delete item 29-4.2 (d)(8)(iii)(C).

## (8) Balconies

(i) Balconies may not project within five (5) feet of a Common Lot Line.

(ii) **Balconies shall not project more than two (2) feet forward of the required building line (RBL).**

(iii) Where an Individual Building Form Standard includes Balconies as a method for achieving the required Private or Public Open Area, the Balcony:

- (A) Shall be enclosed by balustrades, railings, or other means, ~~that block at least fifty-five (55) percent of the view through them;~~
- (B) Shall not otherwise be enclosed above a height of forty-two (42) inches, except with insect screening and/or columns/posts supporting a roof or connecting with another Balcony above; and
- (C) Shall be covered, by roofs or by balconies above.

- (iv) Balconies on new, renovated, or retrofitted construction may project into the public right-of-way only if:
- (A) The improvement complies with section 24-2(c) of the City Code;
  - (B) The balcony projects only over a public sidewalk or an alley, provided that such projection does not cause a disruption to any City service or maintenance of the underlying public improvements. No balcony shall project over the travel lanes of any public street;
  - (C) ~~The maximum projection and minimum height above the public sidewalk shall be governed by the Building Code of Columbia, Missouri, adopted in chapter 6 of the City Code; and~~
  - (D) The proposed balcony meets all applicable design standards contained in this Code and other ordinances passed by the Council.

#### Section 29-4.2(d)(9)(xii)

Revise section text regarding privacy fence maximum height to read **eight (8) feet**.

#### **(9) Other Building Elements**

.....

(xii) Privacy Fences may be constructed along Alleys and along Common Lot Lines, but shall not be constructed forward of the Required Building Line. Privacy Fences shall have a maximum height of ~~seven (7)~~ **eight (8) feet**.

.....

#### Section 29-4.2(d)

Add a new paragraph 12 titled **“Gas Station or Fueling Centers with a convenience Store”**. Renumber existing paragraph 12 to 13. Add the following text to new paragraph 12: **A gas station or fueling center with a convenience store shall be a permitted use within the Urban General West frontage type, as shown on the Regulating Plan, and shall not be subject to the required building line setback as defined for other uses within said frontage type.**

#### **(12) Solid Waste Management Gas Station or Fueling Centers with a Convenience Store**

**A gas station or fueling center with a convenience store shall be a permitted use within the Urban General West frontage type, as shown on the Regulating Plan, and shall not be subject to the required building line setback as defined for other uses within said frontage type.**

#### **(~~12~~13) Solid Waste Management**

All new buildings shall have a plan for the management - collection, storage, and disposal - of solid waste. The City, based on the anticipated volume of solid waste and frequency of collection, may require trash rooms or trash enclosures within buildings or lots to facilitate orderly pick-up of solid waste and avoid congestion and accumulation of waste and waste receptacles within alleys and other public ways.

**Section 29-4.2 (d)(12)** – (becomes paragraph 13 based upon above amendment)

Replace the first sentence with the following: **All new buildings and/or a change in use shall have a plan for the management, collection, storage, and disposal of solid waste.**

**(1213) Solid Waste Management**

All new buildings **and/or a change in use** shall have a plan for the management - collection, storage, and disposal - of solid waste. The City, based on the anticipated volume of solid waste and frequency of collection, may require trash rooms or trash enclosures within buildings or lots to facilitate orderly pick-up of solid waste and avoid congestion and accumulation of waste and waste receptacles within alleys and other public ways.

**Section 29-4.2(e)(1)(iii)(B)**

Remove open area requirements, revise to add requirement for “residential open area” with four (4) or more units, as follows, and relocate to Section 29-4.2(d)(7). Revise existing cross-referenced text aligned with added requirements. Make corresponding amendments to each Building Form Standard (BFS). Revise the heading of this section to read “Open Area”

(iii) Siting

.....

**(B) Buildable and Open Area**

The Buildable **and Open** Area is shown in the Figure 4.2-8. **Improvement of open area shall follow the requirements of Section 29-4.2(d)(7).**

- 1) ~~Private or public open area shall be provided for buildings greater than 10,000 square feet in gross floor area, according to the following schedule:~~
  - ~~(i) Multi-family residential: 70 square feet per dwelling unit (efficiency; 1-2 bedrooms); 100 square feet per dwelling unit (3 or more bedrooms).~~
  - ~~(ii) Non-residential uses, including office and industrial or heavy commercial functions: Ten (10) percent of total building floor area.~~
  - ~~(iii) Retail sales that have sales floors for customers and commercial services that provide customer seating or gathering areas, such as restaurants, lodging, and entertainment uses, shall not be subject to the minimum open area requirement.~~
  - ~~(iv) Private or public open area may be located on any floor or combination of floors or any location on the lot provided it is accessible to all residents or tenants of the building the open area requirement is intended to benefit.~~
  - ~~(v) Any single private or public open area, with the exception of individual balconies, shall be a minimum of seventy (70) square feet and shall have a minimum dimension of seven (7) feet and a minimum contiguous area of 70 square feet.~~
- 2) ~~A Private or Public Open Area in buildings that have twenty five (25) feet or greater lot frontage along the adjacent street and 10,000 square feet or greater building. Up to thirty three (33) percent of the~~

required Private or Public Open Area may be satisfied through the Balconies of individual units or rooftops as follows:

- ~~(i) Where located at grade, such Private or Public Open Area may be located anywhere behind the Parking Setback Line, but not within any required side or rear setbacks.~~
- ~~(ii) Where provided above the second Story but below a building's roof level, the Private or Public Open Area may be located forward of the Parking Setback Line (such as in a raised courtyard configuration) and shall open onto no more than one Street Space and shall be set back at least thirty (30) feet from any Block Corner or Building Corner.~~
- ~~(iii) Where located on the building's roof level, the Private or Public Open Area may be located anywhere on the roof.~~

.....

**Revision to Section 29-4.2(e)(2)(iii)(B)(4)**

(iii) Siting

.....

**(B) Buildable and Open Area**

The Buildable and Open Area is delineated in the Figure 4.2-12.

- 1) The Ground Story may sit anywhere within the buildable area.
- 2) A second Story and above, shall only be within the Buildable Area within one hundred (100) feet of a Required Building Line.
- 3) Where private access drives are configured as recommended M-DT street types, a new Required Building Line shall be created.
- 4) Private or Public Open Area shall be provided in accordance with the provisions of Section 29-4.2(d)(7) ~~29-4.2(1) (Urban General)~~.

.....

**Revision to Section 29-4.2(e)(3)(iii)(B)**

(iii) Siting

.....

**(B) Buildable and Open Area**

The Buildable and Open Area is as defined in the Figure 4.2-16 above.

- 1) A Private or Public Open Area equal to at least fifteen (15) percent of the total Buildable Area shall be preserved on every lot which may be satisfied through the Balconies of individual units, or rooftops, regulated in Section 29-4.2(d)(9).

**Revision to Section 29-4.2(d)(7)**

**(7) Private or Public Open Area**

Private or public open area must comply with standards in each Individual Building Form Standard Frontage (Section 29-4.2(e)) and in Section 29-4.54 (Landscaping and Screening).

- 1) **Non-residential Open Space Requirements. Private or public open area shall be provide for buildings greater than 10,000 square feet in buildable area, according to the following schedule:**
  - i. **Ten (10) percent of the total buildable area shall be allocated as open area.**
  - ii. **In addition to item (i), above, buildings that contain four (4) or more dwelling units shall provide private or public open area as prescribed Item (2), below.**
  - iii. **Thirty-three (33) percent of required public or private open area may be satisfied through the use of balconies of individual units meeting the requirement of item (v), below, or rooftops.**
  - iv. **Retail sales that have sales floors for customers and commercial services that provide customer seating or gathering areas, such as restaurants, lodging, and entertainment uses, shall not be subject to the minimum open area requirement.**
  - v. **Private or public open area may be located on any floor or combination of floors or any location on the lot provided it is accessible to all residents or tenants of the building the open area requirement is intended to benefit.**
  - vi. **Any single private or public open area, with the exception of individual balconies, shall be a minimum of seventy (70) square feet and shall have a minimum dimension of seven (7) feet and a minimum contiguous area of 70 square feet.**
- 2) **Residential Open Space Requirements. Private or public open area shall be provided in any building, regardless of its buildable area, which contains four or more dwelling units, according to the following schedule:**
  - i. **70 square feet per dwelling unit (efficiency; 1-2 bedrooms); 100 square feet per dwelling unit (3 or more bedrooms).**
  - ii. **Private or public open area may be located on any floor or combination of floors or any location on the lot provided it is accessible to all residents or tenants of the building the open area requirement is intended to benefit.**
  - iii. **Any single private or public open area, with the exception of individual balconies, shall be a minimum of seventy (70) square feet and shall have a minimum dimension of seven (7) feet and a minimum contiguous area of 70 square feet.**

**Section 29-4.2 (e)(1)(iii)(b) - Amendment incorporated into revisions to Section 29-4.2(d)(7)**

Revise the language from 10,000-square-foot gross floor area to 10,000-square-foot buildable area (Item 1, Item 1(ii), and Item 2)

## Section 29-4.2(e)(1)(iv)(B)

Revise text to include subparts (i) and (ii). Existing text to become subpart (i). Subpart (ii) to read as follows:  
**Balconies are permitted and may be counted as “private open area” when their minimum size is 8-feet wide and 5-feet deep. Balconies shall not project more than 2-feet forward of the RBL.**

(iv) Elements

.....

### **(B) Building Projections**

(i) Shopfronts may extend up to twenty-four (24) inches beyond the Façade or Required Building Line into the Dooryard, but may not project into the Clear Walkway.

(ii) **Balconies are permitted and may be counted as “private open area” when their minimum size is 8-feet wide and 5-feet deep. Balconies shall not project more than 2-feet forward of the RBL.**

.....

**Section 29-4.2(e)(1)(iv)(B) – (to become 29-4.2(e)(1)(iv)(B)(i) based on above amendment)**

Delete the all text following the word “façade”

(iv) Elements

.....

### **(B) Building Projections**

(i) Shopfronts may extend up to twenty-four (24) inches beyond the Façade or Required Building Line into the Dooryard, but may not project into the Clear Walkway.

(ii) Balconies are permitted and may be counted as “private open area” when their minimum size is 8-feet wide and 5-feet deep. Balconies shall not project more than 2-feet forward of the RBL.

.....

#### **Section 29-4.2(e)(1)(v)(B)(1)**

Delete “or retail sales uses” from the provision.

(v) Uses

.....

##### **(B) Upper Stories**

- 1) The upper Stories may only house residential or commercial uses. \*Rooftop Food and Beverage Services are only permitted in the locations designated for Core Height on the Regulating Plan or if the rooftop is accessory or ancillary to a ground floor food service use. In all other locations, no food and beverage services ~~or retail sales~~ uses shall be allowed in upper Stories unless they are second Story extensions accessory to the Ground Story use.
- 2) No commercial use is permitted above a residential use unless there is a separate access to the commercial use.
- 3) Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

#### **Section 29-4.2(e)(2)(v)(B)(1)**

Delete “or retail sales uses” from the provision.

(v) Uses

.....

##### **(B) Upper Stories**

- 1) The upper Stories may only house residential or commercial uses. No food and beverage services ~~or retail sales~~ uses shall be allowed in upper Stories unless they are second Story extensions accessory the Ground Story use.
- 2) No commercial use is permitted above a residential use.
- 3) Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

## Section 29-4.2(e)(3)(v)(C)(3)

Delete the current text and replace with the following: **On townhouse sites, a detached dwelling unit is permitted in the buildable area at the rear of the site or lot line subject to the provisions of 29-3.3(gg)(4).**

(v) Uses

.....

### (C) Accessory Dwelling Units in M-DT

- 1) English Basement Accessory Dwelling Units are only permitted in townhouses.
- 2) Only one (1) Accessory Dwelling Unit is permitted per townhouse.
- 3) On townhouse sites, ~~an Accessory Dwelling Unit, with a maximum area of six hundred fifty (650) square feet is permitted in the Buildable Area at the rear of the site or lot line.~~ **a detached dwelling unit is permitted in the buildable area at the rear of the site or lot line subject to the provisions of 29-3.3(gg)(4).**

### Figure 4.2-7, Figure 4.2-11

Revise figures to make sure “street wall” height is consistent through the document what the height requirements of Section 29-4.2 (d)(6)(xi)

### Figures 4.2-8, 4.2-11, 4.2-15, 4.2-16, 4.2-18

Amend Figure on **4.2-8** to indicate 10% open area and delete reference to it being “contiguous” and revise graphics and text to adjust rear alley setback from **25-feet to 12-feet**. Figure **4.2-11** street wall height needs to be revised to four to eight feet. **Figure 4.2-15** delete elevated floor requirement. **Figure 4.2-16** add “public” after “private” in reference to open space and adjust arrows showing open space to include the full extent of the buildable area. They seem to be pointing to a reduced area as delineating or what can be made open space. **Figure 4.2-18** adjust the RBL so it shows the porch encroachment only two feet forward of it.

### Figure 4.2-12

Amend Figure 4.2-12 to change open area from 15% to 10%, “contiguous” needs to be deleted; “public” needs to be added after “private”; the arrows showing the buildable area needed to be extended to actually show the buildable area. Add lot building limit line shown on this figure, since that is described in the text. Revise graphics and text to adjust rear alley setback from **25-feet to 12-feet**.

### Figure 4.2-17

Revise balcony dimensions to 8-feet wide by 5-feet deep to match Urban General/Shopfront building form standard. Revise figure to have privacy fence permitted height **4’ to 8’**.

## **Amendments to Chapter 5 – Procedures and Enforcement**

### **Section 29-5.2, Table 5.2-1 – (Section becomes 29-6.2, Table 6.2-1)**

Add a line for a **Demolition Permit** below Building Permit with the appropriate notations.

#### **SEE ATTACHEMENT B – Table 6.2-1: Regulatory Procedures Table**

### **Section 29-5.4(n)(iv)(g)(4) & (5) – (Section becomes 29-5.2(c)(3)(ii)(g)(4) & (5))**

In item #4, change the number **one-third (1/3)** of the preliminary approved lots to **one-fourth (1/4)** of the preliminary approved lots. In item #5, Change the verbiage to read, "The Director may grant a one-year extension if no change to a City ordinance would require a change in the plat. Appeal for an adverse decision shall be made to the City Council. Any subsequent extensions shall be made to City Council for a specified period on such terms and conditions as the Council may approve.

#### **(G) Approval of a preliminary plat by the Council shall confer upon the applicant for a period of three (3) years, beginning at the effective date of Council approval, the following rights:**

- 1) The terms and conditions under which the preliminary plat was given approval shall not be changed except as noted in subsection 3) below.
- 2) The subdivider may submit on or before the expiration date a final plat for the whole or any part of the subdivision for approval.
- 3) Each final plat for land included in the preliminary plat application shall comply with any new technical or engineering standards or requirements adopted by Council between the date of the preliminary plat approval and the date of each final plat application for land included in the preliminary plat.
- 4) If the subdivider fails to submit a combined total of ~~one-third (1/3)~~ **one-fourth (1/4)** of the preliminarily approved lots (in either a single or multiple) final plats before the expiration date, the preliminary plat approval shall expire and be of no force or effect.
- 5) ~~The time for filing of a final plat may be extended by the Council for a specified period on such terms and conditions as the Council may approve.~~ **The Director may grant a one-year extension if no change to a City ordinance would require a change in the plat. Appeal for an adverse decision shall be made to the City Council. Any subsequent extensions shall be made to City Council for a specified period on such terms and conditions as the Council may approve.**

## Section 29-5.5(a)(1)(i)(c) – (Section becomes 29-6.5(a)(1)(i)(c))

Revise the provision to remove the 6-month time limit and restore the 12-month time limit. Add the following at the end of the provision: **Such time period may be extended upon application to the Board of Adjustment.**

### (a) Nonconforming Uses

#### (1) Continuation, Changes, and Discontinuance

- (i) Any use of land or buildings that was legally created, or that was legal in Boone County on the date that land was annexed into the City, may be continued, and may be transferred or sold to other owners or tenants, whether or not that use complies with the provisions of this Ordinance for the zoning district in which it is located, subject to the following conditions.

.....

- c. If a nonconforming use of land or buildings is discontinued for any reason for a period of more than ~~six (6)~~ **twelve (12)** months, any future use of such premises shall comply with the provisions of this Ordinance. **Such time period may be extended upon application to the Board of Adjustment.**

.....

## Section 29-5.5(d)(4) – (Section become 29-6.5(d)4))

Revise text to read, "Any redevelopment of the property that results in the demolition of the existing principal structure, as defined by the adopted building code, or is more than 75 percent of the building and/or construction of a new principal structure shall require that the property be brought into compliance with all applicable requirements of this ordinance."

### (d) Nonconforming Site Features

Conforming land uses and structures on parcels or tracts of land that do not comply with one or more of the standards in Sections 29-4.3 (Parking and Loading), 29-4.4 (Landscaping and Screening,) or 29-4.5 (Exterior Lighting), may be expanded, revised, or redeveloped subject to the following conditions:

- (1) The expansion, revision, or redevelopment must be to land uses and structures permitted in the zoning district where the property is located;
- (2) The expansion, revision, or redevelopment must not increase any nonconformity with the standards in Sections 29-4.3, 29-4.4, or 29-4.5;
- (3) Any expansion or change in land uses that increases the amount of parking required on the property shall require that the net increase in required parking be provided on-site.
- (4) Any redevelopment of the property that results in the demolition of ~~all or part of~~ an existing principal structure, **as defined by the adopted building code or is more than 75 percent of the building,** and/or construction of new principal structures shall require that the property be brought into compliance with all applicable requirements of this Ordinance.

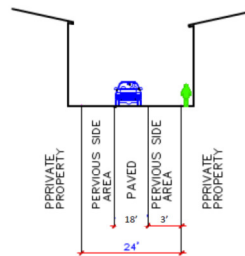
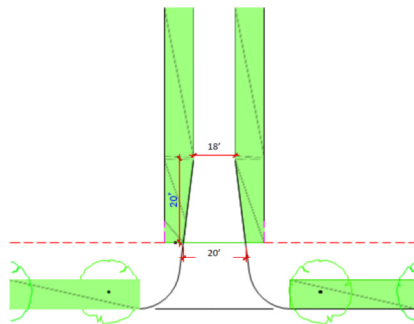
## Amendments to Appendix A

### Appendix A – M-DT Urban Space Standards (d)(3)(ii)(DT Alley)

Revise the table below graphic as follows:

1. Line 2 to require 3-foot (3') pervious side area.
2. Add asterisk (\*) behind the text in Line 2 indicating that such area will not be used for plant material.
3. Line 7 to specify 18-foot (18') pavement width.

## DT Alley



|                                                  |                          |
|--------------------------------------------------|--------------------------|
| ROW or Easement                                  | 24'                      |
| PERVIOUS SIDE AREA *                             | 3'                       |
| type                                             | alley                    |
| movement                                         | Slow                     |
| design speed                                     | 5-10 mph                 |
| traffic function                                 | two way- Yield Situation |
| pavement width                                   | 18'                      |
| curb type                                        | vertical, at Entry Only  |
| curb radius                                      | 10-15"                   |
| *Pervious area shall not be used for landscaping |                          |
|                                                  |                          |
|                                                  |                          |
|                                                  |                          |
| comparative pedestrian crossing                  | 4.3 seconds              |