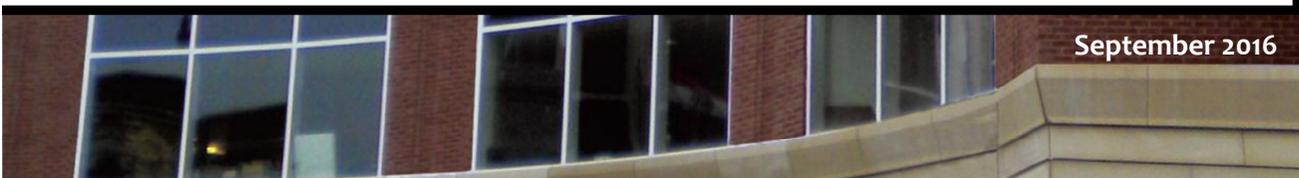




**Public Hearing Draft
Unified Development Code**

September 2016



Columbia Unified Development Code

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- (b) The Official Zoning Map includes that Regulating Plan for the M-DT district shown in Section 29-4.2.
- (c) The Official Zoning Map is the latest version of the Zoning Map approved by Council, and is maintained in electronic form by the Department of Community Development.
- (d) Unless otherwise required by law, zoning districts set forth on the Official Zoning Map shall be construed to extend to the centerline of abutting public rights-of-way.

29-1.5 Compliance Required⁵

- (a) All site development activities, establishment or changes in uses of land, construction or modification of buildings or structures, development and redevelopment of property, subdivisions of land, and sale of land for purposes of development or redevelopment (rather than agricultural use) within the City of Columbia shall comply with all applicable provisions of this Ordinance.
- (b) In addition, all applications under this Chapter shall comply with all applicable provisions of state and federal laws and regulations, all other laws and regulations, including without limitation building, construction, and health laws and regulations, of the City of Columbia.
- (c) The directors of City department and agencies are hereby authorized to establish design standards and specifications for the construction of public improvements and utilities for development and subdivisions in the City, which shall ensure a high quality construction of such public improvements and utilities such that these public improvements and utilities will serve the public need and be suitable for acceptance and maintenance by the City. The design standards and specifications shall be in substantial conformance with design standards and specifications for construction of similar public improvements and utilities by the City. All established design standards and specifications shall be on file in the office of the director who promulgated them, and all applications under this Chapter shall comply with the established standards and specifications.⁶
- (d) It shall be unlawful for any person to file or record with the recorder of deeds of Boone County, Missouri, any instrument of sale, transfer or conveyance including a description by metes and bounds when the sale or transfer of that land effects a subdivision of land located within the corporate limits of the City within the meaning of this Chapter and before such land has been subdivided in accordance with the provisions of this Chapter and the plat, if required, has been approved by the Council and recorded in the office of the recorder of deeds, Boone County, Missouri. Any deed or instrument of sale filed with the county recorder before full compliance with the requirements of this Chapter shall be deemed to be null and void.⁷
- (e) The recorder of deeds of Boone County, Missouri, shall not file or record a subdivision plat of any land located within the corporate limits of the City unless the plat has endorsed upon it

⁵ New provision, consolidating and updating language from Secs. 25-5, 25-35, 29-22, 29-25, and 29-30.1. The provisions of Secs. 25-35 requiring compliance with “the comprehensive plan, plans of public utilities and the capital improvements program, including the showing of all streets, drainage systems, school sites, parks and other public facility sites shown on the officially adopted plans” was not carried over, since some administrative decisions only require compliance with this Chapter and related regulations.

⁶ Expanded from public works and light/energy directors to all City directors.

⁷ Current Sec. 25-14(a).

the approval of the Council under the hand of the City Clerk, and the seal of the City or, in the case of an administrative plat, with the signature of the Director.⁸ The plat shall show with particularity what part of the land shown thereon is within the corporate limits of the City. The landowner shown on the plat shall cause to be filed with the director a statement by a registered professional land surveyor⁹, set out on the plat and acknowledged by some official authorized by law to take acknowledgments or conveyances of real estate, stating that the land so shown on the plat as being within the corporate limits of the City is in fact within the corporate limits of the City. Any subdivision plat filed with the county recorder before full compliance with the requirements of this Chapter shall be deemed to be null and void.¹⁰

- (f) It shall be unlawful for any owner, or agent of the owner, of any land located within the City limits knowingly or with intent to defraud, to transfer or sell, that land by reference to or by other use of a plat or any purported subdivision plat of the land before the plat has been approved by the Council and recorded in the office of the county recorder of deeds.¹¹
- (g) It shall be unlawful for any owner, or agent of the owner, of any land located within the City, knowingly or with intent to defraud, to directly or indirectly transfer or sell any land by metes and bounds description or otherwise when the sale, transfer or development of that land would effect a subdivision of land within the meaning of this Chapter and before such land has been subdivided in accordance with the provisions of this Chapter and the plat has been approved by the Council and recorded in the office of the county recorder of deeds.¹²

29-1.6 Relationship to Other Regulations¹³

If there is a conflict between any part of this Ordinance and any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern, unless state or federal law or regulation requires a different outcome, provided, however, that if there is a conflict between the provisions of an overlay zone district and another regulation in this Chapter 29, the provisions of the overlay zone district shall govern regardless of whether they are more or less restrictive, unless a state or federal law or regulation requires a different outcome.

29-1.7 Relationship to Third-Party Private Agreements¹⁴

- (a) This Ordinance is not intended to interfere with, abrogate, or annul any easements, covenants or other private agreements between parties. However, where this Ordinance or the decisions of the Commission or Council under this Ordinance impose greater restrictions or higher standards or requirements upon the use of land, buildings or premises than those imposed or required by other easements, covenants or agreements, the provisions of this Ordinance and related decisions shall govern. Nothing in this Ordinance shall modify or repeal any private

⁸ Revised from Director of Public Works since Module 2.

⁹ **Revision made to add "professional" since Integrated draft**

¹⁰ Current Sec. 25-14(b).

¹¹ Current Sec. 25-15.

¹² Current Sec. 25-16.

¹³ New provision updating and consolidating Secs. 12A-4, 12A-242, 25-12(a) and 29-32.

¹⁴ New provision updating and consolidating Sections 25-12(b) and 25-36. Provisions regarding the effectiveness of private covenants that are stricter than or supplemental to this Ordinance were not carried over, since that depends on the text of those third party restrictions.

covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance.

- (b) Any restrictions on any of the land contained in a proposed subdivision greater than those required by this Ordinance or other City ordinances, which in the opinion of the Director may affect the division and use of the land, shall be indicated on the subdivision plat by a statement of those restrictions or by reference to the recording of such restrictions in the office of the county recorder of deeds. Any recorded restriction may be removed only by ordinance or resubdivision, and only after the Council has determines that removal of the restrictions will not be detrimental to any land in the subdivision or to any neighboring property.
- (c) The City shall not be obligated to enforce the provisions of any easement, covenant or agreement between private parties.

29-1.8 Interpretation¹⁵

- (a) In interpreting and applying the provisions of Ordinance, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, or general welfare.
- (b) The Director is authorized to interpret the provisions of this Ordinance, unless a different City, public, or quasi-public official or agency is specifically designated in this Ordinance to make the determination, or unless state or federal law requires a different official or agency to make the determination. The Director’s determination shall be based on examination of the plain language of the Ordinance, the need to interpret each section consistently with other related section of the Ordinance, and any purpose statements related to the Ordinance provision in question.
- (c) The Director is authorized to make determinations of the location of all zone district or overlay zone district boundary lines, based on examination of the Official Zoning Map, the character of the existing development in relation to the boundary line, the purposes of the zone district or overlay zone district involved, and any available history regarding the adoption of the zone district or overlay zone district boundary.
- (d) Decisions of the Director in interpreting this Ordinance may be appealed to the Board of Adjustment under Section 29-5.3(f).

¹⁵ New provision updating language from Sections 29-4, 25-11 and 29-32.

29-1.9 Transition to this UDC¹⁶

- (a) Any application for approval of a structure or land use governed by this Ordinance that was filed and determined by City staff to be a complete application before the effective date of this Ordinance shall be governed by the zoning and subdivision regulations in effect at the time the complete application was filed.
- (b) Any preliminary approval of a structure or land use under the zoning regulations in force prior to the effective date of this Ordinance, shall be governed by the regulations in effect at the time of the preliminary approval, provided that any additional or final approvals of that structure or land are completed within any time required by those regulations, or within any extension of that time approved by the City.
- (c) Preliminary subdivision plats approved under subdivision regulations in force prior to the effective date of this Ordinance, shall be governed by the regulations in effect at the time of final plat approval.¹⁷
- (d) Notwithstanding the provisions of subsections (a) through (c) above, an applicant whose application would otherwise be governed by regulations in effect prior to this Ordinance may notify the City in writing that the applicant chooses to have the application governed by the provisions of this Ordinance. The City shall approve the request provided that (i) the application shall be subject to all applicable provisions of this Ordinance—not just selected provisions, and (ii) if the application has received preliminary approvals, those approval shall be reversed and the application shall be required to complete the preliminary approval under the standards and provisions in this Ordinance.
- (e) Nothing in this Ordinance shall require any change in the plans, construction or designated use of a building for which a building permit has been issued prior to the effective date of this Ordinance.
- (f) All PUD, O-P, C-P, and M-P zone districts approved prior to the effective date of this Ordinance will be shown on the Zoning Map as PD zone districts, but shall continue to be governed by the approved development plans for those properties and by those portions of the prior zoning ordinance and subdivision regulations necessary to interpret and carry out the intent of the approved development plans for those properties. All construction and land uses that comply with approved development plans for those properties are legal conforming uses.

¹⁶ New provision consolidating and updating language from Sec. 25-5 and 29-29(a) and adding materials to clarify application of this Ordinance. Materials from Sec. 29-29(a) requiring specific levels of completion within one and two years after Ordinance adoption were deleted, since that is addressed by standard building permit provisions. Text from Sec. 29-29(c) reading “The provisions of this chapter shall not apply to prevent the extension of any building, existing in any district at the time of annexation, or the adoption of Ordinance No. 9958, to the height which the walls, foundation and framework of such existing building originally were intended, designed and constructed to carry; provided that the actual construction of the extensions in height permitted by this paragraph shall have been duly commenced within ten (10) years from the date of the adoption of Ordinance No. 9958” was not carried over as unnecessary. Subsection (g) replaces current Sec. 25-8 and 29-40 (Saving Clause). Current Secs. 25-7 and 29-41 (Repeal) were not carried over because repeals can be achieved through the enacting ordinance. Provision in Sec. 29-30(a)(2) applying pre-2001 parking standards to buildings completed within 180 days of 2001 ordinance was not carried over, since general nonconformity standards should apply and cover that situation.

¹⁷ Clarifies that approval of a preliminary plat does not “lock in” technical standards at that time. This is necessary because Columbia’s subdivision regulations allow a preliminary plat to be approved without preliminary construction or engineering drawings.

Modifications to PUD, O-P, C-P, and M-P zone districts approved prior to the effective date of this Ordinance must comply with the provisions of this Ordinance.¹⁸

- (g) Any use of land that was listed as a permitted use of land in the zone district where it is located at the time the use was established, but that is listed as a conditional use in that location in this Ordinance, shall be deemed to have obtained a conditional use permit; and the City shall provide written confirmation of that status upon request of the owner of the property on which the use is located.
- (h) Any violations of zoning and subdivision regulations in effect prior to the effective date of this Ordinance shall continue to be violations of City regulations, and the City may enforce and apply penalties to those violations, unless the structure, land use, or action that gave rise to the violation would no longer be a violation under this Ordinance.

29-1.10 Severability¹⁹

In case any portion of this Chapter shall be held by a state or federal court to be invalid or unconstitutional, the remainder of this Chapter shall not thereby be invalid, but shall be in full force and effect, or in case any portion of the zoning district map shall be held by a state or federal court to be invalid, the remainder of such map shall not be invalidated.

29-1.11 Definitions and Rules of Construction²⁰

(a) Definitions

For the purpose of this Chapter 29, the following words and terms as used are defined to mean the following:

Access. The place, means or way by which pedestrians, bicyclists and/or vehicles have ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement.²¹

Accessory Dwelling Unit (“ADU”). A secondary dwelling unit created on a lot with a principal one-family dwelling, and which is subordinate to the principal dwelling. Accessory dwellings may be internal to or attached to the principal dwelling, or built as a detached structure. Principal one-family dwellings shall not include single-family structures that have been devoted to other uses, including, but not limited to, boardinghouses and bed and breakfasts.²²

Accessory Equipment. For the purposes of wireless telecommunications facilities, any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure, including utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.²³

Comment [PRZ1]: Clarification added that single-family dwellings used for other purposes cannot be consider “single-family” when determining if ADU is permitted. (5/16)

¹⁸ New provision required to simplify the four current planned districts, and clarifying legal conforming status. Special modification provisions for C-P developments are not carried over; all planned developments are now subject to the same modification procedures.

¹⁹ Consolidates current 29-38 and 25-61.

²⁰ Definitions no longer used in the code are not carried over.

²¹ New definition.

²² New definition from recently approved ordinance, expanded to allow for internal units.

²³ New definition based on § 67.5092(1) R.S.Mo. (2014)

Accessory Structure. A structure that is incidental and subordinate to the principal structure on the property.

Comment [RAM2]: Broke out definition of Accessory Structure and Accessory Use (5/16)

Accessory Use. A use of land or structure that is incidental and subordinate to the primary use of land or structure on the property.²⁴

Adult Day Care Center. A group home designed to provide care and supervision to meet the needs of five (5) or more functionally impaired adults for periods of less than twenty-four (24) consecutive hours but more than two (2) hours per day in a place other than the adult's home.

Agent. A person legally authorized to act for another.

Agricultural Commodities. Items produced from agricultural activities including, but not limited to, grain, poultry, fruits and vegetables, timber and livestock.²⁵

Agriculture. Any use of land consisting of at least two and one-half (2½) acres for the purpose of crops, grazing animals, orchards, trees or forest lands, and any other use pertaining to farming or agricultural research, and including all the types of structures normally associated with these uses, including one dwelling unit, storage bins, barns, sheds, tool houses, garages, and any other use or facility ancillary to farming or open land.²⁶ This use does not include any activities meeting any definition of a use listed in the Industrial Use section of Table 3.1 (Permitted Use Table).²⁷

Airport. The Columbia Regional Airport (COU) and any other place for the take-off and landing of aircraft meeting all applicable safety and licensing requirements of any state or federal entity with regulatory authority over the facility, including areas used or intended to be used for the landing and take-off of aircraft, and any appurtenant airport facility buildings, structures, or uses.²⁸

Alcoholic Beverage Sale. The retail sale of alcoholic beverages to the public, primarily for off-site consumption, in accordance with the alcoholic beverage regulations in Chapter 4 of this Code, and other applicable state or local laws and licensing requirements.²⁹

Alley. A public right-of-way that is used for pedestrian or vehicle access to the back or side of properties otherwise abutting on a street.³⁰

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a Block that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.³¹

Ambient Sound Level. For purposes of WECS regulations, the sound pressure level exceeded ninety (90) percent of the time, or L90, at a given location. Also, the amount of background noise at a given location prior to the installation of a WECS, which may include, but is not limited to, traffic, machinery, general human activity, and the interaction of the wind with the landscape. Ambient

²⁴ New definition added in response to public comment.

²⁵ Revised to remove the term “agricultural commodities” from the definition.

²⁶ New definition based on existing use name and description.

²⁷ Definition revised since prior draft to exclude manufacturing uses, in response to public comment.

²⁸ New definition based on existing, undefined “aviation fields or airports” use, revised to include additional airports based on public comment

²⁹ New definition based on existing, undefined use name and description. Definition revised since prior draft to distinguish from bar and restaurant, in response to public comment.

³⁰ Revised since Module 3 to include alleys designed for pedestrian access.

³¹ New form-based definition.

sound level is measured on the decibel dB(A) weighted scale as defined by the American National Standards Institute (ANSI).

Amusement Game Machine. A mechanical or electronic machine or device that may be operated by the public to play a game installed in or on the machine or for entertainment or amusement. This use includes but is not limited to pinball machines, video games, motion simulator games, imitation sports activities, and virtual reality games.³²

Antenna Support Structure. Any building or other structure such as a water tower, other than a tower or a disguised support structure as herein defined, which can be used for the location of telecommunications facilities.

Arterial. A street that provides primarily for through traffic movement between areas and across the City, and has a secondary function of direct access to abutting property, subject to necessary control of entrances, exits and curbside use.

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 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 off-site is not permitted.³³

Assembly or Lodge Hall. A publicly or privately owned facility intended for the gathering of people for social, professional, or recreational activities such as meetings, conferences, weddings, and similar activities.³⁴

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost Story. They are permitted for all Building Form Standard sites and do not count against the maximum Story height or height limits of their Building Form Standards.³⁵

Awning. A roof-like cover, made of fabric, or other flexible material, over a door or window and attached to a building.³⁶

Axis. For purposes of WECS regulations, the plane on which a rotor or other wind-harnessing mechanism rotates. City regulations do not differentiate between horizontal- and vertical-axis WECS.

Banner. Any piece of cloth or other flexible material used as a sign.

Bakery. A facility for the production, distribution, or sale of baked goods and confectioneries.³⁷



³² Definition simplified and updated to use more current examples.

³³ New definition to describe new permitted land use.

³⁴ New definition based on existing, undefined uses that have been combined.

³⁵ New form-based definition. References to “ultimate” building heights removed throughout the draft in response to public comments.

³⁶ Revised to include “or other flexible material” per staff request.

³⁷ New definition based on existing, undefined use

Balcony. An exterior platform attached to the upper floors of the building Facade (forward of the Required Building Line).

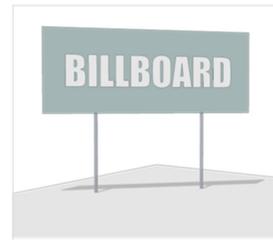
Bar or Nightclub. An establishment providing alcoholic beverage service as the principal use, and which may permit dancing and provide entertainment. Food service may be provided as an accessory use. This definition does not include any adult retail or adult entertainment use.³⁸

Basement. For all purposes except floodplain regulations, a story that is not a story above grade plane (see *Story Above Grade Plane*).³⁹

Bay Window. A composite of two or more windows, or rounded windows (generally, a U-shaped enclosure), projecting (cantilevered) from the outer wall of a building.⁴⁰

Bed and Breakfast. A residential building containing not more than five (5) guest rooms that provides sleeping units and meals for transient guests, and that is managed and occupied by the owner of the property.

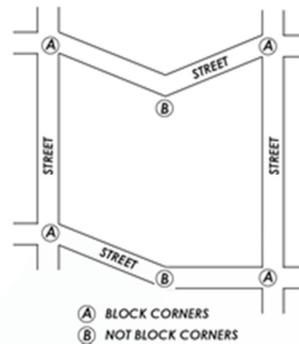
Best Management Practices (BMP). Activities, practices and procedures which control soil loss and reduce or prevent water quality degradation caused by nutrients, animal wastes, toxins, organics and sediment in the runoff. BMPs may either be structural (grass swales, terraces, retention and detention ponds, and others); or nonstructural (disconnection of impervious surfaces, directing downspouts onto grass surfaces and educational activities).



Billboard. An off-premise sign which advertises a product or service.

Block. An increment of land comprised of lots, Alleys and tracts circumscribed and not traversed by streets (Pedestrian Pathways accepted). In the M-DT district, blocks shall be measured at the Required Building Line (RBL).⁴¹

Block Corner. For purposes of form-based zoning standards, the outside corner of a Block at the intersection of any two Street-Spaces (the Required Building Lines). Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave) are not considered Block Corners for the purposes of the M-DT district.



Block Face. The Required Building Line frontage between Block Corners.⁴²

Board. The Zoning Board of Adjustment, unless the context clearly indicates that another Board is intended.⁴³

Boardinghouse. A building with a single kitchen, occupied as a single housekeeping unit, where lodging and meals or other services are provided for five (5) or more persons for compensation,

Comment [PRZ3]: This definition will require further review and modification to ensure consistency with Rental Conservation Code. (5/16)

³⁸ New definition for existing, undefined uses that have been combined.

³⁹ New definition since Module 3 to conform to IBC 2012 definitions.

⁴⁰ New form-based definition.

⁴¹ New form-based definition.

⁴² New form-based definition.

⁴³ Modified definition.

pursuant to previous arrangements, but not for the public or transients, where rooms are rented for less than thirty (30) days. This use does not include a Group Home or Residential Care Facility.⁴⁴

Comment [PRZ4]: Revised for clarity on length of stay. (5/16)

Buffer. A vegetated area including trees, shrubs, managed lawn areas, and herbaceous vegetation which exists or is established to protect a stream system, lake or reservoir.

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the Required Building Line as designated by the Building Form Standards. The Buildable Area sets the limits of the building footprint now and in the future—any additions shall be within the specified Buildable Area.⁴⁵

Building. For all purposes except floodplain regulations, any structure used or intended for supporting or sheltering any use or occupancy.⁴⁶

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered Building Corners for the purposes of the M-DT district.⁴⁷

Building Form Standards (BFS). The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as Shopfronts, Balconies, and Street Walls. The Building Form Standards establish both the boundaries within which things may be done and specific things that must be done. The applicable Building Form Standards(s) for a site is determined by its Street Frontage as per the Regulating Plan. This produces a coherent Street-Space and allows the building owner greater freedom behind the Façade.⁴⁸

Building Face. See “Façade.”⁴⁹

Bus Barn or Lot. A facility or lot intended for the maintenance and storage of bus transit vehicles.⁵⁰

Bus Station. A facility or structure where bus transit vehicles stop to provide transportation services to the public. This use may include related ticket sales. Accessory uses can include convenience retail or restaurants.⁵¹

Canopy. A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration. A canopy is permitted to be structurally independent or supported by attachment to a building on one or more sides.⁵²

⁴⁴ Definition revised to limit the facility to one kitchen, and to require the provision of meals or other services, in order to clarify that this does not include multi-family dwellings within a single-family dwelling structure. Reference to facility for 5 or more persons who are recovering alcohol or drug addicts has been deleted, because those uses are now included in Group Home, Large.

⁴⁵ New form-based definition.

⁴⁶ New definition to clarify existing undefined term in Chapter 29. Replaces the definition of Building in Chapter 25, which includes the word Structure. Structure is now defined separately. Revised definition since Module 3 to be consistent with IBC 2012.

⁴⁷ New form-based definition.

⁴⁸ New form-based definition.

⁴⁹ New form-based definition.

⁵⁰ New definition based on existing, undefined use.

⁵¹ New definition based on existing, undefined use.

Car Wash. A commercial establishment that provides for the self-service or full-service cleaning of automobiles manually or by machine operated equipment.⁵³

CATSO. The Columbia Area Transportation Study Organization, which serves as the Metropolitan Planning Organization (MPO) for the Columbia metropolitan planning area. Transportation jurisdictions which make up the organizational structure of CATSO are Boone County, the City of Columbia, and MoDOT.

Comment [PRZ5]: Added since Integrated Draft (5/16)

Cemetery or Mausoleum. A structure or open area used for the burial or permanent storage of human remains.⁵⁴

Channel. A natural or artificial watercourse with a definite bed and banks that confine and conduct the normal continuous or intermittent flow of water.

City. The City of Columbia, Missouri.

Civic Buildings. For purposes of form-based zoning, those buildings that house strictly civic uses or historically and culturally significant structures designated on the Mixed-Use Downtown (M-DT) regulating plan. A civic structure is one in which buildings are customarily designed to meet the needs of assembly for civic affairs, religious worship, or education, and therefore include perimeter greenspace and characteristic building forms that are governed by civic or religious traditions.

Comment [T6]: New definition in response to public comments and work session discussion. Definition attempts to explain how "civic" buildings differ from buildings in general. See also changes within the M-DT District. (9/16)

Clean Fill. Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder-blocks, brick, minimal amounts of wood and metal, and inert solids which are approved by rule or policy of the State Department of Natural Resources for fill, reclamation or other beneficial use.

Clear Cutting. The practice of removing over half of the standing climax forest area on a site.

Clear Height. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.⁵⁵

Clear Walkway. The portion of the sidewalk within a Street-Space that shall remain clear of obstructions and allow public passage. The Clear Walkway width is specified in the Street Type Specifications.⁵⁶

Climax Forest. Any woodland community of over twenty thousand (20,000) square feet which is dominated by climax species including but not limited to oak, hickory, walnut, sugar maple or bottomland hardwoods such as river birch, basswood, sycamore and hornbeam and which includes an area of five thousand (5,000) square feet with a maximum aspect ratio of 4:1.

Comment [PRZ7]: Text for clarification. Walnut added since Integrated Draft. (5/16)

Collocation. The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.⁵⁷

Color Rendering. General expression for the effect of a light source on the color appearance of objects in conscious or subconscious comparison with their color appearance under a reference light source.

⁵² Revised definition since Module 3 to be consistent with IBC 2012.

⁵³ New definition based on existing use and description.

⁵⁴ New definition.

⁵⁵ New form-based definition.

⁵⁶ New form-based definition.

⁵⁷ New definition based on §67.5092(8), R.S.Mo. (2014).

Commercial or Trade School. An establishment, other than public, private, or parochial, primary or secondary schools, colleges, or universities offering training or instruction in a trade, art, or occupation, such as beauty, dance, and vocational schools.⁵⁸

Commission. The Planning and Zoning Commission, unless the context clearly indicates that another Commission is intended.⁵⁹

Common Drive. The public easement for vehicles and pedestrians within a Block that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.⁶⁰

Comparative Pedestrian Crossing. The measured distance, shown on the Street Type Specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted urban average). This distance/time is calculated in order to provide a relative gauge of the comfort level for pedestrians crossing the street.⁶¹

Complete and Discrete Façade Composition. The Façade articulation that breaks down the apparent scale of a large building into smaller apparent pieces. The intent of such a Façade Composition is to provide 'human scale' for the Street-Space. The objective requirements of the Complete and Discrete Façade Composition section of the Building Form Standards regulate and ensure such scalar break-down.⁶²

Comprehensive Plan. A series of plans for the physical development of the City, consisting of the urban development goals and objectives, the transportation plan, the land use plan, and other elements the Council may wish to include. The comprehensive plan is adopted by the Council pursuant to Section 89.340, R.S.Mo., 1969.

Communications Antenna. Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.⁶³

Communications Equipment Cabinet. A structure for the protection and security of communications equipment associated with one or more antennas where direct access to equipment is provided from the exterior.

Communications Equipment Shelter. A building for the protection and security of communications equipment associated with one (1) or more antennas and where access to equipment is gained from the interior of the building.

Communications Tower. A wireless support structure, such as a monopole, slick stick, stealth, lattice, or guyed tower, designed and constructed for the purpose of supporting wireless facilities. This definition does not include utility poles or any support structure owned and operated by an amateur radio operator licensed by the FCC.⁶⁴

⁵⁸ New definition based on a combination of existing uses and descriptions.

⁵⁹ Modified definition.

⁶⁰ New form-based definition.

⁶¹ New form-based definition.

⁶² New form-based definition.

⁶³ New definition based on R.S.Mo. § 67.5092(2).

⁶⁴ New definition based on existing "Tower" definition and R.S.Mo. § 67.5092(19) with modifications.

Community/Recreation Center. A public or not-for-profit facility serving the social, educational, cultural, and recreational needs of a neighborhood or the community as a whole.⁶⁵

Conservation. The sustained use and appearance of a structure or area.

Conversion. The alteration of a structure to accommodate uses for which it was not originally constructed, but which maintain the structure's general character.

Continuing Care Retirement Community (CCRC). A large scale facility (or integrated group of facilities) that has a primary purpose of providing housing and continuing care for retirement-age persons, and that consists of CCRC independent living units, CCRC assisted living facilities and CCRC support facilities. Such facilities may also include a CCRC skilled care nursing facility. "Continuing care" means the provision of lodging, nursing, medical or other health related services at the same community.

Continuing Care Retirement Community (CCRC) Independent Living Unit. A dwelling unit within a CCRC containing living area(s), bedroom area(s), kitchen area and bathroom(s), including apartments, detached homes, or attached townhomes, that houses one or more people in a manner in which they may live independently and may receive one or more meals per day in a congregate setting.

Continuing Care Retirement Community (CCRC) Assisted Living Facility (also known as an Assisted Living Facility licensed as a Residential Care Facility). A facility located within a CCRC that provides a residential living environment, including congregate meals, housekeeping, and personal services for retirement-age persons and spouses, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, or memory care issues, but do not require services generally offered in a long-term care facility or nursing facility. A CCRC assisted living facility or residential care facility includes dwelling units, dining room(s), bathing area(s), common area(s), offices and other spaces necessary to provide the above services.

Continuing Care Retirement Community (CCRC) Skilled Care Nursing Facility. A facility located within a CCRC that provides board, shelter and twenty-four (24) hour skilled nursing and medical care to chronic or convalescent patients. A CCRC skilled care nursing facility includes nursing beds or individual rooms, dining rooms, bathing areas, common areas, offices, clinics, therapy areas, medical facilities and other space necessary to provide the above services. Such facilities are accessory to the principal functions of the CCRC and are subordinate in size and area occupied on the site.

Continuing Care Retirement Community (CCRC) Support Facilities. Facilities and amenities located within a CCRC intended to support the lifestyles of the residents and their visitors. Such facilities may include arts-and-crafts rooms, automatic teller machines (ATMs), chapels, studios, gardens and wellness clubs, small on-site commercial facilities intended for residents, visitors and staff that are owned or operated by the CCRC owner or operated under direct contract with the owner such as general stores, hair salons, postal centers, medical services that may include therapy, home health care, private duty nursing, hospice care, pharmacies, circuit health and dental care that are intended to provide for continuity of care to CCRC residents (past or current), shuttle bus services, and regular programs that take advantage of local cultural and educational activities.

Council. The Council of the City of Columbia, Missouri.

⁶⁵ New definition based on existing, undefined land use – "publicly owned and operated community buildings."

Covered Sidewalk. A roofed or built structure attached to the Façade and extending beyond the Required Building Line and over the sidewalk or Square, open to the Street-Space except for supporting columns, piers, or arches. (See Building Form Standards for complete specifications).⁶⁶

Critical Downstream Location. A location within the drainage reach downstream of the subject site, consisting of a channel section, drainage swale, bridge, box culvert, storm sewer, or other conveyance facility or structure having a conveyance capacity which would be exceeded by stormwater runoff from a 10-year frequency, 24-hour duration storm under existing land use conditions; or an existing structure or building located downstream of the subject site which has its lowest floor elevation less than one (1) foot above the maximum elevation in an adjacent channel attained by the 100-year frequency, 24-hour duration storm, assuming existing land use conditions with the proposed ultimate development of the subject site in place. The conveyance capacity of a structure operating under inlet control conditions shall be determined with a maximum headwater to diameter ration (HW/D) of 1.25 or with a headwater elevation equal to the top of curb, whichever is less.

Cul-de-sac. A street terminated at one (1) end by a widened pavement for the safe and convenient reversal of traffic movement.

Curb Level. The grade elevation at the topmost edge or a horizontal tangent to the topmost curve of a street curb.⁶⁷

Customary Accessory Use and Related Structures. A detached subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use clearly subordinate and incidental to the main use of the property. A customary accessory use or related structure is one that is often provided for the use and convenience of the occupants, residents, or patrons of the principal structure on the same lot, or their guests, rather than the general public. For multifamily residential and non-residential uses these include but are not limited to swimming pools, recreation facilities, meeting rooms, laundry facilities, and outdoor seating. This use does not include any accessory use or related structure listed separately in the Permitted Use Table.⁶⁸

Comment [PRZ8]: Replaced "primary" with principal for clarity. (5/16)

Cutoff Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.⁶⁹

DBH or dbh (diameter breast height). Tree trunk diameter measured four and a half (4.5) feet above the ground.

Deck. An unroofed platform, either freestanding or attached to a building, which is supported by pillars or posts.⁷⁰

Decorative Lighting. Lights that have an aesthetic purpose to illuminate the architectural features of a building and produce generally low levels of light (one hundred (100) watts, one

⁶⁶ New form-based definition.

⁶⁷ New definition.

⁶⁸ New definition incorporating clauses from existing code definitions of "customary accessory uses and structures" and clarifying that swimming pools are included. The concept of "customary" uses and structures is in the definition and does not generally appear in the title. Definition revised since prior draft to avoid overlap with community/recreation center and for accuracy, in response to public comment.

⁶⁹ New definition.

⁷⁰ New definition.

thousand eight hundred (1,800) lumens per light), including but not limited to "gooseneck" lights, sconce lights, recessed lighting in roof soffits, spot lighting, and silhouette lights.

Decibel. The unit of measure used to express the magnitude of sound pressure and sound intensity. Commonly abbreviated as dB(A).

Department. The Community Development Department, unless the context clearly indicates that another department is intended.⁷¹

Designation Ordinance. The official zoning document which the Council enacts specifying a certain area as an Urban Conservation District.

Design Year Storm. The selected or established frequency or return period of rainfall time-duration for which drainage facilities are to be designed.

Detached Frontage Building. Building form and functions resulting from/as determined by the Detached Building Form Standard as indicated on the Regulating Plan.⁷²

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.⁷³

Developed Land. Real estate that has been altered by the addition of impervious surface, the addition of soil or fill material, or by site grading that changes the hydrology of the property from its natural state.⁷⁴

Director. The Director of the Community Development Department for Columbia, Missouri unless the context clearly indicates that another individual is intended.⁷⁵

Director of Public Works. The director of the department of public works for Columbia, Missouri or the director's designee.

Disguised Support Structure. Any freestanding, manmade structure used for the support of communications antennas, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, light standards, flag poles and artificial trees.

Display Area. As it relates to lighting regulations, outdoor locations where nighttime sales occur and where accurate color perception by customers is needed, for example automobile sales.⁷⁶

Dooryard. In the context of M-DT district Building Form Standards, the area within the Street-Space between the Façade of the building (generally the Required Building Line) and the Clear Walkway area of the sidewalk. The Dooryard area is designated in the Street Type Specifications.⁷⁷

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof.⁷⁸

⁷¹ New definition.

⁷² New form-based definition.

⁷³ Relocated from current floodplain overlay district.

⁷⁴ Revised to add the change of grade or dirt moving to definition.

⁷⁵ Revises existing definition to include "unless the context clearly indicates that another individual is intended."

⁷⁶ Revised to clarify that this definition relates to lighting regulations.

⁷⁷ New form-based definition.

⁷⁸ New form-based definition.

Dormitory/Fraternity/Sorority. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses, in which each person residing in each living unit shall be a duly registered student in any accredited school, college or university, the spouse of such student, or a management employee. Such living facilities may contain sleeping rooms for use of one or more persons, provided that there is at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room area. Accessory uses may include food preparation facilities, exercise facilities, and meeting rooms.⁷⁹

Drainage Basin (or Watershed). The catchment area from which stormwater is carried off by a watercourse or storm drainage system. The area served by a drainage system receiving storm and other surface-borne water. Drainage basin boundaries are a product of natural topography and drainage system configuration.

Drainage Facility. A man-made structure or natural watercourse for the conveyance of storm runoff. Examples are channels, pipes, ditches, swales, catch basins, and street gutters.

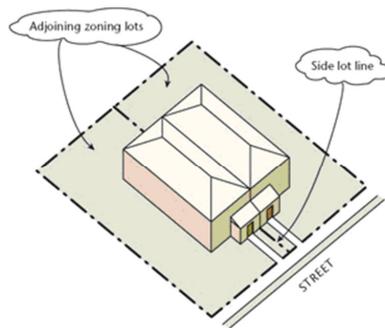
Drive-up Facility (also "Drive-in" or "Drive-Through"). A site feature or building feature that by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.⁸⁰

Driveway. An area established or used for ingress and egress of vehicles from a street or thoroughfare to any point on private property.

Dwelling, Live-work. A building or space within a building used jointly for residential and non-residential purposes, where non-residential purposes exceed those permitted by a home occupation.⁸¹

Dwelling, Multi-family. A building containing three (3) or more dwelling units, but not including a structure meeting the definition of Dwelling, One-family Attached.⁸²

Dwelling, One-family Attached (also known as "Zero Lot Line," "Single-family Attached," "Semi-attached," and "Semi-detached"). A building containing two (2) or more dwelling units, attached side to side at the side lot line, that each have a separate outside entrance, and that share a common party wall that extends from the foundation to the top of the highest habitable story and that meets the fire code requirements for attached individual dwellings.⁸³



⁷⁹ Revised definition since Module 3 to more closely match IBC 2012, but kept the student requirement, dimensional standards, and accessory use clarifications. Existing definition for dormitory extended to sorority and fraternity, revised to include accessory facilities based on public comment

⁸⁰ New definition. Revised per staff comments.

⁸¹ Revised based on public comment.

⁸² Revised to avoid overlap with Attached One-family Dwelling use.

⁸³ Definition revised to describe attached row houses, rather than a duplex. Definition states "two or more" dwelling units because the row house could include more than two dwelling units.

Dwelling, One-family Detached. A building containing one dwelling unit, including a Manufactured Home or a Modular Home.⁸⁴

Dwelling, Two-family (also known as "Duplex"). A building containing two (2) dwelling units situated on a single lot.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.⁸⁵

Easement. Authorization by a property owner for the use by another party, for a specified purpose, of any designated part of that property. It shall include but not necessarily be limited to property designated for installation of storm sewers or drainage ditches, or along a natural watercourse, preservation of the channel to provide for flow of water, or installation of streets, sidewalks, sewer, water, gas, electric transmission lines, telephone, wireline-based communication services facilities, regardless of the technology utilized or other utility services necessary or advantageous to properly serve the public.

Comment [PRZ9]: Add per Law for clarity. (5/16)

Eave Height. Eave Height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.⁸⁶

Elementary or Secondary School. Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and related facilities including but not limited to gymnasiums, stadiums, and dormitories if located on the campus.⁸⁷

Elevation. An exterior wall of a building that faces a public or private street or alley, inclusive of windows, doors and other openings, but not including any structural or nonstructural elements which extend beyond the roof of a building.⁸⁸

English Basement. A habitable floor level below the first floor that is partially above and below grade, with direct Street-Space access.⁸⁹

Equivalent or Better. A building material or construction technique that has been determined, by the Director, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.⁹⁰

Estate Lane. A local residential street designed to carry light volumes of traffic and to provide access to low density single-family residential and attendant uses.

Expressway. A street designed to provide for the expeditious movement of large volumes of through traffic across the City, which offers no direct land access function, but has some at-grade intersections.

FAA. The Federal Aviation Administration.

⁸⁴ Definition revised to include HUD compliant homes, for which building permits must be issued per state law. Revised since prior draft to include Modular Homes, in response to public comment.

⁸⁵ Revised definition since Module 3 to match IBC 2012.

⁸⁶ New form-based definition.

⁸⁷ Definitions of elementary and secondary schools and higher education institutions have been separated.

⁸⁸ Wording revised for clarity since Module 2.

⁸⁹ New form-based definition.

⁹⁰ New form-based definition.

Façade (Building Face). The building elevation facing the Street-Space or Required Building Line. Building walls facing private interior courts, Common Lot Lines, Alleys, and Common Drives are not Façade.⁹¹

Façade Composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given Façade.⁹²

Fall Zone. For purposes of WECS regulations, the hypothetical area into which a tower and wind turbine could collapse in the event of a structural failure.

Family. An individual or registered domestic partnership and persons related to them by blood or marriage, including foster children placed in the household by a public agency, and no more than two (2) other persons related directly to the individual or registered domestic partnership by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage;⁹³ or

(1) In zoning districts R-1 and PD (when the PD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis. The use of a dwelling unit by four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use.

(2) In all other applicable zoning districts, a group of not more than four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.⁹⁴

Family Day Care Center (also known as Family Day Care Centers, Preschool Centers, Nursery Schools, Child Play Centers, Child Education Centers, Child Experiment Stations or Child Development Institutions). A place for reception, care, training or instruction of five (5) or more children, not of common parentage, residing therein, regardless of sex, under the age of eighteen (18) years, for compensation or otherwise, but not including facilities at any regularly established public or parochial schools, colleges, universities, academies or seminaries, or other schools or institutions organized under and by virtue of the laws of the United States or the State of Missouri, and under the supervision of the duly constituted authorities of that school or institution.

Farm. A tract of land consisting of at least two and one-half (2½) acres used for the growing of agricultural crops or raising livestock.

Farmer's Market. An area, which may or may not be in a completely enclosed building, where, on designated days and times, groups of individual sellers, such as growers of horticultural and agricultural products, artisans of craft products, and food and beverage providers, offer these items for sale, directly to the public, from on-site booths.⁹⁵

⁹¹ New form-based definition.

⁹² New form-based definition.

⁹³ References to 'married couple' replaced by 'registered domestic partnership' to match current code. Since Module 3, "and children thereof" changed to "and persons related to them by blood or marriage" for consistency with court decisions invalidating narrow definitions of family.

⁹⁴ Current definition revised to treat foster children the same as the children of the individual or married couple.

⁹⁵ New definition for new use.

FCC. The Federal Communications Commission.

Feeder Line. For purposes of WECS regulations, any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

Fence. A freestanding structure, not including a hedge or other natural growth, resting on or partially buried in the ground and rising above ground level, used for confinement, screening, enclosure, security, or partition purposes. A railing provided for public safety purposes does not constitute a fence.⁹⁶

Fenestration. Skylights, roof windows, vertical windows (whether fixed or moveable); opaque doors; glazed doors; glass block; and combination opaque/glazed doors.⁹⁷

Final Plat. The final map or drawing described in these regulations on which the subdivider's plan of subdivision is presented to the Council for approval and which, if approved, is submitted to the county recorder of deeds for filing.

First Floor. See "Ground Story."⁹⁸

Flag. A piece of fabric attached to a staff.

Floodplain and Floodplain Overlay-related definitions. Whenever the following terms are referenced in the context of the floodplain, floodway, or the Floodplain Overlay (FP-O) they shall be defined as follows. When referenced in any other context they shall be defined as stated elsewhere within this definitions section.

- *1% Annual Chance Flood (100-year flood).* See "Base Flood."
- *100-year Flood.* See "Base Flood."
- *Actuarial or Risk Premium Rates.* Those rates established by the administrator of the National Flood Insurance Program pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
- *Administrator.* For purposes of floodplain regulations, the Director of Public Works.⁹⁹
- *Agency.* For purposes of floodplain regulations, the Federal Emergency Management Agency.
- *Agricultural Structure.* For purposes of floodplain regulations, any structure used exclusively in connection with the production, harvesting, storage, raising or drying of agricultural commodities.

Comment [PRZ10]: New definition structure. All floodplain and related definitions consolidated into single location per public comment. (9/16)

⁹⁶ New definition since prior draft, in response to comment.

⁹⁷ Revised definition since Module 3 to align with IRC 2012.

⁹⁸ New form-based definition.

⁹⁹ Revised since Module 1 to reflect current practice.

- *Appeal.* For purposes of floodplain regulations, a request for a review of the interpretation of the Director of Public Works of any provision of Section (29-2.3(d)) or a request for a variance.
- *Area of Shallow Flooding or Sheet Flow Area.* A designated AO or AH zone on the flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- *Area of Special Flood Hazard.* The land in the floodplain subject to one (1) percent or greater chance of flooding in any given year.
- *Base Flood.* The flood having one (1) percent chance of being equaled or exceeded in any given year (sometimes referred to as a "100 year flood").
- *Basement.* For purposes of floodplain regulations, any area of the building having its floor subgrade (below ground level) on all sides.
- *Building.* For purposes of floodplain regulations, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.¹⁰⁰
- *Chief Executive Officer or Chief Elected Official.* For purposes of floodplain regulations, the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.
- *Elevated Building.* For purposes of floodplain regulations, a non-basement building, (a) built, in the case of a building in zones AE, A, A99, AO, AH, X shaded, other flood areas, X un-shaded, other areas, or D to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water; and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. This also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
- *Eligible Community or Participating Community.* For purposes of floodplain regulations, a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.
- *Existing Construction.* For purposes of floodplain regulations, and for the purposes of determining rates, means structures for which the "start of construction" commenced before the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures."

¹⁰⁰ New definition to clarify existing undefined term, for floodplain purposes.

- *Existing Manufactured Home Park or Subdivision.* For purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was complete before October 1, 1973.
- *Expansion to an Existing Manufactured Home Park or Subdivision.* For purposes of floodplain regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- *Flood or Flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of a stream, or from the unusual and rapid accumulation of runoff of surface waters from any source.
- *Flood Boundary Floodway Map (FBFM).* An official map delineating the floodway, floodway fringe, one hundred-year floodplain, and five hundred-year floodplain. The FBFW is prepared in conjunction with the flood insurance study (FIS).
- *Flood Drainage Areas (Less Than One Square Mile).* Areas designated within the 1% annual chance floodplain by the most recent flood insurance study and Flood Insurance Rate Map,¹⁰¹ but containing a drainage area less than one square mile. The December 1, 1981 flood insurance study did not establish the base flood elevation or delineate the floodway and flood fringe for these areas; rather the base flood elevation and 1% annual chance floodplain were and are established by the January 16, 1976 flood insurance study and amendments thereto. The flood drainage areas generally include small streams or the upper reaches of major streams.
- *Flood Elevation Determination.* A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- *Flood Elevation Study.* An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- *Flood Fringe.* That area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.
- *Flood Hazard Area.* The greater of the following two areas:
 - (1) The area within a flood plain subject to a one (1) percent or greater chance of flooding in any year.
 - (2) The area designated as a flood hazard area on the City's Flood Hazard Boundary Map, or otherwise legally designated.¹⁰²
- *Flood Hazard Boundary Map (FHBM).* An official map of a community, issued by the administrator, where the boundaries of the flood areas having special hazards have been designated as zones A.

¹⁰¹Revised since Module 3 to reference most recent flood studies and maps.

¹⁰²Revised since Module 3 to align with IBC 2012.

- *Flood Insurance Rate Map (FIRM)*. An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.¹⁰³
- *Flood Insurance Study*. The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the surface elevation of the base flood, and supporting technical data.¹⁰⁴
- *Floodplain or Flood-prone Area*. Any land area susceptible to being inundated by water from any source (see "Flooding").
- *Floodplain Management*. The operation of an overlay program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- *Floodplain Management Regulations*. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- *Floodproofing*. Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.¹⁰⁵
- *Floodway or Regulatory Floodway*. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.¹⁰⁶
- *Floodway Encroachment Lines*. The lines marking the limits of floodways on federal, state and local floodplain maps.
- *Floor Area, Gross*. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.¹⁰⁷
- *Floor Level*. The level of habitable space in a building. "Street level" shall be the lowest floor level in a building in which no less than fifty-one (51) percent of the interior side of the business adjacent to a street or alley is above the adjacent grade. "Lower level" shall be a level below the street level; "second level" shall be the first level above the main

¹⁰³ Revised definition since Module 3 to align with IBC 2012.

¹⁰⁴ Revised definition since Module 3 to align with IBC 2012.

¹⁰⁵ Definition from current floodplain regulations replaces definition from the current zoning ordinance.

¹⁰⁶ Revised definition since Module 3 to align with IBC 2012.

¹⁰⁷ Revised definition since Module 3 to align with IBC 2012.

street level; and "upper level" shall be any level above the second. Floor level shall be determined for each elevation. Where buildings are situated on sloping lots and are adjacent to more than one (1) street or alley, the level of a business may differ from one (1) elevation to another.

- *Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- *Functionally Dependent Use.* For purposes of floodplain regulations, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- *Grade, Highest Adjacent.* For purposes of floodplain regulations, the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- *Lowest Floor.* For purposes of floodplain regulations, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the floodplain regulations.
- *Manufactured Home.* For purposes of floodplain regulations, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "Manufactured Home" also includes park trailers, travel trailers, Mobile Homes, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "Manufactured Home" does not include recreational vehicles, travel trailers, Mobile Homes, and other similar vehicles.¹⁰⁸
- *Manufactured Home Park or Subdivision.* For purposes of floodplain regulations, a parcel (or contiguous parcels) of land divided into two (2) or more Manufactured Home lots for rent or sale.
- *Map.* For purposes of floodplain regulations, the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.
- *Mean Sea Level.* For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

¹⁰⁸ Revised to reflect the distinction between HUD-compliant and non-HUD-compliant manufactured homes, and that non-compliant units are treated like recreational vehicles and travel trailers.

- *New Construction.* For purposes of floodplain regulations, and for the purpose of determining insurance rates, means structures for which the "start of construction" commenced on or after December 31, 1974 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after October 1, 1973 and includes any subsequent improvements to such structures.
- *New Manufactured Home Park or Subdivision.* For purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after October 1, 1973.
- *Person.* For purposes of floodplain regulations, any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state and local governments and agencies.
- *Principally Above Ground.* For purposes of floodplain regulations, means that at least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.
- *Recreational Vehicle.* For purposes of floodplain regulations, a vehicle which is:
 - (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- *Regulatory Flood.* See "Base Flood."
- *Remedy a Violation.* For purposes of floodplain regulations, means to bring the structure or other development into compliance with state or local floodplain management regulations.
- *Special Hazard Area.* For purposes of floodplain regulations, an area having special flood hazards and shown on an FHBM or FIRM as Zone A, AO, AE, A99, AH, A1-30, AR, V, VO, VE, V1-30 or other flood areas.¹⁰⁹
- *Start of Construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)). For purposes of floodplain regulations, any substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of

¹⁰⁹ Two existing definitions of this term in floodplain regulations combined. Revised since Module 3 to align with IBC 2012.

excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- *State Coordinating Agency.* For purposes of floodplain regulations, the agency of the state, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.
- *Structure.* For purposes of floodplain regulations, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
- *Substantial Damage.* For purposes of floodplain regulations, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- *Substantial Improvement.* For purposes of floodplain regulations, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- *Variance.* For purposes of floodplain regulations, a grant of relief by the community from the terms of a floodplain management regulation. Floodplain insurance requirements remain in place for any varied use or structure and cannot be varied by the community.
- *Violation.* For purposes of floodplain regulations, the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A

structure or other development without the elevation certificate, other certifications or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

- *Water Surface Elevation.* For purposes of floodplain regulations, the height in relation to the National Geodetic Vertical Datum of 1929, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine area.

Floor Plate. The footprint of a building, including exterior walls.¹¹⁰

Footcandles. The amount of light falling on a surface. One footcandle is defined as one lumen per square foot. Initial footcandles is the amount of light when fixtures are new.

Forecourt. The semi-public space created when a Façade is stepped back near its midpoint. Forecourts are surrounded on three sides by building fronts and are un-roofed. A Forecourt is similar to a courtyard, except that one side is open to the Street-Space.¹¹¹

Forest Land. Forested land area with the aerial canopy dominated by trees greater than four (4) inches in diameter, measured four and one-half (4½) feet above the ground.

Forest Parcel. An envelope of trees delineated by the boundaries of grading limits or land disturbances.

Freeway. A street designated to provide for the expeditious movement of large volumes of through traffic across the City, which offers no direct land access function and has grade separated intersections.

Frontage. The length of the property line of any parcel along each street that it borders.¹¹²

Frontage Road. A street which is parallel and immediately adjacent to an arterial street, expressway or freeway, and which provides a means of access to abutting properties that are separated from through traffic.

Front Porch. The ground floor platform attached to the Façade or Required Building Line side of the main building.¹¹³

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall located along and surrounding the Front Yard. (For placement, height and gate specifications, see the Building Form Standards.)¹¹⁴

Funeral Home or Mortuary. An establishment providing services such as preparing the human dead for burial, cremating human remains, and arranging and managing funerals. This use does not include cemeteries and columbaria.¹¹⁵

Game Arcade. Any commercial building in which there are more than three (3) amusement game machines on the premises that are available to the public. An arcade may contain commercial recreational machines or games other than amusement game machines.

¹¹⁰ New form-based definition.

¹¹¹ New form-based definition.

¹¹² New definition.

¹¹³ New form-based definition.

¹¹⁴ New form-based definition.

¹¹⁵ New definition based on existing use and description.

Garage Sale. The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales.

Garden Wall. A masonry wall defining a property line or delineating a private area. (For placement, height and gate specifications, see the Building Form Standards.) A Garden Wall may serve as a Front Yard Fence.¹¹⁶

Generator Nameplate Capacity/Nameplate Generating Capacity (Installed). For purposes of WECS regulations, the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer. Installed generator nameplate capacity is commonly expressed in kilowatts (kW) or megawatts (MW) and is usually indicated on a nameplate physically attached to the generator.

Glare. Light that causes discomfort, distraction, or temporary impairment of sight because it is not adequately diffused, shielded, or directed away from the viewer.

Grade Plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.¹¹⁷

Comment [S11]: Definition matches ICC's. Somewhat ambiguous as to what thresholds trigger different measurement methods. (5/16)

Greenhouse or Plant Nursery. An establishment, including a building, part of a building, or open space, and any buildings and structures necessary for the growth, display, and/or retail and wholesale activities of horticultural and floricultural products, used in indoor and outdoor planting, and the sale of related items.¹¹⁸

Greenspace Access Easement. A perpetual interest in land as described and dedicated by subdivision plat. Designation of a greenspace access easement shall contain the same restrictions on use of property as a greenspace conservation easement, except that it shall give the public the right of entry to the area for pedestrian use only. The greenspace access easement does not confer any rights to the City to either maintain or develop the easement for recreational use. Designation of a greenspace access easement shall restrict the owner of the underlying fee¹¹⁹ from erecting barricades that interfere with lawful access. Nothing in this definition shall be construed to prevent the City from acquiring other easements in property encumbered with a greenspace access easement.

Greenspace Conservation Easement. A perpetual interest in land described and dedicated on a subdivision plat. By designation of a greenspace conservation easement, no right of entry is given to the City or the public. The use of area contained within a greenspace conservation easement shall be restricted as follows:

¹¹⁶ New form-based definition.

¹¹⁷ Revised since Module 3 to allow definitions of "Basement" and "Story Above Grade Plane" to be consistent with IBC 2012.

¹¹⁸ New definition base on existing, undefined use.

¹¹⁹ This definition has been relocated from 12A. The "underlying fee" refers to the underlying fee simple ownership interest in the property.

- (1) No development of the property shall occur, except for public or private street, driveway, bridge and utility crossings, where needed.
- (2) No commercial signs or other advertising material shall be placed within the easement area.
- (3) There shall be no removal of trees, shrubs or other vegetation on the property except for the performance of acceptable timber stand improvement practices such as selective thinning. Mowing and cutting or removal of brush or trees may continue as necessary to comply with health ordinances, maintain stream beds, banks, existing agricultural, scenic or recreational uses, or eliminate poisonous or noxious plant material.
- (4) There shall be no use of the property except for public or private street, driveway, bridge, and utility construction, private, noncommercial agricultural, or private noncommercial recreational uses which do not interfere with the growth of the trees and shrubs located on the easement. Uses and activities which are not allowed in district FP-O (floodplain overlay district) shall be prohibited.¹²⁰

Nothing in this definition shall be construed to prevent the City from acquiring other easements in property encumbered with a greenspace conservation easement.

Greenspace Trail Easement. A perpetual interest in land as described and dedicated by subdivision plat. Designation of a greenspace trail easement shall give the following rights:

- (1) Constructing or maintaining a permanent hiking or bicycle trail or path with accessory facilities or accommodation.
- (2) The right of entry of the City to maintain and develop hiking or bicycle trails or paths.
- (3) The right of entry of the public for pedestrian or bicycle use of the trails or paths which have been constructed within the easement. No right of entry for motor vehicles is granted to the public except for authorized emergency vehicles.
- (4) The right to construct public street, bridge and utility crossings as needed.

Nothing in this definition shall be construed to prevent the City from acquiring other easements in property encumbered with a greenspace trail easement.

Ground Story. The first habitable level of a building at or above grade. The next Story above the Ground Story is the second floor or Story.¹²¹

Group Home, Large. A facility that provides care, treatment or custody for more than 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 additional persons providing oversight of the facility, none of which need to be related to each other.¹²²

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

¹²⁰ This definition has been relocated from 12A. Uses and activities not allowed in the FP-O district are likely prohibited under this conservation easement because both areas are intended to support less intense land uses.

¹²¹ New form-based definition.

¹²² Combines current definitions of Group Care Home and Group Home for Mentally or Physically Handicapped. Definition revised to cover all groups protected by the federal Fair Housing Act, and to delete obsolete reference to Missouri statutes. Definition of Group Home for Foster Care was deleted, as foster care placements are now included in the definition of Family.

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.¹²³

Halfway House. A residential facility primarily for persons who have been institutionalized released, or who have been assigned to the facility as an alternative to institutionalization, and require the temporary protection of a group setting to facilitate the transition to society.¹²⁴

Hazardous Material. Any material or substance listed in 40 CFR Part 355, Appendix A, as an extremely hazardous substance when that substance is stored, generated, used or released in quantities equal to or greater than the lowest quantity listed for either the threshold planning quantity or reporting quantity for the substance; any materials designated hazardous and subject to special requirements by the federal government or the State of Missouri.

Heavy Commercial Services. An establishment that provides semi-industrial, more intrusive types of commercial services, less compatible with common household commercial services; such as laundry services, lumberyards, newspaper publishing plants, printing shops, sign painting shops, **equipment rental**, and other similar uses.¹²⁵

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.

Heavy Vehicle and Equipment Sales, Rental, and Servicing. The sale, rental, leasing, serving, and repair of heavy vehicles and equipment typically used in agricultural, commercial, or industrial operations, including, but not limited to, trucks with a gross vehicle weight of over 10,000 pounds, buses, semi-trucks or trailers, tractors, harvesters, loaders, farm machinery, and tracked vehicles, as well as the sales of parts for heavy vehicles and equipment.¹²⁶

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.¹²⁷ Generally, this means to the roof level (ignoring parapets) of a flat roof or a Mansard roof, and to the midpoint between the eave and the ridgeline on a pitched roof.

Height, Communications Antenna or Tower. The vertical distance measured from the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.

*Height, Sign.*¹²⁸ The maximum height of a sign shall be measured from the elevation of the point nearest the sign on the center line of the public street or highway nearest the sign upward to

Comment [PRZ12]: Category of use added. (5/16)

¹²³ Combines current definitions of Group Care Home and Group Home for Mentally or Physically Handicapped. Definition revised to cover all groups protected by the federal Fair Housing Act, and to delete obsolete reference to Missouri statutes. Limits size to allow compatibility with one- and two-family dwelling neighborhoods, in order to allow for this use in those neighborhoods as required by several court decisions interpreting the federal Fair Housing Act amendments.

¹²⁴ Combines the definitions for current Halfway House and Halfway House for Young Offender uses. Parts of the definition of Young Offender facilities were moved to the Use-specific Standards for this use.

¹²⁵ New definition that combines existing, undefined uses.

¹²⁶ New definition, combining existing, undefined uses.

¹²⁷ Current Sec. 29-26(a)(4) has been simplified to measure building height from one location in the case of through lots (primary street frontage) rather than different locations depending on lot length. Revised since Module 3 to align with IBC 2012 and to clarify effect of the IBC language.

the elevation of the highest part of the sign or its supporting structure, whichever is higher. Notwithstanding the foregoing, unless otherwise specified in this Ordinance, all signs may have a height of eight (8) feet measured from the ground location of the sign to the highest part of the sign or its supporting structure, whichever is higher.

Height, WECS System. The height above grade of the WECS, including the generating unit and the highest vertical extension of any blades or rotors.

Higher Education Institution. A college, university, or other institution of higher education, and related facilities including but not limited to gymnasiums, stadiums, and dormitories if located on the campus, but excluding any institution that is not subject to the terms of this Development Code under the laws of the State of Missouri.¹²⁹

Highly Impervious Surface Site. A site development that:

- (1) Is subdivided and designated as a highly impervious surface site by voluntary request of the developer through a note on the plat; and
- (2) Before subdivision, is one (1) acre or more and has an impervious surface of more than fifty (50) percent of the site and the percent of impervious surface is verified by the director; and
- (3) After subdivision, the developer shall implement a plan acceptable to the director that results in an impervious surface area that is equal to or less than the percent of impervious surface area before subdivision or that is otherwise required by law;
- (4) Requires no variances for stormwater and subdivided sites created shall not be eligible for any stormwater variances.

Historic Preservation and Historic Preservation Overlay (HP-O)-related definitions. Whenever the following terms are referenced in the context of a historic landmark or Historic Preservation Overlay (HP-O) districts they shall be defined as follows. When referenced in any other context they shall be defined as stated elsewhere within this definitions section.

- *Alteration.* For purposes of historic preservation regulations, any act that changes one or more of the historic or architectural features identified in an ordinance placing property in the HP-O district.
- *Certificate of Appropriateness.* A certificate issued by the Historic Preservation Commission indicating its approval of the architectural appropriateness of plans for construction, alteration, removal or demolition of a landmark or of a structure within a historic district.
- *Construction.* For purposes of historic preservation regulations, the act of adding an addition to an existing structure or the erection of a new principal or accessory structure.
- *Historic District.* An area designated as a historic district by ordinance, and included in the HP-O district, which may contain one or more landmarks and which may have within its boundaries other properties or structures which, while not of such historic or

Comment [PRZ13]: New definition structure. All Historic Preservation and related definitions consolidated Into single location per public comment. (9/16)

¹²⁸ Revised to include “sign” and remove the word “maximum”.

¹²⁹ New definition. Revised since prior draft to remove condition that it be a non-profit institution.

architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the historic district.¹³⁰

- *Historic Resource.* Any structure that: 1) Is fifty (50) years old or older; or 2) Is located in a historic resources survey area; or 3) is within an actual or proposed National Register of Historic Places district; or 4) has been recognized or nominated by the Historic Preservation Commission as a “most notable property”.¹³¹
- *Historic Structure.* For purposes of floodplain regulations or applicability of parking regulations, any structure that is:¹³²
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.
- *Landmark.* A property or structure placed in the HP-O district and designated as a landmark by ordinance, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance.
- *Removal.* For purposes of historic preservation regulations, any relocation of a structure on its site or to another site.
- *Repair.* For purposes of historic preservation regulations, any change that is not construction, removal or alteration.
- *Stabilization.* For purposes of historic preservation regulations, the process of applying measures designed to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists without noticeably changing the exterior appearance of the resource.

Home Occupation. An accessory use of a dwelling unit, or associated garage, where business activities are conducted entirely within the dwelling unit or garage, by residents of the dwelling unit. This use may permit one full-time (forty hours) or two part-time (twenty hours each) non-resident employees.¹³³

¹³⁰ Clarified in response to public comment.

¹³¹ New definition added since prior draft in response to public comment.

¹³² Expanded to also apply to the reference to Historic Structures in Section 29-4 (Parking and Loading).

¹³³ New definition based on existing use and description.

Hospital. An institution for the overnight medical care of human beings, including related Medical or Dental Clinics, Sanitariums, and Medical Laboratories.¹³⁴

Hotel. A building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between one (1) and thirty (30) days. Accessory uses may include restaurants, cafes, swimming pools, meeting rooms, or sports/health facilities.¹³⁵

Impervious Surface. A surface on real property where infiltration of stormwater into the earth has been virtually eliminated by the works of man. Impervious surfaces shall include, but not be limited to: roofs, paved driveways, patio areas, sidewalks, parking lots, storage areas, and other oil, macadam, or gravel surfaced areas that prevent percolation of stormwater into the earth's surface.¹³⁶

Indoor Entertainment, Adult. Entertainment, at a commercial establishment such as a nightclub, theater, bar, juice bar, restaurant, or bottle club, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude, which shall mean the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. This use also includes the showing of films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, regularly shown to more than five persons for any form of consideration, at a motion picture theater or other similar commercial establishment.¹³⁷ This use also includes adult arcades where image-producing devices, whether coin-operated, slug-operated, or electronic, are regularly maintained to show images exhibiting sexual activities or specified anatomical areas to five or fewer persons per machine at any one time.

Comment [PRZ14]: Revised since Integrated Draft for added clarity. (5/16)

Indoor Recreation or Entertainment. A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this ordinance. This use includes but is not limited to billiard parlors, game arcades, skating rinks, bowling alleys, gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreation or entertainment activity. This use includes any establishment with more than three (3) amusement game machines on the premises.¹³⁸

Infill Development. New construction in areas where significant development has occurred on more than two (2) sides of the site, or redevelopment of parcels that were previously developed with permanent structures, including replacement of blighted or deteriorated structures.¹³⁹

Infiltration. The process of percolating stormwater into the subsoil.

¹³⁴ New definition to distinguish hospitals from clinics and outpatient facilities.

¹³⁵ Combines current definitions of Hotel and Motel, deletes requirement that there be more than 12 rooms, deletes references to locations of garages or parking spaces with respect to units, and adds typical length of stay.

¹³⁶ Revised to add "gravel" as a listed impervious surface since Module 2.

¹³⁷ New definition replacing existing definition of "Live adult entertainment business" based on § 573.528 R.S.Mo(2)(Adult cabaret) and (3)(Adult motion picture theater). Adult arcades are included in this definition, although state law groups them with Adult Cabarets and entertainment.

¹³⁸ Amusement game limits were moved from accessory use controls.

¹³⁹ Revised based on public comment.

Installed. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

Interconnection. For purposes of WECS regulations, sharing energy through the local utility grid system. This requires an approved interconnection agreement with the pertinent utility provider serving the site, e.g. City of Columbia Water and Light, Boone Electric Cooperative, or Central Electric Power Cooperative.

Land Disturbance. Any activity, including mechanized clearing, which removes the vegetative ground cover.

Land Disturbance Permit. A permit issued by the City of Columbia that authorizes the commencement of land disturbance activities or logging.

Landscaping. The improvement of a lot, parcel, or tract of land with a combination of at least four (4) of the plant categories found in the planting requirements of the City’s Guidelines for Landscaping and Screening as promulgated by the Director.

Comment [D15]: Per City Arborist, to reflect needed diversity in required plantings. (5/16)

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Light Fixture. An illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement.

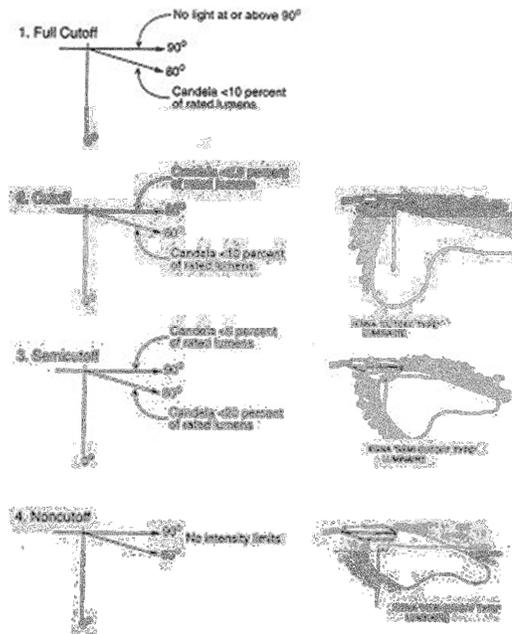
Light Fixture, Full Cutoff. Zero intensity at or above horizontal (ninety (90) degrees above nadir) and limited to a value not exceeding ten (10) percent of lamp lumens at or above eighty (80) degrees.

Light Fixture, Cutoff. Intensity at or above ninety (90) degrees (horizontal) no more than two and one-half (2.5) percent of lamp lumens and no more than ten (10) percent of lamp lumens at or above eighty (80) degrees.

Light Fixture, Semi-cutoff. Intensity at or above ninety (90) degrees (horizontal) no more than five (5) percent of lamp lumens and no more than twenty (20) percent at or above eighty (80) degrees.

Light Fixture, Non-cutoff. No limitations of light distribution at any angle.

Light Industry. The manufacturing, compounding, processing, packaging, storage, assembly, treatment of finished or semi-finished products from previously prepared materials, servicing or sale



of consumer products, which activities are conducted wholly within an enclosed building and that do not emit noxious fumes or odors.¹⁴⁰

Light Loss Ratio. The ratio of the illuminance on a given area after a period of time to the initial illuminance on the same area. Note: The light loss factor is used in lighting calculations as an allowance for the depreciation of lamps, accumulation of dirt on luminaire, light control elements and room surfaces, to values below the initial or design conditions, so that a minimum desired level of illuminance may be maintained in service.

Light Spillage. Lighting that illuminates property adjacent to the property on which the light source is located.

Lighting Engineer. A person having the education and training to design outdoor lighting systems and prepare and interpret lighting plans.

Light Vehicle Sales and Rental. The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, and recreational vehicles. This use shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.¹⁴¹

Light Vehicle Service and Repair. The sale of vehicle fuel from a facility or lot having pumps and underground storage tanks and minor vehicle repair and maintenance activities such as engine tune-ups, oil change and lubrication, brake and muffler repair, tire rotation, glass replacement, and other limited repairs customarily done in service stations, but not including vehicle bodywork or painting, or major engine or transmission repairs.¹⁴²

Logging. The removal of more than three (3) qualifying existing trees, per acre, from a lot, tract, or building site larger than one (1) acre.

Comment [PRZ16]: Revised to remove “for commercial purposes” to eliminate confusion about “commercial” and “residential” logging. Also added provision that 3 trees per acre would be permitted. (9/16)

Lot (aka Lot of Record or Legal Lot). A tract or parcel of land whose boundaries are shown on a plat recorded with the Boone County Recorder of Deeds. Tracts or parcels zoned district A, R-1 or R-2 or any combination thereof, and were described by a metes and bounds description accurately describing the location, boundaries and size of the tract or parcel within a recorded instrument prior to annexation into the City or prior to October 5, 1964 shall be consider a lot and entitled to receive permits as though it was shown on a recorded plat. When a portion of a tract of land is acquired for highway or other public purposes, such division of ownership shall not affect the remainder of the tract in meeting the definition of a lot so long as the original tract met the definition of a lot under one of the above provisions. For purposes of this definition, the term "recorded" means recorded in the office of the Boone County Recorder of Deeds.¹⁴³

Comment [PRZ17]: Revised per public comment to offer alternative to platting existing A, R-1 or R-2 lots when they are described by a deed prior to Oct. 5, 1964. (9/16)

Lot, Common. A platted lot in a subdivision that is dedicated to the use of more than one lot in the subdivision.

Lot, Corner. A lot in which one side lot line is adjacent to a street or Street-Space. Special building placement, fencing and landscape requirements may apply.¹⁴⁴

¹⁴⁰ Definition revised to include restrictions on odors and fumes from some current included uses, and to avoid overlap with Research and Development use.

¹⁴¹ New definition based on existing, undefined uses which have been combined.

¹⁴² New definition based on existing, undefined uses that have been combined.

¹⁴³ Definition simplified to remove exceptions for old-pre-existing lots, which are now covered by standard nonconforming lot provisions in Chapter 29-5.

¹⁴⁴ New form-based definition.

Lot, Flag (aka Stem Lot or Tier Lot). A parcel of land that is accessible only by a very long narrow strip leading from a main road.

Comment [PRZ18]: Added for clarity and to define an undefined term. (9/16)

Lot, Interior. A lot whose side lot lines do not abut any streets.

Lot, Through. An interior lot having frontage on two (2) streets.

Lot Building Limit (LBL). For purposes of M-DT district Building Form Standards, a line indicating the outer edge of the Buildable Area, generally to the rear of a lot away from the Required Building Line. A Lot Building Limit may be used, for example, to establish an edge toward a conservation area, or within a workplace area to establish a common mid-Block working courtyard. Where designated on the Regulating Plan, this shall supersede the Building Form Standard minimum setback.¹⁴⁵

Lot Depth. The average horizontal distance from the front lot line to the rear lot line, as measured along both side lot lines.¹⁴⁶

Lot Line. A line dividing one lot from another, or from a street or any public place.¹⁴⁷

Lot Line, Common. A lot line shared by adjacent lots.¹⁴⁸

Lot Line, Front. The lot line between a lot and the street on which it fronts, or that lot line of a through lot that the Director shall determine to be the front lot line, based on the character of the fronting streets and the location of front, rear, and side lot lines on abutting properties.¹⁴⁹

Lot Line, Rear. The lot line that is opposite and most distant from the front lot line, or that lot line of an irregularly shaped lot that the Director shall determine to be the rear lot line, based on its relationship to the street fronting the property and the location of front, rear, and side lot lines on abutting properties.¹⁵⁰

Lot Line, Side. Any lot line that is not a front or rear lot line.

Lot Width. The average horizontal distance between two (2) side lot lines as measured along the front and rear lot lines.¹⁵¹

Lumen. Unit of luminous flux; used to measure the amount of light emitted by lamps.

Luminaire. The complete lighting assembly, less the support assembly. For purposes of determining total light output from luminaries, lighting assemblies that include multiple unshielded or full cutoff lamps on a single pole or standard shall be considered as a single unit. Two (2) or more units with lamps less than three (3) feet apart shall be considered a single luminaire.

Machine Shop. An establishment where power-driven tools are used for making, finishing, or repairing machines or machine parts.¹⁵²

¹⁴⁵ New form-based definition.

¹⁴⁶ Revised for clarity since Module 2.

¹⁴⁷ Revised definition since Module 3 to align with IBC 2012.

¹⁴⁸ New form-based definition. Revised since Module 3 to clarify this is not limited to private lots.

¹⁴⁹ Revised for clarity since Module 2.

¹⁵⁰ Revised for clarity since Module 2.

¹⁵¹ Revised for clarity since Module 2.

¹⁵² New definition for existing, undefined use.

Major Vehicle Repair and Service. A vehicle repair facility where major vehicle bodywork or painting, or major engine or transmission repairs of operable or inoperable light motor vehicles is performed. Such facilities may offer other maintenance services such as engine tune-ups, oil change and lubrication, brake and muffler repair, tire rotation, or glass replacement, but are generally characterized by major vehicle repair activities.

Comment [PRZ19]: New definition to address public comment. (9/16)

Major Roadway Plan (MRP). The CATSO Major Roadway Plan, which includes both existing and proposed future major roadways in the Columbia metropolitan planning area.

Comment [PRZ20]: New definition since Integrated Draft. (5/16)

Managed Lawn Areas. Means any area greater than five hundred (500) square feet where the vegetative ground cover is maintained at a uniform height of less than three (3) inches.

Maintained Footcandles. Illuminance of lighting fixtures adjusted for a light loss factor (maintenance factor) accounting for dirt build-up and lamp output depreciation.

Manufactured Home. For all purposes except floodplain regulations, a transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used as a permanent single dwelling unit. This definition does not include a recreational vehicle or travel trailer or other similar vehicles and does not include a Mobile Home.¹⁵³

Manufactured Home Park. For all purposes other than floodplain regulations, a parcel of land that has been planned and improved for the placement of manufactured homes for non-transient use.

Manufactured Home Space. An area of land within a Manufactured Home Park for the placement of a single Manufactured Home and the exclusive use of its occupants.¹⁵⁴

Manufactured Home Stand. Improvement on a Manufactured Home lot constructed for the purpose of providing a structural base for the Manufactured Home.

Marquee. A roofed structure projecting from and supported by a building, or free-standing when such roofed structure extends beyond the building line, building wall or street lot line.

Maximum Aspect Ratio of 4:1. A means of defining the configuration of an area of trees such that the measurement of length of the area shall not be more than four (4) times as long as the measurement of width of the area.

Maximum-to-minimum Ratio. The highest horizontal illuminance point divided by the lowest horizontal illuminance point or area.

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.¹⁵⁵

¹⁵³ New definition to clarify distinction between HUD-compliant and non-HUD-compliant manufactured homes. This definition no longer includes Mobile Homes.

¹⁵⁴ Definition revised to refer to an area within a manufactured home park, rather than a parcel of land.

¹⁵⁵ New definition, based on existing, undefined uses that have been combined. Revised to clarify exclusion of primarily retail establishments in response to comments.

Mechanized Clearing. Clearing of land by tracked or wheeled vehicles which scrape, cultivate or scarify the surface of the ground exposing bare soil and uprooting vegetation.

Mine or Quarry. An excavation in the earth for extracting subsurface earthen materials such as limestone.¹⁵⁶

Mobile Home. A transportable, factory-built structure that is designed to be used as a single dwelling unit that was manufactured before 1976 or otherwise does not comply with the construction standards in the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401). This definition does not include a recreational vehicle or travel trailer or other similar vehicles.¹⁵⁷

Modular Home. A structure certified by the manufacturer as constructed in accordance with adopted City building codes, that is transportable but is not constructed on a permanent chassis, and that is designed to be used as a dwelling on a permanent foundation when connected to required utilities including plumbing, heating, air conditioning and electrical systems.¹⁵⁸

Museum or Library. A permanent facility that is open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, historical artifacts, collectibles, or other works of art, or for the storing and loaning books, periodicals, reference materials, audio tapes, video tapes, and other similar media.¹⁵⁹

Nadir. For purposes of lighting regulations, a point directly below the light fixture.

Net Developable Acreage. The area of a lot or lots that is usable for determining allowable densities after land not suitable or restricted from development (such as road, drainage or preservation areas) have been subtracted from the total acreage.

Nonconforming Use, Building, or Yard. See Section 29-5.5 (Nonconformities).¹⁶⁰

Non-point Source Pollution. Pollution which is generated by various land use activities rather than from an identifiable or discrete source, and which is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or ground water seepage and infiltration rather than through direct discharge.

Off-grid. For purposes of WECS regulations, an electrical system that is not connected, or is not permitted to be connected, to any utility distribution and transmission facility or to any building or structure that is connected.

Office. A room or group of rooms used for conducting the affairs of a business, profession, government, or service industry. Examples include professional services such as lawyers, accountants, engineers, architects, planners, accountants, insurance agents, brokers, consultants, or real estate agents; data processing; sales offices; artists; writers; physicians, dentists, chiropractors or other licensed medical professionals, including outpatient treatment of alcohol and drug abuse. This use does not include facilities meeting the definition of a Research Laboratory or any facility

¹⁵⁶ New definition for existing, undefined use.

¹⁵⁷ New definition to clarify distinction between HUD-compliant and non-HUD-compliant manufactured homes.

¹⁵⁸ New definition added since prior draft in response to public comment.

¹⁵⁹ New definition, revised since prior draft in response to public comment.

¹⁶⁰ New cross-reference.

where display, sales or rental of goods occurs on more than an incidental basis related to the primary office function.¹⁶¹

Open Area. See “Private or Public Open Area.”¹⁶²

Outdoor Recreation or Entertainment. Facilities for outdoor sporting or recreational, activities or performances, and for which an admission fee or membership fee is required to participate in the activity or observe the performance. This use includes but is not limited to amusement parks, commercial baseball or other athletic fields, tennis courts, race tracks, fairgrounds, commercial picnic grounds, commercial fishing lakes, commercial stables, outdoor stage and concert facilities, gun clubs, skeet, trap, or target ranges, commercial golf courses, miniature golf courses, and commercial swimming pools.¹⁶³

Overlay District. A district in which additional requirements act in conjunction with the underlying zoning district(s).

Owner. Any person or other entity having legal title to or a sufficient proprietary interest to legally effectuate transfer of the property sought to be subdivided. Proprietary interest shall include but not be limited to estate administration, trusteeship, guardianship, and actions under a valid power of attorney. Proprietary interest shall not include an agency or a bare employment relation.

Parapet Height. Where used to limit building height in this Code, parapet height is measured at the top of the parapet, including any coping.¹⁶⁴

Parking Garage. A building designed for storage of motor vehicles.¹⁶⁵

Parking Lot, Commercial. An area on the surface of the land for parking automobiles and light trucks in return for direct or indirect compensation. This use does not include public parking lots, which are a form of Public Service Facility, and does not include accessory parking lots required for compliance with this ordinance. In the M-DT district, areas available for commercial parking lots are designated on the Regulating Plan.¹⁶⁶

Parking Setback Line. A line or plane indicated on the Regulating Plan that extends vertically up from the Ground Story floor level (unless otherwise noted on the Regulating Plan or BFS) and is generally parallel to the Required Building Line. The Parking Setback Line is a permissive minimum distance from the Required Building Line and parking may be placed anywhere within the lot behind this line, except where otherwise specified in the M-DT district standards.¹⁶⁷

Parking Space. A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.¹⁶⁸

Parking Structure, Commercial. An area in an underground or above-ground structure, or an area incorporated into the structural design of a building, for parking automobiles and light trucks in return for direct or indirect compensation. This use does not include public parking lots or

¹⁶¹ New definition, based on description of current uses consolidated into this more flexible use. Government and public offices are now treated like all other offices. Revised since Module 2 for compliance with R.S.Mo 89-143.

¹⁶² New form-based definition; revised since Module 3 to clarify that it can also include public open areas.

¹⁶³ New definition.

¹⁶⁴ New form-based definition.

¹⁶⁵ Revised from “Garage, private” in prior draft.

¹⁶⁶ New definition.

¹⁶⁷ New form-based definition.

¹⁶⁸ Definition added since Module 3.

structures, which are a form of Public Service Facility, and does not include accessory parking structures required for compliance with this ordinance.¹⁶⁹

Patio. A hard-surfaced area accessory to the principal structure or use that has a horizontal area at grade level, and that has at least one side open to the weather and essentially unobstructed to the sky, specifically designed and intended for the recreational enjoyment of the occupants and guests of the principal structure or use, and not designed or intended for occupancy by automotive vehicles.¹⁷⁰

Comment [PRZ21]: Replaced "primary" structure for added clarity since some parcels can have multiple buildings upon them. (5/16)

Paved Area. For purposes of landscaping and buffering regulations, "paved area" means open areas used or occupied by motor vehicles including parking areas, loading areas and driveways. "Paved area" does not include areas under the roof of a building, sidewalks or pedways.¹⁷¹

Peak Runoff. The maximum rate at which stormwater travels across the surface of the ground.

Pedestrian Pathway. An interconnecting paved way providing pedestrian and bicycle passage through Blocks running from a Street-Space to another Street-Space, an Alley or an interior block parking area. The area within a Pedestrian Pathway shall be a public access easement or public right-of-way.¹⁷²

Pedway. A path that is physically separated from the roadway and intended for shared use by pedestrians, joggers, skaters and bicyclists.

Person. For all purposes except floodplain regulations, shall include a human being, corporation, firm, association, syndicate, trust, a partnership and an unincorporated association such as a club.¹⁷³

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 shop uses. Outdoor storage, display, or service areas are not permitted.¹⁷⁴

Pet Store or Pet Grooming. A facility where small animals are sold, groomed, or cared for, including but not limited to small animal day care/spas, but not including a veterinary hospital.¹⁷⁵

Physical Fitness Center. An indoor facility where individuals participate in exercise, weight reduction, physical therapy, or similar activities designed to improve and preserve physical fitness, but not including any use that meets the definition of a community center or another use in this ordinance.¹⁷⁶

¹⁶⁹ New definition.
¹⁷⁰ New definition.
¹⁷¹ Current Sec. 29-25(j).
¹⁷² New form-based definition.
¹⁷³ Revised since Module 3 to confirm this does not apply to floodplain regulations.
¹⁷⁴ New definition.
¹⁷⁵ New definition.
¹⁷⁶ New definition.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes, yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, which may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; including but not limited to sediments, slurries and concrete rinsate and noxious or offensive matter of any kind.

Preliminary Plat. The preliminary map or drawing described in and meeting the requirements of these regulations, indicating the proposed manner or layout of a subdivision to be submitted to the planning and zoning commission for recommendation and to the Council for approval.

Primary Non-residential Buildings. Buildings occupied by Public and Institutional Uses identified in the Permitted Use Table (Table 29-3.1).¹⁷⁷

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along Alleys, Common Drives, Pedestrian Pathways, and Common Lot Lines (where behind the Required Building Line). See the Building Form Standards for height specifications.¹⁷⁸

Private Club. An organized group of people not open to or intended for, or controlled by the public, or for the use of the public.

Private Drive. An entrance to a lot, or an interior circulation driveway within a lot, or a driveway giving access to no more than four (4) lots, that is not itself a public right-of-way.¹⁷⁹

Private or Public Open Area. For purposes of form-based zoning standards, an occupied area within or adjoining the building area that is accessible to occupants of the particular building or site, which may also be accessible to the public, and functions as an amenity space for gathering, access to air and light, and recreation. Examples include courtyards, forecourts, active rooftops, plazas, balconies, patios, pet exercise areas, recreation or meeting rooms, gardens, atria, light courts, lobbies or private outdoor seating areas. Utilitarian functions such as mechanical equipment, storage space, parking, unfinished basement, corridors and landings shall not qualify as private or public open area.

Comment [PRZ22]: New definition in response to public comments and work session discussions. Broadens the definition of private and public area. See also changes within the MD-T District. (9/16)

Property Line. The legally described boundary line that indicates the limits of a parcel, tract, lot, or block for the purpose of delineating ownership and setback requirements.¹⁸⁰

Property Line. For purposes of WECS regulations, the boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between landowners.

Public Improvements. Any drainage ditch, roadway, parkway, storm sewer, sanitary sewer, water main, electric facility, sidewalk, walkway, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may assume the responsibility for maintenance and operation, or

¹⁷⁷ New term.

¹⁷⁸ New form-based definition.

¹⁷⁹ Revised since Module 2 to help clarify the distinction between a private drive and a street. Limit of 4 lots has been added.

¹⁸⁰ New definition per staff request.

which may constitute an improvement for which City responsibility is subsequently established by the Council.

Public Park, Playground, or Golf Course. Outdoor recreation areas owned or operated by a public or non-profit entity for public use, including related public recreation, clubhouse, and service buildings.¹⁸¹

Public Service Facility. Facilities necessary for delivering public services that do not meet the definitions of any other use in the Public and Institutional Uses category. This use does not include facilities containing only administrative offices for public services, which are included in the definition of Offices.¹⁸²

Public Utility Service, Minor. Buildings and facilities for the distribution of public utilities, including without limitation water, sewer, storm drainage, electric, and gas service, by a regulated utility or a public or quasi-public entity, of a size and scale commonly found in all areas of the City. This use includes buildings or facilities for public service corporations but does not include telecommunications antennas or towers.¹⁸³

Public Utility Services, Major. Buildings and facilities for the provision and distribution of public utilities, including without limitation water, sewer, storm drainage, electric, and gas services, by a regulated utility or a public or quasi-public entity, of a size and scale found only in scattered sites throughout the City. This use includes but is not limited to electric transmission lines over 100 kV, electric power substations, gas substations, regional stormwater drainage facilities, water treatment plants, sewer treatment plants, and public utility service centers.¹⁸⁴

Rail or Truck Freight Terminal. An area and related structures where goods shipped by train or truck are loaded, unloaded, or transferred between trains and trucks, and where the goods may be stored for a limited period of time before and after transfer to other sites. This use may also include incidental train and truck storage, maintenance, and administrative terminal offices.¹⁸⁵

Redevelopment. *Development that:*

1. *Expands or replaces any development; and*
2. *Is on a site that has not been subdivided after September 4, 2012; and*
3. *Is on a site that is either:*
 - a. *One (1) acre or more that has an impervious surface area of more than twelve (12) percent of the site; or*
 - b. *Less than one (1) acre that has any impervious surface.*

Comment [PRZ23]: New definition since Integrated Draft for added clarity. (5/16)

Registered Professional Land Surveyor. A person licensed to practice surveying in the State of Missouri.

Registered Professional Engineer. A person licensed to practice engineering in the State of Missouri.

Regulating Plan. The implementing plan for the development of the M-DT District under this Code. Regulating Plans allocate the Building Form Standards and street types and provide specific

¹⁸¹ New definition.

¹⁸² New definition.

¹⁸³ New definition.

¹⁸⁴ New definition. Revised from 150kv in prior draft to comply with industry standards, responding to comment.

¹⁸⁵ New definition based on existing use and description.

information for the disposition of each building site. The Regulating Plan also shows how each site relates to adjacent Street-Spaces, the overall district, and the surrounding neighborhoods.¹⁸⁶

Rehabilitation. The process of returning a structure to a state of efficiency or soundness by repair or alteration designed to encourage its continued use but without noticeably changing the exterior appearance of the resource.

Religious Institution. A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, including a church, temple, mosque, synagogue, covenant, monastery, or other structure, together with its accessory buildings and uses, such as educational facilities, athletic/recreation fields, pastor’s and caretaker’s housing, and parking. This use is operated, maintained, and controlled under the direction of a religious group.¹⁸⁷

Renovation. The process of altering or repairing a structure and its facilities so it conforms to minimum standards of sanitation, fire and life safety.

Replacement. For purposes of wireless telecommunications facilities includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.¹⁸⁸

Required Building Line (RBL). A line or plane indicated on the Regulating Plan, in the M-DT district, defining the Street Frontage which extends vertically and generally parallel to the street, at which the building Facade shall be placed. This is a requirement, not a permissive minimum. The minimum length and height of Facade that is required at the RBL is shown on the appropriate Building Form Standard.¹⁸⁹

Research and Development Laboratory. A facility primarily engaged in conducting scientific research, experimental design, and prototype development of devices or products in the physical, engineering, or life sciences, such as agriculture, electronics, biology, biotechnology, chemistry, geology, medicine, pharmacy, veterinary, and other allied subjects; does not include the manufacturing, servicing or sale of consumer products. This use includes facilities primarily engaged in providing analytic or diagnostic services on human specimens, including body fluid or body tissue, or performing diagnostic imaging. This use includes the fabrication of prototype goods, materials and equipment not intended for sale directly to the public, but may include incidental sales of goods produced on site to the public.¹⁹⁰

Residential Care Facility. A residential institution, whether operated for profit or not, that provides personal care, custody, or treatment for five (5) or more individuals not related to the operator who, for reasons of illness, mental retardation, advanced age, or physical handicaps, are unable to care for themselves, or are in a treatment program administered by or through the Residential Care Facility for alcohol or drug abuse, or are considered to be disabled or handicapped

Comment [PRZ24]: Added for clarity. (5/16)

¹⁸⁶ New form-based definition.

¹⁸⁷ New definition that expands on undefined “church, mosque, and synagogue” uses.

¹⁸⁸ New definition based on § 67.5092(12), R.S.Mo. (2014)

¹⁸⁹ New form-based definition.

¹⁹⁰ Current definitions of Testing Laboratory and Medical Laboratory are included in this definition. Definition revised for clarity since prior draft in response to public comment.

under the federal Fair Housing Act (as amended and interpreted by the federal courts) or the laws of the State of Missouri. This use does not include a continuing care retirement community (CRCC).¹⁹¹

Restaurant. An establishment, including cafes and cafeterias, where food and drink are prepared, served, and consumed, primarily within the principal building.¹⁹²

Retail, Adult. A commercial establishment such as an adult bookstore, video store, or arcade which, as one of its principal business activities, offers for sale or rental for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.¹⁹³

Retail, General. An establishment selling goods at retail. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Permitted Use Table, and does not include any activity meeting the definition of an Adult Retail use.¹⁹⁴

Reuse of Place of Public Assembly. The reuse of a property originally used as a religious institution, or any property originally used primarily for public assembly, for another temporary or permanent use that has no or minimal impacts on the surrounding community, or for which any significant impacts on the surrounding community have been mitigated to the maximum degree practicable.¹⁹⁵

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary sewer main, or for other similar uses. The usage of the term "right-of-way" for land platting purposes shall mean that right-of-way hereafter established and shown on a final plat to be separate and distinct from lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels.

Rotor. For purposes of WECS regulations, an element of a WECS that acts as a multi-bladed airfoil assembly, thereby directly extracting through rotation the kinetic energy of wind.

Rotor Diameter. For purposes of WECS regulations, the diameter of the circle described by the rotor blades. See also "swept area."

Sale. Any transfer of fee ownership, or any transfer of use rights conferring exclusive possession for purpose of building development whether by metes and bounds, deed, contract, plat, map or other written instrument.

¹⁹¹ Current definition revised to cover all groups protected by the federal Fair Housing Act, to comply with R.S.Mo. 89.143, and to avoid overlap with CRCC definition.

¹⁹² New definition based on existing, undefined use. Definition revised since prior draft to remove reference to drive-up facility (which is now an accessory or conditional accessory use in some districts).

¹⁹³ New definition based on R.S.Mo. § 573.528(1) ("Adult bookstore" or "adult video store"). Adult arcades were removed from this use and included in Indoor Adult Entertainment.

¹⁹⁴ Definitions of large and small retail revised since prior draft to clarify that they regulate sizes of uses, not total structures.

¹⁹⁵ New definition based on existing use and description, revised since prior draft in response to public comments.

Sanitary Landfill. A permanent facility either publicly or privately owned and operated for the purpose of disposing solid waste in accordance with applicable federal, state, and local solid waste management laws and licensing requirements.¹⁹⁶

Scenic Roadway. A street designated by the Council as a scenic roadway following the procedure outlined in section 29-2.3(b) (Scenic Roadway Overlay District).

Self-service Storage Facility. A building, or group of buildings, with controlled access containing separate storage spaces or compartmentalized units of varying sizes, with no unit exceeding six hundred (600) square feet, that are rented or leased to tenants, with no tenant leasing more than two thousand (2,000) square feet, for the storage of goods.

Setback or Building Line. A line specifically established upon the plat or established by the this Code that identifies an area into which no part of a building shall project except as provided by this Code. A setback or building line is generally measured from the property line.¹⁹⁷

Shadow Flicker. For purposes of WECS regulations, alternating changes in light intensity, caused by the moving blades of a wind energy conversion system, that casts moving shadows on the ground and stationary objects.

Shared Access. A joint use access for adjacent properties parking lots and driveways that is recorded as an irrevocable easement in favor of the properties to which it serves. Such shared access may or may not be shown on a subdivision plat.

Comment [PRZ25]: Added at request of City Traffic Engineers (9/16)

Shared Parking. Automobile parking that is visible and accessible to the public, with at least twelve (12) hours of public parking provided in any twenty-four (24) hour period, and that at least eight (8) of those hours provided during business or nighttime hours depending on whether the Administrator determines that the primary use will be for Commerce or Residential uses.¹⁹⁸

Shopfront (Storefront). That portion of the Ground Story Façade Fenestration intended for marketing or merchandising of commerce uses and allowing visibility between the sidewalk and the interior space.¹⁹⁹

Comment [PRZ26]: Moved since Integrated Draft. (5/16)

Shopping Center. A separate and distinct commercially used area in single ownership or under unified control, including more than one separate business establishment.

Comment [PRZ27]: Moved since Integrated Draft. (5/16)

Shopping Center Master Sign (and Industrial Park Master Sign). A sign indicating the name of the shopping center or industrial park and/or names of businesses in the shopping center or industrial park.

Comment [PRZ28]: Moved since Integrated Draft. (5/16)

Sidewalk. A constructed, dedicated and accepted pedestrian way for public use, generally to provide for pedestrian circulation along streets and highways.

Sidewing. The portion of a building extending along a Common Lot Line toward the Alley or rear of the lot.²⁰⁰

Sign. A structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, sign screen, billboard, poster panel and advertising devices of every kind, but does not include signs placed on the inside of display cases or show

¹⁹⁶ New definition based on existing, undefined use.

¹⁹⁷ Clarification of measurement added since prior draft, in response to public comment.

¹⁹⁸ New form-based definition.

¹⁹⁹ New form-based definition.

²⁰⁰ New form-based definition.

windows fronted with glass which do not project more than six (6) inches from the outside surface of the building wall unless the sign is a digital sign or animated sign as defined in this section.

Sign, Animated. A sign with action or motion, flashing or color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or specialty items (not to include time and temperature signs, or revolving barber poles).



Sign, Awning. Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

Sign, Civic. A sign that describes services available, function of, activities conducted upon, use of premises or facilities used, maintained, or owned by any government entity.

Sign, Commercial. A sign containing copy that relates primarily to, and is intended to promote interest in and patronage of, a business, industry, profession or commodity, product, or service offered for sale.²⁰¹

Sign, Digital. Any video, computer generated, holographic or electronic images that are arranged, intended, designed or used as an advertisement, announcement or direction, or advertising devices of every kind. A digital sign shall not include electronically operated changing numeric message signs.



Sign, Directional. A sign designed to guide pedestrians or vehicular traffic. A directional sign shall not include advertising material.²⁰²

Sign, Freestanding. Any sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.

Sign, Illuminated. A sign that is artificially lighted either internally or externally from a source of light connected with such sign.



Sign, Marquee. A sign attached to or hung from a marquee.



²⁰¹ New definition.

²⁰² Revised to clarify that directional material cannot be included on sign.

Sign, Mobile. A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a sign which is movable from place to place, without involving any structural support or changes. Mobile signs include but are not limited to signs affixed to a trailer or other portable structure and "A" frame or sandwich signs.²⁰³



Sign, Monument. A freestanding sign where the entire bottom of the sign is generally in contact with or in close proximity to the ground, and where the base of the sign is at least as wide as the sign. Does not include a pylon sign.²⁰⁴



Sign, Noncommercial. A sign containing copy that is not intended to promote interest in or patronage of, a business, industry, profession or commodity, product, or service offered for sale, included but not limited to a sign expressing an opinion regarding a political campaign, religious matter, or public policy issue.²⁰⁵

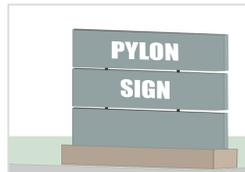
Sign, Off-premises. A sign which contains a message unrelated to a business or profession conducted, or to a commodity, service or entertainment, sold or offered upon the premises where such sign is located.

Sign, On-premises. A sign directly pertaining to an existing permitted use on the property upon which said sign is located.

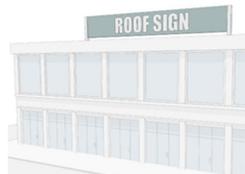


Sign, Projecting. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.²⁰⁶

Sign, Pylon. A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground and which has a width of two (2) feet or a height at least three (3) times the width.



Sign, Roof. A sign that is erected, constructed and maintained above the roof of the building.



Sign, Temporary. A commercial sign promoting or providing information concerning a sale, event or activity that is occurring or shall occur on the property where the sign is displayed.

²⁰³ "Portable sign" term revised to "Mobile sign." The existing defined "sandwich board" term has been deleted.

²⁰⁴ Revised per staff request to clarify sign base minimum width.

²⁰⁵ New definition.

²⁰⁶ New sign graphic.

Sign, Wall. A sign attached to the wall of a building with the exposed face of the sign in a plane parallel to the face of said wall, not extending more than twenty-five (25) percent above the roof line or parapet of the building, nor more than twenty-four (24) inches from the wall surface. Painted wall surface sign. A sign painted directly on the surface of buildings, walls or fences is a wall sign.²⁰⁷



Sign, Wind. A display of pennants, streamers, whirligigs or similar devices strung together and activated by wind.

Sign, Window. Any sign printed, attached, glued or otherwise affixed to the outside glass of a window.



Sign Surface Area.²⁰⁸ Total area of that part of a sign structure that carries any sort of written or graphic materials or in any way conveys a message as seen from any one direction at any one time; except when cut-out letters and/or graphics only are used for wall signs or only lettering and/or graphics are used on awning signs in which cases the surface area is measured as the area of the basic geometric shape that would enclose the message and/or graphics. When individual cut out letters or graphics are installed on a wall, whether that wall be a part of a building or other structure, the area of the basic geometric shape that encloses the message is the surface area of the sign. The definition shall not apply to Section 29-4.9(e)(9).²⁰⁹

Small Apartment Building. See "Townhouse/Small Apartment Frontage Building."²¹⁰

Solar Energy System. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Sound Pressure Level. The sound measurement commonly reported in decibels (dB(A)).

Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Comment [PRZ29]: New definition since Integrated Draft (5/16)

Specified Sexual Activity. Intercourse, oral copulation, masturbation, sodomy, or excretory functions as a part of or in connection with any of the activities described herein.

Comment [PRZ30]: New definition since Integrated Draft. (5/16)

Stoop. An entry platform on the Facade of a building. (See the Building Form Standards for specifications.)²¹¹

Storage and Wholesale Distribution. The bulk short-term or long-term storage of commercial goods in facilities that may also provide for the shipping or trans-shipping of those goods to and from commercial buyers.²¹²

²⁰⁷ Revised to include the current definition of a "painted wall surface sign."

²⁰⁸ "Sign" added to definition term.

²⁰⁹ Currently 23-24.1.

²¹⁰ New form-based definition.

²¹¹ New form-based definition.

²¹² New definition. Items prohibited from storage in current code are now permitted in the IG district through use-specific standards.

Storm Drain. A closed conduit or open ditch, natural or specifically constructed, for conducting or conveying collected stormwater. Conduits and paved open ditches are termed "improved"; unpaved ditches are termed "unimproved".

Storm Drainage System. All drainage facilities used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, the following: Conduits and appurtenant features, canals, ditches, streams, gullies, flumes, culverts, streets, gutters, and pump stations.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation including snowmelt.

Stormwater Management Facilities. Measures, primarily structural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and subsequently into water bodies. These facilities are also used to control volume and peak rates of runoff from development and redevelopment sites.

Stormwater Management Plan. A detailed design in conformance with the standards on file with the public works department signed and sealed by an engineer licensed to practice in the State of Missouri.

Stormwater Management and Water Quality Manual. The manual described in Chapter 12A of the City Code.

Story (Story Height). That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. **The useable floor area of any vertical level within a building must consist of at least fifty-one (51) percent of a building’s ground footprint in order to qualify as a separate story.**

²¹³

Comment [PRZ31]: Text added for further clarity since Integrated Draft. (5/16)

Story Above Grade Plane. Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

- (1) More than six (6) feet above grade plane; or
- (2) More than twelve (12) feet above the finished ground level at any point.²¹⁴

Streams. Perennial and intermittent watercourses identified through site inspection and United States Geological Survey (USGS) maps and further defined and categorized as follows:

- (1) Type I Streams are defined as perennial streams shown as solid blue lines on the United States Geological Survey seven and one-half (7.5) minutes series topographical map.
- (2) Type II Streams are defined as intermittent streams shown as dashed blue lines on the United States Geological Survey seven and one-half (7.5) minutes series topographical map.
- (3) Type III Streams are defined as waterways or natural channels which are not shown on the United States Geological Survey seven and one-half (7.5) minutes series topographical map as either blue or dashed blue lines which have drainage areas of greater than fifty (50) acres.

²¹³ Revised definition since Module 3 to align with IBC 2012.

²¹⁴ Revised since Module 3 to accompany “Basement” definition from IBC 2012.

Stream Channel. A naturally or artificially created water course with definite bed and banks which conducts continuously or periodically flowing water.

Street. A dedicated and accepted thoroughfare for public use which affords principal means of access, directly or indirectly, to abutting properties.

Street, Collector. A street that provides for traffic movement between arterials and local streets.²¹⁵

Street, Local. A street designed to provide direct access to abutting properties and to provide for local traffic movement within small areas.

Street, Perimeter. An existing street, one (1) side of which abuts a parcel of land to be subdivided.

Street, Private. A thoroughfare designed to provide vehicular access to five (5) or more lots or parcels which is not dedicated for public use.²¹⁶

*Street, Terminal.*²¹⁷ A street that does not provide through access to another street, alley, or private drive, including, but not limited to a cul-de-sac.

Street, Through. A public street which is not a cul-de-sac street and which provides vehicular access from an area internal to a subdivision, to the City's major roadway system as shown on the Major Roadway Plan.²¹⁸

Street Frontage. That portion of the lot or building that is coincident with the Required Building Line as required by this Code.²¹⁹

Street-Space. All space between fronting Required Building Lines (streets, squares, plazas, Pedestrian Pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or Alleys.²²⁰

Street Tree. A tree required per this code and listed in the Street Tree List located in the Urban Space Standards (cross reference?) that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.²²¹

Street Tree Alignment Line. A line along which Street Trees shall be planted and Streetlights and other such infrastructure are to be placed. It is generally parallel with the Street-Space.²²²

Street Wall. For purposes of form-based zoning, a wall or fence that is located at the Required Building Line in the M-DT Mixed-Use Downtown District that is either required to perform a screening function, such as defining the edge of a parking area or refuse storage area, or is proposed by a property owner to define the edge of the public and private space for security or aesthetic purposes.

Comment [PRZ32]: New definition in response to public comment and work session discussion. Acknowledges that street walls may be required in some circumstances but may also be a property owner's initiative; does not define the wall exclusively as a masonry wall. See also M-DT district. (9/16)

²¹⁵ Revised since Module 2 to remove implication that direct access to abutting properties is always allowed.

²¹⁶ Revised from 2 or more lots since Module 2 to align with revised definition of Private Drive.

²¹⁷ Revised to clarify that all terminal streets are not cul-de-sacs.

²¹⁸ Revised to align with current transportation plan language.

²¹⁹ New form-based definition.

²²⁰ New form-based definition.

²²¹ New form-based definition.

²²² New form-based definition.

Streetlight. A luminaire installed on both sides of the Street-Space, along the Street Tree Alignment Line or median centerline, unless otherwise designated in this code, with the design criteria in the Form District giving equal weight to the lighting of the pedestrian areas and the automobile areas.²²³

Structure. For all purposes except floodplain regulations, anything constructed or erected that requires location on the ground, or that is attached to something having a location on the ground; including but not limited to advertising signs, billboards, poster panels, decks, patios, and paved areas, fences, walls, and retaining walls²²⁴

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivider. Any owner, or the authorized agent or employee of an owner, who commences proceedings to effectuate a subdivision of property under this chapter either for himself or on behalf of the owner or any group or association of all the owners of such property.

Subdivision. The division of a tract or parcel of land into two (2) or more lots, tracts or parcels for sale or development or, if a new street is involved, any division of a lot, or a tract or parcel of land. When appropriate to the context, the term "subdivision" may refer to the land subdivided.

Subdivision, Administrative. Any resubdivision of previously subdivided nonresidential land, and any resubdivision of previously divided residential land that does not create any additional buildable lots.²²⁵

Subdivision, Major. Any subdivision not classified as a minor subdivision or tract split.

Subdivision, Minor. Any subdivision containing not more than five (5) lots fronting on an existing state, county or City street or highway, and not requiring extension or improvement of any street or municipal service.

Subdivision, Tract Split. Any subdivision which involves division of a tract of land for sale or transfer, but not for development, into no more than five (5) tracts, each of which fronts on an existing state, county or City street or highway.

Substantial Improvement. For all purposes except floodplain regulations any repair, reconstruction, or other change of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- (1) Before the improvement is started; or
- (2) If the structure has been damaged and was being restored, before the damage occurred.

In the case of a nonconforming structure, restoration of damage is considered a "substantial improvement" which the cost equals or exceeds fifty (50) percent of the structure's market value. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however,

²²³ New form-based definition.

²²⁴ Replaces definition in subdivision standards which refers to the definition of building. Definition revised to avoid overlap with definition of the same term for floodplain purposes. Additional examples added since Module 2, and exception for boundary fences and walls removed (they are clearly structures, but exempt from setbacks).

²²⁵ Revised since Module 2 to include resubdivisions of residential land that do not create additional lots.

include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

Substantial Modification. For the purposes of wireless telecommunications facilities means the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

- (1) Increases the existing vertical height of the structure by more than ten (10) percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or
- (2) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable); or
- (3) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four (4) new equipment cabinets; or
- (4) Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty (1,250) square feet²²⁶

Swale. A wide shallow ditch used to carry storm runoff.

Swept Area. For purposes of WECS regulations, the diameter of the least circle encompassing all blades for a WECS. Also any and all portions of overhanging blades, turbines, or attachments that oscillate, rotate or otherwise move, which are not part of the fixed structural elements of the wind energy conversion system, including those on vertical axis WECS. See also the definition for "rotor diameter."

Temporary Construction Office or Yard. A facility or area used as a temporary field construction office or temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures, or infrastructure.²²⁷

Temporary Parking Lot. A lot established to accommodate the temporary parking of vehicles for construction related activities and temporary events or gatherings such as carnivals, fairs, and concerts.²²⁸

Temporary Shelter. A residential facility that primarily provides temporary housing with accommodations for five (5) or more people for little or no financial compensation and that is operated in a manner that provides staff supervision and other support services. The length of time that such persons may stay at the shelter may be indefinite but is not intended to be permanent.

Terrace. An open, raised bank or banks of earth having a vertical or sloping side and a horizontal top.²²⁹

Theater, Drive-in. An open lot, with its appurtenant facilities, such as concession stands and restrooms, where patrons view movies from inside their vehicles.²³⁰

²²⁶ New definition based on § 67.5092(13), R.S.Mo. (2014).

²²⁷ New definition to describe new temporary use category.

²²⁸ New definition to describe new temporary use category.

²²⁹ New definition.

²³⁰ New definition based on existing land use.

Total Suspended Solids. Matter suspended in stormwater excluding litter, debris, and other gross solids exceeding one (1) millimeter in diameter.

Townhouse. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.²³¹

Townhouse/Small Apartment Frontage Building. Building form and functions resulting from/as determined by the Townhouse/Small Apartment Building Form Standard indicated on the Regulating Plan.²³²

Tract. An area, parcel, site, piece of land, lot, or property.²³³

Transportation Plan. An element of the comprehensive plan for the City describing transportation policies for all modes of travel. The Major Roadway Plan, a part of the transportation plan, shows the approximate location of existing and proposed collector streets, arterial streets, expressways and freeways throughout the City.²³⁴

Tree. Any self-supporting woody perennial plant, usually with one (1) main stem or trunk.

Tree, Existing. A tree which meets or exceeds the following size standards: Deciduous shade trees shall have a four (4) inch diameter, measured four and one-half (4½) feet above the ground and ornamental and evergreen species shall be a minimum of six (6) feet in height.

Tree or Landscaping Service. The business activities and equipment storage requirements associated with landscaping design, installation, and maintenance services, including landscape design and contractor offices, landscaping materials stores, and related tool and equipment rentals.²³⁵

Tree Lawn (Tree Trench). A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the Clear Sidewalk Area, and used for planting Street Trees and configured to foster healthy Street Tree root systems. Tree Lawn dimensions are specified in the Street Type Specifications.²³⁶

Tree Preservation Easement. An irrevocable easement, in a form approved by the City Counselor, which encompasses all or a portion, when permitted, of the required climax forest that must be saved on a site.

Comment [PRZ33]: Added to permit an option preserving climax forest on something other than a platted lot. (9/16)

Tree, Significant. A tree that is at least twenty (20) inches diameter at breast height (DBH), is not diseased, dying, or of a noxious invasive species, and is located outside of required Tree Preservation and Stream Buffer areas.

Comment [PRZ34]: New definition since Integrated Draft. (5/16)

Tower. For purposes of WECS regulations, the vertical component of a WECS that elevates and supports the wind turbine generator, rotor blades, and other equipment above the ground.

²³¹ Revised definition since Module 3 to align with IBC 2012.

²³² New form-based definition.

²³³ New definition to help clarify the term “tract split.”

²³⁴ Revised to align with current transportation plan language.

²³⁵ New definition to describe new land use retitled from existing “tree trimming service.”

²³⁶ New form-based definition.

Travel Trailer.

- (1) A vehicular, portable structure built on a chassis and designed for temporary occupancy for travel, recreational or vacation use; and when factory-equipped for the road, being of any weight, provided its overall length is less than forty (40) feet or is less than three hundred twenty (320) square feet in floor area;
- (2) A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- (3) A portable, temporary dwelling to be used for travel, recreational and vacation purposes, constructed as an integral part of a self-propelling vehicle; or
- (4) A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

Travel Trailer Park. A parcel of land that has been improved for the placement of travel trailers.

Underground Space. The entire cavern resulting from the extraction of subsurface-located material in such a manner that the surface area of the property is not disturbed except in the vicinity of the entrances and easements servicing the development.

Urban Agriculture. The raising, keeping or production of fruit, vegetable, flower, and other crops, poultry, or bees as a primary (not accessory) use of land on sites of two and one-half (2.5) acres or less. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include raising, storing, or processing of any animals other than poultry and bees.²³⁷

Urban Conservation. Public and private efforts to maintain and enhance older urban areas through stabilization, rehabilitation, protection, revitalization, conversion, infill development or redevelopment.

Urban General Frontage Building. Building form and functions resulting from/as determined by the Urban General Building Form Standard as indicated on the Regulating Plan.²³⁸

Urban Storefront Frontage Building. Building form and functions resulting from/as determined by the Urban Storefront Building Form Standard as indicated on the Regulating Plan.²³⁹

Use, Civic. For the purpose of the M-DT district form-based regulations, the uses in the Public and Institutional Use (except those in the Utilities and Communications category) of Table 29-3.1 that are allowed in the M-DT district as Permitted or Conditional Uses.²⁴⁰ A “civic use” may or may not occupy a “civic building” (see definition, “civic building”).

Use, Commerce. For the purpose of the M-DT form-based regulations, the uses in the Public and Institutional Use category (except those in the Utilities and Communications subcategory) and those uses in the Commercial and Industrial Use category (except those in the Agriculture & Animal-Related subcategory and the Vehicles & Equipment subcategory) of Table 29-3.1 that are allowed in the M-DT district as Permitted or Conditional Uses.²⁴¹

Comment [PRZ35]: Sentence added in response to public comment and work session discussions to clarify that “civic buildings” and “civic uses” are not mutually inclusive – an education, government, or religious use may occupy a commercial building, for example. (9/16)

²³⁷ New definition for new use.

²³⁸ New form-based definition.

²³⁹ New form-based definition.

²⁴⁰ New form-based definition. Revised to align with Permitted Use Table categories single Module 2.

²⁴¹ New form-based definition. Revised to align with Permitted Use Table categories single Module 2.

Use, Residential. For purposes of the M-DT form-based regulations, the uses in the Residential Use category of Table 29-3.1 that are allowed in the M-DT district as Permitted or Conditional Uses.²⁴²

Use, Retail. Includes the following:²⁴³

- *Retail Service.* Establishments providing services, as opposed to products, to the general public, including restaurants, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as Personal Services, General.
- *Retail Sales.* Establishments in which the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Variance. For all purposes except floodplain regulations, a modification or variation of the provisions of this Chapter 29, as applied to a specific piece of property, as distinct from rezoning.

Vehicle Wrecking or Junkyard. A structure or parcel of land where goods, equipment, or materials, or ten or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, and including any equipment or structure used for crushing or dismantling or storing of any of those items.²⁴⁴

Veterinary Hospital. A hospital or facility where domesticated animals or fowl are treated, kept, cared for, bred or boarded (daytime only or overnight), including but not limited to animal pounds, animal shelters, and kennels.²⁴⁵

Comment [PRZ36]: Add to indicate types of boarding allowed. "Use-specific" standards would apply based on location. (5/16)

Walkway. A pedestrian way designed to provide pedestrian access to abutting properties, deemed to be a public walkway if located within a dedicated right-of-way and accepted for public maintenance. Walkways located adjacent to public streets are sidewalks.²⁴⁶

Watercourse. A stream, usually flowing in a particular direction (though it need not flow continuously in a definite channel), having a bed or banks and usually discharging into some other stream or body of water.

Watershed (or Drainage Basin). All the land area which drains to a given body of water.

Waterways. Natural or manmade lakes, natural channels, rivers, streams, and creeks which store or convey stormwater runoff.

Water Quality Volume. The storage needed to capture and treat ninety (90) percent of an average annual stormwater runoff volume. It is calculated by multiplying the water quality storm times the volumetric runoff coefficient and site area.

Watercourse. A natural running stream of water flowing in a particular direction and having a definite channel with a bed or banks. A watercourse may be intermittent, but shall be considered more than mere surface drainage over the entire fall of a tract of land.

Wetlands. Areas that are inundated or saturated by surface or groundwater at frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

²⁴² New form-based definition. Revised to align with Permitted Use Table categories since Module 2.

²⁴³ New form-based definition. Revised to align with Permitted Use Table categories since Module 2.

²⁴⁴ New definition.

²⁴⁵ New definition based on existing use description.

²⁴⁶ Definition revised to distinguish from sidewalks based on public comment.

Where Clearly Visible from the Street-Space. Some requirements of the M-DT district apply only where the subject is “Clearly Visible from the Street-Space.” (Note that the definition of Street-Space includes squares, civic greens, Pedestrian Pathways, parks, and all public space except Alleys.) A building element more than 40 feet from a Required Building Line or Street-Space is by definition not Clearly Visible from the Street-Space (such as elements facing a Common Lot Line). Also, common or party walls are by definition not Clearly Visible from the Street-Space. This does not exempt vehicle parking lots or parking structures from any Building Form Standard requirements.²⁴⁷

Wholesale Sales Office or Sample Room. A sales office or showroom associated with establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users, or other wholesalers, but not to the public-at-large; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This use does not include the storage and distribution of this wholesale merchandise.²⁴⁸

Wind Energy Conversion System (also referred to as “WECS”). The configuration of components including the base, tower, generator, rotor blades and related equipment to convert the kinetic energy of wind into electrical energy (e.g. windmill or wind turbine). A wind energy conversion system which has a nameplate rated capacity of up to one hundred (100) kilowatts and is incidental and subordinate to a principal use on the same parcel.

Wind Energy Conversion System, Building-mounted. A WECS that is securely fastened to any portion of a principal structure in order to achieve desired elevation, whether attached directly to the principal structure or attached to a tower structure which is in turn fastened to the principal structure. A building-mounted WECS is not a minor projection, as defined in Section 29-4.1(c)(2).

Wind Energy Conversion System, Co-located. A WECS that is mounted on a tower or pole structure which serves another primary purpose, such as a flagpole. Co-located systems are permitted per the rules of this chapter, so long as a principal use or structure is located on the subject parcel.

Wind Energy Conversion System, Commercial. A WECS that is intended to produce electricity for sale to a rate-regulated or non-regulated utility or for use off site. For the purpose of this section, a commercial WECS has a total nameplate generating capacity equal to or greater than one hundred (100) kW.

Wind Energy Conversion System, Freestanding. A WECS that is elevated by means of a monopole tower and is not located on another supporting structure. Guyed, lattice, or other non-monopole style towers shall not meet this definition.

Wind Energy Conversion System, Noncommercial. A WECS of less than one hundred (100) kW in total nameplate generating capacity that is not operated on a for-profit basis. A WECS that is interconnected with the pertinent electric utility or that receives credits or rebates for energy transmitted to the power grid is not by that reason alone operated on a for-profit basis.

Wind Energy Conversion System, Small. A WECS of less than ten (10) kW in total nameplate generating capacity.

Wind Turbine. A piece of electrical generating equipment that aids in the conversion of the kinetic energy of wind into electrical energy.

²⁴⁷ New form-based definition.

²⁴⁸ New definition to allow off-site sales offices and showrooms associated with the business.

Yard. An open space unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.²⁴⁹

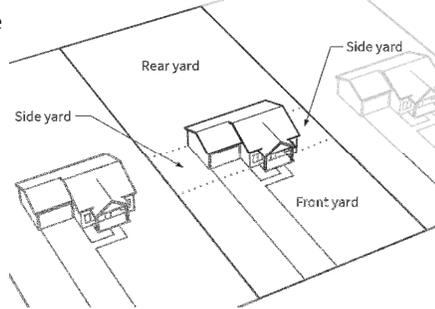
Yard, Corner. An open space between a building and a street right-of-way adjacent to the side of a building located on the lot that extends from the front property line to the rear property line.

Comment [PRZ37]: Definition added to provide clarity that a corner side yard includes both the front and rear setbacks. (5/16)

Yard, Front. An open space between a building and the street fronting the lot on which the building is located, and extending from side lot line to side lot line.²⁵⁰

Yard, Rear. An open space between a building and the Rear Lot Line of the lot on which the building is located, and extending from side lot line to side lot line.²⁵¹

Yard Side. An open space between a building and the side lot line closest to that side of the building, but not including any area included in the Front Yard or Rear Yard.²⁵²



Zoning Regulations. The provisions of this Code adopted pursuant to Sections 89.010 to 89.140 of the Missouri Revised Statutes.

(b) Rules of Construction²⁵³

This Ordinance shall be construed and interpreted as stated in the rules below:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number include the plural number, and words in the plural number include the singular number.
- (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (4) The words “must,” “shall,” and “may not” are mandatory.
- (5) The words “may” and “should” are permissive.
- (6) The terms “standards,” “regulations,” and “requirements” indicated specific items that the applicant or property owner must comply with. Compliance with standards, regulations, and requirements is mandatory.
- (7) The word “person” includes individuals, firms, corporations, associations, and any other similar entities, including governmental agencies.

²⁴⁹ Revised definition since Module 3 to align with IBC 2012.

²⁵⁰ New definition.

²⁵¹ New definition.

²⁵² New definition.

²⁵³ New section since Module 2.

- (8) The words “used” or “occupied”, whether used separately or together, shall be construed to include the facilities that were intended, arranged or designed to be used or occupied for that purpose.”
- (9) In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.

Chapter 29-2 Zoning Districts²⁵⁴

The Base and Overlay zoning districts listed in the Current Zoning Districts column of Table 29-2.1 are hereby created, and shall have the boundaries shown on the Official Zoning Map maintained in electronic form by the Department of Community Development and available on the City of Columbia web site. Base zoning districts are grouped into three types – Residential, Mixed Use, and Special Purpose districts.²⁵⁵

29-2.1 Summary Table

Previous Zoning Districts	Current Zoning districts
Base Zoning Districts	Base Zoning Districts
Residential	Residential
R-1 One-Family Dwelling	R-1 One-Family Dwelling
R-2 Two-Family Dwelling	R-2 Two-Family Dwelling
R-3 Medium Density Multiple-Family Dwelling	R-MF Multiple-Family Dwelling
R-4 High Density Multiple-Family Dwelling	
R-MH Residential Manufactured Home	R-MH Residential Manufactured Home
PUD Planned Unit Development	
Office	Mixed Use
O-1 Office	
O-2 Special Office	M-OF Mixed Use - Office
O-P Planned Office	
Commercial	
C-1 Intermediate Business District	M-N Mixed Use - Neighborhood
C-3 General Business District	M-C Mixed Use - Corridor
C-2 Central Business District	M-DT Mixed Use - Downtown
C-P Planned Business District	
Industrial	
M-R Research, Development and Office Park	M-BP Business/Industrial Park
	Special Purpose
M-C Controlled Industrial District	IG Industrial
M-1 General Industrial District	

²⁵⁴ Materials from Section 29-4 (Districts established) and Sections 29-6 to 29-22 (identifying each existing district), with changes discussed in Annotated Outline.
²⁵⁵ New provision reflecting current practice.
²⁵⁶ Replaces table in current Section 29-3.

Table 29-2.1: Columbia, Missouri, Zoning Districts²⁵⁶

Previous Zoning Districts	Current Zoning districts
M-U Underground Space	
M-P Planned General Industrial District	
Agricultural	
A-1 Agricultural	A Agricultural
	O Open Space
	PD Planned Development

Overlay Districts	Overlay Districts
UC Urban Conservation	UC-O Urban Conservation Overlay
S-R Scenic Roadway Area	SR-O Scenic Roadway Area
HP Historic Preservation	HP-O Historic Preservation
F-1 Floodplain	FP-O Floodplain
Communication Antennas and Towers ²⁵⁷	
Wind Energy Conversion Systems	

²⁵⁷ Communications Antennas/Towers and Wind Energy Conservation Systems are now treated as land uses rather than districts.

29-2.2 Base Zoning Districts

(a) Residential Zone Districts

(1) R-1: One-Family Dwelling District²⁵⁸

Purpose²⁶¹

This district is intended to promote and preserve safe and attractive urban one-family residential neighborhoods. The principal land use is a one-family dwelling unit per lot. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included, as shown in Table 29-3.1 (Permitted Use Table).²⁶²

TABLE 29-2-2
R-1 DISTRICT DIMENSIONAL STANDARD SUMMARY²⁵⁹

LOT STANDARDS	
Minimum lot area	7,000 sq. ft.
Minimum lot area if no public or community sewer available ²⁶⁰	15,000 sq. ft.
Minimum lot width at building line	60 ft.
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	6 ft.
Minimum depth of rear yard	Lesser of 30% lot depth or 25 ft.
Maximum height of primary residential building	35 ft.
Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each	45 ft.
Maximum height of primary nonresidential building, provided all setbacks increased 1 ft. for each additional 1 ft. of height over 35 ft.	75 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Comment [PRZ38]: Added for clarity. (5/16)

²⁵⁸ Content from current Section 29-6.

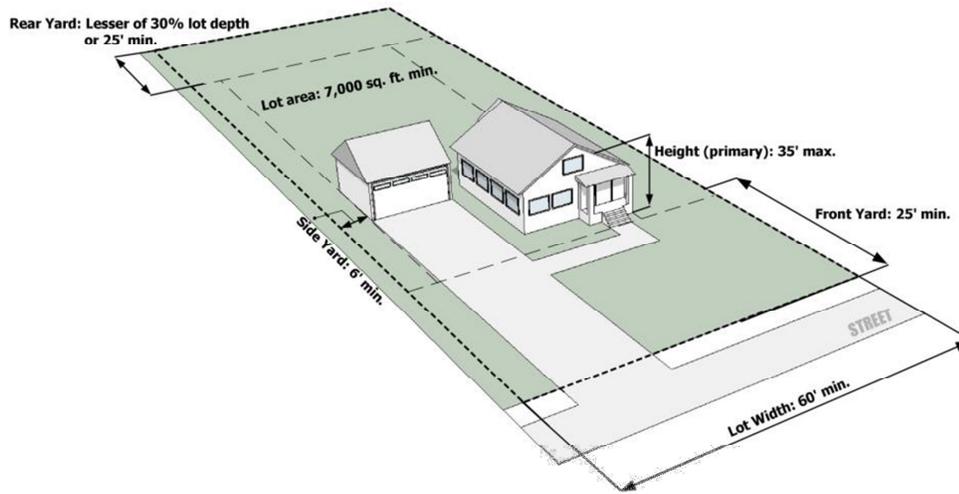
²⁵⁹ 650 sf min. size for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.

²⁶⁰ New standard since Module 1 to address gap in Code.

²⁶¹ Revise to reflect the goals in *Columbia Imagined*.

²⁶² Reference to innovative housing types removed since prior draft because cottage type developments now limited to R-2 district.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(2) R-2 Two-Family Dwelling District²⁶³

Purpose²⁶⁸

This district is intended to provide for a blend of one-and two-family residential developments that will promote strong neighborhoods. The district is intended to accommodate both standard residential development and small pockets of affordable small lot infill “cottage” residential development. The “cottage” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(j). The principal land use is one-family or duplex residential dwellings, as shown in Table 29-3.1 (Permitted Use Table). One principal structure is allowed per lot; two or more single-family detached dwellings are not permitted on a single lot.²⁶⁹

**TABLE 29-2-3
R-2 DISTRICT DIMENSIONAL STANDARD SUMMARY²⁶⁴**

	Current	Cottage ²⁶⁵
LOT STANDARDS		
Minimum lot area – one-family	5,000 sq. ft.	3,000 sq. ft.
Minimum lot area –one-family attached	3,500 sq. ft.	N/A
Minimum lot area – two-family	7,000 sq. ft.	N/A
Minimum lot area if no public or community sewer available	15,000 sq. ft	
Minimum lot width at building line	60 ft.	30 ft.
Minimum lot width at building line - single-family attached	30 ft.	N/A
Maximum size of contiguous area that may be replatted to permit “cottage” lots without such lots being within a “cottage” subdivision	N/A	1 ac.
BUILDING STANDARDS		
Minimum depth front yard	25 ft.	10 ft.
Minimum depth from front lot line to garage (if applicable)	25 ft.	20 ft.
Minimum width of side yard	6 ft.	6 ft. ²⁶⁶
Minimum depth of rear yard	Lesser of 25% lot depth or 25 ft.	10 ft.
Maximum height of primary residential building	35 ft.	35 ft.
Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each	45 ft.	35 ft. ²⁶⁷
Maximum height of nonresidential building	75 ft.	75 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Comment [PRZ40]: Replaced “primary” structure. (5/16)

Comment [PRZ39]: Text added for clarity. This standard permits replatting up to 1 acre of contiguous property to accommodate “cottage” lots without being in a specifically platted “cottage lot” subdivision. (9/16)

Illustration

²⁶³ Content from current Section 29-7.

²⁶⁴ Min floor areas for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.

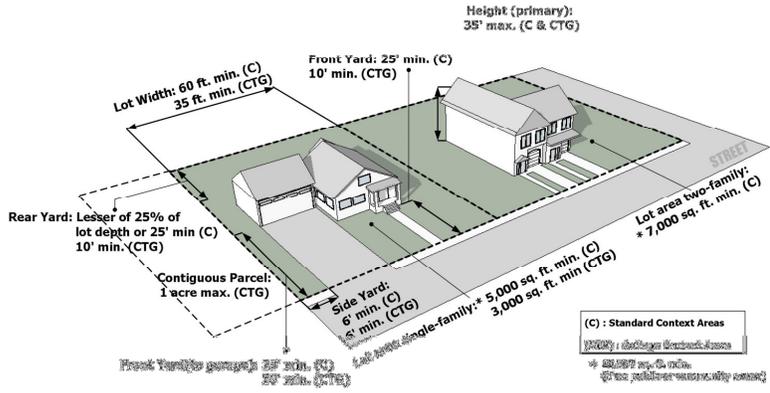
²⁶⁵ All Cottage standards are new.

²⁶⁶ Revised from 4 ft.

²⁶⁷ Revised from 45 ft.

²⁶⁸ Revised to reflect the goals of *Columbia Imagined* and recommendation for inclusion of land-efficient cottage development from the Annotated Outline.

²⁶⁹ Clarification added since Module 3.



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(3) R-MF Multiple-Family Dwelling District²⁷⁰

Purpose²⁸⁰

This district is intended to provide for a mix of one-family, two-family, and medium density multi-family residential development. It may include a range of residential uses from one-family to medium and high density multi-family apartments and condominiums and fraternity and sorority houses. The scale of development is regulated to ensure that new development is not out-of-scale with the character and density of surrounding development. The principal uses are residential, as shown in Table 29-3.1 (Permitted Use Table).

TABLE 29-2-4²⁷¹
R-MF DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area – one-family	5,000 sq. ft. ²⁷²
Minimum lot area – one-family attached	3,500 sq. ft.
Minimum lot area – two-family	7,000 sq. ft. ^{273,274}
Minimum lot area – multi-family	2,500 sq. ft. per du ²⁷⁵
Minimum lot area – sorority or fraternity	1,500 N/A ²⁷⁶
Minimum lot area -- CRCC	N/A, But Max Density is 17 du/ac
Minimum lot width at building line	60 ft. ²⁷⁷
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard – all other	10 ft.
Minimum width of side yard – corner lot street side	15 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary residential building	35 ft. ^{278,279}

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Comment [PRZ41]: Added minimum lot area for such uses. Density of use is not calculated like other MF uses since this use is a variant of “group housing”. (5/16)

²⁷⁰ Combines content from current Sections 29-8 and 29-9.

²⁷¹ Min floor areas for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code. Since Module 3, provision for increased height over 35 feet with added setbacks has been deleted.

²⁷² Revised from 7,000 sq. ft.

²⁷³ Reduced from 7,000 sq. ft.

²⁷⁴ Revised from 5,000 sq. ft.

²⁷⁵ R-3 currently requires 2,500 sq. ft. of lot area per du and R-4 requires 1,500 sq. ft. of lot area per du.

²⁷⁶ Revised from 15,000 sq. ft.

²⁷⁷ “100 ft. if adjacent to R-1 or R-2” has been removed.

²⁷⁸ Revised from 35 ft. in current R-3 areas;

²⁷⁹ Revised from 45 ft.

²⁸⁰ Revised to combine purpose statements of R-3 and R-4 districts and to reflect the goals of *Columbia Imagined*.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

(4) R-MH Residential Manufactured Home District²⁸¹

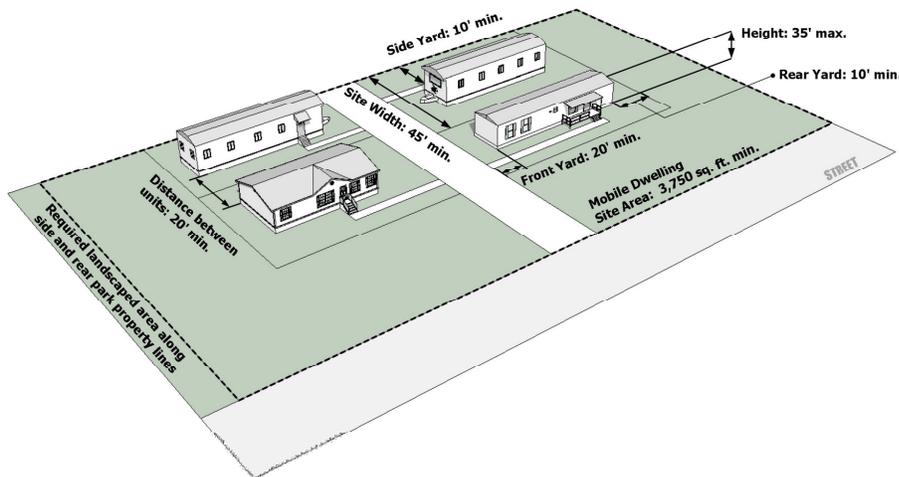
Purpose

This district is intended to provide for the development and operation of residential manufactured home parks. The standards are intended to provide for diverse housing opportunities and promote innovative and land-efficient sources of affordable housing while promoting neighborhood enhancement and minimizing conflicts with other zoning districts. A residential manufactured home park may provide manufactured home spaces available for lease or rent; or the property may be subdivided in accordance with the requirements of this section and Section 29-4.23 (Subdivision Standards).²⁸⁴

TABLE 29-2-5 R-MH DISTRICT DIMENSIONAL STANDARDS	
SITES AND STRUCTURES	
Minimum area of each home site	3,750 sq. ft. ²⁸²
Minimum lot width	45 ft. ²⁸³
Maximum building height	35 ft.
Minimum front setback of homes from abutting public street in the park	20 ft.
Minimum side and rear setback sites from other mobile home site boundaries	10 ft.
Minimum distance between dwelling units	20 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Illustration



²⁸¹ Material from current Section 29-11.

²⁸² Reduced from 4,050 in current Code.

²⁸³ "100 ft. if adjacent to R-1 or R-2" removed.

²⁸⁴ Revised to reflect the goals of *Columbia Imagined* and to match structure of other purpose statements.

Other Standards²⁸⁵

1. Required park boundary setback areas along the side and rear property boundaries shall be landscaped and shall not contain parking areas, streets, drives, or accessory structures or storage areas.²⁸⁶ A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed twelve (12) feet in height, shall be required around the perimeter of the site. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. If a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this chapter.
2. Carports, patios, decks and accessory buildings may be located in side and rear setback areas of individual manufactured home sites that are not part of the required park perimeter buffer area.
3. A private outdoor living area, such as a patio or deck, of at least forty (40) square feet shall be provided on each manufactured home space or lot adjoining the manufactured home.
4. A stormwater management system shall be designed to minimize the possibility of soil erosion and flood damage on site and downstream.
5. Interior access shall be provided by public or private streets. Public streets shall be built to City standards and shall have sidewalks on both sides. Private streets shall require private street maintenance.²⁸⁷
6. Manufactured home parks shall have their only access on perimeter streets unless the Director determines that street connections to adjacent properties are necessary to protect public safety and reduce traffic congestion at access points²⁸⁸.
7. Street connections to adjacent properties may be required when deemed appropriate by the Director; however, at least one access point onto a public street shall be provided for each one hundred (100) manufactured home spaces or lots.
8. Paved parking shall be provided on each manufactured home space or lot at the rate of one (1) parking space per manufactured home.²⁸⁹
9. An on-ground or in-ground stand constructed to comply with the building code shall be provided to provide support and leveling for each manufactured home.
10. Anchorage and tie-down constructed to comply with the building code shall be provided on each manufactured home space or lot to prevent overturning or uplift of the manufactured home.

²⁸⁵ Materials from current Section 29-11(d)(3). Sight triangle requirement deleted because now addressed by standard Citywide requirement.

²⁸⁶ Revised for clarity.

²⁸⁷ Standard revised to allow for private streets if private street maintenance is provided.

²⁸⁸ Reworded for clarity, and standard to guide Director's decision added.

²⁸⁹ Reduced from a minimum of 2 spaces.

11. Skirting shall be installed for each manufactured home. Skirting material shall be visually compatible with the manufactured home unit's materials and shall have a visually finished appearance. Composition building board and raw wood shall not be used as skirting unless finished with a weatherproof and termite proof material.
12. A map of the layout of the manufactured home park, of a scale not greater than 1:50, showing the location of individual manufactured home spaces by number, shall be displayed on the park office building, or on the identification sign at the entrance to the manufactured home park.
13. Each space for a manufactured home shall be provided with a sewer outlet not less than four (4) inches in diameter, connected to the main sewer system.
14. In addition to required automobile parking spaces, the manufactured home park shall provide at least one accessory vehicle storage area for each ten (10) manufactured homes, to provide storage for trucks, boats, and similar vehicles.
15. If storage facilities for tenants are provided on the manufactured home space or lot or elsewhere in the manufactured home park, they shall be constructed of suitable weather resistant materials.
16. All yard areas and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.
17. Any enclosed structure attached to a manufactured home shall be constructed of compatible or similar exterior materials and in conformance with the building code.
18. R-MH developments consisting of twenty-five (25) or more manufactured homes shall contain playground facilities. The playground facilities shall be at least one-fourth (¼) acre in size for each twenty-five (25) manufactured homes proposed.
19. No mobile home (as opposed to a manufactured home) shall be placed within any R-MH district established after January 17, 1995, unless a seal issued by the Missouri Public Service Commission is attached to the mobile home certifying that the mobile home was brought up to or otherwise meets the requirements of the code of standards relating to manufactured homes adopted by the Public Service Commission.²⁹⁰

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

²⁹⁰ Reworded to reflect new definitions.

(b) Mixed Use Districts²⁹¹

(1) M-OF Mixed Use – Office District²⁹²

Purpose

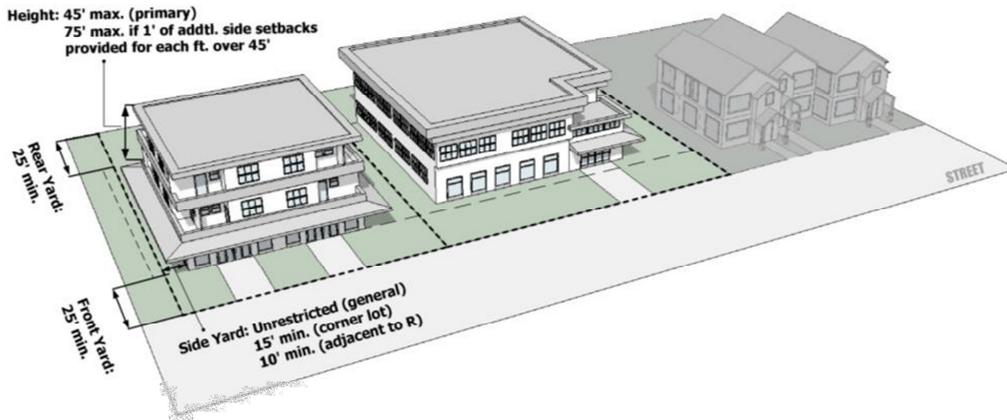
This district is intended to provide for professional, administrative, corporate, and other offices and similar low-impact non-residential uses. It may serve as a buffer area between residential and more intense nonresidential uses. It is intended to allow innovative design approaches that reflect and respect the character of nearby residential areas without the need for rezoning to a Planned Development district. The principal uses are small-scale office, personal service, and residential uses, as shown in Table 29-3.1 (Permitted Use Table).²⁹⁴

TABLE 29-2-6²⁹³
M-OF DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard - general	0
Minimum width of side yard – corner lot street side	15 ft.
Minimum width of side yard – adjacent to R district	10 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary building	45 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

²⁹¹ New category containing those districts that allow a mix of residential and non-residential primary uses.

²⁹² Consolidates current O-1 and O-2 standards in Sections 29-12 and 29-13.

²⁹³ Provision allowing height increase to 75 ft. deleted. See Sec. 29-4.1 for other changes from current Code.

²⁹⁴ Revised to integrate purpose statements of current O-1 and O-2 and to reflect the goals of *Columbia Imagined*.

(2) M-N Mixed Use – Neighborhood District²⁹⁵

Purpose

The Mixed Use-Neighborhood district is intended to provide commercial shopping and service facilities in or near a residential neighborhood. The principal land use is a small shopping area with sales and services oriented to the needs of a local population. The district is intended to accommodate both pedestrian-oriented shopping areas with walkable connections to surrounding neighborhoods and small auto-oriented shopping centers convenient to lower density residential areas, through the use of two different sets of development standards without the need for rezoning to a Planned Development district. The “pedestrian” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(j). The principle uses are small-scale commercial and residential, as shown in Table 29-3.1 (Permitted Use Table).

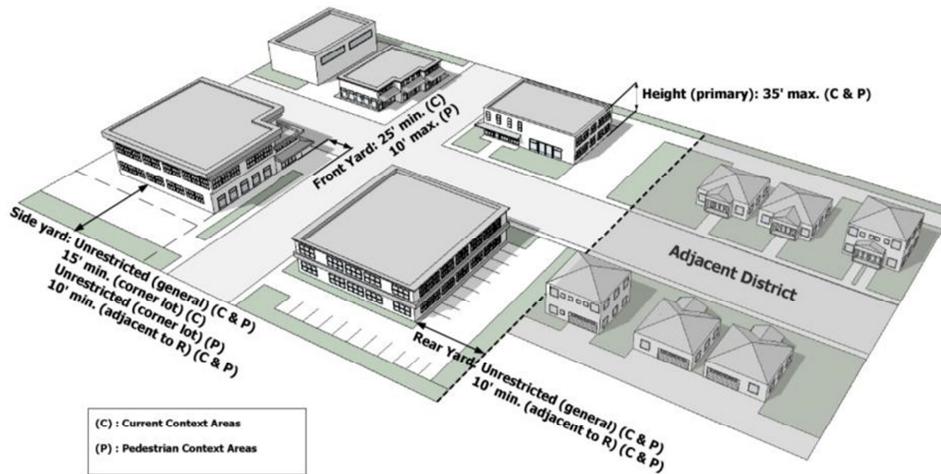
TABLE 29-2-7²⁹⁶
M-N DISTRICT DIMENSIONAL STANDARD SUMMARY

	Current	Pedestrian
LOT STANDARDS		
Minimum lot area	N/A	N/A
Minimum lot width at building line	N/A	N/A
BUILDING STANDARDS		
Minimum depth of front yard	25 ft.	0 ft.
Maximum depth of front yard	N/A	10 ft.
Percent of building front width that must be between min. and max. setback lines	N/A	75%
Minimum width of side yard - general	0 ft.	0 ft.
Minimum width of side yard – corner lot street side	15 ft.	0 ft.
Minimum width of side yard – adjacent to R district	10 ft.	10 ft.
Minimum depth of rear yard - general	0 ft.	0 ft.
Minimum depth of rear yard - adjacent to R district	10 ft.	10 ft.
Maximum height of primary building	35 ft.	35 ft.

Comment [PRZ42]: Added per public comment to reinforce the district’s flexibility and ability to accommodate a mix of uses without having to rezoned to a PD district. (9/16)

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Illustration



²⁹⁵ Replaces current C-1 district. Material from current Section 29-14, revised to allow for more pedestrian-oriented development patterns, and with other changes as noted.

²⁹⁶ No changes to this table since Module 1.

Other Standards²⁹⁷

Where the applicant requests that the M-N “Pedestrian” standards apply:

1. All property frontages must have sidewalks constructed to City standards.
2. The primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two streets intersect.
3. Ground floor street frontages on each primary building may not be occupied by residential uses but may be occupied by a lobby or entrance to residential portions of the building.
4. At least 50% of the building front façade area between three (3) and eight (8) feet above grade shall be of windows or other transparent materials allowing views into the building.
5. At the applicant’s option, minimum on-site parking requirements may be reduced up to 30% as described in Section 29-4.4 (Parking and Loading).²⁹⁸
6. No on-site loading requirements shall be required.
7. Curb cuts shall only be permitted if access cannot be provided from an alley. Where curb cuts are permitted, they shall not exceed 24 feet in width.

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

²⁹⁷ New standards, per the Annotated Outline.

²⁹⁸ Revised from 50% in prior draft in response to public comment.

(3) M-C Mixed Use - Corridor District²⁹⁹

Purpose

This district is intended to allow for a broad range of commercial activities that may often be oriented toward automobile access and visibility, as well as multi-family residential uses without the need for rezoning to a Planned Development district. Larger buildings are permitted and less parking is required near the intersections of arterial-arterial, and arterial-collector corners to promote higher bus transit ridership at these nodes where current bus lines exist or future bus service is anticipated. The “transit” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(j). The principal land uses are sales and service activities, as shown in Table 29-3.1 (Permitted Use Table).³⁰⁸

TABLE 29-2-8³⁰⁰
M-C DISTRICT DIMENSIONAL STANDARD SUMMARY

	Current	Transit
LOT STANDARDS		
Minimum lot area		
Minimum lot width at building line	N/A	N/A
BUILDING STANDARDS		
Minimum depth of front yard ³⁰¹	25 ft.	0 ft.
Maximum depth of front yard ³⁰²	N/A	10 ft.
Minimum width of side yard - general	0 ft.	0 ft.
Minimum width of side yard – corner lot street side	15 ft.	10 ft.
Minimum width of side yard – adjacent to R district ³⁰³	20 ft.	20 ft.
Minimum depth of rear yard - general	0 ft.	0 ft.
Minimum depth of rear yard - adjacent to R district ³⁰⁴	20 ft. ³⁰⁵	20 ft. ³⁰⁶
Maximum height of primary building ³⁰⁷	45 ft.	55 ft.
Maximum height of primary building if 1 ft. of additional setback sides provided for each foot of height over 45 ft.	N/A	N/A

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Comment [PRZ43]: Added per public comment to reinforce the district’s flexibility and ability to accommodate a mix of uses without having to rezoned to a PD district. (9/16)

²⁹⁹ Replaces current C-3 district. Material from current Section 29-16 with changes as noted.

³⁰⁰ Higher development intensity permitted in current and potential transit-supportive nodes, as referenced in the Annotated Outline.

³⁰¹ Transit standard revised from 10 ft. to 0 ft. since Module 1.

³⁰² New row since Module 1.

³⁰³ Revised from 10 ft. in Module 1.

³⁰⁴ Revised from 10 ft. in Module 1.

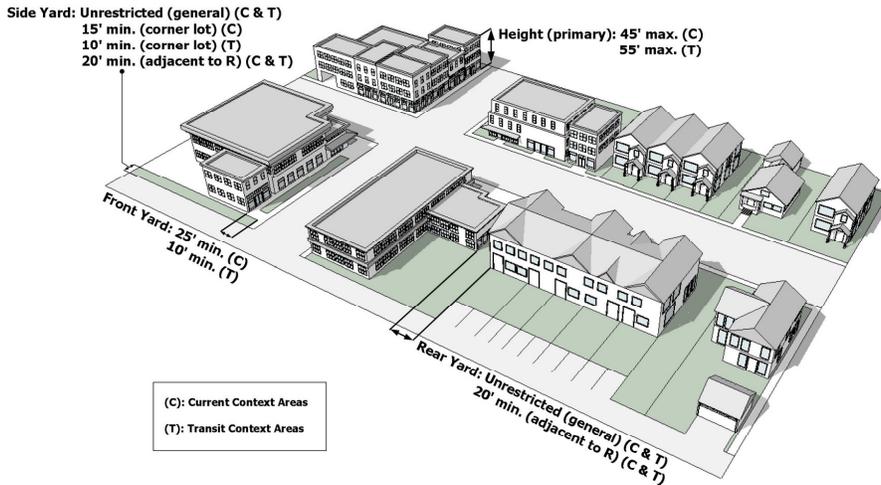
³⁰⁵ Revised from 10 ft.

³⁰⁶ Revised from 10 ft.

³⁰⁷ Provision allowing increased heights for increased setbacks deleted since Module 1.

³⁰⁸ Revised to reflect the goals of *Columbia Imagined* and recommendations in the Annotated Outline.

Illustration



Other Standards³⁰⁹

Where the applicant requests that the M-C “Transit” standards apply:

1. The property shall be located at an arterial street/arterial street or an arterial street/collector street intersection where current bus lines exist or future bus service is anticipated.
2. All property frontages must have sidewalks constructed to City standards.
3. The primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two (2) streets intersect.
4. At least sixty-five (65) percent of the primary building frontage must be built no further than 15 feet from the front lot line.³¹⁰
5. If the building is located on a corner lot, at least forty (40) percent of the secondary building frontage must be built no further than twenty (20) feet from the side lot line adjacent to the secondary street.
6. At the applicant’s option, minimum on-site parking requirements may be reduced up to thirty (30) percent as described in Section 29-4.4 (Parking and Loading).³¹¹

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

³⁰⁹ New standards, per the Annotated Outline.

³¹⁰ Revised from 20 ft. in prior draft, in response to comment, to prevent any portion of setback area from accommodating parking.

³¹¹ Revised from 50% in prior draft in response to public comment.

(4) M-DT Mixed Use - Downtown Form District³¹²

Purpose

The M-DT district is intended to encourage investment and reinvestment that reinforces the diverse pedestrian-oriented and walkable street environment in downtown Columbia. Form-based controls are tailored to ensure that the specific characters of different street frontages and subareas is preserved and strengthened, that automobile traffic does not interfere with the primarily pedestrian character of the area, and that areas adjacent to downtown are not adversely affected by buildings of dramatically different scale or character. Form-based controls are tied to a specific Regulating Plan governing what building form and function can be built in different portions of downtown, how those buildings relate to the street, and where accessory parking areas may be located. Almost all uses are permitted except for low density residential and heavier industrial uses, as listed in Table 29-3.1 (Permitted Use Table).

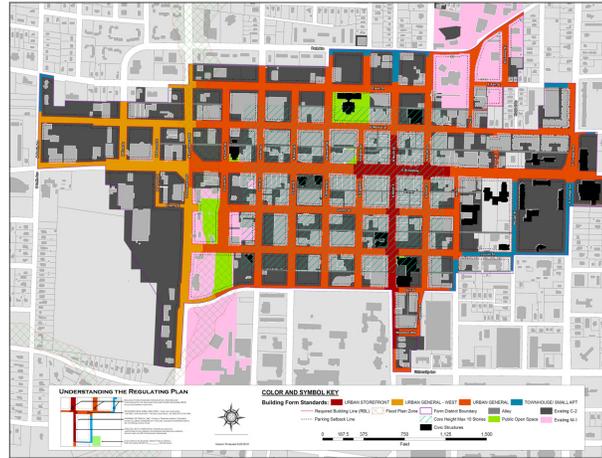


Figure 29-2-9: M-DT Regulating Plan

Examples



Additional Regulations

Development and redevelopment in the M-DT district shall comply with those Building Form Standards in Section 29-4.2 (M-DT Building Form Standards), and shall also comply with all other standards in this Code unless those standards contain an exception for the M-DT district or the type of use, building, or development proposed.

³¹² Replaces current C-2 district material in Section 29-15 with new form-based controls.

(5) M-BP Business/Industrial Park District³¹³

Purpose

The purpose of the M-BP district is to accommodate a mix of **commercial** light industrial, institutional, **and supporting commercial, and multi-family** uses in close proximity through the use of innovative and flexible designs that buffer potential impacts of each use from surrounding uses and adjacent areas, and to promote environmentally sound and efficient use of land without the need for rezoning to a Planned Development district. A wide variety of commercial, research, development, office, distribution, processing, **and institutional, and multi-family** uses are permitted, as listed in Table 29-3.1 (Permitted Use Table).³¹⁹

TABLE 29-2-10³¹⁴
M-BP DISTRICT DIMENSIONAL STANDARD SUMMARY

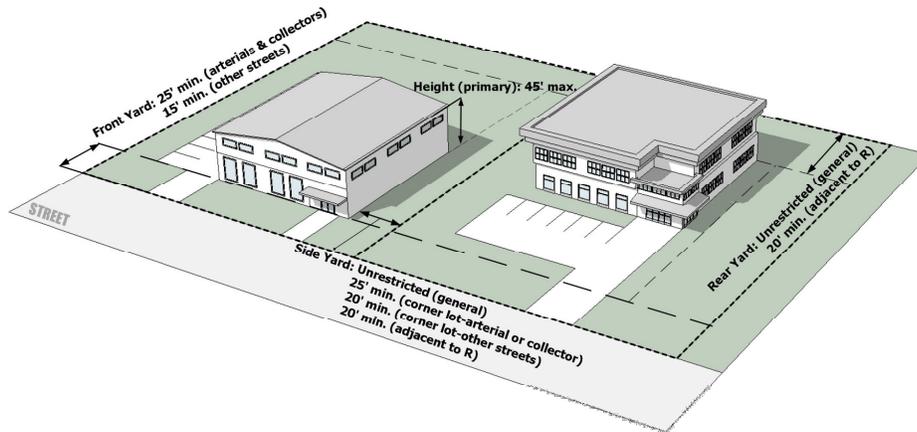
LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS	
Minimum depth front yard – from arterial and collector streets	25 ft.
Minimum depth front yard – from other streets	15 ft.
Minimum width of side yard - general	0 ft.
Minimum width of side yard – corner lot frontage on arterial or collector street	25 ft.
Minimum width of side yard – corner lot frontage on other streets	20 ft. ³¹⁵
Minimum width of side yard – adjacent to residential district ³¹⁶	20 ft.
Minimum depth of rear yard – general	0 ft.
Minimum depth of rear yard – adjacent to residential district ³¹⁷	20 ft.
Maximum height of primary building ³¹⁸	45 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Comment [PRZ44]: Purpose modified to provide greater “identity” and focus to district. (5/16)

Comment [PRZ45]: Added per public comment to reinforce the district’s flexibility and ability to accommodate a mix of uses without having to rezoned to a PD district. (9/16)

Illustration



³¹³ Material from current M-R district (Section 29-18), with changes as noted.

³¹⁴ See Sec. 29-4.1 for any additional changes to dimensional standards.

³¹⁵ Revised from 15 ft.

³¹⁶ Revised from 10 ft..

³¹⁷ Revised from 10 ft..

³¹⁸ Provisions for additional building height with additional setbacks were deleted.

³¹⁹ Revised for clarity, to emphasize flexibility, and to reflect the goals of *Columbia Imagined*.

Other Standards³²⁰

1. In addition to the standards of Section 29-4.5 (Landscaping and Screening), the following shall be required:³²¹
 - a. A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed eight (8) feet in height, shall be required where a lot in this district abuts residentially zoned land. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity and eight-foot minimum height shall be achieved within four (4) full growing seasons. In the event a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening and landscaping shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature and treated to prevent rapid deterioration.³²²
 - b. All exterior storage areas shall be enclosed by a permanent screen at least eight (8) feet in height above the ground surface of the storage area. In the event that an eight (8) foot screen is inadequate to screen such an area, additional screening may be required in such a manner and of such materials as necessary to adequately screen such from public view. However, in no event shall the screen exceed twelve (12) feet in height, except for landscape materials. In no event shall the stored or stacked materials or finished products exceed the height of the required screening. The required screening shall have an opacity of at least eighty (80) percent year around, and if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. When a solid wall, or any solid fence is used for screening, ornamental landscaping shall be placed between the fence and the adjacent property lines. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this chapter.
 - c. Exterior storage areas shall have a permanently dust-free surface.
2. The traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel. The streets within the proposed development shall be public and within a public right-of-way, except private streets may be permitted under the following conditions:
 - a. The streets shall be designed, constructed, and maintained according to any applicable minimum City standards for private streets;
 - b. The streets will serve two (2) or more lots or property in multiple ownership;
 - c. The private streets do not provide the only vehicular access to public streets from other property located outside the development;

³²⁰ Additional materials from Section 29-18(d)(6). Provision allowing Council approval of upper floor setback reduction removed since prior draft. Provisions on approval of a signage Development Plan by Council deleted – standard sign controls apply.

³²¹ Text allowing adjustments in landscaping and screening deleted because now covered in Section 29.4.5(f).

³²² Text requiring landscaping maintenance deleted because now covered by standard provision.

- d. The streets shall be located in designated common areas which shall be platted as a separate lot or lots;
- e. A notation shall be written on the approved plan and recorded plat which reads: "All maintenance of the private streets shown on this plat shall be the responsibility of the owners association or abutting property owners. No private streets shall be dedicated to nor accepted by the City for maintenance until they have been improved to minimum City standards for public streets."; and
- f. The street signs for private streets shall indicate "private street" so as to distinguish them from public streets.³²³
3. A system of pedestrian walkways and/or sidewalks meeting City standards shall be provided and shall connect with existing sidewalk systems or allow for future extensions to activity centers outside the development (i.e., schools, parks, shopping areas, etc.). Sidewalks shall be required along private streets as they would be required for public streets, except that no sidewalks shall be required on the side of a street without any buildings or driveways.³²⁴
4. The provisions of Section 29-4.9 (Signs) shall apply, except that the requirements pertaining to area, height, placement and number of freestanding signs and on premise wall, canopy and awning signs shall be as approved by the Council as part of the development plan.

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

³²³ Standard reading "the traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel" was deleted as too vague to be enforceable.

³²⁴ The vague clause "provisions shall be made for pedestrian travel within the development" was deleted.

(c) Special Purpose Districts³²⁵

(1) IG Industrial – General District³²⁶

Purpose

The IG district is intended to allow for manufacturing, warehousing, office activities, general industrial uses, and access to underground mining, resource, and storage activities, while protecting surrounding areas from any adverse impacts of those activities without the need for rezoning to a Planned Development district. Development may be organized in a planned business or industrial park, or may be in individual buildings on individual lots in older parts of the City. The principal land uses are heavy commercial and industrial uses, as listed in Table 29-3.1 (Permitted Use Table).³³²

TABLE 29-2-11³²⁷
IG DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS ³²⁸	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS ³²⁹	
Minimum depth front yard	25 ft.
Minimum width of side yard - general	0 ft.
Minimum width of side yard – adjacent to R district ³³⁰	20 ft.
Minimum depth of rear yard	10 ft.
Minimum depth of rear yard – if adjacent to R district ³³¹	20 ft.
Maximum height of primary building	N/A

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Comment [PRZ46]: Added per public comment to reinforce the district’s flexibility and ability to accommodate a mix of uses without having to rezone to a PD district. (9/16)

³²⁵ New category of districts, including the I-G, A, O, and PUD.

³²⁶ Consolidates current M-C, M-1, and M-U districts; materials from current Sections 29-19, 29-20, and 29-20.1, with changes as noted. Requirements of the M-U district were not carried over, as underground activities are subject to building and health codes. Entrances to underground activities are limited to the IG district.

³²⁷ See Sec. 29-4.1 for additional changes to dimensional standards.

³²⁸ Minimum project size of 22,000 sq. ft. and min. lot width of 100 ft. from current M-C were not carried over.

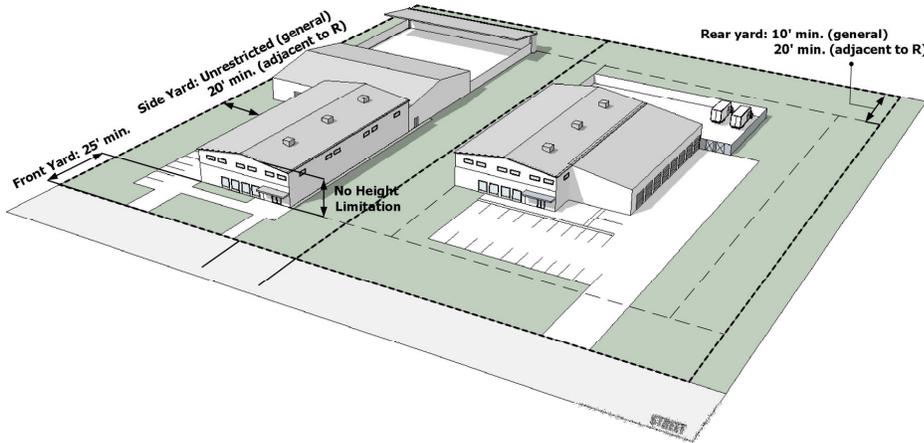
³²⁹ Minimum front setback of 30 ft., rear setback of 30 ft., and side setbacks of 15 ft. from the current M-C district were not carried over.

³³⁰ Revised from 10 ft. in Module 1.

³³¹ New row since Module 1.

³³² Revised to integrate purpose statements from the three included zoning districts.

Illustration



Other Standards³³³

1. No use shall be permitted or so operated as to produce or emit:
 - a. Smoke or particulate matter in violation of the standards of the ordinances of the City.
 - b. Dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans at the property line.
 - c. Vibration or concussion perceptible without instruments at the property line.
 - d. The noise level at any point along the property line shall not exceed:

Octave Band	Decibels
0— 75 CPS	55
75—1,200 CPS	40
1,200—4,800 CPS	25
Above 4,800 CPS	22

- e. Industrial wastes of such quantity and nature as to overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.
2. Access to all underground development activities such as commercial mining and storage shall be through property owned or controlled by the owners of the underground space within the IG district.³³⁴

³³³ General industrial performance standards from current Section 29-18 now apply to current M-1 lands (as well as M-C lands). Landscaping and open spaces requirements from current Section 29-18 were not carried over. Industrial lands will now be subject to standard landscaping and screening provisions in Section 29-4.5.

3. Where applicable, underground space must have a building permit to develop a habitable underground areas and to qualify for a certificate of occupancy.
4. The owners or operators of underground space shall file with the Department a certificate by a Registered Professional Engineer as to the structural integrity of the underground space. Such certificate may provide for exceptions or conditions for building permit approval. The certificate shall be valid for newly added or mined-out areas, if it is so described in the certificate and must have been dated within the past ten (10) years to be valid for its application to new areas.
5. Penetrations from underground space to the surface property above it shall be permitted without regard to the provisions of the IG zoning district, provided that such penetrations are for the purpose of connecting utilities or to contain safety, relief or life-support systems to the underground. All penetrations must be contained within a public easement to assure perpetuity and continued service to the underground development.

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

³³⁴ Standards 2 through 5 are from the current M-U district.

(2) A Agricultural District³³⁵

Purpose

This district is intended to provide for large-scale agricultural uses contained within the City, certain public uses, and facilities or activities best located in a more isolated area. The principal land use is an agricultural area or public facility. Only one principal dwelling and one second principal dwelling are allowed on each lot.³⁴⁰

TABLE 29-2-12	
A DISTRICT DIMENSIONAL STANDARD SUMMARY	
LOT STANDARDS ³³⁶	
Minimum lot area for agricultural and non-residential uses	2.5 acres
Minimum lot area for residential use	N/A ³³⁷
Minimum lot area if no public or community sewer available ³³⁸	N/A ³³⁹
Minimum lot width at building line	60 ft.
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary building	35 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

³³⁵ Carries over current A-1 district; materials are from current Section 29-21.

³³⁶ Minimum dwelling unit size of 650 sq. ft. was not carried over. See Sec. 29-4.1 for other changes to dimensional standards. R-1 residential lot size and width standards were included to avoid fragmentation of land into R-1 lots without rezoning.

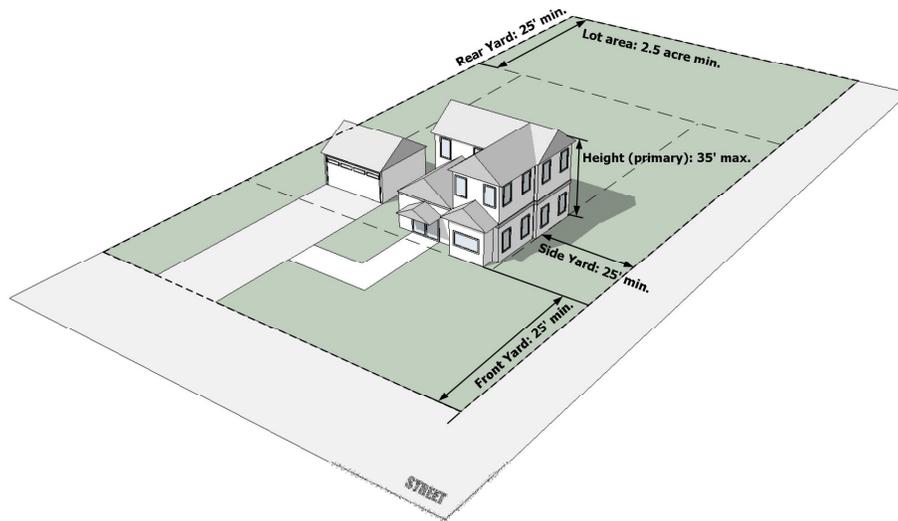
³³⁷ Revised from 7,000 sq. ft.

³³⁸ New standard since Module 1 to address gap in Code.

³³⁹ Revised from 15,000 sq. ft.

³⁴⁰ Purpose statement revised to clarify that only two dwelling units (maximum) are permitted on a lot in the A district. 7,000 sq. ft. minimum lot size will be deleted in Module 2.

Illustration



Other Standards

1. All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.
2. No more than two (2) contiguous residential lots may be created in this district. The creation of additional lots requires rezoning to the R-1 district and approval of a subdivision.³⁴¹

³⁴¹ New provision to prevent fragmentation of agricultural land and creation of significant residential areas without compliance with subdivision standards.

(3) O Open Space District³⁴²

Purpose

The O district is intended to ensure and regulate the use of publicly owned parks, open space, and nature reserves, as well as designated private open spaces within master planned developments or subdivisions with the consent of the property owner.

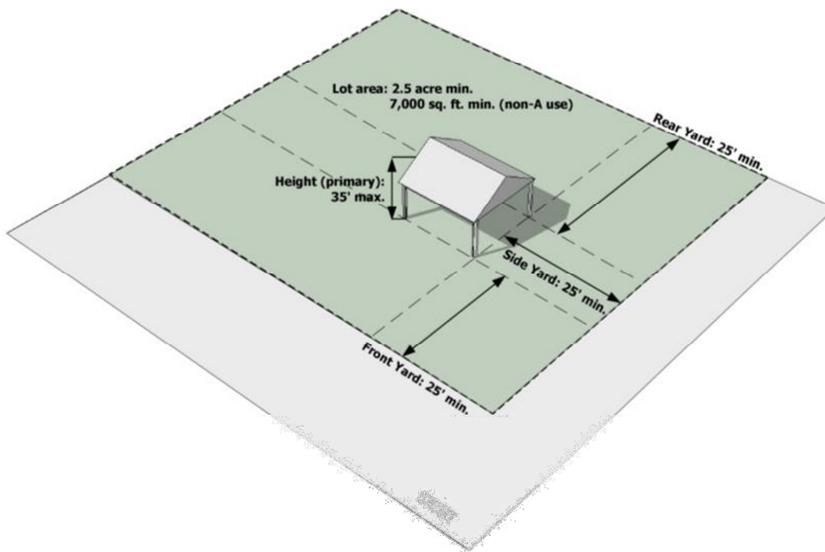
TABLE 29-2-13³⁴³

O DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area for agricultural uses	2.5 acres
Minimum lot area for non-agricultural uses ³⁴⁴	N/A
BUILDING STANDARDS	
Minimum depth front building setback	25 ft.
Minimum width of side building setback	25 ft.
Minimum depth of rear building setback	25 ft.
Maximum height of primary building	35 ft.

This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Illustration



Other Standards

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.

³⁴² New district.

³⁴³ See Sec. 29-4.1 for additional changes to dimensional standards.

³⁴⁴ Reduced from 7,000 sq. ft. in Module 1.

(4) PD Planned Development³⁴⁵

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:

1. To allow for a mixture of housing types and densities located in proximity to each other.
2. To allow for mixtures of residential and non-residential uses located in proximity to each other when any potential adverse impacts have been minimized, mitigated, screened or buffered.
3. To provide for more usable and suitably-located common open space and amenities, including but not limited to clustered patterns of development and open space than would otherwise be provided under the City's base zone districts.
4. To require that Planned Developments provide to the City amenities or benefits that help achieve the goals of the *Columbia Imagined* comprehensive plan (as amended) and that are not otherwise required by the base zoning districts in return for the added flexibility in uses and design offered by the PD District.³⁴⁶
5. To ensure that approved Planned Developments are efficient to administer over time.

Eligibility

Any property in the City, except property located in the M-DT zone district, may be rezoned to a PD zone district.

Permitted and Conditional Uses

1. An application for rezoning to a PD district shall identify which of the uses listed in Table 29-3.1 (Permitted Use Table) will be Permitted or Conditional uses in all or specific portions of the PD district.
2. The application may include some of the general uses listed in Table 29-3.1 and state that some of the specific uses included in the definition will not be included in the PD, or that some of the included uses will be subject to different or additional Use-specific Standards than those listed in Section 29-3.3 (Use-specific Standards). If not modified by the PD application, all of the Use-specific standards listed in Section 29-3.3 will apply to the listed Permitted and Conditional uses.
3. The application for rezoning to a PD district may not include any use that is not listed in Table 29-3.1 (Permitted Use Table). Uses not listed in Table 29-3.1 are only available through an amendment to that Table approved by Council in a separate action.

Comment [PRZ47]: Conditional uses are currently not permitted. Allowing such uses would create an additional administrative step for approval. All uses to be within PD and their accompanying use-specific standards need to be defined at the application stage. (9/16)

Comment [PRZ48]: Removed for simplification. If a use is proposed that was shown as "conditional" as a permitted use and the "use-specific" standards are not changed they would apply. (9/16)

³⁴⁵ Replaces the current PUD (Section 29.10), O-P (Section 29-13.1), C-P (Section 29-17) and M-P (Section 29-19.1) districts. The ordinance adopting the new Columbia Development Code will clarify that each PUD, O-P, C-P, or M-P zoning approved before the effective date will continue to be regulated by the terms of that approval, but that amendments to those approvals, and new Planned Development approvals, will be subject to the terms of this new, simpler PD district.

³⁴⁶ New provision."

Development and Form Standards

1. The PD application may include variations in any Development or Form standard in Chapter 29-4 that would otherwise be applicable in the PD district. Unless varied by the terms of the PD application, the provisions of Chapter 29-4 (Development and Form Standards) otherwise applicable to the same type of development will apply.
2. If the PD application would permit buildings within 100 feet of the edges of the PD property that are more than one (1) story taller than the tallest building permitted in the adjacent zone district, the PD application shall include provisions to mitigate, screen, or buffer the visual, lighting, and traffic impacts of that taller development on the adjacent zoning district.
3. If the PD application includes non-residential ~~Permitted or Conditional~~ uses within 100 feet of the edges of the PD property abutting any R-1, R-2, R-MF, or R-MH district, the PD shall include provisions to mitigate the traffic, lighting, noise, or hour-of-operation impacts of that non-residential development on the adjacent R-1, R-2, R-MF, or R-MH zoning district.

Comment [PRZ49]: Removed for simplification.
No conditional uses are allowed. (9/16)

Procedures for Approval and Administration

The procedures for approval of a Zoning Map change to a PD zoning district, are in Sec. 29-5.4(o)(2).

29-2.3 Overlay Zoning Districts

The following overlay zones are hereby adopted, and each shall have the boundaries shown on the Official Zoning Map maintained by the Department. The provisions of each overlay zone district supplement or modify the standards and requirements of the underlying base zone district. In case of a conflict between the provisions of the overlay zone district and an underlying base zoning district, the provisions of the overlay zoning district shall apply. In case a property is included in two (2) or more overlay districts, and the provisions of one or more overlay districts conflict, the more restrictive overlay district provision shall apply.

(a) UC-O Urban Conservation Overlay³⁴⁷

(1) Purpose

The UC Urban Conservation District is intended to promote the health, safety, and general welfare of the public by encouraging the conservation and enhancement of the urban environment. The purposes of the district are:

- (i) To maintain neighborhood character and integrity by focusing special attention on the maintenance of the physical environment; the enhancement of physical, social and economic resources and the accommodation of desirable change;
- (ii) To promote the efficient use of urban lands including the encouragement of compatible infill development on vacant and passed-over parcels;
- (iii) To encourage and to support rehabilitation of the physical environment and programs for the conservation of urban areas; and
- (iv) To foster the harmonious, orderly, and efficient growth, development, and redevelopment of Columbia.
- (v) To recognize and protect specific property, neighborhoods and roadway corridors of special historic, architectural or scenic qualities.

(2) Description

Urban Conservation District overlay zoning may be used with any zoning district if approved pursuant to this Section 29-2.3(a). All regulations of the underlying zoning district shall apply to property within the Urban Conservation District except where modified by the designation ordinance. Areas, tracts, or sites within the UC District shall be identified on the official Zoning Map and in other official writings by the suffix "UC." Once approved, all development and redevelopment in the UC-O area shall be required to comply with the provisions of the UC-O designating ordinance, and the provisions of that ordinance shall be applied in review of all applications by the Department and the Commission.³⁴⁸

³⁴⁷ Carries over materials from current Section 29-21.1, with wording revised for clarity throughout, and with changes as noted to make this tool more effective and to list those UC-Os that have been adopted to date.

³⁴⁸ Last sentence added to clarify that approved UC-O provisions are binding on all development and redevelopment in the area.

(3) Approved UC-O Districts³⁴⁹

The following UC-O Districts have been approved by the Council, and the regulations applicable in each district are provided below. The provisions of each UC-O affect the areas shown for that district below.

(i) Benton-Stephens Neighborhood UC-O



The following standards have been proposed to govern development within the area shown above. THESE STANDARDS HAVE BEEN MODIFIED FROM ORDINANCE # 16424, APPROVED MAY 1, 2000.

- (A) Establishment of Benton Stephens Urban Conservation District.

The zoning district map established and adopted by Section 29-1.4 of the Code of Ordinances of the City of Columbia, Missouri is amended so that the land within the following boundaries shall constitute District UC-O (Urban Conservation Overlay District) and shall be known as the Benton Stephens Urban Conservation District:

Comment [PRZ50]: Modified by Law (9/16)

³⁴⁹ New section.

The north side of East Walnut Street between Old 63 and North College Avenue, the east side of North College Avenue between East Walnut Street and the COLT railroad right-of-way, the southeast side of the COLT railroad right-of-way between North College Avenue and Business Loop 70, the west side of Paris Road between Business Loop 70 and Ammonette Street, the south side of Ammonette Street between Paris Road and Old 63, and the west side of Old 63 between Ammonette Street and East Walnut Street.

(B) Exemptions.

1) This subsection 29-2.3(a)(3)(i) shall not apply to any land in zoning districts PD.

Comment [PRZ51]: Added per Law. (9/16)

2) This subsection 29-2.3(a)(3)(i) shall not apply to any land in zoning districts M-OF, MN, MC, IG except that any new construction within those districts shall comply with the screening requirements of Section 29-4.5.

Comment [PRZ52]: Added per Law. (9/16)

3) This subsection 29-2.3(a)(3)(i) shall not apply to mosques, synagogues, public schools, private colleges, churches, or homeless shelters operated by religious institutions.

Comment [PRZ53]: Added per Law. (9/16)

(C) Home Occupations in District R-1.

1) Home occupations within the R-1 district shall be permitted within the Benton Stephens Urban Conservation District subject to the provisions of Section 29-3.3(kk) except that the provisions limiting the total floor area of the dwelling unit devoted to the home occupation shall be no more 40 percent.

2) Home occupations with non-resident employees may be permitted within the Benton Stephens Urban Conservation District subject to the standards of Section 29-3.3(ll) and upon issuance of a conditional use permit in accordance with the provision of Section 29-5.4(m).

(D) Standards and Criteria. The following criteria apply to all new development in the Benton Stephens Urban Conservation District. Except where otherwise specifically provided, structures existing before passage of this ordinance may be structurally altered but not enlarged without conforming to the requirements of this section. Additional dwelling units shall not be added to a structure without conforming to the requirements of this section.

1) Lot Size.

(a) R-1 district: 7,000 square feet

(b) R-2 district:

(i) Single-family 5,000 square feet

(ii) Duplex, 10,000 square feet

- (c) R-MF district:
 - (i) Single-family, 5,000 square feet
 - (ii) Duplex, 7,000 square feet
 - (iii) Multi-family, 7,500 sq. ft; 2,500 square feet per dwelling unit
- 2) Height and Area. The intent of yard requirements in the Benton Stephens Urban Conservation District is to promote development that is compatible with surrounding residential property. For the purposes of applying setback regulations, the following shall be applied: the front shall be toward the street or access corridor from which the lot is addressed; the rear is opposite to the front or as nearly so as the lot shape permits; and the sides are ninety degrees to the front or as nearly so as the lot shape permits.
 - (a) Front - Not less than twenty-five (25) feet in depth, except when the median setback of all buildings on the same side of the street, within the same block, is greater than 25-feet such median setback shall become the setback for the lot. Up to 25% of the front elevation measured along the adjacent street front may project a maximum of two feet into the required front yard, if such yard is greater than 25-feet in depth, in order to encourage reasonable variety of front facades.
 - (b) Rear - Not less than twenty-five (25) feet.
 - (c) Side - No modification of the standards for the R-1 and R-2 districts. No less than ten (10) feet in the R-MF district.

All corner lots in the Benton Stephens Urban Conservation District shall provide a side yard adjacent to the side street of not less than twenty-five (25) feet, provided this regulation shall not reduce the buildable width of a corner lot of record at the time of passage of this ordinance to less than sixty-five (65) percent of the total width of such lot, and provided further that the minimum side yard regulations of the underlying zoning district must be observed.
 - (d) Building Spacing –
 - (i) In addition to the rear and side yard requirements of the underlying zoning district all structures used as a principle or accessory structure shall be no closer than 30-feet to another structure on the same lot. This provision shall not apply to single-family detached dwellings and their accessory structures provided such accessory structures do not contain additional dwelling units.
 - (ii) The connection of two buildings by a lightly constructed, covered passage, open on each side, shall not be permitted such that the minimum building separation of this section is reduced to less than 30-

feet. This provision shall not apply to a single-family detached dwelling being connected to a customary accessory structure that does not contain additional dwelling units.

(iii) No building shall be constructed across an existing lot line.

(e) Building Height – Building height shall be restricted to a maximum of two stories, not to exceed a maximum building height of thirty (30) feet. This height restriction shall not apply to a single-family detached dwelling.

(E) Parking

- 1) For all uses other than a single-family detached dwelling, off-street parking shall be provided as follows: 2 spaces per dwelling unit (DU) containing up to 2 bedrooms; 2.5 spaces per (DU) containing 3 or more bedrooms. One additional space for every 4 bedrooms shall be provided for guest parking.
- 2) Off-street parking facilities associated with the construction of a new structure, the alteration of a structure, or the change of use of an existing structure shall not be located forward of the any structure on the subject lot or parcel. This provision shall not apply to a single-family detached dwelling.
- 3) For all uses other than a single-family detached dwelling, parking may be located to the side of a structure if parking to the rear is unavailable. In such instances, parking to the side of a structure shall not exceed sixty (60) feet in length and shall be screened from adjacent property in accordance with Section 29-4.5(e) (Property Edge Buffering) or by a landscape strip no less than 6-feet wide containing a 6-foot tall screening device and no less than four (4) categories of planting materials listed in Section 29-4.5(c)(6), whichever is most restrictive.

(F) Screening and Landscaping Requirements. No modification to the underlying zoning district; except for the following:

- 1) A minimum of fifty (50) percent of the total land area of any tract, parcel or lot shall be retained as green space (non-pervious areas - use of pervious pavement shall not be considered green space). Required screening, buffers, and stormwater management areas may be counted toward meeting this requirement.
- 2) Parking areas containing more than two (2) spaces within twenty-five (25) feet of a street right-of-way or alley shall be screened from view as required by Section 29-4.5(d) or by the installation of a six (6) feet wide landscaping strip located within the private yard area (street yard) separating the parking area from the abutting street right-of-way or alley that contains no less than four (4) of the categories of planting materials listed in Section 29-4.5(c)(6), whichever is most restrictive. The street yard landscaping strip shall be further improved with street trees in accordance with the Section 29-4.5(d)(ii).

- 3) In addition to the above, paved areas developed after August 19, 1991, exceeding four thousand (4,000) square feet in area, and additions exceeding four thousand (4,000) square feet in area to paved areas that were developed prior to August 19, 1991, shall contain a minimum of one (1) tree within a growspace/island of at least 170 square feet within the interior for every four thousand (4,000) square feet of paved area.
 - 4) Parking areas containing more than two (2) spaces or loading/unloading areas within fifty (50) feet of a single-family detached dwelling or R-1 or R-2 residential zoning district, not separated by street right-of-way, shall be screened from view of the adjoining use or district in accordance with the standards of Section 29-4.5(e) (Property Edge Buffering).
- (G) Pedestrian Circulation. The traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel. Provisions shall be made for pedestrian travel within the development and shall connect with existing pedestrian systems and allow for future extensions to activity centers outside the development.
- (H) Porches. Covered porches facing the front yard are required to be constructed on all newly constructed non-accessory structures in the Benton Stephens Urban Conservation District. The front-facing covered porch shall be a minimum length of 40% of the front width of each dwelling unit with a minimum depth of six (6) feet, and shall have a railing.
- (I) Roof Type and Pitch. All newly constructed non-accessory structures shall have gabled or hip roofs with pitches having a minimum slope of four units vertical in twelve units horizontal.
- (J) Orientation to the Street. All new non-accessory structures erected in the Benton Stephens Urban Conservation District shall provide front entrances, windows and porches oriented to the street from which it is addressed.
- (K) Garages .Attached garages with garage doors facing the front lot line shall not be more than ten feet in width, nor shall the garage extend forward of the front building wall face.
- (L) Side Porches, Entrances or Balconies. Side porches or balconies should not extend into side yards. For all uses other than detached single-family uses, side entrances are allowed only if the side yard building setback is increased to a minimum of fifteen (15) feet.
- (M) Air Conditioning Units and Heat Pumps - Air conditioning (A/C) units and heat pumps shall not be located forward of the front building wall face. All A/C units or heat pumps located in a side yard shall be screened from front and side yard view with an appropriate permanent yard structure or evergreen plantings.

- (N) Building Face Design. Every building face shall contain a minimum ten (10) percent of the total face square footage in glazing and at least 1 of the following design features shall be incorporated within each 25 feet of horizontal primary façade length: (1) Roof dormers; (2) Gables; (3) Recessed entries; (4) Covered porches; (5) Pillars, pilasters or posts; or (6) Bay windows.
- (O) Building Face Articulation. Any building face, or screening or fencing greater than thirty (30) feet in length shall be constructed with a differing projection at least once every thirty (30) linear feet.
- (P) Prohibited Elements. The following are prohibited fencing and screening materials: chicken wire, hardware cloth (of any size) and pallets. All fencing in disrepair shall be removed or repaired appropriately.
- (Q) Stormwater Management.
- 1) A stormwater management plan shall be required for any lot that undergoes redevelopment or enlarges an existing building (principle or accessory) footprint by more than 25% or 500 square feet, whichever is less. Such management plan, when required, shall be prepared in accordance with the provisions of Chapter 12 A of the City Code. Single-family detached dwellings, on individual lots, shall be exempt from the preparation of a stormwater management plan.
 - 2) Facilities required to manage stormwater impacts created by redevelopment or alteration of existing structures may be included within a site's required 50% green space per Section 29-3.3(i)(F)(1) provided such facility is not also used as sidewalk or parking surface. Facilities that may be included in the 50% green space calculation could include, but are not limited to, a rain garden, bio-swale, or other site feature capable of fulfilling the intended stormwater management function required that is approved by the Director of Community Development.
- (R) Procedure for Review and Approval of Development Plans.
- 1) Prior to the issuance of a building permit for any uses other than a detached single-family use in the Benton Stephens Urban Conservation District, the applicant shall submit a development plan for review and approval by the Director of Community Development. Upon receiving the development plan, within 2 business days, the director shall notify the Benton-Stephens Neighborhood Association in writing and send a copy of the development plan for review.
 - 2) The development plan submittal shall be clearly drawn in ink on eight and one-half (8-1/2) inch by eleven (11) inch or eighteen (18) inch by twenty-four (24) inch sheets of single or double matted polyester film or an approved equivalent, at a scale of at least one (1) inch equals twenty (20) feet.

Comment [PRZ54]: Revised since all stormwater requirements are to remain in Chapter 12A. (9/16)

- 3) The development plan submittal shall include the following:
 - (i) A legal description of the property to be developed;
 - (ii) The boundaries and dimensions of the lot or lots to be developed and the boundaries and dimensions of all adjacent lots;
 - (iii) The location of all lot setback lines along street rights-of-way;
 - (iv) The location and designation of all easements on the lot to be developed;
 - (v) The location of all existing buildings on, and adjacent to, the lot or lots to be developed;
 - (vi) The proposed location of all new structures including the location and dimensions of entrances, windows, porches, balconies and attached garages;
 - (vii) The location and dimensions of all existing and proposed parking areas;
 - (viii) The location and dimensions of all proposed sidewalks and pedestrian systems;
 - (ix) The landscaping plan showing compliance with Paragraph (d), above.
 - (x) The stormwater management plan, when required by these provisions.
 - (xi) Other information deemed necessary to show compliance with this section.
- 4) The Director of Community Development shall approve a development plan that complies with the items in subparagraph (R)(3) of this subsection within 10 working days of receiving the plan. A copy of the approved plan shall then be sent to the building regulations supervisor.

(ii) East Campus UC-O



The following standards have been undergone THE TECHNICAL REVISIONS AS SHOWN for integration into this UDC. NO SUBSTANTIVE CHANGES TO THE PROVISIONS OF ORDINANCE # 17722, APPROVED JUNE 16, 2003 OR ORDINANCE # 17627, APPROVED March 17, 2003 HAVE BEEN MADE.

(A) Establishment of East Campus Urban Conservation District.

The zoning district map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri is amended so that the land within the following boundaries shall constitute will become a part of District U-C-UC-O (Urban Conservation Overlay District) and shall be known as the East Campus Urban Conservation District:

Comment [PRZ55]: Modified per Law. (9/16)

A tract of land in the north half of Section 18 and the southeast quarter of the southwest quarter of Section 7, both in Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said tract being described as follows:

BEGINNING at the center of the intersection of Lee Street and Wilson Avenue; thence southerly along the centerline of Lee Street and the southerly prolongation thereof to the centerline of Rollins Street; thence easterly along said centerline and the easterly prolongation thereof to the center of Hinkson Creek; thence upstream along said creek centerline to the centerline of Old 63; thence northerly and northwesterly along said street centerline to its intersection with the easterly prolongation of the north line of Lot 10 of McNab Subdivision as recorded in Plat Book 4 at page 42; thence westerly along said prolongation and north line and the north lines of Lots 11 and 12 of said subdivision to the northeast corner of Lot 18 of East Highlands Addition as recorded in Plat Book 1 at page 11; thence westerly along the north line of said

Lot 18 and the north lines of Lots 17, 16,15 and the westerly prolongation thereof to the centerline of vacated Rockhill Road; thence westerly along the easterly prolongation of the north line of Lot 22 of Block 4 of Fyfer's Subdivision of Fyfer's Addition as recorded in Plat Book 1 at page 42 to the northeast corner of said Lot 22; thence continuing westerly and northwesterly along the north lines of said Lot 22 and Lots 21, 20, 19, 18,17 and 16 of said Block 4 to the southeast corner of Lot 5 of said Block 4; thence northerly along the east lines of said Lot 5 and Lot 4 of said Block 4 to the southeast corner of Lot 1 of Block 2 of said plat; thence easterly to the southeast corner of Lot 2; thence northerly to northeast corner of Lot 2; thence westerly along the north line of said Lot 1 and the westerly prolongation thereof to the centerline of Ann Street; thence southerly along said street centerline to the centerline of Anthony Street; thence westerly along the last said centerline to the centerline of William Street; thence northerly along the last said centerline to the easterly prolongation of the north line of Lot 5 of Cole and Ingels' Subdivision of Lots in Shields Eastern Addition as recorded in Plat Book 3 at page 31; thence westerly along said prolongation and north line to the northwest corner of said Lot 5; thence southerly to the southwest corner of said Lot 5; thence easterly to the northwest corner of Lot B of said subdivision; thence southerly along the west lines of said Lot B and Lot A and the southerly prolongation thereof to the centerline of Bass Avenue; thence westerly along said centerline to the southerly prolongation of the east line of Lot 11 of Shields Eastern Addition as recorded in Book 45 at page 212; thence northerly to the northeast corner of said Lot 11; thence westerly along the north lines of said Lot 11 and Lots 10, 9 and 8 and the westerly prolongation thereof to the centerline of Dorsey Street; thence southerly along said centerline to the centerline of said Bass Avenue; thence westerly along last said centerline to the northerly prolongation of Lee Street; thence southerly to the POINT OF BEGINNING and excepting therefrom Lots 7, 8, 10 and 11 of Anthony's Addition as recorded in Book 80 at page 14, said lots currently being zoned ~~O-MFØ-P~~.

The provisions of this ordinance shall apply only to the East Campus Urban Conservation District. All regulations of Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri, including regulations pertaining to the underlying zoning districts shall apply to property within the East Campus Urban Conservation District except where modified by this subsection 29-2.3(a)(3)(ii)."

Comment [PRZ56]: Added per Law. (9/16)

(B) Exemptions.

1) This subsection 29-2.3(a)(3)(ii) shall not apply to any land in zoning districts ~~PUD, O-1, O-P or C-P, PD, or M-OF.~~

Comment [PRZ57]: Added per Law. (9/16)

2) This subsection 29-2.3(a)(3)(ii) shall not apply to the following uses: hospitals, mosques, synagogues, public schools, private colleges or churches.

Comment [PRZ58]: Added per Law. (9/16)

(C) Uses.

Rooming houses, boardinghouses or lodging houses. One-family dwellings may not

be converted to rooming houses as defined in the Rental Unit Conservation Law (Chapter 22, Article V of the City Code) or to boardinghouses or lodging houses after September 17, 2005.

(D) Standards and Criteria.

The following criteria apply in the East Campus Urban Conservation District:

- 1) *Building height.* If a building that does not conform to the building height requirement of the underlying zoning district is damaged by fire or natural disaster, it may be rebuilt to its previous lawful nonconforming height, plus three feet but shall not be rebuilt to exceed the previous number of stories.
- 2) *Roof pitch.* Seventy-five percent (75%) of the roof area on newly constructed non-accessory structures shall have a minimum slope of four units vertical in twelve units horizontal.
- 3) *Windows.* A replacement window that faces a street shall reasonably match the appearance of remaining windows and shall be at least 75% of the size of the original window. Infill material for removed or replaced windows shall reasonably match the exterior wall material. This section shall not apply to windows that are part of a porch that has been converted to habitable space before passage of this subsection 29-2.3(a)(3)(ii).
- 4) *Trash.* A dumpster, other than a temporary dumpster, shall not be located in a required front yard. A dumpster located between the midpoint of a building and the required front yard shall be screened on the street side with a wooden fence. A dumpster installed after the passage of this subsection 29-2.3(a)(3)(ii) shall be located on a hard surface at or behind the midpoint of the building. Roll carts must be located on the side or in the back of the building unless driveways, stairs, landscaping, proximity to another person's living area or other circumstances make back or side placement impractical.
- 5) *New duplexes and apartments on legal lots at least sixty (60) feet wide.* Duplexes (in district R-2 or ~~R-3R-MF~~) and multiple-family structures (in district ~~R-3R-MF~~) built after passage of this subsection 29-2.3(a)(3)(ii) on legal lots established before January 1, 2002 that are at least sixty (60) feet wide at the building line may be constructed either in accordance with the standards of Chapter 29 of the Code of Ordinances or in accordance with the following standards:
 - (i) The total number of bedrooms in the building shall not exceed four (4) for each two thousand five hundred (2,500) square feet of the legal lot. A studio is considered one bedroom.
 - (ii) A total of four (4) people are allowed in any combination of dwelling units for each two thousand five hundred (2,500) square feet of the legal lot.

Comment [PRZ59]: Added per Law. (9/16)

Comment [PRZ60]: Added per Law. (9/16)

Comment [PRZ61]: Added per Law. (9/16)

(iii) One parking space is required for each two bedrooms in the structure.

6) *New two or more story structures on small ~~R-3-R-MF~~ legal lots.* Two or more story (excluding basement) duplex and multiple-family structures built after passage of this subsection 29-2.3(a)(3)(ii) on legal lots established before January 1, 2002, less than sixty (60) feet wide at the building line in zoning district ~~R-3-R-MF~~ may be constructed either in accordance with the standards of Chapter 29 of the Code of Ordinances or in accordance with the following standards:

Comment [PRZ62]: Added per Law. (9/16)

Comment [PRZ63]: Date added to define look-back threshold for legal lot status in recognition that the definition of "legal lot" is changed in proposed UDC. This provision is identical to item "e" above. (9/16)

(i) The structure shall contain no more than four (4) bedrooms and no more than four (4) dwelling units.

(ii) The total number of persons over the age of seventeen residing in the structure shall not exceed the number of bedrooms in the structure. A studio is considered one bedroom.

(iii) The number of required parking spaces shall equal the number of bedrooms in the structure.

7) *Lot size and parking waiver.* The lot size and required parking requirements of Chapter 29 of the City Code shall not apply to any property in District ~~R-3-R-MF~~ that has a change of use to duplex or multiple dwelling units provided that:

(i) There is no increase in the number of bedrooms,

(ii) The width of the property is forty-five (45) feet or more,

(iii) The exterior architectural features of the structure are not modified,

(iv) The footprint of the structure is not enlarged more than one foot in any direction.

(E) Violations and penalties.

The violations and penalties provisions of section ~~29-39-29-5.6~~ of the Code of Ordinances of the City of Columbia, Missouri shall apply to the provisions of this subsection 29-2.3(a)(3)(ii) so that a violation of this subsection 29-2.3(a)(3)(ii) shall be the same as a violation of the zoning ordinance.

Comment [PRZ64]: Added per Law. (9/16)

Comment [PRZ65]: Added per Law. (9/16)

(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

Comment [PRZ66]: Per Law, this provision is potentially illegal and recommends its removal or modification to not limit Council's ability to revise the overlay if necessary and in the public interest. (9/16)

Comment [PRZ67]: Added per Law. (9/16)

owner-occupants of property in the District and at least seven nonresident-landlords of property in the District.

(4) Designation Procedure

The City may designate areas, tracts or sites for inclusion in an Urban Conservation District pursuant to Section 29-5.4(o) (Ordinance Text and Zoning Map Amendments) subject to compliance with this section.

- (i) A proposal to designate a UC-O may be made by the Council, or by Council recognized neighborhood organizations of the area to be designated, or by property owners in the area to be designated. If not initiated by Council, the application requires (a) a petition signed by the owners of fifty (50) percent or more of the parcels of land within the boundaries of the proposed district or property owners representing fifty (50) percent or more of the area of land to be designated³⁵⁰ and (b) a statement documenting the conditions justifying a UC-O designation and the purposes and intent of the designation.
- (ii) If the Director confirms that the application meets the requirements of subsection i above, the City shall work with the applicants to prepare a draft ordinance reflecting the intent of the application, and the Planning and Zoning Commission shall hold a public hearing and notice shall be given to all owners of affected property in accordance with the requirements of Section 29-5.3 (c) (Notice of Public Hearing).
- (iii) The Commission may solicit and present expert testimony or documented evidence regarding the importance and effects of urban conservation within the proposed district. Testimony from neighborhood organizations affected shall be directly solicited and considered by the Commission.
- (iv) Following a public hearing and recommendation from the Commission, Council shall take action on the application pursuant to Section 29-5.4(o) (Ordinance Text and Zoning Map Amendments).
- (v) An application to amend an approved UC-O designation may be initiated and shall be reviewed and may be approved using the same procedures used for designation of the UC-O.

(5) Designation Ordinance³⁵¹

The ordinance designating the UC-O shall identify the district boundaries, which shall be compact, contiguous and uniform, and may also include provisions governing:

- (i) Permitted, conditional, or prohibited use of land;
- (ii) Use-specific Standards for particular uses of land,³⁵²

³⁵⁰ Reference to 50 percent of land area has been added to enable petitions supported by large property owners in the area even if that reflects less than 50 percent of the parcels.

³⁵¹ Provisions for historic preservation have been deleted, since those were contingent on Council establishing a historic preservation Commission and procedures, which has not happened. Historic structure designation and protection should be conducted through that process, not through the UC-O. Similarly, provisions for protection of Scenic Roads were not carried over, because those can be protected through the SR-O.

³⁵² New provision to strengthen this tool.

- (iii) Density or intensity of land use such as minimum lot size, maximum floor area, floor area ratios, number of dwelling units per acre, minimum lot area per dwelling unit, or other related provisions;
- (iv) Area and bulk restrictions including setbacks, maximum lot coverage, height controls, open space requirements and other related provisions;
- (v) Parking regulations such as the number of required spaces per type of use, the location and design of parking areas, lighting, and other related provisions;
- (vi) Landscaping and screening; and
- (vii) Sign regulations.

(6) Designation Criteria³⁵³

The Commission may recommend approval of a UC-O, and Council may approve a UC-O, if it determines that the following criteria are satisfied:

- (i) A substantial portion of the property owners, residents or tenants of the proposed UC-O area desire and support urban conservation efforts;³⁵⁴
- (ii) District designation conforms to adopted City plans and policies; and³⁵⁵
- (iii) UC-O designation would be an appropriate and effective method for conserving the existing area and preventing development that would erode that character.

(b) SR-O Scenic Roadway Overlay³⁵⁶

(1) Purposes

The SR-O district is intended to promote the conservation, preservation and enhancement of the scenic, natural and historic qualities and landscape of scenic roadway areas as well as promoting the health, safety and general welfare of the public. The purposes of the district are:

- (i) To preserve the scenic character of designated roadways and, where possible, preserve scenic views from the roadways.
- (ii) To maintain the natural beauty of the landscape as it currently exists along designated roadways.
- (iii) To encourage development that is compatible with and, where possible, enhances such natural beauty.
- (iv) To encourage safe and efficient traffic flow along designated scenic roadways for all modes of travel.

³⁵³ These criteria have been simplified and clarified, with vague language removed, but the code now requires that the Council make all three findings rather than one of six.

³⁵⁴ Revised to clarify that the finding is not that all or a majority of these groups need to be in support. The designation of a UC-O – like all zoning – is a legislative action based on the Council's opinion of the best interests of the City. Formal opposition is still available through the zoning protest process.

³⁵⁵ Drafting error corrected based on public comment.

³⁵⁶ Carries over current Section 29-21.2, with wording revised for clarity, and with revisions as noted.

(2) Minimum Width of SR-O

The minimum lot width at the right-of-way line of a designated scenic road for R-MF and nonresidential zoning districts shall be three hundred (300) feet.

(3) Approved SR-O Districts³⁵⁷

The following SR-O Districts have been approved by the Council, and the regulations applicable in each district are on file with the Department. The provisions of each SR-O affect the areas shown for that district below.

(i) Rocky Quarry Road



(4) Site Development Regulations

All land and buildings within an approved SR-O district shall comply with all regulations of the underlying zoning district and applicable sign regulations, unless modified by one of the following, in which case the standards in this subsection (3) shall apply:

- (i) *Underground utilities.* All on-site utilities shall be located underground unless required by the utility to be otherwise located.
- (ii) *Vegetative buffer.* The existing vegetative buffer shall be maintained on any part of the property that is located (a) within seventy-five (75) feet of the centerline of a local residential street, or (b) within eighty-three (83) feet of the centerline of a collector

³⁵⁷ New section.

street, or (c) within one hundred (100) feet of the centerline of an arterial street. Installed landscaping may be added to the vegetative buffer area to meet screening requirements defined elsewhere in this Code.

- (iii) *Addressing.* Where building addressing requirements of Chapter 24 cannot be met due to the vegetative buffer or a building's distance from the roadway, the address or addresses shall be clearly marked at the roadway's edge by the property owner in a manner acceptable to the Director.
- (iv) *Signs.* The sign regulations of Section 29-4.9 shall apply, except where modified in this subsection. Only monument signs are allowed. A monument sign is a sign attached directly to the ground or a base attached directly to the ground and not supported by poles, uprights or braces. Internal lighting of signs, neon or flashing signs, and roof signs shall not be permitted. All spotlights and exterior lighting shall be oriented away from adjacent properties and the scenic roadways.
- (v) *Building floodlighting.* Building floodlighting is not permitted in nonresidential zoning districts within the scenic roadway area.
- (vi) *Minimum driveway spacing.* The minimum distance between the center of driveways onto a designated scenic roadway shall be two hundred twenty (220) feet for any tract, lot or parcel. No tract, lot or parcel shall have more than two (2) driveways.

(5) Designation Procedure

The following procedure shall be followed in designating scenic roadways:

- (i) A proposal to designate a scenic roadway may be made by (a) the Council, or (b) an application by interested citizens, citizen groups or a recognized neighborhood organization, or (c) an application signed by owners of fifty (50) percent or more of all parcels of land with frontage along the proposed scenic roadway segment.
- (ii) The Council action or interest group/property owner application must include a statement identifying the criteria set forth in subsection 6 below that support the scenic roadway designation and shall state the purposes and intent of the designation.
- (iii) City staff shall prepare a report for the Commission, and the Commission shall hold a public hearing on the SR-O designation request. The staff report and the recommendations of the Commission shall be forwarded to the Council, which will conduct a public hearing to take action on the proposed designation.

(6) Designation Criteria

The Commission may recommend approval of an SR-O, and Council may approve an SR-O, if it determines that the following criteria are satisfied:

- (i) The street affords the opportunity for the public to enjoy the natural beauty of hills, valleys, creek bottoms or vegetation;
- (ii) The street is adjacent to significant natural landscape elements such as undisturbed native tree associations, rock formations and old growth trees;
- (iii) The street offers scenic views or vistas from the roadway;

- (iv) The street traverses or is adjacent to environmentally sensitive areas such as wetlands, woodlands, park land or private conservation areas.
- (v) In all instances, the proposed scenic roadway shall be comprised of contiguous roadway sections and have readily identifiable termini such as creeks, bridges, arterial streets or other prominent physical landmarks.

(7) Plan, Design, and Management

- (i) Within ninety (90) days after designation of an SR-O district by Council, the Public Works Department³⁵⁸ shall initiate a corridor study and planning process, to identify existing conditions, estimate future land use and transportation infrastructure needs, and work with an appointed stakeholder advisory group to determine values and preferences regarding scenic preservation and roadway design within and along the corridor. The corridor plan shall result in the development of goals, objectives, policies and recommendations to guide future land use, transportation planning, and design decisions.
- (ii) The Council shall appoint a corridor plan stakeholder advisory group of up to fifteen (15) members with the following composition. One-third (1/3) shall be residents who live along the affected scenic road corridor, including at least one (1) resident property owner; one-third (1/3) shall be representatives of the general public, who may be from various interested citizen groups; and one-third (1/3) shall be officials, including members of the Commission, the Environment and Energy Commission, the Parks and Recreation Commission, the Bicycle and Pedestrian Commission, the Department staff, and the Council member from the affected ward.
- (iii) With input from the advisory group, the Public Works Department³⁵⁹ staff shall prepare the corridor plan. The Commission shall hold a public hearing on the scenic roadway corridor plan, and the staff report and the recommendations of the Commission shall be forwarded to the Council. The Council will conduct a public hearing to take action on the proposed corridor plan.

(8) Roadway Design

Roadway design, including the design of proposed alterations and improvements, shall be coordinated with the City's capital improvement project schedule and shall substantially conform to the adopted corridor plan, as set forth below. Public input shall be collected by the public works department during the design phase.

- (i) *Timing.* Any improvements recommended by the corridor plan should be considered for inclusion in the City's capital improvement program, which is used to coordinate scheduling, funding, design, and construction of future capital projects, and is subject to Council approval.
- (ii) *Consistency with corridor plan.* The design shall be consistent with the goals, objectives, policies, and recommendations of the corridor plan. Pedestrian and bicyclist facilities and access management shall also be considered in the roadway design, understanding

³⁵⁸ Revised to clarify that Commission is not responsible for this activity, in response to comment.

³⁵⁹ Department staff clarified since prior draft.

that design options that are away from the road may need to be designed to preserve and enhance the scenic quality of the road.

- (iii) *Stakeholder advisory group.* The stakeholder advisory group shall weigh the level of service needs of all intended roadway users against S-R district preservation goals in proposing specific design options for the roadway.
- (iv) *Modifications to City roadway design standards.* Modifications to the applicable roadway design standards should be considered to aid in preserving scenic characteristics of the roadway. The use of materials that blend into and complement the scenic characteristics of the roadway, including, but not limited to, stone and timber, should be used for bridges, guard rails, guideposts and other engineered structures, provided that they meet safety standards set forth in The American Association of State Highway and Transportation Officials Roadside Design Guide. Scenic road curves should be retained as much as possible, speed limited, and no curve banking.
- (v) *Public involvement process.* Public involvement during the scenic roadway design phase shall consist of regular pre-design stakeholder input meetings, as needed, to fully address design issues, followed by at least one (1) additional stakeholder input meeting once a preliminary design has been completed by the Public Works Department. Upon completion of a preliminary roadway design, City staff shall prepare a report for the Planning and Zoning Commission. The Commission shall hold a public hearing on the proposed design. The recommendations of the Planning and Zoning Commission and the staff report shall be forwarded to the Council, which will conduct a public hearing in accordance with the standard public improvement process set forth in Chapter 22 of the City Code and take action on the proposed roadway design.

(9) Routine Maintenance

The City shall maintain scenic roadways in good repair and in passable condition by routine maintenance. However, such routine maintenance shall be performed in a manner to protect and maintain the scenic characteristics of the roadway to the extent feasible. For the purposes of this section, the term "routine maintenance" shall include:

- (i) Road cleaning, including removal of snow or other debris from the road surface.
- (ii) Removal of dead, seriously diseased or damaged trees and branches that pose a threat to public safety; trimming branches to allow school buses, emergency vehicles, and other vehicles to pass; (the corridor plan may prohibit larger vehicles from using the road or they may be limited by the Council to preserve the scenic quality of the road); trimming and removal of brush and removal of boulders and other obstacles that encroach on the traveled portion of the road or obstruct established sight lines required for safety; necessary cutting and trimming of brush or trees for utility lines (as established in the corridor plan); and trimming of brush to enhance and protect scenic views, stone walls, mature trees, and other scenic characteristics of the scenic road as set forth in its designation.
- (iii) The correction of road drainage problems, including, but not limited to, the removal of trees, shrubs, silt and other material from existing drainage structures, and the replacement of cross culverts, drains and cross culvert drainage pipes. If correction of

the problem involves removing the vegetative buffer, then this must come before the stakeholder advisory group for the group's input and approval.

- (iv) Graveling (or its equivalent) and grading to smooth the surface of unpaved roads, provided that the nature and characteristics of the material used on the road surface remains the same or the surface is restored to a prior passable condition using natural materials such as crushed rock or native stone or the equivalent.
- (v) Repaving, retreatment, or repair of existing paved surfaces, curbs and gutters, that does not require the widening of the traveled path or the removal of trees or stone walls or changing the grade or configuration. For purposes of this subsection, "widening of the traveled path" means extending the traveled path beyond its width prior to repaving. Periodic edging out to maintain unpaved shoulders shall be considered routine maintenance if it does not remove the existing vegetative buffer.
- (vi) Repair or replacement of existing bridges, guard posts, rails and other engineered structures, in accordance with the corridor plan.
- (vii) Installation of signs, including reflectors, warning, speed limit, and other roadway signs that are installed in accordance with standards set forth in the *Manual on Uniform Traffic Control Devices*, or any successor publication used for the same purpose by the Public Works Department.³⁶⁰

(10) Alterations and Improvements

Any proposed alteration or improvement to a scenic roadway shall follow the public involvement process for roadway design above. For the purposes of this section, the terms "alteration" and "improvement" are defined as any change to the roadway, other than routine maintenance, including the following:

- (i) Any change to the width of the traveled path of the right-of-way,
- (ii) Any change to the alignment, grade or elevation of the roadway,
- (iii) Any change to the nature and characteristics of the material used on the road surface,
- (iv) The removal of visible boulders that do not pose a safety hazard,
- (v) The removal or cutting of trees, shrubs, or other vegetation within the un-traveled portion of the road,
- (vi) The installation of new bridges, guard posts, rails and other engineered structures where no such structure currently exists, and
- (vii) The installation of sidewalks, pedways, bike paths, or nature trails.

³⁶⁰ Last phrase has been added.

(c) HP-O Historic Preservation Overlay³⁶¹

(1) Purpose

The purpose of this section is to promote the economic, cultural, educational, and general welfare of the City by:

- (i) Conserving and improving the value of property within the HP-O district;
- (ii) Protecting and enhancing the attractiveness of the City to home buyers, home owners, residents, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefit to the City;
- (iii) Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of the City;
- (iv) Fostering civic pride in the aesthetics and cultural accomplishments of the past as represented in the City's landmarks and historic areas;
- (v) Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods; and
- (vi) Promoting the use of landmarks and historic areas for the education, pleasure, and welfare of the people of the City.

(2) Historic Preservation Commission

- (i) The Historic Preservation Commission is hereby established, and shall consist of seven (7) members appointed by the Council each of whom shall serve without compensation. Every attempt should be made to establish a balance of representation among members, and all Commissioners should have a demonstrated interest in historic preservation. Of the seven (7) members, there should be one with background and expertise in historic preservation and one with background and expertise as a real estate investor. The other five (5) members should include representatives from such disciplines as: architecture, design, law, real estate appraisal, and construction/general contracting, as well as a lay person active in historic preservation.
- (ii) Two (2) of the initial members shall serve terms of one year, two (2) shall serve terms of two (2) years and three (3) shall serve terms of three (3) years. Thereafter, the terms of office for members of the Historic Preservation Commission shall be three (3) years. Vacancies shall be filled for the unexpired terms only.
- (iii) The Historic Preservation Commission shall elect from its members a chair, a vice-chair and a secretary. Officers shall serve for one (1) year and shall be eligible for reelection. The chair shall preside over all meetings. In the absence of the chair, the vice-chair shall preside. The secretary shall prepare minutes and other necessary records of Historic Preservation Commission meetings.
- (iv) The Historic Preservation Commission shall meet regularly and at the call of the chair. A quorum shall consist of four (4) members. The chair of the Commission is authorized to excuse any member from attendance at a Commission meeting; provided, that the

³⁶¹ Carries forward current Section 29-21.4, reworded for clarity, and with changes as noted.

member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) percent of the regular Commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the Council of the vacancy. The Commission shall act upon all completed applications for Certificates of Appropriateness and economic hardship at the meeting.

(3) Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

- (i) Adopt rules for the conduct of its business that are consistent with the purposes of the Commission and the requirements of this Ordinance, which shall be approved by Council ordinance.
- (ii) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or City; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted).
- (iii) To investigate and recommend to the Planning and Zoning Commission and Council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "notable property."
- (iv) To investigate and recommend to the Planning and Zoning Commission and the Council the adoption of ordinances designating for protection properties or structures having special cultural, historic, archaeological, community or architectural value as "landmarks."
- (v) To investigate and recommend to the Commission and the Council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "historic districts."
- (vi) To keep a register of all properties and structures which have been designated as "notable properties," "landmarks" or "historic districts," including all information required for each designation.
- (vii) To confer recognition upon the owners of "notable properties," "landmarks" and property or structures within "historic districts" by means of certificates, plaques or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one "notable property," "landmark" or "historic district" to another.
- (viii) To advise and assist owners of historically significant property or structures on physical and financial aspects of preservation, renovation, rehabilitation and reuse.
- (ix) To nominate "notable properties," "landmarks" and "historic districts" to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places.

Comment [PRZ68]: Revised per Law for consistency with all other Boards and Commissions. (9/16)

- (x) To inform and educate the citizens of the City concerning the historic, archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the Commission or other appropriate parties.
- (xi) To review applications for construction, alteration, removal or demolition affecting historically significant property. To hold public hearings on proposed or designated "landmarks" or structures within "historic districts" and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary to make decisions.
- (xii) To hold public hearings on each proposed nomination of a National Register Landmark and of a "historic district" and on the guidelines developed for each nomination.
- (xiii) To recommend that the Director issue a stop work order for any construction, alteration, removal or demolition which would require a Certificate of Appropriateness for which a certificate has not been issued or to stop work that violates the conditions of a certificate.
- (xiv) To consider applications for certificates of economic hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied.
- (xv) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction or removal of designated "landmarks" or property and structures within historic preservation overlay districts.
- (xvi) To review and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect historically significant property, including but not limited to proposed or designated "notable properties," proposed or designated "landmarks" or "historic districts."
- (xvii) To call upon available City staff members as well as other experts for technical advice.
- (xviii) To advise the Council on the need to retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time.
- (xix) To testify before all boards and Commissions, including the Planning and Zoning Commission and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas.
- (xx) To review any proposed change of zoning, zoning variance or any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas, upon referral from the Planning and Zoning Commission or Council.
- (xxi) To make recommendations to the Council concerning budgetary appropriations to further the general purposes of this ordinance.
- (xxii) To develop a preservation component in the Comprehensive Plan and to recommend it to the Planning and Zoning Commission and to the Council.
- (xxiii) To periodically review the Columbia Development Code and to recommend to the Planning and Zoning Commission and the Council any amendments appropriate for the

protection and continued use of historically significant property, "notable property," "landmarks" or property, sites and structures within "historic districts."

- (xxiv) To review and comment on applications for demolition permits referred to the Commission by the building official pursuant to the City's adopted building code(s). The Commission may advise the property owner of any historical significance of the building to be demolished and recommend alternatives. The Commission may document historic resources to be demolished. The Commission shall have no authority to deny an application for a demolition permit.

(4) Applicability³⁶²

The provisions of this Section 29-2.3(c) shall apply to all property designated as a historic landmark or historic district as set forth in the sections that follow, subject to the clarifications and exceptions listed in the subsections below.

- (i) *City Property*. Proposed improvements, alterations, demolition or clearance to a building, site, structure, or object owned by the City which has been designated a landmark or is within a historic district shall be approved according to the procedures and regulations of this Section 29-2.4.
- (ii) *Property Owned by Public Agencies*. To accomplish the purposes of this ordinance, the City may enter into agreements with other units of government. The Historic Preservation Commission may recommend and the Council may authorize such agreements. Such agreements may address, designation of landmarks and historic districts; administration of historic preservation fund resources; improvements to landmarks, properties in historic districts, and properties adjacent to landmarks and historic districts; and other mutually acceptable provisions.
- (iii) *Religious Institutions*. Religious Institutions in current use as houses of worship are exempt from the provisions of this section.³⁶³
- (iv) *Prior permits*. Nothing contained in this section shall affect any Building Permit, Demolition Permit or Land Disturbance Permit issued for property which becomes part of the HP-O district if the permit was issued prior to such designation.

(5) Landmark and Historic District Designation Procedure

- (i) A petition to designate a landmark may be made only by the owner(s) of the proposed landmark. A petition to designate a historic district may be made only by the owners of at least 60 percent of the Boone County tax map parcels in the proposed historic district. If a tax map parcel has more than one owner, all such owners must sign any petition mentioned in this section before the parcel shall be counted as supporting the petition and the parcel shall receive only one vote, regardless of the number of owners.
- (ii) A petition to designate a landmark or historic district shall be on a form provided by the Director and approved by the Historic Preservation Commission. The petition shall

³⁶² New section that collects existing regulations related to whether various types of property are subject to, or exempt from, these procedures.

³⁶³ Prohibition against houses of worship voluntarily submitting to historic preservation controls was removed. This provision exists to prevent interference with the "free exercise of religion" under the First Amendment.

clearly identify all historic and architectural features proposed for regulation. The petition shall identify the facts which support a determination that the proposed landmark or historic district meets the criteria for designation set forth below. Except as otherwise provided in this section, the petition shall be handled in the same manner as a petition for rezoning. Prior to setting a date for a public hearing before the Planning and Zoning Commission, the Director shall forward a copy of the petition to the Historic Preservation Commission for its review. The Historic Preservation Commission shall prepare a report to the Planning and Zoning Commission and the Council setting forth its recommendation on whether the proposed landmark or historic district meets the criteria for designation set forth in this section.

- (iii) Not less than sixty (60) days prior to the circulation of any petition herein within a district or to create a district, affected Boone County tax parcel owners must be notified by certified mail of the nomination or other matter on which a petition is to be circulated, and all proposed regulations shall be clearly identified. Proof of such mailing shall be made to the Historic Preservation Commission at the time it considers the petition, and the cost of the mailing shall be borne by the person or organization sponsoring or otherwise promoting the petition.³⁶⁴
- (iv) The ordinance placing property within the HP-O district shall designate the property as a landmark or as a historic district. The ordinance may designate a structure within a historic district as a landmark. The ordinance shall identify all historical and architectural features that shall be subject to regulation. No interior features shall be identified in any structure in a historic district unless the structure is designated as a landmark.
- (v) Overall boundaries for local historic districts shall be determined by the same standards used by the National Register of Historic Places, as laid out in Defining Boundaries for National Register Properties: National Register Bulletin 21 (Washington D.C.: U.S. Department of the Interior, 1995; rev. 1977³⁶⁵) and included within the Unified Development Code Administrative Manual. Gerrymandering that has the apparent effect of overwhelming significant areas of opposition is prohibited.

Comment [PRZ69]: Added reference to address public comment. Full Bulletin 21 included in UDC Administrative Manual. (9/16)

(6) Criteria for Designation

In order to be designated as a landmark or historic district, a structure or district must have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration and it must meet one or more of the following criteria:

- (i) It has character, interest, or value as part of the development, heritage, or cultural characteristics of Columbia, Boone County, Missouri, or the United States.
- (ii) It is the site of a significant local, county, state or national event.
- (iii) It is identified with a person or persons who significantly contributed to the development of Columbia, Boone County, Missouri, or the United States.
- (iv) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.

³⁶⁴ Provision relocated from District standards to Designation Procedure.

³⁶⁵ Citation revised to note 1977 revisions.

- (v) It is the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of Columbia, Boone County, Missouri, or the United States.
- (vi) It contains elements of design, detailing, materials, or craftsmanship which renders it architecturally significant.
- (vii) It contains design elements that are structurally or architecturally innovative.
- (viii) Its unique location or physical characteristics make it an established or familiar visual feature of the neighborhood or City.
- (ix) It has yielded or may likely yield information important in prehistory or history.
- (x) Its character as a particularly fine or unique example of a utilitarian structure, with a high level of integrity or architectural significance.
- (xi) Its suitability for preservation or restoration.
- (xii) It is at least fifty (50) years old or of most unusual historical significance.

(7) List of Designated Local Historic Districts and Landmarks

- (i) David Guitar House, 2815 Oakland Gravel Road (District)
- (ii) Miller Building, 823 East Broadway (District)
- (iii) Taylor House Inn, 716 West Broadway (District)
- (iv) Wright Brothers Mule Barn (now Fay Street Lofts), 1101 Hinkson Avenue (District)

(8) Certificate of Appropriateness Required

A Certificate of Appropriateness shall not be required for interior construction or alteration of any structure in a historic district unless the structure has been designated a landmark. A Certificate of Appropriateness shall be required before the following actions affecting any historic or architectural feature identified in the ordinance placing the property in the HP-O district may be undertaken:

- (i) Any construction, alteration, removal, or any demolition in whole or in part regardless of whether a permit from the City is required.
- (ii) Any construction, alteration, removal or demolition, in whole or in part, proposed by the City, for a City-owned landmark or structure within a historic district.

(9) Certificate of Appropriateness Procedure

- (i) An application for a Certificate of Appropriateness shall be made on forms provided by the Director and approved by the Historic Preservation Commission. The application shall identify the facts which support a determination that the proposed actions meet the standards for review and design guidelines set forth in subsection (9) below.
- (ii) After determining that the application for Certificate of Appropriateness is complete, the Director shall schedule the application for consideration by the Historic Preservation Commission within a reasonable time. If a fully completed application for a Certificate of Appropriateness has not been acted upon within forty (40) days after the date the

application was filed with the Director, it shall be deemed approved, unless tabled or continued with the consent of the applicant. No motion to table or continue shall be made without the consent of the applicant. The Director shall conspicuously place a sign on the property giving public notice of the meeting at which the application shall be considered. The sign shall be placed at least seven (7) days prior to the meeting.

- (iii) Any person aggrieved by the decision of the Historic Preservation Commission may appeal to the Board by filing a notice of appeal with the City Clerk within thirty (30) days of the decision of the Historic Preservation Commission. Notice of the Historic Preservation Commission's decision shall be mailed to the applicant unless the applicant or the applicant's agent was present at the meeting at which the decision was made. The Board shall provide a hearing and render a decision in accordance with the provisions of R.S.Mo. Chapter 536.

(10) Standards for Certificate Decision and Design Guidelines

In considering an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the following standards, and design guidelines in addition to any area-specific design guidelines included in the ordinance designating the landmark or historic district.

- (i) Reasonable efforts shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (ii) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (iii) Building alterations that have no historical basis and which seek to create an earlier appearance shall not be allowed.
- (iv) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. When these changes have acquired significance in their own right, they shall be treated the same as if they were part of the original structure.
- (v) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be preserved when possible.
- (vi) Deteriorated architectural features shall be repaired, rather than replaced, whenever practicable. If replacement is necessary, the new material should match the material being replaced in design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based upon accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (vii) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- (viii) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- (ix) Contemporary design for alterations and additions to existing properties and for new construction may be permitted when such alterations, additions or new construction do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material and character of the property, neighborhood or environment.
- (x) Whenever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (xi) The height of any proposed alteration or construction shall be compatible with the style and character of the landmark and with surrounding structures.
- (xii) The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the landmark, and with surrounding structures.
- (xiii) The relationship of a structure to the open space between it and adjoining structures should be compatible.
- (xiv) The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures.
- (xv) The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures.
- (xvi) Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character.
- (xvii) Architectural details including materials and textures should be treated so as to make a landmark compatible with its original character or significant architectural style and to preserve and enhance the landmark or historic district.

(11) Signs

- (i) Signs in the HP-O district are subject to the general sign regulations of the code of ordinances. In addition, all signs for a landmark or structures in a historic district not specified in the application for landmark or historic district designation must receive a Certificate of Appropriateness from the Historic Preservation Commission, which shall review the proposed sign in accordance with the following general guidelines:
 - (A) Additional sign restrictions included in the ordinance which designates a landmark or historic district.
 - (B) Signs shall be designed and placed so as to appear an integral part of the building design, and to respect the neighboring properties and the district in general. Signs shall be designed with appropriateness relative to the services of the establishment served.

- (ii) Nothing contained in this section shall prevent the use of normal "for rent" and "for sale" signs as permitted by the Section 29-4.9 (Signs). Any owner offering property for sale ~~or any realtor listing property for sale~~ which is located within the HP-O district is required to advise potential purchasers that the property is located within the HP-O district. Any person violating this subsection shall be deemed guilty of an infraction and shall be fined as provided for in Chapter 16 of the City Code.

Comment [PRZ70]: Removed per Law – not legally permitted. (9/16)

(12) Certificate of Economic Hardship

- (i) A person whose application for a Certificate of Appropriateness has been denied or granted conditionally may apply for a Certificate of Economic Hardship. Alternatively, an application for a Certificate of Economic Hardship may be filed with the application for Certificate of Appropriateness. Application shall be made on forms provided by the Director and approved by the Historic Preservation Commission. If a fully completed application for a Certificate of Economic Hardship has not been acted upon within forty (40) days after the date the application was filed with the Director, it shall be deemed approved, unless tabled or continued with the consent of the applicant. No motion to table or continue shall be made without the consent of the applicant. The application shall identify facts which support a determination that denial of the application will deprive the owner of the property of reasonable use of or a reasonable economic return on the property. An application for Certificate of Economic Hardship may include any or all of the information in below:
- (A) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness.
 - (B) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - (C) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the Historic Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - (D) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - (E) Applicant may demonstrate with factual data/evidence that the hardship is not self-created. If the property is income producing, the applicant may provide detailed annual income and expense reports for the property for the last two (2) years, rent rates and capitalization rates for the property and comparable properties, and any other pertinent information that would substantiate the applicant's claim concerning economic hardship.
 - (F) Appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

- (G) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
 - (H) Assessed value of the property.
 - (I) Real estate taxes.
 - (J) Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.
- (ii) An application for a Certificate of Economic Hardship, if not filed with the application for Certificate of Appropriateness, must be made within sixty (60) days of a decision on the application for Certificate of Appropriateness. The Director shall schedule the application for consideration by the Historic Preservation Commission within a reasonable time. The Director shall conspicuously place a sign on the property giving public notice of the meeting at which the application shall be considered. The sign shall be placed at least seven (7) days prior to the meeting.
- (iii) Any person aggrieved by the decision of the Historic Preservation Commission may appeal to the Board by filing a notice of appeal with the City Clerk within thirty (30) days of the decision of the Historic Preservation Commission. Notice of the Historic Preservation Commission's decision shall be mailed to the applicant unless the applicant or the applicant's agent was present at the meeting at which the decision was made. The Board shall provide a hearing and render a decision in accordance with the provisions of R.S.Mo. Chapter 536.

(13) Continuing Validity of Certificates

Certificates of appropriateness and certificates of economic hardship shall become void if the work authorized by the certificate is not commenced within six (6) months of the date of issuance. Certificates of appropriateness and certificates of economic hardship shall be issued for a period of eighteen (18) months and are renewable.

(14) Variances

The Historic Preservation Commission may make recommendations to the Board to allow variances for standard parking and lot line requirements for property in the HP-O district, where such variances will aid in the retention of the property's historic character and appearance. The Historic Preservation Commission shall also make recommendations to allow designated properties to be utilized for noncomplying uses if such use would serve to perpetuate the viable contemporary utilization of the historic structure.

(15) Review

District boundaries and designation status may be reviewed after no less than ten (10) years, at the request of either the Historic Preservation Commission or the petition of the owners of at least sixty (60) of the Boone County tax parcels in the district. After the initial ten (10) year period, district boundaries and designation status may be reviewed no more often than once every five (5) years.

(d) FP-O Floodplain Overlay³⁶⁶

(1) Authority

The Council enacts these floodplain management regulations under its authority to adopt zoning regulations designed to protect the health, safety and general welfare which authority was granted to the City of Columbia as a home rule charter City by the people of the State of Missouri in Article VI, Section 19(a) of the Missouri Constitution and by the General Assembly of the State of Missouri in Chapter 89 of the Missouri Revised Statutes.

(2) Findings of Fact

- (i) Flood losses resulting from periodic inundation. The flood hazard areas of Columbia, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
- (ii) General causes of these flood losses. These flood losses are caused by (1) The cumulative effect of obstructions in floodways causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
- (iii) Methods used to analyze flood hazards. This section uses a reasonable method of analyzing flood hazards which consists of the following series of interrelated steps:
 - (A) Selection of regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this section is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one (1) percent chance of occurrence in any one (1) year, as delineated by the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated March 17, 2011, as amended, and any future revisions thereto.
 - (B) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - (C) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - (D) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - (E) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

³⁶⁶ From current Section 29-22, with changes as noted.

(3) Purpose

The purpose of the floodplain overlay district is to promote the public health, safety, and general welfare and to minimize those losses described in subsection (a)(2)a. to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations 59.22(a)(3), and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this section to:

- (i) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- (ii) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- (iii) Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.

(4) General Provisions

- (i) *Lands to which ordinance applies.* This section shall apply to all lands within the jurisdiction of the City of Columbia identified on the digital flood insurance rate map (DFIRM)³⁶⁷ for Boone County, Missouri on map panels 29019C0165D, 29019C0170D, 29019C0190D, 29019C0260D, 29019C270D, 29019C0280D, 29019C0285D, 29019C0290D, 29019C0295D, 29019C0325D, 29019C0335D and 29019C0355D as A zones (including AE, AO and AH zones) dated March 17, 2011 as amended and any future revisions thereto, and that portion of the X zone shaded, other flood areas, which is in the upper square mile of a flood drainage area. In all areas covered by this section, no development shall be permitted except upon the issuance of a floodplain permit to develop granted by the Director of Community Development under such safeguards and restriction as the Director of Community Development may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community and where specifically noted in this section.
- (ii) *The enforcement officer.* The Director of Community Development is hereby designated as the duly designated local floodplain administrator under this section.
- (iii) *Rules for interpretation of district boundaries.* The boundaries of the floodway, flood fringe, and flood drainage area shall be determined by scaling distances on the official Zoning Map or on the flood insurance rate map or floodway map. Where interpretation is needed to the exact location of the boundaries of the district as shown on the official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Director of Community Development shall make the necessary interpretation. In such cases where the interpretation is contested, the Board will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence, if he so desires.

Comment [PRZ71]: Replaced reference to Director of Public Works with Director of Community Development. (5/16)

³⁶⁷ Revised to reference digital FIRM.

- (iv) *Compliance.* No development within known flood hazard areas of the City of Columbia shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.
- (v) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.
- (vi) *Interpretation.* In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (vii) *Warning and disclaimer of liability.* The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside of the floodway, flood fringe, and flood drainage area boundaries or land uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of the City of Columbia or any officer or employee thereof for any flood damages that may result from reliance on this section or any administrative decision lawfully made thereunder.
- (viii) *Appeal.* Where a request for a Floodplain Development Permit to develop or for a variance is denied by the Director of Community Development the applicant may apply for such Floodplain Development Permit or variance to these regulations directly to the Board.

(5) Permit Required

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate Floodplain Development Permit for development in this Floodplain Overlay District.

(6) Administration

The Director of Community Development is hereby appointed to administer and implement the provisions of this section. Duties of the Director of Community Development shall include, but not be limited to:

- (i) Review all applications for Floodplain Development Permits to assure that sites are reasonably safe from flooding and that the Floodplain Development Permit requirements of this section have been satisfied.
- (ii) Review all applications for Floodplain Development Permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (iii) Issue Floodplain Development Permits for approved applications.

Comment [PRZ72]: References to Director of Public Works changed to Director of Community Development. Consistent with current enforcement and administrative provisions of existing Chapter 29. (5/16)

- (iv) Notify adjacent communities, the State of Missouri Emergency Management Agency, the Missouri Clean Water Commission, and the Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
- (v) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (vi) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (vii) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.
- (viii) When floodproofing is utilized for a particular non-residential structure, the Director of Community Development shall be presented certification from a registered professional engineer or architect.

(7) Application for Permit

To obtain a Floodplain Development Permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- (i) Identify and describe the work to be covered by the Floodplain Development Permit.
- (ii) Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (iii) Indicate the use or occupancy for which the proposed work is intended.
- (iv) Be accompanied by plans and specifications for proposed construction.
- (v) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- (vi) Give such other information as reasonably may be required by the Director of Community Development.

(8) General Provisions for Flood Hazard Reduction

- (i) No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO and AH zones) and that portion of the X zone shaded, other flood areas, which is in the upper square mile of a flood drainage area, unless the conditions of this subsection are satisfied.
- (ii) All areas identified as unnumbered A zones and X zones shaded, other flood areas, on the FIRM are subject to inundation of the 1% annual chance flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this section. If flood insurance study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state or other sources.

- (iii) New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - (A) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) New or replacement water supply systems and sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and onsite waste disposal systems be located so as to avoid impairment or contamination.
 - (C) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damage, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (D) All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
 - (E) That until a floodway has been designated, no development, including landfill, may be permitted within Zone AE and the flood drainage area (Zone X shaded, other flood areas - upper square mile) on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 1% annual chance flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the flood insurance rate study incorporated by reference per Section 29-2.3(d)(2)(iii).
 - (F) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - (G) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (iv) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (3) adequate drainage is provided so as to reduce exposure to flood hazards, and (4) proposals for development (including proposals for manufactured home parks) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

(9) Specific Standards for Flood Hazard Reduction

In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 29-2.3(d)(iii), the following provisions are required:

- (i) *Residential construction.* New construction or substantial improvements of any residential building or manufactured home shall have the lowest floor, including basement, elevated to at least two (2) feet above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section (iii), below.
- (ii) *Nonresidential construction.* New construction or substantial improvements of any commercial, industrial, or nonresidential building or manufactured home shall have the lowest floor, including basement, elevated to at least two (2) feet above base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 29-2.3(d)(6)(vii).
- (iii) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (A) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot enclosed area subject to flooding;
 - (B) The bottom of all openings shall be no higher than one foot above grade; and
 - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (iv) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used on connection with the premises (standard exterior door) or entry to the living area (stairways or elevator); and
- (v) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(10) Manufactured Homes

- (i) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- (A) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 - (B) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - (C) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (D) Any additions to the manufactured home be similarly anchored.
- (ii) All manufactured homes to be placed within zones AH, AE and X shaded, other flood areas, on Columbia's FIRM on sites:
- (A) Outside of a manufactured home park or subdivision,
 - (B) In a new manufactured home park or subdivision,
 - (C) In an expansion to an existing manufactured home park or subdivision, or
 - (D) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation; and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of item (i), above.
- (iii) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones AH, AE and X shaded, other flood areas, on Columbia's FIRM that are not subject to the provisions of item (i), above, shall be elevated so that either:
- (A) The lowest floor of the manufactured home is at least two (2) feet above the base flood elevation, or
 - (B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system in accordance with the provisions of item (i), above.

(11) Recreational Vehicles

All recreational vehicles placed on sites within the identified floodplain on Columbia's FIRM shall either be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use or meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this section. A recreational vehicle is ready for highway use if it is on its wheels or its jacking system, is attached to the site only by quick disconnect type utilities and security devices and it has no permanently attached additions.

(12) AH Zones

Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(13) AO Zones

Located within the areas of special flood hazard established in section (b)(1) are areas designed as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

- (i) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on Columbia's FIRM (at least three (3) feet if no depth number is specified).
- (ii) All new construction and substantial improvements of nonresidential structures shall:
 - (A) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on Columbia's FIRM (at least three (3) feet if no depth number is specified), or
 - (B) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 29-2.3(d)(6)(vii).
- (iii) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(14) Floodway Area³⁶⁸

- (i) Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless a "no-rise" certification statement by a professional registered engineer or architect is provided. A "no-rise" certification statement shall be accompanied by supporting documentation which shall adequately demonstrate that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of subsection (d). The following are recommended uses for the floodway district.
 - (A) Agricultural uses such as general farming, pasture, nurseries, forestry.
 - (B) Residential uses such as lawns, gardens, parking and play areas.

³⁶⁸ Renamed from Floodway District Overlay because this is an area within an overlay district.

- (C) Nonresidential areas such as loading areas, parking and airport landing strips.
- (D) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
- (ii) In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or Section 29-2.3(d)(8)(iv) of this section, in meeting the standards of this subsection.

(15) Variance Procedures³⁶⁹

- (i) The Board shall hear and decide requests for variances from the requirements of this section.
- (ii) In passing upon such applications, the Board shall consider all technical evaluation, all relevant factors, standards specified in other subsections of this section, and:
 - (A) The danger that materials may be swept onto other lands to the injury of others;
 - (B) The danger to life and property due to flooding or erosion damage;
 - (C) The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (D) The importance of the services provided by the proposed facility to the community;
 - (E) The necessity to the facility of a waterfront location, where applicable;
 - (F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (G) The compatibility of the proposed use with existing and anticipated development;
 - (H) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (I) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (J) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (K) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (iii) Any person aggrieved by the decision of the Board on a floodplain variance application may appeal such decision to the circuit court of Boone County.³⁷⁰

(16) Conditions for Flood Plain Variances

- (i) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by

³⁶⁹ This section revised to clarify that it applies to variances from the regulations. Appeals claiming that the City made an error in applying the floodplain regulation are now governed by 29-5.3(f) like all other appeals.

³⁷⁰ Clause "or any taxpayer" was removed. Appeals should be limited to those aggrieved by the decision.

lots with existing structures constructed below the base flood level, providing items ii. through vi. below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (ii) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.
- (iii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (iv) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (v) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (vi) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(17) Penalties for Violation

Violation of the provisions of this section 29-2.3(d) or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars (\$1,000.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Columbia or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(18) Amendments

The regulations, restrictions, and boundaries set forth in this section may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Columbia. At least fifteen (15) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII of the Federal Emergency Management Agency. The regulations of this section are in compliance with the National Flood Insurance Program regulations.

Chapter 29-3 Permitted Uses³⁷¹

29-3.1 General

The Permitted Uses and Conditional Uses in each zone district are indicated in Tables 3.2 and 3.3 below. Additional uses of property or restrictions on the use of property may be contained in Section 29-2.2 (Base Zoning Districts), or in an Overlay zone district applicable to the property in Section 29-2.3. If the property is located in a PD (Planned Development) zone district, the permitted uses and any conditions on those permitted uses are contained in the rezoning ordinance and related documents for that property on file with the Department.

- (a) A “P” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted by-right in that zone district, subject to compliance with the Use-specific Standards in the right-hand column of that line of the table.
- (b) A “C” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted only after the applicant obtains Conditional Use approval pursuant to Section (Conditional Use Permit), and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (c) An “A” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is only permitted as an accessory to a Permitted use and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (d) A “CA” in a cell in the Permitted Use Table in Section 29-3.2 indicates that the use is only permitted as an accessory to a use that is first approved as a Conditional use on the same property and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (e) A “T” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted subject to a Temporary Use Permit issued pursuant to Section 29-5, and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (f) A blank cell in the Permitted Use Table in Section 29-3.2 indicates that the use is not permitted in that zone district.
- (g) A development may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either a Permitted Use or a Conditional Use in that zone district, that a Conditional Use Approval is obtained for any Conditional Use, all Use-specific Standards applicable to each use are met, the development complies with all applicable density, dimensional, impervious surface, development, and performance standards.³⁷²

Comment [PRZ73]: Text added for clarity to note that “use-specific” standards also apply to the accessory use. (5/16)

Comment [PRZ74]: Text added for clarity . (5/16)

³⁷¹ Consolidates lists of permitted and conditional uses in current zone districts into a single table. Collects Use-specific standards from throughout the current ordinances in one subsection. Converts controls currently in Section 29-21.3 (Communication Antennas and Towers), and Section 29-21.5 (Wind Energy Conversion Systems) into use controls rather than zone districts. Reflects the consolidation of current R-3 and R-4 districts, O-1 and O-2 districts, and M-C, M-1, and M-U districts as discussed in the Annotated Outline and Section 2 of the UDC above. Changes from current regulations are footnoted.

³⁷² New provision.

- (h) The Director has the authority to interpret whether a proposed land use is included within a listed land use shown in the Permitted Use Table in Section 29-3.2 based on its scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts on surrounding properties.³⁷³
- (i) Each use that exists on [Effective Date of this Code] that is required by this Code to obtain Conditional Use Approval, but that was a Permitted Use (without the need for Conditional Use Approval) prior to [Effective Date of this Code] is deemed to have a Conditional Use Approval to (a) continue operation in structures and on land areas where the operation was conducted on [Effective Date of this Code] and (b) to expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-specific Standards and other requirements of this Code.³⁷⁴
- (j) All uses required by the State of Missouri to have an approval, license, or permit to operate issued by the State or by another public or quasi-public or regulatory agency are required by the City of Columbia to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this Code.³⁷⁵

³⁷³ New provision to reflect current practice.

³⁷⁴ New provision to simplify transition to the new code.

³⁷⁵ New provision to avoid having to repeat this requirement for all uses subject to a State license, and because the list of those uses changes over time.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE													
P=Permitted use C=Conditional use A=Accessory use CA=Conditional Accessory use T=Temporary use													
Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁷⁷	IG	A	O	
Current Zoning District			R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁷⁹	A-1	O	PD
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁷⁹	A-1	O	PD
Community Service ³⁹³													
Assembly or Lodge Hall						C	P	P		P			
Cemetery or Mausoleum	C	C	C	C							P		
Community/Recreation Center ³⁹⁴	P	P	P		P	P	P	P	P		P		
Community Garden ³⁹⁵	P	P	P	P	P	P	P	P	P	P	P	P	(hh)
Elementary/Secondary School ³⁹⁶	P	P	P	P	P	P	P	P	P	P	P	P	
Funeral Home or Mortuary ³⁹⁷					C	C	P	C		P			(k)
Higher Education Institution ³⁹⁸			P		P	P	P	P	P				(l)
Hospital					P	P	P	C	P	P			
Museum or Library ³⁹⁹	C	C	C		P	P	P	P	P		P		
Police or Fire Station	P	P	P	P	P	P	P	P	P		P		
Public Service Facility ⁴⁰⁰	P	P	P	P	P	P	P	P	P	P	P		
Public Park, Playground, or Golf Course ⁴⁰¹	P	P	P	P	P	P	P	P	P		P	P	
Religious Institution ⁴⁰²	P	P	P	P	P	P	P	P	PC	PC	P	P	(n)
Reuse of Place of Public Assembly	C	C	C	C									(m)

³⁹³ Counseling Centers Operated by Charitable or Non-profit Institutions, Government Buildings and Facilities, Public Administrative Buildings, Trade Schools, Schools Operated as a Business, and Medical Laboratories are now grouped with commercial uses, because the land use impacts of public and private facilities are the same.

³⁹⁴ Replaces current Publicly Owned and Operated Community Building. Deleted from R-MH since prior draft in response to comment.

³⁹⁵ Relocated from Accessory Use subcategory in Module 1.

³⁹⁶ Replaces current "Public Schools" use to accommodate magnet and charter school uses, whose land use impacts are the same. Deleted from R-MH since prior draft in response to comment.

³⁹⁷ Combines current "Funeral Home", "Crematory", and "Mortuary" uses. This would now be a C use on O-2 lands.

³⁹⁸ This use has been added as a P use in R-MF, M-OF, M-C, and M-DT, which is where existing private college facilities are located. Added as P in M-C and M-BP since prior draft.

³⁹⁹ Combines current Public Museum and Public Library uses. Deleted as a permitted use in R-MH. Changed from P to C use in R-1, R-2, and R-M.

⁴⁰⁰ Combines current "Government buildings and facilities" and "Public administrative buildings".

⁴⁰¹ Combines current Park, Playground, and Golf Course uses, adds them to the new O district, and adds Parks and Playgrounds to the R-MF district.

⁴⁰² Renamed from "Churches, Mosques, and Synagogues" and "Churches and Synagogues" to be more general. Inconsistency in current code resolved in favor of C (not P) use in M-BP district.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE														
P=Permitted use C=Conditional use A=Accessory use CA=Conditional Accessory use T=Temporary use														
Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁷⁷	IG	A	O		PD
Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1	O	PD	
Utilities and Communications														
Communication Antenna or Tower as a Principal Use	See 29-3.3(n)											Per PD Approval	(n)	
Public Utility Services, Major ⁴⁰³	C	C	C	C	C	P	P	P	P	P	P		P	
Public Utility Services, Minor ⁴⁰⁴	C	C	C	C	P	P	P	P	P	P	P			
Wind Energy Conversion System (WECS) as a Principal Use ⁴⁰⁵	See 29-3.3(o)											Per PD Approval	(o)	
COMMERCIAL USES⁴⁰⁶														
Agriculture & Animal-Related⁴⁰⁷														
Agriculture ⁴⁰⁸												P		
Farmer's Market ⁴⁰⁹	T	T	T		T	P	P	I	IP	P	P	P		
Greenhouse or Plant Nursery ⁴¹⁰							P			P	P			
Pet Store or Pet Grooming ⁴¹¹						P	P	P	PC	C				
Urban Agriculture ⁴¹²			C		P	P	C	C			P		(p)	
Veterinary Hospital ⁴¹³					C	C	P	P	P	P			(q)	

⁴⁰³ Replaces current "Public Utility Buildings and Service Facilities, Electric Transmission and Distribution Substations, and Public Utility Service Centers" use. Added as a C use in residential districts and a P use in other districts.

⁴⁰⁴ Combines the current "Buildings and Facilities for Public Utility Services and Public Service Corporations uses" and "Reservoirs, Wells, Water Towers, Filter Beds, Water Supply Plants, or Water Pumping Stations" uses. The current code does not list water utilities as P or C uses in the mixed use or IG districts.

⁴⁰⁵ From current Section 29-21.5.

⁴⁰⁶ Renamed from Commercial and Industrial Uses since Module 2, since Industrial Uses now has its own category.

⁴⁰⁷ The current "Slaughterhouse" use (permitted in current M-1) district, has been deleted.

⁴⁰⁸ Combines current "Agriculture" use with "Chick hatcheries".

⁴⁰⁹ New use, per *Columbia Imagined*.

⁴¹⁰ As a result of the M-C and M-1 consolidation, this use changes from not permitted on M-C current lands and P on current M-1 lands. Deleted from M-DT, changed from C in I-G, and restrictions to wholesale (not retail) use in A district removed from prior draft, in response to public comments.

⁴¹¹ Renames current "Pet stores and grooming shops, small animals". As a result of the M-C and M-1 consolidation, this use changes from not permitted on M-C current lands and P on current M-1 lands.

⁴¹² New use.

⁴¹³ Combines current "Veterinarian hospitals, pounds and kennels", "Small animal hospital (if within an enclosed building)", and "kennel" uses.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE
P=Permitted use | C=Conditional use | A=Accessory use | CA=Conditional Accessory use | T=Temporary use

Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT ³⁷⁷	M-BP ³⁷⁷	IG	A	O		PD
Current Zoning District			R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1	O	PD	C-P, M-P
Food & Beverage Service														
Bar or Nightclub ⁴¹⁴						C	P	P						Per PD
Restaurant ⁴¹⁵						P	P	P	P					Per PD (r)
Guest Accommodations														
Bed and Breakfast ⁴¹⁶		C	C		C	P	P	P						Per PD Approval (s)
Hotel ⁴¹⁷							P	P	P	P				Per PD Approval
Travel Trailer Park ⁴¹⁸							C				C			Per PD Approval
Office														
Commercial or Trade School ⁴¹⁹					P	P	P	P	P	P				PD Appro (t)
Office ⁴²⁰					P	P	P	P	P	P				PD Appro

⁴¹⁴ Renames current “Bars, cocktail lounges, and nightclubs” use. Deleted from IG district since prior draft in response to comment.

⁴¹⁵ Replaces current “Restaurants, cafes, and cafeterias” and “Restaurants, cafes, and cafeterias (no entertainment provided)” and “Restaurants, cafes, and cafeterias (live or recorded music performed indoors only and inaudible at property line), which are permitted in the same districts, subject to noise limits that are now contained in use-specific standards. Deleted from IG district since prior draft in response to comment.

⁴¹⁶ Through consolidation, this changes from a P to a C use on current R-3 lands. This has been added as a P use in the M-DT district. Added as P use to M-N and M-C in response to comment.

⁴¹⁷ Includes former “Motel” use and allows that use as P in M-DT (where form controls will prevent auto-oriented designs). Added as P use in M-BP since prior draft in response to comment.

⁴¹⁸ Added as C use to M-C since prior draft in response to public comment.

⁴¹⁹ Combines current “Trade schools” and “Schools operated as a business within an enclosed business (except trade schools which offer retail goods or services to the public)”. Restrictions on retail sales are now in use-specific standards.

⁴²⁰ Combines current “Offices buildings for administrative functions of businesses, professions, companies, corporations, and social, philanthropic, eleemosynary, or governmental organizations”, “Business, professional, and government offices”, “Offices and uses, administrative, professional, and research”, “Offices for professional and business use involving sale or provision of services (but not goods)”, “Counseling centers operated by charitable or not-for-profit organizations”, “Banks, other financial institutions, and travel agents” and “Philanthropic or eleemosynary uses primarily of a residential nature” uses. Banks, financial institutions, and travel agents would now be a P use on current O-1 lands. Philanthropic uses of a residential nature would now be available everywhere offices are available. Deleted from R-MF since prior draft, in response to comments.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE
P=Permitted use | C=Conditional use | A=Accessory use | CA=Conditional Accessory use | T=Temporary use

Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3		
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁷⁷	IG	A	O		PD	
Current Zoning District			R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	C-P, M-P	
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	C-P, M-P	
Research and Development Laboratory ⁴²¹					P	P	P	P	P	P					(u)
Wholesale Sales Office or Sample Room							P	P	P	P					
Personal Services															
Personal Services, General ⁴²²					C	P	P	P	P	P			Per PD		(v)
Self-service Storage Facilities ⁴²³							P	C		P					(w)
Tree or Landscaping Service ⁴²⁴							P		P	P					(oo)
Recreation & Entertainment⁴²⁵															
Indoor Recreation or Entertainment ⁴²⁶						P	P	P	P	P					
Indoor Entertainment, Adult ⁴²⁷							C			C			PD	Appro	(v)
Outdoor Recreation or Entertainment ⁴²⁸							P		C	P	C	C			(y)

⁴²¹ Combines current “Research and development laboratories”, “Research and development laboratories (minimal use of hazardous materials)”, “Testing laboratory”, and Medical laboratory” uses. Hazardous materials restrictions are now in use-specific standards. Testing laboratories would now be added as a C use in M-N and a P use on M-OF and M-DT lands. Medical laboratories would now be added a P use in M-N, M-C, M-P, M-BP, and IG districts.

⁴²² Combines the current “Barber and beauty shops” and “Cleaning, pressing, and dyeing establishments (no explosive cleaning fluids)”, “Electrical repair shop”, “Coin-operated laundry”, “Photographic service shops and studios”, “Repair of household appliances”, “Shoe repair shops”, “Garment storage facility”, “Rental services” and “Bicycle Repair Shop” uses. Restrictions on explosive fluids are now in use-specific standards. Electric repair shops and bicycle repair shops would now be a P use in the M-N and M-BP districts. Garment storage would be a P use in M-OF and M-BP districts. Rental services would now be allowed in the M-N and M-DT districts.

⁴²³ Deleted since prior draft in response to comment.

⁴²⁴ Retitled from “Tree trimming service.” Requirement for screening of service vehicles in the M-C district is replaced by general screening and buffering standards.

⁴²⁵ The “Private Recreation Facility” use, and associated use-specific standard, included in Module 1, has since been removed because it overlaps the indoor/outdoor recreation or entertainment categories.

⁴²⁶ Combines current “Billiard parlor and game arcade”, “Bowling alley”, and “Indoor theater” uses. Bowling alleys change from prohibited to a P use in M-DT. Added as P use in M-N since prior draft in response to comment.

⁴²⁷ Title and definition revised to include adult theaters as well as live entertainment, and to allow alignment with recent state law amendments.

⁴²⁸ Combines current “Amusement Parks, Commercial Baseball or Other Athletic Fields, Race Tracks, or Fairgrounds”, “Commercial Picnic Grounds and Fishing Lakes”, “Commercial Stables”, “Outdoor Stage and Concert Facilities”, “Gun Clubs and Skeet, Trap, or Target Ranges”, “Commercial Swimming Pool”, “Miniature Golf Courses or Driving Ranges”, and “Private Golf Courses and Country Clubs” into a more general category. Allows a wider variety of outdoor recreation/entertainment on the current C-3, M-C, M-1, PUD and M-P lands. The current

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE
P=Permitted use | C=Conditional use | A=Accessory use | CA=Conditional Accessory use | T=Temporary use

Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT ³⁷⁷	M-BP ³⁷⁷	IG	A	O		PD
Current Zoning District			R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1	O	PD	C-P, M-P
Physical Fitness Center						P	P	P	P	P				
Theatre, Drive-In							C			P				
Retail														
Alcoholic Beverage Sale ⁴²⁹						P	P	P	P	P			Per PD Approval	(z)
Retail, Adult ⁴³⁰							P	P		P			Per PD Approval	(v)
Retail, General ⁴³¹						P	P	P	P	P			Per PD Approval	(aa)
Vehicles & Equipment														
Car Wash ⁴³²						C	P	P	P	P			Per PD Approval	
Heavy Vehicle and Equipment Sales, Rental, and Servicing ⁴³³										P			Per PD Approval	
Light Vehicle Sales or Rental ⁴³⁴							P	P	P	P			Per PD Approval	(bb)
Light Vehicle Service or Repair ⁴³⁵						C	P	P	P	P			Per PD Approval	(cc)

Comment [PRZ76]: Added in response to public comment. Use is consistent with others in district. (9/16)

“Sports and Recreational Facilities (including accessory retail and concession stands)” – currently undefined and a P use on current M-R, M-C, M-1 and PD MP lands -- was deleted because it was not distinguishable from other outdoor recreation/entertainment uses. Added as C use in A, O, and M-BP since prior draft in response to comment.

⁴²⁹ Combines the current “Alcoholic Beverage Sales by the Package or as an Accessory Use to a Restaurant” and “Alcoholic Beverage Sales in the Original Package or By the Drink” uses, and extends use-specific standards from the latter to the former.

⁴³⁰ New use designation to recognize that secondary impacts of Adult Retail are generally smaller than those from Adult Entertainment. The same use-specific standards apply to both Adult uses.

⁴³¹ Combines the current “Radio and Television Sales and Service” and “Stores, Shops, and Markets for Retail Trades” uses. Restrictions on outdoor display are now in the use-specific standard. Since Module 3, “Retail, Large” and “Retail, Small” have been combined, and the size limit applicable to less intense zone districts now appear in use-specific standards.

⁴³² Combines current “Car wash” and “Car wash, coin-operated or attendant-operated” uses. Added as P use in M-BP since prior draft in response to comment.

⁴³³ Combines current “Farm Machinery Sales and Service” and “Sales Rooms, Yards, and Service for Machinery and Equipment” uses, and expands the use to include rental activities. Restrictions on outdoor activities are now in use-specific standards. This use has changed from permitted to prohibited on current O-2 lands. Use-specific standards deleted since prior draft because not relevant to districts where this use is permitted.

⁴³⁴ Current “Motor Vehicle or Trailer Sales and Service”, expanded to include rental facilities. This use has been added to the M-DT district, but use-specific standards limit it to completely enclosed facilities.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE															
P=Permitted use C=Conditional use A=Accessory use CA=Conditional Accessory use T=Temporary use															
Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3		
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁷⁷	IG	A	O		PD	
Current Zoning District			R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	C-P, M-P	
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	C-P, M-P	
Major Vehicle Repair and Service								P	P	P					(cc)
Parking Lot, Commercial ⁴³⁶								P	P	P					
Parking Structure, Commercial ⁴³⁷								P	P	P					
INDUSTRIAL USES															
Commercial Services															
Heavy Commercial Services ⁴³⁸								P	P	P					
Mechanical and Construction Contractors ⁴³⁹								P	C	P					
Storage and Wholesale Distribution ⁴⁴⁰										P	P				(dd)
Manufacturing, Production and Extraction ⁴⁴¹															
Artisan Industry ⁴⁴²						P	P	P	P	P			D	A	no

Comment [PRZ77]: Added to address public comment (9/16)

⁴³⁵ Combines current “Automobile Service Facility”, “Automobile Service Facility (enclosed),” and “Service Stations With Underground Storage Tanks” uses. Restrictions on repair and enclosure are now in use-specific standards.

⁴³⁶ Combines current “Parking for Automobiles and Light Trucks, Uncovered, Surface Commercial (except public facilities)” and “Parking, Uncovered, Surface Off-Street (except public facilities)” uses. This use has been changed from a C to a P use in M-DT, because the form-based standards to be developed in Module 2 will control the size, shape, and location of these facilities to prevent negative impacts. Added to M-C, M-BP, and IG district since prior draft in response to comment.

⁴³⁷ Combines current “Parking for Automobiles and Light Trucks , Multi-Level, Underground or Covered Commercial” and “Parking for Automobiles and Light Trucks, Commercial” uses.

⁴³⁸ Combines current “Laundry, commercial”, “Lumberyard”, “Newspaper publishing plant”, “Printing shop”, and “Sign painting shop” uses and similar uses.

⁴³⁹ Combines current “Mechanical and construction contractors” and “Plumbing, Heating, Air Conditioning, and Electrical Businesses (including related contracting, retail and wholesale sales and distribution)” uses.

Mechanical/construction contractors change from prohibited to C in M-C and C-P districts; Plumbing and HVAC contractors change from prohibited to P in M-BP and prohibited to P in PD C-M districts. Changed from C to P in M-C since prior draft, in response to comment.

⁴⁴⁰ Combines current “Commercial storage and wholesale distribution” (Restrictions in current use name now appear in definition), “Moving, transfer, and storage plants”, “Distribution of bottled and canned beverages” and “Warehouse and distribution” and “Warehousing and distribution facilities (only if ancillary to other allowed uses)” uses. Moving, transfer, and storage plants are now clarified as P uses in M-BP and M-P districts and on current M-C lands). Distribution of bottled and canned beverages and “Warehousing and distribution” are changed from prohibited to P uses in M-BP and M-P lands. List of materials prohibited in M-C district has been deleted.

⁴⁴¹ “Blacksmith shop”, “Manufacturing and processing”, “Printing shops (total mechanical power less than 5 hp) “Shops for custom work” and “Armory” uses were deleted as obsolete or duplicative.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE
P=Permitted use | C=Conditional use | A=Accessory use | CA=Conditional Accessory use | T=Temporary use

Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁷⁷	IG	A	O		PD
Current Zoning District			R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	C-P, M-P
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-U ³⁷⁹	A-1		PUD, O-P	C-P, M-P
Bakery ⁴⁴³						C	P	P	P	P				
Heavy Industry ⁴⁴⁴										C				
Light Industry ⁴⁴⁵						C				P				(ee)
Machine Shop ⁴⁴⁶						C				P				
Mine or Quarry ⁴⁴⁷										C	C			
Transportation														
Airport											C			
Bus Barn or Lot ⁴⁴⁸							P			P			Per PD Approval	
Bus Station							P	P		P				
Rail or Truck Freight Terminal ⁴⁴⁹										P				
Waste & Salvage														
Sanitary Landfill											C		Per PD	
Vehicle Wrecking or Junkyard ⁴⁵⁰										C				(ff)
ACCESSORY USES														
Accessory Dwelling Units	C	A	A											(gg)
Backyard or Rooftop Garden ⁴⁵¹	A	A	A	A	A	A	A	A	A		A			(hh)

Comment [PRZ78]: Traditionally ADUs are allowed in R-1. This would permit an ADU in the R-1 district subject to a conditional use permit being authorized. (5/16)

⁴⁴² New use. Definition covers production of small scale arts, crafts, foods, and beverages for on-premises sale to the public.

⁴⁴³ Added as P in M-BP since prior draft

⁴⁴⁴ Combines current "Asphaltic concrete plant", "Concrete plants", "Electroplating works", "Forges", "Galvanizing Works", "Manufacture, compounding, or processing of hazardous materials", "Monument and dimension stone works," "Photo engraving plants", "Planing mills", "Plumbing and sheet metal shops", "Plants and facilities" and similar uses. Standards prohibiting significant adverse impacts currently applicable in C-P have been made generally applicable to all uses in this category in all zones.

⁴⁴⁵ Combines current "Bottling plant", "Canning and preserving factories", "Carpenter, cabinet, or pattern shops", "Flour mills, feed mills, and grain elevators and processing", "Ice plant", "Chemical laboratory". Added as C in M-C and deleted as C from M-DT since prior draft, in response to comment.

⁴⁴⁶ Deleted as C in M-DT since prior draft, in response to comment.

⁴⁴⁷ Combines current "Mines and quarries" and "Extraction of limestone and other subsurface materials".

Extraction changes from P in former Manufacturing – underground district (which is being eliminated) to C in the M and A zone districts.

⁴⁴⁸ Added to M-C district since prior draft in response to comment.

⁴⁴⁹ Retitled from "Freight terminals (rail or truck for loading or storage) or sidings.

⁴⁵⁰ Changed from P in M-1 to C in the consolidated IG zone.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE													
P=Permitted use C=Conditional use A=Accessory use CA=Conditional Accessory use T=Temporary use													
Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁷⁷	IG	A	O	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁷⁹	A-1	O	PD
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁷⁸	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁷⁹	A-1	O	PD
Communication Antenna or Tower as an Accessory Use	See 29-3.3(n)												(n)
Customary Accessory Uses and Related Structures ⁴⁵²	A	A	A	A	A	A	A	A	A	A	A	A	A
Drive-Up Facility					CA	C A	A	C A	A	A			
Home Occupation ⁴⁵³	A	A	A	A	A	A	A	A	A			A	
Home Occupation with Non-Resident Employees	CA	CA	C A	C A									
Outdoor Storage in Residential Districts	A	A	A	A									
Wind Energy Conversion System (WECS) as a Principal Use ⁴⁵⁴	See 29-3.3(o)												(o)
TEMPORARY USES⁴⁵⁵													
Temporary Construction Office or Yard	T	T	T	T	T	T	T	T	T	T	T	T	T
Temporary Parking Lot					T	T	T	T	T	T	T	T	T
Temporary Real Estate Sales/Leasing Office ⁴⁵⁶	T	T	T	T	T	T	T	T	T			T	
Temporary/Seasonal Sales or Event, Other ⁴⁵⁷	T	T	T		T	T	T	T	T	T	T	T	T

⁴⁵¹ New accessory use based on Columbia Imagined. Community garden use has been relocated to the “community services” subcategory since Module 1.

⁴⁵² Combines current “Customary accessory uses”, “Commercial uses, ancillary”, “Retail establishments ancillary to a manufacturing, warehousing, or distribution facility”, “Accessory uses customarily ancillary to manufactured home parks”, and “Recreational uses for exclusive use of the occupants of the manufactured home park” uses. Extends this use to all zone districts, because almost all uses (including single family homes) may have accessory structures or uses.

⁴⁵³ This use would now be permitted on current O-2 lands.

⁴⁵⁴ From current Section 29-21.5.

⁴⁵⁵ Garage sales have been deleted from this section and are not subject to the temporary use permit process.

⁴⁵⁶ Title revised to include leasing. This use would now be allowed on current O-2 lands.

⁴⁵⁷ New use. Expanded to include special events (not just sales) and made available in R-1 and R-2 districts since prior draft in response to comment.t

29-3.3 Use-specific Standards

- (a) All uses for which Section 29-3.2 (Permitted Use Table) shows a Use-specific Standard(s) shall comply with the applicable standards(s) in this section. In addition, all development shall comply with all applicable provisions of Chapter 29-4 (Form and Development Controls).
- (b) In case of a conflict between these Use-specific Standards and the requirement of Chapter 29-4, these Use-specific Standards shall apply, except in the M-DT district, where the standards of the M-DT district will apply.
- (c) Where these Use-specific Standards require spacing between uses, no existing use that complied with applicable spacing requirements when it was created shall be made nonconforming because of the later location of any facility closer than the required spacing, or because of an amendment to this Ordinance changing any applicable spacing distance.

Primary Uses of Land and Buildings

(a) Dwelling, One-family Detached

- (1) Single family dwellings developed in accordance with the "Cottage" standards shall be permitted only in the R-2 zoning district in accordance with the procedural requirements of Section 29-5.4(j).
 - (i) An Accessory Dwelling Unit (ADU) shall not be permitted on any lot in the R-2 District developed in accordance with the "Cottage" standards.
- (2) A Manufactured Home or Modular Home may be placed on a lot in the R-1, R-2, R-MF, or A zoning districts if the structure meets the following standards:
 - (i) The longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.
 - (ii) The roof shall be double-pitched with a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run, and shall be covered with wood, asphalt, composition or fiberglass roofing material.
 - (iii) The roof shall have a minimum eave projection or overhang of ten (10) inches on at least two (2) sides, which may include a four (4) inch gutter.
 - (iv) The exterior siding shall be made of non-reflective material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboards, conventional vinyl or metal lap siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior foundation or curtain wall.
 - (v) The home shall be installed in accordance with the recommended installation procedures of the manufacturer and City building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry foundation or permanent masonry piers with masonry curtain wall, un-pierced except for required ventilation and access, shall be installed under the perimeter of the home.

Comment [PRZ79]: Provides cross reference to procedural requirements to establish cottage lots and clarifies that ADU not permitted on Cottage lots. (5/16)

Comment [PRZ80]: Reorganized since Integrated Draft due to adding a new Item 1. (5/16)

- (vi) The home shall have a garage if fifty (50) percent or more of existing homes on the same block face have a garage.
- (vii) The home shall have a covered porch at the main entrance if fifty (50) percent or more of existing homes on the same block face have a covered porch.⁴⁵⁸

(b) Dwelling, One-family Attached

The structure containing this use is limited to no more than 2 contiguous attached dwellings in the R-2 zone district, and no more than 6 contiguous attached dwellings in the R-MF zone district.⁴⁵⁹ Notwithstanding anything in this UDC, interior units in a one-family attached dwelling structure shall not be subject to side yard setbacks.

Comment [PRZ81]: Revised to reduce number of "attached" dwellings in the R-2 district and clarified setback requirements of interior lot lines. (5/16)

(c) Dwelling, Live-work

This use shall be subject to the following standards:

- (1) Not more than three (3) people may be engaged in the making, servicing or selling of goods, or provision of personal and professional services, within a single unit.
- (2) At least one (1) person shall reside in the dwelling unit where the nonresidential activity or activities occur.
- (3) The residential unit must be located above or behind the non-residential areas of the structure.⁴⁶⁰

~~(3)~~(4) Where a conditional use permit is required, all non-residential uses shall be specifically approved within such conditional use permit.

(d) Dwelling, Multi-family⁴⁶¹

This use shall be subject to the following standards:

(1) Façade Length and Articulation

- (i) At least 1 of the following design features shall be incorporated within each 25 feet of horizontal primary façade length: (1) Roof dormers; (2) Gables; (3) Recessed entries; (4) Covered porches; (5) Pillars, pilasters or posts; or (6) Bay windows.
- (ii) Total length of any multi-family primary façade shall not exceed 200 ft., and no façade wall shall extend more than 80 horizontal ft. without projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade.

⁴⁵⁸ New standards that apply to all districts where manufactured homes are permitted outside a manufactured home park. Revised since prior draft to reflect inclusion of Modular Homes in definition of single-family detached home, and to add significant detail to ensure these are compatible with stick build structure, in response to public comment.

⁴⁵⁹ New standards to keep the scale of these types of structures consistent with the surrounding community.

Revised since prior draft to reflect fact that this use is no longer permitted in R-1.

⁴⁶⁰ New conditions for a new use.

⁴⁶¹ New standards.

(2) Entryway Design

The front entry of each multiple-family building shall be emphasized by the use of at least one of the following: (1) Side-lights (glazed openings to the side of the door), and transom-lights (glazed opening above the door), or (2) Changes in the texture or color of materials from the predominant façade materials at least twelve (12) inches in width above and to both sides of the door, or (3) Projections extending at least eight (8) inches in front of the primary façade of the building above and to both sides of the door.

(3) Roof Articulation and Design⁴⁶²

Rooflines longer than one hundred (100) horizontal feet shall include at least one (1) vertical elevation change of at least two (2) vertical feet per one hundred (100) horizontal feet or part thereof. All sloped roofs shall have overhanging eaves of at least one (1) foot, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall.

(4) All-Sided Design

All sides of a building, visible from public or private streets or travel ways, shall use the same predominant façade materials used on the primary façade of the building and shall incorporate at least two (2) of the façade features listed in subsection (e)(1) above.

Comment [PRZ82]: Removed "Four" and replaced with "All" (9/16)

Comment [PRZ83]: Text deleted at request of Commission based on public comment. (9/16)

The following shall apply to ensure that "all-sided" design is achieved:

- (i) All sides of a building having frontage on public or private streets or internal travel ways shall use the same predominate façade material used on the primary façade of the building and shall incorporate at least two (2) of the façade features listed in subsection (d)(1) above.
- (ii) When any side of a building is 24-feet or less in height and not required to comply with the requirements of item (i), above, and is adjacent to an existing single or two family dwelling in the R-MF district or R-1 or R-2 zoned land it shall be screened from the adjacent property in accordance with Section 29-4.5(e).
- (iii) When any side of a side of building greater than 24-feet in height is adjacent to an existing single or two family dwelling in the R-MF district or R-1 or R-2 zoned land it shall be screened from the adjacent property in accordance with Section 29-4.5(e) and shall use the same predominate façade material used on the primary façade of the building and shall incorporate at least two (2) of the façade features listed in subsection (d)(1) above.

Comment [PRZ84]: Provisions added at request of Commission to address issue with defining "visible" and to create equality in treatment of facades between buildings of similar size on adjacent parcels. (9/16)

(5) Parking Garages and Carports

No more than fifty (50) percent of required on-site parking may be surface parking visible from a public or private street. ~~or travel way.~~ Any façade of a parking garage and any end or side of a carport structure visible from a public or private street ~~or travel way~~ shall use the same predominant building materials used on the primary façade of the primary multi-

Comment [PRZ85]: Deleted for clarity. (9/16)

Comment [PRZ86]: Deleted for clarity. (9/16)

⁴⁶² Requirement for screening of rooftop mechanical equipment in prior draft has been replaced by general rooftop screening requirement applicable to all primary structures in R-M and Mixed Use districts.

family parking structure. No parking garage or carport shall be located closer than the primary façade of a multi-family building to the street adjacent to the front property line.⁴⁶³

(6) Universal Design

In principal structures containing more than one hundred (100) bedrooms, at least twenty-five (25) percent of the dwelling units shall incorporate at least two (2) of the following elements of "universal design" (1) At least one no-step entrance, (2) Interior doorways with at least 32 inch wide openings; (3) At least one bathroom with thirty-two (32) inch counter height; (4) At least one (1) bathroom with wall reinforcements for handrails; and/or (5) All light switches between forty-four and forty-eight (44-48) inches in height.

(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 districts, no principal structure may contain more than two hundred (200) bedrooms in any one structure.⁴⁶⁴
- (ii) Each principal structure must include at least one (1) operable entry/exit door for each one hundred (100) linear feet of each street frontage, or part thereof.
- (iii) No façade of a primary multi-family structure facing an R-1, R-2, or R-MF district or a property containing a one-family attached, detached, or duplex dwelling may contain an exterior balcony or patio.
- (iv) No outdoor activity area such as a swimming pool, tennis court, or game court may be located between any façade of the principal structure and any property line adjacent to an R-1, R-2, or R-MF district or a property containing a one-family attached, detached, or duplex dwelling

Comment [PRZ87]: Added to capture duplex only district. (9/16)

Comment [PRZ88]: Added to capture duplex only district. (9/16)

(e) Second Primary Dwelling on a Lot

This use must be located on a lot of two and a half (2.5) acres or more, and may not be a manufactured home.

(f) Continuing Care Retirement Communities (CCRC)

This use shall be subject to the following standards:⁴⁶⁵

- (1) A CCRC shall be planned and constructed as a unified development.
- (2) Uses located within a CCRC shall be owned and operated by a single, properly licensed entity or provided under a direct contract with the owner.

⁴⁶³ Revised since prior draft to clarify that parking cannot occur on any portion of the lot closer to the street than the front façade of the property.

⁴⁶⁴ Wording revised in response to public comment.

⁴⁶⁵ Condition requiring additional 15% landscaping was deleted as unnecessary – general landscaping standards can address impacts of this low-impact use. 10 acre minimum size requirement deleted as unnecessary.

- (3) The height and area requirements applicable to the R-MF zone district shall apply to any proposed component of a CCRC.
- (4) A twenty-five (25) foot perimeter setback shall be provided around all sides of a CCRC.

(g) Group Home

This use shall meet the following standards:

- (1) A Group Home shall not be located within a one thousand (1,000) foot radius of another Group Home in any specific single-family neighborhood.
- (2) Before operating such Group Home, the owner or operator of the home shall register with the department of community development and shall sign an affidavit acknowledging that the home will be in compliance with subsection (a) above.⁴⁶⁶
- (3) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

(h) Halfway House⁴⁶⁷

This use is subject to the following standards.

- (1) In the R-MF district, this use is limited to not more than eight (8) occupants, and shall only be permitted if the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.
- (2) In the Mixed Use districts, this use is limited to not more than fifteen (15) occupants, and shall only be permitted if the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.
- (3) Halfway houses serving individuals between the ages of seventeen (17) and twenty-five (25) who have not been imprisoned (except for "shock probation" terms) and have not been convicted of adult or juvenile violent crimes (as defined by the Missouri Department of Corrections), are only permitted in the M-N and M-C districts, and are limited to not more than forty (40) occupants. In the M-N and M-C districts, halfway houses for youth offenders are only permitted if the Board finds that facility will have 24-hour on-duty staff and the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.

⁴⁶⁶ The requirement for an "Affidavit certifying" was revised to an "affidavit acknowledging". Usually staff verifies the separation distance, since information on group home locations is more available to the City than to applicants.

⁴⁶⁷ Standards revised to reflect consolidation of Halfway House and Halfway House for Young Offenders uses, but facilities for Young Offenders are still allowed in the same districts and subject to same approval standards.

(i) Temporary Shelter

This use is subject to the following standards:

- (1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided. These items shall be used to determine if the facility is in conformance with the character of the adjacent area.
- (2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter.
- (3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure.

~~The shelter shall submit a semi-annual report to the building and site development division of the Department, stating maximum monthly occupancy level and support services provided by the shelter.~~

Comment [S89]: Staff recommends omission because it singles out one use and staff believes these concerns are met by other existing requirements. (5/16)

(j) Family Day Care Center

This use is subject to the following standards:

- (i) In the R-1, R-2, R-MH, and A districts:
 - (A) Not more than ten (10) children not related to the operator shall be kept. Up to three (3) additional children over the age of two (2) may be kept for up to two (2) hours per day. Up to three (3) additional school-age children may be kept on unscheduled days of school closings; provided that at no time shall more than thirteen (13) children not related to the operator be kept.
 - (B) The use shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this section.⁴⁶⁸
 - (C) The use shall be located in a dwelling used by the operator as his or her private residence.
 - (D) The operator shall not employ more than one (1) full-time (forty (40) hours per week) assistant who does not reside on the premises or more than two (2) half-time (twenty (20) hours per week) assistants who do not reside on the premises.
 - (E) ~~No advertising or identification sign shall be placed on the premises.~~ A Family Day Care Center may utilize one (1) sign used for identification purposes, but such sign must be attached flat to the structure, may not be larger than one square foot, and may not be illuminated.

Comment [PRZ90]: Added per public and Commission comment. Standards are same as "home occupation" (9/16)

⁴⁶⁸ Fencing requirement was deleted because addressed in state licensing requirements.

(ii) In the R-2 district, a family day care home that exceeds the size limit of item (i)(A), above, may be approved as a conditional use.⁴⁶⁹

(k) Funeral Home or Mortuary

This use is subject to the following standards:⁴⁷⁰

- (1) The use shall be conducted within a fully enclosed legally permitted structure and may include a covered exterior entry or porte cochere to shelter users during visitation services or transporting the deceased.
- (2) No outside storage or display of equipment or merchandise used or customarily sold in conjunction with such use shall be permitted.
- (3) Cremation of the deceased shall be permitted on-site only in the IG zone district or in other districts as specifically allowed by a conditional use permit.

Comment [PRZ91]: Added clarification regarding covered entrances based on public comment. (9/16)

(l) Higher Education Institution

This use, if subject to this Development Code under Missouri law, shall comply with the following standards:

- (1) Before any building or structure shall be constructed on a campus of an institution of higher learning, a development plan of the campus shall be submitted to the Commission, and after a public hearing, such Commission shall report its recommendations to the Council. If the Council shall approve the development plan by ordinance, and that plan shall be filed with the permanent records of the City.
- (2) The development plan shall show existing and future buildings, parking areas, streets and drives, athletic facilities, and other features which may affect surrounding property or the public interest.
- (3) No building permit within the boundaries of the development plan shall be issued until the Director determines that any building or structure constructed on the campus (a) substantially conforms to the approved development plan, or (b) is a minor structure or expansion of an existing structure related to the operation of buildings and facilities shown on the development plan and does not create impacts beyond the boundaries of the development plan. If at any time a major deviation from the approved development plan is proposed, an amended plan shall be submitted to the Commission and the Council for approval in the same manner as the original plan, and no building permit for a building

⁴⁶⁹ Conditions that the facility meet all City health and fire regulations and state regulations were deleted, because those requirements apply to all uses subject to state licensing.

⁴⁷⁰ These standards currently applicable to the O-1 district are now applicable in all districts where this is a P or C use. Specific conditions regarding ownership of parking spaces and prohibition on shared parking currently applicable to the O-1 district were deleted as unnecessary.

based on the substantial deviation shall be issued until the Council's approval of the amended plan has been obtained.⁴⁷¹

(m) Reuse of Place of Public Assembly

Religious institutions or any property used primarily as a place of public assembly as a permitted use in the R-1 district may be reused as a place of public assembly subject to such restrictions as the board may impose, and provided that:

- (1) The building or structure was constructed and used primarily as a place of public assembly;
- (2) The reuse shall be primarily as a place of public assembly, provided that uses which are ordinarily accessory uses to a place of public assembly may be permitted;
- (3) The reuse shall be for not-for-profit and for noncommercial purposes by a charitable, philanthropic, eleemosynary, or other organization which could be organized as a not-for-profit corporation under state law; and
- (4) The reuse shall not constitute a more burdensome use nor impose a greater adverse impact on the neighborhood than the existing or prior use in terms of traffic congestion, parking, storm drainage, and neighborhood impacts.

(n) Communication Antenna or Tower⁴⁷²

This use is subject to the following standards.

(1) Purposes

These standards are intended to provide for the appropriate location and development of communications facilities and systems to serve the citizens and businesses of the City; to minimize adverse visual impacts of communications antennas and towers through careful design, siting, landscape screening and innovative camouflaging techniques; to protect residential areas/land uses from potential adverse impacts of towers; to maximize and encourage the use of disguised support structures and antenna support structures so as to ensure the architectural integrity of designated areas within the City and the scenic quality of protected natural habitats; to promote and encourage shared use/co-location of towers as a primary option rather than construction of additional towers; and to comply with the federal Telecommunications Act of 1996, as amended and interpreted by the courts, and related regulations.⁴⁷³

⁴⁷¹ Wording revised for clarity and to allow the Director to approve minor structures and additions not shown on the development plan that do not have impacts outside the development plan.

⁴⁷² These regulations may be reviewed in light of a pending legal challenge to Missouri telecommunications laws.

⁴⁷³ Final clause (compliance with federal law) is a new provision. These provisions have been reviewed for alignment with Missouri's Uniform Wireless Communications Infrastructure Deployment Act (§§ 67.5090 to 67.5102) amendments taking effect August 28, 2014.

(2) Permitted Uses in All Districts

The following uses shall be permitted in any zoning district subject to the issuance of a building permit by the Department, provided that drawings and other documentation are submitted showing compliance with subsection 29-3.3 (m)(5) (Standards), unless otherwise required by law:

- (i) The collocation, addition, or replacement of antennas on any tower; or the addition of accessory equipment to any tower in accordance with these regulations.⁴⁷⁴
- (ii) The mounting of antennas on any existing antenna support structure. This shall not include the mounting of antennas on signs.
- (iii) The installation of antennas or towers on structures or land owned by the City, following approval by the Council of a lease providing for use of structures or land owned by the City.
- (iv) The replacement or modification, as defined under this code, of any tower, on the same site, so long as the purpose of the replacement is to accommodate shared use of the tower or to eliminate a safety hazard.⁴⁷⁵
- (v) Satellite receiver dishes up to one (1) meter in diameter.⁴⁷⁶
- (vi) Any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station which is required to be approved by the City under federal law.

(3) Permitted Uses in Selected Districts

The following use shall be permitted in any zoning district other than zoning districts A, R-1, R-2, R-MF, R-MH and PD districts with a residential component, subject to the issuance of a building permit by the Department, provided that drawings and other documentation are submitted showing compliance with subsection 29-3.3(n)(5)(Standards).

- (i) The construction of an enclosed support structure designed to match the architecture, material, and color of existing adjacent accessory structures which renders antennas and accessory equipment disguised from public view.
- (ii) Satellite receiver dishes up to two (2) meter in diameter.⁴⁷⁷

⁴⁷⁴ Replaced “communications equipment shelters or cabinets” with “accessory equipment” (defined as “any equipment serving or being used in conjunction with a wireless facility or wireless support structure, including utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures” for consistency with state law 67.5092(1). Removed reference to towers before and after 1997 as unnecessary.

⁴⁷⁵ Current limitations to “one-time” replacement or modification and the limitation to a 20 foot height increase were deleted as inconsistent with the new state law amendments. State law does not include a “one-time” limitation and allows increases of not more than 10% of the tower height (regardless of whether that is more or less than 20 feet. Removed reference to towers before and after 1997 as unnecessary.

⁴⁷⁶ New addition to this list to comply with federal law.

⁴⁷⁷ New addition to this list to comply with federal law.

(4) Conditional Uses

The following uses shall be available only after the issuance of a conditional use permit pursuant to Section 29-5.4 (Conditional Use Permit). Decisions on applications for conditional use permits shall be rendered within the time required by applicable state or federal law.

- (i) Construction of new communications towers or any alteration of a communications tower not permitted under the previous two subsections shall be allowed in all zoning districts except for A, R-1, R-2, R-MF, R-MH and PD with residential development.
- (ii) Construction of disguised support structures shall be allowed in zoning districts A, R-1, R-2, R-MF, R-4, R-MH, and PD with residential development.

(5) Standards⁴⁷⁸

All antenna towers installed, built or altered after December 15, 1997 shall comply with the following standards to the full extent permitted by law.

(i) Security

All antennas and towers shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or alter antennas or towers. Additional measures may be required as deemed necessary by the Board in the case of a conditional use permit.

(ii) Lighting

Antennas and towers shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or alter the antenna or tower. Strobe lights shall not be used unless required by the FAA or other state or federal agency with authority to regulate.

(iii) Advertising

Placement of advertising on structures regulated by this section is prohibited.

(iv) Collocation

All new towers shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one provider based upon the following tower heights:

- (A) 40 to 120 feet – shall support at least four (4) antenna arrays;
- (B) 121 to 150 feet – shall support at least five (5) antenna arrays; and
- (C) Greater than 151 feet – shall support at least six (6) antenna arrays.⁴⁷⁹

⁴⁷⁸ Requirements for on-site parking were deleted as unnecessary, and restrictions on storage of unrelated materials in cabinets was deleted as unenforceable.

(v) **Height**

The height of a tower shall be governed by the underlying zoning district; however, as a condition of when rendering its decision on a conditional use permit for a new tower, the Board may allow an increase in height as it deems appropriate to allow effective functioning of the equipment as required by the federal Telecommunications Act, while still protecting the public health, safety, and general welfare.

(vi) **Color and Finish**

Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable state or federal agency, be painted a neutral color consistent with the natural or built environment of the site.

(vii) **Screening**

Equipment shelters, cabinets and guy anchors shall be screened from view by a permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height. The required screening shall have an opacity of eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity and eight-foot minimum height shall be achieved within four (4) full growing seasons.

(viii) **Setbacks**

All towers shall meet the setback and yard requirements of the applicable zoning district. In addition, all towers shall be separate from any off-site residential structure, or the boundary of any residentially zoned property, either (a) a distance equal to the height of the tower, or (b) if the tower is of a self-collapsing design, then the maximum distance from the base of the tower that any portion of the tower could fall, based on information provided by the tower manufacturer.⁴⁸⁰

(ix) **Anchoring**

Ground anchors of all guyed towers shall be located on the same parcel as the tower and meet the setbacks of the applicable zoning district.

(x) **Cabinets**

The horizontal dimensions of a communication equipment cabinet shall not exceed four (4) feet by six (6) feet.

(6) Obsolete Tower Structures and Antennas

- (i) Any tower or disguised support structure that is not occupied by active antennas for a period of twelve (12) months or any antenna which is not used for a period of twelve (12) months shall be removed at the owner's expense. The Director is authorized to order the owner of any private property to remove any unused tower or antenna on the

⁴⁷⁹ New provision consistent with intent of state law and expected federal rulemaking on this topic.

⁴⁸⁰ Revised to reflect changes in tower design, based on comment received.

owner's property within a reasonable time specified by the Director. The order shall require the tower or antenna to be removed unless the owner, within ten (10) days of receipt of the order, appeals the matter to the Board pursuant to section 29-5.3(f) (Appeals). If the Board finds that a tower has not been occupied by active antennas for twelve (12) months or an antenna has not been used for twelve (12) months, it shall order the tower or antenna to be removed within a specified time.

- (ii) If the unused tower or antenna is not removed as specified in an unappealed order of the Director or as specified by the Board, the Director may cause the tower or antenna to be removed. The Director shall submit the actual cost of such removal to the owner of the property. If the owner does not pay the cost within thirty (30) days of receipt, the Director shall certify the cost to the Director of Finance who shall cause a special tax bill against the property to be prepared and collected. The tax bill shall be due and payable from the date of issuance and shall be a lien on the property from the date of issuance until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of nine (9) percent per annum.

(7) Commercial Operation of Unlawful Towers or Antennas

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or disguised support structure in violation of any provision of this section regardless of whether such antenna or structure is located on land belonging to a governmental entity.

(o) Wind Energy Conversion System (WECS)

This use shall be subject to the following standards.⁴⁸¹

(1) Permitted Uses

- (i) One (1) noncommercial wind energy system (WECS) shall be allowed as an accessory use to a permitted principal use on the same lot, on lots meeting setback and fall zone requirements, in districts R-1, R-2, R-MF, R-MH, A, and PD with residential development.
- (ii) Two (2) noncommercial WECS shall be allowed as accessory uses to a permitted principal use on the same lot, on lots meeting setback and fall zone requirements, in districts M-OF, M-N, M-C, M-DT, M-BP, IG, and PD without residential development.
- (iii) Notwithstanding subsections (i) and (ii), WECS shall not be permitted uses within the boundaries of the Downtown Community Improvement District as defined in the petition approved by Ordinance No. 20866.⁴⁸²
- (iv) Commercial WECS are not allowed in any zoning district.

⁴⁸¹ From current Section 29-21.5, reordered and reworded for clarity, and with changes as noted.

⁴⁸² A map of the Downtown Community Improvement District will be included here.

(2) Conditional Uses

- (i) In all locations where WECS are not allowed as permitted uses, a WECS shall be allowed only after the issuance of a conditional use permit. Where one or two WECS are allowed as permitted uses, additional WECS shall be allowed only after the issuance of a conditional use permit.
- (ii) Applications for conditional use permits shall include all items required by the submittal requirements list on file at the Department.⁴⁸³
- (iii) All conditional use permits shall include the following supplemental materials, as they may be applicable, based upon the specific WECS application.
 - (A) A Missouri-licensed engineer's certification that the monopole structure, foundation, and design are appropriate, given local soil and climate conditions. Manufacturer certification and specification sheets may, at the discretion of the building official, be used in place of engineering certification, if these provide sufficient information on the installation of the monopole (e.g. size and depth of hole to dig, type of soil or bearing needed to support the pole and turbine). For building-mounted WECS, a written structural analysis from an engineer or contractor determining that installation of a WECS will not cause damage to the structure and that the WECS design is suitable for the structure based on the analysis of the roof's structural members. A certification from a Missouri-licensed engineer on the general design of a building-mounted WECS shall be required.
 - (B) A copy of the interconnection agreement application between the applicant and the applicable utility if connecting to the grid.
 - (C) A copy of the shadow flicker analysis, if required. This shall apply only to systems greater than ten (10) kW in nameplate generating capacity. No WECS shall be installed and operated in a manner that causes shadow flicker to fall on or in any residential dwelling existing at the time the application to install a WECS is received by the city. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses, either through siting or mitigation. Shadow flicker expected to fall on an adjacent parcel or roadway may be acceptable if the flicker does not exceed thirty (30) hours per calendar year. If such flicker is likely, the applicant shall, at the applicant's sole expense, furnish a flicker study for city review.

Comment [PRZ92]: Item and subsections from 29-21.5(d)(2). Added per Law. (9/16)

Comment [PRZ93]: Sec. 29-21.5(d)(2)(f). Added per Law. (9/16)

Comment [PRZ94]: Sec. 29-21.5(d)(2)(h). Added per Law. (9/16)

Comment [PRZ95]: Sec. 29-21.5(d)(j). Added per Law. (9/16)

(3) Procedures for Permits

- (i) It shall be unlawful to construct, erect, install, alter or locate any WECS within the City of Columbia, unless a Building Permit has been obtained. The Building Permit may be revoked by the building official any time the approved system does not comply with the rules set forth in this section 29-3.3(o).

⁴⁸³ List of specific application requirements deleted – to be retained on administrative lists or the City web site.

- (ii) Authorization for interconnection to the electric grid is independent of the approval for the WECS building permit. If an interconnected system is planned, the applicable utility's interconnection requirements must also be satisfied, and no building permit shall be issued until the building official has been provided with that utility's written authorization.
- (iii) Building Permits and, if necessary, conditional use permits and variances shall be applied for and reviewed under the procedures established in Chapter 29-5 (Procedures), except where noted below. The Director, upon written request of the applicant, may waive any of the submittal requirements that the Director deems not applicable after reviewing the request. Applicants desiring such a waiver shall provide supporting documentation from a licensed engineer justifying the waiver. The Director may also require additional information as minimally needed to determine compliance with this Code.
- (iv) The application for all WECS building permits shall include the information found in the list of application requirements maintained by the Community Development Department.

(4) General Requirements and Construction

(i) Tower

Only monopole towers are permitted for freestanding WECS. Guyed or any other types of towers are not permitted.

(ii) Color and Surface

Freestanding WECS monopole towers shall be a neutral color such as white or light gray. Supporting structures for building-mounted WECS shall match the color of the building on which they are mounted. Surfaces of the WECS and building-mounted supporting structures shall be a non-reflective, matte finish.

(iii) Signage and Visual Impact

No lettering, advertising, or graphics other than a standard manufacturer's insignia shall be on any part of the tower, hub, or blades. No other signage or message may be displayed, other than for safety or apparatus identification (e.g. nameplate, serial number or emergency instructions). The applicant shall avoid state or federal scenic areas and significant visual resources listed in the City's comprehensive plan.

(iv) Climbing Apparatus

The tower must be designed to prevent climbing within the first ten (10) feet.

(v) Lighting

No lights shall be installed on the tower, unless required to meet Federal Aviation Administration (FAA) guidelines, where lighting intensity and frequency of strobe shall adhere to requirements established by FAA permits and regulations. Red strobe lights are preferred for nighttime illumination and to reduce impacts on migrating birds. Red pulsating incandescent lights shall be prohibited unless required by the FAA.

(vi) **Compliance**

All WECS equipment and connections must comply with all applicable local and state regulations and relevant national and international codes. In case of noncompliance, the applicant may be required to hire outside inspectors as deemed necessary by the building official or Board.

(vii) **Maintenance**

Facilities shall be installed and maintained in accordance with manufacturer's specifications. The property owner of any WECS shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and function of such a system. Failure to maintain the WECS may result in enforcement action including, but not limited to, citations, fines, or revocation of permits in accordance with this Code.

(viii) **Interconnection and Utility Considerations**

The applicant shall notify and apply with the appropriate electric utility in making a WECS application to install an interconnected, customer-owned WECS. The WECS shall meet the requirements for interconnection and operation as set forth by the utility, and shall not be interconnected to any utility-operated power line or by any other means of conveyance until so authorized by the utility. Interconnected WECS shall require the approval of the applicable utility before receiving permits from the City. Off-grid (not connected to the utility) systems shall be exempt from this application requirement. A response from the utility is not required to approve or deny an off-grid WECS application.

(ix) **Restriction on Use of Electricity Generated**

A WECS shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the WECS and not presently needed for use by the owner may be used by the utility in accordance with laws and regulations governing interconnection and utility approval.

(x) **Feeder Lines**

All communications and feeder lines installed as part of a WECS shall be buried where feasible.

(xi) **Displacement of Parking and Landscaping Prohibited**

The location of the WECS shall not result in the net loss of required parking or landscaping as specified elsewhere in this Ordinance.

(5) Noise, Vibration, And Sound Pressure Level

A WECS shall be designed, installed and operated so that any noise or vibration has minimal impact on adjacent properties. A WECS shall not exceed fifty-five (55) dB(A) at any adjacent property line. This sound pressure level may be exceeded during short-term events such as utility outages or severe wind storms. If the ambient sound level for the WECS location

exceeds fifty-five (55) dB(A), the maximum standard shall be ambient dB(A) plus five (5) dB(A). No WECS shall emit low frequency sound at or below twenty (20) Hertz. The process for reporting and investigating a noise complaint is as follows:

- (i) Upon written notification of a complaint of excessive noise, the building official or designated representative of the community development department (the "enforcing person"), shall record the filing of such complaint and promptly investigate it. If noise levels are determined to be in excess of the maximum standard, the enforcing person shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest off-site, inhabited residence.
- (ii) If the noise levels are found to have exceeded the allowable limit, the enforcing person shall notify, in writing, the owner of the WECS site to correct the violation. If the noise violation is not remedied within thirty (30) days, the WECS shall remain inactive until the noise violation is remedied, which may include (but is not limited to) relocation or removal at the owner's expense.
- (iii) If it is determined that maximum noise limits have not been exceeded, notice in writing shall be provided to the person who has filed such complaint and the owner of the WECS property stating that no further action is required, within twenty-one (21) days of the receipt of the request. Any person aggrieved by the decision may appeal the decision to the Board in accordance with section 29-5.3(f)(f) (Appeals). Any such appeal must be filed within thirty (30) days of receipt of the enforcing person's decision.

(6) Safety Design Requirements and Standards

- (i) A WECS shall have automatic braking, governing, and a feathering system to prevent uncontrolled rotation or over-speeding. All WECS shall have lightning protection and shall comply with FAA standards. The system shall also be capable of stopping power generation in the event of a power outage so as to prevent back-feeding of the grid.
- (ii) A clearly marked and easily accessible power shut off/disconnect will be required as determined by the building official. Any battery or energy storage device will be clearly marked and a sign indicating the presence of such device(s) shall be posted at the site's electric meter.
- (iii) No portion of the WECS swept area shall be closer than twenty (20) feet to the ground. The swept area shall extend no closer than twenty (20) feet horizontally to the nearest tree, structure, or aboveground utility facility. No WECS shall be constructed so that any part thereof can extend within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops).
- (iv) A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. A sign shall also be posted at the property's electric meter, noting the presence of a WECS and any battery system. Signs with emergency contact information shall also be posted on the turbine, or at another suitable point, such as the entrance to the WECS's service area.
- (v) No WECS installation shall cause electromagnetic interference. If interference is established, the building official shall notify the owner of the property in writing to

correct the violation. If the interference is not remedied within thirty (30) days, the WECS shall remain inactive until the interference is remedied, which may include, but is not limited to, relocation or removal at the WECS owner's expense.

(7) Setback and Area Regulations

- (i) WECS and their associated outbuildings and cabinets shall meet all setback requirements for principal structures for the zoning district in which the WECS is located. A WECS and its associated outbuildings and accessories shall not be located forward of the principal structure on a lot.
- (ii) The minimum distance between any freestanding WECS and any property line shall be the distance equivalent to the fall zone, which is ninety (90) percent of the WECS system height. No part of the fall zone shall cross an adjacent property line. The setback shall be measured from the property line to the point of the WECS structure closest to the property line.
- (iii) For building-mounted WECS, no part of the fall zone shall cross an adjacent property line. The fall zone for a building-mounted WECS shall be fifty (50) percent of the height as measured from the lowest attachment to the building/structure to the highest point of the blades or rotors.
- (iv) The fall zone shall be entirely contained on the subject parcel. In no case may the fall zone radius include an overhead electric power line. The setback from underground electric distribution lines shall be at least five (5) feet; the fall zone radius may include the underground line(s). The provisions of Section 29-4.1(c) regarding allowable minor projections into required setbacks, is not applicable.

(8) Height Regulations

Maximum height for any WECS (freestanding or building-mounted) shall be the as shown below.

- (i) In the R-1, R-2, R-MF, R-MH, and M-N districts, forty-five (45) feet.
- (ii) In the M-C district, sixty (60) feet.
- (iii) In the M-OF district, ninety (90) feet.
- (iv) In the M-DT, M-BP, and IG districts, one hundred twenty (120) feet.
- (v) In the A district, a maximum height of seventy-five (75) feet is allowed for windmills on agriculturally-used parcels under current zoning district standards. This standard shall apply to all WECS applications on parcels of three (3) acres or fewer in the A district.
- (vi) For lots greater than three (3) acres, one hundred fifty (150) feet.
- (vii) In all Planned Districts, height shall be as proposed in the statement of intent, subject to review by the Commission and approval by the Council.

Maximum height may be exceeded, subject to approval of a conditional use permit by the Board. The applicant must demonstrate that additional height is needed and that the benefits of the taller WECS do not increase any adverse impacts.

(9) Other Regulations

- (i) No other apparatus or mechanical and electronic equipment, such as telecommunication antennas, microwave dishes, or satellite dishes, shall be attached to a WECS tower or its associated components such as the nacelle.
- (ii) No part of a WECS shall be located within or over public drainage, utility or other established easements.
- (iii) No WECS shall be constructed, altered, or maintained so as to project above any of the airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
- (iv) No part of the WECS, including the swept area, shall be within or overhang any portion of the property that is within a required building setback.

(10) Discontinuation and Decommissioning

A WECS shall be considered abandoned after six (6) months without energy production, unless a plan is developed and submitted to the enforcing person outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed in their entirety within ninety (90) days of abandonment. If this is not done, the City's standard procedures for nuisance removal may be followed at the discretion of the building official or the official's designee.

(p) Urban Agriculture⁴⁸⁴

This use is subject to the following standards:

- (1) Greenhouses, hoop houses, cold frames, storage sheds, and other accessory structures are limited to a maximum height of 12 feet, shall be setback at least 10 feet from any abutting lot with an occupied residential use.
- (2) The cumulative area covered by structures more than 4 feet above grade shall not exceed 25% of the site.
- (3) Operation of power equipment or generators may occur between 7:00 am and no later than 10:00 pm.
- (4) Sales of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than 100 square feet and is not located in a required yard area.
- (5) Food products may be grown in soil native to the site if a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Missouri direct-contact standards for lead; and either:
 - (i) The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or

⁴⁸⁴ New standards for new use.

(ii) A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the tables in subsection (6) below, as amended.

(6) Soil testing requirements

(i) Clean soil is soil that has less than 200ppm of lead content. At least 5 samples of the native soil from the proposed planting area shall be tested for lead content and heavy metals. If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has only been used for residential or agricultural purposes in the past, the following gardening techniques may be conducted based upon the lead content test results.

Lead content	Permitted Activity
Less than 200ppm	Soil native to the site may be used
200ppm to 400ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400ppm to 600ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600ppm and higher	Urban Agriculture shall be prohibited.

(ii) If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has been used for purposes other than residential or agricultural in the past, soil shall be tested for metal content using the US EPA 3050B, 3051, or a comparable method. Gardening may be conducted if the test results for the following chemicals are below the levels identified in the following table.

Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000

- (iii) As an alternative to meeting the standards above, food products may be grown in clean soil six (6) inches deep brought to the site without completing a soil test of the native soil.

(q) Veterinary Hospital⁴⁸⁵

This use, when domesticated animals or fowl are treated, kept, cared for, bred or board on-site, shall be subject to the following standards:

Comment [PRZ96]: New use standards added since Integrated Draft to be consistent with current kennel standards. (5/16)

- (1) Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).
- (2) A secondary or perimeter fence or wall shall be constructed around all outside animal run structures, pens, enclosures and outside exercise yards in a manner that protects animals from injury and contain animals securely.
- (3) Veterinary hospitals that provide outside facilities (including but not limited to a run, pen, enclosure or exercise yard) which abut residential uses or zoning, shall be subject to the following setbacks:
 - a. Two hundred (200) feet from the residential use or zoning to any outside animal run structure, pen, enclosures or outdoor exercise yard with openings.
 - b. One hundred (100) feet from the residential use or zoning to any principle structure or secondary or perimeter fence or wall, which encloses an outdoor exercise yard, without openings.
- (4) All applicable state regulations shall be met.

(r) Restaurant

In the M-N district, live or recorded music may only be played indoors and must be inaudible on the property line.

(s) Bed and Breakfast

This use is subject to the following standards:

- (1) That not more than five (5) guest rooms shall be allowed.
- (2) That in addition to meeting all parking requirements of Section 29-4.4 there shall be one off-street parking space provided for each guest room.
- (3) That there shall be no individual room cooking facilities used for the bed and breakfast stay.
- (4) That the establishment shall be owner-occupied and managed.

⁴⁸⁵ Current minimum size standard of 2 acres was deleted as unnecessary.

- (5) That the establishment shall comply with all applicable adopted City fire and building codes and shall be inspected for such compliance by the building and site development division of the City community development department prior to an occupancy permit being granted.
- (6) That only one (1) wall-mounted sign, not exceeding eight (8) square feet in size, shall be allowed.
- (7) That meals may be served only to residents and overnight guests.

(t) Commercial or Trade School

In the M-OF district, this use is not permitted to offer retail goods or services to the public.

(u) Research and Development Laboratory

In the M-OF, M-N, M-C, M-DT districts, this use is limited to those not involving use of hazardous materials.

(v) Personal Services, General

In the M-OF, M-N, M-C, and M-DT districts, this use may not involve the use of explosive or hazardous materials.⁴⁸⁶

(w) Self-service Storage Facility

- (1) When such uses are located in the M-C district and are no greater than 14-feet, unless otherwise permitted, shall be subject to:
 - (i) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
 - (ii) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-4.5(e).
 - (iii) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
 - (iv) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
 - (v) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.

Comment [PRZ97]: Text revised to incorporate current text of Chapter 29, as amended, since Integrated Draft. (5/16)

⁴⁸⁶ Revised standard applies to all minor personal services (not just cleaning, pressing, and dyeing/dyeing establishments), and allows the use of these materials in the M-BP and IG districts.

- (vi) Building heights shall be limited to fourteen (14) feet, unless the building complies with the following standards, which are intended to ensure that buildings in excess of 14 feet in height are visually compatible with surrounding developments:
 - (A) Property shall not be adjacent to, and no structure shall be within 100 feet of, a lot that is residentially zoned or used;
 - (B) The exterior of the building shall be constructed entirely of brick, stone, precast concrete panels that include a masonry façade or other architectural elements, split face block or other similar high-quality materials. Prefabricated metal panels and smooth-faced concrete block shall be prohibited;
 - (C) All exterior portions and/or facades, including the roof, shall use colors consisting of a neutral earth tone.
 - (D) In addition to the screening and landscaping standards of Section 29-4.5(e), one (1) street tree shall be placed every 40 linear feet of site frontage along any property line that abuts a right of way in order to screen the mass of the building.
 - (E) Building height shall not exceed 45 feet or contain more than four (4) stories;
 - (vii) Loading docks shall be prohibited.
- (2) When such uses are located in the M-C district and proposed to be greater than 14-feet in height they shall be subject to:
- (i) Approval of a conditional use permit in accordance with procedures of Section 29-5 of this Code. When considering a conditional use, in addition to meeting the conditional use standards required by this ordinance, the Planning and Zoning Commission shall also consider the context of the surrounding land uses and building forms, and impose any conditions and restrictions needed to assure that proposed self-service storage facilities are compatible with the surrounding area. The standards included in item 1, above, shall be considered as standards for a conditional use as well; however, they may be waived if the applicant shows that they are not required to ensure the visual compatibility of the proposed building with surrounding properties. Additional conditions may include, but are not limited to, limits on signage, additional setbacks, additional screening or fencing, orientation of buildings, and a maximum height.
- (3) When such uses are located in the I-G district they shall be subject to:
- (i) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
 - (ii) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of section 29-4.5(e),
 - (iii) Where the site is adjacent to residentially-zoned land, twenty-five feet of required yard shall be provided, and if the building exceeds forty-five (45) feet in height, one

additional foot of setback shall be provided for each foot of height in excess of forty-five (45) feet.

- (iv) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
- (v) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
- (vi) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
- (vii) Loading docks shall be prohibited.

(x) Indoor Entertainment, Adult and Retail, Adult⁴⁸⁷

Comment [S98]: Amended for legal purposes.
(5/16)

This use is subject to the following standards:

- (1) Adult Retail must be conducted in a completely enclosed structure (i.e., no outdoor display or storage).
- (2) Indoor Adult Entertainment shall not be located within 1,000 feet of any pre-existing Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling unit, or other Indoor Adult Entertainment business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the Indoor Adult Entertainment business to the nearest point on the property line of the Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling unit, or other Indoor Adult Entertainment business.⁴⁸⁸
- (3) Notwithstanding any provision in Section 29-4.6 to the contrary, an Indoor Adult Entertainment business shall have no more than one (1) on premise sign which shall be a wall sign approved by the Board as part of the conditional use permit. The surface area of the sign shall not exceed ten (10) percent of the area of the wall to which it is attached. The sign shall not be a neon or similar sign. The sign may be illuminated but shall not be a flashing sign. The sign shall not depict any portion of the human anatomy.
- (4) No sign shall be placed in any window.
- (5) No flashing lights or colored lights or string of lights shall be placed on the outside of the building or on the inside of the building so that the lights can be viewed from outside the building.

⁴⁸⁷ Use-specific standards revised to align with new Missouri state law amendments on this topic.

⁴⁸⁸ Revised to match recently adopted Missouri law. Spacing increased from 750 to 1,000 sq. ft.. List of protected uses now includes state-licensed day care facilities and libraries. Current separation requirements from higher education institutions, athletic fields, recreational facilities for children, and non-residential uses in residential districts do not appear in the state law and were deleted.

- (6) The premises of all Indoor Adult Entertainment businesses shall be constructed to include a partition or other physical barrier on all customer entrances that will ensure that the interior of the business is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with a partition or other physical barrier shall be covered so as to prevent observation of the interior of the premises from the exterior of the building. No Indoor Adult Entertainment business shall be conducted in a manner that permits the observation of entertainers, servers or employees from the exterior of the building.
- (7) On-premise advertisement, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- (8) Notwithstanding the provisions of section 29-4.4(f) required off-street parking for an Indoor Adult Entertainment business shall be located on the premises of the business.
- (9) No operator shall allow or permit this use to be or remain open between the hours of 12:00 midnight and 6:00 am on any day.
- (10) No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- (11) No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.⁴⁸⁹

(y) Outdoor Recreation or Entertainment

This use is subject to the following standards:

- (1) Golf courses are permitted in the A and O districts only.⁴⁹⁰
- (2) Accessory uses and structures may provide those types of services generally associated with such clubs and facilities to their members.⁴⁹¹

(z) Alcoholic Beverage Sales

- (1) This use shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of chapter 4 of this Code.
- (2) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.⁴⁹²

⁴⁸⁹ Standards 9, 10, and 11 are new, to match provisions in recent state law.

⁴⁹⁰ Replaces the current restriction of golf courses to PUD districts.

⁴⁹¹ Revised standard limiting golf courses to PUD district and allowing all included uses to provide traditional accessory services. Standard revised to delete reference to commercial districts since prior draft, in response to comment.

⁴⁹² Provision relocated since prior draft.

(aa) Retail, General⁴⁹³

Comment [PRZ99]: Standards simplified since Integrated Draft. (5/16)

- (1) A retail use in the M-N and M-BP districts may not exceed a gross floor area of 15,000 sq. ft., except a grocery store may not exceed 45,000 sq. ft. A single structure may contain more than these amounts of gross floor area, as long as no use within the structure exceeds the applicable size listed above.
- (2) A retail use in the IG district may not exceed a gross floor area of 15,000 sq. ft., except upon issuance of a conditional use permit.
- (3) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.⁴⁹⁴

(bb) Light Vehicle Sales or Rental

In the M-DT district, all displays, sales and rental activities ~~must take place in an enclosed structure~~ shall not occur in an area intended to be occupied by a building and not forward of the Required Building Line (RBL).

Comment [PRZ100]: Text removed and provision added per November 2015 Clarion Memo (9/16)

(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.⁴⁹⁵
- (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.

Comment [PRZ101]: Items 2-4 added for clarity based on public comment. (9/16)

(dd) Storage and Wholesale Distribution

Storage of feed, fertilizer, grain, soil conditioners, hazardous materials, asphalt, brick, cement, gravel, rock, sand, and similar construction materials, or fuels is only permitted in the IG zone district.

(ee) Light Industry

This use shall be subject to the following standards.⁴⁹⁶

⁴⁹³ Since module 3, restrictions on retail use size have been moved from the definitions and Permitted Use Table to these use-specific standards.

⁴⁹⁴ Provision relocated since prior draft.

⁴⁹⁵ Standard extended to M-N district since prior draft based on public comment.

⁴⁹⁶ Combines standards for various uses included in Light Industry category. Section 2 includes standards for "Plants and Facilities" that apply to M-BP, IG, and M-P, but since the same activities are permitted in IG and M-P without these qualifiers, the standards are now limited to the M-BP zone district.

- (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.
- (2) In the M-BP zone district, this use may include plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing or treatment of equipment, materials, merchandise or products; except for the following:
 - (i) Bone, fat, meat or tallow rendering plants; fish, meat or poultry packing houses; and slaughterhouses.
 - (ii) Foundries or mills for sand casting, forging, primary or secondary processing, reduction, reprocessing or electroplating ferrous or nonferrous metal.
 - (iii) Manufacture, milling or processing of feed, fertilizer, grain or soil conditioners.
 - (iv) Manufacture, compounding or processing of hazardous materials.
 - (v) Manufacture, milling, mixing or processing of asphalt, brick, cement, gravel, rock, sand, and similar construction materials.
 - (vi) Manufacture, processing or refining of fuels.

(ff) Vehicle Wrecking or Junkyard

This use is subject to the following standards:

- (1) The facility must be enclosed by a solid fence or wall at least 10 feet in height, sufficient to block all views of stored or stacked vehicles, vehicle parts, and wrecking equipment when viewed from adjacent public rights-of-way.⁴⁹⁷
- (2) If located within 500 feet of a residential zoning district or use, any equipment used for crushing or dismantling vehicles shall be located in a completely enclosed structure, or if not enclosed, shall meet the operating hours established in Chapter 11 (Health and Sanitation) of the City Code..⁴⁹⁸
- (3) In addition to the above, any vehicle wrecking or junkyard facility shall meet all applicable provisions of Chapter 11 (Health and Sanitation) of the City Code.

Comment [PRZ102]: Revised to address compliance with Chapter 11 which also covers operation hours. (5/16)

Comment [PRZ103]: New provision to require compliance with Chapter 11 standards which are outside UDC. (5/16)

⁴⁹⁷ Standard revised to require complete screening.

⁴⁹⁸ New standard.

Accessory and Temporary Uses of Land and Buildings

(gg) Accessory Dwelling Units⁴⁹⁹

This use is subject to the following standards:

- (1) No more than two dwelling units, including the accessory dwelling, may be permitted on a single lot.
- (2) The lot must be a minimum of 5,000 square feet, and lot width must be a minimum of 50 feet.
- (3) A detached accessory dwelling shall be located a minimum of 10 feet behind the principal dwelling, and a minimum of six (6) feet from any side or rear lot line. On corner lots, the accessory dwelling shall be set back from side streets not less than the distance required for the principal residence. For the purpose of providing adequate fire protection access, the distance from the nearest street frontage to the center of the rear wall of the accessory dwelling unit shall not exceed one hundred and fifty (150) feet of travel distance unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City of Columbia Fire Department.
- (4) An accessory dwelling shall not exceed seventy-five (75) percent of the total square feet of the principal dwelling, as shown in the Boone County Assessor's records, or eight hundred (800) square feet, whichever is less. In addition, a detached accessory dwelling shall not occupy more than thirty (30) percent of the rear yard.
- (5) A detached accessory dwelling shall not exceed the height of the principal dwelling or twenty-four (24) feet, whichever is less.
- (6) When an accessory dwelling is attached to a principal dwelling, only one entrance may face the front lot line.
- (7) In addition to the parking required for the principal dwelling, a minimum of one (1) additional off-street parking space shall be provided on the subject lot for accessory dwellings having not more than two (2) bedrooms, and two (2) additional parking spaces shall be provided for accessory dwellings having three or more bedrooms.
- (8) Prior to issuance of a building permit for an accessory dwelling, application shall be made to the City, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above listed criteria.

Comment [PRZ104]: Added text to match current Chapter 29 amendment approved after Integrated Draft. (5/16)

(hh) Backyard, Rooftop, or Community Garden

Each of these uses shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business shall be conducted upon the premises, and no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted.⁵⁰⁰

⁴⁹⁹ New standards from proposed City ordinance.

(ii) Customary Accessory Uses and Related Structures⁵⁰¹

Comment [PRZ105]: Item modified since Integrated Draft for greater clarity. (5/16)

- (1) All Customary Accessory Uses and Accessory Structures shall comply with the following standards, unless otherwise provided in this Code:
 - (i) All accessory uses and accessory structures shall be subordinate to the principal structure(s) and primary use(s) on the property. The aggregate first floor square footage of all Accessory Structures on a lot shall not exceed the first floor square footage of any principal structure on the lot. The aggregate square footage of all areas devoted primarily to accessory uses on a lot shall not exceed the square footage of all areas devoted to the primary use of the lot.
 - (ii) All accessory uses and structures shall comply with all dimensional regulations (i.e. building height, lot coverage, and minimum yard) applicable to the principal structure(s) on the property unless this Code provides a specific exception to those regulations.⁵⁰²
 - (iii) No part of a detached accessory structure shall be closer than ten (10) feet to another structure.
 - (iv) An accessory use may not begin operation before a permitted primary use or an approved conditional primary use begins operation on the property. An accessory structure may not be constructed before a permitted principal structure is constructed on the property.⁵⁰³
 - (v) Driveways, parking areas and loading areas shall be governed by Section 29-4.4.
- (2) Customary Accessory Uses and Accessory Structures to One-family, Two-family, Live-work, shall also comply with the following standards:
 - (i) Detached accessory structures shall not exceed twenty-four (24) feet in height or the height of the principal structure, whichever is less, and may not occupy more than thirty (30) percent of a required rear yard.
 - (ii) For any dwelling there shall be permitted one (1) garage with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area, provided that total garage space shall not exceed the total habitable first-floor floor area of the primary dwelling.
 - (iii) Detached accessory structures and accessory surface improvements (such as tennis courts, basketball courts, swimming pools, or paved patios) shall be located
 - (iv) not forward of the principal structure,
 - (v) not less than three (3) feet from any side lot line, and

⁵⁰⁰ New standard for a new listed use.

⁵⁰¹ From current section 29-27. Restrictions on location, hours of operation, and items that may be sold in a pharmacy accessory to a hospital, sanatorium, or clinic, and similar restrictions on orthopedic outfitting services, were deleted as outdated and unnecessary. Restrictions on the number of amusement game machines were deleted, but included in the definition of Indoor Recreation and Entertainment. Restrictions on covered passages connecting primary and accessory buildings were deleted as unnecessary.

⁵⁰² [New provision standard in most zoning ordinances.](#)

⁵⁰³ [New provision standard in most zoning ordinances.](#)

- (vi) not less than one (1) foot from any alley line,
 - (vii) Notwithstanding the provision of subparagraph (iii) above, when the rear lot line is common to a side or rear lot line of another lot, detached accessory structures and accessory surface improvements must be located a minimum of three (3) feet from such rear lot line. For corner lots, detached accessory structures and accessory surface improvements must be located not less than the distance required for residences from side streets.
 - (viii) An accessory structure or accessory surface improvement constructed as an integral part of the main building shall be subject to the setback standards affecting the main building, provided that on a corner lot, a garage integrally attached to the main building may extend to a point not less than eighteen (18) feet from the rear lot line, but shall not occupy more than thirty (30) percent of the rear yard.
- (3) In the R-MF district, for-profit or not-for-profit accessory uses and related structures must comply with the following standards:
- (i) They must be accessory and subordinate in floor area to a permitted use, and must be primarily an amenity or service to the occupants and users of the permitted use, subject to the following:
 - (ii) The commercial use, alone or in combination with other small-scale commercial uses, shall not exceed the smaller of twenty-five (25) percent of the total floor area of the building or five hundred (500) square feet. Where the proposed location of the conditional accessory use is within a unified development of multiple buildings under single ownership and control, or a single building totaling greater than fifty thousand (50,000) square feet, the Board may consider a larger space for the ancillary commercial use provided it complies with the other standards of this section.
 - (iii) The commercial use shall not involve the sale of age-restricted products such as alcohol, tobacco and firearms.
 - (iv) The commercial use shall not generate noise or traffic in excess of the levels expected if the entire premises were used for permitted uses.
 - (v) Hours of operation shall be limited to not earlier than 6:00 a.m. or later than 10:00 p.m. daily.
 - (vi) There shall be no additional parking required.
- (4) In the IG district, accessory uses may include retail sales to the public of goods produced on the premises.

(jj) Drive-up Facility⁵⁰⁴

- (1) Any Drive-up Facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require buffering meeting the requirements of Section 29-4.5 (Landscaping Screening) and along the property line with the R-1 or R-2 district, shall have no speakers facing the R-1 or R-2 districts, and shall have no menu boards or other signs visible from the R-1 or R-2 districts.

⁵⁰⁴ New standards.

- (2) All Drive-up Facilities shall be subject to all applicable noise control ordinances.

(kk) Home Occupation

This use is permitted if compatible with the residential character of the neighborhood, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas all home occupations must meet the following restrictions:

- (1) A home occupation shall be incidental to the use of a dwelling unit for residential uses. No person other than a person residing at the dwelling unit shall be directly involved with or work in the home occupation. If the home occupation employs persons to work at other locations, the dwelling unit shall not be used as an assembly point for any employees who may work at sites outside of the dwelling.
- (2) No alteration of the residential appearance of the premises shall be made, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation.
- (3) No more than twenty (20) percent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A garage shall not be used for a home occupation if such use has the effect of eliminating required parking.
- (4) The home occupation shall be conducted entirely within the dwelling unit or garage and no stock in trade shall be displayed or visible outside, or stored outside of any building, and no raw materials, tools or appliances or waste products shall be stored outside of any building.
- (5) Signs may be used for identification or advertisement of the home occupation but such signs must be attached flat to the structure, may not be larger than one square foot and may not be illuminated.
- (6) Direct sales to the public shall not be conducted on the premises, provided that off-site orders previously made may be filled on the premises.
- (7) The use shall not generate traffic in volumes greater than would normally be expected in a residential neighborhood. For purposes of this section, the normal volume of traffic generated by a single-family dwelling shall be defined as twelve vehicle trips to and/or from the dwelling unit per twenty-four-hour period. The use shall not use commercial or business vehicles to deliver finished products from the dwelling unit. All parking necessarily generated by the use shall be off the street in accordance with Section 29-4.4(f) of this Code.
- (8) The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.
- (9) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site.
- (10) All persons desiring to have a home occupation must first present appropriate plans to the building regulations supervisor detailing how the dwelling will be used or altered to

Comment [PRZ106]: Modified text to restrict on premise sales activity. Former # 6 deleted since noise limitation is addressed elsewhere with standards (9/16)

accommodate the use. Thereafter, whenever any permit or license is to be renewed, the dwelling may be inspected to determine how it has been altered to accommodate the use.

(II) Home Occupation With Non-resident Employees

This use shall be subject to the standards listed for all home occupations in Section (kk) above; except that the home occupation may be carried out by occupants of the dwelling unit as well as by one full-time forty-hour individual or two one-half time (twenty hours each) individuals who do not reside in the dwelling unit. In addition, the Board may allow that not more than forty (40) percent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A conditional use permit for a home occupation shall expire three (3) years from the date of approval, after which a new conditional use permit may be requested.

(mm) Outdoor Storage in Residential Districts⁵⁰⁵

- (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) ton, or longer than twenty (20) 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.

(nn) Temporary Real Estate Sales/Leasing Office

This use shall be located on property being sold or leased and limited to a period of sale or lease, but not exceeding two (2) years without special permit from the Board of Adjustment.

⁵⁰⁵ New standards since prior draft, in response to public comments.

(oo) Tree or Landscaping Service

Comment [PRZ107]: Standards added per Commission and public comment. (9/16)

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) No grinding or reprocessing of materials or debris shall be permitted on the site
- (3) 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) Repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure.

Chapter 29-4 Form and Development Controls⁵⁰⁶

29-4.1 Dimensional Summary Table

(a) General Dimensional Standards

The following Tables 4.1-1 to 4.1-3 state the dimensional standards for residential, mixed use, and special purpose districts contained in Article 2 (Zoning Districts). In case of a conflict between the dimensions shown in this Section 4.1 and the dimensions shown for individual zone districts in Article 2, the provisions of this Section 4.1 shall apply. In each table, a blank cell indicates that there is no standard for that dimension or measurement. (See Section Chapter 12 A of the City Code for additional required building setbacks from stream corridors. See Section 29-4.1(b)(2) (Solar Orientation Density Bonus) and Section 29-4.1(b)(3) (Rural Cluster Density Bonus), for additional information related to dimensional standard reductions and bonuses.)⁵⁰⁷

⁵⁰⁶ This section includes existing development controls in Chapter 29 (Zoning), Chapter 25 (Subdivision), Chapter 23 (Signage), and portions of Chapter 12A (Land Preservation). Minimum dwelling unit floor area requirements were deleted in order to allow market flexibility, and because building codes address safe levels of building occupancy. Chapter 12A sections included are the definitions in Article 1 (General), Article III (Tree Preservation and Landscaping Requirements). The following articles have not been incorporated and will remain in 12A: Article IV (Erosion Control Requirements) Article V (Stormwater Management), Article VII (Clean Fill), Article VIII (Stormwater Utility), and Article IX (Detection and Elimination of Illicit Stormwater Discharges, which includes Nuisances), and Article X (Stream Buffer Requirements) because they are better regulated by Public Works.

⁵⁰⁷ Cross-reference to density bonus provisions added since Module 3.

Standard	District				
	R-1	R-2 [1]		R-MF [2] ⁵⁰⁸	R-MH ⁵⁰⁹
		Current	Cottage		
Lots					
Minimum Lot Area (sq. ft.)					
One-Family Dwelling	7,000	5,000	3,000	5,000 ⁵¹⁰	3,750 ⁵¹¹
One-Family Attached Dwelling		3,500	3,000	3,500	
Two-Family Dwelling		7,000 ⁵¹²		7,000	
Multiple Family Dwelling				2,500 per du ⁵¹³	
Sorority or Fraternity				7,500 sq.ft.	
CRCC				No min, but max density 17du/ac	
Lot area if no public or community sewer [5]	15,000 ⁵¹⁴	15,000	15,000		
Minimum Lot Width (ft.) (detached)	60	60	30	60	45
Minimum Lot Width (ft.) (attached) – per lot		30		30	
Maximum size of contiguous area that may be replatted without being within a “cottage” subdivision			1		
Minimum Setbacks (ft.)					
Front Yard					
Front Yard Depth	25	25	10	25	20
Front lot line to garage depth (if applicable)	25 ⁵¹⁵	25	20		
Side Yard					
Side Yard	6	6	6	10	10
Side Yard – Corner Lot Street Side⁵¹⁶	25	25	10	15	

Comment [PRZ108]: ½ two-family lot area. Each unit is on its own lot. (9/16)

Comment [PRZ109]: ½ two-family lot area. Each unit is on its own lot. (9/16)

Comment [PRZ110]: Added for clarification. (5/16)

Comment [PRZ111]: To be removed. Cottage development in areas with sewer only. (5/16)

Comment [PRZ112]: Matches attached single-family (9/16)

Comment [PRZ113]: New category to address attached single-family dwellings. (9/16)

Comment [PRZ114]: Text added for clarity. This standard permits replatting up to 1 acre of contiguous property to accommodate “cottage” lots without being in a specifically platted “cottage lot” subdivision. (9/16)

⁵⁰⁸ In response to multiple public comments since prior draft, table has been revised to retain R-3 standards as basic development standards in R-MF, and to treat pre-existing R-4 developments as conforming

⁵⁰⁹ Module 1 commits to reducing min. manufactured home size and widths.

⁵¹⁰ Reduced from 7,000 sf to match R-2 standard.

⁵¹¹ Reduced from current 4,050 sf to promote efficient land use and affordability.

⁵¹² This lot size permits duplexes, but not attached single-family homes under the current definition of “Dwelling, single-family attached” which requires a side lot separating the attached homes.

⁵¹³ Current code requires 2,500 sq. ft. in R-3 and 1,500 sq. ft. for R-4. In response to multiple public comments, compromise of 2,000 sq. ft. included in prior draft was replaced by existing R-3 standard. The transitional standards in Section 29-4.5(f) protect adjacent R-1 districts through height and buffering controls.

⁵¹⁴ New standard to address a gap in current ordinance.

⁵¹⁵ New standard to regulate detached garages.

Table 4.1-1: Dimensional Standards for Residential Districts

Standard	District				
	R-1	R-2 [1]		R-MF [2] ⁵⁰⁸	R-MH ⁵⁰⁹
		Current	Cottage		
Distance between mobile dwelling units					20
Rear Yard	Lesser of 30% lot depth or 25	Lesser of 25% lot depth or 25	10	25	10
Maximum Height (ft.)					
Primary Residential Building See also Sec 29-4.8 Neighborhood Protection Standards	35[3]	35[3]	35	35[3] ⁵¹⁷	35
Primary Non-residential Building [4] ⁵¹⁸ See also Sec 29-4.8 Neighborhood Protection Standards	75	75		75	
[1] All R-2 lands are subject to Current Standards until they request application of the Cottage Standards, and that request is approved under Sec. 29.4(j). [2] Multifamily structures constructed before January 1, 2014, with building height up to 45 ft. and lot area of at least 1,500 sq. ft. per dwelling unit are conforming structures. ⁵¹⁹ [3] Or 45 ft. if two side yards at least 15 ft. in width are provided. [4] Provided that each building setback is increased one (1) foot above the zone district residential building minimum for each one (1) foot of additional building height above the residential building maximum. [5] The minimum lot area for on-site septic is subject to Health Department approval based, in part, on distances between the lot and existing public sewer mains. This lot area could be greater, conditional, or denied on a case-by-case basis.					

Comment [PRZ115]: Added option for increased height if setbacks were increased and neighborhood protection can be achieved. (9/16)

⁵¹⁶ Standards for R-1, R-2, and R-MF added since prior draft to clarify that second frontages on corner lots are subject to front yard setback requirements.

⁵¹⁷ Current code has 35 ft. for R-3 and 45 ft. for R-4. Revised from 45 and 35ft. in prior draft in response to public comments.

⁵¹⁸ Current code applies this to “public and semi-public buildings”. A Primary Non-residential Building is a new term in the Code definitions.

⁵¹⁹ New provisions. In response to multiple public comment, R-MF standards match current R-3 standards, but prior R-4 properties are made conforming.

Standard	District		
	IG ⁵²⁵	A ⁵²⁶	O ⁵²⁷
Lots			
Minimum Lot Area (ac.)		2.5	2.5
Minimum Lot Area For Non-Agricultural Uses (sq. ft.)			
Minimum Lot Width at Building Line (ft.)			
Minimum Setbacks (ft.)			
Front Yard	25	25	25
Side Yard – General	0	25	25
Side Yard – Adjacent to R District	20 ⁵²⁸		
Rear Yard – General	10	25	25
Rear Yard – Adjacent to R District	20 ⁵²⁹		
Maximum Height (ft.)			
Primary Building See also Sec 29-4.8 Neighborhood Protection Standards		35	35

(b) Special Dimensional Standards or Measurements⁵³⁰

(1) Median Front Yard for Multiple Lots⁵³¹

- (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.⁵³²
- (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.

Comment [PRZ125]: Removed “chapter” added UDC for clarity (5/16)

(2) Solar Orientation Density Bonus

- (i) A subdivision in the R-1 or R-2 zone districts in which at least seventy-five (75) percent of lots are created on blocks where the longer dimension of the block is oriented within fifteen (15) degrees of true east-west in order to increase potential solar gain, the maximum number of single-family or two-family lots permitted on the parcel under

⁵²⁵ As noted in Module 1, minimum project size of 22,000 sf and minimum lot width of 100 ft. from current M-C district were not carried over. Minimum front setback of 30 ft., rear setback of 30 ft., and side setbacks of 15 ft. from the current M-C district were also not carried over.

⁵²⁶ Minimum building floor area of 650 sf and min. lot area of 7,000 sf for non-agricultural uses has been deleted.

⁵²⁷ O is a new district, and all dimensional standards are new.

⁵²⁸ Increased from 10 feet in current code to improve protection for residential areas.

⁵²⁹ New standard.

⁵³⁰ Carries forward and reorganizes (with more heading) special dimensional standards in current Sec. 29-26 (Height and Area Exceptions).

⁵³¹ Current Sec. 29-26(b)(1); wording clarified.

⁵³² Replaced R-3 and R-4 with R-MF. Revised to simplify process by requiring alignment with nearest two occupied structures, rather than calculation of median setback on the entire lot.

Table 4.3-1 shall be increased by ten (10) percent above the number of lots permitted, and the minimum size and width of each lot shall be reduced by fifteen (15) percent below the minimum lot size and width required, if streets had not been so aligned.⁵³³

- (ii) In a subdivision that meets the requirements of subsection (i) the minimum lot size and lot width in the R-1 or R-2 zone districts shall be adjusted to allow the parcel to contain ten (10) percent more lots than if the streets had not been so aligned.

(3) Rural Cluster Density Bonus

- (i) A subdivision in the R-1 or R-2 zone districts that preserves at least fifty (50) percent of the gross land area of the parcel in open space protected from future development shall be allowed to include ten (10) percent more residential lots than if such land had not been designated for protection.
- (ii) In order to earn a density bonus, the lands protected from development shall meet the following requirements:
 - (A) The calculation of protected open space shall not include any lands designated as floodway or flood fringe in the FP-O Floodplain overlay;
 - (B) The protected lands shall include any lands designated as sensitive lands on the Land Analysis Map required by Section 29-4.3(b)(1) to the greatest degree practicable;
 - (C) The protected lands shall be designed to be contiguous to any protected lands on adjacent subdivided lands to the greatest degree practicable;
 - (D) The applicant shall record in the real property records of Boone County a restrictive covenant, in a form acceptable to the City Counsel, preventing future development of the protected lands in perpetuity, and demonstrating that a homeowners association or other entity has accepted responsibility for maintenance and management of the protected lands and has legal authority to collect funds from homeowners or others adequate to pay the expenses of such maintenance and management.
- (iii) In a clustered subdivision that meets the requirements of this Section 29-4.1(b)(3), the minimum lot size and lot width in the R-1 or R-2 zone shall be adjusted to allow the parcel to contain ten (10) percent more lots than if fifty (50) percent of the gross land area had not been protected from development.
- (iv) This density bonus may not be combined with the Solar Access Density Bonus in Section 29-4.1(b)(2).

(4) Rear Yards⁵³⁴

- (i) No rear yard shall be required in any nonresidential district on any lot of which the rear lot line adjoins a railway right-of-way or which has a rear railway track connection.

⁵³³ New provision to increase solar gain potential. Revised since Module 3 to confirm that minimum lot sizes and widths may decrease to allow the bonus lots to be accommodated.

⁵³⁴ Current Sec. 29-26(b)(7-8).

- (ii) In computing the depth of a rear yard for any building where such yard abuts an alley, one-half of such alley may be assumed to be a portion of the rear yard.
- (iii) Standards in Subsections (i) and (ii) do not apply in the M-DT district, which has separate provisions for measuring building rear setbacks.

(5) Official Plan⁵³⁵

Where a line on the Major Roadway Plan (MRP) indicates that street widening has been planned and programmed for capital investment within five (5) years, right-of-way shall be reserved for future widening or opening of a street upon which a lot abuts, and the depth or width of a yard shall be measured from the MRP line to the nearest line of the building.⁵³⁶

(6) Detached Accessory Structure⁵³⁷

- (i) In any residential district, a detached customary accessory structure shall not:
 - (A) Exceed twenty-four (24) feet in height;
 - (B) Be higher than the main building; or
 - (C) Occupy more than thirty (30) percent of a rear yard.
- (ii) A detached accessory structure may be connected with the main building by a breezeway,⁵³⁸ open on each side, not more than six (6) feet wide inside, the roof of which is not more than twelve (12) feet high at its highest point, and is not an extension of the roof of the main building.

(7) Higher Education Institution Buildings⁵³⁹

Buildings constructed on the campus of an institution of higher learning, and that have been included as part of a development plan approved by the Council, need not comply with the yard requirements of the district in which they are located, but shall comply with the following requirements:

- (i) Minimum distance between the building and a street line is twenty-five (25) feet;⁵⁴⁰ and
- (ii) Minimum distance to a property line other than a street is fifteen (15) feet for buildings thirty-five (35) feet or less in height, and five (5) additional feet for each additional ten (10) feet or part thereof in height.

⁵³⁵ Current Sec. 29-26(b)(2).

⁵³⁶ Clarification made since Module 3 to qualify when ROW needs to be dedicated for future roadways.

⁵³⁷ Current Sec. 29-26(b)(6). Revised to align with defined term – “customary accessory structure”.

⁵³⁸ Clarification made since Module 3.

⁵³⁹ Current Sec. 29-26(b)(9)

⁵⁴⁰ Additional text reading “except that where there is a building existing at the time of the passage of this section, with less than a twenty-foot setback on the same side of the street and within one hundred (100) feet on either side of the proposed building, such building may be located not less than twenty (20) feet from the street line”, was not carried forward; standard nonconformity provisions should apply.

(c) Exceptions and Encroachments⁵⁴¹

(1) Height⁵⁴²

Table 4.1-4 identifies exceptions to those height limits shown in Section 4.1(a) and (b) above.

Table 4.1 – 4: Height Exceptions		
Structure, Feature, or Use	Maximum Height (ft.)	Conditions or Limits
Elementary/Secondary Schools in R-MF district⁵⁴³	100	
<ul style="list-style-type: none"> ▪ Parapet walls ▪ False mansards ▪ Flagpoles ▪ Chimneys ▪ Finial cooling towers ▪ Elevator bulkheads ▪ Penthouses ▪ Stacks ▪ Cupolas ▪ Antennas ▪ Spires, and ▪ Rooftop solar energy equipment⁵⁴⁴ ▪ Rooftop HVAC equipment screened by parapet wall⁵⁴⁵ 	6 feet above maximum height limit of zone district	
Rooftop or yard mounted WECS equipment in M-BP or IG district⁵⁴⁶	30 ft. above maximum height limit in zone district	
Agricultural uses (e.g. silos, windmills, barns, etc.) in A-1	75 feet	
Radio and television antenna (private, noncommercial) in Residential districts⁵⁴⁷	45 feet	Must not be located in front yard, and must comply with all other applicable laws and ordinances.

⁵⁴¹ Carries forward additional height and yard exceptions in Sec. 29-26 in tabular form, allowing for the elimination of unnecessary text and better readability.

⁵⁴² Current Sec. 29-26(a)(Height) with noted revisions.

⁵⁴³ Text stating that there are no additional setbacks has been deleted.

⁵⁴⁴ Rooftop solar energy equipment has been added to this list.

⁵⁴⁵ New provision.

⁵⁴⁶ WECS have been added to this table.

⁵⁴⁷ Sec. 29-26(a)(6).

(2) Yard Areas⁵⁴⁸

Table 4.1-5 identifies exceptions and encroachments to required yard areas. Except for permitted exceptions in the table, every part of a required yard or court shall be open and unobstructed from its lowest point to the sky.

Structure, Feature, or Use		Yard Encroachment (maximum)		Conditions or Limits
Building sills, belt courses, cornices, chimneys, buttresses, ornamental features, eaves, and rain barrels ⁵⁵⁰		2 ft. into a yard		
Canopies or open porches ⁵⁵¹		6 feet into front or rear yard		Roof area limited to 60 sf or less; Porch cannot be enclosed
Driveways ⁵⁵²	Single- and Two-Family Residential	Up to a 2-car garage	Permitted to a maximum width of 20 ft. in any front, rear, side, or corner side yard	Single- and two-family residential driveways shall maintain a setback of 5 ft. from the side property line and shall not occupy more than 50% of the lot width.
		3-car garage	Permitted to a maximum width of 28 ft. in any front, rear, side, or corner side yard	
		Shared duplex driveway	Permitted to a maximum width of 36 ft. in any front, rear, side, or corner side yard	

⁵⁴⁸ Carries forward the yard exceptions in current Sec. 29-26(b).

⁵⁴⁹ Revised since Module 3 to delete unnecessary reference to terrace garages.

⁵⁵⁰ Current Sec. 29-26(b)(3). Reference to rain barrels added.

⁵⁵¹ Current Sec. 29-26(b)(3). Reference to rear yards added.

⁵⁵² Driveway standards revised since Modules 2 and 3 based on public and staff comments. 20 foot maximum driveway width has been tailored based on the size and occupancy of residential units. Current maximum width for a 3-car driveway is 30 ft. and for a shared duplex driveway is 40 ft. Current maximum multi-family, commercial, and mixed-use driveway widths (for a two-way driveway) were reduced from 42 to 36 feet to encourage walkability.

Table 4.1-5: Yard Area Exceptions ⁵⁴⁹		
Structure, Feature, or Use	Yard Encroachment (maximum)	Conditions or Limits
Multi-Family, Commercial, and Mixed-Use	Permitted to a maximum width of 24 ft. (one-way, in or out), and 36 ft. (combined, in and out) in any front, rear, side, or corner side yard	Multi-family, commercial, and mixed-use driveways shall maintain a setback of 10 ft. from any side property line adjacent to a Residential district, or as determined by the required driveway radius.
Lot boundary fences, walls, and retaining walls ⁵⁵³	Permitted up to lot line	May not encroach on public right-of-way or adjacent property without consent of owner
Open fire escape ⁵⁵⁴	Into side yard, by no more than ½ the side yard width	Cannot extend more than 4 feet from the building
Open paved terraces ⁵⁵⁵	10 feet into front or rear yard	
Solar or geothermal energy equipment ⁵⁵⁶	Permitted in a side or rear yard	Not within 2 feet of a side or rear property line

⁵⁵³ Added since Module 2.

⁵⁵⁴ Current Sec. 29-26(b)(4).

⁵⁵⁵ Current Sec. 29-26(b)(3).

⁵⁵⁶ Solar energy limit of 2 feet encroachment into yards replaced by limit of 2 feet from property line. Geothermal energy reference added.

29-4.2 M – DT Form-based Controls⁵⁵⁷

The M-DT district to encourage a mixed-use, pedestrian-oriented district—with a secondary focus on land uses. Property frontages and Facades are part of the public realm, literally forming the walls of the Street-Space and are therefore subject to more regulation than the other portions of the private property.. The principal regulatory sections of the M-DT district are the Regulating Plan, the Building Form Standards, and the Urban Space Standards, described below.

Comment [PRZ126]: Reduced the length of the paragraph. No change to regulatory content. (9/16)

(a) Purpose and Intent

(1) The Regulating Plan

The Regulating Plan applies M-DT regulations to individual properties in the District. It is public space master plan with specific information on development parameters for each parcel and shows how each lot relates to the Street-Space and the surrounding neighborhood. The Regulating Plan also identifies additional regulations and/or opportunities for lots in specific locations, as well as place-specific exceptions to the Building Form Standards.

Comment [PRZ127]: Text simplified. (9/16)

(2) The Building Form Standards

The Building Form Standards (BFS) are coded street frontages. They establish basic parameters governing building form for different locations shown on the Regulating Plan in order to shape the Street-Space through the site and form controls on buildings. Their secondary intent is to ensure that the buildings are coordinated to form a functioning, sustainable, Block structure throughout the District. They describe the buildable envelope (in three dimensions) and certain permitted or required building elements that define the form and mixed-use character of the District. The Building Form Standards establish both the boundaries within which things may be done and specific things that must be done. The street frontage designated on the Regulating Plan determines the applicable Building Form Standard for a building site.⁵⁵⁸

Comment [PRZ128]: Added for clarity. (9/16)

Comment [PRZ129]: Added for clarity. (9/16)

(3) The Urban Space Standards

The Urban Space Standards establish those rules and standards for the Street-Space and Squares and Greens within the M-DT district that are the responsibility of the developer. They establish an environment that encourages and facilitates pedestrian activity and “walkable” streets that are comfortable, efficient, safe, and interesting, and ensure the coherence of the Street-Space.

⁵⁵⁷ New form-based controls prepared by Ferrell-Madden for the M-DT district, which replaces the current C-2 district.

⁵⁵⁸ The distribution of Building Form Standard frontages was determined by the physical context, diversity of allowed/required uses, the 2010 Downtown Urban Design Charrette plan and study of the existing conditions.

(b) Using the M-DT District Form Standards

This section describes how to apply the requirements of the M-DT district to specific properties.

- (1) Look at the Zoning map and determine if property in question is located within the M-DT District. If it is not, then Section 29-4.2 is not applicable.
- (2) Look at the Regulating Plan in Section 29-4.2(c) and find the property in question. Note the color of the Street-Space fronting the lot—and then look at the “key” box to determine which Building Form Standard frontage applies to the property. Note the Required Building Line and the Parking Setback Line.
- (3) Find the applicable individual Building Form Standard in Section 29-4.2(e). The individual Building Form Standard frontage will tell you the parameters for development on the lot in terms of height, siting, elements, and use.
- (4) Additional regulations applicable to all properties in the M-DT district are located in Sections 29-4.2(d)(General Building Form Standards) and (f)(Urban Space Standards).

Land uses, parking requirements, and signage standards that apply to the M-DT district are found in Chapter 3 and in Sections 29-4.4 and 29-4.9 of this Code.

(c) The Regulating Plan

The Regulating Plan makes the M-DT standards place-specific, by describing where each Building Form Standard applies and by defining the public spaces. The Regulating Plan also identifies the items below, as illustrated in the Plan and Key that follow:

- The boundaries for the **district**;
- Existing and proposed streets and **Alleys**;
- The Required Building Lines, Parking Setback Lines, and Lot Building Limits.

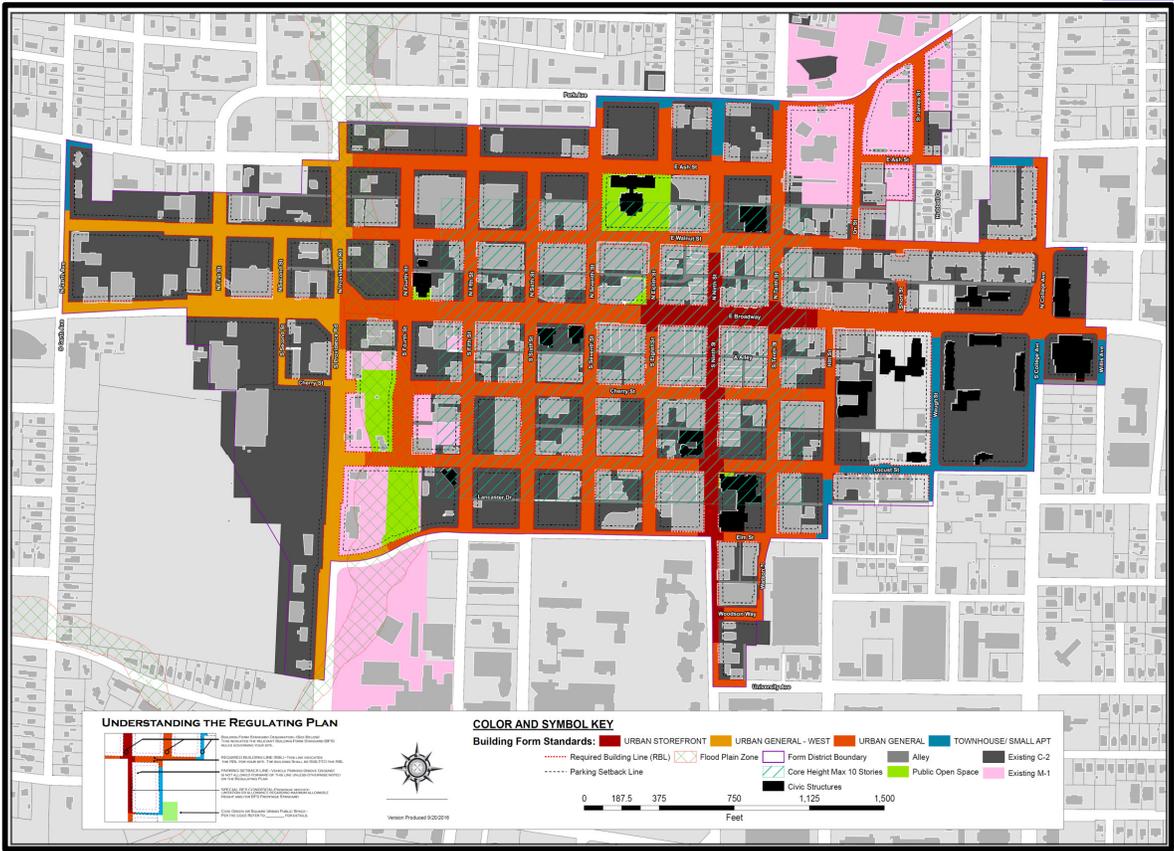
Comment [PRZ130]: District boundaries along Providence and northwest of Fifth and the half-block between Walnut and Broadway have not been recoded as “Urban General West” . Boundary was established based on potential to contribute to a walkable, urban downtown. (5/16)

Comment [PRZ131]: Request to remove alleys from regulating plan was by Clarion memo of Nov. 16, 2015. Some proposed alleys have been removed; however, existing alleys are recommended for vacation as they are necessary to provide for loading operations. (5/16)

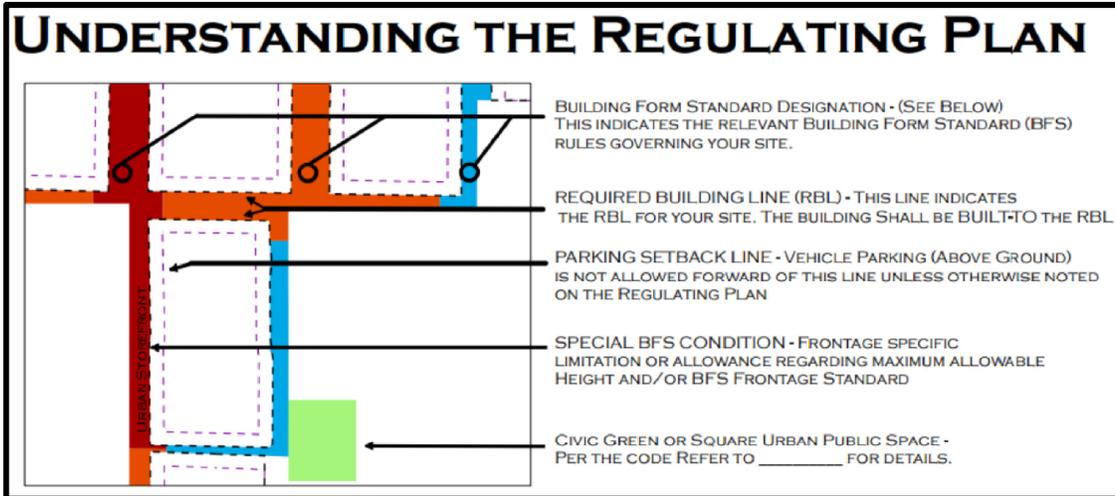
(1) Understanding the Regulating Plan

The following images of the M-DT District Regulating Plan and Key are for illustrative purposes only. Contact The Community Development Department for further information about the M-DT district and shall maintain a copy of the Regulating Plan with the Official Zoning Map.

Comment [PRZ132]: Removed the sentence “A full-scale version of the adopted Regulating Plan can be found at: www.como.gov/communitydevelopment” The Regulating Plan will reside in the City GIS library and will be accessible to users online. (9/16)



The Regulating Plan Key, below, highlights the regulations conveyed on the Plan.



(2) Streets, Blocks and Alleys on the Regulating Plan

(i) Street connectivity and the pedestrian-oriented public realm are fundamental characteristics of the M-DT district.⁵⁵⁹ When a property is developed or redeveloped:

- (A) For large-scale projects, **that involve a site that is the majority of a block or more, applicants shall apply for an amendment to the Regulating Plan which may require the addition of new streets or alleys to create a smaller block pattern.**
- (B) No streets or alleys shown on the Regulating Plan may be removed without a replacement street being constructed in a location that maintains overall street connectivity in that area.
- (C) **While the street infrastructure may not be constructed or reconstructed until some point in the future, the Required Building Line and other regulations of the Regulating Plan shall apply to each affected property.**
- (D) **New Alleys or Pedestrian Pathways required by the Regulating Plan or a Regulating Plan amendment shall be public, or publicly accessible.**
- (E) **All lots shall share a frontage line with a public street Street-Space.**⁵⁶⁰

Comment [PRZ133]: Process by which streets would be added to the Regulating Plan was unclear. This defines a threshold for amendment of the Regulating Plan through Planning & Zoning Commission and Council action. (9/16)

Comment [PRZ134]: Removed. Language was vague. (9/16)

Comment [PRZ135]: Clarification of the effect of a Regulating Plan amendment. (9/16)

Comment [PRZ136]: "Public street" preferred to "street-space" for consistency with the rest of the ordinance. (9/16)

(ii) Block size is a key component of walkability. For existing Block Faces of greater than three hundred fifty (350) feet in length at the time of redevelopment:

- (A) The Block Face must be interrupted by an Alley, Common Drive, or Pedestrian Pathway providing through-access to another **public street, Street-Space**, alley, common drive or designated conservation Line.

⁵⁵⁹ Street and Alley configurations shown on the Regulating Plan may or may not be immediately constructed. Recommended Street Types for the M-DT are shown in Appendix A.

⁵⁶⁰ Street-Space includes more than just the street. For example, a lot could front on a park, green, or square.

- (B) Individual lots or development sites with up to one hundred fifty (150) feet of street frontage are exempt from the requirement to interrupt the Block Face.
- (C) Individual lots or development sites with more than one hundred fifty (150) feet of street frontage shall meet the requirement within the lot or site, unless already satisfied within that Block Face.
- (iii) Curb Cuts detract from the pedestrian realm, interfere with pedestrian movement and should be limited or removed to the extent possible during redevelopment.
 - (A) For lots with an Alley accessible to service vehicles, existing curb cuts shall be eliminated or vacated at the time of redevelopment unless the Director in consultation with the Department of Public Works determines that they are necessary to protect public safety or avoid traffic congestion, or because Alley access will not serve the functional needs of the property.
 - (B) For lots without Alley access, existing curb cuts may be maintained or relocated along the same frontage.
 - (C) Where a parking structure is provided with at least thirty (30) percent of its spaces publically available, existing curb cuts may be relocated or maintained to provide access to the structure, even if the parcel has Alley access.
- (iv) Alleys are a key component of M-DT District connectivity and service infrastructure.
 - (A) Alleys or Common Drives must provide automobile and service access to the rear of all lots, except where the City has regulated alley access, where lots abut non-developable lots, or where a lot has streets on three sides and the absence of an Alley or Common Drive would not deprive an adjacent neighbor of rear lot access.⁵⁶¹
 - (B) New Alleys require an amendment to the Regulating Plan.
 - (C) For new Alleys or Common Drives, public access, public utility, and drainage shall be dedicated through an irrevocable easement.
 - (D) Alleys may be incorporated into (rear) parking lots as standard drive aisles if cross-access to all abutting properties is maintained.
 - (E) Where an Alley does not exist but is identified on the Regulating Plan, and it is not feasible to construct the Alley at the time of redevelopment, no permanent structure shall be constructed on the proposed Alley right-of-way.

Comment [PRZ137]: Clarifies that any development site – which may be one or more lots – need not interrupt the block face. (9/16)

Comment [PRZ138]: Clarification. See previous comment. (9/16)

Comment [PRZ139]: Trying to be less vague on how and why curb cuts are a potential problem in M-DT. (9/16)

Comment [PRZ140]: Added for clarification per Commission. Curb cut cannot be eliminated on one frontage and moved another. (9/16)

(3) Regulating Plan Amendments

Any amendment or change to the Regulating Plan shall require the adoption of a revised Regulating Plan through the same procedures used for an amendment to the Zoning Map as described in Chapter 5 (Procedures and Enforcement) of this Code.

⁵⁶¹ Revised since Module 3 to recognize cases where the City does not allow alley use for vehicle access.

(d) General Building Form Standards

The Building Forms detailed in this section establish the standards and parameters for new development and redevelopment within the M-DT District. The following standards apply to all Building Form Standard frontages, unless expressly stated otherwise within an individual Building Form Standard or otherwise designated on the Regulating Plan.

(1) Transitions

When the Building Form Standard designation shown on the Regulating Plan changes along a property's Required Building Line, that property owner has the option of applying either Building Form Standard for a maximum additional distance of **up to eighty (80) ~~ifty (50)~~** feet along that Required Building Line, **as measured from the lot corner nearest the transition.**

Comment [PRZ141]: The distance of eighty feet is chosen for two reasons: 1) The Regulating Plan depicts "stub" Building Form Standards at intersections that measure 30 feet in length; adding 50 feet to these equals 80 feet. 2) 80 feet is the original standard lot width on the Original Town Plat. (9/16)

(2) Façade Composition⁵⁶²

"Façade composition" is the arrangement and proportion of façade materials and elements (windows, doors, columns, pilasters, bays). Complete and discrete" means one part of the façade is different from another to break down the perceived scale of large buildings and provide a better pedestrian experience.

Comment [PRZ142]: Edited for clarity. (9/16)

(i) The maximum length of individual façade compositions along a Required Building Line, generally running parallel to the fronting sidewalk, for each Building Form Standard is specified in the Elements section of the Individual Building Form Standard Frontage standards.⁵⁶³

Comment [PRZ143]: Edited for clarity. "Maximum average length" is changed to "maximum length." Developers will only be responsible for computing the maximum length of the façade compositions for their own buildings. They may compute average length along a whole block face if the individual building façade composition is too long. See the individual Building Form Standards for details. (9/16)

(ii) **New buildings and new building facades are required to achieve a Complete and Discrete Vertical Façade Composition along a street frontage. This requires -compliance with the following minimum standards:**

Comment [PRZ144]: Creative options to meet this standards not proposed. Alternatives such as public art, murals, etc. not viewed as appropriate to retain an "active" or "living" façade. Relief possible via BOA variance. (9/16)

- (A) **There must be a** clearly different Ground Story Façade configuration, either materials or Fenestration proportions and spacing or both, from one Vertical Façade Composition to the next; **and at least two of the following:**
- (B) Fenestration proportions differing between one Vertical Façade Composition to the next of at least twenty (20) percent in height or width or height:width ratio (See Figure 4.2-1).
- (C) At least two (2) different bay configurations (See Figure 4.2-2).
- (D) Change in wall material (changes in paint color are insufficient).
- (E) **Change in total Fenestration percentage (minimum difference ten (10) percent; ground floor Façades are not included).**

(iii) Each Façade composition, **regardless of the number of bays such composition may have,** shall include a functioning street entry door.

Comment [PRZ145]: Computations will be easier to make using 10 instead of 12 percent without compromising quality. (9/16)

Comment [P146]: Changed added for clarity per Clarion memo of Nov. 16, 2015. (5/16)

⁵⁶² Since Module 3, text and drawing captions have been revised to clarify intent.

⁵⁶³ Note that these are average distances, not absolute intervals. A longer Façade composition may be presented, as long as smaller compositions appear within the same Block Face in order to achieve the above-stated average. This requirement may be satisfied for large footprint uses, such as large groceries and department stores, through the use of liner shops.

- (iv) Individual infill projects on lots with street frontage of less than one hundred (100) feet on a Block Face are exempted from the overall Façade composition requirement for that Block Face, but shall still include a functioning street entry.
- (v) Where glass is used to meet the fenestration requirements, it shall have a light transmission at the Ground Story of at least seventy (70) percent and for the upper stories at least fifty-five (55) percent, unless otherwise required by the building or energy conservation code.⁵⁶⁴

Comment [P147]: Modified from 90% per Clarion memo of Nov. 16, 2015. Relief possible via BOA variance. (5/16)

Comment [P148]: Modified from 75% in recognition of change in Ground Story light transmission. (5/16)

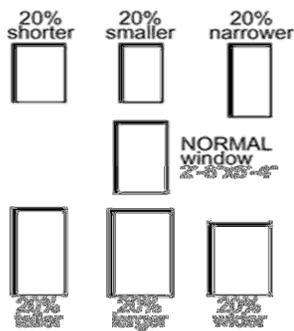


Figure 4.2-1: Fenestration Proportions: Minimum differences to achieve subsection (B)

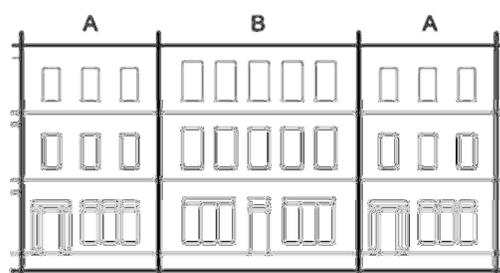


Figure 4.2-2: Different Vertical Façade Bay Compositions within a Block Face- “A” and “B” have: different number of bays; different Ground Story window and door configurations; and different Upper Story window sizes and spacing.

(3) Building Size

The maximum ground floor footprint for each building, but not including parking structures that comply with this Code, is thirty-four thousand (34,000) gross square feet.⁵⁶⁵ The construction of larger buildings shall require an Adjustment of Form-based Controls as described in Section 29-5.4(e).

Comment [PRZ149]: Changed from 25,000 sq.ft per Clarion memo of Nov. 16, 2015. This square footage is equal to the size of a standard half-block in downtown. (5/16)

(4) Neighborhood Transitions⁵⁶⁶

For any Urban General, Urban Storefront, and Urban General-West frontage sites, the following rules apply.

Comment [PRZ150]: No changes recommended to the Neighborhood Transition standards other than clarifications, including separate graphics on each standard to supplement the “all-in-one” graphics on this page. (9/16)

⁵⁶⁴ Window transparency is fundamental to a healthy urban Street-Space Reflective, rather than clear, windows are effectively a blank wall and deaden the street.

⁵⁶⁵ The maximum building footprint limits the scale of individual buildings in M-DT and maintains the pedestrian scale along the street frontage. A typical Downtown Columbia block is approximately 72,000 square feet. This standard will allow a building that is 100x250 feet, or approximately one third of block. The new portion of City Hall has a footprint of just over 10,000 square feet. A typical supermarket ranges from 50-75,000 square feet.

⁵⁶⁶ Depending on the final adopted M-DT Regulating Plan, the Neighborhood Transitions standards may be deleted.

- (i) Where a site shares a Common Lot Line with a lot in any zoning classification that is actually used for single-family dwelling purposes or that is limited to a single-family detached residential dwelling use due to lot size (area and width):
 - (A) There shall be at least a twenty (20) foot setback from the Common Lot Line. Common Drives and Alleys are allowed in this setback area. (See Figure 4.2-3).
 - (B) Notwithstanding any minimum height requirement, within fifty (50) feet of the Common Lot Line, and within eighty (80) feet of any Required Building Line, the structure shall have a maximum height of thirty (30) feet. (See Figure 4.2-4).

Comment [PRZ151]: Clarifies that any single-family lot in any zoning district (including but not limited to R-MF) subjects M-DT development to the neighborhood transition standards. "Single-family" includes actual established use as well as lots that cannot be used for anything but single-family due to lot area and width constraints. (9/16)

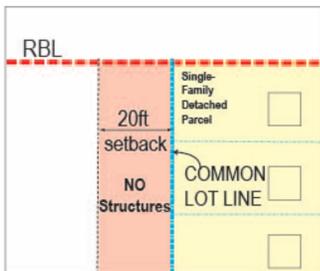


Figure 4.2-3: Common Lot Line Setback

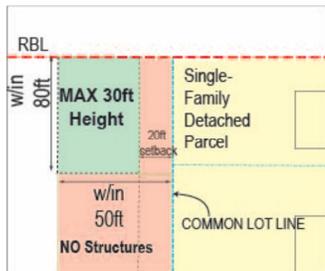


Figure 4.2-4: Common Lot Line & Height

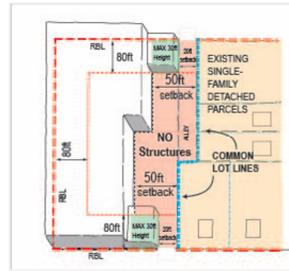


Figure 4.2-5: Buildable Envelope Limitations (Illustrative Intent)

- (C) Farther than eighty (80) feet from any Required Building Line, there shall be an additional thirty (30) foot setback -- for a total setback of fifty (50) feet -- from the Common Lot Line for all structures. Surface parking and Common Drives and Alleys are allowed in this setback area. (See Figure 4.2-4).

(ii) Where a site shares a Common Lot Line with (or sits across an Alley from) a single-family residential property, a garden wall, four (4) to six (6) feet in height, shall be constructed within one (1) foot of the Common Lot Line or Alley. Trees from the Street Tree List shall be planted, on maximum thirty (30) foot centers, within ten (10) feet of this wall. Required tree planting numbers and locations may be adjusted to accommodate any required fire access.

(5) Height⁵⁶⁷

- (i) The height of all buildings is measured in Stories, with a Building Height limit in feet, measured from the average fronting sidewalk elevation to the top of the wall plate, unless otherwise designated in this Section 29-4.2.⁵⁶⁸

⁵⁶⁷ Since Module, provision that Attic Story is not included in building height has been removed. Building height measures are now the same throughout the City.

⁵⁶⁸ This method of measuring building height in both stories and feet provides an absolute maximum height in feet, while also encouraging varied floor-to-floor heights and roof types without increasing maximum density. This allows for more generous clear heights and accommodates unique designs such as grand lobbies, loft spaces,

- (ii) The minimum Façade height that is required at the Required Building Line is shown on the individual Building Form Standard.
- (iii) English basement units do not count against the building story height limit but do count against the Building Height measurement.
- (iv) If a parking structure is constructed after the adoption of this Section 29-4.2 and any portion of the parking structure is located within thirty (30) feet of a building constructed pursuant to this Section 29-4.2, no portion of the parking structure shall exceed the building's primary roof ridge or parapet height.
- (v) At least eighty (80) percent of each Story must meet the minimum Clear Height prescribed in the Individual Building Form Standard.
- (vi) The Ground Story finished floor elevation requirements shall be measured:
 - (A) From the average exterior sidewalk elevation at the Required Building Line, and
 - (B) Within thirty (30) feet of any Required Building Line.

(6) Siting

- (i) Building Façades shall be built to the Required Building Line as stated in the Individual Building Form Standard.
- (ii) The building Façade shall be built to the Required Building Line within thirty (30) feet of a Block Corner, unless otherwise stated in the Individual Building Form Standards.
- (iii) The Required Building Line, which is shown on the Regulating Plan as an absolute line, allows an offset area (or depth) of twenty-four (24) inches beyond that line (into the Buildable Area) to allow for Façade articulation, unless otherwise stated in this Section 29-4.2. Portions of the Façade located within that twenty-four (24) inch zone comply with the Required Building Line.
 - (A) The Required Building Line for property located along Providence Road, regardless of Frontage Type, allows an offset area (or depth) of sixty (60) inches beyond that line (into the Buildable Area) to allow for Façade articulation. Portions of the Façade located within that sixty (60) inch zone comply with the Required Building Line. If no building is located within this area, it shall be improved with landscaping materials as approved by the City Arborist.
- (iv) Buildings may only occupy that portion of the lot specified as the Buildable Area—the area behind the Required Building Line as designated by the individual Building Form Standards.
- (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.

Comment [PRZ152]: Section permits additional setback along Providence Road as supported in Clarion memo of Nov. 16, 2015. (5/16)

penthouse configurations, and habitable attic stories. This measurement applies to the M-DT district only, and may be adjusted for closer alignment with height measurement rules in other districts in the final adoption draft.

- (vi) No part of any building may be located outside of any designated Lot Building Limit.
- (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) foot setback from the rear lot line shall apply.
- (viii) There are no side lot setbacks, except as specified in the Neighborhood Transitions (above) or in the Building Form Standards.
- (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 Plan⁵⁶⁹ 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 (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.
- (x) All lots, including corner lots and through lots, shall satisfy the build-to requirements for all of their Required Building Line frontages, and the Dooryard and/or front yard requirements for each designated Building Form Standard, unless otherwise stated in this Section 29-4.2.
- (xi) Where a Street Wall is permitted or required in the individual Building Form Standard, it shall be a minimum of four (4) feet and a maximum of eight (8) feet in height. When required to screen the edge of a parking area or outdoor refuse or bulk material storage area, the street wall shall be located along any Required Building Line frontage that is not otherwise occupied by a building.⁵⁷⁰
- (xii) Street walls shall be constructed of masonry, ornamental metal picket, or a combination. Walls may be opaque or partially open and may include landscaping.

Comment [PRZ153]: Only Urban Storefront requires parking structures to be set back to the parking setback line at all floor levels. Standard added per Clarion memo of Nov. 16, 2015. (9/16)

Comment [PRZ154]: Allowance of parking in lieu of building over an easement is in response to public comment. The use of a street wall and a limitation on curb cuts offers some flexibility to meet on-site parking requirements. Only in cases where access to parking already exists, or can be provided from an alley, could this alternative be allowed. (9/16)

Comment [P155]: Standards not eliminated per Clarion memo Nov. 16, 2015. Variance can be sought through BOA. (5/16)

Comment [PRZ156]: Language changed in response to public comments critical of the street wall concept. No longer are they required wherever there is an opening or vacant area beside a building. They are permitted, but only required when there is something that needs to be screened, such as a refuse collection, outdoor storage, or parking area. (9/16)

Comment [PRZ157]: New standard to clarify the type of construction material and the design of street walls. Commercial grade wood with some ornamental interest may be another type of material to consider. (9/16)

⁵⁶⁹ This standard is intended to prevent parking garages being exposed to the street at upper levels. As drafted, it applies throughout the M-DT District, but could be limited to key geographic locations via specific designations on the Regulating Plan, as stated above.

⁵⁷⁰ Street Walls are only required when a property is redeveloped. Street Walls are not completely opaque, as they are required to meet all fenestration requirements for the frontage in which they are located. The intent is that they maintain the built edge of the public realm and screen service areas. We expect that there will be very few Street Walls of more than minimal length (simply closing off small gaps between adjacent buildings.). This standard also provides a (small) disincentive for demolishing buildings to create more surface lots in the M-DT district.

(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 29-4.5 (Landscaping and Screening).

(8) Balconies⁵⁷¹

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

Comment [PRZ158]: Clarifies that separate "roofs" are not necessary except at the top floor level if balconies are in alignment with one another. (9/16)

⁵⁷¹ Combines current Sec. 29-26(c) providing for balconies in the current C-2, and new form-based standards. Portions were relocated from Dimensional Standard section in prior draft.

(9) Other Building Elements

- (i) Fenestration is regulated as a percentage of the Facade between floor levels. It is measured as glass area (including mullions and similar window frame elements with a dimension less than one inch) or as open area.
- (ii) As illustrated in Figure 4.2-6, unless otherwise designated in the individual Building Form Standards or in the Building Code, no window within ten (10)⁵⁷² feet of a Common Lot Line may be at an angle of less than ninety (90) degrees from that Common Lot Line⁵⁷³ unless:
 - (A) That view is contained within the lot (e.g. by a privacy fence/garden wall, opaque glass), or
 - (B) The sill (or other limit to transparency) is at least 6 feet above its finished floor level.
- (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.
- (iv) Ground Story awnings shall maintain a minimum horizontal clearance of one (1) foot from any point where the tree lawn meets the Clear Walkway.
- (v) Bay Windows shall have an interior clear width of between four (4) and eight (8) feet at the Façade. Bay Windows shall project no more than forty-two (42) inches beyond the Façade.
- (vi) Attic Stories are permitted within all Building Form Standard frontages.
 - (A) On the Required Building Line/Façade side of the roof pitch, Attic Story windows may only be located in dormers and/or gable ends.

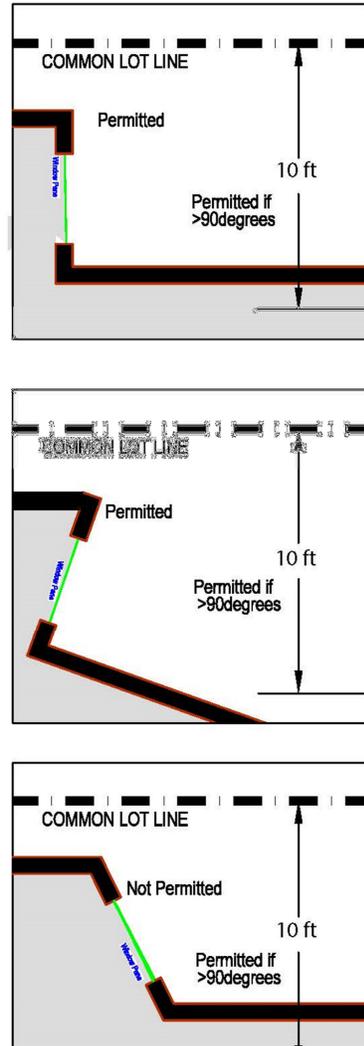


Figure 4.2-6: Relationship between a window and Common Lot Line.

⁵⁷² Reduced from 10 feet in Module 3.

⁵⁷³ The intent of this standard is to prevent the construction of adjacent buildings looking directly into one another's windows across a common lot line within a prescribed distance. This does not violate "2nd means of egress" standards, which can be achieved in a variety of ways. It is limiting transparency and direct views.

- (B) Attic Story Dormers are permitted so long as they do not break the primary eave line, are individually less than fifteen (15) feet wide, and their collective width is not more than sixty (60) percent of the Required Building Line Facade length.
- (C) The floor area of an Attic Story, measured as the floor area with a building code minimum Clear Height, may not occupy an area greater than seventy-five (75) percent of the floor area of the Story immediately below.
- (D) Attic Stories meeting the above standards do not count against the maximum Building Height in feet or Stories.
- (vii) Where visible from the Street-Space, pitched roofs, exclusive of roofs behind parapet walls, shall be pitched between 4:12 and 12:12. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
- (viii) English Basement Accessory Dwelling Units are permitted in Townhouse frontages and do not count against the maximum building height in Stories provided they have windows above grade and have direct street frontage access.
- (ix) At least one functioning entry door shall be provided along each Ground Story Façade. No Ground Story Façade may include a section of greater than seventy-five (75) feet without a functioning entry door⁵⁷⁴, unless otherwise stated in the Building Form Standards.
- (x) All required Front Porches shall be completely covered by a roof. Front Porches may be screened when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the Street-Space. The Front Porch finished floor height shall be no more than eight (8) inches below the first interior finished floor level of the building to which it is attached. Front Porches shall not extend past the Dooryard into the Clear Walkway.
- (xi) The Stoop finished floor height shall be no more than eight (8) inches below the first interior finished floor level of the building to which it is attached. Stoops shall not extend past the Dooryard into the Clear Walkway.
- (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) feet.

(10) Building Functions

Broad parameters for allowable uses for Ground Stories and upper Stories are identified in each Building Form Standard. Specific permitted use standards are provided in Chapter 29-3.

⁵⁷⁴ The intent of this standard is to encourage street activation. A building with 100 feet of street frontage with a single door in the center would meet this standard. It does not apply alongside and rear building elevations.

(11) Civic Buildings

When Civic Buildings are designated on the Regulating Plan, they are exempt from the Building Form Standards. Additions to civic buildings shall require amendment of the Regulating Plan.

(12) 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.

Comment [PRZ159]: Clarifies that civic buildings are exempt but they have to be recognized as such on the Regulating Plan map. New "civic" structures have to be added to the Regulating Plan through a formal request. See also definition of civic structure and civic use. (9/16)

Comment [PRZ160]: Response to public comments. New section that reserves the right of the city to deny plans unless an effective plan for the management of solid waste, including any necessary on-site facilities, is included with building plans. (9/16)

(e) Individual M-DT Building Form Standard Frontages

This Section describes the intent and the standards applicable to each Individual Building Frontage Type designated on the Regulating Plan. The four Individual Building Frontage Types are:

- Urban General/Urban Storefront
- Urban General – West
- Townhouse/Small Apartment
- Detached

Photos are provided to illustrate each frontage type and are advisory only. Where the statements of intent or photographs are inconsistent with the standards, the standards shall apply.

(1) Urban General/Urban Storefront Frontages

(i) Illustrations and Intent

Urban General is to be used for those properties fronting the orange Street-Spaces on the Regulating Plan. Urban Storefront is to be used for those properties fronting on the red colored Street-Spaces on the Regulating Plan.

Urban General is the basic urban street frontage, once common across the United States. The purpose of this frontage is to develop multi-story buildings placed directly at the sidewalk with one or more entrances and windows across the Façade. The uses range from commercial to residential, municipal to retail and restaurants—and combinations of all of the above. There could be several buildings lined up shoulder to shoulder, filling out a Block, or on smaller Blocks, a single building might fill the Block Face.



Small mixed-use buildings with individual Shopfronts.



Large mixed-use buildings with Shopfronts and vertical facade composition to provide pedestrian scale



Street-oriented residential buildings with small Dooryards.

Where Urban Storefront is designated on the Regulating Plan, the Urban General Building Form Standard shall apply, and the additional specific standards for Urban Storefronts set forth in this subsection shall also apply. The main distinction between Urban General and Urban Storefront is that the Urban Store Ground Story configuration shall be that of a Shopfront – with uses limited to retail, food and beverage, or personal service.

The Urban Storefront frontages are designated in the most intense areas of the M-DT District and it is anticipated that there will be significant pedestrian traffic along these Blocks. The photos illustrate the range of buildings that could be constructed under the Urban General and Urban Storefront frontages.



Transparent Ground Story Facades provide views between interior and exterior, enlivening the sidewalk.



Shopfronts line the Ground Story, with offices or residences above.

(ii) Height

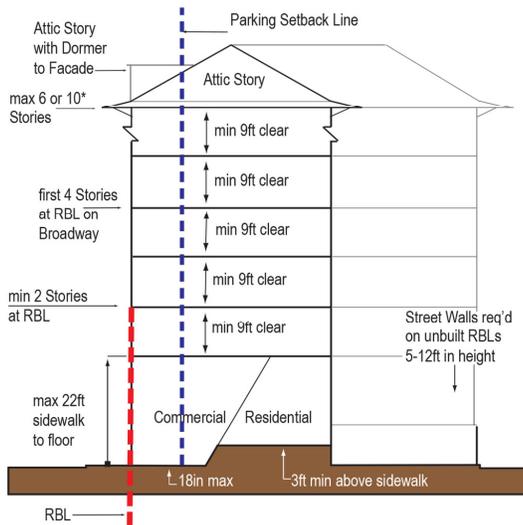


Figure 4.2-7: Urban General/Urban Storefront Height Standards

(A) Building Height⁵⁷⁵

- (i) The building shall be at least two (2) Stories (the second story shall be occupiable and meet the definition of a story) in height at the Required Building Line, but no greater than six (6) or ten (10) stories, *as designated on the Regulating Plan, with an Building Height of seventy-two (72) or one hundred forty-two (142) feet respectively. For buildings on Broadway that are four (4) or

Comment [PRZ161]: Section format changed to add provisions for increased building height in M-DT Urban General Form District. (9/16)

Comment [P162]: Added for clarity per Clarion memo of Nov. 16, 2015. (5/16)

Comment [P163]: No change per Clarion memo of Nov. 16, 2015. Could include option for Council approval over 10-stories as currently exists in interim C-2 with modifications. (5/16)

⁵⁷⁵ While the C-2 district currently has unlimited building height, the idea of limiting heights in M-DT serves multiple purposes. Tremendous building mass, and therefore leasable space, can be constructed by bring buildings up to the street, maximizing lot coverage, and creating perimeter blocks. (Ten stories would be taller than anything in Downtown Columbia today.) In the near term, the expectation for significant large-scale development is limited, at best. Allowing an individual building of 15 or 20 stories (or taller) would absorb most, if not all, of the market for years to come, or encourage other property owners to simply “hold on to” their property, waiting for the “ideal” redevelopment opportunity to come along. Development of this sort has little or no synergistic effect for the City as a whole. (There are plenty of examples of this scenario around the country—office towers surrounded by parking lots.) It is healthier for Downtown Columbia to have multiple medium-scale redevelopment projects filling in underused blocks than a few monster towers surrounded by vacant properties. In addition, since the current market seems to primarily be “student housing”, the creation of high-rise student apartments would seem less than optimal when trying to maintain a downtown that serves the entire City, not just the colleges and university.

more Stories, the first four (4) Stories shall be built to the Required Building Line.⁵⁷⁶

- (ii) Proposed buildings may be permitted to exceed the maximum height for their location as shown on the Regulating Plan subject to following the provisions of Section 29-5.4(q) (Tall Structures in the M-DT District).

Comment [PRZ164]: Provisions added to provide cross-reference to procedural requirements for increased building height in M-DT. Per public comment. (9/16)

(B) Ground Story Height

1) Non-residential uses

- (i) The Ground Story finished floor elevation shall be no lower than the average fronting exterior sidewalk elevation; and no higher than eighteen (18) inches above the average fronting sidewalk elevation.
- (ii) The Ground Story shall have a Clear Height of at least fifteen (15) feet contiguous to the Required Building Line frontage for a minimum depth of twenty-five (25) feet.

2) Residential Units at the Required Building Line⁵⁷⁷

- (i) The finished floor elevation shall be no less than three (3) feet.
- (ii) The Ground Story shall have a Clear Height of at least nine (9) feet.
- (iii) Main entrances and lobbies may be at grade, with transitions to meet the minimum finished floor elevation for the units within the building interior.

Comment [P165]: Staff disagrees with Clarion's Nov. 16, 2016 recommendation to remove this provision. Footnote 593 provides sound rational for retention. (5/16)

(C) Upper Story Height

The minimum Clear Height for each upper Story is nine (9) feet.

(D) Street Walls⁵⁷⁸

A Street Wall not less than **four (4) feet** in height or greater than **eight (8) feet** in height shall be required along any Required Building Line frontage when:

- 1) At-grade parking is located inside the parking setback line; or
- 2) Refuse storage areas or bulk material storage areas are present in view from the street.

Comment [PRZ166]: Response to comments and Commission discussion that streets walls need clearer standards and should not be required merely because there is open area beside a building. Note footnote 588 refers to the original language. (9/16)

⁵⁷⁶ Note: Building walls help to create an "outdoor room", ideally in proportion to the Street-Space width. The extra width of Broadway calls for greater height at the street to better define the pedestrian realm.

⁵⁷⁷ Elevating ground floor units that are adjacent to the Required Building Line serves at least two purposes—to provide privacy for those units directly at the public sidewalk and allow them to be "eyes on the street" as units with closed curtains cannot.

⁵⁷⁸ Street Walls are not completely opaque, as they are required to meet all fenestration requirements for the frontage in which they are located. The intent is that they maintain the built edge of the public realm and screen service areas from the same. The expectation is that there will be very few of them of more than minimal length (simply closing off small gaps between adjacent buildings.). The standards can be adjusted to provide greater variation (in height, etc.) between the different frontages—and in some communities, substantial fencing such as brick piers with wrought iron has been allowed to meet the requirement, particularly around surface parking lots. (This standard also provides a (small) disincentive for demolishing buildings to create more surface lots in the M-DT.)

(iii) Siting

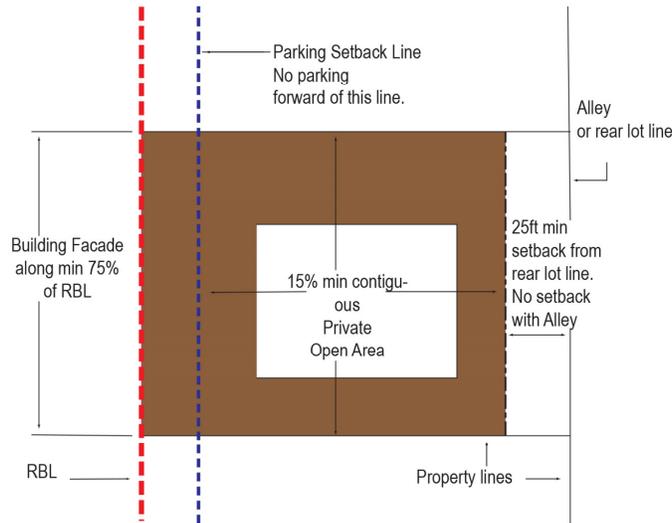


Figure 4.2-8: Urban General/Urban Storefront Siting Standards

(A) Façade

- 1) On each lot a minimum of seventy-five (75) percent of the building Façade shall be built to the Required Building Line.
- 2) A forecourt may be constructed along up to twenty-five (25) percent of the Required Building Line for a building where:
 - (i) The forecourt is surrounded on three (3) sides by the building;
 - (ii) The surrounding elevations meet all Façade requirements; and
 - (iii) The forecourt shall not provide automobile access other than for emergency services.
- 3) Within sixteen (16) feet of the Block Corner, the Ground Story Façade may be chamfered to form a corner entry.

Comment [PRZ167]: Instead of 75 percent of the lot, 75 percent of the building has been built to the RBL. Response to public comment pointing out that if entire lot frontage is not used, 100 percent of building may have to be at the RBL. (9/16)

Comment [PRZ168]: Changed from eight feet to offer more flexibility. (9/16)

(B) Buildable Area

The Buildable Area is shown in the Figure 4.2-8.

- 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).

Comment [PRZ169]: Revised in response to public comment and Commission discussion. Concern was that flat percentage of lot area was unfair to developers of smaller projects. Requirement is now proportional to building size and residential density. Purpose-built student housing has to provide open space at a higher rate. (9/16)

- (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.

Comment [PRZ170]: Employment uses – office and industrial – should provide the open area as amenity spaces for employees, visitors. (9/16)

Comment [PRZ171]: Retail, hospitality, dining, entertainment and other commercial services have the majority of their floor space accessible to customers and therefore “open area” is redundant. (9/16)

Comment [PRZ172]: In a mixed use building, the distribution of minimum open area need not be in exact proportion to the uses generating it, provided the users generating it have access to it. (9/16)

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:

Comment [P173]: Added minimum lot frontage as recommended by Clarion memo of Nov. 16, 2015. (5/16)

- (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.⁵⁷⁹

Comment [PRZ174]: Eligible locations for private and public open area made more flexible in response to public comments and Commission work session discussions. There is no minimum requirement for small lots (lots less than 25 feet wide) and small buildings (buildings less than 10,000 square feet). (9/16)

Comment [PRZ175]: Paragraphs deleted in response to public comments that the open area requirements are not flexible enough. (9/16)

(C) Garage and Parking

Openings in any Required Building Line for parking garage entries shall have a maximum Clear Height no greater than sixteen (16) feet and a clear width no greater than twenty-two (22) feet.

⁵⁷⁹ The requirement of a Private or Public Open Area is based on the expectation that the M-DT district is going to intensify and the people who live and work in these buildings will need access to some outdoor open spaces. (The intent is not to provide a public amenity, other than to break down the scale of the Façade configuration with balconies that are constructed to a minimum—aesthetic and usable space—standard.) This is a basic “quality of life” provision for urban dwellers. The percentage is relatively low and is typically “sold” as an amenity to perspective lessees. Since Module 3, requirement that a majority of required Private or Public Open Space be in one or two contiguous areas has been deleted.

(iv) Elements

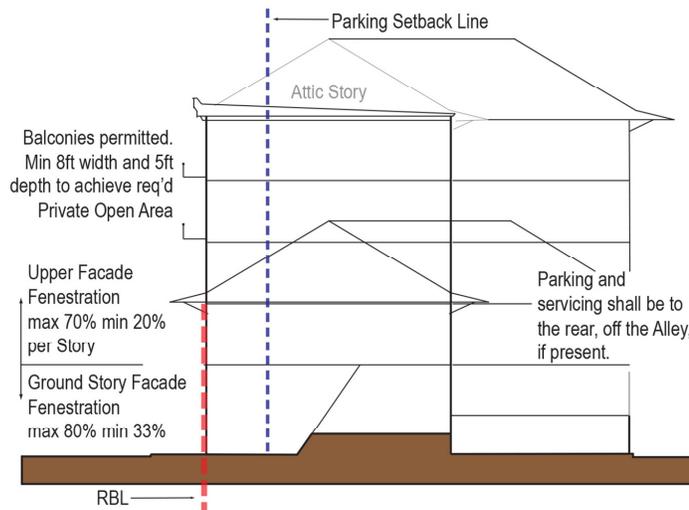


Figure 4.2-9: Urban General/Urban Storefront Element Standards

(A) Fenestration

- 1) Blank lengths of wall exceeding twenty (20) linear feet are prohibited on all Required Building Lines.
- 2) For Urban General frontages, Ground Story Fenestration shall comprise between thirty-three (33) percent and eighty (80) percent of the Ground Story Façade.
- 3) For Urban Storefront:
 - (i) Ground Story Fenestration shall comprise between fifty (50) percent and ninety (90) percent of the Ground Story Façade.
 - (ii) Single panes of glass shall not be permitted larger than ten (10) feet in height by five (5) feet in width.
 - (iii) Ground Story windows may not be made opaque by window treatments⁵⁸⁰ (excepting operable sunscreen devices within the conditioned space). A minimum of eighty (80) percent of the window surface shall allow a view into the building interior for a depth of at least fifteen (15) feet.
- 4) Upper Story Fenestration shall comprise between twenty (20) percent and seventy (70) percent of the Façade area per Story.

⁵⁸⁰ The purpose of this standard is to insure that Urban Storefront windows are not made ineffectual by occupants who build shelving in front of them, paint the windows to obstruct views, or block them with plywood, etc., thereby deadening the Street-Space. (It is not intended to prevent the use of operable window shades, etc.).

(B) Building Projections

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.

(C) Vertical Façade Composition

Vertical façade compositions shall vary within the facade of a building as required. If a building exceeds the maximum street frontage without a change in façade, an average maximum façade composition across the block face, including other buildings, shall be a permitted adjustment.

Comment [PRZ176]: New paragraph clarifies that facades shall change at a defined maximum interval – either 60 or 75 feet – on wide buildings, however, if the average façade width along a whole block face is no greater than the permitted maximum, an individual façade may exceed that maximum. (9/16)

(D) Street Walls

One access gate no wider than twenty-two (22) feet and one pedestrian entry gate no wider than five (5) feet shall be permitted within any required Street Wall.

(v) Use

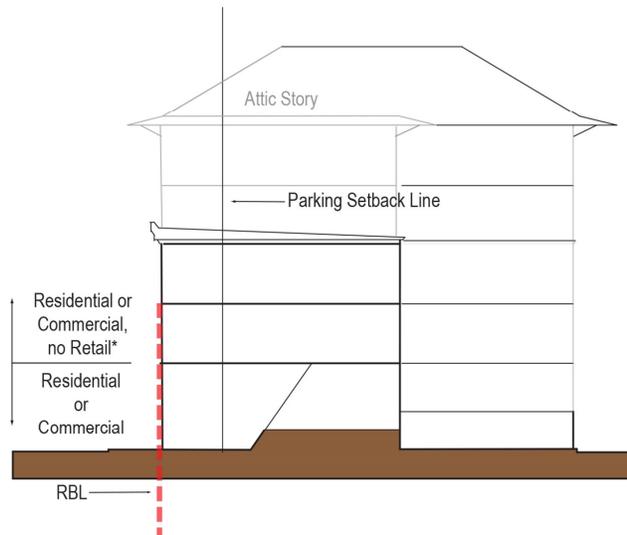


Figure 4.2-10: Urban General/Urban Storefront Use Standards

(A) Ground Story

The Ground Story may only house commercial, industrial, residential, public or institutional uses, as prescribed in Chapter 29-3. See height specifications above for specific requirements unique to each use.

Comment [P177]: Added per Clarion memo of Nov. 16, 2015. (5/16)

(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.

Comment [PRZ178]: Clarification that a hotel rooftop restaurant or food service would be permitted. (9/16)

2) No commercial use is permitted above a residential use unless there is a separate access to the commercial use.

Comment [PRZ179]: If a building design accommodates commercial foot traffic that avoids use of residential corridors, this kind of vertical mixed use could be allowed. (9/16)

3) Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

(2) Urban General – West Frontage⁵⁸¹

(i) Illustrations and Intent

This frontage is to be used in those portions of the Regulating Plan colored gold.

The Urban General-West frontage addresses the evolving area of west Downtown Columbia. Given Columbia’s emphasis on sustainability and multi-modal transportation issues, more compact, urban land-use patterns are appropriate for this area. This frontage fosters single and multi-story buildings, placed to the front of their lot, with windows and one or more entrances onto the sidewalk. The uses may range from commercial to residential, municipal to retail and restaurants. Several buildings could stand shoulder to shoulder along a Block Face, or a single building might fill a smaller block. Less intense than downtown, this frontage anticipates a gradual increase in pedestrian traffic over time. It provides improved pedestrian connectivity and transition to the adjacent neighborhoods. The photos illustrate the range of buildings that could be constructed under this frontage.



National chains can provide street-oriented buildings.



This frontage can accommodate large format, single use buildings or compact, mixed-use ones.



Street-oriented Civic building supports walkability.



Parking located to the side, with low Street Wall defining pedestrian realm.

⁵⁸¹ The Urban General-West frontage creates a very flexible Building Form Standard for the area west of Providence

(ii) Height

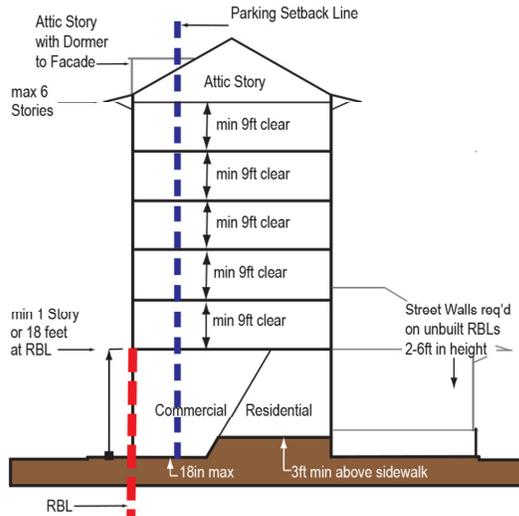


Figure 4.2-11: Urban General West Height Standards

(A) Building Height

The building shall be at least one (1)⁵⁸² Story and eighteen (18) feet in height at the Required Building Line, but no greater than six (6) Stories and seventy-eight (78) feet in height, unless otherwise designated on the Regulating Plan.

(B) Ground Story Height

1) Non-residential uses.

- (i) The Ground Story finished floor elevation shall be no lower than the average fronting exterior sidewalk elevation and no higher than eighteen (18) inches above the average fronting sidewalk elevation.
- (ii) The Ground Story shall have a clear height of at least twelve (12) feet contiguous to the Required Building Line frontage for a minimum depth of twenty-five (25) feet.

2) Residential Units at the Required Building Line

- (i) ~~The finished floor elevation shall be no less than three (3) feet.~~
- (ii) The Ground Story shall have a Clear height of at least nine (9) feet.
- (iii) Main entrances and lobbies may be at grade, with transitions to meet the minimum finished floor elevation for the units within the building interior.

Comment [PRZ180]: Provision removed per Clarion memo of Nov. 16, 2015. Removal in the frontage type is believe appropriate since such areas would be generally less impacted by street level activities. (5/16)

⁵⁸² Since Module 3, a minimum building height of 1 story rather than 2 has been clarified.

(C) Upper Story Height

The minimum clear height for each upper Story is nine (9) feet.

(D) Street Wall Height

A Street Wall not less than **four (4)** feet in height or greater than **eight (8)** feet in height shall be required along any Required Building Line frontage that abuts a surface parking lot or an area for refuse storage or outdoor material storage.

Comment [PRZ181]: Minimum height is four feet to be consistent with street walls in Urban General. (9/16)

(iii) Siting

Comment [PRZ182]: A revised diagram is needed to illustrate the revisions to private or public open area. (9/16)

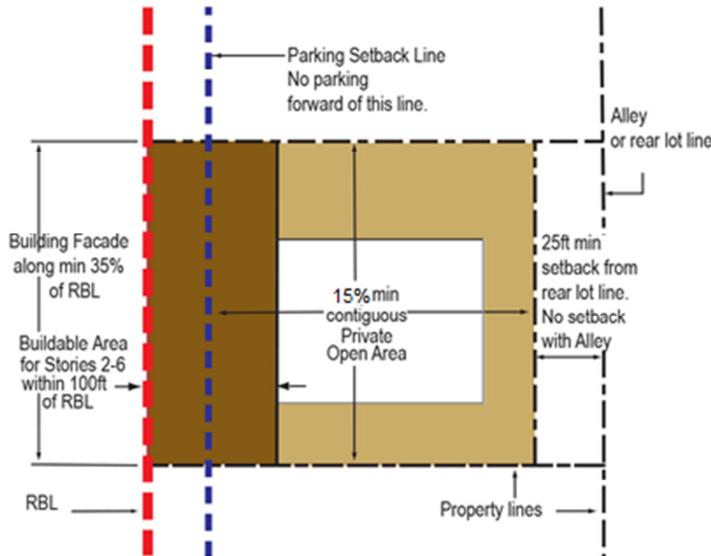


Figure 4.2-12: Urban General West Siting Standards

(A) Façade

- 1) On each lot the building Façade shall be built to the Required Building Line for at least thirty-five (35) percent of the Required Building Line length.
- 2) Within eight (8) feet of the Block Corner, the Ground Story Façade may be chamfered to form a corner entry.

(B) Buildable Area

The Buildable 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 29-4.2(1) (Urban General).

Comment [PRZ183]: The schedule for minimum open area is proposed to be the same as in Urban General. Public comments questioned why the standards differed and asked that more flexibility be added. (9/16)

(C) Garage and Parking

Openings in any Required Building Line for parking garage entries shall have a maximum clear height no greater than sixteen (16) feet and a clear width no greater than twenty-two (22) feet.

(iv) Elements

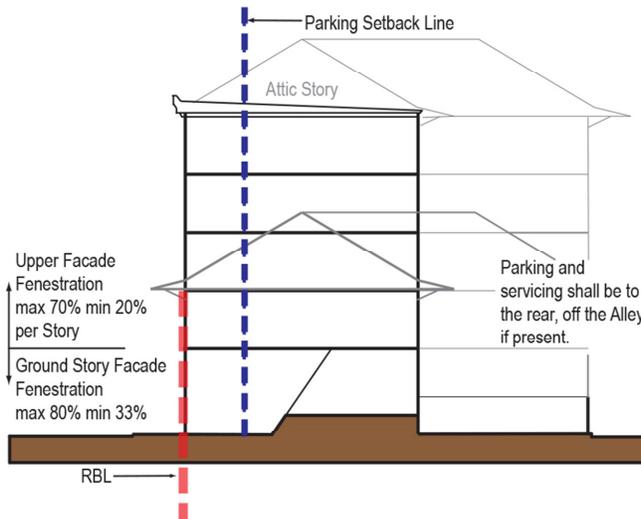


Figure 4.2-13: Urban General West Elements Standards

(A) Fenestration⁵⁸³

- 1) Blank lengths of wall exceeding thirty (30) linear feet are prohibited on all Required Building Lines.
- 2) Ground Story Fenestration shall comprise between thirty-three (33) percent and eighty (80) percent of the Ground Story Facade.

⁵⁸³ These standards only apply to the Façade. The minimum standards will assist in breaking down the scale of large footprint buildings along the street while also providing natural light into the interior.

3) Upper Story Fenestration shall comprise between twenty (20) percent and seventy (70) percent of the Façade area per story.

(B) Vertical Façade Composition

No greater than the average street frontage length of seventy-five (75) feet per Block Face.

(C) Street Walls

One access gate no wider than twenty-two (22) feet and one pedestrian gate no wider than five (5) feet shall be permitted in any required Street Wall.

(v) Uses

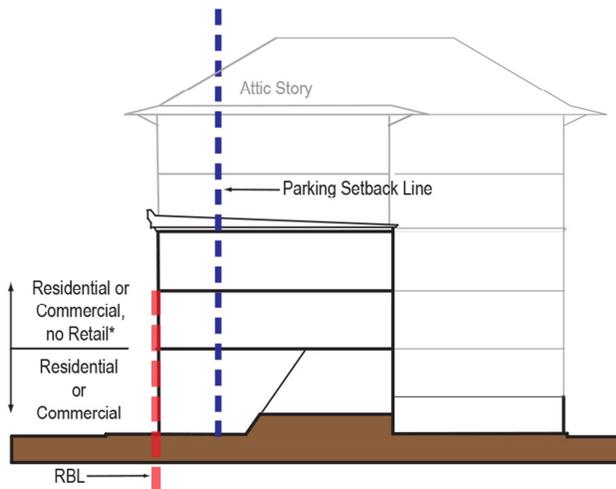


Figure 4.2-14: Urban General West Use Standards

(A) Ground Story

The Ground Story may only house commercial, residential, public or institutional uses, as prescribed in Chapter 29-3. See height specifications above for specific requirements unique to each use.

(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.

(3) Townhouse/Small Apartment Frontage

(i) Illustrations and Intent

This frontage is to be used for those properties fronting a blue colored Street-Space on the Regulating Plan.

The Townhouse/Small Apartment frontage is of moderate intensity, often created by a series of smaller attached structures configured as single-family residential or stacked flats. This Building Form Standard has regular Street-Space entrances as frequently as eighteen (18) feet. The character and intensity of this frontage varies depending on the Street-Space and the location of the Required Building Line—the buildings may be placed up to the sidewalk with Stoops, or further back with small Dooryard gardens and/or Front Porches. Similar in scale to the townhouse and row house, a small apartment is of limited size and can also be used to transition from the more intense areas of the M-DT District to adjacent single-family neighborhoods. It is anticipated that the pedestrian activity along these frontages will vary considerably based on the time of day and week. This frontage accommodates office uses. The photos illustrate the range of buildings that could be constructed under the Townhouse/Small Apartment frontage.



This frontage accommodates a range of Townhouses and Small Apartments in a range of building scales and configurations -- but all are street oriented.

(ii) Height

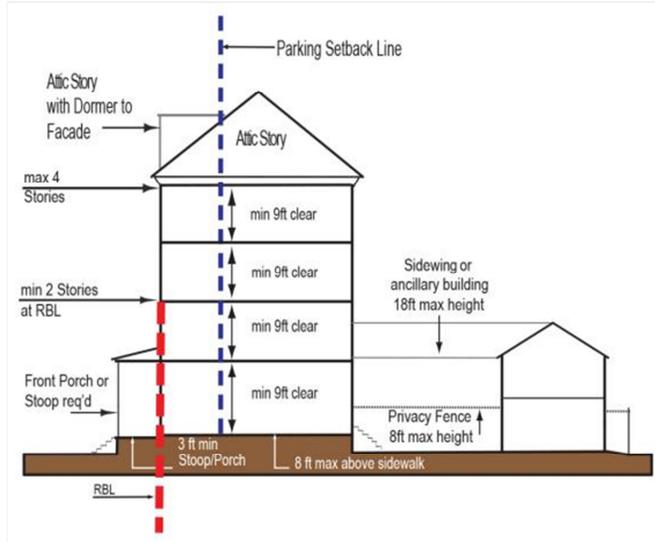


Figure 4.2-15: Townhouse/Small Apartment Height Standards

(A) Building Height

- 1) Each building shall be at least two (2) Stories high at the Required Building Line, but no more than four (4) stories with a building height of fifty-eight (58) feet, unless otherwise designated on the Regulating Plan.
- 2) A Sidewing or ancillary structure shall be no higher than eighteen (18) feet in height.

(B) Ground Story Height

- 1) When English Basement Accessory Units are proposed within a building, the finished floor elevation of the first floor shall be no less than three (3) feet and no more than eight (8) feet above the average exterior sidewalk elevation at the Required Building Line.⁵⁸⁴ Ground story residential units, when no English Basement Accessory Unit is to be proposed, may be located at grade and are not required to be elevated above the exterior sidewalk.
- 2) At least eighty (80) percent of the Ground Story shall have an interior Clear Height of at least nine (9) feet.
- 3) Main entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

Comment [PRZ184]: Added for clarity (5/16)

Comment [PRZ185]: Height removed per Clarion memo of Nov. 16, 2015. (5/16)

Comment [PRZ186]: Added for clarity to support change proposed in Clarion memo of Nov. 16, 2015. (5/16)

⁵⁸⁴ This standard is to provide privacy for the Ground Story and allow for English Basement Accessory Units.

(C) Upper Story Height

At least eighty (80) percent of each upper Story shall have an interior Clear Height of at least nine (9) feet.

(D) English Basements

The finished floor level of an English Basement shall be no greater than five (5) feet below the average elevation of the fronting sidewalk.

(iii) Siting

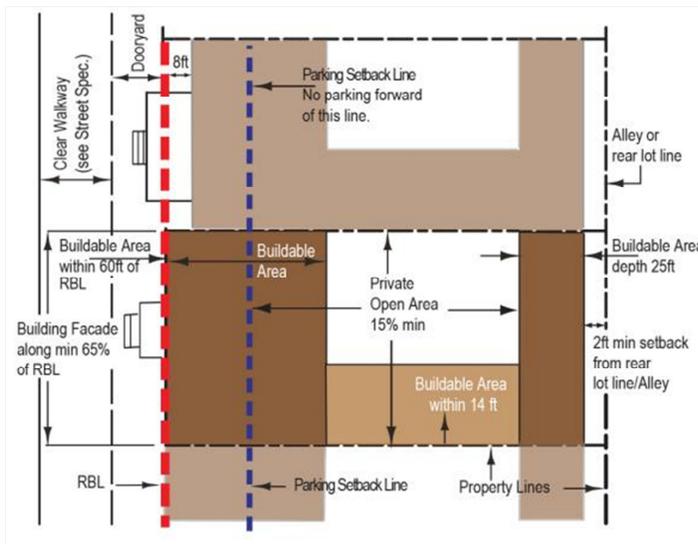


Figure 4.2-16: Townhouse/Small Apartment Siting Standards

(A) Façade

On each site, the Façade shall be built to:

- 1) The Required Building Line for at least sixty-five (65) percent of the Required Building Line length, or
- 2) A line an additional eight (8) feet behind the Required Building Line (only permitted to accommodate Front Porch depth—see Elements subsection for Front Porch requirements) with a width not less than sixty-five (65) of the Required Building Line.

(B) Buildable Area

The Buildable 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).
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(C) Garage and Parking

- 1) Garage doors/entries are not permitted on any Required Building Line/Façade.
- 2) At-grade parking may be forward of the Parking Setback Line only when it is within a garage on a corner lot and the parking area's Required Building Line frontage is less than twenty-five (25) feet.

(D) Frontage Widths

- 1) The minimum width for new townhouses is eighteen (18) feet.
- 2) Although there are no individual lot side setbacks, no individual small apartment building or set of townhouses may exceed one hundred (100) feet of street-space frontage. A gap of ten (10) to twenty (20) feet is required between each building.

(iv) Elements

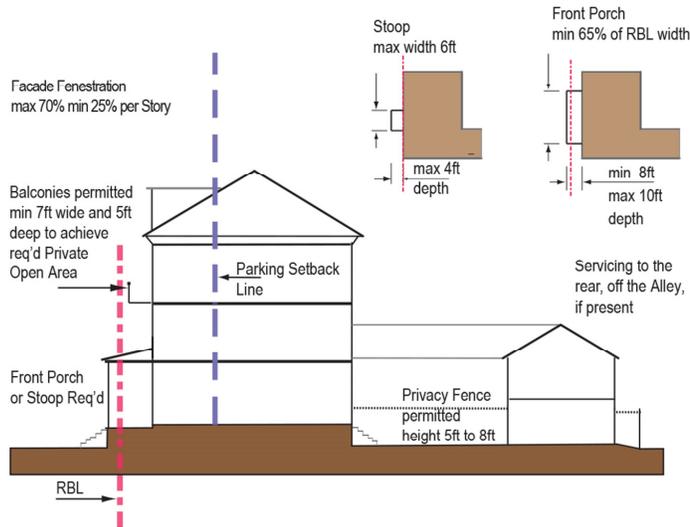


Figure 4.2-17: Townhouse/Small Apartment Elements Standards

⁵⁸⁵ Since Module 3, text has been simplified to remove distinction between how deep and shallow lots must meet this standard.

(A) Fenestration

- 1) Blank lengths of wall exceeding fifteen (15) linear feet are prohibited on all Façades.
- 2) Fenestration shall comprise between twenty-five (25) percent and seventy (70) percent of the Façade.
- 3) Each townhouse and/or small apartment building shall include a functioning Street-Space entry.

(B) Vertical Façade Composition

No greater than the average street frontage length of seventy-five (75) feet per Block Face.

Comment [PRZ187]: In contrast to Urban General and Urban General West there is no “per building” requirement for vertical façade composition. An average is used across the whole block face. (9/16)

(C) Building Projections

- 1) Each townhouse shall include either:
 - (i) A Stoop of not more than four (4) feet deep and six (6) feet wide (not including steps); or
 - (ii) A Front Porch, between eight (8) and ten (10) feet deep that projects no more than two (2) feet forward of the Required Building Line, and has a width not less than sixty-five (65) percent of the Required Building Line.
- 2) A Small Apartment may be configured with a Stoop or Front Porch or with a main entrance at grade.

(v) Use

(A) All Stories

- 1) Only residential, guest accommodation, and office uses are permitted.
- 2) Individual townhouses shall have no more than two (2) residential units, including an accessory unit.
- 3) Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

(B) Ground Story Exceptions

Neighborhood serving retail is permitted on the Ground Story of buildings located at a Block Corner ⁵⁸⁶and in buildings sharing a lot line with an established block corner commercial space.

Comment [PRZ188]: Response to public comment. Where commercial is already established at a corner, the immediately adjacent ground level space may be neighborhood serving commercial as well. Allows for organic growth of neighborhood commercial nodes.

(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.

⁵⁸⁶ This standard could include additional specific use standards in 29-3.3, such as square footage limitation, hours of operation, etc.

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.

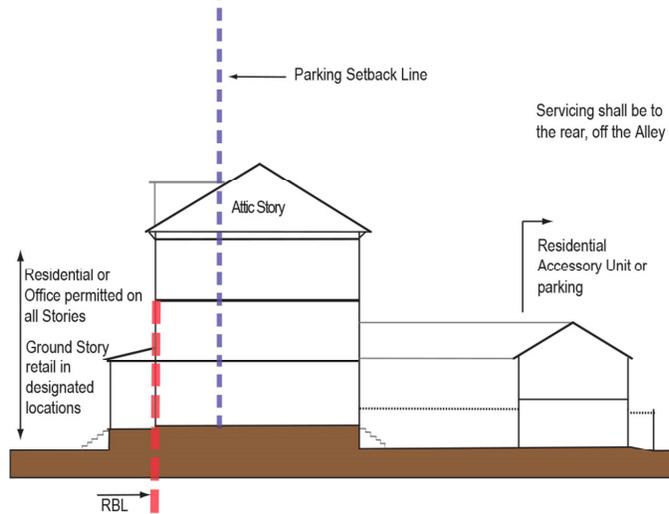


Figure 4.2-18: Townhouse/Small Apartment Use Standards

(4) Detached Frontage⁵⁸⁷

Comment [PRZ189]: This is not a mapped Frontage type. It is included in the event that such a frontage type is desired. (5/16)

(i) Illustrations and Intent

This frontage is to be used for those properties fronting on a yellow colored Street-Space on the Regulating Plan.

The detached frontage is represented by the traditional single family house with small front, side, and rear yards along a tree-lined street. Structures are one (1) to two (2) stories in height with pitched roofs and Front Porches. Its purpose is to protect the scale and character of existing single family neighborhoods. The photos illustrate the range of buildings that could be constructed under the Detached frontage.



⁵⁸⁷ This frontage is not currently designated in the M-DT District; however, it could be available in the future for use in some areas abutting the District.

(ii) Height

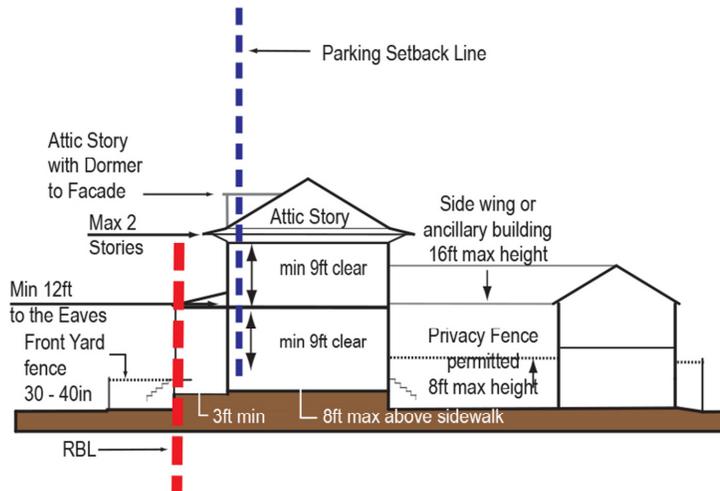


Figure 4.2-19: Detached Height Standards

(A) Building Height

- 1) Each building shall be at least twelve (12) feet at the Required Building Line, but no greater than two (2) stories with an ultimate building height of twenty-seven (27) feet.
- 2) A sidewing or ancillary structure shall be no higher than sixteen (16) feet.

(B) Ground Story Height

- 1) The finished floor elevation shall be no less than three (3) feet and no more than eight (8) feet above the average exterior sidewalk elevation at the Required Building Line.
- 2) At least eighty (80) percent of the first Story shall have an interior Clear Height of at least nine (9) feet.

(C) Upper Story Height

At least eighty (80) percent of each upper Story shall have an interior Clear Height of at least nine (9) feet.

(D) Front Yard Fence

Any Front Yard Fence has a minimum height of thirty (30) inches and a maximum height of forty (40) inches.

(iii) Siting

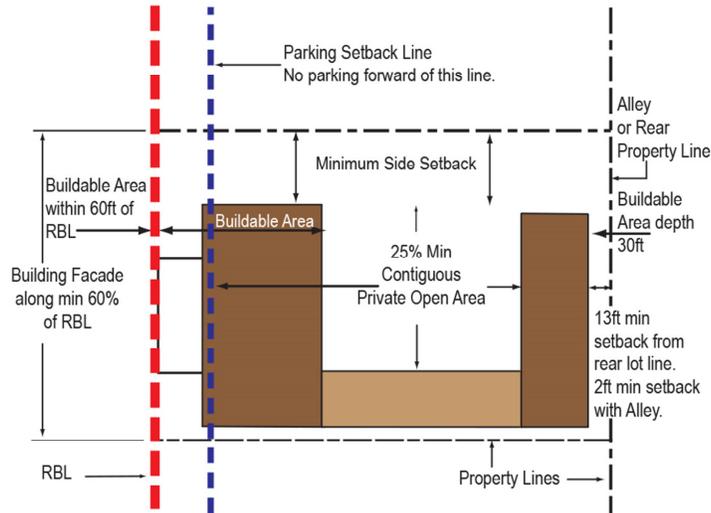


Figure 4.2-20: Detached Siting Standards

(A) Façade

- 1) On each lot the Façade shall be built parallel to the Required Building Line for at least sixty (60) percent of the building width. The Front Porch shall be built to the Required Building Line.
- 2) For corner lots the minimum sixty (60) percent build-to shall include the frontage within twenty (20) feet of the Block Corner.

(B) Buildable Area

The Buildable Area is as defined in Figure 4.2-20.

A contiguous Private or Public Open Area equal to at least twenty-five (25) percent of the total Buildable Area shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the Parking Setback Line and not include any side or rear setbacks.

(C) Lot Size and Setbacks

- 1) All lots of record are buildable under this code.
- 2) Newly subdivided lots shall have a minimum width at the Required Building Line of thirty-two (32) feet, a maximum width of fifty-five (55) feet, and a minimum depth of eighty-five (85) feet.

- 3) The minimum side lot setbacks are five (5) feet or as otherwise designated on the Regulating Plan.

(D) Front Yard

The Front Yard/Dooryard shall not be paved excepting walkways.

(E) Garages, Parking and Alleys

- 1) Garage doors shall not be located on the Required Building Line/Façade.
- 2) There is a two (2) foot required setback from Alleys.

(iv) Elements

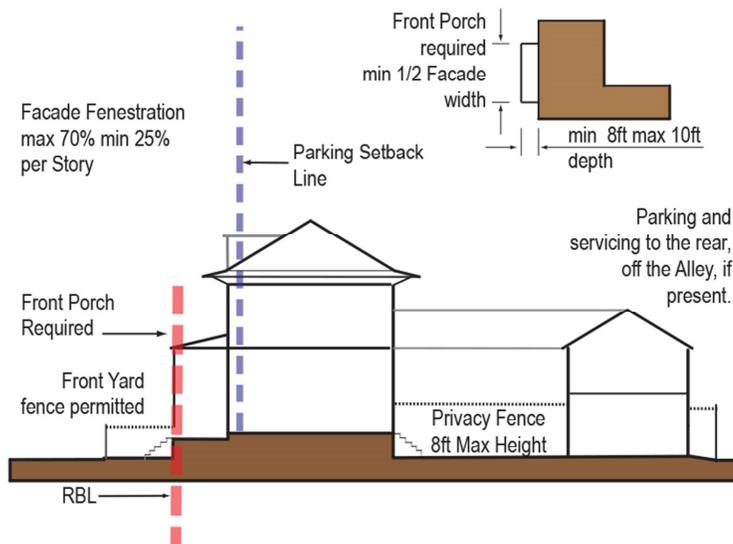


Figure 4.2-21: Detached Elements Standards

(A) Fenestration

- 1) Blank lengths of wall exceeding fifteen (15) linear feet are prohibited on all Façades.
- 2) Fenestration shall comprise at least twenty-five (25) percent, but not more than seventy (70) percent, of all Façades.
- 3) No window may face or direct views toward a Common Lot Line within ten (10) feet unless:
 - (i) The view is contained within the lot (e.g. by a privacy fence/garden wall, opaque glass); or

(ii) The windowsill is at least six (6) feet above the finished floor level.

(B) Building Projections

- 1) Each building Façade shall include a Front Porch at the Required Building Line, between eight (8) feet and ten (10) feet deep with a width not less than fifty (50) percent of the Façade width.
- 2) No part of any building except the Front Porch roof (overhanging eaves) and steps may encroach beyond the Required Building Line into the Dooryard.

(C) Doors/Entries

At least one (1) functioning entry door shall be provided along the Ground Story Façade of each building.

(D) Street Walls

There is no Street Wall requirement.

(E) Fences

- 1) Any Front Yard Fence shall be within one foot of the Clear Walkway/Dooryard line parallel to the Required Building Line and along Common Lot Lines to a point at least ten (10) feet behind the Required Building Line.
- 2) A privacy fence may be constructed along a Common Lot Line behind the Façade.

(v) Use

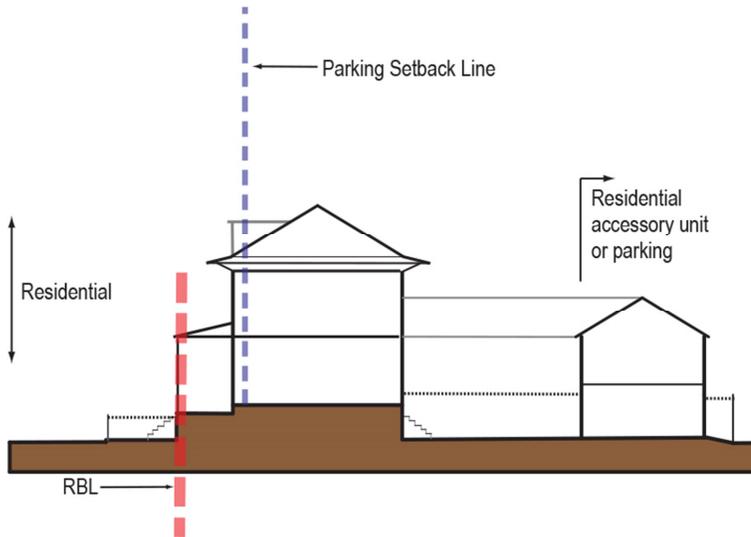


Figure 4.2-22: Detached Use Standards

(A) Ground Story

The Ground Story and any accessory unit shall only house residential uses.

(B) Upper Stories

- 1) The upper stories shall only house residential uses.
- 2) Additional habitable space is permitted within the roof where the roof is configured as an attic Story.

(C) Accessory Uses

Parking uses and Accessory Dwelling Units, with a maximum size of six hundred fifty (650) square feet are permitted in the Buildable Area at the rear of the lot.

(f) M-DT Urban Space Standards

The Urban Space Standards show the relationship between new development or redevelopment and the streets and other public (and publicly accessible) spaces in the M-DT District.

(1) Applicability

The Urban Space Standards apply to the area between building frontages and the curb line of existing or proposed streets in the M-DT district, and are intended to ensure the coherence and pedestrian-friendliness of the Street-Space. These standards are intended to supplement the City's existing street and public works standards. In case of a direct conflict between these standards and the City's street and public works standards, the existing street and public works standards shall apply.

(2) Street-Space Standards

(i) General Provisions

- (A) All plant material shall comply with Section 29-4.5 Landscaping and Screening.
- (B) Mechanical and electrical equipment including, but not limited to the following, may not be stored or located within any Street-Space:
 - 1) Air compressors,
 - 2) Pumps,
 - 3) Exterior water heaters,
 - 4) Water softeners,
 - 5) Private garbage cans (not including public sidewalk waste bins), and
 - 6) Storage tanks.
- (C) Water pumps for public fountains or irrigation not visible are not included in this prohibition and Temporary placement of private garbage cans within the Street-Space may be allowed to accommodate scheduled pick-up.

(ii) Street-Space Plantings

Invasive species, as identified by the Missouri Department of Conservation's invasive species list, are prohibited within Dooryards and on all parcels in the M-DT District.

(iii) Street-Space Elements⁵⁸⁸

- (A) At the time of development, the developer is required to install streetlights and sidewalks, as illustrated in the Street Type Specifications, on the Street-Space frontage being developed.

⁵⁸⁸ These requirements will vary depending on the size of development and the context and condition of the existing Street-Space.

- (B) Sidewalks not otherwise designated in the Regulating Plan or Street Type Specifications shall provide a minimum six-foot Clear Walkway and be constructed to meet all existing standards and specifications.
- (C) Street furniture is an element of the overall Street-Space design—not an afterthought. Street furnishings should be simple, functional, and durable.

(iv) **On-Street Parking**

- (A) On-street parking spaces fronting a development project shall count towards any parking requirements required under Section 29-4.4 (Parking and Loading).
- (B) The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the Regulating Plan, streets, and Alleys, but spacing shall not exceed forty-five (45) feet on center except where necessary for transit stops and stations.

(v) **Pedestrian Pathways**

The area within a Pedestrian Pathway shall be a public access easement or public right-of-way. The easement width for these pathways must not be less than twenty (20) feet with a paved walkway not less than ten (10) feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the Regulating Plan.

(3) Street-Type Recommendations

The Street Type Recommendations located in Appendix A illustrate model configurations for the Street-Spaces within the M-DT. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, Dooryards, tree planting areas, and on-street parking configurations. Dooryards and Alleys are generally reserved for utility easements.

29-4.3 Subdivision Standards⁵⁸⁹

(a) Applicability

- (1) The standards in this section 29-4.3 shall apply to land in all zone districts except the M-DT district whenever land is subdivided or re-subdivided to create, change, or establish the boundaries of parcels for development or redevelopment, unless this Code provides an exception.
- (2) In the M-DT zone district, all subdivisions shall comply with the requirements of the Regulating Plan and other applicable standards in Section 29-4, including but not limited to requirements for blocks, through connectivity, intersections, terminating streets, alleys, and sidewalks, and shall comply with the M-DT recommended street cross-sections in Appendix A to the greatest degree practicable. If the requirements of Section 29-4.2 conflict with the provisions of this Section 29-4.3, the provisions of Section 29-4.2 shall apply. If the provisions of Section 29-4.2 are silent on a topic addressed by this Section 29-4.3, the provisions of this Section 29-4.3 shall apply.⁵⁹⁰

Comment [PRZ190]: This provision added to clarify that plats containing one lot to create a "legal lot" are subject to these provisions. (5/16)

(b) Avoidance of Sensitive Areas⁵⁹¹

Land shall be neither subdivided nor developed, except under appropriate special safeguards, where the commission finds that a proposed subdivision or development poses a potential or existing threat to the safety, health and general welfare of inhabitants of the land or surrounding areas due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, topography, utility easements or other adverse conditions. Portions of the proposed subdivision or development that cannot be prepared properly for the development shall be set aside for such use as shall not pose an undue hazard to life and property.⁵⁹²

(1) Land Analysis Map

- (i) Each application for subdivision or re-subdivision of a land area of five (5) acres or more – either alone or contiguous with another subdivision by the same applicant, shall first prepare a Land Analysis Map identifying sensitive lands to be protected from development. Such map shall be provided at the time of concept review for property proposed to be preliminarily platted regardless of the parcel size. In preparing such maps, those areas shown on the Future Land Use Map of the City's Comprehensive Plan as "sensitive" shall be identified as well as other known to be sensitive areas or areas that should have been reasonably known to be sensitive.

Comment [PRZ191]: Added to specify that map required at "concept review" and to specify that Comprehensive Plan is to be used as basis for "sensitive" lands identification. (5/16)

Comment [PRZ192]: Added per Commission comment for clarity to address the issue that some sensitive features may not be mapped but should have reasonably know to exist by other means. (9/16)

⁵⁸⁹ This section carries forward, with revisions as noted, the development standards in current Chapter 25 (Subdivisions). Sections that have been repealed, and some materials have been relocated to other sections of this new Chapter 29-4 for better integration with similar standards applicable to both subdivisions and other types of development approvals have been removed. Exceptions to allow development and redevelopment in the M-DT district to comply with the form-based controls in Section 29-4.2 have been included throughout this section. Environmental avoidance, clustering, rural street standards (curbless, swales).

⁵⁹⁰ New provision to align with new form-based standards for the M-DT area.

⁵⁹¹ New section to help implement "Columbia Imagined" by encouraging sustainable development practices. This text replaces the more general criteria in current Sec. 25-39 (Natural Features).

⁵⁹² Inserted from current Sec. 25-38 (Character of the Land) since previous draft.

- (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) percent or more, measured from top-of-slope to foot-of-slope;
 - (C) Any lands identified as Bentonite soils or designated by the state or a governmental agency as unsuitable for development;
 - (D) 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.

Comment [PRZ193]: Added for clarity. (5/16)

Comment [PRZ194]: Revised from 25% to match current 12A requirements (5/16)

Comment [PRZ195]: Provision added for simplification. Will include upper 1 square mile as well as flood plain areas. (5/16)

Comment [PRZ196]: Added to increase connection to Comprehensive Plan. (5/16)

(2) Avoidance of Sensitive Lands

The applicant shall lay out the subdivision or re-subdivision so that:

- (i) No lot intended for development includes land designated as sensitive lands on the Land Analysis Map, to the greatest degree practicable, as evidenced by written and graphical justification that avoidance was not possible and that inclusion of such features was required to meet other regulatory requirements of this UDC ; and
- (ii) If any lot intended for development does include designated sensitive lands, the subdivision plat shall restrict construction of permanent structures to a designated building envelope area on that lot which does not include any designated sensitive land areas. Such sensitive lands shall be permanently protected by designation within a preservation easement; and
- (iii) Street crossings of sensitive land areas are minimized to the maximum extent practicable.

Comment [PRZ197]: Added for clarity. (5/16)

Comment [PRZ198]: Added for clarity to evaluate if provision has/hasn't been complied with. (9/16)

Comment [PRZ199]: Added for clarity. (5/16)

Comment [PRZ200]: New provision. "preservation easement" needs to be defined which would be slightly less restrictive to development than existing greenspace conservation easement. Areas identified as "common lots" would be included under such definition. (5/16)

(3) Adjustment of Minimum Lot Sizes⁵⁹³

If the avoidance of sensitive lands designated other than floodways and flood fringe areas results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the applicant may adjust the minimum lot size or lot width in the subdivision by up to fifteen (15) percent in order to include as many lots as would have been possible if sensitive lands were not avoided. No adjustment of minimum lot sizes or widths shall be made for avoidance of floodway or flood fringe areas.

Comment [PRZ201]: Reduced from 25% to ensure no lot is less than 50-foot wide or less than 5,000 sq.ft in area. (5/16)

⁵⁹³ These adjustments will be reviewed through the regular subdivision approval process, as they are now.

(c) Streets⁵⁹⁴

(1) Street Improvements Generally⁵⁹⁵

- (i) Streets and curbs and gutters shall be improved to comply with the standards in this Code, the adopted City street and storm sewer specifications and design standards, and all design standards and specifications promulgated by the Director of Public Works or adopted by the Council, in accordance with the final construction plans required to be approved prior to final plat approval.
- (ii) Notwithstanding any provisions of this Code or standards listed in subsection (i), if land is subdivided in the R-1 zone district or subdivided for single-family residential development in a PD zone district, and the minimum size of each lot is two (2) acres or more in size:
 - (A) The subdivision shall not be required to install sidewalks along roadways classified below collector status, or curbs or gutters, but may manage street-related stormwater through the use of bioswales or natural areas designed to allow infiltration of stormwater into the soil, rather than transmitting it to a piped stormwater system.
 - (B) The Director of Public Works may approve alternative construction standards for road surfaces and lane widths to reflect anticipated low traffic volumes and preserve rural character while protecting traffic safety and emergency service access.

Comment [PRZ202]: Added provision for clarity to ensure collector or higher roadways install sidewalks. A design modification could be submitted to obtain waiver under specific conditions. (5/16)

(2) Responsibility for Improvements Costs⁵⁹⁶

The costs of required improvements shall be paid by the applicant, with the following exception. It is the policy of the City to participate in or contribute only to certain additional costs of construction of major thoroughfares over and above the normal costs of local standard streets, when streets are designated at higher standards by the City. Such participation, and its timing, is solely at the election of the Council, according to the needs of the community.

(3) Connectivity⁵⁹⁷

(i) Streets

Streets shall comply with the following standards.⁵⁹⁸

⁵⁹⁴ Carries forward current Article IV, except for Sec. 25-41 (Street names and numbers) and other technical street standards that have been relocated to Appendix A.

⁵⁹⁵ Carries forward introductory paragraph in Current Sec. 25-42 with new provisions for green infrastructure.

⁵⁹⁶ Carries forward Current Sec. 25-42(1).

⁵⁹⁷ New Section that carries forward Secs. 25-42(2)(Arrangement) and 25-42(3)(Blocks).

⁵⁹⁸ New text to improve connectivity. Current text reading "streets shall be located properly with respect to extending existing and platted streets, to traffic generators, to population densities, and to the pattern of existing and proposed land uses" was deleted as too vague to give clear guidance as to desired patterns. Text reading

- (A) Local streets shall be designed to provide convenient and safe access to all properties and to permit efficient drainage and utility systems.
- (B) Through streets shall be designed as shown in the Figure 4.3-1. The street alignment shall be determined at the time of platting, but the plat shall include at least the number of direct connections between arterials or collectors as shown in these figures. If the provisions of Section 29-3(c)(1)(ii) regarding large lot residential development apply, then only the provisions of Figure 4.3-1 applicable to Arterial and Collector streets apply.

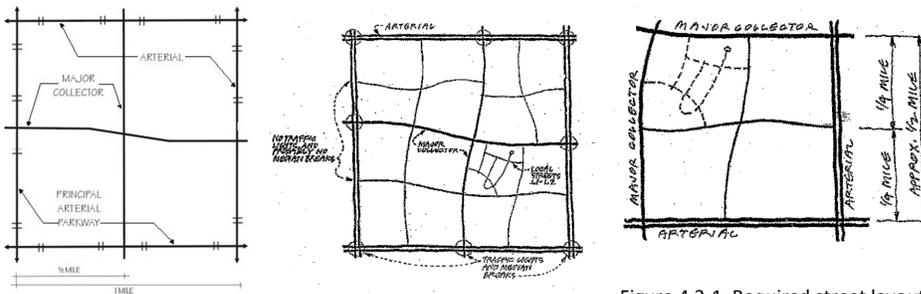


Figure 4.3-1. Required street layouts

- (C) As an alternative to complying with the through street requirements of subsection (B) above, the applicant may prepare connectivity index calculation that divides the number of street segments within the plat (i.e. sections of streets between intersecting streets) by the number of intersections within and at the boundaries of the plat to achieve a connectivity index of 1.65 or more. An example of a connectivity index calculation is shown in Figure 4.3-2 below.⁵⁹⁹
- (D) Straight streets more than eight hundred (800) feet long shall be avoided to discourage speeding, unless approved by the Director because a shorter street is impracticable due to terrain or site constraints.
- (E) Individual local residential street segments should serve no more than thirty (30) dwelling units without additional street connections unless otherwise permitted for by this Code.
- (F) Cul-de-sacs and loop (U-shaped) streets should not exceed three hundred (300) feet in length but may be appropriate to avoid steep slopes, major creeks, floodplains, wetlands and other sensitive environmental areas.⁶⁰⁰

Comment [PRZ203]: Revised for consistency with Section 29-4.3(f)(2). (5/16)

Comment [PRZ204]: Added for clarity and to indicate options exist for modification. (5/16)

Comment [PRZ205]: This length is preferred. No cul-de-sac or loop street shall exceed 750 feet per Item "J" below. (5/16)

⁵⁹⁹ Text reading: "Interconnection of adjacent subdivisions with compatible land uses shall be encouraged" was deleted.

⁶⁰⁰ Revised to insert objective length standard.

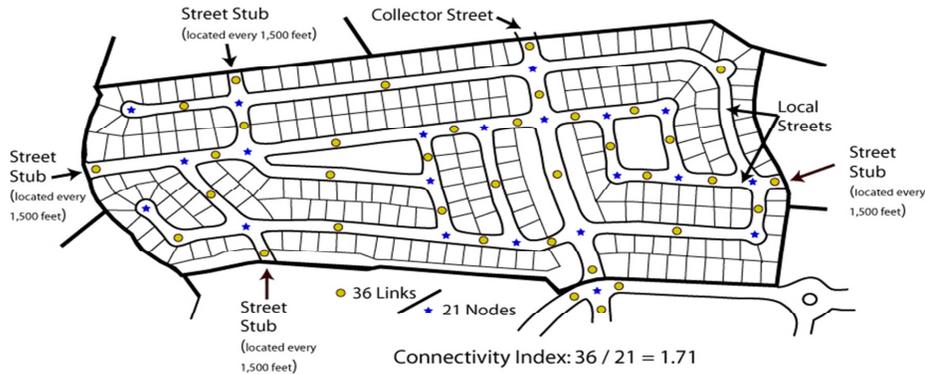


Figure 4.3-2 Connectivity Index

- (G) Where a subdivision abuts or contains an existing arterial street or highway having limited access, lots abutting such roadways shall be arranged such that their rear yards abutting the major street, or access to such lots is provided from a frontage road, or other street design necessary to provide for adequate protection of residential properties, to afford separation of through and local traffic, and to provide for suitable access to the property involved.
- (H) When a new subdivision adjoins unplatted or undeveloped land, the new streets shall be carried to the boundaries of such land unless vehicular access is unnecessary or inappropriate due to existing or proposed development with incompatible traffic generation on the adjacent platted or unplatted lands. A temporary turnaround approved by the Director of Public Works shall be installed at this point, except when the terminus of the street is less than one hundred fifty (150) feet from an intersecting street right-of-way.⁶⁰¹
- (I) Where street connections to adjoining land are not provided and there is a need for non-vehicular public access to a school, park, trail or other area or use, the City may require the dedication and improvement of a green space access easement or green space trail easement to serve the needs of the proposed development. Whenever such public improvements are required and the landowner conveys fee title in lieu of an easement, the City shall accept ownership and maintenance.⁶⁰²
- (J) Permanent terminal streets shall not be longer than seven hundred fifty (750) feet, measured from the center of any cul-de-sac to the right-of-way line of the nearest through street from which it derives.⁶⁰³

Comment [PRZ206]: Revised for clarity. (5/16)

⁶⁰¹ Distance revised from 300 ft. to 150 ft.

⁶⁰² Text reading "private drives may be allowed only to provide internal circulation within a single lot or parcel, except when approved in conjunction with a planned district" was deleted as obsolete.

⁶⁰³ Relocated since prior draft.

- (K) All four-way intersections of local streets must be reviewed and approved by the Director of Public Works. Intersections that are identified as potentially requiring traffic control; four-way stop, will be platted and constructed as roundabouts.

Comment [PRZ207]: Provision added at request of City Traffic Engineer. (9/16)

(ii) Blocks⁶⁰⁴

Streets shall intersect at intervals not exceeding six hundred (600) feet or less than two hundred fifty (250) feet. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. The Director may approve exceptions to this prescribed block depth when blocks are adjacent to major streets, railroads, waterways, or other environmentally constrained areas (e.g., steep slopes).

(4) Widths⁶⁰⁵

- (i) The right-of-way width required to be dedicated and the pavement width required to be constructed for streets shall comply with the standards in Appendix A for each street classification.
- (ii) Proposed subdivisions that include existing street rights-of-way narrower than required by Appendix A shall provide for dedication of appropriate additional width along one (1) or both sides of the street. Proposed subdivisions abutting only one (1) side of such streets shall provide for dedication of additional width to constitute one-half (½) of the right-of-way required.

(5) Grades⁶⁰⁶

- (i) The grades of streets shall comply with the standards in Appendix A.
- (ii) Where it is impracticable to comply with these standards, a written approval to deviate therefrom must be obtained from the Director of Public Works, who shall make a determination as to whether a deviation is consistent with protection of public and traffic safety.

(6) Curves⁶⁰⁷

Curves shall comply with the design criteria 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.

⁶⁰⁴ Revised from current standards of 1000 foot maximum and 400 foot minimum to encourage greater connectivity and walkability similar to the older platted areas of the City.

⁶⁰⁵ Current Sec. 25-43. Detailed street width requirements are being relocated to Appendix A or an administrative manual. Provision allowing a reduced residential street width (28 ft. rather than 30 ft.) has been deleted as obsolete because standard residential street width has already been revised to 28 ft. The "Local, nonresidential, central traffic zone" street type has been deleted because it was never defined. New M-DT street widths are shown in Appendix A. New streets in M-DT are not likely, but improvements to existing streets should be designed and built in accordance with the recommended street types when practicable.

⁶⁰⁶ Current Sec. 25-44. Standards to guide the director's decision were added. Existing table containing street grade design standards will be relocated to Appendix A.

⁶⁰⁷ Current Sec. 25-45 relocated to Appendix A.

(7) Intersections⁶⁰⁸

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.⁶⁰⁹

(8) Alleys⁶¹⁰

- (i) Residential alleys shall be permitted in all Residential districts.⁶¹¹
- (ii) Nonresidential alleys shall be provided in Mixed Use and Special districts when off-street loading and parking are not otherwise provided.
- (iii) The right-of-way width of an alley shall be twenty (20) feet and the pavement width shall be sixteen (16) feet, except in the M-DT district, where alley improvements and new alleys should be designed in accordance with the M-DT Alley cross-section in Appendix A, when feasible.
- (iv) When alleys intersect, the intersection right-of-way lines shall be rounded by a curve with a radius of five (5) feet in length.

(9) Transportation Impact Analysis

An estimate of the trips generated by a proposed development(s) will be completed. Any proposed development that would produce 100 or more trips in and out of the site at peak hour shall be required to submit a transportation impact analysis (TIA) in accordance with the provisions contained in the UDC Administrative Manual.

Comment [PRZ208]: New provisions. Added per request of City Traffic Engineers. (9/16)

(d) Sidewalks⁶¹²

(1) Applicability

- (i) The following standards apply to any subdivision that receives final plat approval after the effective date of this Code and any subdivision platted before 2001 that is less than twenty (25) percent built-out. Any subdivision platted before 2001 and built-out by

⁶⁰⁸ Current Sec. 25-46 relocated to Appendix A or an Administrative Manual.

⁶⁰⁹ Prohibition on more than two streets coming together was deleted. Creative and environmentally sensitive site design may require this to happen, and traffic circles are increasingly use.

⁶¹⁰ New section that includes alley standards from existing Sec. 25-47.

⁶¹¹ Revised from residential areas to residential districts.

⁶¹² Carries forward current Article VI (Sidewalks), with revisions as noted, to implement the 2013 sidewalk master plan, and reference additional sidewalk requirements contained in Chapter 24 (Public streets, sidewalks, and public spaces). Current Section 25-48 (Sidewalks generally, plats approved before Jan. 1, 2001) has been deleted because if these areas are replatted they would need to meet the new standards. Current Sec. 25-48.1 (Sidewalks generally, plats approved after Jan. 1, 2001) is broken down with additional headings for readability and Chapter 24 requirements have been incorporated. Provisions for waiver or variance of sidewalk standards by Council have been deleted, because these issues can be address by the Planning Commission in the same way it addresses other subdivision design issues.

twenty-five (25) percent or more shall complete construction in accordance with the sidewalk standards in place at the time of final plat approval.⁶¹³

- (ii) Undeveloped lots shown on subdivision plats that received final approval before January 1, 2001 shall install sidewalks in compliance with the City street and storm sewer specifications and design standards now applicable or later issued by the Director of Public Works or adopted by the Council, along their respective street frontage(s), unless otherwise specified in this Chapter.

(2) Standard Requirements⁶¹⁴

- (i) No permit shall be issued for the construction of a new building or additions to buildings on property located on an arterial or collector street unless:
 - (A) A sidewalk exists adjacent to the property along the arterial or collector street; or
 - (B) The plans for the building provide for the construction of such a sidewalk; or
 - (C) Otherwise specified as a note on the plat or in a performance contract between the developer and the City.⁶¹⁵
- (ii) The requirements of subsection (i) do not apply to construction of accessory buildings.
- (iii) No certificate of occupancy shall be issued for any building described in subsection (i) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, letter of credit or other instrument acceptable to the Director of Public Works guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.
- (iv) Sidewalks are not required along streets classified as freeways.⁶¹⁶
- (v) Sidewalks shall be required on both sides of expressways and frontage roads unless the Council determines that potential or existing pedestrian volumes do not necessitate sidewalks to safeguard the public health, safety and general welfare.⁶¹⁷
- (vi) Sidewalks shall be constructed within all pedestrian easements and on both sides of all internal streets and on the abutting side of any adjacent street unless otherwise specified in this UDC.⁶¹⁸
- (vii) A sidewalk shall not be required along a residential access street that is less than two hundred-fifty (250) feet in length and terminates in a cul-de-sac. Sidewalks shall be a minimum of five (5) feet in width along all other streets.⁶¹⁹

Comment [PRZ209]: Added to ensure enhanced sidewalk installation on high-volume streets. (5/16)

Comment [PRZ210]: Removed limited use list to ensure that "all" types of construction require installation of sidewalk unless the exceptions apply. (5/16)

⁶¹³ New provision to balance the elimination of Sec. 24-48 (plats approved before Jan. 1, 2001) acknowledging that the City has some unbuilt subdivisions that should be treated differently than partially built subdivisions.

⁶¹⁴ Integrates materials from this topic from Chapters 24 and 25. Provisions regarding sidewalks are obsolete and were deleted.

⁶¹⁵ Provisions 1 and 2 are from chapter 24; provision 3 is from current Sec. 25-48.1(d).

⁶¹⁶ Current Sec. 25-50.

⁶¹⁷ Current Sec. 25-51.

⁶¹⁸ Part of Current Sec. 25-48.1(a).

⁶¹⁹ Part of Current Sec. 25-48.1(a).

(viii) Where a final plat creates a common lot or a non-buildable lot, a sidewalk shall be constructed along the portion of each street abutting the lot at the same time the abutting street is constructed or within 3 years of such lot being created when such lots abut an existing street. No street shall be accepted for public maintenance upon which a common lot or non-buildable lot fronts without first having such sidewalk located adjacent to such lot being installed. This subsection shall not apply to any subdivision that received final plat approval before January 1, 2006.⁶²⁰

Comment [PRZ211]: Provisions added for clarity. (5/16)

(ix) Sidewalks shall be constructed to comply with the standards contained in this Section 29-4.3(d)(2) and with the City design standards and specifications established by the Director of Public Works or adopted by the Council.

(x) Whenever a permit is issued to construct, reconstruct, repair, alter or grade any sidewalk curb, curb cut, driveway or street, handicapped ramps shall be required to be installed in accordance with design standards included in the City's standard plan and specifications at all curb and driveway crossings to be constructed, reconstructed, repaired or altered; provided, that the Director of Public Works may waive said requirement if he determines that requirement of handicapped ramps is impractical under all the circumstances.

(xi) The Council may require a sidewalk to be constructed to standards higher than the minimum standards of this section 29-4.3(d)(2) provided that the City compensate the property owner for the additional cost of constructing the sidewalk.⁶²¹

(e) Bike Lanes and Pedways⁶²²

Bicycle lanes and pedways shall be designed and constructed in accordance with Appendix A - "Design Standards for Streets, Sidewalks and Bikeways" and all applicable design standards and specifications promulgated by the Director of Public Works or adopted by Council.⁶²³

Comment [PRZ212]: Location of such facilities at time of development are often uncertain. Consistent location requirements need to be developed. Potentially through reference to CATSO LRTP. (5/16)

(f) Lots⁶²⁴

(1) Lot Arrangement⁶²⁵

Lots shall be arranged to comply with building permit requirements of this Code as to minimum size and width in the zone district where the property is located, as well as access, relation to topography, provision of utility service, or other conditions specified in this Code or in other standards and specifications adopted by the City. Lots in subdivisions that qualify for the Solar Access Density Bonus in Section 29-4.1(b)(2) or the Cluster Subdivision Density Bonus in Section 29-4.1(b)(3), and lots that are organized to avoid sensitive lands as described in Section 29-4.3(b) shall comply with the minimum lot size and width in the zone

⁶²⁰ Similar provision allowing sidewalk construction one year after final plat approval has been deleted as inconsistent and unnecessary.

⁶²¹ Current sec. 25-48.1(b).

⁶²² Current Sec. 25-52.

⁶²³ In accordance with § 2 of Ord. No. 18097, "A copy of Appendix A shall be on file in the office of planning and development and in the office of the City clerk" was also deleted as unnecessary.

⁶²⁴ Carries forward Article VII (Lots), with reorganization and rewording for clarity.

⁶²⁵ Current Sec. 25-53. The intent behind this provision is restated in subsection 2 (Lot access) below.

districts where the lots are located, as adjusted by the provisions of those Sections of this Code.⁶²⁶

(i) **Corner lots**

Corner lots shall have sufficient width for compliance with front and side yard building setback requirements of the zoning ordinance.

(ii) **Side lot lines**

Side lot lines should generally be at right angles to straight streets and radial to curved streets.

(iii) **Tier lots (aka Flag Lot or Stem Lot)**

The Commission may allow tier lots on previously unplatted land when the following criteria are met:

- (A) Tier lot design is the only feasible means to access lots due to extreme topographic conditions;
- (B) The stem of a tier lot, that is, the portion of the lot which connects its required yard area and its buildable area with its public access, shall not be less than twenty (20) feet nor more than fifty-nine (59) feet in width and not shorter than twenty-five (25) feet nor longer than two hundred fifty (250) feet in length and may not be included within any required yard area under the zoning ordinance.
- (C) The allowance of tier lots will not endanger the public health, safety and general welfare.

(iv) **Frontage**⁶²⁷

- (A) Except as otherwise provided and specifically authorized under this Code, all lots, tracts or parcels shall have actual frontage upon a street, which provides direct vehicular access to the lot.⁶²⁸ In context sensitive situations (e.g., topography, existing or proposed development patterns) where actual street frontage is not feasible, the Director may permit a lot with an irrevocable access easement suitable to the City Counsellor's office⁶²⁹ rather than actual street frontage, if the public health, safety, and general welfare is not compromised.
- (B) Common lots for the purposes of storm water management features may be created without having actual street frontage provided that such lots have an established means of ingress/egress by an irrevocable access easement suitable to the City Counsellor's office.
- (C) Common lots created for recreational purposes (active or passive) shall have a minimum of 20-feet of street frontage. Such frontage may be actual lot frontage or

Comment [PRZ213]: Added for clarity. (5/16)

Comment [PRZ214]: Provision added to clarify that isolated storm water parcels can be created. (5/16)

Comment [PRZ215]: Provision created to clarify 2-ways of providing access to a standard "common" lot. (5/16)

⁶²⁶ Revised to reflect new bonuses and sensitive lands avoidance.

⁶²⁷ Revised to allow for accessible rather than actual street frontage in context sensitive situations.

⁶²⁸ Current Sec. 25-54.

⁶²⁹ Since Module 3, reference to "major streets" replaced by "arterial or collector".

provided through an irrevocable access easement suitable to the City Counsellor's office.

- (D) Newly platted or re-subdivided non-residential lots that propose direct driveway connection to an arterial or collector street shall have a minimum of 300 feet of frontage along the street right of way. Shared access for parking and driveways may be required to promote internal development connectivity.

Comment [PRZ216]: New standard requested by City Traffic Engineers to address access management issues along arterial and collector roadways. (9/16)

(v) Shape

Lots in Mixed Use or Special zone districts shall not be created with protrusions, extensions or stems of less than thirty (30) feet in width.⁶³⁰

(2) Lot Access⁶³¹

- (i) Each lot shall have access allowing vehicles, pedestrians, and bicycles to pass from a public street directly onto the lot, or from a public street to the lot over an irrevocable access easement suitable to the City Counsellor's office.⁶³²
- (ii) A maximum of thirty (30) lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City of Columbia Fire Department.⁶³³
- (iii) Private residential driveways are prohibited on arterial or collector streets unless the Director determines that no alternative access is practicable.⁶³⁴
- (iv) Non-residential driveway spacing shall conform to the provision of the most current edition of the Missouri Department of Transportation Access Management Guidelines or access management standards promulgated by the City.
- (v) Streets that dead-end or "stub" into property that is adjacent to the property being subdivided shall not count as a second access until such time as the dead-end or "stub" street is connected to a through street and constructed to City standards.

Comment [PRZ217]: Added to provide specific reference to driveway spacing standards at request of City Traffic Engineers. (9/16)

⁶³⁰ Current Sec. 25-54.2.

⁶³¹ Current Sec. 25-54.1renamed and reorganized for readability.

⁶³² New provision.

⁶³³ New provision, per staff and fire department request, replacing existing table identifying maximum numbers of lots per access type for each zone district.

⁶³⁴ Since Module 3, reference to "accessible street frontage" replace by reference to easement for parallel structure with other similar sections of the Code. New provision that generally prohibits residential driveway access on major streets, rather than listing the streets on which this access is prohibited.

(g) Public Improvements⁶³⁵

(1) Standards and Specifications⁶³⁶

All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the procedural requirements in Section 29-5 (Procedures and Enforcement), or in related public improvements standard specifications or policies established by the City department or other entity responsible for the design, operation, or maintenance of that type of improvement.⁶³⁷

Upon notice that the improvements have been completed in accordance with the City's requirements, the designing engineer shall, under his seal and signature, submit as-built tracings for the street, storm sewer and sanitary sewer construction.

Comment [PRZ218]: Sec. 25-60. Added per Law. (9/16)

(2) Drainage and Storm Sewers⁶³⁸

(i) Flood-prone areas

Any portion of land being subdivided that is located within the limits of maximum flooding of the one hundred (100) year flood, as determined by the Boone County Digital Flood Insurance Rate Map (DFIRM), released March 17, 2011, and amendments to that map on file with the Director of Community Development,⁶³⁹ shall be developed so as not to endanger the health, safety and general welfare of the inhabitants of the City,⁶⁴⁰ and in compliance with the provisions of this Code.

Comment [PRZ219]: Corrected for consistency. (5/16)

(ii) Storm sewers

Storm sewers with curbs and gutters shall be provided for lots unless the Director of Public Works approves open channels with design features, such as vegetated swales and check dams to reduce runoff velocity and allow infiltration. Sidewalks and pedways shall not be located between the street and open channel. Improvements shall conform to standards contained in the City street and storm sewer specifications and design standards, and the City storm drainage standards, and all applicable design standards and specifications promulgated by the Director of Public Works or adopted by the Council.

⁶³⁵ Carries forward provisions in Article VIII (Public Improvement) on design and construction of public improvements.

⁶³⁶ Carries forward Sec. 25-60 (a)(Improvements required) only. The other subsections have been relocated to Chapter 5 (Procedures and Enforcement).

⁶³⁷ Existing provision revised to refer to procedural requirements because existing Sections 25-27 to 33 provide preliminary and final plat review procedures.

⁶³⁸ Current Sec. 25-55.

⁶³⁹ Revised to reference the latest DFIRM.

⁶⁴⁰ Reference to "inhabitants thereof" was changed to cover all City residents.

(iii) Driveways across drainage features

Driveways that cross drainageways or ditches, to connect to public streets, shall be constructed as required by the Director of Public Works to protect traffic safety and avoid traffic congestion.⁶⁴¹

(iv) Streets crossing streams

Streets that cross streams shall be designed and constructed to minimize the disruption to the stream channel and buffer zone. Streams should be crossed only when necessary to connect the street network.

(3) Street Trees

Notwithstanding the provisions of Section 29-4.5(b), installation of street trees all shall comply with the provisions of Section 29-4.5(d)(ii).

(4) Utilities⁶⁴²

Utilities, including but not limited to water, sewer, natural gas, electric and telephone lines, and fire hydrants, shall be provided to lots in accordance with standards and specifications governing the construction and installation of such utilities adopted by Council or promulgated by the City departments or utility companies responsible for those utilities.

Easements for public and private utilities shall be provided adjacent to all street right-of-way and in other locations in accordance with facility requirements and design standards. To the maximum extent feasible, utilities shall be located in designated easements and not in the street right-of-way.

29-4.4 Parking and Loading⁶⁴³

(a) Applicability⁶⁴⁴

(1) General Requirements

- (i) The standards of this Section 29-4.4 shall apply to all development and redevelopment, unless specifically excepted or modified by another provision of this Code.
- (ii) Required off-street parking areas in existence on November 19, 2001, shall not be reduced below, or if already less than, shall not be further reduced below, the requirements for such use as would be required for the use as a new use of a building, structure or premises under the provisions of this section.

⁶⁴¹ Existing Sec. 25-55(c).

⁶⁴² Current Sec. 25-56.

⁶⁴³ Carries forward current Sec. 29-30(Off-street parking and loading regulations) as base text, with substantial revisions as noted.

⁶⁴⁴ New subsection that carries forward the general applicability and exceptions in current Sec. (a)(General Requirements) separately. Existing Sec. (a)(7) providing penalties for parking on residential yards and Sec. (a)(8) allowing the director to issue temporary use permits for this parking have been relocated to Chapter 5 (Procedures and Enforcement). Temporary use parking areas have been covered in Chapter 3 (Permitted Uses).

(2) Exceptions⁶⁴⁵

(i) M-DT District⁶⁴⁶

- (A) Development and redevelopment in the M-DT district is exempt from the minimum parking requirements in Table 4.4-1.
- (B) Residential development and redevelopment in the M-DT district shall provide one-quarter (0.25) mile (1,320 feet) of the site. Measurement of the walking distance shall be from entrance to entrance.
- (C) If on-site parking is provided, it shall meet all other requirements of this Section 4.4 and may not be located forward to the Parking Setback Line pursuant to the Building Form Standards in Section 29-4.2.
- (D) On-street parking shall meet the on-street parking requirements in Section 29-4.2(f)(iv).

Comment [PRZ220]: Maximum distance for off-site parking reduced from one-half to one-quarter mile in response to public comment and Commission discussion. "How measured" language added. (9/16)

(ii) Small Lots⁶⁴⁷

- (A) No off-street parking shall be required for any non-residential primary use on a lot in any Mixed Use District that is smaller than ten thousand (10,000) square feet where no portion of the front lot line is located within one hundred (100) feet of a Residential district.
- (B) No off-street parking shall be required for any building in any Mixed Use district that contains a non-residential primary use that is less than ten thousand (10,000) square feet of gross floor area, provided no portion of the front lot line of the property containing that building is located within one hundred (100) feet of a Residential district.

(iii) Planned Development⁶⁴⁸

The off-street parking requirements of this section shall serve as the standard from which to request different parking requirements for a proposed use in a PD (Planned Development) district. Following approval of a PD district that is subject to an approved site plan with parking requirements that differ from those in this Section 29-4.4, the requirements of this Section shall not apply to property located in that district. If an approved planned zoning district site plan is silent on any aspect of parking addressed by this section, the provisions of this section shall apply to that aspect of parking.

⁶⁴⁵ Rewrites Current Sec. 29-30(2)(Exceptions to off-street parking and loading requirements). Planned district exceptions are also clarified. The existing code requires off-street/on-site parking for all development, except in existing C-2. Because of the introduction of the new MU districts, to implement Columbia Imagined, more exceptions to the off-street parking requirement are included.

⁶⁴⁶ New subsection that aligns with the interim C-2 ordinance parking requirement to address parking spillover into adjacent residential neighborhoods and references other parking requirements found in Sec. 29-4.2

⁶⁴⁷ New subsection.

⁶⁴⁸ Section simplified to delete "phase-in" provisions related to adoption of ordinance in 2001, to clarify that these standards are the starting point for requesting modified parking standards in a planned district, and to clarify that standards in an approved planned development apply where they conflict with standards in this section.

(iv) Historic Properties⁶⁴⁹

- (A) No new on-site parking shall be required for the redevelopment of Historic Structures.
- (B) If an existing Historic Structure has on-site parking, this parking must be retained and conform with the City's current parking improvement standards (e.g., be paved), unless the Director determines that compliance is impracticable or would compromise the historic character of the property or area.

(3) Residential Districts⁶⁵⁰

The following standards apply in all residential districts:

- (i) No ~~garage other than a private detached~~ garage shall be located nearer than twenty (20) feet to the front lot line or behind the building front, whichever is greater.⁶⁵¹
- (ii) Parking spaces for residential and non-residential uses, other than single-family and two-family dwellings, shall not be located in the required front yard.⁶⁵²
- (iii) Required parking spaces may be tandem spaces to serve one- and two-family dwellings only, as exhibited in the Figure 4.4-1, provided no portion of the parked vehicles extends into the public right of way.⁶⁵³

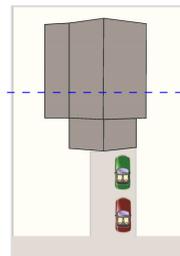


Figure 4.4-1: Tandem Parking

Comment [PRZ221]: Text removed for clarity. 5/16)

Comment [PRZ222]: Added at request of City Traffic Engineers. (9/16)

(4) Change in Permitted Use⁶⁵⁴

- (i) When the intensity of use of any legally established building, structure or premises is increased resulting in a net increase of gross floor area or any other unit of measurement specified herein for determining required parking areas, parking spaces and any other facilities as required herein shall be provided for such increase in intensity of use.
- (ii) Whenever the type of use of a building, structure or premises is changed to a new type of use permitted by this UDC, parking spaces and areas shall be provided as required by the provisions of this section for such new type of use.
- (iii) Notwithstanding the provisions of subsections (i) and (ii) above, a permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces provided:

⁶⁴⁹ New provision to promote historic preservation.

⁶⁵⁰ Current Sec. 29-30(6).

⁶⁵¹ Since Module 3, this text has replaced a 60 foot minimum garage setback requirement.

⁶⁵² Revised to clarify that this provision applies to all uses other than 1 and 2 family dwellings.

⁶⁵³ Simplified for clarity.

⁶⁵⁴ Subsections (i) and (ii) were relocated from general provisions of current parking regulations. Subsection (iii) inserts flexibility to promote reinvestment, reduce variance requests, and simplify administration.

- (A) The amount of parking available is at least seventy-five (75) percent of the parking required for the new use in Table 4.4-1.
- (B) The applicant provides the maximum number of parking spaces able to be accommodated on the site while complying with all other provisions of this Code and without being required to remove or partially remove an existing structure.

(b) Parking Requirements⁶⁵⁵

(1) Required Parking Spaces

The minimum and maximum off-street parking requirements for all uses allowed by this Code are listed in Table 4.4-1.

(2) Accessible Parking⁶⁵⁶

Within the requirements of Table 4.4-1, accessible parking shall be provided for all multi-family and non-residential uses as required by the Americans with Disabilities Act (ADA).

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)⁶⁵⁷ sf = square feet; gfa = gross floor area		
New Category	Current Standard	Proposed Standard
RESIDENTIAL USES		
Household Living		
Dwellings, One-Family Detached	2 spaces/dwelling	2 spaces/dwelling unit
Dwelling, One-Family Attached	2 spaces/dwelling unit	
Dwelling, Two-Family	2 spaces/unit for two-family units having up to 2 bedrooms; three spaces/unit in two-family units of 3 or more bedrooms	
Dwelling, Live-Work		

⁶⁵⁵ Revises Current Sec. 29-30(b)(Parking Requirements) considerably, to reduce required off-street parking where possible. Existing Table 29-30(b)(1) has been carried forward, with the new uses identified in the Module 1 Permitted Use Table. The City’s current parking requirements are listed in the second column and revised or new standards are provided in the third column for comparison purposes during the City’s review of the proposed standards. Prior to Code adoption, the current standards column will be deleted.

⁶⁵⁶ New provision, per Detailed Outline, to ensure legal consistency with federal law.

⁶⁵⁷ Parking standards based on experience in other cities, and to remove employee-based standards and other standards that are hard track and enforce over time as employment varies.

**Table 4.4 – 1: Minimum Required Off-Street Parking
 (and Maximum Permitted Off-Street Parking for Selected Uses)⁶⁵⁷**
 sf = square feet; gfa = gross floor area

New Category	Current Standard	Proposed Standard
Dwelling, Multi-family	1.0 spaces/dwelling unit for "efficiency" apartment (i.e., units without a separate bedroom); 1.5 spaces/dwelling unit for 1 bedroom units; 2 spaces/dwelling unit for 2 bedroom units; 2.5 spaces/dwelling for 3 or more bedroom units; In addition to required parking for residents, 1 space/5 dwelling units will be required for visitor parking	1 space/dwelling unit containing 2 or fewer bedrooms; and 1.5 space/dwelling unit containing more than 2 bedrooms; and 1 space/10 dwelling units for visitor parking
Manufactured Home Park	2 space/dwelling unit	2 spaces/dwelling unit
Second Primary Dwelling Unit		1 space/dwelling unit
Group Living		
Boardinghouse	1 space/2 occupants the building is ultimately designed to accommodate	1 space/3 guests design capacity
Continuing Care Retirement Community	1 space/4 beds plus 1 space/employee ⁶⁵⁸	1 space/ 3 habitable units
Dormitory/Fraternity/Sorority	1 space/2 occupants the building is ultimately designed to accommodate Community development director may reduce requirements for dorms by not more than 20% during such periods students are not permitted autos.	No Change
Group Care Home, Large	1 space/unit ⁶⁵⁹	1 space/ 2 beds design capacity
Group Home, Small	1 space/unit ⁶⁶⁰	
Halfway House	1 space/2 occupants the building is designed to accommodate ⁶⁶¹	
Residential Care Facility	1 space/4 beds plus 1 space/employee	1 space/ 6 beds, but not less than 2 spaces ⁶⁶²

Comment [PRZ223]: Deleted per public comment. Current parking requirements will be the "Proposed Standard". (9/16)

Comment [PRZ224]: Deleted per Commission and staff discussion. Proposed standards would have exacerbated existing issues. (9/16)

⁶⁵⁸ Current standard for Nursing Homes and Residential Care Facilities
⁶⁵⁹ Current requirement for elderly and handicapped housing.
⁶⁶⁰ Current requirement for elderly and handicapped housing.
⁶⁶¹ Current requirement for boardinghouse or rooming house.
⁶⁶² Revised from 1 space/9 beds in prior draft in response to public comment.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses) ⁶⁵⁷ sf = square feet; gfa = gross floor area		
New Category	Current Standard	Proposed Standard
Temporary Shelter	1 space/employee plus 1 space/every 4 occupants the shelter is designed to accommodate	1 space per 4 occupants design capacity.
PUBLIC and INSTITUTIONAL USES⁶⁶³		
Adult and Child Care		
Adult Day Care Center Family Day Care Center	1 space/employee plus either of the following: 1) 2 parking spaces for the first 10 adults plus 1 parking space for every 10 additional adults, or fraction thereof, for whom care is provided; OR 2) A drive through facility with adequate "pullover" space out of the flow of driveway traffic for 2 additional vehicles. ⁶⁶⁴	1 space/ 800 sf gfa plus 2 additional spaces or "pull-over" space for 2 vehicles out of the flow of driveway traffic.
Community Service		
Assembly or Lodge Hall	1 space/4 seats or occupants ⁶⁶⁵ 1 space/200 sq. ft. of assembly area ⁶⁶⁶	1 space/200 sf gfa
Cemetery or Mausoleum		No requirement
Community/Recreation Center		1 space / 500 sf gfa
Elementary School	Elementary schools—1 space/employee plus 1 space/15 students; Middle schools and junior high schools—1 space/employee plus 1 space/10 students; Senior high school - 1 space/employee plus 1 space/4 students;	1 space / 10 seats in the auditorium or main assembly room, or 1 space/ classroom, whichever is greater

Comment [CES225]: Parking Table generally lists all uses from Permitted Use Table. Several uses don't have parking. (5/16)

⁶⁶³ Utilities and Communications uses have been eliminated from the parking chart because their parking requirements are covered by the Public Service Facility requirement (1 space/300 sf gfa) within this use category. The City did not have existing parking requirements for these uses.

⁶⁶⁴ Current day care facility standard modified to refer to adults rather than children.

⁶⁶⁵ Auditorium or assembly hall requirement.

⁶⁶⁶ Lodge or private club requirement.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses) ⁶⁵⁷ sf = square feet; gfa = gross floor area		
New Category	Current Standard	Proposed Standard
Secondary School (middle and high)	Middle schools and junior high schools—1 space/employee plus 1 space/10 students; Senior high school - 1 space/employee plus 1 space/4 students;	1 space / 6 seats in the main auditorium or 3 spaces/ classroom, whichever is greater.
Funeral Home or Mortuary	1 space/5 seats in largest chapel plus 1 space/employee plus 1 space for each facility vehicle	1 space/ 6 seats or per 200 sf gfa in main assembly area, whichever is greater
Higher Education Institution	1 space/5 classroom seats	1 space/ 500 sf gfa of office, research, and library area plus 1 space/ 200 sf gfa of auditorium space
Hospital	1 space/bed for first 100 beds; 1 space/2 beds for next 100 beds; 1 space/4 beds thereafter	1 space/ 500 sf gfa
Museum or Library	1 space/1,000 sq. ft.	1 space/ 1,000 sf gfa
Police or Fire Station		No requirement
Public Service Facility	1 space/300 sf ⁶⁶⁷	1 space/ 300 sf gfa
Public Park, Playground	1 space/5,000 sq. ft. of land area	Park/Playground: 1 space/5,000 sq. ft. of land area; Playfield (e.g., baseball, soccer): 20 spaces/field (min.)
Golf Course		1 space / 400 sq. ft. of clubhouse area or 6 spaces / hole, whichever is greater
Religious Institution	1 space/4 seats in sanctuary or other assembly area	1 space/ 6 seats or per 200 sf main assembly area, whichever is greater
Reuse of Place of Public Assembly		No requirement
COMMERCIAL and INDUSTRIAL USES		
Agricultural & Animal Related		
Agriculture		No requirement

Comment [PRZ226]: Parking Table generally lists all uses from Permitted Use Table. Several uses don't have parking. (5/16)

Comment [CES227]: Parking Table generally lists all uses from Permitted Use Table. Several uses don't have parking. (5/16)

⁶⁶⁷ Current professional and business office requirement b/c Public Service Facility combines “government buildings and facilities” and “public administration buildings.”

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses) ⁶⁵⁷ sf = square feet; gfa = gross floor area		
New Category	Current Standard	Proposed Standard
Farmer’s Market		1 space/booth; host property parking may apply if farmer’s market does not leave host use deficient
Greenhouse or Plant Nursery		1 space/ 1,000 sf gfa
Pet Store or Pet Grooming		1 space/ 300 sf gfa
Urban Agriculture		No requirement
Veterinary Hospital	1 space/300 sq. ft.	1 space/ 400 sf gfa
Food & Beverage Service		
Bar or Nightclub	1 space/100 sq. ft.	1 space/ 150 sf gfa
Restaurant (no drive-through)	1 space/100 sq. ft.	1 space/ 150 sf gfa
Restaurant (with drive-through)	1 space/100 sq. ft.; Drive-throughs also required to have 4 stacking spaces/window	1 space/ 200 sf gfa Refer to Table 4.4-3 for drive-through stacking space requirements
Guest Accommodations		
Bed and Breakfast	1 space/guest room plus 2 parking spaces/dwelling unit	1 space/ manager + 1 space/ dwelling unit
Hotel or motel	1 space/room plus 1 space/20 rooms (to accommodate motel/hotel staff) plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.) if applicable.	2 spaces/ 3 guest rooms + 1 space/ 200 sf gfa in all accessory uses including restaurants and meeting rooms
Travel Trailer Park		1 space / 1,500 sf of land area
Office		
Commercial or Trade School	1 space/employee station plus 1 space/each 5 students except nursery schools which require 1 space/employee or teacher station	1 space/ 400 sf of enclosed floor space

**Table 4.4 – 1: Minimum Required Off-Street Parking
 (and Maximum Permitted Off-Street Parking for Selected Uses)⁶⁵⁷**
 sf = square feet; gfa = gross floor area

New Category	Current Standard	Proposed Standard
Office	Banks - Walk-in facility: 1 space/250 sq. ft.; Drive-thru facility: 1 space/300 sq. ft. plus 3 stacking spaces for each drive-up window; Medical office: 1 space/each 200 sq. ft.; Office: 1 space/300 sq. ft.	1 space/ 300 sf gfa (General) ⁶⁶⁸ 1 space/ 200 sf gfa (Medical)
Research and Development Laboratory		1 space/ 600 sf gfa
Wholesale Sales Offices and Sample Room		1 space/ 600 sf gfa
Personal Services		
Personal Services, General	Barber and beauty shop: 2 spaces/chair or operator station; Dry cleaning/laundry: 1 space/300 sf	1 space/ 400 sf gfa
Self-service Storage Facilities	1 space/20 rental units plus 2 spaces for the "office"; Rows between storage buildings shall be designed to allow for simultaneous vehicle parking and passage.	1 space/ 20 storage units
Tree or Landscaping Service		1 space/ 1,000 sf gfa

⁶⁶⁸ Revised from 1/400 sf in prior draft per public comment.

**Table 4.4 – 1: Minimum Required Off-Street Parking
 (and Maximum Permitted Off-Street Parking for Selected Uses)⁶⁵⁷**
 sf = square feet; gfa = gross floor area

New Category	Current Standard	Proposed Standard
Recreation & Entertainment⁶⁶⁹		
Indoor Recreation or Entertainment Physical Fitness Center	5 spaces/lane; Other uses (bar, restaurant, etc.) figured separately at 75% of the parking required (Bowling Alley); 1 space/4 seats (Movie Theater); 1 space/300 sq. ft. (Indoor Recreation Facilities); 1 space/300 sq. ft. (Pool halls); 1 space/200 sq. ft. (Skating Rinks); 1 space/150 sq. ft. (Physical Fitness Center); 1 parking space for each 200 sq. ft. of water surface area; provided, however, additional spaces shall be required when pool amenities are included at the same rate as for outdoor swimming pools, as well as when the following other amenities are included: aerobics floor or cardiovascular room—1 space for each 100 sq. ft., weight room—1 space for each 150 sq. ft., lounge or office area—1 space for each 200 sq. ft., other useable activity areas—1 space for each 300 sq. ft.; and b. The number of parking spaces shall be reduced by 20% if use of at least 25% of the pool is regularly devoted to training or therapy. (Indoor Swimming Pools)	General: 1 space/ 400 sf gfa Indoor Theater: 1 space per each 6 seats design capacity
Indoor Entertainment, Adult		1 space/ 400 sf gfa

⁶⁶⁹ The “Private recreation facility” use included in Module 1 has been deleted from this Parking Table and the Permitted Use Table because it is covered by the indoor and outdoor recreation and entertainment categories.

**Table 4.4 – 1: Minimum Required Off-Street Parking
 (and Maximum Permitted Off-Street Parking for Selected Uses)⁶⁵⁷**
 sf = square feet; gfa = gross floor area

New Category	Current Standard	Proposed Standard
Outdoor Recreation or Entertainment	Driving Range: 1 space/tee box; Golf Course: 4 spaces/hole; Miniature Golf (1 space/hole); Parks & playgrounds (1 space/ 5,000 sf of land area); Rifle, pistol, and archery ranges: 1 space/station; Stadiums: 1 space/4 seats; Outdoor pools: 1 parking space for each 150 sq. ft. of water surface area; provided, however, additional spaces shall be required when the following amenities are included: water slide (10 feet or taller)—7 spaces for each slide; diving board—2 spaces for each board; zero depth entry—1 space for each 15 lineal feet; concession stand—3 spaces; tennis, basketball or volleyball court—2 spaces for each court; and b. The number of spaces shall be reduced by 20% if use of the pool is restricted to residents of the subdivision in which the pool is located or if use of at least 25% of the pool is regularly devoted to training or therapy; Tennis Courts: 2 spaces/court.	General: 1 space/ 5,000 sf of land area, or 1 space/ 3 person design capacity, whichever is less; Swimming Pools: 1 space / 200 sf of pool surface area
Theater, Drive-In		No requirement
Retail		
Alcoholic Beverage Sale	1 space/200 sq. ft.	1 space/ 300 sf gfa
Retail, General, Small Retail, Adult, Small	1 space/200 sq. ft. ⁶⁷⁰	1 space/ 300 sf gfa

⁶⁷⁰ Current requirement for apparel & accessory stores . . . , computer supply, convenience store, drug store, dry goods, fabric store, office supply, and sporting goods.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses) ⁶⁵⁷ sf = square feet; gfa = gross floor area		
New Category	Current Standard	Proposed Standard
Retail, General, Large Retail, Adult, Large	1 space/250 sq. ft. plus 1 space/1,000 sq. ft. of outdoor sales area (Building Materials, Hardware, Garden Supplies); 1 space/200 sq. ft. (Department Store) 1 space/400 sq. ft. (Furniture, Appliance, Home furnishings); First 200,000 sq. ft. of gross floor area (GFA)—1 space/250 sq. ft.; Over 200,000 sq. ft. of GFA—1 space/200 sq. ft. (Shopping Center); 1 space/200 sq. ft. (Supermarket, food and beverage).	1 space/ 400 sf gfa
Vehicles & Equipment		
Car Wash	4 stacking and drying spaces/stall	2 stacking/drying spaces/stall
Heavy Vehicle and Equipment Sales, Rental, and Servicing	1 space/400 sq. ft. of floor area plus 1 space/3,000 sq. ft. of open lot display area ⁶⁷¹ ; 1 space/employee plus 4 spaces/service bay; Inoperable vehicles shall not occupy required parking ⁶⁷²	1 space/ 1,000 sf gfa ⁶⁷³
Light Vehicle Sales or Rental	1 space/400 sq. ft. of floor area plus 1 space/3,000 sq. ft. of open lot display area ⁶⁷⁴ ; 1 space/200 sf. ⁶⁷⁵	1 space/ 500 sf gfa
Light Vehicle Service or Repair	1 space/200 sq. ft.; spaces at fuel pump islands will be counted toward this requirement ⁶⁷⁶	1 space/ 500 sf gfa
Parking Lot, Commercial		
Parking Structure, Commercial		

⁶⁷¹ Current requirement for auto, boat, truck, and mobile home sales and service.

⁶⁷² Current requirement for auto repair, major.

⁶⁷³ Heavy vehicle parking is revised to allow half the amount of light vehicle parking because heavy vehicle operations generally have fewer employees per vehicle.

⁶⁷⁴ Current requirement for auto, boat, truck, and mobile home sales and service.

⁶⁷⁵ Current requirement for auto accessory stores.

⁶⁷⁶ Current requirement for auto service stations and auto accessory stores.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses) ⁶⁵⁷ sf = square feet; gfa = gross floor area		
New Category	Current Standard	Proposed Standard
INDUSTRIAL USES⁶⁷⁷		
Commercial Services		
Heavy Commercial Services	The greater of 1 space/employee for the sum of the two largest consecutive shifts plus 1 space/vehicle used in the conduct of business OR 1 space/600 sq. ft. of floor area ⁶⁷⁸	1 space/ 750 sf gfa
Mechanical and Construction Contractors		1 space/ 1,000 sf gfa
Warehousing and Storage		1 space/ 2,000 sf gfa
Wholesale Distribution	Wholesale distribution: 1 space/1,000 sf.	1 space/ 2,000 sf gfa
Manufacturing, Production, and Extraction		
Artisan Industry	The greater of 1 space/employee for the sum of the two largest consecutive shifts plus 1 space/vehicle used in the conduct of business OR 1 space/600 sq. ft. of floor area. ⁶⁷⁹	1 space/ 1,000 sf gfa
Bakery		
Heavy Industry		
Light Industry		
Machine Shop		
Mine or Quarry		No requirement
Transportation		
Airport		As determined by the Columbia Regional Airport management
Bus Barn or Lot		No requirement
Bus Station		
Rail or Truck Freight Terminal		
Waste & Salvage		
Sanitary Landfill		No requirement
Automobile Wrecking and Junk Yard		

Comment [PRZ228]: Parking Table generally lists all uses from Permitted Use Table. Several uses don't have parking. (5/16)

Comment [PRZ229]: Parking Table generally lists all uses from Permitted Use Table. Several uses don't have parking. (5/16)

⁶⁷⁷ The current code only provides one general requirement for manufacturing/industrial uses, which has been plugged into the current standards generally, if applicably.

⁶⁷⁸ Current requirement for Manufacturing/Industrial Uses.

⁶⁷⁹ Current requirement for Manufacturing/Industrial Uses.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses) ⁶⁵⁷ sf = square feet; gfa = gross floor area		
New Category	Current Standard	Proposed Standard
ACCESSORY USES		
Accessory Dwelling Units	1 space/ dwelling unit for accessory dwelling units having up to 2 bedrooms; 2 spaces/dwelling unit of accessory dwelling units having 3 or more bedrooms	1 space/ dwelling unit for accessory dwelling units having up to 2 bedrooms ⁶⁸⁰
Drive-Up/Through Facility	Drive-thru facility: 1 space/300 sq. ft. plus 3 stacking spaces for each drive-up window	No requirement. Refer to Table 4.4-3 for drive-through stacking space requirements
All other accessory uses ⁶⁸¹		No requirement
TEMPORARY USES		
Temporary Construction Yard or Office		2 spaces
Temporary Real Estate Sales/Leasing Office		2 spaces
All other temporary uses		No Requirement

Comment [PRZ230]: Removed as unnecessary based upon reference to Table 4.4-3. (5/16)

Comment [PRZ231]: Parking Table generally lists all uses from Permitted Use Table. Several uses don't have parking. (5/16)

Comment [PRZ232]: Parking Table generally lists all uses from Permitted Use Table. Several uses don't have parking. (5/16)

(c) Other Parking Requirements⁶⁸²

For any uses not listed in Table 4.4-1, the required minimum number of off-street parking spaces shall be determined by the Director based on the anticipated use and anticipated neighborhood and traffic congestion impacts.

(d) Parking Alternatives⁶⁸³

The Director may approve applications containing alternatives to providing the number of off-street parking spaces required by Table 4.4-1, in accordance with the following standards.

(1) Transit Incentives⁶⁸⁴

- (i) The minimum number of off-street parking spaces required for any development or redevelopment of lands located within one-quarter (¼) mile of the City of Columbia

⁶⁸⁰ Corrected in response to public comment.

⁶⁸¹ All accessory uses without parking requirements have been consolidated into one category.

⁶⁸² Revises current Sec. 29-30(c) for clarity and removes the two parking space (min) requirement.

⁶⁸³ New section that groups existing alternative parking provisions together, with noted revisions for clarity.

⁶⁸⁴ Carries Current Sec. 29-30(d) forward with additional transit incentives to encourage development along the COMO Connect bus routes.

transit center or immediately adjacent to transit lines that serve as a connection point for at least fourth other transit lines, may be reduced by twenty (20) percent.⁶⁸⁵ The most recent COMO connect map can be accessed on the City's website or at the Community Development Department.

Comment [PRZ233]: Added text to provide clarification about location of transit line as recommended by City Traffic Engineers. (9/16)

Comment [PRZ234]: Text added for clarity and to reduce potential future needs for amendments if CoMo Connect Routes change. (5/16)

- (ii) The minimum number of off-street parking spaces required for any development or redevelopment of lands zoned M-N (pedestrian) or M-C (transit), may be reduced by thirty (30) percent. This reduction may not be combined with the reductions in subsection (i) above.⁶⁸⁶
- (iii) Upon application of the owner, the parking requirement of a building or use may be reduced by five (5) percent for lots or tracts of two (2) acres or more located on a transit route that provide, at the owner's cost, transit pull-offs and transit rider shelters of a type and location acceptable to the City.⁶⁸⁷
- (iv) If an existing transit route, center, or zoning district is eliminated or changed in location, any development approved and built in conformance with this Section 29-4.4 shall not be deemed nonconforming in terms of required parking.⁶⁸⁸

(2) Shared Parking⁶⁸⁹

The Director may approve joint parking facilities for development or uses with different operating hours or different peak business periods, if the shared parking complies with the following standards:

(i) Location⁶⁹⁰

Shared parking facilities may be located on the same site as the proposed uses or within six hundred (600) feet, as measured along the roadway frontage(s) to the center of the parcels upon which the uses are located and have their primary entrance, if the uses are not on the same parcel. Off-site shared parking facilities shall be connected by sidewalks.

Comment [PRZ235]: Text revised to provide clarity on how location distance is measured and to require off-site facilities to be connected by sidewalks. (5/16)

(ii) Shared Parking Facility Parking Space Reduction⁶⁹¹

Where a joint parking facility meets the location requirement of this Section, the total off-site parking required for those uses may be reduced by the factors shown in Table 4.4-2. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors for that combination of uses shown in Table 4.4-2. If more than two (2) uses share a parking lot or structure, the required parking shall be calculated by applying Table 4.4-2 to the two (2) uses with the largest parking requirements and then adding the required parking for the additional uses.

⁶⁸⁵ New provision.

⁶⁸⁶ New provision

⁶⁸⁷ Current Sec. 29-30(d).

⁶⁸⁸ New provision.

⁶⁸⁹ Carries forward current 29-30(e) with more objective standards. Current Sec. 29-30(f)(Location of Facilities) – which defines mixed use parking as the “sum of the individual requirements” was deleted.

⁶⁹⁰ New provision.

⁶⁹¹ New subsection to make current shared parking standard more objective.

Table 4.4-2: Shared Parking Reduction Factors

Property Use	Residential	Public and Institutional	Food, Beverage, and Indoor Entertainment, Lodging, or Religious Assembly	Retail Sales and Personal Services	Office & Other Commercial
Residential					
Public and Institutional	1.1				
Food, Beverage, and Indoor Entertainment, Lodging or Religious Assembly	1.1	1.2			
Retail Sales and Personal Services	1.2	1.3	1.3		
Office & Other Commercial	1.3	1.5	1.7	1.2	

(iii) **Additional Sharing Permitted**⁶⁹²

As an alternative to the parking reduction factors in Table 4.4-2, the Director may allow the following reductions in required parking:

- (A) Up to fifty (50) percent of the parking spaces required for food, beverage, and indoor entertainment uses located within six hundred (600) feet of a non-residential use that is not normally open, used, or operated during the same hours; and
- (B) Up to one hundred (100) percent of parking spaces required for religious assembly uses located within six hundred (600) feet of a non-residential use that is not normally open, used, or operated during the same hours.

(iv) **Agreements**⁶⁹³

If the Director determines that there is significant doubt that shared parking facilities will remain available for the uses they serve, and the loss of those shared parking

⁶⁹² New provision to address community inquiries about the shared use of church parking lots.

⁶⁹³ Clarifies existing Sec. 29-30(e)(3) and allows the Director to not require an agreement if risks of the loss of shared parking are not significant. Strict agreement requirements often result in property owners not using shared parking provisions and are difficult to enforce.

spaces would cause significant neighborhood impacts or traffic congestion, the Director may require a written agreement assuring the continued availability of the shared parking spaces for the uses they serve. If required by the Director, the agreement shall be on a form approved by the City Counselor and shall be filed with the application for a building permit.

(3) Credit for Public Parking⁶⁹⁴

Some or all of the required off-street parking spaces for a non-residential use may be waived by the Director if publicly owned off-street parking is located within a one thousand (1,000) foot walking distance from the main entrance of the proposed use, and the Director also determines that adequate parking spaces are available within the publicly owned parking area to accommodate the anticipated use.

(4) Credit for On-Street Parking⁶⁹⁵

The Director, after consultation with the Director of Public Works, may credit on-street parking spaces against required off-street parking requirements if the on-street spaces are located within two hundred (250) feet of an entry of the building in which the use is located, if the Director determines that those parking spaces are frequently available for residents, patrons, or employees of the proposed use and structure.

Comment [PRZ236]: Added at request of City Traffic Engineers. (9/16)

(5) Additional Parking Reductions⁶⁹⁶

The Director may allow an additional reduction in the required number of parking spaces (less than what may be determined using the adjusted off-street parking calculations in subsections (1)-(4) above) if the applicant submits a parking demand study, prepared in accordance with guidelines promulgated by the Director, by a qualified parking or traffic consultant, documenting the basis for granting a reduced number of spaces, and the Director determines the study accurately reflects the parking demand for the use or structure. In authorizing additional reductions shared access to adjacent parking areas and/or driveways may be required.

Comment [PRZ237]: Added at request of City Traffic Engineers. (9/16)

(e) Maximum Parking Limit⁶⁹⁷

- (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 twenty-five (125) percent of the minimum amount required by Table 4.4-1, except as permitted below in subsections (2) and (3).

Comment [PRZ238]: Added per public and Commission comment. (9/16)

⁶⁹⁴ New subsection.

⁶⁹⁵ New subsection.

⁶⁹⁶ New subsection.

⁶⁹⁷ New standard that applies the maximums to the M-DT district, even though the minimums do not apply there.

In the M-DT districts, maximum on-site parking is limited to one hundred 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% 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 29-4.5(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% of the minimum amount required by Table 4-4.1 shall require approval of a variance by the Board of Adjustment in accordance with the standards of Section 29-5 of this UDC.

Comment [PRZ239]: Added per public and Commission comment. (9/16)

Comment [PRZ240]: Added per Commission comment. (9/16)

(f) Location and Use of Parking Facilities⁶⁹⁸

(1) Location

- (i) All required parking shall be provided on the lot(s) where the principal use is located unless otherwise provided by this UDC.
- (ii) Off-street automobile parking facilities required by this section for all non-residential uses may be located either on the premises of the parking generator or within one thousand (1,000) feet of the non-residential use.
- (iii) In the M-N zone district, on-site parking for non-residential uses shall not be located closer to the primary street frontage of the lot than the front façade of the principal structure, except for one double-loaded row of parking, which may be located between the front building façade and the front lot line, if it is not located in a required front yard area. The option to include one (1) double-loaded row of parking in this location is not available on properties where the applicant has selected to use the "pedestrian" dimensional standards shown in Sections 29-2.2(b)(2) (M-N District) and 29-4.1 (Dimensional Standards).⁶⁹⁹
- (iv) No portion of an off-street parking facility shall be located in a public street or sidewalk, parkway, alley, or other public right-of-way.⁷⁰⁰
- (v) In a residential district, no paved driveway or outdoor parking area shall be permitted to cover more than thirty (30) percent or 500 square feet, whichever is greater, of any

Comment [PRZ241]: New language added to clarify that all parking is required on-site unless otherwise allowed to be located elsewhere. (5/16)

Comment [CES242]: Addresses needing to have a minimum amount of pavement available for minimum sized lots. (5/16)

⁶⁹⁸Current Sec. 29-30(g) presented in two subsections and list form for clarity. Provision (g)(3) regarding ADA sidewalks has been relocated to parking design standards. New provisions are noted.

⁶⁹⁹ New provision.

⁷⁰⁰ New provision.

required front yard or required rear yard area. The thirty (30) percent limit shall include areas included in driveways.⁷⁰¹

(2) Use

- (i) Land used for off-site parking for a non-residential generating use shall not be located in a residential zone district, unless that generating use is a Permitted Use or Conditional Use in that residential zone district.
- (ii) Off-street parking spaces shall not be used for the sale, repair, dismantling, or servicing of any vehicles, or equipment.⁷⁰²

(3) Use of Yards⁷⁰³

- (i) No vehicle shall be parked in a required front or side yard except on a permitted driveway. A permitted driveway is a driveway that leads to the front or rear of the building or to a permitted accessory building (garage) attached or detached from the principal structure and maintained in accordance with the City's property maintenance standards.
- (ii) A permitted driveway may include a defined area for parking adjacent and attached to the driveway provided such extension does not occupy any part of a required front or side yard and complies with all provisions of Section 29-4.8(d) & (e). The extension must be paved in a material similar to that of the rest of the driveway
- (iii) Parking of vehicles in a direction perpendicular to the driveway is prohibited, except in the rear yard.
- (iv) In residential districts, rear yards may be used for open parking of automobiles, including trailers and similar type vehicles, on an approved dust-free surface, subject to the use of a screening device not less than four feet nor more than six (6) feet in height.⁷⁰⁴
- (v) The Director may issue a temporary permit to allow parking that does not meet the requirements of subsections (i) through (iv) under Sec. 29-5.4 (h) (Temporary Parking Permits).⁷⁰⁵

Comment [PRZ243]: Text added for clarity to address concerns about extensions being located in a required yard area and to ensure screening standards were referenced. (5/16)

⁷⁰¹ New provision.

⁷⁰² New provision. Since Module 3, wording revised to avoid conflict with outdoor sale provisions.

⁷⁰³ New subsection and all new provisions to address neighborhood concerns about cars parked on yards. Replaces provisions of Sec. 29-30(a)(7).

⁷⁰⁴ Revised to address concern that vehicles parked on lawns contribute to soil erosion. Revised since Module 3 to avoid reference to International Property Maintenance Code and to remove requirement for a landscaped strip, since provisions of Section 29-4.5 (Landscaping and Screening) apply.

⁷⁰⁵ Added since previous draft to carry over flexibility from current Sec. 29-30(a)(7).

(g) Parking Design Standards⁷⁰⁶

The design of required off-street and open parking areas and spaces shall meet the following standards:

(1) Residential Setback⁷⁰⁷

No parking shall be permitted within six (6) feet of an adjoining lot containing a single- or two-family use, except as otherwise provided by this Code.

(2) Grades, Drainage, and Curbs⁷⁰⁸

- (i) Parking areas shall be designed to assure positive drainage, but shall not exceed a slope of ten (10) percent;
- (ii) Approach driveways which do not serve directly abutting parking spaces may be designed to a slope of up to fifteen (15) percent, if accompanied by appropriate landing grades and vertical curves at points of transition;
- (iii) Storm drainage control and facilities shall be designed to satisfy the requirements of the storm drainage standards of the City.
- (iv) Curb islands or wheel stops may be installed for drainage control, and for vehicular channelization and lane control; provided, that in parking areas of more than one hundred (100) spaces, curbing or similar measures shall be required to assure safe and proper control of vehicular and pedestrian movements.
- (v) Parked vehicles shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other means.

(3) Access⁷⁰⁹

- (i) Ingress and egress shall be only by way of paved driveways or openings meeting the City's adopted access location and design requirements.
- (ii) All parking areas containing more than two hundred (200) spaces shall be served by more than one (1) standard entrance.
- (iii) Access driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.
- (iv) A driveway providing access to premises in commercial or industrial districts shall not be permitted through a residential district.⁷¹⁰
- (v) The following additional standards apply in all Residential districts:⁷¹¹

⁷⁰⁶ Current Sec. 29-30(h)(Improvement of Parking Areas) renamed and reorganized for clarity.

⁷⁰⁷ Current Sec. 29-30(h)(1). Revised to apply to uses in any district, not simply a residential district, adjacent to a single – or two – family dwelling, but no longer applies when the adjacent lot is in multifamily residential use. A similar provision has been included in Section 29-4.9(e)(1).

⁷⁰⁸ Current Sec. 29-30(h)(2) is renamed to include curbs. Curb provision from (h)(4) is relocated here.

⁷⁰⁹ Current Sec. 29-30(h)(3) broken down into a list. Wording revised for clarity.

⁷¹⁰ Current Sec. 29-27(a)(Accessory Uses).

- (A) No garage for any use other than a single- or two-family dwelling shall be located nearer than sixty (60) feet to the front lot line.⁷¹²
- (B) Required parking spaces may be provided in a tandem layout (i.e., one vehicle parked behind the other) to serve one- and two-family dwellings only; see Figure 4.4-1 above.⁷¹³
- (C) Parking spaces for all other uses in residential districts shall not be located in the required front yard.
- (vi) Any non-residential driveway not conforming to the City’s adopted design guidelines must be reviewed and approved by the Director of Public Works

Comment [PRZ244]: This provision would require garages built within multi-family be built 60-feet from the front property line. (5/16)

Comment [PRZ245]: Added at request of City Traffic Engineers. (9/16)

(4) Parking Layout Dimensions⁷¹⁴

All required parking spaces must comply with the minimum dimensions for spaces shown in the following Table 4.4-3 and Figure 4.4-2.⁷¹⁵

Table 4.4-3: Off-Street Parking Layout Dimensions for Standard Sized Vehicles⁷¹⁶

Parking Angle (1)-degree	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Curb Length Per Space (3)--ft.	23.0	24.9	17.0	13.0	12.0	11.3	9.8	9.4	9.0	8.5
Space Depth (4)--ft.	8.0	14.5	16.9	18.5	18.8	19.3	20.0	19.5	19.0	18.0
Access Aisle Width (5)--ft.	12.0 ^{[1][2]}	12.0 ^[1]	12.0 ^[1]	12.0 ^[1]	13.0 ^[1]	15.0 ^[1]	18.0	20.0	22.0	24.0
Space Width (2)—ft.	8.0	8.5	8.5	8.5	8.5	8.5	8.5	8.5	8.5	8.5

[1] Aisle width (D) shall not be less than 18 feet if the aisle is a designated fire lane.
[2] Aisle width (D) shall not be less than 22 feet for two-way traffic.

- (i) If the degree of angle of parking provided is not listed, the aisle width required shall be the next largest angle of parking shown.
- (ii) If parking spaces are located only on one (1) side of an access aisle, the width of the access aisle may be reduced by twenty (20) percent but not less than twelve (12) feet wide or eighteen (18) feet wide if a designated fire lane.

⁷¹¹ Current Sec. 29-30(a)(6)(Off-street parking and loading regulations). Current text limiting one parking space to the front yard or on the required side yard on the street side of a corner lot deleted as unnecessary.

⁷¹² Reworded to exempt single- and two-family dwellings rather than “private garages”.

⁷¹³ Wording simplified and refers to earlier graphic for clarity. Tandem parking is located within the original one car-width driveway, so text on parking “adjacent and parallel to” the driveway has been deleted. Tandem parking figure will be included in final integrated draft.

⁷¹⁴ Current Sec. 29-30(k)(Dimensional elements of off-street parking layouts).

⁷¹⁵ New graphic included to illustrate angled parking dimensions in table.

⁷¹⁶ Current Table 29-30(l)(4).

- (iii) Non-residential driveways shall be a minimum of 30-feet in width with a curb return radius of 30-feet. Non-residential driveways with a width greater than 30-feet up to a maximum of 41-feet must have the driveway throat striped and approved by the Director of Public Works.

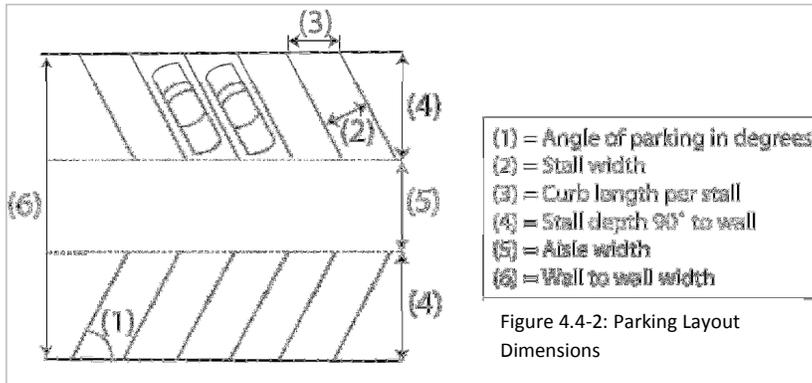


Figure 4.4-2: Parking Layout Dimensions

(5) Surfacing⁷¹⁷

- (i) All new and expanded vehicle parking, vehicle storage, and maneuvering areas must be paved with concrete, asphalt, or an alternate paving material as determined by the Director.
- (ii) Pervious or semi-pervious parking area surfacing materials may be approved alternatives, if the Director determines that they are appropriate for the City's climate and the durability required for their intended use. Permitted materials may include, but are not limited to grass, mulch, "grasscrete," ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, or recycle materials such as glass, rubber, used asphalt, brick, block, and concrete.⁷¹⁸
- (iii) Pavement cross-section shall be determined by the owner based on considerations of durability, subsurface conditions, and the type of vehicles using the parking area.
- (iv) Interior driveways, fire lanes, and loading or maneuvering areas shall comply with applicable design and surfacing standards on file in the Community Development Department.
- (v) Parking spaces shall be delineated and appropriate traffic flow indications given by use of reflectorized paint on the parking area pavement.⁷¹⁹

⁷¹⁷ Current Sec. 29-30(h)(4) renamed to surfacing because it covers pavement and markings, curb provisions have been relocated to grades and drainage section above. The maintenance provision has been deleted and relocated to new Section 29-4.10 (Operation and Maintenance Standards).

⁷¹⁸ New provision to encourage the use of pervious paving materials.

⁷¹⁹ Text simplified to avoid repetition, and some material relocated.

(6) Lighting⁷²⁰

Lights shall be required for all parking areas intended for night use. Lights shall be arranged or shielded to direct illumination away from residences and from public streets and other public areas in accordance with Section 29-4.6 (Exterior Lighting).

(7) Exceptions⁷²¹

Driveways and off-street parking for one-family and two-family dwellings in the R-1 and R-2 zone districts shall not be required to comply with the provisions of subsections (2), (4) and (6) above.

(h) Parking Structure, Commercial or Accessory⁷²²

All accessory parking structures, commercial parking structures or portions of structures occupied by automobile parking shall meet the following standards:

- (1) The minimum setback for a parking structure shall be the same that is required for a principal structure.
- (2) The height of an accessory parking garage may not exceed the height of the principal building it is intended to serve.
- (3) Points of ingress and egress to the garage shall be clearly marked and shall be no closer than twenty-five (25) feet to an intersection or other curb cut.
- (4) All floors fronting a public street shall be level (not inclined).
- (5) At least thirty (30) percent of each façade facing a public street shall be designed to conceal the view of all parked cars below the hoodline and to conceal internal light sources when viewed from the public street.
- (6) Where a parking garage is subject to a front, side, or rear setback of ten (10) feet or more, a landscape strip at least four (4) feet wide shall be installed around the perimeter of the garage and comply with the landscape design requirements in Section 29-4.5.
- (7) When a garage is open during the evening hours, all internal areas and all entrances shall be lit with fixtures providing at least two (2) footcandles of light at floor level.

Comment [PRZ246]: Section retitled to clarify to what the standards apply to. These provision would apply to both commercial parking decks as well as private parking structures (5/16)

Comment [PRZ247]: Text revised for clarity (5/16)

⁷²⁰ Current Sec. 29-30(h)(5).

⁷²¹ Current Sec. 29-30(h)(7).

⁷²² New section to address community concerns over the lack of parking garage requirements.

(i) Drive-Through Vehicle Stacking⁷²³

The following standards apply to all properties with a drive-through facility.

(1) Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant/Retail Store	3 ⁷²⁴	Pick-Up Window
Full Service Vehicle Washing Establishment	3	Outside of Washing Bay
Self-Service or Automated Vehicle Washing Establishment	1	Outside of Washing Bay
Other	Determined by the Director based on anticipated need and avoidance of traffic congestion on adjacent streets	

(2) Location and Design of Stacking Lanes

- (i) Minimum number of stacking spaces shall be in addition to the space at the teller or pick-up window.
- (ii) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.
- (iii) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building.

Comment [PRZ248]: Text added to specify that staking spaces will not interfere with drive-thru isles (5/16)

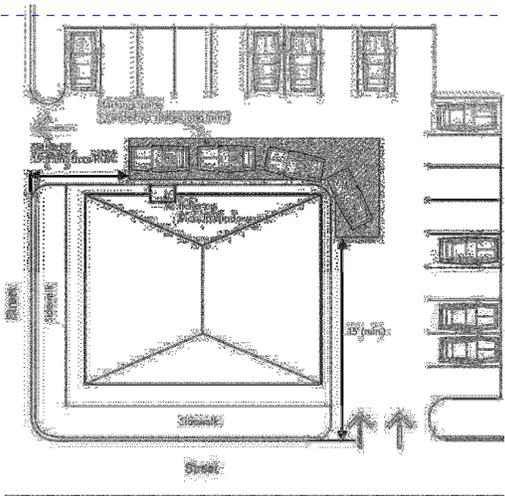


Figure 4.4-3: Stacking Lanes

⁷²³ New section to address staff requests for standards to review drive-through facilities. Stacking requirements have been removed from the required parking table and relocated here with new location and design requirements. Existing standards on spaces per window are unnecessarily complex and were not carried over.
⁷²⁴ Reduced from four required stacking spaces, per window.

- (iv) Drive-through stacking lanes shall have a minimum width of ten (10) feet.
- (v) Stacking lanes shall be set back fifteen (15) feet from rights-of-way.
- (vi) A by-pass land around the drive-through facility stacking lane must be provided for financial institutions and restaurant/retail uses.

(j) Off-Street Loading Requirements⁷²⁵

(1) Minimum Requirements for Off-Street Loading Space⁷²⁶

Off-street loading space shall be provided as set forth in Table 4.4-5 below, except as provided in subsection (2) below.

Table 4.4-5: Off-Street Loading Space Standards	
Type of Use or Facility	Off-Street Loading Requirement
Office or Lodging Personal services and repair Retail store (large)	1 space for each 50,000 sf of gross floor area in the structure or part thereof shall be provided. , up to a maximum of 3 spaces. If a common loading dock is present and the GFA of the structure is greater than 50,000 sf no additional loading/unloading spaces are required on-site.
Building material sales Garden material sales Furniture and floor covering sales Industrial Services and Manufacturing Light Vehicle sales, rental, storage, repair, or service Heavy vehicle and equipment sales, rental, storage, repair, or service Wholesaling	1 space for each 50,000 sf of gross floor area in the structure, or part thereof, up to a maximum of 2 spaces
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

Comment [PRZ249]: Text revised to permit reduction when loading docks exist for structure tenants. Use of public streets for loading/unloading is a traffic enforcement issue. (9/16)

(2) Existing Structures⁷²⁷

- (i) If the aggregate gross floor area of any existing building is increased by more than 50,000 square feet fifty (50) percent, off-street loading space shall be provided, in accordance with Table 4.4-5 above., to the extent required for the original gross floor area and its expansion. If the aggregate gross floor area of any existing building is increased by fifty (50) percent or less, then the new off-street loading space shall be provided to the extent required for the expansion only.
- (ii) Existing buildings greater than fifty (50) years old are exempt from this requirement⁷²⁸.

Comment [PRZ250]: Provision revised per public comment. Off-street loading only to be required with expansions greater than 50,000 sf. (9/16)

⁷²⁵ Revises existing Sec. 29-30(i)(Loading Space for Business and Industry) to include objective off-street loading space standards in table form and new design and use standards.

⁷²⁶ New standards.

⁷²⁷ New standard.

⁷²⁸ New provision to align with interim C-2 ordinance.

(3) Design and Use of Off-Street Loading Areas⁷²⁹

- (i) Off-street loading space shall be located on the same lot occupied by the use served and shall be accessible from a public street or alley.
- (ii) Off-street loading space shall not be occupied by or considered as any part of the required off-street parking areas.
- (iii) No portion of an off-street loading space shall be located within any fire lane required by City ordinance or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.
- (iv) Off-street loading space and the aisles or driveways leading to them shall not be used for the sale, repair, dismantling, or servicing of any vehicles, or equipment.⁷³⁰
- (v) Any off-street loading area located within one hundred (100) feet of the boundary of a residential zone district shall be screened from view from the district by a masonry wall at least eight (8) feet in height of a color matching one of the primary colors used on the primary façade of the building.

(4) M-DT District⁷³¹

In the M-DT District, the Director may alter or waive the requirements of this Section 29-4.4(j) (Off-street Loading Requirements) on a case-by-case basis if the applicant demonstrates that a specific standard is impractical or meaningless to achieve due to:

- (i) Existing development patterns;
- (ii) Existence of historic buildings in areas where loading would need to be located;
- (iii) Section 29-4.2 requirements that a building occupy the space where loading would need to be located; or
- (iv) Other site limitations or circumstances that make strict adherence to these standards impracticable.

(k) Bicycle Facilities⁷³²

Any parking lot or structure containing ten (10) or more parking spaces shall provide adequate and safe on-site bicycle parking facilities in accordance with the following standards:

(1) Required Bicycle Spaces

- (i) Bicycle parking facilities shall be designed to accommodate the number of bicycle parking spaces, based on vehicle spaces, set forth in Table 4.4-6 below:

⁷²⁹ New standards.

⁷³⁰ Since Module 3, text revised to avoid conflict with outdoor sale provisions. Change per staff comment

⁷³¹ New subsection to address M-DT site constraints related to off-street loading.

⁷³² Carries forward and reorganizes current Sec. 29-30(m).

Vehicle Spaces	Required Bicycle Spaces
10 – 50	4
51 - 99	8
100 – 199	12
200 – 299	15
300 or more	5 percent of the number of vehicle spaces or 50 space, whichever is less

Comment [PRZ251]: Added per public comment. (9/16)

(ii) For parking lots required by other provisions of this Code to have more than twenty-five (25) vehicle parking spaces, the required number of vehicle parking spaces may be reduced by one (1) space for each required bicycle parking space installed.

(2) Design

(i) Location

Bicycle parking facilities shall be:

- (A) Located within 50-feet of the main customer and employee entrances to the principle use provided such location does not impede ADA required access or compromise pedestrian or customer safety;⁷³³
- (B) Clearly designated, if not with a standard bicycle rack;
- (C) Safely separated from vehicle maneuvering areas, and
- (D) Located on the ground level when in a parking structure.

Comment [PRZ252]: Revised to added distance clarity. (5/16)

Comment [PRZ253]: Added for clarity. Signage is not necessary if a bike rack is used. (5/16)

(ii) Minimum Dimensional Standards

Each bicycle parking space shall be at least:

- (A) Six (6) feet long;
- (B) Two (2) feet wide; and
- (C) Have a minimum overhead clearance of seven (7) feet.
- (D) If more than one (1) bicycle rack is used, a minimum five (5) foot wide access aisle is required beside or between each row of bicycle racks.

(iii) Materials

Bicycle parking facilities shall be surfaced with all-weather material and maintained in a safe and neat condition.

⁷³³ Revised to add reference to customer entrances.

(iv) Security

Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with removal of the front wheel) or where the frame and one (1) wheel can be locked (if both wheels remain on the bicycle).

(l) Screening and Landscaping⁷³⁴

All parking facilities shall comply with the screening and landscaping requirements of Section 29.4-5 and 29-4.8.

(m) Permits and Certification⁷³⁵

- (1) Parking lots without an associated building permit shall be subject to separate permitting and inspecting during construction, as appropriate, and shall not be open for use until a certificate of completion has been issued by the Department.
- (2) Prior to authorizing use of any parking area established under this section, or issuance of occupancy certificates for any uses dependent thereon, the Director, shall inspect and certify the parking area to be in compliance with these standards.

(n) Delayed Construction of Required Parking⁷³⁶

Upon application of the owner, up to twenty (20) percent of the parking required under this section may remain unimproved until such time as the Director finds that it must be improved to adequately serve the parking demand. The Director may approve a delayed construction of required parking if all of the following requirements are met:

- (1) The initial occupancy of the premises will be adequately served by the lesser number of spaces.
- (2) A site plan clearly indicating the location, pattern, and circulation to and from the deferred parking spaces is approved.
- (3) The land area delineated for future parking is brought to finished grade and is landscaped.
- (4) The land area delineated for future parking shall not be used for building, storage, loading or other purposes.
- (5) The land area delineated for future parking shall not count toward the required landscaping for the site.

⁷³⁴ Current Sec. 29-30(n).

⁷³⁵ Combines and carries forward current Sections 29-30(j)(Permits) and 29-30(h)(6)(Certification).

⁷³⁶ Current Sec. 29-30(l) broken down into list form for readability.

29-4.5 Landscaping, Screening, and Tree Preservation⁷³⁷

Comment [PRZ254]: Section retitled to add Tree Preservation standards. (5/16)

(a) Purpose⁷³⁸

The intent of this section is to:

- (1) Establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, erosion control, and noise, glare and heat abatement;
- (2) Provide visual buffering from streets, to buffer potentially incompatible land uses and to generally enhance the quality and appearance of a development site, and the City in total;
- (3) Encourage the preservation of existing trees and vegetation;
- (4) Supplement the land disturbance permit requirements of Chapter 12A;
- (5) Protect trees and vegetation that offer environmental, aesthetic, habitat, sustainability, and economic benefits to the City and its citizens.

(b) Applicability⁷³⁹

Comment [PRZ255]: Revised for added clarity and to remove ambiguity. (5/16)

- (1) Unless otherwise provided in this section, the provisions of this Section 29-4.5 shall apply to lots and parcels in any zone district in which one or more of the following occurs:
 - (i) A new principal structure is constructed; or
 - (ii) The floor area in an existing principal structure is increased by more than twenty-five (25) percent; or
 - (iii) An existing principal structure is relocated on the lot or parcel; or
 - (iv) The principal structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood, or other damage) for a use no more intense than existing previously, and the building footprint is increased by more than ten (10) percent; or

⁷³⁷ Per the Detailed Outline, this section incorporates existing landscaping and screening provisions (and proposed amendments), in current Sec. 29-25 and scattered throughout the code, in the new organization proposed below. Relevant Land Preservation Act requirements (Ch. 12A) and proposed amendments to those requirements are also included, so cross-references to Ch. 12A have been deleted.

⁷³⁸ Current Sec. 29-25(a). Subsection 5 is new.

⁷³⁹ Carries forward the intent of current Sec. 29-25(c) with considerable revisions to clearly convey that only single-family and two-family residential uses, the M-DT district, and expansions of less than 25% are generally exempt from these landscaping and screening requirements. This differs from current Sec. 29-25(e)(2) which requires additional landscaping for any expansion if less than 15% of the site is landscaped.

(c): General Provisions

(1): Landscape Plan Required

(v) A new primary use parking lot containing ten (10) or more spaces is constructed; or

(vi) An existing primary use parking lot containing twenty-five (25) or more spaces is reconstructed or redesigned with significant changes of ten percent (10%) or greater, including, but not limited to the layout, location, or orientation of parking spaces, driving aisles or access drives.¹

Comment [PRZ256]: Establishes threshold when the regulations would apply. (5/16)

(2) Notwithstanding paragraph (1) above:

Lots or parcels having single-family attached, single-family detached, two-family residential, or live work use(s) or zoning shall be exempt from the General Provisions (Chapter 29-4.5(c)), and Property Edge Buffering (Chapter 29-4.5(e)) of this section.

(3) The provisions of Subsection (g) apply to all development or redevelopment on lots and parcels that contain more than ten thousand (10,000) square feet of lot area, and to any new lot of record created after [insert effective date of this ordinance], regardless of the primary use of the property, in any zone district, except single-family or two-family residential structures on platted lots less than one acre in size.⁷⁴⁰

Comment [PRZ257]: Added for clarity that the Preservation of Existing Landscaping applies to development and redevelopment parcels. (5/16)

(4) No provision of this Section 29-4.5 shall require landscaping to be installed, or a tree to be preserved, in a portion of a lot required to be occupied by a building pursuant to the Building Form Standards in Section 29-4.2. If there is a conflict between the requirements of Section 29-4.2 and the requirements of this Section 29-4.5, the Director may modify or waive the provisions of this Section 29-4.5 to allow the requirements of Section 29-4.2 to be met.

(c) General Provisions⁷⁴¹

(1) Landscape Plan Required⁷⁴²

A landscaping plan, prepared in accordance with this Section, shall be required as part of all applications for development or redevelopment, unless otherwise exempt per this UDC. Approval of a landscape plan shall be required prior to the issuance of a building permit, land disturbance permit,⁷⁴³ and prior to the development of any parking area or loading/unloading area and may be combined with other required application material. Landscaping plans may be amended, however new plans shall be submitted for review and approval prior to installation of plant material, and in all cases must comply with the current landscaping requirements of this Ordinance.⁷⁴⁴

Comment [PRZ258]: Text revised extensively per City Arborist and Tree Task Force. Formatting of the section may be revised prior to Final UDC production to match format used throughout. (5/16)

Comment [PRZ259]: Added for clarity (5/16)

Comment [PRZ260]: Added for clarity by City Arborist. (5/16)

⁷⁴⁰ Revised since Module 3 to clarify that 1- and 2-family lots under 1 acre are not subject to these requirements.

⁷⁴¹ New section (capturing existing provisions) that identifies basic information about landscaping requirements.

⁷⁴² Carries forward existing Sec. 29-25(d), including proposed amendments to that section by the City Arborist, landscape/tree preservation requirements in Sec. 12A-49, and new language allowing the Director to waive the landscape plan requirement. This application list will be removed from the Code and listed in an administrative document or the City's web site.

⁷⁴³ Reference to land disturbance permit added since Module 3.

⁷⁴⁴ Sentence added from Sec. 12A-49 since first draft.

The landscape plan shall be presented on its own page, designed to scale, signed by an International Certified Arborist or design professional and contain the following information:

Comment [PRZ261]: Revised to allow additional licensed design professionals to sign landscape plans. (5/16)

(i) A Tree Preservation Plan that includes the following elements as described below:

- a. The full area of any climax forest on the site.
- 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.
- c. Areas may be determined by actual field measurement, by planimeter, or automated software. (See Section 29-4.5(i) for climax forest preservation requirements).⁷⁴⁵
- d. The required 25% of climax forest to be preserved on any tract of land, shall remain as an undeveloped stand of timber and comply with the following:
 - (i) Required preservation areas shall be platted as a common lot that is subject to a Tree Preservation Easement. The required platting of a common lot shall not apply to preservation areas within non-residential development; however, such preservation area shall be subject to a Tree Preservation Easement;
 - (ii) When required preservation is greater than 30,000 square feet an applicant may divide such preservation area provided no single area contains less than 30,000 square feet. Division of preservation area is permitted in accordance with the standards shown in Table 4.5-1, below.
 - (iii) When the tract of land includes a stream buffer none of the trees located within the stream buffer may be counted for meeting the required preservation. Trees retained will count toward screening requirements contained in Section 29-4.5 (Landscaping and Screening).⁷⁴⁶
 - (iv) Relief to the division standards of Table 4.5-1 may be considered by the Board of Adjustment as a variance subject to the provisions of 29-5 of this UDC.

Comment [PRZ262]: Provision revised extensively from prior draft to permit division of required preservation areas. Clarifies when common lot platting is required and addresses when a Tree Preservation Easement may be used. Changes made at request of Commission and public. (9/16)

Table 4.5-1: Climax Forest Division		
Required area to be preserved (in sq.ft.)	Minimum parcel size (in sq.ft.) ^[1]	Maximum number of parcels
60,000	30,000	2
120,000	60,000	2
240,000	120,000	2
480,000	240,000	2
Greater than 480,000	240,000	Unlimited

Notes:

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

⁷⁴⁵ Measurement rules revised since Module 3 for clarity.

⁷⁴⁶ Revised to indicate that this applies only to land areas one acre in size or greater and to require that no more than 20% of the required preservation area may be in stream corridors.

- (ii) A planting schedule detail containing common and botanical plant names, sizes, and graphical depictions.
- (iii) The size and location of any walls, earth berms, and fences.
- (iv) Provisions for watering, soil stabilization, plant protection, and maintenance.
- (v) Location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.
- (vi) Zoning for the proposed development and adjacent properties.
- (vii) Calculations showing compliance with this Section 29-4.5.
- (viii) The methods used to remove trees, the areas of tree removal, and areas of trees being saved and showing the location of protective fencing. The areas to be preserved shall be shown on the plan along with State Plane Coordinates at all points of intersect.
- (ix) Aerial photograph conducted within one year of the application submittal date, or if no such aerial photography is available to the applicant, than an image from a public source such as Google Earth showing clearing limits, preservation area, protective fencing, and topography.⁷⁴⁷
- (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:
 - a. No permit for the purpose of allowing redevelopment or subdivision shall be issued for a period of 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.
 - b. To obtain relief from the permitting restriction specified in item (a), above, the following shall be met:
 - (i) 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 4.5-1.
 - (ii) 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;

Comment [PRZ263]: Revised text to address Commission and public comment regarding permit delay, look-back period and restoration provisions. This subsection initially proposed by Tree Task Force and address desire for Temporary Abeyance regulatory requirements. (9/16)

⁷⁴⁷ Revised since Module 3 to allow alternate measures if aerial photography is not available.

- (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 4.5-2.
- c. A “look-back” period of 3 years shall be used to determine the required area of climax forest that should have been preserved on the property. Such analysis will be conducted using aerial photography.
- d. Any climax forest preserved on the site that is located within a regulated preservation area (i.e. a stream buffer) shall not be counted toward meeting the required 25% preservation standards or as part of the required area to meet reforestation. If climax forest has been preserved outside of a regulated preservation area the amount preserved may be counted to off-set that which would be required to be reforested.

Plant Type	Coverage Area	Plant Spacing Range
Tree Whip	135 sq. ft.	15-30 ft.
Tree Sapling	270 sq. ft.	20-40 ft.
Container Tree	540 sq. ft.	30-40 ft.
Root Bag Tree	600 sq. ft.	30-40 ft.
Shrubs	75 sq. ft.	10-15 ft.
Grass or Flowering plugs	10 sq. ft.	5 ft.
Native Grass & Forbes	6 lbs of Pls/acre	Mixture to contain minimum 3 different native seeds of which no single one is greater than 50% of mix.

(2) Minimum Required Landscaping

(i) In the M-DT district, the required “Private or Public Open Areas” must comply with the following standards:⁷⁴⁸

- a. Any ground level required Private or Public Open Area shall have at least one (1) tree per eight hundred (800) square feet, which is at least two (2) inches DBH (diameter at breast height), and at least ten (10) feet in overall height.
- b. Where new trees are planted to meet this requirement, they shall be no closer than five (5) feet to any common lot line.

Comment [PRZ264]: Provision added for clarity by City Arborist. (5/16)

⁷⁴⁸ New requirement.

c. Urban General lots that are reusing existing structures with no ground level Private or Public Open Area are exempt from this requirement.

- (ii) Unless otherwise provided in this section, in all other zone districts, a minimum of fifteen (15) percent of the total land area of any tract, parcel or lot shall be landscaped. Landscaping shall be installed to comply with the specific requirements for Street Frontage Landscaping, Property Edge Buffering, and Parking Lot Landscaping in this section 29-4.5, and the remainder (if any additional landscaping is needed to meet the fifteen (15) percent minimum) shall be reasonably distributed throughout the site.⁷⁴⁹

Comment [PRZ265]: Text added for clarity. (5/16)

(3) Plant Materials⁷⁵⁰

Plant materials shall be selected from the City's Guidelines for Landscaping and Screening or approved by City Arborist. All plant material shall be hardy to central Missouri (USDA hardiness Zone 5b), free of disease and insects, and must conform to the American Standard for Nursery Stock of the American Association of Nurserymen. No one (1) species for each plant type may comprise more than fifty (50) percent of the total for that plant type. Invasive species, as identified by the Missouri Department of Conservation's invasive species list, are prohibited. The use of plastic or other artificial plant materials is prohibited. Fifty (50) percent of all trees planted are required to be Large to Medium species and only thirty (30) percent of the Large to Medium trees can be of a single species.⁷⁵¹

Comment [PRZ266]: Restructured for clarity to ensure that no one plant species could account for more than 50% of required plant type. Ensures plant diversity. (5/16)

(4) Minimum Living Materials

In all areas where landscaping is required, a minimum of fifty (50) percent of the surface area shall be covered by living materials, rather than mulch, wood chips, bark, gravel, peat moss, or other non-living materials.

(5) Grading and Drainage⁷⁵²

All open areas shall be graded, properly drained, and maintained to encourage on-site water retention and percolation while minimizing ponding or standing water for periods of more than three days.

⁷⁴⁹ Current Sec. 29-25(e)(1). Wording revised to clarify that specific landscaping requirements must be met first.

⁷⁵⁰ New general provision.

⁷⁵¹ Since Module 3, revised to provide that prohibition on more than 50% of trees from one species applies also to screening landscaping, and final sentence has been added.

⁷⁵² New provision.

otherwise be required in driveways shall be planted in other landscaped front yard areas unless prohibited by minimum spacing requirements for that species.

(8) Snow Storage Areas⁷⁵⁸

Areas required for snow storage and areas required for landscaping shall not overlap, except that snow may be stored on ground cover landscape areas (e.g., turf) that do not contain required landscape trees or other plantings.

(9) Screening of Outdoor Storage Areas⁷⁵⁹

All exterior storage areas that are expanded or established following adoption of this UDC, except those on single- and two-family lots, shall be enclosed by a permanent screen at least eight feet in height above the ground surface of the storage area, or of such additional height as necessary to screen the stored materials from public view, but non-vegetative screening materials shall not exceed a maximum height of twelve (12) feet. The required screening shall have a year round opacity of at least eighty (80) percent, and if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. When a solid wall or any solid fence is used for screening, ornamental landscaping shall be placed between the fence and the adjacent property lines.⁷⁶⁰

Comment [PRZ268]: Added for clarity to address pre-existing storage areas that will become non-compliant with these provisions. (9/16)

(10) Screening of Rooftop Mechanical Equipment⁷⁶¹

In all R-MF and Mixed Use districts, rooftop mechanical equipment and appurtenances other than solar collectors located on the principal structure shall be screened on all sides with a structure equal to or exceeding the height of the mechanical equipment or appurtenance, measured from the rooftop. Screening enclosures shall use at least one of the predominant materials used in the façades of the principal structure and one of the predominant colors used in the principal structure.⁷⁶²

(11) Vision Clearance⁷⁶³

Landscaping and screening shall not be allowed to obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard or condition dangerous to the public safety upon any such street.

⁷⁵⁸ New provision.

⁷⁵⁹ New section that collects, reorganizes, and expands on existing fence and wall requirements embedded within landscaping requirements.

⁷⁶⁰ Based on current screening standards for exterior storage that applies to M-R, M-C, and M-P districts – now made generally applicable. Text simplified to avoid overlaps with general landscaping standards. M-C zone district requirement for approval of a screening plan was deleted as unnecessary – application requirements should not be listed in the Code but on an administrative document or on the City’s web site.

⁷⁶¹ Multi-family structure provision extended to all structures in R-M and Mixed Use districts in response to comment.

⁷⁶² Revised to require full screening rather than requiring measurement of visibility from 200 feet away in prior draft, in response to comment.

⁷⁶³ Current Sec. 29-25(e)(6).

(12) City Right-of-Way⁷⁶⁴

Tree selection, planting, removal, or pruning, in City rights-of-way and easements shall be in compliance with Chapter 24, Article V, of the City's Guidelines for Landscaping and Screening, or with approval from the City Arborist.

(13) Installation Due to Season⁷⁶⁵

- (i) Landscaping of the site shall be completed within one planting season (spring to fall) of the completion of the exterior of the building, in accordance with building permit requirements.
- (ii) All landscaping work must be completed prior to the final inspection of a building or within one (1) year of issuance of the land disturbance permit, whichever occurs later. If completion of the work or building is at such time of the year that the landscaping cannot be completed, a performance bond or other acceptable financial instrument for completion of the work may be accepted to allow the issuance of a certificate of occupancy.⁷⁶⁶

(d) Street Frontage Landscaping⁷⁶⁷

(i) Landscaping Strip 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 street yard landscaping strip within private yards separating parking areas from abutting street rights-of-way.⁷⁶⁸

Comment [PRZ269]: Retitled section for clarity (5/16)

Comment [PRZ270]: Changed from 15-feet to 25 feet. (5/16)

(ii) Street Trees⁷⁶⁹

Street tree landscaping shall be installed as follows and in accordance with Chapter 24, Article V, the City's Guidelines for Landscaping and Screening:

- a. One (1) tree per forty (40) feet of street frontage.
- b. Thirty (30) percent of the trees shall be large trees and thirty (30) percent shall be medium trees.
- c. No more than thirty (30) percent of required trees may be from one (1) tree species.⁷⁷⁰
- d. The medium and large trees shall be planted at least forty (40) feet on center.⁷⁷¹

⁷⁶⁴ New provision.

⁷⁶⁵ New provision.

⁷⁶⁶ Added from 12A-49(g) since previous draft.

⁷⁶⁷ Current Sec. 29-25(e)(3), including proposed amendments, new headings, and broken apart for readability.

⁷⁶⁸ Revised length of paved area requiring a landscaping strip from 50 ft. to 40 ft. per City Arborist's request.

⁷⁶⁹ Associated maintenance provision are included in Section 29-4.10 (Operation and Maintenance Standards) of this Chapter.

⁷⁷⁰ New provision.

⁷⁷¹ New provision. Revised since Module 3 from 20 feet on center. Figure was revised to reflect change.

(d): Street Frontage Landscaping

(13): Installation Due to Season

- e. Street trees may be clustered and placed at uneven intervals, with approval from the City Arborist.⁷⁷²
- f. If the public right-of-way does not contain or accommodate street trees meeting this requirement, then the property owner must install the required street trees within the private landscaping buffer.⁷⁷³
- g. Street trees may not be counted towards compliance with other sections of 29-4.5.

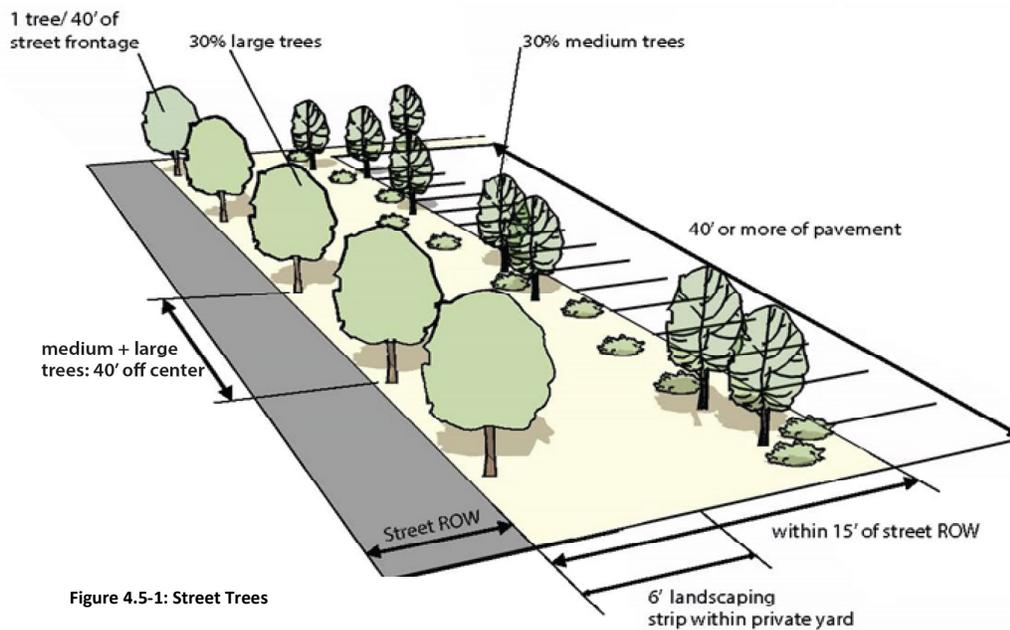


Figure 4.5-1: Street Trees

Comment [S271]: Diagram to be recreated improved clarity and update dimensions (5/16)

(iii) Driveways⁷⁷⁴

Street frontage landscaping may contain driveways.⁷⁷⁵

⁷⁷² Requirement for Arborist approval is new.

⁷⁷³ Since Module 3, this provision was added to clarify responsibilities.

⁷⁷⁴ Combines two current provisions.

⁷⁷⁵ Current standard in Sec. 29-15(e)(3)(last sentence).

(iv) Attached or Detached Residences⁷⁷⁶

Lots that contain detached or attached residences and which have side or rear property boundaries abutting collector or arterial street right-of-way shall have screening either along such boundaries or around any patios on the lot which are visible from the right-of-way. The screening shall consist of landscape materials, ornamental fences or walls in combination with plant materials, properly stabilized earthen berms, or a combination of these methods. Screening shall be so designed that at least fifty (50) percent opacity is achieved, viewed horizontally, in the space between one foot and five feet above grade at the screening line, at the time of installation; provided that where plant materials are used for screening, these shall be selected and placed to achieve the same objective within four full growing seasons following planting. Screening shall be placed on private property. All screening material, including plant material, shall be continuously maintained in good condition to the above standards.⁷⁷⁷

Comment [PRZ272]: New requirement for "detached" structures. Added as matter of equality for livability. (5/16)

(v) Sight Triangle⁷⁷⁸

Except in the M-DT district, on any corner space or lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type within a sight triangle which would interfere with traffic visibility, in accordance with City policy based on the Missouri Department of Transportation's Engineering Policy Guide provided plant material reaching no more than three (3) feet or higher at maturity will be allowed.

Comment [PRZ273]: Need to provide definition. This section and "vision clearance" may be combined. (5/16)

(e) Property Edge Buffering⁷⁷⁹

(1) Buffering Required⁷⁸⁰

Where a property contains at least ten thousand (10,000) square feet of area or more than one thousand five hundred (1,500) square feet of paved area or any vehicle loading/unloading areas, buffering shall be installed as required by Table 4.5-4.

(i) To use this table, an applicant identifies the proposed use of his/her property in Row 3, across the top of the table, and then reads down Column 2 to identify the zoning or use of the adjacent property along each property line. The box at the intersection of Column 2 and Row 3 identifies the screening and buffering requirement for the applicant on that property line. Different types of screening and buffering may be required on different property lines, as indicated in Table 4.5-4.

(ii) Transitional screening shall not be required for urban agriculture and farmer's markets.

Comment [PRZ274]: Relocated standard from un-numbered paragraph to end of item (i) for clarity. (9/16)

⁷⁷⁶ Existing section.

⁷⁷⁷ Current Sec. 29-25(e)(8).

⁷⁷⁸ Current standard from R-MH district made applicable Citywide outside M-DT district.

⁷⁷⁹ New Section to address community concerns about incompatible land uses, especially given the introduction of multiple mixed use districts. This new section incorporates and updates existing screening and buffering requirements in Sec. 29-25(e)(5).

⁷⁸⁰ New Section.

Table 4.5-4: Transitional Screening and Buffering ⁷⁸¹

Use of Subject Property											
Use of Adjacent Properties	Adjacent Zone District	Applicant's Use	Single-Family		Multi-Family		Mixed-Use		Commercial		Industrial
	Zone District	Structure Type	Res.	Non-Res.	Res.	Non-Res.	Vert.	Horiz.	1-3 Stories	3+ Stories	--
Use of Adjacent Properties	Single-Family	Residential	0	2	1	2	3	3	3	34	34
		Non-Residential	20	0	2	1	1	1	1	2	
	Multi-Family	Residential	10	2	0	2	2	2	3	34	34
		Non-Residential	02	0	1	0	1	1	1	2	
	Mixed-Use	Vertical	03	1	2	1	0	0	1	2	34
		Horizontal	03	1	2	1	0	0	0	1	
	Commercial	1-3 Stories	03	1	3	1	1	0	0	01	34
		3+ Stories	04	02	43	2	2	1	0	0	
	Industrial	--	40	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.⁷⁸²
 Level 2 requires a four-foot wide landscape buffer and a six foot tall screening device.⁷⁸³
 Level 3 requires a 10-foot wide landscape buffer and an eight-foot tall screening device.⁷⁸⁴

Comment [PRZ275]: Table modified to remove screening obligation from less intense single-family uses locating adjacent to more intense district/use. Multi-family is an exception to this principle since these uses are tenant-based and larger in scale. (5/16)

- (iii) Where a residential use has been established on a parcel that is zoned for mixed use or commercial and the adjacent property is proposed to be developed or redeveloped with a non-residential use screening and buffering shall be installed on the developing or redeveloping parcel as defined in Table 4.5-4.
- (iv) Where a residential use is constructed on a parcel that is zoned for mixed use or commercial following the development of an adjacent parcel with a non-residential use, the adjacent non-residentially improved parcel shall not be required to install the screening or buffering shown in Table 4-5.4 until they are redeveloped or expanded by more than 25%.

Comment [PRZ276]: New provision added at request of Commission to clarify on what property screening and buffering is required when a residential use is located on a "mixed-use" or "commercially" zoned property. (9/16)

Comment [PRZ277]: New provision added at request of Commission to clarify that previously developed non-residential uses will not be retroactively required to install screening or buffering when a residential use is constructed. (9/16)

⁷⁸¹ New and stronger buffering requirements than in current Sec. 29-25(e)(5).
⁷⁸² Revised from four to six feet.
⁷⁸³ Minimum height of screening revised from four to six feet.
⁷⁸⁴ Minimum height of screening revised from six to eight feet.

(2) Landscape Buffer Location and Design⁷⁸⁵

- (i) The required landscape buffer shall be installed on the applicant's side of the screening device, except as otherwise required in Section 29-4.8(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.⁷⁸⁶
- (iii) The landscape buffer shall include the following plant mix:
 - a. Four of the categories of planting material contained in Section 29-4.5(c)(6)⁷⁸⁷ 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,⁷⁸⁸ and
 - c. Shrubs and flowering plants that cover a minimum of twenty-five (25) percent of the remaining area with a minimum of twenty-five (25) percent of that plant material being in flowering shrubs.

(3) Screen Location and Design⁷⁸⁹

- (i) The screen shall be located along the property line of the applicant's lot, and shall not extend into the established setback of the adjoining lot.
- (ii) The screen shall be constructed of wood, masonry, brick, stone, wrought iron, compact evergreen hedging, an earth berm, or some combination of those materials. Chain link fence and railroad ties are prohibited.
- (iii) The combined height of the screening methods identified in subsection (ii) above and their plantings shall not be less than six (6) feet.

Comment [PRZ278]: Changed from 4 to 6 feet

⁷⁸⁵ New section containing new and existing provisions.

⁷⁸⁶ Current provision in Sec. 29-25(e)(5).

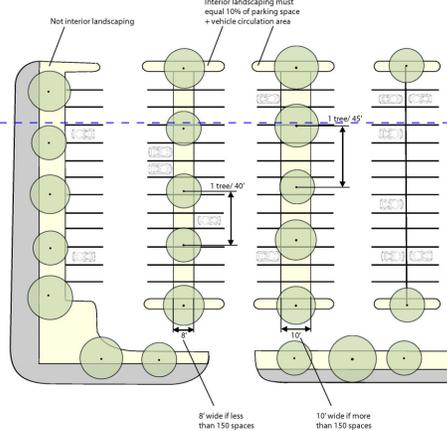
⁷⁸⁷ Arborist's proposed amendment to existing Sec. 29-25(e)(5).

⁷⁸⁸ Minimum diameter reduced from 3 to 2 inches.

⁷⁸⁹ New section that incorporates and expands upon existing provisions in Sec. 29-25(e)(5) allowing for ornamental fences and walls in combination with planting materials, or berms, as screening devices.

(f) Parking Area Landscaping⁷⁹⁰

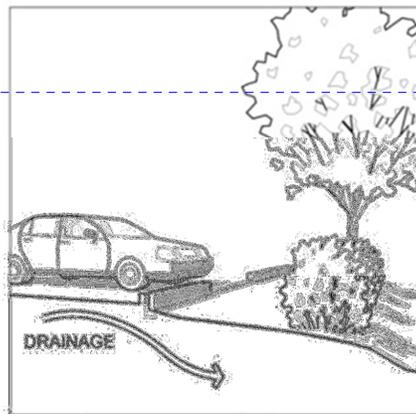
(1) All parking areas containing over one hundred (100) parking spaces shall include interior landscaping equal to at least ten (10) percent of the paved area. Landscaping required to meet the requirements of sections (d)(Street Frontage Landscaping) or (e)(Property Edge Buffering) above shall not be used to satisfy this requirement.⁷⁹¹



Comment [PRZ279]: Revised to be based on total paved area. Previous exception for access drives eliminated.

Figure 4.5-2: Interior Parking Area

(2) Interior landscaped areas to meet the requirements of subsection (1) above shall be at least ten (10) feet in width, shall contain at least (1) one tree per forty (40) lineal feet of interior landscaped area or part thereof, and shall be designed lower than the paved area so that storm water from the paved parking areas shall flow into the landscaped areas. If curbs are used to prevent vehicle entry into these lowered landscaped areas, they shall have breaks to permit stormwater to enter the landscaped areas.⁷⁹²



Comment [PRZ280]: Increased from 8 feet to improve survivability of plants

Figure 4.5-3: Parking Area Curb Breaks

⁷⁹⁰ The provisions of current provisions in Sec. 29-25(e)(3)-(4) were not carried forward because subsection (d) above now addresses Street Frontage Landscaping for parking areas as well as other areas. Text revised for clarity.
⁷⁹¹ New provision.
⁷⁹² New provisions.

(3) No parking areas shall contain more than one hundred fifty (150) spaces unless it is separated by a landscaped area of at least ten (10) feet in width from other areas containing parking spaces. The ten (10) foot wide landscaped area shall contain four (4) of the categories of planting materials listed in Section 29-4.5(c)(6). In addition, trees shall be planted within the ten (10) foot wide landscaped area at the rate of one tree for each forty (40) lineal feet.

Appropriately placed connections between parking areas are permitted.⁷⁹³

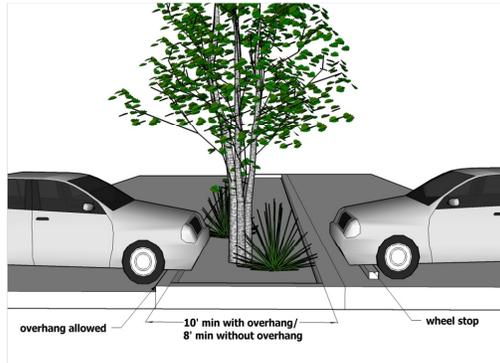


Figure 4.5-4: Interior Landscaped Area

Comment [PRZ281]: Reduced from 45 feet for consistency with other linear requirements. (5/16)

(4) In addition to the above, paved areas developed after August 19, 1991, exceeding four thousand (4,000) square feet in area, and additions exceeding four thousand (4,000) square feet in area to paved areas that were developed prior to August 19, 1991, shall contain a minimum of one (1) tree within a growspace/island of at least 170 square feet within the interior for every four thousand (4,000) square feet of paved area. For every additional tree planted within the interior of a paved area required parking may be reduced by three (3) parking spaces. For every additional tree planted within a perimeter bump/bulb-out containing one hundred fifty (150) square feet required parking may be reduced by two (2) parking spaces.

Comment [PRZ282]: Added for increased survivability. (5/16)

Comment [PRZ283]: New incentive to provide greater green areas within parking lots. Recommended by Tree Task Force. (5/16)

If there is no area on the site where required trees can be installed so that they do not interfere with the loading and unloading of large vehicles, the required trees may be placed at the perimeter of the paved areas or in other suitable locations on the site.⁷⁹⁴

(5) Of the combined total number of trees required to be planted in the interior parking lot, no less than thirty (30) percent shall be of a species of medium shade trees, and no less than forty (40) percent shall be of a species of large shade trees, no single tree species shall make up more than forty (40) percent of the trees required to be planted in the interior of the parking area.⁷⁹⁵

Comment [PRZ284]: Revised from 30% per Tree Task Force. (5/16)

Comment [PRZ285]: Revised from 30%. Allows greater percentage of a single species.(5/16)

⁷⁹³ Tree spacing revised from 50 to 45 feet. This now addresses breaking up of large parking areas, rather than the minimum landscaping standards.

⁷⁹⁴ Provisions addressing tree species were deleted because that topic is addressed elsewhere in this section. The existing 4,500 sf thresholds have been reduced to 4,000 sf per staff's request.

⁷⁹⁵ Current Sec. 29-25(e)(7) including amendments proposed by City Arborist.

(g) Preservation of Existing Landscaping⁷⁹⁶

(1) Applicability⁷⁹⁷

The standards of this subsection shall apply to all development and redevelopment on lots or parcels equal or greater than one (1) acre in area and to all subdivisions approved after the effective date of this Code. They do not apply to the construction of a single-family detached, single-family attached, or two-family residential structure. (See also Section 29-4.5(i) (Clearing of Trees) for additional standards related to tree removal.)⁷⁹⁸

Comment [PRZ286]: Clarifies that provisions apply to parcel as well as lots. (5/16)

Comment [PRZ287]: Removed exemption for already platted lots. (5/16)

(2) Credit for Preserving Existing Mature/Significant Trees⁷⁹⁹

Applicants that preserve mature, healthy trees as part of development or redevelopment may obtain credits toward trees required by this Code including but not limited to street frontage, landscaping, and edge buffering. To obtain credit, the preserved trees must be on the same lot, at least five (5) inches in diameter breast height (DBH), and must be in healthy condition as determined by the City, and be part of the approved tree protection detail as per the Performance Standard Ordinance (Section 4d).

Comment [PRZ288]: New provisions added per Tree Task Force. (5/16)

Comment [PRZ289]: New provision added per Tree Task Force. (5/16)

Credit is not given for shrubs, or trees preserved as part of a stream buffer, tree preservation, or otherwise undevelopable area. Credit for preserved trees shall be as shown in Table 4.5-5 and may be applied to reduce the number of trees required to be installed pursuant to this Section 29-4.5. Trees contained in an existing or proposed utility or other easement cannot be credited toward required tree preservation, screening, or landscaping requirements.

Comment [PRZ290]: Added exclusion from use as a means to obtain further reductions. Already required tree preservation areas cannot be "double" counted. (5/16)

Any preserved trees for which credit is given, and that are lost to damage or disease within two (2) years after the credit is awarded, shall be replaced by the property owner within six (6) months at a ratio of one (1) tree per one (1) inch of DBH lost. Replacement trees must be at least two (2) inch in caliper size. Other plantings that die within eighteen (18) months of preservation credit received shall be replaced in kind within six (6) months.⁸⁰⁰

⁷⁹⁶ New Section expands existing provision in current Sec. 29-25(e)(4), which says credits toward minimum tree requirements may be obtained for preserving existing trees, but does explain how the credit system works.

⁷⁹⁷ New section.

⁷⁹⁸ Revised since Module 3 to clarify that requirements apply to single- and two-family lots larger than one acre.

⁷⁹⁹ New section and table to clearly identify tree preservation credits that can be obtained. Last two sentences regarding tree and vegetation replacement have been carried over from Sec. 12A-49(f), including proposed amendments to this section. Clarifies that protection of trees in undevelopable areas does not earn credit. Title revised since Module 3 to clarify that this applies to trees and not vegetation.

⁸⁰⁰ Last sentence is new since Module 3.

(h): Alternatives and Adjustments (4): Tree and Vegetation Protection During and After Construction

- (ii) An orange construction fence or an equivalent shall be installed and “Tree Preservation – Keep Out” signs shall be posted every one hundred (100) feet along the perimeter of the tree preservation area, and the fencing and signs shall be maintained for the duration of all site disturbance and construction activities.⁸⁰⁴
- (iii) If site grading occurs within twenty (20) feet of the Tree Preservation area, the perimeter of the area must be trenched to a minimum width of two (2) feet and a minimum depth of two (2) feet. Tree roots shall then be pruned by the property owner.⁸⁰⁵
- (iv) The tree and vegetation protection fencing shall be clearly shown on the project approval documents. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. All tree and vegetation protection measures shall be inspected and approved by the City Arborist prior to start of any land disturbing activities.

Comment [PRZ300]: Revised from 15 feet to match other provisions for consistency. (5/16)

(h) Alternatives and Adjustments⁸⁰⁶

- (1) This section is not intended to prevent the use of a material or method of construction not prescribed specifically by this section, especially whenever a stream, natural rock formation or other physiographic condition exists; provided that any such alternate material or method has been approved in writing or in plan and its use authorized by the Director as providing at least equivalent quality, effectiveness, durability, hardness, and performance to the specific requirements of subsections (a) through (g) above.
- (2) The Director may modify the Property Edge Buffering standards of Section 29-4.5(e) by up to ten (10) percent (increase or decrease in width and height) if necessary to provide adequate buffering of impacts or to respond to specific site conditions.
- (3) The Director may modify the Property Edge Buffering standards of Section 29-4.5(e) if the Director determines that the design, height, location of uses, massing, and landscaping of the applicant’s project mitigates potential adverse impacts on surrounding properties.
- (4) The Director may modify the Street Frontage Landscaping standards of Section 29-4.5(d) for properties involving outdoor sales of vehicles or equipment if the Director determines that strict application of these standards will significantly reduce visibility of the goods being sold from the fronting public street.
- (5) Where the requirements of this section are applied to a redevelopment or reconstruction project, rather than a new development, the Director may authorize a reduction of minimum off-street parking requirements established in Section 29-4.4, by up to ten (10) percent, if necessary to accommodate street frontage landscaping required by subsection (d) above or the parking area landscaping required by subsection (f) above.

⁸⁰⁴ Proposed addition to Section 12A-49(e).

⁸⁰⁵ Proposed addition to Section 12A-49(e). Since Module 3, responsibility for pruning has been clarified.

⁸⁰⁶ Subsection 1 is current Sec. 29-25(h). Subsection 4 replaces current Sec. 29-25(i), which is very complex for its limited applicability to only two specific uses. Subsections 2, 3 and 5 are new.

(6) Where the requirements of this Section 29-4.5 are applied to a redevelopment or reconstruction project, rather than a new development, the scope of compliance shall be commensurate with the scope of redevelopment.

(i) Clearing of Trees⁸⁰⁷

(1) The mechanized clearing of trees, logging of trees or clear-cutting of trees by any means on tracts of land of one (1) acre or more shall be unlawful unless done in compliance with a land disturbance permit pursuant to Chapter 12A in the City's Code of Ordinances and Chapter 29-5 of this UDC.

Comment [PRZ301]: Added for clarity. (5/16)

(2) A minimum of twenty-five (25) percent of any climax forest area on any tract of land, one (1) acre in size or greater, is subject to the land preservation standards shown in 29-4.5(c)(1)(i)(d). When the tract of land includes a stream buffer, none of the required tree/land preservation shall be within the stream buffer. Trees retained will count toward screening requirements contained in Section 24-4.5 (Landscaping and Screening).⁸⁰⁸

Comment [PRZ302]: Modified for consistency with new provisions relating to division of preservation areas. (9/16)

Comment [D303]: Removed 20% credit for timber within required buffer area. (5/16)

(3) When logging is to occur prior to approval of a tree preservation plan or on property not otherwise subject to land disturbance requirements, a logging plan demonstrating compliance with tree preservation requirements must be submitted to the City Arborist.⁸⁰⁹ This logging plan will include the area in square feet of forest land, the area in square feet of climax forest, and demonstrate that twenty-five (25) percent of the area of climax forest will be preserved after logging. Each logging operation on the same site will require a separate land disturbance permit. Under no circumstance shall successive logging remove greater than seventy-five (75) percent of the climax forest present upon the site before logging.⁸¹⁰

(4) An approved Tree Protection and Preservation Plan shall be required prior to issuance of a land disturbance permit and during the activities associated with the land disturbance permit in accordance with the administrative standards promulgated and enforced by the Director of Public Works, but under no circumstances shall activities with the potential of causing damage to the root systems of trees be allowed within the perimeter of the drip line of the trees being preserved, protected or planted as part of the landscaping plan.

Comment [PRZ304]: Revised for consistency. (5/16)

(5) Any land owner requesting annexation into the City shall abide by the tree preservation ordinance. Any land that did not follow the tree preservation ordinance shall wait five (5) years before they are able to obtain a permit for redevelopment or subdivision unless the provision of 29-4.5(c)(1)(x) have been met.

Comment [PRZ305]: This provision recommended by Tree Task Force and the Environmental and Energy Commission. (5/16)

Comment [PRZ306]: Modified to provide cross-reference to reforestation provisions. (9/16)

⁸⁰⁷ Provisions from current Sec. 12A-49.

⁸⁰⁸ Revised to indicate that this applies only to land areas one acre in size or greater and to require that no more than 20% of the required preservation area may be in stream corridors.

⁸⁰⁹ Revised from Director of Public Works.

⁸¹⁰ Current Sec. 12A-49(c).

29-4.6 Exterior Lighting⁸¹¹

(a) Purpose

The purpose of this Section 29-4.6 is to enhance the attractiveness and livability of the community for its citizens, both during the day and at night without compromising the safety, security, and well-being of persons engaged in outdoor nighttime activities. It is the intent of this section to control the obtrusive aspects of excessive and careless outdoor lighting usage while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of property. Intended outcomes include:

- (1) Insuring that parking areas, public gathering places, approaches to buildings, and other areas active at night have adequate outdoor illumination.
- (2) Minimizing the adverse impacts on public safety and comfort due to excessive glare.
- (3) Providing minimum and maximum light levels and establishing standards of lighting uniformity to enhance night vision and security.
- (4) Minimizing spillage of light on adjacent or nearby property.
- (5) Minimizing the effects of skyglow.
- (6) Encouraging energy conservation through the use of efficient lighting technologies.

(b) IESNA Standards and Interpretations

The standards in this Section 29-4.6 are based on the standards in the IESNA Lighting Handbook, 9th Edition and "Lighting for Exterior Environments: An IESNA Recommended Practice," RP-33-99 both published by the Illuminating Engineering Society of North America. These publications shall be used in interpreting undefined terms and unclear provisions of this section. When new editions of these publications are available, the Environment and Energy Commission shall prepare a report to the Council setting forth any recommended changes in the standards of this section.

(c) Conformance with Applicable Codes

All outdoor illuminating devices shall be installed in conformance with the provisions of this Section 29-4.6, the building code, the electrical code and Section 29-4.9 of the Columbia Code of Ordinances, as applicable and under appropriate permit and inspection.

(d) General Standards and Exceptions

- (1) This section applies to all new construction that includes outdoor lighting and to all replacement of outdoor lighting structures other than replacement of lighting fixtures, except that:

⁸¹¹ Carries forward Current Sec. 29-30.1(Outdoor lighting regulations), with revisions focused on energy efficiency, glare reduction, and community safety, as noted. Current Sec. 29-30.1(g)(3)(Maximum height for parking illumination in a planned district) was deleted as unnecessary, and a 500 foot distance requirement is excessive.

- (i) Lighting structures installed lawfully before December 4, 2006, may continue in operation. Routine replacement and repair of lighting fixtures installed before December 4, 2006, shall be exempt from the requirements of this section.
 - (ii) Lighting installations in the M-BP or PD districts shown on development plans approved before December 4, 2006, shall comply with outdoor lighting standards adopted as part of those plans.
 - (iii) Additions to buildings, parking lots, and other site improvements approved before December 4, 2006, shall be exempt from the lighting plan submittal requirements of subsection (f) below, provided the addition does not increase either the size of a building or parking lot greater than fifty (50) percent of its existing gross floor area.
 - (iv) The addition of individual lighting structures shall not require submittal of a lighting plan pursuant to subsection (f) below provided the owner provides a certification that the additional lighting structures conform to the design criteria of this section, or the property owner obtains a special exception as provided in section 29-5.3(f).
 - (v) This section shall not apply to public street lighting.
 - (vi) Seasonal decorations that include illuminated displays are exempt from this section except that no light fixture that is part of a seasonal display shall be aimed or directed to create glare or light spillage.
 - (vii) This section shall not apply to the installation of an outdoor lighting structure if an application for a building permit involving the installation of that structure was received by the City on or before December 4, 2006.
- (2) All outdoor facilities intended for nighttime use (5:00 p.m. – 7:00 a.m.) shall be illuminated and such illumination shall be maintained in compliance with the standards of this section.⁸¹²
- (3) Searchlights and similar spot light fixtures, such as moving, flashing, chasing and strobe lights used to attract attention to a place are prohibited.
- (4) For enhanced security, only light sources with a color rendering index (CRI) of greater than sixty (60) shall be used. See Table 4.6-1 for CRI range of lamps.
- (5) Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an IESNA full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.⁸¹³

⁸¹² Revised to clarify that nighttime use begins when it is dark outside, regardless of the time of day or season.

⁸¹³ New provision.

Table 4.6-1: Color Rendering Index Range of Lamps	
Lamp Type	Color Rendering Index (CRI)
Fluorescent	
Lite White	> 40
Warm White	> 50
Warm White Deluxe	> 70
Cool White	> 60
Cool White Deluxe	> 80
White	> 60
Daylight	> 70
T12 Rare Earth Phosphor	> 69 to > 80
T8 Rare Earth Phosphor	> 70 to > 90
Natural	> 80
Incandescent	> 80
Compact T4, T5	> 80
C50, C70, DSGN 50	> 90
Mercury Vapor	
Clear	15 - 25
Coated	40 to > 50
Metal Halide	
Clear or Coated	60 > 90
High Pressure Sodium	
Standard	> 20
Color Improved	> 60
High Color Rendering	> 80
Low Pressure Sodium	> 20
From "Lighting for Parking Facilities," Report 20 - 98 of the IESNA 1998. For lamp types not listed above, the Manufacture's CRI for the lamp can be used to determine if the lamp meets the standard of a CRI > 60.	

(e) Methods of Measurement⁸¹⁴

- (1) Unless otherwise specified, all footcandle values shall be measured horizontally and shall refer to maintained footcandles (initial values with a light loss ratio applied).
- (2) Light spillage thresholds shall be determined by horizontal footcandles measured at ground level at the property line.
- (3) Maximum height shall be measured as the vertical distance between the finished grade directly below a light fixture and the highest point on the light fixture.
- (4) A light loss ratio of seventy-two tenths (0.72) shall be used to calculate lighting plans.

⁸¹⁴ These technical details will be relocated to an administrative manual.

(5) Maximum-to-minimum is the highest horizontal illuminance point divided by the lowest horizontal illuminance point or area and should not be greater than the values shown.

(f) Photometric Lighting Plan Requirements⁸¹⁵

All applications for building permits involving installation of outdoor lighting shall include the following information:

- (1) A photometric plan, prepared by a lighting engineer at a scale of no smaller than one (1) inch equals sixty (60) feet which consists of:
 - (i) An accurate site plan of the proposed development indicating the location of property lines, and all existing and proposed land improvements including but not limited to buildings, parking lots, aisles and driveways, streets, walkways, landscaped areas and accessory structures;
 - (ii) The estimated footcandles at ground level across the entire site, at minimum intervals of thirty (30) feet, including estimated footcandles at the property line;
 - (iii) Location and type of all lighting fixtures;
 - (iv) A table indicating the type, light source, wattage, output in lumens, light loss ratio, height of luminaires above grade and the maximum-to-minimum ratio. The maximum-to-minimum ratio shall be calculated using ninety-five (95) percent of the data point sources, excluding two and one-half (2.5) percent of the lowest values and two and one-half (2.5) percent of the highest values; and
 - (v) A certification by a lighting engineer that the lighting plan complies with the standards of this section. The Director may rely on this certification for issuance of appropriate construction and occupancy permits.
- (2) Manufacturer's catalogue specifications of all luminaires to be used, indicating the design, refractor (lens) type, cutoff angle (full, semi or non-cutoff), and any special features affecting the performance of the light.

(g) Parking Lot Lighting

The following standards apply to the illumination of parking lots:

(1) Minimum Lighting and Maximum Illuminance

- (i) During business hours, parking lots shall be uniformly illuminated such that vehicular license plates, addresses and directional, instructional or regulatory signs are plainly visible without blind spots or excessive distortion of color.
- (ii) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential, and maximum illuminance shall comply with Table 4.6-2.

⁸¹⁵ These application requirements will be relocated to an administrative manual or the City's web site, with the exception of the Director's reliance on third-party certification of lighting plan compliance for issuance of permits.

	Basic (footcandles)	Enhanced Security (footcandles)
Minimum horizontal illuminance	0.2 footcandles	0.5 footcandles
Maximum-to-minimum ratio	20:1	15:1
Minimum vertical illuminance	0.1 footcandles	0.25 footcandles

From "Lighting for Parking Facilities," IESNA, RP-20-98, p. 3.

(2) Lighting Control

Lighting shall have automatic controls capable of turning off lighting when sufficient daylight is available or when the lighting is not required during nighttime hours. Lighting not designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or time switch and photo sensor with the following exceptions:

- (i) Emergency lighting that is automatically off during normal building operation;
- (ii) Lighting that is specifically designated as required by a health or life safety statute, ordinance, or regulation; or
- (iii) Decorative gas lighting systems.

(3) Maximum Height⁸¹⁶

The height of the light structure shall not exceed twenty-eight (28) feet above grade, except as required by Section 29-4.8 (Neighborhood Protection Standards).⁸¹⁷

(4) Building Mounted Lighting⁸¹⁸

Areas of parking lots, circulation drives, loading areas and drive-thru lanes located near the perimeter of a building may be illuminated by building-mounted lights provided the design of the lights conform to the standards of Section 29-4.6(j) below and as documented in the lighting plan.

(h) Service Station Canopy and Apron Lighting

The following standards apply to gasoline service stations in addition to the parking lot lighting regulations in subsection (g).

(1) Minimizing Glare

To minimize glare, no drop, sag or convex lenses shall be used on lighting under the canopy unless the lenses are recessed within the canopy ceiling or shielded by appropriate glare

⁸¹⁶ Existing subsections (iii) and (iv) allowing for PD district exceptions have been deleted because PD zoning generally allows heights to be negotiated anyway. Provisions allowing non-cutoff light fixtures to have lower heights was deleted because full cutoff fixtures are now required.

⁸¹⁷ Exception and cross-reference added.

⁸¹⁸ Carries forward existing subsection 29-30.1(g)(4).

shields. No lighting shall be mounted on building or canopy fasciae or rooftops unless the fixtures are full cutoff. The intent is to keep all the light under the canopy. This lighting shall be provided with low glare luminaires.

(2) Maximum Illuminance.

The maximum average illuminance levels are set forth in Table 4.6-3.

Table 4.6-3: Service Station or Gas Pump Area Illuminance Levels	
Area Description	Maximum Average Illuminance on Described Area (Footcandles)
Approach with dark surroundings	1.5
Driveway with dark surroundings	1.5
Pump island area with dark surroundings	5.0
Building facades with dark surroundings	2.0
Service areas with dark surroundings	2.0
Landscape highlights with dark surroundings	1.0
Approach with light surroundings	2.0
Driveway with light surroundings	2.0
Pump island area with light surroundings	10.0
Building facades with light surroundings	3.0
Service areas with light surroundings	3.0
Landscape highlights with light surroundings	2.0

From "Lighting for Exterior Environments: IESNA Recommended Practice," RP-33-99, p. 43.

(i) Outdoor Display Area Lighting

Illumination of outdoor display areas for sale of automobiles, recreational vehicles, and manufactured homes and other finished products customarily displayed outdoors shall be permitted in accordance with Table 4.6-4 and with the following:

- (1) Maximum height of light fixtures same as parking lots.
- (2) To minimize glare, no drop, sag or convex lenses shall be used on display-area lighting. Glare shields shall be used to eliminate visibility of the light source from the public roadway.
- (3) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential, and maximum illuminance shall comply with Table 4.6-4.

Table 4.6-4: Illuminance Levels for Outdoor Display Lighting

Area	Maximum Illuminance on Pavement (Footcandles)	Maximum-to-Minimum Ratio
Adjacent to roadway	10–20	5:1
Other areas	5–10	10:1
Entrances	5–10	5:1
Driveways	2–3	10:1

From "Lighting for Exterior Environment: IESNA Recommended Practice," RP-33-99, p. 43

(j) Building Lighting

Building lighting shall comply with the following standards.

(1) Location and Direction

- (i) Building mounted lights shall be mounted and installed so that all light is directed downward, unless the lights are decorative lighting.
- (ii) Fixtures shall be full cutoff or semi-cutoff.
- (iii) No wall packs or similar lights shall be permitted unless the cutoff angle effectively eliminates visible glare from beyond the property lines.
- (iv) No light fixtures shall be mounted above the parapet or, for pitched roofs, above the eave except motion-detection security lighting, decorative lighting and accent lighting.
- (v) Functional lighting shall not exceed four hundred (400) watts of incandescent illuminance or the equivalent. Decorative or accent lighting shall not exceed one hundred (100) watts of incandescent illuminance or the equivalent.⁸¹⁹
- (vi) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential.
- (vii) If swivel mountings are used, lights may be raised a maximum of twenty (20) degrees from horizontal and may not be mounted above the buildings.
- (viii) The maximum average illuminance levels for floodlighting buildings and monuments are set forth in Table 4.6-5.

⁸¹⁹ Equivalence language added.

Table 4.6-5: Illuminance Levels for Floodlighting Buildings and Monuments

Area Description	Maximum Average Illuminance (Vertical) (Footcandles)
Bright surroundings and light surfaces	5
Bright surroundings and medium light surfaces	7
Bright surroundings and dark surfaces	10
Dark surroundings and light surfaces	2
Dark surroundings and medium light surfaces	3
Dark surroundings and medium dark surfaces	4
Dark surroundings and dark surfaces	5

From "Lighting for Exterior Environments: IESNA Recommended Practice," RP-33-99, p. 30.

(2) Decorative Lighting

Decorative building lighting, in which the purpose is enhancement of building appearance, shall be permitted and may be directed toward the building, provided that all light is cast against the building surface.

- (i) Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.
- (ii) Lighting fixtures mounted on the building and designed to wash the facade with light are preferred.

(k) Landscape Lighting

Landscape lighting shall comply with the following standards:

- (1) Luminaires shall be mounted four (4) feet or lower to the ground.
- (2) The photometric plan shall show the location of all landscape lighting fixtures and the landscaping feature each fixture is to illuminate. The plan shall demonstrate that the installation shall not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.⁸²⁰

⁸²⁰ Photometric plan application details will be removed from the Code and put in an administrative manual or on the City's web site.

(l) Athletic Field and Outdoor Arena Lighting

The following standards apply to the illumination of athletic fields and outdoor arenas:

(1) Minimum and Maximum Lighting

Athletic fields, where nighttime activity is authorized, shall provide adequate illumination for the scheduled activities. The minimum and maximum light levels shall meet the standards for sports lighting set forth in "Sports and Recreational Area Lighting," RP-6-01, published by the Illuminating Engineering Society of North America. Lighting shall use cutoffs so that light is primarily aimed at and directed to the activity area.

(2) Fixture Height

Athletic field other than adult baseball fields and arena lighting fixtures shall not exceed seventy (70) feet above finished grade directly below the lighting fixture. Adult baseball field lighting fixtures shall not exceed eighty (80) feet above finished grade directly below the lighting fixture.

(3) Hours of Operation

Lighting, except for lights reasonably necessary for security purposes, shall be turned off within two (2) hours after the event or closure of the facility, or when required by other regulatory ordinance. Dusk to dawn lights for security purposes shall not emit visible glare from the perspective of adjacent properties, internal access aisles and public streets.

(4) Maximum Footcandles

The maximum footcandles allowed on adjacent property is one (1.0) footcandle on residential properties and four (4.0) footcandles on non-residential properties.

(m) Private Street Lighting

Private street lighting is permitted provided the fixtures, wattage and output, fixture height, and spacing are comparable to the public street lighting standards set forth in Chapter 27 (Utilities) Sections 27-146 through 27-151 (Street Lighting) of the City's Municipal Code.

(n) Security Lighting

Security lighting shall comply with the following standards:

(1) All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent roadways and properties. The use of general floodlighting fixtures is prohibited.

(2) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential.

(o) Sign Lighting

Illumination of signs shall conform to Section 29-4.9 (Sign Standards) of this Code. Location of illuminated signs and any lighting fixtures external to the signs shall be included on a lighting plan.

29-4.7 Design Standards and Guidelines⁸²¹

(a) Intent

The intent of this section is to:

- (1) Allow full development of properties consistent with the dimensional standards established in Chapter 2 and Section 29-4.1 while establishing baseline requirements for building and site features that will create stable residential neighborhoods, mixed use, commercial, and industrial areas.
- (2) Enhance the public realm.
- (3) Reduce conflicts between existing and new structures.
- (4) Encourage effective development of street frontages and other public elements that enable new projects to add value to existing communities.
- (5) Encourage creative and sustainable design responses to contemporary opportunities.
- (6) Improve the overall design quality of the City through the use of objective standards that can be administered by the Community Development Department without the need for individualized design review of projects.

(b) Applicability

- (1) The standards of this section shall apply to all new development in any zone district except:
 - (i) Development or redevelopment in the M-DT district.
 - (ii) Structures in which the principal use is one of the following use categories or subcategories as shown in Permitted Use Table 29-3.1.
 - a. One-family Detached residential;
 - b. One-family Attached residential;
 - c. Two-family residential;
 - d. Park or Playground;

⁸²¹ New section per the Detailed Outline to help Columbia encourage the quality and style of development it desires without applying form-based controls to all lots and blocks and use specific standards to all types of uses. In reviewing the new form-based standards in Section 29-4.2, the City should consider if any of those controls should apply to development outside of M-DT.

- e. Utilities;
- f. Parking Lot or Structure (primary use);
- g. Urban Agriculture;
- h. Farmer’s Market; or
- i. Industrial (except Artisan Industry)

Comment [PRZ307]: Removed Heavy Commercial Services – it needs to comply. (5/16)

(iii) A change in the principal use of an existing structure that does not alter the exterior of the structure, or only affects the signage on the exterior of the structure.

(2) In the case of a conflict between the design standards in this section and design standards applicable to a particular project because of its location in an overlay district listed in Section 29-2.3 (Overlay Zoning Districts), or because of a use-specific standard in Section 29-3.3 (Use-Specific Standards), the provisions of the overlay district or use-specific standard shall govern.

(c) Design Standards and Guidelines

Comment [PRZ308]: Revised for clarity. (5/16)

(1) Entries

Each principal building shall have one or more operating entry doors facing and visible from an adjacent public street. The location of the entry on the building façade shall be emphasized by the use of different materials, wall articulation around the entry, or foundation plantings around the entry.

(2) Transparency

- (i) When the primary use of the ground floor frontage of a structure categorized as Food and Beverage Service, Office, Personal Services, or Retail in Table 29-3.1, a minimum of twenty (20) percent of each facade area that faces a public street shall be composed of transparent materials.
- (ii) At least one-half of this amount shall be provided so that the lowest edge of the transparent materials is no higher than four (4) feet above the street level.
- (iii) If the Director determines that transparent materials are not practical for security reasons or based on the nature of the permitted ground floor use, an alternative treatment providing equivalent or better visual interest may be approved.

(3) Wall Plane Articulation

When the primary use of the building is not categorized as Industrial in Table 29-3.1, each facade greater than one hundred (100) feet in length abutting a public street shall incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.

(4) Roof Shape

- (i) When the primary use of the building is not categorized as Industrial in Table 29-3.1, and the building has a sloping roof, at least one projecting gable, hip feature, or other break in the horizontal line of the roof ridgeline shall be incorporated for each one hundred (100) lineal feet of roof.
- (ii) When the primary use of the building is not categorized as Industrial in Table 29-3.1 and the building has a flat roof, the design or height of the parapet shall include at least one change in setback or height of at least three feet along each one hundred (100) lineal feet of façade.

(5) Canopies and Awnings

All canopies and awnings shall be mounted with a minimum vertical clearance of seven (7) feet between sidewalk grade and the bottom edge of the canopy or awning.

(6) Loading Dock and Delivery Areas⁸²²

Loading dock doors and delivery areas shall be located at the rear of buildings to separate customer and employee traffic from loading and service vehicles, ~~unless the Director determines that such location is impracticable given the function and operating needs of the building.~~ The Director may permit alternative locations when:

- (i) Such location would result in docks or delivery areas being adjacent to R-1, R-2, or R-MF zoned lands;
- (ii) Such location would result in excessive or unnecessary impervious surface on the development site;
- (iii) Evidence can be shown that the alternative location will not impact public safety or site circulation;
- (iv) Alternative loading dock/delivery area are recessed from the building façade such that all loading/unloading activity occurs outside any adjacent public right of way

Comment [PRZ309]: Revised per public and Commission comment to address options for non-rear locations. (9/16)

⁸²² New standard in response to public comment.

29-4.8 Neighborhood Protection Standards⁸²³

(a) Intent

This section is intended to preserve the residential neighborhood character of established homes within multi-family districts and adjacent to Mixed Use or Special zoning districts.

(b) Applicability

These standards apply:

- (1) To all lots in the R-MF district that contain a principle use other than a single- or two-family dwelling; and
- (2) To all lots located in any zone district other than the R-1 and R-2 districts that shares a side or rear lot line with a lot in the R-1 or R-2 district.

Comment [PRZ310]: Use drives when NP standards apply. If not developing a SF or 2-Fam you have to comply with NP standards. (5/16)

Comment [PRZ311]: Zone district of developing parcel drives compliance with NP standards. If developing parcel is not in R-1 or R-2 and adjacent to R-1 or R-2 NP standards apply. (5/16)

(c) Building Height⁸²⁴

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 side and rear lot lines to a maximum of twenty-four (24) feet.
- (2) Increasing the 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.

Comment [PRZ312]: Revised from 30 feet. Generally corresponds to a 2-story structure. (5/16)

Comment [PRZ313]: Removed "adjacent" for clarity. (5/16)

Comment [PRZ314]: Replaced 100 feet. Original considered excessive and impractical. (5/16)

Comment [PRZ315]: Reduced to match above. (5/16)

(d) Screening and Buffering

The standards of Section 29-4.5(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.

⁸²³ New section.

⁸²⁴ 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.

(e) Parking, Loading, and Circulation⁸²⁵

(1) No parking area, drive-through lane, or vehicle circulation driveway shall be located between a principal structure on a lot containing a use other than a single- or two-family use and any side property line abutting a lot containing a single- or two-family dwelling.⁸²⁶

Comment [PRZ316]: Added for consistency. (5/16)

(2) If the context of a site makes subsection (1) above impractical, the Director may approve a parking lot design that locates a parking area, drive-through lane, vehicle circulation driveway, or a combination of these three site planning elements, in the area described in subsection (1) above, provided all of those three site planning elements are located at least six (6) feet from an adjacent lot containing a single- or two-family dwelling.

(f) Lighting Height⁸²⁷

The maximum height of any lighting pole within fifty (50) feet of the side or rear lot lines shall be 20 feet.⁸²⁸

29-4.9 Sign Standards⁸²⁹

(a) Purpose⁸³⁰

The purposes of these sign regulations are:

- (1) To allow the effective use of signs as a means of communication in the City;
- (2) To maintain and enhance the City's ability to attract sources of economic development and growth;
- (3) To improve pedestrian and traffic safety;
- (4) To minimize possible adverse effects of signs on nearby property;
- (5) To bring all signs into compliance with adopted regulations;
- (6) To enable the fair and consistent enforcement of these sign regulations.
- (7) To maintain and enhance the appearance of the community.

⁸²⁵ Carries forward and clarifies existing standards and introduces a new provision.

⁸²⁶ New provision. Sec. 29-30(h)(1) prohibiting parking within 6 feet of an adjoining lot in a residential district has been deleted because subsection (c) already adopts a larger setback standards. The Director may adjust the standards if compliance would make site development impracticable.

⁸²⁷ New section that is also referenced in Sec. 29-4.6(g)(3)(iii).

⁸²⁸ New provision.

⁸²⁹ Integrates Ch. 23 (Signs) of the City's municipal ordinance into this Code. Current sign development standards are integrated into this Chapter 29-4. Sign definitions have been included in Chapter 1. Changes are minimal and footnoted. While legal action challenging content-based sign regulations are rare and generally unsuccessful, these regulations have been generally reviewed for content-based material.

⁸³⁰ Current Sec. 23-0.5.

(8) To comply with all applicable federal and state laws regarding the First Amendment and free speech.

(b) Applicability⁸³¹

- (1) The standards of this Section 29-4.9 apply to the erection of any sign of any type within the City, unless specifically exempted or excluded by a provision of this Code. In addition to the provisions of this Section 29-4.9, all properties must comply with any sign regulations contained in any Use-specific Standard in Section 29-3.3 applicable to the property. In the event of a conflict between the standards of this Section 29-4.9 and the sign standards in any approved PD district, the standards in the approved PD district shall apply.
- (2) Any sign authorized to be displayed by this Code may contain any non-commercial message.
- (3) Notwithstanding any other provision of this Code, the standards of this Code relating to non-commercial signs shall in all instances be construed to operate in a content neutral manner. Any description of the type of message or content of any non-commercial sign authorized by this Ordinance shall not be construed to be a prescription of or limitation on the type of non-commercial message or content that can be displayed, rather, any such description shall be construed as merely illustrative of the type of non-commercial sign that potentially may be deployed under this Code.

(c) Prohibited Signs⁸³²

- (1) No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, distract or mislead traffic, or be considered obscene or a nuisance to the general public.
- (2) No person, except a public officer or an employee in the performance of a public duty, shall fasten any sign or notice of any kind on any curbstone, lamppost, street or sidewalk surface, pole, bridge or tree upon a public street, except for any banner attached to a City street light standard for which an attachment permit has been issued. This prohibition includes, but is not limited to, advertisements and announcements of buildings or land for sale or rent, garage sales, private picnics and election campaign posters. This prohibition is not to be construed as prohibiting signs or notices indicating danger or aids to service or safety, or subdivision identification signs, to be erected with written permission from the Director.⁸³³
- (3) No signs painted on buildings, walls or fences shall be allowed.
- (4) No wind signs shall be allowed.
- (5) No freestanding, on-premises commercial sign, including the supporting structures, shall be allowed to remain on any property more than six (6) months after the business or uses advertised on the sign have been discontinued.

⁸³¹ New section.

⁸³² Current Sec. 23-2.

⁸³³ Existing language reorganized to clarify which signs are included in or exempt from the prohibition.

(6) No sign shall be erected or maintained in a location or in such a manner that any portion of the sign will be within ten (10) feet, measured either horizontally, vertically or at any intermediate angle, of any electric power line wire carrying a voltage in excess of two hundred forty (240) volts, nor shall any sign be within ten (10) feet of a vertical line extended upward from such an electric power line wire.

(7) No portable signs shall be allowed, except for sandwich board signs in the M-DT district.⁸³⁴

(8) No animated signs shall be allowed.

(9) No off-premise signs or billboards shall be allowed, except as provided in Section 29-4.9(e)(2).⁸³⁵

(10) No commercial signs shall be allowed except as provided for in this Section 29-4.9.

(11) No commercial flags shall be allowed except that a business may display one flag no larger than forty (40) square feet which bears the symbol or trademark or name of the business. No further advertising shall be permitted on such flags.

(12) No digital signs shall be allowed.

(d) Regulations Based on Use and Area

(1) Residential Use Signs⁸³⁶

(i) Table 4.9-1 sets forth signs standards for identification and sale, rental, or lease signs permitted for certain residential uses and land areas.

Table 4.9 – 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(f)(1)	1/lot
Maximum Area	4 sq. ft.	4 sq. ft.	15 sq. ft.	4 sq. ft.		Lots greater than 1 acre: 12 sq. ft./acre; 32 sq. ft. (max) Lots less than 1 acre: 12 sq. ft.
Location	On premises					
Other						

(ii) Identification of Subdivision or Neighborhood Area

Identification signs for subdivisions and residential areas are regulated by Section 29-4.9(f)(1). This type of sign may be situated on private property adjacent to the

⁸³⁴ Exception for sandwich board signs added, since the current Code allows these.

⁸³⁵ Revised to prohibit off-premise signs other than billboards.

⁸³⁶ Current Sec. 23-11 standards have been organized into two tables for readability.

entrance or, by special permission of the Council, may be located on median strips that divide public streets leading into the named subdivision area. If the sign is permitted to be located in the public right-of-way, the design and location of the sign shall first be approved by the Director and the following criteria shall be met:

- a. Minimum setback at an intersection shall be twenty-five (25) feet.
- b. Minimum width of an island on which a sign is to be located shall be eight (8) feet.
- c. Location on the island or median strip shall be along the centerline of the median parallel to the entrance street.
- d. Signs shall be designed and located so as not to interfere with the visibility of traffic at any location.

(iii) Table 4.9 – 2 sets forth standards for various general sign types allowed on all residential lots.

	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 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	Signs are only permitted during the hours the home is open for viewing		Signs are only permitted during the time of the sale	

(2) Business Use Signs Outside the M-DT District⁸³⁷

The following standards apply to all signs that are related to a use that is not a residential use or an industrial use, as shown in Table 29-3.1 (Permitted Use Table) and that is not located in the M-DT district.

- (i) Table 4.9–3 sets forth standards for wall, projecting, and roof signs for all business uses outside the M-DT district, with the exception of shopping centers, office buildings, theaters, automobile service stations, hotels and motels.⁸³⁸
- (ii) Table 4.9 – 4 sets forth standards for sale or lease, identification, and directional signs for all business uses outside of the M-DT district.

	Wall	Projecting	Roof	Freestanding
Sign Combinations	Each property may have 2 of the 4 signs in this table, but a business may not have both a freestanding and a roof sign			
Number	Any combination of wall, canopy, or awning signs, not to exceed the maximum surface area	1	1	1 for each adjacent street R-O-W, per the regulations in Section 29-4.10(f)(1)
Maximum Area	<ul style="list-style-type: none"> ▪ See Section 29-4.10(f)(2) ▪ 1 rear entrance sign; 10 sq. ft. max size 		2 sq. ft./linear ft. of building frontage	
Location	On premises	<ul style="list-style-type: none"> • On premises • Not to exceed 8 ft. in projection from the building wall on each wall facing a street • If a 1-story building, the sign may extend 10 ft. above the roof line or parapet of the building 	Roof of a 1- or 2-story building	
Other		Sign shall not extend above the roof line or parapet of the building, except for a one-story building	Sign shall not extend beyond the highest point of the roof on which it is located	

⁸³⁷ Groups current sections regulating business signs outside of the current C-2 District together.

⁸³⁸ Current Sec. 23-13 (Business uses outside the CBD) regulations have been organized into two tables for clarity and readability (Signs by Number and Type and Sale, Lease, etc. Signs).

Table 4.9 – 4: Business Use Signs – Sale/Lease, etc.

	Sale or Lease		Development Identification	Directional ⁸³⁹
	Building	Land		
Type	Advertises office or commercial space for sale, rent, or lease	Advertises land for sale or rent	Identifies a commercial development, except for shopping centers (see Table 4.10-5)	
Maximum Number	1	1	1	1
Maximum Area	12 sq. ft.	<ul style="list-style-type: none"> ▪ Greater than one acre: 12 sq. ft./acre; 32 sq. ft. (max) ▪ Less than one acre: 12 sq. ft./acre (max) 	32 sq. ft.	32 sq. ft.
Maximum Height			6 ft.	3 ft. (measured from the grade immediately below the sign)
Location	On premises	On premises		On premises, at each automotive entrance and exit of any business, in any development, except ATMs regulated under Section 29-4.10(e)(9) ⁸⁴⁰

⁸³⁹ Relocated from Current Sec. 23-22 and grouped with the sign standards in Current Sec. 23-13 because provision applies to directional signs outside the current CBD.

⁸⁴⁰ Provision in current Sec. 23-22 revised to clarify that standard applies to all businesses except ATMs.

(iii) As an alternative to the signs permitted in subsections (i) through (ii) above, Table 4.9 – 5 sets forth standards for signs permitted if the property is a shopping center:

	Shopping Center	Each Separate Business		Businesses with a Rear or Side Entrance
		Wall, Canopy, Awning	Roof	
Maximum Number	1 freestanding master sign/adjacent street ROW			1 wall or awning sign/entrance
Maximum Surface Area	<ul style="list-style-type: none"> ▪ 64 sq. ft./ acre ▪ 288 sq. ft. or ½ sq. ft. in area/ linear ft. of adjacent street ROW the sign is oriented toward, whichever is greater 	<ul style="list-style-type: none"> ▪ Wall facing a street: See Section 29-4.10(f)(2) ▪ Wall facing main shopping center parking area: 64 sq. ft. 	All signs located above any one wall: 4 sq. ft./ linear ft. of wall length occupied by the business	10 sq. ft./entrance
Maximum Height	30 ft.			
Location	Adjacent street ROW	On premises	On premises and located above a wall	
Other	If adjacent street is an arterial street designated for collector street provisions then the freestanding sign must comply with Section 29-4.10(f)(1)		A roof sign shall not extend beyond the highest point of the roof on which it is located	

(3) Signs in M-DT District⁸⁴²

The Columbia M-DT is intended to be attractive, historic and pedestrian friendly. Accordingly, signs should be smaller in scale and fewer in number. This will enhance the attractiveness of the area, reduce visual clutter, increase property values and encourage tourism and other business.

(i) Applicability

This section regulates signs within the M-DT district, with the exception of theaters, which are subject to Section 29-4.9(e)(10).⁸⁴³

(ii) General Standards

- a. Table 4.9-6 sets forth standards for business signs permitted at different building levels within the M-DT.

⁸⁴¹ Combines current Section 23-14 (Shopping center signs) and Section 23-35(i)(Area, height and placement of freestanding shopping center signs). Revised to clarify that these sign types are alternatives to — not in addition to the other business use signs listed above. However, a shopping center that includes a multi-tenant building as well as single-use buildings on outlots or pad sites can use of both sets of standards.

⁸⁴² Current Sec. 23.12 (CBD Business Signs) now in two tables. Redundant requirements on sign types, number, and areas have been consolidated in Table 4.10-6.

⁸⁴³ Text that the section addresses “business use of signs” was deleted, since this is a Mixed Use district.

Table 4.9 – 6: M-DT Business Signs by Building Level [1]				
	Awning	Projecting	Wall	Window
Aggregate Size Limitation	15% of the wall space of one building elevation. All signs identified in this Table and Table 4.10 - 7, except for Building Directories and Identification Signs, contribute to this aggregate amount.			
Lower Level				
Maximum Number	1/elevation			
Maximum Area	18 sq. ft.	8 sq. ft.	24 sq. ft.	18 sq. ft.
Placement		<ul style="list-style-type: none"> ▪ Shall not project more than 3 ft. from face of wall ▪ Bottom of sign must be at least 8 ft. from ground ▪ Top of sign must be no more than 12 ft. from ground 	<ul style="list-style-type: none"> ▪ No higher than the bottom of a second level window 	
Street Level [2]				
Maximum Number	2/elevation			
Maximum Area	32 sq. ft.	8 sq. ft.	32 sq. ft.	32 sq. ft.
Placement		See lower level standards above	<ul style="list-style-type: none"> ▪ Below the bottom of the second level window on multi-story buildings 	
Second Level				
Maximum Number	1/elevation			
Maximum Area	18 sq. ft.	8 sq. ft.	<ul style="list-style-type: none"> ▪ Street Level: 24 sq. ft. ▪ Second Level: 18 sq. ft. 	18 sq. ft.
Placement			<ul style="list-style-type: none"> ▪ Street Level: No higher than the bottom of a second level window ▪ Second Level: No higher than the bottom of a third story window 	
Upper Level (Third level and above)				
Maximum Number	1/elevation			
Maximum Area	18 sq. ft.	Not allowed	Not allowed	18 sq. ft.
Other			<ul style="list-style-type: none"> ▪ If now higher level windows exist, placement may be 40 inches above finished floor level (max.) 	Signs spread across multiple windows will be counted as 1 sign
<p>[1] Single-use Building: A business that occupies an entire building with a frontage equal to or greater than 48 ft. may choose to install only 1 sign per elevation. In that case, the maximum size of the single sign is the lesser of 64 %t of the wall space of 1 elevation, provided all other criteria are met. Wall sign placement is not restricted to below the second story window sill.</p> <p>[2] Large Businesses: Street level tenants with 48 feet or more of frontage and located in multiple-tenant buildings may choose to install only 1 sign per elevation as an alternative to any 2 sign types. In that case, the maximum size of the single sign is the lesser of 48 sq. ft. or 15% of the wall space of 1 elevation, provided all other criteria are met. Wall signs must be placed no higher than the bottom of the second story window sill.</p>				

b. Table 4.9-7 sets forth standards for other business signs permitted in the M-DT district.

	Building Directories	Building Identification	Mobile ⁸⁴⁴	Directional	Signs Adjacent to Providence Road
Aggregate Size Limitation			15 % of the wall space of one building elevation. All signs identified in this Table, except Building Directories and Identification Signs, and Table 4.10 - 6 contribute to this aggregate amount.		
Maximum Number	1/Building Entrance	1/Building	1/street level entrance	1/automotive entrance and exit	Signs on any building elevations adjacent to Providence Road, except for City-owned property or vacant property greater than 150 ft. in depth between the building elevation and the road ROW are subject to the sign regulations outside of the M-DT district in Section 29-4.100.
Maximum Area	6 sq. ft.	18 sq. ft.	8 sq. ft.	8 sq. ft.	
Maximum Height				3 ft. (measured from grade immediately below sign)	
Location			<ul style="list-style-type: none"> ▪ On the sidewalk directly in front of the business; ▪ Provided that a straight, unobstructed pathway at least 60 inches wide is maintained on the sidewalk 		
Other			Shall not be attached to any property not owned by the business owner to whom the sign is permitted.		

(4) Industrial Use Signs⁸⁴⁵

(i) Freestanding Signs

One freestanding sign may be allowed per adjacent street right-of-way and further regulated by Section 29-4.9(f)(1).

(ii) Wall Signs

In addition to the freestanding sign permitted above, each business shall be allowed on-premises wall, canopy and awning signs not to exceed the maximum surface area allowed under Section 29-4.9(f)(2).

⁸⁴⁴ Existing standard revised to refer to Mobile Signs rather than Sandwich Boards. Mobile Signs is a newly defined term that includes sandwich boards. This revised standard clarifies that mobile signs can only be attached to property owned by the business owner.

⁸⁴⁵ Current Sec. 23-15.

(iii) **Sale or Lease of Land**

For lots of one acre or larger, one (1) on-premises sign not exceeding twelve (12) square feet in sign surface area per acre, with a maximum sign surface area of thirty-two (32) square feet, is allowed to advertise land for sale or rent. For lots of less than one (1) acre in size, one sign of not exceeding twelve (12) square feet in signs area is allowed.

(iv) **Sale or Lease of Building**

One on-premises sign, not exceeding thirty-six (36) square feet in sign surface area, shall be allowed to advertise the sale, lease or rent of industrial space.

(v) **Industrial Parks**

In industrial parks, one industrial park master sign, shall be allowed for each adjacent street right-of-way, in accordance with Section 29-4.9(f)(1).

(e) Regulations Based on Type of Sign⁸⁴⁶

(1) Banners⁸⁴⁷

(i) **Special Business District**

The Special Business District may attach banners to City street light standards located on public rights-of-way, or within public utility easements, adjacent to public rights-of-way, within an area defined as follows: bound on the north by Rogers Street, on the east by College Avenue, on the south by Elm Street and on the west by Providence Road. Attachment of the banners shall be done under the following conditions:

- a. The message conveyed relates to cultural, civic or other City wide activities.
- b. No banner can carry a political or nonsecular message.
- c. The Columbia Special Business District, after executing an attachment agreement with the City, shall have the exclusive right to install banners on City street light standards in the above-described area. The attachment agreement shall set out requirements for the design of attachment brackets and installation, removal, maintenance, and responsibility for such attachment brackets and banners. Said requirements shall be set out in banner regulations promulgated by the City manager and reviewed annually and approved by the Council.
- d. Banners shall conform to design specifications established by the Special Business District.

⁸⁴⁶ Consolidates all sign type regulations, with the exception of current Section 23-19 (Office Signs) which reiterates the requirements in existing Section 23-13(Business Signs – For uses outside the CBD) now Section 29-4.10(d)(2).

⁸⁴⁷ Current Sec. 23-8.5.

(ii) **College, University, or Hospital**

A college, university or hospital may attach banners to City street light standards located on public rights-of-way, or within public utility easements, adjacent to the campus of the college, university or hospital. Attachment of the banners shall be done under the following conditions:

- a. The banners shall be limited to identifying the name of the college, university or hospital or conveying a message related to cultural, civic or City-wide activities.
- b. No banner can carry a political or nonsecular message.
- c. The college, university or hospital, after executing an attachment agreement with the City, shall have the exclusive right to install banners on the City street light standards described in the agreement. The attachment agreement shall set out requirements for the design of attachment brackets and installation, removal, maintenance, and responsibility for such attachment brackets and banners.

(iii) **Library**

Notwithstanding any other provisions of this Section 29-4.9, a public library may display banners subject to the following conditions:

a. **Attachment to City street light standards**

Upon entering into an attachment agreement with the City, a public library may attach banners to City street light standards located on public rights-of-way, or within public utility easements, adjacent to the library premises, including library parking lots. The library, after executing the attachment agreement with the City, shall have the exclusive right to install banners on the City street light standards described in the agreement. The attachment agreement shall set out requirements for the design of attachment brackets and installation, removal, maintenance and responsibility for such attachment brackets and banners.

b. **Attachment to library light standards and sign poles**

A public library may attach banners to library light standards and to library sign poles.

c. **Parking lot sign poles**

Each library parking lot shall be allowed up to four (4) banner sign poles for each adjacent street right-of-way. The banners on the poles shall be the same height as the banners on the library light standards in the lot. The poles shall be located at least four (4) feet from the street right-of-way.

d. **Banner content**

The banners shall be limited to identifying the name of the library or library facility or conveying a message related to a cultural, civic or City-wide activity. No banner can carry a political or nonsecular message.

e. **Banner number and size**

There is no limit on the number of banners, however, banners shall not exceed sixteen (16) square feet in sign surface area per side or a total of thirty-two (32) square feet per banner.

f. **Banners other than for library identification**

If a banner is for a purpose other than identifying the library or library facility, the banner shall not remain in place for more than thirty (30) days.

(2) Billboards⁸⁴⁸

(i) **Locations⁸⁴⁹**

Billboards shall be allowed in areas zoned M-N, M-C, M-DT, or a PD district permitting commercial uses, M-BP, or IG, provided that the location is within sixty (60) feet of the nearest edge of the right-of-way of:

- a. Any interstate (I-70); or
- b. Any freeway (U.S. 63); or
- c. Any other highways where the City is mandated by law to allow billboards.

(ii) **Regulations**

All billboards shall comply with the following regulations:

- a. Billboards shall be oriented toward traffic on the interstate, freeway or highway.
- b. No billboard along any interstate shall be erected closer than two thousand (2,000) feet from another billboard. No billboard along any freeway shall be erected closer than four thousand (4,000) feet from another billboard. No billboard along any highway shall be erected closer than one thousand (1,000) feet from another billboard.
- c. No billboard shall be erected closer than five hundred (500) feet from any area zoned R-1, R-2, R-MF, R-MH, A, a PD district that allows residential uses,⁸⁵⁰ or any equivalent county zoning.
- d. No billboard shall be erected closer than five hundred (500) feet from any residential structure.
- e. No billboard shall be erected closer than five hundred (500) feet from any religious institution, elementary/secondary school, or public park, playground or golf course.⁸⁵¹

⁸⁴⁸ Current Sec. 23-16. Subsections 1 and 2 have been combined to avoid repetition.

⁸⁴⁹ Simplifies current Sections 23-16(a)-(c).

⁸⁵⁰ PUD replaced by "a PD that allows residential uses."

⁸⁵¹ New use names replace "church, school, or park."

- f. No billboard shall be erected closer than five hundred (500) feet from any historical site or historical district so designated by the federal, state or City government.
- g. No billboard shall be erected closer than one hundred (100) feet from any on-premises freestanding sign.
- h. No billboard shall be erected within five hundred (500) feet of an interchange or intersection at grade. The five hundred (500) feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
- i. The maximum height of a billboard along any interstate is forty-five (45) feet. The maximum height of a billboard along any freeway is thirty (30) feet. The maximum height of a billboard along any highway is twelve (12) feet.
- j. The maximum surface area of a billboard along any interstate is two hundred eighty-eight (288) square feet. The maximum surface of a billboard along any freeway is one hundred twenty-eight (128) square feet. The maximum surface area of a billboard along any highway is seventy-two (72) square feet.
- k. Billboards shall have only one sign surface area except that billboards may have two (2) sign surface areas if the surface areas are oriented in opposite directions. No V-shaped billboards are allowed.
- l. External lighting of billboards, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed toward any residential structure or into any portion of the main traveled way of the interstate, freeway, or highway, and the lights are not of such intensity so as to interfere with the residential use of property or to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
- m. No billboard shall have wind-actuated elements or any material that glistens or sparkles.
- n. No billboard shall be erected closer than five hundred (500) feet from a City greenspace access easement, greenspace conservation easement or greenspace trail easement.
- o. No billboard shall have any revolving, moving, flashing, blinking or animated characteristics.
- p. No billboard shall have any electronic, digital, tri-vision or other changeable copy display.

(3) Civic Signs⁸⁵²

One on-premises freestanding sign shall be allowed for any religious institution or governmental entity per street block in accordance with Section 29-4.9(f)(1). One on-premises illuminated wall sign for each street frontage shall be allowed in accordance with Section 29-4.9(f)(2).

(4) Construction Signs⁸⁵³

One (1) on-premises unilluminated construction sign, a wall or freestanding sign, which may indicate the names of architects, engineers, builders, contractors, owners and financial institutions shall be allowed at the site of construction, provided such signs shall be erected only after the issuance of a City building permit and removed upon issuance of a certificate of occupancy by the City. The maximum height shall be eight (8) feet and the maximum size shall be sixty-four (64) square feet.

(5) Hotel Signs⁸⁵⁴

Motels and hotels shall be allowed the following signs:

(i) Wall Signs

Motels and hotels shall be allowed on-premises wall, canopy and awning signs on each wall facing a street, with the sign surface area not to exceed the maximum surface area allowed under Section 29-4.9(f)(2).

(ii) Projecting Sign

Except in the central business district, one on-premises projecting sign not to exceed eight (8) feet in projection from the building wall shall be allowed on each wall facing a street. In the case of a one-story building, such signs may extend ten (10) feet above the roof line or parapet of the building. In all other cases such signs shall not extend above the roof line or parapet of the building.

(iii) Freestanding Signs

One on-premise freestanding sign in accordance with Section 29-4.9(f) (except that only one shall be allowed).

(iv) Supplemental Signs

Supplemental signs, not to exceed three (3) for each street frontage, may be used to advertise additional facilities and services (restaurant, bar, night club, etc.) available at the motel or hotel. Such supplemental signs shall be wall signs and shall have a maximum sign surface area of one hundred (100) square feet per street frontage.

⁸⁵² Current Sec. 23-17.

⁸⁵³ Current Sec. 23-20.

⁸⁵⁴ Current Sec. 23-26.

(v) Marquee Signs

Hotels with an entrance marquee shall be permitted one (1) marquee sign with a maximum sign surface area not to exceed two (2) square feet per linear foot of frontage for the marquee.

(6) Light Vehicle Service and Repair Signs⁸⁵⁵

Light vehicle service and repair establishments shall be allowed a total of three (3) of the following four (4) signs:

- (i) One freestanding sign, indicating the name, emblem or symbol of the company, in accordance with Section 29-4.9(f)(1).
- (ii) One on-premises freestanding sign, indicating services available, in accordance with Section 29-4.9(f)(1).
- (iii) On-premises wall, canopy and awning signs not exceeding the maximum surface area allowed under Section 29-4.9(f)(2).
- (iv) One on-premises roof sign not exceeding two (2) square feet in sign surface area per linear foot of building frontage. No roof sign shall extend beyond the highest point of the roof upon which it is located.

(7) Noncommercial Signs⁸⁵⁶

Except as otherwise allowed or restricted in this Section 29-4.9, noncommercial signs are subject to the following restrictions:

- (i) They shall be ground or wall signs, except when placed in a location where other types of signs are allowed.
- (ii) They shall not exceed sixteen (16) square feet in sign surface area per premises; provided that any noncommercial sign may have a sign surface area as large as that of any allowable sign in the same location.
- (iii) They shall not exceed a maximum height of ten (10) feet; provided that any noncommercial sign may be as high as any allowable sign in the same location.
- (iv) The area and height limitations of this Section 29-4.9(e)(7) shall not apply to any noncommercial message placed on a structure that has existed as a nonconforming billboard.
- (v) Any structure that may be lawfully used for an on-premises commercial sign may be used for a noncommercial sign.
- (vi) The restrictions of this subsection (7) shall not apply to banners on the campus of any college, university or hospital.⁸⁵⁷

⁸⁵⁵ Current Sec. 23-23. Name revised from Automobile Service Station to match Permitted Use Table.

⁸⁵⁶ Current Sec. 23-18.

⁸⁵⁷ Revised to delete banner dimensional standards since banners are addressed in a subsection (e)(1) above and the two sets of regulations may be inconsistent.

(8) Parking Lot Signs⁸⁵⁸

On-premises wall or freestanding signs designating the conditions of use or identity of an automobile parking area and not less than eighteen (18) inches by twenty-four (24) inches in dimension, nor greater than thirty-two (32) square feet in sign surface area, shall be allowed. Freestanding signs shall not be more than eight (8) feet in height, and shall be set back a minimum of ten (10) feet from the property line.

(9) Automatic Teller Machine (ATM) Signs⁸⁵⁹

(i) Directional Signs

One (1) on-premises sign, not exceeding eight (8) square feet in sign surface area, and not exceeding three (3) feet in height as measured from the grade immediately below the sign, shall be allowed at each automotive entrance and exit to the ATM.

(ii) Stand-alone Signs

A stand-alone automatic teller machine shall be allowed a total of seventy-five (75) square feet of wall or canopy sign surface area. The sign surface area shall be determined as the area of the basic geometric shape that encloses the message. Sign area for an automated teller machine located within the footprint of an occupied building shall be considered as part of the permitted wall sign surface area for the occupied building.

(10) Theater Signs⁸⁶⁰

Notwithstanding any other provisions of this Section 29-4.9, theaters and drive-in theaters shall be allowed any two (2) of the following five (5) types of signs:

- (i) One marquee sign not to exceed two (2) square feet for every linear foot of building frontage.
- (ii) One wall sign not to exceed the maximum surface area allowed under Section 29-4.9(f)(2).
- (iii) One freestanding sign with a maximum of two hundred eighty-eight (288) square feet in area and thirty (30) feet in height. However, no sign shall be greater in area than thirty-two (32) square feet for each screen in the theater, plus thirty-two (32) square feet.
- (iv) Each establishment of one or two (2) stories may be allowed one on-premises roof sign for each wall facing a street. The maximum sign surface area shall be determined at the rate of two (2) square feet per linear foot of building frontage. No roof signs shall exceed the highest point of the roofs upon which they are located.
- (v) One awning sign not to exceed the maximum surface area allowed under Section 29-4.9(f)(2).

⁸⁵⁸ Current Sec. 23-21.

⁸⁵⁹ Combines current sections 23-22(c)(regarding directional signs) and 23-24.1(regarding stand-alone signs).

⁸⁶⁰ Current Sec. 23-24.

(11) Temporary Signs⁸⁶¹

Temporary signs may be allowed subject to the following conditions:

- (i) A permit in accordance with Section 29-5.4(h) shall be required.
- (ii) Such signs shall not exceed thirty-two (32) square feet in size or four (4) feet in height.
- (iii) The sign setback requirements of this chapter shall apply.
- (iv) No person shall be allowed to display a temporary sign or signs on a parcel of land for more than fourteen (14) days in a calendar year.

(12) Time and Temperature Signs⁸⁶²

Time and temperature signs with a maximum sign surface area of thirty (30) square feet may be placed in any commercial or industrially zoned district, subject to all other restrictions on signs in the commercial or industrially zoned district in which they are placed.

(f) Area, Height and Placement Standards⁸⁶³

(1) Freestanding Signs

- (i) Freestanding signs shall be regulated by the standards in Table 4.9-8 as modified by the provisions of subsections (ii) or (iii), below, and by other regulation of this subsection (f).

⁸⁶¹ Current Sec. 24-8.6.

⁸⁶² Current Sec. 23-27.

⁸⁶³ Current Sec. 23-25.

Table 4.9-8: Free Standing Sign Regulations					
Street Class	R-1, R-2, and A-1	R-MF and R-MH	M-OF	M-N, M-C, M-BP	I-G
Local residential	For buildings originally designed and constructed for residential occupancy; only 1 sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument sign.	For buildings originally designed and constructed for residential occupancy; only 1 sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument sign.	32 sq. ft. max. area, 6 ft. max. ht.	32 sq. ft. max. area, 6 ft. max. ht.	32 sq. ft. max. area, 6 ft. max. ht.
Collector or local nonresidential	For buildings originally designed and constructed for residential occupancy; only one sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument or pylon sign	For buildings originally designed and constructed for residential occupancy; only one sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument or pylon sign	48 sq. ft. max. area, 10 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht.
Arterial	32 sq. ft. max. area, 6 ft. max. ht. (Must be a monument or pylon sign)	32 sq. ft. max. area, 6 ft. max. ht. (Must be a monument or pylon sign)	64 sq. ft. max. area, 12 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./128 max. and 1 ft. ht. to 30 ft. max.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./128 max. and 1 ft. ht. to 30 ft. max.
Expressway	32 sq. ft. max. area, 6 ft. max. ht.	32 sq. ft. max. area, 6 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./128 max. and 1 ft. ht. to 30 ft. max.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./128 max. and 1 ft. ht. to 30 ft. max.
Interstate freeway	32 sq. ft. max. area, 6 ft. max. ht.	128 sq. ft. max. area, 12 ft. max. ht.	128 sq. ft. max area, 30 ft. max. ht.	128 sq. ft. max. area, 30 ft. max. ht., for each 2.00 ft. setback, add 10.65 sq. ft./288 max. and 1 ft. ht. to 45 ft. max.	128 sq. ft. max. area, 30 ft. max. ht., for each 2.00 ft. setback, add 10.65 sq. ft./288 max. and 1 ft. ht. to 45 ft. max.

- (ii) Notwithstanding the existing street classifications, the area, height and placement of freestanding signs on property adjacent to the following arterial streets, because of their proximity to existing or planned residential neighborhoods and environmentally sensitive areas, shall be regulated by the collector street provisions of the Table 4.9-8.
- a. Stadium Boulevard (State Rt. E) north of Interstate 70
 - b. Creasy Springs Road
 - c. Paris Road south of Business Loop 70
 - d. Waco Road
 - e. Mexico Gravel Road/Brown Station Road
 - f. Ballenger Lane
 - g. Clark Lane, east of Olympic Boulevard
 - h. Broadway, east of Tenth Street and west of Sixth Street
 - i. New Haven Road
 - j. Old 63
 - k. College Avenue
 - l. Rangeline Street from Rogers Street to Business Loop 70
 - m. Providence Road between Stewart Road and Stadium Boulevard; and, north of Bear Creek
 - n. Nifong Boulevard, west of Monterey Drive and east of Buttonwood Drive
 - o. Forum Boulevard
 - p. West Boulevard
 - q. Scott Boulevard
 - r. Chapel Hill Road
 - s. Sinclair Street
 - t. Old Plank Road.
 - u. Vandiver Driver, east of Parker Street
- (iii) The area, height and placement of freestanding signs on property adjacent to the following collector and local, non-residential streets, because they serve established business areas or are near an interstate or expressway, shall be regulated by the arterial street provisions of the Table 4.9-8:
- a. I-70 Drive Northwest from Stadium Boulevard to Garden Drive
 - b. I-70 Drive Southwest
 - c. I-70 Drive Southeast
 - d. West Worley Street from eight hundred (800) ft. east of Bernadette Drive to one thousand five hundred (1,500) ft. west of Stadium Boulevard

- e. West Ash Street from eight hundred (800) ft. east of Bernadette Drive to one thousand five hundred (1,500) ft. west of Stadium Boulevard
 - f. Bernadette Drive from Stadium Boulevard to West Worley Street
 - g. Fairview Road between Bernadette Drive and Bernadette Place
 - h. Bernadette Place
 - i. Knipp Street
 - j. Hutchens Drive
 - k. Beverly Drive
 - l. Green Meadows Road from Providence Outer Roadway to one hundred fifty (150) feet west of Green Meadows Way
 - m. Parkade Boulevard from Business Loop 70 to Interstate 70
 - n. Garth Avenue from Business Loop 70 to Interstate 70
 - o. Indiana Avenue
 - p. Grand Avenue from Business Loop 70 to Dakota Avenue
 - q. Colorado Avenue
 - r. Dakota Avenue
 - s. Illinois Avenue
 - t. Nebraska Avenue
 - u. 7th Street from Business Loop 70 to Interstate 70
 - v. Commerce Court
 - w. Hathman Place
 - x. Bowling Street, south of Business Loop 70
 - y. Belmont Street
 - z. Peach Tree Drive
- (iv) The interstate and freeway category in table 4.9-8 shall apply only to property within one hundred (100) feet of the right-of-way of Interstate 70 and U.S. 63 and property, either in whole or in part, within one thousand (1,000) feet of the mid-point of the intersections with Interstate 70 and U.S. 63.
- (v) Street classifications are defined by the Major Thoroughfare Plan of the City of Columbia and the Subdivision Regulations of the City of Columbia.
- (vi) Freestanding signs located on interior lots shall be set back from each side lot line a distance equal to twenty-five (25) percent of the lot width. On corner lots, the side setback shall be equal to twenty-five (25) percent of the lot width and applied only to the side lot line not adjacent to a street right-of-way.
- (vii) Freestanding signs shall, at a minimum, be set back ten (10) feet from the right-of-way line, except that freestanding signs located on through lots shall be set back from the

right-of-way lines no more than one-half (½) the lot depth. Freestanding signs located on corner lots abutting three (3) or more street rights-of-way shall be set back from the front and rear lot lines no more than one-half (½) the lot depth.

- (viii) Where increased sign area and height are allowed by reason of increased setback, the setback shall be measured from the point of minimum setback.
- (ix) In any PD zoning district that allows non-residential uses,⁸⁶⁴ freestanding sign area, height, placement and number shall be subject to review and approval of development plans or final development plans. Specific regulations shall be recommended to and approved by the Council as part of a development plan or final development plan, or in the case of minor revisions, by the Commission or the Director Changes to specific sign regulations within a development plan shall only be approved through compliance with zoning ordinance procedures for review and approval of development plans and final development plans and changes to them.
- (x) Within M-DT, signage shall be regulated by the provisions of Section 29-4.9(d)(3).
- (xi) Freestanding sign regulations for R-1, R-2, R-MF and R-MH zoning districts found in Table 4.9-8 shall only be applicable to signs for identification of manufactured home parks and subdivisions or neighborhood areas regulated under Section 29-4.10(d)(1). Any non-residential uses allowed in the A, R-1, R-2, and R-MF districts shall be allowed freestanding signage in accordance with Table 4.9-8.

(2) On-premises Wall, Canopy and Awning Signs⁸⁶⁵

- (i) On-premises wall, canopy and awning signs shall be regulated by the following Table 4.9-9 of sign regulations in accordance with the more detailed regulations of this section:

Street Class	R-1, R-2, and A-1	R-MF and R-MH	M-OF	M-N, M-C, M-DT, M-BP	I-G
Local Residential	32 sq. ft. max area	32 sq. ft. max area	32 sq. ft. max area	32 sq. ft. max area	32 sq. ft. max area
Collector or Local Non-Residential	32 sq. ft. max area	32 sq. ft. max area	48 sq. ft. max area	64 sq. ft. max area; except that if the business does not have a freestanding sign, for each 1.25 feet of setback, add 3.55 sq. ft. to a 128 sq. ft. max	64 sq. ft. max area; for each 1.25 setback add 3.55 sq. ft. to a 128 sq. ft. max area
Arterial	32 sq. ft. max area	32 sq. ft. max area	64 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 192 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 192 sq. ft. max area
Expressway	32 sq. ft. max area	32 sq. ft. max area	64 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 256 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 256 sq. ft. max area
Interstate Freeway	32 sq. ft. max area	128 sq. ft. max area	128 sq. ft. max area	128 sq. ft. max area; for each 2.00 ft. setback, add 10.65 sq. ft./ 288 max	128 sq. ft. max area; for each 2.00 ft. setback, add 10.65 sq. ft./ 288 max

⁸⁶⁴ Replaces “planned office, planned commercial, and planned industrial.”
⁸⁶⁵ Current Sec. 23-25.1.

- (ii) Arterial streets listed in Section 29-4.9(f)(1) shall be regulated by the collector street provisions of Table 4.9-9.
- (iii) Collector and local, non-residential streets listed in Section 29-4.9(f)(1) shall be regulated by the arterial street provisions of Table 4.9-9.
- (iv) The interstate and freeway category in Table 4.9-9 shall apply only to property within one hundred (100) feet of the right-of-way of Interstate 70 and U.S. 63 and property, either in whole or in part, within one thousand (1,000) feet of the midpoint of the intersections with Interstate 70 and U.S. 63.
- (v) Street classifications are defined by the Major Thoroughfare Plan of the City of Columbia and the Subdivision Regulations of the City of Columbia.
- (vi) Where increased sign area is allowed by reason of increased setback, the setback shall be measured from a point thirty-five (35) feet from the curb or, if there is no curb, then thirty-five (35) feet from the edge of the pavement.
- (vii) The surface area of any wall sign shall not exceed fifteen (15) percent of the area of the wall or twenty (20) percent of the area of the wall if the business does not have a freestanding sign.
- (viii) In any PD zoning district that allows nonresidential uses,⁸⁶⁶ on-premises wall, canopy and awning sign surface area shall be subject to review and approval of development plans or final development plans. Specific regulations shall be recommended to and approved by the Council as part of a development plan or final development plan, or in the case of minor revisions, by the Commission or Director. Changes to specific sign regulations within a development plan shall only be approved through compliance with zoning ordinance procedures for review and approval of development plans and final development plans and changes to them.
- (ix) When an establishment has frontage on more than one street, the sign surface area for wall, canopy and awning signs shall be determined separately for each street.

29-4.10 Operation and Maintenance Standards⁸⁶⁷

(a) Maintenance Requirement

(1) General⁸⁶⁸

When the standards and procedures of this Code or by conditions attached to any permit, approval, or variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those building or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they become diseased or die after installation. In addition, property owners

⁸⁶⁶ Replaces “planned office, planned commercial, and planned industrial.”

⁸⁶⁷ New section, per the Detailed Outline, that consolidates the maintenance and operating provisions relative to the building and site features to be built in accordance with these Form and Development Controls.

⁸⁶⁸ New general provision.

shall be responsible for each of the additional maintenance, replacement, and operating standards set forth in this Section 29-4.10.

(2) Landscape Maintenance⁸⁶⁹

- (i) The trees, shrubs, fences, walls and other landscaping materials depicted on approved plans shall be considered as elements of the project in the same manner as parking, building materials and other elements. The property owner and any agents who are authorized to maintain the property shall be responsible for the continued maintenance of those items. Plant material that exhibits evidence of insect pest disease or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season. All landscaping will be subject to periodic inspection by the City to ensure compliance.
- (ii) Any trees required to be installed by this Ordinance that are lost to damage or disease within two (2) years after installation, shall be replaced by the property owner within six (6) months at a ratio of one (1) tree per one (1) inch of DBH lost. Replacement trees must be at least two (2) inch in caliper size. Shrubbery or other plantings that die within eighteen (18) months of installation shall be replaced in kind within six (6) months.

(3) Parking Area Maintenance⁸⁷⁰

All surface parking areas and parking structures shall be maintained in clean and neat condition. Potholes, surface damage, and other hazardous conditions shall be promptly repaired, and litter and debris shall be removed on a regular basis.

(4) Sign Maintenance⁸⁷¹

- (i) Any private sign that has become damaged, dilapidated, or dangerous shall be immediately, or within the time frame mandated by the Director, repaired or removed. If the paint on any sign has checked, peeled, or flaked to the extent that the sign cannot be read in whole or in part, the sign shall be repainted or removed. Signs that contain messages that have become obsolete because of the termination of the use or business or product advertised, or for some other reason, shall have such message removed within sixty (60) days of its becoming obsolete.⁸⁷²
- (ii) If maintenance to meet the standards in subsections (i) is neglected, the City shall notify the sign owner in writing of the type of maintenance required. If the maintenance is not provided within sixty (60) days, the City may revoke the permit and, confiscate the sign face, or take any other action authorized by Section 29-5.6 (Violations, Enforcement, and Penalties).

⁸⁶⁹ Current Sec. 29-25(g)(3) and 12A-49(f). Second paragraph added since first draft.

⁸⁷⁰ New section.

⁸⁷¹ New section.

⁸⁷² This new provision differs from Section 29-4.10(c)(5) above (requiring removal of a freestanding sign within 6 months after the business or uses advertised on the sign have been discontinued) because it relates to message removal (w/in 60 days), not sign removal.

(b) Operating Standards

All structures, uses, and activities in all zone districts shall be used or occupied so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable state or federal statutes or this Code are presumed to be a violation of this Section 29-4.10(b). Property owner responsibilities under this section shall include, but shall not be limited to, the following standards:

(1) Glare

Direct or reflected glare, including glare from exterior lighting, shall not be visible at the property line.

(2) Noise

All activities shall comply with state statutes and be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sounds inward from properties, rather than outward towards property boundaries. Amplified sounds shall not be allowed to cross property lines unless a temporary use permit has been issued for that purpose in connection with a special event.

(3) Odors

All activities shall comply with state statutes and regulations. No operation shall cause or allow the emission of any odorous air contaminant that is a nuisance, hazard or exceeds applicable federal or state regulations. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a development or building permit.

(4) Smoke

All activities shall comply with state statutes and regulations. No operation shall discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit established by such conference or by any state or federal law or regulation. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

(5) Vibration

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

(6) Hazardous Materials

All uses and activities shall comply with state statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

(7) Materials and Waste Handling

All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Code. Lubrication and fuel substances shall be prevented from leaking and/or draining onto the ground. All sewage and industrial wastes shall be treated and disposed of in compliance with the water quality standards applicable of the state and federal government.

(8) Electromagnetic Radiation

No use or activity shall create or operate an intentional source of electromagnetic radiation that does not comply with the then current regulations of the Federal Communications Commission regarding that type of electromagnetic radiation source. In case of governmental communications facilities, governmental agencies, and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

(9) Nuclear Radiation

No use or activity shall cause radiation at any property line that violates any regulation of the United States Nuclear Regulatory Commission.

(10) Nuisance Prohibited

All structures and land uses within the City shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances, as defined in state law.

Chapter 29-5 Procedures and Enforcement

29-5.1 Reviewers and Decision-Making Bodies

This section of the Ordinance identifies officers and bodies authorized to review, recommend, or make decisions regarding required applications, permits, and approvals under this Ordinance. Any reference to an officer or body includes any agents, employees, subordinates, or others to which the named individual or body has lawfully delegated power to take the action.⁸⁷⁴

(a) City Council⁸⁷⁵

The City Council is the governing body of the City. In connection with this Unified Development Ordinance, the Council’s responsibilities include approving amendments to the City’s adopted comprehensive plan, approving amendments to the text of this Ordinance, and approving amendments to the Official Zoning Map, appointing the members of the Commission and Board, and performing any additional duties set forth in this Code.⁸⁷⁶

(b) Planning and Zoning Commission (P&Z)

(1) Continued Existence, Membership, and Qualifications, Attendance⁸⁷⁷

Comment [PRZ317]: Add per Law (9/16)

- (i) The City planning and zoning commission (“Commission”) established prior to the effective date of this Ordinance shall continue in existence.
- (ii) The Commission shall consist of nine (9) members appointed by the Council for staggered terms of four (4) years. All members shall be appointed as provided for in this Ordinance for terms beginning on the first day of June.⁸⁷⁸ Six (6) members of the commission shall constitute a quorum for the transaction of business.
- (iii) The members of the Commission shall be qualified voters, residents of the City at least one year immediately prior to the date of their appointment, and shall hold no other office or position in the City administration. Appointments to fill vacancies shall be for unexpired terms only. All members shall serve without pay.⁸⁷⁹
- (iv) The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from three (3) regular meetings in any twelve-month period shall automatically forfeit their office. Furthermore, any member who has a combination of five (5) or more excused or

Comment [PRZ318]: Provision from Section 20-39 of City Code added per Law. (9/16)

⁸⁷⁴ New section.
⁸⁷⁵ New section.
⁸⁷⁶ Reference to additional duties added since Module 2.
⁸⁷⁷ From current Secs. 20-36 and 20-37. Provisions stating that the City Manager will appoint a City department director as an advisor to the Commission are not necessary and were not carried over. ~~Section 20-38 (Attendance; Forfeiture of Office) and 20-39 (Officers; Organization; Rules and Regulations; Quorum) were not carried over, as those should be in an administrative manual that can be amended without Council approval.~~
⁸⁷⁸ Specifics of staggered term dates deleted since Module 2.
⁸⁷⁹ Reference to service for 1 month after term if no replacement appointed was deleted since Module 2.

unexcused absences from regular meetings within any twelve-month period shall automatically forfeit their office. It shall be the duty of the chair to promptly notify the council of the vacancy.

Comment [PRZ319]: Sec 20-38 of City Code.
Added per Law. (9/16)

(2) Powers and Duties⁸⁸⁰

The Commission shall:

- (i) Prepare and submit to the Council for its adoption a comprehensive plan for the physical development of the City and uses of land in the City. The plan may include the general location and character of residential, commercial, mixed use, industrial and other areas, the general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds, and spaces, together with the general location of public buildings and other public property, public utilities, and the extent and location of any public housing or slum clearance projects.⁸⁸¹
- (ii) Make recommendations in connection with the execution and detailed interpretation of the comprehensive plan.
- (iii) Act as a zoning commission, in accordance with the provisions of present or future state zoning enabling acts.
- (iv) Prepare and recommend to the Council rules controlling the subdivision of land.
- (v) Make recommendations regarding the approval or disapproval of plats for land subdivision. All such plats shall be referred to the Commission before the Council takes any action. Failure of the Commission to act within sixty (60) days shall be deemed a recommendation for approval.⁸⁸²
- (vi) Recommend to the Council such amendments or revisions to this Ordinance as the Commission shall deem necessary or desirable for the promotion of the health, safety, morals and general welfare of the inhabitants of the City. Such provisions may include regulations as to the location, width, height, and bulk of buildings; the size of yards, courts, and other open spaces surrounding buildings; and the use of buildings and land. The Commission shall hear applications for amendments, modifications or revisions of this Ordinance and shall forward such applications to the Council with its recommendations on the application. The recommendations of the Commission shall not be binding upon the Council, which may approve or disapprove the Commission's findings; however, no plan or ordinance related to zoning, nor any modification, amendment or revision of such a plan or ordinance, shall be finally considered by the Council unless it has been first submitted to the Commission for its examination and recommendation.
- (vii) Recommend from time to time any other legislation which may be desirable to further the purposes of City planning.
- (viii) Make such reports to the Council as it may deem proper or as required by the Council.

⁸⁸⁰ From Secs. 20-41 through 20-43.

⁸⁸¹ Revised to include reference to mixed use development.

⁸⁸² Wording revised since Module 2 to clarify that Commission's action is a recommendation, not decision.

Columbia Development Code Public Hearing Draft 29-5.1: Reviewers and Decision-Making Bodies
(c): Board of Adjustment (BOA) (1): Continued Existence, Membership, and Qualifications

- (ix) Assume any other powers and perform any other duties as are provided for by the Charter of the City or by Council action.⁸⁸³
- (x) Adopt rules for the conduct of its business that are consistent with the purposes of the Commission and the requirements of this Ordinance, which shall be approved by Council ordinance.⁸⁸⁴

(c) Board of Adjustment (BOA)⁸⁸⁵

(1) Continued Existence, Membership, and Qualifications⁸⁸⁶

- (i) The City Board of Adjustment (“Board”) established prior to the effective date of this Ordinance shall continue in existence.
- (ii) The Board shall consist of five (5) members who shall be residents of the City. The terms of office of the members of the Board shall be for five (5) years, except that the five (5) members first appointed shall serve respectively for terms of one (1), two (2), three (3), four (4), and five (5) years. Thereafter all members shall be appointed by the Council for terms of five (5) years each. No member shall serve more than two (2) consecutive full terms. The presence of four (4) members shall be necessary to constitute a quorum.
- (iii) Three (3) alternate members, who shall be residents of the City, shall be appointed by the Council to serve in the absence of, or disqualification of, the regular members. The first three (3) alternates appointed shall serve for terms of three (3), four (4), and five (5) years, respectively. Thereafter, all alternates shall be appointed for five-year terms.
- (iv) The vacancy of any member or alternate member shall be filled by appointment of the Council for the unexpired term only.

Comment [PRZ320]: Partial provision of Sec 29-31(g)(2). Added per Law. (9/16)

All members and alternates may be removed for cause by the Council, upon written charges after public hearing.

(2) Powers and Duties⁸⁸⁷

The Board shall have the following authority and duties:

(i) Appeals

To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Ordinance, as described in Section 29-5.3(f).

⁸⁸³ Revised to clarify wording and add Council action.

⁸⁸⁴ New provision.

⁸⁸⁵ From Sec. 29-31, with changes as noted.

⁸⁸⁶ Reference election of a chair for a 1 year term, and to the vote needed to decide an appeal, were not carried over, as those provisions should be in an administrative document that can be amended without Council approval.

⁸⁸⁷ From Sec. 29-31, with changes as noted. The power to determine the classification of uses was not carried over because that power is now granted to the Director under Sec. 29-3.1. Board power to grant temporary permits for commercial use in a residential development was deleted as obsolete.

(ii) Variances

To hear and decide applications for variances from the terms or conditions of this Ordinance under Section 29-5.4(d)(Variances).⁸⁸⁸

(iii) Other Powers

a. Assume any other powers and perform any other duties as are provided for by the Charter of the City, Council action, or state law.⁸⁸⁹

b. The board shall adopt rules for the conduct of its business that are consistent with the purposes of the Board and the requirements of this Ordinance, which shall be approved by Council ordinance.⁸⁹⁰

Comment [PRZ321]: Sec. 29-31(g)(2) amended. Included updated provision that Council must approve rules. (9/16)

(3) Meetings and Voting

Comment [PRZ322]: New heading. Text of Sec. 29-31(g)(2) reformatted. Added per Law (9/16)

(i) Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(ii) All meetings of the board shall be open to the public.

(iii) The board shall keep minutes of the proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(iv) All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the board for that purpose and who shall receive reasonable compensation for such from the city. The reporter shall furnish to any person or persons a transcript of all or part of such proceedings upon payment to him of a fee equal to that set forth in section 492.590(2), Revised Statutes of Missouri.

(v) The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter before the board.

Comment [PRZ323]: Sec 29-31(g)(8). Added per Law. (9/16)

(d) Historic Preservation Commission⁸⁹¹

The membership, terms, powers, and duties of the Historic Preservation Commission are listed in Section 29-2.3(c)(2) as part of the Historic Preservation Overlay District.

⁸⁸⁸ Text in Sec. 29-31(g)(6)(c) listing standards for “appeals due to practical difficulties or unnecessary hardship” relate to Variances, and were moved to Sec. 29-5.4(d).

⁸⁸⁹ Revised to clarify wording and add Council action. Wording clarified.

⁸⁹⁰ New provision.

⁸⁹¹ Sec. 29-21.4.

(e) Community Development Department⁸⁹²

(1) Continued Existence and Purpose⁸⁹³

- (i) The Community Development Department (“Department”) established prior to the effective date of this Ordinance shall continue in existence.
- (ii) The purpose of the Department is to plan for the present and future development and improvement of the City in all phases of its activities. Such activities shall include, but not be limited to, traffic, transportation, playgrounds, parks, public buildings, housing, public monuments, works of art, public streets, public utilities, parking, and parking facilities.

(2) Powers and Duties of Department⁸⁹⁴

The Department shall have the following authority and duties:

- (i) Advise the City Manager and the Council with respect to the planning affairs of the City, and shall furnish to the City Manager and Council at any time upon request, such information and particulars concerning planning as may be desired.
- (ii) Act upon all matters referred to it by the City Manager or the Council; and shall, if required or deemed necessary, report on those matters to the City Manager or the Council.
- (iii) Be the advisor and consultant to the Commission, and shall prepare and furnish to the Commission such reports, studies, plans, surveys or other data as may be necessary in aiding and assisting the Commission in the discharge of its duties.
- (iv) Assume any other powers and perform any other duties as are provided for by the Charter of the City or by Council action.⁸⁹⁵

⁸⁹² Chapter 20, Article 2, with changes as noted.

⁸⁹³ Current Sec. 20-21.

⁸⁹⁴ Integrates provisions of Sec. 20-21 and 20-35. Separate provisions on duties of the Director were not carried over, as this should be an administrative decision of the City Manager.

⁸⁹⁵ Revised to clarify wording and add Council action.

29-5.2 Regulatory Procedures Table

Table 5.2-1: Approval Procedures Table						
H = Public Hearing D = Decision R = Recommendation A = Decision on Appeal						
DCD = Department of Community Development DPW = Department of Public Works						
Where an Appeal body is not shown, appeal is to the courts						
Procedure	Section 29-	Department	Board of Adjustment	Planning & Zoning Commission	Historic Preservation Commission	City Council
Zoning Compliance	5.4(a)	D-DCD	A			
Building Permit	5.4(b)	D-DCD	A			
Certificate of Occupancy	5.4(c)	D-DCD	A			
Variance [1]	5.4(d)		D			
Adjustment of Form-based Standards	5.4(e)					
	Minor	D-DCD	A			
	Major		D			
Sign Permit	5.4(f)	D-DCD	A			
Sign Plan Approval	5.4(g)		D			
Temporary Parking Permit	5.4(h)	D-DCD	A			
Floodplain Development Permit	5.4(i)	D-DCD	A			
Optional Development Standards Approval	5.4(j)		D			
Certificate of Appropriateness	5.4(k)		A		D	
Landmark and Historic District Designation	5.4(l)			R	R	D
Conditional Use Permit ⁸⁹⁶	5.4(m)			R		D ⁸⁹⁷
Subdivision of Land	5.4(n)					
	Tract Split	D-DCD				
	Administrative Plat Review	D-DCD				
	Minor Subdivision - Concept	R				
	Minor Subdivision - Final			R		D
	Major Subdivision - Concept	R				
	Major Subdivision - Preliminary			R		D
	Major Subdivision - Final			R		D
Ordinance Text or Map Amendment	5.4(o)					
	Concept Review	R				
	Zoning Text or Map Amendment			R		D
Comprehensive Plan Amendment	5.40			R		D

[1] Exceptions: Decisions on variances from Subdivision Regulations are decided by the Commission; variances from the HP-O are decided by the Historic Preservation Commission; variances from some stream buffer standards are decided by the Director of Public Works.

⁸⁹⁶ Revised from a Board decision at recommendation of City Counsel.

⁸⁹⁷ Corrected since Module 3 to clarify that City Council, not HRC, makes these decisions.

29-5.3 Standard Regulatory Procedures

All applications under this Ordinance are subject to the procedural requirements in this Section 29-5.3 unless exempted by the terms of this Ordinance.

(a) Application - Materials and Fees Required

(1) Unless otherwise indicated by a specific provision of this Ordinance, the applicant for a permit or approval under this Ordinance must be the owner of the property that is the subject of the application or a duly authorized agent of that owner. Applicants who are purchasers of the subject property under a contract must provide proof that the applicant is an authorized agent of the owner of the subject property for purposes of the application.⁸⁹⁸

(2) Unless otherwise indicated by a specific provision of this Ordinance or another City ordinance or regulation, all applications for permits and approvals under this Ordinance shall be submitted to the Community Development Department.

(3) All applicants for a permit or approval under this Ordinance shall be required to file an application containing all information required for that type of application by the Department, as those requirements may be revised from time.

(4) All applicants for a permit, approval, or appeal under this Ordinance shall be required to file an application fee as established by resolution of Council from time to time.⁸⁹⁹

Comment [PRZ324]: Changed from City Clerk. This will mean BOA applications for variances and CUPs will be submitted to the Community Development Department. (5/16)

Comment [PRZ325]: "Development" permit was not defined. Revised for clarity. (5/16)

Comment [PRZ326]: "Development" removed for consistency. (5/16)

Comment [PRZ327]: Provisions regarding fee amounts removed since they are governed by caselaw under Hancock amendment; limitations not solely limited to these factors previously listed. (5/16)

(b) Complete Application Required

No application for a permit, approval, or appeal under this Ordinance shall be reviewed by City staff, or scheduled for a public hearing before the Board or Commission or the Historic Preservation Commission, and no permit or approval under this Ordinance shall be issued, until the Department has confirmed that required application materials are complete and required fees have been paid. The burden of providing complete and accurate information required by the Department for that type of application shall be on the applicant.

(c) Notice of Public Hearing⁹⁰⁰

(1) General

(i) When this Ordinance requires that the Board, Commission, or Historic Preservation Commission to hold a public hearing prior to making a recommendation or decision, the following types of public notice shall be provided.

⁸⁹⁸ Replaces Sec. 29-36, which states specific generic requirements. Because of changes in electronic submission and review procedures and requirements, these should be maintained outside the code so they can be easily updated as technology and available information evolves. Second sentence is new.

⁸⁹⁹ Replaces Sec. 12A-36, which establishes a specific fee for land disturbance permits. The Stormwater Utility Fees in Chapter 12A, Article VIII will remain in that chapter.

⁹⁰⁰ From Sec. 29-34(a)(4), with changes as noted.

- (ii) The provisions of this subsection (c) shall be considered met if the City or the applicant has attempted to comply with the standards and has achieved substantial compliance and the requirements of due process have been satisfied, as determined in the sole discretion of the City. Unintentional mistakes in notice due to inaccurate records or failures of notification systems shall not require the delay or cancellation of a public hearing if substantial compliance and due process have been achieved.⁹⁰¹
- (iii) The City may decide to provide additional notice beyond that required by this Ordinance, and no mistake or omission in providing any additional notice will require the delay or cancellation of a public hearing.⁹⁰²
- (iv) When the application that is the subject of the public hearing involves one or more specific lots, tracts, parcels, or areas of land (as opposed to an Ordinance text amendment that affects all land in the City or in specific base or overlay zone districts, or affects all development of a certain type), the required notice shall contain an address or description of the general location of the real property to be affected, and a map of the real property to be affected and the surrounding area.⁹⁰³
- (v) Where the required notice will require publication or mailing expenses, those expenses shall be paid by the applicant before the public hearing may be held.⁹⁰⁴
- (vi) Unless otherwise indicated by a specific provision of this Ordinance or another City ordinance or regulation, all required notices under this Ordinance shall be the responsibility of the Community Development Department.⁹⁰⁵

(2) Published Notice⁹⁰⁶

- (i) If the application is for an Ordinance Text or Zoning Map amendment, a conditional use permit, variance, an appeal or other request for relief or action from the Board or Commission, or for any action authorized in this Ordinance for which public notice is required under applicable law, the Board, Commission Director shall cause a notice of the date, time, and location of the public hearing to be published in a newspaper of general circulation within the City at least fifteen (15) days before the public hearing. The public notice shall include the current and proposed zoning district and the telephone number of the Department, and all other information required under applicable law.⁹⁰⁷

(3) Posted Notice⁹⁰⁸

- (i) If the application is for a Zoning Map amendment, a conditional use permit, or an appeal, variance, or other request for relief or action from the Board or Commission,⁹⁰⁹ the

Comment [PRZ328]: Removed City Clerk for consistency. Community Development will handle all required notices.(5/16)

Comment [PRZ329]: Text of section revised to expand list of possible case-types needing published notice and to clarify what body such actions may be related to. (5/16)

⁹⁰¹ Wording revised to clarify that substantial compliance and due process must be satisfied, as determined by the City in its sole discretion.

⁹⁰² New provision.

⁹⁰³ Text from Sec. 29-34(d) reworded for clarity.

⁹⁰⁴ Requirement from O-P, C-P, and M-P now applies to all notices.

⁹⁰⁵ New provision to clarify current practice.

⁹⁰⁶ From Sec. 29-34(a)(4) and Chapter 20 (Street and Building Plans) revised for clarity and to add detail about the content of the notice.

⁹⁰⁷ Reordered and revised to increase the list of actions for notice is required, and to match current practice.

⁹⁰⁸ From Secs. 29-21.4(h)(2) and (j)(2) and 29-34(a)(4), reworded for clarity.

Director may, as a courtesy, place conspicuous notification signs facing each street abutting the property that is the subject of the application. The failure of the Director to place notification signs shall not affect the validity of any action taken on the aforementioned items.⁹¹⁰

- (ii) When the application is for a Certificate of Appropriateness or a Certificate of Economic Hardship under Section 29-2.3(c) (Historic Preservation Overlay) the Director shall place a conspicuous notification sign facing a public street abutting the property that is the subject of the application. The sign face of notification signs shall be at least five (5) square feet. Notification signs shall contain, or have attached to them, information on the proposed change to the property, the date and time of the Historic Preservation Commission meeting, and the telephone number of the Department.

(4) Mailed Notice⁹¹¹

- (i) If the application is for a Zoning Map amendment, a conditional use permit, or an appeal, variance, or other request for relief or action from the Board,⁹¹² the Department shall send first class mail notice of the public hearing to the addresses of the residences of the land proposed to be rezoned and to the owners of all land within lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the land proposed to be rezoned.

(5) Electronic Notice⁹¹³

The Director may, as a courtesy, send electronic notice to any persons or organizations in the City, or to any governmental, public, or quasi-public organization regarding any matter related to this Ordinance that may affect the interests of that person or organization, or on any matter on which any such person or organization has requested notice. The failure of the Director to send such notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any ordinance rezoning land.

(d) Decisions under this Ordinance

- (1) Unless otherwise indicated in a specific provision of this Ordinance, the Director, Department, Board, Commission, or Council authorized to make a decision under this Ordinance may approve the application, deny the application, or approve the application subject to conditions as stated in subsection (e) below.
- (2) When this Ordinance authorizes a Director, Department, Board, Commission, or Council to make a decision under this Ordinance, that decision shall be made pursuant to the

⁹⁰⁹ All listed items except zoning map amendment added to reflect current practice.

⁹¹⁰ Details regarding content of sign and minimum size of sign were deleted, as City is moving towards generic "Notice" signs.

⁹¹¹ From Secs. 29-31(g) and 29-34(a)(4), reworded for clarity, and to replace the general requirement of notice to the public and affected parties regarding appeals of decisions with this requirement of mailed notice. Appeals generally do not require published or posted notice. Text regarding courtesy mailings was deleted because courtesy notices are covered in another section of the Code.

⁹¹² All listed items except zoning map amendment added to reflect current practice.

⁹¹³ New provision.

specific criteria applicable to that application in Section 29-5.4 (Specific Regulatory Procedures). If Section 29-5.4 does not include specific criteria for that type of decision, Director, Department, Board, Commission, or Council shall make the decision based on whether the application complies with this Ordinance and any regulations authorized by this Ordinance, and will protect the public health, safety, and welfare.

(3) Unless otherwise stated in this Ordinance, or unless a different condition is attached to a permit or approval, permits and approvals granted under this Ordinance are not affected by changes in ownership or tenancy of the property.⁹¹⁴

~~(4) The City's decision on an application for a Conditional Use Permit for an Adult Indoor Entertainment, Adult Retail, or Religious Institution use, or for a Sign Permit, shall be made within thirty (30) days after submittal of a complete application, unless extended upon consent of the Applicant, or by the City for good cause. If a decision on a Sign Permit is appealed to the Board, the Board shall hear and decide that appeal within thirty (30) days after the Director's decision on the Sign Permit.~~⁹¹⁵

Comment [PRZ330]: Section establishes an unrealistic processing time expectation and elevates such permit processes above all others. The published application deadlines for all other case types should be applied to these two permit processes. Such action establishes an expected time for an outcome and would address the concern of creating a "chilling effect" on such applications. (5/16)

(e) Conditions on Approvals⁹¹⁶

(1) The Department, Board, Commission, or Council may attach conditions to any permit or approval under this Ordinance, provided that the condition is required to bring the development proposed in the application into compliance with the requirements of this Ordinance.

(2) In addition, the Board, Commission or Council may attach conditions to any permit or approval under this Ordinance, provided that the condition is required to bring the development proposed in the application into compliance with the adopted Comprehensive Plan of the City or to protect the public health, safety, or welfare.⁹¹⁷

(f) Appeals⁹¹⁸

~~Unless a different process is listed for a Specific Regulatory Procedure in Section 29-5.4, or an exception is listed in this Section 29-5.3(g), a decision of the Director or the Department made in the administration or enforcement of this Ordinance may be appealed to the Board as described below. Decisions of the Director or the Department in the application of the Subdivision Standards of Section 29-4.3 may not be appealed to the Board, but requests for adjustments to~~

Comment [PRZ331]: This statement is much too broad. The Board's statutory powers are limited to appeals under the zoning provisions of the Code.(5/16)

⁹¹⁴ New provision to clarify current practice.

⁹¹⁵ New section to comply with recent court decisions that land use decisions relating to uses and activities protected by the First Amendment include timeframes for decision and for appeals in order to avoid "chilling effects" on First Amendment rights.

⁹¹⁶ Replaces current Sec. 25-10 and now applicable to all types of approvals.

⁹¹⁷ Revised to clarify that Board has this power as well, since prior draft, in response to public comment.

⁹¹⁸ From current Secs. 12A-109, 20-4, 23-31, 29-21.3, and 29-31, with changes as noted. This procedure now also applies to subdivisions of land, because Chapter 25 currently does not contain an appeals process. The exception in Sec. 12A-109 not allowing appeals from nuisance abatement procedures has not been carried over. Secs. 23-31 and 29-31 combine procedures for appeals and variances; the variance content has been moved to Sec. 29-5.4(d). (Variance). Text regarding further appeals to the courts were deleted as unnecessary.

the Subdivision Standards may be made to the Commission and/or the Council during the Subdivision of Land process in Section 29-5.4(n).

(1) Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of an administrative official in the administration or enforcement of this Ordinance. The appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds of the appeal, including the section of this Ordinance that is inconsistent with the decision being appealed.⁹¹⁹ The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An applicant shall deposit a sum sufficient to pay the costs of advertising as required by statute and ordinance. The clerk shall inform applicants of the estimated cost of advertising and require a deposit sufficient to meet the costs upon filing. All unexpended portions of the deposit shall be returned to the applicant after the actual costs of advertising have been met.

(2) An appeal stays all proceedings related to the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application or notice to the officer from whom the appeal is taken and on due cause shown.

(3) The Board shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing, as well as due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing any party may appear in person, by agent, or by attorney.

(4) In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all powers of the administrative official from whom the appeal is taken. ~~Any decision of the Board to reverse, or reverse in part, an order, requirement, decision, or determination shall be based on substantial evidence.~~⁹²⁰

Comment [PRZ332]: Unnecessary. Already required by state law. (5/16)

(5) ~~The decision of the Board on an appeal shall be in writing. Any decision of the Board on an appeal related to the denial or conditioning of a sign permit, or a conditional use permit for a Communications Antenna or Tower, Adult Retail use, or Adult Indoor Entertainment use shall be based on substantial evidence. Any decision of the Board on an appeal related to the denial or conditioning of a sign permit, or a conditional use permit for an Adult Retail use or an Adult Indoor Entertainment use shall be made within thirty (30) days after the~~

Comment [PRZ333]: Unnecessary. Already required by state law. Also, standards for CUPs should not be included in section devoted to appeals heard by Board. (5/16)

⁹¹⁹ Last clause added to require specificity in stating the grounds for appeal.

⁹²⁰ Revised to clarify that reversals of appealed decisions must be based on substantial evidence.

filing of the appeal unless extended upon consent of the applicant or by the City for good cause.⁹²⁴

29-5.4 Specific Regulatory Procedures⁹²²

(a) Zoning Compliance⁹²³

Each application under this Ordinance that does not require one or more of the specific regulatory procedures in subsections (b) through (q) below shall be reviewed for zoning compliance. Zoning compliance checks shall be conducted by the Department, and applications shall be approved if they comply with this Ordinance. The Department's decision may be appealed to the Board pursuant to Section 29-5.3(f).

(b) Building Permit⁹²⁴

(1) No erection, alteration, or enlargement of a building may begin until the owner of the property on which the building is or will be located, or their authorized agent, has applied to the Director for a building permit and the Director has issued a building permit authorizing the proposed erection, alteration, or enlargement. The Director shall issue a building permit if the application is consistent with the requirements of this Ordinance, all adopted and applicable building codes of the City, and all other regulations of the City. Failure to comply with the provisions of this UDC shall be good cause for the revocation of any building permit by the Director. A record of such applications and plans shall be kept in the office of the director of community development.

(2) Building permits may not be issued for a tract or parcel of land consisting of two (2) or more adjacent lots or one (1) lot and a portion of another lot.⁹²⁵

(3) A building permit shall only be issued on lots as defined in Section 29-1.11.

(4) No building permit shall be issued for construction of a new building on a lot that does not have access allowing vehicles, pedestrians, and bicycles to pass from a public street directly onto the lot, provided non-residential lots within a unified development may take

Comment [PRZ334]: Establishes an unrealistic processing time expectation and elevates such permit processes above all others. If provisions are to be retained submission of an appeal application should greater than 30 days. (5/16)

Comment [PRZ335]: Provisions in Secs. 20-1 through 20-3 relating to Street and Building Line need to be carried forward.

Comment [PRZ336]: Partial provision of Sec. 29-36. Added per Law . (9/16)

Comment [PRZ337]: Provisions simplified to state that a building cannot be located on two lots or on lot and part of another. (5/16)

Comment [PRZ338]: Provision added to ensure that the option for an irrevocable access easement is limited to "non-residential" lots only. (Provision may conflict with lot frontage requirements in 29-4.3). (5/16)

⁹²¹ Second sentence is new and reflects recent state and federal court decisions requiring time limits for these types of permits and appeals to avoid a "chilling effect" on free speech under the First Amendment.

⁹²² Provisions from Sec. 20-56 on Public Housing Project Approval and Sec. 20-57 on approval of Urban Renewal Projects were not carried forward. Public Housing Projects and Urban Renewal Projects are treated like all other projects for purposes of development review and approval. Provisions in Secs. 20-1 through 20-3 on Street and Building Lines were not carried over as obsolete.

⁹²³ New section to describe current practice.

⁹²⁴ Clarifies and replaces Sec. 29-36 to reflect current practice, and incorporates provisions from Sec. 25-17.

Required application materials have been removed as more appropriate for an administrative manual that can be revised without Council action.

⁹²⁵ Exceptions allowing building permits to be issued without a replat if the following conditions were met was deleted. "(1) Building(s) shall cross interior lot lines rather than being placed closer to a lot line than otherwise allowed, (2) Record lots that are not to contain a part of any building shall not be included as a means to achieve required lot area per family, (3) Lots containing off-street parking only associated with the building(s) or used by other activities in a lawful manner shall not be included as part of the building permit application, and (4) The development shall meet all other applicable requirements of City ordinances."

access to a public street to the lot over an irrevocable access easement approved by the City Counselor's office.⁹²⁶

(c) Certificate of Occupancy⁹²⁷

- (1) *Requirement.* No vacant land shall be occupied or used except for agricultural uses, and no building erected or structurally altered shall be occupied or used until a certificate of occupancy has been issued by the Director. A certificate of occupancy shall state that the building or proposed use of a building or land complies with this Ordinance and with all the building and health laws and ordinances of the City.⁹²⁸
- (2) *Vacant land.* A certificate of occupancy for the use of vacant land, or the change in the character of the use of land, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of this Ordinance.
- (3) *Buildings.* A certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building or part of the building has been completed in conformity with this Ordinance. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Director for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. The temporary certificate shall not be construed as altering the respective rights, duties or obligations of the property owners or of the City relating to the use or occupancy of the premises, or any other matter covered by this Ordinance, and the temporary certificate shall not be issued except under such restrictions and provisions as will ensure the safety of the occupants.

(d) Variance⁹²⁹

(1) Procedure

- (i) An applicant may apply for a variance from the Zoning Regulations of this Ordinance, but no variance may change the review and approval procedure for any type of application set forth in this UDC.
- (ii) Applications for variances shall be decided by the Board pursuant to the criteria shown in subsection (2) below, with the following exceptions:



⁹²⁶ New provision.
⁹²⁷ From current Sec. 29-37. Provisions of subsection (d) and (f) giving child care the current zoning ordinance to confirm compliance with state laws, and requiring within 1 year after adoption of the current zoning ordinance, were deleted as no longer appropriate.
⁹²⁸ Requirements for record-keeping of certificates were removed as more appropriate for an administrative manual. Provision requiring application for a Certificate of Occupancy before excavation was deleted as in error.
⁹²⁹ Combines and consolidates several variance procedures in Secs. 12A-110, 12A-2-1, 23-31, 25-20, 29-21.4(q), 29-22(b)(9), and 29-22(e)(5), with changes as noted. Text specifying application materials was not carried over, as more appropriate for an administrative manual.

- a. No variances from the Subdivision Standards in Sec. 29-4.3 are permitted. Requests for deviations from the Subdivision Standards shall be considered by the Commission and decided by Council during the Subdivision of Land procedures in Section 29-5.4(p).
- b. Variances in the Historic Preservation Overlay District shall be approved as described in Sec. 29-2.3(c)(14)(Variances).
- c. Variances in the Floodplain Overlay District shall be approved as described in Sec. 29-2.3(d)(15)(Variance Procedures) and (16) (Conditions for Variances).
- d. Variances from Sign regulations shall be approved as described in Section 29-5.4(d)(2)(ii)(Sign Variances)

(iii) Any person or persons, jointly or severally aggrieved by any decision of the Board, any taxpayer, or any officer, department, board or bureau of the municipality, may appeal a decision of the Board to a court of competent jurisdiction.⁹³⁰

Comment [PRZ339]: Added for clarity of specific procedure. (5/16)

(2) Criteria for Approval

The Board may approve an application for a variance from the terms and provisions of this Ordinance if it determines that all of the following are true.

(i) General Criteria

- a. The variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors of the applicant's site, those difficulties or hardships are not generally applicable to property in the area, and the difficulties or hardships were not created by the actions of the applicant;
- b. The variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in Sec. 29-2.3 (Permitted Use Table) in the zone district where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use;⁹³¹
- c. The variance will not permit a development that is inconsistent with the adopted Comprehensive Plan;⁹³²
- d. The variance is the least change from the requirements of this Ordinance necessary to relieve the difficulty or hardship;
- e. The variance will not harm the public health, safety, or welfare or be injurious to other property or improvements in the area where the property is located.⁹³³

⁹³⁰ Clarification to reflect current procedure.

⁹³¹ Wording revised to clarify that variance cannot be used to vary or avoid the definition of a use.

⁹³² This criteria is currently applicable only to subdivisions, but has now been included as a general standard.

⁹³³ Text referencing the spirit of the Ordinance and substantial justice were deleted as vague and obsolete.

(ii) Sign Variance⁹³⁴

The Board may only grant a variance to the sign regulations in Section 29-4.10 if it also determines (in addition to the criteria in subsection (i) above) that variance will not change both the maximum size and the maximum height of freestanding signs.

(iii) Floodplain Regulations⁹³⁵

In addition to the findings in subsection (i) above, no variance to the Floodplain Overlay District regulations in Section 29-2.3(d) shall have any effect unless the record of the proceeding before the Board contains a written opinion of a registered professional engineer⁹³⁶ that the granting of the variance would not result in any increase in quantity or velocity of flow, degradation of water quality, or negative impacts upon adjoining or downstream properties, nor upon the stormwater system, which shall be accompanied with supporting documentation used by the engineer in rendering the opinion required by this section.⁹³⁷

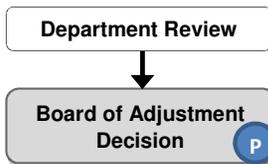
(e) Adjustment of Form-based Controls

(1) Minor

An applicant for a permit or approval in the M-DT zone district may apply for an adjustment to the form-based controls in Section 29-4.2 and the Director may approve the adjustment if the Director determines that all of the following criteria have been met:

- (i) The proposed adjustment will not result in development that is inconsistent with the intended character of the M-DT zone district or the Regulating Plan for the block face including the applicant's property or the block face(s) immediately across the street(s) from the applicant's property.
- (ii) The proposed adjustment will result in a building and site design of equal or superior quality and visual interest to that required by the application of the form-based controls in Section 29-4.2.
- (iii) The proposed adjustment will not result in any of the following:
 - a. Change a minimum or maximum height requirement by more than five (5) percent;
 - b. Change a finished floor elevation requirement by more than five (5) percent;

Major Adjustment of Form-based Controls



P = Public Hearing

⁹³⁴ From Chapter 20 and Section 23-9

⁹³⁵ Standard from current Sec. 29-22(e)(5) and 12A-110(b) with overlaps with general variance criteria removed.

⁹³⁶ All references to registered professional engineer changed to registered professional engineer (which is defined as someone licensed to practice engineering in Missouri) for consistency.

⁹³⁷ Wording revised to require the opinion and supporting data of a registered professional engineer to support the determinations.

- c. Change a Street Wall height, length, or access gate requirement by more than ten (10) percent;
- d. Move a Required Building Line further from the street;
- e. Move a Required Building Line more than six (6) inches closer to the street;
- f. Reduce a minimum percentage of a building frontage that must be built to the Required Building Line by more than five (5) percent of the required length;
- g. Move a Parking Setback Line more than five (5) feet closer to any street;
- h. Increase the maximum average spacing of building entrances by more than ten (10) percent;
- i. Change a minimum or maximum Fenestration requirement by more than five (5) percent; or
- j. Change the minimum or maximum depth of a building projection by more than five (5) percent.

(2) Major

All other variances from the form-based controls in Section 29-4.2 shall require an approval by the Board, after a public hearing, following the procedure in Section 29-5.4(d) but based on the criteria in Section 29-5.4(e)(1)(i) and (ii) above instead of the criteria in Section 29-5.4(d).

(f) Sign Permit⁹³⁸

(1) Applicability

- (i) A permit is required prior to the erection, construction, reconstruction, alteration, moving, conversion or maintenance of any sign, except those signs listed in subsection (ii) below or signs otherwise exempted in this Ordinance or other ordinances or regulations of the City.
- (ii) The following types of signs may be erected without the issuance of a permit or payment of a permit fee, but each such sign shall meet all the standards and requirements for that type of sign in Section 29-4.9 (Signs).
 - a. Signs indicating a home or apartment or non-residential building or structure, or part of a home, apartment, building or structure, for sale, rent, or lease.
 - b. Construction signs.
 - c. Memorial signs or tablets when cut into masonry surface or when constructed of bronze or other incombustible material.⁹³⁹
 - d. Government building signs erected on a municipal, state or federal building that announce the name, nature of the occupancy and information as to use of or admission to the premises.

Comment [PRZ340]: Provisions A-J are substantive regulations for determining exempt signs and should not be contained in procedures. (5/16)

⁹³⁸ Sec. 23-4 through 10, with wording clarified.

⁹³⁹ Reference to building names deleted.

- e. Official signs furnished by the superintendent of the Missouri State Highway Patrol designating an official vehicle inspection station in accordance with Section 307.365, R.S.Mo. One such sign shall be allowed for each street frontage at all such official vehicle inspection stations, in addition to the signs allowed by the following provisions.
- f. Noncommercial signs.
- g. Commercial flags allowed under Section 29-4.9(c)(11).
- h. Signs prohibiting peddlers, solicitors, hawkers, itinerant merchants or transient vendors of merchandise, when placed upon private residential property.
- i. "No Parking" signs that comply with Section 29-4.9(e)(8) or 14-561; provided the sign does not exceed eighteen (18) inches by twenty-four (24) inches in dimension.
- j. Garage sale signs.

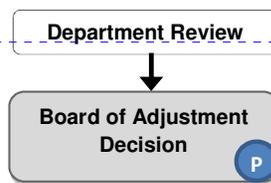
(2) Procedure

- (i) The Director shall approve the application if the Director determines that it complies with this Ordinance and all other ordinances and regulations of the City.
- (ii) No permit shall be issued for erection of a sign on property on which a sign plan has been approved under Section 29-5.4(g)(Sign Plan Approval), where the sign does not conform with the requirements of that plan, without the removal at the applicant's expense of all signs permitted by the plan and not otherwise permitted.
- (iii) A permit issued under this Section 29-5.4(f) shall become null and void six (6) months after the date of issuance if the work authorized by the permit has not been completed.
- (iv) The Director may revoke any permit issued pursuant to this Section 29-5.4(f) if the permit holder does not comply with any of the provisions of this Ordinance.

(g) Sign Plan Approval⁹⁴⁰

The owner or lessee of the premises upon which a sign is to be erected may file an application with the Board for approval of a sign plan upon forms provided by the city and the Board may approve a sign plan allowing different numbers and types of signs permitted on a property if it determines that the following criteria are met. Sign plans are not allowed in a PD zone district; adjustments to permitted signs in PD zone districts require an amendment to the PD zone district approval.

Sign Plan Approval



Comment [PRZ341]: Partial text of Sec. 23-5 of City Code. Added per Law. (9/16)

- (1) No unlawful signs shall be permitted;
- (2) Each sign meets the size, setback and other limitations and requirements for that type or class of sign in Section 29-4.9;

P = Public Hearing

⁹⁴⁰ From Sec. 23-9, with wording clarified. Reference to continued validity of sign plans approved before Dec 16, 1991 remaining in effect was not carried forward as unnecessary.

- (3) The sign plan reduces the number of signs that would otherwise be permitted on the property;
- (4) The sign plan reduces the total square footage of signs that would otherwise be permitted on the property;
- (5) The sign plan does not violate the spirit or intent of Section 29-4.9; and
- (6) All nonconforming signs on the property or premises shall be brought into compliance with the requirements of this Ordinance.

(h) Temporary Parking Permit⁹⁴¹

(1) Procedure

The Director may issue temporary permits to allow parking of motor vehicles in a yard area as prohibited in Section 29-4.4(f)(3)(Parking-Use of Yards), for a period of up to forty-eight (48) hours on Saturdays, Sundays, and holidays, if the Director determines that the criteria in subsection (2) have been met.

(2) Criteria for Approval

- (i) The parking is necessary for an event of City-wide or area-wide concern that will attract traffic that cannot be effectively served by existing accessible parking facilities.
- (ii) The permit will not permit parking in the yard area of a one-family, one-family attached or two-family dwelling.

(i) Floodplain Development Permit

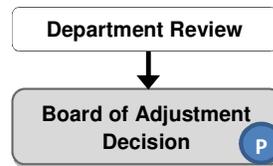
Floodplain Development Permits shall be approved as described in Section 29-2.3(d) (Floodplain Overlay District).

(j) Optional Development Standards Approval⁹⁴²

(1) Applicability

- (i) The provisions of this section apply to:
 - a. Property owners in the R-2 zone district that apply to have the development of their property subject to the “cottage” development standards rather than the “current” development standards as shown in Tables 29-2-3 and 29-4.1-1.
 - b. Property owners in the M-N zone district that apply to have the development of their property subject to the “pedestrian”

Optional Development Standards Approval



P = Public Hearing

⁹⁴¹ Sec. 29-30(a)(8).

⁹⁴² New section.

development standards rather than the “current” development standards as shown in Tables 29-2-7 and 29-4.1-2.

- c. Property owners in the M-C zone district that apply to have the development of their property subject to the “transit” development standards rather than the “current” development standards as shown in Tables 29-2-8 and 29-4.1-2.
- (ii) Any such application shall request that the City approve the application of all of the optional development standards available for the zone district in which the property is located, as listed in Tables 29-2-3, 29-2-7, 29-2-8, 29-4.1-1, and 29-4.1-2 respectively. The Board may not approve an application requesting application of some but not all of the optional development standards listed in the applicable tables for the zone district where the property is located.

(2) Procedure

- (i) The Department shall review the application and make a recommendation to the Board, which shall hold a public hearing on the application.
- (ii) If approved by the Board, the applicability of the optional development standards shall be indicated by recording a notice with the Boone County recorder of deeds.
- (iii) The owner of property for which optional development standards have been approved subject to this Section 29-5.4(j) may apply to have the “current” development standards reapplied to the property, and the Board may approve that application, through the same process and using the same criteria used to approve the optional development standards.

(3) Criteria for Approval

The Board may approve an application for optional development standards if it determines that the following criteria have been met:

- (i) The use of optional development standards is consistent with the intended character of the area as shown and described in the City’s adopted comprehensive plan;
- (ii) The use of the optional development standards will provide adequate off-street parking for the permitted uses available in the zone district where the property is located, and will not result in significant increases in off-site parking on sections of local neighborhood streets other than those immediately fronting the applicant’s property; and
- (iii) The use of the optional development standards will not create additional traffic congestion or risks to public health and safety in the surrounding area.

(k) Certificate of Appropriateness⁹⁴³

A certificate of appropriateness in the HP-O district shall be approved as described in Section 29-2.3(c)(8).

(l) Landmark and Historic District Designation⁹⁴⁴

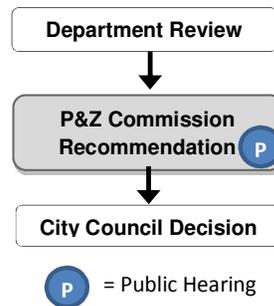
Designation of landmark and historic districts shall be approved as described in Sections 29-2.3(c)(5) and (6). If designated, the district shall be added to the list of approved districts in Section 2.3(c)(7).

(m) Conditional Use Permit⁹⁴⁵

(1) Procedure

- (i) The Department shall review the application and shall forward a recommendation to the Commission based on the criteria listed in subsection (2) below.
- (ii) The Commission shall hold a public hearing on the application and shall make a recommendation to the Council. The Commission's recommendation shall be based on the criteria in subsection (2) below and shall be in writing.
- (iii) The after public hearing in front of the Commission, the Commission may make a tentative recommendation and direct the Department to draft a proposed written recommendation to be presented to Commission at its next meeting. Applicant may also submit a proposed recommendation to the Commission. The Commission may accept, reject, amend or modify any proposed recommendation and adopt such proposed recommendation as its final written recommendation to the Council.
- (iv) The Council shall take final action on the application after considering the criteria in subsection (2) below. The Council's decision shall be in writing. The Council may accept, reject, amend or modify any written recommendation of the Commission and adopt such recommendation as its final written decision to the Council.
- (v) An application for a conditional use permit may be combined with an application for a variance, but the Board shall decide the application for a variance based on the criteria for approval in Section 29-5.4(d)(Variance) before the Commission holds its public hearing on the conditional use permit.
- (vi) A conditional use permit is to allow that use on a specific site and may not be transferred to any other site.

Conditional Use Permit



⁹⁴³ From Sec. 29-21.4.

⁹⁴⁴ From Sec. 29-21.4.

⁹⁴⁵ Replaces Sec. 29-23. Now requires approval by Council, rather than Board, per advice of City counsel.

(2) Criteria for Approval⁹⁴⁶

After giving due consideration to the following criteria, the Council may grant a conditional use permit may be granted and may include any conditions deemed necessary to carry out the provisions and intent of this Ordinance.

(i) General Criteria

- a. The proposed conditional use complies with all standards and provisions in this Ordinance applicable to the base and overlay zone district where the property is located;
- b. The proposed conditional use is consistent with the City's adopted Comprehensive Plan;⁹⁴⁷
- c. The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;
- d. Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;
- e. Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided,⁹⁴⁸ and
- f. The proposed variance will not cause significant adverse impacts to surrounding properties.⁹⁴⁹

(ii) Criteria for Communication Antennas and Towers⁹⁵⁰

When considering a conditional use permit application for a Communications Antenna or Tower, the Board shall consider the following criteria in addition to those listed in subsection (i) above, and its decision shall be based on substantial evidence in the written record.

- a. Whether or not existing towers are located within the geographic area necessary to meet the applicant's engineering requirements.
- b. Whether or not existing towers, structures or buildings within the applicant's required geographic area are of sufficient height to meet system engineering requirements.

⁹⁴⁶ Revised for clarity and to require compliance with all City ordinances and regulations. Text requiring compliance with all other laws was deleted because addressed in Chapter 1; provisions for amendment of permits are now covered by Section 29-5.3(f).

⁹⁴⁷ New provision suggested in the Detailed Outline.

⁹⁴⁸ Revised to list required infrastructure review in more detail, in response to public comment.

⁹⁴⁹ New provision to reflect general practice.

⁹⁵⁰ From Sec. 29-21.3; overlaps with general criteria have been removed.

- c. Whether or not existing towers or structures have sufficient structural strength to support the applicant's proposed antennas.
- d. Whether or not the fees, costs, or other contractual terms required by the owner(s) of existing tower(s), structure(s) or building(s) within the required geographic area of the applicant or to retrofit the existing tower(s) or structure(s) are reasonable.
- e. Whether or not there are other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable.
- f. Whether or not the proposal minimizes the number and size of towers or structures that will be required in the area.
- g. Whether or not the applicant has previously failed to take advantage of available shared use opportunities provided by this section or otherwise.
- h. Whether or not the applicant has provided sufficient evidence indicating that the tower will be made available for use by others, subject to reasonable technical limitations and reasonable financial terms.

(n) Subdivision of Land⁹⁵¹

(1) Applicability

- (i) The provisions of this Section 29-5.4(n) shall apply to all divisions of land within the City into new or different lots for development, except as noted in subsection (ii) below or as exempted by state or federal law or court decisions interpreting those laws.⁹⁵²
- (ii) A transaction involving the sale or exchange of small⁹⁵³ tracts or parcels of land to or between adjoining properties where such sale or exchange does not create additional lots or parcels for development does not reduce any area designated as a common lot or as common ground on a plat and does not otherwise violate this Ordinance shall be exempt from the requirements of this Section 29-5.4(n). Transactions involving the sale or exchange of tracts or parcels of land which increase or decrease the total square footage of either the conveying or receiving lot by more than 3% shall not be considered "small" for the purposes of this subparagraph. Small area transfers shall not involve any land which has been included in an approved preliminary plat but not final platted.

(2) General Provisions⁹⁵⁴

- (i) No street shall be constructed nor shall any street be accepted or maintained by the City; no street lighting, water or sewer service shall be extended to or connected; no building, electrical, plumbing, occupancy or other permit or license shall be issued by any department of the City or by any officer or employee for the construction of any building or improvement on land which does not meet the definition of "lot" in Section

Comment [RAM342]: Addresses situations previously encountered by City staff which found ordinances to be too vague. Defines what constitutes a "small" area transfer and clarifies that transfers of previously platted common lots or ground are not eligible to be used in a small area transfers. (5/16)

⁹⁵¹ Materials from Chapter 25, Article III, reorganized and with changes as noted. Revised to clarify that criteria in both subsections (i) and (ii) must be met, per staff's request.

⁹⁵² New provision reflecting current practice.

⁹⁵³ "Small" added since Module 3.

⁹⁵⁴ Secs. 25-17, 25-19, 25-20.1, and 25-40.

29-1.11. This requirement shall not apply to alterations of existing buildings that increase the gross floor area or building footprint by less than 10 (ten) percent of existing.⁹⁵⁵

- (ii) All persons are hereby notified of the existence of the comprehensive plan of the City, as amended, and of any sites or areas within any proposed subdivision that may be designated on the comprehensive plan, as amended, as sites or areas for possible acquisition by condemnation or purchase by the City for public uses and purposes.
- (iii) The Council may allow the subdivider to place notes on the plat that are explanatory or that impose obligations on the property owner or that restrict use of the property. Obligations and restrictions set forth in notes on a plat may be eliminated only by ordinance or resubdivision, and such obligations and restrictions shall not be eliminated unless the Council determines that the elimination will not be detrimental to the public health, safety, and general welfare.
- (iv) The proposed name of the subdivision shall not duplicate or sound like the name of any other subdivision, any existing or platted street, or any established business or development in Boone County.
- (v) The criterion for approval of a major, minor, or administrative subdivision is whether the proposed preliminary or final plat conforms to this Ordinance, the comprehensive plan, and to all other City ordinances and regulations.⁹⁵⁶
- (vi) Applications for subdivision of land shall include all land that the subdivider proposes to subdivide. All contiguous unplatted land under single ownership or control shall be included as part of the preliminary plat; however, no more than eighty (80) acres shall be required to be included in any preliminary plat.
- (vii) Applications for final plats shall:
 - 1) Include either the entire subdivision, or a section thereof, which derives access from an existing road;
 - 2) Be in substantial compliance with the preliminary plat, as approved;
 - 3) Be accompanied by final construction plans for the requisite public improvements, drawn under the supervision of a registered professional engineer and attested to by his signature and seal, all in accordance with the applicable standards;
 - 4) Be accompanied by an improvements guarantee offered for acceptance by the city council, in a form satisfactory to the city counselor
- (viii) Any requests for deviations from the Subdivision Standards of Section 29-4.3 shall be included in the preliminary plat application as a request for a “design adjustment”. Recommendations on requests for design adjustments shall be made by the Director

Comment [PRZ343]: Impact on adjacent “subdivision or property” removed and replace with more traditional language that is less subjective. (5/16)

Comment [PRZ344]: Added evaluation criteria to further implement goals and objectives of the Comprehensive Plan. (5/16)

Comment [PRZ345]: Section 25-25(a)(1). Added Per Law. (9/16)

Comment [PRZ346]: Section 25-27(a)(2), (4), (5), (6). Added per Law. (9/16)

⁹⁵⁵ Revised since Module 3 to avoid inference that streets must be on platted lots.
⁹⁵⁶ New provision to clarify current practice.

and the Commission, and shall be decided by Council, simultaneously with review and final decision on the plat.⁹⁵⁷

(ix) If a design adjustment(s) is requested, the Director or Commission may recommend approval of the design adjustment if it determines that the following criteria have been met, and the Council shall consider these criteria in making a decision on the requested design adjustment.

- 1) The design adjustment is consistent with the City's adopted comprehensive plan and with any policy guidance issued to the Department by Council.
- 2) The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;
- 3) The design adjustment will not make it significantly more difficult for automobiles, bicycles, or pedestrians to circulate in and through the plat than if the Subdivision Standards of Section 29-4.3 were met.
- 4) The design adjustment is being requested to address a unique feature of the site, or to achieve a unique design character, and is not being requested to avoid installation of improvements or site features required of other subdividers.
- 5) The design adjustment will not create adverse impacts on public health and safety.⁹⁵⁸

(3) Procedure

(i) Sequence of subdivision process⁹⁵⁹

- a. An applicant for a minor subdivision shall apply for and secure approval of the proposed subdivision through a two-step process including: (1) concept review, and (2) final plat.
- b. An applicant for a major subdivision shall apply for and secure approval of the proposed subdivision through a three-step process including: (1) concept review, (2) preliminary plat, and (3) final plat.
- c. An applicant for an administrative subdivision shall apply for and secure approval of the proposed subdivision through a one-step process including (1) administrative plat approval.
- d. A tract split is not a subdivision, but an alternative to subdivision that requires full completion of the subdivision process at a later time.⁹⁶⁰ An applicant for a tract split shall apply for and secure approval of the split through a two-step process including: (1) concept review, and (2) tract split.

⁹⁵⁷ New provision to clarify current practice. Subdivision variances are not permitted; instead, the applicant requests adjustments from Subdivision Standards during the plat review and approval process.

⁹⁵⁸ New section. The current code does not have criteria for consideration of requests to diverge from the Subdivision Standards (except the specific criteria for sidewalk variances in Sec. 29-4.3(d)).

⁹⁵⁹ Sec. 25-21.

⁹⁶⁰ First sentence is new clarify that tract split is not itself a subdivision.

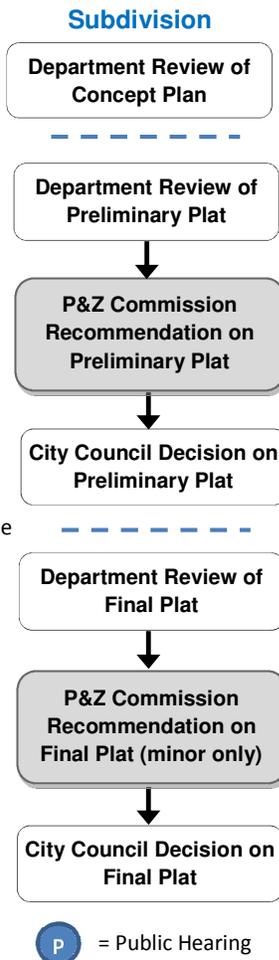
(ii) Coordination with PD Zoning⁹⁶¹

a. Whenever a proposed development plan for a PD zone district requires a subdivision of land, approval of the subdivision of land shall be required in addition to approval of the PD zone district and development plan. Subdivision review may be carried out simultaneously with the review of the development plan, and the required information may be included in a single document that serves as both a development plan and a preliminary plat, as described in the following procedure:

- 1) An application for approval of a development plan for a PD zone district shall include all information normally required for submission and approval of a preliminary subdivision plat.
- 2) Commission review and recommendation of the preliminary plat shall be accomplished at the time of, and as a part of, its review and recommendation of the PD development plan.
- 3) Approval of the PD development plan shall constitute approval of the preliminary subdivision plat.

(iii) Concept Review⁹⁶²

Before preparing the preliminary plat of a major subdivision or the final plat of a minor subdivision, the subdivider shall discuss with the Director the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, the availability of existing services, and other requirements of this Ordinance or other City ordinances or regulations. The Director shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those City officials who must recommend approval of certain aspects of the subdivision plat coming within their jurisdiction. The geographic scope of the review shall include the whole property held in common ownership for which whole or partial subdivision platting is desired by the subdivider, as well as the surrounding property that might reasonably be affected by subdivision of the subject



⁹⁶¹ Sec. 25-22. Wording revised to clarify that a single document can be used for both.

⁹⁶² Sec. 25-23, expanded to include discussion of all City ordinances and regulations.

property. The concept review is an informal discussion made available to the subdivider, and the subdivider may, after meeting with the Director, proceed to prepare and submit a preliminary plat for a major subdivision or a final plat for a minor subdivision.

(iv) Preliminary Plat Review⁹⁶³

- a. The Director shall refer the preliminary plat to the appropriate City departments, together with an indication of its tentative agenda placement before the Commission, and shall receive reports from other departments as to the conformance of the proposed plat with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the departments may comment on the proposed design adjustment.
- b. The Director shall request the subdivider to make such changes to the plat as are necessary to comply with this Ordinance and other City ordinances and regulations, or to address any adverse impacts of proposed design adjustments.
- c. The Director shall forward the plat to the Commission and advise the Commission of the conformance or nonconformance of the plat with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the Director may advise the Commission on any potential impacts of those design adjustments.
- d. The Commission shall hold a public meeting on the preliminary plat and shall make a decision to recommend the plat (including any requested design adjustments) to Council for approval, conditional approval, or denial. The applicant shall be advised in writing of any revisions to the plat required by the Commission.⁹⁶⁴
- e. Failure of the Commission to act within sixty (60) calendar days after the date of application of the plat shall be deemed a recommendation for approval (including any requested design adjustments), except that the Commission or Director, with the consent of the subdivider, may extend this period to a stated future date. For purposes of this provision, the date of application shall be deemed to be the filing deadline date for the Commission agenda following the date on which complete application materials are submitted.⁹⁶⁵
- f. The Council shall take action on the plat (including any requested design adjustments) by resolution or by ordinance if a design modification has been requested. If the Commission has recommended denial of the preliminary plat (or any requested design adjustments), the Council, by a vote of not less than two-thirds of its entire membership, may overrule the disapproval.

Comment [PRZ347]: Added by Law since design modifications cannot be approved by resolution. (9/16)

⁹⁶³ Sec. 25-25, with application materials removed for inclusion in an administrative manual.

⁹⁶⁴ Replaces current language about marking up the tracing, since tracings are no longer used.

⁹⁶⁵ Time for action revised from 45 to 60 days to align with state statute. Second sentence is new.

g. Approval of a preliminary plat by the Council shall confer upon the applicant for a period of three (3) years,⁹⁶⁶ 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.⁹⁶⁷
- 4) If the subdivider fails to submit a combined total of one-third (1/3) of the preliminarily approved lots (in either a single or multiple) final plat for any before the expiration date, the preliminary plat approval shall expire and be of no force or effect.⁹⁶⁸
- 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.

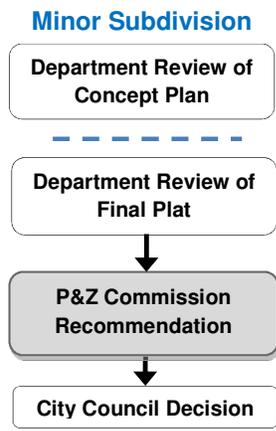
Comment [PRZ348]: Provisions added to clarify what constitutes a "vested" preliminary plat. Provision added per public and Commission request. (9/16)

(v) **Final Plat Review**⁹⁶⁹

a. Following the approval of the preliminary plat of a major subdivision or completion of the concept review for a minor subdivision, the subdivider may file an application for final plat approval in order to complete the subdivision process. The application shall be in substantial compliance with the approved preliminary plat.

b. For a minor subdivision:

- 1) The Director shall refer the final plat (including any requested design adjustments) to the appropriate City departments, together with an indication of its tentative agenda placement before the Council, and shall receive reports from the departments as to the conformance of the proposed plat with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the



⁹⁶⁶ Changed from 7 to 3 years, which is much more typical and avoids problems that arise when new standards are adopted between preliminary and final plat.

⁹⁶⁷ Second phrase is new. Columbia allows preliminary plats to be approved without construction or engineering drawings, so this requirement does not require changes to existing construction documents.

⁹⁶⁸ Second sentence added for clarification at request of staff.

⁹⁶⁹ Sec. 25-27, with application materials removed for inclusion in an administrative manual. Text clarifies that minor subdivisions do not need to go through Commission review.

departments may comment on the proposed design adjustment.

2) As a result of review by the other departments, the Director shall request the subdivider to make such changes necessary to cause the plat to be in conformance with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the Director may advise the Commission on any potential impacts of those design adjustments.

3) The Commission shall make a decision to recommend the plat (including any requested design adjustments) to Council for approval, conditional approval, or denial. The applicant shall be advised in writing of any revisions to the plat required by the Commission.⁹⁷⁰

4) The Council shall take action on the plat (including any requested design adjustments) by ordinance within forty-five (45) calendar days after its submission to the Council, and failure of the Council to act within that time period shall be deemed approval, except that the Council may extend this period to a stated future date with the consent of the subdivider or for good cause stated in writing to the subdivider. If the Commission has recommended denial of any requested design adjustments, the Council, by a vote of not less than two-thirds of its entire membership, may overrule the disapproval.

Comment [PRZ349]: Added for clarification regarding approval process. (9/16)

c. For a major subdivision:⁹⁷¹

1) The Director shall refer the final plat (including any requested design adjustments) to the appropriate City departments, together with an indication of its tentative agenda placement before the Council, and shall receive reports from the departments as to the conformance of the proposed plat with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the departments may comment on the proposed design adjustment.

2) As a result of review by the other departments, the Director shall request the subdivider to make such changes necessary to cause the plat to be in conformance with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the Director may advise the Commission on any potential impacts of those design adjustments.

3) Where an applicant has requested a design adjustment in conjunction with a request for major subdivision approval, the Commission shall make a recommendation on the adjusted plat (including any requested design adjustments) to Council for approval, conditional approval, or denial. ~~The applicant shall be advised in writing of any revisions to the plat required by the Commission.~~⁹⁷²

Comment [PRZ350]: Modified text to indicate that final major plats only go to the Commission if a design adjustment has been requested. (9/16)

Comment [PRZ351]: Removed. Serves no administrative purpose. (9/16)

⁹⁷⁰ Replaces current language about marking up the tracing, since tracings are no longer used.

⁹⁷¹ Prohibition on plat changes without re-approval by Council deleted because Administrative Plats allow that.

⁹⁷² Replaces current language about marking up the tracing, since tracings are no longer used.

- 4) The Director shall forward the plat to the City Manager for Council consideration and advise the Council as to its conformance or nonconformance with this Ordinance and other City ordinances and regulations.
- 5) The City Manager shall certify to the Council that the final plat is in accordance with the approved preliminary plat and that all conditions precedent established by the Council have been met.
- 6) Following certification by the City Manager to the Council, the Council shall take action on the final plat (including any requested design adjustments). The Council shall take action by ordinance on the final plat within forty-five (45) calendar days after its submission to the Council, and failure of the Council to act within that time period shall be deemed approval, except that the Council may extend this period to a stated future date with the consent of the subdivider or for good cause stated in writing to the subdivider.⁹⁷³ If the Commission has recommended denial of any requested design adjustments, the Council, by a vote of not less than two-thirds of its entire membership, may overrule the disapproval.

Comment [PRZ352]: Added for clarification regarding approval process. (9/16)

(vi) Signing and Recording⁹⁷⁴

After Council approval of a final plat, the mayor shall affix his signature thereto, and this shall be attested to by the city clerk, and the seal of the City affixed thereto. It shall be the responsibility of the City clerk to file the plat with the office of the county recorder of deeds. Simultaneously, the City clerk shall cause to be recorded all other documents required to be recorded with the plat, pursuant to Council approval and as determined by the City counselor.⁹⁷⁵

Comment [PRZ353]: Sec.25-29. Added per Law. (9/16)

(4) Resubdivision⁹⁷⁶

(i) Applicability

- a. A change to an approved or recorded final plat will require review and approval of a resubdivision of the property in accordance with subsections (ii) or (iii) and (iv), below. ~~if the change affects any street layout, any area reserved for public use,⁹⁷⁷ or any condition imposed by Council, or if the revised plat creates additional residential lots.⁹⁷⁸~~ Only that portion of the plat being changed must be resubdivided. If approved, the applicant shall be required to prepare a revised final plat document

Comment [PRZ354]: Text removed since all revisions to previously platted property require approval of a new plat (i.e. resubdivision) of some type (i.e. final plat or administrative plat)

⁹⁷³ Revised to add ability of City to delay the period for good cause provided in writing.

⁹⁷⁴ Sec. 25-29, with wording revised for clarity. Details of mayor's signature and City clerk action were deleted as internal matters for inclusion in an administrative manual, and because technology is changing the way in which plat approvals are documented.

⁹⁷⁵ Requirement to distribute plats to other departments was deleted, as they are now maintained electronically.

⁹⁷⁶ Sec. 25-30, with changes as noted.

⁹⁷⁷ Phrase "any , any lot line, dimension or bearing" was removed, because almost all replats involve those changes, but those that do not create additional lots do not need re-approval by Council.

⁹⁷⁸ Phrase at the end of this sentence reading "provided that areas reserved for public use and dedicated to the City on the plat may be vacated by the Council without the need for a replat" was deleted as unnecessary.

and the clerk shall record the revised final plat before the revisions shall be in effect.⁹⁷⁹

Comment [PRZ355]: City Clerk is the person through whom all final plats are process prior to recording. (5/16)

b. A change to an approved or recorded plat that does not change any street layout, common lot, any area reserved for public use,⁹⁸⁰ or any condition imposed by Council, and that does not create additional residential lots may be approved by the Director if it complies with this Ordinance and other City ordinances and regulations as an Administrative Plat in accordance with the procedures of 29-5.4(n)(5).

Comment [PRZ356]: Added to clarify that Administrative Plats cannot be used to transfer common lots. (5/16)

Comment [PRZ357]: Simplified text and added reference to Administrative Plat. (5/16)

Comment [PRZ358]: Previous recording requirements relocated to (i)(A) since 29-5.4(5) has specific recording language. (5/16)

(ii) Procedure for a Major Subdivision

a. If the Director determines the proposed resubdivision is in substantial conformance with a valid approved preliminary plat, the subdivider shall apply for and secure approval of a revised final plat from Council.

b. If the Director determines that proposed resubdivision is a substantial change from the approved preliminary plat, the subdivider shall apply for and secure approval of a revised preliminary plat from the Commission, and then approval of a final plat from Council, to complete the resubdivision. At the subdivider's option, the preliminary and final plat documents may be submitted at the same time and may be reviewed and considered for approval by City Council at the same time.⁹⁸¹

(iii) Procedure for a Minor Subdivision

The subdivider shall apply for and secure approval of a revised final plat from Council, to complete the resubdivision.

(iv) Criteria for Approval

a. A resubdivision of land shall only be approved by the Council if the Council determines that:

- 1) The replat would not eliminate restrictions on the existing plat upon which neighboring property owners or the City have relied; or
- 2) Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided;⁹⁸²
- 3) The replat would not be detrimental to other property in the neighborhood, or, if detrimental, the benefits to the subdivider and the public, outweigh the detriment to the property in the neighborhood.

⁹⁷⁹ New provision.

⁹⁸⁰ Phrase "any , any lot line, dimension or bearing" was removed, because almost all replats involve those changes, but those that do not create additional lots do not need re-approval by Council.

⁹⁸¹ Revised to clarify that preliminary and final plats can be submitted and approved simultaneously.

⁹⁸² New standard in response to public comment.

(5) Administrative Plat Review⁹⁸³

(i) Applicability⁹⁸⁴

a. The subdivider may file an administrative plat with the Director, if the plat meets the following criteria:

- 1) The plat does not create, vacate, or change the location and/or size of streets; and
- 2) The plat does not create any additional residential lot or mixed use lots that will contain residential uses.

(ii) Procedure

a. The Director may approve the administrative plat if the Director determines that the revised lots and application materials, including but not limited to any utility construction documents, easements, and performance guarantees, have been approved and comply with this Ordinance and all other City ordinances and regulations.

b. On approval of the administrative plat, the Director shall sign the plat and cause it to be recorded with the recorder of deeds.

c. No occupancy permit shall be issued for property included in the administrative plat unless and until the requirements of this Section 29-5.4(n)(5) are met and all required utility work is completed.

Comment [PRZ359]: Clarifies that these items, when required, have been approved prior to Admin Plat being approved for recording. Added per Law. (9/16)

(6) Tract Split⁹⁸⁵

(i) Applicability

The tract split procedure is intended to simplify the orderly subdivision of large tracts of land for separate parcel sale through an administrative approval process. Preparation of a formal subdivision plat, Commission review, and Council approval are not required at the tract split stage, but will be required when the parcels resulting from a tract split are further divided into individual lots or developed.⁹⁸⁶

(ii) Procedure

a. The Director shall complete a concept review of the application and consult with other City departments and public or quasi-public agencies as he may deem necessary to confirm compliance with this Ordinance and other City ordinances and regulations.

⁹⁸³ Sec. 25-31. Application requirements were deleted and will appear in an administrative manual. Clause allowing appeal of a denied administrative plat to Council were deleted. This decision of the Director should go to the Board like all other appeals of Director's decisions.

⁹⁸⁴ Text revised for clarity since Module 3.

⁹⁸⁵ Sec. 25-33, with wording clarified and simplified. Clause allowing appeal of a denied administrative plat to Commission and then to Council were deleted. This decision of the Director should go to the Board like all other appeals of Director's decisions.

⁹⁸⁶ Minor wording revisions to match current practice.

- b. The Director shall approve or disapprove the request, and notify the subdivider in writing of the decision, within fourteen (14) calendar days after application filing.
- c. If the Director determines that the application does not qualify for approval as a tract split, the application shall be treated as a minor or major subdivision, depending on the number of parcels being created and the need for improvements or dedication of land.⁹⁸⁷
- d. The Director, on approval of a tract split, shall certify to the recorder of deeds that the tract split survey complies with all the provisions of this Ordinance.
- e. Except as otherwise provided in this Ordinance, no permit for street or utility extension, nor permit for building development shall be issued for any of the parcels resulting from an approved tract split unless or until such parcel or portion of a parcel has received major or minor subdivision approval under this Section 29-5.4(r).

(iii) Criteria for Approval

The Director may approve a tract split if the Director determines that the following criteria have been met:

- a. The property shall be divided into not more than five (5) parcels.
- b. Adequate provision has been made for future subdivision of the resulting parcels for development, for the opening of future streets to serve the parcels, and for the extension of utilities or related public improvements and facilities, as required by the procedures, and subject to the standards and criteria, in this Ordinance.
- c. The resulting parcel configuration does not adversely affect development of the balance of the tract or parcels, or of adjoining properties, and does not conflict with any provision of the comprehensive plan, this Ordinance, or other City ordinances or regulations.

(7) Monuments⁹⁸⁸

- (i) Monuments shall be selected from the types described by the "Minimum Standards for Property Boundary Surveys" of the Missouri Department of Natural Resources.
- (ii) Monuments shall be set or confirmed at all controlling corners on the boundary of the subdivision and all block corners, points of intersections, points of curvature and points of tangency within the subdivision.⁹⁸⁹
- (iii) On an individual lot within a subdivision, monuments shall be set or confirmed at all the corners of the lot.⁹⁹⁰

⁹⁸⁷ New provision to clarify current practice.

⁹⁸⁸ Sec. 29-37. Specific application requirements will be removed and placed in an administrative manual. Since Module 3, exemption from platting interior lot corners in a PUD has been removed.

⁹⁸⁹ Since Module 3, requirement that this occur prior to plat approval by Council has been removed.

⁹⁹⁰ Since Module 3, requirement that this occur prior to building permit has been removed.

(8) Completion and Dedication of Improvements

(i) Requirement⁹⁹¹

- a. The subdivider shall be required to complete all improvements and utilities required by the Council, and upon completion shall dedicate such improvements and utilities to the City, free and clear of all liens and encumbrances on the property,⁹⁹² unless the existence of such liens and encumbrances are approved by the City.⁹⁹³ The subdivider shall construct and complete all required improvements and utilities before recording the final plat unless the subdivider provides a performance bond as described in subsection (a) below.
- b. If completion and dedication of improvements and utilities as described in subsection (a) above has not been completed prior to final plat approval, the Council may require a bond or such other surety as it may deem appropriate to secure construction to be completed within a reasonable period specified by the Council and expressed in the bond or other surety, in an amount and with surety and conditions satisfactory to the Council.
- c. All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the design standards and requirements in this Ordinance and in related public improvements standard specifications or policies established by the City departments charged with responsibility for those improvements.⁹⁹⁴
- d. Required improvements shall be inspected during construction and installation to ensure satisfactory completion of those improvements, in accordance with inspection requirements adopted by the Council or by the City departments charged with responsibility for those improvements.
- e. Approval of a final plat, and acceptance of improvements shown on that plat by the Council, shall not prevent the Council from causing public improvements to be enhanced, enlarged or upgraded, in order to accommodate a higher level of service demand resulting from any subsequent change in the use of land within the subdivision, whether by benefit assessment, agreement among the parties or by such other mechanism as may be available now or may subsequently become available to the Council.

⁹⁹¹ Sec. 25-57 and 25-60, with changes as noted. Enforcement text was moved to the enforcement section. Intent statements in 25-60 regarding continued implementation of City infrastructure programs and minimizing breakage of streets were deleted as unnecessary. They had no regulatory effect and are addressed in public works policies outside this Ordinance. Text revised to provide that performance contract (as an alternative to a performance bond) is no longer available per advice of City counsel.

⁹⁹² Phrase "or public improvements dedicated" was removed at this point as unnecessary.

⁹⁹³ Text revised to allow City to consent to liens and encumbrances.

⁹⁹⁴ Compliance requirements now apply to all parts of this Ordinance (not just selected section).

(ii) **Failure to Complete Improvements**⁹⁹⁵

If any improvement or utility is not completed or installed and duly accepted for dedication within the time period specified in the performance agreement or bond, either by reason of incompleteness or by reason of substandard construction, the Council may, at its option:

- a. Declare any bond or other approved surety device to be forfeited, pursue legal and equitable action to obtain necessary funds from the sureties, and cause satisfactory completion and installation of all improvements and utilities previously required;
- b. Declare an applicable improvements guarantee agreement to be breached and pursue legal and equitable action to cause satisfactory completion and installation of the improvements and utilities;
- c. The Council may extend the time limit set for satisfactory completion of the improvements and utilities for one (1) year upon the request of the subdivider and showing of a reasonable necessity for such extension. The Council may approve no more than three (3) one-year extensions, and may approve no extension without a reasonable showing of the necessity for the extension. In the event that an extension of the time limit is granted, the Council may require further financial assurances for completion in the form of a performance bond or other acceptable surety device;⁹⁹⁶
- d. Pursue any legal or equitable action necessary to ensure satisfactory completion of the improvements or utilities.

(iii) **Reduction or Release of Guarantees**⁹⁹⁷

In those cases where a performance or other surety guarantee has been made under subsection (i) above, the amount of guarantee may be reduced upon public acceptance of dedicated portions of the required improvements. The amount of surety shall not be reduced to an amount less than the estimated cost of constructing the required improvements which have not yet been accepted by the City. In no case shall the amount retained by the City be less than five (5)⁹⁹⁸ percent of the original amount, pending completion and acceptance of all of the required improvements. Upon acceptance of the dedication of the final portion of the improvements, the City shall authorize the release of the remaining portion of the improvements guarantee.

⁹⁹⁵ Sec. 25-58.

⁹⁹⁶ Revised to allow for three 1-year extensions instead of one 5-year extension.

⁹⁹⁷ Sec. 25-59, with changes as noted.

⁹⁹⁸ Reduced from 15% to conform to Sec. 89.410.4.

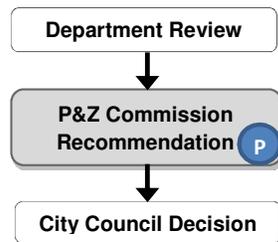
(o) Ordinance Text and Zoning Map Amendments

(1) General Zoning Map and Text Amendments

(i) Applicability⁹⁹⁹

- a. Any person, firm, or corporation owning real property within the City, the Commission, or the Council may file an application to change the text of this Ordinance.
- b. Any person, firm, or corporation owning real property within the City, or the Commission, or the Council, may file an application to change the boundaries of any base or overlay district on the Zoning Map, including but not limited to proposed changes in the Regulating Plan for the M-DT zoning district; provided that no person, firm, or corporation may file an application to change the boundaries of a base or overlay zone district or any portion of the Regulating Plan for property not owned by that person, firm, or corporation.
- c. No application for a general Zoning Map or text amendment shall request changes in the alternative; the requested Ordinance text and/or boundary change shall be stated as a single proposal to the City. An applicant may include separate requests for changes to more than one section of the Ordinance, or to the Zoning Map as applied to more than one lot, tract or parcel in common ownership, so long as no changes are presented in the alternative.
- d. No application to amend the Zoning Map may be filed if it is the same or substantially the same as an application submitted within the previous twelve (12) months that was denied by the Council or withdrawn by the applicant after a negative recommendation from the Commission. The Council may, in its sole discretion, authorize a resubmittal within the twelve (12) month period after reviewing a written request from the applicant that provides justification for the early resubmittal.

**Ordinance Text or
Zoning Map
Amendment (General)**



P = Public Hearing

(ii) Procedure

- a. The Department shall review the application and shall forward copies of the application and supporting documents to other City departments and public or quasi-public agencies affected by the requested change. The departments or agencies to which the application is sent shall, within ten (10)¹⁰⁰⁰ days of receipt of

⁹⁹⁹ Consolidates Secs. 29-33 and 34, and replaces 25-9. Modified to provide that the Commission may also file applications for map or text amendment. Prior draft language allowing individuals to file rezoning applications for property they do not own has been deleted.

¹⁰⁰⁰ Reduced from 15 to 10 days to match current practice.

the application and supporting materials, forward their recommendations to the Department. The failure of a department or agency to respond within ten (10) days shall be construed as that department or agency having no objections to the proposed change.¹⁰⁰¹

b. The Department shall make a written recommendation to the Commission as to whether the proposed change conforms to the City's adopted comprehensive plan, whether adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are available to support development that would be enabled by a proposed zoning map change, and the expected results of the proposed change.¹⁰⁰²

c. The Commission shall hold a public hearing on the application and shall make a recommendation to the Council.¹⁰⁰³

d. The Council shall take final action on the application. The Council shall not approve a change to the Ordinance text or Zoning Map that allows less restrictive development, or that enlarges the area to be rezoned beyond the area that was the subject of the public notice and Commission public hearing.

e. If a protest against a change to the Zoning Map duly signed and acknowledged by the owners of thirty (30) percent or more, either of the area of land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the area proposed to be changed, the Zoning Map change amendment shall only be adopted if it receives the affirmative vote of two-thirds of the members of the Council then in office and not disqualified from voting under Section 2-53.1. An abstention shall not be counted either for or against the amendment. In order to be valid, protest petitions must be filed with the City clerk no later than noon on the Wednesday before the Council meeting at which the proposed amendment is scheduled to be considered for passage.¹⁰⁰⁴

f. The City manager may place a Council bill that changes the Zoning Map, including but not limited to a proposed change in the Regulating Plan for the M-DT zoning district, or approves a development plan, or amends this Ordinance, on the Council consent agenda if the City manager determines that the following criteria have been met:

- 1) The Commission has recommended approval of the application and less than twenty-five percent (25%) of the Commissioners present voted against the motion to recommend approval.

¹⁰⁰¹ Time for response reduced from 15 to 10 days and final sentence added.

¹⁰⁰² Provisions of current Sec. 29-34(a)(2) outlining details of Department review are not carried over given the general procedures in Sec. 29-5.3 above. Application requirements in Sec. 29-34(a)(3) were deleted for inclusion in an administrative manual. Revised to include additional information regarding infrastructure in response to public comments.

¹⁰⁰³ Requirement for scheduling on the "next regular meeting date" of the Commission were deleted, since public hearing scheduling is now addressed by Sec. 29-5.3(d).

¹⁰⁰⁴ Sec. 29-34(b). Specific protest provisions for PUD zone district have not been carried over. All PD rezonings are now subject to the same protest provisions applicable to standard rezonings.

(ii) Approval Procedure¹⁰⁰⁸

a. Before filing an application, the applicant must first meet with the Director for a concept review of the proposal. The concept review is an informal discussion to discuss land use and development concepts, consistency with the City's adopted comprehensive plan, applicable sections of this Ordinance and other City ordinances and regulations, and other concerns about the impacts of the proposed change that may be raised.

b. The application shall be accompanied by a statement of intent including, at a minimum, those items listed below and a development plan meeting the City's requirements as defined within the UDC Administrative Manual. The application and development plan shall be reviewed by the Department and Commission, and shall be the subject of final action by Council, simultaneously. No application for a Zoning Map change to a PD district shall be approved without approval of an accompanying statement of intent or development plan.¹⁰⁰⁹

Comment [PRZ362]: Text added for clarity and per Law. (9/16)

1) The required Statement of Intent (SOI) shall, at a minimum, include the following items:

- i) The uses proposed in the PD using the same names for uses, or combinations of those names, shown in Table 29-3.1-1. Such list may not contain any use that is not shown in Table 29-3.1-1, as that table appears at the time of the application.¹⁰¹⁰
- ii) The type(s) of dwelling units proposed and any accessory buildings proposed.
- iii) The maximum number of dwelling units and bedroom mix (multi-family only) proposed and the development density (net and gross).
- iv) Minimum lot sizes, if applicable, maximum building height, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings.
- v) The total number of parking spaces proposed (on-site or off-site) and the parking ratio per dwelling unit. Where off-site parking is proposed documentation shall be provided showing compliance with the provisions of this Ordinance have been met.

Comment [PRZ363]: Added to aid in "use-specific" standard review. (9/16)

Comment [PRZ364]: Merged from separate item since it is a general dimensional standard. (9/16)

Comment [PRZ365]: Added to reflect possible parking alternatives for off-site parking of non-residential uses. (9/16)

Comment [PRZ366]: Added to aid in project review and require applicant to verify alternative arrangement requirements have been met. (9/16)

¹⁰⁰⁸ Provisions in Sec. 29-10(e)(4) allowing requests for modification of conditions, denial of the application, or withdrawal of the application were deleted as unnecessary since applications where the applicant disagrees with the conditions will be considered as old business under the standard rezoning provisions. Provisions allowing Council to withdraw a development plan within 2 years if development has not begun were deleted because that would result in a "shell PUD". The better practice would be for Council to rezone the property away from the PD district. Provisions stating that approved C-P and PUD development does not need to comply with C-P and PUD regulations adopted later were not carried over, since the Ordinance no longer contains substantive regulations (they are in the development plans).

¹⁰⁰⁹ This is a significant change from the current procedures, which allow for approval of a planned district first and a development plan later. This creates problems with "shell PUDs" that do not clarify what development is possible within the district.

¹⁰¹⁰ New general provision to replace the specific lists of uses for the four current planned districts.

- vi) The minimum percentage of the entire site to be maintained in open space, shown by the per cent in landscaping and the per cent left in existing vegetation.
 - vii) Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.
- c. The application materials shall document whether adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are available to support the proposed development.¹⁰¹¹
- d. ~~The application or the required development plan shall list the permitted and conditional uses in the proposed PD district using the same names for uses, or combinations of those names, shown in Table 29-3.1 1. to the greatest degree practicable, and The application may not contain any permitted or conditional use that is not shown in Table 29-3.1 1, as that table appears at the time of the application.~~¹⁰¹²
- e. If the proposed PD development will require subdivision or resubdivision of land, the requirements of Section 29-5.4(n) regarding subdivision of land shall apply, but the application for a PD zone district and subdivision of land may be completed simultaneously as described in Section 29-5.4(n)(3)(ii). Any variances to the subdivision regulations proposed as part of the PD application shall be clearly stated on the PD development plan. Such variances shall be considered along with Commission and Council review of the plan.
- f. No building permit shall be issued for any construction in a PD zone district until the development plan has been approved by the Council.
- g. No building permit shall be issued for any construction in a PD zone district that requires subdivision or resubdivision of land until a final subdivision plat for the property on which permits are requested has been approved by Council.
- h. If the PD includes buildings other than single-family detached dwellings or two-family dwellings, with each such dwelling located on an individual platted lot, no building or footing and foundation permit shall be issued until the site plan filed with the application for a building permit has been reviewed by the Director for compliance with the approved development plan.¹⁰¹³
- i. If construction consistent with the approved development plan has not begun within three (3) years¹⁰¹⁴ after Council approval of the development plan or a major modification of the development plan, the development plan shall expire and be of no force or effect, and no permit for development within the PD zoning district shall be approved until a new development plan is approved pursuant to the same procedures used to approve the initial PD zoning district. Prior to expiration of the PD development plan, the Council may extend the time for a one (1) year period, on

Comment [PRZ367]: Restructured and amended, as noted, Statement of Intent provisions from 29-10. Added per Law. (9/16)

Comment [PRZ368]: Provisions added to subsection B(1)(i), above. (9/16)

¹⁰¹¹ New criteria included in response to public comments.

¹⁰¹² New general provision to replace the specific lists of uses for the four current planned districts.

¹⁰¹³ Existing provisions combined and exemption of 1 and 2 family dwellings from site plan requirement clarified.

¹⁰¹⁴ Revised from 5 years to align with revised expiration date for preliminary plats.

a one-time-only basis.¹⁰¹⁵ A request for a time extension must be made in the form of a letter signed by the property owner or his agent.

(iii) **Modification Procedure**¹⁰¹⁶

a. Minor changes to an approved development plan may be approved by the Director . If the PD zone district contains any single-family detached dwellings or two-family dwellings, minor changes are those that:¹⁰¹⁷

- 1) Comply with the original statement of intent;
- 2) Do not increase the project density in total or in areas of the PD;
- 3) Do not change the dwelling unit type (attached, detached, multi-family) being altered;
- 4) Do not increase the height or size of any building;
- 5) Do not change the size or nature of public or private infrastructure;
- 6) Do not change the project amenities such as landscaping, open space, common area or recreational facilities;
- 7) Do not rearrange the locations of buildings;
- 8) Do not increase any parking area;
- 9) Do not change the permitted use of any structure; and
- 10) Do not create a potential increase in traffic.

b. If the PD zone district contains does not contain any single-family detached dwellings or two-family dwellings, minor changes are those that:

- 1) Do not increase the height or size of any building;
- 2) Do not increase any parking area;
- 3) Do not rearrange the locations of buildings;
- 4) Do not change the size or nature of public or private infrastructure; and
- 5) Do not change the project amenities such as landscaping, open space, common area or recreational facilities.¹⁰¹⁸

c. Changes that do not meet the criteria for a minor change under subsection (a) or (b) above, as applicable, shall follow the same procedure as if it were a new development plan for the PD zone district.¹⁰¹⁹

¹⁰¹⁵ Text revised to clarify that extension may only be for 1 year, at request of staff.

¹⁰¹⁶ C-P district procedures allowing Director to make modifications to development plans approved before Nov. 18, 1996 were deleted, since all minor modifications are now covered by 29-5.3(f).

¹⁰¹⁷ Criteria for minor modifications in PD (residential) districts, clarified and reworded.

¹⁰¹⁸ Current O-P criteria reworded for clarity and made generally applicable to all PDs not containing single-family or two-family development. Minor wording differences between O-P, C-P, and M-P removed.

¹⁰¹⁹ Revised to clarify that Council decides all applications for major amendments.

(3) Zoning Map Amendment to UC-O District¹⁰²⁰

Applications to change the Zoning Map to designate land into a UC-O zone district, or to modify a UC-O zone district, shall be made, reviewed, and decisions made as described in Section 29-5.4(o)(1) above, except to the extent those requirements are modified in this Section 29-2.3(a) (UC-O District).

(4) Zoning Map Amendment to SR-O District¹⁰²¹

Applications to change the Zoning Map to designate land into a SR-O zone district, or to modify a SR-O zone district, shall be made, reviewed, and decisions made as described in Section 29-5.4(o)(1) above, except to the extent those requirements are modified in this Section 29-2.3(b) (SR-O District).

(5) Zoning Map Amendment to R-MH District¹⁰²²

(i) Applicability

- a. Applications to change the Zoning Map to designate land into an R-MH zone district, or to modify an R-MH zone district, shall be made, reviewed, and decisions made as described in Section 29-5.4(o)(1) above, except to the extent those requirements are modified in this subsection (5).
- b. Applications to change the Zoning Map to designate land into an R-MH district require Council approval of both a Zoning Map amendment and a development plan for the property that shall be binding on the owner and its successors and assigns. Later development applications must be consistent with the approved development plan, or the development plan will need to be modified by Council action.

(ii) Procedure

- a. Before filing an application, the applicant must first meet with the Director for a concept review of the proposal. The concept review is an informal discussion to discuss land use and development concepts, consistency with the City's adopted comprehensive plan, applicable sections of this Ordinance and other City ordinances and regulations, and other concerns about the impacts of the proposed change that may be raised.
- b. The application shall be accompanied by a preliminary development plan meeting the City's requirements, and the application and development plan shall be reviewed by the Department and Commission, and shall be the subject of final action by Council, simultaneously. No application for a Zoning Map change to an R-

¹⁰²⁰ Sec. 29-21.1 procedures have remained with the substantive controls for that district.

¹⁰²¹ Sec. 29-21.2 procedures have remained with the substantive controls for that district.

¹⁰²² Sec. 29-11(e), with wording revised and clarified for consistency with similar requirements for PD zoning. Provisions allowing Council to withdraw a development plan within 2 years if development has not begun were deleted; the better practice would be for Council to rezone the property away from the PD district. Revisions to R-MH development plans are now subject to Section 29-5.3(f); existing modification provisions were not carried over. Text regarding right of the City to inspect, and duty of property owner to provide access to inspectors, was made generally applicable to all districts in the enforcement chapter.

MH district shall be approved without approval of an accompanying preliminary development plan.¹⁰²³

- c. If Council approves the Zoning Map change ordinance and the preliminary development plan, with or without conditions, the applicant shall submit a final R-MH development plan to the Director. The Director shall approve the application if it complies with this Ordinance, all other City ordinances and regulations, and is consistent with the preliminary development plan as approved by Council.
- d. If the proposed R-MH development will require subdivision or resubdivision of land, the requirements of Section 29-5.4(n) regarding subdivision of land shall apply, but the application for a R-MH zone district and subdivision of land may be completed simultaneously as described in Section 29-5.4(n)(3)(ii). Any variances to the subdivision regulations proposed as part of the R-MH application shall be clearly stated on the development plan. Such variances shall be considered along with Commission and Council review of the plan.
- e. No building permit shall be issued for any construction in an R-MH zone district until the final development plan has been approved by the Director.
- f. No electrical permit shall be granted for a manufactured home located in an R-MH district with an approved final development plan unless the placement of the manufactured home is in compliance with the approved final development plan.
- g. No building permit shall be issued for any construction in an R-MH zone district that requires subdivision or resubdivision of land until a final subdivision plat for the property on which permits are requested has been approved by Council.

(iii) **Enlarging existing manufactured home parks**

Application to enlarge manufactured home parks existing on [effective date of this code] shall be subject to all provisions of this section relating to requirements for adoption of a new R-MH zoning district. When a final development plan is approved for an extension of a manufactured home park existing on [effective date of this code] the screening requirements of Section 29-4.5 shall apply to the entire manufactured home park.

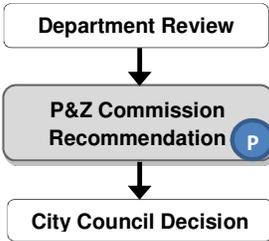
¹⁰²³ This is a significant change from the current procedures, which allow for Council approval of an R-MH preliminary development plan first and Council approval of a final development plan later. The preliminary development plan now accompanies the rezoning ordinance, and approval of the final development plan is administrative, since the only question is whether the applicant made the changes to the preliminary development plan required by Council.

(p) Comprehensive Plan Amendment¹⁰²⁴

(i) Applicability

This procedure may be used to amend the City’s adopted comprehensive plan or to adopt a new comprehensive plan. An application to amend the comprehensive plan may be filed by the Commission, the Council, or any resident of the City. An application to adopt a new comprehensive plan may be filed by the Commission or the Council.

Comprehensive Plan Amendment



P = Public Hearing

(ii) Procedure

- a. The Director shall review the application and make a report to the Commission regarding the areas of change from the adopted comprehensive plan and the anticipated long-term impacts of those changes on the growth, development, and sustainability, and affordability of the City, the investment climate in the City, and the efficiency of City administration.
- b. The Commission shall review the application, hold a public hearing on the proposed amendment, and make a recommendation to Council.
- c. The Council shall take final action on the application.

(q) Tall Structures in the M-DT District

Comment [PRZ369]: Added per public and Commission comment. (9/16)

(i) Applicability

This procedure shall apply to proposed construction of buildings located upon frontages designated as Urban General/Urban General Storefront on the M-DT Regulating Plan that seek to exceed the permitted maximum building height as defined within Section 29-4.2 of this UDC.

(ii) Procedure

All proposed buildings that exceed the maximum building height shall require council approval. Requests for tall structure approval in district M-DT shall require a petition on a form provided by the director and shall be referred to the Planning and Zoning commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-5.4(o) of this UDC.

Petitioners shall provide the planning and zoning commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study. A "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent properties and streets,

¹⁰²⁴ New section.

by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building.

A tall building may be approved by the city council if it satisfies the following criteria:

- (a) The height is consistent with adopted city plan recommendations for maximum building height in the specific location;
- (b) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces;
- (c) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it; and
- (d) Public sidewalks, crosswalks, and streets adjacent to the site are of sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.

29-5.5 Nonconformities¹⁰²⁵

(a) Nonconforming Uses¹⁰²⁶

(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.
 - a. A nonconforming use of land outside of a building shall not be extended or enlarged beyond the area of land on which it occurred on the date it became nonconforming or the annexation date.
 - b. A nonconforming use of land inside a conforming building may be extended throughout the building that existed on the date the use became nonconforming or the annexation. The Board may grant permission for an extension of a conforming

¹⁰²⁵ Consolidates material from Secs. 29-28 and 23-3, with changes as noted.

¹⁰²⁶ Sec. 29-28, with changes as noted.

building to allow expansion of a nonconforming use in that building by up to twenty-five (25) percent upon a showing that relocation of the use to a district in which it would be a permitted or conditional use would be impossible or impracticable.¹⁰²⁷

c. If a nonconforming use of land or buildings is discontinued for any reason for a period of more than six (6) months, any future use of such premises shall comply with the provisions of this Ordinance.

d. A nonconforming use of a building may be changed to another nonconforming use that the Director determines will have fewer negative impacts on the surrounding area than the use it replaces, provided, that the original nonconforming use shall not be restarted.¹⁰²⁸

(ii) A nonconforming use of land or buildings, if changed to a conforming use, may not be thereafter changed to a nonconforming use. A nonconforming use of buildings that is changed to a nonconforming use that the Director determines will have fewer negative impacts on the surrounding area may not thereafter be changed to any nonconforming use that the Director determines will have more negative impacts on the surrounding area.¹⁰²⁹

Comment [PRZ370]: Clause added to eliminate need for subsection (2). (5/16)

Comment [PRZ371]: Changed from 12 months due to belief that original vacancy duration was excessive. (5/16)

(2) Damage and Destruction¹⁰³⁰

~~If a nonconforming use of land or buildings is damaged or destroyed by an act of God, nature, or a public enemy, the use may be restarted in substantially the same configuration as before the damage or destruction, provided the use is restarted within twelve (12) months after the damage or destruction.~~

Comment [PRZ372]: Section unnecessary based upon revision to (a)(1)(i)(C) above. (5/16)

¹⁰²⁷ Final sentence is from 29-28(a)(4) revised to clarify that it applies to expansion of nonconforming uses in conforming buildings and include a standard for extensions different from the "hardship" standard for variances.

¹⁰²⁸ Combines Sec. 29-28(e)(1) and (2); revised to clarify language, to provide the discontinuance must be for 12 months or more for the nonconforming use to be lost (as it is for buildings). Clause on expansion of nonconforming structures reading "provided no structural alterations, except those required by law or ordinance, are made to the building" was deleted; most new codes permit improvements to the building, but not expansion of the building. Revised to provide for Director's decision and criteria for that decision, because current language allowing uses from a "more restrictive use classification" is outdated and will not work with the new use classifications. Limitation that this only occur if no structural alterations are made was deleted. Clarifies that this provision cannot be used to restart a non-conforming use that has closed.

¹⁰²⁹ Sec. 29-28(a)(3) with wording clarified and second sentence deleted as unnecessary (it simply restates standard nonconforming law).

¹⁰³⁰ Sec. 29-29(b) revised to allow damaged nonconforming uses to restart if they do so promptly. The current ordinance prohibits restarting or change of a nonconforming use if it is damaged by more than 75% of its reasonable value.

(b) Nonconforming Structures

(1) Continuation and Change¹⁰³¹

- (i) Any structure that was legally constructed, or that was legal in Boone County on the date that land was annexed into the City, may continue in use, and may be transferred or sold to other owners or tenants, whether or not that structure complies with the provisions of this Ordinance for the zoning district in which it is located, subject to the following conditions.
 - a. Any expansion of a nonconforming structure shall conform to the building setbacks and all other dimensional standards applicable to new construction on the site.
 - b. In the M-DT District, where a legal non-conforming building is located off the Required Building Line, additions shall conform as nearly as practicable. Additions are not required to extend to the Required Building Line. Existing building facades are not required to be retrofit to conform to M-DT fenestration or other M-DT façade requirements.
 - c. If the structure is occupied by a nonconforming use, any expansion of the nonconforming use into the building expansion area will require approval of the Board pursuant to Section 29-5.5(a) above.
- (ii) ~~Any structure, including fences, that was made nonconforming by its location in an area designated a scenic roadway area, if damaged or destroyed, may be rebuilt or replaced, providing such replacement does not exceed the size or height existing when the scenic roadway area designation became effective. Any rebuilding or replacement shall be done, considering their effect on the scenic road characteristics and current City standards that would be in conformance with the scenic road characteristics.~~¹⁰³²

Comment [PRZ373]: Response to public comments. New paragraph clarifying that in MD-T, which has a required building line, some legal non-conforming buildings may be impossible or impractical to expand to the RBL. (9/16)

Comment [PRZ374]: These provisions do not appear to permit replacement of nonconforming structures back into the S-RO regardless of their level of destruction. This text is recommended to be removed as it would conflict with general replacement criteria for nonconformities. (5/16)

(2) Damage and Destruction¹⁰³³

- (i) If a nonconforming structure is damaged or destroyed by an act of God, nature, or a public enemy, and the damage to the structure does not exceed seventy-five (75) percent of its reasonable value, excluding foundations, the structure may be reconstructed in substantially the same configuration as before the damage or destruction. If the damage to the structure exceeds seventy-five (75) percent of its reasonable value, excluding foundations, the structure may only be reconstructed in compliance with this Ordinance, as applied to the zone district where the structure is located.
- (ii) The provisions of subsection (i) shall not apply to structures containing only residential dwelling units (and permitted home occupations in those dwelling units), which may be

¹⁰³¹ New section. The current ordinance only partially addresses continued use or expansion of nonconforming structures.

¹⁰³² Relocated from SR-O district section since Module 2.

¹⁰³³ From Sec. 29-29(b) with changes. Subsection (a) now appears in Chapter 1; subsection (c) was deleted because the 10 year timeframe in which action under that subsection was to be taken has expired.

reconstructed in substantially the same configuration as before the damage or destruction, regardless of the amount of damage or destruction.¹⁰³⁴

(c) Nonconforming Lots

(1) A lot that does not conform to the standards in this Ordinance for the zoning district in which it is located may nevertheless be used for any use for which a conforming lot may be used, but must comply with all Dimensional Standards in Section 29-4.1, all Form-based Controls in Section 29-4.2, and all other provisions of this Ordinance applicable to property in that zoning district.

(2) If the State of Missouri or the City acquires a portion of a tract or parcel of land for right-of-way and the remaining property thereby becomes nonconforming for the zoning district in which it is located, the property shall be treated as a conforming property.¹⁰³⁵

Comment [PRZ375]: This provision replaces the limitation that currently exists on development of lots that are smaller than 5000 sq. ft. or less than 60-feet wide. Development on these lots, regardless of size or width, will be subject to meeting setback and other regulatory requirements. It would eliminate the need for platting if the lot is deemed to be "legal". (5/16)

(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 29-4.4 (Parking and Loading), 29-4.5 (Landscaping and Screening,) or 29-4.6 (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 29-4.4, 29-4.5, or 29-4.7;
- (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 and/or construction of new principal structures shall require that the property be brought into compliance with all applicable requirements of this Ordinance.

(e) Nonconforming Signs¹⁰³⁶

- (1) All signs which have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this Section 29-5.5(e).
- (2) Nonconforming signs that become deteriorated or dilapidated to the extent of over sixty (60) per cent of the physical value they would have if they had been maintained in good repair must be removed within sixty (60) days. Nonconforming signs that are damaged to the extent of sixty (60) per cent or less of their physical value must be repaired within sixty

Comment [PRZ376]: Referenced Section 29-5.5(e) throughout is not correct. Should be 29-4.10 and possibly 29-4.11

¹⁰³⁴ New provision.

¹⁰³⁵ Sec. 29-28(e) revised for clarity and to delete provisions allowing reconstruction of the same building on the property. Most cities treat these types of properties the same as other properties for purposes of reconstruction and redevelopment.

¹⁰³⁶ Sec. 23-3, with changes as noted.

(60) days from date of notification, or must be removed. Nonconforming signs that are damaged, other than by vandalism, to the extent of over sixty (60) per cent of their physical value must be removed within sixty (60) days of receiving such damage or brought into compliance with the provisions of this UDC. Nonconforming signs that are damaged by vandalism to the extent of over sixty (60) per cent of their physical value must be restored within sixty (60) days or removed or brought into compliance with the provisions of this Section 29-5.5(e).

(3) Nonconforming signs may not be enlarged or increased in height. Nonconforming signs that are enlarged or increased in height in violation of this section must be removed.

(4) Nonconforming signs may not be relocated except when such relocation brings the sign into compliance with this Section 29-5.5(e). Nonconforming signs that are relocated in violation of this section must be removed.

~~(5) Freestanding signs lawfully in existence on January 6, 1992, including freestanding signs existing pursuant to variances granted by the Board, that do not conform with the provisions of this Section 29-5.5(e) shall be removed, altered or replaced so as to conform with the provisions of this Section 29-5.5(e) no later than January 1, 2007. This subsection does not apply to billboards that were lawfully erected.~~

Comment [PRZ377]: Ineffective after 1/1/2007. Recommend removal. (5/16)

(6) The sign face of a nonconforming sign may be altered if the sign face is not enlarged beyond the maximum area allowed by this Section 29-5.5(e).

~~(7) On-premises wall, canopy and awning signs lawfully in existence on December 20, 1993, including signs existing pursuant to variances granted by the Board, that do not conform with the provisions of this Section 29-5.5(e) shall be removed, altered or replaced so as to conform with the provisions of this Section 29-5.5(e) no later than December 20, 2008.~~

Comment [PRZ378]: Ineffective after 12/20/2008. Recommend removal. (5/16)

~~(8) On-premises wall, canopy and awning signs in the Central Business District that were lawful conforming signs on February 19, 2007 but that do not conform with the provisions of Section 29-4.10(d)(3) shall be allowed to remain in place as lawful nonconforming uses until structurally altered or replaced through the sign permitting process. Ordinary replacement of sign messages, including replacement of sign panels and repainting of signs, and other alterations not requiring the use of the sign permitting process are permitted alterations provided the activity does not increase the extent of nonconformity.~~

Comment [PRZ379]: Provision can be removed as they appear to provide nothing beyond what this section already does. (5/16)

Comment [PRZ380]: Code section reference updated. (5/16)

~~(9) Lawful nonconforming signs in the Central Business District that were installed before 1956 that are deteriorated or damaged to any extent may be restored to their original condition. Any such sign that is destroyed may be replaced with a sign substantially the same as the original sign.~~

Comment [PRZ381]: Provision can be removed as they appear to do nothing beyond what this section already does. (5/16)

29-5.6 Violations, Enforcement, and Penalties

The provisions of this Ordinance shall be administered and enforced by the Director, ~~except for the provisions of Sec. 29-4.6 (Storm Water and Natural Resources), which shall be administered and enforced by the Director of Public Works.~~¹⁰³⁷ The City building inspector and health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Code. It shall be the duty of the property owner to give the health officer or building inspector free access to all spaces or lots under the owner's control for the purpose of inspection.¹⁰³⁸

Comment [PRZ382]: Chapter 12A materials removed from UDO. All enforcement is responsibility of Community Development Director. (9/16)

Comment [PRZ383]: We cannot force a property owner through the Code to allow access to private property. Building or health officials must either get permission or a warrant. (5/16)

(a) Violations¹⁰³⁹

It shall be a violation of this Ordinance to:

- (1) Use any land or structure for a purpose or in a manner not permitted by this Ordinance, or without any permits or approvals required from the City before commencing that use of land or structure;
- (2) Subdivide any land whether through deed, survey, or other means, without compliance with the requirements of this Ordinance;
- (3) Expand, redevelop, or renovate any area of land or structure for which a permit or approval is required by this Ordinance without first obtaining those permits and approvals;
- (4) Operate any business or land use for which the City or the state or federal government requires a license, permit, or approval, without first obtaining those permits and approvals;
- (5) Park a motor vehicle in the residential yard in violation of Section 29-4.4(f)(3) and fail to remove it within two business (2) days after notice from the City to do so, unless the property owner has first obtained a Temporary Permit for such parking under Sec. 29-5.4(h);¹⁰⁴⁰
- (6) Improve land or construct or modify structures in a manner that does not comply with any permits, approvals, or development plans, or that does not comply with any conditions on such permits, approvals, or development plans approved pursuant to this Ordinance;
- (7) Use land or construct or modify structures in any PD zoning district in a manner that is inconsistent with the Statement of Intent for that zoning district;

Comment [PRZ384]: Add to clarify that unlawful means is a violation. (5/16)

Comment [PRZ385]: Replaced "divide" with a defined term for added clarity. (5/16)

Comment [PRZ386]: Revised from 5 days to 2 days. (5/16)

¹⁰³⁷ Carries forward general enforcement powers in Sec. 29-35, including separate enforcement authority for current Chapter 12A regulations.

¹⁰³⁸ Provisions of Sec. 29-11(e) (R-MH district) made generally applicable, to reflect current practice.

¹⁰³⁹ Integrates and updates violation provisions from Chapters 12A, 23, 25, and 29, including Secs. 12A-10, and 29-39.

¹⁰⁴⁰ Current provision made applicable to all residential uses instead of listing them (the current code lists most of them). Provisions of Sec. 29-30(7)(a) and (b) regarding proof of ownership of the vehicle and liability of all tenants and occupants for failure to cure a violation were not carried over.

- (8) Obtain any permit or approval required under this Ordinance based on false statements or misrepresentation of facts in any application, documents, correspondence, testimony, or verbal communications with the City;
- (9) Continue a land use or construction, modification, use, or occupancy of a land or structures after the City has suspended a permit or approval or issued a stop work order, until the City reinstates the permit or approval or withdraws the stop work order;
- (10) Fail to install improvements required by this Ordinance or by an agreement between the City and the property owner or subdivider by the times required by this Ordinance or the agreement; and
- (11) Take any other act that is prohibited by this Ordinance, or fail to act when that act is required by this Ordinance.

(b) Enforcement¹⁰⁴¹

- (1) In order to enforce compliance with this Ordinance, the Director and the Director of Public Works, as applicable, are empowered to take the following actions.
 - (i) Cause a building or premises to be inspected for violations of this Ordinance, with such inspection occurring during normal business hours unless there is an imminent threat to public health or safety;
 - (ii) Order in writing that the owner or occupant of the property on which a violation of this Ordinance is found correct that violation within a reasonable time;
 - (iii) ~~Order in writing that the owner or occupant of the property on which a sign has been erected, modified, repaired, or used in violation of this Ordinance remove the sign or bring it into compliance with this Ordinance within a reasonable time;~~
 - (iv) ~~Order that any sign that is not be removed within the time stated in the notice of violation be removed by the City, with costs of removal to be charged to the property owner as described in subsection (2) below;~~
 - (v) Take action to prevent or to stop any use of land or structures, construction or repair of structures, or any division of land that constitutes a violation of this Ordinance, and/or to prevent the occupancy of the land or structure on which or in which the violation has occurred;
 - (vi) Revoke or suspend any permit or approval obtained through a false statement or misrepresentation of fact, or if the permit holder fails to comply with the terms or conditions of the permit or approval, with reinstatement of the permit or approval to occur only after the violation of this Ordinance has been remedied;¹⁰⁴²
 - (vii) Refuse to issue any permit or approval, including but not limited to a building permit or certificate of occupancy, for any land use or structure that would violate this Ordinance, or that contains an existing violation of this Ordinance that has not been remedied after notice from the City;

Comment [PRZ387]: Does not appear to do anything beyond what is allowed under (ii). (5/16)

Comment [PRZ388]: Does not appear to do anything beyond what is allowed under (ii). Also, cost not allowed unless violation is an actual nuisance. (5/16)

¹⁰⁴¹ Replaces and integrates Secs. 23-28 and 29, 25-13, 29-39, 12A-7 through 13, and 12A-132.

¹⁰⁴² From 12A-7 land disturbance permits, made applicable to all permits and approvals.

- (viii) Remove any unlawful signs on street rights-of-way and property owned by the City;
 - (ix) Authorize the City’s legal officers to file a lawsuit or court proceeding to require compliance with this Ordinance and/or correction of any violation of this Ordinance or to require performance of claim damages for any failure to perform duties required by an agreement between the City and a property owner or subdivider related to a permit or approval under this Ordinance;
 - (x) Bring an action to require the owner of any property designated as a landmark or located in a landmark district who performs work in violation of this Ordinance or the requirements of Section 29-2.3(c) to return the landmark or property to its appearance and setting prior to the violation, to the greatest extent practicable, and to impose a “demolition without a permit fee” under Chapter 6;¹⁰⁴³ and
 - (xi) Take any action permitted by state law or the City’s charter to abate a violation of this Ordinance that constitutes a nuisance, including without limitation taking those actions listed in Secs. 12A-201 through 207 (Nuisances)¹⁰⁴⁴
- (2) The enforcement actions set forth in subsection (1) above are cumulative and not exclusive. The City may pursue any available civil remedies, in any order, and may pursue more than one remedy at a time, and the City’s choice to pursue one type of enforcement does not limit its ability to pursue different or additional enforcement actions until the violation has been corrected.¹⁰⁴⁵
- (3) ~~If the Director orders the removal of a sign that violates this Ordinance, and that sign is later removed by the City pursuant to subsection (1)(iv) above, the Director shall submit the actual cost of such removal to the owner of the property. If the owner does not pay the cost within thirty (30) days of receipt, the Director shall certify the cost to the director of finance who shall cause a special tax bill against the property to be prepared and collected. The tax bill shall be due and payable from the date of issuance and shall be a lien on the property from the date of issuance until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of nine (9) per cent per annum.¹⁰⁴⁶~~
- (4) Any decision by the Director or the Director of Public Works to pursue any of the enforcement actions listed in subsection (1) (except orders for inspection, removal of signs on public rights-of-way and City owned property, and decisions to file an action in court) may be appealed the Board pursuant to Sec. 29-5.3(f) if filed within ten (10) days after notice of that decision. A timely appeal suspends the enforcement action pending the outcome of the appeal.

Comment [PRZ389]: Deleted for consistency. 29-5.6(b)(1)(iv) removed since it is not legal unless an actual nuisance exists. (9/16)

¹⁰⁴³ Section has been moved from the HP-O district since Module 2, and has been revised to clarify that in addition to returning a historic property to its original state (to the greatest extent feasible), the violator will be fined.

¹⁰⁴⁴ Provisions of Chapter 12A made generally applicable to the Ordinance.

¹⁰⁴⁵ From Sec. 12A-12, made generally applicable and updated.

¹⁰⁴⁶ Sec. 29-32, simplified.

(c) Penalties¹⁰⁴⁷

(1) Generally¹⁰⁴⁸

The following provisions apply to all violations of this Ordinance unless an alternative penalty for a specific type of violation is listed in subsection (c)(2) below.

- (i) The owner or general agent of a building or premises where a violation of this Ordinance has occurred, or the lessees or tenant of an entire building or entire premises where such violation has occurred, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation occurred, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be guilty of a misdemeanor.
- (ii) A first misdemeanor under subsection (c)(1)(i) above shall be punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- (iii) For the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment, in the discretion of the court.
- (iv) Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service, or shall continue to violate any provision of the regulations made under authority of this UDC in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

(2) Special Penalties

(i) Violations of Section 29-4.3 (Subdivision Standards)¹⁰⁴⁹

- a. Any person violating the provisions of Section 29-4.3 shall pay to the City a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold; the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalty.
- b. Any transfer or sale of land in violation of Section 29-4.3 shall be deemed to be null and void and the City may enjoin or vacate the transfer or sale by legal action, and may recover the penalty in such action.

¹⁰⁴⁷ Combines and updates provisions from Sec. 12A-11 and 12, 23-30, 25-62, and 29-39.

¹⁰⁴⁸ From Sec. 29-39.

¹⁰⁴⁹ Sec. 25-62. Subsection C was not carried over because covered by general enforcement powers listed above.

c. Any person violating the provisions of Section 29-4.3, in a manner that does not involve the transfer of lots or parcels of land shall pay to the City a penalty not exceeding five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.¹⁰⁵⁰

(ii) Violations of Chapter 12A (Land Preservation)

Violations of Chapter 12A of the City Code shall be punishable in the same manner as Class A misdemeanors under Chapter 16 of the City Code, and every day the violation continues (after notice from the City) shall constitute a separate offense. In addition, every one thousand (1,000) square feet of climax forest removed, destroyed or damaged in violation of Section 29-4.5 shall constitute a separate offense.

(iii) Violations of Section 29-4.9 (Sign Standards)¹⁰⁵¹

a. The owner or general agent of a building or premises where a violation of Section 29-4.9 exists, or the lessees or tenant of an entire building or entire premises where a violation of Section 29-4.9 exists, or the general agent, architect, builder, contractor or any other person commits, takes part or assists in any such violation or who maintains any sign or premises in which a violation of Section 29-4.9 exists, shall be guilty of a misdemeanor and shall pay to the City a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, unless subsection (b) below applies.

b. If the violation of Section 29-4.9 is or was willful, the penalty for violation shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or imprisonment for ten (10) days for each and every day such violation shall continue, or both such fine and imprisonment in the discretion of the court.

c. Any such person who, having been served with an order, within ten (10) days after such service shall continue to violate any provision of Section 29-4.9 in the manner named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

(iv) Violation of Section 29-4.4(F)(3) (Parking – Use of Yards)

Any person found in violation of Section 29-4.4(f)(3) shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

¹⁰⁵⁰ Revised to clarify that the fine accrues daily.

¹⁰⁵¹ From Sec. 23-30.

Appendix A: Street Standards¹⁰⁵²

Design Standards for Streets, Sidewalks and Bikeways

(a) Purpose and Intent

(3) The 2025 Transportation Plan established a functional classification system consisting of Major Arterials, Minor Arterials, Major Collectors and Neighborhood Collectors. In developing new design standards, it was determined that local residential and local non-residential streets should also be included. This provides for an integrated street system.

(4) A roadway system must balance the conflicting goals of traffic movement and access to land. Arterials are primarily for the movement of through traffic; collectors provide equal attention to land access and through traffic; and local streets provide access to individual parcels of land at the expense of through traffic. Selecting the proper roadway design for each functional classification is vital to development of a system of roadways which provides the needed connectivity between all areas of the City as well as the capacity to handle future traffic volume.

(5) Design elements encompassing right-of-way width, pavement width, number of travel lanes, bike lane width, use of curb and gutter, sidewalk and pedway width, parking, driveways, buffer strip width, and utility easements must be appropriately selected to provide the function, character, traffic volume and speed desired.

(6) Major streets serve a development pattern that ranges from low density residential to intensely developed commercial centers and corridors. To meet such varied conditions and address neighborhood livability factors requires an array of design approaches. A "one standard fits all" is not consistent with traffic needs or the wide variety of situations encountered.

(7) In several of the street types, an alternative design will be considered or may be required when conditions specified in the standards are found to exist. This language was drafted specifically to allow a design appropriate for the land use and traffic conditions being created by a proposed development. The alternative design may be requested by the developer or recommended by City staff or the Planning and Zoning Commission. Criteria are included to provide guidance in selecting the proper street design to match the expected conditions. If the alternative design exceeds the standard design for a particular street type, it shall be presumed to satisfy these requirements. In all other cases, the final decision shall rest with the City Council.

¹⁰⁵² Contains current Appendix A standards, and some technical standards from current subdivision regulations, new Street Space materials from Ferrell Madden, with changes as noted.

(b) Application of Design Standards

(1) The design standards are intended to result in a more predictable and acceptable outcome for street improvements. Due to the wide range of circumstances, however, the standards need to be applied with a certain amount of flexibility. Street construction activity consists of building completely new streets as well as making minor improvements to existing streets. Many existing streets will not be changed at all in the next several years while others will be candidates for additional lanes, intersection reconfiguration, or major reconstruction. Unlike new streets, existing streets have physical constraints to being retrofitted to meet new standards due to a narrow right-of-way or the proximity of buildings, utilities or mature trees. Additionally, adjacent property owners often voice concern about more traffic, speeding, noise, storm water runoff, and other issues.

(2) To deal with the application issue, two categories of improvements have been developed. Major projects consist of significant improvements to the street system and the design standards are to be interpreted as requirements. In situations where it is not feasible, practical or desirable for a proposed street improvement to meet the required standards, a design exception may be considered and approved by the City Council as part of the public hearing process. Major projects include:

(i) Construction of a new street

(ii) Major reconstruction of an existing street (e.g. upgrade to City standards)

(iii) Major widening of an existing street (e.g. addition of one or more lanes)

(3) For minor improvements the design standards are regarded as a guideline rather than an absolute requirement. In such cases, if the standards are not attainable a design exception will not be required. Minor projects include:

(i) Resurfacing or partial reconstruction of the pavement

(ii) Installation of traffic calming devices

(iii) Intersection improvements (e.g. traffic signals, turn lanes, etc.)

(iv) Reconstruction resulting in incidental widening

(v) Installing bike lanes or sidewalks on existing streets

(4) Major projects typically entail significant citizen input in evaluating location and design alternatives. Meetings are held with interested parties such as property owners and residents followed by public hearings by the City Council. Citizen input on Minor projects varies.

(5) Resurfacing usually involves public notice but little citizen involvement whereas traffic calming measures can entail extensive citizen participation in the location and design process.

(6) In regards to private development, the proposed standards would normally only apply to undeveloped land that is being platted for the first time. The standards could, however, apply to a previously developed area under two circumstances: 1) the area is being

replatted to create a different street and lot layout for redevelopment and the construction of new buildings; and 2) the area is being rezoned to allow more intensive development (e.g. changing from residential to commercial and thus from residential to non-residential streets).

(7) Development occurring within M-DT shall meet the M-DT Urban Space Standards Section below, unless otherwise approved by the Director.

(c) Local Residential Street Design Standards

(1) **Residential Streets** provide direct access to residential dwellings and other allowed uses. They should be designed for this intended function and exhibit characteristics which contribute to a safe and attractive living environment. This can be achieved by providing a diversity of street types, each serving a specific role. Right-of-way and pavement widths less than the general standard should provide acceptable levels of access, safety and convenience for all users, including emergency service providers, while enabling enhanced site design and creation of attractive streetscapes. Subdivision layouts should avoid the creation of pass through routes for external traffic while allowing local drivers to move easily to and from higher order streets.

(2) The design standard for a **Residential Street** shall be as follows:

(i) Right-of-way: 50 feet wide

(ii) Pavement: 28 feet wide measured from back of curb

(iii) Turnarounds: Terminal streets shall have a turnaround at the closed end with an outside right-of-way diameter of 94 feet and a roadway pavement diameter of 76 feet.

(iv) Drainage: Curb and gutter system.

(v) Sidewalks: 5 feet wide on both sides constructed 1 foot inside the right-of-way

(vi) Parking: Permitted on both sides of the street.

(vii) Buffer Strip: 5 feet wide with trees permitted in the right-of-way subject to compliance with City policies and regulations.

(viii) Utility Easements: 10 feet on both sides adjacent to the right-of-way. The City and public utility providers will not be responsible for the restoration of any landscaping placed within utility easements that is removed or damaged as a result of constructing, repairing or maintaining public utilities.

(3) In place of the typical **Residential Street**, a request may be submitted at the time of preliminary plat review for approval of one or more of the following alternative streets:

(4) A **Residential Feeder** will be considered or may be required when one or more of the following conditions exist: 1) the intended use and adjacent zoning allows duplex or multi-family dwellings; 2) the expected average daily traffic (ADT) exceeds 500; or 3) the street collects localized traffic within a subdivision and leads to a collector or arterial street. A Residential Feeder shall conform to the following design standards:

- (i) Right-of-way: 50 feet wide
 - (ii) Pavement: 32 feet wide measured from back of curb
 - (iii) Sidewalks: 5 feet wide on both sides constructed 1 foot inside the right-of-way
 - (iv) Buffer Strip: 3 feet wide with only ornamental trees permitted.
 - (v) Other Features: Same as a Residential Street
- (5) An **Access Street** will be considered when all of the following conditions exist: 1) the intended use and adjacent zoning is single-family detached dwellings; 2) the street is no longer than 750 feet, and 3) the expected average daily traffic (ADT) is less than 250. An Access Street shall conform to the following design standards:
- (i) Right-of-way: 44 feet wide
 - (ii) Pavement: 24 feet wide measured from back of curb
 - (iii) Turnarounds: Terminal streets shall have a turnaround at the closed end with an outside right-of-way diameter of 94 feet and a roadway diameter of 76 feet.
 - (iv) Sidewalks: Same as a Residential Street, except sidewalks shall not be required on cul-de-sacs less than 250 feet in length.
 - (v) Parking: Permitted on one side only
 - (vi) Other Features: Same as a Residential Street
- (6) The design standard for **Residential Alleys** shall be as follows:
- (i) Right-of-way: 18 feet wide
 - (ii) Pavement: 16 feet wide measured from edge of pavement (no curb and gutter)
 - (iii) Travel Lanes: Two-way traffic allowed
 - (iv) Maximum Length: 500 feet between connecting streets
 - (v) Parking: Parking in alley prohibited
 - (vi) Setbacks: Garages, carports and open parking spaces shall be set back at least 5 feet from the right-of-way.
 - (vii) Utility Lines: Both overhead and underground utility lines may be installed in the right-of-way.

(d) Local Non-Residential Street Design Standards

- (1) A **Non-Residential Street** is a low volume, low speed street which provides access to commercial, industrial, institutional, and other intensive land uses. Generally, only two travel lanes are needed. In some cases, these streets may carry considerable truck traffic, require wider driveways for access to loading docks, and have a need for on-street parking. Direct connections to collector and arterial streets are essential.
- (2) The design standard for a **Non-residential Street** shall be as follows:

- (i) Right-of-way: 66 feet wide
 - (ii) Pavement: 36 feet wide measured from back of curb
 - (iii) Turnarounds: Terminal streets shall have a turnaround at the closed end with an outside right-of-way diameter of 94 feet and a roadway diameter of 76 feet.
 - (iv) Sidewalks: 5 feet wide on both sides constructed 1 foot inside the right-of-way.
 - (v) Parking: Permitted on both sides of the street.
 - (vi) Buffer Strip: 9 feet wide with trees permitted in the right-of-way subject to compliance with City policies and regulations.
 - (vii) Utility Easements: Same as a standard Residential Street
- (3) In place of the typical **Non-residential Street**, a request may be submitted at the time of preliminary plat review for approval of one or more of the following alternatives:
- (4) An **Option A** street will be considered when two or more of the following conditions exist: 1) the intended use and adjacent zoning is commercial, light industrial, office, and/or multi-family residential; 2) the expected average daily traffic (ADT) is less than 4,000; 3) the street is primarily intended to provide access to property and secondarily to serve through traffic; and 4) there is a nearby collector or arterial street to accommodate future traffic from surrounding land. **Option A** streets shall conform to the following design standards:
- (i) Right-of-way: 60 feet wide
 - (ii) Pavement: 30 feet wide measured from back of curb
 - (iii) Parking: Not permitted on either side.
 - (iv) Other features: Same as a typical Non-residential Street
- (5) An **Option B** street will be considered when all of the following conditions exist: 1) the intended use and adjacent zoning is office and/or multi-family residential; 2) the street is no longer than 750 feet 3) the expected average daily traffic is less than 1,000; 4) the street is intended to provide access to property and not serve through traffic; and 5) there is a nearby collector or arterial street to accommodate future traffic from the development of surrounding land. **Option B** streets shall conform to the following design standards:
- (i) Right-of-way: 60 feet wide
 - (ii) Pavement: 30 feet wide measured from back of curb
 - (iii) Parking: Permitted on one side only
 - (iv) Buffer Strip: 9 feet wide with trees permitted as a typical Non-residential Street
 - (v) Other features: Same as a typical Non-residential Street
- (6) An **Option C** street will be considered or may be required when two or more of the following conditions exist: 1) the intended use and adjacent zoning is intensive commercial and/or industrial; 2) the expected average daily traffic exceeds 4,000; 3) the street will serve a significant amount of through traffic; 4) the street will connect to two collector or arterial streets; 5) there will be a significant number of left turns to and from abutting driveways;

and 6) there will be a significant amount of truck traffic. **Option C** streets shall conform to the following design standards:

- (i) Right-of-way: 66 feet wide
- (ii) Pavement: 38 feet wide measured from back of curb to provide for two 13 foot travel lanes and a 12 foot two-way center turn lane
- (iii) Turnarounds: Terminal streets are not permitted
- (iv) Parking: Not permitted on either side
- (v) Other Features: Same as a typical Non-residential Street

(e) Neighborhood Collector Street Design Standards

(1) A **Neighborhood Collector** is intended to collect traffic from surrounding residential areas and connect to major streets; serve local, non-residential land uses such as schools, churches, and parks; and promote neighborhood livability. These streets provide two traffic lanes for shared use by vehicles and bicycles at low to moderate driving speeds (30 mph), accommodate an average daily traffic volume of 1,500-3,500 vehicles, and generally, connect to only one arterial or major collector street. They may also provide direct access to property and contain on-street parking. Two types of **Neighborhood Collector** streets are allowed. Either type may be required or proposed provided a statement of justification is submitted for the subject location.

(2) **Option A** streets are intended to provide direct access to property and provide some periodic on-street parking for abutting uses. The design standard shall be as follows:

- (i) Right-of-way: 60 feet wide
- (ii) Pavement: 34 feet wide measured from back of curb
- (iii) Travel Lanes: Two travel lanes each 13.5 feet wide
- (iv) Sidewalks: 5 feet wide on both sides constructed 1 foot inside the right-of-way.
- (v) Parking: Permitted on one side of the street only. A bulb-out may be built near intersections to create recessed parking, calm traffic and assist pedestrians.
- (vi) Driveways: Permitted on both sides of the street.
- (vii) Buffer Strip: 7 feet wide with trees permitted in the right-of-way subject to compliance with City policies and regulations.
- (viii) Utility Easements: Same as a standard Residential Street

(3) **Option B** streets are intended to primarily collect neighborhood traffic and not provide direct access to property. The design standard shall be as follows:

- (i) Right-of-way: 60 feet wide
- (ii) Pavement: 30 feet wide measured from back of curb
- (iii) Travel Lanes: Two shared travel lanes each 15 feet wide

- (iv) Sidewalks: 5 feet wide on both sides constructed 1 foot inside the right-of-way.
- (v) Parking/Driveways: Not permitted on either side
- (vi) Buffer Strip: 9 feet wide with trees allowed as for Option A streets
- (vii) Other features: Same as Option A streets

(f) Major Collector Street Design Standards

(1) A **Major Collector** is a mid-volume, multi-modal street (average daily traffic of 3,500-8,500 vehicles) which collects traffic from several neighborhoods and moves the traffic to the arterial network. These streets provide access to retail centers, office complexes, institutional uses such as colleges and hospitals, and multi-family residential areas. Major collectors typically have two, undivided travel lanes with a left turn lane at key intersections. A two-way center turn lane or intermittent raised median may be provided to manage access at high traffic locations. Typically, direct access to one and two-family residences is prohibited with consolidated driveways allowed for other uses when controlled as to location. No on-street parking is permitted.

(2) The design standard for a **Major Collector** street shall be as follows:

- (i) Right-of-way: 66 feet wide
- (ii) Pavement: 36 feet wide measured from back of curb
- (iii) Travel Lanes: Two lanes each 12 feet wide
- (iv) Bike Lanes: Striped bike lane on both sides 6 feet from back of curb
- (v) Sidewalks: 5 feet wide on both sides constructed 1 foot inside the right-of-way.
- (vi) Parking: Not permitted on either side
- (vii) Driveways: Controlled as to location and width for access management purposes.
- (viii) Buffer Strip: 9 feet wide with trees permitted in the right-of-way located 4 feet from edge of street and sidewalk subject to compliance with City policies and regulations.
- (ix) Utility Easements: Same as a standard Residential Street

(3) In place of the typical Major Collector, a request may be submitted at the time of preliminary plat review for approval of one or more of the following alternative streets:

(4) An **Option A** street will be considered or may be required when the following conditions exist: 1) the intended use and zoning of nearby land is one or two-family residential and/or large open land areas such as parks, churches, and schools; and 2) the street is intended to serve through traffic and not provide direct access to property. **Option A** streets shall conform to the following design standards:

- (i) Right-of-way: 66 feet wide
- (ii) Pavement: 32 feet wide measured from back of curb
- (iii) Travel Lanes: Two shared use travel lanes each 16 feet wide

- (iv) Bike Lanes: No striped bike lanes
- (v) Sidewalk/Pedway: A 5 foot wide sidewalk on one side and an 8 foot wide pedway on the other side constructed 1 foot inside the right-of-way.
- (vi) Parking: Not permitted on either side
- (vii) Driveways: Not permitted on either side
- (viii) Buffer Strip: 9-10 feet wide with trees permitted as for a typical Major Collector
- (ix) Other features: Same as a typical Major Collector

(5) An **Option B** street will be considered or may be required when one or more of the following conditions exist: 1) the intended use and/or zoning of adjacent land is retail commercial, office, institutional or multi-family residential; 2) the expected average daily traffic exceeds 6,000; and 3) the street will or is likely to connect to two arterial streets.

Option B streets shall conform to the following design standards:

- (i) Right-of-way: 76 feet wide
- (ii) Pavement: 44 feet wide measured from back of curb
- (iii) Travel Lanes: Two shared use travel lanes each 16 feet wide plus a center two-way left-turn lane 12 feet wide.
- (iv) Bike Lanes: No striped bike lanes
- (v) Pedway/Sidewalk: An 8 foot wide Pedway on one side and a 5 foot wide sidewalk on the other side constructed 1 foot inside the right-of-way.
- (vi) Parking: Not permitted on either side
- (vii) Driveways: Controlled as to location and width for access management purposes.
- (viii) Buffer Strip: 8-9 feet wide with trees permitted as for a typical Major Collector
- (ix) Other features: Same as a typical Major Collector

(g) Minor Arterial Street Design Standards

(1) A **Minor Arterial** is a mid-to-high volume multi-modal street (average daily traffic of 7,500- 20,000 vehicles) which moves a large portion of internal City traffic. **Minor Arterials** usually connect to **Major Arterials or Expressways** and provide access to such traffic destinations as retail shopping areas, employment centers, and many residential neighborhoods. These streets have a minimum of two, undivided travel lanes but may have up to four travel lanes with a raised median and left turn lane at intersections to manage traffic access. Typically, direct access to property is restricted and no on-street parking is permitted. Three types of **Minor Arterial** streets are permitted. Each type may be allowed or required depending upon the surrounding land use pattern, traffic conditions or other circumstances.

(2) An **Option A** street will be considered or may be required when the intended use or zoning of nearby land is predominantly residential or large open land areas such as parks, churches, and schools. **Option A** streets shall conform to the following design standards:

- (i) Right-of-way: 84 feet wide
 - (ii) Pavement: Total width is 40 feet measured from edge of shoulder.
 - (iii) Travel Lanes: Two lanes, each 12 feet wide.
 - (iv) Paved Shoulder: 1 foot on each side for bikes and emergency parking.
 - (v) Drainage: Open channel or swale system without curb and gutter.
 - (vi) Sidewalk: 5 feet wide on one side constructed 1 foot inside the right-of-way.
 - (vii) Pedway: 8 feet wide on one side constructed 1 foot inside the right-of-way.
 - (viii) Parking: Not permitted on either side.
 - (ix) Driveways: Controlled as to location and width for access management purposes.
 - (x) Buffer Strip: 14-15 feet wide on each side. Trees permitted in the right-of-way when located outside of the drainage channel and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.
 - (xi) Utility Easements: Same as a standard Residential Street.
- (3) An **Option B** street will be considered or may be required when the following conditions exist: 1) the intended use or zoning of nearby land is residential or large open land areas such as parks, churches, and schools; and 2) the average daily traffic volume of the street is projected to exceed 15,000 vehicles in 20 years. **Option B** streets shall conform to the following design standards:
- (i) Right-of-way: 100 feet wide
 - (ii) Pavement: Total width is 40 feet measured from edge of shoulder.
 - (iii) Travel Lanes: One 12 foot wide lane on each side of a 12 feet center median
 - (iv) Other Features: Same as Option A
- (4) An **Option C** street will be considered or may be required when the intended use or zoning of adjacent land is predominantly commercial, industrial, office, or institutional. **Option C** streets shall conform to the following design standards:
- (i) Right-of-way: 84 feet wide
 - (ii) Pavement: 48 feet wide measured from back of curb
 - (iii) Travel Lanes: Two 12 feet wide travel lanes plus a 12 feet wide center, two-way left turn lane.
 - (iv) Bike Lanes: Striped 6 feet wide bike lane on each side measured from back of curb
 - (v) Drainage: A curb and gutter system is most common
 - (vi) Buffer Strip: 10 feet wide on each side. Trees permitted in the right-of-way when located 6 feet from edge of street and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.
 - (vii) Other Features: Same as Option A

(h) Major Arterial Street Design Standards

(1) A **Major Arterial** is a high volume multi-modal street (average daily traffic of 15,000 or more vehicles) which handles the bulk of through traffic within the City. **Major Arterials** connect to expressways and freeways as well as provide access to major traffic destinations such as regional shopping centers and major universities. These streets usually have at grade intersections which are spaced well apart. It is very common for **Major Arterials** to have four lanes with a continuous raised median except for a left turn lane at major intersections. Direct access to property is usually prohibited or limited to right-in, right-out and no on-street parking is permitted. Two types of **Major Arterial** streets are permitted. Each type may be allowed or required depending upon the surrounding land use, traffic conditions or other circumstances.

(2) An **Option A** will be considered or may be required when vehicle speeds are moderate, right-of-way is limited, and access is restricted thereby mitigating the need for a median. Option A streets shall conform to the following design standards:

- (i) Right-of-way: 106 feet wide
- (ii) Pavement: Total width of 60 feet measured from back of curb or edge of pavement
- (iii) Travel Lanes: Four lanes each 12 feet wide
- (iv) Bike Lanes: Striped 6 feet wide bike lane on each side measured from back of curb
- (v) Drainage: May be built with curb and gutter or an open swale
- (vi) Sidewalk: 5 feet wide on one side constructed 1 foot inside the right-of-way
- (vii) Pedway: 8 feet wide on one side constructed 1 foot inside the right-of-way
- (viii) Parking: Not permitted on either side
- (ix) Driveways: Controlled as to location and width for access management purposes
- (x) Buffer Strip: 14-17 feet wide on each side. Trees permitted in the right-of-way located 10 feet from edge of street and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.
- (xi) Utility Easements: Same as a standard Residential street.

(3) An **Option B** street will be considered or may be required when the projected average daily traffic volume of the street could reasonably exceed 20,000 vehicles in 20 years and/or the street connects to a freeway or expressway. **Option B** streets shall conform to the following design standards:

- (i) Right-of-way: 110 feet wide
- (ii) Pavement: Total width of 52 feet measured from back of curb or edge of pavement
- (iii) Travel Lanes: One 12 feet wide inner lane and one 14 feet wide outer lane on each side of a 16 feet wide center median which may include a 12' wide left-turn lane at intersections.
- (iv) Bike Lanes: No bike lane on either side

- (v) Sidewalk: 5 feet wide on one side constructed f inside right-of-way
 - (vi) Pedway: 10 foot wide on one side constructed l foot inside right-of-way
 - (vii) Buffer Strip: 12-13 feet wide on each side. Trees permitted in the right-of-way located 8 feet from edge of street and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.
 - (viii) Other Features: Same as Option A
- (4) Requests for exceptions to the above design standards may be submitted at the time of preliminary plat review and shall be processed as a variance as provided by the Subdivision Regulations.

Street Names and Numbers¹⁰⁵³

(a) Names

Names of new streets shall not duplicate or sound like existing or platted street names in Boone County unless the new street is a continuation of an existing or platted street. Names of new streets shall not duplicate or sound like any established business or development in Boone County. Names shall be easily spelled and pronounced.

(b) Suffixes

All streets should conform to standard street suffixes as follows:

- (1) Major thoroughfares designated as such in the transportation plan should be designated as boulevards or avenues, or other suffixes appropriate to the context.
- (2) Thoroughfares of more than one thousand (1,000) feet should be designated as streets, avenues, drives or roads, or other suffixes appropriate to the context.
- (3) Streets of less than one thousand (1,000) feet should be designated as courts, places, ways, circles, lanes or terraces, or other suffixes appropriate to the context.

(c) Signs

Street signs shall be installed and readable from each direction of travel.

(d) Addresses

Addresses shall be assigned to comply with the addressing system of the City. Garth Avenue shall be the north-south base line and the designation of north and south shall be indicated on either side of Broadway. Broadway shall be the east-west base line and the designation of east and west shall be shown on either side of Garth Avenue.

¹⁰⁵³ From current Section 25-41.

Street Widths¹⁰⁵⁴

(a) The right-of-way width required to be dedicated and the pavement width required to be constructed for streets, according to street classification, shall be:

Type of Street	Right-of Way	Pavement Width Face to Face of Curb	
	(Minimum Feet)	(Maximum Feet)	(Minimum Feet)
Freeway	Variable	96*	48*
Expressway	Variable	72	48*
Arterial, major**	106–110	68	60
Arterial, minor**	84–100	52	40
Collectors, major**	66–76	44	32
Collectors, neighborhood**	60	34	30
Local, nonresidential, central traffic zone	66		44
Local, nonresidential, all other**	60–66	38	30
Local, residential**	40–50	32	20-32
Cul-de-sacs, residential (stem portion)**	44–50	32	24–28
Alleys	18		16
Estate lanes	50		28
Frontage roads	30		20

*In addition to road pavement, two (2) paved, ten (10) foot shoulders are required

(b) In low density, single-family residential subdivisions, the width of local residential streets may be reduced from thirty-two (32) feet to twenty-eight (28) feet (estate lanes) if the subdivision complies with all of the following criteria:

- (1) Lots abutting the proposed estate lane may not exceed an overall density of one (1) dwelling unit per acre.
- (2) No lot abutting the proposed estate lane may be less than one hundred twenty-five (125) feet wide at the building line.
- (3) The street may not be designed to accommodate through traffic. Cul-de-sac, loop and horseshoe streets beginning and ending within a main block will ordinarily satisfy this requirement.
- (4) In all other respects, street paving and related public improvements design for estate lanes shall be according to the design standards for local residential streets contained or referenced herein.

¹⁰⁵⁴ From current Section 25-43. Revised for accuracy since Module 3.

Street Grades¹⁰⁵⁵

The grades of streets shall comply with the following range. Where it is impracticable to comply with these standards, a written approval to deviate therefrom must be obtained from the Director of Public Works.

Type of Street	Maximum (percent)	Minimum (percent)
Freeway	4	0.3
Expressway	4	0.3
Arterial, urban	6	0.5
Arterial, rural	7	0.5
Collector	8	0.5
Local, nonresidential	8	0.75
Local, residential	10	0.75

Curves¹⁰⁵⁶

Curves shall comply with the following design criteria 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.

- (a) When street pavement lines or street right-of-way lines deflect, the lines shall be connected by a horizontal curve having a maximum degree of center line curvature of 57° 29' for local residential streets, 25° 00' for local nonresidential streets, 12° 30' for collector streets, 7° 30' for arterial streets, and 5° 00' for freeways, except that street right-of-way lines may deflect, provided the deflection angle is less than or equal to 10° 00'.
- (b) A tangent segment at least two hundred (200) feet in length shall be maintained between curves on all streets, except for local residential streets.
- (c) All vertical grade changes shall be connected by vertical curves of sufficient length to provide a smooth transition and proper sight distance. Vertical grade changes of two (2) percent or less algebraically may be connected by chords if the design engineer encounters unusual circumstances such as facilitating drainage; however, sight distances must be maintained.

¹⁰⁵⁵ From current Section 25-44.

¹⁰⁵⁶ From current Section 25-45.

Intersections¹⁰⁵⁷

- (a) Streets shall intersect one another at as near a ninety-degree angle as possible. No intersection of streets at angles less than sixty (60) degrees shall be approved.
- (b) When streets intersect at a ninety-degree angle or when a street intersects with a cul-de-sac terminal bulb, the intersection right-of-way lines shall be rounded by a curve with a radius of not less than twenty (20) feet for residential streets and not less than thirty (30) feet for nonresidential streets.
- (c) When streets intersect at an angle of less than ninety (90) degrees, the director of public works may require the intersecting right-of-way lines to be rounded by a curve with a radius greater than, required for streets intersecting, at a ninety-degree angle.
- (d) The intersection of more than two (2) streets at, any one (1) point shall be avoided except where necessary; to secure a proper street system.
- (e) Intersecting streets shall have center lines as nearly straight as possible. Streets with center line offsets at intersections shall be offset by less than five (5) feet or more than one hundred twenty-five (125) feet.

Terminal Streets¹⁰⁵⁸

- (a) Terminal streets shall also have a turnaround at the closed end with an outside roadway diameter of at least seventy-six (76) feet and right-of-way diameter of at least ninety-four (94) feet.
- (b) Residential alleys shall be permitted in all residential areas.
- (c) Nonresidential alleys shall be provided in commercial and industrial districts when off-street loading and parking are not otherwise provided.
 - (1) The right-of-way width of an alley shall be twenty (20) feet and the pavement width shall be sixteen (16) feet.
 - (2) When alleys intersect, the intersection right-of-way lines shall be rounded by a curve with a radius of five (5) feet in length.

Driveway Access Restrictions¹⁰⁵⁹

Any subdivision of land intended for single-family or two-family residential development shall be prohibited from taking driveway access onto arterial and collector roadways unless otherwise approved by the Director. The access prohibition shall be indicated on the subdivision plat by a notation on each lot subject to this regulation. This subsection shall not apply to any subdivision with a preliminary plat approved before June 17, 1996.

¹⁰⁵⁷ From current Section 25-46.

¹⁰⁵⁸ From current Section 25-47.

¹⁰⁵⁹ From current Section 25-53 Lot Arrangement. Revised since Module 3 to clarify this applies to arterial and collector streets (not all streets), and that the Director may waive or adjust the requirement.

M-DT Urban Space Standards¹⁰⁶⁰

(a) Applicability

- (1) The Urban Space Standards apply to new development as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.
- (2) The Urban Space Standards establish the rules and standards for the Street Space and squares and greens within the M-DT.

(b) Intent

- (1) M-DT properties are coded to be “perimeter blocks” with buildings placed along the outer edges of their block. The Urban Space Standards ensure the coherence and appropriateness of the street-space.
- (2) Although commonly thought of as just squares, greens or parks, the public realm is much more; it includes the complete street-space—the public domain between the building facades: the travel lanes between the curbs as well as the sidewalks; the squares and greens within the M-DT.
- (3) The Urban Space Standards:
 - (i) Establish an environment that encourages and facilitates pedestrian activity and “walkable” streets that are comfortable, efficient, safe, and interesting.
 - (ii) Ensure the coherence of the street-space, serving to assist residents, building owners, and managers with understanding the relationship between the street-space and their own property.
 - (iii) Contribute to ultimate sustainability. Native trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and rainwater management.
- (4) Property frontages and facades are part of the public realm, literally forming the walls of the street-space and are therefore subject to more regulation than the other portions of the private property.
- (5) The private, interior portions of the lots (toward the alley, rear lot or lot lines) are less controlled to allow residents and operators to utilize these spaces as environments unseen by the public and allow residents to have private open space (semi-private for apartment and condominium dwellers), gardens and courtyards.

(c) Street-Space Standards

(1) General Provisions

- (i) All plant material (including trees) shall be in accordance with the requirements of Section 29-4.5 of this Code.

¹⁰⁶⁰ This Section inadvertently left out of prior drafts and added since Module 3.

(ii) Mechanical and electrical equipment including, but not limited to the following, may not be stored or located within any street space:

- air compressors,
- pumps,
- exterior water heaters,
- water softeners,
- private garbage cans (not including public sidewalk waste bins), and
- storage tanks.

Water pumps for public fountains or irrigation not visible are not included in this prohibition and Temporary placement of private garbage cans within the street-space may be allowed to accommodate scheduled pick-up.

(2) Street Trees

(i) Each street-space must have street trees planted along the street tree alignment line (generally in the centerline of the tree lawn or not less than 3 feet from the back of the curb, unless otherwise specified in the Regulating Plan, and at an average spacing not greater than 30 feet on center (average calculated per block face). Where necessary, spacing allowances may be made to accommodate curb cuts and infrastructure elements; however, at no location may street tree spacing exceed 45 feet on center except where necessary for transit stops or stations. Required street tree planting area configurations are specified in the street type specifications and below.

(ii) Required tree planting area minimum specifications are as follows:

- a. Street tree planting areas shall be at grade or not greater than six inches in height above the sidewalk
- b. Soil surface area shall not be less than 110 square feet per isolated tree or 90 square feet per tree for connected (tree lawn) situations, as illustrated in the following figures.

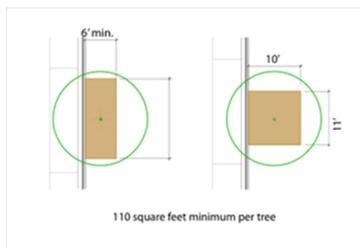


Figure 0-2: Individual Tree Planting

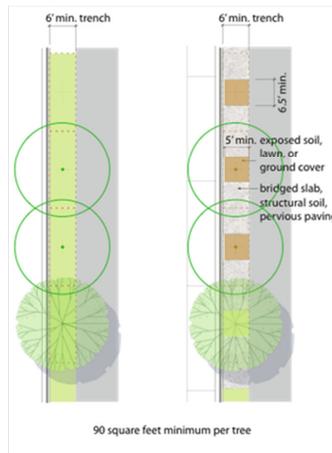


Figure 0-1: Continuous Soil Area Configuration Options:
low pedestrian traffic areas (left),
high pedestrian traffic areas (right)

- c. No dimension of the soil surface area may be less than 6 feet unless otherwise specified in this ordinance.
 - d. A pervious paving strip, maximum twelve (12) inches wide, may be placed at the back of the curb for access to on-street parking. This pervious strip is not measured against (ii) above.
 - e. The street-space types are configured for street tree trenches (connected soil areas). The above requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived street trees. (See figure 4.2-22).
- (iii) At planting, street trees shall be at least three and a half (3.5) inches caliper, measured four (4) feet above grade and at least ten (10) feet in overall height. Species shall be selected from the street tree list (see D. Tree Lists below). Consult with the Administrator for the designated tree species for a particular street-space.
- (iv) Any unpaved ground area shall be planted with ground cover, flowering vegetation, or climbing vines, not to exceed twelve (12) inches in maturity so as to not interfere with pedestrian or truck travel (minimum seven (7) feet clear over the sidewalk and fourteen (14) feet over any travel lanes) and to maintain visibility.

(3) Street Tree Specifications

- (i) Species in the street tree list are for placement as shown in Street Type Specifications, or as specified in the Regulating Plan for placement along a street tree alignment line. The use of alternate species may be permitted, but only if approved by the Administrator.
- (ii) Street trees are part of an overall street-space plan designed to provide both canopy and shade and to give special character and coherence to each street. The desired aesthetic shall be achieved through the use of native and/or proven hardy adapted species. The list of appropriate street tree species may change over time and will be periodically amended by the Administrator. Inclusion in this list shall be based on the following criteria:
 - a. **Structural**

Street trees shape and subdivide the street-space, increasing pedestrian comfort and adding (literal) value to the street/community. “canopy shade tree” species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto and pedestrian traffic, form a ceiling-like enclosure, and open a clear view of the street-space at eye-level.
 - b. **Tree survivability**

Proper planting techniques and configurations provide a healthy environment in which the street tree can thrive—this will ensure that the trees increase their value to the community as they grow.
 - c. **Form**

Species are planted consistently along a given street-space to provide a special form and character. This provides species diversity among streets at the same time it

provides a specific street character by planting different street-spaces with different tree.

(4) Street Tree List

- (i) Invasive species, as identified by the Missouri Department of Conservation’s invasive species list, are prohibited.
- (ii) The following list contains all approved tree species (Large Canopy Trees with a mature height of 60 feet and above) for use in the M-DT. The list may include native and acceptable adapted species. Species marked with an asterisk may be placed within larger soil area locations such as parks, dooryards, squares, or in the wider tree lawns of the major streets.

▪ <i>Acer saccharum</i>	Sugar Maple
▪ <i>Betula nigra</i>	River Birch
▪ <i>Celtis occidentalis</i> *	Common Hackberry *
▪ <i>Cercidiphyllum japonicum</i>	Katsura Tree
▪ <i>Ginkgo biloba</i>	Ginkgo (male only)
▪ <i>Gleditsia triacanthos</i> var. <i>inermis</i>	Thornless Honey Locust
▪ <i>Liquidambar styraciflua</i> “Rotundiloba”	Seedless Sweetgum
▪ <i>Nyssa Sylvatica</i>	Black Tupelo
▪ <i>Platanus occidentalis</i> ‘Bloodgood’	London Plane tree
▪ <i>Quercus bicolor</i>	Swamp White Oak
▪ <i>Quercus coccinea</i>	Scarlet Oak
▪ <i>Quercus falcata</i>	Southern Red Oak
▪ <i>Quercus palustris</i>	Pin Oak
▪ <i>Quercus rubra</i>	Red Oak
▪ <i>Quercus shumardii</i>	Shumard Oak
▪ <i>Quercus velutina</i>	Black Oak
▪ <i>Tilia Americana</i> *	American Linden*
▪ <i>Tilia cordata</i> ‘Greenspire’ Greenspire	Littleleaf Linden
▪ <i>Tilia euchlora</i>	Crimean Linden
▪ <i>Tilia tomentosa</i>	Silver Linden
▪ <i>Ulmus americana</i> “libertas”	Liberty Elm
▪ <i>Ulmus hollandica</i> “Groenveldt”	Groenveldt Elm

(5) Street-Space Elements

- (i) Streetlights shall:
 - a. Be installed on both sides of the street-space, aligned with the street trees, except where otherwise designated on the Regulating Plan.
 - b. Use the double-globed luminaires on 16 foot poles, for major streets
 - c. Use the single-globed luminaires on 14 foot poles, for district streets
- (ii) At the time of development, the developer is required to install streetlights and sidewalks, as illustrated in the street type specifications, on the street-space frontage being developed.

- (iii) Sidewalks not otherwise designated in the Regulating Plan or street type specifications shall provide a minimum six-foot clear walkway and be constructed to meet all City (and ADA) standards and specifications.
- (iv) Street furniture is an element of the overall street-space design—not an afterthought. Street furnishings should be simple, functional, and durable.

(6) Pedestrian Pathway

The area within a pedestrian pathway shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the Regulating Plan.

(d) Street-Space Recommendations

(1) Intent

- (i) The street-space is a community's first and foremost public space and should be just as carefully designed and planned as any park or public building. The character of the street-space—both its scale and its details—plays a critical role in determining the pedestrian quality of a given location.
- (ii) Street-spaces must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled street-space.
- (iii) These are City streets—not “roads, highways, arterials, or collectors”—and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood street-spaces are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The specifications for major streets grant more to the free movement of vehicles, while maintaining good walkability.

(2) Street Design Principles

- (i) The appropriate design of streets is one of the most important design elements for a Downtown.
- (ii) To design for continuous free-flowing traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.
- (iii) With appropriate design techniques, drivers shall choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.
- (iv) Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a Downtown it should be that of the pedestrian.
- (v) An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.

- (vi) Emergency vehicle access shall be maintained, but with an interconnected street network, there shall always be at least two routes of access to any lot or parcel.
- (vii) Differences between “requirements” and “preferences” can be significant—increased lane width and the accompanying increased vehicle speeds more often than not decrease overall safety for pedestrians.
- (viii) On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians.
- (ix) Overall function, comfort, safety and aesthetics of a street are more important than efficiency alone.
- (x) In a Downtown, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.
- (xi) Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.
- (xii) Designing a street to facilitate (rather than accommodate) infrequent users may actually be the wrong design for the frequent users of the space.
- (xiii) When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user.

(3) Street Types

The Street Type Recommendations illustrate model configurations for the Street-Spaces within the M-DT. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations.

(i) District Street Types

a. These are the preferred and recommended models for most streets within the M-DT. The numbers refer to dimensions of the Street-Space, the literal distance between building façades—including travel lanes, any on-street parking, and curb and gutter. The range they represent allows for variations in the street-space per the Regulating Plan. Detailed cross sections are provided in Figures 4.2-24-26 below.

- 1) DS 66-74 (Most District Streets)
- 2) DS 53-60 (ROW Constrained District Streets)
- 3) DS Alley

- b. The M-DT district is designed to be the ideal complement to good transit service.
- c. The district Street-Spaces are configured such that in-lane bicycle travel is appropriate.
- d. Dooryards and Alleys are generally reserved for utility easements.

(ii) Major Street Type

These are the preferred and recommended models for the major thoroughfares downtown. Detailed cross-sections are provided in Figures 4.2-27 - 28 below.

a. DS Broadway

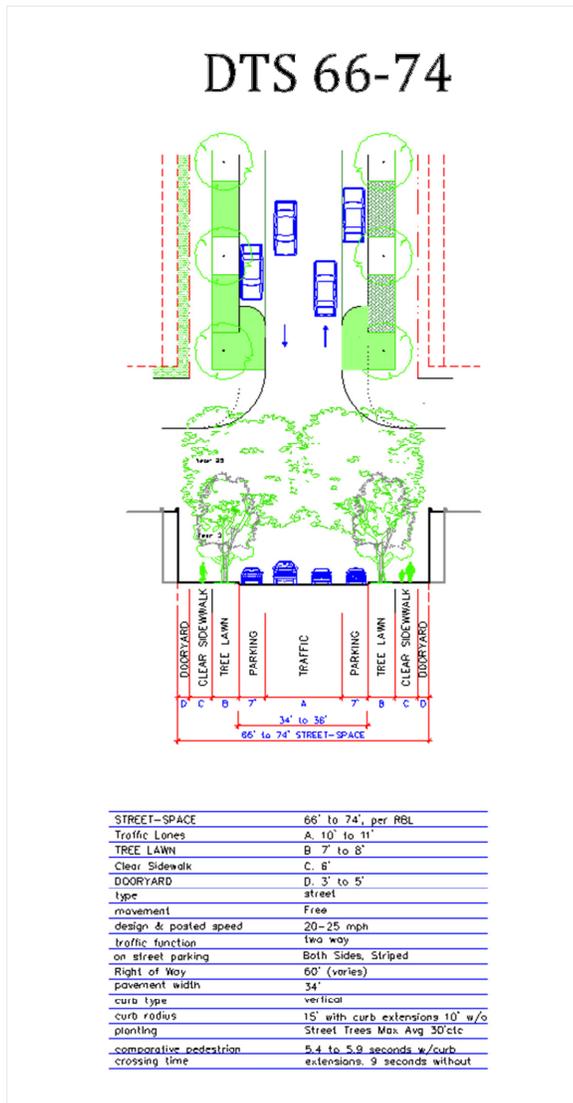


Figure 0-3: DTS 66-74 (Most M-DT District Streets)

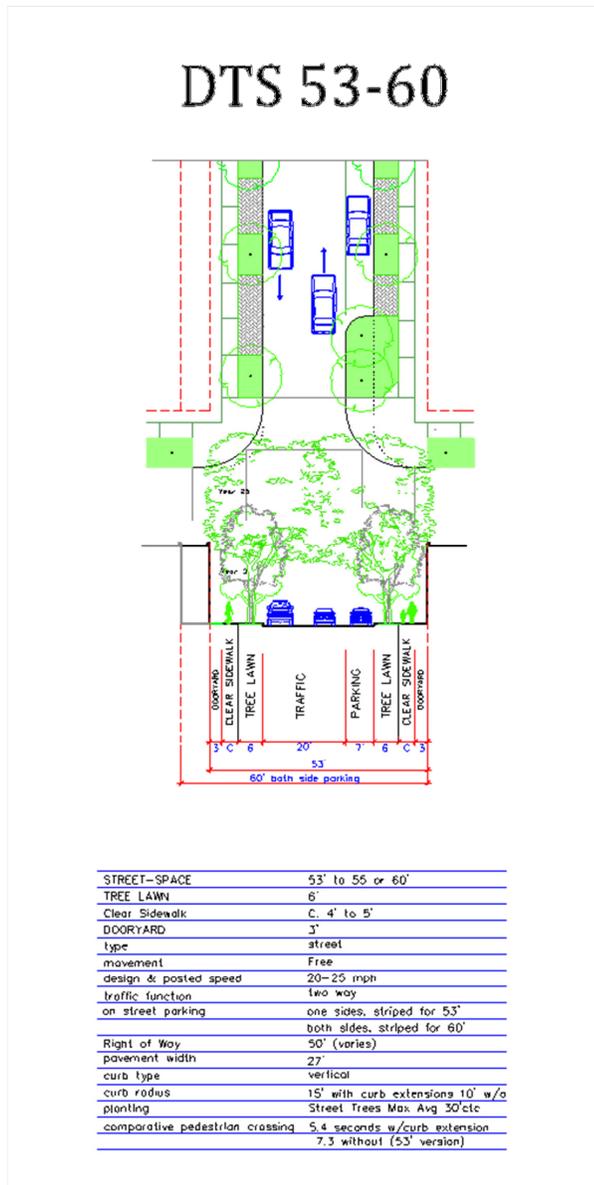


Figure 0-4: DTS 53-60 (ROW Constrained M-DT District Streets)

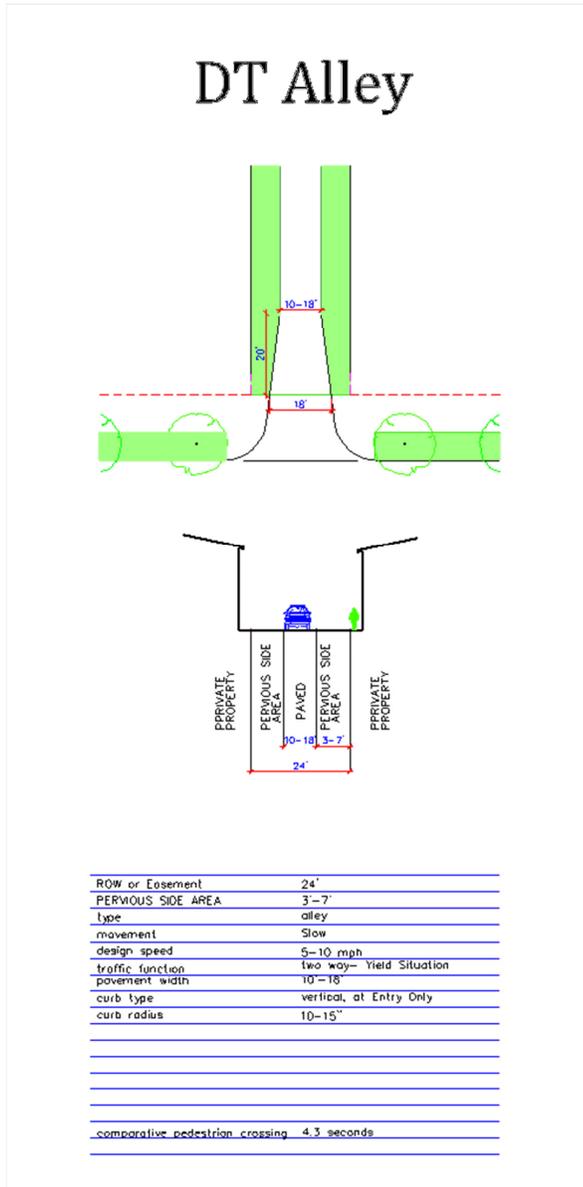


Figure 0-5: DTS Alley

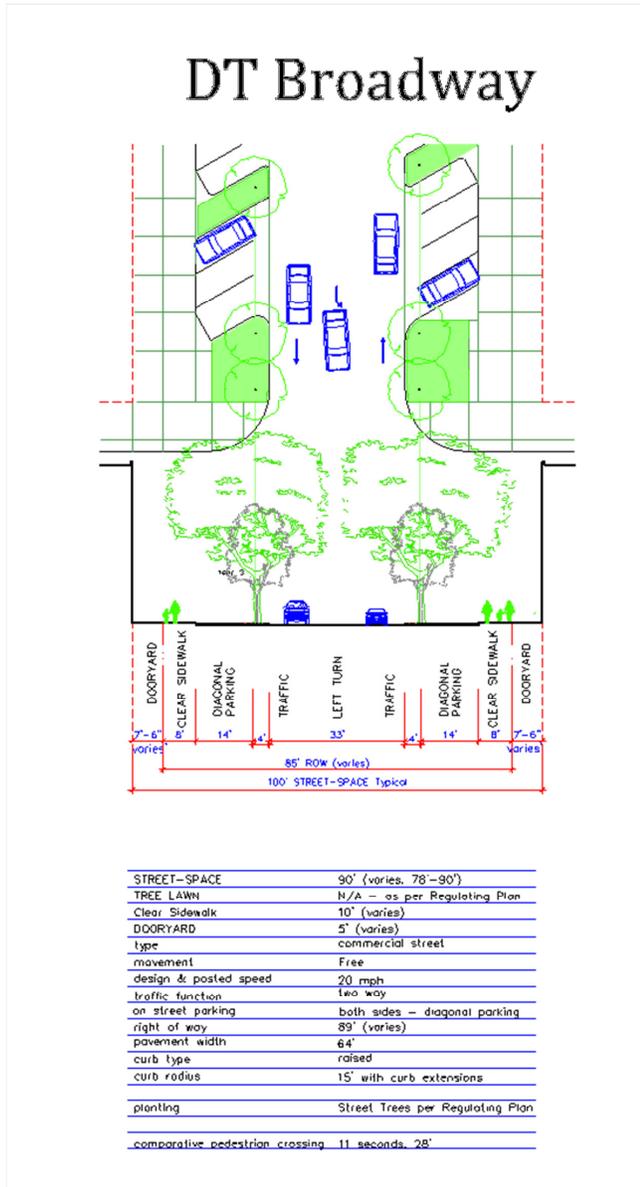


Figure 0-6: DS Broadway