

## Chapter 29-3 Permitted Uses<sup>379</sup>

### 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 or an approved Conditional use on the same property, and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (d) 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.
- (e) A blank cell in the Permitted Use Table in Section 29-3.2 indicates that the use is not permitted in that zone district.
- (f) 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.<sup>380</sup>
- (g) 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,

<sup>379</sup> 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 UDO above. Changes from current regulations are footnoted.

<sup>380</sup> New provision.

character, traffic impacts, storm drainage impacts, utility demands, and potential impacts on surrounding properties.<sup>381</sup>

- (h) 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.<sup>382</sup>
- (i) 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.<sup>383</sup>

**29-3.2 Permitted Use Table<sup>384</sup>**

<sup>381</sup> New provision to reflect current practice.

<sup>382</sup> New provision to simplify transition to the new code.

<sup>383</sup> 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.

<sup>384</sup> Consolidates current lists of permitted, conditional, accessory, and temporary uses with changes as noted.

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 <sup>385</sup>	IG	A	O		PD
Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	PUD, O-P	C-P, M-P	
<b>RESIDENTIAL USES</b>														
<b>Household Living</b>														
Dwelling, One-family Detached <sup>388</sup>	P	P	P	P	P	P					P	Per PD Approval	0	
Dwelling, One-family Attached <sup>389</sup>		P	P		P	P								(b)
Dwelling, Two-family <sup>390</sup>		P	P		P	P								
Dwelling, Co-housing Project <sup>391</sup>			P		P			P						(c)
Dwelling, Live-work <sup>392</sup>			P		P	P	P	P						(d)
Dwelling, Multi-family <sup>393</sup>			P		P	P	P	P						(e)
Manufactured Home Park <sup>394</sup>				P										

<sup>385</sup> In the outline this was included as a BP special purpose district, but since it allows residential uses it is designated M-BP and included as a mixed use district.

<sup>386</sup> Although the Annotated Outline indicated that uses listed as permitted in one of the current O districts but not the other would become C uses in the consolidated districts, a review of those uses showed that would be too restrictive to future development in this district, so in some cases those uses are now permitted in both districts (as listed in the footnotes). The consolidation of O-1 and O-2 districts will permit all residential uses, child and adult care uses, community service uses, currently allowed in O-1 lands in lands currently zoned O-2.

<sup>387</sup> As a result of the consolidation of the M-C and M-1 districts, Residential Care Facilities, Assembly and Lodge Uses, Mortuary, Hospital, Commercial Swimming Pools, Miniature Golf and Driving Ranges, and Minor Public Utility Services, Veterinary Hospitals, and Bars and Nightclubs, Trade Schools, Wholesale Trade offices and Sample Rooms, Minor Personal Services, Garment Storage, Self-service Storage Facilities, Indoor Recreation and Entertainment, Alcoholic Beverage Sales, and General Retail, unenclosed Automobile Repair, and Car Wash, Commercial Parking Structure (not surface lot), Hotel, Bakery, Commercial Laundry, Light Industrial, Lumberyard, Machine Shop, Newspaper Publishing Plant, Bus Barns or Lots, Bus Station, accessory Drive-Up Facilities, and accessory retail sales from manufacturing uses will now be P uses in lands currently zoned M-C. Heavy Industry and Mines and Quarries uses will now be C uses on current M-C lands subject to performance standards.

<sup>388</sup> Use no longer available in the M-C, M-DT, or M-BP districts because low density not compatible with zone.

<sup>389</sup> Villa dwelling standards will continue to apply to the PUD for which they were adopted, but will not appear in the Code. Removed from R-1 and A since prior draft in response to multiple public comments.

<sup>390</sup> Added as a P use in A-1, but no longer available in the M-C, M-DT, or M-BP districts because low density not compatible with zone. Removed from A since prior draft in response to public comment.

<sup>391</sup> New use. All designations are new.

<sup>392</sup> New use. All designations are new.

<sup>393</sup> Revised from Apartment House to clarify that these can also be ownership units. Now includes R-4 and PUD High Density Apartment Dwelling use – density is controlled by dimensional standards, not use name.

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP <sup>385</sup>	IG	A	O		PD
Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	PUD, O-P	C-P, M-P	
Second Primary Dwelling Unit <sup>395</sup>											C			(f)
Group Living <sup>396</sup>														
Boarding House <sup>397</sup>			P		P	P	P	P	P					
Continuing Care Retirement Community			P		P	P	P	P	P					(g)
Dormitory/Fraternity/Sorority			P		P	P	P	P	P					(h)
Group Home, Large <sup>398</sup>			P		P	P	P	P	P					(h)
Group Home, Small <sup>399</sup>	P	P	P	P	P	P	P	P	P		P			(h)
Halfway House			C		C	C	C	C						(i)
Residential Care Facility <sup>400</sup>					P	P	P	P	P					(j)
Temporary Shelter			C											(j)
<b>PUBLIC and INSTUTUTIONAL USES</b>														
Adult and Child Care														
Adult Day Care Center <sup>401</sup>		P	P		P	P	P	P	P					
Family Day Care Center	P	P/C	P	P	P	P	P	P	P		P			(k)

<sup>394</sup> Title revised to apply to manufactured home parks. Individual manufactured homes are included in the definition of one-family detached dwellings, because building permits for HUD-compliant homes must be issued in residential districts by state law.

<sup>395</sup> Name clarifies that this includes a second Primary dwelling unit – as opposed to an Accessory Dwelling Unit.

<sup>396</sup> Group Home for Foster Care was deleted. Foster care placements is now addressed in the definition of a Family.

<sup>397</sup> Retitled from “Boardinghouses and Lodging Houses”. This changes from prohibited to a P use in current O-2.

<sup>398</sup> Replaces current Group Care Home for Mentally Retarded Children use. Definition now covers all facilities of more than 8 individuals for individuals protected by the federal Fair Housing Act Amendments, which is broader than just mental illness. Current use says 4-9 individuals, and does not address several groups protected by the Fair Housing Act. Facilities larger than 9 individuals need to be accommodated in the ordinance.

<sup>399</sup> Replaces current Group Home for Mentally or Physically Handicapped. Definition now covers all facilities of the same size (up to 8 individuals and two caregivers) for groups protected by the federal Fair Housing Act Amendments, which is broader than just mental or physical handicaps.

<sup>400</sup> Removed from IG since prior draft in response to public comment.

<sup>401</sup> Renamed from Adult Day Care Home to clarify that this is a less-than-24-hour-a-day facility. Added as P use to R-2 district.

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP <sup>385</sup>	IG	A	O		PD
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	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 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	PUD, O-P	C-P, M-P	
Community Service <sup>402</sup>														
Assembly or Lodge Hall						C	P	P		P		Per PD Approval		
Cemetery or Mausoleum	C	C	C	C							P			
Community/Recreation Center <sup>403</sup>	P	P	P		P	P	P	P	P		P			
Community Garden <sup>404</sup>	P	P	P	P	P	P	P	P	P	P	P			(kk)
Elementary/Secondary School <sup>405</sup>	P	P	P		P	P	P	P	P		P			
Funeral Home or Mortuary <sup>406</sup>					C		P	C		P				(l)
Higher Education Institution <sup>407</sup>			P		P	P	P	P	P					(m)
Hospital					P	P	P	C	P	P				
Museum or Library <sup>408</sup>	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 <sup>409</sup>	P	P	P	P	P	P	P	P	P	P	P			
Public Park, Playground, or Golf Course <sup>410</sup>	P	P	P	P	P	P	P	P	P		P	P		
Religious Institution <sup>411</sup>	P	P	P	P	P	P	P	P	C	C	P		(n)	
Reuse of Place of Public Assembly	C	C	C	C									(o)	
Utilities and Communications														

<sup>402</sup> 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.

<sup>403</sup> Replaces current Publicly Owned and Operated Community Building. Deleted from R-MH since prior draft in response to comment.

<sup>404</sup> Relocated from Accessory Use subcategory in Module 1.

<sup>405</sup> 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.

<sup>406</sup> Combines current "Funeral Home", "Crematory", and "Mortuary" uses. This would now be a C use on O-2 lands.

<sup>407</sup> 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.

<sup>408</sup> 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.

<sup>409</sup> Combines current "Government buildings and facilities" and "Public administrative buildings".

<sup>410</sup> 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.

<sup>411</sup> 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.

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Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	PUD, O-P	C-P, M-P	
Communication Antenna or Tower as a Principal Use	See 29-3.3(p)											Per PD Approval	(p)	
Public Utility Services, Major <sup>412</sup>	C	C	C	C	C	P	P	P	P	P	P		P	
Public Utility Services, Minor <sup>413</sup>	C	C	C	C	P	P	P	P	P	P	P			
Wind Energy Conversion System (WECS) as a Principal Use <sup>414</sup>	See 29-3.3(p)											Per PD Approval	(q)	
<b>COMMERCIAL USES<sup>415</sup></b>														
Agriculture & Animal-Related <sup>416</sup>														
Agriculture <sup>417</sup>											P			
Farmer’s Market <sup>418</sup>	T	T	T		T	P	P		P	P	P	P		
Greenhouse or Plant Nursery <sup>419</sup>							P			P	P			
Pet Store or Pet Grooming <sup>420</sup>						P	P	P	P	C				
Urban Agriculture <sup>421</sup>			C		P	P	C	C			P		(r)	
Veterinary Hospital <sup>422</sup>					C	C	P	P		P			(s)	
Food & Beverage Service														

<sup>412</sup> 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.

<sup>413</sup> 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.

<sup>414</sup> From current Section 29-21.5.

<sup>415</sup> Renamed from Commercial and Industrial Uses since Module 2, since Industrial Uses now has its own category.

<sup>416</sup> The current “Slaughterhouse” use (permitted in current M-1) district, has been deleted.

<sup>417</sup> Combines current “Agriculture” use with “Chick hatcheries”.

<sup>418</sup> New use, per *Columbia Imagined*.

<sup>419</sup> 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.

<sup>420</sup> 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.

<sup>421</sup> New use.

<sup>422</sup> 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**  
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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 <sup>385</sup>	IG	A	O	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PD
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PD
Bar or Nightclub <sup>423</sup>							P	P					Per PD
Restaurant <sup>424</sup>						P	P	P	P				PD
<b>Guest Accommodations</b>													
Bed and Breakfast <sup>425</sup>			C			P	P	P					Per PD
Hotel <sup>426</sup>							P	P	P	P			Approval
Travel Trailer Park <sup>427</sup>							C				C		Approval
<b>Office</b>													
Commercial or Trade School <sup>428</sup>					P	P	P	P	P	P			Per PD
Office <sup>429</sup>					P	P	P	P	P	P			Approval
Research and Development Laboratory <sup>430</sup>					P	C	P	P	P	P			Approval

<sup>423</sup> Renames current “Bars, cocktail lounges, and nightclubs” use. Deleted from IG district since prior draft in response to comment.

<sup>424</sup> 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.

<sup>425</sup> 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.

<sup>426</sup> 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.

<sup>427</sup> Added as C use to M-C since prior draft in response to public comment.

<sup>428</sup> 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.

<sup>429</sup> 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.

<sup>430</sup> 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.

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP <sup>385</sup>	IG	A	O	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PD
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PD
Wholesale Sales Office or Sample Room							P	P		P			
<b>Personal Services</b>													
Personal Services, General <sup>431</sup>						P	P	P	P	P			Per PUD
Self-service Storage Facilities <sup>432</sup>							P	C		P			
Tree or Landscaping Service <sup>433</sup>							P		P	P			
<b>Recreation &amp; Entertainment<sup>434</sup></b>													
Indoor Recreation or Entertainment <sup>435</sup>						P	P	P		P			
Indoor Entertainment, Adult <sup>436</sup>							C			C			Per PD
Outdoor Recreation or Entertainment <sup>437</sup>							P		C	P	C	C	Approval
Physical Fitness Center						P	P	P	P	P			
Theatre, Drive-In							C						

<sup>431</sup> 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.

<sup>432</sup> Deleted since prior draft in response to comment.

<sup>433</sup> Retitled from “Tree trimming service.” Requirement for screening of service vehicles in the M-C district is replaced by general screening and buffering standards.

<sup>434</sup> 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.

<sup>435</sup> 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.

<sup>436</sup> Title and definition revised to include adult theaters as well as live entertainment, and to allow alignment with recent state law amendments.

<sup>437</sup> 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 “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.

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P=Permitted use   C=Conditional use   A=Accessory use   CA=Conditional Accessory use   T=Temporary use													
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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP <sup>385</sup>	IG	A	O	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	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 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	PUD, O-P	C-P, M-P
<b>Retail</b>													
Alcoholic Beverage Sale <sup>438</sup>						P	P	P	P	P			
												Per PD Approval	(bb)
Retail, Adult <sup>439</sup>							P	P		P			
												Per PD Approval	(z)
Retail, General <sup>440</sup>						P	P	P	P	P			
												Per PD Approval	(cc)
<b>Vehicles &amp; Equipment</b>													
Car Wash <sup>441</sup>						C	P	P	P	P			
												Per PD Approval	
Heavy Vehicle and Equipment Sales, Rental, and Servicing <sup>442</sup>										P			
												Per PD Approval	
Light Vehicle Sales or Rental <sup>443</sup>							P	P		P			
												Per PD Approval	(dd)
Light Vehicle Service or Repair <sup>444</sup>						C	P	P	P	P			
												Per PD Approval	(ee)
Parking Lot, Commercial <sup>445</sup>							P	P	P	P			

<sup>438</sup> 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.

<sup>439</sup> 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.

<sup>440</sup> 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.

<sup>441</sup> 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.

<sup>442</sup> 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.

<sup>443</sup> 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.

<sup>444</sup> 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.

<sup>445</sup> 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,

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 <sup>385</sup>	IG	A	O		
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PUD, O-P	C-P, M-P
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PUD, O-P	C-P, M-P
Parking Structure, Commercial <sup>446</sup>							P	P		P				
<b>INDUSTRIAL USES</b>														
Commercial Services														
Heavy Commercial Services <sup>447</sup>							P	P		P				
Mechanical and Construction Contractors <sup>448</sup>							P		P	P				
Storage and Wholesale Distribution <sup>449</sup>									P	P				(ff)
<b>Manufacturing, Production and Extraction<sup>450</sup></b>														
Artisan Industry <sup>451</sup>						P	P	P					Per PD Approval	
Bakery <sup>452</sup>						C	P	P	P	P				
Heavy Industry <sup>453</sup>										C				

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.

<sup>446</sup> Combines current “Parking for Automobiles and Light Trucks , Multi-Level, Underground or Covered Commercial” and “Parking for Automobiles and Light Trucks, Commercial” uses.

<sup>447</sup> Combines current “Laundry, commercial”, “Lumberyard”, “Newspaper publishing plant”, “Printing shop”, and “Sign painting shop” uses and similar uses.

<sup>448</sup> 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.

<sup>449</sup> 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.

<sup>450</sup> “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.

<sup>451</sup> New use. Definition covers production of small scale arts, crafts, foods, and beverages for on-premises sale to the public.

<sup>452</sup> Added as P in M-BP since prior draft

<sup>453</sup> 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

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE														
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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 <sup>385</sup>	IG	A	O		PD
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PD	
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	O	PD	
Light Industry <sup>454</sup>							C		P	P				(gg)
Machine Shop <sup>455</sup>							C			P				
Mine or Quarry <sup>456</sup>										C	C			
<b>Transportation</b>														
Airport												C		
Bus Barn or Lot <sup>457</sup>							P			P				Per PD Approval
Bus Station							P	P		P				
Rail or Truck Freight Terminal <sup>458</sup>									P	P				
<b>Waste &amp; Salvage</b>														
Sanitary Landfill											C			Per PD
Vehicle Wrecking or Junkyard <sup>459</sup>										C				(hh)
<b>ACCESSORY USES</b>														
Accessory Dwelling Units		A	A											(ii)
Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling <sup>460</sup>	A	A	A		A	A								(jj)
Backyard or Rooftop Garden <sup>461</sup>	A	A	A	A	A	A	A	A	A		A			(kk)

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.

<sup>454</sup> 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.

<sup>455</sup> Deleted as C in M-DT since prior draft, in response to comment.

<sup>456</sup> 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.

<sup>457</sup> Added to M-C district since prior draft in response to comment.

<sup>458</sup> Retitled from “Freight terminals (rail or truck for loading or storage) or sidings.

<sup>459</sup> Changed from P in M-1 to C in the consolidated IG zone.

<sup>460</sup> This accessory use may be deleted after Module 2 if specific regulations for these types of facilities can be replaced by more general standards applicable to all detached accessory structures for one- and two-family dwellings. Similar regulations for tennis courts and swimming pools were not carried forward, as those are generally addressed by general accessory use dimensional controls. Retitled for accuracy since prior draft.

<b>Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE</b>														
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 <sup>385</sup>	IG	A	O	PD	
Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 <sup>386</sup>	C-1	C-3	C2	M-R	M-C, M-1, & M-U <sup>387</sup>	A-1	PUD, O-P	C-P, M-P	
Communication Antenna or Tower as an Accessory Use	See 29-3.3(p)												(p)	
Customary Accessory Uses and Related Structures <sup>462</sup>	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 <sup>463</sup>	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 <sup>464</sup>	See 29-3.3(q)												(q)	
<b>TEMPORARY USES<sup>465</sup></b>														
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 <sup>466</sup>	T	T	T	T	T	T	T	T	T		T			
Temporary/Seasonal Sales or Event, Other <sup>467</sup>	T	T	T		T	T	T	T	T	T	T	T	T	

<sup>461</sup> New accessory use based on Columbia Imagined. Community garden use has been relocated to the “community services” subcategory since Module 1.

<sup>462</sup> 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.

<sup>463</sup> This use would now be permitted on current O-2 lands.

<sup>464</sup> From current Section 29-21.5.

<sup>465</sup> Garage sales have been deleted from this section and are not subject to the temporary use permit process.

<sup>466</sup> Title revised to include leasing. This use would now be allowed on current O-2 lands.

<sup>467</sup> 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 that 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

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:

- (1) The longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) The home shall have a garage if fifty (50) percent or more of existing homes on the same block face have a garage.

- (7) 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.<sup>468</sup>

#### (b) Dwelling, One-family Attached

The structure containing this use is limited to no more than 4 contiguous attached dwellings in the R-2 zone district, and no more than 6 contiguous attached dwellings in the R-MF zone district.<sup>469</sup>

#### (c) Dwelling, Co-Housing Project

This use shall be subject to the following standards:

- (1) Except in the M-DT district, the minimum project size is 5 acres, and the maximum project size is 10 acres.
- (2) The maximum size of each co-housing unit is 1,000 sq. ft. of gross floor area.
- (3) Co-housing projects must be organized as condominium developments meeting all requirements of State law, and individual lots or portions of the project may not be subdivided for sale.
- (4) Zone district lot requirements and setback requirements shall apply to the project site as a whole, but not to individual co-housing dwelling sites.
- (5) Each project site shall maintain a vegetated buffer at least 10 ft. wide, meeting the requirements of Section 29-5.4 (cross-reference to intensive buffer standard in Landscaping and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.
- (6) The minimum on-site parking requirement is 1 vehicle space per dwelling unit.
- (7) Each applicant shall submit a development plan identifying individual co-housing dwelling sites, streets, parking areas, storm drainage facilities, common areas and facilities, and any other features required to be identified by Missouri condominium law. The Development Plan shall be subject to approval by Council prior to development, and shall be binding upon all development once approved.

#### (d) 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.

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<sup>468</sup> 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.

<sup>469</sup> 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.

- (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.<sup>470</sup>

### **(e) Dwelling, Multi-family<sup>471</sup>**

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.

#### **(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 Design<sup>472</sup>**

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) Four-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.

#### **(5) Parking Garages and Carports**

<sup>470</sup> New conditions for a new use.

<sup>471</sup> New standards.

<sup>472</sup> 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.

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-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.<sup>473</sup>

#### (6) Universal Design

In primary 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 primary structure may contain more than two hundred (200) bedrooms in any one structure.<sup>474</sup>
- (ii) Each primary 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 or R-3 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 primary structure and any property line adjacent to an R-1 or R-3 district or a property containing a one-family attached, detached, or duplex dwelling

#### (f) 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.

#### (g) Continuing Care Retirement Communities (CCRC)

This use shall be subject to the following standards:<sup>475</sup>

- (1) A CCRC shall be planned and constructed as a unified development.

<sup>473</sup> 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.

<sup>474</sup> Wording revised in response to public comment.

<sup>475</sup> 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.

- (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.
- (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.

#### (h) 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.<sup>476</sup>
- (3) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

#### (i) Halfway House<sup>477</sup>

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

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<sup>476</sup> 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.

<sup>477</sup> 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.

character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.

### (j) 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.
- (4) 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.

### (k) 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.<sup>478</sup>
  - (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.
- (ii) In the R-2 district, a family day care home that exceeds the size limit in subsection a.i may be approved as a conditional use.<sup>479</sup>

<sup>478</sup> Fencing requirement was deleted because addressed in state licensing requirements.

### (l) Funeral Home or Mortuary

This use is subject to the following standards:<sup>480</sup>

- (1) The use shall be conducted within a fully enclosed legally permitted structure.
- (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.

### (m) 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 based on the substantial deviation shall be issued until the Council's approval of the amended plan has been obtained.<sup>481</sup>

### (n) Religious Institution<sup>482</sup>

### (o) Reuse of Place of Public Assembly

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<sup>479</sup> 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.

<sup>480</sup> 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.

<sup>481</sup> 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.

<sup>482</sup> Existing standards limiting conditional use permits in M-BP to 5 years (renewable) was deleted as probably in violation of federal RLUIPA legislation unless the same requirement is extended to all places 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.

#### **(p) Communication Antenna or Tower** <sup>483</sup>

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.<sup>484</sup>

##### **(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 (p)(5) (Standards):

- (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.<sup>485</sup>

<sup>483</sup> These regulations may be reviewed in light of a pending legal challenge to Missouri telecommunications laws.

<sup>484</sup> 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.

<sup>485</sup> 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

- (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.
- (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.<sup>486</sup>
- (v) Satellite receiver dishes up to one (1) meter in diameter.<sup>487</sup>

### (3) Permitted Uses in Selected Districts

The following use shall be permitted in any zoning district other than zoning districts A-1, 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(p)(5)(Standards).

- (i) The construction of an enclosed support structure designed to match the architecture, material, and color of existing adjacent accessory structures.<sup>488</sup>
- (ii) Satellite receiver dishes up to two (2) meter in diameter.<sup>489</sup>

### (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 for the collocation of an additional antenna or equipment on an existing tower shall be made within ninety (90) days after receipt of a complete application. Decision on applications for conditional use permits for the erection of a new communications tower shall be made within 150 days after receipt of a complete application.<sup>490</sup>

- (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-1, R-1, R-2, R-MF, R-MH and PD with residential development.

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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.

<sup>486</sup> 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.

<sup>487</sup> New addition to this list to comply with federal law.

<sup>488</sup> Revised to replace requirement for underground placement with standards to reduce visibility.

<sup>489</sup> New addition to this list to comply with federal law.

<sup>490</sup> Timeframes for decisions have been added based on the FCC’s recent “shot-clock rule”, which provides that longer timeframes can be challenged as unreasonable. The state’s Uniform Wireless Communications Infrastructure Deployment Act also addresses these timeframes.

- (ii) Construction of disguised support structures shall be allowed in zoning districts A-1, R-1, R-2, R-3, R-4, R-MH, and PD with residential development.

#### **(5) Standards<sup>491</sup>**

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) Regulatory compliance**

All antennas and towers shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate communications antennas and towers. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards or regulations within the time period mandated by the controlling agency.

##### **(ii) 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.

##### **(iii) 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.

##### **(iv) Advertising**

Placement of advertising on structures regulated by this section is prohibited.

##### **(v) 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.<sup>492</sup>

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<sup>491</sup> Requirements for on-site parking were deleted as unnecessary, and restrictions on storage of unrelated materials in cabinets was deleted as unenforceable.

<sup>492</sup> New provision consistent with intent of state law and expected federal rulemaking on this topic.

**(vi) Height**

The height of a tower shall be governed by the underlying zoning district; however, 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.<sup>493</sup>

**(vii) 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.

**(viii) 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.

**(ix) 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.<sup>494</sup>

**(x) 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.

**(xi) 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 owner's property within a reasonable time specified by the Director. The order shall

<sup>493</sup> Last clause added to guide Board's decision on height; delegations of authority without standards are vulnerable to legal challenge.

<sup>494</sup> Revised to reflect changes in tower design, based on comment received.

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(g) (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.

### **(q) Wind Energy Conversion System (WECS)**

This use shall be subject to the following standards.<sup>495</sup>

#### **(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-1, 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.<sup>496</sup>
- (iv) Commercial WECS are not allowed in any zoning district.

#### **(2) Conditional Uses**

<sup>495</sup> From current Section 29-21.5, reordered and reworded for clarity, and with changes as noted.

<sup>496</sup> A map of the Downtown Community Improvement District will be included here.

- (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.<sup>497</sup>

### **(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(p).
- (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

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<sup>497</sup> List of specific application requirements deleted – to be retained on administrative lists or the City web site.

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(g)(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 primary 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). Section 29-4.1(c) (currently 29-26), 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.

### **(r) Urban Agriculture<sup>498</sup>**

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.

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<sup>498</sup> New standards for new use.

- (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
  - (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

Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
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.

#### (s) Veterinary Hospital<sup>499</sup>

This use is subject to the following standards:

- (1) The maximum density shall be fifty (50) animals, cared for at full capacity, per acre.
- (2) Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).
- (3) A secondary or perimeter fence or wall shall be constructed around all outside animal runs.
- (4) When the facility abuts residential uses or zoning, the minimum yard shall be one hundred (100) feet to an wall or fence without openings or two hundred (200) feet to an outside animal runs or to a wall or fence with openings.<sup>500</sup>

#### (t) Restaurant

In the M-N district, live or recorded music may only be played indoors and must be inaudible on the property line.

#### (u) 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.

<sup>499</sup> Current minimum size standard of 2 acres was deleted as unnecessary.

<sup>500</sup> Wording revised to clarify that 200 foot distance also applies to walls and fences with openings.

- (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.
- (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.

#### **(v) Commercial or Trade School**

In the M-OF district, this use is not permitted to offer retail goods or services to the public.

#### **(w) 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.

#### **(x) 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.<sup>501</sup>

#### **(y) Self-service Storage Facility**

This use is subject to the following conditions:<sup>502</sup>

- (1) 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.
- (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-4.6.
- (3) 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.
- (4) 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.

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<sup>501</sup> Revised standard applies to all minor personal services (not just cleaning, pressing, and dyeing establishments), and allows the use of these materials in the M-BP and IG districts.

<sup>502</sup> Height restriction to 14 feet has been deleted, since attractive multi-story forms of this use are now available.

- (5) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
- (6) Loading docks shall be prohibited.

**(z) Indoor Entertainment, Adult and Retail, Adult<sup>503</sup>**

This use is subject to the following standards:

- (1) Indoor Adult Entertainment shall be limited to the following geographical area:<sup>504</sup>
  - (i) In the M-DT district, Adult Retail must be conducted in a completely enclosed structure (no outdoor display or storage).
  - (ii) The use shall not be located within 1,000 feet of any preexisting 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.<sup>505</sup>
- (2) Notwithstanding any provision in Chapter 23 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.
- (3) No sign shall be placed in any window.
- (4) 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.
- (5) 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

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<sup>503</sup> Use-specific standards revised to align with new Missouri state law amendments on this topic.

<sup>504</sup> New standard to limit this use to the same area as before the consolidation of the M-C, M1, and M-U districts.

<sup>505</sup> 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.

permits the observation of entertainers, servers or employees from the exterior of the building.

- (6) 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.
- (7) Notwithstanding the provisions of section 29-4.4(g)(6) (currently 30(g)), required off-street parking for an Indoor Adult Entertainment business shall be located on the premises of the business.
- (8) 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.
- (9) No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- (10) No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.<sup>506</sup>

#### (aa) Outdoor Recreation or Entertainment

This use is subject to the following standards:

- (1) Golf courses are permitted in the A and O districts only.<sup>507</sup>
- (2) Accessory uses and structures may provide those types of services generally associated with such clubs and facilities to their members.<sup>508</sup>

#### (bb) 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.<sup>509</sup>

#### (cc) Retail, General<sup>510</sup>

- (1) This use is divided into categories based on the amount of gross floor area:

<sup>506</sup> Standards 9, 10, and 11 are new, to match provisions in recent state law.

<sup>507</sup> Replaces the current restriction of golf courses to PUD districts.

<sup>508</sup> 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.

<sup>509</sup> Provision relocated since prior draft.

<sup>510</sup> Since module 3, restrictions on retail use size have been moved from the definitions and Permitted Use Table to these use-specific standards.

- (i) **Large Retail** uses are those with a gross floor area greater than 15,000 sq. ft. for all uses other than a grocery store, or a gross floor area greater than 45,000 sq. ft. for a grocery store. 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. Large Retail uses are permitted by-right in the M-C and M-DT districts and with Conditional Use approval in the IG district.
  - (ii) **Small Retail** uses are those with a gross floor area of not more than 15,000 sq. ft. for all uses other than a grocery store, or a gross floor area of not more than 45,000 sq. ft. for a grocery store. 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. Small Retail uses are permitted by-right in the M-N, M-C, M-DT, M-BP, and IG districts.
- (2) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.<sup>511</sup>

#### (dd) Light Vehicle Sales or Rental

In the M-DT district, all sales and rental activities must take place in an enclosed structure.

#### (ee) Light Vehicle Service and Repair

In the M-N, M-C, M-DT, and M-BP districts, all repair activities must take place in an enclosed structure.<sup>512</sup>

#### (ff) 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.

#### (gg) Light Industry

This use shall be subject to the following standards.<sup>513</sup>

- (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.

<sup>511</sup> Provision relocated since prior draft.

<sup>512</sup> Standard extended to M-N district since prior draft based on public comment.

<sup>513</sup> 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.

- (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.

### (hh) 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 high or sufficient to block all views of stored or stacked vehicles, vehicle parts, and wrecking equipment when viewed from adjacent public rights-of-way.<sup>514</sup>
- (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 only operate between the hours of 8:00 am and 6:00 pm and shall be subject to all noise ordinances of the City.<sup>515</sup>

### Accessory and Temporary Uses of Land and Buildings

#### (ii) Accessory Dwelling Units<sup>516</sup>

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

<sup>514</sup> Standard revised to require complete screening.

<sup>515</sup> New standard.

<sup>516</sup> New standards from proposed City ordinance.

**29-3.3: Use-specific Standards (jj): Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling<sup>516F</sup>**

- 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.
- (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.

**(jj) Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling<sup>517</sup>**

- (1) For any dwelling there shall be permitted one (1) private garage with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area.
- (2) A detached garage, tennis court, or swimming pool shall be located not less than sixty (60) feet from the front lot line, not less than three (3) feet from any side lot line, and not less than one (1) foot from any alley line.
- (3) When the rear lot line is common to a side or rear lot line of another lot, the garage, tennis court, or swimming pool must be located a minimum of three (3) feet from such rear lot line and for corner lots, not less than the distance required for residences from side streets.
- (4) A garage, tennis court, or swimming pool constructed as an integral part of the main building shall be subject to the regulations affecting the main building, except that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, and shall not occupy more than thirty (30) percent of the required rear yard.

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<sup>517</sup> Parallel provisions for tennis courts and swimming pools were not carried over, as those can be addressed through general accessory use dimensional controls. Title revised for accuracy since prior draft. Provision allowing construction of garage across common lot line by agreement of owners was deleted; property rights generally may not be subject to personal agreements. A variance would now be required.

- (5) No part of a detached accessory building shall be closer than ten (10) feet to the main building.

#### **(kk) 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.<sup>518</sup>

#### **(II) Customary Accessory Uses and Related Structures<sup>519</sup>**

This use is subject to the following standards.

- (1) All accessory uses and structures must be clearly subordinate to the primary structure(s) and primary use(s) on the property.
- (2) All accessory uses and structures shall comply with all dimensional regulations (i.e. building height, lot coverage, and minimum yard) applicable to the primary structure(s) on the property unless this Code provides a specific exception to those regulations.<sup>520</sup>
- (3) 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 primary structure is constructed on the property.<sup>521</sup>
- (4) In any residential district, a detached accessory structure shall not exceed twenty-four (24) feet in height or the height of the primary structure, whichever is less, and may not occupy more than thirty (30) percent of a rear yard.
- (5) A driveway to provide access to premises in commercial or industrial districts shall not be permitted through residential districts.<sup>522</sup>
- (6) 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

<sup>518</sup> New standard for a new listed use.

<sup>519</sup> 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.

<sup>520</sup> New provision standard in most zoning ordinances.

<sup>521</sup> New provision standard in most zoning ordinances.

<sup>522</sup> New standard.

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) There shall be no outdoor advertising pertaining to the ancillary commercial use other than a single wall-mounted nameplate not to exceed four (4) square feet of area.
  - (iv) The commercial use shall not involve the sale of age-restricted products such as alcohol, tobacco and firearms.
  - (v) The commercial use shall not generate noise or traffic in excess of the levels expected if the entire premises were used for permitted uses.
  - (vi) Hours of operation shall be limited to not earlier than 6:00 a.m. or later than 10:00 p.m. daily.
  - (vii) There shall be no additional parking required.
- (7) In the IG district, accessory uses may include retail sales to the public of goods produced on the premises.

#### **(mm) Drive-up Facility<sup>523</sup>**

- (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.
- (2) All Drive-up Facilities shall be subject to all applicable noise control ordinances.

#### **(nn) 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.

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<sup>523</sup> New standards.

- (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) No power other than electric shall be used and no single machine shall draw more than one-half horsepower and not more than one horsepower total shall be used,
- (7) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises; that is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.
- (8) 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 29-29-4.2 of this Code.
- (9) The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.
- (10) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site.
- (11) 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 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.
- (12) Abatement. Any home occupation which does not comply with the above restrictions shall be brought into compliance within thirty (30) days of the notice of the deficiency. It shall be unlawful to fail to comply with the above restrictions after notice.

#### **(oo) Home Occupation With Non-resident Employees**

This use shall be subject to the standards listed for all home occupations in Section (nn) 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.

**(pp) Outdoor Storage in Residential Districts<sup>524</sup>**

- (1) No portion of any front yard except a legal driveway, 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. The stored vehicle shall not extend, project or rest upon any public right-of-way including the public sidewalk, street, or trail.
  - (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.

**(qq) 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.

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<sup>524</sup> New standards since prior draft, in response to public comments.