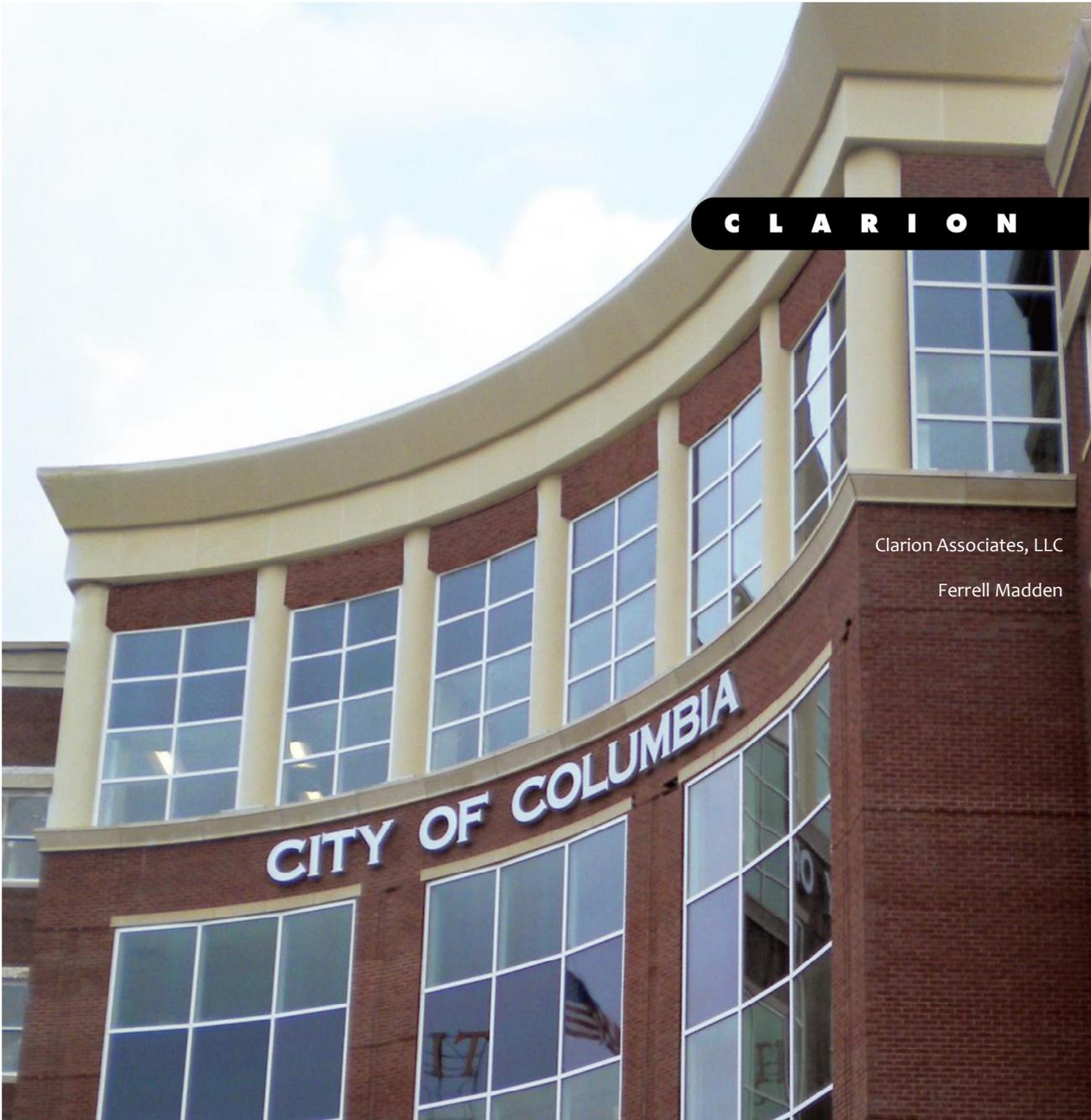




C L A R I O N

Clarion Associates, LLC

Ferrell Madden



CITY OF COLUMBIA

Draft Unified Development Ordinance

**City of Columbia, Missouri
Development Code Update**

May 2016

Columbia Unified Development Ordinance Draft

Columbia Unified Development Ordinance

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COLUMBIA UNIFIED DEVELOPMENT ORDINANCE

Chapter 29-1 General Provisions¹

29-1.1 Title²

This ordinance may be cited as the “Columbia Unified Development Ordinance”, and may be referred to within this document as “this Ordinance” or “this Chapter”.

29-1.2 Purpose³

The purpose of this Ordinance is to regulate land use, site development, and the subdivision of land in Columbia, Missouri, and to implement the vision and recommendations for the City in the Columbia Imagined Comprehensive Plan for the City, as that plan may be amended over time. Additional purposes include the coordination of land uses, subdivisions of land, and property development with traffic and infrastructure capacities; providing for the safe, orderly, and economic use of streets and transportation facilities; ensuring adequate movement of emergency vehicles, promoting the orderly use and layout of land; complying with all federal and state laws related to land use; reducing the risks of flooding and flood-related loss and damage; protecting designated historic resources; ensuring proper legal description and monumenting of subdivided land; protecting stable residential neighborhoods; promoting economic development; promoting efficient administration of land use controls; promoting effective public engagement in land use decisions; encouraging efficient patterns of land use; promoting a variety of housing choices; preserving trees, preventing erosion on disturbed areas, controlling storm water drainage, controlling sediments from rainfall on graded areas, requiring adequate transportation, water, sewerage, parks, schools, playgrounds, stormwater management facilities, and other services and facilities necessary to serve new development or redevelopment; and otherwise protecting the public health, safety, and welfare.

29-1.3 Applicability and Jurisdiction⁴

The provisions of this Ordinance apply to all site development activities, establishment or changes in uses of land, construction or modification of buildings or structures, development and redevelopment of property, and subdivisions of land within the City of Columbia, including land annexed into the City after the effective date of this Ordinance, and including land owned by public or quasi-public entities, unless a specific exception is provided in this Ordinance, other regulations of the City, or applicable state or federal law.

29-1.4 Official Zoning Map

- (a) The standards and regulations in this Ordinance applicable to specific zone districts or overlay zone districts apply to the areas of the City shown with those zone district or overlay zone district designations on the Official Zoning Map.

¹ The section on Authority listed in the Annotated Outline was not included at the request of City Counsel.

² New provision.

³ New provision incorporating and updating language from Chapter 12A-2, Chapter 23 (Signs) and 25-2.

⁴ New provision; replaces Sec. 25-5.

- (b) The Official Zoning Map includes that Regulating Plan for the M-DT district shown in Section 29-4.2.
- (c) The Official Zoning Map is the latest version of the Zoning Map approved by Council, and is maintained in electronic form by the Department of Community Development.

29-1.5 Compliance Required⁵

- (a) All site development activities, establishment or changes in uses of land, construction or modification of buildings or structures, development and redevelopment of property, subdivisions of land, and sale of land for purposes of development or redevelopment (rather than agricultural use) within the City of Columbia shall comply with all applicable provisions of this Ordinance.
- (b) In addition, all applications under this Chapter shall comply with all applicable provisions of state and federal laws and regulations, all other laws and regulations, including without limitation building, construction, and health laws and regulations, of the City of Columbia.
- (c) The directors of City department and agencies are hereby authorized to establish design standards and specifications for the construction of public improvements and utilities for development and subdivisions in the City, which shall ensure a high quality construction of such public improvements and utilities such that these public improvements and utilities will serve the public need and be suitable for acceptance and maintenance by the City. The design standards and specifications shall be in substantial conformance with design standards and specifications for construction of similar public improvements and utilities by the City. All established design standards and specifications shall be on file in the office of the director who promulgated them, and all applications under this Chapter shall comply with the established standards and specifications.⁶
- (d) It shall be unlawful for any person to file or record with the recorder of deeds of Boone County, Missouri, any instrument of sale, transfer or conveyance including a description by metes and bounds when the sale or transfer of that land effects a subdivision of land located within the corporate limits of the City within the meaning of this Chapter and before such land has been subdivided in accordance with the provisions of this Chapter and the plat, if required, has been approved by the Council and recorded in the office of the recorder of deeds, Boone County, Missouri. Any deed or instrument of sale filed with the county recorder before full compliance with the requirements of this Chapter shall be deemed to be null and void.⁷
- (e) The recorder of deeds of Boone County, Missouri, shall not file or record a subdivision plat of any land located within the corporate limits of the City unless the plat has endorsed upon it the approval of the Council under the hand of the City Clerk, and the seal of the City or, in the case of an administrative plat, with the signature of the Director.⁸ The plat shall show with

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

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

⁷ Current Sec. 25-14(a).

⁸ Revised from Director of Public Works since Module 2.

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

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

29-1.6 Relationship to Other Regulations¹³

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

29-1.7 Relationship to Third-Party Private Agreements¹⁴

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

⁹ Revision made to add “professional” since Integrated draft

¹⁰ Current Sec. 25-14(b).

¹¹ Current Sec. 25-15.

¹² Current Sec. 25-16.

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

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

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

29-1.8 Interpretation¹⁵

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

29-1.9 Effective Date¹⁶

The effective date of this ordinance shall be _____.

29-1.10 Nuisances Prohibited¹⁷

- (a) All violations of this Ordinance are declared to be nuisances, and can be addressed and abated as such by the City.
- (b) All nuisances, including but not limited to any discharge of stormwater, any illicit connection to a stormwater management system, failure to properly maintain a stormwater facility, are prohibited, regardless of the structure or activity giving rise to the nuisance complies with this Ordinance.

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

¹⁶ New provision replacing current Section 25-6 and references to Ordinance No. 9958 in the current zoning ordinance.

¹⁷ New provision incorporating and updating Sections 12A-201 and 12A-95(e).

29-1.11 Transition to this UDO¹⁸

- (a) Any application for approval of a structure or land use governed by this Ordinance that was filed and determined by City staff to be a complete application before the effective date of this Ordinance shall be governed by the zoning and subdivision regulations in effect at the time the complete application was filed.
- (b) Any preliminary approval of a structure or land use under the zoning regulations in force prior to the effective date of this Ordinance, shall be governed by the regulations in effect at the time of the preliminary approval, provided that any additional or final approvals of that structure or land are completed within any time required by those regulations, or within any extension of that time approved by the City.
- (c) Preliminary subdivision plats approved under subdivision regulations in force prior to the effective date of this Ordinance, shall be governed by the regulations in effect at the time of final plat approval.¹⁹
- (d) Notwithstanding the provisions of subsections (a) through (c) above, an applicant whose application would otherwise be governed by regulations in effect prior to this Ordinance may notify the City in writing that the applicant chooses to have the application governed by the provisions of this Ordinance. The City shall approve the request provided that (i) the application shall be subject to all applicable provisions of this Ordinance –not just selected provisions, and (ii) if the application has received preliminary approvals, those approval shall be reversed and the application shall be required to complete the preliminary approval under the standards and provisions in this Ordinance.
- (e) Nothing in this Ordinance shall require any change in the plans, construction or designated use of a building for which a building permit has been issued prior to the effective date of this Ordinance.
- (f) All PUD, O-P, C-P, and M-P zone districts approved prior to the effective date of this Ordinance will be shown on the Zoning Map as PD zone districts, but shall continue to be governed by the approved development plans for those properties and by those portions of the prior zoning ordinance and subdivision regulations necessary to interpret and carry out the intent of the approved development plans for those properties. All construction and land uses that

¹⁸ New provision consolidating and updating language from Sec. 25-5 and 29-29(a) and adding materials to clarify application of this Ordinance. Materials from Sec. 29-29(a) requiring specific levels of completion within one and two years after Ordinance adoption were deleted, since that is addressed by standard building permit provisions. Text from Sec. 29-29(c) reading “The provisions of this chapter shall not apply to prevent the extension of any building, existing in any district at the time of annexation, or the adoption of Ordinance No. 9958, to the height which the walls, foundation and framework of such existing building originally were intended, designed and constructed to carry; provided that the actual construction of the extensions in height permitted by this paragraph shall have been duly commenced within ten (10) years from the date of the adoption of Ordinance No. 9958” was not carried over as unnecessary. Subsection (g) replaces current Sec. 25-8 and 29-40 (Saving Clause). Current Secs. 25-7 and 29-41 (Repeal) were not carried over because repeals can be achieved through the enacting ordinance. Provision in Sec. 29-30(a)(2) applying pre-2001 parking standards to buildings completed within 180 days of 2001 ordinance was not carried over, since general nonconformity standards should apply and cover that situation.

¹⁹ Clarifies that approval of a preliminary plat does not “lock in” technical standards at that time. This is necessary because Columbia’s subdivision regulations allow a preliminary plat to be approved without preliminary construction or engineering drawings.

comply with approved development plans for those properties are legal confirming uses. Modifications to PUD, O-P, C-P, and M-P zone districts approved prior to the effective date of this Ordinance must comply with the provisions of this Ordinance.²⁰

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

29-1.12 Severability²¹

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

29-1.13 Definitions and Rules of Construction²²

(a) Definitions

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

1% Annual Chance Flood (100-year flood). See "Base Flood."

100-year Flood. See "Base Flood."

Access. The place, means or way by which pedestrians, bicyclists and/or vehicles have ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement.²³

Accessory Dwelling Unit ("ADU"). A secondary dwelling unit created on a lot with a principal one-family dwelling, and which is subordinate to the principal dwelling. Accessory dwellings may be internal to or attached to the principal dwelling, or built as a detached structure. Principal one-family dwellings shall not include single-family structures that have been devoted to other uses, including, but not limited to, boardinghouses and bed and breakfasts.²⁴

Accessory Equipment. For the purposes of wireless telecommunications facilities, any equipment serving or being used in conjunction with a wireless communications facility or wireless

Comment [S1]: Consider either moving definitions specific to particular subsections to those sections, or grouping specific subsection terms under subheadings within this Definitions section.

Comment [PRZ2]: Clarification added that single-family dwellings used for other purposes cannot be consider "single-family" when determining if ADU is permitted.

²⁰ New provision required to simplify the four current planned districts, and clarifying legal conforming status. Special modification provisions for C-P developments are not carried over; all planned developments are now subject to the same modification procedures.

²¹ Consolidates current 29-38 and 25-61.

²² Definitions no longer used in the code are not carried over.

²³ New definition.

²⁴ New definition from recently approved ordinance, expanded to allow for internal units.

support structure, including utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.²⁵

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

Comment [RAM3]: Broke out definition of Accessory Structure and Accessory Use

Accessory Use. A use of land or structure that is incidental and subordinate to the primary use of land or structure on the property.²⁶

Actuarial or Risk Premium Rates. Those rates established by the administrator of the National Flood Insurance Program pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

Administrator. For purposes of floodplain regulations, the Director of Public Works.²⁷

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

Agency. For purposes of floodplain regulations, the Federal Emergency Management Agency.

Agent. A person legally authorized to act for another.

Agricultural Commodities. Items produced from agricultural activities including, but not limited to, grain, poultry, fruits and vegetables, timber and livestock.²⁸

Agricultural Structure. For purposes of floodplain regulations, any structure used exclusively in connection with the production, harvesting, storage, raising or drying of agricultural commodities.

Agriculture. Any use of land consisting of at least two and one-half (2½) acres for the purpose of crops, grazing animals, orchards, trees or forest lands, and any other use pertaining to farming or agricultural research, and including all the types of structures normally associated with these uses, including one dwelling unit, storage bins, barns, sheds, tool houses, garages, and any other use or facility ancillary to farming or open land.²⁹ This use does not include any activities meeting any definition of a use listed in the Industrial Use section of Table 3.1 (Permitted Use Table).³⁰

Airport. The Columbia Regional Airport (COU) and any other place for the take-off and landing of aircraft meeting all applicable safety and licensing requirements of any state or federal entity with regulatory authority over the facility, including areas used or intended to be used for the landing and take-off of aircraft, and any appurtenant airport facility buildings, structures, or uses.³¹

²⁵ New definition based on § 67.5092(1) R.S.Mo. (2014)

²⁶ New definition added in response to public comment.

²⁷ Revised since Module 1 to reflect current practice.

²⁸ Revised to remove the term "agricultural commodities" from the definition.

²⁹ New definition based on existing use name and description.

³⁰ Definition revised since prior draft to exclude manufacturing uses, in response to public comment.

³¹ New definition based on existing, undefined "aviation fields or airports" use, revised to include additional airports based on public comment

Alcoholic Beverage Sale. The retail sale of alcoholic beverages to the public, primarily for off-site consumption, in accordance with the alcoholic beverage regulations in Chapter 4 of this Code, and other applicable state or local laws and licensing requirements.³²

Alley. A public right-of-way that is used for pedestrian or vehicle access to the back or side of properties otherwise abutting on a street.³³

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a Block that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.³⁴

Alteration. For purposes of historic preservation regulations, any act that changes one or more of the historic or architectural features identified in an ordinance placing property in the HP-O district.

Ambient Sound Level. For purposes of WECS regulations, the sound pressure level exceeded ninety (90) percent of the time, or L90, at a given location. Also, the amount of background noise at a given location prior to the installation of a WECS, which may include, but is not limited to, traffic, machinery, general human activity, and the interaction of the wind with the landscape. Ambient sound level is measured on the decibel dB(A) weighted scale as defined by the American National Standards Institute (ANSI).

Amusement Game Machine. A mechanical or electronic machine or device that may be operated by the public to play a game installed in or on the machine or for entertainment or amusement. This use includes but is not limited to pinball machines, video games, motion simulator games, imitation sports activities, and virtual reality games.³⁵

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

Appeal. For purposes of floodplain regulations, a request for a review of the interpretation of the Director of Public Works of any provision of Section (29-2.3(d)) or a request for a variance.

Area of Shallow Flooding or Sheet Flow Area. A designated AO or AH zone on the flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. The land in the floodplain subject to one (1) percent or greater chance of flooding in any given year.

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

Artisan Industry. Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal

³² New definition based on existing, undefined use name and description. Definition revised since prior draft to distinguish from bar and restaurant, in response to public comment.

³³ Revised since Module 3 to include alleys designed for pedestrian access.

³⁴ New form-based definition.

³⁵ Definition simplified and updated to use more current examples.

automation. Examples include but are not limited to small-scale welding and sculpting or arts and crafts, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, cheese shops, craft breweries, and micro-distilleries. Accessory uses include teaching of these skills to others in the course of fabrication, preparation, or production, and outdoor seating areas. The sale of goods produced on the premises to the public is permitted, but the sale of goods produced off-site is not permitted.³⁶

Assembly or Lodge Hall. A publicly or privately owned facility intended for the gathering of people for social, professional, or recreational activities such as meetings, conferences, weddings, and similar activities.³⁷

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost Story. They are permitted for all Building Form Standard sites and do not count against the maximum Story height or height limits of their Building Form Standards.³⁸

Awning. A roof-like cover, made of fabric, or other flexible material, over a door or window and attached to a building.³⁹

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

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

Bakery. A facility for the production, distribution, or sale of baked goods and confectioneries.⁴⁰

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

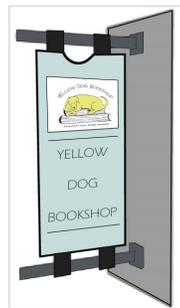
Bar or Nightclub. An establishment providing alcoholic beverage service as the principal use, and which may permit dancing and provide entertainment. Food service may be provided as an accessory use. This definition does not include any adult retail or adult entertainment use.⁴¹

Base Flood. The flood having one (1) percent chance of being equaled or exceeded in any given year (sometimes referred to as a “100 year flood”).

Basement. For all purposes except floodplain regulations, a story that is not a story above grade plane (see *Story Above Grade Plane*).⁴²

Basement. For purposes of floodplain regulations, any area of the building having its floor subgrade (below ground level) on all sides.

Bay Window. A composite of two or more windows, or rounded windows (generally, a U-shaped enclosure), projecting (cantilevered) from the outer wall of a building.⁴³



³⁶ New definition to describe new permitted land use.

³⁷ New definition based on existing, undefined uses that have been combined.

³⁸ New form-based definition. References to “ultimate” building heights removed throughout the draft in response to public comments.

³⁹ Revised to include “or other flexible material” per staff request.

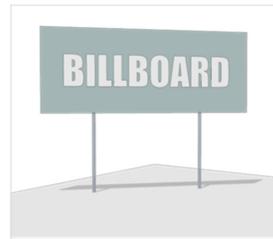
⁴⁰ New definition based on existing, undefined use

⁴¹ New definition for existing, undefined uses that have been combined.

⁴² New definition since Module 3 to conform to IBC 2012 definitions.

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

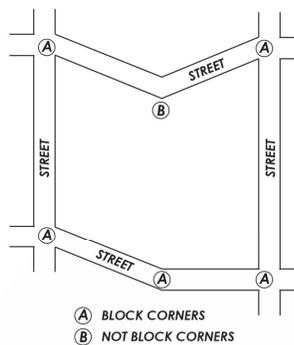
Best Management Practices (BMP). Activities, practices and procedures which control soil loss and reduce or prevent water quality degradation caused by nutrients, animal wastes, toxins, organics and sediment in the runoff. BMPs may either be structural (grass swales, terraces, retention and detention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



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

Block. An increment of land comprised of lots, Alleys and tracts circumscribed and not traversed by streets (Pedestrian Pathways accepted). In the M-DT district, blocks shall be measured at the Required Building Line (RBL).⁴⁴

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



Block Face. The Required Building Line frontage between Block Corners.⁴⁵

Board. The Zoning Board of Adjustment, unless the context clearly indicates that another Board is intended.⁴⁶

Boardinghouse. A building with a single kitchen, occupied as a single housekeeping unit, where lodging and meals or other services are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients, where rooms are rented for less than thirty (30) days. This use does not include a Group Home or Residential Care Facility.⁴⁷

Comment [PRZ4]: This definition will require further review and modification to ensure consistency with Rental Conservation Code.

Comment [PRZ5]: Revised for clarity on length of stay.

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

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the Required Building Line as designated by the Building Form Standards. The Buildable

⁴³ New form-based definition.

⁴⁴ New form-based definition.

⁴⁵ New form-based definition.

⁴⁶ Modified definition.

⁴⁷ Definition revised to limit the facility to one kitchen, and to require the provision of meals or other services, in order to clarify that this does not include multi-family dwellings within a single-family dwelling structure. Reference to facility for 5 or more persons who are recovering alcohol or drug addicts has been deleted, because those uses are now included in Group Home, Large.

Area sets the limits of the building footprint now and in the future—any additions shall be within the specified Buildable Area.⁴⁸

Building. For all purposes except floodplain regulations, any structure used or intended for supporting or sheltering any use or occupancy.⁴⁹

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered Building Corners for the purposes of the M-DT district.⁵⁰

Building Form Standards (BFS). The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as Shopfronts, Balconies, and Street Walls. The Building Form Standards establish both the boundaries within which things may be done and specific things that must be done. The applicable Building Form Standards(s) for a site is determined by its Street Frontage as per the Regulating Plan. This produces a coherent Street-Space and allows the building owner greater freedom behind the Facade.⁵¹

Building Face. See “Façade.”⁵²

Building. For purposes of floodplain regulations, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.⁵³

Bus Barn or Lot. A facility or lot intended for the maintenance and storage of bus transit vehicles.⁵⁴

Bus Station. A facility or structure where bus transit vehicles stop to provide transportation services to the public. This use may include related ticket sales. Accessory uses can include convenience retail or restaurants.⁵⁵

Canopy. A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration. A canopy is permitted to be structurally independent or supported by attachment to a building on one or more sides.⁵⁶

⁴⁸ New form-based definition.

⁴⁹ New definition to clarify existing undefined term in Chapter 29. Replaces the definition of Building in Chapter 25, which includes the word Structure. Structure is now defined separately. Revised definition since Module 3 to be consistent with IBC 2012.

⁵⁰ New form-based definition.

⁵¹ New form-based definition.

⁵² New form-based definition.

⁵³ New definition to clarify existing undefined term, for floodplain purposes.

⁵⁴ New definition based on existing, undefined use.

⁵⁵ New definition based on existing, undefined use.

⁵⁶ Revised definition since Module 3 to be consistent with IBC 2012.

Car Wash. A commercial establishment that provides for the self-service or full-service cleaning of automobiles manually or by machine operated equipment.⁵⁷

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

Comment [PRZ6]: Added since Integrated Draft

Cemetery or Mausoleum. A structure or open area used for the burial or permanent storage of human remains.⁵⁸

Certificate of Appropriateness. A certificate issued by the Historic Preservation Commission indicating its approval of the architectural appropriateness of plans for construction, alteration, removal or demolition of a landmark or of a structure within a historic district.

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

Chief Executive Officer or Chief Elected Official. For purposes of floodplain regulations, the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

City. The City of Columbia, Missouri.

Civic Buildings. Those buildings shown on the Regulating Plan that house strictly civic uses or are historically or culturally significant. Civic Buildings are not subject to the Building Form Standards prescriptions of the M-DT district. See also "Use, Civic."⁵⁹

Comment [P7]: Verify that this is buildings or structure within the M-DT

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

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

Clear Height. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.⁶⁰

Clear Walkway. The portion of the sidewalk within a Street-Space that shall remain clear of obstructions and allow public passage. The Clear Walkway width is specified in the Street Type Specifications.⁶¹

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

Comment [PRZ8]: Text for clarification. Walnut added since Integrated Draft

⁵⁷ New definition based on existing use and description.

⁵⁸ New definition.

⁵⁹ New form-based definition.

⁶⁰ New form-based definition.

⁶¹ New form-based definition.

Collocation. The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.⁶²

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

Commercial or Trade School. An establishment, other than public, private, or parochial, primary or secondary schools, colleges, or universities offering training or instruction in a trade, art, or occupation, such as beauty, dance, and vocational schools.⁶³

Commission. The Planning and Zoning Commission, unless the context clearly indicates that another Commission is intended.⁶⁴

Common Drive. The public easement for vehicles and pedestrians within a Block that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.⁶⁵

Comparative Pedestrian Crossing. The measured distance, shown on the Street Type Specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted urban average). This distance/time is calculated in order to provide a relative gauge of the comfort level for pedestrians crossing the street.⁶⁶

Complete and Discrete Façade Composition. The Façade articulation that breaks down the apparent scale of a large building into smaller apparent pieces. The intent of such a Façade Composition is to provide 'human scale' for the Street-Space. The objective requirements of the Complete and Discrete Façade Composition section of the Building Form Standards regulate and ensure such scalar break-down.⁶⁷

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

Communications Antenna. Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.⁶⁸

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

⁶² New definition based on §67.5092(8), R.S.Mo. (2014).

⁶³ New definition based on a combination of existing uses and descriptions.

⁶⁴ Modified definition.

⁶⁵ New form-based definition.

⁶⁶ New form-based definition.

⁶⁷ New form-based definition.

⁶⁸ New definition based on R.S.Mo. § 67.5092(2).

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

Communications Tower. A wireless support structure, such as a monopole, slick stick, stealth, lattice, or guyed tower, designed and constructed for the purpose of supporting wireless facilities. This definition does not include utility poles or any support structure owned and operated by an amateur radio operator licensed by the FCC.⁶⁹

Community/Recreation Center. A public or not-for-profit facility serving the social, educational, cultural, and recreational needs of a neighborhood or the community as a whole.⁷⁰

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

Construction. For purposes of historic preservation regulations, the act of adding an addition to an existing structure or the erection of a new principal or accessory structure.

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

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

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

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

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

⁶⁹ New definition based on existing "Tower" definition and R.S.Mo. § 67.5092(19) with modifications.

⁷⁰ New definition based on existing, undefined land use – "publicly owned and operated community buildings."

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

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

Covered Sidewalk. A roofed or built structure attached to the Façade and extending beyond the Required Building Line and over the sidewalk or Square, open to the Street-Space except for supporting columns, piers, or arches. (See Building Form Standards for complete specifications).⁷¹

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

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

Curb Level. The grade elevation at the topmost edge or a horizontal tangent to the topmost curve of a street curb.⁷²

Customary Accessory Use and Related Structures. A detached subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use clearly subordinate and incidental to the main use of the property. A customary accessory use or related structure is one that is often provided for the use and convenience of the occupants, residents, or patrons of the principal structure on the same lot, or their guests, rather than the general public. For multifamily residential and non-residential uses these include but are not limited to swimming pools, recreation facilities, meeting rooms, laundry facilities, and outdoor seating. This use does not include any accessory use or related structure listed separately in the Permitted Use Table.⁷³

Comment [PRZ9]: Replaced "primary" with principal for clarity

⁷¹ New form-based definition.

⁷² New definition.

⁷³ New definition incorporating clauses from existing code definitions of "customary accessory uses and structures" and clarifying that swimming pools are included. The concept of "customary" uses and structures is in the definition and does not generally appear in the title. Definition revised since prior draft to avoid overlap with community/recreation center and for accuracy, in response to public comment.

Cutoff Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.⁷⁴

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

Deck. An unroofed platform, either freestanding or attached to a building, which is supported by pillars or posts.⁷⁵

Decorative Lighting. Lights that have an aesthetic purpose to illuminate the architectural features of a building and produce generally low levels of light (one hundred (100) watts, one thousand eight hundred (1,800) lumens per light), including but not limited to "gooseneck" lights, sconce lights, recessed lighting in roof soffits, spot lighting, and silhouette lights.

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

Department. The Community Development Department, unless the context clearly indicates that another department is intended.⁷⁶

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

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

Detached Frontage Building. Building form and functions resulting from/as determined by the Detached Building Form Standard as indicated on the Regulating Plan.⁷⁷

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.⁷⁸

Developed Land. Real estate that has been altered by the addition of impervious surface, the addition of soil or fill material, or by site grading that changes the hydrology of the property from its natural state.⁷⁹

Director. The Director of the Community Development Department for Columbia, Missouri unless the context clearly indicates that another individual is intended.⁸⁰

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

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

⁷⁴ New definition.

⁷⁵ New definition.

⁷⁶ New definition.

⁷⁷ New form-based definition.

⁷⁸ Relocated from current floodplain overlay district.

⁷⁹ Revised to add the change of grade or dirt moving to definition.

⁸⁰ Revises existing definition to include "unless the context clearly indicates that another individual is intended."

Display Area. As it relates to lighting regulations, outdoor locations where nighttime sales occur and where accurate color perception by customers is needed, for example automobile sales.⁸¹

Dooryard. In the context of M-DT district Building Form Standards, the area within the Street-Space between the Façade of the building (generally the Required Building Line) and the Clear Walkway area of the sidewalk. The Dooryard area is designated in the Street Type Specifications.⁸²

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof.⁸³

Dormitory/Fraternity/Sorority. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses, in which each person residing in each living unit shall be a duly registered student in any accredited school, college or university, the spouse of such student, or a management employee. Such living facilities may contain sleeping rooms for use of one or more persons, provided that there is at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room area. Accessory uses may include food preparation facilities, exercise facilities, and meeting rooms.⁸⁴

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

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

Drive-up Facility (also "Drive-in" or "Drive-Through"). A site feature or building feature that by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.⁸⁵

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

~~*Dwelling, Co-housing Project.* A residential development that combines individual owned dwelling units with smaller or partial kitchens and a larger community kitchen and dining room intended for communal use on a regular basis, and in which all residents agree to share in the provision of regular communal services such as cooking meals or providing child care.⁸⁶~~

Comment [PRZ10]: Definition and use to be deleted. Can be accommodated by other means.

⁸¹ Revised to clarify that this definition relates to lighting regulations.

⁸² New form-based definition.

⁸³ New form-based definition.

⁸⁴ Revised definition since Module 3 to more closely match IBC 2012, but kept the student requirement, dimensional standards, and accessory use clarifications. Existing definition for dormitory extended to sorority and fraternity, revised to include accessory facilities based on public comment

⁸⁵ New definition. Revised per staff comments.

⁸⁶ ~~New definition for new use.~~

Dwelling, Live-work. A building or space within a building used jointly for residential and non-residential purposes, where non-residential purposes exceed those permitted by a home occupation.⁸⁷

Dwelling, Multi-family. A building containing three (3) or more dwelling units, but not including a structure meeting the definition of Dwelling, One-family Attached.⁸⁸

Dwelling, One-family Attached (also known as "Zero Lot Line," "Single-family Attached," "Semi-attached," and "Semi-detached"). A building containing two (2) or more dwelling units, attached side to side at the side lot line, that each have a separate outside entrance, and that share a common party wall that extends from the foundation to the top of the highest habitable story and that meets the fire code requirements for attached individual dwellings.⁸⁹

Dwelling, One-family Detached. A building containing one dwelling unit, including a Manufactured Home or a Modular Home.⁹⁰

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

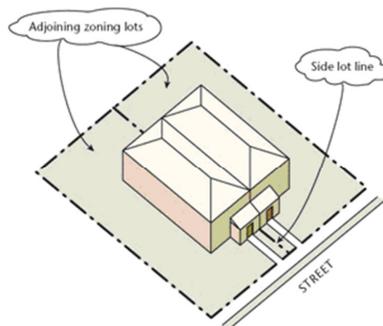
Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.⁹¹

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

Eave Height. Eave Height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.⁹²

Elementary or Secondary School. Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and related facilities including but not limited to gymnasiums, stadiums, and dormitories if located on the campus.⁹³

Elevated Building. For purposes of floodplain regulations, a non-basement building, (a) built, in the case of a building in zones AE, A, A99, AO, AH, X shaded, other flood areas, X un-shaded, other areas, or D to have the top of the elevated floor, elevated above the ground level by means of



Comment [PRZ11]: Add per Law for clarity

Comment [P12]: Review Federal Regulations. Appears to be error in definition.

⁸⁷ Revised based on public comment.

⁸⁸ Revised to avoid overlap with Attached One-family Dwelling use.

⁸⁹ Definition revised to describe attached row houses, rather than a duplex. Definition states "two or more" dwelling units because the row house could include more than two dwelling units.

⁹⁰ Definition revised to include HUD compliant homes, for which building permits must be issued per state law. Revised since prior draft to include Modular Homes, in response to public comment.

⁹¹ Revised definition since Module 3 to match IBC 2012.

⁹² New form-based definition.

⁹³ Definitions of elementary and secondary schools and higher education institutions have been separated.

pilings, columns (posts and piers), or shear walls parallel to the flow of water; and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. This also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation. An exterior wall of a building that faces a public or private street or alley, inclusive of windows, doors and other openings, but not including any structural or nonstructural elements which extend beyond the roof of a building.⁹⁴

Eligible Community or Participating Community. For purposes of floodplain regulations, a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

English Basement. A habitable floor level below the first floor that is partially above and below grade, with direct Street-Space access.⁹⁵

Equivalent or Better. A building material or construction technique that has been determined, by the Director, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.⁹⁶

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

Existing Construction. For purposes of floodplain regulations, and for the purposes of determining rates, means structures for which the "start of construction" commenced before the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision. For purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was complete before October 1, 1973.

Expansion to an Existing Manufactured Home Park or Subdivision. For purposes of floodplain regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

FAA. The Federal Aviation Administration.

Façade (Building Face). The building elevation facing the Street-Space or Required Building Line. Building walls facing private interior courts, Common Lot Lines, Alleys, and Common Drives are not Façade.⁹⁷

⁹⁴ Wording revised for clarity since Module 2.

⁹⁵ New form-based definition.

⁹⁶ New form-based definition.

⁹⁷ New form-based definition.

Façade Composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given Façade.⁹⁸

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

Family. An individual or registered domestic partnership and persons related to them by blood or marriage, including foster children placed in the household by a public agency, and no more than two (2) other persons related directly to the individual or registered domestic partnership by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage;⁹⁹ or

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

(2) In all other applicable zoning districts, a group of not more than four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.¹⁰⁰

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

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

Farmer's Market. An area, which may or may not be in a completely enclosed building, where, on designated days and times, groups of individual sellers, such as growers of horticultural and agricultural products, artisans of craft products, and food and beverage providers, offer these items for sale, directly to the public, from on-site booths.¹⁰¹

FCC. The Federal Communications Commission.

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

⁹⁸ New form-based definition.

⁹⁹ References to 'married couple' replaced by 'registered domestic partnership' to match current code. Since Module 3, "and children thereof" changed to "and persons related to them by blood or marriage" for consistency with court decisions invalidating narrow definitions of family.

¹⁰⁰ Current definition revised to treat foster children the same as the children of the individual or married couple.

¹⁰¹ New definition for new use.

with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

Fence. A freestanding structure, not including a hedge or other natural growth, resting on or partially buried in the ground and rising above ground level, used for confinement, screening, enclosure, security, or partition purposes. A railing provided for public safety purposes does not constitute a fence.¹⁰²

Fenestration. Skylights, roof windows, vertical windows (whether fixed or moveable); opaque doors; glazed doors; glass block; and combination opaque/glazed doors.¹⁰³

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

First Floor. See "Ground Story."¹⁰⁴

Flag. A piece of fabric attached to a staff.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of a stream, or from the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary Floodway Map (FBFM). An official map delineating the floodway, floodway fringe, one hundred-year floodplain, and five hundred-year floodplain. The FBFW is prepared in conjunction with the flood insurance study (FIS).

Flood Drainage Areas (Less Than One Square Mile). Areas designated within the 1% annual chance floodplain by the most recent flood insurance study and Flood Insurance Rate Map,¹⁰⁵ but containing a drainage area less than one square mile. The December 1, 1981 flood insurance study did not establish the base flood elevation or delineate the floodway and flood fringe for these areas; rather the base flood elevation and 1% annual chance floodplain were and are established by the January 16, 1976 flood insurance study and amendments thereto. The flood drainage areas generally include small streams or the upper reaches of major streams.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Fringe. That area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

Flood Hazard Area. The greater of the following two areas:

- The area within a flood plain subject to a one (1) percent or greater chance of flooding in any year.

¹⁰² New definition since prior draft, in response to comment.

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

¹⁰⁴ New form-based definition.

¹⁰⁵ Revised since Module 3 to reference most recent flood studies and maps.

- The area designated as a flood hazard area on the City's Flood Hazard Boundary Map, or otherwise legally designated.¹⁰⁶

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the administrator, where the boundaries of the flood areas having special hazards have been designated as zones A.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.¹⁰⁷

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the surface elevation of the base flood, and supporting technical data.¹⁰⁸

Floodplain or Flood-prone Area. Any land area susceptible to being inundated by water from any source (see "Flooding").

Floodplain Management. The operation of an overlay program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.¹⁰⁹

Floodway or Regulatory Floodway. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.¹¹⁰

Floodway Encroachment Lines. The lines marking the limits of floodways on federal, state and local floodplain maps.

Floor Area, Gross. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.¹¹¹

¹⁰⁶ Revised since Module 3 to align with IBC 2012.

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

¹⁰⁸ Revised definition since Module 3 to align with IBC 2012.

¹⁰⁹ Definition from current floodplain regulations replaces definition from the current zoning ordinance.

¹¹⁰ Revised definition since Module 3 to align with IBC 2012.

¹¹¹ Revised definition since Module 3 to align with IBC 2012.

Floor Level. The level of habitable space in a building. "Street level" shall be the lowest floor level in a building in which no less than fifty-one (51) percent of the interior side of the business adjacent to a street or alley is above the adjacent grade. "Lower level" shall be a level below the street level; "second level" shall be the first level above the main street level; and "upper level" shall be any level above the second. Floor level shall be determined for each elevation. Where buildings are situated on sloping lots and are adjacent to more than one (1) street or alley, the level of a business may differ from one (1) elevation to another.

Floor Plate. The footprint of a building, including exterior walls.¹¹²

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

Forecourt. The semi-public space created when a Façade is stepped back near its midpoint. Forecourts are surrounded on three sides by building fronts and are un-roofed. A Forecourt is similar to a courtyard, except that one side is open to the Street-Space.¹¹³

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

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

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

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

Frontage. The length of the property line of any parcel along each street that it borders.¹¹⁴

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

Front Porch. The ground floor platform attached to the Façade or Required Building Line side of the main building.¹¹⁵

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall located along and surrounding the Front Yard. (For placement, height and gate specifications, see the Building Form Standards.)¹¹⁶

Functionally Dependent Use. For purposes of floodplain regulations, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of

¹¹² New form-based definition.

¹¹³ New form-based definition.

¹¹⁴ New definition.

¹¹⁵ New form-based definition.

¹¹⁶ New form-based definition.

passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral Home or Mortuary. An establishment providing services such as preparing the human dead for burial, cremating human remains, and arranging and managing funerals. This use does not include cemeteries and columbaria.¹¹⁷

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

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

Garden Wall. A masonry wall defining a property line or delineating a private area. (For placement, height and gate specifications, see the Building Form Standards.) A Garden Wall may serve as a Front Yard Fence.¹¹⁸

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

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

Grade, Highest Adjacent. For purposes of floodplain regulations, the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Grade Plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.¹¹⁹

Greenhouse or Plant Nursery. An establishment, including a building, part of a building, or open space, and any buildings and structures necessary for the growth, display, and/or retail and wholesale activities of horticultural and floricultural products, used in indoor and outdoor planting, and the sale of related items.¹²⁰

Greenspace Access Easement. A perpetual interest in land as described and dedicated by subdivision plat. Designation of a greenspace access easement shall contain the same restrictions on use of property as a greenspace conservation easement, except that it shall give the public the right of entry to the area for pedestrian use only. The greenspace access easement does not confer any rights to the City to either maintain or develop the easement for recreational use. Designation of a

Comment [P13]: Have John Simon or Shane review and explain how this definition is meant to be understood.

Comment [S14]: Definition matches ICC's. Somewhat ambiguous as to what thresholds trigger different measurement methods.

Comment [S15]: Is this multiple points or the single lowest point?

¹¹⁷ New definition based on existing use and description.

¹¹⁸ New form-based definition.

¹¹⁹ Revised since Module 3 to allow definitions of "Basement" and "Story Above Grade Plane" to be consistent with IBC 2012.

¹²⁰ New definition base on existing, undefined use.

greenspace access easement shall restrict the owner of the underlying fee¹²¹ from erecting barricades that interfere with lawful access. Nothing in this definition shall be construed to prevent the City from acquiring other easements in property encumbered with a greenspace access easement.

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

- No development (~~as defined in section 12A-5 of this Code~~) of the property shall occur, except for public or private street, driveway, bridge and utility crossings, where needed.
- No commercial signs or other advertising material shall be placed within the easement area.
- There shall be no removal of trees, shrubs or other vegetation on the property except for the performance of acceptable timber stand improvement practices such as selective thinning. Mowing and cutting or removal of brush or trees may continue as necessary to comply with health ordinances, maintain stream beds, banks, existing agricultural, scenic or recreational uses, or eliminate poisonous or noxious plant material.
- There shall be no use of the property except for public or private street, driveway, bridge, and utility construction, private, noncommercial agricultural, or private noncommercial recreational uses which do not interfere with the growth of the trees and shrubs located on the easement. Uses and activities which are not allowed in district FP-O (floodplain overlay district) shall be prohibited.¹²²

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

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

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

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

Ground Story. The first habitable level of a building at or above grade. The next Story above the Ground Story is the second floor or Story.¹²³

Group Home, Large. A facility that provides care, treatment or custody for more than eight (8) individuals considered to be disabled or handicapped under the federal Fair Housing Act (as amended and interpreted by the federal courts) or the laws of the State of Missouri, and may

¹²¹ This definition has been relocated from 12A. The “underlying fee” refers to the underlying fee simple ownership interest in the property.

¹²² This definition has been relocated from 12A. Uses and activities not allowed in the FP-O district are likely prohibited under this conservation easement because both areas are intended to support less intense land uses.

¹²³ New form-based definition.

include additional persons providing oversight of the facility, none of which need to be related to each other.¹²⁴

Group Home, Small. A facility that provides care, treatment or custody for up to eight (8) individuals considered to be disabled or handicapped under the federal Fair Housing Act (as amended and interpreted by the federal courts) or the laws of the State of Missouri, and may include two (2) additional persons providing oversight of the facility, none of which need to be related to each other.¹²⁵

Halfway House. A residential facility primarily for persons who have been institutionalized released, or who have been assigned to the facility as an alternative to institutionalization, and require the temporary protection of a group setting to facilitate the transition to society.¹²⁶

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

Heavy Commercial Services. An establishment that provides semi-industrial, more intrusive types of commercial services, less compatible with common household commercial services; such as laundry services, lumberyards, newspaper publishing plants, printing shops, sign painting shops, equipment rental, and other similar uses.¹²⁷

Comment [PRZ16]: Category of use added

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

Heavy Vehicle and Equipment Sales, Rental, and Servicing. The sale, rental, leasing, serving, and repair of heavy vehicles and equipment typically used in agricultural, commercial, or industrial operations, including, but not limited to, trucks with a gross vehicle weight of over 10,000 pounds, buses, semi-trucks or trailers, tractors, harvesters, loaders, farm machinery, and tracked vehicles, as well as the sales of parts for heavy vehicles and equipment.¹²⁸

¹²⁴ Combines current definitions of Group Care Home and Group Home for Mentally or Physically Handicapped. Definition revised to cover all groups protected by the federal Fair Housing Act, and to delete obsolete reference to Missouri statutes. Definition of Group Home for Foster Care was deleted, as foster care placements are now included in the definition of Family.

¹²⁵ Combines current definitions of Group Care Home and Group Home for Mentally or Physically Handicapped. Definition revised to cover all groups protected by the federal Fair Housing Act, and to delete obsolete reference to Missouri statutes. Limits size to allow compatibility with one- and two-family dwelling neighborhoods, in order to allow for this use in those neighborhoods as required by several court decisions interpreting the federal Fair Housing Act amendments.

¹²⁶ Combines the definitions for current Halfway House and Halfway House for Young Offender uses. Parts of the definition of Young Offender facilities were moved to the Use-specific Standards for this use.

¹²⁷ New definition that combines existing, undefined uses.

¹²⁸ New definition, combining existing, undefined uses.

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.¹²⁹ Generally, this means to the roof level (ignoring parapets) of a flat roof or a Mansard roof, and to the midpoint between the eave and the ridgeline on a pitched roof.

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

*Height, Sign.*¹³⁰ The maximum height of a sign shall be measured from the elevation of the point nearest the sign on the center line of the public street or highway nearest the sign upward to the elevation of the highest part of the sign or its supporting structure, whichever is higher. Notwithstanding the foregoing, unless otherwise specified in this Ordinance, all signs may have a height of eight (8) feet measured from the ground location of the sign to the highest part of the sign or its supporting structure, whichever is higher.

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

Higher Education Institution. A college, university, or other institution of higher education, and related facilities including but not limited to gymnasiums, stadiums, and dormitories if located on the campus, but excluding any institution that is not subject to the terms of this Development Code under the laws of the State of Missouri.¹³¹

Highly Impervious Surface Site. A site development that:

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

Historic District. An area designated as a historic district by ordinance, and included in the HP-O district, which may contain one or more landmarks and which may have within its boundaries other properties or structures which, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the historic district.¹³²

Historic Resource. Any structure that: 1) Is fifty (50) years old or older; or 2) Is located in a historic resources survey area; or 3) is within an actual or proposed National Register of Historic

¹²⁹ Current Sec. 29-26(a)(4) has been simplified to measure building height from one location in the case of through lots (primary street frontage) rather than different locations depending on lot length. Revised since Module 3 to align with IBC 2012 and to clarify effect of the IBC language.

¹³⁰ Revised to include "sign" and remove the word "maximum".

¹³¹ New definition. Revised since prior draft to remove condition that it be a non-profit institution.

¹³² Clarified in response to public comment.

Places district; or 4) has been recognized or nominated by the Historic Preservation Commission as a “most notable property”.¹³³

Historic Structure. For purposes of floodplain regulations or applicability of parking regulations, any structure that is:¹³⁴

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

Home Occupation. An accessory use of a dwelling unit, or associated garage, where business activities are conducted entirely within the dwelling unit or garage, by residents of the dwelling unit. This use may permit one full-time (forty hours) or two part-time (twenty hours each) non-resident employees.¹³⁵

Hospital. An institution for the overnight medical care of human beings, including related Medical or Dental Clinics, Sanitariums, and Medical Laboratories.¹³⁶

Hotel. A building occupied or used as a temporary abiding place of individuals or groups of individuals, with or without meals, in which the typical stay is between one (1) and thirty (30) days. Accessory uses may include restaurants, cafes, swimming pools, meeting rooms, or sports/health facilities.¹³⁷

Impervious Surface. A surface on real property where infiltration of stormwater into the earth has been virtually eliminated by the works of man. Impervious surfaces shall include, but not be limited to: roofs, paved driveways, patio areas, sidewalks, parking lots, storage areas, and other oil, macadam, or gravel surfaced areas that prevent percolation of stormwater into the earth's surface.¹³⁸

Comment [S17]: Check for conflict with Landscaping section. Sidewalks (and driveways?) may be excluded from calcs.

Indoor Entertainment, Adult. Entertainment, at a commercial establishment such as a nightclub, theater, bar, juice bar, restaurant, or bottle club, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude, which shall mean the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. This use also includes the showing of films, motion pictures, video cassettes, slides, or similar photographic

Comment [PRZ18]: Revised since Integrated Draft for added clarity

¹³³ New definition added since prior draft in response to public comment.

¹³⁴ Expanded to also apply to the reference to Historic Structures in Section 29-4 (Parking and Loading).

¹³⁵ New definition based on existing use and description.

¹³⁶ New definition to distinguish hospitals from clinics and outpatient facilities.

¹³⁷ Combines current definitions of Hotel and Motel, deletes requirement that there be more than 12 rooms, deletes references to locations of garages or parking spaces with respect to units, and adds typical length of stay.

¹³⁸ Revised to add “gravel” as a listed impervious surface since Module 2.

reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, regularly shown to more than five persons for any form of consideration, at a motion picture theater or other similar commercial establishment.¹³⁹ This use also includes adult arcades where image-producing devices, whether coin-operated, slug-operated, or electronic, are regularly maintained to show images exhibiting sexual activities or specified anatomical areas to five or fewer persons per machine at any one time.

Indoor Recreation or Entertainment. A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this ordinance. This use includes but is not limited to billiard parlors, game arcades, skating rinks, bowling alleys, gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreation or entertainment activity. This use includes any establishment with more than three (3) amusement game machines on the premises.¹⁴⁰

Infill Development. New construction in areas where significant development has occurred on more than two (2) sides of the site, or redevelopment of parcels that were previously developed with permanent structures, including replacement of blighted or deteriorated structures.¹⁴¹

Infiltration. The process of percolating stormwater into the subsoil.

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

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

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

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

Landmark. A property or structure placed in the HP-O district and designated as a landmark by ordinance, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance.

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

Comment [D19]: Per Chad, to reflect needed diversity in required plantings.

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

¹³⁹ New definition replacing existing definition of "Live adult entertainment business" based on § 573.528 R.S.Mo(2)(Adult cabaret) and (3)(Adult motion picture theater). Adult arcades are included in this definition, although state law groups them with Adult Cabarets and entertainment.

¹⁴⁰ Amusement game limits were moved from accessory use controls.

¹⁴¹ Revised based on public comment.

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

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

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

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

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

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

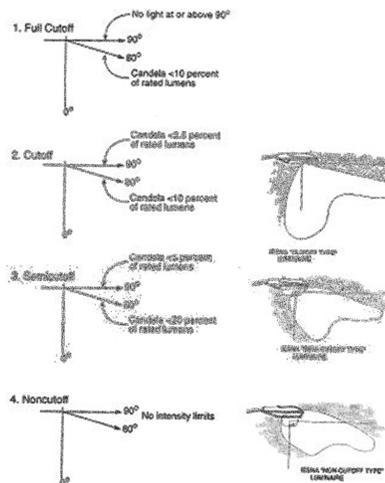
Light Industry. The manufacturing, compounding, processing, packaging, storage, assembly, treatment of finished or semi-finished products from previously prepared materials, servicing or sale of consumer products, which activities are conducted wholly within an enclosed building and that do not emit noxious fumes or odors.¹⁴²

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

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

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

Light Vehicle Sales and Rental. The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, and recreational vehicles. This use shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.¹⁴³



¹⁴² Definition revised to include restrictions on odors and fumes from some current included uses, and to avoid overlap with Research and Development use.

¹⁴³ New definition based on existing, undefined uses which have been combined.

Light Vehicle Service and Repair. The sale of vehicle fuel from a facility or lot having pumps and underground storage tanks and minor vehicle repair and maintenance activities such as engine tune-ups, oil change and lubrication, brake and muffler repair, tire rotation, glass replacement, and other limited repairs customarily done in service stations, but not including vehicle bodywork or painting, or major engine or transmission repairs.¹⁴⁴

Logging. The removal of more than three (3) existing trees for commercial purposes on any tract of land larger than one (1) acre.

Lot (or Lot of Record). A tract or parcel of land whose boundaries are shown on a plat recorded with the Boone County Recorder of Deeds. When a portion of a tract of land is acquired for highway or other public purposes, such division of ownership shall not affect the remainder of the tract in meeting the definition of a lot so long as the original tract met the definition of a lot under one of the above provisions. For purposes of this definition, the term "recorded" means recorded in the office of the Boone County Recorder of Deeds.¹⁴⁵

Comment [PRZ20]: Request has been submitted to permit recorded surveys or plats prior to October 5, 1964 to be permitted to determine legal lot status

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

Lot, Corner. A lot in which one side lot line is adjacent to a street or Street-Space. Special building placement, fencing and landscape requirements may apply.¹⁴⁶

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

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

Lot Building Limit (LBL). For purposes of M-DT district Building Form Standards, a line indicating the outer edge of the Buildable Area, generally to the rear of a lot away from the Required Building Line. A Lot Building Limit may be used, for example, to establish an edge toward a conservation area, or within a workplace area to establish a common mid-Block working courtyard. Where designated on the Regulating Plan, this shall supersede the Building Form Standard minimum setback.¹⁴⁷

Lot Depth. The average horizontal distance from the front lot line to the rear lot line, as measured along both side lot lines.¹⁴⁸

Lot Line. A line dividing one lot from another, or from a street or any public place.¹⁴⁹

Lot Line, Common. A lot line shared by adjacent lots.¹⁵⁰

Lot Line, Front. The lot line between a lot and the street on which it fronts, or that lot line of a through lot that the Director shall determine to be the front lot line, based on the character of the fronting streets and the location of front, rear, and side lot lines on abutting properties.¹⁵¹

¹⁴⁴ New definition based on existing, undefined uses that have been combined.

¹⁴⁵ Definition simplified to remove exceptions for old-pre-existing lots, which are now covered by standard nonconforming lot provisions in Chapter 29-5.

¹⁴⁶ New form-based definition.

¹⁴⁷ New form-based definition.

¹⁴⁸ Revised for clarity since Module 2.

¹⁴⁹ Revised definition since Module 3 to align with IBC 2012.

¹⁵⁰ New form-based definition. Revised since Module 3 to clarify this is not limited to private lots.

¹⁵¹ Revised for clarity since Module 2.

Lot Line, Rear. The lot line that is opposite and most distant from the front lot line, or that lot line of an irregularly shaped lot that the Director shall determine to be the rear lot line, based on its relationship to the street fronting the property and the location of front, rear, and side lot lines on abutting properties.¹⁵²

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

Lot Width. The average horizontal distance between two (2) side lot lines as measured along the front and rear lot lines.¹⁵³

Lowest Floor. For purposes of floodplain regulations, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the floodplain regulations.

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

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

Machine Shop. An establishment where power-driven tools are used for making, finishing, or repairing machines or machine parts.¹⁵⁴

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

Comment [PRZ21]: New definition since Integrated Draft

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

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

Manufactured Home. For all purposes except floodplain regulations, a transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used as a permanent single dwelling unit. This definition does not include a recreational vehicle or travel trailer or other similar vehicles and does not include a Mobile Home.¹⁵⁵

Manufactured Home. For purposes of floodplain regulations, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "Manufactured Home" also includes park trailers, travel trailers, Mobile Homes, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive

¹⁵² Revised for clarity since Module 2.

¹⁵³ Revised for clarity since Module 2.

¹⁵⁴ New definition for existing, undefined use.

¹⁵⁵ New definition to clarify distinction between HUD-compliant and non-HUD-compliant manufactured homes. This definition no longer includes Mobile Homes.

days. For insurance purposes the term "Manufactured Home" does not include recreational vehicles, travel trailers, Mobile Homes, and other similar vehicles.¹⁵⁶

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

Manufactured Home Park or Subdivision. For purposes of floodplain regulations, a parcel (or contiguous parcels) of land divided into two (2) or more Manufactured Home lots for rent or sale.

Manufactured Home Space. An area of land within a Manufactured Home Park for the placement of a single Manufactured Home and the exclusive use of its occupants.¹⁵⁷

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

Map. For purposes of floodplain regulations, the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

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

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

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

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mechanical and Construction Contractors. Construction, landscaping, plumbing, heating, air-conditioning, and electrical construction or repair activities and incidental storage at establishments and on lots other than job sites. This use does not include establishments where the primary activity is retail sale of goods to the general public, but includes related contracting, retail, and wholesale sales and distribution from the premises of materials used in mechanical and construction contract work. Typical uses include building and materials stores, tools and equipment rental, or mechanical and construction contractor offices.¹⁵⁸

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

Mine or Quarry. An excavation in the earth for extracting subsurface earthen materials such as limestone.¹⁵⁹

¹⁵⁶ Revised to reflect the distinction between HUD-compliant and non-HUD-compliant manufactured homes, and that non-compliant units are treated like recreational vehicles and travel trailers.

¹⁵⁷ Definition revised to refer to an area within a manufactured home park, rather than a parcel of land.

¹⁵⁸ New definition, based on existing, undefined uses that have been combined. Revised to clarify exclusion of primarily retail establishments in response to comments.

¹⁵⁹ New definition for existing, undefined use.

Mobile Home. A transportable, factory-built structure that is designed to be used as a single dwelling unit that was manufactured before 1976 or otherwise does not comply with the construction standards in the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401). This definition does not include a recreational vehicle or travel trailer or other similar vehicles.¹⁶⁰

Modular Home. A structure certified by the manufacturer as constructed in accordance with adopted City building codes, that is transportable but is not constructed on a permanent chassis, and that is designed to be used as a dwelling on a permanent foundation when connected to required utilities including plumbing, heating, air conditioning and electrical systems.¹⁶¹

Museum or Library. A permanent facility that is open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, historical artifacts, collectibles, or other works of art, or for the storing and loaning books, periodicals, reference materials, audio tapes, video tapes, and other similar media.¹⁶²

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

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

New Construction. For purposes of floodplain regulations, and for the purpose of determining insurance rates, means structures for which the "start of construction" commenced on or after December 31, 1974 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after October 1, 1973 and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. For purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after October 1, 1973.

Nonconforming Use, Building, or Yard.

See Section 29-5.5 (Nonconformities).¹⁶³

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

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

¹⁶⁰ New definition to clarify distinction between HUD-compliant and non-HUD-compliant manufactured homes.

¹⁶¹ New definition added since prior draft in response to public comment.

¹⁶² New definition, revised since prior draft in response to public comment.

¹⁶³ New cross-reference.

Office. A room or group of rooms used for conducting the affairs of a business, profession, government, or service industry. Examples include professional services such as lawyers, accountants, engineers, architects, planners, accountants, insurance agents, brokers, consultants, or real estate agents; data processing; sales offices; artists; writers; physicians, dentists, chiropractors or other licensed medical professionals, including outpatient treatment of alcohol and drug abuse. This use does not include facilities meeting the definition of a Research Laboratory or any facility where display, sales or rental of goods occurs on more than an incidental basis related to the primary office function.¹⁶⁴

Open Area. See “Private or Public Open Area.”¹⁶⁵

Outdoor Recreation or Entertainment. Facilities for outdoor sporting or recreational, activities or performances, and for which an admission fee or membership fee is required to participate in the activity or observe the performance. This use includes but is not limited to amusement parks, commercial baseball or other athletic fields, tennis courts, race tracks, fairgrounds, commercial picnic grounds, commercial fishing lakes, commercial stables, outdoor stage and concert facilities, gun clubs, skeet, trap, or target ranges, commercial golf courses, miniature golf courses, and commercial swimming pools.¹⁶⁶

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

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

Parapet Height. Where used to limit building height in this Code, parapet height is measured at the top of the parapet, including any coping.¹⁶⁷

Parking Garage. A building designed for storage of motor vehicles.¹⁶⁸

Parking Lot, Commercial. An area on the surface of the land for parking automobiles and light trucks in return for direct or indirect compensation. This use does not include public parking lots, which are a form of Public Service Facility, and does not include accessory parking lots required for compliance with this ordinance. In the M-DT district, areas available for commercial parking lots are designated on the Regulating Plan.¹⁶⁹

Parking Setback Line. A line or plane indicated on the Regulating Plan that extends vertically up from the Ground Story floor level (unless otherwise noted on the Regulating Plan or BFS) and is generally parallel to the Required Building Line. The Parking Setback Line is a permissive minimum distance from the Required Building Line and parking may be placed anywhere within the lot behind this line, except where otherwise specified in the M-DT district standards.¹⁷⁰

¹⁶⁴ New definition, based on description of current uses consolidated into this more flexible use. Government and public offices are now treated like all other offices. Revised since Module 2 for compliance with R.S.Mo 89-143.

¹⁶⁵ New form-based definition; revised since Module 3 to clarify that it can also include public open areas.

¹⁶⁶ New definition.

¹⁶⁷ New form-based definition.

¹⁶⁸ Revised from “Garage, private” in prior draft.

¹⁶⁹ New definition.

¹⁷⁰ New form-based definition.

Parking Space. A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.¹⁷¹

Parking Structure, Commercial. An area in an underground or above-ground structure, or an area incorporated into the structural design of a building, for parking automobiles and light trucks in return for direct or indirect compensation. This use does not include public parking lots or structures, which are a form of Public Service Facility, and does not include accessory parking structures required for compliance with this ordinance.¹⁷²

Patio. A hard-surfaced area accessory to the principal structure or use that has a horizontal area at grade level, and that has at least one side open to the weather and essentially unobstructed to the sky, specifically designed and intended for the recreational enjoyment of the occupants and guests of the principal structure or use, and not designed or intended for occupancy by automotive vehicles.¹⁷³

Comment [PRZ22]: Replaced “primary” structure for added clarity since some parcels can have multiple buildings upon them

Paved Area. For purposes of landscaping and buffering regulations, "paved area" means open areas used or occupied by motor vehicles including parking areas, loading areas and driveways. "Paved area" does not include areas under the roof of a building, sidewalks or pedways.¹⁷⁴

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

Pedestrian Pathway. An interconnecting paved way providing pedestrian and bicycle passage through Blocks running from a Street-Space to another Street-Space, an Alley or an interior block parking area. The area within a Pedestrian Pathway shall be a public access easement or public right-of-way.¹⁷⁵

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

Person. For all purposes except floodplain regulations, shall include a human being, corporation, firm, association, syndicate, trust, a partnership and an unincorporated association such as a club.¹⁷⁶

Person. For purposes of floodplain regulations, any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state and local governments and agencies.

Personal Services, General. Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer after the goods have been treated or processed at that location or other locations. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale, and incidental retail sales of products used on the premises to patrons. This use includes but is not limited to barber and beauty shops; dry cleaning, laundering, pressing, and dyeing establishments; coin-operated laundries; photographic service shops and studios; repair

¹⁷¹ Definition added since Module 3.

¹⁷² New definition.

¹⁷³ New definition.

¹⁷⁴ Current Sec. 29-25(j).

¹⁷⁵ New form-based definition.

¹⁷⁶ Revised since Module 3 to confirm this does not apply to floodplain regulations.

of household appliances; shoe repair shops, garment storage facilities, rental service, and bicycle repair shop uses. Outdoor storage, display, or service areas are not permitted.¹⁷⁷

Pet Store or Pet Grooming. A facility where small animals are sold, groomed, or cared for, including but not limited to small animal day care/spas, but not including a veterinary hospital.¹⁷⁸

Physical Fitness Center. An indoor facility where individuals participate in exercise, weight reduction, physical therapy, or similar activities designed to improve and preserve physical fitness, but not including any use that meets the definition of a community center or another use in this ordinance.¹⁷⁹

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

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

Primary Non-residential Buildings. Buildings occupied by Public and Institutional Uses identified in the Permitted Use Table (Table 29-3.1).¹⁸⁰

Principally Above Ground. For purposes of floodplain regulations, means that at least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along Alleys, Common Drives, Pedestrian Pathways, and Common Lot Lines (where behind the Required Building Line). See the Building Form Standards for height specifications.¹⁸¹

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

Private Drive. An entrance to a lot, or an interior circulation driveway within a lot, or a driveway giving access to no more than four (4) lots, that is not itself a public right-of-way.¹⁸²

Private or Public Open Area. . For purposes of form-based zoning standards, an occupiable area within the Buildable Area and generally behind the Parking Setback Line, that is accessible to occupants of the particular building or site, may be accessible to the public, and is primarily open to the sky. Additional specifications for the Private or Public Open Area may be included in each Building Form Standard. Private or Public Open Area shall not be built-upon, used to satisfy

¹⁷⁷ New definition.

¹⁷⁸ New definition.

¹⁷⁹ New definition.

¹⁸⁰ New term.

¹⁸¹ New form-based definition.

¹⁸² Revised since Module 2 to help clarify the distinction between a private drive and a street. Limit of 4 lots has been added.

minimum stormwater Best Management Practice area (if thereby excluding active tenant use), parked or driven upon (except for emergency access).¹⁸³

~~Private Recreation Facility. Privately owned recreation facilities made available to members of a geographic area, or to members and guests, including but not limited to stables, lakes, swim clubs, and golf courses.¹⁸⁴~~

Comment [PRZ23]: This use has been removed from the permitted use table, and is no longer needed.

~~Private Street. A vehicle accessway that provides access to more than four (4) lots, and that is not itself a public right-of-way.¹⁸⁵~~

Comment [S24]: Appears to be a redundant definition. See "Street, Private" and decide which definition to keep. Need private street standards.

Property Line. The legally described boundary line that indicates the limits of a parcel, tract, lot, or block for the purpose of delineating ownership and setback requirements.¹⁸⁶

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

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

Public Park, Playground, or Golf Course. Outdoor recreation areas owned or operated by a public or non-profit entity for public use, including related public recreation, clubhouse, and service buildings.¹⁸⁷

Public Service Facility. Facilities necessary for delivering public services that do not meet the definitions of any other use in the Public and Institutional Uses category. This use does not include facilities containing only administrative offices for public services, which are included in the definition of Offices.¹⁸⁸

Public Utility Service, Minor. Buildings and facilities for the distribution of public utilities, including without limitation water, sewer, storm drainage, electric, and gas service, by a regulated utility or a public or quasi-public entity, of a size and scale commonly found in all areas of the City. This use includes buildings or facilities for public service corporations but does not include telecommunications antennas or towers.¹⁸⁹

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

¹⁸³ New form-based definition. Revised since Module 3 to clarify that public open space is included.

~~¹⁸⁴ New definition.~~

¹⁸⁵ New definition since Module 3.

¹⁸⁶ New definition per staff request.

¹⁸⁷ New definition.

¹⁸⁸ New definition.

¹⁸⁹ New definition.

electric power substations, gas substations, regional stormwater drainage facilities, water treatment plants, sewer treatment plants, and public utility service centers.¹⁹⁰

Rail or Truck Freight Terminal. An area and related structures where goods shipped by train or truck are loaded, unloaded, or transferred between trains and trucks, and where the goods may be stored for a limited period of time before and after transfer to other sites. This use may also include incidental train and truck storage, maintenance, and administrative terminal offices.¹⁹¹

Recreational Vehicle. For purposes of floodplain regulations, a vehicle which is:

- Built on a single chassis;
- Four hundred (400) square feet or less when measured at the largest horizontal projections;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Redevelopment. Development that:

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

Comment [PRZ25]: New definition since Integrated Draft for added clarity

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

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

Regulating Plan. The implementing plan for the development of the M-DT District under this Code. Regulating Plans allocate the Building Form Standards and street types and provide specific information for the disposition of each building site. The Regulating Plan also shows how each site relates to adjacent Street-Spaces, the overall district, and the surrounding neighborhoods.¹⁹²

Regulatory Flood. See "Base Flood."

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

Religious Institution. A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, including a church, temple, mosque, synagogue, covenant, monastery, or other structure, together with its accessory buildings and uses, such as educational facilities, athletic/recreation fields, pastor's and caretaker's housing, and parking. This use is operated, maintained, and controlled under the direction of a religious group.¹⁹³

¹⁹⁰ New definition. Revised from 150kv in prior draft to comply with industry standards, responding to comment.

¹⁹¹ New definition based on existing use and description.

¹⁹² New form-based definition.

¹⁹³ New definition that expands on undefined "church, mosque, and synagogue" uses.

Remedy a Violation. For purposes of floodplain regulations, means to bring the structure or other development into compliance with state or local floodplain management regulations.

Removal. For purposes of historic preservation regulations, any relocation of a structure on its site or to another site.

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

Repair. For purposes of historic preservation regulations, any change that is not construction, removal or alteration.

Replacement. For purposes of wireless telecommunications facilities includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.¹⁹⁴

Required Building Line (RBL). A line or plane indicated on the Regulating Plan, in the M-DT district, defining the Street Frontage which extends vertically and generally parallel to the street, at which the building Facade shall be placed. This is a requirement, not a permissive minimum. The minimum length and height of Facade that is required at the RBL is shown on the appropriate Building Form Standard.¹⁹⁵

Research and Development Laboratory. A facility primarily engaged in conducting scientific research, experimental design, and prototype development of devices or products in the physical, engineering, or life sciences, such as agriculture, electronics, biology, biotechnology, chemistry, geology, medicine, pharmacy, veterinary, and other allied subjects; does not include the manufacturing, servicing or sale of consumer products. This use includes facilities primarily engaged in providing analytic or diagnostic services on human specimens, including body fluid or body tissue, or performing diagnostic imaging. This use includes the fabrication of prototype goods, materials and equipment not intended for sale directly to the public, but may include incidental sales of goods produced on site to the public.¹⁹⁶

Residential Care Facility. A residential institution, whether operated for profit or not, that provides personal care, custody, or treatment for five (5) or more individuals not related to the operator who, for reasons of illness, mental retardation, advanced age, or physical handicaps, are unable to care for themselves, or are in a treatment program administered by or through the Residential Care Facility for alcohol or drug abuse, or are considered to be disabled or handicapped under the federal Fair Housing Act (as amended and interpreted by the federal courts) or the laws of the State of Missouri. This use does not include a continuing care retirement community (CRCC).¹⁹⁷

Comment [S26]: Consider replacing with "intellectual disability"

Comment [PRZ27]: Added for clarity

¹⁹⁴ New definition based on § 67.5092(12), R.S.Mo. (2014)

¹⁹⁵ New form-based definition.

¹⁹⁶ Current definitions of Testing Laboratory and Medical Laboratory are included in this definition. Definition revised for clarity since prior draft in response to public comment.

¹⁹⁷ Current definition revised to cover all groups protected by the federal Fair Housing Act, to comply with R.S.Mo. 89.143, and to avoid overlap with CRCC definition.

Restaurant. An establishment, including cafes and cafeterias, where food and drink are prepared, served, and consumed, primarily within the principal building.¹⁹⁸

Retail, Adult. A commercial establishment such as an adult bookstore, video store, or arcade which, as one of its principal business activities, offers for sale or rental for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.¹⁹⁹

Retail, General. An establishment selling goods at retail. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Permitted Use Table, and does not include any activity meeting the definition of an Adult Retail use.²⁰⁰

Reuse of Place of Public Assembly. The reuse of a property originally used as a religious institution, or any property originally used primarily for public assembly, for another temporary or permanent use that has no or minimal impacts on the surrounding community, or for which any significant impacts on the surrounding community have been mitigated to the maximum degree practicable.²⁰¹

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

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

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

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

Sanitary Landfill. A permanent facility either publicly or privately owned and operated for the purpose of disposing solid waste in accordance with applicable federal, state, and local solid waste management laws and licensing requirements.²⁰²

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

¹⁹⁸ New definition based on existing, undefined use. Definition revised since prior draft to remove reference to drive-up facility (which is now an accessory or conditional accessory use in some districts).

¹⁹⁹ New definition based on R.S.Mo. § 573.528(1) ("Adult bookstore" or "adult video store"). Adult arcades were removed from this use and included in Indoor Adult Entertainment.

²⁰⁰ Definitions of large and small retail revised since prior draft to clarify that they regulate sizes of uses, not total structures.

²⁰¹ New definition based on existing use and description, revised since prior draft in response to public comments.

²⁰² New definition based on existing, undefined use.

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

Setback or Building Line. A line specifically established upon the plat or established by the this Code that identifies an area into which no part of a building shall project except as provided by this Code. A setback or building line is generally measured from the property line.²⁰³

Shadow Flicker. For purposes of WECS regulations, alternating changes in light intensity, caused by the moving blades of a wind energy conversion system, that casts moving shadows on the ground and stationary objects. *Shared Parking.* Automobile parking that is visible and accessible to the public, with at least twelve (12) hours of public parking provided in any twenty-four (24) hour period, and that at least eight (8) of those hours provided during business or nighttime hours depending on whether the Administrator determines that the primary use will be for Commerce or Residential uses.²⁰⁴

Shopfront (Storefront). That portion of the Ground Story Façade Fenestration intended for marketing or merchandising of commerce uses and allowing visibility between the sidewalk and the interior space.²⁰⁵

Comment [PRZ28]: Moved since Integrated Draft

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

Comment [PRZ29]: Moved since Integrated Draft

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

Comment [PRZ30]: Moved since Integrated Draft

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

Sidewing. The portion of a building extending along a Common Lot Line toward the Alley or rear of the lot.²⁰⁶

Sign. A structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, sign screen, billboard, poster panel and advertising devices of every kind, but does not include signs placed on the inside of display cases or show windows fronted with glass which do not project more than six (6) inches from the outside surface of the building wall unless the sign is a digital sign or animated sign as defined in this section.

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

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



Sign, Civic. A sign that describes services available, function of,



²⁰³ Clarification of measurement added since prior draft, in response to public comment.

²⁰⁴ New form-based definition.

²⁰⁵ [New form-based definition.](#)

²⁰⁶ [New form-based definition.](#)

activities conducted upon, use of premises or facilities used, maintained, or owned by any government entity.

Sign, Commercial. A sign containing copy that relates primarily to, and is intended to promote interest in and patronage of, a business, industry, profession or commodity, product, or service offered for sale.²⁰⁷

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

Sign, Directional. A sign designed to guide pedestrians or vehicular traffic. A directional sign shall not include advertising material.²⁰⁸

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

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

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

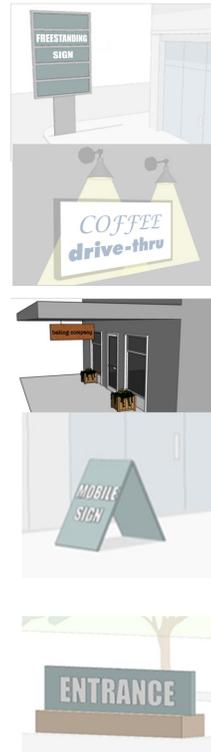
Sign, Mobile. A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a sign which is

movable from place to place, without involving any structural support or changes. Mobile signs include but are not limited to signs affixed to a trailer or other portable structure and "A" frame or sandwich signs.²⁰⁹

Sign, Monument. A freestanding sign where the entire bottom of the sign is generally in contact with or in close proximity to the ground, and where the base of the sign is at least as wide as the sign. Does not include a pylon sign.²¹⁰

Sign, Noncommercial. A sign containing copy that is not intended to promote interest in or patronage of, a business, industry, profession or commodity, product, or service offered for sale, included but not limited to a sign expressing an opinion regarding a political campaign, religious matter, or public policy issue.²¹¹

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



²⁰⁷ New definition.

²⁰⁸ Revised to clarify that directional material cannot be included on sign.

²⁰⁹ "Portable sign" term revised to "Mobile sign." The existing defined "sandwich board" term has been deleted.

²¹⁰ Revised per staff request to clarify sign base minimum width.

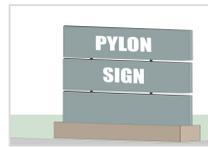
²¹¹ New definition.



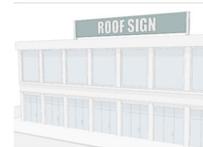
Sign, On-premises. A sign directly pertaining to an existing permitted use on the property upon which said sign is located.

Sign, Projecting. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.²¹²

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



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



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

Sign, Wall. A sign attached to the wall of a building with the exposed face of the sign in a plane parallel to the face of said wall, not extending more than twenty-five (25) percent above the roof line or parapet of the building, nor more than twenty-four (24) inches from the wall surface. Painted wall surface sign. A sign painted directly on the surface of buildings, walls or fences is a wall sign.²¹³



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



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

*Sign Surface Area.*²¹⁴ Total area of that part of a sign structure that carries any sort of written or graphic materials or in any way conveys a message as seen from any one direction at any one time; except when cut-out letters and/or graphics only are used for wall signs or only lettering and/or graphics are used on awning signs in which cases the surface area is measured as the area of the basic geometric shape that would enclose the message and/or graphics. When individual cut out letters or graphics are installed on a wall, whether that wall be a part of a building or other structure, the area of the basic geometric shape that encloses the message is the surface area of the sign. The definition shall not apply to Section 29-4.10(e)(9).²¹⁵

Small Apartment Building. See "Townhouse/Small Apartment Frontage Building."²¹⁶

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

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

²¹² New sign graphic.

²¹³ Revised to include the current definition of a "painted wall surface sign."

²¹⁴ "Sign" added to definition term.

²¹⁵ Currently 23-24.1.

²¹⁶ New form-based definition.

Special Hazard Area. For purposes of floodplain regulations, an area having special flood hazards and shown on an FHBM or FIRM as Zone A, AO, AE, A99, AH, A1-30, AR, V, VO, VE, V1-30 or other flood areas.²¹⁷

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

Comment [PRZ31]: New definition since Integrated Draft

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

Comment [PRZ32]: New definition since Integrated Draft

Stabilization. For purposes of historic preservation regulations, the process of applying measures designed to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists without noticeably changing the exterior appearance of the resource.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)). For purposes of floodplain regulations, any substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency. For purposes of floodplain regulations, the agency of the state, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

Stoop. An entry platform on the Facade of a building. (See the Building Form Standards for specifications.)²¹⁸

Storage and Wholesale Distribution. The bulk short-term or long-term storage of commercial goods in facilities that may also provide for the shipping or trans-shipping of those goods to and from commercial buyers.²¹⁹

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

²¹⁷ Two existing definitions of this term in floodplain regulations combined. Revised since Module 3 to align with IBC 2012.

²¹⁸ New form-based definition.

²¹⁹ New definition. Items prohibited from storage in current code are now permitted in the IG district through use-specific standards.

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

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

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

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

Stormwater Management and Water Quality Manual. The manual described in Section 29-4.6(a)(5).

Story (Story Height). That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. The useable floor area of any vertical level within a building must consist of at least fifty-one (51) percent of a building's ground footprint in order to qualify as a separate story.²²⁰

Comment [PRZ33]: Text added for further clarity since Integrated Draft

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

- More than six (6) feet above grade plane; or
- More than twelve (12) feet above the finished ground level at any point.²²¹

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

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

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

²²⁰ Revised definition since Module 3 to align with IBC 2012.

²²¹ Revised since Module 3 to accompany "Basement" definition from IBC 2012.

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

Street, Collector. A street that provides for traffic movement between arterials and local streets.²²²

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

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

Street, Private. A thoroughfare designed to provide vehicular access to five (5) or more lots or parcels which is not dedicated for public use.²²³

*Street, Terminal.*²²⁴ A street that does not provide through access to another street, alley, or private drive, including, but not limited to a cul-de-sac.

Street, Through. A public street which is not a cul-de-sac street and which provides vehicular access from an area internal to a subdivision, to the City's major roadway system as shown on the Major Roadway Plan.²²⁵

Street Frontage. That portion of the lot or building that is coincident with the Required Building Line as required by this Code.²²⁶

Street-Space. All space between fronting Required Building Lines (streets, squares, plazas, Pedestrian Pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or Alleys.²²⁷

Street Tree. A tree required per this code and listed in the Street Tree List located in the Urban Space Standards (cross reference?) that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.²²⁸

Street Tree Alignment Line. A line along which Street Trees shall be planted and Streetlights and other such infrastructure are to be placed. It is generally parallel with the Street-Space.²²⁹

Street Wall. A masonry wall set on the Required Building Line that assists in the definition of the Street-Space in the absence of a building. See the Building Form Standards for height and gate specifications.²³⁰

Streetlight. A luminaire installed on both sides of the Street-Space, along the Street Tree Alignment Line or median centerline, unless otherwise designated in this code, with the design criteria in the Form District giving equal weight to the lighting of the pedestrian areas and the automobile areas.²³¹

²²² Revised since Module 2 to remove implication that direct access to abutting properties is always allowed.

²²³ Revised from 2 or more lots since Module 2 to align with revised definition of Private Drive.

²²⁴ Revised to clarify that all terminal streets are not cul-de-sacs.

²²⁵ Revised to align with current transportation plan language.

²²⁶ New form-based definition.

²²⁷ New form-based definition.

²²⁸ New form-based definition.

²²⁹ New form-based definition.

²³⁰ New form-based definition.

²³¹ New form-based definition.

Structure. For all purposes except floodplain regulations, anything constructed or erected that requires location on the ground, or that is attached to something having a location on the ground; including but not limited to advertising signs, billboards, poster panels, decks, patios, and paved areas, fences, walls, and retaining walls²³²

Structure. For purposes of floodplain regulations, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

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

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

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

Subdivision, Administrative. Any resubdivision of previously subdivided nonresidential land, and any resubdivision of previously divided residential land that does not create any additional buildable lots.²³³

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

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

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

Substantial Damage. For purposes of floodplain regulations, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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

- Before the improvement is started; or

²³² Replaces definition in subdivision standards which refers to the definition of building. Definition revised to avoid overlap with definition of the same term for floodplain purposes. Additional examples added since Module 2, and exception for boundary fences and walls removed (they are clearly structures, but exempt from setbacks).

²³³ Revised since Module 2 to include resubdivisions of residential land that do not create additional lots.

- If the structure has been damaged and was being restored, before the damage occurred.

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

Substantial Improvement. For purposes of floodplain regulations, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

- Increases the existing vertical height of the structure by more than ten (10) percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or
- Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable); or
- Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four (4) new equipment cabinets; or
- Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty (1,250) square feet²³⁴

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

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

²³⁴ New definition based on § 67.5092(13), R.S.Mo. (2014).

Temporary Construction Office or Yard. A facility or area used as a temporary field construction office or temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures, or infrastructure.²³⁵

Temporary Parking Lot. A lot established to accommodate the temporary parking of vehicles for construction related activities and temporary events or gatherings such as carnivals, fairs, and concerts.²³⁶

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

Terrace. An open, raised bank or banks of earth having a vertical or sloping side and a horizontal top.²³⁷

Theater, Drive-in. An open lot, with its appurtenant facilities, such as concession stands and restrooms, where patrons view movies from inside their vehicles.²³⁸

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

Townhouse. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.²³⁹

Townhouse/Small Apartment Frontage Building. Building form and functions resulting from/as determined by the Townhouse/Small Apartment Building Form Standard indicated on the Regulating Plan.²⁴⁰

Tract. An area, parcel, site, piece of land, lot, or property.²⁴¹

Transportation Plan. An element of the comprehensive plan for the City describing transportation policies for all modes of travel. The Major Roadway Plan, a part of the transportation plan, shows the approximate location of existing and proposed collector streets, arterial streets, expressways and freeways throughout the City.²⁴²

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

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

Tree or Landscaping Service. The business activities and equipment storage requirements associated with landscaping design, installation, and maintenance services, including landscape

²³⁵ New definition to describe new temporary use category.

²³⁶ New definition to describe new temporary use category.

²³⁷ New definition.

²³⁸ New definition based on existing land use.

²³⁹ Revised definition since Module 3 to align with IBC 2012.

²⁴⁰ New form-based definition.

²⁴¹ New definition to help clarify the term “tract split.”

²⁴² Revised to align with current transportation plan language.

design and contractor offices, landscaping materials stores, and related tool and equipment rentals.²⁴³

Tree Lawn (Tree Trench). A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the Clear Sidewalk Area, and used for planting Street Trees and configured to foster healthy Street Tree root systems. Tree Lawn dimensions are specified in the Street Type Specifications.²⁴⁴

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

Comment [PRZ34]: New definition since Integrated Draft.

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

Travel Trailer.

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

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

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

Urban Agriculture. The raising, keeping or production of fruit, vegetable, flower, and other crops, poultry, or bees as a primary (not accessory) use of land on sites of two and one-half (2.5) acres or less. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include raising, storing, or processing of any animals other than poultry and bees.²⁴⁵

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

Urban General Frontage Building. Building form and functions resulting from/as determined by the Urban General Building Form Standard as indicated on the Regulating Plan.²⁴⁶

Urban Storefront Frontage Building. Building form and functions resulting from/as determined by the Urban Storefront Building Form Standard as indicated on the Regulating Plan.²⁴⁷

²⁴³ New definition to describe new land use retitled from existing “tree trimming service.”

²⁴⁴ New form-based definition.

²⁴⁵ New definition for new use.

²⁴⁶ New form-based definition.

Use, Civic. For the purpose of the M-DT district form-based regulations, the uses in the Public and Institutional Use (except those in the Utilities and Communications category) of Table 29-3.1 that are allowed in the M-DT district as Permitted or Conditional Uses.²⁴⁸

Use, Commerce. For the purpose of the M-DT form-based regulations, the uses in the Public and Institutional Use category (except those in the Utilities and Communications subcategory) and those uses in the Commercial and Industrial Use category (except those in the Agriculture & Animal-Related subcategory and the Vehicles & Equipment subcategory) of Table 29-3.1 that are allowed in the M-DT district as Permitted or Conditional Uses.²⁴⁹

Use, Residential. For purposes of the M-DT form-based regulations, the uses in the Residential Use category of Table 29-3.1 that are allowed in the M-DT district as Permitted or Conditional Uses.²⁵⁰

Use, Retail. Includes the following:²⁵¹

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

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

Variance. For purposes of floodplain regulations, a grant of relief by the community from the terms of a floodplain management regulation. Floodplain insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

Vehicle Wrecking or Junkyard. A structure or parcel of land where goods, equipment, or materials, or ten or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, and including any equipment or structure used for crushing or dismantling or storing of any of those items.²⁵²

Veterinary Hospital. A hospital or facility where domesticated animals or fowl are treated, kept, cared for, bred or boarded (daytime only or overnight), including but not limited to animal pounds, animal shelters, and kennels.²⁵³

Comment [PRZ35]: Add to indicate types of boarding allowed. "Use-specific" standards would apply based on location

Violation. For purposes of floodplain regulations, the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

²⁴⁷ New form-based definition.

²⁴⁸ New form-based definition. Revised to align with Permitted Use Table categories since Module 2.

²⁴⁹ New form-based definition. Revised to align with Permitted Use Table categories since Module 2.

²⁵⁰ New form-based definition. Revised to align with Permitted Use Table categories since Module 2.

²⁵¹ New form-based definition. Revised to align with Permitted Use Table categories since Module 2.

²⁵² New definition.

²⁵³ New definition based on existing use description.

Walkway. A pedestrian way designed to provide pedestrian access to abutting properties, deemed to be a public walkway if located within a dedicated right-of-way and accepted for public maintenance. Walkways located adjacent to public streets are sidewalks.²⁵⁴

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

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

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

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

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

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

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

Where Clearly Visible from the Street-Space. Some requirements of the M-DT district apply only where the subject is "Clearly Visible from the Street-Space." (Note that the definition of Street-Space includes squares, civic greens, Pedestrian Pathways, parks, and all public space except Alleys.) A building element more than 40 feet from a Required Building Line or Street-Space is by definition not Clearly Visible from the Street-Space (such as elements facing a Common Lot Line). Also, common or party walls are by definition not Clearly Visible from the Street-Space. This does not exempt vehicle parking lots or parking structures from any Building Form Standard requirements.²⁵⁵

Wholesale Sales Office or Sample Room. A sales office or showroom associated with establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users, or other wholesalers, but not to the public-at-large; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This use does not include the storage and distribution of this wholesale merchandise.²⁵⁶

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

²⁵⁴ Definition revised to distinguish from sidewalks based on public comment.

²⁵⁵ New form-based definition.

²⁵⁶ New definition to allow off-site sales offices and showrooms associated with the business.

Wind Energy Conversion System, Building-mounted. A WECS that is securely fastened to any portion of a principal structure in order to achieve desired elevation, whether attached directly to the principal structure or attached to a tower structure which is in turn fastened to the principal structure. A building-mounted WECS is not a minor projection, as defined in Section 29-26(b) of the City Code.

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

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

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

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

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

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

Yard. An open space unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.²⁵⁷

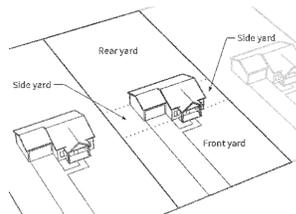
Yard, Corner. An open space between a building and a street right-of-way adjacent to the side of a building located on the lot that extends from the front property line to the rear property line.

Comment [PRZ36]: Definition added to provide clarity that a corner side yard includes both the front and rear setbacks

Yard, Front. An open space between a building and the street fronting the lot on which the building is located, and extending from side lot line to side lot line.²⁵⁸

Yard, Rear. An open space between a building and the Rear Lot Line of the lot on which the building is located, and extending from side lot line to side lot line.²⁵⁹

Yard Side. An open space between a building and the side lot line closest to that side of the building, but not including any area included in the Front Yard or Rear Yard.²⁶⁰



²⁵⁷ Revised definition since Module 3 to align with IBC 2012.

²⁵⁸ New definition.

²⁵⁹ New definition.

²⁶⁰ New definition.

(b) Rules of Construction²⁶¹

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

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number include the plural number, and words in the plural number include the singular number.
- (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (4) The words “must,” “shall,” and “may not” are mandatory.
- (5) The words “may” and “should” are permissive.
- (6) The terms “standards,” “regulations,” and “requirements” indicated specific items that the applicant or property owner must comply with. Compliance with standards, regulations, and requirements is mandatory.
- (7) The word “person” includes individuals, firms, corporations, associations, and any other similar entities, including governmental agencies.
- (8) The words “used” or “occupied”, whether used separately or together, shall be construed to include the facilities that were intended, arranged or designed to be used or occupied for that purpose.”
- (9) In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.

²⁶¹ New section since Module 2.

Chapter 29-2 Zoning Districts²⁶²

The Base and Overlay zoning districts listed in the Current Zoning Districts column of Table 29-2.1 are hereby created, and shall have the boundaries shown on the Official Zoning Map maintained in electronic form by the Department of Community Development and available on the City of Columbia web site. Base zoning districts are grouped into three types – Residential, Mixed Use, and Special Purpose districts.²⁶³

29-2.1 Summary Table

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

²⁶² Materials from Section 29-4 (Districts established) and Sections 29-6 to 29-22 (identifying each existing district), with changes discussed in Annotated Outline.

²⁶³ New provision reflecting current practice.

²⁶⁴ Replaces table in current Section 29-3.

Table 29-2.1: Columbia, Missouri, Zoning Districts²⁶⁴

Previous Zoning Districts	Current Zoning districts
Overlay Districts	Overlay Districts
UC Urban Conservation	UC-O Urban Conservation Overlay
S-R Scenic Roadway Area	SR-O Scenic Roadway Area
HP Historic Preservation	HP-O Historic Preservation
F-1 Floodplain	FP-O Floodplain
Communication Antennas and Towers ²⁶⁵	
Wind Energy Conversion Systems	

²⁶⁵ Communications Antennas/Towers and Wind Energy Conservation Systems are now treated as land uses rather than districts.

29-2.2 Base Zoning Districts

(a) Residential Zone Districts

(1) R-1: One-Family Dwelling District²⁶⁶

Purpose²⁶⁹

This district is intended to promote and preserve safe and attractive urban one-family residential neighborhoods. The principal land use is a one-family dwelling unit per lot. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included, as shown in Table 29-3.1 (Permitted Use Table).²⁷⁰

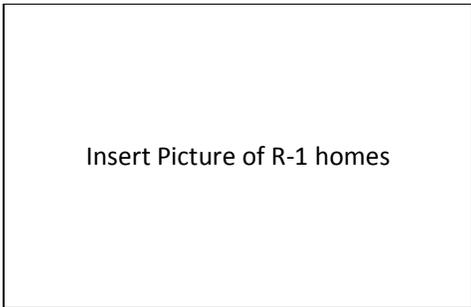
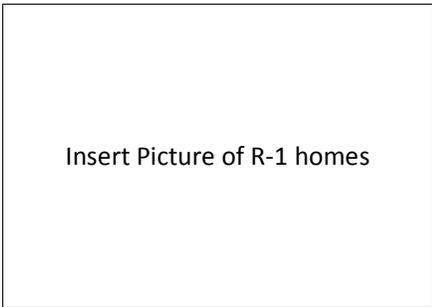
TABLE 29-2-2 R-1 DISTRICT DIMENSIONAL STANDARD SUMMARY ²⁶⁷	
LOT STANDARDS	
Minimum lot area	7,000 sq. ft.
Minimum lot area if no public or community sewer available ²⁶⁸	15,000 sq. ft.
Minimum lot width at building line	60 ft.
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	6 ft.
Minimum depth of rear yard	Lesser of 30% lot depth or 25 ft.
Maximum height of primary residential building	35 ft.
Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each	45 ft.
Maximum height of primary nonresidential building, provided all setbacks increased 1 ft. for each additional 1 ft. of height over 35 ft.	75 ft.

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

Comment [S37]: This should be removed. If there is no access to public sewer then no new development should be allowed to occur.

Comment [PRZ38]: Added for clarity

Examples



²⁶⁶ Content from current Section 29-6.

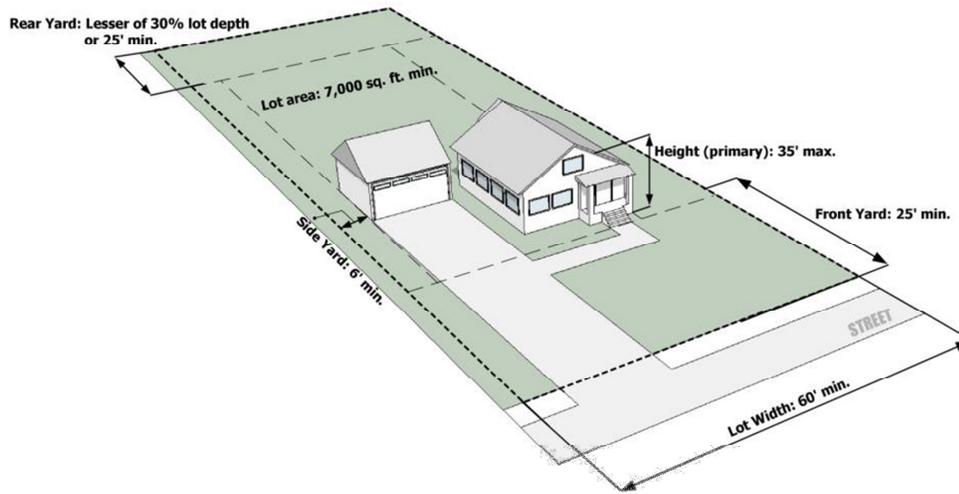
²⁶⁷ 650 sf min. size for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.

²⁶⁸ New standard since Module 1 to address gap in Code.

²⁶⁹ Revise to reflect the goals in *Columbia Imagined*.

²⁷⁰ Reference to innovative housing types removed since prior draft because cottage type developments now limited to R-2 district.

Illustration



Other Standards

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

(2) R-2 Two-Family Dwelling District²⁷¹

Purpose²⁷⁶

This district is intended to provide for a blend of one-and two-family residential developments that will promote strong neighborhoods. The district is intended to accommodate both standard residential development and small pockets of affordable small lot infill “cottage” residential development. The “cottage” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(l). The principal land use is one-family or duplex residential dwellings, as shown in Table 29-3.1 (Permitted Use Table). One principal structure is allowed per lot; two or more single-family detached dwellings are not permitted on a single lot.²⁷⁷

**TABLE 29-2-3
R-2 DISTRICT DIMENSIONAL STANDARD SUMMARY²⁷²**

	Current	Cottage ²⁷³
LOT STANDARDS		
Minimum lot area – one-family (sq. ft.)	5,000	3,000
Minimum lot area – two-family (sq. ft.)	7,000	N/A
Minimum lot area if no public or community sewer available (sq. ft.)	15,000	15,000
Minimum lot width at building line (ft.)	60	35
Maximum size of contiguous parcel where standards apply (ac.)	N/A	1
BUILDING STANDARDS		
Minimum depth front yard (ft.)	25	10
Minimum depth from front lot line to garage (if applicable) (ft.)	25	20
Minimum width of side yard (ft.)	6	6 ²⁷⁴
Minimum depth of rear yard (ft.)	Lesser of 25% lot depth or 25 ft.	10
Maximum height of primary residential building (ft.)	35	35
Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each	45	35 ²⁷⁵
Maximum height of nonresidential building	75	75

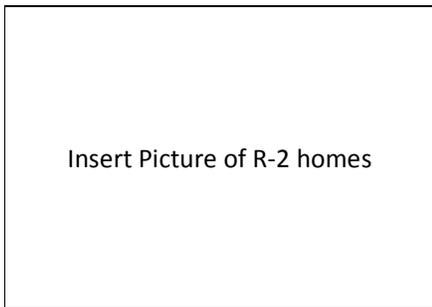
Comment [S39]: Omit

Comment [S40]: Need clarification

Comment [PRZ41]: Replaced “primary” structure

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

Examples



²⁷¹ Content from current Section 29-7.

²⁷² Min floor areas for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.

²⁷³ All Cottage standards are new.

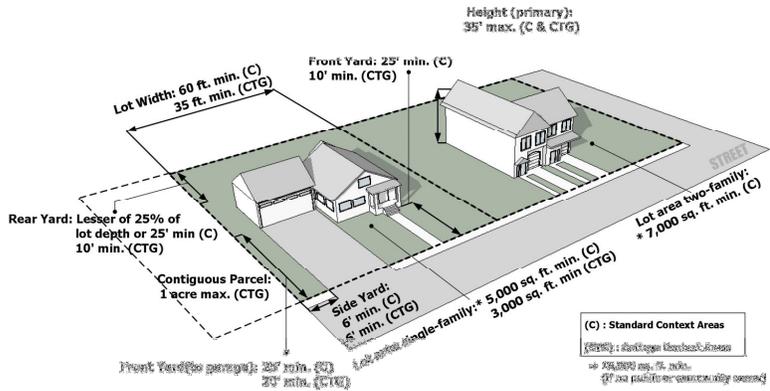
²⁷⁴ Revised from 4 ft.

²⁷⁵ Revised from 45 ft.

²⁷⁶ Revised to reflect the goals of *Columbia Imagined* and recommendation for inclusion of land-efficient cottage development from the Annotated Outline.

²⁷⁷ Clarification added since Module 3.

Illustration



Comment [S42]: Omit 15,000sf min. for public sewer

Other Standards

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

(3) R-MF Multiple-Family Dwelling District²⁷⁸

Purpose²⁸⁸

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

TABLE 29-2.4²⁷⁹
R-MF DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area – one-family	5,000 sq. ft. ²⁸⁰
Minimum lot area – two-family	7,000 sq. ft. ^{281,282}
Minimum lot area – multi-family	2,500 sq. ft. per du ²⁸³
Minimum lot area – sorority or fraternity	7,500 sq. ft. ²⁸⁴
Minimum lot area -- CRCC	N/A, But Max Density is 17 du/ac
Minimum lot width at building line	60 ft. ²⁸⁵
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard – all other	10 ft.
Minimum width of side yard – corner lot street side	15 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary residential building	35 ft. ^{286,287}

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

Comment [PRZ43]: Added minimum lot area for such uses. Density of use is not calculated like other MF uses since this use is a variant of “group housing”.

Examples



²⁷⁸ Combines content from current Sections 29-8 and 29-9.

²⁷⁹ Min floor areas for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.

Since Module 3, provision for increased height over 35 feet with added setbacks has been deleted.

²⁸⁰ Revised from 7,000 sq. ft.

²⁸¹ Reduced from 7,000 sq. ft.

²⁸² Revised from 5,000 sq. ft.

²⁸³ R-3 currently requires 2,500 sq. ft. of lot area per du and R-4 requires 1,500 sq. ft. of lot area per du.

²⁸⁴ Revised from 15,000 sq. ft.

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

²⁸⁶ Revised from 35 ft. in current R-3 areas;

²⁸⁷ Revised from 45 ft.

²⁸⁸ Revised to combine purpose statements of R-3 and R-4 districts and to reflect the goals of *Columbia Imagined*.

Illustration



Other Standards

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

(4) R-MH Residential Manufactured Home District²⁸⁹

Comment [S44]: Do we need this as a separate zoning district? Could be accommodated by PD district.

Purpose

This district is intended to provide for the development and operation of residential manufactured home parks. The standards are intended to provide for diverse housing opportunities and promote innovative and land-efficient sources of affordable housing while promoting neighborhood enhancement and minimizing conflicts with other zoning districts. A residential manufactured home park may provide manufactured home spaces available for lease or rent; or the property may be subdivided in accordance with the requirements of this section and Section 29-4.2 (Subdivision Standards).²⁹³

TABLE 29-2-5 R-MH DISTRICT DIMENSIONAL STANDARDS	
SITES AND STRUCTURES	
Minimum area of each home site	3,750 ²⁹⁰²⁹¹
Minimum lot width	45 ft. ²⁹²
Maximum building height	35 ft.
Minimum front setback of homes from abutting public street in the park	20 ft.
Minimum side and rear setback sites from other mobile home site boundaries	10 ft.
Minimum distance between dwelling units	20 ft.

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

Examples



²⁸⁹ Material from current Section 29-11.

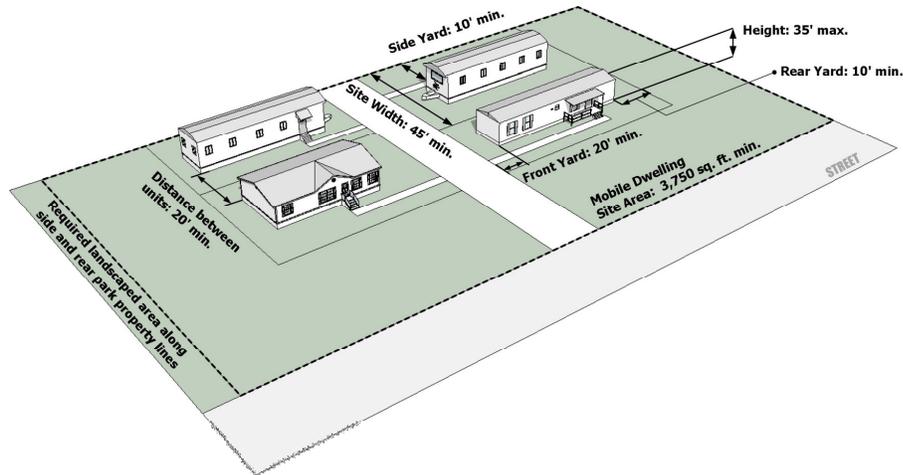
²⁹⁰ Reduced from 4,050 in current Code.

²⁹¹ Revised from 2,500 sq. ft.

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

²⁹³ Revised to reflect the goals of *Columbia Imagined* and to match structure of other purpose statements.

Illustration



Other Standards²⁹⁴

1. Required park boundary setback areas along the side and rear property boundaries shall be landscaped and shall not contain parking areas, streets, drives, or accessory structures or storage areas.²⁹⁵ A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed twelve (12) feet in height, shall be required around the perimeter of the site. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. If a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this chapter.
2. Carports, patios, decks and accessory buildings may be located in side and rear setback areas of individual manufactured home sites that are not part of the required park perimeter buffer area.
3. A private outdoor living area, such as a patio or deck, of at least forty (40) square feet shall be provided on each manufactured home space or lot adjoining the manufactured home.

²⁹⁴ Materials from current Section 29-11(d)(3). Sight triangle requirement deleted because now addressed by standard Citywide requirement.

²⁹⁵ Revised for clarity.

4. A stormwater management system shall be designed to minimize the possibility of soil erosion and flood damage on site and downstream.
5. Interior access shall be provided by public or private streets. Public streets shall be built to City standards and shall have sidewalks on both sides. Private streets shall require private street maintenance.²⁹⁶
6. Manufactured home parks shall have their only access on perimeter streets unless the Director determines that street connections to adjacent properties are necessary to protect public safety and reduce traffic congestion at access points²⁹⁷.
7. Street connections to adjacent properties may be required when deemed appropriate by the Director; however, at least one access point onto a public street shall be provided for each one hundred (100) manufactured home spaces or lots.
8. Paved parking shall be provided on each manufactured home space or lot at the rate of one (1) parking space per manufactured home.²⁹⁸
9. An on-ground or in-ground stand constructed to comply with the building code shall be provided to provide support and leveling for each manufactured home.
10. Anchorage and tie-down constructed to comply with the building code shall be provided on each manufactured home space or lot to prevent overturning or uplift of the manufactured home.
11. Skirting shall be installed for each manufactured home. Skirting material shall be visually compatible with the manufactured home unit's materials and shall have a visually finished appearance. Composition building board and raw wood shall not be used as skirting unless finished with a weatherproof and termite proof material.
12. A map of the layout of the manufactured home park, of a scale not greater than 1:50, showing the location of individual manufactured home spaces by number, shall be displayed on the park office building, or on the identification sign at the entrance to the manufactured home park.
13. Each space for a manufactured home shall be provided with a sewer outlet not less than four (4) inches in diameter, connected to the main sewer system.
14. In addition to required automobile parking spaces, the manufactured home park shall provide at least one accessory vehicle storage area for each ten (10) manufactured homes, to provide storage for trucks, boats, and similar vehicles.
15. If storage facilities for tenants are provided on the manufactured home space or lot or elsewhere in the manufactured home park, they shall be constructed of suitable weather resistant materials.
16. All yard areas and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.
17. Any enclosed structure attached to a manufactured home shall be constructed of compatible or similar exterior materials and in conformance with the building code.

²⁹⁶ Standard revised to allow for private streets if private street maintenance is provided.

²⁹⁷ Reworded for clarity, and standard to guide Director's decision added.

²⁹⁸ Reduced from a minimum of 2 spaces.

18. R-MH developments consisting of twenty-five (25) or more manufactured homes shall contain playground facilities. The playground facilities shall be at least one-fourth ($\frac{1}{4}$) acre in size for each twenty-five (25) manufactured homes proposed.
19. No mobile home (as opposed to a manufactured home) shall be placed within any R-MH district established after January 17, 1995, unless a seal issued by the Missouri Public Service Commission is attached to the mobile home certifying that the mobile home was brought up to or otherwise meets the requirements of the code of standards relating to manufactured homes adopted by the Public Service Commission.²⁹⁹

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

²⁹⁹ Reworded to reflect new definitions.

(b) Mixed Use Districts³⁰⁰

(1) M-OF Mixed Use – Office District³⁰¹

Purpose

This district is intended to provide for professional, administrative, corporate, and other offices and similar low-impact non-residential uses. It may serve as a buffer area between residential and more intense nonresidential uses. It is intended to allow innovative design approaches that reflect and respect the character of nearby residential areas without the need for rezoning to a Planned Development district. The principal uses are small-scale office, personal service, and residential uses, as shown in Table 29-3.1 (Permitted Use Table).³⁰³

TABLE 29-2-6³⁰²
M-OF DISTRICT DIMENSIONAL STANDARD SUMMARY

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

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

Examples



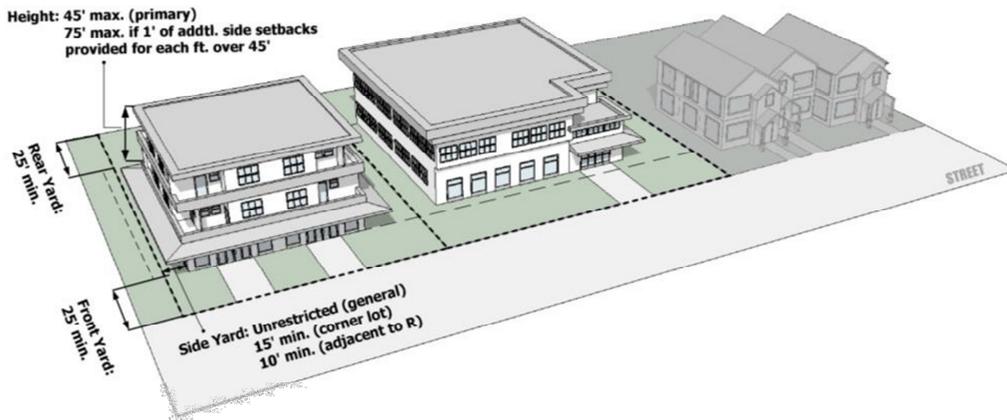
³⁰⁰ New category containing those districts that allow a mix of residential and non-residential primary uses.

³⁰¹ Consolidates current O-1 and O-2 standards in Sections 29-12 and 29-13.

³⁰² Provision allowing height increase to 75 ft. deleted. See Sec. 29-4.1 for other changes from current Code.

³⁰³ Revised to integrate purpose statements of current O-1 and O-2 and to reflect the goals of *Columbia Imagined*.

Illustration



Other Standards

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

(2) M-N Mixed Use – Neighborhood District³⁰⁴

Purpose

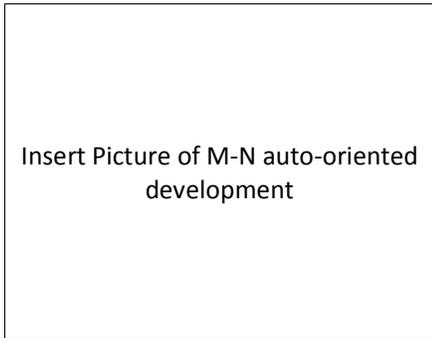
The Mixed Use-Neighborhood district is intended to provide commercial shopping and service facilities in or near a residential neighborhood. The principal land use is a small shopping area with sales and services oriented to the needs of a local population. The district is intended to accommodate both pedestrian-oriented shopping areas with walkable connections to surrounding neighborhoods and small auto-oriented shopping centers convenient to lower density residential areas, through the use of two different sets of development standards. The “pedestrian” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(l). The principle uses are small-scale commercial and residential, as shown in Table 29-3.1 (Permitted Use Table).

TABLE 29-2-7³⁰⁵
M-N DISTRICT DIMENSIONAL STANDARD SUMMARY

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

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

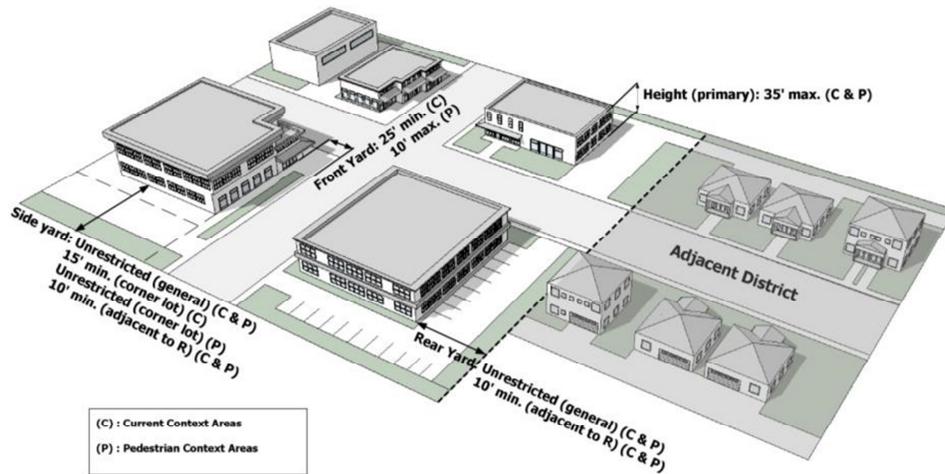
Example



³⁰⁴ Replaces current C-1 district. Material from current Section 29-14, revised to allow for more pedestrian-oriented development patterns, and with other changes as noted.

³⁰⁵ No changes to this table since Module 1.

Illustration



Other Standards³⁰⁶

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

1. All property frontages must have sidewalks constructed to City standards.
2. The primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two streets intersect.
3. Ground floor street frontages on each primary building may not be occupied by residential uses but may be occupied by a lobby or entrance to residential portions of the building.
4. At least 50% of the building front façade area between three (3) and eight (8) feet above grade shall be of windows or other transparent materials allowing views into the building.
5. At the applicant’s option, minimum on-site parking requirements may be reduced up to 30% as described in Section 29-4.4 (Parking and Loading).³⁰⁷
6. No on-site loading requirements shall be required.
7. Curb cuts shall only be permitted if access cannot be provided from an alley. Where curb cuts are permitted, they shall not exceed 24 feet in width.

³⁰⁶ New standards, per the Annotated Outline.

³⁰⁷ Revised from 50% in prior draft in response to public comment.

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

(3) M-C Mixed Use - Corridor District³⁰⁸

Purpose

This district is intended to allow for a broad range of commercial activities that may often be oriented toward automobile access and visibility, as well as multi-family residential uses. Larger buildings are permitted and less parking is required near the intersections of arterial-arterial, and arterial-collector corners to promote higher bus transit ridership at these nodes where current bus lines exist or future bus service is anticipated. The “transit” standards require approval by the Board of Adjustment pursuant to Section 29-5.4(l). The principal land uses are sales and service activities, as shown in Table 29-3.1 (Permitted Use Table).³¹⁷

**TABLE 29-2-8³⁰⁹
 M-C DISTRICT DIMENSIONAL STANDARD SUMMARY**

	Current	Transit
LOT STANDARDS		
Minimum lot area		
Minimum lot width at building line	N/A	N/A
BUILDING STANDARDS		
Minimum depth of front yard ³¹⁰	25 ft.	0 ft.
Maximum depth of front yard ³¹¹	N/A	10 ft.
Minimum width of side yard - general	0 ft.	0 ft.
Minimum width of side yard – corner lot street side	15 ft.	10 ft.
Minimum width of side yard – adjacent to R district ³¹²	20 ft.	20 ft.
Minimum depth of rear yard - general	0 ft.	0 ft.
Minimum depth of rear yard - adjacent to R district ³¹³	20 ft. ³¹⁴	20 ft. ³¹⁵
Maximum height of primary building ³¹⁶	45 ft.	55 ft.
Maximum height of primary building if 1 ft. of additional setback sides provided for each foot of height over 45 ft.	N/A	N/A

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

Examples



³⁰⁸ Replaces current C-3 district. Material from current Section 29-16 with changes as noted.

³⁰⁹ Higher development intensity permitted in current and potential transit-supportive nodes, as referenced in the Annotated Outline.

³¹⁰ Transit standard revised from 10 ft. to 0 ft. since Module 1.

³¹¹ New row since Module 1.

³¹² Revised from 10 ft. in Module 1.

³¹³ Revised from 10 ft. in Module 1.

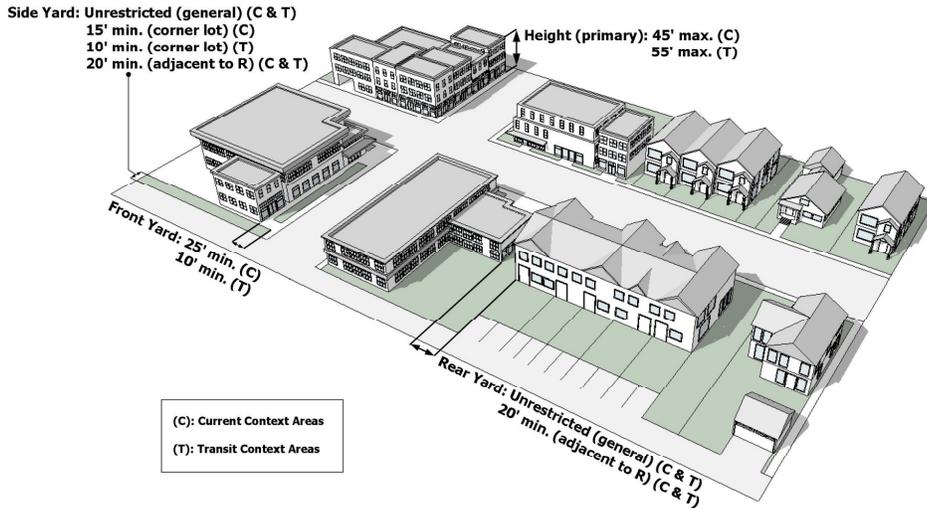
³¹⁴ Revised from 10 ft.

³¹⁵ Revised from 10 ft.

³¹⁶ Provision allowing increased heights for increased setbacks deleted since Module 1.

³¹⁷ Revised to reflect the goals of *Columbia Imagined* and recommendations in the Annotated Outline.

Illustrations



Other Standards³¹⁸

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

1. The property shall be located at an arterial street/arterial street or an arterial street/collector street intersection where current bus lines exist or future bus service is anticipated.
2. All property frontages must have sidewalks constructed to City standards.
3. The primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two (2) streets intersect.
4. At least sixty-five (65) percent of the primary building frontage must be built no further than 15 feet from the front lot line.³¹⁹
5. If the building is located on a corner lot, at least forty (40) percent of the secondary building frontage must be built no further than twenty (20) feet from the side lot line adjacent to the secondary street.
6. At the applicant’s option, minimum on-site parking requirements may be reduced up to thirty (30) percent as described in Section 29-4.4 (Parking and Loading).³²⁰

³¹⁸ New standards, per the Annotated Outline.

³¹⁹ Revised from 20 ft. in prior draft, in response to comment, to prevent any portion of setback area from accommodating parking.

³²⁰ Revised from 50% in prior draft in response to public comment.

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

(4) M-DT Mixed Use - Downtown Form District³²¹

Purpose

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

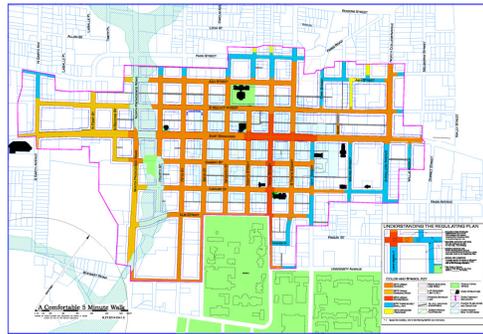


Figure 29-2-9: M-DT Regulating Plan

Examples



Additional Regulations

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

³²¹ Replaces current C-2 district material in Section 29-15 with new form-based controls.

(5) M-BP Business/Industrial Park District³²²

Purpose

The purpose of the M-BP district is to accommodate a mix of ~~commercial~~ light industrial, institutional, ~~and supporting commercial, and multi-family~~ uses in close proximity through the use of innovative and flexible designs that buffer potential impacts of each use from surrounding uses and adjacent areas, and to promote environmentally sound and efficient use of land. A wide variety of commercial, research, development, office, distribution, processing, ~~and institutional, and multi-family~~ uses are permitted, as listed in Table 29-3.1 (Permitted Use Table).³²⁸

Comment [PRZ45]: Purpose propped to be modified to provide greater "identity" and focus to district.

TABLE 29-2-10³²³

M-BP DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS	
Minimum depth front yard – from arterial and collector streets	25 ft.
Minimum depth front yard – from other streets	15 ft.
Minimum width of side yard - general	0 ft.
Minimum width of side yard – corner lot frontage on arterial or collector street	25 ft.
Minimum width of side yard – corner lot frontage on other streets	20 ft. ³²⁴
Minimum width of side yard – adjacent to residential district ³²⁵	20 ft.
Minimum depth of rear yard – general	0 ft.
Minimum depth of rear yard – adjacent to residential district ³²⁶	20 ft.
Maximum height of primary building ³²⁷	45 ft.

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

Example



³²² Material from current M-R district (Section 29-18), with changes as noted.

³²³ See Sec. 29-4.1 for any additional changes to dimensional standards.

³²⁴ Revised from 15 ft.

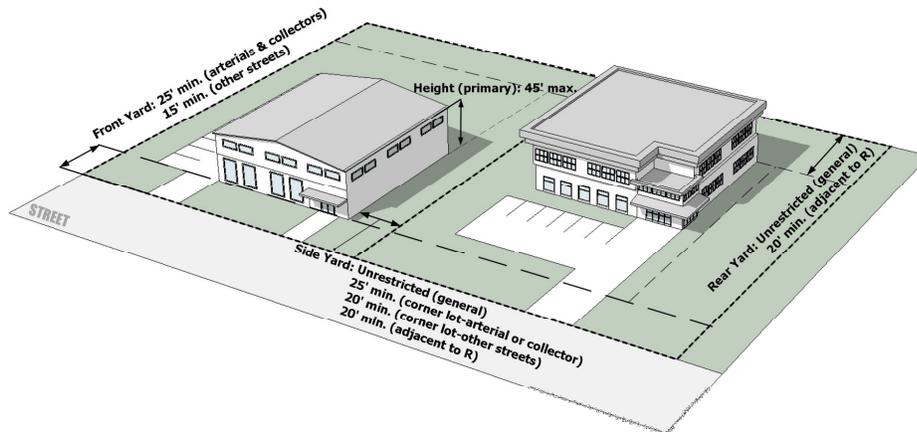
³²⁵ Revised from 10 ft..

³²⁶ Revised from 10 ft..

³²⁷ Provisions for additional building height with additional setbacks were deleted.

³²⁸ Revised for clarity, to emphasize flexibility, and to reflect the goals of *Columbia Imagined*.

Illustrations



Other Standards³²⁹

1. In addition to the standards of Section 29-4.5 (Landscaping and Screening), the following shall be required:³³⁰
 - a. A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed eight (8) feet in height, shall be required where a lot in this district abuts residentially zoned land. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity and eight-foot minimum height shall be achieved within four (4) full growing seasons. In the event a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening and landscaping shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature and treated to prevent rapid deterioration.³³¹
 - b. All exterior storage areas shall be enclosed by a permanent screen at least eight (8) feet in height above the ground surface of the storage area. In the event that an eight (8) foot screen is inadequate to screen such an area, additional screening may be required in such a manner and of such materials as necessary to adequately screen such from public view. However, in no event shall the screen exceed twelve (12) feet in height, except for landscape materials. In no event shall the stored or stacked materials or finished products exceed the height of the required screening. The required screening shall have an opacity of at least eighty (80) percent year around, and if landscaping is used, the eighty (80) percent opacity shall be achieved within

³²⁹ Additional materials from Section 29-18(d)(6). Provision allowing Council approval of upper floor setback reduction removed since prior draft. Provisions on approval of a signage Development Plan by Council deleted – standard sign controls apply.

³³⁰ Text allowing adjustments in landscaping and screening deleted because now covered in Section 29.4.5(h).

³³¹ Text requiring landscaping maintenance deleted because now covered by standard provision.

four (4) full growing seasons. When a solid wall, or any solid fence is used for screening, ornamental landscaping shall be placed between the fence and the adjacent property lines. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this chapter.

- c. Exterior storage areas shall have a permanently dust-free surface.
2. The traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel. The streets within the proposed development shall be public and within a public right-of-way, except private streets may be permitted under the following conditions:
 - a. The streets shall be designed, constructed, and maintained according to any applicable minimum City standards for private streets;
 - b. The streets will serve two (2) or more lots or property in multiple ownership;
 - c. The private streets do not provide the only vehicular access to public streets from other property located outside the development;
 - d. The streets shall be located in designated common areas which shall be platted as a separate lot or lots;
 - e. A notation shall be written on the approved plan and recorded plat which reads: "All maintenance of the private streets shown on this plat shall be the responsibility of the owners association or abutting property owners. No private streets shall be dedicated to nor accepted by the City for maintenance until they have been improved to minimum City standards for public streets."; and
 - f. The street signs for private streets shall indicate "private street" so as to distinguish them from public streets.³³²
3. A system of pedestrian walkways and/or sidewalks meeting City standards shall be provided and shall connect with existing sidewalk systems or allow for future extensions to activity centers outside the development (i.e., schools, parks, shopping areas, etc.). Sidewalks shall be required along private streets as they would be required for public streets, except that no sidewalks shall be required on the side of a street without any buildings or driveways.³³³
4. The provisions of Section 29-4.10 (Signs) shall apply, except that the requirements pertaining to area, height, placement and number of freestanding signs and on premise wall, canopy and awning signs shall be as approved by the Council as part of the development plan.

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

³³² Standard reading "the traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel" was deleted as too vague to be enforceable.

³³³ The vague clause "provisions shall be made for pedestrian travel within the development" was deleted.

(c) Special Purpose Districts³³⁴

(1) IG Industrial – General District³³⁵

Purpose

The IG district is intended to allow for manufacturing, warehousing, office activities, general industrial uses, and access to underground mining, resource, and storage activities, while protecting surrounding areas from any adverse impacts of those activities. Development may be organized in a planned business or industrial park, or may be in individual buildings on individual lots in older parts of the City. The principal land uses are heavy commercial and industrial uses, as listed in Table 29-3.1 (Permitted Use Table).³⁴¹

TABLE 29-2-11³³⁶
IG DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS ³³⁷	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS ³³⁸	
Minimum depth front yard	25 ft.
Minimum width of side yard - general	0 ft.
Minimum width of side yard – adjacent to R district ³³⁹	20 ft.
Minimum depth of rear yard	10 ft.
Minimum depth of rear yard – if adjacent to R district ³⁴⁰	20 ft.
Maximum height of primary building	N/A

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

Examples



³³⁴ New category of districts, including the I-G, A, O, and PUD.

³³⁵ Consolidates current M-C, M-1, and M-U districts; materials from current Sections 29-19, 29-20, and 29-20.1, with changes as noted. Requirements of the M-U district were not carried over, as underground activities are subject to building and health codes. Entrances to underground activities are limited to the IG district.

³³⁶ See Sec. 29-4.1 for additional changes to dimensional standards.

³³⁷ Minimum project size of 22,000 sq. ft. and min. lot width of 100 ft. from current M-C were not carried over.

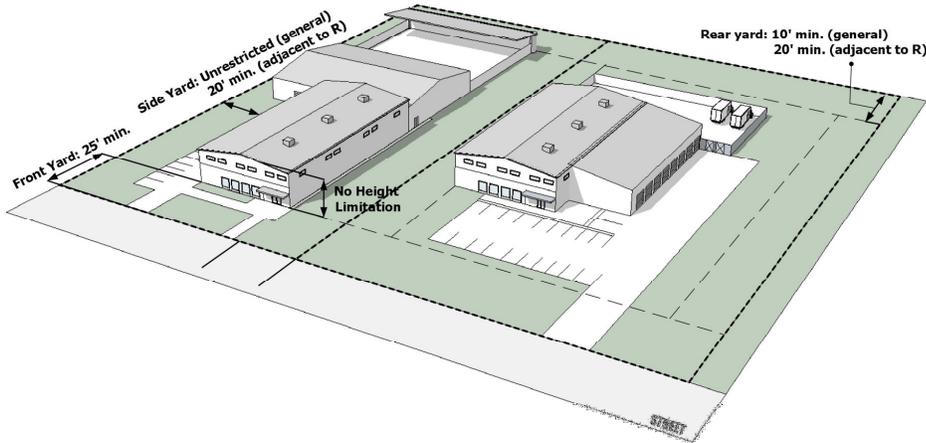
³³⁸ Minimum front setback of 30 ft., rear setback of 30 ft., and side setbacks of 15 ft. from the current M-C district were not carried over.

³³⁹ Revised from 10 ft. in Module 1.

³⁴⁰ New row since Module 1.

³⁴¹ Revised to integrate purpose statements from the three included zoning districts.

Illustration



Other Standards³⁴²

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

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

- e. Industrial wastes of such quantity and nature as to overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.
2. Access to all underground development activities such as commercial mining and storage shall be through property owned or controlled by the owners of the underground space within the IG district.³⁴³

³⁴² General industrial performance standards from current Section 29-18 now apply to current M-1 lands (as well as M-C lands). Landscaping and open spaces requirements from current Section 29-18 were not carried over. Industrial lands will now be subject to standard landscaping and screening provisions in Section 29-4.5.

³⁴³ Standards 2 through 5 are from the current M-U district.

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

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

(2) A Agricultural District³⁴⁴

Purpose

This district is intended to provide for large-scale agricultural uses contained within the City, certain public uses, and facilities or activities best located in a more isolated area. The principal land use is an agricultural area or public facility. Only one principal dwelling and one second principal dwelling are allowed on each lot.³⁴⁹

**TABLE 29-2-12
A DISTRICT DIMENSIONAL STANDARD SUMMARY**

LOT STANDARDS ³⁴⁵	
Minimum lot area for agricultural and non-residential uses	2.5 acres
Minimum lot area for residential use	N/A ³⁴⁶
Minimum lot area if no public or community sewer available ³⁴⁷	N/A ³⁴⁸
Minimum lot width at building line	60 ft.
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	25 ft.
Maximum height of primary building	35 ft.

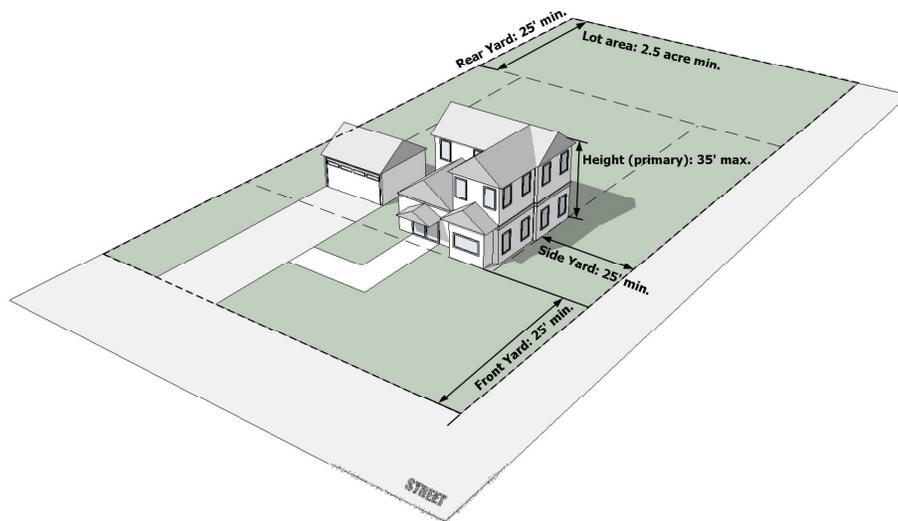
This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations.

Example



³⁴⁴ Carries over current A-1 district; materials are from current Section 29-21.
³⁴⁵ Minimum dwelling unit size of 650 sq. ft. was not carried over. See Sec. 29-4.1 for other changes to dimensional standards. R-1 residential lot size and width standards were included to avoid fragmentation of land into R-1 lots without rezoning.
³⁴⁶ Revised from 7,000 sq. ft.
³⁴⁷ New standard since Module 1 to address gap in Code.
³⁴⁸ Revised from 15,000 sq. ft.
³⁴⁹ Purpose statement revised to clarify that only two dwelling units (maximum) are permitted on a lot in the A district. 7,000 sq. ft. minimum lot size will be deleted in Module 2.

Illustration



Other Standards

1. All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Chapter 29-3 and the Form and Development Regulations in Chapter 29-4.
2. No more than two (2) contiguous residential lots may be created in this district. The creation of additional lots requires rezoning to the R-1 district and approval of a subdivision.³⁵⁰

³⁵⁰ New provision to prevent fragmentation of agricultural land and creation of significant residential areas without compliance with subdivision standards.

(3) O Open Space District³⁵¹

Purpose

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

TABLE 29-2-13³⁵²

O DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area for agricultural uses	2.5 acres
Minimum lot area for non-agricultural uses ³⁵³	N/A
BUILDING STANDARDS	
Minimum depth front building setback	25 ft.
Minimum width of side building setback	25 ft.
Minimum depth of rear building setback	25 ft.
Maximum height of primary building	35 ft.

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

Example

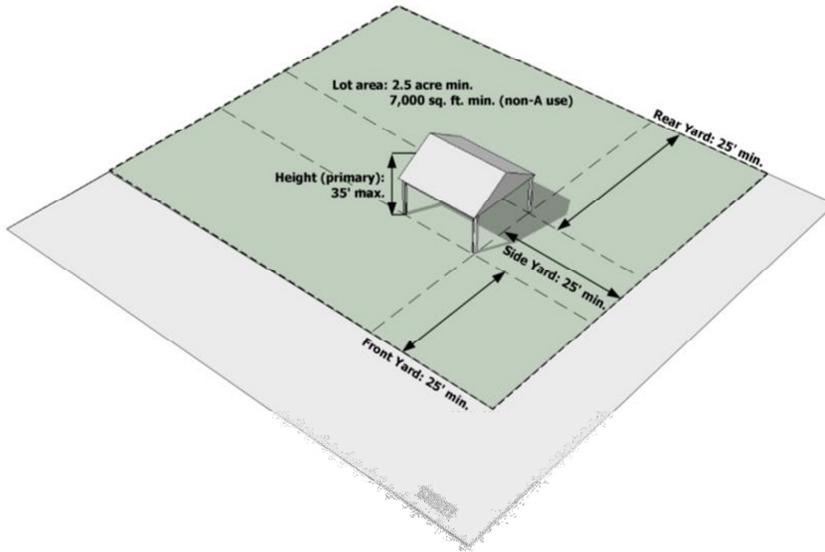


³⁵¹ New district.

³⁵² See Sec. 29-4.1 for additional changes to dimensional standards.

³⁵³ Reduced from 7,000 sq. ft. in Module 1.

Illustration



Other Standards

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

(4) PD Planned Development³⁵⁴

Purpose

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

1. To allow for a mixture of housing types and densities located in proximity to each other.
2. To allow for mixtures of residential and non-residential uses located in proximity to each other when any potential adverse impacts have been minimized, mitigated, screened or buffered.
3. To provide for more usable and suitably-located common open space and amenities, including but not limited to clustered patterns of development and open space than would otherwise be provided under the City's base zone districts.
4. To require that Planned Developments provide to the City amenities or benefits that help achieve the goals of the *Columbia Imagined* comprehensive plan (as amended) and that are not otherwise required by the base zoning districts in return for the added flexibility in uses and design offered by the PD District.³⁵⁵
5. To ensure that approved Planned Developments are efficient to administer over time.

Eligibility

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

Permitted and Conditional Uses

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

³⁵⁴ Replaces the current PUD (Section 29.10), O-P (Section 29-13.1), C-P (Section 29-17) and M-P (Section 29-19.1) districts. The ordinance adopting the new Columbia Development Code will clarify that each PUD, O-P, C-P, or M-P zoning approved before the effective date will continue to be regulated by the terms of that approval, but that amendments to those approvals, and new Planned Development approvals, will be subject to the terms of this new, simpler PD district.

³⁵⁵ New provision."

Development and Form Standards

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

Procedures for Approval and Administration

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

29-2.3 Overlay Zoning Districts

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

(a) UC-O Urban Conservation Overlay³⁵⁶

(1) Purpose

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

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

(2) Description

Urban Conservation District overlay zoning may be used with any zoning district if approved pursuant to this Section 29-2.3(a). All regulations of the underlying zoning district shall apply to property within the Urban Conservation District except where modified by the designation ordinance. Areas, tracts, or sites within the UC District shall be identified on the official Zoning Map and in other official writings by the suffix "UC." Once approved, all development and redevelopment in the UC-O area shall be required to comply with the provisions of the UC-O designating ordinance, and the provisions of that ordinance shall be applied in review of all applications by the Department and the Commission.³⁵⁷

³⁵⁶ Carries over materials from current Section 29-21.1, with wording revised for clarity throughout, and with changes as noted to make this tool more effective and to list those UC-Os that have been adopted to date.

³⁵⁷ Last sentence added to clarify that approved UC-O provisions are binding on all development and redevelopment in the area.

(ii) East Campus UC-O



(4) Designation Procedure

The City may designate areas, tracts or sites for inclusion in an Urban Conservation District pursuant to Section 29-5.4 (s) (Ordinance Text and Zoning Map Amendments) subject to compliance with this section.

- (i) A proposal to designate a UC-O may be made by the Council, or by Council recognized neighborhood organizations of the area to be designated, or by property owners in the area to be designated. If not initiated by Council, the application requires (a) a petition signed by the owners of fifty (50) percent or more of the parcels of land within the boundaries of the proposed district or property owners representing fifty (50) percent or more of the area of land to be designated³⁵⁹ and (b) a statement documenting the conditions justifying a UC-O designation and the purposes and intent of the designation.
- (ii) If the Director confirms that the application meets the requirements of subsection i above, the City shall work with the applicants to prepare a draft ordinance reflecting the intent of the application, and the Planning and Zoning Commission shall hold a public hearing and notice shall be given to all owners of affected property in accordance with the requirements of Section 29-5.3 (c) (Notice of Public Hearing).
- (iii) The Commission may solicit and present expert testimony or documented evidence regarding the importance and effects of urban conservation within the proposed district. Testimony from neighborhood organizations affected shall be directly solicited and considered by the Commission.
- (iv) Following a public hearing and recommendation from the Commission, Council shall take action on the application pursuant to Section 29-5.4(q) (Ordinance Text and Zoning Map Amendments).

³⁵⁹ Reference to 50 percent of land area has been added to enable petitions supported by large property owners in the area even if that reflects less than 50 percent of the parcels.

- (v) An application to amend an approved UC-O designation may be initiated and shall be reviewed and may be approved using the same procedures used for designation of the UC-O.

(5) Designation Ordinance³⁶⁰

The ordinance designating the UC-O shall identify the district boundaries, which shall be compact, contiguous and uniform, and may also include provisions governing:

- (i) Permitted, conditional, or prohibited use of land;
- (ii) Use-specific Standards for particular uses of land;³⁶¹
- (iii) Density or intensity of land use such as minimum lot size, maximum floor area, floor area ratios, number of dwelling units per acre, minimum lot area per dwelling unit, or other related provisions;
- (iv) Area and bulk restrictions including setbacks, maximum lot coverage, height controls, open space requirements and other related provisions;
- (v) Parking regulations such as the number of required spaces per type of use, the location and design of parking areas, lighting, and other related provisions;
- (vi) Landscaping and screening; and
- (vii) Sign regulations.

(6) Designation Criteria³⁶²

The Commission may recommend approval of a UC-O, and Council may approve a UC-O, if it determines that the following criteria are satisfied:

- (i) A substantial portion of the property owners, residents or tenants of the proposed UC-O area desire and support urban conservation efforts;³⁶³
- (ii) District designation conforms to adopted City plans and policies; and³⁶⁴
- (iii) UC-O designation would be an appropriate and effective method for conserving the existing area and preventing development that would erode that character.

(b) SR-O Scenic Roadway Overlay³⁶⁵

³⁶⁰ Provisions for historic preservation have been deleted, since those were contingent on Council establishing a historic preservation Commission and procedures, which has not happened. Historic structure designation and protection should be conducted through that process, not through the UC-O. Similarly, provisions for protection of Scenic Roads were not carried over, because those can be protected through the SR-O.

³⁶¹ New provision to strengthen this tool.

³⁶² These criteria have been simplified and clarified, with vague language removed, but the code now requires that the Council make all three findings rather than one of six.

³⁶³ Revised to clarify that the finding is not that all or a majority of these groups need to be in support. The designation of a UC-O – like all zoning – is a legislative action based on the Council’s opinion of the best interests of the City. Formal opposition is still available through the zoning protest process.

³⁶⁴ Drafting error corrected based on public comment.

³⁶⁵ Carries over current Section 29-21.2, with wording revised for clarity, and with revisions as noted.

(1) Purposes

The SR-O district is intended to promote the conservation, preservation and enhancement of the scenic, natural and historic qualities and landscape of scenic roadway areas as well as promoting the health, safety and general welfare of the public. The purposes of the district are:

- (i) To preserve the scenic character of designated roadways and, where possible, preserve scenic views from the roadways.
- (ii) To maintain the natural beauty of the landscape as it currently exists along designated roadways.
- (iii) To encourage development that is compatible with and, where possible, enhances such natural beauty.
- (iv) To encourage safe and efficient traffic flow along designated scenic roadways for all modes of travel.

(2) Minimum Width of SR-O

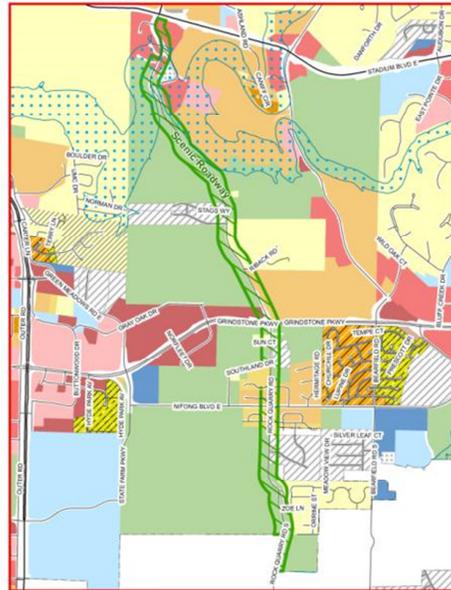
The minimum lot width at the right-of-way line of a designated scenic road for R-MF and nonresidential zoning districts shall be three hundred (300) feet.

(3) Approved SR-O Districts³⁶⁶

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

³⁶⁶ New section.

(i) Rocky Quarry Road



(4) Site Development Regulations

All land and buildings within an approved SR-O district shall comply with all regulations of the underlying zoning district and applicable sign regulations, unless modified by one of the following, in which case the standards in this subsection (3) shall apply:

- (i) *Underground utilities.* All on-site utilities shall be located underground unless required by the utility to be otherwise located.
- (ii) *Vegetative buffer.* The existing vegetative buffer shall be maintained on any part of the property that is located (a) within seventy-five (75) feet of the centerline of a local residential street, or (b) within eighty-three (83) feet of the centerline of a collector street, or (c) within one hundred (100) feet of the centerline of an arterial street. Installed landscaping may be added to the vegetative buffer area to meet screening requirements defined elsewhere in this Code.
- (iii) *Addressing.* Where building addressing requirements of Chapter 24 cannot be met due to the vegetative buffer or a building's distance from the roadway, the address or addresses shall be clearly marked at the roadway's edge by the property owner in a manner acceptable to the Director.
- (iv) *Signs.* The sign regulations of Chapter 23 shall apply, except where modified in this subsection. Only monument signs are allowed. A monument sign is a sign attached directly to the ground or a base attached directly to the ground and not supported by poles, uprights or braces. Internal lighting of signs, neon or flashing signs, and roof signs

shall not be permitted. All spotlights and exterior lighting shall be oriented away from adjacent properties and the scenic roadways.

- (v) *Building floodlighting*. Building floodlighting is not permitted in nonresidential zoning districts within the scenic roadway area.
- (vi) *Minimum driveway spacing*. The minimum distance between the center of driveways onto a designated scenic roadway shall be two hundred twenty (220) feet for any tract, lot or parcel. No tract, lot or parcel shall have more than two (2) driveways.

(5) Designation Procedure

The following procedure shall be followed in designating scenic roadways:

- (i) A proposal to designate a scenic roadway may be made by (a) the Council, or (b) an application by interested citizens, citizen groups or a recognized neighborhood organization, or (c) an application signed by owners of fifty (50) percent or more of all parcels of land with frontage along the proposed scenic roadway segment.
- (ii) The Council action or interest group/property owner application must include a statement identifying the criteria set forth in subsection 6 below that support the scenic roadway designation and shall state the purposes and intent of the designation.
- (iii) City staff shall prepare a report for the Commission, and the Commission shall hold a public hearing on the SR-O designation request. The staff report and the recommendations of the Commission shall be forwarded to the Council, which will conduct a public hearing to take action on the proposed designation.

(6) Designation Criteria

The Commission may recommend approval of an SR-O, and Council may approve an SR-O, if it determines that the following criteria are satisfied:

- (i) The street affords the opportunity for the public to enjoy the natural beauty of hills, valleys, creek bottoms or vegetation;
- (ii) The street is adjacent to significant natural landscape elements such as undisturbed native tree associations, rock formations and old growth trees;
- (iii) The street offers scenic views or vistas from the roadway;
- (iv) The street traverses or is adjacent to environmentally sensitive areas such as wetlands, woodlands, park land or private conservation areas.
- (v) In all instances, the proposed scenic roadway shall be comprised of contiguous roadway sections and have readily identifiable termini such as creeks, bridges, arterial streets or other prominent physical landmarks.

(7) Plan, Design, and Management

- (i) Within ninety (90) days after designation of an SR-O district by Council, the Public Works Department³⁶⁷ shall initiate a corridor study and planning process, to identify existing conditions, estimate future land use and transportation infrastructure needs, and work

³⁶⁷ Revised to clarify that Commission is not responsible for this activity, in response to comment.

with an appointed stakeholder advisory group to determine values and preferences regarding scenic preservation and roadway design within and along the corridor. The corridor plan shall result in the development of goals, objectives, policies and recommendations to guide future land use, transportation planning, and design decisions.

- (ii) The Council shall appoint a corridor plan stakeholder advisory group of up to fifteen (15) members with the following composition. One-third (1/3) shall be residents who live along the affected scenic road corridor, including at least one (1) resident property owner; one-third (1/3) shall be representatives of the general public, who may be from various interested citizen groups; and one-third (1/3) shall be officials, including members of the Commission, the Environment and Energy Commission, the Parks and Recreation Commission, the Bicycle and Pedestrian Commission, the Department staff, and the Council member from the affected ward.
- (iii) With input from the advisory group, the Public Works Department³⁶⁸ staff shall prepare the corridor plan. The Commission shall hold a public hearing on the scenic roadway corridor plan, and the staff report and the recommendations of the Commission shall be forwarded to the Council. The Council will conduct a public hearing to take action on the proposed corridor plan.

(8) Roadway Design

Roadway design, including the design of proposed alterations and improvements, shall be coordinated with the City's capital improvement project schedule and shall substantially conform to the adopted corridor plan, as set forth below. Public input shall be collected by the public works department during the design phase.

- (i) *Timing.* Any improvements recommended by the corridor plan should be considered for inclusion in the City's capital improvement program, which is used to coordinate scheduling, funding, design, and construction of future capital projects, and is subject to Council approval.
- (ii) *Consistency with corridor plan.* The design shall be consistent with the goals, objectives, policies, and recommendations of the corridor plan. Pedestrian and bicyclist facilities and access management shall also be considered in the roadway design, understanding that design options that are away from the road may need to be designed to preserve and enhance the scenic quality of the road.
- (iii) *Stakeholder advisory group.* The stakeholder advisory group shall weigh the level of service needs of all intended roadway users against S-R district preservation goals in proposing specific design options for the roadway.
- (iv) *Modifications to City roadway design standards.* Modifications to the applicable roadway design standards should be considered to aid in preserving scenic characteristics of the roadway. The use of materials that blend into and complement the scenic characteristics of the roadway, including, but not limited to, stone and timber, should be used for bridges, guard rails, guideposts and other engineered structures, provided that they meet safety standards set forth in The American Association of State

³⁶⁸ Department staff clarified since prior draft.

Highway and Transportation Officials Roadside Design Guide. Scenic road curves should be retained as much as possible, speed limited, and no curve banking.

- (v) *Public involvement process.* Public involvement during the scenic roadway design phase shall consist of regular pre-design stakeholder input meetings, as needed, to fully address design issues, followed by at least one (1) additional stakeholder input meeting once a preliminary design has been completed by the Public Works Department. Upon completion of a preliminary roadway design, City staff shall prepare a report for the Planning and Zoning Commission. The Commission shall hold a public hearing on the proposed design. The recommendations of the Planning and Zoning Commission and the staff report shall be forwarded to the Council, which will conduct a public hearing in accordance with the standard public improvement process set forth in chapter 22 and take action on the proposed roadway design.

(9) Routine Maintenance

The City shall maintain scenic roadways in good repair and in passable condition by routine maintenance. However, such routine maintenance shall be performed in a manner to protect and maintain the scenic characteristics of the roadway to the extent feasible. For the purposes of this section, the term "routine maintenance" shall include:

- (i) Road cleaning, including removal of snow or other debris from the road surface.
- (ii) Removal of dead, seriously diseased or damaged trees and branches that pose a threat to public safety; trimming branches to allow school buses, emergency vehicles, and other vehicles to pass; (the corridor plan may prohibit larger vehicles from using the road or they may be limited by the Council to preserve the scenic quality of the road); trimming and removal of brush and removal of boulders and other obstacles that encroach on the traveled portion of the road or obstruct established sight lines required for safety; necessary cutting and trimming of brush or trees for utility lines (as established in the corridor plan); and trimming of brush to enhance and protect scenic views, stone walls, mature trees, and other scenic characteristics of the scenic road as set forth in its designation.
- (iii) The correction of road drainage problems, including, but not limited to, the removal of trees, shrubs, silt and other material from existing drainage structures, and the replacement of cross culverts, drains and cross culvert drainage pipes. If correction of the problem involves removing the vegetative buffer, then this must come before the stakeholder advisory group for the group's input and approval.
- (iv) Graveling (or its equivalent) and grading to smooth the surface of unpaved roads, provided that the nature and characteristics of the material used on the road surface remains the same or the surface is restored to a prior passable condition using natural materials such as crushed rock or native stone or the equivalent.
- (v) Repaving, retreatment, or repair of existing paved surfaces, curbs and gutters, that does not require the widening of the traveled path or the removal of trees or stone walls or changing the grade or configuration. For purposes of this subsection, "widening of the traveled path" means extending the traveled path beyond its width prior to repaving. Periodic edging out to maintain unpaved shoulders shall be considered routine maintenance if it does not remove the existing vegetative buffer.

- (vi) Repair or replacement of existing bridges, guard posts, rails and other engineered structures, in accordance with the corridor plan.
- (vii) Installation of signs, including reflectors, warning, speed limit, and other roadway signs that are installed in accordance with standards set forth in the *Manual on Uniform Traffic Control Devices*, or any successor publication used for the same purpose by the Public Works Department.³⁶⁹

(10) Alterations and Improvements

Any proposed alteration or improvement to a scenic roadway shall follow the public involvement process for roadway design above. For the purposes of this section, the terms "alteration" and "improvement" are defined as any change to the roadway, other than routine maintenance, including the following:

- (i) Any change to the width of the traveled path of the right-of-way,
- (ii) Any change to the alignment, grade or elevation of the roadway,
- (iii) Any change to the nature and characteristics of the material used on the road surface,
- (iv) The removal of visible boulders that do not pose a safety hazard,
- (v) The removal or cutting of trees, shrubs, or other vegetation within the un-traveled portion of the road,
- (vi) The installation of new bridges, guard posts, rails and other engineered structures where no such structure currently exists, and
- (vii) The installation of sidewalks, pedways, bike paths, or nature trails.

(c) HP-O Historic Preservation Overlay³⁷⁰

(1) Purpose

The purpose of this section is to promote the economic, cultural, educational, and general welfare of the City by:

- (i) Conserving and improving the value of property within the HP-O district;
- (ii) Protecting and enhancing the attractiveness of the City to home buyers, home owners, residents, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefit to the City;
- (iii) Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of the City;
- (iv) Fostering civic pride in the aesthetics and cultural accomplishments of the past as represented in the City's landmarks and historic areas;
- (v) Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods; and

³⁶⁹ Last phrase has been added.

³⁷⁰ Carries forward current Section 29-21.4, reworded for clarity, and with changes as noted.

- (vi) Promoting the use of landmarks and historic areas for the education, pleasure, and welfare of the people of the City.

(2) Historic Preservation Commission

- (i) The Historic Preservation Commission is hereby established, and shall consist of seven (7) members appointed by the Council each of whom shall serve without compensation. Every attempt should be made to establish a balance of representation among members, and all Commissioners should have a demonstrated interest in historic preservation. Of the seven (7) members, there should be one with background and expertise in historic preservation and one with background and expertise as a real estate investor. The other five (5) members should include representatives from such disciplines as: architecture, design, law, real estate appraisal, and construction/general contracting, as well as a lay person active in historic preservation.
- (ii) Two (2) of the initial members shall serve terms of one year, two (2) shall serve terms of two (2) years and three (3) shall serve terms of three (3) years. Thereafter, the terms of office for members of the Historic Preservation Commission shall be three (3) years. Vacancies shall be filled for the unexpired terms only.
- (iii) The Historic Preservation Commission shall elect from its members a chair, a vice-chair and a secretary. Officers shall serve for one (1) year and shall be eligible for reelection. The chair shall preside over all meetings. In the absence of the chair, the vice-chair shall preside. The secretary shall prepare minutes and other necessary records of Historic Preservation Commission meetings.
- (iv) The Historic Preservation Commission shall meet regularly and at the call of the chair. A quorum shall consist of four (4) members. The chair of the Commission is authorized to excuse any member from attendance at a Commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) percent of the regular Commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the Council of the vacancy. The Commission shall act upon all completed applications for Certificates of Appropriateness and economic hardship at the meeting.

(3) Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

- (i) To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this Code, other ordinances of the City, and State law.
- (ii) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or City; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted).

- (iii) To investigate and recommend to the Planning and Zoning Commission and Council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "notable property."
- (iv) To investigate and recommend to the Planning and Zoning Commission and the Council the adoption of ordinances designating for protection properties or structures having special cultural, historic, archaeological, community or architectural value as "landmarks."
- (v) To investigate and recommend to the Commission and the Council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "historic districts."
- (vi) To keep a register of all properties and structures which have been designated as "notable properties," "landmarks" or "historic districts," including all information required for each designation.
- (vii) To confer recognition upon the owners of "notable properties," "landmarks" and property or structures within "historic districts" by means of certificates, plaques or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one "notable property," "landmark" or "historic district" to another.
- (viii) To advise and assist owners of historically significant property or structures on physical and financial aspects of preservation, renovation, rehabilitation and reuse.
- (ix) To nominate "notable properties," "landmarks" and "historic districts" to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places.
- (x) To inform and educate the citizens of the City concerning the historic, archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the Commission or other appropriate parties.
- (xi) To review applications for construction, alteration, removal or demolition affecting historically significant property. To hold public hearings on proposed or designated "landmarks" or structures within "historic districts" and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary to make decisions.
- (xii) To hold public hearings on each proposed nomination of a National Register Landmark and of a "historic district" and on the guidelines developed for each nomination.
- (xiii) To recommend that the Director issue a stop work order for any construction, alteration, removal or demolition which would require a Certificate of Appropriateness for which a certificate has not been issued or to stop work that violates the conditions of a certificate.
- (xiv) To consider applications for certificates of economic hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied.

- (xv) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction or removal of designated "landmarks" or property and structures within historic preservation overlay districts.
- (xvi) To review and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect historically significant property, including but not limited to proposed or designated "notable properties," proposed or designated "landmarks" or "historic districts."
- (xvii) To call upon available City staff members as well as other experts for technical advice.
- (xviii) To advise the Council on the need to retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time.
- (xix) To testify before all boards and Commissions, including the Planning and Zoning Commission and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas.
- (xx) To review any proposed change of zoning, zoning variance or any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas, upon referral from the Planning and Zoning Commission or Council.
- (xxi) To make recommendations to the Council concerning budgetary appropriations to further the general purposes of this ordinance.
- (xxii) To develop a preservation component in the Comprehensive Plan and to recommend it to the Planning and Zoning Commission and to the Council.
- (xxiii) To periodically review the Columbia Development Code and to recommend to the Planning and Zoning Commission and the Council any amendments appropriate for the protection and continued use of historically significant property, "notable property," "landmarks" or property, sites and structures within "historic districts."
- (xxiv) To review and comment on applications for demolition permits referred to the Commission by the building official pursuant to the City's adopted building code(s). The Commission may advise the property owner of any historical significance of the building to be demolished and recommend alternatives. The Commission may document historic resources to be demolished. The Commission shall have no authority to deny an application for a demolition permit.

(4) Applicability³⁷¹

The provisions of this Section 29-2.3(c) shall apply to all property designated as a historic landmark or historic district as set forth in the sections that follow, subject to the clarifications and exceptions listed in the subsections below.

- (i) *City Property*. Proposed improvements, alterations, demolition or clearance to a building, site, structure, or object owned by the City which has been designated a landmark or is

³⁷¹ New section that collects existing regulations related to whether various types of property are subject to, or exempt from, these procedures.

within a historic district shall be approved according to the procedures and regulations of this Section 29-2.4.

- (ii) *Property Owned by Public Agencies.* To accomplish the purposes of this ordinance, the City may enter into agreements with other units of government. The Historic Preservation Commission may recommend and the Council may authorize such agreements. Such agreements may address, designation of landmarks and historic districts; administration of historic preservation fund resources; improvements to landmarks, properties in historic districts, and properties adjacent to landmarks and historic districts; and other mutually acceptable provisions.
- (iii) *Religious Institutions.* Religious Institutions in current use as houses of worship are exempt from the provisions of this section.³⁷²
- (iv) *Prior permits.* Nothing contained in this section shall affect any Building Permit, Demolition Permit or Land Disturbance Permit issued for property which becomes part of the HP-O district if the permit was issued prior to such designation.

(5) Landmark and Historic District Designation Procedure

- (i) A petition to designate a landmark may be made only by the owner(s) of the proposed landmark. A petition to designate a historic district may be made only by the owners of at least 60 percent of the Boone County tax map parcels in the proposed historic district. If a tax map parcel has more than one owner, all such owners must sign any petition mentioned in this section before the parcel shall be counted as supporting the petition and the parcel shall receive only one vote, regardless of the number of owners.
- (ii) A petition to designate a landmark or historic district shall be on a form provided by the Director and approved by the Historic Preservation Commission. The petition shall clearly identify all historic and architectural features proposed for regulation. The petition shall identify the facts which support a determination that the proposed landmark or historic district meets the criteria for designation set forth below. Except as otherwise provided in this section, the petition shall be handled in the same manner as a petition for rezoning. Prior to setting a date for a public hearing before the Planning and Zoning Commission, the Director shall forward a copy of the petition to the Historic Preservation Commission for its review. The Historic Preservation Commission shall prepare a report to the Planning and Zoning Commission and the Council setting forth its recommendation on whether the proposed landmark or historic district meets the criteria for designation set forth in this section.
- (iii) Not less than sixty (60) days prior to the circulation of any petition herein within a district or to create a district, affected Boone County tax parcel owners must be notified by certified mail of the nomination or other matter on which a petition is to be circulated, and all proposed regulations shall be clearly identified. Proof of such mailing shall be made to the Historic Preservation Commission at the time it considers the petition, and the cost of the mailing shall be borne by the person or organization sponsoring or otherwise promoting the petition.³⁷³

³⁷² Prohibition against houses of worship voluntarily submitting to historic preservation controls was removed. This provision exists to prevent interference with the "free exercise of religion" under the First Amendment.

³⁷³ Provision relocated from District standards to Designation Procedure.

- (iv) The ordinance placing property within the HP-O district shall designate the property as a landmark or as a historic district. The ordinance may designate a structure within a historic district as a landmark. The ordinance shall identify all historical and architectural features that shall be subject to regulation. No interior features shall be identified in any structure in a historic district unless the structure is designated as a landmark.
- (v) Overall boundaries for local historic districts shall be determined by the same standards used by the National Register of Historic Places, as laid out in Defining Boundaries for National Register Properties: National Register Bulletin 21 (Washington D.C.: U.S. Department of the Interior, 1995; rev. 1977).³⁷⁴ Gerrymandering that has the apparent effect of overwhelming significant areas of opposition is prohibited.

(6) Criteria for Designation

In order to be designated as a landmark or historic district, a structure or district must have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration and it must meet one or more of the following criteria:

- (i) It has character, interest, or value as part of the development, heritage, or cultural characteristics of Columbia, Boone County, Missouri, or the United States.
- (ii) It is the site of a significant local, county, state or national event.
- (iii) It is identified with a person or persons who significantly contributed to the development of Columbia, Boone County, Missouri, or the United States.
- (iv) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
- (v) It is the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of Columbia, Boone County, Missouri, or the United States.
- (vi) It contains elements of design, detailing, materials, or craftsmanship which renders it architecturally significant.
- (vii) It contains design elements that are structurally or architecturally innovative.
- (viii) Its unique location or physical characteristics make it an established or familiar visual feature of the neighborhood or City.
- (ix) It has yielded or may likely yield information important in prehistory or history.
- (x) Its character as a particularly fine or unique example of a utilitarian structure, with a high level of integrity or architectural significance.
- (xi) Its suitability for preservation or restoration.
- (xii) It is at least fifty (50) years old or of most unusual historical significance.

(7) List of Designated Local Historic Districts and Landmarks

- (i) David Guitar House, 2815 Oakland Gravel Road (District)

³⁷⁴ Citation revised to note 1977 revisions.

- (ii) Miller Building, 823 East Broadway (District)
- (iii) Taylor House Inn, 716 West Broadway (District)
- (iv) Wright Brothers Mule Barn (now Fay Street Lofts), 1101 Hinkson Avenue (District)

(8) Certificate of Appropriateness Required

A Certificate of Appropriateness shall not be required for interior construction or alteration of any structure in a historic district unless the structure has been designated a landmark. A Certificate of Appropriateness shall be required before the following actions affecting any historic or architectural feature identified in the ordinance placing the property in the HP-O district may be undertaken:

- (i) Any construction, alteration, removal, or any demolition in whole or in part regardless of whether a permit from the City is required.
- (ii) Any construction, alteration, removal or demolition, in whole or in part, proposed by the City, for a City-owned landmark or structure within a historic district.

(9) Certificate of Appropriateness Procedure

- (i) An application for a Certificate of Appropriateness shall be made on forms provided by the Director and approved by the Historic Preservation Commission. The application shall identify the facts which support a determination that the proposed actions meet the standards for review and design guidelines set forth in subsection (9) below.
- (ii) After determining that the application for Certificate of Appropriateness is complete, the Director shall schedule the application for consideration by the Historic Preservation Commission within a reasonable time. If a fully completed application for a Certificate of Appropriateness has not been acted upon within forty (40) days after the date the application was filed with the Director, it shall be deemed approved, unless tabled or continued with the consent of the applicant. No motion to table or continue shall be made without the consent of the applicant. The Director shall conspicuously place a sign on the property giving public notice of the meeting at which the application shall be considered. The sign shall be placed at least seven (7) days prior to the meeting.
- (iii) Any person aggrieved by the decision of the Historic Preservation Commission may appeal to the Board by filing a notice of appeal with the City Clerk within thirty (30) days of the decision of the Historic Preservation Commission. Notice of the Historic Preservation Commission's decision shall be mailed to the applicant unless the applicant or the applicant's agent was present at the meeting at which the decision was made. The Board shall provide a hearing and render a decision in accordance with the provisions of R.S.Mo. Chapter 536.

(10) Standards for Certificate Decision and Design Guidelines

In considering an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the following standards, and design guidelines in addition to any area-specific design guidelines included in the ordinance designating the landmark or historic district.

- (i) Reasonable efforts shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (ii) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (iii) Building alterations that have no historical basis and which seek to create an earlier appearance shall not be allowed.
- (iv) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. When these changes have acquired significance in their own right, they shall be treated the same as if they were part of the original structure.
- (v) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be preserved when possible.
- (vi) Deteriorated architectural features shall be repaired, rather than replaced, whenever practicable. If replacement is necessary, the new material should match the material being replaced in design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based upon accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (vii) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (viii) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- (ix) Contemporary design for alterations and additions to existing properties and for new construction may be permitted when such alterations, additions or new construction do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material and character of the property, neighborhood or environment.
- (x) Whenever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (xi) The height of any proposed alteration or construction shall be compatible with the style and character of the landmark and with surrounding structures.
- (xii) The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the landmark, and with surrounding structures.
- (xiii) The relationship of a structure to the open space between it and adjoining structures should be compatible.

- (xiv) The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures.
- (xv) The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures.
- (xvi) Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character.
- (xvii) Architectural details including materials and textures should be treated so as to make a landmark compatible with its original character or significant architectural style and to preserve and enhance the landmark or historic district.

(11) Signs

- (i) Signs in the HP-O district are subject to the general sign regulations of the code of ordinances. In addition, all signs for a landmark or structures in a historic district not specified in the application for landmark or historic district designation must receive a Certificate of Appropriateness from the Historic Preservation Commission, which shall review the proposed sign in accordance with the following general guidelines:
 - (A) Additional sign restrictions included in the ordinance which designates a landmark or historic district.
 - (B) Signs shall be designed and placed so as to appear an integral part of the building design, and to respect the neighboring properties and the district in general. Signs shall be designed with appropriateness relative to the services of the establishment served.
- (ii) Nothing contained in this section shall prevent the use of normal "for rent" and "for sale" signs as permitted by the Section 29-4.10 (Signs). Any owner offering property for sale or any realtor listing property for sale which is located within the HP-O district is required to advise potential purchasers that the property is located within the HP-O district. Any person violating this subsection shall be deemed guilty of an infraction and shall be fined as provided for in Chapter 16.

(12) Certificate of Economic Hardship

- (i) A person whose application for a Certificate of Appropriateness has been denied or granted conditionally may apply for a Certificate of Economic Hardship. Alternatively, an application for a Certificate of Economic Hardship may be filed with the application for Certificate of Appropriateness. Application shall be made on forms provided by the Director and approved by the Historic Preservation Commission. If a fully completed application for a Certificate of Economic Hardship has not been acted upon within forty (40) days after the date the application was filed with the Director, it shall be deemed approved, unless tabled or continued with the consent of the applicant. No motion to table or continue shall be made without the consent of the applicant. The application shall identify facts which support a determination that denial of the application will deprive the owner of the property of reasonable use of or a reasonable economic return

on the property. An application for Certificate of Economic Hardship may include any or all of the information in below:

- (A) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness.
 - (B) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - (C) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the Historic Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - (D) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - (E) Applicant may demonstrate with factual data/evidence that the hardship is not self-created. If the property is income producing, the applicant may provide detailed annual income and expense reports for the property for the last two (2) years, rent rates and capitalization rates for the property and comparable properties, and any other pertinent information that would substantiate the applicant's claim concerning economic hardship.
 - (F) Appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - (G) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
 - (H) Assessed value of the property.
 - (I) Real estate taxes.
 - (J) Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.
- (ii) An application for a Certificate of Economic Hardship, if not filed with the application for Certificate of Appropriateness, must be made within sixty (60) days of a decision on the application for Certificate of Appropriateness. The Director shall schedule the application for consideration by the Historic Preservation Commission within a reasonable time. The Director shall conspicuously place a sign on the property giving public notice of the meeting at which the application shall be considered. The sign shall be placed at least seven (7) days prior to the meeting.
- (iii) Any person aggrieved by the decision of the Historic Preservation Commission may appeal to the Board by filing a notice of appeal with the City Clerk within thirty (30) days of the decision of the Historic Preservation Commission. Notice of the Historic Preservation Commission's decision shall be mailed to the applicant unless the applicant

or the applicant's agent was present at the meeting at which the decision was made. The Board shall provide a hearing and render a decision in accordance with the provisions of R.S.Mo. Chapter 536.

(13) Continuing Validity of Certificates

Certificates of appropriateness and certificates of economic hardship shall become void if the work authorized by the certificate is not commenced within six (6) months of the date of issuance. Certificates of appropriateness and certificates of economic hardship shall be issued for a period of eighteen (18) months and are renewable.

(14) Variances

The Historic Preservation Commission may make recommendations to the Board to allow variances for standard parking and lot line requirements for property in the HP-O district, where such variances will aid in the retention of the property's historic character and appearance. The Historic Preservation Commission shall also make recommendations to allow designated properties to be utilized for noncomplying uses if such use would serve to perpetuate the viable contemporary utilization of the historic structure.

(15) Review

District boundaries and designation status may be reviewed after no less than ten (10) years, at the request of either the Historic Preservation Commission or the petition of the owners of at least sixty (60) of the Boone County tax parcels in the district. After the initial ten (10) year period, district boundaries and designation status may be reviewed no more often than once every five (5) years.

(d) FP-O Floodplain Overlay³⁷⁵

(1) Authority

The Council enacts these floodplain management regulations under its authority to adopt zoning regulations designed to protect the health, safety and general welfare which authority was granted to the City of Columbia as a home rule charter City by the people of the State of Missouri in Article VI, Section 19(a) of the Missouri Constitution and by the General Assembly of the State of Missouri in Chapter 89 of the Missouri Revised Statutes.

(2) Findings of Fact

- (i) Flood losses resulting from periodic inundation. The flood hazard areas of Columbia, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
- (ii) General causes of these flood losses. These flood losses are caused by (1) The cumulative effect of obstructions in floodways causing increases in flood heights and velocities, (2)

³⁷⁵ From current Section 29-22, with changes as noted.

The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

- (iii) Methods used to analyze flood hazards. This section uses a reasonable method of analyzing flood hazards which consists of the following series of interrelated steps:
- (iv) Selection of regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this section is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one (1) percent chance of occurrence in any one (1) year, as delineated by the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated March 17, 2011, as amended, and any future revisions thereto.
- (v) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (vi) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- (vii) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- (viii) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

(3) Purpose

The purpose of the floodplain overlay district is to promote the public health, safety, and general welfare and to minimize those losses described in subsection (a)(2)a. to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations 59.22(a)(3), and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this section to:

- (i) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- (ii) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- (iii) Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.

(4) General Provisions

- (i) *Lands to which ordinance applies.* This section shall apply to all lands within the jurisdiction of the City of Columbia identified on the digital flood insurance rate map (DFIRM)³⁷⁶ for Boone County, Missouri on map panels 29019C0165D, 29019C0170D, 29019C0190D, 29019C0260D, 29019C270D, 29019C0280D, 29019C0285D, 29019C0290D, 29019C0295D, 29019C0325D, 29019C0335D and 29019C0355D as A

Comment [PRZ46]: Replaced reference to Director of Public Works with Director of Community Development

³⁷⁶ Revised to reference digital FIRM.

zones (including AE, AO and AH zones) dated March 17, 2011 as amended and any future revisions thereto, and that portion of the X zone shaded, other flood areas, which is in the upper square mile of a flood drainage area. In all areas covered by this section, no development shall be permitted except upon the issuance of a floodplain permit to develop granted by the Director of Community Development under such safeguards and restriction as the Director of Community Development may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community and where specifically noted in this section.

- (ii) *The enforcement officer.* The Director of Community Development is hereby designated as the duly designated local floodplain administrator under this section.
- (iii) *Rules for interpretation of district boundaries.* The boundaries of the floodway, flood fringe, and flood drainage area shall be determined by scaling distances on the official Zoning Map or on the flood insurance rate map or floodway map. Where interpretation is needed to the exact location of the boundaries of the district as shown on the official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Director of Community Development shall make the necessary interpretation. In such cases where the interpretation is contested, the Board will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence, if he so desires.
- (iv) *Compliance.* No development within known flood hazard areas of the City of Columbia shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.
- (v) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.
- (vi) *Interpretation.* In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (vii) *Warning and disclaimer of liability.* The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside of the floodway, flood fringe, and flood drainage area boundaries or land uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of the City of Columbia or any officer or employee thereof for any flood damages that may result from reliance on this section or any administrative decision lawfully made thereunder.

(viii) *Appeal*. Where a request for a Floodplain Development Permit to develop or for a variance is denied by the Director of Community Development the applicant may apply for such Floodplain Development Permit or variance to these regulations directly to the Board.

(5) Permit Required

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate Floodplain Development Permit for development in this Floodplain Overlay District.

(6) Administration

The Director of Community Development is hereby appointed to administer and implement the provisions of this section. Duties of the Director of Community Development shall include, but not be limited to:

- (i) Review all applications for Floodplain Development Permits to assure that sites are reasonably safe from flooding and that the Floodplain Development Permit requirements of this section have been satisfied.
- (ii) Review all applications for Floodplain Development Permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (iii) Issue Floodplain Development Permits for approved applications.
- (iv) Notify adjacent communities, the State of Missouri Emergency Management Agency, the Missouri Clean Water Commission, and the Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
- (v) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (vi) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (vii) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.
- (viii) When floodproofing is utilized for a particular non-residential structure, the Director of Community Development shall be presented certification from a registered professional engineer or architect.

Comment [PRZ47]: References to Director of Public Works changed to Director of Community Development. Consistent with current enforcement and administrative provisions of existing Chapter 29

(7) Application for Permit

To obtain a Floodplain Development Permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- (i) Identify and describe the work to be covered by the Floodplain Development Permit.

- (ii) Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (iii) Indicate the use or occupancy for which the proposed work is intended.
- (iv) Be accompanied by plans and specifications for proposed construction.
- (v) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- (vi) Give such other information as reasonably may be required by the Director of Community Development.

(8) General Provisions for Flood Hazard Reduction

- (i) No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO and AH zones) and that portion of the X zone shaded, other flood areas, which is in the upper square mile of a flood drainage area, unless the conditions of this subsection are satisfied.
- (ii) All areas identified as unnumbered A zones and X zones shaded, other flood areas, on the FIRM are subject to inundation of the 1% annual chance flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this section. If flood insurance study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state or other sources.
- (iii) New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - (A) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) New or replacement water supply systems and sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and onsite waste disposal systems be located so as to avoid impairment or contamination.
 - (C) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damage, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (D) All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
 - (E) That until a floodway has been designated, no development, including landfill, may be permitted within Zone AE and the flood drainage area (Zone X shaded, other flood areas - upper square mile) on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing

and reasonably anticipated uses, will not increase the water surface elevation of the 1% annual chance flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the flood insurance rate study incorporated by reference: subsection (a)(2)c.1 of this section.

- (F) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- (G) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (iv) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (3) adequate drainage is provided so as to reduce exposure to flood hazards, and (4) proposals for development (including proposals for manufactured home parks) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

(9) Specific Standards for Flood Hazard Reduction

In all areas of special flood hazard where base flood elevation data have been provided as set forth in subsection (a)(2)c., the following provisions are required:

- (i) *Residential construction.* New construction or substantial improvements of any residential building or manufactured home shall have the lowest floor, including basement, elevated to at least two (2) feet above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (d)(2)c.
- (ii) *Nonresidential construction.* New construction or substantial improvements of any commercial, industrial, or nonresidential building or manufactured home shall have the lowest floor, including basement, elevated to at least two (2) feet above base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in subsection (c)(2)b.7.
- (iii) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (A) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot enclosed area subject to flooding;
 - (B) The bottom of all openings shall be no higher than one foot above grade; and
 - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (iv) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used on connection with the premises (standard exterior door) or entry to the living area (stairways or elevator); and
- (v) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(10) Manufactured Homes

- (i) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (A) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 - (B) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - (C) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (D) Any additions to the manufactured home be similarly anchored.
- (ii) All manufactured homes to be placed within zones AH, AE and X shaded, other flood areas, on Columbia's FIRM on sites:
 - (A) Outside of a manufactured home park or subdivision,
 - (B) In a new manufactured home park or subdivision,
 - (C) In an expansion to an existing manufactured home park or subdivision, or
 - (D) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation; and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (d)(4)a.
- (iii) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones AH, AE and X shaded, other flood

areas, on Columbia's FIRM that are not subject to the provisions of subsection (d)(4)a. shall be elevated so that either:

- (A) The lowest floor of the manufactured home is at least two (2) feet above the base flood elevation, or
- (B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (d)(4)a.

(11) Recreational Vehicles

All recreational vehicles placed on sites within the identified floodplain on Columbia's FIRM shall either be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use or meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this section. A recreational vehicle is ready for highway use if it is on its wheels or its jacking system, is attached to the site only by quick disconnect type utilities and security devices and it has no permanently attached additions.

(12) AH Zones

Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(13) AO Zones

Located within the areas of special flood hazard established in section (b)(1) are areas designed as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

- (i) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on Columbia's FIRM (at least three (3) feet if no depth number is specified).
- (ii) All new construction and substantial improvements of nonresidential structures shall:
 - (A) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on Columbia's FIRM (at least three (3) feet if no depth number is specified), or
 - (B) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in subsection (c)(2)b.7.

- (iii) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(14) Floodway Area³⁷⁷

- (i) Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless a "no-rise" certification statement by a professional registered engineer or architect is provided. A "no-rise" certification statement shall be accompanied by supporting documentation which shall adequately demonstrate that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of subsection (d). The following are recommended uses for the floodway district.
 - (A) Agricultural uses such as general farming, pasture, nurseries, forestry.
 - (B) Residential uses such as lawns, gardens, parking and play areas.
 - (C) Nonresidential areas such as loading areas, parking and airport landing strips.
 - (D) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
- (ii) In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or section (d)(1)c.7 of this section, in meeting the standards of this subsection.

(15) Variance Procedures³⁷⁸

- (i) The Board shall hear and decide requests for variances from the requirements of this section.
- (ii) In passing upon such applications, the Board shall consider all technical evaluation, all relevant factors, standards specified in other subsections of this section, and:
 - (A) The danger that materials may be swept onto other lands to the injury of others;
 - (B) The danger to life and property due to flooding or erosion damage;
 - (C) The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (D) The importance of the services provided by the proposed facility to the community;
 - (E) The necessity to the facility of a waterfront location, where applicable;
 - (F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (G) The compatibility of the proposed use with existing and anticipated development;

³⁷⁷ Renamed from Floodway District Overlay because this is an area within an overlay district.

³⁷⁸ This section revised to clarify that it applies to variances from the regulations. Appeals claiming that the City made an error in applying the floodplain regulation are now governed by 29-5.3(h) like all other appeals.

- (H) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (I) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (J) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (K) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (iii) Any person aggrieved by the decision of the Board on a floodplain variance application may appeal such decision to the circuit court of Boone County.³⁷⁹

(16) Conditions for Flood Plain Variances

- (i) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items ii. through vi. below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (ii) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.
- (iii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (iv) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (v) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (vi) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(17) Penalties for Violation

Violation of the provisions of this section 29-2.3(d) or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon

³⁷⁹ Clause "or any taxpayer" was removed. Appeals should be limited to those aggrieved by the decision.

conviction thereof be fined not more than one thousand dollars (\$1,000.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Columbia or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(18) Amendments

The regulations, restrictions, and boundaries set forth in this section may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Columbia. At least fifteen (15) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII of the Federal Emergency Management Agency. The regulations of this section are in compliance with the National Flood Insurance Program regulations.

Chapter 29-3 Permitted Uses³⁸⁰

29-3.1 General

The Permitted Uses and Conditional Uses in each zone district are indicated in Tables 3.2 and 3.3 below. Additional uses of property or restrictions on the use of property may be contained in Section 29-2.2 (Base Zoning Districts), or in an Overlay zone district applicable to the property in Section 29-2.3. If the property is located in a PD (Planned Development) zone district, the permitted uses and any conditions on those permitted uses are contained in the rezoning ordinance and related documents for that property on file with the Department.

- (a) A “P” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted by-right in that zone district, subject to compliance with the Use-specific Standards in the right-hand column of that line of the table.
- (b) A “C” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted only after the applicant obtains Conditional Use approval pursuant to Section (Conditional Use Permit), and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (c) An “A” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is only permitted as an accessory to a Permitted use and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (d) A “CA” in a cell in the Permitted Use Table in Section 29-3.2 indicates that the use is only permitted as an accessory to a use that is first approved as a Conditional use on the same property and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (e) A “T” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted subject to a Temporary Use Permit issued pursuant to Section 29-5, and subject to the Use-specific Standards in the right-hand column of that line of the table.
- (f) A blank cell in the Permitted Use Table in Section 29-3.2 indicates that the use is not permitted in that zone district.
- (g) A development may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either a Permitted Use or a Conditional Use in that zone district, that a Conditional Use Approval is obtained for any Conditional Use, all Use-specific Standards applicable to each use are met, the development complies with all applicable density, dimensional, impervious surface, development, and performance standards.³⁸¹

Comment [PRZ48]: Text added for clarity to note that “use-specific” standards also apply to the accessory use.

Comment [PRZ49]: Text added for clarity

³⁸⁰ 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.

³⁸¹ New provision.

- (h) The Director has the authority to interpret whether a proposed land use is included within a listed land use shown in the Permitted Use Table in Section 29-3.2 based on its scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts on surrounding properties.³⁸²
- (i) Each use that exists on [Effective Date of this Code] that is required by this Code to obtain Conditional Use Approval, but that was a Permitted Use (without the need for Conditional Use Approval) prior to [Effective Date of this Code] is deemed to have a Conditional Use Approval to (a) continue operation in structures and on land areas where the operation was conducted on [Effective Date of this Code] and (b) to expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-specific Standards and other requirements of this Code.³⁸³
- (j) All uses required by the State of Missouri to have an approval, license, or permit to operate issued by the State or by another public or quasi-public or regulatory agency are required by the City of Columbia to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this Code.³⁸⁴

29-3.2 Permitted Use Table³⁸⁵

Comment [PRZ50]: Revision to the use tables have occurred since Integrated Draft. Changes shown by underlined or ~~strikeout~~ text

³⁸² New provision to reflect current practice.

³⁸³ New provision to simplify transition to the new code.

³⁸⁴ 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.

³⁸⁵ 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 ³⁸⁶	IG	A	O		PD		
Current Zoning District			R-3 & R-4							M-C, M-1, & M-J ³⁸⁸			PUD, O-P			
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PUD, O-P	C-P, M-P		
RESIDENTIAL USES																
Household Living																
Dwelling, One-family Detached ³⁸⁹	P	P	P	P	P	P									Per PD Approval	(a)θ
Dwelling, One-family Attached ³⁹⁰		P	P		P	P										(b)
Dwelling, Two-family ³⁹¹		P	P		P	P										(a)
Dwelling, Co-housing Project ³⁹²			P		P			P								(c)
Dwelling, Live-work ³⁹³			P	C	P	P	P	P								(d)
Dwelling, Multi-family ³⁹⁴			P		P	P	P	P	P							
Manufactured Home Park ³⁹⁵				P												

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

Comment [S53]: Unnecessary use. Can be accommodated in other districts

³⁸⁶ 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.

³⁸⁷ 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.

³⁸⁸ 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.

³⁸⁹ Use no longer available in the M-C, M-DT, or M-BP districts because low density not compatible with zone.

³⁹⁰ 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.

³⁹¹ 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.

³⁹² ~~New use. All designations are new.~~

³⁹³ New use. All designations are new.

³⁹⁴ 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.

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 ³⁸⁶	IG	A	O		PD		
Current Zoning District			R-3 & R-4	R-MH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PUD, O-P	C-P, M-P		
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	R-MH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PUD, O-P	C-P, M-P		
Second Primary Dwelling Unit ³⁹⁶													C		(e)	
Group Living ³⁹⁷																
Boarding House ³⁹⁸				P	P	P	P	P	P						Per PD Approval	
Continuing Care Retirement Community				P	P	P	P	P	P							(f)
Dormitory/Fraternity/Sorority				P	P	P	P	P	P							(g)
Group Home, Large ³⁹⁹				P	P	P	P	P	P							(g)
Group Home, Small ⁴⁰⁰	P	P	P	P	P	P	P	P	P		P					(g)
Halfway House				C	C	C	C	C								(h)
Residential Care Facility ⁴⁰¹				C	P	P	P	P	P						(i)	
Temporary Shelter				C	C	C	C	C							(i)	
PUBLIC and INSTUTIONAL USES																
Adult and Child Care																
Adult Day Care Center ⁴⁰²		P	P		P	P	P	P	P						Per PD	
Family Day Care Center	PA	P/C A/C	P	P	P	P	P	P	P		P		A			(j)

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

³⁹⁵ 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.

³⁹⁶ Name clarifies that this includes a second Primary dwelling unit – as opposed to an Accessory Dwelling Unit.

³⁹⁷ Group Home for Foster Care was deleted. Foster care placements is now addressed in the definition of a Family.

³⁹⁸ Retitled from "Boardinghouses and Lodging Houses". This changes from prohibited to a P use in current O-2.

³⁹⁹ 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.

⁴⁰⁰ 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.

⁴⁰¹ Removed from IG since prior draft in response to public comment.

⁴⁰² 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.

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 ³⁸⁶	IG	A	O	
Current Zoning District			R-3 & R-4	R-MH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PD
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	R-MH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PD
Community Service ⁴⁰³													
Assembly or Lodge Hall						C	P	P		P			
Cemetery or Mausoleum	C	C	C	C								P	
Community/Recreation Center ⁴⁰⁴	P	P	P		P	P	P	P	P			P	
Community Garden ⁴⁰⁵	P	P	P	P	P	P	P	P	P	P	P	P	P
Elementary/Secondary School ⁴⁰⁶	P	P	P	P	P	P	P	P	P	P	P	P	P
Funeral Home or Mortuary ⁴⁰⁷					C	C	P	C		P			
Higher Education Institution ⁴⁰⁸			P		P	P	P	P	P				
Hospital					P	P	P	C	P	P			
Museum or Library ⁴⁰⁹	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 ⁴¹⁰	P	P	P	P	P	P	P	P	P	P	P		
Public Park, Playground, or Golf Course ⁴¹¹	P	P	P	P	P	P	P	P	P			P	P
Religious Institution ⁴¹²	P	P	P	P	P	P	P	P	PC	PC	P	P	
Reuse of Place of Public Assembly	C	C	C	C									
Utilities and Communications													

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

⁴⁰³ 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.

⁴⁰⁴ Replaces current Publicly Owned and Operated Community Building. Deleted from R-MH since prior draft in response to comment.

⁴⁰⁵ Relocated from Accessory Use subcategory in Module 1.

⁴⁰⁶ 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.

⁴⁰⁷ Combines current "Funeral Home", "Crematory", and "Mortuary" uses. This would now be a C use on O-2 lands.

⁴⁰⁸ 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.

⁴⁰⁹ 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.

⁴¹⁰ Combines current "Government buildings and facilities" and "Public administrative buildings".

⁴¹¹ 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.

⁴¹² Renamed from "Churches, Mosques, and Synagogues" and "Churches and Synagogues" to be more general. Inconsistency in current code resolved in favor of C (not P) use in M-BP district.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE														
P=Permitted use C=Conditional use A=Accessory use CA=Conditional Accessory use T=Temporary use														
Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁸⁶	IG	A	O		PD
Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PUD, O-P C-P, M-P	
Communication Antenna or Tower as a Principal Use	See 29-3.3(n)											Per PD Approval	(n)	
Public Utility Services, Major ⁴¹³	C	C	C	C	C	P	P	P	P	P	P		P	
Public Utility Services, Minor ⁴¹⁴	C	C	C	C	P	P	P	P	P	P	P		P	
Wind Energy Conversion System (WECS) as a Principal Use ⁴¹⁵	See 29-3.3(p)											Per PD Approval	(o)	
COMMERCIAL USES⁴¹⁶														
Agriculture & Animal-Related⁴¹⁷														
Agriculture ⁴¹⁸													P	
Farmer's Market ⁴¹⁹	T	T	T		T	P	P	<u>I</u>	<u>IP</u>	P	P	P		
Greenhouse or Plant Nursery ⁴²⁰							P			P	P			
Pet Store or Pet Grooming ⁴²¹						P	P	P	<u>PC</u>	C				
Urban Agriculture ⁴²²			C		P	P	C	C			P		(p)	
Veterinary Hospital ⁴²³					C	C	P	P	<u>P</u>	P			(q)	
Food & Beverage Service														

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

⁴¹³ 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.

⁴¹⁴ 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.

⁴¹⁵ From current Section 29-21.5.

⁴¹⁶ Renamed from Commercial and Industrial Uses since Module 2, since Industrial Uses now has its own category.

⁴¹⁷ The current "Slaughterhouse" use (permitted in current M-1) district, has been deleted.

⁴¹⁸ Combines current "Agriculture" use with "Chick hatcheries".

⁴¹⁹ New use, per *Columbia Imagined*.

⁴²⁰ 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.

⁴²¹ 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.

⁴²² New use.

⁴²³ Combines current "Veterinarian hospitals, pounds and kennels", "Small animal hospital (if within an enclosed building)", and "kennel" uses.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE
P=Permitted use | C=Conditional use | A=Accessory use | CA=Conditional Accessory use | T=Temporary use

Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁸⁶	IG	A	O	
Current Zoning District			R-3 & R-4							M-C, M-1, & M-J ³⁸⁸			PUD, O-P
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R		A-1		C-P, M-P
Bar or Nightclub ⁴²⁴						C	P	P					Per PD
Restaurant ⁴²⁵						P	P	P	P				PD
Guest Accommodations													
Bed and Breakfast ⁴²⁶		C	C		C	P	P	P					Approval
Hotel ⁴²⁷							P	P	P	P			Approval
Travel Trailer Park ⁴²⁸							C				C		Approval
Office													
Commercial or Trade School ⁴²⁹					P	P	P	P	P	P			PD
Office ⁴³⁰					P	P	P	P	P	P			PD

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

⁴²⁴ Renames current "Bars, cocktail lounges, and nightclubs" use. Deleted from IG district since prior draft in response to comment.

⁴²⁵ 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.

⁴²⁶ 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.

⁴²⁷ 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.

⁴²⁸ Added as C use to M-C since prior draft in response to public comment.

⁴²⁹ 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.

⁴³⁰ Combines current "Offices buildings for administrative functions of businesses, professions, companies, corporations, and social, philanthropic, eleemosynary, or governmental organizations", "Business, professional, and government offices", "Offices and uses, administrative, professional, and research", "Offices for professional and business use involving sale or provision of services (but not goods)", "Counseling centers operated by charitable or not-for-profit organizations", "Banks, other financial institutions, and travel agents" and "Philanthropic or eleemosynary uses primarily of a residential nature" uses. Banks, financial institutions, and travel agents would now be a P use on current O-1 lands. Philanthropic uses of a residential nature would now be available everywhere offices are available. Deleted from R-MF since prior draft, in response to comments.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE
P=Permitted use | C=Conditional use | A=Accessory use | CA=Conditional Accessory use | T=Temporary use

Proposed Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁸⁶	IG	A	O		PD
Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PUD, O-P	
Research and Development Laboratory ⁴³¹					P	P	P	P	P	P				(u)
Wholesale Sales Office or Sample Room										P				
Personal Services														
Personal Services, General ⁴³²					C	P	P	P	P	P			Per PUD, PD	(v)
Self-service Storage Facilities ⁴³³							P	C		P				(w)
Tree or Landscaping Service ⁴³⁴							P		P	P				
Recreation & Entertainment⁴³⁵														
Indoor Recreation or Entertainment ⁴³⁶						P	P	P	P	P				
Indoor Entertainment, Adult ⁴³⁷							C			C			PD	(v)
Outdoor Recreation or Entertainment ⁴³⁸						P		C		P	C	C	PD	(y)

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

⁴³¹ 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.

⁴³² 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.

⁴³³ Deleted since prior draft in response to comment.

⁴³⁴ Retitled from "Tree trimming service." Requirement for screening of service vehicles in the M-C district is replaced by general screening and buffering standards.

⁴³⁵ 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.

⁴³⁶ 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.

⁴³⁷ Title and definition revised to include adult theaters as well as live entertainment, and to allow alignment with recent state law amendments.

⁴³⁸ 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

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 ³⁸⁶	IG	A	O		PD
Current Zoning District			R-3 & R-4							M-C, M-1, & M-J ³⁸⁸			PUD, O-P	
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R		A-1		C-P, M-P	
Parking Lot, Commercial ⁴⁴⁶								P	P	P	P			
Parking Structure, Commercial ⁴⁴⁷								P	P	P	P			
INDUSTRIAL USES														
Commercial Services														
Heavy Commercial Services ⁴⁴⁸								P	P		P			
Mechanical and Construction Contractors ⁴⁴⁹								P	C		P			
Storage and Wholesale Distribution ⁴⁵⁰										P	P			(dd)
Manufacturing, Production and Extraction ⁴⁵¹														
Artisan Industry ⁴⁵²						P	P	P	P	P	P		PD	Appro
Bakery ⁴⁵³						C	P	P	P	P	P		PD	Appro

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

⁴⁴⁶ Combines current "Parking for Automobiles and Light Trucks, Uncovered, Surface Commercial (except public facilities)" and "Parking, Uncovered, Surface Off-Street (except public facilities)" uses. This use has been changed from a C to a P use in M-DT, because the form-based standards to be developed in Module 2 will control the size, shape, and location of these facilities to prevent negative impacts. Added to M-C, M-BP, and IG district since prior draft in response to comment.

⁴⁴⁷ Combines current "Parking for Automobiles and Light Trucks, Multi-Level, Underground or Covered Commercial" and "Parking for Automobiles and Light Trucks, Commercial" uses.

⁴⁴⁸ Combines current "Laundry, commercial", "Lumberyard", "Newspaper publishing plant", "Printing shop", and "Sign painting shop" uses and similar uses.

⁴⁴⁹ 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.

⁴⁵⁰ 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.

⁴⁵¹ "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.

⁴⁵² New use. Definition covers production of small scale arts, crafts, foods, and beverages for on-premises sale to the public.

⁴⁵³ Added as P in M-BP since prior draft

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE
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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP ³⁸⁶	IG	A	O		PD
Current Zoning District														
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PUD, O-P	C-P, M-P
Heavy Industry ⁴⁵⁴										C				
Light Industry ⁴⁵⁵							C		CP	P				(ee)
Machine Shop ⁴⁵⁶							C			P				
Mine or Quarry ⁴⁵⁷										C	C			
Transportation														
Airport											C			
Bus Barn or Lot ⁴⁵⁸							P			P			Per PD	Approval
Bus Station							P	P		P				
Rail or Truck Freight Terminal ⁴⁵⁹									CP	P				
Waste & Salvage														
Sanitary Landfill											C		Per PD	
Vehicle Wrecking or Junkyard ⁴⁶⁰										C				(ff)
ACCESSORY USES														
Accessory Dwelling Units	C	A	A											(gg)
Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling ⁴⁶¹	A	A	A		A	A								(jjjj)

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

Comment [R(WP54)]: Traditionally ADUs are allowed in R-1.. This would permit an ADU in the R-1 district subject to a conditional use permit being authorized

Comment [RAM55]: Combined into Customary Accessory Uses...

⁴⁵⁴ Combines current "Asphaltic concrete plant", "Concrete plants", "Electroplating works", "Forges", "Galvanizing Works", "Manufacture, compounding, or processing of hazardous materials", "Monument and dimension stone works," "Photo engraving plants", "Planing mills", "Plumbing and sheet metal shops", "Plants and facilities" and similar uses. Standards prohibiting significant adverse impacts currently applicable in C-P have been made generally applicable to all uses in this category in all zones.

⁴⁵⁵ 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.

⁴⁵⁶ Deleted as C in M-DT since prior draft, in response to comment.

⁴⁵⁷ 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.

⁴⁵⁸ Added to M-C district since prior draft in response to comment.

⁴⁵⁹ Retitled from "Freight terminals (rail or truck for loading or storage) or sidings.

⁴⁶⁰ Changed from P in M-1 to C in the consolidated IG zone.

⁴⁶¹ 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

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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 ³⁸⁶	IG	A	O		PD	
Current Zoning District															
LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2 ³⁸⁷	C-1	C-3	C2	M-R	M-C, M-1, & M-J ³⁸⁸	A-1	O	PUD, O-P	C-P, M-P	
Backyard or Rooftop Garden ⁴⁶²	A	A	A	A	A	A	A	A	A		A				(ii)
Communication Antenna or Tower as an Accessory Use	See 29-3.3(n)													(n)	
Customary Accessory Uses and Related Structures ⁴⁶³	A	A	A	A	A	A	A	A	A	A	A	A			(jj)
Drive-Up Facility					CA	C A	A	C A	A	A					(kk)
Home Occupation ⁴⁶⁴	A	A	A	A	A	A	A	A	A			A			(ll)
Home Occupation with Non-Resident Employees	CA	CA	C A	C A											(mm)
Outdoor Storage in Residential Districts	A	A	A	A											(nn)
Wind Energy Conversion System (WECS) as a Principal Use ⁴⁶⁵	See 29-3.3(q)													(o)	
TEMPORARY USES⁴⁶⁶															
Temporary Construction Office or Yard	T	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	T	
Temporary Real Estate Sales/Leasing Office ⁴⁶⁷	T	T	T	T	T	T	T	T	T			T			(oo)
Temporary/Seasonal Sales or Event, Other ⁴⁶⁸	T	T	T		T	T	T	T	T	T	T	T	T	T	

Comment [S51]: Consider adding a small lot single-family and large lot single-family district. Alternative to small lot district may be a "cottage" standard similar to that in R-2.

Comment [S52]: Consider removing this as a zoning district and utilizing the Planned District to accommodate the Manufactured Home Park use.

Comment [MMS56]: Suggest drive-up facilities not be permitted in M-DT area under any circumstances.

~~dwelling. 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.~~

⁴⁶² New accessory use based on Columbia Imagined. Community garden use has been relocated to the "community services" subcategory since Module 1.

⁴⁶³ 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.

⁴⁶⁴ This use would now be permitted on current O-2 lands.

⁴⁶⁵ From current Section 29-21.5.

⁴⁶⁶ Garage sales have been deleted from this section and are not subject to the temporary use permit process.

⁴⁶⁷ Title revised to include leasing. This use would now be allowed on current O-2 lands.

29-3.3 Use-specific Standards

- (a) All uses for which Section 29-3.2 (Permitted Use Table) shows a Use-specific Standard(s) shall comply with the applicable standards(s) in this section. In addition, all development shall comply with all applicable provisions of Chapter 29-4 (Form and Development Controls).
- (b) In case of a conflict between these Use-specific Standards and the requirement of Chapter 29-4, these Use-specific Standards shall apply, except in the M-DT district, where the standards of the M-DT district will apply.
- (c) Where these Use-specific Standards require spacing between uses, no existing use that complied with applicable spacing requirements when it was created shall be made nonconforming because of the later location of any facility closer than the required spacing, or because of an amendment to this Ordinance changing any applicable spacing distance.

Primary Uses of Land and Buildings

(a) Dwelling, One-family Detached

- (1) Single family dwellings developed in accordance with the “Cottage” standards shall be permitted only in the R-2 zoning district in accordance with the procedural requirements of Section 29-5.4(l).
 - (i) An Accessory Dwelling Unit (ADU) shall not be permitted on any lot in R-2 District developed in accordance with the “Cottage” standards.
- (2) A Manufactured Home or Modular Home may be placed on a lot in the R-1, R-2, R-MF, or A zoning districts if the structure meets the following standards:

Comment [PRZ57]: Provides cross reference to procedural requirements to establish cottage lots and clarifies that ADU not permitted on Cottage lots.

Comment [PRZ58]: Reorganized since Integrated Draft due to adding a new Item 1

⁴⁶⁸ 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

- (i) The longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.
- (ii) The roof shall be double-pitched with a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run, and shall be covered with wood, asphalt, composition or fiberglass roofing material.
- (iii) The roof shall have a minimum eave projection or overhang of ten (10) inches on at least two (2) sides, which may include a four (4) inch gutter.
- (iv) The exterior siding shall be made of non-reflective material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboards, conventional vinyl or metal lap siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior foundation or curtain wall.
- (v) The home shall be installed in accordance with the recommended installation procedures of the manufacturer and City building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry foundation or permanent masonry piers with masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.
- (vi) The home shall have a garage if fifty (50) percent or more of existing homes on the same block face have a garage.
- (vii) The home shall have a covered porch at the main entrance if fifty (50) percent or more of existing homes on the same block face have a covered porch.⁴⁶⁹

(b) Dwelling, One-family Attached

The structure containing this use is limited to no more than 2 contiguous attached dwellings in the R-2 zone district, and no more than 6 contiguous attached dwellings in the R-MF zone district.⁴⁷⁰ Notwithstanding anything in this UDO, interior units in a one-family attached dwelling structure shall not be subject to side yard setbacks.

Comment [PRZ59]: Revised to reduce number of "attached" dwellings in the R-2 district and clarified setback requirements of interior lot lines

(c) Dwelling, Co-Housing Project

~~This use shall be subject to the following standards:~~

Comment [S60]: Use to be deleted. Can be accommodated in other ways

⁴⁶⁹ 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.
⁴⁷⁰ 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.

- ~~(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)(c)~~ Dwelling, Live-work

This use shall be subject to the following standards:

- ~~(1) Not more than three (3) people may be engaged in the making, servicing or selling of goods, or provision of personal and professional services, within a single unit.~~
- ~~(2) At least one (1) person shall reside in the dwelling unit where the nonresidential activity or activities occur.~~
- ~~(3) The residential unit must be located above or behind the non-residential areas of the structure.⁴⁷¹~~
- ~~(4) Where a conditional use permit is required, all non-residential uses shall be specifically approved within such conditional use permit.~~

~~(d)~~ Dwelling, Multi-family⁴⁷²

This use shall be subject to the following standards:

~~(1) Façade Length and Articulation~~

Comment [D61]: All buildings with 3 or more dwelling units are subject to standards 1-7? If so, we do not currently have the ability to view these details in the plan stage. This would require another level of oversight.

⁴⁷¹ New conditions for a new use.

⁴⁷² New standards.

- (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 Design⁴⁷³

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

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.⁴⁷⁴

(6) Universal Design

In principal structures containing more than one hundred (100) bedrooms, at least twenty-five (25) percent of the dwelling units shall incorporate at least two (2) of the following elements of "universal design" (1) At least one no-step entrance, (2) Interior doorways with at least 32 inch wide openings; (3) At least one bathroom with thirty-two (32) inch counter

Comment [S62]: Consider applying to structures with fewer bedrooms.

Comment [S63]: Why only require 2 universal design elements? Consider amending building code to incorporate these elements.

⁴⁷³ 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.

⁴⁷⁴ 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.

height; (4) At least one (1) bathroom with wall reinforcements for handrails; and/or (5) All light switches between forty-four and forty-eight (44-48) inches in height.

(7) Additional Standards

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

- (i) In the R-MF and M-N districts, no principal structure may contain more than two hundred (200) bedrooms in any one structure.⁴⁷⁵
- (ii) Each principal structure must include at least one (1) operable entry/exit door for each one hundred (100) linear feet of each street frontage, or part thereof.
- (iii) No façade of a primary multi-family structure facing an R-1 or R-MF district or a property containing a one-family attached, detached, or duplex dwelling may contain an exterior balcony or patio.
- (iv) No outdoor activity area such as a swimming pool, tennis court, or game court may be located between any façade of the principal structure and any property line adjacent to an R-1 or R-MF district or a property containing a one-family attached, detached, or duplex dwelling

(4)(e) Second Primary Dwelling on a Lot

This use must be located on a lot of two and a half (2.5) acres or more, and may not be a manufactured home.

(4)(f) Continuing Care Retirement Communities (CCRC)

This use shall be subject to the following standards:⁴⁷⁶

- (1) A CCRC shall be planned and constructed as a unified development.
- (2) Uses located within a CCRC shall be owned and operated by a single, properly licensed entity or provided under a direct contract with the owner.
- (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.

(4)(g) Group Home

This use shall meet the following standards:

- (1) A Group Home shall not be located within a one thousand (1,000) foot radius of another Group Home in any specific single-family neighborhood.

⁴⁷⁵ Wording revised in response to public comment.

⁴⁷⁶ 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) 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.⁴⁷⁷
- (3) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

(h) Halfway House⁴⁷⁸

Comment [S64]: Consider renaming "Transitional Housing"

This use is subject to the following standards.

- (1) In the R-MF district, this use is limited to not more than eight (8) occupants, and shall only be permitted if the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.
- (2) In the Mixed Use districts, this use is limited to not more than fifteen (15) occupants, and shall only be permitted if the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.
- (3) Halfway houses serving individuals between the ages of seventeen (17) and twenty-five (25) who have not been imprisoned (except for "shock probation" terms) and have not been convicted of adult or juvenile violent crimes (as defined by the Missouri Department of Corrections), are only permitted in the M-N and M-C districts, and are limited to not more than forty (40) occupants. In the M-N and M-C districts, halfway houses for youth offenders are only permitted if the Board finds that facility will have 24-hour on-duty staff and the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.

(i) Temporary Shelter

This use is subject to the following standards:

- (1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided. These items shall be used to determine if the facility is in conformance with the character of the adjacent area.
- (2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter.

⁴⁷⁷ 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.

⁴⁷⁸ 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.

- (3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure.

~~The shelter shall submit a semi-annual report to the building and site development division of the Department, stating maximum monthly occupancy level and support services provided by the shelter.~~

Comment [S65]: Staff recommends omission because it singles out one use and staff believes these concerns are met by other existing requirements.

(H)(j) Family Day Care Center

This use is subject to the following standards:

- (i) In the R-1, R-2, R-MH, and A districts:
- (A) Not more than ten (10) children not related to the operator shall be kept. Up to three (3) additional children over the age of two (2) may be kept for up to two (2) hours per day. Up to three (3) additional school-age children may be kept on unscheduled days of school closings; provided that at no time shall more than thirteen (13) children not related to the operator be kept.
 - (B) The use shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this section.⁴⁷⁹
 - (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.⁴⁸⁰

(H)(k) Funeral Home or Mortuary

This use is subject to the following standards:⁴⁸¹

- (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.

⁴⁷⁹ Fencing requirement was deleted because addressed in state licensing requirements.

⁴⁸⁰ 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.

⁴⁸¹ 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.

- (3) Cremation of the deceased shall be permitted on-site only in the IG zone district or in other districts as specifically allowed by a conditional use permit.

~~(m)~~(l) Higher Education Institution

This use, if subject to this Development Code under Missouri law, shall comply with the following standards:

- (1) Before any building or structure shall be constructed on a campus of an institution of higher learning, a development plan of the campus shall be submitted to the Commission, and after a public hearing, such Commission shall report its recommendations to the Council. If the Council shall approve the development plan by ordinance, and that plan shall be filed with the permanent records of the City.
- (2) The development plan shall show existing and future buildings, parking areas, streets and drives, athletic facilities, and other features which may affect surrounding property or the public interest.
- (3) No building permit within the boundaries of the development plan shall be issued until the Director determines that any building or structure constructed on the campus (a) substantially conforms to the approved development plan, or (b) is a minor structure or expansion of an existing structure related to the operation of buildings and facilities shown on the development plan and does not create impacts beyond the boundaries of the development plan. If at any time a major deviation from the approved development plan is proposed, an amended plan shall be submitted to the Commission and the Council for approval in the same manner as the original plan, and no building permit for a building based on the substantial deviation shall be issued until the Council's approval of the amended plan has been obtained.⁴⁸²

~~(n)~~ Religious Institution⁴⁸³

~~(o)~~(m) Reuse of Place of Public Assembly

Religious institutions or any property used primarily as a place of public assembly as a permitted use in the R-1 district may be reused as a place of public assembly subject to such restrictions as the board may impose, and provided that:

- (1) The building or structure was constructed and used primarily as a place of public assembly;
- (2) The reuse shall be primarily as a place of public assembly, provided that uses which are ordinarily accessory uses to a place of public assembly may be permitted;
- (3) The reuse shall be for not-for-profit and for noncommercial purposes by a charitable, philanthropic, eleemosynary, or other organization which could be organized as a not-for-profit corporation under state law; and

⁴⁸² 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.

⁴⁸³ 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.

- (4) The reuse shall not constitute a more burdensome use nor impose a greater adverse impact on the neighborhood than the existing or prior use in terms of traffic congestion, parking, storm drainage, and neighborhood impacts.

(n) Communication Antenna or Tower⁴⁸⁴

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.⁴⁸⁵

(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 (n)(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.⁴⁸⁶
- (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.⁴⁸⁷

⁴⁸⁴ These regulations may be reviewed in light of a pending legal challenge to Missouri telecommunications laws.

⁴⁸⁵ 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.

⁴⁸⁶ Replaced "communications equipment shelters or cabinets" with "accessory equipment" (defined as "any equipment serving or being used in conjunction with a wireless facility or wireless support structure, including utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures" for consistency with state law 67.5092(1). Removed reference to towers before and after 1997 as unnecessary.

- (v) Satellite receiver dishes up to one (1) meter in diameter.⁴⁸⁸

(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(n)(5)(Standards).

- (i) The construction of an enclosed support structure designed to match the architecture, material, and color of existing adjacent accessory structures.⁴⁸⁹
- (ii) Satellite receiver dishes up to two (2) meter in diameter.⁴⁹⁰

(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.⁴⁹¹

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

(5) Standards⁴⁹²

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

⁴⁸⁷ 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.

⁴⁸⁸ New addition to this list to comply with federal law.

⁴⁸⁹ Revised to replace requirement for underground placement with standards to reduce visibility.

⁴⁹⁰ New addition to this list to comply with federal law.

⁴⁹¹ 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.

⁴⁹² Requirements for on-site parking were deleted as unnecessary, and restrictions on storage of unrelated materials in cabinets was deleted as unenforceable.

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.⁴⁹³

(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.⁴⁹⁴

(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.

⁴⁹³ New provision consistent with intent of state law and expected federal rulemaking on this topic.

⁴⁹⁴ Last clause added to guide Board's decision on height; delegations of authority without standards are vulnerable to legal challenge.

(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.⁴⁹⁵

(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 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

⁴⁹⁵ Revised to reflect changes in tower design, based on comment received.

until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of nine (9) percent per annum.

(7) Commercial Operation of Unlawful Towers or Antennas

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or disguised support structure in violation of any provision of this section regardless of whether such antenna or structure is located on land belonging to a governmental entity.

(o) Wind Energy Conversion System (WECS)

This use shall be subject to the following standards.⁴⁹⁶

(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. 20866.⁴⁹⁷
- (iv) Commercial WECS are not allowed in any zoning district.

(2) Conditional Uses

- (i) In all locations where WECS are not allowed as permitted uses, a WECS shall be allowed only after the issuance of a conditional use permit. Where one or two WECS are allowed as permitted uses, additional WECS shall be allowed only after the issuance of a conditional use permit.
- (ii) Applications for conditional use permits shall include all items required by the submittal requirements list on file at the Department.⁴⁹⁸

(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

⁴⁹⁶ From current Section 29-21.5, reordered and reworded for clarity, and with changes as noted.

⁴⁹⁷ A map of the Downtown Community Improvement District will be included here.

⁴⁹⁸ List of specific application requirements deleted – to be retained on administrative lists or the City web site.

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 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 principal structures for the zoning district in which the WECS is located. A WECS and its associated outbuildings and accessories shall not be located forward of the principal structure on a lot.
- (ii) The minimum distance between any freestanding WECS and any property line shall be the distance equivalent to the fall zone, which is ninety (90) percent of the WECS system height. No part of the fall zone shall cross an adjacent property line. The setback shall be measured from the property line to the point of the WECS structure closest to the property line.
- (iii) For building-mounted WECS, no part of the fall zone shall cross an adjacent property line. The fall zone for a building-mounted WECS shall be fifty (50) percent of the height as measured from the lowest attachment to the building/structure to the highest point of the blades or rotors.
- (iv) The fall zone shall be entirely contained on the subject parcel. In no case may the fall zone radius include an overhead electric power line. The setback from underground electric distribution lines shall be at least five (5) feet; the fall zone radius may include the underground line(s). 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.

(H)(p) Urban Agriculture⁴⁹⁹

This use is subject to the following standards:

- (1) Greenhouses, hoop houses, cold frames, storage sheds, and other accessory structures are limited to a maximum height of 12 feet, shall be setback at least 10 feet from any abutting lot with an occupied residential use.
- (2) The cumulative area covered by structures more than 4 feet above grade shall not exceed 25% of the site.
- (3) Operation of power equipment or generators may occur between 7:00 am and no later than 10:00 pm.
- (4) Sales of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than 100 square feet and is not located in a required yard area.
- (5) Food products may be grown in soil native to the site if a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Missouri direct-contact standards for lead; and either:
 - (i) The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or

⁴⁹⁹ New standards for new use.

- (ii) A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the tables in subsection (6) below, as amended.
- (6) Soil testing requirements
- (i) Clean soil is soil that has less than 200ppm of lead content. At least 5 samples of the native soil from the proposed planting area shall be tested for lead content and heavy metals. If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has only been used for residential or agricultural purposes in the past, the following gardening techniques may be conducted based upon the lead content test results.

Lead content	Permitted Activity
Less than 200ppm	Soil native to the site may be used
200ppm to 400ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400ppm to 600ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600ppm and higher	Urban Agriculture shall be prohibited.

- (ii) If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has been used for purposes other than residential or agricultural in the past, soil shall be tested for metal content using the US EPA 3050B, 3051, or a comparable method. Gardening may be conducted if the test results for the following chemicals are below the levels identified in the following table.

Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550

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

(+)(g) Veterinary Hospital⁵⁰⁰

This use, when domesticated animals or fowl are treated, kept, cared for, bred or board on-site, shall be subject to the following standards:

- (1) Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).
- (2) A secondary or perimeter fence or wall shall be constructed around all outside animal run structures, pens, enclosures and outside exercise yards in a manner that protects animals from injury and contain animals securely.
- (3) Veterinary hospitals that provide outside facilities (including but not limited to a run, pen, enclosure or exercise yard) which abut residential uses or zoning, shall be subject to the following setbacks:
 - a. Two hundred (200) feet from the residential use or zoning to any outside animal run structure, pen, enclosures or outdoor exercise yard with openings.
 - b. One hundred (100) feet from the residential use or zoning to any principle structure or secondary or perimeter fence or wall, which encloses an outdoor exercise yard, without openings.
- (4) All applicable state regulations shall be met.

Comment [S66]: Who will regulate testing? Does this need to be here, or should it be in a supporting manual?

Comment [PRZ67]: New use standards added since Integrated Draft to be consistent with current kennel standards

(+)(r) Restaurant

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

(+)(s) Bed and Breakfast

This use is subject to the following standards:

- (1) That not more than five (5) guest rooms shall be allowed.
- (2) That in addition to meeting all parking requirements of Section 29-4.4 there shall be one off-street parking space provided for each guest room.
- (3) That there shall be no individual room cooking facilities used for the bed and breakfast stay.

⁵⁰⁰ Current minimum size standard of 2 acres was deleted as unnecessary.

- (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.

~~(s)~~(t) Commercial or Trade School

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

~~(w)~~(u) Research and Development Laboratory

In the M-OF, M-N, M-C, M-DT districts, this use is limited to those not involving use of hazardous materials.

~~(s)~~(v) Personal Services, General

In the M-OF, M-N, M-C, and M-DT districts, this use may not involve the use of explosive or hazardous materials.⁵⁰¹

~~(y)~~(w) Self-service Storage Facility

- (1) When such uses are located in the M-C district and are no greater than 14-feet, unless otherwise permitted, shall be subject to:
 - (i) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
 - (ii) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-4.65.
 - (iii) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
 - (iv) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
 - (v) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.

Comment [PRZ68]: Text revised to incorporate current text of Chapter 29, as amended, since Integrated Draft

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

- (vi) Building heights shall be limited to fourteen (14) feet, unless the building complies with the following standards, which are intended to ensure that buildings in excess of 14 feet in height are visually compatible with surrounding developments:
 - (A) Property shall not be adjacent to, and no structure shall be within 100 feet of, a lot that is residentially zoned or used;
 - (B) The exterior of the building shall be constructed entirely of brick, stone, precast concrete panels that include a masonry façade or other architectural elements, split face block or other similar high-quality materials. Prefabricated metal panels and smooth-faced concrete block shall be prohibited;
 - (C) All exterior portions and/or facades, including the roof, shall use colors consisting of a neutral earth tone.
 - (D) In addition to the screening and landscaping standards of Section 29-4.5(e), one (1) street tree shall be placed every 40 linear feet of site frontage along any property line that abuts a right of way in order to screen the mass of the building.
 - (E) Building height shall not exceed 45 feet or contain more than four (4) stories;
 - (vii) Loading docks shall be prohibited.
- (2) When such uses are located in the M-C district and proposed to be greater than 14-feet in height they shall be subject to:
- (i) Approval of a conditional use permit in accordance with procedures of Section 29-5 of this Code. When considering a conditional use, in addition to meeting the conditional use standards required by this ordinance, the Planning and Zoning Commission shall also consider the context of the surrounding land uses and building forms, and impose any conditions and restrictions needed to assure that proposed self-service storage facilities are compatible with the surrounding area. The standards included in item 1, above, shall be considered as standards for a conditional use as well; however, they may be waived if the applicant shows that they are not required to ensure the visual compatibility of the proposed building with surrounding properties. Additional conditions may include, but are not limited to, limits on signage, additional setbacks, additional screening or fencing, orientation of buildings, and a maximum height.
- (3) When such uses are located in the I-G district they shall be subject to:
- (i) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
 - (ii) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of section 29-4.5(e),
 - (iii) Where the site is adjacent to residentially-zoned land, twenty-five feet of required yard shall be provided, and if the building exceeds forty-five (45) feet in height, one

additional foot of setback shall be provided for each foot of height in excess of forty-five (45) feet.

- (iv) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
- (v) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
- (vi) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
- (vii) Loading docks shall be prohibited.

(x) Indoor Entertainment, Adult and Retail, Adult⁵⁰²

Comment [S69]: Amended for legal purposes

This use is subject to the following standards:

- (1) Adult Retail must be conducted in a completely enclosed structure (i.e., no outdoor display or storage).
- (2) Indoor Adult Entertainment shall not be located within 1,000 feet of any pre-existing Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling unit, or other Indoor Adult Entertainment business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the Indoor Adult Entertainment business to the nearest point on the property line of the Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling unit, or other Indoor Adult Entertainment business.⁵⁰³
- (3) 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.
- (4) No sign shall be placed in any window.
- (5) No flashing lights or colored lights or string of lights shall be placed on the outside of the building or on the inside of the building so that the lights can be viewed from outside the building.

⁵⁰² Use-specific standards revised to align with new Missouri state law amendments on this topic.

⁵⁰³ Revised to match recently adopted Missouri law. Spacing increased from 750 to 1,000 sq. ft.. List of protected uses now includes state-licensed day care facilities and libraries. Current separation requirements from higher education institutions, athletic fields, recreational facilities for children, and non-residential uses in residential districts do not appear in the state law and were deleted.

- (6) The premises of all Indoor Adult Entertainment businesses shall be constructed to include a partition or other physical barrier on all customer entrances that will ensure that the interior of the business is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with a partition or other physical barrier shall be covered so as to prevent observation of the interior of the premises from the exterior of the building. No Indoor Adult Entertainment business shall be conducted in a manner that permits the observation of entertainers, servers or employees from the exterior of the building.
- (7) On-premise advertisement, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- (8) Notwithstanding the provisions of section 29-4.4(g)(6) (currently 30(g)), required off-street parking for an Indoor Adult Entertainment business shall be located on the premises of the business.
- (9) No operator shall allow or permit this use to be or remain open between the hours of 12:00 midnight and 6:00 am on any day.
- (10) No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- (11) No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.⁵⁰⁴

(aa)(y) Outdoor Recreation or Entertainment

This use is subject to the following standards:

- (1) Golf courses are permitted in the A and O districts only.⁵⁰⁵
- (2) Accessory uses and structures may provide those types of services generally associated with such clubs and facilities to their members.⁵⁰⁶

(bb)(z) Alcoholic Beverage Sales

- (1) This use shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of chapter 4 of this Code.
- (2) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.⁵⁰⁷

Comment [S70]: Additional standards believed necessary to address impacts of uses that may have noise, traffic or nuisance-type activities.

⁵⁰⁴ Standards 9, 10, and 11 are new, to match provisions in recent state law.

⁵⁰⁵ Replaces the current restriction of golf courses to PUD districts.

⁵⁰⁶ 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.

⁵⁰⁷ Provision relocated since prior draft.

~~(cc)~~(aa) Retail, General⁵⁰⁸

Comment [PRZ71]: Standards simplified since Integrated Draft.

- (1) A retail use in the M-N and M-BP districts may not exceed a gross floor area of 15,000 sq. ft., except a grocery store may not exceed 45,000 sq. ft. A single structure may contain more than these amounts of gross floor area, as long as no use within the structure exceeds the applicable size listed above.
- (2) A retail use in the IG district may not exceed a gross floor area of 15,000 sq. ft., except upon issuance of a conditional use permit.
- (3) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.⁵⁰⁹

~~(dd)~~(bb) Light Vehicle Sales or Rental

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

~~(ee)~~(cc) Light Vehicle Service and Repair

In the M-N, M-C, M-DT, and M-BP districts, all service and repair activities must take place in an enclosed structure.⁵¹⁰

~~(ff)~~(dd) Storage and Wholesale Distribution

Storage of feed, fertilizer, grain, soil conditioners, hazardous materials, asphalt, brick, cement, gravel, rock, sand, and similar construction materials, or fuels is only permitted in the IG zone district.

~~(gg)~~(ee) Light Industry

Comment [R(WP72): Confirm with REDI impact of conditional use process on industrial land marketing.

This use shall be subject to the following standards.⁵¹¹

- (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.

⁵⁰⁸ Since module 3, restrictions on retail use size have been moved from the definitions and Permitted Use Table to these use-specific standards.

⁵⁰⁹ Provision relocated since prior draft.

⁵¹⁰ Standard extended to M-N district since prior draft based on public comment.

⁵¹¹ 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.

(bb)(ff) Vehicle Wrecking or Junkyard

This use is subject to the following standards:

- (1) The facility must be enclosed by a solid fence or wall at least 10 feet ~~in height, or~~ sufficient to block all views of stored or stacked vehicles, vehicle parts, and wrecking equipment when viewed from adjacent public rights-of-way.⁵¹²
- (2) If located within 500 feet of a residential zoning district or use, any equipment used for crushing or dismantling vehicles shall be located in a completely enclosed structure, or if not enclosed, shall meet the operating hours established in Chapter 11 (Health and Sanitation) of the City Code..⁵¹³
- (3) In addition to the above, any vehicle wrecking or junkyard facility shall meet all applicable provisions of Chapter 11 (Health and Sanitation) of the City Code.

Comment [PRZ73]: Revised to address compliance with Chapter 11 which also covers operation hours.

Comment [PRZ74]: New provision to require compliance with Chapter 11 standards which are outside UDO

Accessory and Temporary Uses of Land and Buildings

(ii)(gg) Accessory Dwelling Units⁵¹⁴

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.

⁵¹² Standard revised to require complete screening.

⁵¹³ New standard.

⁵¹⁴ New standards from proposed City ordinance.

29-3.3: Use-specific Standards (hh): Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling

- (3) A detached accessory dwelling shall be located a minimum of 10 feet behind the principal dwelling, and a minimum of six (6) feet from any side or rear lot line. On corner lots, the accessory dwelling shall be set back from side streets not less than the distance required for the principal residence. For the purpose of providing adequate fire protection access, the distance from the nearest street frontage to the center of the rear wall of the accessory dwelling unit shall not exceed one hundred and fifty (150) feet of travel distance unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City of Columbia Fire Department.
- (4) An accessory dwelling shall not exceed seventy-five (75) percent of the total square feet of the principal dwelling, as shown in the Boone County Assessor’s records, or eight hundred (800) square feet, whichever is less. In addition, a detached accessory dwelling shall not occupy more than thirty (30) percent of the rear yard.
- (5) A detached accessory dwelling shall not exceed the height of the principal dwelling or twenty-four (24) feet, whichever is less.
- (6) When an accessory dwelling is attached to a principal dwelling, only one entrance may face the front lot line.
- (7) In addition to the parking required for the principal dwelling, a minimum of one (1) additional off-street parking space shall be provided on the subject lot for accessory dwellings having not more than two (2) bedrooms, and two (2) additional parking spaces shall be provided for accessory dwellings having three or more bedrooms.
- (8) Prior to issuance of a building permit for an accessory dwelling, application shall be made to the City, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above listed criteria.

Comment [PRZ75]: Added text to match current Chapter 29 amendment approved after Integrated Draft

~~(#)(hh)~~ Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling⁵¹⁵

Comment [PRZ76]: Provision moved and merged with “Customary Accessory Uses and Related Structures”

~~(kk)(ii)~~ 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.⁵¹⁶

⁵¹⁵ ~~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.~~

⁵¹⁶ New standard for a new listed use.

29-3.3 Customary Accessory Uses and Related Structures

Comment [PRZ77]: Item modified since Integrated Draft for greater clarity

- (1) All Customary Accessory Uses and Accessory Structures shall comply with the following standards, unless otherwise provided in this Code:
 - (i) All accessory uses and accessory structures shall be subordinate to the principal structure(s) and primary use(s) on the property. The aggregate first floor square footage of all Accessory Structures on a lot shall not exceed the first floor square footage of any principal structure on the lot. The aggregate square footage of all areas devoted primarily to accessory uses on a lot shall not exceed the square footage of all areas devoted to the primary use of the lot.
 - (ii) All accessory uses and structures shall comply with all dimensional regulations (i.e. building height, lot coverage, and minimum yard) applicable to the principal structure(s) on the property unless this Code provides a specific exception to those regulations.⁵¹⁸
 - (iii) No part of a detached accessory structure shall be closer than ten (10) feet to another structure.
 - (iv) An accessory use may not begin operation before a permitted primary use or an approved conditional primary use begins operation on the property. An accessory structure may not be constructed before a permitted principal structure is constructed on the property.⁵¹⁹
 - (v) Driveways, parking areas and loading areas shall be governed by Section 29-4.4.
- (2) Customary Accessory Uses and Accessory Structures to One-family, Two-family, Live-work, ~~or Co-housing Dwellings~~, shall also comply with the following standards:
 - (i) Detached accessory structures shall not exceed twenty-four (24) feet in height or the height of the principal structure, whichever is less, and may not occupy more than thirty (30) percent of a required rear yard.
 - (ii) For any dwelling there shall be permitted one (1) garage with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area, provided that total garage space shall not exceed the total habitable first-floor floor area of the primary dwelling.
 - (iii) Detached accessory structures and accessory surface improvements (such as tennis courts, basketball courts, swimming pools, or paved patios) shall be located
 - (iv) not forward of the principal structure,
 - (v) not less than three (3) feet from any side lot line, and
 - (vi) not less than one (1) foot from any alley line,

Comment [PRZ78]: Text proposed to be deleted since "co-housing" is proposed to be deleted

Comment [R(WP79): Look at adding standards to cap the garage size to no greater than the principal dwelling.

⁵¹⁷ 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.

⁵¹⁸ [New provision standard in most zoning ordinances.](#)

⁵¹⁹ [New provision standard in most zoning ordinances.](#)

- (vii) Notwithstanding the provision of subparagraph (iii) above, when the rear lot line is common to a side or rear lot line of another lot, detached accessory structures and accessory surface improvements must be located a minimum of three (3) feet from such rear lot line. For corner lots, detached accessory structures and accessory surface improvements must be located not less than the distance required for residences from side streets.
 - (viii) An accessory structure or accessory surface improvement constructed as an integral part of the main building shall be subject to the setback standards affecting the main building, provided that on a corner lot, a garage integrally attached to the main building may extend to a point not less than eighteen (18) feet from the rear lot line, but shall not occupy more than thirty (30) percent of the rear yard.
- (3) In the R-MF district, for-profit or not-for-profit accessory uses and related structures must comply with the following standards:
- (i) They must be accessory and subordinate in floor area to a permitted use, and must be primarily an amenity or service to the occupants and users of the permitted use, subject to the following:
 - (ii) The commercial use, alone or in combination with other small-scale commercial uses, shall not exceed the smaller of twenty-five (25) percent of the total floor area of the building or five hundred (500) square feet. Where the proposed location of the conditional accessory use is within a unified development of multiple buildings under single ownership and control, or a single building totaling greater than fifty thousand (50,000) square feet, the Board may consider a larger space for the ancillary commercial use provided it complies with the other standards of this section.
 - (iii) The commercial use shall not involve the sale of age-restricted products such as alcohol, tobacco and firearms.
 - (iv) The commercial use shall not generate noise or traffic in excess of the levels expected if the entire premises were used for permitted uses.
 - (v) Hours of operation shall be limited to not earlier than 6:00 a.m. or later than 10:00 p.m. daily.
 - (vi) There shall be no additional parking required.
- (4) In the IG district, accessory uses may include retail sales to the public of goods produced on the premises.

Comment [PRZ80]: Exception needs clarification

~~(mm)~~(kk) Drive-up Facility⁵²⁰

- (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.

⁵²⁰ New standards.

~~(aa)~~(II) Home Occupation

This use is permitted if compatible with the residential character of the neighborhood, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas all home occupations must meet the following restrictions:

- (1) A home occupation shall be incidental to the use of a dwelling unit for residential uses. No person other than a person residing at the dwelling unit shall be directly involved with or work in the home occupation. If the home occupation employs persons to work at other locations, the dwelling unit shall not be used as an assembly point for any employees who may work at sites outside of the dwelling.
- (2) No alteration of the residential appearance of the premises shall be made, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation.
- (3) No more than twenty (20) percent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A garage shall not be used for a home occupation if such use has the effect of eliminating required parking.
- (4) The home occupation shall be conducted entirely within the dwelling unit or garage and no stock in trade shall be displayed or visible outside, or stored outside of any building, and no raw materials, tools or appliances or waste products shall be stored outside of any building.
- (5) Signs may be used for identification or advertisement of the home occupation but such signs must be attached flat to the structure, may not be larger than one square foot and may not be illuminated.
- (6) Direct sales to the public shall not be conducted on the premises, provided that off-site orders previously made may be filled on the premises.
- (7) The use shall not generate traffic in volumes greater than would normally be expected in a residential neighborhood. For purposes of this section, the normal volume of traffic generated by a single-family dwelling shall be defined as twelve vehicle trips to and/or from the dwelling unit per twenty-four-hour period. The use shall not use commercial or business vehicles to deliver finished products from the dwelling unit. All parking necessarily generated by the use shall be off the street in accordance with section 29-4.2 of this Code.
- (8) The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.
- (9) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site.
- (10) All persons desiring to have a home occupation must first present appropriate plans to the building regulations supervisor detailing how the dwelling will be used or altered to 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.

Comment [PRZ81]: Modified text to simply existing sales activity limits. Former # 6 deleted since noise limitation is addressed elsewhere with standards

~~(11) 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.~~

Comment [CES82]: Handled through Enforcement Section.

~~(mm)~~(mm) Home Occupation With Non-resident Employees

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

~~(nn)~~(nn) Outdoor Storage in Residential Districts⁵²¹

Comment [CES83]: Rework Standards for greater level of protection

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

Comment [CES84]: Don't need this; already illegal.

~~(oo)~~(oo) 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.

⁵²¹ New standards since prior draft, in response to public comments.