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Integrated Draft of Development Code

City of Columbia, Missouri

Development Code Update

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Columbia Unified Development Ordinance 1

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COLUMBIA UNIFIED DEVELOPMENT ORDINANCE

Chapter 29-1 General Provisions[1]

29-1.1 Title[2]

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 Purpose[3]

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 Jurisdiction[4]

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 Required[5]

(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 land surveyor, 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.[9]

(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.[10]

(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.[11]

29-1.6 Relationship to Other Regulations[12]

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 Agreements[13]

(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.

(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

[9] Current Sec. 25-14(b).
[10] Current Sec. 25-15.
[11] Current Sec. 25-16.
[12] New provision updating and consolidating Secs. 12A-4, 12A-242, 25-12(a) and 29-32.
[13] 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.

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 Interpretation[14]

(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 Date[15]

The effective date of this ordinance shall be _____.

29-1.10 Nuisances Prohibited[16]

(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.

[14] New provision updating language from Sections 29-4, 25-11 and 29-32.
[15] New provision replacing current Section 25-6 and references to Ordinance No. 9958 in the current zoning ordinance.
[16] New provision incorporating and updating Sections 12A-201 and 12A-95(e).

29-1.11 Transition to this UDO[17]

(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.[18]

(d) Notwithstanding the provisions of subsections (a) through (c) above, an applicant whose application would otherwise be governed by regulations in effect prior to this Ordinance may notify the City in writing that the applicant chooses to have the application governed by the provisions of this Ordinance. The City shall approve the request provided that (i) the application shall be subject to all applicable provisions of this Ordinance –not just selected provisions, and (ii) if the application has received preliminary approvals, those approval shall be reversed and the application shall be required to complete the preliminary approval under the standards and provisions in this Ordinance.

(e) Nothing in this Ordinance shall require any change in the plans, construction or designated use of a building for which a building permit has been issued prior to the effective date of this Ordinance.

(f) All PUD, O-P, C-P, and M-P zone districts approved prior to the effective date of this Ordinance will be shown on the Zoning Map as PD zone districts, but shall continue to be governed by the approved development plans for those properties and by those portions of the prior zoning ordinance and subdivision regulations necessary to interpret and carry out the intent of the approved development plans for those properties. All construction and land uses that comply with approved development plans for those properties are legal confirming uses.

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[17] 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.

[18] Clarifies that approval of a preliminary plat does not "lock in" technical standards at that time. This is necessary because Columbia's subdivision regulations allow a preliminary plat to be approved without preliminary construction or engineering drawings.

Modifications to PUD, O-P, C-P, and M-P zone districts approved prior to the effective date of this Ordinance must comply with the provisions of this Ordinance.[19]

(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 Severability[20]

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 Construction[21]

(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.[22]

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.[23]

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

[19] 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.
[20] Consolidates current 29-38 and 25-61.
[21] Definitions no longer used in the code are not carried over.
[22] New definition.
[23] 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.[24]

Accessory Structure or Use. A structure that is incidental and subordinate to the primary structure on the property, or a use of land or structure that is incidental and subordinate to the primary use of land or structure on the property.[25]

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.[26]

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. [27]

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.[28] 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).[29]

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.[30]

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.[31]

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[24] New definition based on § 67.5092(1) R.S.Mo. (2014)
[25] New definition added in response to public comment.
[26] Revised since Module 1 to reflect current practice.
[27] Revised to remove the term “agricultural commodities” from the definition.
[28] New definition based on existing use name and description.
[29] Definition revised since prior draft to exclude manufacturing uses, in response to public comment.
[30] New definition based on existing, undefined “aviation fields or airports” use, revised to include additional airports based on public comment
[31] 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.

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.[32]

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.[33]

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.[34]

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 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

[32] Revised since Module 3 to include alleys designed for pedestrian access.
[33] New form-based definition.
[34] Definition simplified and updated to use more current examples.

of goods produced on the premises to the public is permitted, but the sale of goods produced off-site is not permitted.[35]

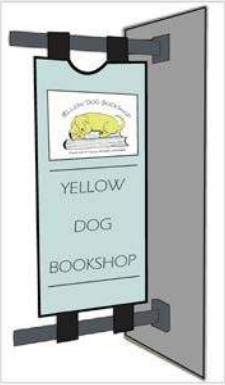
Assembly or Lodge Hall. A publicly or privately owned facility intended for the gathering of people for social, professional, or recreational activities such as meetings, conferences, weddings, and similar activities.[36]

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.[37]

Awning. A roof-like cover, made of fabric, or other flexible material, over a door or window and attached to a building.[38]

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.[39]

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.[40]

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*).[41]

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.[42]

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.

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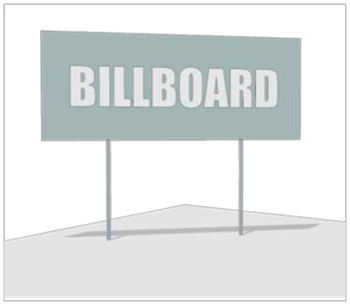
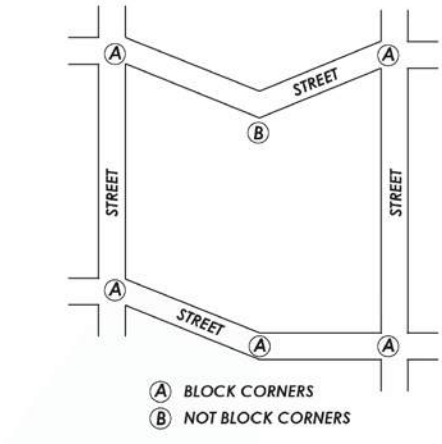
[35] New definition to describe new permitted land use.
[36] New definition based on existing, undefined uses that have been combined.
[37] New form-based definition. References to "ultimate" building heights removed throughout the draft in response to public comments.
[38] Revised to include "or other flexible material" per staff request.
[39] New definition based on existing, undefined use
[40] New definition for existing, undefined uses that have been combined.
[41] New definition since Module 3 to conform to IBC 2012 definitions.
[42] New form-based definition.



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).[43]



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.[44]

Board. The Zoning Board of Adjustment, unless the context clearly indicates that another Board is intended.[45]

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. This use does not include a Group Home or Residential Care Facility.[46]

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

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the Required Building Line as designated by the Building Form Standards. The Buildable Area sets the limits of the building footprint now and in the future—any additions shall be within the specified Buildable Area.[47]

[43] New form-based definition.
[44] New form-based definition.
[45] Modified definition.
[46] 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.
[47] New form-based definition.

Building. For all purposes except floodplain regulations, any structure used or intended for supporting or sheltering any use or occupancy.[48]

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.[49]

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.[50]

Building Face. See "Façade."[51]

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.[52]

Bus Barn or Lot. A facility or lot intended for the maintenance and storage of bus transit vehicles.[53]

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. [54]

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.[55]

Car Wash. A commercial establishment that provides for the self-service or full-service cleaning of automobiles manually or by machine operated equipment.[56]

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[48] 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.
[49] New form-based definition.
[50] New form-based definition.
[51] New form-based definition.
[52] New definition to clarify existing undefined term, for floodplain purposes.
[53] New definition based on existing, undefined use.
[54] New definition based on existing, undefined use.
[55] Revised definition since Module 3 to be consistent with IBC 2012.
[56] New definition based on existing use and description.

Cemetery or Mausoleum. A structure or open area used for the burial or permanent storage of human remains.[57]

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 that house strictly civic uses or historically and urbanistically significant structures designated on the Regulating Plan. Civic Buildings and publicly-owned public art are not subject to the Building Form Standards prescriptions of the M-DT district. See also "Use, Civic."[58]

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.[59]

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.[60]

Climax Forest. Any woodland community of over twenty thousand (20,000) square feet which is dominated by climax species such as oak, hickory, 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.

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.[61]

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.

[57] New definition.
[58] New form-based definition.
[59] New form-based definition.
[60] New form-based definition.
[61] New definition based on §67.5092(8), R.S.Mo. (2014).

Commercial or Trade School. An establishment, other than public, private, or parochial, primary or secondary schools, colleges, or universities offering training or instruction in a trade, art, or occupation, such as beauty, dance, and vocational schools.[62]

Commission. The Planning and Zoning Commission, unless the context clearly indicates that another Commission is intended.[63]

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.[64]

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.[65]

Complete and Discrete Facade 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.[66]

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.[67]

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

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

Communications Tower. A wireless support structure, such as a monopole, slick stick, stealth, lattice, or guyed tower, designed and constructed for the purpose of supporting wireless facilities. This definition does not include utility poles or any support structure owned and operated by an amateur radio operator licensed by the FCC.[68]

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[62] New definition based on a combination of existing uses and descriptions.
[63] Modified definition.
[64] New form-based definition.
[65] New form-based definition.
[66] New form-based definition.
[67] New definition based on R.S.Mo. § 67.5092(2).
[68] New definition based on existing "Tower" definition and R.S.Mo. § 67.5092(19) with modifications.

Community/Recreation Center. A public or not-for-profit facility serving the social, educational, cultural, and recreational needs of a neighborhood or the community as a whole.[69]

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.

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.

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

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).[70]

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.[71]

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 primary 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.[72]

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.[73]

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.[74]

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[70] New form-based definition.
[71] New definition.
[72] 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.
[73] New definition.
[74] New definition.

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.[75]

*Designation Ordinance. T*he 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.[76]

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.[77]

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.[78]

Director. The Director of the Community Development Department for Columbia, Missouri unless the context clearly indicates that another individual is intended.[79]

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

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

Display Area. As it relates to lighting regulations, outdoor locations where nighttime sales occur and where accurate color perception by customers is needed, for example automobile sales.[80]

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.[81]

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof.[82]

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[75] New definition.
[76] New form-based definition.
[77] Relocated from current floodplain overlay district.
[78] Revised to add the change of grade or dirt moving to definition.
[79] Revises existing definition to include "unless the context clearly indicates that another individual is intended."
[80] Revised to clarify that this definition relates to lighting regulations.
[81] New form-based definition.

Dormitory/Fraternity/Sorority. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses, in which each person residing in each living unit shall be a duly registered student in any accredited school, college or university, the spouse of such student, or a management employee. Such living facilities may contain sleeping rooms for use of one or more persons, provided that there is at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room area. Accessory uses may include food preparation facilities, exercise facilities, and meeting rooms.[83]

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.[84]

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.[85]

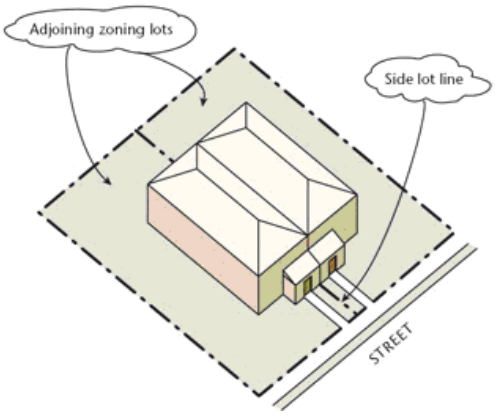
Dwelling, Live-work. A building or space within a building used jointly for residential and non-residential purposes, where non-residential purposes exceed those permitted by a home occupation.[86]

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.[87]

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

[82] New form-based definition.
[83] 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
[84] New definition. Revised per staff comments.
[85] New definition for new use.
[86] Revised based on public comment.
[87] Revised to avoid overlap with Attached One-family Dwelling use.

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. [88]



Dwelling, One-family Detached. A building containing one dwelling unit, including a Manufactured Home or a Modular Home.[89]

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.[90]

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 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.[91]

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.[92]

Elevated Building. For purposes of floodplain regulations, a non-basement building, (a) built, in the case of a building in zones AE, A, A99, AO, AH, X shaded, other flood areas, X un-shaded, other areas, or D to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water; and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. This also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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.[93]

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[88] 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.
[89] 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.
[90] Revised definition since Module 3 to match IBC 2012.
[91] New form-based definition.
[92] Definitions of elementary and secondary schools and higher education institutions have been separated.
[93] Wording revised for clarity since Module 2.

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.[94]

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.[95]

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.[96]

Façade Composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given Façade.[97]

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

[94] New form-based definition.
[95] New form-based definition.
[96] New form-based definition.
[97] New form-based definition.

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;[98] or

(1) In zoning districts R-1 and PUD (when the PUD 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.[99]

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.[100]

FCC. The Federal Communications Commission.

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

Fence. A freestanding structure, not including a hedge or other natural growth, resting on or partially buried in the ground and rising above ground level, used for confinement, screening, enclosure, security, or partition purposes. A railing provided for public safety purposes does not constitute a fence.[101]

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[98] 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.
[99] Current definition revised to treat foster children the same as the children of the individual or married couple.
[100] New definition for new use.
[101] New definition since prior draft, in response to comment.

Fenestration. Skylights, roof windows, vertical windows (whether fixed or moveable); opaque doors; glazed doors; glass block; and combination opaque/glazed doors.[102]

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."[103]

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,[104] 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.
- The area designated as a flood hazard area on the City's Flood Hazard Boundary Map, or otherwise legally designated.[105]

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.

[102] Revised definition since Module 3 to align with IRC 2012.
[103] New form-based definition.
[104] Revised since Module 3 to reference most recent flood studies and maps.
[105] Revised since Module 3 to align with IBC 2012.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.[106]

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.[107]

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.[108]

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.[109]

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.[110]

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.

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[106] Revised definition since Module 3 to align with IBC 2012.
[107] Revised definition since Module 3 to align with IBC 2012.
[108] Definition from current floodplain regulations replaces definition from the current zoning ordinance.
[109] Revised definition since Module 3 to align with IBC 2012.
[110] Revised definition since Module 3 to align with IBC 2012.

Floor Plate. The footprint of a building, including exterior walls.[111]

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.[112]

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.[113]

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.[114]

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.)[115]

Functionally Dependent Use. For purposes of floodplain regulations, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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.[116]

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[111] New form-based definition.
[112] New form-based definition.
[113] New definition.
[114] New form-based definition.
[115] New form-based definition.
[116] New definition based on existing use and description.

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.[117]

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.[118]

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.[119]

Greenspace Access Easement. A perpetual interest in land as described and dedicated by subdivision plat. Designation of a greenspace access easement shall contain the same restrictions on use of property as a greenspace conservation easement, except that it shall give the public the right of entry to the area for pedestrian use only. The greenspace access easement does not confer any rights to the City to either maintain or develop the easement for recreational use. Designation of a greenspace access easement shall restrict the owner of the underlying fee[120] 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.

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[117] New form-based definition.

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

[119] New definition base on existing, undefined use.

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

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.[121]

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.[122]

Group Home, Large. A facility that provides care, treatment or custody for more than eight (8) individuals considered to be disabled or handicapped under the federal Fair Housing Act (as amended and interpreted by the federal courts) or the laws of the State of Missouri, and may include additional persons providing oversight of the facility, none of which need to be related to each other.[123]

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[121] 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.
[122] New form-based definition.
[123] Combines current definitions of Group Care Home and Group Home for Mentally or Physically Handicapped. Definition revised to cover all groups protected by the federal Fair Housing Act, and to delete obsolete reference to Missouri statutes. Definition of Group Home for Foster Care was deleted, as foster care placements are now included in the definition of Family.

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.[124]

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.[125]

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, and other similar uses.[126]

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.[127]

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.[128] 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.

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[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. 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.

[125] 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.

[126] New definition that combines existing, undefined uses.

[127] New definition, combining existing, undefined uses.

[128] 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.

Height, Sign.[129] 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.[130]

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.[131]

Historic Resource. Any structure that: 1) Is fifty (50) years old or older: or 2) Is located in a historic resources survey area; or 3) is within an actual or proposed National Register of Historic Places district; or 4) has been recognized or nominated by the Historic Preservation Commission as a "most notable property".[132]

Historic Structure. For purposes of floodplain regulations or applicability of parking regulations, any structure that is:[133]

- 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;

[129] Revised to include "sign" and remove the word "maximum".
[130] New definition. Revised since prior draft to remove condition that it be a non-profit institution.
[131] Clarified in response to public comment.
[132] New definition added since prior draft in response to public comment.
[133] Expanded to also apply to the reference to Historic Structures in Section 29-4 (Parking and Loading).

- 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.[134]

Hospital. An institution for the overnight medical care of human beings, including related Medical or Dental Clinics, Sanitariums, and Medical Laboratories.[135]

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.[136]

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.[137]

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, as defined under Missouri law now to 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, or in the future. This use also includes the showing of films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, regularly shown to more than five persons for any form of consideration, at a motion picture theater or other similar commercial establishment.[138] 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

[134] New definition based on existing use and description.
[135] New definition to distinguish hospitals from clinics and outpatient facilities.
[136] 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.
[137] Revised to add “gravel” as a listed impervious surface since Module 2.
[138] 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.

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.[139]

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.[140]

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.

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

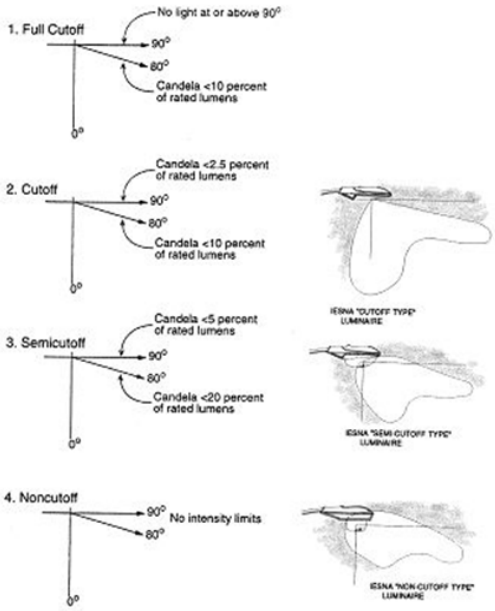
Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

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

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

[139] Amusement game limits were moved from accessory use controls.
[140] Revised based on public comment.



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.[141]

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.[142]

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.[143]

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

[141] Definition revised to include restrictions on odors and fumes from some current included uses, and to avoid overlap with Research and Development use.
[142] New definition based on existing, undefined uses which have been combined.
[143] New definition based on existing, undefined uses that have been combined.

the above provisions. For purposes of this definition, the term "recorded" means recorded in the office of the Boone County Recorder of Deeds. [144]

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.[145]

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.[146]

Lot Depth. The average horizontal distance from the front lot line to the rear lot line, as measured along both side lot lines.[147]

Lot Line. A line dividing one lot from another, or from a street or any public place.[148]

Lot Line, Common. A lot line shared by adjacent lots.[149]

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.[150]

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.[151]

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.[152]

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

[144] Definition simplified to remove exceptions for old-pre-existing lots, which are now covered by standard nonconforming lot provisions in Chapter 29-5.
[145] New form-based definition.
[146] New form-based definition.
[147] Revised for clarity since Module 2.
[148] Revised definition since Module 3 to align with IBC 2012.
[149] New form-based definition. Revised since Module 3 to clarify this is not limited to private lots.
[150] Revised for clarity since Module 2.
[151] Revised for clarity since Module 2.
[152] Revised for clarity since Module 2.

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.[153]

*Managed Lawn Areas. M*eans 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.[154]

Manufactured Home. For purposes of floodplain regulations, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "Manufactured Home" also includes park trailers, travel trailers, Mobile Homes, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "Manufactured Home" does not include recreational vehicles, travel trailers, Mobile Homes, and other similar vehicles. [155]

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.[156]

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.

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[153] New definition for existing, undefined use.
[154] New definition to clarify distinction between HUD-compliant and non-HUD-compliant manufactured homes. This definition no longer includes Mobile Homes.
[155] 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.
[156] Definition revised to refer to an area within a manufactured home park, rather than a parcel of land.

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.[157]

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.[158]

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.[159]

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.[160]

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.[161]

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

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[157] New definition, based on existing, undefined uses that have been combined. Revised to clarify exclusion of primarily retail establishments in response to comments.
[158] New definition for existing, undefined use.
[159] New definition to clarify distinction between HUD-compliant and non-HUD-compliant manufactured homes.
[160] New definition added since prior draft in response to public comment.
[161] New definition, revised since prior draft in response to public comment.

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).[162]

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

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

Office. A room or group of rooms used for conducting the affairs of a business, profession, government, or service industry. Examples include professional services such as lawyers, accountants, engineers, architects, planners, accountants, insurance agents, brokers, consultants, or real estate agents; data processing; sales offices; artists; writers; physicians, dentists, chiropractors or other licensed medical professionals, including outpatient treatment of alcohol and drug abuse. This use does not include facilities meeting the definition of a Research Laboratory or any facility where display, sales or rental of goods occurs on more than an incidental basis related to the primary office function.[163]

Open Area. See "Private or Public Open Area."[164]

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, race tracks, fairgrounds, commercial picnic grounds, commercial fishing lakes, commercial stables, outdoor stage and concert facilities, gun clubs, skeet,

[162] New cross-reference.
[163] 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.
[164] New form-based definition; revised since Module 3 to clarify that it can also include public open areas.

trap, or target ranges, commercial golf courses, miniature golf courses, and commercial swimming pools.[165]

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.[166]

Parking Garage. A building designed for storage of motor vehicles.[167]

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.[168]

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.[169]

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.[170]

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.[171]

Patio. A hard-surfaced area accessory to the primary 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 primary structure or use, and not designed or intended for occupancy by automotive vehicles.[172]

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[165] New definition.
[166] New form-based definition.
[167] Revised from “Garage, private” in prior draft.
[168] New definition.
[169] New form-based definition.
[170] Definition added since Module 3.
[171] New definition.
[172] New definition.

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.[173]

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.[174]

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.[175]

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. Outdoor storage, display, or service areas are not permitted. 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; cleaning, pressing, and dying establishments; coin-operated laundries; photographic service shops and studios; repair of household appliances; shoe repair shops, garment storage facilities, rental service, and bicycle repair shop uses.[176]

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.[177]

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.[178]

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

[173] Current Sec. 29-25(j).
[174] New form-based definition.
[175] Revised since Module 3 to confirm this does not apply to floodplain regulations.
[176] New definition.
[177] New definition.
[178] New definition.

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).[179]

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.[180]

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.[181]

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 minimum stormwater Best Management Practice area (if thereby excluding active tenant use), parked or driven upon (except for emergency access).[182]

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.[183]

Private Street. A vehicle accessway that provides access to more than four (4) lots, and that is not itself a public right-of-way.[184]

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.[185]

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.

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[179] New term.
[180] New form-based definition.
[181] Revised since Module 2 to help clarify the distinction between a private drive and a street. Limit of 4 lots has been added.
[182] New form-based definition. Revised since Module 3 to clarify that public open space is included.
[183] New definition.
[184] New definition since Module 3.
[185] New definition per staff request.

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.[186]

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.[187]

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.[188]

Public Utility Services, Major. Buildings and facilities for the provision and distribution of public utilities, including without limitation water, sewer, storm drainage, electric, and gas services, by a regulated utility or a public or quasi-public entity, of a size and scale found only in scattered sites throughout the City. This use includes but is not limited to electric transmission lines over 100 kV, electric power substations, gas substations, regional stormwater drainage facilities, water treatment plants, sewer treatment plants, and public utility service centers.[189]

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.[190]

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.

Registered 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.

[186] New definition.
[187] New definition.
[188] New definition.
[189] New definition. Revised from 150kv in prior draft to comply with industry standards, responding to comment.
[190] New definition based on existing use and description.

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.[191]

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.[192]

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.[193]

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.[194]

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

[191] New form-based definition.
[192] New definition that expands on undefined "church, mosque, and synagogue" uses.
[193] New definition based on § 67.5092(12), R.S.Mo. (2014)
[194] New form-based definition.

and equipment not intended for sale directly to the public, but may include incidental sales of goods produced on site to the public.[195]

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 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).[196]

Restaurant. An establishment, including cafes and cafeterias, where food and drink are prepared, served, and consumed, primarily within the principal building.[197]

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.[198]

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.[199]

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.[200]

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.

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[195] 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.

[196] 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.

[197] 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).

[198] 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.

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

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

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.[201]

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

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

Setback or Building Line. A line specifically established upon the plat or established by the zoning ordinance that identifies an area into which no part of a building shall project except as provided by the zoning ordinance. A setback or building line is generally measured from the property line.[202]

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.[203]

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

[201] New definition based on existing, undefined use.
[202] Clarification of measurement added since prior draft, in response to public comment.
[203] New form-based definition.

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.[204]

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.[205]

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.[206]

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.[207]

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.[208]

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

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

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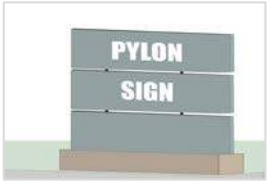
[204] New definition.
[205] Revised to clarify that directional material cannot be included on sign.
[206] "Portable sign" term revised to "Mobile sign." The existing defined "sandwich board" term has been deleted.
[207] Revised per staff request to clarify sign base minimum width.
[208] New definition.

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. [209]



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.[210]

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.[211] 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).[212]

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.[213]

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

*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.

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[209] New sign graphic.
[210] Revised to include the current definition of a "painted wall surface sign."
[211] "Sign" added to definition term.
[212] Currently 23-24.1.
[213] New form-based definition.

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.[214]

Small Apartment Building. See "Townhouse/Small Apartment Frontage Building."[215]

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)).

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.[216]

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.)[217]

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.[218]

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[214] New form-based definition.
[215] New form-based definition.
[216] Two existing definitions of this term in floodplain regulations combined. Revised since Module 3 to align with IBC 2012.
[217] New form-based definition.

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

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

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

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

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

Stormwater Management and Water Quality Manual. The manual described in 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. [219]

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.[220]

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.

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[218] New definition. Items prohibited from storage in current code are now permitted in the IG district through use-specific standards.
[219] Revised definition since Module 3 to align with IBC 2012.
[220] Revised since Module 3 to accompany "*Basement*" definition from IBC 2012.

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

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

Street, Collector. A street that provides for traffic movement between arterials and local streets.[221]

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.[222]

Street, Terminal.[223] 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.[224]

Street Frontage. That portion of the lot or building that is coincident with the Required Building Line as required by this Code.[225]

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.[226]

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.[227]

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.[228]

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.[229]

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

[221] Revised since Module 2 to remove implication that direct access to abutting properties is always allowed.
[222] Revised from 2 or more lots since Module 2 to align with revised definition of Private Drive.
[223] Revised to clarify that all terminal streets are not cul-de-sacs.
[224] Revised to align with current transportation plan language.
[225] New form-based definition.
[226] New form-based definition.
[227] New form-based definition.
[228] New form-based definition.
[229] New form-based definition.

criteria in the Form District giving equal weight to the lighting of the pedestrian areas and the automobile areas.[230]

Structure. For all purposes except floodplain regulations, *a*nything 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 walls[231]

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.[232]

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.

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[230] New form-based definition.

[231] 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).

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

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
- 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 feet[233]

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

[233] New definition based on § 67.5092(13), R.S.Mo. (2014).

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

Temporary Construction Office or Yard. A facility or area used as a temporary field construction office or temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures, or infrastructure.[234]

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.[235]

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.[236]

Theater, Drive-in. An open lot, with its appurtenant facilities, such as concession stands and restrooms, where patrons view movies from inside their vehicles.[237]

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.[238]

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.[239]

Tract. An area, parcel, site, piece of land, lot, or property.[240]

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.[241]

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

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[234] New definition to describe new temporary use category.
[235] New definition to describe new temporary use category.
[236] New definition.
[237] New definition based on existing land use.
[238] Revised definition since Module 3 to align with IBC 2012.
[239] New form-based definition.
[240] New definition to help clarify the term “tract split.”
[241] Revised to align with current transportation plan language.

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

Tree or Landscaping Service. The business activities and equipment storage requirements associated with landscaping design, installation, and maintenance services, including landscape design and contractor offices, landscaping materials stores, and related tool and equipment rentals.[242]

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.[243]

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.[244]

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.[245]

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[242] New definition to describe new land use retitled from existing "tree trimming service."
[243] New form-based definition.
[244] New definition for new use.
[245] New form-based definition.

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.[246]

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.[247]

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.[248]

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.[249]

Use, Retail. Includes the following:[250]

- *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.[251]

Veterinary Hospital. A hospital or facility where domesticated animals or fowl are treated, kept, cared for, bred or boarded, including but not limited to animal pounds, animal shelters, and kennels.[252]

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

[246] New form-based definition.
[247] New form-based definition. Revised to align with Permitted Use Table categories singe Module 2.
[248] New form-based definition. Revised to align with Permitted Use Table categories singe Module 2.
[249] New form-based definition. Revised to align with Permitted Use Table categories singe Module 2.
[250] New form-based definition. Revised to align with Permitted Use Table categories singe Module 2.
[251] New definition.
[252] New definition based on existing use description.

compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

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.[253]

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.[254]

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 merchandize for, or selling merchandise to, such individuals or companies. This use does not include the storage and distribution of this wholesale merchandise.[255]

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

[253] Definition revised to distinguish from sidewalks based on public comment.
[254] New form-based definition.
[255] New definition to allow off-site sales offices and showrooms associated with the business.

system which has a nameplate rated capacity of up to one hundred (100) kilowatts and is incidental and subordinate to a principal use on the same parcel.

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

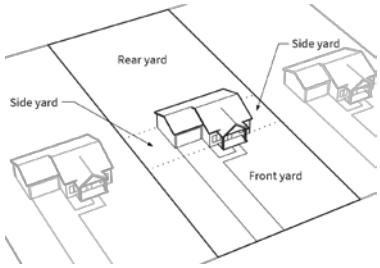
Wind Energy Conversion System, Noncommercial. A WECS of less than one hundred (100) kW in total nameplate generating capacity that is not operated on a for-profit basis. A WECS that is interconnected with the pertinent electric utility or that receives credits or rebates for energy transmitted to the 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.[256]

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.[257]



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.[258]

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.[259]

[256] Revised definition since Module 3 to align with IBC 2012.
[257] New definition.
[258] New definition.
[259] New definition.

(b) Rules of Construction[260]

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.

[260] New section since Module 2.

Chapter 29-2 Zoning Districts[261]

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.[262]

29-2.1 Summary Table

Table 29-2.1: Columbia, Missouri, Zoning Districts[263]	
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

[261] Materials from Section29-4 (Districts established) and Sections 29-6 to 29-22 (identifying each existing district), with changes discussed in Annotated Outline.
[262] New provision reflecting current practice.
[263] Replaces table in current Section 29-3.

Table 29-2.1: Columbia, Missouri, Zoning Districts[263]	
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[264]	
Wind Energy Conversion Systems	

[264] 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 District[265]

Purpose[268]

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. 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).[269]

TABLE 29-2-2
R-1 DISTRICT DIMENSIONAL STANDARD SUMMARY[266]

LOT STANDARDS	
Minimum lot area	7,000 sq. ft.
Minimum lot area if no public or community sewer available[267]	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.	

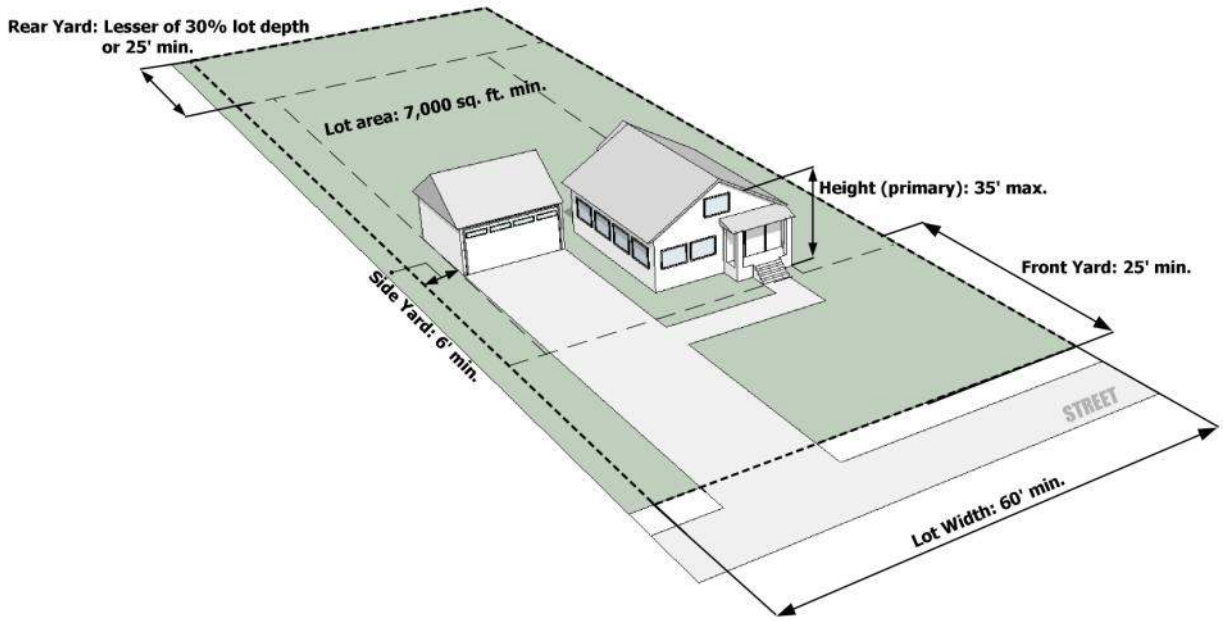
Examples

Insert Picture of R-1 homes

Insert Picture of R-1 homes

[265] Content from current Section 29-6.
[266] 650 sf min. size for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.
[267] New standard since Module 1 to address gap in Code.
[268] Revise to reflect the goals in *Columbia Imagined.*
[269] 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 District[270]

Purpose[275]

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 primary structure is allowed per lot; two or more single-family detached dwellings are not permitted on a single lot.[276]

TABLE 29-2-3
R-2 DISTRICT DIMENSIONAL STANDARD SUMMARY[271]

	Current	Cottage[272]
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[273]
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[274]
Maximum height of nonresidential building	75	75

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

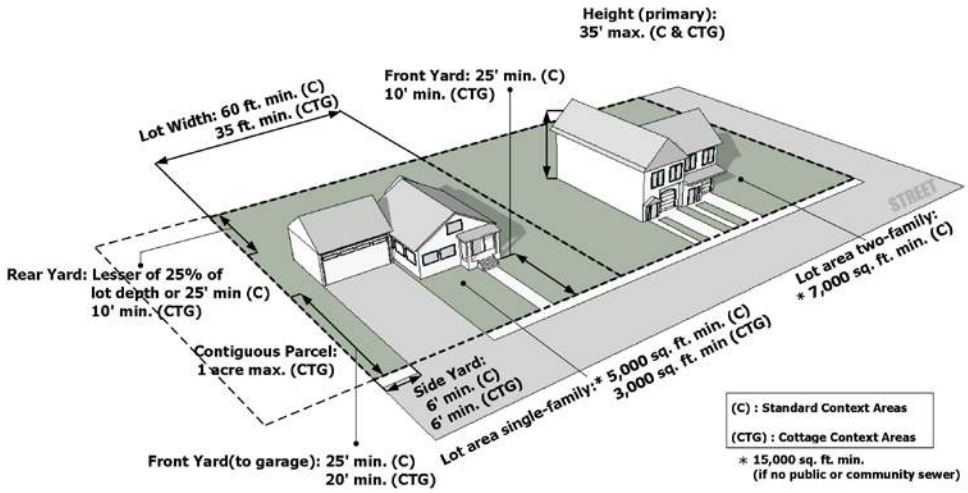
Examples

Insert Picture of R-2 homes

Insert Picture of cottage development

[270] Content from current Section 29-7.
[271] Min floor areas for dwelling units deleted. See Sec. 29-4.1 for description of other changes from current Code.
[272] All Cottage standards are new.
[273] Revised from 4 ft.
[274] Revised from 45 ft.
[275] Revised to reflect the goals of *Columbia Imagined* and recommendation for inclusion of land-efficient cottage development from the Annotated Outline.
[276] Clarification added since Module 3.

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.

(3) R-MF Multiple-Family Dwelling District[277]

Purpose[287]

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 29-2-4[278]
R-MF DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area – one-family	5,000 sq. ft.[279]
Minimum lot area – two-family	7,000 sq. ft.[280][281]
Minimum lot area – multi-family	2,500 sq. ft. per du[282]
Minimum lot area – sorority or fraternity	N/A[283]
Minimum lot area -- CRCC	N/A, But Max Density is 17 du/ac
Minimum lot width at building line	60 ft.[284]
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.[285][286]

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

Examples

Insert Picture of R-MF homes

Insert Picture of R-MF multi-family development

[277] Combines content from current Sections 29-8 and 29-9.
[278] 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.
[279] Revised from 7,000 sq. ft.
[280] Reduced from 7,000 sq. ft.
[281] Revised from 5,000 sq. ft.
[282] 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.
[283] Revised from 15,000 sq. ft.
[284] "100 ft. if adjacent to R-1 or R-2" has been removed.
[285] Revised from 35 ft. in current R-3 areas;
[286] Revised from 45 ft.
[287] 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 District[288]

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).[292]

TABLE 29-2-5
R-MH DISTRICT DIMENSIONAL STANDARDS

SITES AND STRUCTURES	
Minimum area of each home site	3,750[289 290]
Minimum lot width	45 ft.[291]
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.

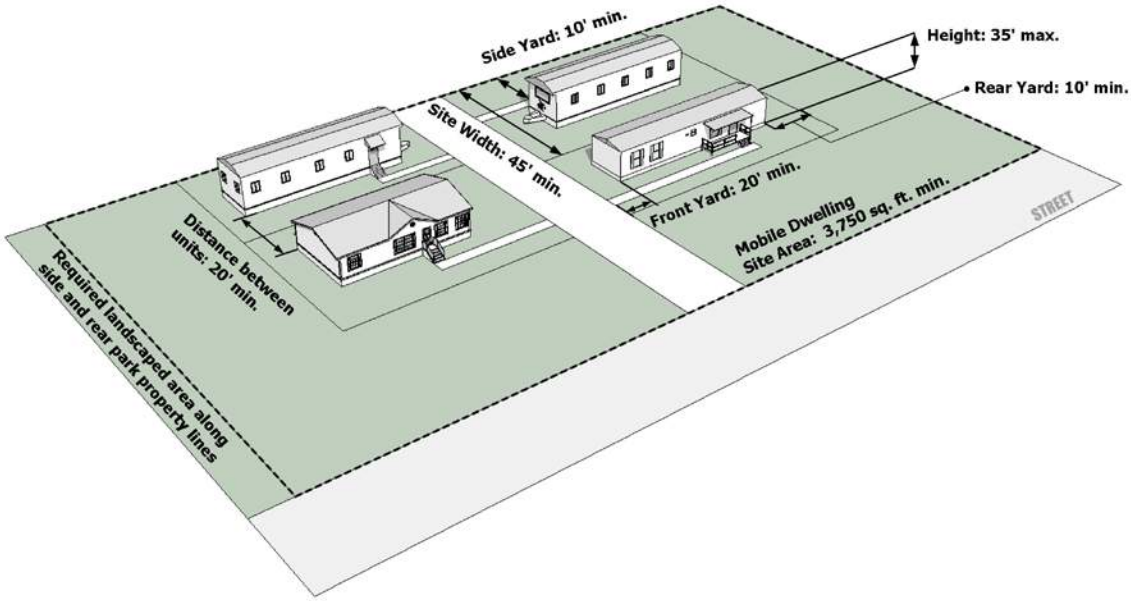
Examples

Insert Picture of R-MH homes

Insert Picture of R-MH homes

[288] Material from current Section 29-11.
[289] Reduced from 4,050 in current Code.
[290] Revised from 2,500 sq. ft.
[291] "100 ft. if adjacent to R-1 or R-2" removed.
[292] Revised to reflect the goals of *Columbia Imagined* and to match structure of other purpose statements.

Illustration



Other Standards[293]

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.[294] 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.

[293] Materials from current Section 29-11(d)(3). Sight triangle requirement deleted because now addressed by standard Citywide requirement.
[294] 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.[295]
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 points[296].
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.[297]
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.

[295] Standard revised to allow for private streets if private street maintenance is provided.
[296] Reworded for clarity, and standard to guide Director's decision added.
[297] 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 (¼) acre in size for each twenty-five (25) manufactured homes proposed.
19. No mobile home (as opposed to a manufactured home) shall be placed within any R-MH district established after January 17, 1995, unless a seal issued by the Missouri Public Service Commission is attached to the mobile home certifying that the mobile home was brought up to or otherwise meets the requirements of the code of standards relating to manufactured homes adopted by the Public Service Commission.[298]

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.

[298] Reworded to reflect new definitions.

(b) Mixed Use Districts[299]

(1) M-OF Mixed Use – Office District[300]

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).[302]

TABLE 29-2-6[301]
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.

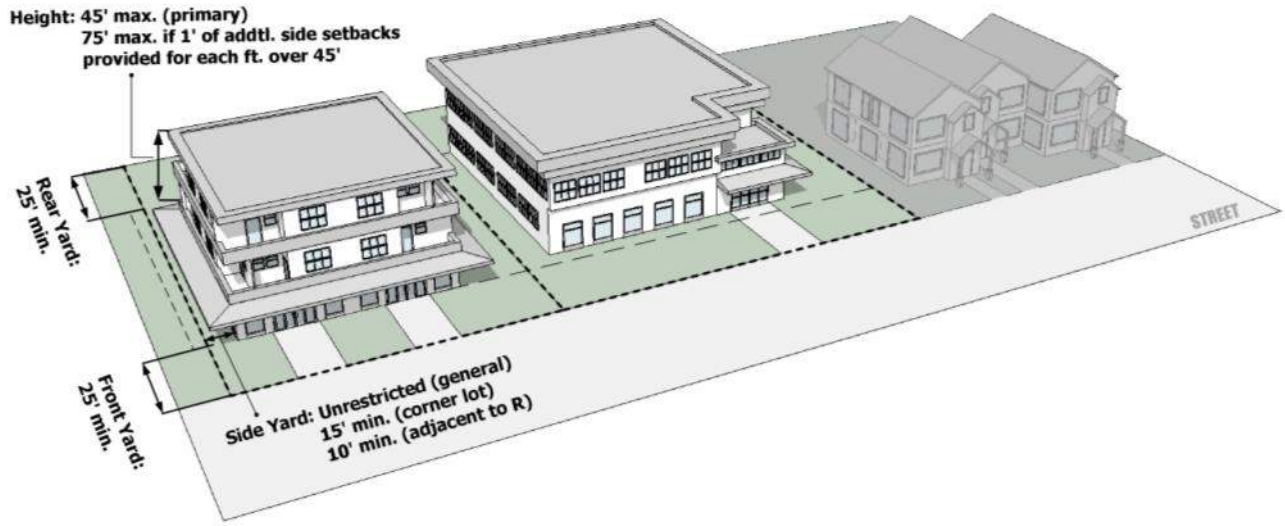
Examples

Insert Picture of M-OF development

Insert Picture of M-OF development

[299] New category containing those districts that allow a mix of residential and non-residential primary uses.
[300] Consolidates current O-1 and O-2 standards in Sections 29-12 and 29-13.
[301] Provision allowing height increase to 75 ft. deleted. See Sec. 29-4.1 for other changes from current Code.
[302] 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 District[303]

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 29-2-7[304]
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.	O 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.

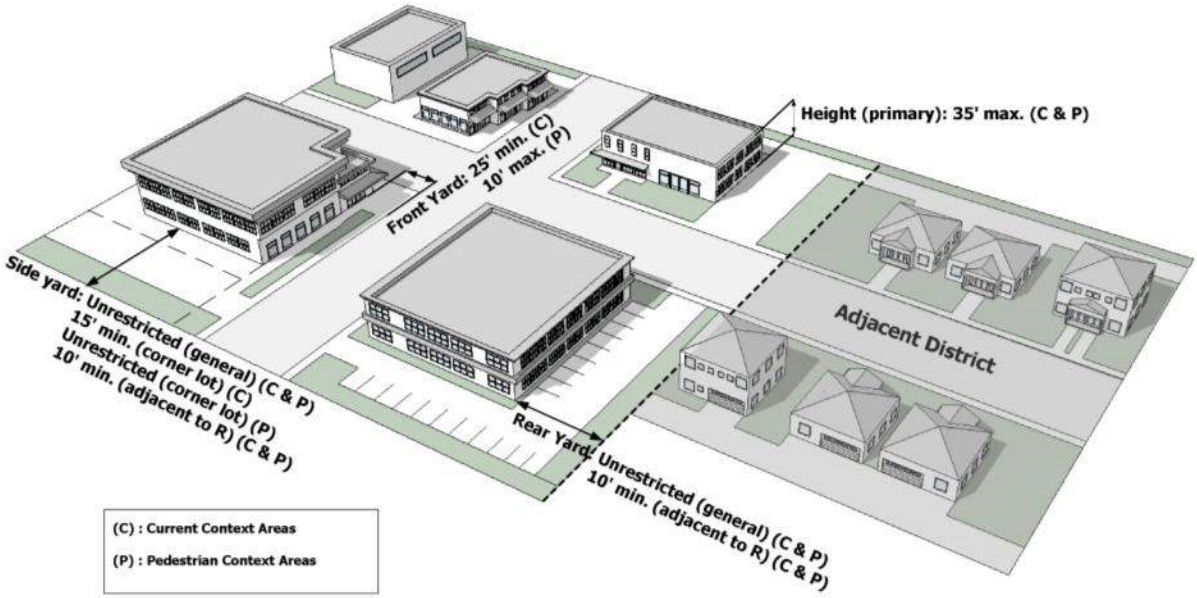
Example

Insert Picture of M-N auto-oriented development

Insert Picture of M-N pedestrian development

[303] 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.
[304] No changes to this table since Module 1.

Illustration



Other Standards[305]

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). [306]
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.

[305] New standards, per the Annotated Outline.
[306] 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 District[307]

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).[316]

TABLE 29-2-8[308]
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 [309]	25 ft.	0 ft.
Maximum depth of front yard[310]	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[311]	20 ft.	20 ft.
Minimum depth of rear yard - general	0 ft.	O ft.
Minimum depth of rear yard - adjacent to R district[312]	20 ft.[313]	20 ft.[314]
Maximum height of primary building[315]	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.

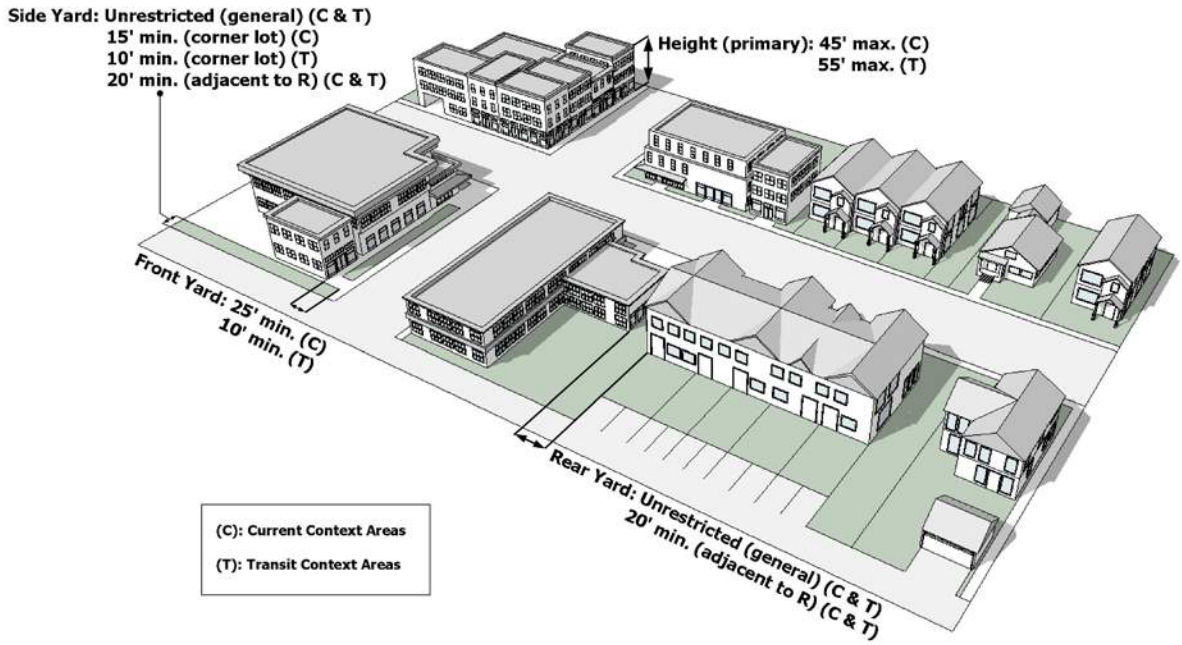
Examples

Insert Picture of M-C development

Insert Picture of M-C development

[307] Replaces current C-3 district. Material from current Section 29-16 with changes as noted.
[308] Higher development intensity permitted in current and potential transit-supportive nodes, as referenced in the Annotated Outline.
[309] Transit standard revised from 10 ft. to 0 ft. since Module 1.
[310] New row since Module 1.
[311] Revised from 10 ft. in Module 1.
[312] Revised from 10 ft. in Module 1.
[313] Revised from 10 ft.
[314] Revised from 10 ft.
[315] Provision allowing increased heights for increased setbacks deleted since Module 1.
[316] Revised to reflect the goals of *Columbia Imagined* and recommendations in the Annotated Outline.

Illustrations



Other Standards[317]

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.[318]
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). [319]

[317] New standards, per the Annotated Outline.
[318] Revised from 20 ft. in prior draft, in response to comment, to prevent any portion of setback area from accommodating parking.
[319] 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 District[320]

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).

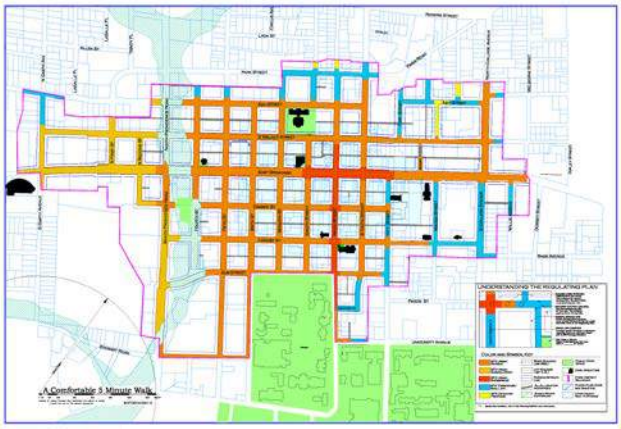


Figure 29-2-9: M-DT Regulating Plan

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.

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

(5) M-BP Business/Industrial Park District[321]

Purpose

The purpose of the M-BP district is to accommodate a mix of commercial light industrial, institutional, 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, institutional, and multi-family uses are permitted, as listed in Table 29-3.1 (Permitted Use Table).[327]

TABLE 29-2-10[322]
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.[323]
Minimum width of side yard – adjacent to residential district[324]	20 ft.
Minimum depth of rear yard – general	O ft.
Minimum depth of rear yard – adjacent to residential district[325]	20 ft.
Maximum height of primary building [326]	45 ft.

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

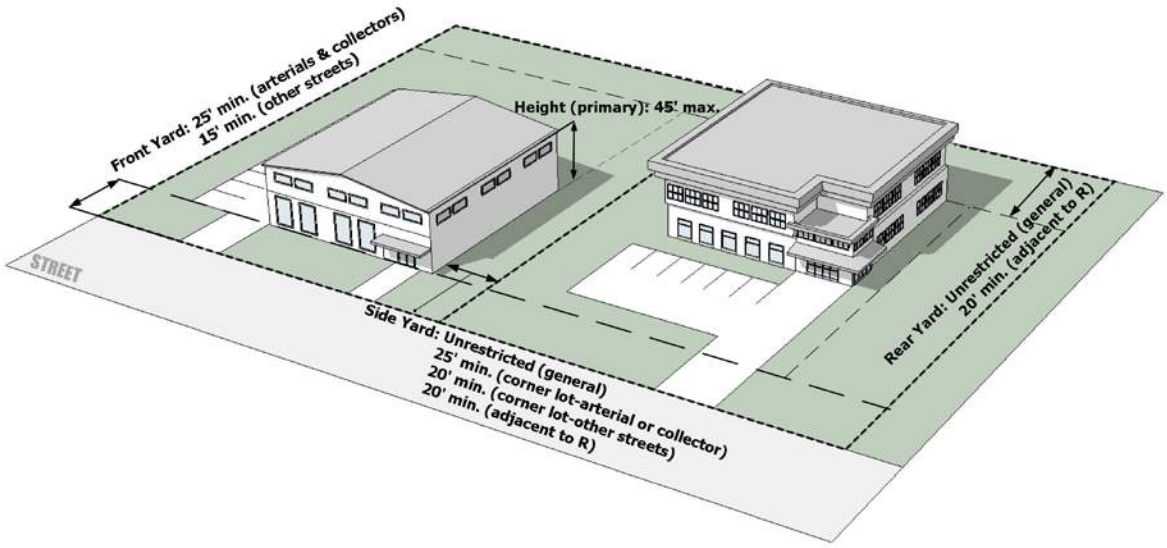
Example

Insert Picture of M-BP development

Insert Picture of M-BP development

[321] Material from current M-R district (Section 29-18), with changes as noted.
[322] See Sec. 29-4.1 for any additional changes to dimensional standards.
[323] Revised from 15 ft.
[324] Revised from 10 ft..
[325] Revised from 10 ft..
[326] Provisions for additional building height with additional setbacks were deleted.
[327] Revised for clarity, to emphasize flexibility, and to reflect the goals of *Columbia Imagined*.

Illustrations



Other Standards[328]

1. In addition to the standards of Section 29-4.5 (Landscaping and Screening), the following shall be required:[329]

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.[330]

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

[328] 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.
[329] Text allowing adjustments in landscaping and screening deleted because now covered in Section 29.4.5(h).
[330] 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.[331]

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.[332]

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.

[331] 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.

[332] The vague clause “provisions shall be made for pedestrian travel within the development” was deleted.

(c) Special Purpose Districts[333]

(1) IG Industrial – General District[334]

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).[340]

TABLE 29-2-11[335]
IG DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS[336]	
Minimum lot area	N/A
Minimum lot width at building line	N/A
BUILDING STANDARDS[337]	
Minimum depth front yard	25 ft.
Minimum width of side yard - general	0 ft.
Minimum width of side yard – adjacent to R district[338]	20 ft.
Minimum depth of rear yard	10 ft.
Minimum depth of rear yard – if adjacent to R district[339]	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.

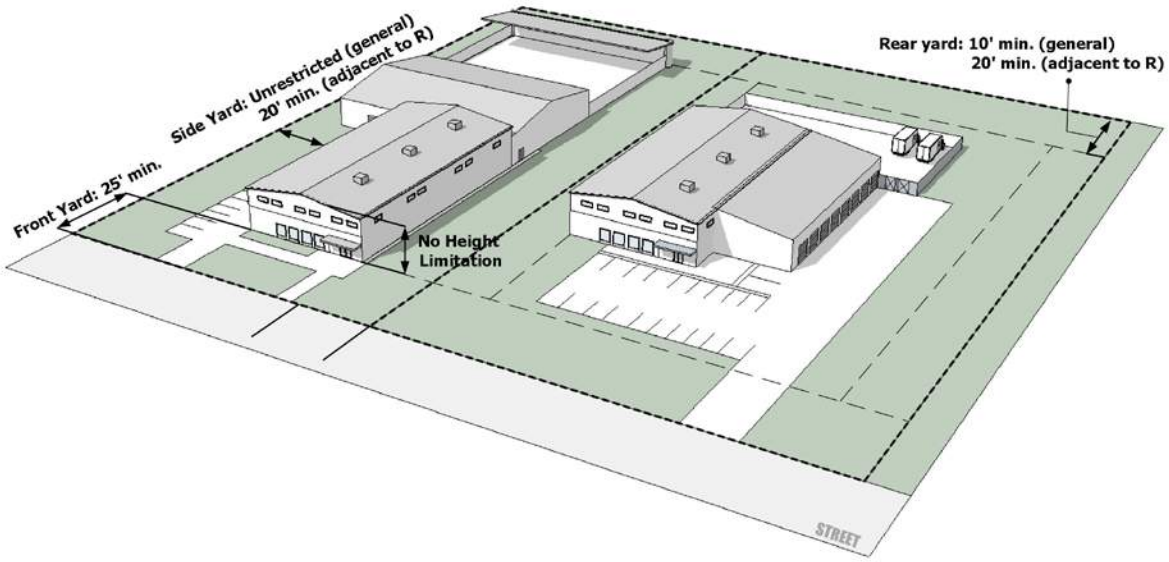
Examples

Insert Picture of IG development

Insert Picture of IG development

[333] New category of districts, including the I-G, A, O, and PUD.
[334] 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.
[335] See Sec. 29-4.1 for additional changes to dimensional standards.
[336] Minimum project size of 22,000 sq. ft. and min. lot width of 100 ft. from current M-C were not carried over.
[337] 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.
[338] Revised from 10 ft. in Module 1.
[339] New row since Module 1.
[340] Revised to integrate purpose statements from the three included zoning districts.

Illustration



Other Standards[341]

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.[342]

[341] 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.
[342] 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 District[343]

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.[348]

TABLE 29-2-12
A DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS[344]	
Minimum lot area for agricultural and non-residential uses	2.5 acres
Minimum lot area for residential use	N/A[345]
Minimum lot area if no public or community sewer available[346]	N/A[347]
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.

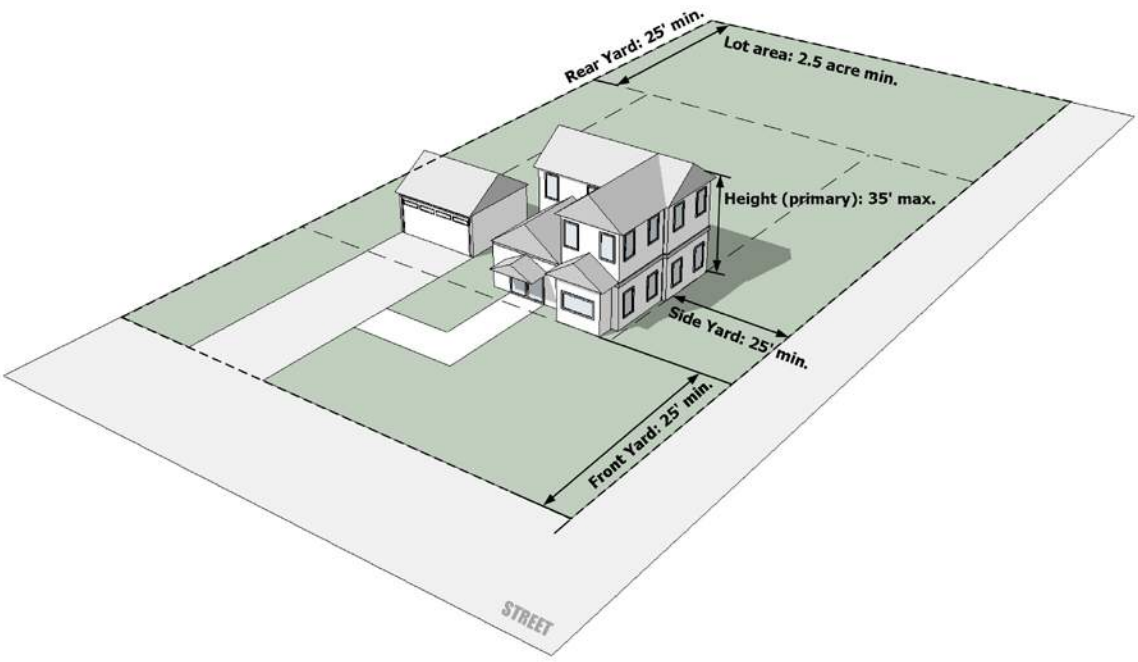
Example

Insert Picture of A development

Insert Picture of A development

[343] Carries over current A-1 district; materials are from current Section 29-21.
[344] 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.
[345] Revised from 7,000 sq. ft.
[346] New standard since Module 1 to address gap in Code.
[347] Revised from 15,000 sq. ft.
[348] 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.[349]

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

(3) O Open Space District[350]

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 29-2-13[351]
O DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area for agricultural uses	2.5 acres
Minimum lot area for non-agricultural uses[352]	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.

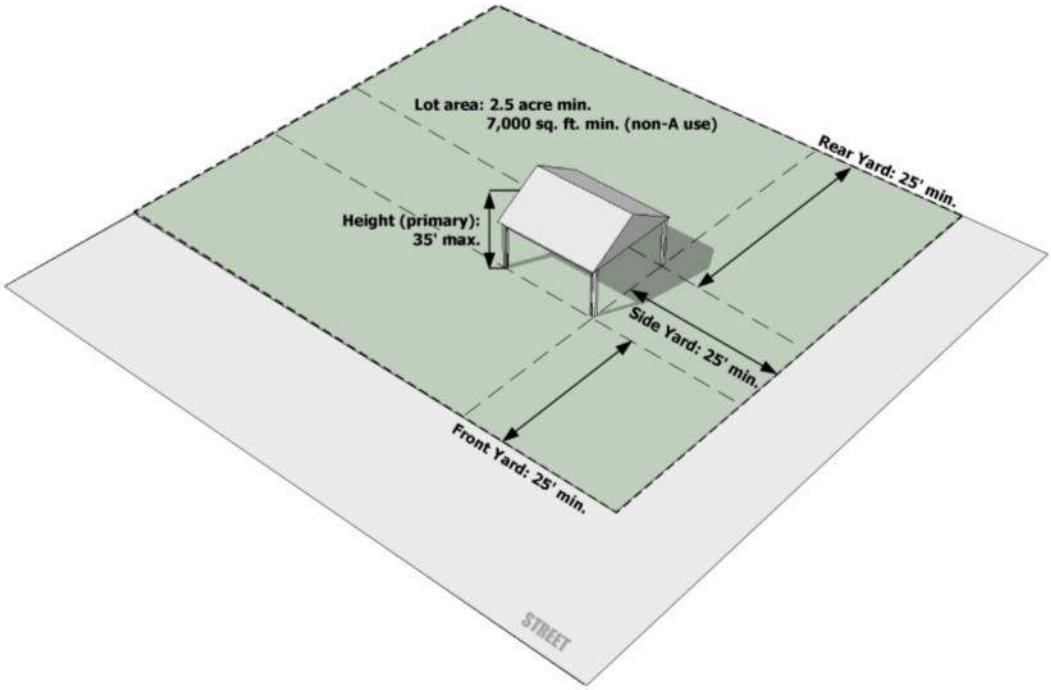
Example

Insert Picture of public open lands

Insert Picture of City park lands

[350] New district.
[351] See Sec. 29-4.1 for additional changes to dimensional standards.
[352] 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 Development[353]

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.[354]
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.

---

[353] 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.

[354] 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 Overlay[355]

(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.[356]

[355] 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.
[356] Last sentence added to clarify that approved UC-O provisions are binding on all development and redevelopment in the area.

(3) Approved UC-O Districts[357]

The following UC-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 UC-O affect the areas shown for that district below.

(i) Benton-Stephens Neighborhood UC-O

[357] New section.

(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 designated[358] 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).

[358] 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 Ordinance[359]

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;[360]

(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 Criteria[361]

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;[362]

(ii) District designation conforms to adopted City plans and policies; and[363]

(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 Overlay[364]

[359] 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.
[360] New provision to strengthen this tool.
[361] 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.
[362] 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.
[363] Drafting error corrected based on public comment.
[364] 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

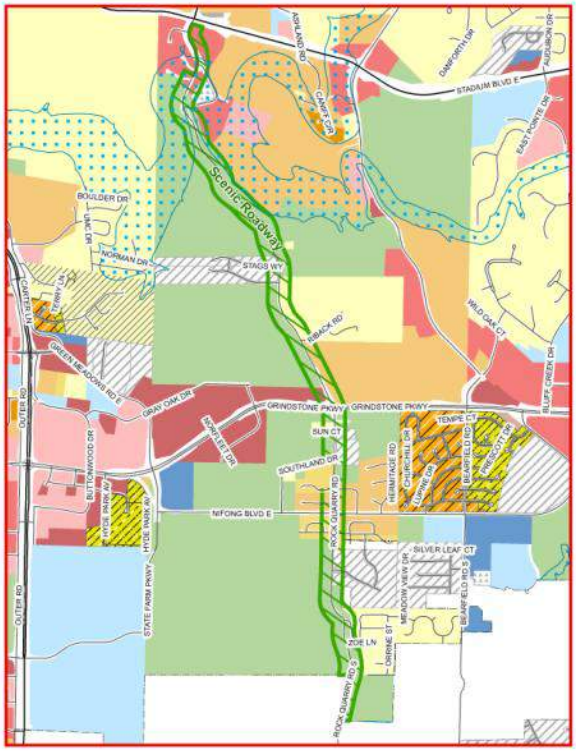
The minimum lot width at the right-of-way line of a designated scenic road for R-MF and nonresidential zoning districts shall be three hundred (300) feet.

(3) Approved SR-O Districts[365]

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.

[365] 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 Department[366] shall initiate a corridor study and planning process, to identify existing conditions, estimate future land use and transportation infrastructure needs, and work

[366] 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 Department[367] 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

[367] 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.[368]

(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 Overlay[369]

(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

[368] Last phrase has been added.
[369] 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 or 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) Applicability[370]

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

[370] 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. [371]

(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. [372]

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[371] 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.
[372] 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).[373] 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)

[373] 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 Overlay[374]

(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)

[374] 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)[375] for Boone County, Missouri on map panels 29019C0165D, 29019C0170D, 29019C0190D, 29019C0260D, 29019C270D, 29019C0280D, 29019C0285D, 29019C0290D, 29019C0295D, 29019C0325D, 29019C0335D and 29019C0355D as A

[375] 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 Public Works under such safeguards and restriction as the Director of Public Works 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 Public Works 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 Public Works 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 Public Works 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 Public Works is hereby appointed to administer and implement the provisions of this section. Duties of the Director of Public Works 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 Public Works shall be presented certification from a registered professional engineer or architect.

(7) Application for Permit

To obtain a Floodplain Development Permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

(i) Identify and describe the work to be covered by the Floodplain Development Permit.

(ii) Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

(iii) Indicate the use or occupancy for which the proposed work is intended.

(iv) Be accompanied by plans and specifications for proposed construction.

(v) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

(vi) Give such other information as reasonably may be required by the Director of Public Works.

(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 Area [376]

(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 Procedures[377]

(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;

[376] Renamed from Floodway District Overlay because this is an area within an overlay district.
[377] 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.[378]

(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

[378] 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 Uses[379]

29-3.1 General

The Permitted Uses and Conditional Uses in each zone district are indicated in Tables 3.2 and 3.3 below. Additional uses of property or restrictions on the use of property may be contained in Section 29-2.2 (Base Zoning Districts), or in an Overlay zone district applicable to the property in Section 29-2.3. If the property is located in a PD (Planned Development) zone district, the permitted uses and any conditions on those permitted uses are contained in the rezoning ordinance and related documents for that property on file with the Department.

(a) A "P" in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted by-right in that zone district, subject to compliance with the Use-specific Standards in the right-hand column of that line of the table.

(b) A "C" in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted only after the applicant obtains Conditional Use approval pursuant to Section (Conditional Use Permit), and subject to the Use-specific Standards in the right-hand column of that line of the table.

(c) An "A" in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is only permitted as an accessory to a Permitted use or an approved Conditional use on the same property, and subject to the Use-specific Standards in the right-hand column of that line of the table.

(d) A "T" in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted subject to a Temporary Use Permit issued pursuant to Section 29-5, and subject to the Use-specific Standards in the right-hand column of that line of the table.

(e) A blank cell in the Permitted Use Table in Section 29-3.2 indicates that the use is not permitted in that zone district.

(f) A development may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either a Permitted Use or a Conditional Use in that zone district, that a Conditional Use Approval is obtained for any Conditional Use, all Use-specific Standards applicable to each use are met, the development complies with all applicable density, dimensional, impervious surface, development, and performance standards.[380]

(g) The Director has the authority to interpret whether a proposed land use is included within a listed land use shown in the Permitted Use Table in Section 29-3.2 based on its scale,

[379] 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.
[380] New provision.

character, traffic impacts, storm drainage impacts, utility demands, and potential impacts on surrounding properties.[381]

(h) Each use that exists on [Effective Date of this Code] that is required by this Code to obtain Conditional Use Approval, but that was a Permitted Use (without the need for Conditional Use Approval) prior to [Effective Date of this Code] is deemed to have a Conditional Use Approval to (a) continue operation in structures and on land areas where the operation was conducted on [Effective Date of this Code] and (b) to expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-specific Standards and other requirements of this Code.[382]

(i) All uses required by the State of Missouri to have an approval, license, or permit to operate issued by the State or by another public or quasi-public or regulatory agency are required by the City of Columbia to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this Code.[383]

29-3.2 Permitted Use Table[384]

[381] New provision to reflect current practice.
[382] New provision to simplify transition to the new code.
[383] 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.
[384] 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[385]	IG	A	O	PD	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2[386]	C-1	C-3	C2	M-R	M-C, M-1, & M-U[387]	A-1		PUD, O-P C-P, M-P	
LAND USE CATEGORY														
RESIDENTIAL USES														
Household Living														
Dwelling, One-family Detached[388]	P	P	P	P	P	P					P		Per PD Approval	0
Dwelling, One-family Attached[389]		P	P		P	P								(b)
Dwelling, Two-family[390]		P	P		P	P								
Dwelling, Co-housing Project[391]			P		P			P						(c)
Dwelling, Live-work[392]			P		P	P	P	P						(d)
Dwelling, Multi-family[393]			P		P	P	P	P	P					(e)
Manufactured Home Park[394]				P										

[385] 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.
[386] 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.
[387] 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.
[388] Use no longer available in the M-C, M-DT, or M-BP districts because low density not compatible with zone.
[389] 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.
[390] 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.
[391] New use. All designations are new.
[392] New use. All designations are new.
[393] 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[385]	IG	A	O	PD	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2[386]	C-1	C-3	C2	M-R	M-C, M-1, & M-U[387]	A-1		PUD, O-P C-P, M-P	
LAND USE CATEGORY														
Second Primary Dwelling Unit[395]											C			(f)
Group Living[396]														
Boarding House [397]			P		P	P	P	P	P				Per PD Approval	
Continuing Care Retirement Community			P		P	P	P	P	P					(g)
Dormitory/Fraternity/Sorority			P		P	P	P	P	P					
Group Home, Large[398]			P		P	P	P	P	P					(h)
Group Home, Small[399]	P	P	P	P	P	P	P	P	P		P			(h)
Halfway House			C		C	C	C	C						(i)
Residential Care Facility[400]					P	P	P	P	P					
Temporary Shelter			C											(j)
PUBLIC and INSTUTUTIONAL USES														
Adult and Child Care														
Adult Day Care Center[401]		P	P		P	P	P	P	P				Per PD	
Family Day Care Center	P	P/C	P	P	P	P	P	P	P		P			(k)

[394] 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.
[395] Name clarifies that this includes a second Primary dwelling unit – as opposed to an Accessory Dwelling Unit.
[396] Group Home for Foster Care was deleted. Foster care placements is now addressed in the definition of a Family.
[397] Retitled from "Boardinghouses and Lodging Houses". This changes from prohibited to a P use in current 0-2.
[398] 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.
[399] 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.
[400] Removed from IG since prior draft in response to public comment.
[401] Renamed from Adult Day Care Home to clarify that this is a less-than-24-hour-a-day facility. Added as P use to R-2 district.

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

[402] 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.
[403] Replaces current Publicly Owned and Operated Community Building. Deleted from R-MH since prior draft in response to comment.
[404] Relocated from Accessory Use subcategory in Module 1.
[405] 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.
[406] Combines current "Funeral Home", "Crematory", and "Mortuary" uses. This would now be a C use on O-2 lands.
[407] 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.
[408] 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.
[409] Combines current "Government buildings and facilities" and "Public administrative buildings".
[410] 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.
[411] Renamed from "Churches, Mosques, and Synagogues" and "Churches and Synagogues" to be more general. Inconsistency in current code resolved in favor of C (not P) use in M-BP district.

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP[385]	IG	A	O	PD	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2[386]	C-1	C-3	C2	M-R	M-C, M-1, & M-U[387]	A-1		PUD, O-P C-P, M-P	
LAND USE CATEGORY														
Communication Antenna or Tower as a Principal Use	See 29-3.3(p)												Per PD Approval	(p)
Public Utility Services, Major[412]	C	C	C	C	C	P	P	P	P	P	P	P		
Public Utility Services, Minor[413]	C	C	C	C	P	P	P	P	P	P	P			
Wind Energy Conversion System (WECS) as a Principal Use[414]	See 29-3.3(p)													(q)
COMMERCIAL USES[415]														
Agriculture & Animal-Related[416]														
Agriculture[417]											P		Per PD Approval	
Farmer's Market[418]	T	T	T		T	P	P		P	P	P	P		
Greenhouse or Plant Nursery[419]							P			P	P			
Pet Store or Pet Grooming [420]						P	P	P	P	C				
Urban Agriculture[421]			C		P	P	C	C			P			(r)
Veterinary Hospital[422]					C	C	P	P		P				(s)
Food & Beverage Service														

[412] 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.
[413] 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.
[414] From current Section 29-21.5.
[415] Renamed from Commercial and Industrial Uses since Module 2, since Industrial Uses now has its own category.
[416] The current "Slaughterhouse" use (permitted in current M-1) district, has been deleted.
[417] Combines current "Agriculture" use with "Chick hatcheries".
[418] New use, per *Columbia Imagined*.
[419] 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.
[420] 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.
[421] New use.
[422] Combines current "Veterinarian hospitals, pounds and kennels", "Small animal hospital (if within an enclosed building)", and "kennel" uses.

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP[385]	IG	A	O	PD	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2[386]	C-1	C-3	C2	M-R	M-C, M-1, & M-U[387]	A-1		PUD, O-P C-P, M-P	
LAND USE CATEGORY														
Bar or Nightclub[423]							P	P					Per PD	
Restaurant[424]						P	P	P	P					(t)
Guest Accommodations														
Bed and Breakfast [425]			C			P	P	P					Per PD Approval	(u)
Hotel[426]							P	P	P	P				
Travel Trailer Park[427]							C				C			
Office														
Commercial or Trade School[428]					P	P	P	P	P	P			Per PD Approval	(v)
Office[429]					P	P	P	P	P	P				
Research and Development Laboratory[430]					P	C	P	P	P	P				(w)

[423] Renames current "Bars, cocktail lounges, and nightclubs" use. Deleted from IG district since prior draft in response to comment.
[424] 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.
[425] 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.
[426] 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.
[427] Added as C use to M-C since prior draft in response to public comment.
[428] 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.
[429] 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.
[430] Combines current "Research and development laboratories", "Research and development laboratories (minimal use of hazardous materials", "Testing laboratory", and Medical laboratory" uses. Hazardous materials restrictions are now in use-specific standards. Testing laboratories would now be added as a C use in M-N and a P use on M-OF and M-DT lands. Medical laboratories would now be added a P use in M-N, M-C, M-P, M-BP, and IG districts.

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

[431] 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.
[432] Deleted since prior draft in response to comment.
[433] Retitled from "Tree trimming service." Requirement for screening of service vehicles in the M-C district is replaced by general screening and buffering standards.
[434] 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.
[435] 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.
[436] Title and definition revised to include adult theaters as well as live entertainment, and to allow alignment with recent state law amendments.
[437] Combines current "Amusement Parks, Commercial Baseball or Other Athletic Fields, Race Tracks, or Fairgrounds", "Commercial Picnic Grounds and Fishing Lakes", "Commercial Stables", "Outdoor Stage and Concert Facilities", "Gun Clubs and Skeet, Trap, or Target Ranges", "Commercial Swimming Pool", "Miniature Golf Courses or Driving Ranges", and "Private Golf Courses and Country Clubs" into a more general category. Allows a wider variety of outdoor recreation/entertainment on the current C-3, M-C, M-1, PUD and M-P lands. The current "Sports and Recreational Facilities (including accessory retail and concession stands)" – currently undefined and a P use on current M-R, M-C, M-1 and PD MP lands -- was deleted because it was not distinguishable from other outdoor recreation/entertainment uses. Added as C use in A, O, and M-BP since prior draft in response to comment.

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP[385]	IG	A	O	PD	
Current Zoning District / LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2[386]	C-1	C-3	C2	M-R	M-C, M-1, & M-U[387]	A-1		PUD, O-P C-P, M-P	
Retail														
Alcoholic Beverage Sale[438]						P	P	P	P	P			Per PD Approval	(bb)
Retail, Adult[439]							P	P		P				(z)
Retail, General[440]						P	P	P	P	P				(cc)
Vehicles & Equipment														
Car Wash[441]						C	P	P	P	P			Per PD Approval	
Heavy Vehicle and Equipment Sales, Rental, and Servicing[442]										P				
Light Vehicle Sales or Rental[443]							P	P		P			Per PD Approval	(dd)
Light Vehicle Service or Repair[444]						C	P	P	P	P				(ee)
Parking Lot, Commercial[445]							P	P	P	P				

[438] Combines the current "Alcoholic Beverage Sales by the Package or as an Accessory Use to a Restaurant" and "Alcoholic Beverage Sales in the Original Package or By the Drink" uses, and extends use-specific standards from the latter to the former.
[439] New use designation to recognize that secondary impacts of Adult Retail are generally smaller than those from Adult Entertainment. The same use-specific standards apply to both Adult uses.
[440] Combines the current "Radio and Television Sales and Service" and "Stores, Shops, and Markets for Retail Trades" uses. Restrictions on outdoor display are now in the use-specific standard. Since Module 3, "Retail, Large" and "Retail, Small" have been combined, and the size limit applicable to less intense zone districts now appear in use-specific standards.
[441] Combines current "Car wash" and "Car wash, coin-operated or attendant-operated" uses. Added as P use in M-BP since prior draft in response to comment.
[442] Combines current "Farm Machinery Sales and Service" and "Sales Rooms, Yards, and Service for Machinery and Equipment" uses, and expands the use to include rental activities. Restrictions on outdoor activities are now in use-specific standards. This use has changed from permitted to prohibited on current O-2 lands. Use-specific standards deleted since prior draft because not relevant to districts where this use is permitted.
[443] Current "Motor Vehicle or Trailer Sales and Service", expanded to include rental facilities. This use has been added to the M-DT district, but use-specific standards limit it to completely enclosed facilities.
[444] Combines current "Automobile Service Facility", "Automobile Service Facility (enclosed)," and "Service Stations With Underground Storage Tanks" uses. Restrictions on repair and enclosure are now in use-specific standards.
[445] 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,

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

shape, and location of these facilities to prevent negative impacts. Added to M-C, M-BP, and IG district since prior draft in response to comment.

[446] Combines current "Parking for Automobiles and Light Trucks , Multi-Level, Underground or Covered Commercial" and "Parking for Automobiles and Light Trucks, Commercial" uses.

[447] Combines current "Laundry, commercial", "Lumberyard", "Newspaper publishing plant", "Printing shop", and "Sign painting shop" uses and similar uses.

[448] 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; Pluming 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.

[449] 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.

[450] "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.

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

[452] Added as P in M-BP since prior draft

[453] 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

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP[385]	IG	A	O	PD	
Current Zoning District / LAND USE CATEGORY	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2[386]	C-1	C-3	C2	M-R	M-C, M-1, & M-U[387]	A-1		PUD, O-P C-P, M-P	
Light Industry[454]							C		P	P				(gg)
Machine Shop[455]							C			P				
Mine or Quarry[456]										C	C			
Transportation														
Airport											C		Per PD Approval	
Bus Barn or Lot[457]							P			P				
Bus Station							P	P		P				
Rail or Truck Freight Terminal[458]									P	P				
Waste & Salvage														
Sanitary Landfill											C		Per PD	
Vehicle Wrecking or Junkyard[459]										C				(hh)
ACCESSORY USES														
Accessory Dwelling Units		A	A											(ii)
Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling[460]	A	A	A		A	A								(jj)
Backyard or Rooftop Garden[461]	A	A	A	A	A	A	A	A	A		A			(kk)

similar uses. Standards prohibiting significant adverse impacts currently applicable in C-P have been made generally applicable to all uses in this category in all zones.

[454] 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.

[455] Deleted as C in M-DT since prior draft, in response to comment.

[456] 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.

[457] Added to M-C district since prior draft in response to comment.

[458] Retitled from "Freight terminals (rail or truck for loading or storage) or sidings.

[459] Changed from P in M-1 to C in the consolidated IG zone.

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

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP[385]	IG	A	O	PD	
Current Zoning District	R-1	R-2	R-3 & R-4	RMH	O-1 & O-2[386]	C-1	C-3	C2	M-R	M-C, M-1, & M-U[387]	A-1		PUD, O-P C-P, M-P	
LAND USE CATEGORY														
Communication Antenna or Tower as an Accessory Use	See 29-3.3(p)												Per PD	(p)
Customary Accessory Uses and Related Structures[462]	A	A	A	A	A	A	A	A	A	A	A	A		(ll)
Drive-Up Facility					CA	CA	A	CA	A	A				(mm)
Home Occupation[463]	A	A	A	A	A	A	A	A	A		A			(nn)
Home Occupation with Non-Resident Employees	CA	CA	CA	CA										(oo)
Outdoor Storage in Residential Districts	A	A	A	A										(pp)
Wind Energy Conversion System (WECS) as a Principal Use[464]	See 29-3.3(q)													(q)
TEMPORARY USES[465]														
Temporary Construction Office or Yard	T	T	T	T	T	T	T	T	T	T	T	T	Per PD Approval	
Temporary Parking Lot					T	T	T	T	T	T	T	T		
Temporary Real Estate Sales/Leasing Office[466]	T	T	T	T	T	T	T	T	T		T			(qq)
Temporary/Seasonal Sales or Event, Other[467]	T	T	T		T	T	T	T	T	T	T	T		

[461] New accessory use based on Columbia Imagined. Community garden use has been relocated to the "community services" subcategory since Module 1.
[462] 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.
[463] This use would now be permitted on current O-2 lands.
[464] From current Section 29-21.5.
[465] Garage sales have been deleted from this section and are not subject to the temporary use permit process.
[466] Title revised to include leasing. This use would now be allowed on current O-2 lands.
[467] New use. Expanded to include special events (not just sales) and made available in R-1 and R-2 districts since prior draft in response to comment.t

29-3.3 Use-specific Standards

(a) All uses for which Section 29-3.2 (Permitted Use Table) shows a Use-specific Standard(s) shall comply with the applicable standards(s) in this section. In addition, all development shall comply with all applicable provisions of Chapter 29-4 (Form and Development Controls).

(b) In case of a conflict between these Use-specific Standards that the requirement of Chapter 29-4, these Use-specific Standards shall apply, except in the M-DT district, where the standards of the M-DT district will apply.

(c) Where these Use-specific Standards require spacing between uses, no existing use that complied with applicable spacing requirements when it was created shall be made nonconforming because of the later location of any facility closer than the required spacing, or because of an amendment to this Ordinance changing any applicable spacing distance.

Primary Uses of Land and Buildings

(a) Dwelling, One-family Detached

A Manufactured Home or Modular Home may be placed on a lot in the R-1, R-2, R-MF, or A zoning districts if the structure meets the following standards:

(1) The longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.

(2) The roof shall be double-pitched with a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run, and shall be covered with wood, asphalt, composition or fiberglass roofing material.

(3) The roof shall have a minimum eave projection or overhang of ten (10) inches on at least two (2) sides, which may include a four (4) inch gutter.

(4) The exterior siding shall be made of non-reflective material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboards, conventional vinyl or metal lap siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior foundation or curtain wall.

(5) The home shall be installed in accordance with the recommended installation procedures of the manufacturer and City building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry foundation or permanent masonry piers with masonry curtain wall, un-pierced except for required ventilation and access, shall be installed under the perimeter of the home.

(6) The home shall have a garage if fifty (50) percent or more of existing homes on the same block face have a garage.

(7) The home shall have a covered porch at the main entrance if fifty (50) percent or more of existing homes on the same block face have a covered porch. [468]

(b) Dwelling, One-family Attached

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

(c) Dwelling, Co-Housing Project

This use shall be subject to the following standards:

(1) Except in the M-DT district, the minimum project size is 5 acres, and the maximum project size is 10 acres.

(2) The maximum size of each co-housing unit is 1,000 sq. ft. of gross floor area.

(3) Co-housing projects must be organized as condominium developments meeting all requirements of State law, and individual lots or portions of the project may not be subdivided for sale.

(4) Zone district lot requirements and setback requirements shall apply to the project site as a whole, but not to individual co-housing dwelling sites.

(5) Each project site shall maintain a vegetated buffer at least 10 ft. wide, meeting the requirements of Section 29-5.4 (cross-reference to intensive buffer standard in Landscaping and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.

(6) The minimum on-site parking requirement is 1 vehicle space per dwelling unit.

(7) Each applicant shall submit a development plan identifying individual co-housing dwelling sites, streets, parking areas, storm drainage facilities, common areas and facilities, and any other features required to be identified by Missouri condominium law. The Development Plan shall be subject to approval by Council prior to development, and shall be binding upon all development once approved.

(d) Dwelling, Live-work

This use shall be subject to the following standards:

(1) Not more than three (3) people may be engaged in the making, servicing or selling of goods, or provision of personal and professional services, within a single unit.

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[468] 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.

[469] New standards to keep the scale of these types of structures consistent with the surrounding community. Revised since prior draft to reflect fact that this use is no longer permitted in R-1.

(2) At least one (1) person shall reside in the dwelling unit where the nonresidential activity or activities occur.

(3) The residential unit must be located above or behind the non-residential areas of the structure.[470]

(e) Dwelling, Multi-family[471]

This use shall be subject to the following standards:

(1) Façade Length and Articulation

(i) At least 1 of the following design features shall be incorporated within each 25 feet of horizontal primary façade length: (1) Roof dormers; (2) Gables; (3) Recessed entries; (4) Covered porches; (5) Pillars, pilasters or posts; or (6) Bay windows.

(ii) Total length of any multi-family primary façade shall not exceed 200 ft., and no façade wall shall extend more than 80 horizontal ft. without projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade.

(2) Entryway Design

The front entry of each multiple-family building shall be emphasized by the use of at least one of the following: (1) Side-lights (glazed openings to the side of the door), and transom-lights (glazed opening above the door), or (2) Changes in the texture or color of materials from the predominant façade materials at least twelve (12) inches in width above and to both sides of the door, or (3) Projections extending at least eight (8) inches in front of the primary façade of the building above and to both sides of the door.

(3) Roof Articulation and Design[472]

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

[470] New conditions for a new use.
[471] New standards.
[472] Requirement for screening of rooftop mechanical equipment in prior draft has been replaced by general rooftop screening requirement applicable to all primary structures in R-M and Mixed Use districts.

No more than fifty (50) percent of required on-site parking may be surface parking visible from a public or private street or travel way. Any façade of a parking garage and any end or side of a carport structure visible from a public or private street or travel way shall use the same predominant building materials used on the primary façade of the primary multi-family parking structure. No parking garage or carport shall be located closer than the primary façade of a multi-family building to the street adjacent to the front property line.[473]

(6) Universal Design

In primary structures containing more than one hundred (100) bedrooms, at least twenty-five (25) percent of the dwelling units shall incorporate at least two (2) of the following elements of "universal design" (1) At least one no-step entrance, (2) Interior doorways with at least 32 inch wide openings; (3) At least one bathroom with thirty-two (32) inch counter height; (4) At least one (1) bathroom with wall reinforcements for handrails; and/or (5) All light switches between forty-four and forty-eight (44-48) inches in height.

(7) Additional Standards

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

(i) In the R-MF and M-N districts, no primary structure may contain more than two hundred (200) bedrooms in any one structure.[474]

(ii) Each primary structure must include at least one (1) operable entry/exit door for each one hundred (100) linear feet of each street frontage, or part thereof.

(iii) No façade of a primary multi-family structure facing an R-1 or R-3 district or a property containing a one-family attached, detached, or duplex dwelling may contain an exterior balcony or patio.

(iv) No outdoor activity area such as a swimming pool, tennis court, or game court may be located between any façade of the primary structure and any property line adjacent to an R-1 or R-3 district or a property containing a one-family attached, detached, or duplex dwelling

(f) Second Primary Dwelling on a Lot

This use must be located on a lot of two and a half (2.5) acres or more, and may not be a manufactured home.

(g) Continuing Care Retirement Communities (CCRC)

This use shall be subject to the following standards:[475]

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

[473] 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.
[474] Wording revised in response to public comment.
[475] Condition requiring additional 15% landscaping was deleted as unnecessary – general landscaping standards can address impacts of this low-impact use. 10 acre minimum size requirement deleted as unnecessary.

(2) Uses located within a CCRC shall be owned and operated by a single, properly licensed entity or provided under a direct contract with the owner.

(3) The height and area requirements applicable to the R-MF zone district shall apply to any proposed component of a CCRC.

(4) A twenty-five (25) foot perimeter setback shall be provided around all sides of a CCRC.

(h) Group Home

This use shall meet the following standards:

(1) A Group Home shall not be located within a one thousand (1,000) foot radius of another Group Home in any specific single-family neighborhood.

(2) Before operating such Group Home, the owner or operator of the home shall register with the department of community development and shall sign an affidavit acknowledging that the home will be in compliance with subsection (a) above.[476]

(3) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

(i) Halfway House[477]

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

[476] 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.

[477] Standards revised to reflect consolidation of Halfway House and Halfway House for Young Offenders uses, but facilities for Young Offenders are still allowed in the same districts and subject to same approval standards.

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

(j) Temporary Shelter

This use is subject to the following standards:

(1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided. These items shall be used to determine if the facility is in conformance with the character of the adjacent area.

(2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter.

(3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure.

(4) The shelter shall submit a semi-annual report to the building and site development division of the Department, stating maximum monthly occupancy level and support services provided by the shelter.

(k) Family Day Care Center

This use is subject to the following standards:

(i) In the R-1, R-2, R-MH, and A districts:

(A) Not more than ten (10) children not related to the operator shall be kept. Up to three (3) additional children over the age of two (2) may be kept for up to two (2) hours per day. Up to three (3) additional school-age children may be kept on unscheduled days of school closings; provided that at no time shall more than thirteen (13) children not related to the operator be kept.

(B) The use shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this section.[478]

(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.[479]

[478] Fencing requirement was deleted because addressed in state licensing requirements.

(l) Funeral Home or Mortuary

This use is subject to the following standards: [480]

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

(2) No outside storage or display of equipment or merchandise used or customarily sold in conjunction with such use shall be permitted.

(3) Cremation of the deceased shall be permitted on-site only in the IG zone district.

(m) Higher Education Institution

This use, if subject to this Development Code under Missouri law, shall comply with the following standards:

(1) Before any building or structure shall be constructed on a campus of an institution of higher learning, a development plan of the campus shall be submitted to the Commission, and after a public hearing, such Commission shall report its recommendations to the Council. If the Council shall approve the development plan by ordinance, and that plan shall be filed with the permanent records of the City.

(2) The development plan shall show existing and future buildings, parking areas, streets and drives, athletic facilities, and other features which may affect surrounding property or the public interest.

(3) No building permit within the boundaries of the development plan shall be issued until the Director determines that any building or structure constructed on the campus (a) substantially conforms to the approved development plan, or (b) is a minor structure or expansion of an existing structure related to the operation of buildings and facilities shown on the development plan and does not create impacts beyond the boundaries of the development plan. If at any time a major deviation from the approved development plan is proposed, an amended plan shall be submitted to the Commission and the Council for approval in the same manner as the original plan, and no building permit for a building based on the substantial deviation shall be issued until the Council's approval of the amended plan has been obtained.[481]

(n) Religious Institution[482]

(o) Reuse of Place of Public Assembly

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[479] 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.

[480] 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.

[481] 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.

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

Religious institutions or any property used primarily as a place of public assembly as a permitted use in the R-1 district may be reused as a place of public assembly subject to such restrictions as the board may impose, and provided that:

(1) The building or structure was constructed and used primarily as a place of public assembly;

(2) The reuse shall be primarily as a place of public assembly, provided that uses which are ordinarily accessory uses to a place of public assembly may be permitted;

(3) The reuse shall be for not-for-profit and for noncommercial purposes by a charitable, philanthropic, eleemosynary, or other organization which could be organized as a not-for-profit corporation under state law; and

(4) The reuse shall not constitute a more burdensome use nor impose a greater adverse impact on the neighborhood than the existing or prior use in terms of traffic congestion, parking, storm drainage, and neighborhood impacts.

(p) Communication Antenna or Tower [483]

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.[484]

(2) Permitted Uses in All Districts

The following uses shall be permitted in any zoning district subject to the issuance of a building permit by the Department, provided that drawings and other documentation are submitted showing compliance with subsection 29-3.3 (p)(5) (Standards):

(i) The collocation, addition, or replacement of antennas on any tower; or the addition of accessory equipment to any tower in accordance with these regulations.[485]

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[483] These regulations may be reviewed in light of a pending legal challenge to Missouri telecommunications laws.
[484] 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.
[485] Replaced "communications equipment shelters or cabinets" with "accessory equipment" (defined as "any equipment serving or being used in conjunction with a wireless facility or wireless support structure, including

(ii) The mounting of antennas on any existing antenna support structure. This shall not include the mounting of antennas on signs.

(iii) The installation of antennas or towers on structures or land owned by the City, following approval by the Council.

(iv) The replacement or modification, as defined under this code, of any tower, on the same site, so long as the purpose of the replacement is to accommodate shared use of the tower or to eliminate a safety hazard.[486]

(v) Satellite receiver dishes up to one (1) meter in diameter.[487]

(3) Permitted Uses in Selected Districts

The following use shall be permitted in any zoning district other than zoning districts A-1, R-1, R-2, R-MF, R-MH and PD districts with a residential component, subject to the issuance of a building permit by the Department, provided that drawings and other documentation are submitted showing compliance with subsection 29-3.3(p)(5)(Standards).

(i) The construction of an enclosed support structure designed to match the architecture, material, and color of existing adjacent accessory structures.[488]

(ii) Satellite receiver dishes up to two (2) meter in diameter.[489]

(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.[490]

(i) Construction of new communications towers or any alteration of a communications tower not permitted under the previous two subsections shall be allowed in all zoning districts except for A-1, R-1, R-2, R-MF, R-MH and PD with residential development.

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utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures" for consistency with state law 67.5092(1). Removed reference to towers before and after 1997 as unnecessary.

[486] 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.

[487] New addition to this list to comply with federal law.

[488] Revised to replace requirement for underground placement with standards to reduce visibility.

[489] New addition to this list to comply with federal law.

[490] Timeframes for decisions have been added based on the FCC's recent "shot-clock rule", which provides that longer timeframes can be challenged as unreasonable. The state's Uniform Wireless Communications Infrastructure Deployment Act also addresses these timeframes.

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

(5) Standards[491]

All antenna towers installed, built or altered after December 15, 1997 shall comply with the following standards to the full extent permitted by law.

(i) Regulatory compliance

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

(ii) Security

All antennas and towers shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or alter antennas or towers. Additional measures may be required as deemed necessary by the Board in the case of a conditional use permit.

(iii) Lighting

Antennas and towers shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or alter the antenna or tower. Strobe lights shall not be used unless required by the FAA or other state or federal agency with authority to regulate.

(iv) Advertising

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

(v) Collocation

All new towers shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one provider based upon the following tower heights:

(A) 40 to 120 feet – shall support at least four (4) antenna arrays;

(B) 121 to 150 feet – shall support at least five (5) antenna arrays; and

(C) Greater than 151 feet – shall support at least six (6) antenna arrays.[492]

[491] Requirements for on-site parking were deleted as unnecessary, and restrictions on storage of unrelated materials in cabinets was deleted as unenforceable.
[492] New provision consistent with intent of state law and expected federal rulemaking on this topic.

(vi) Height

The height of a tower shall be governed by the underlying zoning district; however, when rendering its decision on a conditional use permit for a new tower, the Board may allow an increase in height as it deems appropriate to allow effective functioning of the equipment as required by the federal Telecommunications Act.[493]

(vii) Color and Finish

Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable state or federal agency, be painted a neutral color consistent with the natural or built environment of the site.

(viii) Screening

Equipment shelters, cabinets and guy anchors shall be screened from view by a permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height. The required screening shall have an opacity of eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity and eight-foot minimum height shall be achieved within four (4) full growing seasons.

(ix) Setbacks

All towers shall meet the setback and yard requirements of the applicable zoning district. In addition, all towers shall be separate from any off-site residential structure, or the boundary of any residentially zoned property, either (a) a distance equal to the height of the tower, or (b) if the tower is of a self-collapsing design, then the maximum distance from the base of the tower that any portion of the tower could fall, based on information provided by the tower manufacturer. [494]

(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

[493] Last clause added to guide Board's decision on height; delegations of authority without standards are vulnerable to legal challenge.
[494] Revised to reflect changes in tower design, based on comment received.

require the tower or antenna to be removed unless the owner, within ten (10) days of receipt of the order, appeals the matter to the Board pursuant to section 29-5.3(g) (Appeals). If the Board finds that a tower has not been occupied by active antennas for twelve (12) months or an antenna has not been used for twelve (12) months, it shall order the tower or antenna to be removed within a specified time.

(ii) If the unused tower or antenna is not removed as specified in an unappealed order of the Director or as specified by the Board, the Director may cause the tower or antenna to be removed. The Director shall submit the actual cost of such removal to the owner of the property. If the owner does not pay the cost within thirty (30) days of receipt, the Director shall certify the cost to the Director of Finance who shall cause a special tax bill against the property to be prepared and collected. The tax bill shall be due and payable from the date of issuance and shall be a lien on the property from the date of issuance until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of nine (9) percent per annum.

(7) Commercial Operation of Unlawful Towers or Antennas

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or disguised support structure in violation of any provision of this section regardless of whether such antenna or structure is located on land belonging to a governmental entity.

(q) Wind Energy Conversion System (WECS)

This use shall be subject to the following standards.[495]

(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.[496]

(iv) Commercial WECS are not allowed in any zoning district.

(2) Conditional Uses

[495] From current Section 29-21.5, reordered and reworded for clarity, and with changes as noted.
[496] A map of the Downtown Community Improvement District will be included here.

(i) In all locations where WECS are not allowed as permitted uses, a WECS shall be allowed only after the issuance of a conditional use permit. Where one or two WECS are allowed as permitted uses, additional WECS shall be allowed only after the issuance of a conditional use permit.

(ii) Applications for conditional use permits shall include all items required by the submittal requirements list on file at the Department.[497]

(3) Procedures for Permits

(i) It shall be unlawful to construct, erect, install, alter or locate any WECS within the City of Columbia, unless a Building Permit has been obtained. The Building Permit may be revoked by the building official any time the approved system does not comply with the rules set forth in this section 29-3.3(p).

(ii) Authorization for interconnection to the electric grid is independent of the approval for the WECS building permit. If an interconnected system is planned, the applicable utility's interconnection requirements must also be satisfied, and no building permit shall be issued until the building official has been provided with that utility's written authorization.

(iii) Building Permits and, if necessary, conditional use permits and variances shall be applied for and reviewed under the procedures established in Chapter 29-5 (Procedures), except where noted below. The Director, upon written request of the applicant, may waive any of the submittal requirements that the Director deems not applicable after reviewing the request. Applicants desiring such a waiver shall provide supporting documentation from a licensed engineer justifying the waiver. The Director may also require additional information as minimally needed to determine compliance with this Code.

(iv) The application for all WECS building permits shall include the information found in the list of application requirements maintained by the Community Development Department.

(4) General Requirements and Construction

(i) Tower

Only monopole towers are permitted for freestanding WECS. Guyed or any other types of towers are not permitted.

(ii) Color and Surface

Freestanding WECS monopole towers shall be a neutral color such as white or light gray. Supporting structures for building-mounted WECS shall match the color of the building on which they are mounted. Surfaces of the WECS and building-mounted supporting structures shall be a non-reflective, matte finish.

(iii) Signage and Visual Impact

No lettering, advertising, or graphics other than a standard manufacturer's insignia shall be on any part of the tower, hub, or blades. No other signage or message may be

[497] List of specific application requirements deleted – to be retained on administrative lists or the City web site.

displayed, other than for safety or apparatus identification (e.g. nameplate, serial number or emergency instructions). The applicant shall avoid state or federal scenic areas and significant visual resources listed in the City's comprehensive plan.

(iv) Climbing Apparatus

The tower must be designed to prevent climbing within the first ten (10) feet.

(v) Lighting

No lights shall be installed on the tower, unless required to meet Federal Aviation Administration (FAA) guidelines, where lighting intensity and frequency of strobe shall adhere to requirements established by FAA permits and regulations. Red strobe lights are preferred for nighttime illumination and to reduce impacts on migrating birds. Red pulsating incandescent lights shall be prohibited unless required by the FAA.

(vi) Compliance

All WECS equipment and connections must comply with all applicable local and state regulations and relevant national and international codes. In case of noncompliance, the applicant may be required to hire outside inspectors as deemed necessary by the building official or Board.

(vii) Maintenance

Facilities shall be installed and maintained in accordance with manufacturer's specifications. The property owner of any WECS shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and function of such a system. Failure to maintain the WECS may result in enforcement action including, but not limited to, citations, fines, or revocation of permits in accordance with this Code.

(viii) Interconnection and Utility Considerations

The applicant shall notify and apply with the appropriate electric utility in making a WECS application to install an interconnected, customer-owned WECS. The WECS shall meet the requirements for interconnection and operation as set forth by the utility, and shall not be interconnected to any utility-operated power line or by any other means of conveyance until so authorized by the utility. Interconnected WECS shall require the approval of the applicable utility before receiving permits from the City. Off-grid (not connected to the utility) systems shall be exempt from this application requirement. A response from the utility is not required to approve or deny an off-grid WECS application.

(ix) Restriction on Use of Electricity Generated

A WECS shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the WECS and not presently needed for use by the owner may be used by the utility in accordance with laws and regulations governing interconnection and utility approval.

(x) Feeder Lines

All communications and feeder lines installed as part of a WECS shall be buried where feasible.

(xi) Displacement of Parking and Landscaping Prohibited

The location of the WECS shall not result in the net loss of required parking or landscaping as specified elsewhere in this Ordinance.

(5) Noise, Vibration, And Sound Pressure Level

A WECS shall be designed, installed and operated so that any noise or vibration has minimal impact on adjacent properties. A WECS shall not exceed fifty-five (55) dB(A) at any adjacent property line. This sound pressure level may be exceeded during short-term events such as utility outages or severe wind storms. If the ambient sound level for the WECS location exceeds fifty-five (55) dB(A), the maximum standard shall be ambient dB(A) plus five (5) dB(A). No WECS shall emit low frequency sound at or below twenty (20) Hertz. The process for reporting and investigating a noise complaint is as follows:

(i) Upon written notification of a complaint of excessive noise, the building official or designated representative of the community development department (the "enforcing person"), shall record the filing of such complaint and promptly investigate it. If noise levels are determined to be in excess of the maximum standard, the enforcing person shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest off-site, inhabited residence.

(ii) If the noise levels are found to have exceeded the allowable limit, the enforcing person shall notify, in writing, the owner of the WECS site to correct the violation. If the noise violation is not remedied within thirty (30) days, the WECS shall remain inactive until the noise violation is remedied, which may include (but is not limited to) relocation or removal at the owner's expense.

(iii) If it is determined that maximum noise limits have not been exceeded, notice in writing shall be provided to the person who has filed such complaint and the owner of the WECS property stating that no further action is required, within twenty-one (21) days of the receipt of the request. Any person aggrieved by the decision may appeal the decision to the Board in accordance with section 29-5.3(g)(Appeals). Any such appeal must be filed within thirty (30) days of receipt of the enforcing person's decision.

(6) Safety Design Requirements and Standards

(i) A WECS shall have automatic braking, governing, and a feathering system to prevent uncontrolled rotation or over-speeding. All WECS shall have lightning protection and shall comply with FAA standards. The system shall also be capable of stopping power generation in the event of a power outage so as to prevent back-feeding of the grid.

(ii) A clearly marked and easily accessible power shut off/disconnect will be required as determined by the building official. Any battery or energy storage device will be clearly marked and a sign indicating the presence of such device(s) shall be posted at the site's electric meter.

(iii) No portion of the WECS swept area shall be closer than twenty (20) feet to the ground. The swept area shall extend no closer than twenty (20) feet horizontally to the nearest tree, structure, or aboveground utility facility. No WECS shall be constructed so that any part thereof can extend within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops).

(iv) A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. A sign shall also be posted at the property's electric meter, noting the presence of a WECS and any battery system. Signs with emergency contact information shall also be posted on the turbine, or at another suitable point, such as the entrance to the WECS's service area.

(v) No WECS installation shall cause electromagnetic interference. If interference is established, the building official shall notify the owner of the property in writing to correct the violation. If the interference is not remedied within thirty (30) days, the WECS shall remain inactive until the interference is remedied, which may include, but is not limited to, relocation or removal at the WECS owner's expense.

(7) Setback and Area Regulations

(i) WECS and their associated outbuildings and cabinets shall meet all setback requirements for primary structures for the zoning district in which the WECS is located. A WECS and its associated outbuildings and accessories shall not be located forward of the principal structure on a lot.

(ii) The minimum distance between any freestanding WECS and any property line shall be the distance equivalent to the fall zone, which is ninety (90) percent of the WECS system height. No part of the fall zone shall cross an adjacent property line. The setback shall be measured from the property line to the point of the WECS structure closest to the property line.

(iii) For building-mounted WECS, no part of the fall zone shall cross an adjacent property line. The fall zone for a building-mounted WECS shall be fifty (50) percent of the height as measured from the lowest attachment to the building/structure to the highest point of the blades or rotors.

(iv) The fall zone shall be entirely contained on the subject parcel. In no case may the fall zone radius include an overhead electric power line. The setback from underground electric distribution lines shall be at least five (5) feet; the fall zone radius may include the underground line(s). Section 29-4.1(c) (currently 29-26), regarding allowable minor projections into required setbacks, is not applicable.

(8) Height Regulations

Maximum height for any WECS (freestanding or building-mounted) shall be the as shown below.

(i) In the R-1, R-2, R-MF, R-MH, and M-N districts, forty-five (45) feet.

(ii) In the M-C district, sixty (60) feet.

(iii) In the M-OF district, ninety (90) feet.

(iv) In the M-DT, M-BP, and IG districts, one hundred twenty (120) feet.

(v) In the A district, a maximum height of seventy-five (75) feet is allowed for windmills on agriculturally-used parcels under current zoning district standards. This standard shall apply to all WECS applications on parcels of three (3) acres or fewer in the A district.

(vi) For lots greater than three (3) acres, one hundred fifty (150) feet.

(vii) In all Planned Districts, height shall be as proposed in the statement of intent, subject to review by the Commission and approval by the Council.

Maximum height may be exceeded, subject to approval of a conditional use permit by the Board. The applicant must demonstrate that additional height is needed and that the benefits of the taller WECS do not increase any adverse impacts.

(9) Other Regulations

(i) No other apparatus or mechanical and electronic equipment, such as telecommunication antennas, microwave dishes, or satellite dishes, shall be attached to a WECS tower or its associated components such as the nacelle.

(ii) No part of a WECS shall be located within or over public drainage, utility or other established easements.

(iii) No WECS shall be constructed, altered, or maintained so as to project above any of the airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

(iv) No part of the WECS, including the swept area, shall be within or overhang any portion of the property that is within a required building setback.

(10) Discontinuation and Decommissioning

A WECS shall be considered abandoned after six (6) months without energy production, unless a plan is developed and submitted to the enforcing person outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed in their entirety within ninety (90) days of abandonment. If this is not done, the City's standard procedures for nuisance removal may be followed at the discretion of the building official or the official's designee.

(r) Urban Agriculture[498]

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.

[498] New standards for new use.

(4) Sales of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than 100 square feet and is not located in a required yard area.

(5) Food products may be grown in soil native to the site if a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Missouri direct-contact standards for lead; and either:

(i) The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or

(ii) A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the tables in subsection (6) below, as amended.

(6) Soil testing requirements

(i) Clean soil is soil that has less than 200ppm of lead content. At least 5 samples of the native soil from the proposed planting area shall be tested for lead content and heavy metals. If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has only been used for residential or agricultural purposes in the past, the following gardening techniques may be conducted based upon the lead content test results.

Lead content	Permitted Activity
Less than 200ppm	Soil native to the site may be used
200ppm to 400ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400ppm to 600ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600ppm and higher	Urban Agriculture shall be prohibited.

(ii) If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has been used for purposes other than residential or agricultural in the past, soil shall be tested for metal content using the US EPA 3050B, 3051, or a comparable method. Gardening may be conducted if the test results for the following chemicals are below the levels identified in the following table.

Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5

Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000

(iii) As an alternative to meeting the standards above, food products may be grown in clean soil six (6) inches deep brought to the site without completing a soil test of the native soil.

(s) Veterinary Hospital[499]

This use is subject to the following standards:

(1) The maximum density shall be fifty (50) animals, cared for at full capacity, per acre.

(2) Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).

(3) A secondary or perimeter fence or wall shall be constructed around all outside animal runs.

(4) When the facility abuts residential uses or zoning, the minimum yard shall be one hundred (100) feet to an wall or fence without openings or two hundred (200) feet to an outside animal runs or to a wall or fence with openings.[500]

(t) Restaurant

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

(u) Bed and Breakfast

This use is subject to the following standards:

(1) That not more than five (5) guest rooms shall be allowed.

(2) That in addition to meeting all parking requirements of Section 29-4.4 there shall be one off-street parking space provided for each guest room.

[499] Current minimum size standard of 2 acres was deleted as unnecessary.
[500] Wording revised to clarify that 200 foot distance also applies to walls and fences with openings.

(3) That there shall be no individual room cooking facilities used for the bed and breakfast stay.

(4) That the establishment shall be owner-occupied and managed.

(5) That the establishment shall comply with all applicable adopted City fire and building codes and shall be inspected for such compliance by the building and site development division of the City community development department prior to an occupancy permit being granted.

(6) That only one (1) wall-mounted sign, not exceeding eight (8) square feet in size, shall be allowed.

(7) That meals may be served only to residents and overnight guests.

(v) Commercial or Trade School

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

(w)Research and Development Laboratory

In the M-OF, M-N, M-C, M-DT districts, this use is limited to those not involving use of hazardous materials.

(x) Personal Services, General

In the M-OF, M-N, M-C, and M-DT districts, this use may not involve the use of explosive or hazardous materials.[501]

(y) Self-service Storage Facility

This use is subject to the following conditions:[502]

(1) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.

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

(3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.

(4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.

[501] Revised standard applies to all minor personal services (not just cleaning, pressing, and dying establishments), and allows the use of these materials in the M-BP and IG districts.
[502] Height restriction to 14 feet has been deleted, since attractive multi-story forms of this use are now available.

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

(6) Loading docks shall be prohibited.

(z) Indoor Entertainment, Adult and Retail, Adult[503]

This use is subject to the following standards:

(1) Indoor Adult Entertainment shall be limited to the following geographical area:[504]

(i) In the M-DT district, Adult Retail must be conducted in a completely enclosed structure (no outdoor display or storage).

(ii) The use shall not be located within 1,000 feet of any preexisting Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling unit, or other Indoor Adult Entertainment business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the Indoor Adult Entertainment business to the nearest point on the property line of the Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling unit, or other Indoor Adult Entertainment business.[505]

(2) Notwithstanding any provision in Chapter 23 to the contrary, an Indoor Adult Entertainment business shall have no more than one (1) on premise sign which shall be a wall sign approved by the Board as part of the conditional use permit. The surface area of the sign shall not exceed ten (10) percent of the area of the wall to which it is attached. The sign shall not be a neon or similar sign. The sign may be illuminated but shall not be a flashing sign. The sign shall not depict any portion of the human anatomy.

(3) No sign shall be placed in any window.

(4) No flashing lights or colored lights or string of lights shall be placed on the outside of the building or on the inside of the building so that the lights can be viewed from outside the building.

(5) The premises of all Indoor Adult Entertainment businesses shall be constructed to include a partition or other physical barrier on all customer entrances that will ensure that the interior of the business is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with a partition or other physical barrier shall be covered so as to prevent observation of the interior of the premises from the exterior of the building. No Indoor Adult Entertainment business shall be conducted in a manner that

[503] Use-specific standards revised to align with new Missouri state law amendments on this topic.
[504] New standard to limit this use to the same area as before the consolidation of the M-C, M1, and M-U districts.
[505] Revised to match recently adopted Missouri law. Spacing increased from 750 to 1,000 sq. ft.. List of protected uses now includes state-licensed day care facilities and libraries. Current separation requirements from higher education institutions, athletic fields, recreational facilities for children, and non-residential uses in residential districts do not appear in the state law and were deleted.

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

(6) On-premise advertisement, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building.

(7) Notwithstanding the provisions of section 29-4.4(g)(6) (currently 30(g)), required off-street parking for an Indoor Adult Entertainment business shall be located on the premises of the business.

(8) No operator shall allow or permit this use to be or remain open between the hours of 12:00 midnight and 6:00 am on any day.

(9) No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

(10) No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.[506]

(aa) Outdoor Recreation or Entertainment

This use is subject to the following standards:

(1) Golf courses are permitted in the A and O districts only.[507]

(2) Accessory uses and structures may provide those types of services generally associated with such clubs and facilities to their members.[508]

(bb) Alcoholic Beverage Sales

(1) This use shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of chapter 4 of this Code.

(2) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.[509]

(cc) Retail, General[510]

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

[506] Standards 9, 10, and 11 are new, to match provisions in recent state law.
[507] Replaces the current restriction of golf courses to PUD districts.
[508] 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.
[509] Provision relocated since prior draft.
[510] Since module 3, restrictions on retail use size have been moved from the definitions and Permitted Use Table to these use-specific standards.

(i) Large Retail uses are those with a gross floor area greater than 15,000 sq. ft. for all uses other than a grocery store, or a gross floor area greater than 45,000 sq. ft. for a grocery store. A single structure may contain more than these amounts of gross floor area, as long as no use within the structure exceeds the applicable size listed above. Large Retail uses are permitted by-right in the M-C and M-DT districts and with Conditional Use approval in the IG district.

(ii) Small Retail uses are those with a gross floor area of not more than 15,000 sq. ft. for all uses other than a grocery store, or a gross floor area of not more than 45,000 sq. ft. for a grocery store. A single structure may contain more than these amounts of gross floor area, as long as no use within the structure exceeds the applicable size listed above. Small Retail uses are permitted by-right in the M-N, M-C, M-DT, M-BP, and IG districts.

(2) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.[511]

(dd) Light Vehicle Sales or Rental

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

(ee) Light Vehicle Service and Repair

In the M-N, M-C, M-DT, and M-BP districts, all repair activities must take place in an enclosed structure.[512]

(ff) Storage and Wholesale Distribution

Storage of feed, fertilizer, grain, soil conditioners, hazardous materials, asphalt, brick, cement, gravel, rock, sand, and similar construction materials, or fuels is only permitted in the IG zone district.

(gg) Light Industry

This use shall be subject to the following standards. [513]

(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.

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[511] Provision relocated since prior draft.
[512] Standard extended to M-N district since prior draft based on public comment.
[513] Combines standards for various uses included in Light Industry category. Section 2 includes standards for "Plants and Facilities" that apply to M-BP, IG, and M-P, but since the same activities are permitted in IG and M-P without these qualifiers, the standards are now limited to the M-BP zone district.

(iii) No outside storage shall be allowed.

(2) In the M-BP zone district, this use may include plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing or treatment of equipment, materials, merchandise or products; except for the following:

(i) Bone, fat, meat or tallow rendering plants; fish, meat or poultry packing houses; and slaughterhouses.

(ii) Foundries or mills for sand casting, forging, primary or secondary processing, reduction, reprocessing or electroplating ferrous or nonferrous metal.

(iii) Manufacture, milling or processing of feed, fertilizer, grain or soil conditioners.

(iv) Manufacture, compounding or processing of hazardous materials.

(v) Manufacture, milling, mixing or processing of asphalt, brick, cement, gravel, rock, sand, and similar construction materials.

(vi) Manufacture, processing or refining of fuels.

(hh) Vehicle Wrecking or Junkyard

This use is subject to the following standards:

(1) The facility must be enclosed by a solid fence or wall at least 10 feet high or sufficient to block all views of stored or stacked vehicles, vehicle parts, and wrecking equipment when viewed from adjacent public rights-of-way.[514]

(2) If located within 500 feet of a residential zoning district or use, any equipment used for crushing or dismantling vehicles shall be located in a completely enclosed structure, or if not enclosed, shall only operate between the hours of 8:00 am and 6:00 pm and shall be subject to all noise ordinances of the City.[515]

Accessory and Temporary Uses of Land and Buildings

(ii) Accessory Dwelling Units[516]

This use is subject to the following standards:

(1) No more than two dwelling units, including the accessory dwelling, may be permitted on a single lot.

(2) The lot must be a minimum of 5,000 square feet, and lot width must be a minimum of 50 feet.

(3) A detached accessory dwelling shall be located a minimum of 10 feet behind the principal dwelling, and a minimum of six (6) feet from any side or rear lot line. On corner lots, the accessory dwelling shall be set back from side streets not less than the distance required for the principal residence. For the purpose of providing adequate fire protection access, the

[514] Standard revised to require complete screening.
[515] New standard.
[516] New standards from proposed City ordinance.

distance from the nearest street frontage to the center of the rear wall of the accessory dwelling unit shall not exceed one hundred and fifty (150) feet of travel distance.

(4) An accessory dwelling shall not exceed seventy-five (75) percent of the total square feet of the principal dwelling, as shown in the Boone County Assessor's records, or eight hundred (800) square feet, whichever is less. In addition, a detached accessory dwelling shall not occupy more than thirty (30) percent of the rear yard.

(5) A detached accessory dwelling shall not exceed the height of the principal dwelling or twenty-four (24) feet, whichever is less.

(6) When an accessory dwelling is attached to a principal dwelling, only one entrance may face the front lot line.

(7) In addition to the parking required for the principal dwelling, a minimum of one (1) additional off-street parking space shall be provided on the subject lot for accessory dwellings having not more than two (2) bedrooms, and two (2) additional parking spaces shall be provided for accessory dwellings having three or more bedrooms.

(8) Prior to issuance of a building permit for an accessory dwelling, application shall be made to the City, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above listed criteria.

(jj) Accessory Structure for One-family, Two-family, Live-work, or Co-housing Dwelling[517]

(1) For any dwelling there shall be permitted one (1) private garage with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area.

(2) A detached garage, tennis court, or swimming pool shall be located not less than sixty (60) feet from the front lot line, not less than three (3) feet from any side lot line, and not less than one (1) foot from any alley line.

(3) When the rear lot line is common to a side or rear lot line of another lot, the garage, tennis court, or swimming pool must be located a minimum of three (3) feet from such rear lot line and for corner lots, not less than the distance required for residences from side streets.

(4) A garage, tennis court, or swimming pool constructed as an integral part of the main building shall be subject to the regulations affecting the main building, except that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, and shall not occupy more than thirty (30) percent of the required rear yard.

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

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

(kk) Backyard, Rooftop, or Community Garden

Each of these uses shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business shall be conducted upon the premises, and no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted.[518]

(ll) Customary Accessory Uses and Related Structures[519]

This use is subject to the following standards.

(1) All accessory uses and structures must be clearly subordinate to the primary structure(s) and primary use(s) on the property.

(2) All accessory uses and structures shall comply with all dimensional regulations (i.e. building height, lot coverage, and minimum yard) applicable to the primary structure(s) on the property unless this Code provides a specific exception to those regulations.[520]

(3) An accessory use may not begin operation before a permitted primary use or an approved conditional primary use begins operation on the property. An accessory structure may not be constructed before a permitted primary structure is constructed on the property.[521]

(4) In any residential district, a detached accessory structure shall not exceed twenty-four (24) feet in height or the height of the primary structure, whichever is less, and may not occupy more than thirty (30) percent of a rear yard.

(5) A driveway to provide access to premises in commercial or industrial districts shall not be permitted through residential districts.[522]

(6) In the R-MF district, for-profit or not-for-profit accessory uses and related structures must comply with the following standards:

(i) They must be accessory and subordinate in floor area to a permitted use, and must be primarily an amenity or service to the occupants and users of the permitted use, subject to the following:

(ii) The commercial use, alone or in combination with other small-scale commercial uses, shall not exceed the smaller of twenty-five (25) percent of the total floor area of the building or five hundred (500) square feet. Where the proposed location of the

[518] New standard for a new listed use.
[519] 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.
[520] New provision standard in most zoning ordinances.
[521] New provision standard in most zoning ordinances.
[522] New standard.

conditional accessory use is within a unified development of multiple buildings under single ownership and control, or a single building totaling greater than fifty thousand (50,000) square feet, the Board may consider a larger space for the ancillary commercial use provided it complies with the other standards of this section.

(iii) There shall be no outdoor advertising pertaining to the ancillary commercial use other than a single wall-mounted nameplate not to exceed four (4) square feet of area.

(iv) The commercial use shall not involve the sale of age-restricted products such as alcohol, tobacco and firearms.

(v) The commercial use shall not generate noise or traffic in excess of the levels expected if the entire premises were used for permitted uses.

(vi) Hours of operation shall be limited to not earlier than 6:00 a.m. or later than 10:00 p.m. daily.

(vii) There shall be no additional parking required.

(7) In the IG district, accessory uses may include retail sales to the public of goods produced on the premises.

(mm) Drive-up Facility[523]

(1) Any Drive-up Facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require buffering meeting the requirements of Section 29-4.5 (Landscaping Screening) and along the property line with the R-1 or R-2 district, shall have no speakers facing the R-1 or R-2 districts, and shall have no menu boards or other signs visible from the R-1 or R-2 districts.

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

(nn) Home Occupation

This use is permitted if compatible with the residential character of the neighborhood, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas all home occupations must meet the following restrictions:

(1) A home occupation shall be incidental to the use of a dwelling unit for residential uses. No person other than a person residing at the dwelling unit shall be directly involved with or work in the home occupation. If the home occupation employs persons to work at other locations, the dwelling unit shall not be used as an assembly point for any employees who may work at sites outside of the dwelling.

(2) No alteration of the residential appearance of the premises shall be made, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation.

[523] New standards.

(3) No more than twenty (20) percent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A garage shall not be used for a home occupation if such use has the effect of eliminating required parking.

(4) The home occupation shall be conducted entirely within the dwelling unit or garage and no stock in trade shall be displayed or visible outside, or stored outside of any building, and no raw materials, tools or appliances or waste products shall be stored outside of any building.

(5) Signs may be used for identification or advertisement of the home occupation but such signs must be attached flat to the structure, may not be larger than one square foot and may not be illuminated.

(6) No power other than electric shall be used and no single machine shall draw more than one-half horsepower and not more than one horsepower total shall be used,

(7) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises; that is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

(8) The use shall not generate traffic in volumes greater than would normally be expected in a residential neighborhood. For purposes of this section, the normal volume of traffic generated by a single-family dwelling shall be defined as twelve vehicle trips to and/or from the dwelling unit per twenty-four-hour period. The use shall not use commercial or business vehicles to deliver finished products from the dwelling unit. All parking necessarily generated by the use shall be off the street in accordance with section 29-29-4.2 of this Code.

(9) The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.

(10) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site.

(11) All persons desiring to have a home occupation must first present appropriate plans to the building regulations supervisor detailing how the dwelling will be used or altered to accommodate the use. Thereafter, whenever any permit or license is to be renewed, the dwelling may be inspected to determine how it has been altered to accommodate the use.

(12) Abatement. Any home occupation which does not comply with the above restrictions shall be brought into compliance within thirty (30) days of the notice of the deficiency. It shall be unlawful to fail to comply with the above restrictions after notice.

(oo) Home Occupation With Non-resident Employees

This use shall be subject to the standards listed for all home occupations in Section (nn) above; except that the home occupation may be carried out by occupants of the dwelling unit as well as by one full-time forty-hour individual or two one-half time (twenty hours each) individuals who do not reside in the dwelling unit. In addition, the Board may allow that not more than forty (40) percent of the total floor area of the dwelling unit and garage shall be devoted to the home

occupation. A conditional use permit for a home occupation shall expire three (3) years from the date of approval, after which a new conditional use permit may be requested.

(pp) Outdoor Storage in Residential Districts[524]

(1) No portion of any front yard except a legal driveway, for not more than two consecutive weeks, shall be used for the storage of motor vehicles, boats, trailers, recreational vehicles, camper trailers, camper shells, commercial vehicles.

(2) A maximum of two inoperative motor vehicles intended for repair or restoration may be kept on a property provided all of the following conditions are satisfied:

(i) The vehicles are not stored on any part of a front yard.

(ii) The vehicles shall be kept in an enclosed garage, under an opaque cover designed for the vehicle, or otherwise screened from view from public streets.

(iii) No vehicular parts shall be stored outdoors.

(3) Storage of recreational vehicles, trailers, boats, camper trailers, and camper shells shall comply with the following standards.

(i) In residential districts, the above listed vehicles and items shall be stored only in the side or rear yard, and shall not be stored within two (2) feet of any property line. The stored vehicle shall not extend, project or rest upon any public right-of-way including the public sidewalk, street, or trail.

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

(4) Vehicles with gross weight exceeding one (1) ton, or longer than twenty (20) feet, or containing more than six (6) wheels, or over twelve thousand (12,000) pounds licensed gross vehicle weight, shall not be permitted to be stored outside in any residential district.

(qq) Temporary Real Estate Sales/Leasing Office

This use shall be located on property being sold or leased and limited to a period of sale or lease, but not exceeding two (2) years without special permit from the board.

[524] New standards since prior draft, in response to public comments.

Chapter 29-4 Form and Development Controls[525]

29-4.1 Dimensional Summary Table

(a) General Dimensional Standards

The following Tables 4.1-1 to 4.1-3 state the dimensional standards for residential, mixed use, and special purpose districts contained in Article 2 (Zoning Districts). In case of a conflict between the dimensions shown in this Section 4.1 and the dimensions shown for individual zone districts in Article 2, the provisions of this Section 4.1 shall apply. In each table, a blank cell indicates that there is no standard for that dimension or measurement. (See Section 29-4.6(c) (Stream Buffer Standards), for additional required building setbacks from stream corridors. See Section 29-4(b)(2) (Solar Orientation Density Bonus) and Section 29-4.1(b)(3) (Rural Cluster Density Bonus), for additional information related to dimensional standard reductions and bonuses.)[526]

Table 4.1-1: Dimensional Standards for Residential Districts

	District				
Standard	**R-1**	**R-2 [1]**		**R-MF [2][527]**	**R-MH[528]**
		Current	**Cottage**		
Lots					
Minimum Lot Area (sq. ft.)					
One-Family Dwelling	7,000	5,000	3,000	5,000[529]	3,750[530]
One-Family Attached Dwelling		5,000	3,000	5,000	
Two-Family Dwelling		7,000[531]		7,000	
Multiple Family Dwelling				2,500 per du[532]	
Sorority or Fraternity					

[525] This section includes existing development controls in Chapter 29 (Zoning), Chapter 25 (Subdivision), Chapter 23 (Signage), and most of Chapter 12A (Land Preservation). Minimum dwelling unit floor area requirements were deleted in order to allow market flexibility, and because building codes address safe levels of building occupancy. Chapter 12A sections included are the definitions in Article 1 (General), Article III (Tree Preservation and Landscaping Requirements), Article IV (Erosion Control Requirements) Article V (Stormwater Management), and Article X (Stream Buffer Requirements). . The following articles have not been incorporated and will remain in 12A: Article VII (Clean Fill), Article VIII (Stormwater Utility), and Article IX (Detection and Elimination of Illicit Stormwater Discharges, which includes Nuisances) because they are better regulated by Public Works.

[526] Cross-reference to density bonus provisions added since Module 3.

[527] In response to multiple public comments since prior draft, table has been revised to retain R-3 standards as basic development standards in R-MF, and to treat pre-existing R-4 developments as conforming

[528] Module 1 commits to reducing min. manufactured home size and widths.

[529] Reduced from 7,000 sf to match R-2 standard.

[530] Reduced from current 4,050 sf to promote efficient land use and affordability.

[531] This lot size permits duplexes, but not attached single-family homes under the current definition of "Dwelling, single-family attached" which requires a side lot separating the attached homes.

[532] Current code requires 2,500 sq. ft. in R-3 and 1,500 sq. ft. for R-4. In response to multiple public comments, compromise of 2,000 sq. ft. included in prior draft was replaced by existing R-3 standard. The transitional standards in Section 29-4.5(f) protect adjacent R-1 districts through height and buffering controls.

Table 4.1-1: Dimensional Standards for Residential Districts					
	District				
Standard	**R-1**	**R-2 [1]**		**R-MF [2][527]**	**R-MH[528]**
		Current	**Cottage**		
CRCC				No min, but max density 17du/ac	
Lot area if no public or community sewer [5]	15,000 [533]	15,000	15,000		
Minimum Lot Width (ft.)	60	60	35	60	45
Maximum size of contiguous parcel (ac.)			1		
Minimum Setbacks (ft.)					
Front Yard					
Front Yard Depth	25	25	10	25	20
Front lot line to garage depth (if applicable)	25[534]	25	20		
Side Yard					
Side Yard	6	6	6	10	10
Side Yard – Corner Lot Street Side[535]	25	25	10	15	
Distance between mobile dwelling units					20
Rear Yard	Lesser of 30% lot depth or 25	Lesser of 25% lot depth or 25	10	25	10
Maximum Height (ft.)					
Primary Residential Building See also Sec 29-4.9 Neighborhood Protection Standards	35[3]	35[3]	35	30[536]	35
Primary Non-residential Building [4][537] See also Sec 29-4.9 Neighborhood Protection Standards	75	75	75	75	

[533] New standard to address a gap in current ordinance.
[534] New standard to regulate detached garages.
[535] Standards for R-1, R-2, and R-MF added since prior draft to clarify that second frontages on corner lots are subject to front yard setback requirements.
[536] Current code has 35 ft. for R-3 and 45 ft. for R-4. Revised from 45 and 35ft. in prior draft in response to public comments.
[537] Current code applies this to "public and semi-public buildings". A Primary Non-residential Building is a new term in the Code definitions.

Table 4.1-1: Dimensional Standards for Residential Districts					
	District				
Standard	R-1	R-2 [1]		R-MF [2][527]	R-MH[528]
		Current	Cottage		

[1] All R-2 lands are subject to Current Standards until they request application of the Cottage Standards, and that request is approved under Sec. 29.4(l).
[2] Multifamily structures constructed before January 1, 2014, with building height up to 45 ft. and lot area of at least 1,500 sq. ft. per dwelling unit are conforming structures.[538]
[3] Or 45 ft. if two side yards at least 15 ft. in width are provided.
[4] Provided that each building setback is increased one (1) foot above the zone district residential building minimum for each one (1) foot of additional building height above the residential building maximum.
[5] The minimum lot area for on-site septic is subject to Health Department approval based, in part, on distances between the lot and existing public sewer mains. This lot area could be greater, conditional, or denied on a case-by-case basis.

Table 4.1-2: Dimensional Standards for Mixed Use Districts[539]							
	District						
Standard	M-OF	M-N [1]		M-C [2]		M-BP	M-DT
		Current	Pedestrian	Current	Transit		
Lots							
Minimum Lot Area (sq. ft.)							See Section 29-4.2 for M-DT Dimensional Standards
Lot Area							
Lot Width at Building Line							
Building Setbacks (ft.)							
Front Yard							
General	Min. 25	Min. 25	Min. 0 Max. 10 [3]	Min. 25	Min. 0 Max. 10 [3]	Min. 15	
From Arterial and Collector Streets						Min. 25	
Side Yard							
General [540]	Min. 0	Min. 0	Min. 0	Min. 0	Min. 0	Min. 0	
Corner Lot Street Side	Min. 15	Min. 15	Min. 0	Min. 15	Min. 10	Min. 20	
Adjacent to R District[541]	Min. 10	Min. 10	Min. 10	Min. 20	Min. 20	Min. 20	
Corner Lot Frontage on Arterial or Collector Street						Min. 25	
Corner Lot Frontage on Other Streets						Min. 20	
Rear Yard							
General	Min. 25	Min. 0	Min. 0	Min. 0	Min. 0	Min. 0	
Adjacent to R District[542]		Min. 10	Min. 10	Min. 20	Min. 20	Min. 20	
Maximum Height (ft.)							
Primary Building See also Sec 29-4.9 Neighborhood Protection Standards	45[543]	35	35	45	55	45	

[538] New provisions. In response to multiple public comment, R-MF standards match current R-3 standards, but prior R-4 properties are made conforming.
[539] M-N Pedestrian and M-C Transit standards are new. Other changes as noted.
[540] Although the minimum general side yard setbacks are all O ft., this line item is included for consistency with the other categories in this table.
[541] M-C and B-P side yards increased from 10 to 20 feet to provide additional buffering for R districts.
[542] M-C and B-P rear yards increased from 10 to 20 feet to provide additional buffering for R districts.
[543] Provision allowing O-P heights to increase to 75 ft. with additional setbacks was not carried over. Office districts are generally located near residential areas, where additional height is a potential issue.

Table 4.1-2: Dimensional Standards for Mixed Use Districts[539]							
	District						
Standard	M-OF	M-N [1]		M-C [2]		M-BP	M-DT
		Current	Pedestrian	Current	Transit		
[1] All M-N lands are subject to Current Standards until they request application of the Pedestrian Standards and that request is approved under Sec 29-5.4(l). [2] All M-C lands are subject to Current Standards until they request application of the Transit Standards, and that request is approved under Sec. 29-5.4(l). [3] 75% of building frontage width must be located between minimum and maximum setback distances.							

Table 4.1-3: Dimensional Standards for Special Districts			
	District		
Standard	IG[544]	A[545]	O[546]
Lots			
Minimum Lot Area (ac.)		2.5	2.5
Minimum Lot Area For Non-Agricultural Uses (sq. ft.)			
Minimum Lot Width at Building Line (ft.)			
Minimum Setbacks (ft.)			
Front Yard	25	25	25
Side Yard – General	0	25	25
Side Yard – Adjacent to R District	20[547]		
Rear Yard – General	10	25	25
Rear Yard – Adjacent to R District	20[548]		
Maximum Height (ft.)			
Primary Building See also Sec 29-4.9 Neighborhood Protection Standards		35	35

(b) Special Dimensional Standards or Measurements[549]

(1) Median Front Yard for Multiple Lots[550]

(i) In the R-1, R-2, and R-MF districts, where the nearest lots on either side of a residential lot have been developed with residential structures, the median of the front yards of

[544] As noted in Module 1, minimum project size of 22,000 sf and minimum lot width of 100 ft. from current M-C district were not carried over. Minimum front setback of 30 ft., rear setback of 30 ft., and side setbacks of 15 ft. from the current M-C district were also not carried over.
[545] Minimum building floor area of 650 sf and min. lot area of 7,000 sf for non-agricultural uses has been deleted.
[546] O is a new district, and all dimensional standards are new.
[547] Increased from 10 feet in current code to improve protection for residential areas.
[548] New standard.
[549] Carries forward and reorganizes (with more heading) special dimensional standards in current Sec. 29-26 (Height and Area Exceptions).
[550] Current Sec. 29-26(b)(1); wording clarified.

such residential buildings shall establish the minimum front yard depth for the subject lot.[551]

(ii) Where a recorded plat has been filed showing a setback line that otherwise complies with the requirements of this chapter, but is less than the established setback for the block as provided above, the setback line shown on the plat shall apply.

(2) Solar Orientation Density Bonus

(i) A subdivision in the R-1 or R-2 zone districts in which at least seventy-five (75) percent of lots are created on blocks where the longer dimension of the block is oriented within fifteen (15) degrees of true east-west in order to increase potential solar gain, the maximum number of single-family or two-family lots permitted on the parcel under Table 4.3-1 shall be increased by ten (10) percent above the number of lots permitted, and the minimum size and width of each lot shall be reduced by fifteen (15) percent below the minimum lot size and width required, if streets had not been so aligned.[552]

(ii) In a subdivision that meets the requirements of subsection (i) the minimum lot size and lot width in the R-1 or R-2 zone districts shall be adjusted to allow the parcel to contain ten (10) percent more lots than if the streets had not been so aligned.

(3) Rural Cluster Density Bonus

(i) A subdivision in the R-1 or R-2 zone districts that preserves at least fifty (50) percent of the gross land area of the parcel in open space protected from future development shall be allowed to include ten (10) percent more residential lots than if such land had not been designated for protection.

(ii) In order to earn a density bonus, the lands protected from development shall meet the following requirements:

(A) The calculation of protected open space shall not include any lands designated as floodway or flood fringe in the FP-O Floodplain overlay;

(B) The protected lands shall include any lands designated as sensitive lands on the Land Analysis Map required by Section 29-4.3(b)(1) to the greatest degree practicable;

(C) The protected lands shall be designed to be contiguous to any protected lands on adjacent subdivided lands to the greatest degree practicable;

(D) The applicant shall record in the real property records of Boone County a restrictive covenant, in a form acceptable to the City Counsel, preventing future development of the protected lands in perpetuity, and demonstrating that a homeowners association or other entity has accepted responsibility for maintenance and management of the protected lands and has legal authority to collect funds from homeowners or others adequate to pay the expenses of such maintenance and management.

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[551] Replaced R-3 and R-4 with R-MF. Revised to simplify process by requiring alignment with nearest two occupied structures, rather than calculation of median setback on the entire lot.

[552] New provision to increase solar gain potential. Revised since Module 3 to confirm that minimum lot sizes and widths may decrease to allow the bonus lots to be accommodated.

(iii) In a clustered subdivision that meets the requirements of this Section 29-4.1(b)(3), the minimum lot size and lot width in the R-1 or R-2 zone shall be adjusted to allow the parcel to contain ten (10) percent more lots than if fifty (50) percent of the gross land area had not been protected from development.

(iv) This density bonus may not be combined with the Solar Access Density Bonus in Section 29-4.1(b)(2).

(4) Rear Yards[553]

(i) No rear yard shall be required in any nonresidential district on any lot of which the rear lot line adjoins a railway right-of-way or which has a rear railway track connection.

(ii) In computing the depth of a rear yard for any building where such yard abuts an alley, one-half of such alley may be assumed to be a portion of the rear yard.

(iii) Standards in Subsections (i) and (ii) do not apply in the M-DT district, which has separate provisions for measuring building rear setbacks.

(5) Official Plan[554]

Where a line on the Major Roadway Plan (MRP) indicates that street widening has been planned and programmed for capital investment within five (5) years, right-of-way shall be reserved for future widening or opening of a street upon which a lot abuts, and the depth or width of a yard shall be measured from the MRP line to the nearest line of the building.[555]

(6) Detached Accessory Structure[556]

(i) In any residential district, a detached customary accessory structure shall not:

(A) Exceed twenty-four (24) feet in height;

(B) Be higher than the main building; or

(C) Occupy more than thirty (30) percent of a rear yard.

(ii) A detached accessory structure may be connected with the main building by a breezeway,[557] open on each side, not more than six (6) feet wide inside, the roof of which is not more than twelve (12) feet high at its highest point, and is not an extension of the roof of the main building.

(7) Higher Education Institution Buildings[558]

Buildings constructed on the campus of an institution of higher learning, and that have been included as part of a development plan approved by the Council, need not comply with the yard requirements of the district in which they are located, but shall comply with the following requirements:

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[553] Current Sec. 29-26(b)(7-8).
[554] Current Sec. 29-26(b)(2).
[555] Clarification made since Module 3 to qualify when ROW needs to be dedicated for future roadways.
[556] Current Sec. 29-26(b)(6). Revised to align with defined term – "customary accessory structure".
[557] Clarification made since Module 3.
[558] Current Sec. 29-26(b)(9)

(i) Minimum distance between the building and a street line is twenty-five (25) feet;[559] and

(ii) Minimum distance to a property line other than a street is fifteen (15) feet for buildings thirty-five (35) feet or less in height, and five (5) additional feet for each additional ten (10) feet or part thereof in height.

(c) Exceptions and Encroachments[560]

(1) Height[561]

Table 4.1-4 identifies exceptions to those height limits shown in Section 4.1(a) and (b) above.

Table 4.1 – 4: Height Exceptions

Structure, Feature, or Use	Maximum Height (ft.)	Conditions or Limits
Elementary/Secondary Schools in R-MF district[562]	100	
▪ **Parapet walls** ▪ **False mansards** ▪ **Flagpoles** ▪ **Chimneys** ▪ **Finial cooling towers** ▪ **Elevator bulkheads** ▪ **Penthouses** ▪ **Stacks** ▪ **Cupolas** ▪ **Antennas** ▪ **Spires, and** ▪ **Rooftop solar energy equipment[563]** ▪ **Rooftop HVAC equipment screened by parapet wall[564]**	6 feet above maximum height limit of zone district	
Rooftop or yard mounted WECs equipment in B-P or IG district[565]	30 ft. above maximum height limit in	

[559] Additional text reading "except that where there is a building existing at the time of the passage of this section, with less than a twenty-foot setback on the same side of the street and within one hundred (100) feet on either side of the proposed building, such building may be located not less than twenty (20) feet from the street line", was not carried forward; standard nonconformity provisions should apply.
[560] Carries forward additional height and yard exceptions in Sec. 29-26 in tabular form, allowing for the elimination of unnecessary text and better readability.
[561] Current Sec. 29-26(a)(Height) with noted revisions.
[562] Text stating that there are no additional setbacks has been deleted.
[563] Rooftop solar energy equipment has been added to this list.
[564] New provision.
[565] WECS have been added to this table.

Table 4.1 – 4: Height Exceptions		
Structure, Feature, or Use	**Maximum Height (ft.)**	**Conditions or Limits**
	zone district	
Agricultural uses (e.g. silos, windmills, barns, etc.) in A-1	75 feet	
Radio and television antenna (private, noncommercial) in Residential districts[566]	45 feet	Must not be located in front yard, and must comply with all other applicable laws and ordinances.

(2) Yard Areas[567]

Table 4.1-5 identifies exceptions and encroachments to required yard areas. Except for permitted exceptions in the table, every part of a required yard or court shall be open and unobstructed from its lowest point to the sky.

Table 4.1-5: Yard Area Exceptions[568]				
Structure, Feature, or Use		**Yard Encroachment (maximum)**		**Conditions or Limits**
Building sills, belt courses, cornices, chimneys, buttresses, ornamental features, eaves, and rain barrels[569]		2 ft. into a yard		
Canopies or open porches[570]		6 feet into front or rear yard		Roof area limited to 60 sf or less; Porch cannot be enclosed
Driveways[571]	Single- and Two-Family Residential	Up to a 2-car garage	Permitted to a maximum width of 20 ft. in any front, rear, side, or corner side yard	Single- and two-family residential driveways shall maintain a setback of 5 ft. from the side property line and shall not occupy more than 50% of the lot width.
		3-car garage	Permitted to a maximum	

[566] Sec. 29-26(a)(6).
[567] Carries forward the yard exceptions in current Sec. 29-26(b).
[568] Revised since Module 3 to delete unnecessary reference to terrace garages.
[569] Current Sec. 29-26(b)(3). Reference to rain barrels added.
[570] Current Sec. 29-26(b)(3). Reference to rear yards added.
[571] Driveway standards revised since Modules 2 and 3 based on public and staff comments. 20 foot maximum driveway width has been tailored based on the size and occupancy of residential units. Current maximum width for a 3-car driveway is 30 ft. and for a shared duplex driveway is 40 ft. Current maximum multi-family, commercial, and mixed-use driveway widths (for a two-way driveway) were reduced from 42 to 36 feet to encourage walkability.

Table 4.1-5: Yard Area Exceptions[568]				
Structure, Feature, or Use		**Yard Encroachment (maximum)**		**Conditions or Limits**
			width of 28 ft. in any front, rear, side, or corner side yard	
		Shared duplex driveway	Permitted to a maximum width of 36 ft. in any front, rear, side, or corner side yard	
	Multi-Family, Commercial, and Mixed-Use	Permitted to a maximum width of 24 ft. (one-way, in or out), and 36 ft. (combined, in and out) in any front, rear, side, or corner side yard		Multi-family, commercial, and mixed-use driveways shall maintain a setback of 10 ft. from any side property line adjacent to a Residential district, or as determined by the required driveway radius.
Lot boundary fences, walls, and retaining walls[572]		Permitted up to lot line		May not encroach on public right-of-way or adjacent property without consent of owner
Open fire escape[573]		Into side yard, by no more than ½ the side yard width		Cannot extend more than 4 feet from the building
Open paved terraces[574]		10 feet into front or rear yard		
Solar or geothermal energy equipment[575]		Permitted in a side or rear yard		Not within 2 feet of a side or rear property line

29-4.2 M – DT Form-based Controls[576]

The M-DT district places a primary emphasis on physical form and placemaking—to encourage a mixed-use, pedestrian-oriented district—with a secondary focus on land uses. Property frontages

[572] Added since Module 2.
[573] Current Sec. 29-26(b)(4).
[574] Current Sec. 29-26(b)(3).
[575] Solar energy limit of 2 feet encroachment into yards replaced by limit of 2 feet from property line. Geothermal energy reference added.
[576] New form-based controls prepared by Ferrell-Madden for the M-DT district, which replaces the current C-2 district.

and Facades are part of the public realm, literally forming the walls of the Street-Space and are therefore subject to more regulation than the other portions of the private property. The private, interior portions of the lots are less controlled to allow residents and operators to use these spaces as environments unseen by the public and allow residents to have Private Open Space, gardens and courtyards. The principal regulatory sections of the M-DT district are the Regulating Plan, the Building Form Standards, and the Urban Space Standards, described below.

(a) Purpose and Intent

(1) The Regulating Plan

The Regulating Plan is the key to applying M-DT regulations to individual properties in the District. It provides a public space master plan with specific information on development parameters for each parcel and shows how each lot relates to the Street-Space and the surrounding neighborhood. The Regulating Plan also identifies additional regulations and/or opportunities for lots in specific locations, as well as place-specific exceptions to the Building Form Standards.

(2) The Building Form Standards

The Building Form Standards (BFS) establish basic parameters governing building form for different locations shown on the Regulating Plan in order to shape the Street-Space through the siting and form controls on buildings. Their secondary intent is to ensure that the buildings cooperate to form a functioning, sustainable, Block structure throughout the District. They describe the buildable envelope (in three dimensions) and certain permitted or required building elements that define the form and mixed-use character of the District. The Building Form Standards establish both the boundaries within which things may be done and specific things that must be done. The street frontage designated on the Regulating Plan determines the applicable Building Form Standard for a building site. [577]

(3) The Urban Space Standards

The Urban Space Standards establish those rules and standards for the Street-Space and Squares and Greens within the M-DT district that are the responsibility of the developer. They establish an environment that encourages and facilitates pedestrian activity and "walkable" streets that are comfortable, efficient, safe, and interesting, and ensure the coherence of the Street-Space.

(b) Using the M-DT District Form Standards

This section describes how to apply the requirements of the M-DT district to specific properties.

(1) Look at the Zoning map and determine if property in question is located within the M-DT District. If it is not, then Section 29-4.2 is not applicable.

[577] The distribution of Building Form Standard frontages was determined by the physical context, diversity of allowed/required uses, the 2010 Downtown Urban Design Charrette plan and study of the existing conditions.

(2) Look at the Regulating Plan in Section 29-4.2(c) and find the property in question. Note the color of the Street-Space fronting the lot—and then look at the "key" box to determine which Building Form Standard frontage applies to the property. Note the Required Building Line and the Parking Setback Line.

(3) Find the applicable individual Building Form Standard in Section 29-4.2(e). The individual Building Form Standard frontage will tell you the parameters for development on the lot in terms of height, siting, elements, and use.

(4) Additional regulations applicable to all properties in the M-DT district are located in Sections 29-4.2(d)(General Building Form Standards) and (f)(Urban Space Standards).

Land uses, parking requirements, and signage standards, that apply to the M-DT district are found in Chapter 3 and in Sections 4.3 through 4.10 of this Code.

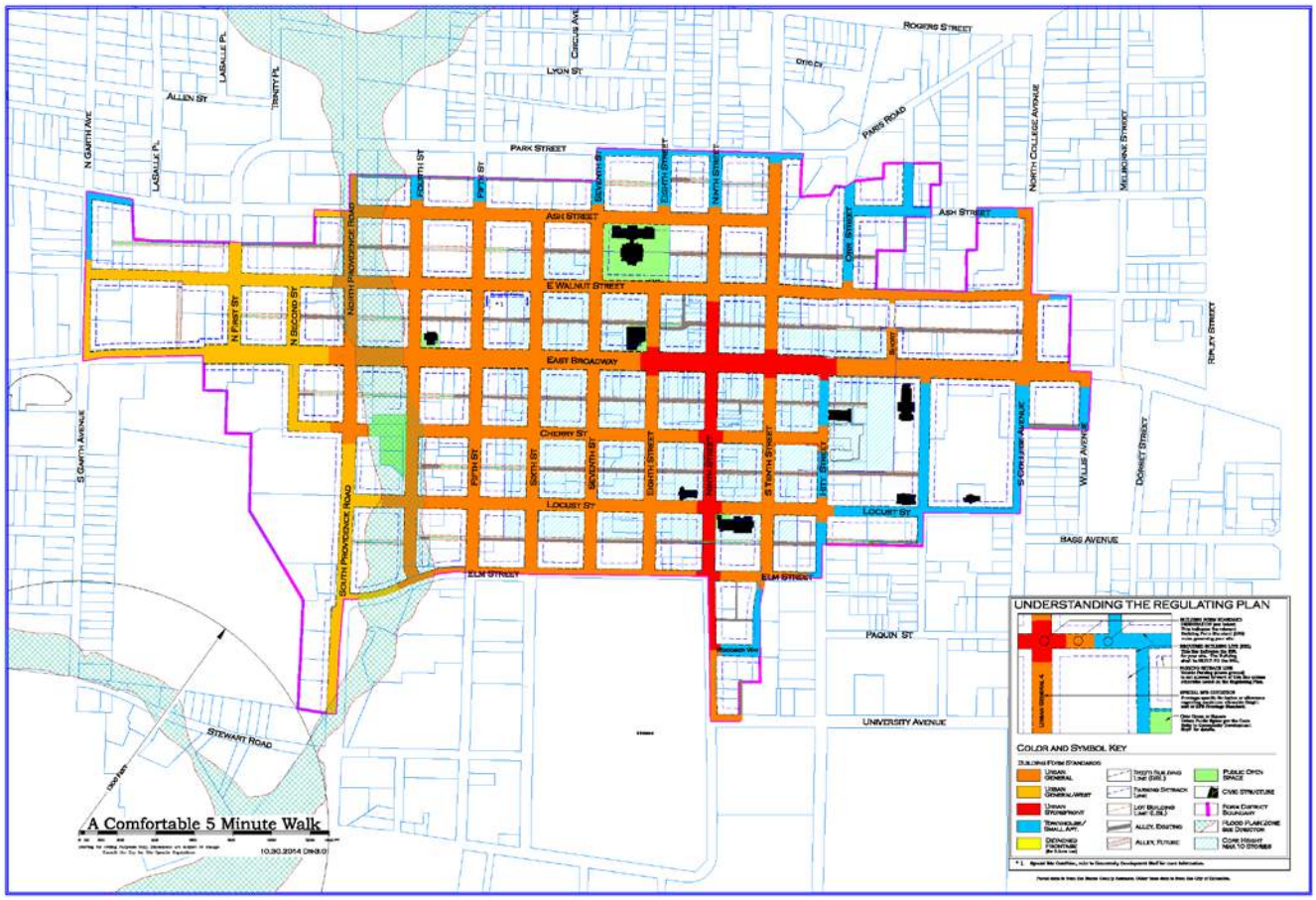
(c) The Regulating Plan

The Regulating Plan makes the M-DT standards place-specific, by describing where each Building Form Standard applies and by defining the public spaces. The Regulating Plan also identifies the items below, as illustrated in the Plan and Key that follow:

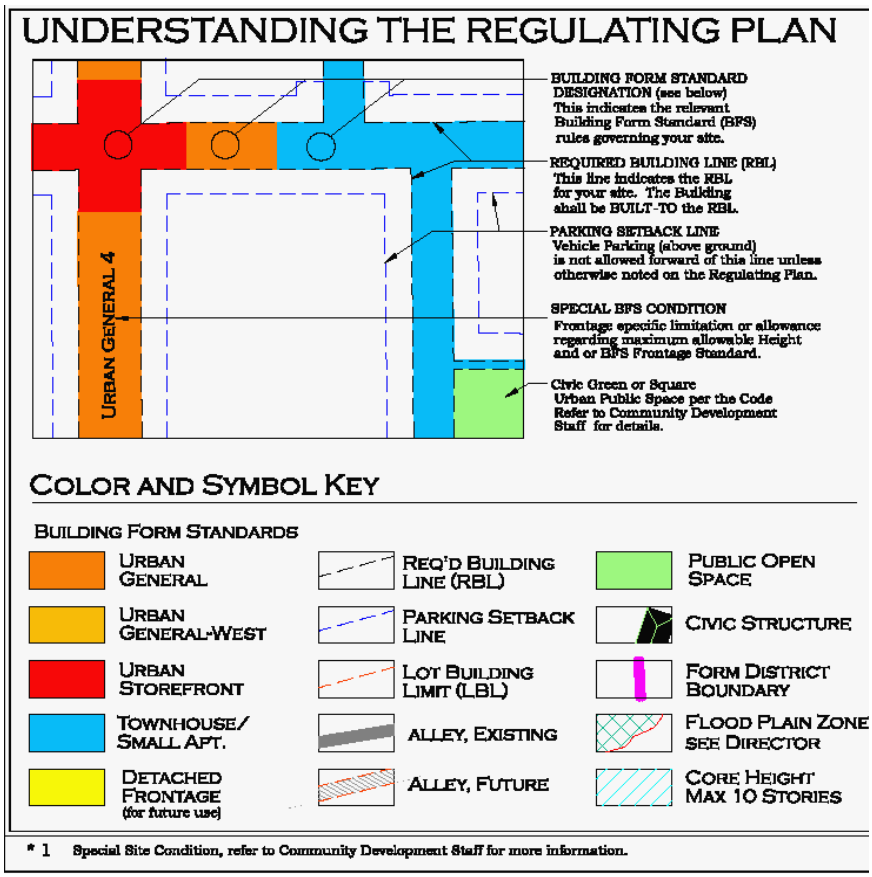
- The boundaries for the district;
- Existing and proposed streets and Alleys;
- The Required Building Lines, Parking Setback Lines, and Lot Building Limits.

(1) Understanding the Regulating Plan

The following images of the M-DT District Regulating Plan and Key are for illustrative purposes only. A full-scale version of the adopted Regulating Plan can be found at: [website to be inserted]. Contact the Community Development Department for further information about the M-DT district and Regulating Plan.



The Regulating Plan Key, below, highlights the regulations conveyed on the Plan.



(2) Streets, Blocks and Alleys on the Regulating Plan

(i) Street connectivity and the pedestrian-oriented public realm are fundamental characteristics of the M-DT district.[578] When a property is developed or redeveloped:

(A) For large-scale projects (involving the majority of a Block or more), the Regulating Plan may require the addition of new streets to create a smaller block pattern.

(B) No streets shown on the Regulating Plan may be removed without a replacement street being constructed in a location that maintains overall street connectivity in that area.

(C) While the street infrastructure may not be constructed or reconstructed until some point in the future, the Required Building Line and other regulations of the Regulating Plan shall apply to each affected property.

(D) New Alleys or Pedestrian Pathways required by the Regulating Plan shall be public or publically accessible.

(E) All lots shall share a frontage line with a Street-Space.[579]

[578] Street and Alley configurations shown on the Regulating Plan may or may not be immediately constructed. Recommended Street Types for the M-DT are shown in Appendix A.
[579] Street-Space includes more than just the street. For example, a lot could front on a park, green, or square.

(ii) Block size is a key component of walkability. For existing Block Faces of greater than three hundred fifty (350) feet in length at the time of redevelopment:

(A) The Block Face must be interrupted by an Alley, Common Drive, or Pedestrian Pathway providing through-access to another Street-Space, Alley, Common Drive or designated Conservation Line.

(B) Individual lots with up to one hundred fifty (150) feet of street frontage are exempt from the requirement to interrupt the Block Face

(C) Individual lots with over one hundred fifty (150) feet of street frontage shall meet the requirement within their lot, unless already satisfied within that Block Face.

(iii) Curb Cuts detract from the pedestrian realm and should be limited or removed to the extent possible during redevelopment.

(A) For lots with an Alley accessible to service vehicles, existing curb cuts shall be eliminated or vacated at the time of redevelopment unless the Director determines that they are necessary to protect public safety or avoid traffic congestion, or because Alley access will not serve the functional needs of the property.

(B) For lots without Alley access, existing curb cuts may be maintained or relocated.

(C) Where a parking structure is provided with at least thirty (30) percent of its spaces publically available, existing curb cuts may be relocated or maintained to provide access to the structure, even if the parcel has Alley access.

(iv) Alleys are a key component of M-DT District connectivity and service infrastructure.

(A) Alleys or Common Drives must provide automobile and service access to the rear of all lots, except where the City has regulated alley access, where lots abut non-developable lots, or where a lot has streets on three sides and the absence of an Alley or Common Drive would not deprive an adjacent neighbor of rear lot access.[580]

(B) New Alleys require an amendment to the Regulating Plan.

(C) For new Alleys or Common Drives, public access, public utility, and drainage shall be dedicated through an irrevocable easement.

(D) Alleys may be incorporated into (rear) parking lots as standard drive aisles if cross-access to all abutting properties is maintained.

(E) Where an Alley does not exist but is identified on the Regulating Plan, and it is not feasible to construct the Alley at the time of redevelopment, no permanent structure shall be constructed on the proposed Alley right-of-way.

(3) Regulating Plan Amendments

Any amendment or change to the Regulating Plan shall require the adoption of a revised Regulating Plan through the same procedures used for an amendment to the Zoning Map as described in Chapter 5 (Procedures and Enforcement) of this Code.

(d) General Building Form Standards

[580] Revised since Module 3 to recognize cases where the City does not allow alley use for vehicle access.

The Building Forms detailed in this section establish the standards and parameters for new development and redevelopment within the M-DT District. The following standards apply to all Building Form Standard frontages, unless expressly stated otherwise within an individual Building Form Standard or otherwise designated on the Regulating Plan.

(1) Transitions

When the Building Form Standard designation shown on the Regulating Plan changes along a property's Required Building Line, that property owner has the option of applying either Building Form Standard for a maximum additional distance of fifty (50) feet along that Required Building Line.

(2) Façade Composition[581]

"Facade composition" is the arrangement and proportion of facade materials and elements (windows, doors, columns, pilasters, bays). "Vertical" indicates the composition from the sidewalk level to the parapet or eaves. "Complete and discrete" distinguishes one part of the Facade from another to break down the perceived scale of large buildings and provide a better pedestrian experience.

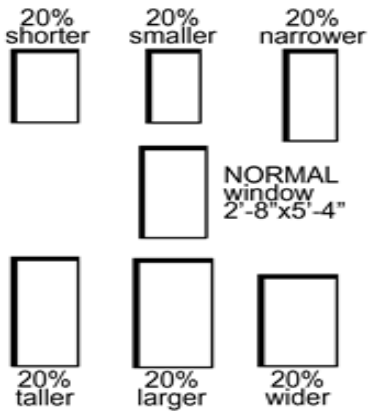


Figure 4.2-1: Fenestration Proportions: Minimum differences to achieve subsection (B)

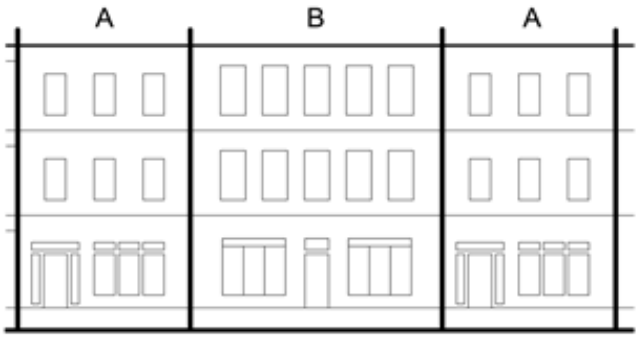


Figure 4.2-2: Different Vertical Façade Bay Compositions within a Block Face- "A" and "B" have: different number of bays; different Ground Story window and door configurations; and different Upper Story window sizes and spacing.

(i) Along each Block Face, Façades along the Required Building Line shall be broken down into Complete and Discrete Vertical Façade Compositions to maintain and/or create a pedestrian-scale for the Street-Space., The maximum average length of individual Façade Compositions along a Required Building Line (generally running parallel to the fronting sidewalk) for each Building Form Standard is specified in the Elements section of the Individual Building Form Standard Frontage standards.[582]

[581] Since Module 3, text and drawing captions have been revised to clarify intent.

[582] Note that these are average distances, not absolute intervals. A longer Facade composition may be presented, as long as smaller compositions appear within the same Block Face in order to achieve the above-stated average. This requirement may be satisfied for large footprint uses, such as large groceries and department stores, through the use of liner shops.

(ii) To achieve a Complete and Discrete Vertical Facade Composition along a street frontage requires, at a minimum, subsection (A) below and at least two additional items from subsections (B) through (E) below:

(A) Clearly different Ground Story Façade configuration (either materials or Fenestration proportions and spacing or both) from one Vertical Façade Composition to the next.

(B) Fenestration proportions differing between one Vertical Façade Composition to the next of at least twenty (20) percent in height or width or height:width ratio (See Figure 4.2-1).

(C) At least two (2) different bay configurations (See Figure 4.2-2).

(D) Change in wall material (changes in paint color are insufficient).

(E) Change in total Fenestration percentage (minimum difference 12 percent; ground floor Façades are not included).

(iii) Each Façade composition shall include a functioning street entry door.

(iv) Individual infill projects on lots with street frontage of less than one hundred (100) feet on a Block Face are exempted from the overall Façade composition requirement for that Block Face, but shall still include a functioning street entry.

(v) Where glass is used to meet the fenestration requirements, it shall have a light transmission at the Ground Story at least ninety (90) percent and for the upper stories at least seventy-five (75) percent, unless otherwise required by the building or energy conservation code.[583]

(3) Building Size

The maximum ground floor footprint for each building, but not including parking structures that comply with this Code, is twenty-five thousand (25,000) gross square feet.[584] The construction of larger buildings shall require an Adjustment of Form-based Controls as described in Section 19-5.4(e).

(4) Neighborhood Transitions[585]

For any Urban General, Urban Storefront, and Urban General-West frontage sites, the following rules apply.

(i) Where a site shares a Common Lot Line with an R-3 lot that is limited to a single-family detached residential structure due to lot size:

[583] Window transparency is fundamental to a healthy urban Street-Space Reflective, rather than clear, windows are effectively a blank wall and deaden the street.
[584] The maximum building footprint limits the scale of individual buildings in M-DT and maintains the pedestrian scale along the street frontage. A typical Downtown Columbia block is approximately 72,000 square feet. This standard will allow a building that is 100x250 feet, or approximately one third of block. The new portion of City Hall has a footprint of just over 10,000 square feet. A typical supermarket ranges from 50-75,000 square feet.
[585] Depending on the final adopted M-DT Regulating Plan, the Neighborhood Transitions standards may be deleted.

(A) There shall be at least a twenty (20) foot setback from the Common Lot Line. Common Drives and Alleys are allowed in this setback area. (See Figure 4.2-3).

(B) Notwithstanding any minimum height requirement, within fifty (50) feet of the Common Lot Line, and within eighty (80) feet of any Required Building Line, the structure shall have a maximum height of thirty (30) feet. (See Figure 4.2-4).

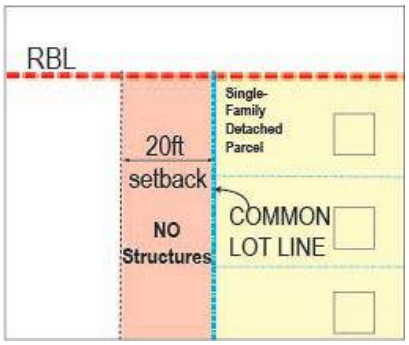


Figure 4.2-3: Common Lot Line Setback

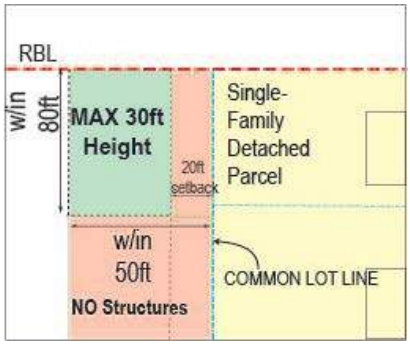


Figure 4.2-4: Common Lot Line & Height

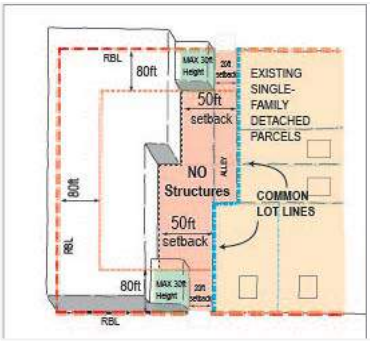


Figure 4.2-5: Buildable Envelope Limitations (Illustrative Intent)

(C) Farther than eighty (80) feet from any Required Building Line, there shall be an additional thirty (30) foot setback -- for a total setback of fifty (50) feet -- from the Common Lot Line for all structures. Surface parking and Common Drives and Alleys are allowed in this setback area. (See Figure 4.2-4).

(ii) Where a site shares a Common Lot Line with (or sits across an Alley from) a single-family residential property, a garden wall, four (4) to six (6) feet in height, shall be constructed within one (1) foot of the Common Lot Line or Alley. Trees from the Street Tree List shall be planted, on maximum thirty (30) foot centers, within ten (10) feet of this wall. Required tree planting numbers and locations may be adjusted to accommodate any required fire access.

(5) Height[586]

(i) The height of all buildings is measured in Stories, with a Building Height limit in feet, measured from the average fronting sidewalk elevation to the top of the wall plate, unless otherwise designated in this Section 29-4.2.[587]

(ii) The minimum Façade height that is required at the Required Building Line is shown on the individual Building Form Standard.

[586] Since Module, provision that Attic Story is not included in building height has been removed. Building height measures are now the same throughout the City.

[587] This method of measuring building height in both stories and feet provides an absolute maximum height in feet, while also encouraging varied floor-to-floor heights and roof types without increasing maximum density. This allows for more generous clear heights and accommodates unique designs such as grand lobbies, loft spaces, penthouse configurations, and habitable attic stories. This measurement applies to the M-DT district only, and may be adjusted for closer alignment with height measurement rules in other districts in the final adoption draft.

(iii) English basement units do not count against the building story height limit but do count against the Building Height measurement.

(iv) If a parking structure is constructed after the adoption of this Section 29-4.2 and any portion of the parking structure is located within thirty (30) feet of a building constructed pursuant to this Section 29-4.2, no portion of the parking structure shall exceed the building's primary roof ridge or parapet height.

(v) At least eighty (80) percent of each Story must meet the minimum Clear Height prescribed in the Individual Building Form Standard.

(vi) The Ground Story finished floor elevation requirements shall be measured:

(A) From the average exterior sidewalk elevation at the Required Building Line, and

(B) Within thirty (30) feet of any Required Building Line.

(6) Siting

(i) Building Façades shall be built to the Required Building Line as stated in the Individual Building Form Standard.

(ii) The building Façade shall be built to the Required Building Line within thirty (30) feet of a Block Corner, unless otherwise stated in the Individual Building Form Standards.

(iii) The Required Building Line, which is shown on the Regulating Plan as an absolute line, allows an offset area (or depth) of twenty-four (24) inches beyond that line (into the Buildable Area) to allow for Façade articulation, unless otherwise stated in this Section 29-4.2. Portions of the Façade located within that twenty-four (24) inch zone comply with the Required Building Line.

(iv) Buildings may only occupy that portion of the lot specified as the Buildable Area—the area behind the Required Building Line as designated by the individual Building Form Standards.

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

(vi) No part of any building may be located outside of any designated Lot Building Limit.

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

(viii) There are no side lot setbacks, except as specified in the Neighborhood Transitions (above) or in the Building Form Standards.

(ix) The Parking Setback Line is generally twenty-four (24) feet behind the Required Building Line and extends as a vertical plane from the first floor level unless otherwise shown on

the Regulating Plan[588] or otherwise stated in this Section 29-4.2. Vehicle parking shall be located behind the Parking Setback Line, except where parking is provided below grade, on-street, or otherwise indicated on the Regulating Plan.

(x) All lots, including corner lots and through lots, shall satisfy the build-to requirements for all of their Required Building Line frontages, and the Dooryard and/or front yard requirements for each designated Building Form Standard, unless otherwise stated in this Section 29-4.2.

(xi) Where a Street Wall is required in the Individual Building Form Standard, it shall be located along any Required Building Line frontage that is not otherwise occupied by a building.[589]

(7) Private or Public Open Area

Private or public open area must comply with standards in each Individual Building Form Standard Frontage (Section 29-4.2(e)) and in Section 29-4.4 (Landscaping and Screening).

(8) Balconies[590]

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

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

(A) Shall be enclosed by balustrades, railings, or other means that block at least fifty-five (55) percent of the view through them;

(B) Shall not otherwise be enclosed above a height of forty-two (42) inches, except with insect screening and/or columns/posts supporting a roof or connecting with another Balcony above; and

(C) Shall be roofed.

(iii) Balconies on new, renovated, or retrofitted construction may project into the public right-of-way only if:

(A) The improvement complies with section 24-2(c) of the City Code;

(B) The balcony projects only over a public sidewalk or an alley, provided that such projection does not cause a disruption to any City service or maintenance of the underlying public improvements. No balcony shall project over the travel lanes of any public street;

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[588] This standard is intended to prevent parking garages being exposed to the street at upper levels. As drafted, it applies throughout the M-DT District, but could be limited to key geographic locations via specific designations on the Regulating Plan, as stated above.

[589] Street Walls are only required when a property is redeveloped. Street Walls are not completely opaque, as they are required to meet all fenestration requirements for the frontage in which they are located. The intent is that they maintain the built edge of the public realm and screen service areas. We expect that there will be very few Street Walls of more than minimal length (simply closing off small gaps between adjacent buildings.). This standard also provides a (small) disincentive for demolishing buildings to create more surface lots in the M-DT district.

[590] Combines current Sec. 29-26(c) providing for balconies in the current C-2, and new form-based standards. Portions were relocated from Dimensional Standard section in prior draft.

(C) The maximum projection and minimum height above the public sidewalk shall be governed by the Building Code of Columbia, Missouri, adopted in chapter 6 of the City Code; and

(D) The proposed balcony meets all applicable design standards contained in this Code and other ordinances passed by the Council.

(9) Other Building Elements

(i) Fenestration is regulated as a percentage of the Facade between floor levels. It is measured as glass area (including mullions and similar window frame elements with a dimension less than one inch) or as open area.

(ii) As illustrated in Figure 4.2-6, unless otherwise designated in the individual Building Form Standards or in the Building Code, no window within ten (10)[591] feet of a Common Lot Line may be at an angle of less than ninety (90) degrees from that Common Lot Line[592] unless:

(A) That view is contained within the lot (e.g. by a privacy fence/garden wall, opaque glass), or

(B) The sill (or other limit to transparency) is at least 6 feet above its finished floor level.

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

(iv) Ground Story awnings shall maintain a minimum horizontal clearance of one (1) foot from any point where the tree lawn meets the Clear Walkway.

(v) Bay Windows shall have an interior clear width of between four (4) and eight (8) feet at the Façade. Bay Windows shall project no more than forty-two (42) inches beyond the Façade.

(vi) Attic Stories are permitted within all Building Form Standard frontages.

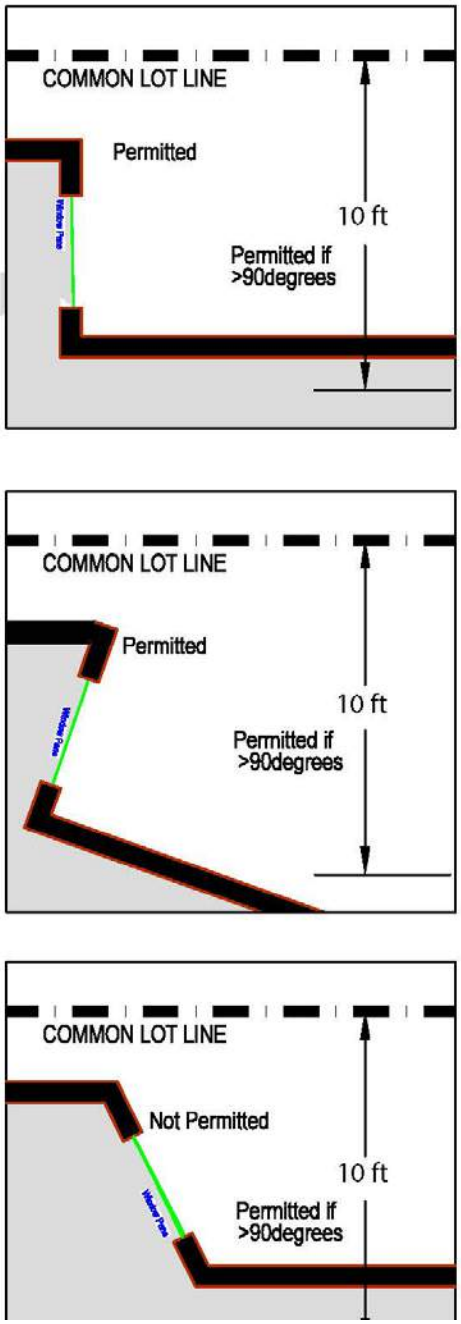


Figure 4.2-6: Relationship between a window and Common Lot Line.

[591] Reduced from 10 feet in Module 3.

[592] The intent of this standard is to prevent the construction of adjacent buildings looking directly into one another's windows across a common lot line within a prescribed distance. This does not violate "2nd means of egress" standards, which can be achieved in a variety of ways. It is limiting transparency and direct views.

(A) On the Required Building Line/Facade side of the roof pitch, Attic Story windows may only be located in dormers and/or gable ends.

(B) Attic Story Dormers are permitted so long as they do not break the primary eave line, are individually less than fifteen (15) feet wide, and their collective width is not more than sixty (60) percent of the Required Building Line Facade length.

(C) The floor area of an Attic Story, measured as the floor area with a building code minimum Clear Height, may not occupy an area greater than seventy-five (75) percent of the floor area of the Story immediately below.

(D) Attic Stories meeting the above standards do not count against the maximum Building Height in feet or Stories.

(vii) Where visible from the Street-Space, pitched roofs, exclusive of roofs behind parapet walls, shall be pitched between 4:12 and 12:12. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.

(viii) English Basement Accessory Dwelling Units are permitted in Townhouse frontages and do not count against the maximum building height in Stories provided they have windows above grade and have direct street frontage access.

(ix) At least one functioning entry door shall be provided along each Ground Story Façade. No Ground Story Façade may include a section of greater than seventy-five (75) feet without a functioning entry door[593], unless otherwise stated in the Building Form Standards.

(x) All required Front Porches shall be completely covered by a roof. Front Porches may be screened when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the Street-Space. The Front Porch finished floor height shall be no more than eight (8) inches below the first interior finished floor level of the building to which it is attached. Front Porches shall not extend pas the Dooryard into the Clear Walkway.

(xi) The Stoop finished floor height shall be no more than eight (8) inches below the first interior finished floor level of the building to which it is attached. Stoops shall not extend past the Dooryard into the Clear Walkway.

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

(10) Building Functions

Broad parameters for allowable uses for Ground Stories and upper Stories are identified in each Building Form Standard. Specific permitted use standards are provided in Chapter 29-3.

(11) Civic Buildings

When Civic Buildings are designated on the Regulating Plan, they are exempt from the Building Form Standards.

[593] The intent of this standard is to encourage street activation. A building with 100 feet of street frontage with a single door in the center would meet this standard. It does not apply alongside and rear building elevations.

(e) Individual M-DT Building Form Standard Frontages

This Section describes the intent and the standards applicable to each Individual Building Frontage Type designated on the Regulating Plan. The four Individual Building Frontage Types are:

- Urban General/Urban Storefront
- Urban General – West
- Townhouse/Small Apartment
- Detached

Photos are provided to illustrate each frontage type and are advisory only. Where the statements of intent or photographs are inconsistent with the standards, the standards shall apply.

(1) Urban General/Urban Storefront Frontages

(i) Illustrations and Intent

Urban General is to be used for those properties fronting the orange Street-Spaces on the Regulating Plan. Urban Storefront is to be used for those properties fronting on the red colored Street-Spaces on the Regulating Plan.

Urban General is the basic urban street frontage, once common across the United States. The purpose of this frontage is to develop multi-story buildings placed directly at the sidewalk with one or more entrances and windows across the Façade. The uses range from commercial to residential, municipal to retail and restaurants—and combinations of all of the above. There could be several buildings lined up shoulder to shoulder, filling out a Block, or on smaller Blocks, a single building might fill the Block Face.

Small mixed-use buildings with individual Shopfronts.

Large mixed-use buildings with Shopfronts and vertical facade composition to provide pedestrian scale

Street-oriented residential buildings with small Dooryards.

Where Urban Storefront is designated on the Regulating Plan, the Urban General Building Form Standard shall apply, and the additional specific standards for Urban Storefronts set forth in this subsection shall also apply. The main distinction between Urban General and Urban Storefront is that the Urban Store Ground Story configuration shall be that of a Shopfront – with uses limited to retail, food and beverage, or personal service.

The Urban Storefront frontages are designated in the most intense areas of the M-DT District and it is anticipated that there will be significant pedestrian traffic along these Blocks. The photos illustrate the range of buildings that could be constructed under the Urban General and Urban Storefront frontages.

Transparent Ground Story Facades provide views between interior and exterior, enlivening the sidewalk.

Shopfronts line the Ground Story, with offices or residences above.

(ii) Height

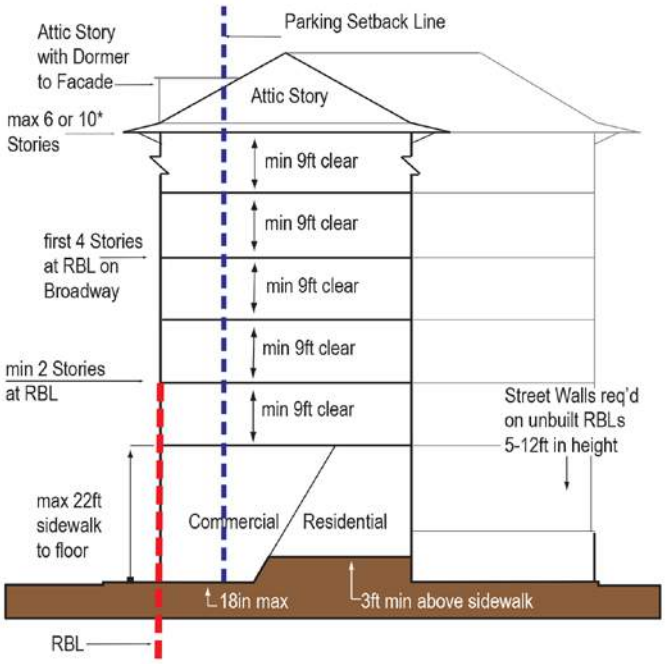


Figure 4.2-7: Urban General/Urban Storefront Height Standards

(A) Building Height[594]

The building shall be at least two (2) Stories in height at the Required Building Line, but no greater than six (6) or ten (10) stories, *as designated on the Regulating Plan, with an Building Height of seventy-two (72) or one hundred forty-two (142) feet respectively. For buildings on Broadway that are four (4) or more Stories, the first four (4) Stories shall be built to the Required Building Line.[595]

(B) Ground Story Height

1) Non-residential uses

[594] While the C-2 district currently has unlimited building height, the idea of limiting heights in M-DT serves multiple purposes. Tremendous building mass, and therefore leasable space, can be constructed by bring buildings up to the street, maximizing lot coverage, and creating perimeter blocks. (Ten stories would be taller than anything in Downtown Columbia today.) In the near term, the expectation for significant large-scale development is limited, at best. Allowing an individual building of 15 or 20 stories (or taller) would absorb most, if not all, of the market for years to come, or encourage other property owners to simply "hold on to" their property, waiting for the "ideal" redevelopment opportunity to come along. Development of this sort has little or no synergistic effect for the City as a whole. (There are plenty of examples of this scenario around the country—office towers surrounded by parking lots.) It is healthier for Downtown Columbia to have multiple medium-scale redevelopment projects filling in underused blocks than a few monster towers surrounded by vacant properties. In addition, since the current market seems to primarily be "student housing", the creation of high-rise student apartments would seem less than optimal when trying to maintain a downtown that serves the entire City, not just the colleges and university.
[595] Note: Building walls help to create an "outdoor room", ideally in proportion to the Street-Space width. The extra width of Broadway calls for greater height at the street to better define the pedestrian realm.

i) The Ground Story finished floor elevation shall be no lower than the average fronting exterior sidewalk elevation; and no higher than eighteen (18) inches above the average fronting sidewalk elevation.

ii) The Ground Story shall have a Clear Height of at least fifteen (15) feet contiguous to the Required Building Line frontage for a minimum depth of twenty-five (25) feet.

2) Residential Units at the Required Building Line[596]

i) The finished floor elevation shall be no less than three (3) feet.

ii) The Ground Story shall have a Clear Height of at least nine (9) feet.

iii) Main entrances and lobbies may be at grade, with transitions to meet the minimum finished floor elevation for the units within the building interior.

(C) Upper Story Height

The minimum Clear Height for each upper Story is nine (9) feet.

(D) Street Wall Height[597]

A Street Wall not less than five (5) feet in height or greater than twelve (12) feet in height shall be required along any Required Building Line frontage that is not otherwise occupied by a building or forecourt on the lot.

[596] Elevating ground floor units that are adjacent to the Required Building Line serves at least two purposes—to provide privacy for those units directly at the public sidewalk and allow them to be "eyes on the street" as units with closed curtains cannot.

[597] Street Walls are not completely opaque, as they are required to meet all fenestration requirements for the frontage in which they are located. The intent is that they maintain the built edge of the public realm and screen service areas from the same. The expectation is that there will be very few of them of more than minimal length (simply closing off small gaps between adjacent buildings.). The standards can be adjusted to provide greater variation (in height, etc.) between the different frontages—and in some communities, substantial fencing such as brick piers with wrought iron has been allowed to meet the requirement, particularly around surface parking lots. (This standard also provides a (small) disincentive for demolishing buildings to create more surface lots in the M-DT.)

(iii) Siting

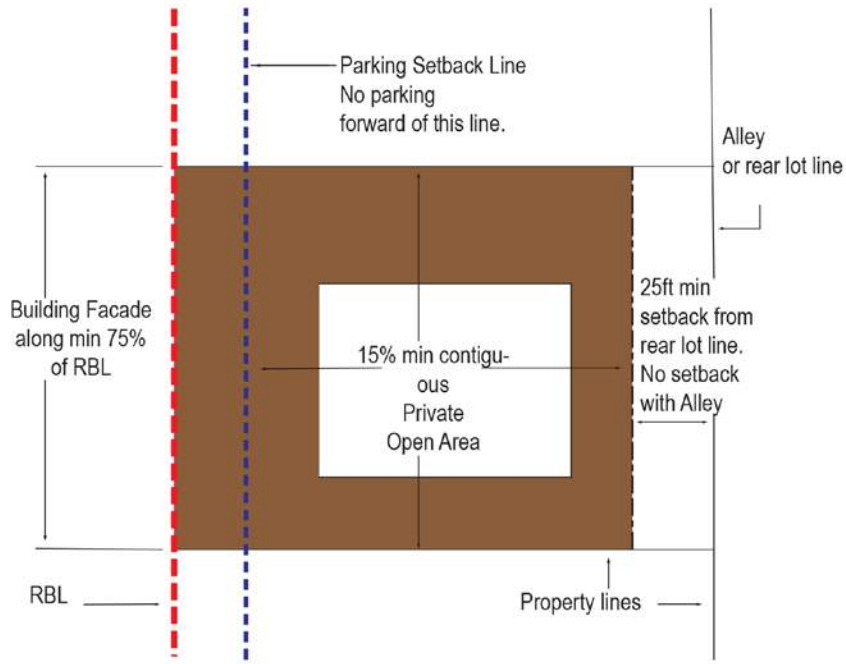


Figure 4.2-8: Urban General/Urban Storefront Siting Standards

(A) Façade

1) On each lot the building Façade shall be built to the Required Building Line for at least seventy-five (75) percent of the Required Building Line length.

2) A forecourt may be constructed along up to twenty-five (25) percent of the Required Building Line where:

i) The forecourt is surrounded on three (3) sides by the building;

ii) The surrounding elevations meet all Façade requirements; and

iii) The forecourt shall not provide automobile access other than for emergency services.

3) Within eight (8) feet of the Block Corner, the Ground Story Façade may be chamfered to form a corner entry.

(B) Buildable Area

The Buildable Area is shown in the diagram.

1) A Private or Public Open Area[598] equal to at least fifteen (15) percent of the total Buildable Area shall be preserved on every lot. Up to thirty-three (33) percent of the required Private or Public Open Area may be satisfied through the Balconies of individual units or rooftops as follows:

598

i) Where located at grade, such Private or Public Open Area may be located anywhere behind the Parking Setback Line, but not within any required side or rear setbacks.

ii) Where provided above the second Story but below a building's roof level, the Private or Public Open Area may be located forward of the Parking Setback Line (such as in a raised courtyard configuration) and shall open onto no more than one Street-Space and shall be set back at least thirty (30) feet from any Block Corner or Building Corner.

iii) Where located on the building's roof level, the Private or Public Open Area may be located anywhere on the roof.[599]

(C) Garage and Parking

Openings in any Required Building Line for parking garage entries shall have a maximum Clear Height no greater than sixteen (16) feet and a clear width no greater than twenty-two (22) feet.

(iv) Elements

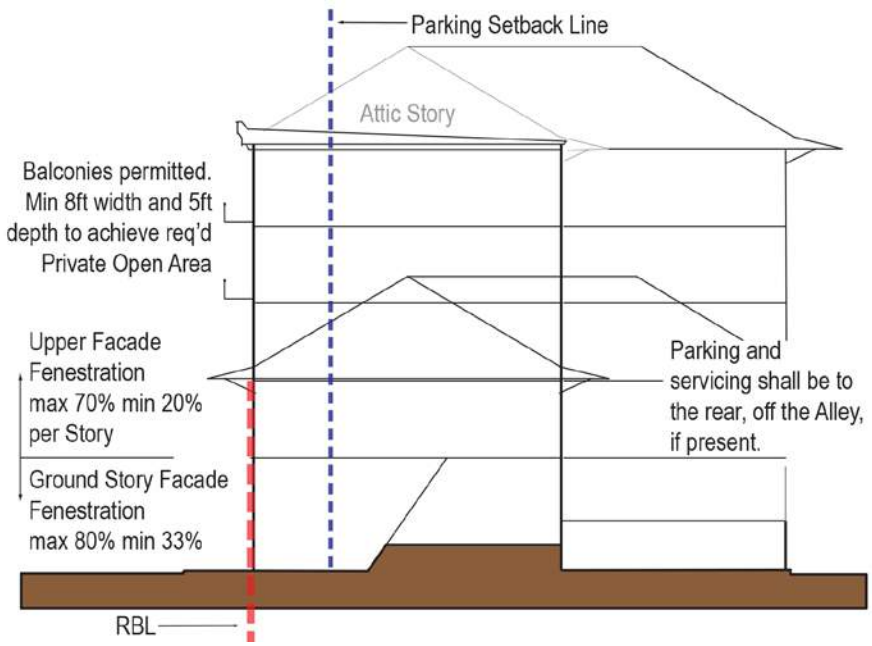


Figure 4.2-9: Urban General/Urban Storefront Element Standards

[599] The requirement of a Private or Public Open Area is based on the expectation that the M-DT district is going to intensify and the people who live and work in these buildings will need access to some outdoor open spaces. (The intent is not to provide a public amenity, other than to break down the scale of the Façade configuration with balconies that are constructed to a minimum—aesthetic and usable space—standard.) This is a basic "quality of life" provision for urban dwellers. The percentage is relatively low and is typically "sold" as an amenity to perspective lessees. Since Module 3, requirement that a majority of required Private or Public Open Space be in one or two contiguous areas has been deleted.

(A) Fenestration

1) Blank lengths of wall exceeding twenty (20) linear feet are prohibited on all Required Building Lines.

2) For Urban General frontages, Ground Story Fenestration shall comprise between thirty-three (33) percent and eighty (80) percent of the Ground Story Façade.

3) For Urban Storefront:

   i) Ground Story Fenestration shall comprise between fifty (50) percent and ninety (90) percent of the Ground Story Façade.

   ii) Single panes of glass shall not be permitted larger than ten (10) feet in height by five (5) feet in width.

   iii) Ground Story windows may not be made opaque by window treatments[600] (excepting operable sunscreen devices within the conditioned space). A minimum of eighty (80) percent of the window surface shall allow a view into the building interior for a depth of at least fifteen (15) feet.

4) Upper Story Fenestration shall comprise between twenty (20) percent and seventy (70) percent of the Façade area per Story.

(B) Building Projections

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

(C) Vertical Façade Composition

1) For Urban General – shall occur at no greater than the average street frontage length of seventy-five (75) feet per Block Face.

2) For Urban Storefront – shall occur at no greater than the average street frontage length of sixty (60) feet per Block Face.

(D) Street Walls

One access gate no wider than twenty-two (22) feet and one pedestrian entry gate no wider than five (5) feet shall be permitted within any required Street Wall.

[600] The purpose of this standard is to insure that Urban Storefront windows are not made ineffectual by occupants who build shelving in front of them, paint the windows to obstruct views, or block them with plywood, etc., thereby deadening the Street-Space. (It is not intended to prevent the use of operable window shades, etc.).

(v) Use

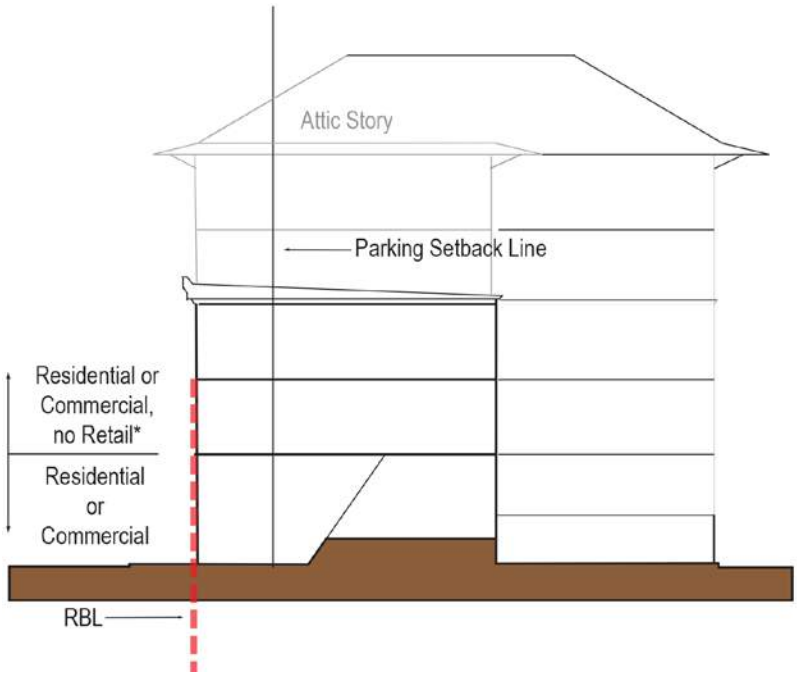


Figure 4.2-10: Urban General/Urban Storefront Use Standards

(A) Ground Story

The Ground Story may only house commercial, residential, public or institutional uses, as prescribed in Chapter 29-3. See height specifications above for specific requirements unique to each use.

(B) Upper Stories

1) The upper Stories may only house residential or commercial uses. *Rooftop Food and Beverage Services are only permitted in the locations designated for Core Height on the Regulating Plan. In all other locations, no food and beverage services or retail sales uses shall be allowed in upper Stories unless they are second Story extensions accessory to the Ground Story use.

2) No commercial use is permitted above a residential use.

3) Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

(2) Urban General – West Frontage[601]

(i) Illustrations and Intent

This frontage is to be used in those portions of the Regulating Plan colored gold.

The Urban General-West frontage addresses the evolving area of west Downtown Columbia. Given Columbia's emphasis on sustainability and multi-modal transportation issues, more compact, urban land-use patterns are appropriate for this area. This frontage fosters single and multi-story buildings, placed to the front of their lot, with windows and one or more entrances onto the sidewalk. The uses may range from commercial to residential, municipal to retail and restaurants. Several buildings could stand shoulder to shoulder along a Block Face, or a single building might fill a smaller block. Less intense than downtown, this frontage anticipates a gradual increase in pedestrian traffic over time. It provides improved pedestrian connectivity and transition to the adjacent neighborhoods. The photos illustrate the range of buildings that could be constructed under this frontage.

National chains can provide street-oriented buildings.

This frontage can accommodate large format, single use buildings or compact, mixed-use ones.

[601] The Urban General-West frontage creates a very flexible Building Form Standard for the area west of Providence

Street-oriented Civic building supports walkability.

Parking located to the side, with low Street Wall defining pedestrian realm.

(ii) Height

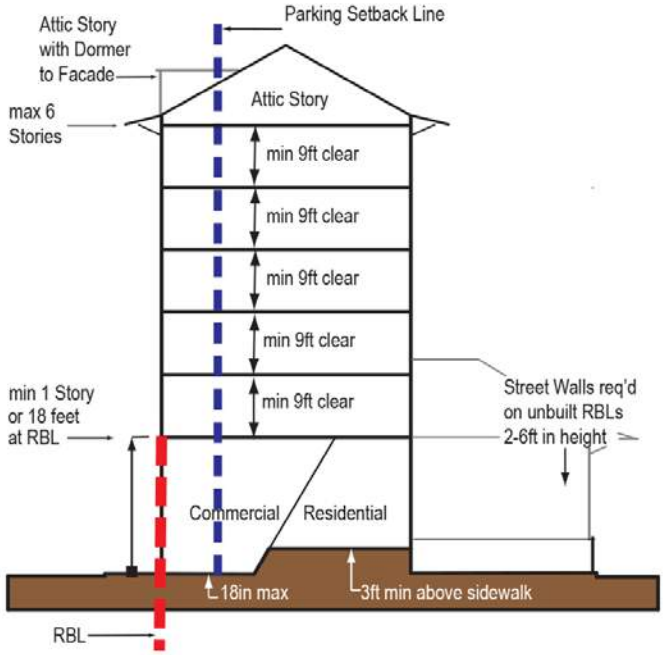


Figure 4.2-11: Urban General West Height Standards

(A) Building Height

The building shall be at least one (1)[602] Story and eighteen (18) feet in height at the Required Building Line, but no greater than six (6) Stories and seventy-eight (78) feet in height, unless otherwise designated on the Regulating Plan.

(B) Ground Story Height

1) Non-residential uses.

[602] Since Module 3, a minimum building height of 1 story rather than 2 has been clarified.

i) The Ground Story finished floor elevation shall be no lower than the average fronting exterior sidewalk elevation and no higher than eighteen (18) inches above the average fronting sidewalk elevation.

ii) The Ground Story shall have a clear height of at least twelve (12) feet contiguous to the Required Building Line frontage for a minimum depth of twenty-five (25) feet.

2) Residential Units at the Required Building Line

i) The finished floor elevation shall be no less than three (3) feet.

ii) The Ground Story shall have a Clear height of at least nine (9) feet.

iii) Main entrances and lobbies may be at grade, with transitions to meet the minimum finished floor elevation for the units within the building interior.

(C) Upper Story Height

The minimum clear height for each upper Story is nine (9) feet.

(D) Street Wall Height

A Street Wall not less than two (2) feet in height or greater than six (6) feet in height shall be required along any Required Building Line frontage that abuts a surface parking lot.

(iii) Siting

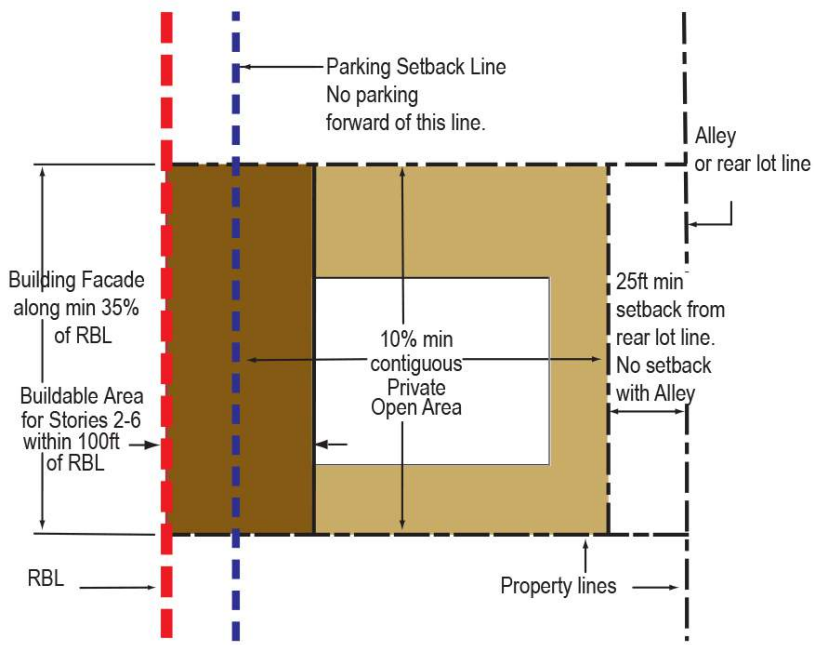


Figure 4.2-12: Urban General West Siting Standards

(A) Façade

1) On each lot the building Façade shall be built to the Required Building Line for at least thirty-five (35) percent of the Required Building Line length.

2) Within eight (8) feet of the Block Corner, the Ground Story Façade may be chamfered to form a corner entry.

(B) Buildable Area

The Buildable Area is delineated in the diagram.

1) The Ground Story may sit anywhere within the buildable area.

2) A second Story and above, shall only be within the Buildable Area within one hundred (100) feet of a Required Building Line.

3) Where private access drives are configured as recommended M-DT street types, a new Required Building Line shall be created.

4) A contiguous Private or Public Open Area equal to at least ten (10) percent of the total buildable area shall be preserved on every lot. At least sixty-seven (67) percent of the Private or Public Open Area shall comprise no more than two separate contiguous areas. Located at grade, such Private or Public Open Area may be located anywhere behind the Parking Setback Line, but not within any required side or rear setbacks.

(C) Garage and Parking

Openings in any Required Building Line for parking garage entries shall have a maximum clear height no greater than sixteen (16) feet and a clear width no greater than twenty-two (22) feet.

(iv) Elements

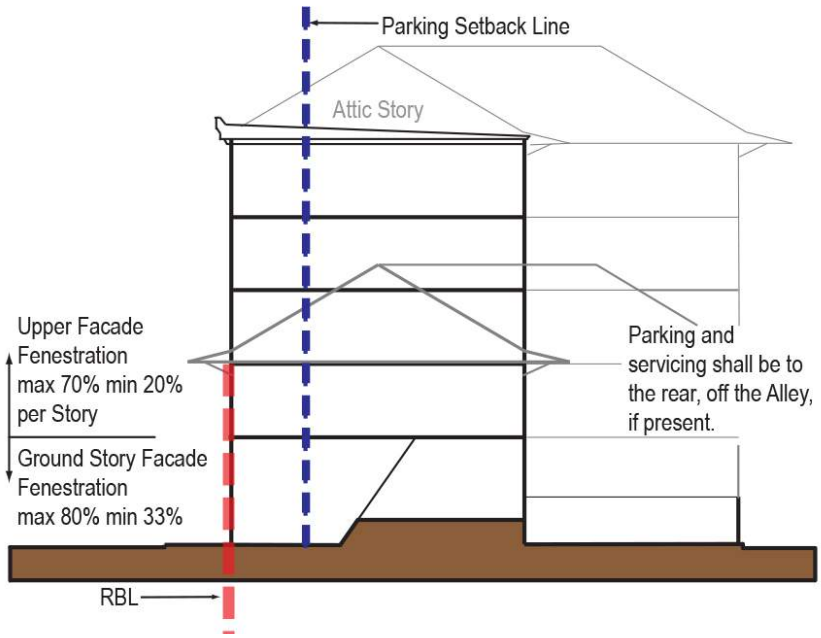


Figure 4.2-13: Urban General West Elements Standards

(A) Fenestration[603]

1) Blank lengths of wall exceeding thirty (30) linear feet are prohibited on all Required Building Lines.

2) Ground Story Fenestration shall comprise between thirty-three (33) percent and eighty (80) percent of the Ground Story Facade.

3) Upper Story Fenestration shall comprise between twenty (20) percent and seventy (70) percent of the Façade area per story.

(B) Vertical Façade Composition

No greater than the average street frontage length of seventy-five (75) feet per Block Face.

(C) Street Walls

One access gate no wider than twenty-two (22) feet and one pedestrian gate no wider than five (5) feet shall be permitted in any required Street Wall.

[603] These standards only apply to the Façade. The minimum standards will assist in breaking down the scale of large footprint buildings along the street while also providing natural light into the interior.

(v) Uses

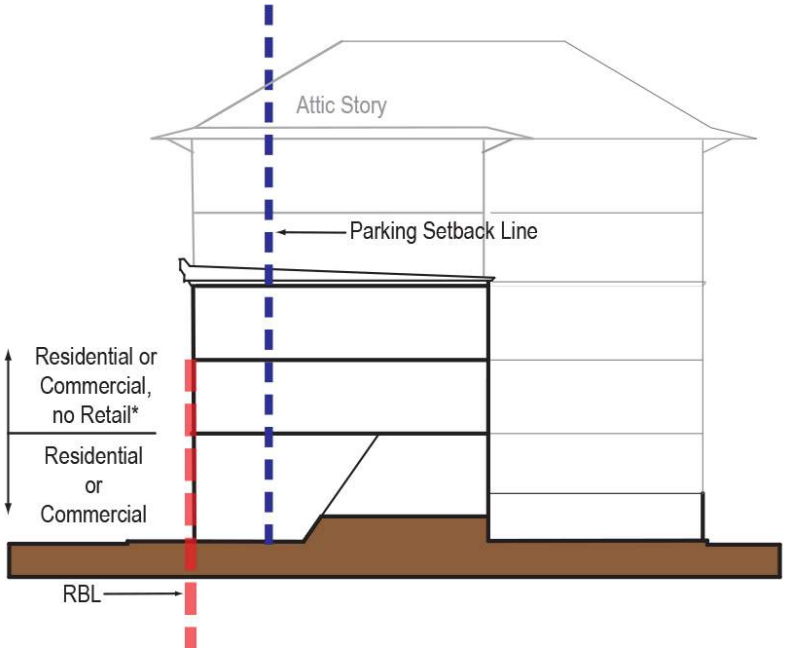


Figure 4.2-14: Urban General West Use Standards

(A) Ground Story

The Ground Story may only house commercial, residential, public or institutional uses, as prescribed in Chapter 29-3. See height specifications above for specific requirements unique to each use.

(B) Upper Stories

1) The upper Stories may only house residential or commercial uses. No food and beverage services or retail sales uses shall be allowed in upper Stories unless they are second Story extensions accessory the Ground Story use.

2) No commercial use is permitted above a residential use.

3) Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

(3) Townhouse/Small Apartment Frontage

(i) Illustrations and Intent

This frontage is to be used for those properties fronting a blue colored Street-Space on the Regulating Plan.

The Townhouse/Small Apartment frontage is of moderate intensity, often created by a series of smaller attached structures configured as single-family residential or stacked flats. This Building Form Standard has regular Street-Space entrances as frequently as eighteen (18) feet. The character and intensity of this frontage varies depending on the Street-Space and the location of the Required Building Line—the buildings may be placed up to the sidewalk with Stoops, or further back with small Dooryard gardens and/or Front Porches. Similar in scale to the townhouse and row house, a small apartment is of limited size and can also be used to transition from the more intense areas of the M-DT District to adjacent single-family neighborhoods. It is anticipated that the pedestrian activity along these frontages will vary considerably based on the time of day and week. This frontage accommodates office uses. The photos illustrate the range of buildings that could be constructed under the Townhouse/Small Apartment frontage.

This frontage accommodates a range of Townhouses and Small Apartments in a range of building scales and configurations -- but all are street oriented.

(ii) Height

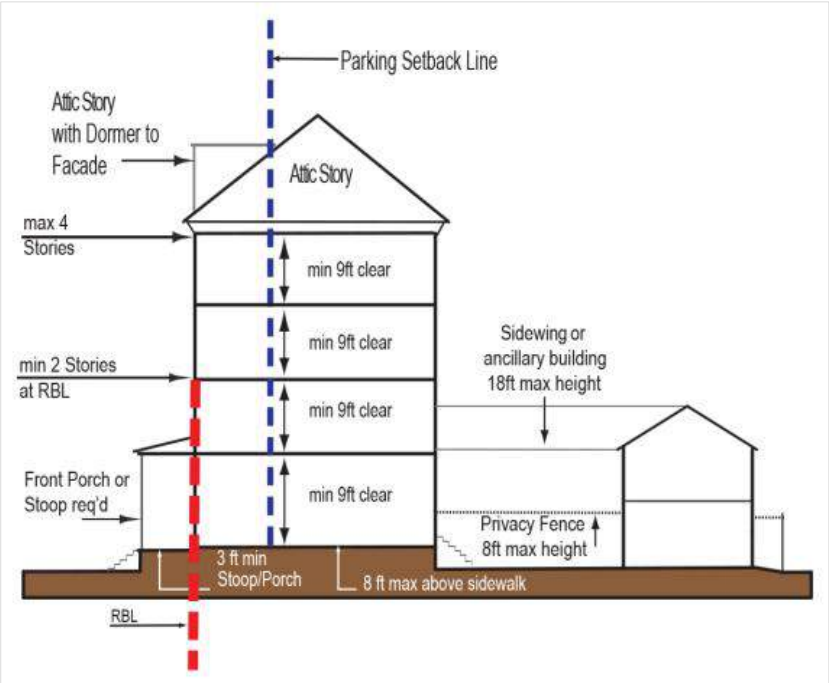


Figure 4.2-15: Townhouse/Small Apartment Height Standards

(A) Building Height

1) Each building shall be at least two (2) Stories high at the Required Building Line, but no more than four (4) stories with a building height of fifty-eight (58) feet, unless otherwise designated on the Regulating Plan.

2) A Sidewing or ancillary structure shall be no higher than eighteen (18) feet in height.

(B) Ground Story Height

1) The finished floor elevation shall be no less than three (3) feet and no more than eight (8) feet above the average exterior sidewalk elevation at the Required Building Line.[604]

2) At least eighty (80) percent of the Ground Story shall have an interior Clear Height of at least nine (9) feet.

3) Main entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

(C) Upper Story Height

At least eighty (80) percent of each upper Story shall have an interior Clear Height of at least nine (9) feet.

[604] This standard is to provide privacy for the Ground Story and allow for English Basement Accessory Units.

(D) English Basements

The finished floor level of an English Basement shall be no greater than five (5) feet below the average elevation of the fronting sidewalk.

(iii) Siting

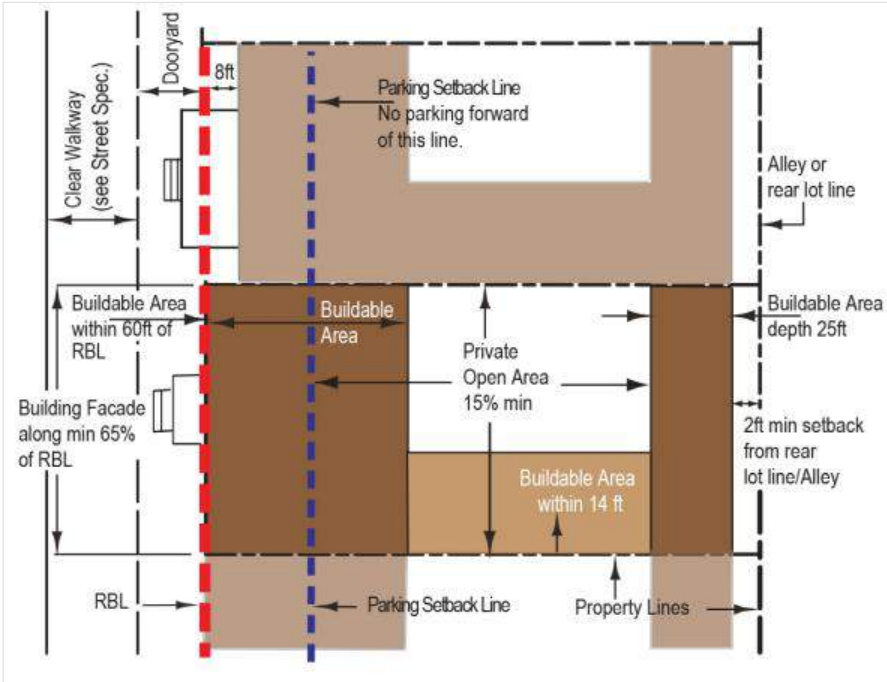


Figure 4.2-16: Townhouse/Small Apartment Siting Standards

(A) Façade

On each site, the Façade shall be built to:

1) The Required Building Line for at least sixty-five (65) percent of the Required Building Line length, or

2) A line an additional eight (8) feet behind the Required Building Line (only permitted to accommodate Front Porch depth—see Elements subsection for Front Porch requirements) with a width not less than sixty-five (65) of the Required Building Line.

(B) Buildable Area

The Buildable Area is as defined in the diagram above.

1) A Private or Public Open Area equal to at least fifteen (15) percent of the total Buildable Area shall be preserved on every lot which may be satisfied through

the Balconies of individual units, or rooftops, regulated in Section 29-4.2(d)(9). [605]

(C) Garage and Parking

1) Garage doors/entries are not permitted on any Required Building Line/Façade.

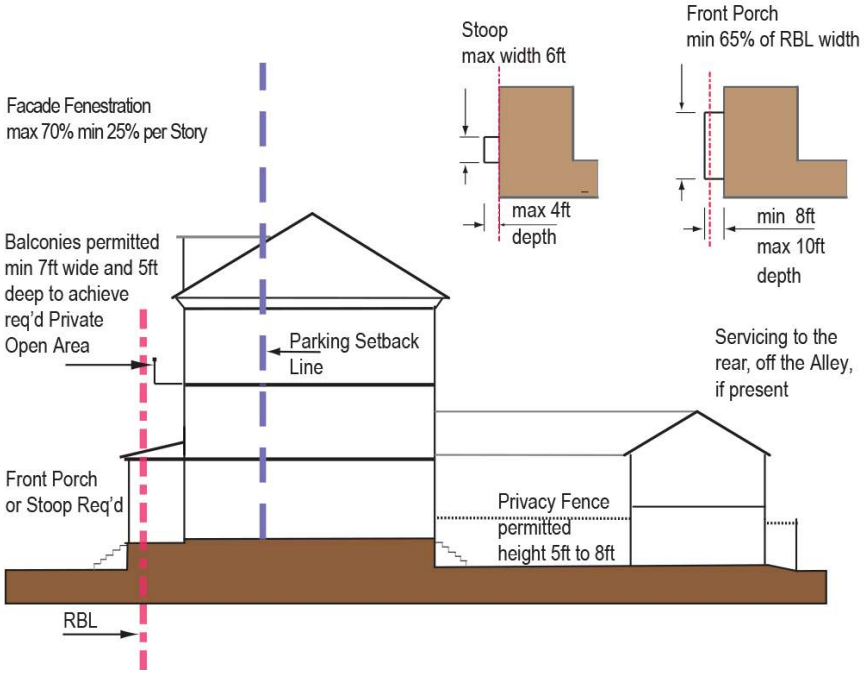
2) At-grade parking may be forward of the Parking Setback Line only when it is within a garage on a corner lot and the parking area's Required Building Line frontage is less than twenty-five (25) feet.

(D) Frontage Widths

1) The minimum width for new townhouses is eighteen (18) feet.

2) Although there are no individual lot side setbacks, no individual small apartment building or set of townhouses may exceed one hundred (100) feet of street-space frontage. A gap of ten (10) to twenty (20) feet is required between each building.

(iv) Elements



[605] Since Module 3, text has been simplified to remove distinction between how deep and shallow lots must meet this standard.

Figure 4.2-17: Townhouse/Small Apartment Elements Standards

(A) Fenestration

1) Blank lengths of wall exceeding fifteen (15) linear feet are prohibited on all Façades.

2) Fenestration shall comprise between twenty-five (25) percent and seventy (70) percent of the Façade.

3) Each townhouse and/or small apartment building shall include a functioning Street-Space entry.

(B) Vertical Façade Composition

No greater than the average street frontage length of seventy-five (75) feet per Block Face.

(C) Building Projections

1) Each townhouse shall include either:

i) A Stoop of not more than four (4) feet deep and six (6) feet wide (not including steps); or

ii) A Front Porch, between eight (8) and ten (10) feet deep that projects no more than two (2) feet forward of the Required Building Line, and has a width not less than sixty-five (65) percent of the Required Building Line.

2) A Small Apartment may be configured with a Stoop or Front Porch or with a main entrance at grade.

(v) Use

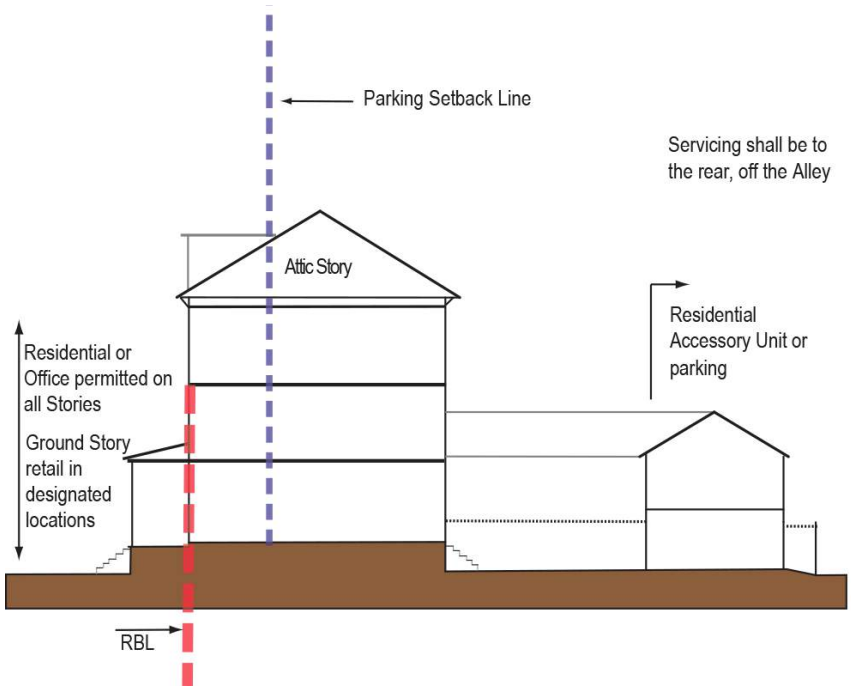


Figure 4.2-18: Townhouse/Small Apartment Use Standards

(A) All Stories

1) Only residential, guest accommodation, and office uses are permitted.

2) Individual townhouses shall have no more than two (2) residential units, including an accessory unit.

3) Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

(B) Ground Story Exceptions

Neighborhood serving retail is permitted on the Ground Story of buildings located at a Block Corner.[606]

(C) Accessory Dwelling Units in M-DT

1) English Basement Accessory Dwelling Units are only permitted in townhouses.

2) Only one (1) Accessory Dwelling Unit is permitted per townhouse.

3) On townhouse sites, an Accessory Dwelling Unit, with a maximum area of six hundred-fifty (650) square feet is permitted in the Buildable Area at the rear of the site or lot line.

[606] This standard could include additional specific use standards in 29-3.3, such as square footage limitation, hours of operation, etc.

(4) Detached Frontage[607]

(i) Illustrations and Intent

This frontage is to be used for those properties fronting on a yellow colored Street-Space on the Regulating Plan.

The detached frontage is represented by the traditional single family house with small front, side, and rear yards along a tree-lined street. Structures are one (1) to two (2) stories in height with pitched roofs and Front Porches. Its purpose is to protect the scale and character of existing single family neighborhoods. The photos illustrate the range of buildings that could be constructed under the Detached frontage.

[607] This frontage is not currently designated in the M-DT District; however, it could be available in the future for use in some areas abutting the District.

(ii) Height

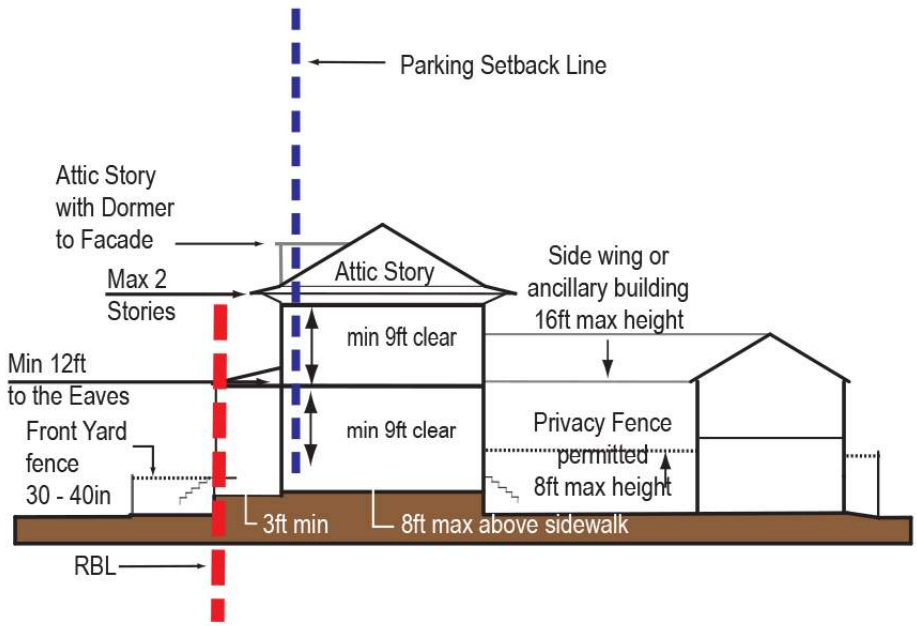


Figure 4.2-19: Detached Height Standards

(A) Building Height

1) Each building shall be at least twelve (12) feet at the Required Building Line, but no greater than two (2) stories with an ultimate building height of twenty-seven (27) feet.

2) A sidewing or ancillary structure shall be no higher than sixteen (16) feet.

(B) Ground Story Height

1) The finished floor elevation shall be no less than three (3) feet and no more than eight (8) feet above the average exterior sidewalk elevation at the Required Building Line.

2) At least eighty (80) percent of the first Story shall have an interior Clear Height of at least nine (9) feet.

(C) Upper Story Height

At least eighty (80) percent of each upper Story shall have an interior Clear Height of at least nine (9) feet.

(D) Front Yard Fence

Any Front Yard Fence has a minimum height of thirty (30) inches and a maximum height of forty (40) inches.

(iii) Siting

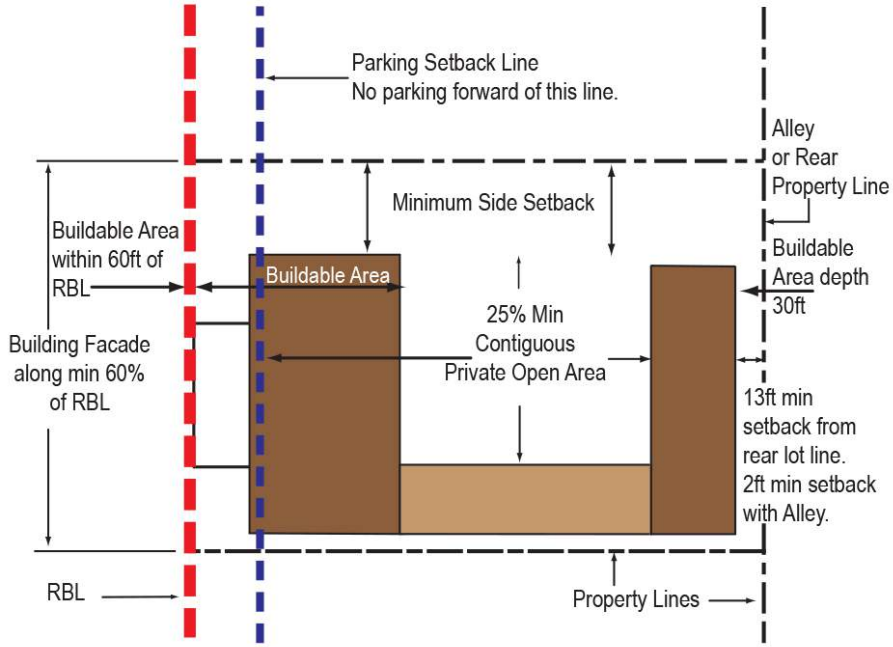


Figure 4.2-20: Detached Siting Standards

(A) Façade

1) On each lot the Façade shall be built parallel to the Required Building Line for at least sixty (60) percent of the building width. The Front Porch shall be built-to the Required Building Line.

2) For corner lots the minimum sixty (60) percent build-to shall include the frontage within twenty (20) feet of the Block Corner.

(B) Buildable Area

The Buildable Area is as defined in the diagram below.

A contiguous Private or Public Open Area equal to at least twenty-five (25) percent of the total Buildable Area shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the Parking Setback Line and not include any side or rear setbacks.

(C) Lot Size and Setbacks

1) All lots of record are buildable under this code.

2) Newly subdivided lots shall have a minimum width at the Required Building Line of thirty-two (32) feet, a maximum width of fifty-five (55) feet, and a minimum depth of eighty-five (85) feet.

3) The minimum side lot setbacks are five (5) feet or as otherwise designated on the Regulating Plan.

(D) Front Yard

The Front Yard/Dooryard shall not be paved excepting walkways.

(E) Garages, Parking and Alleys

1) Garage doors shall not be located on the Required Building Line/Façade.

2) There is a two (2) foot required setback from Alleys.

(iv) Elements

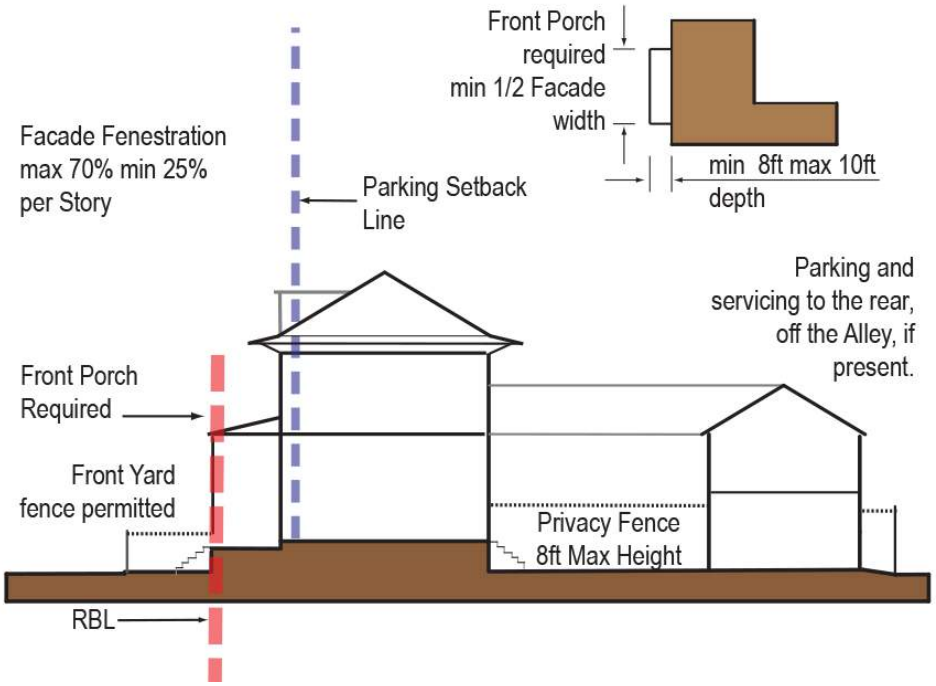


Figure 4.2-21: Detached Elements Standards

(A) Fenestration

1) Blank lengths of wall exceeding fifteen (15) linear feet are prohibited on all Façades.

2) Fenestration shall comprise at least twenty-five (25) percent, but not more than seventy (70) percent, of all Façades.

3) No window may face or direct views toward a Common Lot Line within ten (10) feet unless:

   i) The view is contained within the lot (e.g. by a privacy fence/garden wall, opaque glass); or

   ii) The windowsill is at least six (6) feet above the finished floor level.

(B) Building Projections

1) Each building Façade shall include a Front Porch at the Required Building Line, between eight (8) feet and ten (10) feet deep with a width not less than fifty (50) percent of the Façade width.

2) No part of any building except the Front Porch roof (overhanging eaves) and steps may encroach beyond the Required Building Line into the Dooryard.

(C) Doors/Entries

At least one (1) functioning entry door shall be provided along the Ground Story Façade of each building.

(D) Street Walls

There is no Street Wall requirement.

(E) Fences

1) Any Front Yard Fence shall be within one foot of the Clear Walkway/Dooryard line parallel to the Required Building Line and along Common Lot Lines to a point at least ten (10) feet behind the Required Building Line.

2) A privacy fence may be constructed along a Common Lot Line behind the Façade.

(v) Use

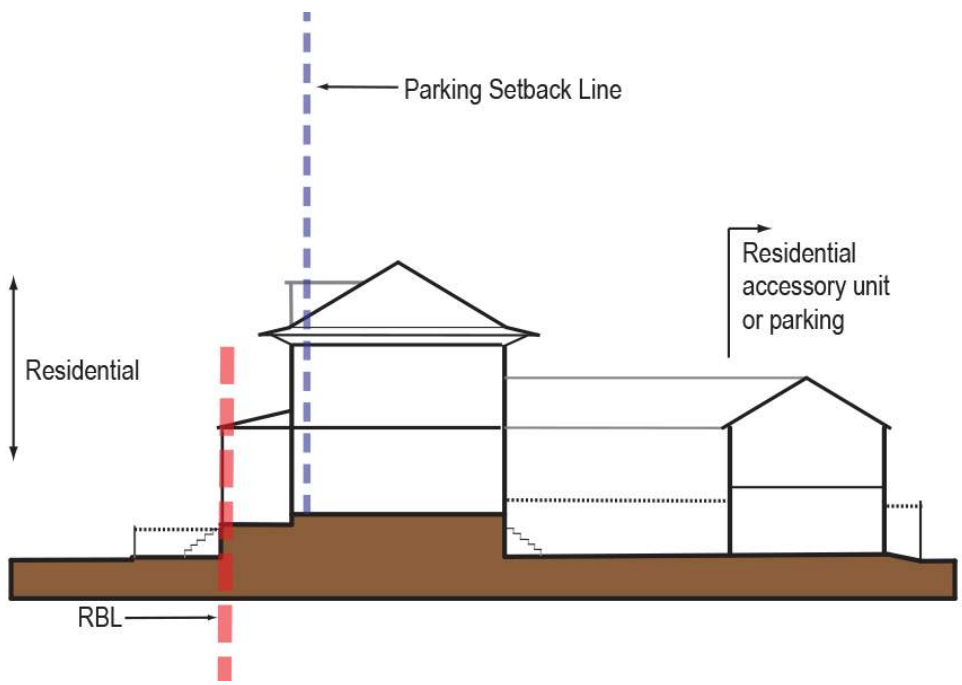


Figure 4.2-22: Detached Use Standards

(A) Ground Story

The Ground Story and any accessory unit shall only house residential uses.

(B) Upper Stories

1) The upper stories shall only house residential uses.

2) Additional habitable space is permitted within the roof where the roof is configured as an attic Story.

(C) Accessory Uses

Parking uses and Accessory Dwelling Units, with a maximum size of six hundred fifty (650) square feet are permitted in the Buildable Area at the rear of the lot.

(f) M-DT Urban Space Standards

The Urban Space Standards show the relationship between new development or redevelopment and the streets and other public (and publicly accessible) spaces in the M-DT District.

(1) Applicability

The Urban Space Standards apply to the area between building frontages and the curb line of existing or proposed streets in the M-DT district, and are intended to ensure the coherence and pedestrian-friendliness of the Street-Space. These standards are intended to supplement the City's existing street and public works standards. In case of a direct conflict between these standards and the City's street and public works standards, the existing street and public works standards shall apply.

(2) Street-Space Standards

(i) General Provisions

(A) All plant material shall comply with Section 29-4.5 Landscaping and Screening.

(B) Mechanical and electrical equipment including, but not limited to the following, may not be stored or located within any Street-Space:

1) Air compressors,

2) Pumps,

3) Exterior water heaters,

4) Water softeners,

5) Private garbage cans (not including public sidewalk waste bins), and

6) Storage tanks.

(C) Water pumps for public fountains or irrigation not visible are not included in this prohibition and Temporary placement of private garbage cans within the Street-Space may be allowed to accommodate scheduled pick-up.

(ii) Street-Space Plantings

Invasive species, as identified by the Missouri Department of Conservation's invasive species list, are prohibited within Dooryards and on all parcels in the M-DT District.

(iii) Street-Space Elements[608]

(A) At the time of development, the developer is required to install streetlights and sidewalks, as illustrated in the Street Type Specifications, on the Street-Space frontage being developed.

(B) Sidewalks not otherwise designated in the Regulating Plan or Street Type Specifications shall provide a minimum six-foot Clear Walkway and be constructed to meet all existing standards and specifications.

(C) Street furniture is an element of the overall Street-Space design—not an afterthought. Street furnishings should be simple, functional, and durable.

(iv) On-Street Parking

(A) On-street parking spaces fronting a development project shall count towards any parking requirements required under Section 29-4.4 (Parking and Loading).

(B) The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the Regulating Plan, streets, and Alleys, but spacing shall not exceed forty-five (45) feet on center except where necessary for transit stops and stations.

(v) Pedestrian Pathways

The area within a Pedestrian Pathway shall be a public access easement or public right-of-way. The easement width for these pathways must not be less than twenty (20) feet with a paved walkway not less than ten (10) feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the Regulating Plan.

(3) Street-Type Recommendations

The Street Type Recommendations located in Appendix A illustrate model configurations for the Street-Spaces within the M-DT. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, Dooryards, tree planting areas, and on-street parking configurations. Dooryards and Alleys are generally reserved for utility easements.

[608] These requirements will vary depending on the size of development and the context and condition of the existing Street-Space.

29-4.3 Subdivision Standards[609]

(a) Applicability

(1) The standards in this section 29-4.3 shall apply to land in all zone districts except the M-DT district whenever land is subdivided or re-subdivided to create or change the boundaries of parcels for development or redevelopment, unless this Code provides an exception.

(2) In the M-DT zone district, all subdivisions shall comply with the requirements of the Regulating Plan and other applicable standards in Section 29-4, including but not limited to requirements for blocks, through connectivity, intersections, terminating streets, alleys, and sidewalks, and shall comply with the M-DT recommended street cross-sections in Appendix A to the greatest degree practicable. If the requirements of Section 29-4.2 conflict with the provisions of this Section 29-4.3, the provisions of Section 29-4.2 shall apply. If the provisions of Section 29-4.2 are silent on a topic addressed by this Section 29-4.3, the provisions of this Section 29-4.3 shall apply.[610]

(b) Avoidance of Sensitive Areas[611]

Land shall be neither subdivided nor developed, except under appropriate special safeguards, where the commission finds that a proposed subdivision or development poses a potential or existing threat to the safety, health and general welfare of inhabitants of the land or surrounding areas due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, topography, utility easements or other adverse conditions. Portions of the proposed subdivision or development that cannot be prepared properly for the development shall be set aside for such use as shall not pose an undue hazard to life and property. [612]

(1) Land Analysis Map

(i) Each applicant for subdivision or re-subdivision of a land area of five (5) acres or more – either alone or contiguous with another subdivision by the same applicant, shall first prepare a Land Analysis Map identifying sensitive lands to be protected from development.

(ii) The Land Analysis Map shall identify as sensitive lands to be protected from development all of the following:

(A) Stream corridors, which shall include all land from top-of-bank to top-of-bank of any waterway that exceeds two (2) feet in width at any time of year;

[609] This section carries forward, with revisions as noted, the development standards in current Chapter 25 (Subdivisions). Sections that have been repealed, and some materials have been relocated to other sections of this new Chapter 29-4 for better integration with similar standards applicable to both subdivisions and other types of development approvals have been removed. Exceptions to allow development and redevelopment in the M-DT district to comply with the form-based controls in Section 29-4.2 have been included throughout this section. Environmental avoidance, clustering , rural street standards (curbless, swales).
[610] New provision to align with new form-based standards for the M-DT area.
[611] New section to help implement "Columbia Imagined" by encouraging sustainable development practices. This text replaces the more general criteria in current Sec. 25-39 (Natural Features).
[612] Inserted from current Sec. 25-38 (Character of the Land) since previous draft.

(B) Steep slopes, which shall include all land with an average vertical slope of twenty-five (25) percent or more, measured from top-of-slope to foot-of-slope;

(C) Any lands identified as Bentonite soils or designated by the state or a governmental agency as unsuitable for development;

(D) Any lands designated as floodway or flood fringe in the FP-O Floodplain Overlay district; and

(E) Any lands identified as habitat for species listed as threatened or endangered by the state or federal governments.

(2) Avoidance of Sensitive Lands

The applicant shall lay out the subdivision or re-subdivision so that:

(i) No lot includes land designated as sensitive lands on the Land Analysis Map to the greatest degree practicable; and

(ii) If any lot does include land such sensitive lands, the subdivision plat restricts construction of permanent structures to a designated a building envelope area on that lot that does not include any designated sensitive land areas; and

(iii) Street crossings of sensitive land areas are minimized to the maximum extent practicable.

(3) Adjustment of Minimum Lot Sizes[613]

If the avoidance of sensitive lands designated other than floodways and flood fringe areas results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the applicant may adjust the minimum lot size or lot width of lots in the subdivision by up to twenty-five (25) percent in order to include as many lots as would have been possible if sensitive lands were not avoided. No adjustment of minimum lot sizes or widths shall be made for avoidance of floodway or flood fringe areas.

(c) Streets[614]

(1) Street Improvements Generally[615]

(i) Streets and curbs and gutters shall be improved to comply with the standards in this Code, the adopted City street and storm sewer specifications and design standards, and all design standards and specifications promulgated by the Director of Public Works or adopted by the Council, in accordance with the final construction plans required to be approved prior to final plat approval.

(ii) Notwithstanding any provisions of this Code or standards listed in subsection (i), if land is subdivided in the R-1 zone district or subdivided for single-family residential

[613] These adjustments will be reviewed through the regular subdivision approval process, as they are now.
[614] Carries forward current Article IV, except for Sec. 25-41 (Street names and numbers) and other technical street standards that have been relocated to Appendix A.
[615] Carries forward introductory paragraph in Current Sec. 25-42 with new provisions for green infrastructure.

development in a PD zone district, and the minimum size of each lot is two (2) acres or more in size:

(A) The subdivision shall not be required to install sidewalks, curbs, or gutters, but may manage street-related stormwater through the use of bioswales or natural areas designed to allow infiltration of stormwater into the soil, rather than transmitting it to a piped stormwater system.

(B) The Director of Public Works may approve alternative construction standards for road surfaces and lane widths to reflect anticipated low traffic volumes and preserve rural character while protecting traffic safety and emergency service access.

(2) Responsibility for Improvements Costs[616]

The costs of required improvements shall be paid by the applicant, with the following exception. It is the policy of the City to participate in or contribute only to certain additional costs of construction of major thoroughfares over and above the normal costs of local standard streets, when streets are designated at higher standards by the City. Such participation, and its timing, is solely at the election of the Council, according to the needs of the community.

(3) Connectivity[617]

(i) Streets

Streets shall comply with the following standards.[618]

(A) Local streets shall be designed to provide convenient and safe access to all properties and to permit efficient drainage and utility systems.

(B) Through streets shall be designed as shown in the Figure 4.3-1. The street alignment shall be determined at the time of platting, but the plat shall include at least the connections number of direct connections between arterials or collectors as shown in these figures. If the provisions of Section 29-3(c)(1)(ii) regarding large lot residential development apply, then only the provisions of Figure 4-3.1 applicable to Arterial and Collector streets apply.

[616] Carries forward Current Sec. 25-42(1).
[617] New Section that carries forward Secs. 25-42(2)(Arrangement) and 25-42(3)(Blocks).
[618] New text to improve connectivity. Current text reading “streets shall be located properly with respect to extending existing and platted streets, to traffic generators, to population densities, and to the pattern of existing and proposed land uses” was deleted as too vague to give clear guidance as to desired patterns. Text reading “Local streets with connections to arterial and collector streets shall be designed to avoid cut-through traffic. Curvilinear streets are encouraged to minimize speeding and the amount of grading” were also deleted.

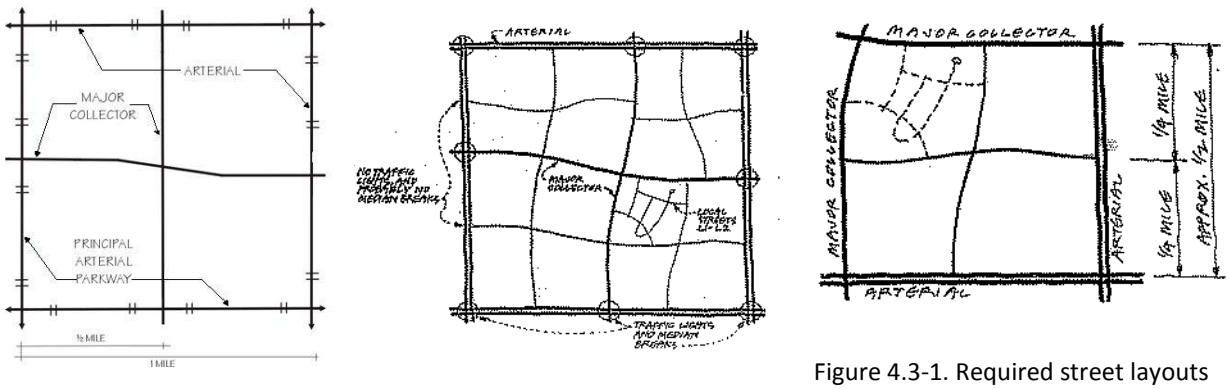


Figure 4.3-1. Required street layouts

(C) As an alternative to complying with the through street requirements of subsection (B) above, the applicant may prepare connectivity index calculation that divides the number of street segments within the plat (i.e. sections of streets between intersecting streets) by the number of intersections within and at the boundaries of the plat to achieve a connectivity index of 1.65 or more. An example of a connectivity index calculation is shown in Figure 4.3-2 below.[619]

(D) Straight streets more than eight hundred (800) feet long shall be avoided to discourage speeding, unless approved by the Director because a shorter street is impracticable due to terrain or site constraints.

(E) Individual local residential street segments should serve no more than fifty (50) dwelling units without additional street connections.

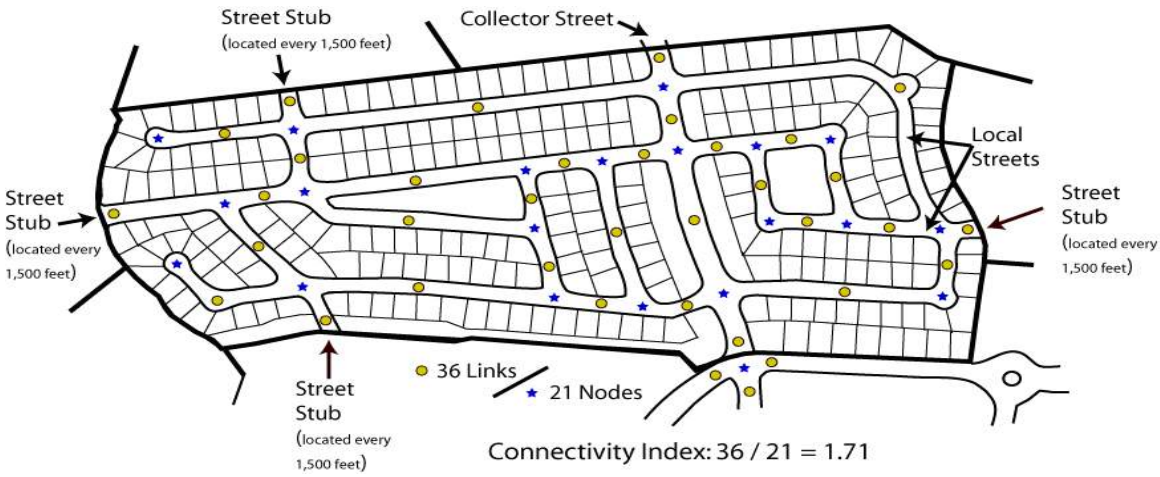


Figure 4.3-2 Connectivity Index

[619] Text reading: "Interconnection of adjacent subdivisions with compatible land uses shall be encouraged" was deleted.

(F) Cul-de-sacs and loop (U-shaped) streets should not exceed three hundred (300) feet in length but may be appropriate to avoid steep slopes, major creeks, floodplains, wetlands and other sensitive environmental areas.[620]

(G) Where a subdivision abuts or contains an existing arterial street or highway having limited access, the Commission may require the arrangement of residential lots with rear yards abutting the major street, or the provision of frontage roads, or other street design necessary to provide for adequate protection of residential properties, to afford separation of through and local traffic, and to provide for suitable access to the property involved.

(H) When a new subdivision adjoins unplatted or undeveloped land, the new streets shall be carried to the boundaries of such land unless vehicular access is unnecessary or inappropriate due to existing or proposed development with incompatible traffic generation on the adjacent platted or unplatted lands. A temporary turnaround approved by the Director of Public Works shall be installed at this point, except when the terminus of the street is less than one hundred fifty (150) feet from an intersecting street right-of-way.[621]

(I) Where street connections to adjoining land are not provided and there is a need for non-vehicular public access to a school, park, trail or other area or use, the City may require the dedication and improvement of a green space access easement or green space trail easement to serve the needs of the proposed development. Whenever such public improvements are required and the landowner conveys fee title in lieu of an easement, the City shall accept ownership and maintenance.[622]

(J) Permanent terminal streets shall not be longer than seven hundred fifty (750) feet, measured from the center of any cul-de-sac to the right-of-way line of the nearest through street from which it derives.[623]

(ii) Blocks[624]

Streets shall intersect at intervals not exceeding six hundred (600) feet or less than two hundred fifty (250) feet. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. The Director may approve exceptions to this prescribed block depth when blocks are adjacent to major streets, railroads, waterways, or other environmentally constrained areas (e.g., steep slopes).

(4) Widths[625]

[620] Revised to insert objective length standard.
[621] Distance revised from 300 ft. to 150 ft.
[622] Text reading "private drives may be allowed only to provide internal circulation within a single lot or parcel, except when approved in conjunction with a planned district" was deleted as obsolete.
[623] Relocated since prior draft.
[624] Revised from current standards of 1000 foot maximum and 400 foot minimum to encourage greater connectivity and walkability similar to the older platted areas of the City.
[625] Current Sec. 25-43. Detailed street width requirements are being relocated to Appendix A or an administrative manual. Provision allowing a reduced residential street width (28 ft. rather than 30 ft.) has been deleted as obsolete because standard residential street width has already been revised to 28 ft. The "Local, nonresidential, central traffic zone" street type has been deleted because it was never defined. New M-DT street widths are

(i) The right-of-way width required to be dedicated and the pavement width required to be constructed for streets shall comply with the standards in Appendix A for each street classification.

(ii) Proposed subdivisions that include existing street rights-of-way narrower than required by Appendix A shall provide for dedication of appropriate additional width along one (1) or both sides of the street. Proposed subdivisions abutting only one (1) side of such streets shall provide for dedication of additional width to constitute one-half (½) of the right-of-way required.

(5) Grades[626]

(i) The grades of streets shall comply with the standards in Appendix A.

(ii) Where it is impracticable to comply with these standards, a written approval to deviate therefrom must be obtained from the Director of Public Works, who shall make a determination as to whether a deviation is consistent with protection of public and traffic safety.

(6) Curves[627]

Curves shall comply with the design criteria in Appendix A unless the Director of Public Works determines that a more restrictive requirement is necessary to safeguard the public health, safety and general welfare from potentially hazardous street design.

(7) Intersections[628]

Intersections shall comply the standards in Appendix A unless the Director of Public Works determines that a more restrictive requirement is necessary to safeguard the public health, safety and general welfare from potentially hazardous street design.[629]

(8) Alleys[630]

(i) Residential alleys shall be permitted in all Residential districts.[631]

(ii) Nonresidential alleys shall be provided in Mixed Use and Special districts when off-street loading and parking are not otherwise provided.

(iii) The right-of-way width of an alley shall be twenty (20) feet and the pavement width shall be sixteen (16) feet, except in the M-DT district, where alley improvements and new alleys should be designed in accordance with the M-DT Alley cross-section in Appendix A, when feasible.

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shown in Appendix A. New streets in M-DT are not likely, but improvements to existing streets should be designed and built in accordance with the recommended street types when practicable.

[626] Current Sec. 25-44. Standards to guide the director's decision were added. Existing table containing street grade design standards will be relocated to Appendix A.

[627] Current Sec. 25-45 relocated to Appendix A.

[628] Current Sec. 25-46 relocated to Appendix A or an Administrative Manual.

[629] Prohibition on more than two streets coming together was deleted. Creative and environmentally sensitive site design may require this to happen, and traffic circles are increasingly use.

[630] New section that includes alley standards from existing Sec. 25-47.

[631] Revised from residential areas to residential districts.

(iv) When alleys intersect, the intersection right-of-way lines shall be rounded by a curve with a radius of five (5) feet in length.

(d) Sidewalks[632]

(1) Applicability

(i) The following standards apply to any subdivision that receives final plat approval after the effective date of this Code and any subdivision platted before 2001 that is less than twenty (25) percent built-out. Any subdivision platted before 2001 and built-out by twenty-five (25) percent or more shall complete construction in accordance with the sidewalk standards in place at the time of final plat approval.[633]

(ii) Undeveloped lots shown on subdivision plats that received final approval before January 1, 2001 shall install sidewalks in compliance with the City street and storm sewer specifications and design standards now applicable or later issued by the Director of Public Works or adopted by the Council, along their respective street frontage(s), unless otherwise specified in this Chapter.

(2) Standard Requirements[634]

(i) No permit shall be issued for the construction of a new building on property located on an arterial or collector street in a zone district that permits commercial, office, institutional, or multifamily uses unless:

(A) A sidewalk exists adjacent to the property along the arterial or collector street; or

(B) The plans for the building provide for the construction of such a sidewalk; or

(C) Otherwise specified as a note on the plat or in a performance contract between the developer and the City.[635]

(ii) The requirements of subsection (i) do not apply to construction of accessory buildings.

(iii) No certificate of occupancy shall be issued for any building described in subsection (i) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, letter of credit or other instrument acceptable to the Director of Public Works

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[632] Carries forward current Article VI (Sidewalks), with revisions as noted, to implement the 2013 sidewalk master plan, and reference additional sidewalk requirements contained in Chapter 24 (Public streets, sidewalks, and public spaces). Current Section 25-48 (Sidewalks generally, plats approved before Jan. 1, 2001) has been deleted because if these areas are replatted they would need to meet the new standards. Current Sec. 25-48.1 (Sidewalks generally, plats approved after Jan. 1, 2001) is broken down with additional headings for readability and Chapter 24 requirements have been incorporated. Provisions for waiver or variance of sidewalk standards by Council have been deleted, because these issues can be address by the Planning Commission in the same way it addresses other subdivision design issues.

[633] New provision to balance the elimination of Sec. 24-48 (plats approved before Jan. 1, 2001) acknowledging that the City has some unbuilt subdivisions that should be treated differently than partially built subdivisions.

[634] Integrates materials from this topic from Chapters 24 and 25. Provisions regarding sidewalks are obsolete and were deleted.

[635] Provisions 1 and 2 are from chapter 24; provision 3 is from current Sec. 25-48.1(d).

guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.

(iv) Sidewalks are not required along streets classified as freeways.[636]

(v) Sidewalks shall be required on both sides of expressways and frontage roads unless the Council determines that potential or existing pedestrian volumes do not necessitate sidewalks to safeguard the public health, safety and general welfare. [637]

(vi) Sidewalks shall be constructed within all pedestrian easements and on both sides of all internal streets and on the abutting side of any adjacent street unless otherwise specified in this chapter.[638]

(vii) A sidewalk shall not be required along a residential access street that is less than two hundred-fifty (250) feet in length and terminates in a cul-de-sac. Sidewalks shall be a minimum of five (5) feet in width along all other streets[639].

(viii) Where a final plat creates a common lot or a nonbuildable lot, a sidewalk shall be constructed along the portion of each street abutting the lot at the same time the abutting street is constructed. This subsection shall not apply to any subdivision that received final plat approval before January 1, 2006.[640]

(ix) Sidewalks shall be constructed to comply with the standards contained in this Section 29-4.3(b)(2) and with the City design standards and specifications established by the Director of Public Works or adopted by the Council.

(x) Whenever a permit is issued to construct, reconstruct, repair, alter or grade any sidewalk curb, curb cut, driveway or street, handicapped ramps shall be required to be installed in accordance with design standards included in the City's standard plan and specifications at all curb and driveway crossings to be constructed, reconstructed, repaired or altered; provided, that the Director of Public Works may waive said requirement if he determines that requirement of handicapped ramps is impractical under all the circumstances.

(xi) The Council may require a sidewalk to be constructed to standards higher than the minimum standards of this section 29-4.3(d)(2) provided that the City compensate the property owner for the additional cost of constructing the sidewalk.[641]

(e) Bike Lanes and Pedways[642]

Bicycle lanes and pedways shall be designed and constructed in accordance with Appendix A - "Design Standards for Streets, Sidewalks and Bikeways" and all applicable design standards and specifications promulgated by the Director of Public Works or adopted by Council.[643]

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[636] Current Sec. 25-50.
[637] Current Sec. 25-51.
[638] Part of Current Sec. 25-48.1(a).
[639] Part of Current Sec. 25-48.1(a).
[640] Similar provision allowing sidewalk construction one year after final plat approval has been deleted as inconsistent and unnecessary.
[641] Current sec. 25-48.1(b).
[642] Current Sec. 25-52.

(f) Lots[644]

(1) Lot Arrangement[645]

Lots shall be arranged to comply with building permit requirements of this Code as to minimum size and width in the zone district where the property is located, as well as access, relation to topography, provision of utility service, or other conditions specified in this Code or in other standards and specifications adopted by the City. Lots in subdivisions that qualify for the Solar Access Density Bonus in Section 29-4.1(b)(2) or the Cluster Subdivision Density Bonus in Section 29-4.1(b)(3), and lots that are organized to avoid sensitive lands as described in Section 29-4.3(b) shall comply with the minimum lot size and width in the zone districts where the lots are located, as adjusted by the provisions of those Sections of this Code.[646]

(i) Corner lots

Corner lots shall have sufficient width for compliance with front and side yard building setback requirements of the zoning ordinance.

(ii) Side lot lines

Side lot lines should generally be at right angles to straight streets and radial to curved streets.

(iii) Tier lots

The Commission may allow tier lots on previously unplatted land when the following criteria are met:

(A) Tier lot design is the only feasible means to access lots due to extreme topographic conditions;

(B) The stem of a tier lot, that is, the portion of the lot which connects its required yard area and its buildable area with its public access, shall not be less than twenty (20) feet nor more than fifty-nine (59) feet in width and not shorter than twenty-five (25) feet nor longer than two hundred fifty (250) feet in length and may not be included within any required yard area under the zoning ordinance.

(C) The allowance of tier lots will not endanger the public health, safety and general welfare.

(iv) Frontage[647]

Except as otherwise provided and specifically authorized under this Code, all lots, tracts or parcels shall have actual frontage upon a street.[648] In context sensitive

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[643] In accordance with § 2 of Ord. No. 18097, "A copy of Appendix A shall be on file in the office of planning and development and in the office of the City clerk" was also deleted as unnecessary.
[644] Carries forward Article VII (Lots), with reorganization and rewording for clarity.
[645] Current Sec. 25-53. The intent behind this provision is restated in subsection 2 (Lot access) below.
[646] Revised to reflect new bonuses and sensitive lands avoidance.
[647] Revised to allow for accessible rather than actual street frontage in context sensitive situations.

situations (e.g., topography, existing or proposed development patterns) where actual street frontage is not feasible, the Director may permit a lot with an irrevocable access easement suitable to the City counsel's office[649] rather than actual street frontage, if the public health, safety, and general welfare is not compromised.

(v) Shape

Lots in Mixed Use or Special zone districts shall not be created with protrusions, extensions or stems of less than thirty (30) feet in width.[650]

(2) Lot Access[651]

(i) Each lot shall have access allowing vehicles, pedestrians, and bicycles to pass from a public street directly onto the lot, or from a public street to the lot over an irrevocable access easement suitable to the City counsel's office.[652]

(ii) A maximum of thirty (30) lots or units shall permitted to be accessed from a single point of ingress/egress unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City of Columbia Fire Department.[653]

(iii) Private residential driveways are prohibited on arterial or collector streets unless the Director determines that no alternative access is practicable.[654]

(iv) Streets that dead-end or "stub" into property that is adjacent to the property being subdivided shall not count as a second access until such time as the dead-end or "stub" street is connected to a through street and constructed to City standards.

(g) Public Improvements[655]

(1) Standards and Specifications[656]

All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the procedural requirements in Section 29-5 (Procedures and Enforcement), or in related public improvements standard specifications or

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[648] Current Sec. 25-54.
[649] Since Module 3, reference to "major streets" replaced by "arterial or collector".
[650] Current Sec. 25-54.2.
[651] Current Sec. 25-54.1renamed and reorganized for readability.
[652] New provision.
[653] New provision, per staff and fire department request, replacing existing table identifying maximum numbers of lots per access type for each zone district.
[654] Since Module 3, reference to "accessible street frontage" replace by reference to easement for parallel structure with other similar sections of the Code. New provision that generally prohibits residential driveway access on major streets, rather than listing the streets on which this access is prohibited.
[655] Carries forward provisions in Article VIII (Public Improvement) on design and construction of public improvements.
[656] Carries forward Sec. 25-60 (a)(Improvements required) only. The other subsections have been relocated to Chapter 5 (Procedures and Enforcement).

policies established by the City department or other entity responsible for the design, operation, or maintenance of that type of improvement.[657]

(2) Drainage and Storm Sewers[658]

(i) Flood-prone areas

Any portion of land being subdivided that is located within the limits of maximum flooding of the one hundred (100) year flood, as determined by the Boone County Digital Flood Insurance Rate Map (DFIRM), released March 17, 2011, and amendments to that map on file with the Director of Public Works,[659] shall be developed so as not to endanger the health, safety and general welfare of the inhabitants of the City,[660] and in compliance with the provisions of this Code.

(ii) Storm sewers

Storm sewers with curbs and gutters shall be provided for lots unless the Director of Public Works approves open channels with design features, such as vegetated swales and check dams to reduce runoff velocity and allow infiltration. Sidewalks and pedways shall not be located between the street and open channel. Improvements shall conform to standards contained in the City street and storm sewer specifications and design standards, and the City storm drainage standards, and all applicable design standards and specifications promulgated by the Director of Public Works or adopted by the Council.

(iii) Driveways across drainage features

Driveways that cross drainageways or ditches, to connect to public streets, shall be constructed as required by the Director of Public Works to protect traffic safety and avoid traffic congestion.[661]

(iv) Streets crossing streams

Streets that cross streams shall be designed and constructed to minimize the disruption to the stream channel and buffer zone. Streams should be crossed only when necessary to connect the street network.

(3) Utilities[662]

Utilities, including but not limited to water, sewer, natural gas, electric and telephone lines, and fire hydrants, shall be provided to lots in accordance with standards and specifications governing the construction and installation of such utilities adopted by Council or promulgated by the City departments or utility companies responsible for those utilities.

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[657] Existing provision revised to refer to procedural requirements because existing Sections 25-27 to 33 provide preliminary and final plat review procedures.
[658] Current Sec. 25-55.
[659] Revised to reference the latest DFIRM.
[660] Reference to “inhabitants thereof” was changed to cover all City residents.
[661] Existing Sec. 25-55(c).
[662] Current Sec. 25-56.

Easements for public and private utilities shall be provided adjacent to all street right-of-way and in other locations in accordance with facility requirements and design standards. To the maximum extent feasible, utilities shall be located in designated easements and not in the street right-of-way.

29-4.4 Parking and Loading[663]

(a) Applicability[664]

(1) General Requirements

(i) The standards of this Section 29-4.4 shall apply to all development and redevelopment, unless specifically excepted or modified by another provision of this Code.

(ii) Required off-street parking areas in existence on November 19, 2001, shall not be reduced below, or if already less than, shall not be further reduced below, the requirements for such use as would be required for the use as a new use of a building, structure or premises under the provisions of this section.

(2) Exceptions[665]

(i) M-DT District[666]

(A) Development and redevelopment in the M-DT district is exempt from the minimum parking requirements in Table 4.4-1.

(B) Residential development and redevelopment in the M-DT district shall provide one-quarter of one (0.25) parking space per bedroom. This requirement can be satisfied on the site or within one-half (0.5) mile of the site.

(C) If on-site parking is provided, it shall meet all other requirements of this Section 4.4 and may not be located forward to the Parking Setback Line pursuant to the Building Form Standards in Section 29-4.2.

(D) On-street parking shall meet the on-street parking requirements in Section 29-4.2(f)(iv).

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[663] Carries forward current Sec. 29-30(Off-street parking and loading regulations) as base text, with substantial revisions as noted.

[664] New subsection that carries forward the general applicability and exceptions in current Sec. (a)(General Requirements) separately. Existing Sec. (a)(7) providing penalties for parking on residential yards and Sec. (a)(8) allowing the director to issue temporary use permits for this parking have been relocated to Chapter 5 (Procedures and Enforcement). Temporary use parking areas have been covered in Chapter 3 (Permitted Uses).

[665] Rewrites Current Sec. 29-30(2)(Exceptions to off-street parking and loading requirements). Planned district exceptions are also clarified. The existing code requires off-street/on-site parking for all development, except in existing C-2. Because of the introduction of the new MU districts, to implement Columbia Imagined, more exceptions to the off-street parking requirement are included.

[666] New subsection that aligns with the interim C-2 ordinance parking requirement to address parking spillover into adjacent residential neighborhoods and references other parking requirements found in Sec. 29-4.2

(ii) Small Lots[667]

(A) No off-street parking shall be required for any non-residential primary use on a lot in any Mixed Use District that is smaller than ten thousand (10,000) square feet where no portion of the front lot line is located within one hundred (100) feet of a Residential district.

(B) No off-street parking shall be required for any building in any Mixed Use district that contains has a non-residential primary use, and contains less than ten thousand (10,000) square feet of gross floor area, provided no portion of the front lot line of the property containing that building is located within one hundred (100) feet of a Residential district.

(iii) Planned Development[668]

The off-street parking requirements of this section shall serve as the standard from which to request different parking requirements for a proposed use in a PD (Planned Development) district. Following approval of a PD district that is subject to an approved site plan with parking requirements that differ from those in this Section 29-4.4, the requirements of this Section shall not apply to property located in that district. If an approved planned zoning district site plan is silent on any aspect of parking addressed by this section, the provisions of this section shall apply to that aspect of parking.

(iv) Historic Properties[669]

(A) No new on-site parking shall be required for the redevelopment of Historic Structures.

(B) If an existing Historic Structure has on-site parking, this parking must be retained and conform with the City's current parking improvement standards (e.g., be paved), unless the Director determines that compliance is impracticable or would compromise the historic character of the property or area.

(3) Residential Districts[670]

The following standards apply in all residential districts:

(i) No garage other than a private garage shall be located nearer than twenty (20) feet to the front lot line or behind the building front, whichever is greater.[671]

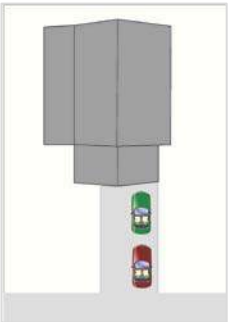

Figure 4.4-1: Tandem Parking

[667] New subsection.
[668] Section simplified to delete "phase-in" provisions related to adoption of ordinance in 2001, to clarify that these standards are the starting point for requesting modified parking standards in a planned district, and to clarify that standards in an approved planned development apply where they conflict with standards in this section.
[669] New provision to promote historic preservation.
[670] Current Sec. 29-30(6).
[671] Since Module 3, this text has replaced a 60 foot minimum garage setback requirement.

(ii) Parking spaces for residential and non-residential uses, other than single-family and two-family dwellings, shall not be located in the required front yard.[672]

(iii) Required parking spaces may be tandem spaces to serve one- and two-family dwellings only, as exhibited in the Figure 4.4-1 to the right.[673]

(4) Change in Permitted Use[674]

(i) When the intensity of use of any legally established building, structure or premises is increased resulting in a net increase of gross floor area or any other unit of measurement specified herein for determining required parking areas, parking spaces and any other facilities as required herein shall be provided for such increase in intensity of use.

(ii) Whenever the type of use of a building, structure or premises is changed to a new type of use permitted by this chapter, parking spaces and areas shall be provided as required by the provisions of this section for such new type of use.

(iii) Notwithstanding the provisions of subsections (i) and (ii) above, a permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces provided:

(A) The amount of parking available is at least seventy-five (75) percent of the parking required for the new use in Table 4.4-1.

(B) The applicant provides the maximum number of parking spaces able to be accommodated on the site while complying with all other provisions of this Code and without being required to remove or partially remove an existing structure.

(b) Parking Requirements[675]

(1) Required Parking Spaces

The minimum and maximum off-street parking requirements for all uses allowed by this Code are listed in Table 4.4-1.

(2) Accessible Parking[676]

Within the requirements of Table 4.4-1, accessible parking shall be provided for all multi-family and non-residential uses as required by the Americans with Disabilities Act (ADA).

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[672] Revised to clarify that this provision applies to all uses other than 1 and 2 family dwellings.
[673] Simplified for clarity.
[674] Subsections (i) and (ii) were relocated from general provisions of current parking regulations. Subsection (iii) inserts flexibility to promote reinvestment, reduce variance requests, and simplify administration.
[675] Revises Current Sec. 29-30(b)(Parking Requirements) considerably, to reduce required off-street parking where possible. Existing Table 29-30(b)(1) has been carried forward, with the new uses identified in the Module 1 Permitted Use Table. The City's current parking requirements are listed in the second column and revised or new standards are provided in the third column for comparison purposes during the City's review of the proposed standards. Prior to Code adoption, the current standards column will be deleted.
[676] New provision, per Detailed Outline, to ensure legal consistency with federal law.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677]
sf = square feet; gfa = gross floor area

New Category	Current Standard	Proposed Standard
RESIDENTIAL USES		
Household Living		
Dwellings, One-Family Detached	2 spaces/dwelling	2 spaces/dwelling unit
Dwelling, One-Family Attached	2 spaces/dwelling unit	
Dwelling, Two-Family	2 spaces/unit for two-family units having up to 2 bedrooms; three spaces/unit in two-family units of 3 or more bedrooms	
Dwelling, Co-Housing Project		1 space/dwelling unit
Dwelling, Live-Work		
Dwelling, Multi-family	1.0 spaces/dwelling unit for "efficiency" apartment (i.e., units without a separate bedroom); 1.5 spaces/dwelling unit for 1 bedroom units; 2 spaces/dwelling unit for 2 bedroom units; 2.5 spaces/dwelling for 3 or more bedroom units; In addition to required parking for residents, 1 space/5 dwelling units will be required for visitor parking	1 space/dwelling unit containing 2 or fewer bedrooms; and 1.5 space/dwelling unit containing more than 2 bedrooms; and 1 space/10 dwelling units for visitor parking
Manufactured Home Park	2 space/dwelling unit	2 spaces/dwelling unit
Second Primary Dwelling Unit		1 space/dwelling unit
Group Living		
Boardinghouse	1 space/2 occupants the building is ultimately designed to accommodate	1 space/3 guests design capacity
Continuing Care Retirement Community	1 space/4 beds plus 1 space/employee[678]	1 space/ 3 habitable units

[677] Parking standards based on experience in other cities, and to remove employee-based standards and other standards that are hard track and enforce over time as employment varies.
[678] Current standard for Nursing Homes and Residential Care Facilities

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677] sf = square feet; gfa = gross floor area		
New Category	**Current Standard**	**Proposed Standard**
Dormitory/Fraternity/Sorority	1 space/2 occupants the building is ultimately designed to accommodate Community development director may reduce requirements for dorms by not more than 20% during such periods students are not permitted autos.	Dormitory: 1 space/ 1,000 sf gfa Fraternity/Sorority: 1 space/person capacity of permanent sleeping facilities.
Group Care Home, Large	1 space/unit[679]	1 space/ 2 beds design capacity
Group Home, Small	1 space/unit[680]	
Halfway House	1 space/2 occupants the building is designed to accommodate[681]	
Residential Care Facility	1 space/4 beds plus 1 space/employee	1 space/ 6 beds, but not less than 2 spaces[682]
Temporary Shelter	1 space/employee plus 1 space/every 4 occupants the shelter is designed to accommodate	1 space per 4 occupants design capacity.
PUBLIC and INSTITUTIONAL USES[683]		
Adult and Child Care		
Adult Day Care Center Family Day Care Center	1 space/employee plus either of the following: 1) 2 parking spaces for the first 10 adults plus 1 parking space for every 10 additional adults, or fraction thereof, for whom care is provided; OR 2) A drive through facility with adequate "pullover" space out of the flow of driveway traffic for 2 additional vehicles.[684]	1 space/ 800 sf gfa plus 2 additional spaces or "pull-over" space for 2 vehicles out of the flow of driveway traffic.

[679] Current requirement for elderly and handicapped housing.
[680] Current requirement for elderly and handicapped housing.
[681] Current requirement for boardinghouse or rooming house.
[682] Revised from 1 space/9 beds in prior draft in response to public comment.
[683] Utilities and Communications uses have been eliminated from the parking chart because their parking requirements are covered by the Public Service Facility requirement (1 space/300 sf gfa) within this use category. The City did not have existing parking requirements for these uses.
[684] Current day care facility standard modified to refer to adults rather than children.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677] sf = square feet; gfa = gross floor area		
New Category	**Current Standard**	**Proposed Standard**
Community Service		
Assembly or Lodge Hall	1 space/4 seats or occupants[685] 1 space/200 sq. ft. of assembly area[686]	1 space/200 sf gfa
Cemetery or Mausoleum		No requirement
Community/Recreation Center		1 space per 500 sf gfa
Elementary School	Elementary schools—1 space/employee plus 1 space/15 students; Middle schools and junior high schools—1 space/employee plus 1 space/10 students; Senior high school - 1 space/employee plus 1 space/4 students;	1 space / 10 seats in the auditorium or main assembly room, or 1 space/ classroom, whichever is greater
Secondary School (middle and high)	Middle schools and junior high schools—1 space/employee plus 1 space/10 students; Senior high school - 1 space/employee plus 1 space/4 students;	1 space / 6 seats in the main auditorium or 3 spaces/ classroom, whichever is greater.
Funeral Home or Mortuary	1 space/5 seats in largest chapel plus 1 space/employee plus 1 space for each facility vehicle	1 space/ 6 seats or per 200 sf gfa in main assembly area, whichever is greater
Higher Education Institution	1 space/5 classroom seats	1 space/ 500 sf gfa of office, research, and library area plus 1 space/ 200 sf gfa of auditorium space
Hospital	1 space/bed for first 100 beds; 1 space/2 beds for next 100 beds; 1 space/4 beds thereafter	1 space/ 500 sf gfa
Museum or Library	1 space/1,000 sq. ft.	1 space/ 1,000 sf gfa
Police or Fire Station		
Public Service Facility	1 space/300 sf[687]	1 space/ 300 sf gfa

[685] Auditorium or assembly hall requirement.
[686] Lodge or private club requirement.
[687] Current professional and business office requirement b/c Public Service Facility combines "government buildings and facilities" and "public administration buildings."

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677]
sf = square feet; gfa = gross floor area

New Category	Current Standard	Proposed Standard
Public Park, Playground	1 space/5,000 sq. ft. of land area	Park/Playground: 1 space/5,000 sq. ft. of land area; Playfield (e.g., baseball, soccer): 20 spaces/field (min.)
Golf Course		1 space / 400 sq. ft. of clubhouse area or 6 spaces / hole, whichever is greater
Religious Institution	1 space/4 seats in sanctuary or other assembly area	1 space/ 6 seats or per 200 sf main assembly area, whichever is greater
Reuse of Place of Public Assembly		No requirement
COMMERCIAL and INDUSTRIAL USES		
Agricultural & Animal Related		
Agriculture		No requirement
Farmer's Market		1 space/booth; host property parking may apply if farmer's market does not leave host use deficient
Greenhouse or Plant Nursery		1 space/ 1,000 sf gfa
Pet Store or Pet Grooming		1 space/ 300 sf gfa
Urban Agriculture		No requirement
Veterinary Hospital	1 space/300 sq. ft.	1 space/ 400 sf gfa
Food & Beverage Service		
Bar or Nightclub	1 space/100 sq. ft.	1 space/ 150 sf gfa
Restaurant (no drive-through)	1 space/100 sq. ft.	1 space/ 150 sf gfa
Restaurant (with drive-through)	1 space/100 sq. ft.; Drive-throughs also required to have 4 stacking spaces/window	1 space/ 200 sf gfa Refer to Table 4.4-3 for drive-through stacking space requirements
Guest Accommodations		
Bed and Breakfast	1 space/guest room plus 2 parking spaces/dwelling unit	1 space/ manager + 1 space/ dwelling unit

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677] sf = square feet; gfa = gross floor area		
New Category	**Current Standard**	**Proposed Standard**
Hotel or motel	1 space/room plus 1 space/20 rooms (to accommodate motel/hotel staff) plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.) if applicable.	2 spaces/ 3 guest rooms + 1 space/ 200 sf gfa in all accessory uses including restaurants and meeting rooms
Travel Trailer Park		1 space / 1,500 sf of land area
Office		
Commercial or Trade School	1 space/employee station plus 1 space/each 5 students except nursery schools which require 1 space/employee or teacher station	1 space/ 400 sf of enclosed floor space
Office	Banks - Walk-in facility: 1 space/250 sq. ft.; Drive-thru facility: 1 space/300 sq. ft. plus 3 stacking spaces for each drive-up window; Medical office: 1 space/each 200 sq. ft.; Office: 1 space/300 sq. ft.	1 space/ 300 sf gfa (General)[688] 1 space/ 200 sf gfa (Medical)
Research and Development Laboratory		1 space/ 600 sf gfa
Wholesale Sales Offices and Sample Room		1 space/ 600 sf gfa
Personal Services		
Personal Services, General	Barber and beauty shop: 2 spaces/chair or operator station; Dry cleaning/laundry: 1 space/300 sf	1 space/ 400 sf gfa
Self-service Storage Facilities	1 space/20 rental units plus 2 spaces for the "office"; Rows between storage buildings shall be designed to allow for simultaneous vehicle parking and passage.	1 space/ 20 storage units
Tree or Landscaping Service		1 space/ 1,000 sf gfa

[688] Revised from 1/400 sf in prior draft per public comment.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677] sf = square feet; gfa = gross floor area		
New Category	**Current Standard**	**Proposed Standard**
Recreation & Entertainment[689]		
Indoor Recreation or Entertainment Physical Fitness Center	5 spaces/lane; Other uses (bar, restaurant, etc.) figured separately at 75% of the parking required (Bowling Alley); 1 space/4 seats (Movie Theater); 1 space/300 sq. ft. (Indoor Recreation Facilities); 1 space/300 sq. ft. (Pool halls); 1 space/200 sq. ft. (Skating Rinks); 1 space/150 sq. ft. (Physical Fitness Center); 1 parking space for each 200 sq. ft. of water surface area; provided, however, additional spaces shall be required when pool amenities are included at the same rate as for outdoor swimming pools, as well as when the following other amenities are included: aerobics floor or cardiovascular room—1 space for each 100 sq. ft., weight room—1 space for each 150 sq. ft., lounge or office area—1 space for each 200 sq. ft., other useable activity areas—1 space for each 300 sq. ft.; and b. The number of parking spaces shall be reduced by 20% if use of at least 25% of the pool is regularly devoted to training or therapy. (Indoor Swimming Pools)	General: 1 space/ 400 sf gfa Indoor Theater: 1 space per each 6 seats design capacity
Indoor Entertainment, Adult		1 space/ 400 sf gfa

[689] The "Private recreation facility" use included in Module 1 has been deleted from this Parking Table and the Permitted Use Table because it is covered by the indoor and outdoor recreation and entertainment categories.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677] sf = square feet; gfa = gross floor area		
New Category	**Current Standard**	**Proposed Standard**
Outdoor Recreation or Entertainment	Driving Range: 1 space/tee box; Golf Course: 4 spaces/hole; Miniature Golf (1 space/hole); Parks & playgrounds (1 space/ 5,000 sf of land area); Rifle, pistol, and archery ranges: 1 space/station; Stadiums: 1 space/4 seats; Outdoor pools: 1 parking space for each 150 sq. ft. of water surface area; provided, however, additional spaces shall be required when the following amenities are included: water slide (10 feet or taller)—7 spaces for each slide; diving board—2 spaces for each board; zero depth entry—1 space for each 15 lineal feet; concession stand—3 spaces; tennis, basketball or volleyball court—2 spaces for each court; and b. The number of spaces shall be reduced by 20% if use of the pool is restricted to residents of the subdivision in which the pool is located or if use of at least 25% of the pool is regularly devoted to training or therapy; Tennis Courts: 2 spaces/court.	General: 1 space/ 5,000 sf of land area, or 1 space/ 3 person design capacity, whichever is less; Swimming Pools: 1 space / 200 sf of pool surface area
Theater, Drive-In		No requirement
Retail		
Alcoholic Beverage Sale	1 space/200 sq. ft.	1 space/ 300 sf gfa
Retail, General, Small Retail, Adult, Small	1 space/200 sq. ft.[690]	1 space/ 300 sf gfa

[690] Current requirement for apparel & accessory stores . . . , computer supply, convenience store, drug store, dry goods, fabric store, office supply, and sporting goods.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677]
sf = square feet; gfa = gross floor area

New Category	Current Standard	Proposed Standard
Retail, General, Large Retail, Adult, Large	1 space/250 sq. ft. plus 1 space/1,000 sq. ft. of outdoor sales area (Building Materials, Hardware, Garden Supplies); 1 space/200 sq. ft. (Department Store) 1 space/400 sq. ft. (Furniture, Appliance, Home furnishings); First 200,000 sq. ft. of gross floor area (GFA)—1 space/250 sq. ft.; Over 200,000 sq. ft. of GFA—1 space/200 sq. ft. (Shopping Center); 1 space/200 sq. ft.(Supermarket, food and beverage).	1 space/ 400 sf gfa
Vehicles & Equipment		
Car Wash	4 stacking and drying spaces/stall	2 stacking/drying spaces/stall
Heavy Vehicle and Equipment Sales, Rental, and Servicing	1 space/400 sq. ft. of floor area plus 1 space/3,000 sq. ft. of open lot display area[691]; 1 space/employee plus 4 spaces/service bay; Inoperable vehicles shall not occupy required parking[692]	1 space/ 1,000 sf gfa[693]
Light Vehicle Sales or Rental	1 space/400 sq. ft. of floor area plus 1 space/3,000 sq. ft. of open lot display area[694]; 1 space/200 sf.[695]	1 space/ 500 sf gfa
Light Vehicle Service or Repair	1 space/200 sq. ft.; spaces at fuel pump islands will be counted toward this requirement[696]	1 space/ 500 sf gfa
Parking Lot, Commercial		
Parking Structure, Commercial		

[691] Current requirement for auto, boat, truck, and mobile home sales and service.
[692] Current requirement for auto repair, major.
[693] Heavy vehicle parking is revised to allow half the amount of light vehicle parking because heavy vehicle operations generally have fewer employees per vehicle.
[694] Current requirement for auto, boat, truck, and mobile home sales and service.
[695] Current requirement for auto accessory stores.
[696] Current requirement for auto service stations and auto accessory stores.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677] sf = square feet; gfa = gross floor area		
New Category	**Current Standard**	**Proposed Standard**
INDUSTRIAL USES[697]		
Commercial Services		
Heavy Commercial Services	The greater of 1 space/employee for the sum of the two largest consecutive shifts plus 1 space/vehicle used in the conduct of business OR 1 space/600 sq. ft. of floor area[698]	1 space/ 750 sf gfa
Mechanical and Construction Contractors		1 space/ 1,000 sf gfa
Warehousing and Storage	Warehouse: 1 space/2,000 sf of floor area;	1 space/ 2,000 sf gfa
Wholesale Distribution	Wholesale distribution: 1 space/1,000 sf.	1 space/ 2,000 sf gfa
Manufacturing, Production, and Extraction		
Artisan Industry	The greater of 1 space/employee for the sum of the two largest consecutive shifts plus 1 space/vehicle used in the conduct of business OR 1 space/600 sq. ft. of floor area.[699]	1 space/ 1,000 sf gfa
Bakery		
Heavy Industry		
Light Industry		
Machine Shop		
Mine or Quarry		No requirement
Transportation		
Airport		As determined by the Columbia Regional Airport management
Bus Barn or Lot		No requirement
Bus Station		
Rail or Truck Freight Terminal		
Waste & Salvage		
Sanitary Landfill		No requirement
Automobile Wrecking and Junk Yard		

[697] The current code only provides one general requirement for manufacturing/industrial uses, which has been plugged into the current standards generally, if applicably.
[698] Current requirement for Manufacturing/Industrial Uses.
[699] Current requirement for Manufacturing/Industrial Uses.

Table 4.4 – 1: Minimum Required Off-Street Parking (and Maximum Permitted Off-Street Parking for Selected Uses)[677] sf = square feet; gfa = gross floor area		
New Category	**Current Standard**	**Proposed Standard**
ACCESSORY USES		
Accessory Dwelling Units	1 space/ dwelling unit for accessory dwelling units having up to 2 bedrooms; 2 spaces/dwelling unit of accessory dwelling units having 3 or more bedrooms	1 space/ dwelling unit for accessory dwelling units having up to 2 bedrooms[700]
Drive-Up/Through Facility	Drive-thru facility: 1 space/300 sq. ft. plus 3 stacking spaces for each drive-up window	No requirement. Refer to Table 4.4-3 for drive-through stacking space requirements
All other accessory uses[701]		No requirement
TEMPORARY USES		
Temporary Construction Yard or Office		2 spaces
Temporary Real Estate Sales/Leasing Office		2 spaces
All other temporary uses		No Requirement

(c) Other Parking Requirements[702]

For any uses not listed in Table 4.4-1, the required minimum number of off-street parking spaces shall be determined by the Director based on the anticipated use and anticipated neighborhood and traffic congestion impacts.

(d) Parking Alternatives[703]

The Director may approve applications containing alternatives to providing the number of off-street parking spaces required by Table 4.4-1, in accordance with the following standards.

(1) Transit Incentives [704]

(i) The minimum number of off-street parking spaces required for any development or redevelopment of lands located within one-quarter (¼) mile of the major COMO

[700] Corrected in response to public comment.
[701] All accessory uses without parking requirements have been consolidated into one category.
[702] Revises current Sec. 29-30(c) for clarity and removes the two parking space (min) requirement.
[703] New section that groups existing alternative parking provisions together, with noted revisions for clarity.
[704] Carries Current Sec. 29-30(d) forward with additional transit incentives to encourage development along the COMO Connect bus routes.

Connect connection points (Black, Gold, and Red lines) or transit center, may be reduced by twenty (20) percent.[705] The most recent COMO connect map can be accessed on the City's website or at the Community Development Department.

(ii) The minimum number of off-street parking spaces required for any development or redevelopment of lands zoned M-N (pedestrian) or M-C (transit), may be reduced by thirty (30) percent. This reduction may not be combined with the reductions in subsection (i) above.[706]

(iii) Upon application of the owner, the parking requirement of a building or use may be reduced by five (5) percent for lots or tracts of two (2) acres or more located on a transit route that provide, at the owner's cost, transit pull-offs and transit rider shelters of a type and location acceptable to the City.[707]

(iv) If an existing transit route, center, or zoning district is eliminated or changed in location, any development approved and built in conformance with this Section 29-4.4 shall not be deemed nonconforming in terms of required parking.[708]

(2) Shared Parking[709]

The Director may approve joint parking facilities for development or uses with different operating hours or different peak business periods, if the shared parking complies with the following standards:

(i) Location[710]

Shared parking shall be located within six hundred (600) feet of the primary entrance of all uses served.

(ii) Reduction[711]

Where a joint parking facility meets the location requirement of this Section, the total off-site parking required for those uses may be reduced by the factors shown in Table 4.4-2. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors for that combination of uses shown in Table 4.4-2. If more than two (2) uses share a parking lot or structure, the required parking shall be calculated by applying Table 4.4-2 to the two (2) uses with the largest parking requirements and then adding the required parking for the additional uses.

[705] New provision.
[706] New provision
[707] Current Sec. 29-30(d).
[708] New provision.
[709] Carries forward current 29-30(e) with more objective standards. Current Sec. 29-30(f)(Location of Facilities) – which defines mixed use parking as the "sum of the individual requirements" was deleted.
[710] New provision.
[711] New subsection to make current shared parking standard more objective.

Table 4.4-2: Shared Parking Reduction Factors

Property Use	Residential	Public and Institutional	Food, Beverage, and Indoor Entertainment, Lodging, or Religious Assembly	Retail Sales and Personal Services	Office & Other Commercial
Residential					
Public and Institutional	1.1				
Food, Beverage, and Indoor Entertainment, Lodging or Religious Assembly	1.1	1.2			
Retail Sales and Personal Services	1.2	1.3	1.3		
Office &Other Commercial	1.3	1.5	1.7	1.2	

(iii) Additional Sharing Permitted[712]

As an alternative to the parking reduction factors in Table 4.4-2, the Director may allow the following reductions in required parking:

(A) Up to fifty (50) percent of the parking spaces required for food, beverage, and indoor entertainment uses located within six hundred (600) feet of a non-residential use that is not normally open, used, or operated during the same hours; and

(B) Up to one hundred (100) percent of parking spaces required for religious assembly uses located within six hundred (600) feet of a non-residential use that is not normally open, used, or operated during the same hours.

(iv) Agreements[713]

If the Director determines that there is significant doubt that shared parking facilities will remain available for the uses they serve, and the loss of those shared parking spaces would cause significant neighborhood impacts or traffic congestion, the Director may require a written agreement assuring the continued availability of the shared parking spaces for the uses they serve. If required by the Director, the

[712] New provision to address community inquiries about the shared use of church parking lots.
[713] Clarifies existing Sec. 29-30(e)(3) and allows the Director to not require an agreement if risks of the loss of shared parking are not significant. Strict agreement requirements often result in property owners not using shared parking provisions and are difficult to enforce.

agreement shall be on a form approved by the City and shall be filed with the application for a building permit.

(3) Credit for Public Parking[714]

Some or all of the required off-street parking spaces for a non-residential use may be waived by the Director if publicly owned off-street parking is located within a one thousand (1,000) foot walking distance from the main entrance of the proposed use, and the Director also determines that adequate parking spaces are available within the publicly owned parking area to accommodate the anticipated use.

(4) Credit for On-Street Parking[715]

The Director may credit on-street parking spaces against required off-street parking requirements if the on-street spaces are located within two hundred (250) feet of an entry of the building in which the use is located, if the Director determines that those parking spaces are frequently available for residents, patrons, or employees of the proposed use and structure.

(5) Additional Parking Reductions[716]

The Director may allow an additional reduction in the required number of parking spaces (less than what may be determined using the adjusted off-street parking calculations in subsections (1)-(4) above) if the applicant submits a parking demand study, prepared in accordance with the City's guidelines, by a qualified parking or traffic consultant, documenting the basis for granting a reduced number of spaces, and the Director determines the study accurately reflects the parking demand for the use or structure.

(e) Maximum Parking Limit[717]

(1) In the Mixed Use districts, no single building that contains more than fifty thousand (50,000) square feet of gross floor area, in which a single-user or multiple users operate a use listed in the Retail, Office, or Personal Service categories in Table 29-3.1 (Permitted Use Table), may provide on-site automobile parking in an amount greater than one hundred twenty-five (125) percent of the minimum amount required by Table 4.4-1.

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

(f) Location and Use of Parking Facilities[718]

(1) Location

[714] New subsection.
[715] New subsection.
[716] New subsection.
[717] New standard that applies the maximums to the M-DT district, even though the minimums do not apply there.
[718] Current Sec. 29-30(g) presented in two subsections and list form for clarity. Provision (g)(3) regarding ADA sidewalks has been relocated to parking design standards. New provisions are noted.

(i) Off-street automobile parking facilities required by this section for all non-residential uses may be located either on the premises of the parking generator or within one thousand (1,000) feet of the non-residential use.

(ii) In the M-N zone district, on-site parking for non-residential uses shall not be located closer to the primary street frontage of the lot than the front façade of the primary structure, except for one double-loaded row of parking, which may be located between the front building façade and the front lot line, if it is not located in a required front yard area. The option to include one (1) double-loaded row of parking in this location is not available on properties where the applicant has selected to use the "pedestrian" dimensional standards shown in Sections 29-2.2(b)(2) (M-N District) and 29-4.1 (Dimensional Standards).[719]

(iii) No portion of an off-street parking facility shall be located in a public street or sidewalk, parkway, alley, or other public right-of-way.[720]

(iv) In a residential district, no paved driveway or outdoor parking area shall be permitted to cover more than thirty (30) percent of any front yard or rear yard area. The thirty (30) limit shall include areas included in driveways.[721]

(2) Use

(i) Land used for off-site parking for a non-residential use shall not be located in a residential zone district, unless that use is a Permitted Use or Conditional Use in that residential zone district.

(ii) Off-street parking spaces shall not be used for the sale, repair, dismantling, or servicing of any vehicles, or equipment.[722]

(3) Use of Yards[723]

(i) No vehicle shall be parked in a required front or side yard except on a permitted driveway. A permitted driveway is a driveway that leads to the front or rear of the building or to a permitted accessory building (garage) attached or detached from the principal structure and maintained in accordance with the City's property maintenance standards.

(ii) A permitted driveway may include a defined area for parking adjacent and attached to the driveway. The extension must be paved in a material similar to that of the rest of the driveway.

(iii) Parking of vehicles in a direction perpendicular to the driveway is prohibited, except in the rear yard.

(iv) In residential districts, rear yards may be used for open parking of automobiles, including trailers and similar type vehicles, on an approved dust-free surface, subject to

[719] New provision.
[720] New provision.
[721] New provision.
[722] New provision. Since Module 3, wording revised to avoid conflict with outdoor sale provisions.
[723] New subsection and all new provisions to address neighborhood concerns about cars parked on yards. Replaces provisions of Sec. 29-30(a)(7).

the use of a screening device not less than four feet nor more than six (6) feet in height.[724]

(v) The Director may issue a temporary permit to allow parking that does not meet the requirements of subsections (i) through (iv) under Sec. 29-5.4 (g) (Temporary Parking Permits).[725]

(g) Parking Design Standards[726]

The design of required off-street and open parking areas and spaces shall meet the following standards:

(1) Residential Setback[727]

No parking shall be permitted within six (6) feet of an adjoining lot containing a single- or two-family use, except as otherwise provided by this Code.

(2) Grades, Drainage, and Curbs[728]

(i) Parking areas shall be designed to assure positive drainage, but shall not exceed a slope of ten (10) percent;

(ii) Approach driveways which do not serve directly abutting parking spaces may be designed to a slope of up to fifteen (15) percent, if accompanied by appropriate landing grades and vertical curves at points of transition;

(iii) Storm drainage control and facilities shall be designed to satisfy the requirements of the storm drainage standards of the City.

(iv) Curb islands or wheel stops may be installed for drainage control, and for vehicular channelization and lane control; provided, that in parking areas of more than one hundred (100) spaces, curbing or similar measures shall be required to assure safe and proper control of vehicular and pedestrian movements.

(v) Parked vehicles shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other means.

(3) Access [729]

(i) Ingress and egress shall be only by way of paved driveways or openings meeting the City's adopted access location and design requirements.

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[724] Revised to address concern that vehicles parked on lawns contribute to soil erosion. Revised since Module 3 to avoid reference to International Property Maintenance Code and to remove requirement for a landscaped strip, since provisions of Section 29-4.5 (Landscaping and Screening) apply.
[725] Added since previous draft to carry over flexibility from current Sec. 29-30(a)(7).
[726] Current Sec. 29-30(h)(Improvement of Parking Areas) renamed and reorganized for clarity.
[727] Current Sec. 29-30(h)(1). Revised to apply to uses in any district, not simply a residential district, adjacent to a single – or two – family dwelling, but no longer applies when the adjacent lot is in multifamily residential use. A similar provision has been included in Section 29-4.9(e)(1).
[728] Current Sec. 29-30(h)(2) is renamed to include curbs. Curb provision from (h)(4) is relocated here.
[729] Current Sec. 29-30(h)(3) broken down into a list. Wording revised for clarity.

(ii) All parking areas of more than two hundred (200) spaces shall be served by more than one (1) standard entrance.

(iii) Access driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.

(iv) A driveway providing access to premises in commercial or industrial districts shall not be permitted through a residential district.[730]

(v) The following additional standards apply in all Residential districts:[731]

(A) No garage for any use other than a single- or two-family dwelling shall be located nearer than sixty (60) feet to the front lot line.[732]

(B) Required parking spaces may be provided in a tandem layout (i.e., one vehicle parked behind the other) to serve one- and two-family dwellings only; see Figure 4.4-1 above.[733]

(C) Parking spaces for all other uses in residential districts shall not be located in the required front yard.

(4) Parking Layout Dimensions[734]

All required parking spaces must comply with the minimum dimensions for spaces shown in the following Table 4.4-3 and Figure 4.4-2.[735]

Table 4.4-3: Off-Street Parking Layout Dimensions for Standard Sized Vehicles[736]

Parking Angle (1)-degree	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Curb Length Per Space (3)--ft.	23.0	24.9	17.0	13.0	12.0	11.3	9.8	9.4	9.0	8.5
Space Depth (4)--ft.	8.0	14.5	16.9	18.5	18.8	19.3	20.0	19.5	19.0	18.0
Access Aisle Width (5)--ft.	12.0[1] [2]	12.0[1]	12.0[1]	12.0[1]	13.0[1]	15.0[1]	18.0	20.0	22.0	24.0
Space Width (2)—ft.	8.0	8.5	8.5	8.5	8.5	8.5	8.5	8.5	8.5	8.5

[1] Aisle width (D) shall not be less than 18 feet if the aisle is a designated fire lane.
[2] Aisle width (D) shall not be less than 22 feet for two-way traffic.

(i) If the degree of angle of parking provided is not listed, the aisle width required shall be the next largest angle of parking shown.

[730] Current Sec. 29-27(a)(Accessory Uses).
[731] Current Sec. 29-30(a)(6)(Off-street parking and loading regulations). Current text limiting one parking space to the front yard or on the required side yard on the street side of a corner lot deleted as unnecessary.
[732] Reworded to exempt single- and two-family dwellings rather than "private garages".
[733] Wording simplified and refers to earlier graphic for clarity. Tandem parking is located within the original one car-width driveway, so text on parking "adjacent and parallel to" the driveway has been deleted. Tandem parking figure will be included in final integrated draft.
[734] Current Sec. 29-30(k)(Dimensional elements of off-street parking layouts).
[735] New graphic included to illustrate angled parking dimensions in table.
[736] Current Table 29-30(l)(4).

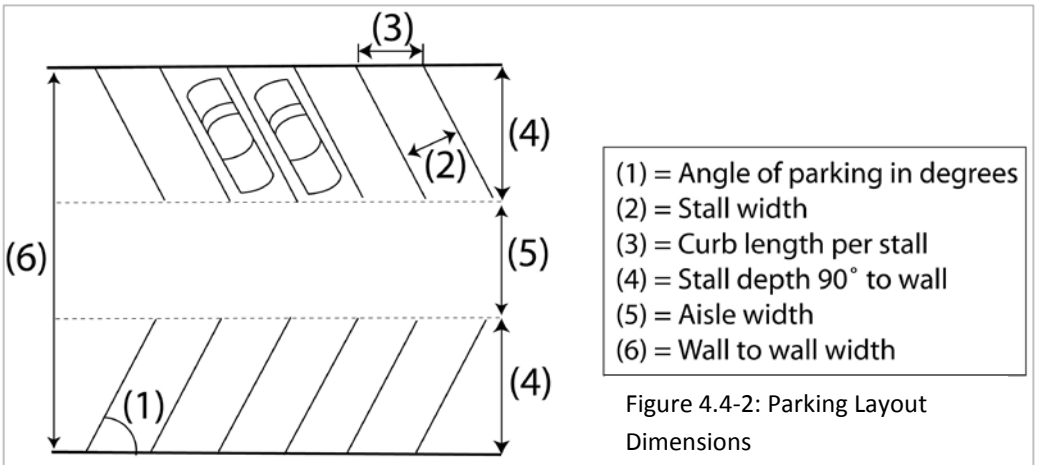

Figure 4.4-2: Parking Layout Dimensions

(ii) If parking spaces are located only on one (1) side of an access aisle, the width of the access aisle may be reduced by twenty (20) percent but not less than twelve (12) feet wide or eighteen (18) feet wide if a designated fire lane.

(5) Surfacing[737]

(i) All new and expanded vehicle parking and maneuvering areas must be paved with concrete, asphalt, or an alternate paving material as determined by the Director.

(ii) Pervious or semi-pervious parking area surfacing materials may be approved alternatives, if the Director determines that they are appropriate for the City's climate and the durability required for their intended use. Permitted materials may include, but are not limited to grass, mulch, "grasscrete," ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, or recycle materials such as glass, rubber, used asphalt, brick, block, and concrete.[738]

(iii) Vehicle storage areas may be surfaced with a permanent, dust-free pavement in lieu of concrete or asphalt pavement.

(iv) Pavement cross-section shall be determined by the owner based on considerations of durability, subsurface conditions, and the type of vehicles using the parking area.

(v) Interior driveways, fire lanes, and loading or maneuvering areas shall comply with applicable design and surfacing standards on file in the Community Development Department.

(vi) Parking spaces shall be delineated and appropriate traffic flow indications given by use of reflectorized paint on the parking area pavement.[739]

[737] Current Sec. 29-30(h)(4) renamed to surfacing because it covers pavement and markings, curb provisions have been relocated to grades and drainage section above. The maintenance provision has been deleted and relocated to new Section 29-4.11 (Operation and Maintenance Standards).
[738] New provision to encourage the use of pervious paving materials.
[739] Text simplified to avoid repetition, and some material relocated.

(6) Lighting[740]

Lights shall be required for all parking areas intended for night use. Lights shall be arranged or shielded to direct illumination away from residences and from public streets and other public areas in accordance with Section 29-4.7 (Exterior Lighting).

(7) Exceptions[741]

Driveways and off-street parking for one-family and two-family dwellings in the R-1 and R-2 zone districts shall not be required to comply with the provisions of subsections (2), (4) and (6) above.

(h) Parking Garages[742]

All above ground portions of accessory or parking garages or portions of structures occupied by automobile parking shall meet the following standards:

(1) The minimum setback for a parking structure shall be the same that is required for a principal structure.

(2) The height of an accessory parking garage may not exceed the height of the principal building it is intended to serve.

(3) Points of ingress and egress to the garage shall be clearly marked and shall be no closer than twenty-five (25) feet to an intersection or other curb cut.

(4) All floors fronting a public street shall be level (not inclined).

(5) At least thirty (30) percent of each façade facing a public street shall be designed to conceal the view of all parked cars below the hoodline and to conceal internal light sources when viewed from the public street.

(6) Where a parking garage is subject to a front, side, or rear setback of ten (10) feet or more, a landscape strip at least four (4) feet wide shall be installed around the perimeter of the garage and comply with the landscape design requirements in Section 29-4.5(e)(2).

(7) When a garage is open during the evening hours, all internal areas and all entrances shall be lit with fixtures providing at least two (2) footcandles of light at floor level.

(i) Drive-Through Vehicle Stacking[743]

The following standards apply to all properties with a drive-through facility.

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[740] Current Sec. 29-30(h)(5).
[741] Current Sec. 29-30(h)(7).
[742] New section to address community concerns over the lack of parking garage requirements.
[743] New section to address staff requests for standards to review drive-through facilities. Stacking requirements have been removed from the required parking table and relocated here with new location and design requirements. Existing standards on spaces per window are unnecessarily complex and were not carried over.

(1) Stacking Space Requirements

Table 4.4-4: Drive-Through Stacking Space Requirements		
Activity	**Minimum Stacking Spaces (per lane)**	**Measured From:**
Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller of Window
Restaurant/Retail Store	3[744]	Pick-Up Window
Full Service Vehicle Washing Establishment	3	Outside of Washing Bay
Self-Service or Automated Vehicle Washing Establishment	1	Outside of Washing Bay
Other	Determined by the Director based on anticipated need and avoidance of traffic congestion on adjacent streets	

(2) Location and Design of Stacking Lanes

(i) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.

(ii) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building.

(iii) Drive-through stacking lanes shall have a minimum width of ten (10) feet.

(iv) Stacking lanes shall be set back fifteen (15) feet from rights-of-way.

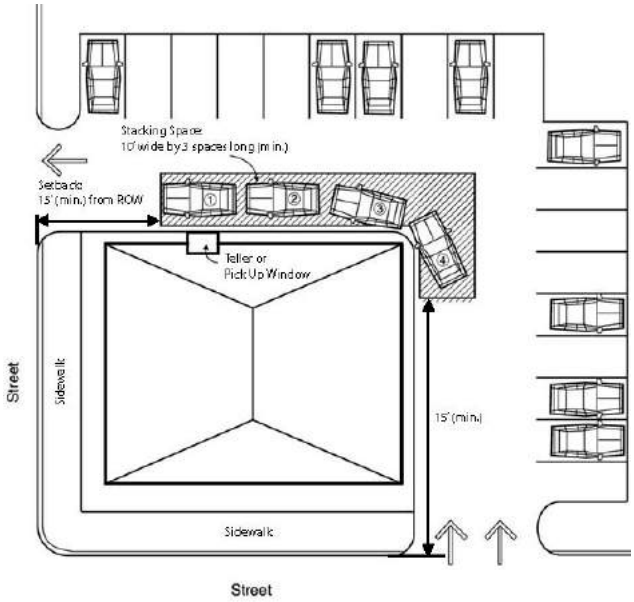

Figure 4.4-3: Stacking Lanes

[744] Reduced from four required stacking spaces, per window.

(j) Off-Street Loading Requirements[745]

(1) Minimum Requirements for Off-Street Loading Space[746]

Off-street loading space shall be provided as set forth in Table 4.4-5 below, except as provided in subsection (2) below.

Table 4.4-5: Off-Street Loading Space Standards

Type of Use or Facility	Off-Street Loading Requirement
Office or Lodging Personal services and repair Retail store (large)	1 space for each 50,000 sf of gross floor area in the structure, or part thereof, up to a maximum of 3 spaces
Building material sales Garden material sales Furniture and floor covering sales Industrial Services and Manufacturing Light vehicle sales, rental, storage, repair, or service Heavy vehicle and equipment sales, rental, storage, repair, or service Wholesaling	1 space for each 50,000 sf of gross floor area in the structure, or part thereof, up to a maximum of 2 spaces
Bus and Truck Terminals	Space sufficient to accommodate the maximum number of buses or trucks to be stored or loading/unloading at the terminal at any one time

(2) Existing Structures[747]

(i) If the aggregate gross floor area of any existing building is increased by more than fifty (50) percent, off-street loading space shall be provided, in accordance with Table 4.4-5 above, to the extent required for the original gross floor area and its expansion. If the aggregate gross floor area of any existing building is increased by fifty (50) percent or less, then the new off-street loading space shall be provided to the extent required for the expansion only.

(ii) Existing buildings greater than fifty (50) years old are exempt from this requirement[748].

[745] Revises existing Sec. 29-30(i)(Loading Space for Business and Industry) to include objective off-street loading space standards in table form and new design and use standards.
[746] New standards.
[747] New standard.
[748] New provision to align with interim C-2 ordinance.

(3) Design and Use of Off-Street Loading Areas[749]

(i) Off-street loading space shall be located on the same lot occupied by the use served and shall be accessible from a public street or alley.

(ii) Off-street loading space shall not be occupied by or considered as any part of the required off-street parking areas.

(iii) No portion of an off-street loading space shall be located within any fire lane required by City ordinance or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.

(iv) Off-street loading space and the aisles or driveways leading to them shall not be used for the sale, repair, dismantling, or servicing of any vehicles, or equipment.[750]

(v) Any off-street loading area located within one hundred (100) feet of the boundary of a residential zone district shall be screened from view from the district by a masonry wall at least eight (8) feet in height of a color matching one of the primary colors used on the primary façade of the building.

(4) M-DT District[751]

In the M-DT District, the Director may alter or waive the requirements of this Section 29-4.4(j) (Off-street Loading Requirements) on a case-by-case basis if the applicant demonstrates that a specific standard is impractical or meaningless to achieve due to:

(i) Existing development patterns;

(ii) Existence of historic buildings in areas where loading would need to be located;

(iii) Section 29-4.2 requirements that a building occupy the space where loading would need to be located; or

(iv) Other site limitations or circumstances that make strict adherence to these standards impracticable.

(k) Bicycle Facilities[752]

Any parking lot or structure containing ten (10) or more parking spaces shall provide adequate and safe on-site bicycle parking facilities in accordance with the following standards:

(1) Required Bicycle Spaces

(i) Bicycle parking facilities shall be designed to accommodate the number of bicycle parking spaces, based on vehicle spaces, set forth in Table 4.4-6 below:

[749] New standards.
[750] Since Module 3, text revised to avoid conflict with outdoor sale provisions. Change per staff comment
[751] New subsection to address M-DT site constraints related to off-street loading.
[752] Carries forward and reorganizes current Sec. 29-30(m).

Table 4.4-6: Required Bicycle Parking Spaces	
Vehicle Spaces	**Required Bicycle Spaces**
10 – 50	4
51 - 99	8
100 – 199	12
200 – 299	15
300 or more	5 percent of the number of vehicle spaces

(ii) For parking lots required by other provisions of this Code to have more than twenty-five (25) vehicle parking spaces, the required number of vehicle parking spaces may be reduced by one (1) space for each required bicycle parking space installed.

(2) Design

(i) Location

Bicycle parking facilities shall be:

(A) Located near the main customer and employee entrances to the principle use;[753]

(B) Clearly designated;

(C) Safely separated from vehicle maneuvering areas, and

(D) Located on the ground level when in a parking structure.

(ii) Minimum Dimensional Standards

Each bicycle parking space shall be at least:

(A) Six (6) feet long;

(B) Two (2) feet wide; and

(C) Have a minimum overhead clearance of seven (7) feet.

(D) If more than one (1) bicycle rack is used, a minimum five (5) foot wide access aisle is required beside or between each row of bicycle racks.

(iii) Materials

Bicycle parking facilities shall be surfaced with all-weather material and maintained in a safe and neat condition.

(iv) Security

Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with removal of the front wheel) or where the frame and one (1) wheel can be locked (if both wheels remain on the bicycle).

[753] Revised to add reference to customer entrances.

(l) Screening and Landscaping[754]

All parking facilities shall comply with the screening and landscaping requirements of Section 29-4.5.

(m) Permits and Certification[755]

(1) Parking lots without an associated building permit shall be subject to separate permitting and inspecting during construction, as appropriate, and shall not be open for use until a certificate of completion has been issued by the Department.

(2) Prior to authorizing use of any parking area established under this section, or issuance of occupancy certificates for any uses dependent thereon, the Director, shall inspect and certify the parking area to be in compliance with these standards.

(n) Delayed Construction of Required Parking[756]

Upon application of the owner, up to twenty (20) percent of the parking required under this section may remain unimproved until such time as the Director finds that it must be improved to adequately serve the parking demand. The Director may approve a delayed construction of required parking if all of the following requirements are met:

(1) The initial occupancy of the premises will be adequately served by the lesser number of spaces.

(2) A site plan clearly indicating the location, pattern, and circulation to and from the deferred parking spaces is approved.

(3) The land area delineated for future parking is brought to finished grade and is landscaped.

(4) The land area delineated for future parking shall not be used for building, storage, loading or other purposes.

(5) The land area delineated for future parking shall not count toward the required landscaping for the site.

29-4.5 Landscaping and Screening[757]

(a) Purpose[758]

The intent of this section is to:

[754] Current Sec. 29-30(n).
[755] Combines and carries forward current Sections 29-30(j)(Permits) and 29-30(h)(6)(Certification).
[756] Current Sec. 29-30(l) broken down into list form for readability.
[757] Per the Detailed Outline, this section incorporates existing landscaping and screening provisions (and proposed amendments), in current Sec. 29-25 and scattered throughout the code, in the new organization proposed below. Relevant Land Preservation Act requirements (Ch. 12A) and proposed amendments to those requirements are also included, so cross-references to Ch. 12A have been deleted.
[758] Current Sec. 29-25(a). Subsection 5 is new.

(1) Establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, erosion control, and noise, glare and heat abatement;

(2) Provide visual buffering from streets, to buffer potentially incompatible land uses and to generally enhance the quality and appearance of a development site, and the City in total;

(3) Encourage the preservation of existing trees and vegetation;

(4) Supplement the land disturbance permit requirements;

(5) Protect trees and vegetation that offer environmental, aesthetic, habitat, sustainability, and economic benefits to the City and its citizens.

(b) Applicability[759]

(1) Provisions of this section shall apply to lots and parcels in any zone district that contain (i) more than ten thousand (10,000) square feet of lot area, and (ii) a primary structure with a primary use other than a single family detached, single-family attached, two-family residential, or live-work use when the following conditions occur after the effective date of this Code:[760]

(i) A new primary structure is constructed; or

(ii) The floor area in an existing primary structure is increased by more than twenty-five (25) percent; or

(iii) An existing primary structure is relocated on the lot or parcel; or

(iv) The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood, or other damage) for a use no more intense than existing previously, and the building footprint is increased by more than 10 (ten) percent;[761] or

(v) A new primary use parking lot containing ten (10) or more spaces is constructed; or[762]

(vi) An existing primary use parking lot containing twenty-five (25) or more spaces is redesigned or reconstructed with significant changes to the layout, location, or orientation, of parking spaces, driving aisles, and/or access drives.[763]

(2) The tree preservation provisions of Section (g) apply to all development or redevelopment on lots and parcels that contain more than ten thousand (10,000) square feet of lot area,

[759] Carries forward the intent of current Sec. 29-25(c) with considerable revisions to clearly convey that only single-family and two-family residential uses, the M-DT district, and expansions of less than 25% are generally exempt from these landscaping and screening requirements. This differs from current Sec. 29-25(e)(2) which requires additional landscaping for any expansion if less than 15% of the site is landscaped.

[760] This provision exempts individual single- and two-family home construction from this section, but does not exempt development of a residential subdivision.

[761] Revised since Module 3 to remove reference to amount of damage, and to include 10% leeway for building footprint increases.

[762] Reduced from 25 parking spaces in Module 3.

[763] Since Module 3, wording clarified to reference changes in location and orientation of parking facilities.

and to any new lot of record created after [insert effective date of this ordinance], regardless of the primary use of the property, in any zone district, except single-family or two-family residential structures on platted lots less than one acre in size.[764]

(3) No provision of this Section 29-4.5 shall require landscaping to be installed, or a tree to be preserved, in a portion of a lot required to be occupied by a building pursuant to the Building Form Standards in Section 29-4.2. If there is a conflict between the requirements of Section 29-4.2 and the requirements of this Section 29-4.5, the Director may modify or waive the provisions of this Section 29-4.5 to allow the requirements of Section 29-4.2 to be met.

(c) General Provisions[765]

(1) Landscape Plan Required[766]

A landscaping plan, prepared in accordance with this Section, shall be required as part of all applications for development or redevelopment. Approval of a landscape plan shall be required prior to the issuance of a building permit, land disturbance permit,[767] and prior to the development of any parking area or loading/unloading area and may be combined with other required application material. Landscaping plans may be amended during or after development with the approval of the Director, but in all cases must comply with the current landscaping requirements of this Ordinance.[768] The landscape plan shall be presented on its own page, designed to scale, signed by an International Certified Arborist or licensed Professional Landscape Architect as recognized by the American Society of Landscape Architects[769] and contain the following information:

(i) The area of any climax forest areas on the site and those portions of the climax forest to be preserved. These areas may be determined by actual field measurement, measurement by planimeter, or automated software. (See Section 29-4.6(b)(2) for climax forest preservation requirements.).[770]

(ii) A planting schedule detail containing common and botanical plant names, size, and graphical depiction.

(iii) The size and location of any walls, earth berms, and fences.

(iv) Provisions for watering, soil stabilization, plant protection and maintenance.

(v) Location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.

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[764] Revised since Module 3 to clarify that 1- and 2-family lots under 1 acre are not subject to these requirements.
[765] New section (capturing existing provisions) that identifies basic information about landscaping requirements.
[766] Carries forward existing Sec. 29-25(d), including proposed amendments to that section by the City Arborist, landscape/tree preservation requirements in Sec. 12A-49, and new language allowing the Director to waive the landscape plan requirement. This application list will be removed from the Code and listed in an administrative document or the City's web site.
[767] Reference to land disturbance permit added since Module 3.
[768] Sentence added from Sec. 12A-49 since first draft.
[769] Revised since Module 3 to include licensed professional landscape architects.
[770] Measurement rules revised since Module 3 for clarity.

(vi) Zoning for the proposed development and adjacent properties.

(vii) Calculations showing compliance with this Section 29-4.5.

(viii) The methods used to remove trees, the areas of tree removal, and areas of trees being saved and showing the location of protective fencing. The areas to be preserved shall be shown on the plan along with State Plane Coordinates at all points of intersect.

(ix) Aerial photograph conducted within one year of the application submittal date, or if no such aerial photography is available to the applicant, than an image from a public source such as Google Earth showing clearing limits, preservation area, protective fencing, and topography.[771]

(2) Minimum Required Landscaping

(i) In the M-DT district, the required "Private or Public Open Areas" must comply with the following standards:[772]

(A) Any ground level required Private or Public Open Area shall have at least one (1) tree per eight hundred (800) square feet, of at least two-and-one-half (2.5) inches in diameter at designated breast height (DBH) and at least ten (10) feet in overall height.

(B) Where new trees are planted to meet this requirement, they shall be no closer than five (5) feet to any common lot line.

(C) Urban General lots that are reusing existing structures with no ground level Private or Public Open Area are exempt from this requirement.

(ii) In all other zone districts, a minimum of fifteen (15) percent of the total land area of any tract, parcel or lot shall be landscaped. Landscaping shall be installed to comply with the specific requirements for Street Frontage Landscaping, Property Edge Buffering, and Parking Lot Landscaping in this section 29-4.5,and the remainder (if any additional landscaping is needed to meet the fifteen (15) percent minimum) shall be reasonably distributed throughout the site.[773]

(3) Plant Materials[774]

Plant materials shall be from the City's Guidelines for Landscaping and Screening or approved by City Arborist. All plant material shall be hardy to central Missouri (USDA hardiness Zone 5b), free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. No one species of tree or shrub may make up more than fifty (50) percent of the total amount of landscape plant types. Invasive species, as identified by the Missouri Department of Conservation's invasive species list, are prohibited. The use of plastic or other artificial plant materials is prohibited. Fifty

[771] Revised since Module 3 to allow alternate measures if aerial photography is not available.
[772] New requirement.
[773] Current Sec. 29-25(e)(1). Wording revised to clarify that specific landscaping requirements must be met first.
[774] New general provision.

(50) percent of all trees planted are required to be Large to Medium species and only thirty (30) percent of the Large to Medium trees can be of a single species.[775]

(4) Minimum Living Materials

In all areas where landscaping is required, a minimum of fifty (50) percent of the surface area shall be covered by living materials, rather than mulch, wood chips, bark, gravel, peat moss, or other non-living materials.

(5) Grading and Drainage[776]

All open areas shall be graded, properly drained, and maintained to encourage on-site water retention and percolation while minimizing ponding or standing water for periods of more than three days.

(6) Minimum Plant Sizes[777]

The minimum planting sizes for planting materials, at time of planting, shall be as indicated in Table 4.5-1 and in the City's Guidelines for Landscaping and Screening:

Table 4.5-1:Minimum Plant Sizes[778]

Plant Type	Minimum Size
Large Deciduous Shade Tree – mature height greater than 45 ft.	Two inch caliper, measured six inches above the ground, as specified by the American Association of Nurserymen.
Medium Deciduous Shade Tree – mature height 30-45 ft.	Two inch caliper, measured six inches above the ground, as specified by the American Association of Nurserymen.
Small Deciduous Shade Tree – mature height 20-30 ft.	As specified by the American Association of Nurserymen, except for true dwarf species.[779]
Ornamental Tree – mature height less than 20 ft.	Four feet in height, as specified by the American Association of Nurserymen, except for true dwarf species
Conifers	Six ft. in height
Shrubs	Five gallon container size
Ground Cover Plants (crowns, plugs, containers)	A species appropriate number to provide 50% surface coverage after two growing seasons
Grass Seeding or Sod	Seed mix shall be at least eighty percent pure live seed and 99% weed free.[780]

[775] Since Module 3, revised to provide that prohibition on more than 50% of trees from one species applies also to screening landscaping, and final sentence has been added.
[776] New provision.
[777] Carries forward existing Sec. 29-25(f)(1-8) in table form, including suggested amendments provided by the City Arborist, except that minimum planting sizes are required at time of planting rather than maturity.
[778] Since Module 3, minor changes to text and numbers made at request of City Arborist.
[779] Current code does not include a caliper size for small deciduous shade trees. Because the AAN does not identify a caliper size for deciduous trees greater than 20 ft., this measurement is not included.

(7) Plant Material Spacing[781]

(i) In the M-DT district, plant material spacing shall comply with this section and with the requirements of Section 29-4.2(f) (Urban Space Standards).

(ii) In all other zone districts, plant materials shall not be placed closer than four feet from any fence line or property line unless required to comply with the provisions of subsection (e) (Property Edge Buffering). Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and any trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas unless prohibited by minimum spacing requirements for that species.

(8) Snow Storage Areas[782]

Areas required for snow storage and areas required for landscaping shall not overlap, except that snow may be stored on ground cover landscape areas (e.g., turf) that do not contain required landscape trees or other plantings.

(9) Screening of Outdoor Storage Areas[783]

All exterior storage areas, except those on single- and two-family lots, shall be enclosed by a permanent screen at least eight feet in height above the ground surface of the storage area, or of such additional height as necessary to screen the stored materials from public view, but non-vegetative screening materials shall not exceed a maximum height of twelve (12) feet. The required screening shall have a year round opacity of at least eighty (80) percent, and if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. When a solid wall or any solid fence is used for screening, ornamental landscaping shall be placed between the fence and the adjacent property lines.[784]

(10) Screening of Rooftop Mechanical Equipment[785]

In all R-M and Mixed Use districts, rooftop mechanical equipment and appurtenances other than solar collectors located on the primary structure shall be screened on all sides with a structure equal to or exceeding the height of the mechanical equipment or appurtenance, measured from the rooftop. Screening enclosures shall use at least one of the predominant

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[780] Revised to address seed mix rather than coverage amount, which is hard to confirm at planting. Revised since Module 3 to require 80% live seed.
[781] New provision.
[782] New provision.
[783] New section that collects, reorganizes, and expands on existing fence and wall requirements embedded within landscaping requirements.
[784] Based on current screening standards for exterior storage that applies to M-R, M-C, and M-P districts – now made generally applicable. Text simplified to avoid overlaps with general landscaping standards. M-C zone district requirement for approval of a screening plan was deleted as unnecessary – application requirements should not be listed in the Code but on an administrative document or on the City's web site.
[785] Multi-family structure provision extended to all structures in R-M and Mixed Use districts in response to comment.

materials used in the façades of the primary structure and one of the predominant colors used in the primary structure.[786]

(11) Vision Clearance[787]

Landscaping and screening shall not be allowed to obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard or condition dangerous to the public safety upon any such street.

(12) City Right-of-Way[788]

Tree removal or planting in City rights-of-way shall be done only with the approval of the City.

(13) Installation Due to Season[789]

(i) Landscaping of the site shall be completed within one planting season (spring to fall) of the completion of the exterior of the building, in accordance with building permit requirements.

(ii) All landscaping work must be completed prior to the final inspection of a building or within one (1) year of issuance of the land disturbance permit, whichever occurs later. If completion of the work or building is at such time of the year that the landscaping cannot be completed, a performance bond or other acceptable financial instrument for completion of the work may be accepted to allow the issuance of a certificate of occupancy.[790]

(d) Street Frontage Landscaping[791]

(i) Required Depth

All paved areas with more than forty (40) feet of length within fifteen (15) feet of a street right-of-way shall have at least a six (6) foot wide street yard landscaping strip within private yards separating parking areas from abutting street rights-of-way.[792]

[786] Revised to require full screening rather than requiring measurement of visibility from 200 feet away in prior draft, in response to comment.
[787] Current Sec. 29-25(e)(6).
[788] New provision.
[789] New provision.
[790] Added from 12A-49(g) since previous draft.
[791] Current Sec. 29-25(e)(3), including proposed amendments, new headings, and broken apart for readability.
[792] Revised length of paved area requiring a landscaping strip from 50 ft. to 40 ft. per City Arborist's request.

(ii) Street Trees[793]

Street tree landscaping shall be installed as follows and in accordance with the City's Guidelines for Landscaping and Screening:

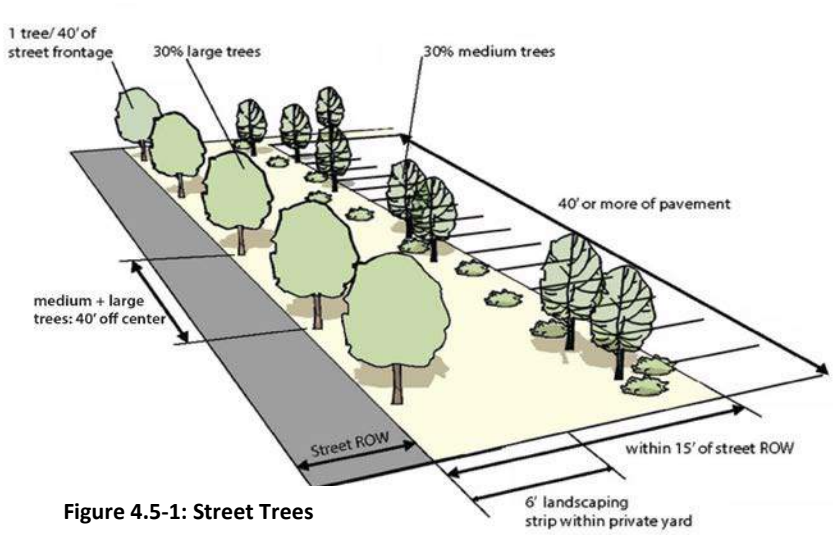

Figure 4.5-1: Street Trees

(A) One (1) tree per forty (40) feet of street frontage.

(B) Thirty (30) percent of the trees shall be large trees and thirty (30) percent shall be medium trees.

(C) No more than thirty (30) percent of required trees may be from one (1) tree species. [794]

(D) The medium and large trees shall be planted at least forty (40) feet on center.[795]

(E) Street trees may be clustered and placed at uneven intervals, with approval from the City Arborist.[796]

(F) If the public right-of-way does not contain street trees meeting this requirement, then the property owner must install both the required trees and landscaped buffer, which may require a strip more than six (6) feet wide.[797]

(iii) Driveways[798]

Street frontage landscaping may contain driveways.[799]

(iv) Attached Residences[800]

Lots that contain attached residences and which have side or rear property boundaries abutting collector or arterial street right-of-way shall have screening either along such boundaries or around any patios on the lot which are visible from the right-of-way. The screening shall consist of landscape materials, ornamental fences or walls in combination with plant materials, properly stabilized earthen berms, or a

[793] Associated maintenance provision are included in Section 29-4.11 (Operation and Maintenance Standards) of this Chapter.
[794] New provision.
[795] New provision. Revised since Module 3 from 20 feet on center. Figure was revised to reflect change.
[796] Requirement for Arborist approval is new.
[797] Since Module 3, this provision was added to clarify responsivities.
[798] Combines two current provisions.
[799] Current standard in Sec. 29-15(e)(3)(last sentence).
[800] Existing section.

combination of these methods. Screening shall be so designed that at least fifty (50) percent opacity is achieved, viewed horizontally, in the space between one foot and five feet above grade at the screening line, at the time of installation; provided that where plant materials are used for screening, these shall be selected and placed to achieve the same objective within four full growing seasons following planting. Screening shall be placed on private property. All screening material, including plant material, shall be continuously maintained in good condition to the above standards.[801]

(v) Sight Triangle[802]

Except in the M-DT district, on any corner space or lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the street right-of-way lines.

(e) Property Edge Buffering[803]

(1) Buffering Required[804]

Where a property contains at least ten thousand (10,000) square feet of area or more than one thousand five hundred (1,500) square feet of paved area or any vehicle loading/ unloading areas, buffering shall be installed as required by Table 4.5-2.

(i) To use this table, an applicant identifies the proposed use of his/her property in Row 3, across the top of the table, and then reads down Column 2 to identify the zoning or use of the adjacent property along each property line. The box at the intersection of Column 2 and Row 3 identifies the screening and buffering requirement for the applicant on that property line.

(ii) Transitional screening shall not be required for urban agriculture and farmer's markets.

Different types of screening and buffering may be required on different property lines, as indicated in Table 4.5-2.

Table 4.5-2: Transitional Screening and Buffering[805]

	Use of Subject Property						
↵	***Adjacent Zone District***	***Applicant's Use***	***Single-Family***	***Multi-Family***	***Mixed-Use***	***Commercial***	***Indus -trial***

[801] Current Sec. 29-25(e)(8).
[802] Current standard from R-MH district made applicable Citywide outside M-DT district.
[803] New Section to address community concerns about incompatible land uses, especially given the introduction of multiple mixed use districts. This new section incorporates and updates existing screening and buffering requirements in Sec. 29-25(e)(5).
[804] New Section.
[805] New and stronger buffering requirements than in current Sec. 29-25(e)(5).

Zone District	Structure Type	Res.	Non-Res.	Res.	Non-Res.	Vert.	Horiz.	1-3 Stories	3+ Stories	--
Single-Family	Residential	0	2	1	2	3	3	3	4	4
	Non-Residential	2	0	2	1	1	1	1	2	
Multi-Family	Residential	1	2	0	2	2	2	3	4	4
	Non-Residential	2	0	1	0	1	1	1	2	
Mixed-Use	Vertical	3	1	2	1	0	0	1	2	4
	Horizontal	3	1	2	1	0	0	0	1	
Commer-cial	1-3 Stories	3	1	3	1	1	0	0	0	4
	3+ Stories	4	2	4	2	2	1	0	0	4
Industrial	--	4	4	4	4	4	4	4	4	0

Level 0 does not require a screen or landscape buffer.
Level 1 requires a six foot wide landscape buffer.[806]
Level 2 requires a four-foot wide landscape buffer and a six foot tall screening device.[807]
Level 3 requires a 10-foot wide landscape buffer and an eight-foot tall screening device.[808]
Level 4 requires a 10-foot wide landscape buffer and an eight-foot tall screening device.[809]

(2) Landscape Buffer Location and Design[810]

(i) The required landscape buffer shall be installed on the applicant's side of the screening device.

(ii) It shall be designed so that at least eighty (80) percent opacity is achieved, viewed horizontally, in the space between one (1) foot and five (5) feet above grade at the screen line, at the time of installation.[811]

(iii) The landscape buffer shall include the following plant mix:

(A) Four of the categories of planting material contained in Section 29-4.5(c)(6)[812] and the Guidelines for Landscaping and Screening, or as approved by the City Arborist;

(B) One tree with a two inch caliper that is ten (10) feet in height at the time of installation for each two hundred (200) square feet of buffer area,[813] and

(C) Shrubs and flowering plants that cover a minimum of twenty-five (25) percent of the remaining area with a minimum of twenty-five (25) percent of that plant material being in flowering shrubs.

[806] Revised from four to six feet.
[807] Minimum height of screening revised from four to six feet.
[808] Minimum height of screening revised from six to eight feet.
[809] Minimum height of screening revised from six to eight feet.
[810] New section containing new and existing provisions.
[811] Current provision in Sec. 29-25(e)(5).
[812] Arborist's proposed amendment to existing Sec. 29-25(e)(5).
[813] Minimum diameter reduced from 3 to 2 inches.

(3) Screen Location and Design[814]

(i) The screen shall be located along the property line of the applicant's lot, and shall not extend into the established setback of the adjoining lot.

(ii) The screen shall be constructed of wood, masonry, brick, stone, wrought iron, compact evergreen hedging, an earth berm, or some combination of those materials. Chain link fence and railroad ties are prohibited.

(iii) The combined height of the screening methods identified in subsection (ii) above and their plantings shall not be less than four (4) feet.

(f) Parking Area Landscaping[815]

(1) All parking areas containing over one hundred (100) parking spaces shall include interior landscaping equal to at least ten (10) percent of the area occupied by parking spaces and interior vehicle circulation aisles (but not including access driveways between the public street and the edge of the parking area. Landscaping required to meet the requirements of sections (d)(Street Frontage Landscaping) or (e)(Property Edge Buffering) above shall not be used to satisfy this requirement.[816]

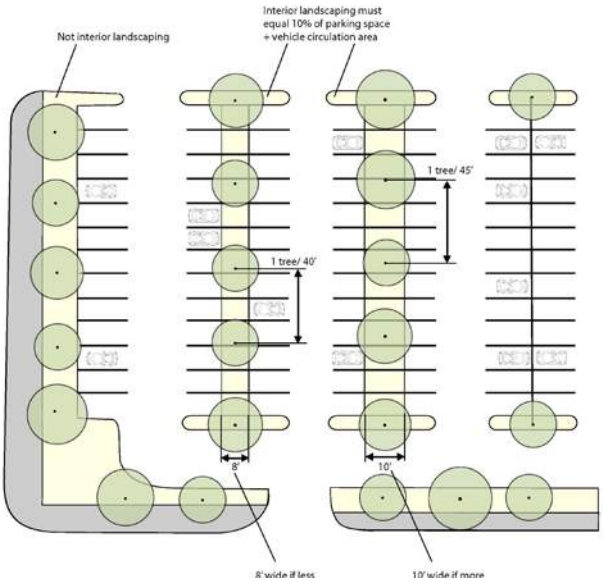

Figure 4.5-2: Interior Parking Area

(2) Interior landscaped areas to meet the requirements of subsection (1) above shall be at least eight (8) feet in width, shall contain at least (1) one tree per forty (40) lineal feet of interior landscaped area or part thereof, and shall be designed lower than the paved area so that storm water from the paved parking areas shall flow into the landscaped areas. If curbs are used to prevent vehicle entry into these lowered landscaped areas, they shall have breaks to permit stormwater to enter the landscaped areas.[817]

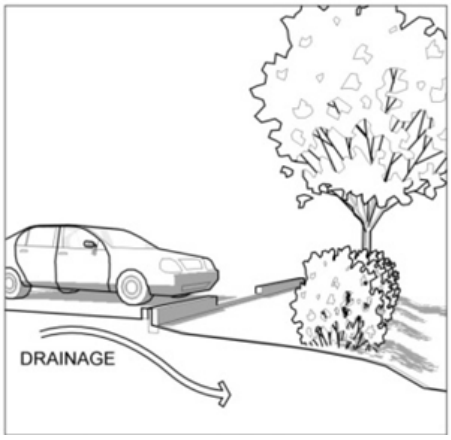

Figure 4.5-3: Parking Area Curb Breaks

(3) No parking areas shall contain more than one hundred fifty (150) spaces unless it is separated by

[814] New section that incorporates and expands upon existing provisions in Sec. 29-25(e)(5) allowing for ornamental fences and walls in combination with planting materials, or berms, as screening devices.
[815] The provisions of current provisions in Sec. 29-25(e)(3)-(4) were not carried forward because subsection (d) above now addresses Street Frontage Landscaping for parking areas as well as other areas. Text revised for clarity.
[816] New provision.
[817] New provisions.

a landscaped area of at least ten (10) feet in width from other areas containing parking spaces. The ten (10) foot wide landscaped area shall contain four (4) of the categories of planting materials listed in Section 29-4.5(c)(6). In addition, trees shall be planted within the ten (10) foot wide landscaped area at the rate of one tree for each forty-five (45) lineal feet. Appropriately placed connections between parking areas are permitted.[818]

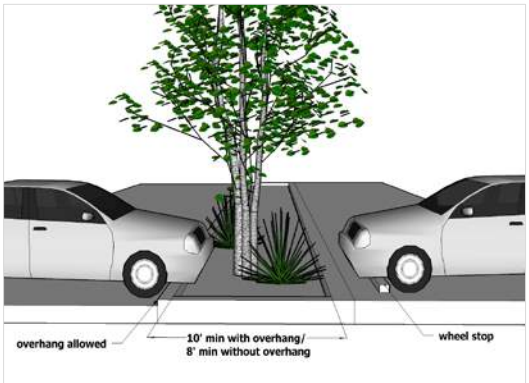

Figure 4.5-4: Interior Landscaped Area

(4) In addition to the above, paved areas developed after August 19, 1991, exceeding four thousand (4,000) square feet in area, and additions exceeding four thousand (4,000) square feet in area to paved areas that were developed prior to August 19, 1991, shall contain a minimum of one (1) tree for every four thousand (4,000) square feet of paved area. If there is no area on the site where required trees can be installed so that they do not interfere with the loading and unloading of large vehicles, the required trees may be placed at the perimeter of the paved areas or in other suitable locations on the site.[819]

(5) Of the combined total number of trees required to be planted in the interior parking lot, no less than thirty (30) percent shall be of a species of medium shade trees, and no less than thirty (30) percent shall be of a species of large shade trees, no single tree species shall make up more than thirty (30) percent of the trees required to be planted in the interior of the parking area.[820]

(g) Preservation of Existing Landscaping[821]

(1) Applicability[822]

These mature tree preservation standards shall apply to all development and redevelopment greater than one (1) acre and to all subdivisions approved after the effective date of this Code. They do not apply to the construction of a single-family detached, single-family attached, or two-family residential structure on platted lots less than one (1) acre in size(See also Section 29-4.6(b) (Clearing of Trees) for additional standards related to tree removal.) [823]

[818] Tree spacing revised from 50 to 45 feet. This now addresses breaking up of large parking areas, rather than the minimum landscaping standards.
[819] Provisions addressing tree species were deleted because that topic is addressed elsewhere in this section. The existing 4,500 sf thresholds have been reduced to 4,000 sf per staff's request.
[820] Current Sec. 29-25(e)(7) including amendments proposed by City Arborist.
[821] New Section expands existing provision in current Sec. 29-25(e)(4), which says credits toward minimum tree requirements may be obtained for preserving existing trees, but does explain how the credit system works.
[822] New section.
[823] Revised since Module 3 to clarify that requirements apply to single- and two-family lots larger than one acre.

(2) Credit for Preserving Existing Mature Trees [824]

Applicants that preserve mature, healthy trees as part of development or redevelopment may obtain credits toward trees required by this Code. To obtain credit, the preserved trees must be on the same lot, at least five (5) inches in diameter breast height (DBH), and must be in healthy condition as determined by the City. Credit is not given for shrubs, or trees preserved as part of a stream buffer or otherwise undevelopable area. Credit for preserved trees shall be as shown in Table 4.5-3 and may be applied to reduce the number of trees required to be installed pursuant to this Section 4.5. Any preserved trees for which credit is given, and that are lost to damage or disease within two (2) years after the credit is awarded, shall be replaced by the property owner within six (6) months at a ratio of one (1) tree per one (1) inch of DBH lost. Replacement trees must be at least two (2) inch in caliper size. Other plantings that die within eighteen (18) months of preservation credit received shall be replaced in kind within six (6) months.[825]

Table 4.5-3:Tree Preservation Credits

Caliper of Preserved Tree (in.)	Reduction in Number of Required Trees
Over 12 in. DBH	3
Over 8 in. to 12 in. DBH	2
5 in. to 8 in. DBH	1

(3) Significant Trees[826]

(i) Significant trees shall be preserved during development or redevelopment to the maximum extent feasible. A “significant tree” means a tree that is not diseased, dying, or of a noxious invasive species and that is at least twenty-four (24) inches diameter at breast height (DBH) for a deciduous tree and eighteen (18) inches DBH for evergreens,.

(ii) When a significant tree is removed, the property owner shall replace such tree(s) on the lot as follows:

(A) A significant deciduous tree that is removed shall be replaced by three (3) deciduous trees, each with a minimum size at planting of two (2) inches caliper.

(B) A significant evergreen tree that is removed shall be replaced by two (2) coniferous trees, each with a minimum height at planting of eight (8) feet.

(C) Replacement trees shall be maintained for at least three (3) years.

[824] New section and table to clearly identify tree preservation credits that can be obtained. Last two sentences regarding tree and vegetation replacement have been carried over from Sec. 12A-49(f), including proposed amendments to this section. Clarifies that protection of trees in undevelopable areas does not earn credit. Title revised since Module 3 to clarify that this applies to trees and not vegetation.
[825] Last sentence is new since Module 3.
[826] New section.

(4) Tree and Vegetation Protection During and After Construction[827]

(i) Tree protection shall be required prior to and during site disturbance and construction activities. No activities with the potential of causing damage to the root systems of trees shall be allowed within twenty (20) feet outside the drip line of the trees being preserved, protected or planted as part of the landscaping or tree preservation plan.[828]

(ii) An orange construction fence or an equivalent shall be installed and "Tree Preservation – Keep Out" signs shall be posted every one hundred (100) feet along the perimeter of the tree preservation area, and the fencing and signs shall be maintained for the duration of all site disturbance and construction activities.[829]

(iii) If site grading occurs within fifteen (15) feet of the Tree Preservation area, the perimeter of the area must be trenched to a minimum width of two (2) feet and a minimum depth of two (2) feet. Tree roots shall then be pruned by the property owner.[830]

(iv) The tree and vegetation protection fencing shall be clearly shown on the project approval documents. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. All tree and vegetation protection measures shall be inspected and approved by the City Arborist prior to start of any land disturbing activities.

(h) Alternatives and Adjustments[831]

(1) This section is not intended to prevent the use of a material or method of construction not prescribed specifically by this section, especially whenever a stream, natural rock formation or other physiographic condition exists; provided that any such alternate material or method has been approved in writing or in plan and its use authorized by the Director as providing at least equivalent quality, effectiveness, durability, hardiness, and performance to the specific requirements of subsections (a) through (g) above.

(2) The Director may modify the Property Edge Buffering standards of Section 29-4.5(e) by up to ten (10) percent (increase or decrease in width and height) if necessary to provide adequate buffering of impacts or to respond to specific site conditions.

(3) The Director may modify the Property Edge Buffering standards of Section 29-4.5(e) if the Director determines that the design, height, location of uses, massing, and landscaping of the applicant's project mitigates potential adverse impacts on surrounding properties.

(4) The Director may modify the Street Frontage Landscaping standards of Section 29-4.5(d) for properties involving outdoor sales of vehicles or equipment if the Director determines that

[827] New section that incorporates existing tree protection construction activity provisions contained in Sec. 12A-49(e). The first three provisions (i-iii) come from Ch.12A, but have been revised for clarity.
[828] Current Section 12A-49(e). Protected distance outside drip line increased from 15 to 20 feet per staff request.
[829] Proposed addition to Section 12A-49(e).
[830] Proposed addition to Section 12A-49(e). Since Module 3, responsibility for pruning has been clarified.
[831] Subsection 1 is current Sec. 29-25(h). Subsection 4 replaces current Sec. 29-25(i), which is very complex for its limited applicability to only two specific uses. Subsections 2, 3 and 5 are new.

strict application of these standards will significantly reduce visibility of the goods being sold from the fronting public street.

(5) Where the requirements of this section are applied to a redevelopment or reconstruction project, rather than a new development, the Director may authorize a reduction of minimum off-street parking requirements established in Section 29-4.4, by up to ten (10) percent, if necessary to accommodate street frontage landscaping required by subsection (d) above or the parking area landscaping required by subsection (f) above.

29-4.6 Stormwater and Natural Resources[832]

(a) Stormwater Management[833]

(1) Purpose[834]

The purpose of this Section 29-4.6(a) is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public. This article is intended to meet that purpose through the following objectives:

(i) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion and stream channel degradation;

(ii) Minimize increases in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;

(iii) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the predevelopment hydrologic regime to the maximum extent practicable; and

(iv) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

(2) Applicability[835]

(i) This Section 29-4.6(a) shall apply to all developments that alter the surface of the land with the following exceptions and exemptions:

(A) Attached and detached single-family residences, farmland and domestic gardens are exempt from the provisions of this Section.

[832] New section that integrates stormwater and natural resource protection development standards in Ch. 12A (Land Preservation) into the Code. Current code requires the design of "a drainage system . . . to minimize the possibility of soil erosion and flood damage" in all existing zoning districts, except for the residential districts and requires a stormwater management plan in accordance with Ch. 12A for planned district rezoning and development plan approval. Other than that, stormwater, drainage, and erosion control is not addressed in existing Code.

[833] Current Ch. 12A, Article V. Legislative findings in 12A-85 were removed.

[834] Current Sec. 12A-86.

[835] Current Sec. 12A-87.

(B) The following exceptions apply when the development of the site results in a land disturbance of less than one (1) acre and is not a part of a larger common plan of development or sale that would disturb one (1) acre or more:

1) Lots within an approved preliminary plat or final plat used for single-family and two-family residences and land disturbance on an individual residential building lot;

2) Land disturbances of less than ten thousand (10,000) square feet that do not create more than five hundred (500) square feet of additional impervious surface;

3) Maintenance and repair of impervious surface, including gravel and stone impervious surfaces; and

4) Redevelopment of a site less than one (1) acre.

(ii) Partial exemptions available

(A) Redevelopment on a site of one (1) acre or more, or that is a highly impervious surface site, is eligible for partial exceptions from the requirements of this Section 29-4.6(a), as set out in the stormwater manual, if the redevelopment, or highly impervious surface site:

1) Does not have an adverse impact on any mapped critical downstream location;

2) Incorporates water quality protection; and

3) Does not reduce any Best Management Practices (BMPs) or stormwater management controls that includes performance standards, effective level of service, and runoff rates and volumes; and

4) Increases water quality and performance standards with each development over time.

(B) The Director of Public Works shall track, map, add and remove known critical downstream locations and make this information available to the public.

(C) The Director of Public Works shall set forth criteria in the stormwater manual that details the partial exemption under this subsection.

(iii) Stormwater management shall be provided in accordance with the conceptual stormwater management plan in the previous PUD, O-P, C-P, M-P and M-R zone districts[836] for which a conceptual stormwater management plan was approved before September 4, 2007, or land in any other zoning district for which a site plan was approved before September 4, 2007, unless a revision to the plan for the site is requested which adversely impacts the stormwater discharge from the site. An "adverse impact" is one that significantly increases the volume of stormwater discharge from the site, decreases the water quality of the stormwater discharge, or redirects the stormwater discharge in a manner that results in downstream stormwater drainage impacts that would not have occurred with the original plan. Approvals for stormwater plans in the previous PUD, O-P, C-P, M-P, and M-R districts approved before September 4, 2012 shall expire on January 1, 2016, for sites on which the planned work has not

[836] Old district names remain because this clause only relates to approvals before the new Code is adopted.

commenced. Approval of all stormwater plans in the previous PUD, O-P, C-P, M-P, and M-R districts approved on or after September 4, 2012, shall expire seven (7) years after the date of approval if the planned work has not commenced. If work has commenced on a site under any of the approved stormwater plan scenarios indicated above, but development of the site is less than 25% complete one year after the start of construction, additional work is subject to any revisions to the stormwater standards in this Section during the remaining life of the approved stormwater plan.

(3) Required Plans[837]

(i) Stormwater management plan required

A stormwater management plan meeting all applicable requirements of the City is required for all development and redevelopment projects subject to this Section 29-4.6(a).[838]

(ii) Stormwater pollution prevention plan required[839]

If a proposed development includes activities with higher potential pollutant loadings, the Director of Public Works may require the developer to submit a stormwater pollution prevention plan. The Director of Public Works should be consulted before plan preparation if the applicant suspects additional stormwater management requirements would be necessary in order to address specific pollutants.

(4) Performance Standards[840]

The preparation of stormwater management plans shall comply with the following standards:

(A) Best Management Practices (BMPs) shall be used to control the peak flow rates of stormwater discharge associated with specified design storms and to reduce the generation of stormwater runoff. These practices must use pervious areas to treat stormwater and to infiltrate stormwater runoff from driveways, sidewalks, roof tops and parking lots to the maximum extent practicable in order to improve water quality and reduce the quantity of stormwater runoff.

(B) Annual groundwater recharge rates shall be maintained to the maximum extent practicable, by promoting infiltration by the use of structural and nonstructural methods. Annual recharge from the post-development sites should mimic the annual recharge from pre-development site conditions.

(C) Structural stormwater facilities shall remove eighty (80) percent of the annual post-development total suspended solids load. It is presumed that facilities comply with this performance standard if they are:

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[837] This section alerts readers to the Sec. 12A-88 stormwater management plan and Sec. 12A-89 stormwater pollution prevention plan requirements. Plan requirements will be included in an administrative manual.
[838] Revised since Module 2 draft. Specific application requirements have been deleted from the Ordinance and will appear in an administrative manual.
[839] Current Sec. 12A-89.
[840] Current Sec. 12A-90.

1) Sized to capture the prescribed water quality volume;

2) Designed in accordance with the specific requirements and level of service criteria set out in the Stormwater Management and Water Quality Manual; and

3) Constructed properly and maintained regularly.

(5) Stormwater Management and Water Quality Manual[841]

(i) The Council has approved the Stormwater Management and Water Quality Manual prepared by the public works department dated January, 2007. The Director of Public Works is authorized to revise the Water Quality Manual periodically as advances in stormwater control practices evolve. All such revisions must be consistent with the provisions of this Section 29-4.5(a).

(ii) The Director of Public Works is authorized to allow alternate and equivalent best management practices when using the level of service method outlined in the Water Quality Manual. The director shall consider alternate designs of best management practices when it is fully demonstrated that the alternate designs are equal to or better than designs contained in the Water Quality Manual.

(iii) Any person who constructs, reconstructs, alters or repairs a stormwater management facility for which a permit is required shall conduct such work in accordance with the Water Quality Manual.

(b) Clearing of Trees[842]

(1) The mechanized clearing of trees, logging of trees or clear-cutting of trees by any means on tracts of land of one (1) acre or more shall be unlawful unless done in compliance with a land disturbance permit pursuant to Chapter 12A in the City's Code of Ordinances and Chapter 5 of this Ordinance.

(2) A minimum of twenty-five (25) percent of any climax forest area on any tract of land, one (1) acre in size or greater, is subject to land preservation requirements and shall remain undeveloped as one (1) continuous stand of timber. When the tract of land includes a stream buffer, only twenty (20) percent of the required tree/land preservation shall be within the stream buffer. Trees retained will count toward screening requirements contained in Section 29-4.5 (Landscaping and Screening).[843]

(3) When logging is to occur prior to approval of a tree preservation plan or on property not otherwise subject to land disturbance requirements, a logging plan demonstrating compliance with tree preservation requirements must be submitted to the City Arborist.[844] This logging plan will include the area in square feet of forest land, the area in square feet of climax forest, and demonstrate that twenty-five (25) percent of the area of climax forest will be preserved after logging. Each logging operation on the same site will require a separate

[841] Current Sec. 12A-91.
[842] Provisions from current Sec. 12A-49.
[843] Revised to indicate that this applies only to land areas one acre in size or greater and to require that no more than 20% of the required preservation area may be in stream corridors.
[844] Revised from Director of Public Works.

land disturbance permit. Under no circumstance shall successive logging remove greater than seventy-five (75) percent of the climax forest present upon the site before logging.[845]

(4) Tree protection shall be required prior to and during the activities associated with the land disturbance permit in accordance with administrative standards promulgated and enforced by the Director of Public Works, but under no circumstances shall activities with the potential of causing damage to the root systems of trees be allowed within the perimeter of the drip line of the trees being preserved, protected or planted as part of the landscaping plan.

(c) Stream Buffer Standards[846]

(1) Purpose[847]

The purpose of this Section 29-4.6(c) is to protect streams in the City by establishing minimum stream buffer requirements to assist in:

(i) Restoring and maintaining the chemical, physical and biological integrity of streams;

(ii) Removing pollutants delivered in urban stormwater;

(iii) Reducing erosion and controlling sedimentation;

(iv) Stabilizing stream banks;

(v) Providing infiltration of stormwater runoff;

(vi) Maintaining base flow of streams;

(vii) Contributing organic matter needed by the aquatic ecosystem for food and energy;

(viii) Providing tree canopy to shade streams and promote desirable aquatic organisms;

(ix) Providing riparian wildlife habitat;

(x) Furnishing scenic value and recreational opportunity;

(xi) Protecting the public from flooding, property damage and loss; and

(xii) Providing sustainable, natural vegetation.

(2) Applicability[848]

This Section 29-4.6(c) applies to all land in the City except the following:

(i) Land used for agriculture or urban agriculture uses[849] covered by an approved Natural Resources Conservation Services (NRCS) conservation plan that includes the application of Best Management Practices (BMPs).

(ii) Land included in a preliminary or final plat approved before January 2, 2007.

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[845] Current Sec. 12A-49(c).
[846] Like current Ch. 12A, this section applies to redevelopment, including redevelopment of the new M-DT.
[847] Current Sec. 12A-231. Findings restated as purposes.
[848] Current Sec. 12A-232.
[849] Replaced “farming activities” with “agriculture and urban agriculture” to align with revised definitions.

(iii) The portion of land for which a valid, unexpired building permit has been issued or for which application for a building permit is pending on January 2, 2007.

(iv) Land used for surface mining operations that is operating in compliance with a state-approved surface mining permit.

(3) No Land Disturbance in Stream Buffer Before Plan Approved.[850]

It is unlawful for any person to clear, grade, disturb vegetation or build a structure on any land subject to this article that is located within one hundred (100) feet of a Type I Stream, fifty (50) feet of a Type II Stream or thirty (30) feet of a Type III Stream, as measured in section 12A-236(b), before the Director of Public Works has approved a stream buffer plan for the land, pursuant to Chapter 12A in the City's Code of Ordinances in accordance with Chapter 5 of this Code.

(4) Design Standards for Stream Buffers[851]

(i) An adequate buffer for a stream system shall consist of a predominantly undisturbed strip of land extending along both sides of a stream and its adjacent wetlands, floodplains or slopes. The buffer width may be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where disturbance may adversely affect water quality, streams, wetlands, or other water bodies. Buffer design shall meet the standards in this subsection (4). Where the provisions of this section indicate that deviations from those standards are possible, the determination to approve a deviation shall be made by the Director of Public Works based on considerations of public safety and protection of the stream environment.[852]

(ii) The buffer shall begin and be measured from the ordinary high water mark of the channel during base flows.

(iii) The required base width for all stream buffers is shown in Table 4.6-1.

Table 4.6-1: Required Stream Buffer Width	
Waterway Type	**Required Width (each side)**
Type I	100 feet
Type II	50 feet
Type III	30 feet

(iv) Stream buffer width shall be increased where there are steep slopes in close proximity to the stream that drain into the stream system as set forth in Table 4.6-2.

Table 4.6-2: Modifications to Stream Buffer	
Width Based on Slope	
Percent Slope	**Width of Buffer**

[850] Current Sec. 12A-234. Measurements for determining stream type have not been carried over.
[851] Current Sec. 12A-236.
[852] Final sentence is new, to clarify who makes these decisions and based on what criteria.

Table 4.6-2: Modifications to Stream Buffer	
Width Based on Slope	
Percent Slope	**Width of Buffer**
0—14%	No Change
15%—25%	add 25 feet
Greater than 25%	add 50 feet

(v) The stream buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside zone (Zone I) is not narrowed by the averaging.

(5) Stream Buffer Function, Vegetation and Uses[853]

(i) The stream buffer shall be composed of two (2) distinct zones, each having its own function, allowed vegetation and permitted uses as set forth in this section and as summarized in Table 4.6-3. The streamside zone will begin and be measured as set forth in Section 29-4.6(c)(4)(ii) and extend away from the ordinary high water mark a distance as shown in Table 4.6-3. The outer zone will begin at the outside edge of the streamside zone and extend outward, away from the streamside zone the distances shown in Table 4.6-3.

Table 4.6-3: Stream Buffers							
Streamside Zone				**Outer Zone**			
	Type I Waterway	**Type II Waterway**	**Type III Waterway**		**Type I Waterway**	**Type II Waterway**	**Type III Waterway**
Width	50	25	15	**Width**	50	25	15
Vegetation	Indigenous Vegetation			**Vegetation**	Type I - Indigenous Vegetation Type II - Managed Lawns Permissible Type III - Managed Lawns Permissible		
Uses	Flood control, footpaths, road crossings, utility corridors			**Uses**	Biking/hiking paths, flood control, detention/retention structures, utility corridors, stormwater BMPs, residential yards, landscaped areas		
Function	Protect the physical and ecological integrity of the stream ecosystem			**Function**	Protect key components of the stream and filter and slow velocity of water runoff		

(ii) The width of the streamside zone is set forth in Table 4.6-3. The normal width of the outer zone is set forth in Table 4.6-3 but will vary if the stream buffer is increased or decreased on an approved stream buffer plan.

[853] Current Sec. 12A-237.

(iii) The function of the streamside zone is to protect the physical, biological and ecological integrity of the stream ecosystem. The function of the outer zone is to prevent encroachment into the streamside zone and to filter runoff from residential and commercial development.

(iv) Indigenous vegetation must be preserved in the streamside zone and in the outer zone of Type I Streams. Managed lawns are permitted in the outer zone of Type II and Type III Streams although landowners are encouraged to preserve or plant indigenous vegetation in order to increase the filtering capability of the buffering system.

(v) The structures, practices and activities permitted in the streamside zone of the buffer are limited to the following:

(A) Roads and bridges;

(B) Utilities where no practical alternative exists;

(C) Paths and recreation trails (but use of the outer zone is preferred);

(D) Removal of diseased or dead trees, brush and trash;

(E) Removal of debris which could cause flooding;

(F) Selective (spot) spraying of noxious or other vegetation consistent with recommendations from the City arborist or the Missouri Department of Conservation;

(G) Water quality monitoring and stream gauging;

(H) Maintenance of City-approved bank stabilization measures;

(I) Maintenance of all City-approved improvements, including utilities.

(vi) The following practices and activities are specifically prohibited within the streamside zone of the stream buffer, except by the City:

(A) Clearing of existing vegetation.

(B) Soil disturbance by grading, stripping, or other practices;

(C) Filling or dumping;

(D) Drainage by ditching, underdrains, or other systems;

(E) Use, storage, or application of pesticides, except as provided for in subsection (v)(F) above;

(F) Storage or operation of motorized vehicles, except for maintenance and emergency use approved by the City;

(G) Housing, grazing, or other maintenance of livestock.

(vii) The structures, practices and activities permitted in the outer zone of the buffer are limited to the following:

(A) All uses permitted in the streamside zone;

(B) Flood control structures;

(C) Detention and retention structures;

(D) Utility corridors;

(E) Stormwater BMPs;

(F) Managed lawns (Type II and III Streams only); and

(G) Landscaped areas.

(viii) There shall be no septic systems, permanent structures or impervious cover, with the exception of foot paths, roads, bridges and utilities within the outer zone.

(ix) The following activities are specifically prohibited within the outer zone of the stream buffer of Type I Streams, except by the City:

(A) Clearing of existing vegetation;

(B) Soil disturbance by grading, stripping, or other practices.

(C) Filling or dumping.

(6) Additional Land Use Restriction Near Streams [854]

The following land uses and activities are potential water pollution hazards and must be set back from any stream or waterbody by the distance indicated in Table 4.6-4 below:

Table 4.6-4: Stream Setbacks

Land Use	Setback (ft.)
Storage and use of hazardous substances	300
Above- or below-ground petroleum storage facilities	300
Drain fields from on-site sewage disposal and treatment systems	200
Raised septic systems	200
Salvage yards or automobile recyclers	600
Confined animal feedlot operations	500
Tilled land (for crops)	200

(7) Temporary Boundary Markers[855]

Temporary boundary markers shall be installed by the applicant before clearing and grading operations begin and shall be maintained throughout the development activities. The markers will be placed on the outside edge of the buffer zone before the start of any activity adjacent to the buffer zone. Markers shall be clearly visible and shall be spaced at a maximum of one hundred (100) feet. The markers shall be joined by marking tape or fencing.

[854] Current Sec. 12A-238.
[855] Current Sec. 12A-239.

(d) Erosion Control Requirements[856]

(1) Erosion Control Plan

A soil erosion control plan shall accompany all applications for land disturbance permits. The purpose of the plan is to clearly establish what measures will be taken to prevent erosion and off site sedimentation during and after development. The erosion control plan shall consist of two parts, a site grading and drainage plan and a narrative report describing the nature and scope of the work. The plan shall be prepared and certified by a registered professional engineer, licensed in the State of Missouri.

(2) Design

(i) Erosion and sedimentation control measures must be designed to provide protection from the runoff from a ten (10) year return frequency, 24-hour duration storm.

(ii) All surfaces must be stable and non-erosive within the lesser of thirty (30) working days or one hundred twenty (120) calendar days after completion of the work authorized by the land disturbance permit. When such work is associated with the construction of a building, no certificate of occupancy shall be issued until such surfaces are stable and non-erosive. If completion of the work or building is at such time of the year that stabilization with ground cover is not possible, a performance bond or other acceptable financial instrument for completion of the work may be accepted to allow the issuance of a certificate of occupancy.

(3) Stockpiles of Soil[857]

(i) A single stockpile of soil shall not exceed forty (40) feet in height or three (3) acres in area.

(ii) The maximum allowed height of a stockpile of soil is determined by the minimum distance from each of the categories in Table 4.6-5:

Table 4.6-5: Setbacks Based on Maximum Height of Stockpiled Soil

Stockpile Height	Minimum Distance From			
	A Permitted Structure	An "Exterior"* Public Right-of-Way	An "Exterior"* Lot Line	Stream Buffer Outer Zone of Type I and II Streams
≥30 feet—40 feet	300 feet	200 feet	100 feet	100 feet
≥20 feet <30 feet	300 feet	150 feet	100 feet	100 feet
≥10 feet <20 feet	100 feet	100 feet	100 feet	100 feet
0 feet <10 feet	10 feet	10 feet	10 feet	10 feet

[856] Current Sec.12A-66.
[857] Current Sec. 12A-71.

[1] "Exterior" refers to the perimeter of the subdivision or development. The minimum distances in the chart do not apply to the internal roads and lot lines within a subdivision or development.

(iii) The side slope of a stockpile of soil shall not exceed a 3:1 ratio.

(iv) Stockpiles of soil are not permitted in a stream buffer.

(v) Stockpiles of soil shall be temporarily seeded in accordance with the Erosion and Sediment Control Manual issued by the director. The working face of the stockpile, however, need not be seeded.

(vi) Stockpiles of soil that meet the requirements of this section may remain in place for up to three (3) years after issuance of a land disturbance permit. For good cause, the director may extend this time limit for intervals of up to three (3) years. At least sixty (60) days before the time limit expires, the applicant for such an extension must submit a letter to the director explaining the reason for the requested extension. The letter must be accompanied by a list of the names and addresses of the owners of all land within lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the property on which the stockpile is located. The applicant shall send a copy of the letter to each of the property owners. If the director grants an extension, the director shall notify each of the property owners of the decision and advise the property owners of their right to appeal the decision to the Board under article VI.

(vii) When the time limit for a stockpile of soil has expired, and no extension has been granted, the property owner must either remove the stockpile or grade it to a slope of no greater than a 4:1 ratio and permanently seed it in accordance with the Erosion and Sediment Control Manual issued by the director.

(viii) Subsections (i) through (v) shall not apply to stockpiles of soil existing on November 1, 2010; provided that all such stockpiles must be removed no later than November 1, 2013 unless an extension is granted under subsection (6).

(ix) This section shall not apply to soil stockpiled in connection with any street construction project.

29-4.7 Exterior Lighting[858]

(a) Purpose

The purpose of this Section 29-4.7 is to enhance the attractiveness and livability of the community for its citizens, both during the day and at night without compromising the safety, security, and well-being of persons engaged in outdoor nighttime activities. It is the intent of this section to control the obtrusive aspects of excessive and careless outdoor lighting usage while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of property. Intended outcomes include:

[858] Carries forward Current Sec. 29-30.1(Outdoor lighting regulations), with revisions focused on energy efficiency, glare reduction, and community safety, as noted. Current Sec. 29-30.1(g)(3)(Maximum height for parking illumination in a planned district) was deleted as unnecessary, and a 500 foot distance requirement is excessive.

(1) Insuring that parking areas, public gathering places, approaches to buildings, and other areas active at night have adequate outdoor illumination.

(2) Minimizing the adverse impacts on public safety and comfort due to excessive glare.

(3) Providing minimum and maximum light levels and establishing standards of lighting uniformity to enhance night vision and security.

(4) Minimizing spillage of light on adjacent or nearby property.

(5) Minimizing the effects of skyglow.

(6) Encouraging energy conservation through the use of efficient lighting technologies.

(b) IESNA Standards and Interpretations

The standards in this Section 29-4.7 are based on the standards in the IESNA Lighting Handbook, 9th Edition and "Lighting for Exterior Environments: An IESNA Recommended Practice," RP-33-99 both published by the Illuminating Engineering Society of North America. These publications shall be used in interpreting undefined terms and unclear provisions of this section. When new editions of these publications are available, the Environment and Energy Commission shall prepare a report to the Council setting forth any recommended changes in the standards of this section.

(c) Conformance with Applicable Codes

All outdoor illuminating devices shall be installed in conformance with the provisions of this Section 29-4.7, the building code, the electrical code and Chapter 23 of the Columbia Code of Ordinances, as applicable and under appropriate permit and inspection.

(d) General Standards and Exceptions

(1) This section applies to all new construction that includes outdoor lighting and to all replacement of outdoor lighting structures other than replacement of lighting fixtures, except that:

(i) Lighting structures installed lawfully before December 4, 2006, may continue in operation. Routine replacement and repair of lighting fixtures installed before December 4, 2006, shall be exempt from the requirements of this section.

(ii) Lighting installations in the M-BP or PD districts shown on development plans approved before December 4, 2006, shall comply with outdoor lighting standards adopted as part of those plans.

(iii) Additions to buildings, parking lots, and other site improvements approved before December 4, 2006, shall be exempt from the lighting plan submittal requirements of subsection (f) below, provided the addition does not increase either the size of a building or parking lot greater than fifty (50) percent of its existing gross floor area.

(iv) The addition of individual lighting structures shall not require submittal of a lighting plan pursuant to subsection (f) below provided the owner provides a certification that the

additional lighting structures conform to the design criteria of this section, or the property owner obtains a special exception as provided in section 29-31(g).

(v) This section shall not apply to public street lighting.

(vi) Seasonal decorations that include illuminated displays are exempt from this section except that no light fixture that is part of a seasonal display shall be aimed or directed to create glare or light spillage.

(vii) This section shall not apply to the installation of an outdoor lighting structure if an application for a building permit involving the installation of that structure was received by the City on or before December 4, 2006.

(2) All outdoor facilities intended for nighttime use (5:00 p.m. – 7:00 a.m.) shall be illuminated and such illumination shall be maintained in compliance with the standards of this section.[859]

(3) Searchlights and similar spot light fixtures, such as moving, flashing, chasing and strobe lights used to attract attention to a place are prohibited.

(4) For enhanced security, only light sources with a color rendering index (CRI) of greater than sixty (60) shall be used. See Table 4.7-1 for CRI range of lamps.

Table 4.7-1: Color Rendering Index Range of Lamps

Lamp Type	Color Rendering Index (CRI)
Fluorescent	
Lite White	> 40
Warm White	> 50
Warm White Deluxe	> 70
Cool White	> 60
Cool White Deluxe	> 80
White	> 60
Daylight	> 70
T12 Rare Earth Phosphor	> 69 to > 80
T8 Rare Earth Phosphor	> 70 to > 90
Natural	> 80
Incandescent	> 80
Compact T4, T5	> 80
C50, C70, DSGN 50	> 90
Mercury Vapor	
Clear	15 - 25
Coated	40 to > 50
Metal Halide	
Clear or Coated	60 > 90
High Pressure Sodium	

[859] Revised to clarify that nighttime use begins when it is dark outside, regardless of the time of day or season.

Table 4.7-1: Color Rendering Index Range of Lamps	
Lamp Type	**Color Rendering Index (CRI)**
Standard	> 20
Color Improved	> 60
High Color Rendering	> 80
Low Pressure Sodium	> 20
From "Lighting for Parking Facilities," Report 20 - 98 of the IESNA 1998. For lamp types not listed above, the Manufacture's CRI for the lamp can be used to determine if the lamp meets the standard of a CRI > 60.	

(5) Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an IESNA full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.[860]

(e) Methods of Measurement[861]

(1) Unless otherwise specified, all footcandle values shall be measured horizontally and shall refer to maintained footcandles (initial values with a light loss ratio applied).

(2) Light spillage thresholds shall be determined by horizontal footcandles measured at ground level at the property line.

(3) Maximum height shall be measured as the vertical distance between the finished grade directly below a light fixture and the highest point on the light fixture.

(4) A light loss ratio of seventy-two tenths (0.72) shall be used to calculate lighting plans.

(5) Maximum-to-minimum is the highest horizontal illuminance point divided by the lowest horizontal illuminance point or area and should not be greater than the values shown.

(f) Photometric Lighting Plan Requirements[862]

All applications for building permits involving installation of outdoor lighting shall include the following information:

(1) A photometric plan, prepared by a lighting engineer at a scale of no smaller than one (1) inch equals sixty (60) feet which consists of:

(i) An accurate site plan of the proposed development indicating the location of property lines, and all existing and proposed land improvements including but not limited to buildings, parking lots, aisles and driveways, streets, walkways, landscaped areas and accessory structures;

[860] New provision.
[861] These technical details will be relocated to an administrative manual.
[862] These application requirements will be relocated to an administrative manual or the City's web site, with the exception of the Director's reliance on third-party certification of lighting plan compliance for issuance of permits.

(ii) The estimated footcandles at ground level across the entire site, at minimum intervals of thirty (30) feet, including estimated footcandles at the property line;

(iii) Location and type of all lighting fixtures;

(iv) A table indicating the type, light source, wattage, output in lumens, light loss ratio, height of luminaires above grade and the maximum-to-minimum ratio. The maximum-to-minimum ratio shall be calculated using ninety-five (95) percent of the data point sources, excluding two and one-half (2.5) percent of the lowest values and two and one-half (2.5) percent of the highest values; and

(v) A certification by a lighting engineer that the lighting plan complies with the standards of this section. The Director may rely on this certification for issuance of appropriate construction and occupancy permits.

(2) Manufacturer's catalogue specifications of all luminaires to be used, indicating the design, refractor (lens) type, cutoff angle (full, semi or non-cutoff), and any special features affecting the performance of the light.

(g) Parking Lot Lighting

The following standards apply to the illumination of parking lots:

(1) Minimum Lighting and Maximum Illuminance

(i) During business hours, parking lots shall be uniformly illuminated such that vehicular license plates, addresses and directional, instructional or regulatory signs are plainly visible without blind spots or excessive distortion of color.

(ii) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential, and maximum illuminance shall comply with Table 4.7-2.

Table 4.7-2: Maintained Illuminance Values for Parking Lots

	Basic (footcandles)	Enhanced Security (footcandles
Minimum horizontal illuminance	0.2 footcandles	0.5 footcandles
Maximum-to-minimum ratio	20:1	15:1
Minimum vertical illuminance	0.1 footcandles	0.25 footcandles
From "Lighting for Parking Facilities," IESNA, RP-20-98, p. 3.		

(2) Lighting Control

Lighting shall have automatic controls capable of turning off lighting when sufficient daylight is available or when the lighting is not required during nighttime hours. Lighting not designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or time switch and photo sensor with the following exceptions:

(i) Emergency lighting that is automatically off during normal building operation;

(ii) Lighting that is specifically designated as required by a health or life safety statute, ordinance, or regulation; or

(iii) Decorative gas lighting systems.

(3) Maximum Height [863]

The height of the light structure shall not exceed twenty-eight (28) feet above grade, except as required by Section 29-4.9 (Neighborhood Protection Standards).[864]

(4) Building Mounted Lighting[865]

Areas of parking lots, circulation drives, loading areas and drive-thru lanes located near the perimeter of a building may be illuminated by building-mounted lights provided the design of the lights conform to the standards of Section 29-4.7(j) below and as documented in the lighting plan.

(h) Service Station Canopy and Apron Lighting

The following standards apply to gasoline service stations in addition to the parking lot lighting regulations in subsection (g).

(1) Minimizing Glare

To minimize glare, no drop, sag or convex lenses shall be used on lighting under the canopy unless the lenses are recessed within the canopy ceiling or shielded by appropriate glare shields. No lighting shall be mounted on building or canopy fasciae or rooftops unless the fixtures are full cutoff. The intent is to keep all the light under the canopy. This lighting shall be provided with low glare luminaires.

(2) Maximum Illuminance.

The maximum average illuminance levels are set forth in Table 4.7-3.

Table 4.7-3: Service Station or Gas Pump Area Illuminance Levels

Area Description	Maximum Average Illuminance on Described Area (Footcandles)
Approach with dark surroundings	1.5
Driveway with dark surroundings	1.5
Pump island area with dark surroundings	5.0
Building facades with dark surroundings	2.0
Service areas with dark surroundings	2.0
Landscape highlights with dark surroundings	1.0
Approach with light surroundings	2.0

[863] Existing subsections (iii) and (iv) allowing for PD district exceptions have been deleted because PD zoning generally allows heights to be negotiated anyway. Provisions allowing non-cutoff light fixtures to have lower heights was deleted because full cutoff fixtures are now required.
[864] Exception and cross-reference added.
[865] Carries forward existing subsection 29-30.1(g)(4).

Table 4.7-3: Service Station or Gas Pump Area Illuminance Levels	
Area Description	**Maximum Average Illuminance on Described Area (Footcandles)**
Driveway with light surroundings	2.0
Pump island area with light surroundings	10.0
Building facades with light surroundings	3.0
Service areas with light surroundings	3.0
Landscape highlights with light surroundings	2.0
From "Lighting for Exterior Environments: IESNA Recommended Practice," RP-33-99, p. 43.	

(i) Outdoor Display Area Lighting

Illumination of outdoor display areas for sale of automobiles, recreational vehicles, and manufactured homes and other finished products customarily displayed outdoors shall be permitted in accordance with Table 4.7-4 and with the following:

(1) Maximum height of light fixtures same as parking lots.

(2) To minimize glare, no drop, sag or convex lenses shall be used on display-area lighting. Glare shields shall be used to eliminate visibility of the light source from the public roadway.

(3) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential, and maximum illuminance shall comply with Table 4.7-4.

Table 4.7-4: Illuminance Levels for Outdoor Display Lighting		
Area	**Maximum Illuminance on Pavement (Footcandles)**	**Maximum-to-Minimum Ratio**
Adjacent to roadway	10—20	5:1
Other areas	5—10	10:1
Entrances	5—10	5:1
Driveways	2—3	10:1
From "Lighting for Exterior Environment: IESNA Recommended Practice," RP-33-99, p. 43		

(j) Building Lighting

Building lighting shall comply with the following standards.

(1) Location and Direction

(i) Building mounted lights shall be mounted and installed so that all light is directed downward, unless the lights are decorative lighting.

(ii) Fixtures shall be full cutoff or semi-cutoff.

(iii) No wall packs or similar lights shall be permitted unless the cutoff angle effectively eliminates visible glare from beyond the property lines.

(iv) No light fixtures shall be mounted above the parapet or, for pitched roofs, above the eave except motion-detection security lighting, decorative lighting and accent lighting.

(v) Functional lighting shall not exceed four hundred (400) watts of incandescent illuminance or the equivalent. Decorative or accent lighting shall not exceed one hundred (100) watts of incandescent illuminance or the equivalent.[866]

(vi) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential.

(vii) If swivel mountings are used, lights may be raised a maximum of twenty (20) degrees from horizontal and may not be mounted above the buildings.

(viii) The maximum average illuminance levels for floodlighting buildings and monuments are set forth in Table 4.7-5.

Table 4.7-5: Illuminance Levels for Floodlighting Buildings and Monuments

Area Description	Maximum Average Illuminance (Vertical) (Footcandles)
Bright surroundings and light surfaces	5
Bright surroundings and medium light surfaces	7
Bright surroundings and dark surfaces	10
Dark surroundings and light surfaces	2
Dark surroundings and medium light surfaces	3
Dark surroundings and medium dark surfaces	4
Dark surroundings and dark surfaces	5

From "Lighting for Exterior Environments: IESNA Recommended Practice," RP-33-99, p. 30.

(2) Decorative Lighting

Decorative building lighting, in which the purpose is enhancement of building appearance, shall be permitted and may be directed toward the building, provided that all light is cast against the building surface.

(i) Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

(ii) Lighting fixtures mounted on the building and designed to wash the facade with light are preferred.

(k) Landscape Lighting

Landscape lighting shall comply with the following standards:

(1) Luminaires shall be mounted four (4) feet or lower to the ground.

(2) The photometric plan shall show the location of all landscape lighting fixtures and the landscaping feature each fixture is to illuminate. The plan shall demonstrate that the

[866] Equivalence language added.

installation shall not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.[867]

(l) Athletic Field and Outdoor Arena Lighting

The following standards apply to the illumination of athletic fields and outdoor arenas:

(1) Minimum and Maximum Lighting

Athletic fields, where nighttime activity is authorized, shall provide adequate illumination for the scheduled activities. The minimum and maximum light levels shall meet the standards for sports lighting set forth in "Sports and Recreational Area Lighting," RP-6-01, published by the Illuminating Engineering Society of North America. Lighting shall use cutoffs so that light is primarily aimed at and directed to the activity area.

(2) Fixture Height

Athletic field other than adult baseball fields and arena lighting fixtures shall not exceed seventy (70) feet above finished grade directly below the lighting fixture. Adult baseball field lighting fixtures shall not exceed eighty (80) feet above finished grade directly below the lighting fixture.

(3) Hours of Operation

Lighting, except for lights reasonably necessary for security purposes, shall be turned off within two (2) hours after the event or closure of the facility, or when required by other regulatory ordinance. Dusk to dawn lights for security purposes shall not emit visible glare from the perspective of adjacent properties, internal access aisles and public streets.

(4) Maximum Footcandles

The maximum footcandles allowed on adjacent property is one (1.0) footcandle on residential properties and four (4.0) footcandles on non-residential properties.

(m) Private Street Lighting

Private street lighting is permitted provided the fixtures, wattage and output, fixture height, and spacing are comparable to the public street lighting standards set forth in Chapter 27 (Utilities) Sections 27-146 through 27-151 (Street Lighting) of the City's Municipal Code.

(n) Security Lighting

Security lighting shall comply with the following standards:

(1) All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields

[867] Photometric plan application details will be removed from the Code and put in an administrative manual or on the City's web site.

that prevent the light source or lens from being visible from adjacent roadways and properties. The use of general floodlighting fixtures is prohibited.

(2) The maximum footcandles allowed on adjacent property is one-half (0.5) for residential and two (2.0) for non-residential.

(o) Sign Lighting

Illumination of signs shall conform to Section 29-4.10 (Sign Standards) of this Code. Location of illuminated signs and any lighting fixtures external to the signs shall be included on a lighting plan.

29-4.8 Design Standards and Guidelines[868]

(a) Intent

The intent of this section is to:

(1) Allow full development of properties consistent with the dimensional standards established in Chapter 2 and Section 29-4.1 while establishing baseline requirements for building and site features that will create stable residential neighborhoods, mixed use, commercial, and industrial areas.

(2) Enhance the public realm.

(3) Reduce conflicts between existing and new structures.

(4) Encourage effective development of street frontages and other public elements that enable new projects to add value to existing communities.

(5) Encourage creative and sustainable design responses to contemporary opportunities.

(6) Improve the overall design quality of the City through the use of objective standards that can be administered by the Community Development Department without the need for individualized design review of projects.

(b) Applicability

(1) The standards of this section shall apply to all new development in any zone district except:

(i) Development or redevelopment in the M-DT district.

(ii) Structures in which the principal use is one of the following use categories or subcategories as shown in Permitted Use Table 29-3.1.

(A) One-family Detached residential;

[868] New section per the Detailed Outline to help Columbia encourage the quality and style of development it desires without applying form-based controls to all lots and blocks and use specific standards to all types of uses. In reviewing the new form-based standards in Section 29-4.2, the City should consider if any of those controls should apply to development outside of M-DT.

(B) One-family Attached residential;

(C) Two-family residential;

(D) Park or Playground;

(E) Utilities;

(F) Parking Lot or Structure (primary use);

(G) Urban Agriculture;

(H) Farmer's Market; or

(I) Heavy Commercial Service;

(J) Industrial (except Artisan Industrial.

(iii) A change in the principal use of an existing structure that does not alter the exterior of the structure, or only affects the signage on the exterior of the structure.

(2) In the case of a conflict between the design standards in this section and design standards applicable to a particular project because of its location in an overlay district listed in Section 29-2.3 (Overlay Zoning Districts), or because of a use-specific standard in Section 29-3.3 (Use-Specific Standards), the provisions of the overlay district or use-specific standard shall govern.

(c) Multi-Family Residential, Commercial, and Public and Institutional

(1) Entries

Each principal building shall have one or more operating entry doors facing and visible from an adjacent public street. The location of the entry on the building façade shall be emphasized by the use of different materials, wall articulation around the entry, or foundation plantings around the entry.

(2) Transparency

(i) When the primary use of the ground floor frontage of a structure categorized as Food and Beverage Service, Office, Personal Services, or Retail in Table 29-3.1, a minimum of twenty (20) percent of each facade area that faces a public street shall be composed of transparent materials.

(ii) At least one-half of this amount shall be provided so that the lowest edge of the transparent materials is no higher than four (4) feet above the street level.

(iii) If the Director determines that transparent materials are not practical for security reasons or based on the nature of the permitted ground floor use, an alternative treatment providing equivalent or better visual interest may be approved.

(3) Wall Plane Articulation

When the primary use of the building is not categorized as Industrial in Table 29-3.1, each facade greater than one hundred (100) feet in length abutting a public street shall incorporate architectural features such as wall plane projections, recesses, or other building

material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.

(4) Roof Shape

(i) When the primary use of the building is not categorized as Industrial in Table 29-3.1, and the building has a sloping roof, at least one projecting gable, hip feature, or other break in the horizontal line of the roof ridgeline shall be incorporated for each one hundred (100) lineal feet of roof.

(ii) When the primary use of the building is not categorized as Industrial in Table 29-3.1 and the building has a flat roof, the design or height of the parapet shall include at least one change in setback or height of at least three feet along each one hundred (100) lineal feet of façade.

(5) Canopies and Awnings

All canopies and awnings shall be mounted with a minimum vertical clearance of seven (7) feet between sidewalk grade and the bottom edge of the canopy or awning.

(6) Loading Dock and Delivery Areas[869]

Loading dock doors and delivery areas shall be located at the rear of buildings to separate customer and employee traffic from loading and service vehicles, unless the Director determines that such location is impracticable given the function and operating needs of the building.

29-4.9 Neighborhood Protection Standards[870]

(a) Intent

This section is intended to preserve the residential neighborhood character of established homes within multi-family districts and adjacent to Mixed Use or Special zoning districts.

(b) Applicability

These standards apply:

(1) To all lots in the R-MF district that contain a principle use other than a single- or two-family dwelling; and

(2) To all lots located in any zone district other than the R-1 and R-2 districts that shares a side or rear lot line with a lot in the R-1 or R-2 district.

(c) Building Height[871]

[869] New standard in response to public comment.
[870] New section.
[871] New standard. This replaces the current code requirements for a 10 foot side yard where O-1 &2, C-1 &3, and M-1 districts abut residential districts.

Buildings constructed after the effective date of this Code with a height greater than thirty (30) feet shall reduce the perceived height of the building when viewed from adjacent lots by using at least one (1) of the following techniques.

A transitions graphic will be included in the Final Integrated Draft.

(1) "Stepping down" building height of any portion of the building within one hundred (100) feet of the side and rear lot lines to a maximum of thirty (30) feet.

(2) Increasing the side yard and rear yard setbacks a minimum of ten (10) feet beyond that otherwise required in the zone district where the property is located.

(d) Screening and Buffering

The standards of Section 29-4.5(e) apply. In addition, when the standards of that Section require the construction of an opaque wall or fence, the following applies:

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

(2) If the applicant's property is in any other district except the R-1 or R-2 districts, the required landscaping shall be installed on the side of the fence or wall facing towards the R-1 or R-2 district.

(e) Parking, Loading, and Circulation[872]

(1) No parking area, drive-through lane, or vehicle circulation driveway shall be located between a primary structure on a lot containing a use other than a single- or two-family use and any side property line abutting a lot containing a single- or two-family dwelling.[873]

(2) If the context of a site makes subsection (1) above impractical, the Director may approve a parking lot design that locates a parking area, drive-through lane, vehicle circulation driveway, or a combination of these three site planning elements, in the area described in subsection (1) above, provided all of those three site planning elements are located at least six (6) feet from an adjacent lot containing a single- or two-family dwelling.

(f) Lighting Height[874]

The maximum height of any lighting pole within fifty (50) feet of the side or rear lot lines shall be 20 feet.[875]

[872] Carries forward and clarifies existing standards and introduces a new provision.
[873] New provision. Sec. 29-30(h)(1) prohibiting parking within 6 feet of an adjoining lot in a residential district has been deleted because subsection (c) already adopts a larger setback standards. The Director may adjust the standards if compliance would make site development impracticable.
[874] New section that is also referenced in Sec. 29-4.7(g)(3)(iii).
[875] New provision.

29-4.10 Sign Standards[876]

(a) Purpose [877]

The purposes of these sign regulations are:

(1) To allow the effective use of signs as a means of communication in the City;

(2) To maintain and enhance the City's ability to attract sources of economic development and growth;

(3) To improve pedestrian and traffic safety;

(4) To minimize possible adverse effects of signs on nearby property;

(5) To bring all signs into compliance with adopted regulations;

(6) To enable the fair and consistent enforcement of these sign regulations.

(7) To maintain and enhance the appearance of the community.

(8) To comply with all applicable federal and state laws regarding the First Amendment and free speech.

(b) Applicability[878]

The standards of this Section 29-4.10 apply to the erection of any sign of any type within the City, unless specifically exempted or excluded by a provision of this Code. In addition to the provisions of this Section 29-4.10, all properties must comply with any sign regulations contained in any Use-specific Standard in Section 29-3.3 applicable to the property. In the event of a conflict between the standards of this Section 29-4.10 and the sign standards in any approved PD district, the standards in the approved PD district shall apply.

(c) Prohibited Signs [879]

(1) No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, distract or mislead traffic, or be considered obscene or a nuisance to the general public.

(2) No person, except a public officer or an employee in the performance of a public duty, shall fasten any sign or notice of any kind on any curbstone, lamppost, street or sidewalk surface, pole, bridge or tree upon a public street, except for any banner attached to a City street light standard for which an attachment permit has been issued. This prohibition includes,

[876] Integrates Ch. 23 (Signs) of the City's municipal ordinance into this Code. Current sign development standards are integrated into this Chapter 29-4. Sign definitions have been included in Chapter 1. Changes are minimal and footnoted. While legal action challenging content-based sign regulations are rare and generally unsuccessful, these regulations have been generally reviewed for content-based material.
[877] Current Sec. 23-0.5.
[878] New section.
[879] Current Sec. 23-2.

but is not limited to, advertisements and announcements of buildings or land for sale or rent, garage sales, private picnics and election campaign posters. This prohibition is not to be construed as prohibiting signs or notices indicating danger or aids to service or safety, or subdivision identification signs, to be erected with written permission from the Director.[880]

(3) No signs painted on buildings, walls or fences shall be allowed.

(4) No wind signs shall be allowed.

(5) No freestanding, on-premises commercial sign, including the supporting structures, shall be allowed to remain on any property more than six (6) months after the business or uses advertised on the sign have been discontinued.

(6) No sign shall be erected or maintained in a location or in such a manner that any portion of the sign will be within ten (10) feet, measured either horizontally, vertically or at any intermediate angle, of any electric power line wire carrying a voltage in excess of two hundred forty (240) volts, nor shall any sign be within ten (10) feet of a vertical line extended upward from such an electric power line wire.

(7) No portable signs shall be allowed, except for sandwich board signs in the M-DT district.[881]

(8) No animated signs shall be allowed.

(9) No off-premise signs or billboards shall be allowed, except as provided in Section 29-4.10(e)(2).[882]

(10) No commercial signs shall be allowed except as provided for in this Section 29-4.10.

(11) No commercial flags shall be allowed except that a business may display one flag no larger than forty (40) square feet which bears the symbol or trademark or name of the business. No further advertising shall be permitted on such flags.

(12) No digital signs shall be allowed.

(d) Regulations Based on Use and Area

(1) Residential Use Signs[883]

(i) Table 4.10-1 sets forth signs standards for identification and sale, rental, or lease signs permitted for certain residential uses and land areas.

Table 4.10 – 1: Residential Use Signs – Identification (ID) & Sale/Rent

	Single- or Two- Family		Multiple-Family		Manufactured Home	Land
Type	**ID**	**Sale/Rent**	**ID**	**Sale/Rent**	**ID**	**Sale/Lease**
Maximum Number	1/each street frontage				See Section 29-4.10(f)(1)	1/lot
Maximum	4 sq. ft.	4 sq. ft.	15 sq. ft.	4 sq. ft.		**Lots greater than 1**

[880] Existing language reorganized to clarify which signs are included in or exempt from the prohibition.
[881] Exception for sandwich board signs added, since the current Code allows these.
[882] Revised to prohibit off-premise signs other than billboards.
[883] Current Sec. 23-11 standards have been organized into two tables for readability.

Table 4.10 – 1: Residential Use Signs – Identification (ID) & Sale/Rent						
	Single- or Two- Family		Multiple-Family		Manufactured Home	Land
Type	**ID**	**Sale/Rent**	**ID**	**Sale/Rent**	**ID**	**Sale/Lease**
Area						**acre:** 12 sq. ft./acre; 32 sq. ft. (max) **Lots less than 1 acre:** 12 sq. ft.
Location	On premises					
Other						

(ii) Identification of Subdivision or Neighborhood Area

Identification signs for subdivisions and residential areas are regulated by Section 29-4.10(f)(1). This type of sign may be situated on private property adjacent to the entrance or, by special permission of the Council, may be located on median strips that divide public streets leading into the named subdivision area. If the sign is permitted to be located in the public right-of-way, the design and location of the sign shall first be approved by the Director and the following criteria shall be met:

(A) Minimum setback at an intersection shall be twenty-five (25) feet.

(B) Minimum width of an island on which a sign is to be located shall be eight (8) feet.

(C) Location on the island or median strip shall be along the centerline of the median parallel to the entrance street.

(D) Signs shall be designed and located so as not to interfere with the visibility of traffic at any location.

(iii) Table 4.10 – 2 sets forth standards for various general sign types allowed on all residential lots.

Table 4.10 – 2: Residential Use Signs - Other				
	Open House/Model Home	Solicitation	Garage Sale	Real Estate Sales Office (Temporary)
Type	Advertise open house	Prohibit solicitors, peddlers, hawkers, itinerant merchants, or transient vendors from entering private property	Advertise garage sale conducted on premises	Identify a temporary real estate sales office
Maximum Number	3/property	1/property	1/each street abutting the premises	1/property
Maximum Area	4 sq. ft./sign	1 sq. ft.	4 sq. ft./sign	6 sq. ft.
Maximum Height				4 ft.
Location	On or Off premises	On premises	On premises	On premises
Other	Signs are only permitted during the hours the home is open for viewing		Signs are only permitted during the time of the sale	

(2) Business Use Signs Outside the M-DT District[884]

The following standards apply to all signs that are related to a use that is not a residential use or an industrial use, as shown in Table 29-3.1 (Permitted Use Table) and that is not located in the M-DT district.

(i) Table 4.10–3 sets forth standards for wall, projecting, and roof signs for all business uses outside the M-DT district, with the exception of shopping centers, office buildings, theaters, automobile service stations, hotels and motels.[885]

Table 4.10 – 3: Business Use Signs Outside M-DT by Number & Type

	Wall	Projecting	Roof	Freestanding
Sign Combinations	Each property may have 2 of the 4 signs in this table, but a business may not to have both a freestanding and a roof sign			
Number	Any combination of wall, canopy, or awning signs, not to exceed the maximum surface area	1	1	1 for each adjacent street R-O-W, per the regulations in Section 29-4.10(f)(1)
Maximum Area	▪ See Section 29-4.10(f)(2) ▪ 1 rear entrance sign; 10 sq. ft. max size		2 sq. ft./linear ft. of building frontage	
Location	On premises	▪ On premises ▪ Not to exceed 8 ft. in projection from the building wall on each wall facing a street ▪ If a 1-story building, the sign may extend 10 ft. above the roof line or parapet of the building	Roof of a 1- or 2-story building	
Other		Sign shall not extend above the roof line or parapet of the building, except for a one-story building	Sign shall not extend beyond the highest point of the roof on which it is located	

(ii) Table 4.10 – 4 sets forth standards for sale or lease, identification, and directional signs for all business uses outside of the M-DT district.

[884] Groups current sections regulating business signs outside of the current C-2 District together.
[885] Current Sec. 23-13 (Business uses outside the CBD) regulations have been organized into two tables for clarity and readability (Signs by Number and Type and Sale, Lease, etc. Signs).

Table 4.10 – 4: Business Use Signs – Sale/Lease, etc.				
	Sale or Lease		Development Identification	Directional[886]
	Building	Land		
Type	Advertises office or commercial space for sale, rent, or lease	Advertises land for sale or rent	Identifies a commercial development, except for shopping centers (see Table 4.10-5)	
Maximum Number	1	1	1	1
Maximum Area	12 sq. ft.	▪ **Greater than one acre:** 12 sq. ft./acre; 32 sq. ft. (max) ▪ **Less than one acre:** 12 sq. ft./acre (max)	32 sq. ft.	32 sq. ft.
Maximum Height			6 ft.	3 ft. (measured from the grade immediately below the sign)
Location	On premises	On premises		On premises, at each automotive entrance and exit of any business, in any development, except ATMs regulated under Section 29-4.10(e)(9)[887]

(iii) As an alternative to the signs permitted in subsections (i) through (ii) above, Table 4.10 – 5 sets forth standards for signs permitted if the property is a shopping center:

Table 4.10 – 5: Shopping Center Signs [888]				
	Shopping Center	Each Separate Business		Businesses with a Rear or Side Entrance
		Wall, Canopy, Awning	Roof	
Maximum Number	1 freestanding master sign/adjacent street ROW			1 wall or awning sign/entrance
Maximum Surface Area	▪ 64 sq. ft./ acre ▪ 288 sq. ft. or ½ sq. ft. in area/ linear ft. of adjacent street ROW the sign is oriented toward, whichever is greater	▪ **Wall facing a street:** See Section 29-4.10(f)(2) ▪ **Wall facing main**	**All signs located above any one wall:** 4 sq. ft./ linear ft. of wall length occupied by the business	10 sq. ft./entrance

[886] Relocated from Current Sec. 23-22 and grouped with the sign standards in Current Sec. 23-13 because provision applies to directional signs outside the current CBD.
[887] Provision in current Sec. 23-22 revised to clarify that standard applies to all businesses except ATMs.
[888] Combines current Section 23-14 (Shopping center signs) and Section 23-35(i)(Area, height and placement of freestanding shopping center signs). Revised to clarify that these sign types are alternatives to — not in addition to the other business use signs listed above. However, a shopping center that includes a multi-tenant building as well as single-use buildings on outlots or pad sites can use of both sets of standards.

Table 4.10 – 5: Shopping Center Signs [888]				
	Shopping Center	Each Separate Business		Businesses with a Rear or Side Entrance
		Wall, Canopy, Awning	Roof	
		shopping center parking area: 64 sq. ft.		
Maximum Height	30 ft.			
Location	Adjacent street ROW	On premises	On premises and located above a wall	
Other	If adjacent street is an arterial street designated for collector street provisions then the freestanding sign must comply with Section 29-4.10(f)(1)		A roof sign shall not extend beyond the highest point of the roof on which it is located	

(3) Signs in M-DT District[889]

The Columbia M-DT is intended to be attractive, historic and pedestrian friendly. Accordingly, signs should be smaller in scale and fewer in number. This will enhance the attractiveness of the area, reduce visual clutter, increase property values and encourage tourism and other business.

(i) Applicability

This section regulates signs within the M-DT district, with the exception of theaters, which are subject to Section 29-4.10(e)(10).[890]

(ii) General Standards

(A) Table 4.10-6 sets forth standards for business signs permitted at different building levels within the M-DT.

Table 4.10 – 6: M-DT Business Signs by Building Level [1]				
	Awning	Projecting	Wall	Window
Aggregate Size Limitation	15% of the wall space of one building elevation. All signs identified in this Table and Table 4.10 - 7, except for Building Directories and Identification Signs, contribute to this aggregate amount.			
Lower Level				
Maximum Number	1/elevation			
Maximum Area	18 sq. ft.	8 sq. ft.	24 sq. ft.	18 sq. ft.
Placement		▪ Shall not project more than 3 ft. from face of wall ▪ Bottom of sign	▪ No higher than the bottom of a second level window	

[889] Current Sec. 23.12 (CBD Business Signs) now in two tables. Redundant requirements on sign types, number, and areas have been consolidated in Table 4.10-6.
[890] Text that the section addresses "business use of signs" was deleted, since this is a Mixed Use district.

Table 4.10 – 6: M-DT Business Signs by Building Level [1]				
	Awning	**Projecting**	**Wall**	**Window**
		must be at least 8 ft. from ground ▪ Top of sign must be no more than 12 ft. from ground		
Street Level [2]]				
Maximum Number	2/elevation			
Maximum Area	32 sq. ft.	8 sq. ft.	32 sq. ft.	32 sq. ft.
Placement		See lower level standards above	▪ Below the bottom of the second level window on multi-story buildings	
Second Level				
Maximum Number	1/elevation			
Maximum Area	18 sq. ft.	8 sq. ft.	▪ **Street Level:** 24 sq. ft. ▪ **Second Level:** 18 sq. ft.	18 sq. ft.
Placement			▪ **Street Level:** No higher than the bottom of a second level window ▪ **Second Level:** No higher than the bottom of a third story window	
Upper Level (Third level and above)				
Maximum Number	1/elevation			
Maximum Area	18 sq. ft.	Not allowed	Not allowed	18 sq. ft.
Other			▪ If now higher level windows exist, placement may be 40 inches above finished floor level (max.)	Signs spread across multiple windows will be counted as 1 sign

[1] Single-use Building: A business that occupies an entire building with a frontage equal to or greater than 48 ft. may choose to install only 1 sign per elevation. In that case, the maximum size of the single sign is the lesser of 64 %t of the wall space of 1 elevation, provided all other criteria are met. Wall sign placement is not restricted to below the second story window sill.
[2] Large Businesses: Street level tenants with 48 feet or more of frontage and located in multiple-tenant buildings may choose to install only 1 sign per elevation as an alternative to any 2 sign types. In that case, the maximum size of the single sign is the lesser of 48 sq. ft. or 15% of the wall space of 1 elevation, provided all other criteria are met. Wall signs must be placed no higher than the bottom of the second story window sill.

(B) Table 4.10-7 sets forth standards for other business signs permitted in the M-DT district.

Table 4.10 – 7: Other M-DT Business Signs					
	Building Directories	**Building Identification**	**Mobile**[891]	**Directional**	**Signs Adjacent to Providence Road**
Aggregate Size Limitation			15 % of the wall space of one building elevation. All signs identified in this Table, except Building Directories and Identification Signs, and Table 4.10 - 6 contribute to this aggregate amount.		
Maximum Number	1/Building Entrance	1/Building	1/street level entrance	1/automotive entrance and exit	Signs on any building

[891] Existing standard revised to refer to Mobile Signs rather than Sandwich Boards. Mobile Signs is a newly defined term that includes sandwich boards. This revised standard clarifies that mobile signs can only be attached to property owned by the business owner.

Table 4.10 – 7: Other M-DT Business Signs					
	Building Directories	**Building Identification**	**Mobile**[891]	**Directional**	**Signs Adjacent to Providence Road**
Maximum Area	6 sq. ft.	18 sq. ft.	8 sq. ft.	8 sq. ft.	elevations adjacent to Providence Road, except for City-owned property or vacant property greater than 150 ft. in depth between the building elevation and the road ROW are subject to the sign regulations outside of the M-DT district in Section 29-4.100.
Maximum Height				3 ft. (measured from grade immediately below sign)	
Location			▪ On the sidewalk directly in front of the business; ▪ Provided that a straight, unobstructed pathway at least 60 inches wide is maintained on the sidewalk		
Other			Shall not be attached to any property not owned by the business owner to whom the sign is permitted.		

(4) Industrial Use Signs[892]

(i) Freestanding Signs

One freestanding sign may be allowed per adjacent street right-of-way and further regulated by Section 29-4.10(f)(1).

(ii) Wall Signs

In addition to the freestanding sign permitted above, each business shall be allowed on-premises wall, canopy and awning signs not to exceed the maximum surface area allowed under Section 29-4.10(f)(2).

(iii) Sale or Lease of Land

For lots of one acre or larger, one (1) on-premises sign not exceeding twelve (12) square feet in sign surface area per acre, with a maximum sign surface area of thirty-two (32) square feet, is allowed to advertise land for sale or rent. For lots of less than one (1) acre in size, one sign of not exceeding twelve (12) square feet in signs area is allowed.

(iv) Sale or Lease of Building

One on-premises sign, not exceeding thirty-six (36) square feet in sign surface area, shall be allowed to advertise the sale, lease or rent of industrial space.

[892] Current Sec. 23-15.

(v) Industrial Parks

In industrial parks, one industrial park master sign, shall be allowed for each adjacent street right-of-way, in accordance with Section 29-4.10(f)(1).

(e) Regulations Based on Type of Sign[893]

(1) Banners[894]

(i) Special Business District

The Special Business District may attach banners to City street light standards located on public rights-of-way, or within public utility easements, adjacent to public rights-of-way, within an area defined as follows: bound on the north by Rogers Street, on the east by College Avenue, on the south by Elm Street and on the west by Providence Road. Attachment of the banners shall be done under the following conditions:

(A) The message conveyed relates to cultural, civic or other City wide activities.

(B) No banner can carry a political or nonsecular message.

(C) The Columbia Special Business District, after executing an attachment agreement with the City, shall have the exclusive right to install banners on City street light standards in the above-described area. The attachment agreement shall set out requirements for the design of attachment brackets and installation, removal, maintenance, and responsibility for such attachment brackets and banners. Said requirements shall be set out in banner regulations promulgated by the City manager and reviewed annually and approved by the Council.

(D) Banners shall conform to design specifications established by the Special Business District.

(ii) College, University, or Hospital

A college, university or hospital may attach banners to City street light standards located on public rights-of-way, or within public utility easements, adjacent to the campus of the college, university or hospital. Attachment of the banners shall be done under the following conditions:

(A) The banners shall be limited to identifying the name of the college, university or hospital or conveying a message related to cultural, civic or City-wide activities.

(B) No banner can carry a political or nonsecular message.

(C) The college, university or hospital, after executing an attachment agreement with the City, shall have the exclusive right to install banners on the City street light standards described in the agreement. The attachment agreement shall set out requirements for the design of attachment brackets and installation, removal, maintenance, and responsibility for such attachment brackets and banners.

[893] Consolidates all sign type regulations, with the exception of current Section 23-19 (Office Signs) which reiterates the requirements in existing Section 23-13(Business Signs – For uses outside the CBD) now Section 29-4.10(d)(2).
[894] Current Sec. 23-8.5.

(iii) Library

Notwithstanding any other provisions of this Section 29-4.10, a public library may display banners subject to the following conditions:

(A) Attachment to City street light standards

Upon entering into an attachment agreement with the City, a public library may attach banners to City street light standards located on public rights-of-way, or within public utility easements, adjacent to the library premises, including library parking lots. The library, after executing the attachment agreement with the City, shall have the exclusive right to install banners on the City street light standards described in the agreement. The attachment agreement shall set out requirements for the design of attachment brackets and installation, removal, maintenance and responsibility for such attachment brackets and banners.

(B) Attachment to library light standards and sign poles

A public library may attach banners to library light standards and to library sign poles.

(C) Parking lot sign poles

Each library parking lot shall be allowed up to four (4) banner sign poles for each adjacent street right-of-way. The banners on the poles shall be the same height as the banners on the library light standards in the lot. The poles shall be located at least four (4) feet from the street right-of-way.

(D) Banner content

The banners shall be limited to identifying the name of the library or library facility or conveying a message related to a cultural, civic or City-wide activity. No banner can carry a political or nonsecular message.

(E) Banner number and size

There is no limit on the number of banners, however, banners shall not exceed sixteen (16) square feet in sign surface area per side or a total of thirty-two (32) square feet per banner.

(F) Banners other than for library identification

If a banner is for a purpose other than identifying the library or library facility, the banner shall not remain in place for more than thirty (30) days.

(2) Billboards[895]

(i) Locations[896]

[895] Current Sec. 23-16. Subsections 1 and 2 have been combined to avoid repetition.
[896] Simplifies current Sections 23-16(a)-(c).

Billboards shall be allowed in areas zoned M-N, M-C, M-DT, or a PD district permitting commercial uses, M-BP, or IG, provided that the location is within sixty (60) feet of the nearest edge of the right-of-way of:

(A) Any interstate (I-70); or

(B) Any freeway (U.S. 63); or

(C) Any other highways where the City is mandated by law to allow billboards.

(ii) Regulations

All billboards shall comply with the following regulations:

(A) Billboards shall be oriented toward traffic on the interstate, freeway or highway.

(B) No billboard along any interstate shall be erected closer than two thousand (2,000) feet from another billboard. No billboard along any freeway shall be erected closer than four thousand (4,000) feet from another billboard. No billboard along any highway shall be erected closer than one thousand (1,000) feet from another billboard.

(C) No billboard shall be erected closer than five hundred (500) feet from any area zoned R-1, R-2, R-MF, R-MH, A, a PD district that allows residential uses,[897] or any equivalent county zoning.

(D) No billboard shall be erected closer than five hundred (500) feet from any residential structure.

(E) No billboard shall be erected closer than five hundred (500) feet from any religious institution, elementary/secondary school, or public park, playground or golf course.[898]

(F) No billboard shall be erected closer than five hundred (500) feet from any historical site or historical district so designated by the federal, state or City government.

(G) No billboard shall be erected closer than one hundred (100) feet from any on-premises freestanding sign.

(H) No billboard shall be erected within five hundred (500) feet of an interchange or intersection at grade. The five hundred (500) feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

(I) The maximum height of a billboard along any interstate is forty-five (45) feet. The maximum height of a billboard along any freeway is thirty (30) feet. The maximum height of a billboard along any highway is twelve (12) feet.

(J) The maximum surface area of a billboard along any interstate is two hundred eighty-eight (288) square feet. The maximum surface of a billboard along any freeway is one hundred twenty-eight (128) square feet. The maximum surface area of a billboard along any highway is seventy-two (72) square feet.

[897] PUD replaced by "a PD that allows residential uses."
[898] New use names replace "church, school, or park."

(K) Billboards shall have only one sign surface area except that billboards may have two (2) sign surface areas if the surface areas are oriented in opposite directions. No V-shaped billboards are allowed.

(L) External lighting of billboards, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed toward any residential structure or into any portion of the main traveled way of the interstate, freeway, or highway, and the lights are not of such intensity so as to interfere with the residential use of property or to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

(M) No billboard shall have wind-actuated elements or any material that glistens or sparkles.

(N) No billboard shall be erected closer than five hundred (500) feet from a City greenspace access easement, greenspace conservation easement or greenspace trail easement.

(O) No billboard shall have any revolving, moving, flashing, blinking or animated characteristics.

(P) No billboard shall have any electronic, digital, tri-vision or other changeable copy display.

(3) Civic Signs [899]

One on-premises freestanding sign shall be allowed for any religious institution or governmental entity per street block in accordance with Section 29-4.10(f)(1). One on-premises illuminated wall sign for each street frontage shall be allowed in accordance with Section 29-4.10(f)(2).

(4) Construction Signs [900]

One (1) on-premises unilluminated construction sign, a wall or freestanding sign, which may indicate the names of architects, engineers, builders, contractors, owners and financial institutions shall be allowed at the site of construction, provided such signs shall be erected only after the issuance of a City building permit and removed upon issuance of a certificate of occupancy by the City. The maximum height shall be eight (8) feet and the maximum size shall be sixty-four (64) square feet.

(5) Hotel Signs[901]

Motels and hotels shall be allowed the following signs:

[899] Current Sec. 23-17.
[900] Current Sec. 23-20.
[901] Current Sec. 23-26.

(i) Wall Signs

Motels and hotels shall be allowed on-premises wall, canopy and awning signs on each wall facing a street, with the sign surface area not to exceed the maximum surface area allowed under Section 29-4.10(f)(2).

(ii) Projecting Sign

Except in the central business district, one on-premises projecting sign not to exceed eight (8) feet in projection from the building wall shall be allowed on each wall facing a street. In the case of a one-story building, such signs may extend ten (10) feet above the roof line or parapet of the building. In all other cases such signs shall not extend above the roof line or parapet of the building.

(iii) Freestanding Signs

One on-premise freestanding sign in accordance with Section 29-4.10(f) (except that only one shall be allowed).

(iv) Supplemental Signs

Supplemental signs, not to exceed three (3) for each street frontage, may be used to advertise additional facilities and services (restaurant, bar, night club, etc.) available at the motel or hotel. Such supplemental signs shall be wall signs and shall have a maximum sign surface area of one hundred (100) square feet per street frontage.

(v) Marquee Signs

Hotels with an entrance marquee shall be permitted one (1) marquee sign with a maximum sign surface area not to exceed two (2) square feet per linear foot of frontage for the marquee.

(6) Light Vehicle Service and Repair Signs[902]

Light vehicle service and repair establishments shall be allowed a total of three (3) of the following four (4) signs:

(i) One freestanding sign, indicating the name, emblem or symbol of the company, in accordance with Section 29-4.10(f)(1).

(ii) One on-premises freestanding sign, indicating services available, in accordance with Section 29-4.10(f)(1).

(iii) On-premises wall, canopy and awning signs not exceeding the maximum surface area allowed under Section 29-4.10(f)(2).

(iv) One on-premises roof sign not exceeding two (2) square feet in sign surface area per linear foot of building frontage. No roof sign shall extend beyond the highest point of the roof upon which it is located.

(7) Noncommercial Signs[903]

[902] Current Sec. 23-23. Name revised from Automobile Service Station to match Permitted Use Table.

Except as otherwise allowed or restricted in this Section 29-4.10, noncommercial signs are subject to the following restrictions:

(i) They shall be ground or wall signs, except when placed in a location where other types of signs are allowed.

(ii) They shall not exceed sixteen (16) square feet in sign surface area per premises; provided that any noncommercial sign may have a sign surface area as large as that of any allowable sign in the same location.

(iii) They shall not exceed a maximum height of ten (10) feet; provided that any noncommercial sign may be as high as any allowable sign in the same location.

(iv) The area and height limitations of this Section 29-4.10(e)(7) shall not apply to any noncommercial message placed on a structure that has existed as a nonconforming billboard.

(v) Any structure that may be lawfully used for an on-premises commercial sign may be used for a noncommercial sign.

(vi) The restrictions of this subsection (7) shall not apply to banners on the campus of any college, university or hospital. [904]

(8) Parking Lot Signs[905]

On-premises wall or freestanding signs designating the conditions of use or identity of an automobile parking area and not less than eighteen (18) inches by twenty-four (24) inches in dimension, nor greater than thirty-two (32) square feet in sign surface area, shall be allowed. Freestanding signs shall not be more than eight (8) feet in height, and shall be set back a minimum of ten (10) feet from the property line.

(9) Automatic Teller Machine (ATM) Signs[906]

(i) Directional Signs

One (1) on-premises sign, not exceeding eight (8) square feet in sign surface area, and not exceeding three (3) feet in height as measured from the grade immediately below the sign, shall be allowed at each automotive entrance and exit to the ATM.

(ii) Stand-alone Signs

A stand-alone automatic teller machine shall be allowed a total of seventy-five (75) square feet of wall or canopy sign surface area. The sign surface area shall be determined as the area of the basic geometric shape that encloses the message. Sign area for an automated teller machine located within the footprint of an occupied building shall be considered as part of the permitted wall sign surface area for the occupied building.

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[903] Current Sec. 23-18.
[904] Revised to delete banner dimensional standards since banners are addressed in a subsection (e)(1) above and the two sets of regulations may be inconsistent.
[905] Current Sec. 23-21.
[906] Combines current sections 23-22(c)(regarding directional signs) and 23-24.1(regarding stand-alone signs).

(10) Theater Signs[907]

Notwithstanding any other provisions of this Section 29-4.10, theaters and drive-in theaters shall be allowed any two (2) of the following five (5) types of signs:

(i) One marquee sign not to exceed two (2) square feet for every linear foot of building frontage.

(ii) One wall sign not to exceed the maximum surface area allowed under Section 29-4.10(f)(2).

(iii) One freestanding sign with a maximum of two hundred eighty-eight (288) square feet in area and thirty (30) feet in height. However, no sign shall be greater in area than thirty-two (32) square feet for each screen in the theater, plus thirty-two (32) square feet.

(iv) Each establishment of one or two (2) stories may be allowed one on-premises roof sign for each wall facing a street. The maximum sign surface area shall be determined at the rate of two (2) square feet per linear foot of building frontage. No roof signs shall exceed the highest point of the roofs upon which they are located.

(v) One awning sign not to exceed the maximum surface area allowed under Section 29-4.10(f)(2).

(11) Temporary Signs[908]

Temporary signs may be allowed subject to the following conditions:

(i) A permit in accordance with Section 29-5.4(h) shall be required.

(ii) Such signs shall not exceed thirty-two (32) square feet in size or four (4) feet in height.

(iii) The sign setback requirements of this chapter shall apply.

(iv) No person shall be allowed to display a temporary sign or signs on a parcel of land for more than fourteen (14) days in a calendar year.

(12) Time and Temperature Signs[909]

Time and temperature signs with a maximum sign surface area of thirty (30) square feet may be placed in any commercial or industrially zoned district, subject to all other restrictions on signs in the commercial or industrially zoned district in which they are placed.

(f) Area, Height and Placement Standards[910]

(1) Freestanding Signs

(i) Freestanding signs shall be regulated by the standards in Table 4.10-8 as modified by the provisions of subsection (f)(2) below, and by other regulation of this subsection (f).

Table 4.10-8: Free Standing Sign Regulations

[907] Current Sec. 23-24.
[908] Current Sec. 24-8.6.
[909] Current Sec. 23-27.
[910] Current Sec. 23-25.

Street Class	R-1, R-2, and A-1	R-MF and R-MH	M-OF	M-N, M-C, M-BP	I-G
Local residential	For buildings originally designed and constructed for residential occupancy; only 1 sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument sign.	For buildings originally designed and constructed for residential occupancy; only 1 sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument sign.	32 sq. ft. max. area, 6 ft. max. ht.	32 sq. ft. max. area, 6 ft. max. ht.	32 sq. ft. max. area, 6 ft. max. ht.
Collector or local nonresidential	For buildings originally designed and constructed for residential occupancy; only one sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument or pylon sign	For buildings originally designed and constructed for residential occupancy; only one sign per site. 16 sq. ft. max area, 4 ft. max ht. Must be a monument sign. All other buildings: 32 sq. ft. max. area, 6 ft. max. ht. Must be a monument or pylon sign	48 sq. ft. max. area, 10 ft. max. ft.	64 sq. ft. max. area, 12 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht.
Arterial	32 sq. ft. max. area, 6 ft. max. ht. (Must be a monument or pylon sign)	32 sq. ft. max. area, 6 ft. max. ht. (Must be a monument or pylon sign)	64 sq. ft. max. area, 12 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./128 max. and 1 ft. ht. to 30 ft. max.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./ 128 max. and 1 ft. ht. to 30 ft. max.
Expressway	32 sq. ft. max. area, 6 ft. max. ht.	32 sq. ft. max. area, 6 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./128 max. and 1 ft. ht. to 30 ft. max.	64 sq. ft. max. area, 12 ft. max. ht., for each 1.25 ft. setback, add 3.55 sq. ft./128 max. and 1 ft. ht. to 30 ft. max.
Interstate freeway	32 sq. ft. max. area, 6 ft. max. ft.	128 sq. ft. max. area, 12 ft. max. ht.	128 sq. ft. max area, 30 ft. max. ht.	128 sq. ft. max. area, 30 ft. max. ht., for each 2.00 ft. setback, add 10.65 sq. ft./288 max. and 1 ft. ht. to 45 ft. max.	128 sq. ft. max. area, 30 ft. max. ht., for each 2.00 ft. setback, add 10.65 sq. ft./288 max. and 1 ft. ht. to 45 ft. max.

(ii) Notwithstanding the existing street classifications, the area, height and placement of freestanding signs on property adjacent to the following arterial streets, because of their proximity to existing or planned residential neighborhoods and environmentally sensitive areas, shall be regulated by the collector street provisions of the Table 4.10-8.

(A) Stadium Boulevard (State Rt. E) north of Interstate 70

(B) Creasy Springs Road

(C) Paris Road south of Business Loop 70

(D) Waco Road

(E) Mexico Gravel Road/Brown Station Road

(F) Ballenger Lane

(G) Clark Lane, east of Olympic Boulevard

(H) Broadway, east of Tenth Street and west of Sixth Street

(I) New Haven Road

(J) Old 63

(K) College Avenue

(L) Rangeline Street from Rogers Street to Business Loop 70

(M) Providence Road between Stewart Road and Stadium Boulevard; and, north of Bear Creek

(N) Nifong Boulevard, west of Monterey Drive and east of Buttonwood Drive

(O) Forum Boulevard

(P) West Boulevard

(Q) Scott Boulevard

(R) Chapel Hill Road

(S) Sinclair Street

(T) Old Plank Road.

(U) Vandiver Driver, east of Parker Street

(iii) The area, height and placement of freestanding signs on property adjacent to the following collector and local, non-residential streets, because they serve established business areas or are near an interstate or expressway, shall be regulated by the arterial street provisions of the Table 4.10-8:

(A) I-70 Drive Northwest from Stadium Boulevard to Garden Drive

(B) I-70 Drive Southwest

(C) I-70 Drive Southeast

(D) West Worley Street from eight hundred (800) ft. east of Bernadette Drive to one thousand five hundred (1,500) ft. west of Stadium Boulevard

(E) West Ash Street from eight hundred (800) ft. east of Bernadette Drive to one thousand five hundred (1,500) ft. west of Stadium Boulevard

(F) Bernadette Drive from Stadium Boulevard to West Worley Street

(G) Fairview Road between Bernadette Drive and Bernadette Place

(H) Bernadette Place

(I) Knipp Street

(J) Hutchens Drive

(K) Beverly Drive

(L) Green Meadows Road from Providence Outer Roadway to one hundred fifty (150) feet west of Green Meadows Way

(M) Parkade Boulevard from Business Loop 70 to Interstate 70

(N) Garth Avenue from Business Loop 70 to Interstate 70

(O) Indiana Avenue

(P) Grand Avenue from Business Loop 70 to Dakota Avenue

(Q) Colorado Avenue

(R) Dakota Avenue

(S) Illinois Avenue

(T) Nebraska Avenue

(U) 7th Street from Business Loop 70 to Interstate 70

(V) Commerce Court

(W) Hathman Place

(X) Bowling Street, south of Business Loop 70

(Y) Belmont Street

(Z) Peach Tree Drive

(iv) The interstate and freeway category in subsection (a) shall apply only to property within one hundred (100) feet of the right-of-way of Interstate 70 and U.S. 63 and property, either in whole or in part, within one thousand (1,000) feet of the mid-point of the intersections with Interstate 70 and U.S. 63.

(v) Street classifications are defined by the Major Thoroughfare Plan of the City of Columbia and the Subdivision Regulations of the City of Columbia.

(vi) Freestanding signs located on interior lots shall be set back from each side lot line a distance equal to twenty-five (25) percent of the lot width. On corner lots, the side setback shall be equal to twenty-five (25) percent of the lot width and applied only to the side lot line not adjacent to a street right-of-way.

(vii) Freestanding signs shall, at a minimum, be set back ten (10) feet from the right-of-way line, except that freestanding signs located on through lots shall be set back from the right-of-way lines no more than one-half (½) the lot depth. Freestanding signs located on corner lots abutting three (3) or more street rights-of-way shall be set back from the front and rear lot lines no more than one-half (½) the lot depth.

(viii) Where increased sign area and height are allowed by reason of increased setback, the setback shall be measured from the point of minimum setback.

(ix) In any PD zoning district that allows non-residential uses,[911] freestanding sign area, height, placement and number shall be subject to review and approval of development plans or final development plans. Specific regulations shall be recommended to and approved by the Council as part of a development plan or final development plan, or in the case of minor revisions, by the Commission or the Director Changes to specific sign regulations within a development plan shall only be approved through compliance with zoning ordinance procedures for review and approval of development plans and final development plans and changes to them.

(x) Within M-DT, signage shall be regulated by the provisions of Section 29-4.10(d)(3).

(xi) Freestanding sign regulations for R-1, R-2, R-MF and R-MH zoning districts found in Table 4.10-8 shall only be applicable to signs for identification of manufactured home parks and subdivisions or neighborhood areas regulated under Section 29-4.10(d)(1). Any non-residential uses allowed in the A, R-1, R-2, and R-MF districts shall be allowed freestanding signage in accordance with Table 4.10-8.

(2) On-premises Wall, Canopy and Awning Signs [912]

(i) On-premises wall, canopy and awning signs shall be regulated by the following Table 4.10-9 of sign regulations in accordance with the more detailed regulations of this section:

Table 4.10-9: On Premise Wall, Canopy, and Awning Signs

Street Class	R-1, R-2, and A-1	R-MF and R-MH	M-OF	M-N, M-C, M-DT, M-BP	I-G
Local Residential	32 sq. ft. max area	32 sq. ft. max area	32 sq. ft. max area	32 sq. ft. max area	32 sq. ft. max area
Collector or Local Non-Residential	32 sq. ft. max area	32 sq. ft. max area	48 sq. ft. max area	64 sq. ft. max area; except that if the business does not have a freestanding sign, for each 1.25 feet of setback, add 3.55 sq. ft. to a 128 sq. ft. max	64 sq. ft. max area; for each 1.25 setback add 3.55 sq. ft. to a 128 sq. ft. max area
Arterial	32 sq. ft. max area	32 sq. ft. max area	64 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 192 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 192 sq. ft. max area
Expressway	32 sq. ft. max area	32 sq. ft. max area	64 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 256 sq. ft. max area	64 sq. ft. max area; for each 1.25 ft. setback, add 3.55 sq. ft. to a 256 sq. ft. max area
Interstate Freeway	32 sq. ft. max area	128 sq. ft. max area	128 sq. ft. max area	128 sq. ft. max area; for each 2.00 ft. setback, add 10.65 sq. ft./ 288 max	128 sq. ft. max area; for each 2.00 ft. setback, add 10.65 sq. ft./ 288 max

[911] Replaces "planned office, planned commercial, and planned industrial."
[912] Current Sec. 23-25.1.

(ii) Arterial streets listed in Section 29-4.10(f)(1) shall be regulated by the collector street provisions of Table 4.10-9.

(iii) Collector and local, non-residential streets listed in Section 29-4.10(f)(1) shall be regulated by the arterial street provisions of Table 4.10-2.

(iv) The interstate and freeway category in Table 4.10-2 shall apply only to property within one hundred (100) feet of the right-of-way of Interstate 70 and U.S. 63 and property, either in whole or in part, within one thousand (1,000) feet of the midpoint of the intersections with Interstate 70 and U.S. 63.

(v) Street classifications are defined by the Major Thoroughfare Plan of the City of Columbia and the Subdivision Regulations of the City of Columbia.

(vi) Where increased sign area is allowed by reason of increased setback, the setback shall be measured from a point thirty-five (35) feet from the curb or, if there is no curb, then thirty-five (35) feet from the edge of the pavement.

(vii) The surface area of any wall sign shall not exceed fifteen (15) percent of the area of the wall or twenty (20) percent of the area of the wall if the business does not have a freestanding sign.

(viii) In any PD zoning district that allows nonresidential uses,[913] on-premises wall, canopy and awning sign surface area shall be subject to review and approval of development plans or final development plans. Specific regulations shall be recommended to and approved by the Council as part of a development plan or final development plan, or in the case of minor revisions, by the Commission or Director. Changes to specific sign regulations within a development plan shall only be approved through compliance with zoning ordinance procedures for review and approval of development plans and final development plans and changes to them.

(ix) When an establishment has frontage on more than one street, the sign surface area for wall, canopy and awning signs shall be determined separately for each street.

29-4.11 Operation and Maintenance Standards[914]

(a) Maintenance Requirement

(1) General[915]

When the standards and procedures of this Code or by conditions attached to any permit, approval, or variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those building or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they become diseased or die after installation. In addition, property owners shall be responsible for each of the additional maintenance, replacement, and operating standards set forth in this Section 29-4.11.

[913] Replaces "planned office, planned commercial, and planned industrial."
[914] New section, per the Detailed Outline, that consolidates the maintenance and operating provisions relative to the building and site features to be built in accordance with these Form and Development Controls.
[915] New general provision.

(2) Landscape Maintenance[916]

(i) The trees, shrubs, fences, walls and other landscaping materials depicted on approved plans shall be considered as elements of the project in the same manner as parking, building materials and other elements. The property owner and any agents who are authorized to maintain the property shall be responsible for the continued maintenance of those items. Plant material that exhibits evidence of insect pest disease or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season. All landscaping will be subject to periodic inspection by the City to ensure compliance.

(ii) Any trees required to be installed by this Ordinance that are lost to damage or disease within two (2) years after installation, shall be replaced by the property owner within six (6) months at a ratio of one (1) tree per one (1) inch of DBH lost. Replacement trees must be at least two (2) inch in caliper size. Shrubbery or other plantings that die within eighteen (18) months of installation shall be replaced in kind within six 6) months.

(3) Parking Area Maintenance[917]

All surface parking areas and parking structures shall be maintained in clean and neat condition. Potholes, surface damage, and other hazardous conditions shall be promptly repaired, and litter and debris shall be removed on a regular basis.

(4) Sign Maintenance[918]

(i) Any private sign that has become damaged, dilapidated, or dangerous shall be immediately, or within the time frame mandated by the Director, repaired or removed. If the paint on any sign has checked, peeled, or flaked to the extent that the sign cannot be read in whole or in part, the sign shall be repainted or removed. Signs that contain messages that have become obsolete because of the termination of the use or business or product advertised, or for some other reason, shall have such message removed within sixty (60) days of its becoming obsolete.[919]

(ii) If maintenance to meet the standards in subsections (i) is neglected, the City shall notify the sign owner in writing of the type of maintenance required. If the maintenance is not provided within sixty (60) days, the City may revoke the permit and, confiscate the sign face, or take any other action authorized by Section 29-5.6 (Violations, Enforcement, and Penalties).

(5) Stormwater Management Facilities[920]

(i) Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant, which must be approved by the Director of

[916] Current Sec. 29-25(g)(3) and 12A-49(f). Second paragraph added since first draft.
[917] New section.
[918] New section.
[919] This new provision differs from Section 29-4.10(c)(5) above (requiring removal of a freestanding sign within 6 months after the business or uses advertised on the sign have been discontinued) because it relates to message removal (w/in 60 days), not sign removal.
[920] Current Sec. 12A-95.

Public Works before final plat or plan approval and subsequently be recorded by the City with the Boone County Recorder of Deeds. The covenant will include a schedule for maintenance of the facilities to insure proper function of each stormwater management facility. The covenant shall also include a schedule for inspections of each facility to ensure proper function of each stormwater management facility between scheduled maintenance functions.

(ii) The Director of Public Works, in lieu of a maintenance covenant, may accept dedication of stormwater management facilities for City maintenance based on specific criteria developed by the Director of Public Works and generally limited to those stormwater management facilities that serve multiple properties. Any stormwater management facility accepted by the City for maintenance must meet all the requirements of this Code and include adequate access easements for inspection and regular maintenance.

(iii) All stormwater management facilities shall be inspected at least once each year, during the period beginning on March 1 and ending on May 31, to document maintenance and repair needs and to ensure compliance with this Code. The facilities should also be inspected after each heavy rainfall and any necessary maintenance should be performed such as removal of silt, litter and debris from all catch basins, inlets, pipes and outlet structures.

(iv) All maintenance needs must be addressed in a timely manner. The inspection and maintenance schedule may be modified for each facility based on results of the initial inspection program as deemed necessary to be fully compliant with the purpose of this article.

(v) The Director of Public Works may inspect any stormwater management facility as set forth in Section 12A-192. Inspections may involve full evaluation of the physical structure and condition of the facility; review of the prior inspection, repair and maintenance records; and sampling of the surface water, discharges and groundwater as deemed necessary.

(vi) Persons responsible for the operation and maintenance of stormwater management facilities shall make records of the inspection, repair, maintenance and any modifications to the facilities and shall retain these records for a minimum of five years. These records shall be made available to the Director of Public Works during inspection of the facility or at any time upon request. Inspection and maintenance records shall be submitted to the director by June 1 of each year. Any failure to submit these records shall be unlawful and subject to the penalties of Section 12A-11 and Section 29-5.6.

(vii) Failure to properly maintain a stormwater management facility is hereby declared a nuisance and may be abated under the procedures set forth in section 12A-202 and 29-5.6.

(b) Operating Standards

All structures, uses, and activities in all zone districts shall be used or occupied so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable state or federal statutes or this Code are presumed to be a violation of this Section 29-4.11(b). Property

owner responsibilities under this section shall include, but shall not be limited to, the following standards:

(1) Glare

Direct or reflected glare, including glare from exterior lighting, shall not be visible at the property line.

(2) Noise

All activities shall comply with state statutes and be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sounds inward from properties, rather than outward towards property boundaries. Amplified sounds shall not be allowed to cross property lines unless a temporary use permit has been issued for that purpose in connection with a special event.

(3) Odors

All activities shall comply with state statutes and regulations. No operation shall cause or allow the emission of any odorous air contaminant that is a nuisance, hazard or exceeds applicable federal or state regulations. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a development or building permit.

(4) Smoke

All activities shall comply with state statutes and regulations. No operation shall discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit established by such conference or by any state or federal law or regulation. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

(5) Vibration

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

(6) Hazardous Materials

All uses and activities shall comply with state statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

(7) Materials and Waste Handling

All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Code. Lubrication and fuel substances shall be prevented from leaking and/or draining onto the ground. All sewage and industrial wastes shall be treated and disposed of in compliance with the water quality standards applicable of the state and federal government.

(8) Electromagnetic Radiation

No use or activity shall create or operate an intentional source of electromagnetic radiation that does not comply with the then current regulations of the Federal Communications Commission regarding that type of electromagnetic radiation source. In case of governmental communications facilities, governmental agencies, and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

(9) Nuclear Radiation

No use or activity shall cause radiation at any property line that violates any regulation of the United States Nuclear Regulatory Commission.

(10) Nuisance Prohibited

All structures and land uses within the City shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances, as defined in state law.

Chapter 29-5 Procedures and Enforcement

29-5.1 Reviewers and Decision-Making Bodies

This section of the Ordinance identifies officers and bodies authorized to review, recommend, or make decisions regarding required applications, permits, and approvals under this Ordinance. Any reference to an officer or body includes any agents, employees, subordinates, or others to which the named individual or body has lawfully delegated power to take the action.[921]

(a) City Council[922]

The City Council is the governing body of the City. In connection with this Unified Development Ordinance, the Council's responsibilities include approving amendments to the City's adopted comprehensive plan, approving amendments to the text of this Ordinance, and approving amendments to the Official Zoning Map, appointing the members of the Commission and Board, and performing any additional duties set forth in this Code.[923]

(b) Planning and Zoning Commission (P&Z)

(1) Continued Existence, Membership, and Qualifications[924]

(i) The City planning and zoning commission ("Commission") established prior to the effective date of this Ordinance shall continue in existence.

(ii) The Commission shall consist of nine (9) members appointed by the Council for staggered terms of four (4) years. All members shall be appointed as provided for in this Ordinance for terms beginning on the first day of June. [925]

(iii) The members of the Commission shall be qualified voters, residents of the City at least one year immediately prior to the date of their appointment, and shall hold no other office or position in the City administration. Appointments to fill vacancies shall be for unexpired terms only. All members shall serve without pay.[926]

(2) Powers and Duties[927]

The Commission shall:

(i) Prepare and submit to the Council for its adoption a comprehensive plan for the physical development of the City and uses of land in the City. The plan may include the general

[921] New section.
[922] New section.
[923] Reference to additional duties added since Module 2.
[924] From current Secs. 20-36 and 20-37. Provisions stating that the City Manager will appoint a City department director as an advisor to the Commission are not necessary and were not carried over. Section 20-38 (Attendance; Forfeiture of Office) and 20-39 (Officers; Organization; Rules and Regulations; Quorum) were not carried over, as those should be in an administrative manual that can be amended without Council approval.
[925] Specifics of staggered term dates deleted since Module 2.
[926] Reference to service for 1 month after term if no replacement appointed was deleted since Module 2.
[927] From Secs. 20-41 through 20-43.

location and character of residential, commercial, mixed use, industrial and other areas, the general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds, and spaces, together with the general location of public buildings and other public property, public utilities, and the extent and location of any public housing or slum clearance projects.[928]

(ii) Make recommendations in connection with the execution and detailed interpretation of the comprehensive plan.

(iii) Act as a zoning commission, in accordance with the provisions of present or future state zoning enabling acts.

(iv) Prepare and recommend to the Council rules controlling the subdivision of land.

(v) Make recommendations regarding the approval or disapproval of plats for land subdivision. All such plats shall be referred to the Commission before the Council takes any action. Failure of the Commission to act within sixty (60) days shall be deemed a recommendation for approval.[929]

(vi) Recommend to the Council such amendments or revisions to this Ordinance as the Commission shall deem necessary or desirable for the promotion of the health, safety, morals and general welfare of the inhabitants of the City. Such provisions may include regulations as to the location, width, height, and bulk of buildings; the size of yards, courts, and other open spaces surrounding buildings; and the use of buildings and land. The Commission shall hear applications for amendments, modifications or revisions of this Ordinance and shall forward such applications to the Council with its recommendations on the application. The recommendations of the Commission shall not be binding upon the Council, which may approve or disapprove the Commission's findings; however, no plan or ordinance related to zoning, nor any modification, amendment or revision of such a plan or ordinance, shall be finally considered by the Council unless it has been first submitted to the Commission for its examination and recommendation.

(vii) Recommend from time to time any other legislation which may be desirable to further the purposes of City planning.

(viii) Make such reports to the Council as it may deem proper or as required by the Council.

(ix) Assume any other powers and perform any other duties as are provided for by the Charter of the City or by Council action.[930]

(x) Adopt rules for the conduct of its business that are consistent with the purposes of the Commission and the requirements of this Ordinance, which shall be approved by Council ordinance.[931]

[928] Revised to include reference to mixed use development.
[929] Wording revised since Module 2 to clarify that Commission's action is a recommendation, not decision.
[930] Revised to clarify wording and add Council action.
[931] New provision.

(c) Board of Adjustment (BOA)[932]

(1) Continued Existence, Membership, and Qualifications[933]

(i) The City Board of Adjustment ("Board") established prior to the effective date of this Ordinance shall continue in existence.

(ii) The Board shall consist of five (5) members who shall be residents of the City. The terms of office of the members of the Board shall be for five (5) years, except that the five (5) members first appointed shall serve respectively for terms of one (1), two (2), three (3), four (4), and five (5) years. Thereafter all members shall be appointed by the Council for terms of five (5) years each. No member shall serve more than two (2) consecutive full terms.

(iii) Three (3) alternate members, who shall be residents of the City, shall be appointed by the Council to serve in the absence of, or disqualification of, the regular members. The first three (3) alternates appointed shall serve for terms of three (3), four (4), and five (5) years, respectively. Thereafter, all alternates shall be appointed for five-year terms.

(iv) The vacancy of any member or alternate member shall be filled by appointment of the Council for the unexpired term only.

All members and alternates may be removed for cause by the Council, upon written charges after public hearing.

(2) Powers and Duties[934]

The Board shall have the following authority and duties:

(i) Appeals

To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Ordinance, as described in Section 29-5.3(h).

(ii) Variances

To hear and decide applications for variances from the terms or conditions of this Ordinance under Section 29-5.4(d)(Variances).[935]

(iii) Other Powers

(A) Assume any other powers and perform any other duties as are provided for by the Charter of the City, Council action, or state law.[936]

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[932] From Sec. 29-31, with changes as noted.

[933] Reference election of a chair for a 1 year term, and to the vote needed to decide an appeal, were not carried over, as those provisions should be in an administrative document that can be amended without Council approval.

[934] From Sec. 29-31, with changes as noted. The power to determine the classification of uses was not carried over because that power is now granted to the Director under Sec. 29-3.1. Board power to grant temporary permits for commercial use in a residential development was deleted as obsolete.

[935] Text in Sec. 29-31(g)(6)(c) listing standards for "appeals due to practical difficulties or unnecessary hardship" relate to Variances, and were moved to Sec. 29-5.4(d).

(B) Adopt rules for the conduct of its business that are consistent with the purposes of the Board and the requirements of this Ordinance, which shall be approved by Council ordinance.[937]

(d) Historic Preservation Commission[938]

The membership, terms, powers, and duties of the Historic Preservation Commission are listed in Section 29-2.3(c)(2) as part of the Historic Preservation Overlay District.

(e) Community Development Department[939]

(1) Continued Existence and Purpose[940]

(i) The Community Development Department ("Department") established prior to the effective date of this Ordinance shall continue in existence.

(ii) The purpose of the Department is to plan for the present and future development and improvement of the City in all phases of its activities. Such activities shall include, but not be limited to, traffic, transportation, playgrounds, parks, public buildings, housing, public monuments, works of art, public streets, public utilities, parking, and parking facilities.

(2) Powers and Duties of Department[941]

The Department shall have the following authority and duties:

(i) Advise the City Manager and the Council with respect to the planning affairs of the City, and shall furnish to the City Manager and Council at any time upon request, such information and particulars concerning planning as may be desired.

(ii) Act upon all matters referred to it by the City Manager or the Council; and shall, if required or deemed necessary, report on those matters to the City Manager or the Council.

(iii) Be the advisor and consultant to the Commission, and shall prepare and furnish to the Commission such reports, studies, plans, surveys or other data as may be necessary in aiding and assisting the Commission in the discharge of its duties.

(iv) Assume any other powers and perform any other duties as are provided for by the Charter of the City or by Council action.[942]

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[936] Revised to clarify wording and add Council action. Wording clarified.
[937] New provision.
[938] Sec. 29-21.4.
[939] Chapter 20, Article 2, with changes as noted.
[940] Current Sec. 20-21.
[941] Integrates provisions of Sec. 20-21 and 20-35. Separate provisions on duties of the Director were not carried over, as this should be an administrative decision of the City Manager.
[942] Revised to clarify wording and add Council action.

(f) Public Works Departments

In addition to the Community Development Department, the Public Works Department has the following authorities and duties related to the administration and enforcement of this Ordinance.

(i) The Director of the Public Works Department shall serve as the floodplain administrator for matters related to the administration of Section 29-2.3(d) (Floodplain Overlay District).[943]

(ii) The Director of Public Works Department shall be responsible for the administration and enforcement of the standards in Sec. 29-4.6 (Storm Water and Natural Resources) of this Ordinance.[944]

29-5.2 Regulatory Procedures Table

Table 5.2-1: Approval Procedures Table

H = Public Hearing D = Decision R = Recommendation A = Decision on Appeal
DCD = Department of Community Development DPW = Department of Public Works
Where an Appeal body is not shown, appeal is to the courts

Procedure	Section 29-	Department	Board of Adjustment	Planning & Zoning Commission	Historic Preservation Commission	City Council
Zoning Compliance	5.4(a)	D-DCD	A			
Building Permit	5.4(b)	D-DCD	A			
Certificate of Occupancy	5.4(c)	D-DCD	A			
Variance [1]	5.4(d)		D			
Adjustment of Form-based Standards	5.4(e)					
Minor		D-DCD	A			
Major			D			
Sign Permit	5.4(f)	D-DCD	A			
Sign Plan Approval	5.4(g)		D			
Temporary Parking Permit	5.4(h)	D-DCD	A			
Floodplain Development Permit	5.4(i)	D-DPW	A			
Land Disturbance Permit	5.4(j)	D-DPW	A			
Stormwater Permit	5.4(k)	D-DPW	A			
Optional Development Standards Approval	5.4(l)		D			
Certificate of Appropriateness	5.4(m)		A		D	
Landmark and Historic District Designation	5.4(n)			R	R	D
Conditional Use Permit[945]	5.4(o)			R		D[946]
Subdivision of Land	5.4(p)					
Tract Split		D-DCD				
Administrative Plat Review		D-DCD				

[943] From current Sec. 29-22(b)(2).
[944] Current Sec. 12A-6.
[945] Revised from a Board decision at recommendation of City Counsel.
[946] Corrected since Module 3 to clarify that City Council, not HRC, makes these decisions.

Table 5.2-1: Approval Procedures Table

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Where an Appeal body is not shown, appeal is to the courts

Procedure	Section 29-	Department	Board of Adjustment	Planning & Zoning Commission	Historic Preservation Commission	City Council
Minor Subdivision - Concept		R				
Minor Subdivision - Final				R		D
Major Subdivision - Concept		R				
Major Subdivision - Preliminary				R		D
Major Subdivision - Final				R		D
Ordinance Text or Map Amendment	5.4(q)					
Concept Review		R				
Zoning Text or Map Amendment				R		D
Annexation of Land	5.4(r)			R		D
Comprehensive Plan Amendment	5.4(s)			R		D

[1] Exceptions: Decisions on variances from Subdivision Regulations are decided by the Commission; variances from the HP-O are decided by the Historic Preservation Commission; variances from some stream buffer standards are decided by the Director of Public Works.

29-5.3 Standard Regulatory Procedures

All applications under this Ordinance are subject to the procedural requirements in this Section 29-5.3 unless exempted by the terms of this Ordinance.

(a) Application - Materials and Fees Required

(1) Unless otherwise indicated by a specific provision of this Ordinance, the applicant for a permit or approval under this Ordinance must be the owner of the property that is the subject of the application or a duly authorized agent of that owner. Applicants who are purchasers of the subject property under a contract must provide proof that the applicant is an authorized agent of the owner of the subject property for purposes of the application.[947]

(2) Unless otherwise indicated by a specific provision of this Ordinance or another City ordinance or regulation, all applications for permits and approvals under this Ordinance shall be submitted to the City Clerk.

(3) All applicants for a development permit or approval under this Ordinance shall be required to file an application containing all information required for that type of application by the Department, as those requirements may be revised from time.

(4) All applicants for a development permit, approval, or appeal under this Ordinance shall be required to file an application fee calculated to reflect the time and expense for City staff to

[947] Replaces Sec. 29-36, which states specific generic requirements. Because of changes in electronic submission and review procedures and requirements, these should be maintained outside the code so they can be easily updated as technology and available information evolves. Second sentence is new.

review and process that type of application, as established by resolution of Council from time to time[948]

(b) Complete Application Required

No application for a development permit, approval, or appeal under this Ordinance shall be reviewed by City staff, or scheduled for a public hearing before the Board or Commission or the Historic Preservation Commission, and no permit or approval under this Ordinance shall be issued, until the Department has confirmed that the application materials required by subsection (a) above is complete and the fee required by subsection (a) above has been paid. The burden of providing complete and accurate information required by the Department for that type of application shall be on the applicant. The Department shall make a determination of whether these conditions have been met, and shall notify the applicant in writing of any missing materials within 10 days after the application has been submitted.[949]

(c) Notice of Public Hearing[950]

(1) General

(i) When this Ordinance requires that the Board, Commission, or Historic Preservation Commission to hold a public hearing prior to making a recommendation or decision, the following types of public notice shall be provided.

(ii) The provisions of this subsection (c) shall be considered met if the City or the applicant has attempted to comply with the standards and has achieved substantial compliance and the requirements of due process have been satisfied, as determined in the sole discretion of the City. Unintentional mistakes in notice due to inaccurate records or failures of notification systems shall not require the delay or cancellation of a public hearing if substantial compliance and due process have been achieved. [951]

(iii) The City may decide to provide additional notice beyond that required by this Ordinance, and no mistake or omission in providing any additional notice will require the delay or cancellation of a public hearing.[952]

(iv) When the application that is the subject of the public hearing involves one or more specific lots, tracts, parcels, or areas of land (as opposed to an Ordinance text amendment that affects all land in the City or in specific base or overlay zone districts, or affects all development of a certain type), the required notice shall contain an address or description of the general location of the real property to be affected, and a map of the real property to be affected and the surrounding area.[953]

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[948] Replaces Sec. 12A-36, which establishes a specific fee for land disturbance permits. The Stormwater Utility Fees in Chapter 12A, Article VIII will remain in that chapter.
[949] New section, incorporating some text from Sec. 29-34(d).
[950] From Sec. 29-34(a)(4), with changes as noted.
[951] Wording revised to clarify that substantial compliance and due process must be satisfied, as determined by the City in its sole discretion.
[952] New provision.
[953] Text from Sec. 29-34(d) reworded for clarity.

(v) Where the required notice will require publication or mailing expenses, those expenses shall be paid by the applicant before the public hearing may be held.[954]

(vi) Unless otherwise indicated by a specific provision of this Ordinance or another City ordinance or regulation, all required notices under this Ordinance shall be the responsibility of the City Clerk.[955]

(2) Published Notice[956]

(i) If the application is for an Ordinance Text or Zoning Map amendment, an appeal, variance, or other request for relief or action from the Board, or for any action authorized in this Ordinance for which public notice is required under applicable law, the Director or the Commission shall cause a notice of the date, time, and location of the public hearing to be published in a newspaper of general circulation within the City at least fifteen (15) days before the public hearing. The public notice shall include the current and proposed zoning district and the telephone number of the Department, and all other information required under applicable law.[957]

(3) Posted Notice[958]

(i) If the application is for a Zoning Map amendment, a conditional use permit, or an appeal, variance, or other request for relief or action from the Board,[959] the Director may, as a courtesy, place conspicuous notification signs facing each street abutting the property that is the subject of the application. The failure of the Director to place notification signs shall not affect the validity of any ordinance rezoning land.[960]

(ii) When the application is for a Certificate of Appropriateness or a Certificate of Economic Hardship under Section 29-2.3(c) (Historic Preservation Overlay) the Director shall place a conspicuous notification sign facing a public street abutting the property that is the subject of the application. The sign face of notification signs shall be at least five (5) square feet. Notification signs shall contain, or have attached to them, information on the proposed change to the property, the date and time of the Historic Preservation Commission meeting, and the telephone number of the Department.

(4) Mailed Notice[961]

(i) If the application is for a Zoning Map amendment, a conditional use permit, or an appeal, variance, or other request for relief or action from the Board,[962] the Department shall

[954] Requirement from O-P, C-P, and M-P now applies to all notices.
[955] New provision to clarify current practice.
[956] From Sec. 29-34(a)(4) and Chapter 20 (Street and Building Plans) revised for clarity and to add detail about the content of the notice.
[957] Reordered and revised to increase the list of actions for notice is required, and to match current practice.
[958] From Secs. 29-21.4(h)(2) and (j)(2) and 29-34(a)(4), reworded for clarity.
[959] All listed items except zoning map amendment added to reflect current practice.
[960] Details regarding content of sign and minimum size of sign were deleted, as City is moving towards generic "Notice" signs.
[961] From Secs. 29-31(g) and 29-34(a)(4), reworded for clarity, and to replace the general requirement of notice to the public and affected parties regarding appeals of decisions with this requirement of mailed notice. Appeals generally do not require published or posted notice. Text regarding courtesy mailings was deleted because courtesy notices are covered in another section of the Code.

send first class mail notice of the public hearing to the addresses of the residences of the land proposed to be rezoned and to the owners of all land within lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the land proposed to be rezoned.

(5) Electronic Notice[963]

The Director may, as a courtesy, send electronic notice to any persons or organizations in the City, or to any governmental, public, or quasi-public organization regarding any matter related to this Ordinance that may affect the interests of that person or organization, or on any matter on which any such person or organization has requested notice. The failure of the Director to send such notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any ordinance rezoning land.

(d) Decisions under this Ordinance

(1) Unless otherwise indicated in a specific provision of this Ordinance, the Director, Department, Board, Commission, or Council authorized to make a decision under this Ordinance may approve the application, deny the application, or approve the application subject to conditions as stated in subsection (f) below.

(2) When this Ordinance authorizes a Director, Department, Board, Commission, or Council to make a decision under this Ordinance, that decision shall be made pursuant to the specific criteria applicable to that application in Section 29-5.4 (Specific Regulatory Procedures). If Section 29-5.4 does not include specific criteria for that type of decision, Director, Department, Board, Commission, or Council shall make the decision based on whether the application complies with this Ordinance and any regulations authorized by this Ordinance, and will protect the public health, safety, and welfare.

(3) Unless otherwise stated in this Ordinance, or unless a different condition is attached to a permit or approval, permits and approvals granted under this Ordinance are not affected by changes in ownership or tenancy of the property.[964]

(4) The City's decision on an application for a Conditional Use Permit for an Adult Indoor Entertainment, Adult Retail, or Religious Institution use, or for a Sign Permit, shall be made within thirty (30) days after submittal of a complete application, unless extended upon consent of the Applicant, or by the City for good cause. If a decision on a Sign Permit is appealed to the Board, the Board shall hear and decide that appeal within thirty (30) days after the Director's decision on the Sign Permit.[965]

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[962] All listed items except zoning map amendment added to reflect current practice.
[963] New provision.
[964] New provision to clarify current practice.
[965] New section to comply with recent court decisions that land use decisions relating to uses and activities protected by the First Amendment include timeframes for decision and for appeals in order to avoid "chilling effects" on First Amendment rights.

(e) Conditions on Approvals[966]

(1) The Department, Board, Commission, or Council may attach conditions to any permit or approval under this Ordinance, provided that the condition is required to bring the development proposed in the application into compliance with the requirements of this Ordinance.

(2) In addition, the Board, Commission or Council may attach conditions to any permit or approval under this Ordinance, provided that the condition is required to bring the development proposed in the application into compliance with the adopted Comprehensive Plan of the City or to protect the public health, safety, or welfare.[967]

(f) Modifications of Approvals[968]

Permits and approvals issued under this Ordinance may be modified pursuant to this subsection (f).

(1) Minor Amendments

(i) Minor amendments to a permit or approval issued under this Ordinance may be approved by the Director provided that the Director determines that the following criteria have been met.

(A) The amendment is necessary because of site conditions, development requirements, or user requirements that were not known, and could not reasonably have been known, at the time of the permit or approval that is the subject of the amendment;

(B) The amendment does not approve a land use that was not authorized by the permit or approval;

(C) The amendment does not increase the maximum height of the development;

(D) The amendment does not reduce any building setback adjacent to development containing residential uses by any amount, and does not reduce any building setback adjacent to development containing only non-residential uses by more than ten (10) percent (cumulative of any earlier amendments);

(E) The amendment does not change any other dimensional standard, or the minimum or maximum amounts of off-street parking, applicable to the property or development by more than ten (10) percent (cumulative of any earlier amendments).

(F) The amendment does not change any development limit specifically attached to a development approval by City Council.[969]

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[966] Replaces current Sec. 25-10 and now applicable to all types of approvals.
[967] Revised to clarify that Board has this power as well, since prior draft, in response to public comment.
[968] New provision.
[969] Added per public comment.

(G) The amendment is not inconsistent with any terms or conditions included in the permit or approval in order to protect the character or scale of any residential area within which, or near which, the development is located.

(ii) The Director shall post a notice of the approved adjustment on the City's web site within five (5) days after making that decision.

(2) Major Amendments

All amendments to development approvals that do not qualify as Minor Amendments under subsection (1) above may only be approved by the Board, Commission, Historic Preservation Commission, or Council that issued the permit or approval, following the same procedure (including any required public notice or public hearing) used to issue that permit or approval.

(g) Appeals [970]

Unless a different process is listed for a Specific Regulatory Procedure in Section 29-5.4, or an exception is listed in this Section 29-5.3(g), a decision of the Director or the Department made in the administration or enforcement of this Ordinance may be appealed to the Board as described below. Decisions of the Director or the Department in the application of the Subdivision Standards of Section 29-4.3 may not be appealed to the Board, but requests for adjustments to the Subdivision Standards may be made to the Commission and/or the Council during the Subdivision of Land process in Section 29-5.4(p).

(1) Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of an administrative official in the administration or enforcement of this Ordinance. The appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds of the appeal, including the section of this Ordinance that is inconsistent with the decision being appealed.[971] The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An applicant shall deposit a sum sufficient to pay the costs of advertising as required by statute and ordinance. The clerk shall inform applicants of the estimated cost of advertising and require a deposit sufficient to meet the costs upon filing. All unexpended portions of the deposit shall be returned to the applicant after the actual costs of advertising have been met.

(2) An appeal stays all proceedings related to the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed

[970] From current Secs. 12A-109, 20-4, 23-31, 29-21.3, and 29-31, with changes as noted. This procedure now also applies to subdivisions of land, because Chapter 25 currently does not contain an appeals process. The exception in Sec. 12A-109 not allowing appeals from nuisance abatement procedures has not been carried over. Secs. 23-31 and 29-31 combine procedures for appeals and variances; the variance content has been moved to Sec. 29-5.4(d). (Variance). Text regarding further appeals to the courts were deleted as unnecessary.

[971] Last clause added to require specificity in stating the grounds for appeal.

otherwise than by a restraining order granted by the Board or by a court of record, on application or notice to the officer from whom the appeal is taken and on due cause shown.

(3) The Board shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing, as well as due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing any party may appear in person, by agent, or by attorney.

(4) In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all powers of the administrative official from whom the appeal is taken. Any decision of the Board to reverse, or reverse in part, an order, requirement, decision, or determination shall be based on substantial evidence.[972]

(5) The decision of the Board on an appeal shall be in writing. Any decision of the Board on an appeal related to the denial or conditioning of a sign permit, or a conditional use permit for a Communications Antenna or Tower, Adult Retail use, or Adult Indoor Entertainment use shall be based on substantial evidence. Any decision of the Board on an appeal related to the denial or conditioning of a sign permit, or a conditional use permit for an Adult Retail use or an Adult Indoor Entertainment use shall be made within thirty (30) days after the filing of the appeal unless extended upon consent of the applicant or by the City for good cause.[973]

29-5.4 Specific Regulatory Procedures[974]

(a) Zoning Compliance [975]

Each application under this Ordinance that does not require one or more of the specific regulatory procedures in subsections (b) through (t) below shall be reviewed for zoning compliance. Zoning compliance checks shall be conducted by the Department, and applications shall be approved if they comply with this Ordinance. The Department's decision may be appealed to the Board pursuant to Section 29-5.3(g).

(b) Building Permit[976]

(1) No erection, alteration, or enlargement of a building may begin until the owner of the property on which the building is or will be located, or their authorized agent, has applied to the Director for a building permit and the Director has issued a building permit authorizing

[972] Revised to clarify that reversals of appealed decisions must be based on substantial evidence.
[973] Second sentence is new and reflects recent state and federal court decisions requiring time limits for these types of permits and appeals to avoid a "chilling effect" on free speech under the First Amendment.
[974] Provisions from Sec. 20-56 on Public Housing Project Approval and Sec. 20-57 on approval of Urban Renewal Projects were not carried forward. Public Housing Projects and Urban Renewal Projects are treated like all other projects for purposes of development review and approval. Provisions in Secs. 20-1 through 20-3 on Street and Building Lines were not carried over as obsolete.
[975] New section to describe current practice.
[976] Clarifies and replaces Sec. 29-36 to reflect current practice, and incorporates provisions from Sec. 25-17. Required application materials have been removed as more appropriate for an administrative manual that can be revised without Council action.

the proposed erection, alteration, or enlargement. The Director shall issue a building permit if the application is consistent with the requirements of this Ordinance, all adopted and applicable building codes of the City, and all other regulations of the City.

(2) For purposes of constructing a building, permits may be issued for a tract or parcel of land consisting of two (2) or more adjacent lots or one (1) lot and a portion of another lot and considered as a single lot provided that a revised plat showing the combined area is first approved and recorded using the Administrative Plat Review provisions of Section 29-5.4(p)(5).[977]

(3) Building permits may be issued on parts of lots in commercial and industrial subdivisions as specified in Section 29-5.4(r)(5)(Administrative Plat Review).

(4) Building permits may be issued on existing lots as defined in Section 29-1.13.

(5) No building permit shall be issued for construction of a new building on a lot that does not have access allowing vehicles, pedestrians, and bicycles to pass from a public street directly onto the lot, or from a public street to the lot over an irrevocable access easement suitable to the City counsel's office.[978]

(c) Certificate of Occupancy[979]

(1) *Requirement.* No vacant land shall be occupied or used except for agricultural uses, and no building erected or structurally altered shall be occupied or used until a certificate of occupancy has been issued by the Director. A certificate of occupancy shall state that the building or proposed use of a building or land complies with this Ordinance and with all the building and health laws and ordinances of the City.[980]

(2) *Vacant land.* A certificate of occupancy for the use of vacant land, or the change in the character of the use of land, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of this Ordinance.

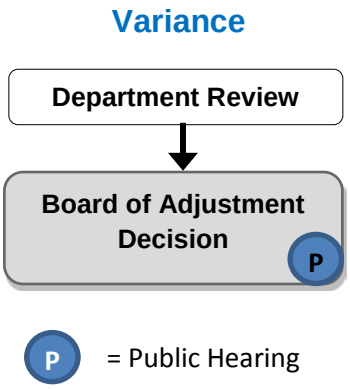
(3) *Buildings.* A certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building or part of the building has been completed in conformity with this Ordinance. Pending the

[977] Exceptions allowing building permits to be issued without a replat if the following conditions were met was deleted. "(1)Building(s) shall cross interior lot lines rather than being placed closer to a lot line than otherwise allowed, (2) Record lots that are not to contain a part of any building shall not be included as a means to achieve required lot area per family, (3) Lots containing off-street parking only associated with the building(s) or used by other activities in a lawful manner shall not be included as part of the building permit application, and (4) The development shall meet all other applicable requirements of City ordinances."
[978] New provision.
[979] From current Sec. 29-37. Provisions of subsection (d) and (f) giving child care facilities 45 days after adoption of the current zoning ordinance to confirm compliance with state laws, and requiring nonconforming uses to apply within 1 year after adoption of the current zoning ordinance, were deleted as no longer applicable.
[980] Requirements for record-keeping of certificates were removed as more appropriate for an administrative manual. Provision requiring application for a Certificate of Occupancy before excavation was deleted as in error.

issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Director for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. The temporary certificate shall not be construed as altering the respective rights, duties or obligations of the property owners or of the City relating to the use or occupancy of the premises, or any other matter covered by this Ordinance, and the temporary certificate shall not be issued except under such restrictions and provisions as will ensure the safety of the occupants.

(d) Variance[981]

(1) Procedure



(i) An applicant may apply for a variance from the substantive requirements of this Ordinance, but no variance may change the review and approval procedure for any type of application set forth in this Chapter 29-5.

(ii) Applications for variances shall be decided by the Board pursuant to the criteria shown in subsection (2) below, with the following exceptions:

(A) No variances from the Subdivision Standards in Sec. 29-4.3 are permitted. Requests for deviations from the Subdivision Standards shall be considered by the Commission and decided by Council during the Subdivision of Land procedures in Section 29-5.4(p).

(B) Variances in the Historic Preservation Overlay District shall be approved as described in Sec. 29-2.3(c)(14)(Variances).

(C) Variances in the Floodplain Overlay District shall be approved as described in Sec. 29-2.3(d)(15)(Variance Procedures) and (16) (Conditions for Variances).

(D) Some variances from Stream Buffer regulations may be approved by the Director of Public Works, as described in subsection (2)(v) below.

(iii) Any person or persons, jointly or severally aggrieved by any decision of the Board, any taxpayer, or any officer, department, board or bureau of the municipality, may appeal a decision of the Board to a court of competent jurisdiction.[982]

(2) Criteria for Approval

The Board may approve an application for a variance from the terms and provisions of this Ordinance if it determines that all of the following are true.

[981] Combines and consolidates several variance procedures in Secs. 12A-110, 12A-241, 23-31, 25-20, 29-21.4(q), 29-22(b)(9), and 29-22(e)(5), with changes as noted. Text specifying application materials was not carried over, as more appropriate for an administrative manual.
[982] Clarification to reflect current procedure.

(i) General Criteria

(A) The variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors of the applicant's site, those difficulties or hardships are not generally applicable to property in the area, and the difficulties or hardships were not created by the actions of the applicant;

(B) The variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in Sec. 29-2.3 (Permitted Use Table) in the zone district where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use;[983]

(C) The variance will not permit a development that is inconsistent with the adopted Comprehensive Plan;[984]

(D) The variance is the least change from the requirements of this Ordinance necessary to relieve the difficulty or hardship;

(E) The variance will not harm the public health, safety, or welfare or be injurious to other property or improvements in the area where the property is located.[985]

(ii) Sign Variance[986]

The Board may only grant a variance to the sign regulations in Section 29-4.10 if it also determines (in addition to the criteria in subsection (i) above) that variance will not change both the maximum size and the maximum height of freestanding signs.

(iii) Floodplain Regulations[987]

In addition to the findings in subsection (i) above, no variance to the Floodplain Overlay District regulations in Section 29-2.3(d) shall have any effect unless the record of the proceeding before the Board contains a written opinion of a registered professional engineer[988] that the granting of the variance would not result in any increase in quantity or velocity of flow, degradation of water quality, or negative impacts upon adjoining or downstream properties, nor upon the stormwater system, which shall be accompanied with supporting documentation used by the engineer in rendering the opinion required by this section.[989]

(iv) Stormwater Management Regulations[990]

(A) In addition to the findings in subsection (i) above, no variance to the stormwater management requirements in Section 29-4.6(a) shall have any effect unless the

[983] Wording revised to clarify that variance cannot be used to vary or avoid the definition of a use.
[984] This criteria is currently applicable only to subdivisions, but has now been included as a general standard.
[985] Text referencing the spirit of the Ordinance and substantial justice were deleted as vague and obsolete.
[986] From Chapter 20 and Section 23-9
[987] Standard from current Sec. 29-22(e)(5) and 12A-110(b) with overlaps with general variance criteria removed.
[988] All references to registered professional engineer changed to registered professional engineer (which is defined as someone licensed to practice engineering in Missouri) for consistency.
[989] Wording revised to require the opinion and supporting data of a registered professional engineer to support the determinations.
[990] 12A-110(c) and (d).

record of the proceeding before the Board contains a written opinion of a registered professional engineer that at least one (1) of the following conditions exist: [991]

1) Alternative requirements for onsite management of stormwater discharges have been established in a stormwater management plan approved by the Director of Public Works.

2) Provisions are made to manage stormwater by an existing offsite facility that is adequately sized to provide a level of stormwater control at least equal to that which would be afforded by onsite practices and there is a legally obligated entity responsible for long-term maintenance of the offsite facility.

3) Meeting the minimum onsite management requirements is not feasible because of physical characteristics of the site.

(B) In addition to the condition in subsection (A), the opinion of the registered professional engineer shall also state that the variance will not result in any of the following impacts in the downstream waterway:[992]

1) Deterioration of existing culverts, bridges, dams or other structures;

2) Degradation of biological functions or habitat;

3) Accelerated stream bank or stream bed erosion or siltation;

4) Increased threat of flood damage.

(C) The opinion of the registered professional engineer shall also state whether the variance will likely result in a lower level of stormwater control. If the variance will likely result in a lower level of stormwater control, the Board shall impose reasonable mitigation measures including, but not limited to, the following:[993]

1) The purchase and donation of privately owned lands or the grant of an easement to be dedicated for preservation or reforestation. These lands must be adjacent to a stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat.

2) The construction of a stormwater management facility or other drainage improvements on previously developed property, whether public or private, that currently lacks stormwater management facilities, designed and constructed in accordance with the standards and purposes of this Ordinance and the City's Stormwater Management and Water Quality Manual.

3) At the applicant's request, monetary contributions to fund stormwater related studies and projects including regional wetland delineation studies, stream monitoring studies, hydrologic studies, stream assessment studies, including stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies and stream restoration projects. The monetary contribution shall be in accordance with a schedule established by the Director of Public Works and shall be based on the

[991] Wording revised to require the opinion of a registered professional engineer to support the determinations.
[992] Wording revised to require the opinion of a registered professional engineer to support the determinations.
[993] Wording revised to require the opinion of a registered professional engineer to support the determinations.

cubic feet of storage required but not provided for the stormwater management of the property in question.

(D) The opinion of the registered professional engineer shall be accompanied by supporting documentation used by the engineer in rendering the opinion required by this subsection (v).[994]

(v) Stream Buffer Regulations[995]

(A) The Director of Public Works may grant a variance from the stream buffer regulations in Section 29-4.6(c) for projects or activities serving a public need where no feasible alternative is available; and for the repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed. The Director of Public Works may attach conditions to a variance requiring site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

(e) Adjustment of Form-based Controls

(1) Minor

An applicant for a permit or approval in the M-DT zone district may apply for an adjustment to the form-based controls in Section 29-4.2 and the Director may approve the adjustment if the Director determines that all of the following criteria have been met:

(i) The proposed adjustment will not result in development that is inconsistent with the intended character of the M-DT zone district or the Regulating Plan for the block face including the applicant's property or the block face(s) immediately across the street(s) from the applicant's property.

(ii) The proposed adjustment will result in a building and site design of equal or superior quality and visual interest to that required by the application of the form-based controls in Section 29-4.2.

(iii) The proposed adjustment will not result in any of the following:

(A) Change a minimum or maximum height requirement by more than five (5) percent;

(B) Change a finished floor elevation requirement by more than five (5) percent;

(C) Change a Street Wall height, length, or access gate requirement by more than ten (10) percent;

(D) Move a Required Building Line further from the street;

(E) Move a Required Building Line more than six (6) inches closer to the street;

(F) Reduce a minimum percentage of a building frontage that must be built to the Required Building Line by more than five (5) percent of the required length;

[994] New provision.
[995] From Sec. 12A-241, with changes as noted.

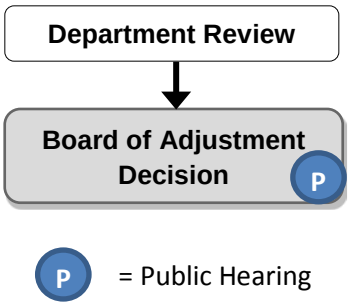
(G) Move a Parking Setback Line more than five (5) feet closer to any street;

(H) Increase the maximum average spacing of building entrances by more than ten (10) percent;

(I) Change a minimum or maximum Fenestration requirement by more than five (5) percent; or

(J) Change the minimum or maximum depth of a building projection by more than five (5) percent.

Major Adjustment of Form-based Controls



(2) Major

All other variances from the form-based controls in Section 29-4.2 shall require an approval by the Board, after a public hearing, following the procedure in Section 29-5.4(d) but based on the criteria in Section 29-5.4(e)(1)(i) and (ii) above instead of the criteria in Section 29-5.4(d).

(f) Sign Permit[996]

(1) Applicability

(i) A permit is required prior to the erection, construction, reconstruction, alteration, moving, conversion or maintenance of any sign, except those signs listed in subsection (ii) below or signs otherwise exempted in this Ordinance or other ordinances or regulations of the City.

(ii) The following types of signs may be erected without the issuance of a permit or payment of a permit fee, but each such sign shall meet all the standards and requirements for that type of sign in Section 29-4.10 (Signs).

(A) Signs indicating a home or apartment or non-residential building or structure, or part of a home, apartment, building or structure, for sale, rent, or lease.

(B) Construction signs.

(C) Memorial signs or tablets when cut into masonry surface or when constructed of bronze or other incombustible material.[997]

(D) Government building signs erected on a municipal, state or federal building that announce the name, nature of the occupancy and information as to use of or admission to the premises.

(E) Official signs furnished by the superintendent of the Missouri State Highway Patrol designating an official vehicle inspection station in accordance with Section 307.365, R.S.Mo. One such sign shall be allowed for each street frontage at all such official vehicle inspection stations, in addition to the signs allowed by the following provisions.

[996] Sec. 23-4 through 10, with wording clarified.
[997] Reference to building names deleted.

(F) Noncommercial signs.

(G) Commercial flags allowed under Section 29-4.10(c)(11).

(H) Signs prohibiting peddlers, solicitors, hawkers, itinerant merchants or transient vendors of merchandise, when placed upon private residential property.

(I) "No Parking" signs that comply with Section 29-4.10(e)(8) or 14-561; provided the sign does not exceed eighteen (18) inches by twenty-four (24) inches in dimension.

(J) Garage sale signs.

(2) Procedure

(i) The Director shall approve the application if the Director determines that it complies with this Ordinance and all other ordinances and regulations of the City.

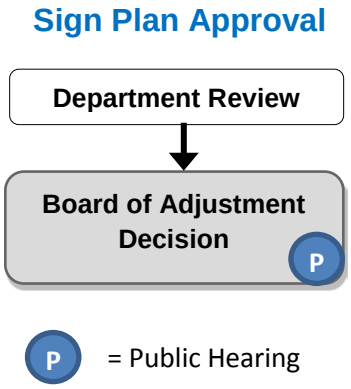
(ii) No permit shall be issued for erection of a sign on property on which a sign plan has been approved under Section 29-5.4(d)(Variances), where the sign does not conform with the requirements of that plan, without the removal at the applicant's expense of all signs permitted by the plan and not otherwise permitted.

(iii) A permit issued under this Section 29-5.4(f) shall become null and void six (6) months after the date of issuance if the work authorized by the permit has not been completed.

(iv) The Director may revoke any permit issued pursuant to this Section 29-5.4(f) if the permit holder does not comply with any of the provisions of this Ordinance.

(g) Sign Plan Approval[998]

The Board may approve a sign plan allowing different numbers and types of signs permitted on a property if it determines that the following criteria are met. Sign plans are not allowed in a PD zone district; adjustments to permitted signs in PD zone districts require an amendment to the PD zone district approval.



(1) No unlawful signs shall be permitted;

(2) Each sign meets the size, setback and other limitations and requirements for that type or class of sign in Section 29-4.10;

(3) The sign plan reduces the number of signs that would otherwise be permitted on the property;

(4) The sign plan reduces the total square footage of signs that would otherwise be permitted on the property;

(5) The sign plan does not violate the spirit or intent of Section 29-4.10; and

(6) All nonconforming signs on the property or premises shall be brought into compliance with the requirements of this Ordinance.

[998] From Sec. 23-9, with wording clarified. Reference to continued validity of sign plans approved before Dec 16, 1991 remaining in effect was not carried forward as unnecessary.

(h) Temporary Parking Permit[999]

(1) Procedure

The Director may issue temporary permits to allow parking of motor vehicles in a yard area as prohibited in Section 29-4.4(f)(3)(Parking-Use of Yards), for a period of up to forty-eight (48) hours on Saturdays, Sundays, and holidays, if the Director determines that the criteria in subsection (2) have been met.

(2) Criteria for Approval

(i) The parking is necessary for an event of City-wide or area-wide concern that will attract traffic that cannot be effectively served by existing accessible parking facilities.

(ii) The permit will not permit parking in the yard area of a one-family, one-family attached or two-family dwelling.

(i) Floodplain Development Permit

Floodplain Development Permits shall be approved as described in Section 29-2.3(d) (Floodplain Overlay District).

(j) Land Disturbance Permit[1000]

(1) Applicability[1001]

(i) A land disturbance permit is required for any land disturbance activity, including but not limited to mechanized clearing of trees and construction of streets and utilities, on any site that results in a disturbed area one (1) acre or more in size, unless exempted by subsection (ii) below. The applicant for the permit shall be responsible for field verifying to the City the actual area being disturbed by staking the area to be disturbed prior to the disturbance. Redevelopment of tracts less than one (1) acre does not exempt the developer from the provisions of this 29-5.4(j) if that activity is part of a larger common plan of development or sale.

(ii) A land disturbance permit shall not be required for:

(A) Sites less than one (1) acre or for individual lots in R-1 and R-2 zone districts except that erosion control provisions, grading limits, low floor elevation, and storm drainage work, including piping, swaling, and ditching, shall be shown on the plot plan and approved prior to issuance of a building permit. All land disturbance activity on such property shall conform to the provisions of the approved plot plan.

(B) Agricultural activities, except that a land disturbance permit is required for the mechanized clearing or removal of trees on sites of one (1) acre or more.

(iii) No final plat shall be approved prior to approval of a site development plan encompassing the entire area being platted. No building permit shall be issued in a PD

[999] Sec. 29-30(a)(8).
[1000] From Chapter 12A, Article 2.
[1001] Sec. 12A-32 through 35, 69, and 70, with wording revised for clarity.

district prior to approval of a site development plan encompassing the entire area included in the plan.

(iv) No permit for grading or constructing any public street shall be issued until the temporary erosion control measures set forth in the site grading and drainage plan, or in the plot plan for a site exempt from land disturbance permit requirements, have been properly installed.

(v) The temporary erosion control measures described in the site grading and drainage plan, or in the plot plan for a site exempt from the land disturbance permit requirement, shall be properly installed before beginning any land disturbance activity and shall be properly maintained at all times until all land surfaces on the property become stable and non-erosive.

(vi) All land disturbance activity on property for which a land disturbance permit has been issued shall conform to the requirements of the permit and to the provisions of the approved site development plan.

(2) Procedure

The Director of Public Works shall issue a land disturbance permit if the application conforms to the requirements of this Ordinance and all other City ordinances and regulations.

(k) Stormwater Permit[1002]

(1) Applicability

(i) No portion of a storm drainage system including stormwater management facilities may be constructed, reconstructed, altered, modified or repaired without first obtaining a permit from the Director of Public Works. No permit shall be issued until the Director of Public Works is satisfied that the plans for the work have been prepared in accordance with an approved stormwater management plan and with the Stormwater Management and Water Quality Manual and until the applicant has posted a performance bond, letter of credit, cash escrow or other performance security acceptable to the Director of Public Works, in the City's favor, assuring the construction, reconstruction, alteration, modification or repair of all stormwater management facilities authorized by the permit. The performance security shall be in the amount of the estimated cost of the project.

(ii) No certificate of occupancy shall be issued for a structure on any property subject to the stormwater management requirements of this Ordinance until construction of the required stormwater management facilities is completed in accordance with the approved stormwater management plan. If completion of the work or structure is at a time of the year that completion of the required stormwater management facilities is not feasible, a performance bond or other acceptable financial instrument for the estimated cost of completion of the work may be accepted to allow the issuance of a certificate of occupancy.

(iii) As built construction drawings that show the final design specifications and are certified by a professional engineer are required on all permanent stormwater management

[1002] Chapter 12A, Secs. 92-94 with changes as noted.

facilities. The as built drawings must be submitted before City approval or acceptance of the facilities.

(I) Optional Development Standards Approval[1003]

(1) Applicability

(i) The provisions of this section apply to:

(A) Property owners in the R-2 zone district that apply to have the development of their property subject to the "cottage" development standards rather than the "current" development standards as shown in Tables 29-2-3 and 29-4.1-1.

(B) Property owners in the M-N zone district that apply to have the development of their property subject to the "pedestrian" development standards rather than the "current" development standards as shown in Tables 29-2-7 and 29-4.1-2.

(C) Property owners in the M-C zone district that apply to have the development of their property subject to the "transit" development standards rather than the "current" development standards as shown in Tables 29-2-8 and 29-4.1-2.

(ii) Any such application shall request that the City approve the application of all of the optional development standards available for the zone district in which the property is located, as listed in Tables 29-2-3, 29-2-7, 29-2-8, 29-4.1-1, and 29-4.1-2 respectively. The Board may not approve an application requesting application of some but not all of the optional development standards listed in the applicable tables for the zone district where the property is located.

(2) Procedure

(i) The Department shall review the application and make a recommendation to the Board, which shall hold a public hearing on the application.

(ii) If approved by the Board, the applicability of the optional development standards shall be indicated by recording a notice with the Boone County recorder of deeds.

(iii) The owner of property for which optional development standards have been approved subject to this Section 29-5.4(I) may apply to have the "current" development standards reapplied to the property, and the Board may approve that application, through the same process and using the same criteria used to approve the optional development standards.

(3) Criteria for Approval

[1003] New section.

The Board may approve an application for optional development standards if it determines that the following criteria have been met:

(i) The use of optional development standards is consistent with the intended character of the area as shown and described in the City's adopted comprehensive plan;

(ii) The use of the optional development standards will provide adequate off-street parking for the permitted uses available in the zone district where the property is located, and will not result in significant increases in off-site parking on sections of local neighborhood streets other than those immediately fronting the applicant's property; and

(iii) The use of the optional development standards will not create additional traffic congestion or risks to public health and safety in the surrounding area.

(m) Certificate of Appropriateness[1004]

A certificate of appropriateness in the HP-O district shall be approved as described in Section 29-2.3(c)(8).

(n) Landmark and Historic District Designation[1005]

Designation of landmark and historic districts shall be approved as described in Sections 29-2.3(c)(5) and (6). If designated, the district shall be added to the list of approved districts in Section 2.3(c)(7).

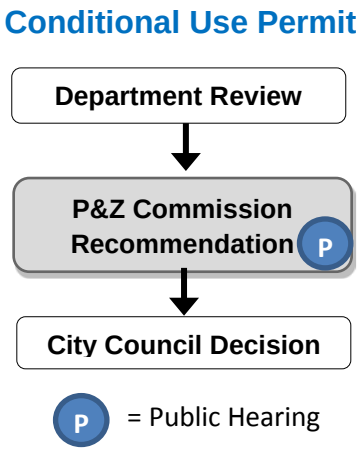
(o) Conditional Use Permit[1006]

(1) Procedure

(i) The Department shall review the application and shall forward a recommendation to the Commission based on the criteria listed in subsection (2) below.

(ii) The Commission shall hold a public hearing on the application and shall make a recommendation to the Council. The Commission's recommendation shall be based on the criteria in subsection (2) below and shall be in writing.

(iii) The after public hearing in front of the Commission, the Commission may make a tentative recommendation and direct the Department to draft a proposed written recommendation to be presented to Commission at its next meeting. Applicant may



[1004] From Sec. 29-21.4.
[1005] From Sec. 29-21.4.
[1006] Replaces Sec. 29-23. Now requires approval by Council, rather than Board, per advice of City counsel.

also submit a proposed recommendation to the Commission. The Commission may accept, reject, amend or modify any proposed recommendation and adopt such proposed recommendation as its final written recommendation to the Council.

(iv) The Council shall take final action on the application after considering the criteria in subsection (2) below. The Council's decision shall be in writing. The Council may accept, reject, amend or modify any written recommendation of the Commission and adopt such recommendation as its final written decision to the Council.

(v) An application for a conditional use permit may be combined with an application for a variance, but the Board shall decide the application for a variance based on the criteria for approval in Section 29-5.4(d)(Variance) before the Commission holds its public hearing on the conditional use permit.

(vi) A conditional use permit is to allow that use on a specific site and may not be transferred to any other site.

(2) Criteria for Approval[1007]

After giving due consideration to the following criteria, the Council may grant a conditional use permit may be granted and may include any conditions deemed necessary to carry out the provisions and intent of this Ordinance.

(i) General Criteria

(A) The proposed conditional use complies with all standards and provisions in this Ordinance applicable to the base and overlay zone district where the property is located;

(B) The proposed conditional use is consistent with the City's adopted Comprehensive Plan;[1008]

(C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;

(E) Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided;[1009] and

(F) The proposed variance will not cause significant adverse impacts to surrounding properties.[1010]

[1007] Revised for clarity and to require compliance with all City ordinances and regulations. Text requiring compliance with all other laws was deleted because addressed in Chapter 1; provisions for amendment of permits are now covered by Section 29-5.3(f).
[1008] New provision suggested in the Detailed Outline.
[1009] Revised to list required infrastructure review in more detail, in response to public comment.
[1010] New provision to reflect general practice.

(ii) Criteria for Communication Antennas and Towers[1011]

When considering a conditional use permit application for a Communications Antenna or Tower, the Board shall consider the following criteria in addition to those listed in subsection (i) above, and its decision shall be based on substantial evidence in the written record.

(A) Whether or not existing towers are located within the geographic area necessary to meet the applicant's engineering requirements.

(B) Whether or not existing towers, structures or buildings within the applicant's required geographic area are of sufficient height to meet system engineering requirements.

(C) Whether or not existing towers or structures have sufficient structural strength to support the applicant's proposed antennas.

(D) Whether or not the fees, costs, or other contractual terms required by the owner(s) of existing tower(s), structure(s) or building(s) within the required geographic area of the applicant or to retrofit the existing tower(s) or structure(s) are reasonable.

(E) Whether or not there are other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable.

(F) Whether or not the proposal minimizes the number and size of towers or structures that will be required in the area.

(G) Whether or not the applicant has previously failed to take advantage of available shared use opportunities provided by this section or otherwise.

(H) Whether or not the applicant has provided sufficient evidence indicating that the tower will be made available for use by others, subject to reasonable technical limitations and reasonable financial terms.

(p) Subdivision of Land[1012]

(1) Applicability

(i) The provisions of this Section 29-5.4(p) shall apply to all divisions of land within the City into new or different lots for development, except as noted in subsection (ii) below or as exempted by state or federal law or court decisions interpreting those laws.[1013]

(ii) A transaction involving the sale or exchange of small[1014] tracts or parcels of land to or between adjoining properties where such sale or exchange does not create additional lots or parcels for development and does not otherwise violate this Ordinance shall be exempt from the requirements of this Section 29-5.4(p).

[1011] From Sec. 29-21.3; overlaps with general criteria have been removed.
[1012] Materials from Chapter 25, Article III, reorganized and with changes as noted. Revised to clarify that criteria in both subsections (i) and (ii) must be met, per staff's request.
[1013] New provision reflecting current practice.
[1014] "Small" added since Module 3.

(2) General Provisions[1015]

(i) No street shall be constructed nor shall any street be accepted or maintained by the City; no street lighting, water or sewer service shall be extended to or connected; no building, electrical, plumbing, occupancy or other permit or license shall be issued by any department of the City or by any officer or employee for the construction of any building or improvement on land which does not meet the definition of "lot" in Section 29-1.13. This requirement shall not apply to alterations of existing buildings that increase the gross floor area or building footprint by less than 10 (ten) percent of existing.[1016]

(ii) All persons are hereby notified of the existence of the comprehensive plan of the City, as amended, and of any sites or areas within any proposed subdivision that may be designated on the comprehensive plan, as amended, as sites or areas for possible acquisition by condemnation or purchase by the City for public uses and purposes.

(iii) The Council may allow the subdivider to place notes on the plat that are explanatory or that impose obligations on the property owner or that restrict use of the property. Obligations and restrictions set forth in notes on a plat may be eliminated only by ordinance or resubdivision, and such obligations and restrictions shall not be eliminated unless the Council determines that the elimination will not be detrimental to any land in the subdivision or to any neighboring property.

(iv) The proposed name of the subdivision shall not duplicate or sound like the name of any other subdivision, any existing or platted street, or any established business or development in Boone County.

(v) The criterion for approval of a major, minor, or administrative subdivision is whether the proposed preliminary or final plat conforms to this Ordinance and to all other City ordinances and regulations.[1017]

(vi) Any requests for deviations from the Subdivision Standards of Section 29-4.3 shall be included in the preliminary plat application as a request for a “design adjustment”. Recommendations on requests for design adjustments shall be made by the Director and the Commission, and shall be decided by Council, simultaneously with review and final decision on the plat.[1018]

(vii) If a design adjustment(s) is requested, the Director or Commission may recommend approval of the design adjustment if it determines that the following criteria have been met, and the Council shall consider these criteria in making a decision on the requested design adjustment.

1) The design adjustment is consistent with the City’s adopted comprehensive plan and with any policy guidance issued to the Department by Council.

[1015] Secs. 25-17, 25-19, 25-20.1, and 25-40.
[1016] Revised since Module 3 to avoid inference that streets must be on platted lots.
[1017] New provision to clarify current practice.
[1018] New provision to clarify current practice. Subdivision variances are not permitted; instead, the applicant requests adjustments from Subdivision Standards during the plat review and approval process.

2) The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;

3) The design adjustment will not make it significantly more difficult for automobiles, bicycles, or pedestrians to circulate in and through the plat than if the Subdivision Standards of Section 29-4.3 were met.

4) The design adjustment is being requested to address a unique feature of the site, or to achieve a unique design character, and is not being requested to avoid installation of improvements or site features required of other subdividers.

5) The design adjustment will not create adverse impacts on public health and safety.[1019]

(3) Procedure

(i) Sequence of subdivision process[1020]

(A) An applicant for a minor subdivision shall apply for and secure approval of the proposed subdivision through a two-step process including: (1) concept review, and (2) final plat.

(B) An applicant for a major subdivision shall apply for and secure approval of the proposed subdivision through a three-step process including: (1) concept review, (2) preliminary plat, and (3) final plat.

(C) An applicant for an administrative subdivision shall apply for and secure approval of the proposed subdivision through a one-step process including (1) administrative plat approval.

(D) A tract split is not a subdivision, but an alternative to subdivision that requires full completion of the subdivision process at a later time.[1021] An applicant for a tract split shall apply for and secure approval of the split through a two-step process including: (1) concept review, and (2) tract split.

(ii) Coordination with PD Zoning[1022]

(A) Whenever a proposed development plan for a PD zone district requires a subdivision of land, approval of the subdivision of land shall be required in addition to approval of the PD zone district and development plan. Subdivision review may be carried out simultaneously with the review of the development plan, and the required information may be included in a single document that serves as both a development plan and a preliminary plat, as described in the following procedure:

1) An application for approval of a development plan for a PD zone district shall include all information normally required for submission and approval of a preliminary subdivision plat.

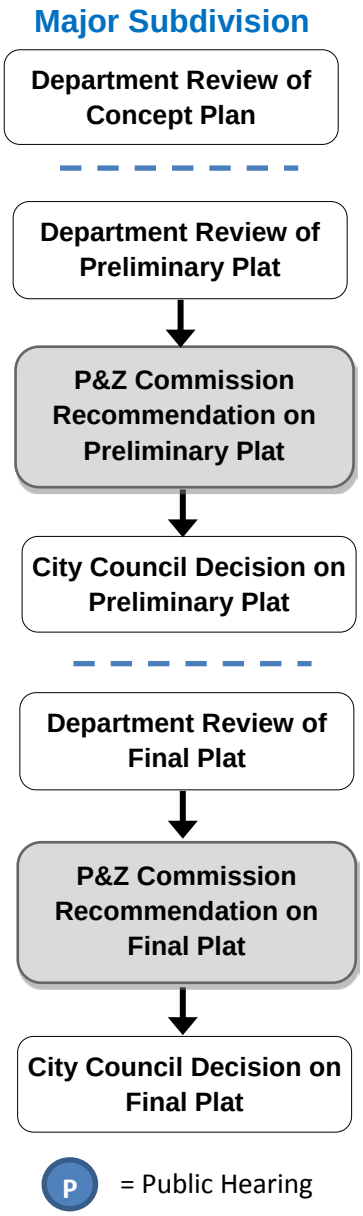
[1019] New section. The current code does not have criteria for consideration of requests to diverge from the Subdivision Standards (except the specific criteria for sidewalk variances in Sec. 29-4.3(d)).
[1020] Sec. 25-21.
[1021] First sentence is new clarify that tract split is not itself a subdivision.
[1022] Sec. 25-22. Wording revised to clarify that a single document can be used for both.

2) Commission review and recommendation of the preliminary plat shall be accomplished at the time of, and as a part of, its review and recommendation of the PD development plan.

3) Approval of the PD development plan shall constitute approval of the preliminary subdivision plat.

(iii) Concept Review[1023]

Before preparing the preliminary plat of a major subdivision or the final plat of a minor subdivision, the subdivider shall discuss with the Director the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, the availability of existing services, and other requirements of this Ordinance or other City ordinances or regulations. The Director shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those City officials who must recommend approval of certain aspects of the subdivision plat coming within their jurisdiction. The geographic scope of the review shall include the whole property held in common ownership for which whole or partial subdivision platting is desired by the subdivider, as well as the surrounding property that might reasonably be affected by subdivision of the subject property. The concept review is an informal discussion made available to the subdivider, and the subdivider may, after meeting with the Director, proceed to prepare and submit a preliminary plat for a major subdivision or a final plat for a minor subdivision.



(iv) Preliminary Plat Review[1024]

(A) The Director shall refer the preliminary plat to the appropriate City departments, together with an indication of its tentative agenda placement before the Commission, and shall receive reports from other departments as to the conformance of the proposed plat with this Ordinance and

[1023] Sec. 25-23, expanded to include discussion of all City ordinances and regulations.
[1024] Sec. 25-25, with application materials removed for inclusion in an administrative manual.

other City ordinances and regulations. If a design adjustment(s) has been requested, the departments may comment on the proposed design adjustment.

(B) The Director shall request the subdivider to make such changes to the plat as are necessary to comply with this Ordinance and other City ordinances and regulations, or to address any adverse impacts of proposed design adjustments.

(C) The Director shall forward the plat to the Commission and advise the Commission of the conformance or nonconformance of the plat with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the Director may advise the Commission on any potential impacts of those design adjustments.

(D) The Commission shall hold a public meeting on the preliminary plat and shall make a decision to recommend the plat (including any requested design adjustments) to Council for approval, conditional approval, or denial. The applicant shall be advised in writing of any revisions to the plat required by the Commission.[1025]

(E) Failure of the Commission to act within sixty (60) calendar days after the date of application of the plat shall be deemed a recommendation for approval (including any requested design adjustments), except that the Commission or Director, with the consent of the subdivider, may extend this period to a stated future date. For purposes of this provision, the date of application shall be deemed to be the filing deadline date for the Commission agenda following the date on which complete application materials are submitted.[1026]

(F) The Council shall take action on the plat (including any requested design adjustments) by resolution. If the Commission has recommended denial of the preliminary plat (or any requested design adjustments), the Council, by a vote of not less than two-thirds of its entire membership, may overrule the disapproval.

(G) Approval of a preliminary plat by the Council shall confer upon the applicant for a period of three (3) years,[1027] beginning at the effective date of Council approval, the following rights:

1) The terms and conditions under which the preliminary plat was given approval shall not be changed except as noted in subsection 3) below.

2) The subdivider may submit on or before the expiration date a final plat for the whole or any part of the subdivision for approval.

3) Each final plat for land included in the preliminary plat application shall comply with any new technical or engineering standards or requirements adopted by Council between the date of the preliminary plat approval and the date of each final plat application for land included in the preliminary plat.[1028]

[1025] Replaces current language about marking up the tracing, since tracings are no longer used.
[1026] Time for action revised from 45 to 60 days to align with state statute. Second sentence is new.
[1027] Changed from 7 to 3 years, which is much more typical and avoids problems that arise when new standards are adopted between preliminary and final plat.
[1028] Second phrase is new. Columbia allows preliminary plats to be approved without construction or engineering drawings, so this requirement does not require changes to existing construction documents.

4) If the subdivider does not submit a final plat for any portion of the subdivided property before the expiration date, the preliminary plat approval shall expire and be of no force or effect.[1029]

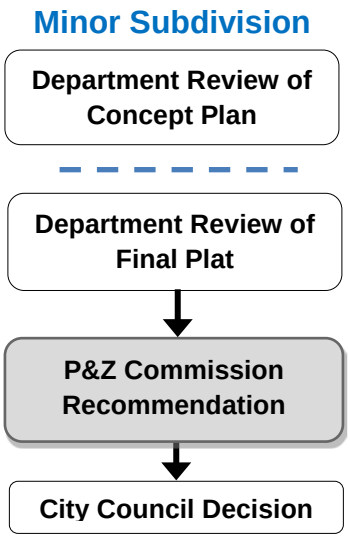
5) The time for filing of a final plat may be extended by the Council for a specified period on such terms and conditions as the Council may approve.

(v) Final Plat Review[1030]

(A) Following the approval of the preliminary plat of a major subdivision or completion of the concept review for a minor subdivision, the subdivider may file an application for final plat approval in order to complete the subdivision process. The application shall be in substantial compliance with the approved preliminary plat.

(B) For a minor subdivision:

1) The Director shall refer the final plat (including any requested design adjustments) to the appropriate City departments, together with an indication of its tentative agenda placement before the Council, and shall receive reports from the departments as to the conformance of the proposed plat with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the departments may comment on the proposed design adjustment.



2) As a result of review by the other departments, the Director shall request the subdivider to make such changes necessary to cause the plat to be in conformance with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the Director may advise the Commission on any potential impacts of those design adjustments.

3) The Commission shall make a decision to recommend the plat (including any requested design adjustments) to Council for approval, conditional approval, or denial. The applicant shall be advised in writing of any revisions to the plat required by the Commission.[1031]

4) The Council shall take action on the plat (including any requested design adjustments) by resolution. If the Commission has recommended denial of the preliminary plat (or any requested design adjustments), the Council, by a vote of not less than two-thirds of its entire membership, may overrule the disapproval.

(C) For a major subdivision:[1032]

[1029] Second sentence added for clarification at request of staff.
[1030] Sec. 25-27, with application materials removed for inclusion in an administrative manual. Text clarifies that minor subdivisions do not need to go through Commission review.
[1031] Replaces current language about marking up the tracing, since tracings are no longer used.
[1032] Prohibition on plat changes without re-approval by Council deleted because Administrative Plats allow that.

1) The Director shall refer the final plat (including any requested design adjustments) to the appropriate City departments, together with an indication of its tentative agenda placement before the Council, and shall receive reports from the departments as to the conformance of the proposed plat with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the departments may comment on the proposed design adjustment.

2) As a result of review by the other departments, the Director shall request the subdivider to make such changes necessary to cause the plat to be in conformance with this Ordinance and other City ordinances and regulations. If a design adjustment(s) has been requested, the Director may advise the Commission on any potential impacts of those design adjustments.

3) The Commission shall make a decision to recommend the plat (including any requested design adjustments) to Council for approval, conditional approval, or denial. The applicant shall be advised in writing of any revisions to the plat required by the Commission.[1033]

4) The Director shall forward the plat to the City Manager for Council consideration and advise the Council as to its conformance or nonconformance with this Ordinance and other City ordinances and regulations.

5) The City Manager shall certify to the Council that the final plat is in accordance with the approved preliminary plat and that all conditions precedent established by the Council have been met.

6) Following certification by the City Manager to the Council, the Council shall take action on the final plat.

(D) The Council shall take action by ordinance on the final plat within forty-five (45) calendar days after its submission to the Council, and failure of the Council to act within that time period shall be deemed approval, except that the Council may extend this period to a stated future date with the consent of the subdivider or for good cause stated in writing to the subdivider.[1034]

(vi) Signing and Recording[1035]

After Council approval of a final plat, it shall be the responsibility of the City clerk to file the plat with the office of the county recorder of deeds. Simultaneously, the City clerk shall cause to be recorded all other documents required to be recorded with the plat, pursuant to Council approval and as determined by the City counselor.[1036]

[1033] Replaces current language about marking up the tracing, since tracings are no longer used.
[1034] Revised to add ability of City to delay the period for good cause provided in writing.
[1035] Sec. 25-29, with wording revised for clarity. Details of mayor's signature and City clerk action were deleted as internal matters for inclusion in an administrative manual, and because technology is changing the way in which plat approvals are documented.
[1036] Requirement to distribute plats to other departments was deleted, as they are now maintained electronically.

(4) Resubdivision[1037]

(i) Applicability

(A) A change to an approved or recorded final plat will require review and approval of a resubdivision of the property if the change affects any street layout, any area reserved for public use,[1038] or any condition imposed by Council, or if the revised plat creates additional residential lots.[1039] Only that portion of the plat being changed must be resubdivided.

(B) A change to an approved or recorded plat that does not change any street layout, any area reserved for public use,[1040] or any condition imposed by Council, and that does not create additional residential lots may be approved by the Director if it complies with this Ordinance and other City ordinances and regulations. If approved, the applicant shall be required to prepare a revised final plat document and the clerk shall record the revised final plat before the revisions shall be in effect.[1041]

(ii) Procedure for a Major Subdivision

(A) If the Director determines the proposed resubdivision is in substantial conformance with a valid approved preliminary plat, the subdivider shall apply for and secure approval of a revised final plat from Council.

(B) If the Director determines that proposed resubdivision is a substantial change from the approved preliminary plat, the subdivider shall apply for and secure approval of a revised preliminary plat from the Commission, and then approval of a final plat from Council, to complete the resubdivision. At the subdivider's option, the preliminary and final plat documents may be submitted at the same time and may be reviewed and considered for approval by City Council at the same time.[1042]

(iii) Procedure for a Minor Subdivision

The subdivider shall apply for and secure approval of a revised final plat from Council, to complete the resubdivision.

(iv) Criteria for Approval

(A) A resubdivision of land shall only be approved by the Council if the Council determines that:

[1037] Sec. 25-30, with changes as noted.
[1038] Phrase "any , any lot line, dimension or bearing" was removed, because almost all replats involve those changes, but those that do not create additional lots do not need re-approval by Council.
[1039] Phrase at the end of this sentence reading "provided that areas reserved for public use and dedicated to the City on the plat may be vacated by the Council without the need for a replat" was deleted as unnecessary.
[1040] Phrase "any , any lot line, dimension or bearing" was removed, because almost all replats involve those changes, but those that do not create additional lots do not need re-approval by Council.
[1041] New provision.
[1042] Revised to clarify that preliminary and final plats can be submitted and approved simultaneously.

1) The replat would not eliminate restrictions on the existing plat upon which neighboring property owners or the City have relied; or

2) Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided;[1043]

3) The replat would not be detrimental to other property in the neighborhood, or, if detrimental, the benefits to the subdivider and the public, outweigh the detriment to the property in the neighborhood.

(5) Administrative Plat Review[1044]

(i) Applicability[1045]

(A) The subdivider may file an administrative plat with the Director, if the plat meets the following criteria:

1) The plat does not create, vacate, or change the location and/or size of streets; and

2) The plat does not create any additional residential lot or mixed use lots that will contain residential uses.

(ii) Procedure

(A) The Director may approve the administrative plat if the Director determines that the revised lots and application materials, including but not limited to any utility construction documents, easements, and performance guarantees, comply with this Ordinance and all other City ordinances and regulations.

(B) On approval of the administrative plat, the Director shall sign the plat and cause it to be recorded with the recorder of deeds.

(C) No occupancy permit shall be issued for property included in the administrative plat unless and until the requirements of this Section 29-5.4(r)(5) are met and all required utility work is completed.

(6) Tract Split[1046]

(i) Applicability

The tract split procedure is intended to simplify the orderly subdivision of large tracts of land for separate parcel sale through an administrative approval process. Preparation of a formal subdivision plat, Commission review, and Council approval are

[1043] New standard in response to public comment.
[1044] Sec. 25-31. Application requirements were deleted and will appear in an administrative manual. Clause allowing appeal of a denied administrative plat to Council were deleted. This decision of the Director should go to the Board like all other appeals of Director's decisions.
[1045] Text revised for clarity since Module 3.
[1046] Sec. 25-33, with wording clarified and simplified. Clause allowing appeal of a denied administrative plat to Commission and then to Council were deleted. This decision of the Director should go to the Board like all other appeals of Director's decisions.

not required at the tract split stage, but will be required when the parcels resulting from a tract split are further divided into individual lots or developed.[1047]

(ii) Procedure

(A) The Director shall complete a concept review of the application and consult with other City departments and public or quasi-public agencies as he may deem necessary to confirm compliance with this Ordinance and other City ordinances and regulations.

(B) The Director shall approve or disapprove the request, and notify the subdivider in writing of the decision, within fourteen (14) calendar days after application filing.

(C) If the Director determines that the application does not qualify for approval as a tract split, the application shall be treated as a minor or major subdivision, depending on the number of parcels being created and the need for improvements or dedication of land.[1048]

(D) The Director, on approval of a tract split, shall certify to the recorder of deeds that the tract split survey complies with all the provisions of this Ordinance.

(E) Except as otherwise provided in this Ordinance, no permit for street or utility extension, nor permit for building development shall be issued for any of the parcels resulting from an approved tract split unless or until such parcel or portion of a parcel has received major or minor subdivision approval under this Section 29-5.4(r).

(iii) Criteria for Approval

The Director may approve a tract split if the Director determines that the following criteria have been met:

(A) The property shall be divided into not more than five (5) parcels.

(B) Adequate provision has been made for future subdivision of the resulting parcels for development, for the opening of future streets to serve the parcels, and for the extension of utilities or related public improvements and facilities, as required by the procedures, and subject to the standards and criteria, in this Ordinance.

(C) The resulting parcel configuration does not adversely affect development of the balance of the tract or parcels, or of adjoining properties, and does not conflict with any provision of the comprehensive plan, this Ordinance, or other City ordinances or regulations.

(7) Monuments[1049]

(i) Monuments shall be selected from the types described by the "Minimum Standards for Property Boundary Surveys" of the Missouri Department of Natural Resources.

[1047] Minor wording revisions to match current practice.
[1048] New provision to clarify current practice.
[1049] Sec. 29-37. Specific application requirements will be removed and placed in an administrative manual. Since Module 3, exemption from platting interior lot corners in a PUD has been removed.

(ii) Monuments shall be set or confirmed at all controlling corners on the boundary of the subdivision and all block corners, points of intersections, points of curvature and points of tangency within the subdivision.[1050]

(iii) On an individual lot within a subdivision, monuments shall be set or confirmed at all the corners of the lot.[1051]

(8) Completion and Dedication of Improvements

(i) Requirement[1052]

(A) The subdivider shall be required to complete all improvements and utilities required by the Council, and upon completion shall dedicate such improvements and utilities to the City, free and clear of all liens and encumbrances on the property,[1053] unless the existence of such liens and encumbrances are approved by the City.[1054] The subdivider shall construct and complete all required improvements and utilities before recording the final plat unless the subdivider provides a performance bond as described in subsection (B) below.

(B) If completion and dedication of improvements and utilities as describe in subsection (A) above has not been completed prior to final plat approval, the Council may require a bond or such other surety as it may deem appropriate to secure construction to be completed within a reasonable period specified by the Council and expressed in the bond or other surety, in an amount and with surety and conditions satisfactory to the Council.

(C) All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the design standards and requirements in this Ordinances and in related public improvements standard specifications or policies established by the City departments charged with responsibility for those improvements.[1055]

(D) Required improvements shall be inspected during construction and installation to ensure satisfactory completion of those improvements, in accordance with inspection requirements adopted by the Council or by the City departments charged with responsibility for those improvements.

(E) Approval of a final plat, and acceptance of improvements shown on that plat by the Council, shall not prevent the Council from causing public improvements to be enhanced, enlarged or upgraded, in order to accommodate a higher level of service demand resulting from any subsequent change in the use of land within the

[1050] Since Module 3, requirement that this occur prior to plat approval by Council has been removed.
[1051] Since Module 3, requirement that this occur prior to building permit has been removed.
[1052] Sec. 25-57 and 25-60, with changes as noted. Enforcement text was moved to the enforcement section. Intent statements in 25-60 regarding continued implementation of City infrastructure programs and minimizing breakage of streets were deleted as unnecessary. They had no regulatory effect and are addressed in public works policies outside this Ordinance. Text revised to provide that performance contract (as an alternative to a performance bond) is no longer available per advice of City counsel.
[1053] Phrase “or public improvements dedicated” was removed at this point as unnecessary.
[1054] Text revised to allow City to consent to liens and encumbrances.
[1055] Compliance requirements now apply to all parts of this Ordinance (not just selected section).

subdivision, whether by benefit assessment, agreement among the parties or by such other mechanism as may be available now or may subsequently become available to the Council.

(ii) Failure to Complete Improvements[1056]

If any improvement or utility is not completed or installed and duly accepted for dedication within the time period specified in the performance agreement or bond, either by reason of incompletion or by reason of substandard construction, the Council may, at its option:

(A) Declare any bond or other approved surety device to be forfeited, pursue legal and equitable action to obtain necessary funds from the sureties, and cause satisfactory completion and installation of all improvements and utilities previously required;

(B) Declare an applicable improvements guarantee agreement to be breached and pursue legal and equitable action to cause satisfactory completion and installation of the improvements and utilities;

(C) The Council may extend the time limit set for satisfactory completion of the improvements and utilities for one (1) year upon the request of the subdivider and showing of a reasonable necessity for such extension. The Council may approve no more than three (3) one-year extensions, and may approve no extension without a reasonable showing of the necessity for the extension. In the event that an extension of the time limit is granted, the Council may require further financial assurances for completion in the form of a performance bond or other acceptable surety device;[1057]

(D) Pursue any legal or equitable action necessary to ensure satisfactory completion of the improvements or utilities.

(iii) Reduction or Release of Guarantees[1058]

In those cases where a performance or other surety guarantee has been made under subsection (i) above, the amount of guarantee may be reduced upon public acceptance of dedicated portions of the required improvements. The amount of surety shall not be reduced to an amount less than the estimated cost of constructing the required improvements which have not yet been accepted by the City. In no case shall the amount retained by the City be less than five (5)[1059] percent of the original amount, pending completion and acceptance of all of the required improvements. Upon acceptance of the dedication of the final portion of the improvements, the City shall authorize the release of the remaining portion of the improvements guarantee.

(q) Ordinance Text and Zoning Map Amendments

(1) General Zoning Map and Text Amendments

[1056] Sec. 25-58.
[1057] Revised to allow for three 1-year extensions instead of one 5-year extension.
[1058] Sec. 25-59, with changes as noted.
[1059] Reduced from 15% to conform to Sec. 89.410.4.

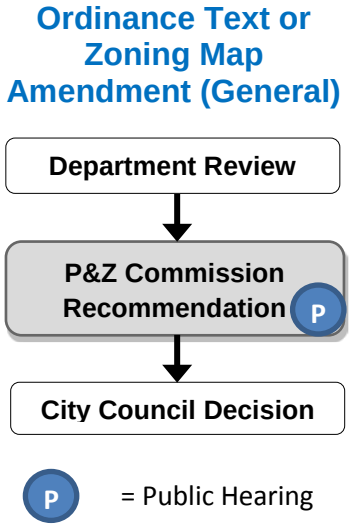
(i) Applicability[1060]

(A) Any person, firm, or corporation owning real property within the City, the Commission, or the Council may file an application to change the text of this Ordinance.

(B) Any person, firm, or corporation owning real property within the City, or the Commission, or the Council, may file an application to change the boundaries of any base or overlay district on the Zoning Map, including but not limited to proposed changes in the Regulating Plan for the M-DT zoning district; provided that no person, firm, or corporation may file an application to change the boundaries of a base or overlay zone district or any portion of the Regulating Plan for property not owned by that person, firm, or corporation.

(C) No application for a general Zoning Map or text amendment shall request changes in the alternative; the requested Ordinance text and/or boundary change shall be stated as a single proposal to the City. An applicant may include separate requests for changes to more than one section of the Ordinance, or to the Zoning Map as applied to more than one lot, tract or parcel in common ownership, so long as no changes are presented in the alternative.

(D) No application to amend the Zoning Map may be filed if it is the same or substantially the same as an application submitted within the previous twelve (12) months that was denied by the Council or withdrawn by the applicant after a negative recommendation from the Commission. The Council may, in its sole discretion, authorize a resubmittal within the twelve (12) month period after reviewing a written request from the applicant that provides justification for the early resubmittal.



(ii) Procedure

(A) The Department shall review the application and shall forward copies of the application and supporting documents to other City departments and public or quasi-public agencies affected by the requested change. The departments or agencies to which the application is sent shall, within ten (10)[1061] days of receipt of the application and supporting materials, forward their recommendations to the Department. The failure of a department or agency to respond within ten (10) days shall be construed as that department or agency having no objections to the proposed change.[1062]

[1060] Consolidates Secs. 29-33 and 34, and replaces 25-9. Modified to provide that the Commission may also file applications for map or text amendment,. Prior draft language allowing individuals to file rezoning applications for property they do not own has been deleted.
[1061] Reduced from 15 to 10 days to match current practice.
[1062] Time for response reduced from 15 to 10 days and final sentence added.

(B) The Department shall make a written recommendation to the Commission as to whether the proposed change conforms to the City's adopted comprehensive plan, whether adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are available to support development that would be enabled by a proposed zoning map change, and the expected results of the proposed change.[1063]

(C) The Commission shall hold a public hearing on the application and shall make a recommendation to the Council.[1064]

(D) The Council shall take final action on the application. The Council shall not approve a change to the Ordinance text or Zoning Map that allows less restrictive development, or that enlarges the area to be rezoned beyond the area that was the subject of the public notice and Commission public hearing.

(E) If a protest against a change to the Zoning Map duly signed and acknowledged by the owners of thirty (30) percent or more, either of the area of land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the area proposed to be changed, the Zoning Map change amendment shall only be adopted if it receives the affirmative vote of two-thirds of the members of the Council then in office and not disqualified from voting under Section 2-53.1. An abstention shall not be counted either for or against the amendment. In order to be valid, protest petitions must be filed with the City clerk no later than noon on the Wednesday before the Council meeting at which the proposed amendment is scheduled to be considered for passage.[1065]

(F) The City manager may place a Council bill that changes the Zoning Map, including but not limited to a proposed change in the Regulating Plan for the M-DT zoning district, or approves a development plan, or amends this Ordinance, on the Council consent agenda if the City manager determines that the following criteria have been met:

1) The Commission has recommended approval of the application and less than twenty-five percent (25%) of the Commissioners present voted against the motion to recommend approval.

2) The applicant agrees with the Commission recommendation, including but not limited to any conditions, limitations, or restrictions to the application as originally filed.

3) No protest petition has been timely filed with the City clerk.

[1063] Provisions of current Sec. 29-34(a)(2) outlining details of Department review are not carried over given the general procedures in Sec. 29-5.3 above. Application requirements in Sec. 29-34(a)(3) were deleted for inclusion in an administrative manual. Revised to include additional information regarding infrastructure in response to public comments.

[1064] Requirement for scheduling on the "next regular meeting date" of the Commission were deleted, since public hearing scheduling is now addressed by Sec. 29-5.3(d).

[1065] Sec. 29-34(b). Specific protest provisions for PUD zone district have not been carried over. All PD rezonings are now subject to the same protest provisions applicable to standard rezonings.

4) The Commission has not recommended that the proposal be considered under old business.

(G) Any Council bill to change the Zoning Map including but not limited to proposed changes in the Regulating Plan for the M-DT zoning district; placed on the consent agenda shall be removed and placed under old business at the request of a Council member. The Council may remove any such bill from the consent agenda and place it under old business at the Council meeting at which the Council bill is scheduled to be considered for passage.[1066]

(2) Zoning Map Amendments to PD District[1067]

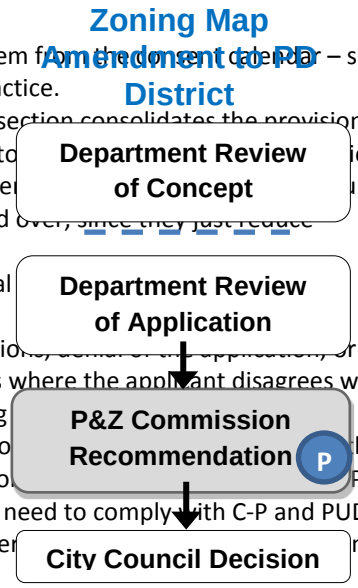
(i) Applicability

(A) Applications to change the Zoning Map to designate land into a PD zone district, or to modify a PD zone district, shall be made, reviewed, and decisions made as described in Section 29-5.4(q)(1) above, except to the extent those requirements are modified in this subsection (2).

(B) Rezoning into a PD district requires Council approval of a Zoning Map amendment, a statement of intent for the proposed development, and a development plan for the property. The development plan shall be binding on the owner and its successors and assigns. Later development applications must be consistent with the approved development plan, or the development plan will need to be modified by Council action.[1068]

(ii) Approval Procedure[1069]

(A) Before filing an application, the applicant must first meet with the Director for a concept review of the proposal. The concept review is an informal discussion to discuss land use and development concepts, consistency with the City's adopted comprehensive plan, applicable sections of this Ordinance and other City ordinances and regulations, and other concerns about the impacts of the proposed change that



[1066] Wording revised to state that Council, not the public, must remove the item from the consent calendar – since this is an internal administration matter for Council. This matches current practice.

[1067] Consolidated from current Secs. 29-10, 29-13.1, 29-17, and 29-19.1. This section consolidates the provisions for rezoning to a PUD, O-P, C-P, or M-P districts into a single procedure to apply to [illegible]ict. Overlaps and repetition with standard zoning map change procedures were re[illegible]ures in Sections 29-10(g), 29-13.1(g), 28-17(g), 29-18, and 29-19.1 were not carried over, since they just reduce application requirements and can be addressed in an administrative manual.

[1068] Revised to clarify that the Statement of Intent is not binding. As a practical [illegible] vague to guide future applications or decision-making.

[1069] Provisions in Sec. 29-10(e)(4) allowing requests for modification of conditi[illegible] withdrawal of the application were deleted as unnecessary since applications where the applicant disagrees with the conditions will be considered as old business under the standard rezoning [illegible] Council to withdraw a development plan within 2 years if development has no[illegible] that would result in a "shell PUD". The better practice would be for Council to rezo[illegible] PD district. Provisions stating that approved C-P and PUD development does not need to comply with C-P and PUD regulations adopted later were not carried over, since the Ordinance no longer [illegible]ns (they are in the development plans).

may be raised.

(B) The application shall be accompanied by a development plan meeting the City's requirements, and the application and development plan shall be reviewed by the Department and Commission, and shall be the subject of final action by Council, simultaneously. No application for a Zoning Map change to a PD district shall be approved without approval of an accompanying development plan.[1070]

(C) The application materials shall document whether adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are available to support the proposed development.[1071]

(D) The application or the required development plan shall list the permitted and conditional uses in the proposed PD district using the same names for uses, or combinations of those names, shown in Table 29-3.1-1 to the greatest degree practicable, and may not contain any permitted or conditional use that is not shown in Table 29-3.1-1, as that table appears at the time of the application.[1072]

(E) If the proposed PD development will require subdivision or resubdivision of land, the requirements of Section 29-5.4(r) regarding subdivision of land shall apply, but the application for a PD zone district and subdivision of land may be completed simultaneously as described in Section 29-5.4(r)(3)(ii). Any variances to the subdivision regulations proposed as part of the PD application shall be clearly stated on the PD development plan. Such variances shall be considered along with Commission and Council review of the plan.

(F) No building permit shall be issued for any construction in a PD zone district until the development plan has been approved by the Council.

(G) No building permit shall be issued for any construction in a PD zone district that requires subdivision or resubdivision of land until a final subdivision plat for the property on which permits are requested has been approved by Council.

(H) If the PD includes buildings other than single-family detached dwellings or two-family dwellings, with each such dwelling located on an individual platted lot, no building or footing and foundation permit shall be issued until the site plan filed with the application for a building permit has been reviewed by the Director for compliance with the approved development plan.[1073]

(I) If construction consistent with the approved development plan has not begun within three (3) years[1074] after Council approval of the development plan or a major modification of the development plan, the development plan shall expire and be of no force or effect, and no permit for development within the PD zoning district shall be approved until a new development plan is approved pursuant to the same procedures used to approve the initial PD zoning district. Prior to expiration of the

[1070] This is a significant change from the current procedures, which allow for approval of a planned district first and a development plan later. This creates problems with "shell PUDs" that do not clarify what development is possible within the district.
[1071] New criteria included in response to public comments.
[1072] New general provision to replace the specific lists of uses for the four current planned districts.
[1073] Existing provisions combined and exemption of 1 and 2 family dwellings from site plan requirement clarified.
[1074] Revised from 5 years to align with revised expiration date for preliminary plats.

PD development plan, the Council may extend the time for a one (1) year period, on a one-time-only basis.[1075] A request for a time extension must be made in the form of a letter signed by the property owner or his agent.

(iii) Modification Procedure[1076]

(A) Minor changes to an approved development plan may be approved by the Director as described in Section 29-5.3(f). However the Director shall apply the following criteria to determine whether a proposed change is minor, instead of the criteria in Section 29-5.3(f)(1).

(B) If the PD zone district contains any single-family detached dwellings or two-family dwellings, minor changes are those that:[1077]

1) Comply with the original statement of intent;

2) Do not increase the project density in total or in areas of the PUD;

3) Do not change the dwelling unit type (attached, detached, multi-family) being altered;

4) Do not increase the height or size of any building;

5) Do not change the size or nature of public or private infrastructure;

6) Do not change the project amenities such as landscaping, open space, common area or recreational facilities;

7) Do not rearrange the locations of buildings;

8) Do not increase any parking area;

9) Do not change the permitted use of any structure; and

10) Do not create a potential increase in traffic.

(C) If the PD zone district contains does not contain any single-family detached dwellings or two-family dwellings, minor changes are those that:

1) Do not increase the height or size of any building;

2) Do not increase any parking area;

3) Do not rearrange the locations of buildings;

4) Do not change the size or nature of public or private infrastructure; and

5) Do not change the project amenities such as landscaping, open space, common area or recreational facilities.[1078]

[1075] Text revised to clarify that extension may only be for 1 year, at request of staff.

[1076] C-P district procedures allowing Director to make modifications to development plans approved before Nov. 18. 1996 were deleted, since all minor modifications are now covered by 29-5.3(f).

[1077] Criteria for minor modifications in PD (residential) districts, clarified and reworded.

[1078] Current O-P criteria reworded for clarity and made generally applicable to all PDs not containing single-family or two-family development. Minor wording differences between O-P, C-P, and M-P removed.

(D) Changes that do not meet the criteria for a minor change under subsection (B) or (C) above, as applicable, shall follow the same procedure as if it were a new development plan for the PD zone district. [1079]

(3) Zoning Map Amendment to UC-O District[1080]

Applications to change the Zoning Map to designate land into a UC-O zone district, or to modify a UC-O zone district, shall be made, reviewed, and decisions made as described in Section 29-5.4(q)(1) above, except to the extent those requirements are modified in this Section 29-2.3(a) (UC-O District).

(4) Zoning Map Amendment to SR-O District[1081]

Applications to change the Zoning Map to designate land into a SR-O zone district, or to modify a SR-O zone district, shall be made, reviewed, and decisions made as described in Section 29-5.4(q)(1) above, except to the extent those requirements are modified in this Section 29-2.3(b) (SR-O District).

(5) Zoning Map Amendment to R-MH District[1082]

(i) Applicability

(A) Applications to change the Zoning Map to designate land into an R-MH zone district, or to modify an R-MH zone district, shall be made, reviewed, and decisions made as described in Section 29-5.4(q)(1) above, except to the extent those requirements are modified in this subsection (5).

(B) Applications to change the Zoning Map to designate land into an R-MH district require Council approval of both a Zoning Map amendment and a development plan for the property that shall be binding on the owner and its successors and assigns. Later development applications must be consistent with the approved development plan, or the development plan will need to be modified by Council action.

(ii) Procedure

(A) Before filing an application, the applicant must first meet with the Director for a concept review of the proposal. The concept review is an informal discussion to discuss land use and development concepts, consistency with the City's adopted comprehensive plan, applicable sections of this Ordinance and other City ordinances and regulations, and other concerns about the impacts of the proposed change that may be raised.

[1079] Revised to clarify that Council decides all applications for major amendments.
[1080] Sec. 29-21.1 procedures have remained with the substantive controls for that district.
[1081] Sec. 29-21.2 procedures have remained with the substantive controls for that district.
[1082] Sec. 29-11(e), with wording revised and clarified for consistency with similar requirements for PD zoning. Provisions allowing Council to withdraw a development plan within 2 years if development has not begun were deleted; the better practice would be for Council to rezone the property away from the PD district. Revisions to R-MH development plans are now subject to Section 29-5.3(f); existing modification provisions were not carried over. Text regarding right of the City to inspect, and duty of property owner to provide access to inspectors, was made generally applicable to all districts in the enforcement chapter.

(B) The application shall be accompanied by a preliminary development plan meeting the City's requirements, and the application and development plan shall be reviewed by the Department and Commission, and shall be the subject of final action by Council, simultaneously. No application for a Zoning Map change to an R-MH district shall be approved without approval of an accompanying preliminary development plan.[1083]

(C) If Council approves the Zoning Map change ordinance and the preliminary development plan, with or without conditions, the applicant shall submit a final R-MH development plan to the Director. The Director shall approve the application if it complies with this Ordinance, all other City ordinances and regulations, and is consistent with the preliminary development plan as approved by Council.

(D) If the proposed R-MH development will require subdivision or resubdivision of land, the requirements of Section 29-5.4(r) regarding subdivision of land shall apply, but the application for a R-MH zone district and subdivision of land may be completed simultaneously as described in Section 29-5.4(r)(3)(ii). Any variances to the subdivision regulations proposed as part of the R-MH application shall be clearly stated on the development plan. Such variances shall be considered along with Commission and Council review of the plan.

(E) No building permit shall be issued for any construction in an R-MH zone district until the final development plan has been approved by the Director.

(F) No electrical permit shall be granted for a manufactured home located in an R-MH district with an approved final development plan unless the placement of the manufactured home is in compliance with the approved final development plan.

(G) No building permit shall be issued for any construction in an R-MH zone district that requires subdivision or resubdivision of land until a final subdivision plat for the property on which permits are requested has been approved by Council.

(iii) Enlarging existing manufactured home parks

Application to enlarge manufactured home parks existing on [effective date of adoption of 29-5.3(e)] shall be subject to all provisions of this section relating to requirements for adoption of a new R-MH zoning district. When a final development plan is approved for an extension of a manufactured home park existing on [effective date of adoption of 29-5.3(e)], the screening requirements of Section 29-2.2(a)(4) shall apply to the entire manufactured home park.

(r) Annexation of Land[1084]

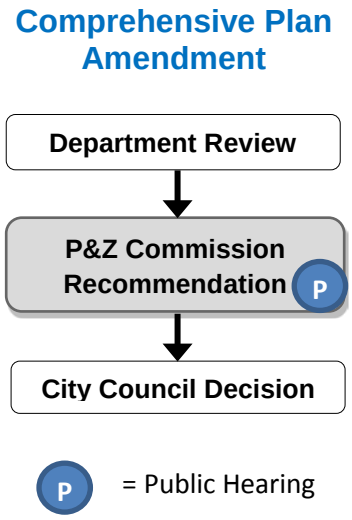
[New Section to be Inserted by Staff based on Current Practice]

[1083] This is a significant change from the current procedures, which allow for Council approval of an R-MH preliminary development plan first and Council approval of a final development plan later. The preliminary development plan now accompanies the rezoning ordinance, and approval of the final development plan is administrative, since the only question is whether the applicant made the changes to the preliminary development plan required by Council.
[1084] New section.

(s) Comprehensive Plan Amendment[1085]

(i) Applicability

This procedure may be used to amend the City's adopted comprehensive plan or to adopt a new comprehensive plan. An application to amend the comprehensive plan may be filed by the Commission, the Council, or any resident of the City. An application to adopt a new comprehensive plan may be filed by the Commission or the Council.



(ii) Procedure

(A) The Director shall review the application and make a report to the Commission regarding the areas of change from the adopted comprehensive plan and the anticipated long-term impacts of those changes on the growth, development, and sustainability, and affordability of the City, the investment climate in the City, and the efficiency of City administration.

(B) The Commission shall review the application, hold a public hearing on the proposed amendment, and make a recommendation to Council.

(C) The Council shall take final action on the application.

29-5.5 Nonconformities[1086]

(a) Nonconforming Uses[1087]

(1) Continuation, Changes, and Discontinuance

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

(A) A nonconforming use of land outside of a building shall not be extended or enlarged beyond the area of land on which it occurred on the date it became nonconforming or the annexation date.

(B) A nonconforming use of land inside a conforming building may be extended throughout the building that existed on the date the use became nonconforming or the annexation. The Board may grant permission for an extension of a conforming building to allow expansion of a nonconforming use in that building by up to twenty-

[1085] New section.
[1086] Consolidates material from Secs. 29-28 and 23-3, with changes as noted.
[1087] Sec. 29-28, with changes as noted.

five (25) percent upon a showing that relocation of the use to a district in which it would be a permitted or conditional use would be impossible or impracticable.[1088]

(C) If a nonconforming use of land or buildings is discontinued for a period of more twelve (12) months, any future use of such premises shall comply the provisions of this Ordinance.

(D) A nonconforming use of a building may be changed to another nonconforming that the Director determines will have fewer negative impacts on the surrounding area than the use it replaces, provided, that the original nonconforming use shall not be restarted.[1089]

(ii) A nonconforming use of land or buildings, if changed to a conforming use, may not be thereafter changed to a nonconforming use. A nonconforming use of buildings that is changed to a nonconforming use that the Director determines will have fewer negative impacts on the surrounding area may not thereafter be changed to any nonconforming use that the Director determines will have more negative impacts on the surrounding area.[1090]

(2) Damage and Destruction[1091]

If a nonconforming use of land or buildings is damaged or destroyed by an act of God, nature, or a public enemy, the use may be restarted in substantially the same configuration as before the damage or destruction, provided the use is restarted within twelve (12) months after the damage or destruction.

(b) Nonconforming Structures

(1) Continuation and Change[1092]

(i) Any structure that was legally constructed, or that was legal in Boone County on the date that land was annexed into the City, may continue in use, and may be transferred or sold to other owners or tenants, whether or not that structure complies with the

[1088] Final sentence is from 29-28(a)(4) revised to clarify that it applies to expansion of nonconforming uses in conforming buildings and include a standard for extensions different from the "hardship" standard for variances.
[1089] Combines Sec. 29-28(e)(1) and (2); revised to clarify language, to provide the discontinuance must be form 12 months or more for the nonconforming use to be lost (as it is for buildings). Clause on expansion of nonconforming structures reading "provided no structural alterations, except those required by law or ordinance, are made to the building" was deleted; most new codes permit improvements to the building, but not expansion of the building. Revised to provide for Director's decision and criteria for that decision, because current language allowing uses from a "more restrictive use classification" is outdated and will not work with the new use classifications. Limitation that this only occur if no structural alterations are made was deleted. Clarifies that this provision cannot be used to restart a non-conforming use that has closed.
[1090] Sec. 29-28(a)(3) with wording clarified and second sentence deleted as unnecessary (it simply restates standard nonconforming law).
[1091] Sec. 29-29(b) revised to allow damaged nonconforming uses to restart if they do so promptly The current ordinance prohibits restarting or change of a nonconforming use if it is damaged by more than 75% of its reasonable value.
[1092] New section. The current ordinance only partially addresses continued use or expansion of nonconforming structures.

provisions of this Ordinance for the zoning district in which it is located, subject to the following conditions.

(A) Any expansion of a nonconforming structure shall conform to the building setbacks and all other dimensional standards applicable to new construction on the site.

(B) If the structure is occupied by a nonconforming use, any expansion of the nonconforming use into the building expansion area will require approval of the Board pursuant to Section 29-5.5(a) above.

(ii) Any structure, including fences, that was made nonconforming by its location in an area designated a scenic roadway area, if damaged or destroyed, may be rebuilt or replaced, providing such replacement does not exceed the size or height existing when the scenic roadway area designation became effective. Any rebuilding or replacement shall be done, considering their effect on the scenic road characteristics and current City standards that would be in conformance with the scenic road characteristics.[1093]

(2) Damage and Destruction[1094]

(i) If a nonconforming structure is damaged or destroyed by an act of God, nature, or a public enemy, and the damage to the structure does not exceed seventy-five (75) percent of its reasonable value, excluding foundations, the structure may be reconstructed in substantially the same configuration as before the damage or destruction. If the damage to the structure exceeds seventy-five (75) percent of its reasonable value, excluding foundations, the structure may only be reconstructed in compliance with this Ordinance, as applied to the zone district where the structure is located.

(ii) The provisions of subsection (i) shall not apply to structures containing only residential dwelling units (and permitted home occupations in those dwelling units), which may be reconstructed in substantially the same configuration as before the damage or destruction, regardless of the amount of damage or destruction.[1095]

(c) Nonconforming Lots

(1) A lot that does not conform to the standards in this Ordinance for the zoning district in which it is located may nevertheless be used for any use for which a conforming lot may be used, but must comply with all Dimensional Standards in Section 29-4.1, all Form-based Controls in Section 29-4.2, and all other provisions of this Ordinance applicable to property in that zoning district.

[1093] Relocated from SR-O district section since Module 2.
[1094] From Sec. 29-29(b) with changes. Subsection (a) now appears in Chapter 1; subsection (c) was deleted because the 10 year timeframe in which action under that subsection was to be taken has expired.
[1095] New provision.

(2) If the State of Missouri or the City acquires a portion of a tract or parcel of land for right-of-way and the remaining property thereby becomes nonconforming for the zoning district in which it is located, the property shall be treated as a conforming property.[1096]

(d) Nonconforming Site Features

Conforming land uses and structures on parcels or tracts of land that do not comply with one or more of the Parking and Loading standards in Section 29-4.4, the Landscaping and Screening standards in Section 29-4.5, or the Exterior Lighting standards in Section 29-4.7, may be expanded, revised, or redeveloped subject to the following conditions:

(1) The expansion, revision, or redevelopment must be to land uses and structures permitted in the zoning district where the property is located;

(2) The expansion, revision, or redevelopment must not increase any nonconformity with the standards in Sections 29-4.4, 4.5, or 4.7;

(3) Any expansion or change in land uses that increases the amount of parking required on the property shall require that the net increase in required parking be provided on-site.

(4) Any redevelopment of the property that results in the demolition of all or part of an existing primary structure and/or construction of new primary structures shall require that the property be brought into compliance with all applicable requirements of this Ordinance.

(e) Nonconforming Signs[1097]

(1) All signs which have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this Section 29-5.5(e).

(2) Nonconforming signs that become deteriorated or dilapidated to the extent of over sixty (60) per cent of the physical value they would have if they had been maintained in good repair must be removed within sixty (60) days. Nonconforming signs that are damaged to the extent of sixty (60) per cent or less of their physical value must be repaired within sixty (60) days from date of notification, or must be removed. Nonconforming signs that are damaged, other than by vandalism, to the extent of over sixty (60) per cent of their physical value must be removed within sixty (60) days of receiving such damage or brought into compliance with the provisions of this chapter. Nonconforming signs that are damaged by vandalism to the extent of over sixty (60) per cent of their physical value must be restored within sixty (60) days or removed or brought into compliance with the provisions of this Section 29-5.59(e).

(3) Nonconforming signs may not be enlarged or increased in height. Nonconforming signs that are enlarged or increased in height in violation of this section must be removed.

[1096] Sec. 29-28(e) revised for clarity and to delete provisions allowing reconstruction of the same building on the property. Most cities treat these types of properties the same as other properties for purposes of reconstruction and redevelopment.
[1097] Sec. 23-3, with changes as noted.

(4) Nonconforming signs may not be relocated except when such relocation brings the sign into compliance with this Section 29-5.5(e). Nonconforming signs that are relocated in violation of this section must be removed.

(5) Freestanding signs lawfully in existence on January 6, 1992, including freestanding signs existing pursuant to variances granted by the Board, that do not conform with the provisions of this Section 29-5.5(e) shall be removed, altered or replaced so as to conform with the provisions of this Section 29-5.5(e) no later than January 1, 2007. This subsection does not apply to billboards that were lawfully erected.

(6) The sign face of a nonconforming sign may be altered if the sign face is not enlarged beyond the maximum area allowed by this Section 29-5.5(e).

(7) On-premises wall, canopy and awning signs lawfully in existence on December 20, 1993, including signs existing pursuant to variances granted by the Board, that do not conform with the provisions of this Section 29-5.5(e) shall be removed, altered or replaced so as to conform with the provisions of this Section 29-5.5(e) no later than December 20, 2008.

(8) On-premises wall, canopy and awning signs in the Central Business District that were lawful conforming signs on February 19, 2007 but that do not conform with the provisions of section 23-12 shall be allowed to remain in place as lawful nonconforming uses until structurally altered or replaced through the sign permitting process. Ordinary replacement of sign messages, including replacement of sign panels and repainting of signs, and other alterations not requiring the use of the sign permitting process are permitted alterations provided the activity does not increase the extent of nonconformity.

(9) Lawful nonconforming signs in the Central Business District that were installed before 1956 that are deteriorated or damaged to any extent may be restored to their original condition. Any such sign that is destroyed may be replaced with a sign substantially the same as the original sign.

29-5.6 Violations, Enforcement, and Penalties

The provisions of this Ordinance shall be administered and enforced by the Director, except for the provisions of Sec. 29-4.6 (Storm Water and Natural Resources), which shall be administered and enforced by the Director of Public Works.[1098] The City building inspector and health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Code. It shall be the duty of the property owner to give the health officer or building inspector free access to all spaces or lots under the owner's control for the purpose of inspection. [1099]

(a) Violations[1100]

[1098] Carries forward general enforcement powers in Sec. 29-35, including separate enforcement authority for current Chapter 12A regulations.
[1099] Provisions of Sec. 29-11(e) (R-MH district) made generally applicable, to reflect current practice.
[1100] Integrates and updates violation provisions from Chapters 12A, 23, 25, and 29, including Secs. 12A-10, and 29-39.

It shall be a violation of this Ordinance to:

(1) Use any land or structure for a purpose not permitted by this Ordinance, or without any permits or approvals required from the City before commencing that use of land or structure;

(2) Divide any land into smaller areas of land for development, whether through deed, survey, or other means, without compliance with the requirements of this Ordinance;

(3) Expand, redevelop, or renovate any area of land or structure for which a permit or approval is required by this Ordinance without first obtaining those permits and approvals;

(4) Operate any business or land use for which the City or the state or federal government requires a license, permit, or approval, without first obtaining those permits and approvals;

(5) Park a motor vehicle in the residential yard in violation of Section 29-4.4(F)(3) and fail to remove it within five (5) days after notice from the City to do so, unless the property owner has first obtained a Temporary Permit for such parking under Sec. 29-5.4(g);[1101]

(6) Improve land or construct or modify structures in a manner that does not comply with any permits, approvals, or development plans, or that does not comply with any conditions on such permits, approvals, or development plans approved pursuant to this Ordinance;

(7) Use land or construct or modify structures in any PD zoning district in a manner that is inconsistent with the Statement of Intent for that zoning district;

(8) Obtain any permit or approval required under this Ordinance based on false statements or misrepresentation of facts in any application, documents, correspondence, testimony, or verbal communications with the City;

(9) Continue a land use or construction, modification, use, or occupancy of a land or structures after the City has suspended a permit or approval or issued a stop work order, until the City reinstates the permit or approval or withdraws the stop work order;

(10) Fail to install improvements required by this Ordinance or by an agreement between the City and the property owner or subdivider by the times required by this Ordinance or the agreement; and

(11) Take any other act that is prohibited by this Ordinance, or fail to act when that act is required by this Ordinance.

(b) Enforcement[1102]

(1) In order to enforce compliance with this Ordinance, the Director and the Director of Public Works, as applicable, are empowered to take the following actions.

[1101] Current provision made applicable to all residential uses instead of listing them (the current code lists most of them). Provisions of Sec. 29-30(7)(a) and (b) regarding proof of ownership of the vehicle and liability of all tenants and occupants for failure to cure a violation were not carried over.
[1102] Replaces and integrates Secs. 23-28 and 29, 25-13, 29-39, 12A-7 through13, and 12A-132.

(i) Cause a building or premises to be inspected for violations of this Ordinance, with such inspection occurring during normal business hours unless there is an imminent threat to public health or safety;

(ii) Order in writing that the owner or occupant of the property on which a violation of this Ordinance is found correct that violation within a reasonable time;

(iii) Order in writing that the owner or occupant of the property on which a sign has been erected, modified, repaired, or used in violation of this Ordinance remove the sign or bring it into compliance with this Ordinance within a reasonable time;

(iv) Order that any sign that is not be removed within the time stated in the notice of violation be removed by the City, with costs of removal to be charged to the property owner as described in subsection (2) below;

(v) Take action to prevent or to stop any use of land or structures, construction or repair of structures, or any division of land that constitutes a violation of this Ordinance, and/or to prevent the occupancy of the land or structure on which or in which the violation has occurred;

(vi) Revoke or suspend any permit or approval obtained through a false statement or misrepresentation of fact, or if the permit holder fails to comply with the terms or conditions of the permit or approval, with reinstatement of the permit or approval to occur only after the violation of this Ordinance has been remedied;[1103]

(vii) Refuse to issue any permit or approval, including but not limited to a building permit or certificate of occupancy, for any land use or structure that would violate this Ordinance, or that contains an existing violation of this Ordinance that has not been remedied after notice from the City;

(viii) Remove any unlawful signs on street rights-of-way and property owned by the City;

(ix) Authorize the City's legal officers to file a lawsuit or court proceeding to require compliance with this Ordinance and/or correction of any violation of this Ordinance or to require performance of claim damages for any failure to perform duties required by an agreement between the City and a property owner or subdivider related to a permit or approval under this Ordinance;

(x) Bring an action to require the owner of any property designated as a landmark or located in a landmark district who performs work in violation of this Ordinance or the requirements of Section 29-2.3(c) to return the landmark or property to its appearance and setting prior to the violation, to the greatest extent practicable, and to impose a "demolition without a permit fee" under Chapter 6; [1104] and

(xi) Take any action permitted by state law or the City's charter to abate a violation of this Ordinance that constitutes a nuisance, including without limitation taking those actions listed in Secs. 12A-201 through 207 (Nuisances)[1105]

[1103] From 12A-7 land disturbance permits, made applicable to all permits and approvals.
[1104] Section has been moved from the HP-O district since Module 2, and has been revised to clarify that in addition to returning a historic property to its original state (to the greatest extent feasible), the violator will be fined.
[1105] Provisions of Chapter 12A made generally applicable to the Ordinance.

(2) The enforcement actions set forth in subsection (1) above are cumulative and not exclusive. The City may pursue any available civil remedies, in any order, and may pursue more than one remedy at a time, and the City's choice to pursue one type of enforcement does not limit its ability to pursue different or additional enforcement actions until the violation has been corrected.[1106]

(3) If the Director orders the removal of a sign that violates this Ordinance, and that sign is later removed by the City pursuant to subsection (1)(iv) above, the Director shall submit the actual cost of such removal to the owner of the property. If the owner does not pay the cost within thirty (30) days of receipt, the Director shall certify the cost to the director of finance who shall cause a special tax bill against the property to be prepared and collected. The tax bill shall be due and payable from the date of issuance and shall be a lien on the property from the date of issuance until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of nine (9) per cent per annum.[1107]

(4) Any decision by the Director or the Director of Public Works to pursue any of the enforcement actions listed in subsection (1) (except orders for inspection, removal of signs on public rights-of-way and City owned property, and decisions to file an action in court) may be appealed the Board pursuant to Sec. 29-5.3(h) if filed within ten (10) days after notice of that decision. A timely appeal suspends the enforcement action pending the outcome of the appeal.

(c) Penalties[1108]

(1) Generally[1109]

The following provisions apply to all violations of this Ordinance unless an alternative penalty for a specific type of violation is listed in subsection (c)(2) below.

(i) The owner or general agent of a building or premises where a violation of this Ordinance has occurred, or the lessees or tenant of an entire building or entire premises where such violation has occurred, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation occurred, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be guilty of a misdemeanor.

(ii) A first misdemeanor under subsection (c)(1)(i) above shall be punishable by a fine of not less than ten dollars ($10.00) and not more than two hundred fifty dollars ($250.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

(iii) For the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars

[1106] From Sec. 12A-12, made generally applicable and updated.
[1107] Sec. 29-32, simplified.
[1108] Combines and updates provisions from Sec. 12A-11 and 12, 23-30, 25-62, and 29-39.
[1109] From Sec. 29-39.

($100.00) or more than five hundred dollars ($500.00) for each and every day that such violation shall continue, by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment, in the discretion of the court.

(iv) Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service, or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).

(2) Special Penalties

(i) Violations of Section 29-4.3 (Subdivision Standards)[1110]

(A) Any person violating the provisions of Section 29-4.3 shall pay to the City a penalty not to exceed three hundred dollars ($300.00) for each lot transferred or sold; the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalty.

(B) Any transfer or sale of land in violation of Section 29-4.3 shall be deemed to be null and void and the City may enjoin or vacate the transfer or sale by legal action, and may recover the penalty in such action.

(C) Any person violating the provisions of Section 29-4.3, in a manner that does not involve the transfer of lots or parcels of land shall pay to the City a penalty not exceeding five hundred dollars ($500.00) for each and every day that such violation shall continue, or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.[1111]

(ii) Violations of Section 29-4.6 (Storm Water and Natural Resources)[1112]

Violations of Section 29-4.6 shall be punishable in the same manner as Class A misdemeanors under Chapter 16 of this Code, and every day the violation continues (after notice from the City) shall constitute a separate offense. In addition, every one thousand (1,000) square feet of climax forest removed, destroyed or damaged in violation of Section 29-4.6 shall constitute a separate offense.

(iii) Violations of Section 29-4.10 (Sign Standards)[1113]

(A) The owner or general agent of a building or premises where a violation of Section 29-4.10 exists, or the lessees or tenant of an entire building or entire premises where a violation of Section 29-4.10 exists, or the general agent, architect, builder, contractor or any other person commits, takes part or assists in any such violation or who maintains any sign or premises in which a violation of Section 29-4.10 exists, shall be guilty of a misdemeanor and shall pay to the City a fine of not less than ten

[1110] Sec. 25-62. Subsection C was not carried over because covered by general enforcement powers listed above.
[1111] Revised to clarify that the fine accrues daily.
[1112] From Sec. 12A-11.
[1113] From Sec. 23-30.

dollars ($10.00) and not more than one hundred dollars ($100.00) for each and every day that such violation continues, unless subsection (B) below applies.

(B) If the violation of Section 29-4.10 is or was willful, the penalty for violation shall be a fine of not less than one hundred dollars ($100.00) or more than two hundred fifty dollars ($250.00) for each and every day that such violation shall continue or imprisonment for ten (10) days for each and every day such violation shall continue, or both such fine and imprisonment in the discretion of the court.

(C) Any such person who, having been served with an order, within ten (10) days after such service shall continue to violate any provision of Section 29-4.10 in the manner named in such order, shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).

(iv) Violation of Section 29-4.4(F)(3) (Parking – Use of Yards)

Any person found in violation of Section 29-4.4(F)(3) shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars ($100.00) or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

Appendix A: Street Standards[1114]

Design Standards for Streets, Sidewalks and Bikeways

(a) Purpose and Intent

(1) The 2025 Transportation Plan established a functional classification system consisting of Major Arterials, Minor Arterials, Major Collectors and Neighborhood Collectors. In developing new design standards, it was determined that local residential and local non-residential streets should also be included. This provides for an integrated street system.

(2) A roadway system must balance the conflicting goals of traffic movement and access to land. Arterials are primarily for the movement of through traffic; collectors provide equal attention to land access and through traffic; and local streets provide access to individual parcels of land at the expense of through traffic. Selecting the proper roadway design for each functional classification is vital to development of a system of roadways which provides the needed connectivity between all areas of the City as well as the capacity to handle future traffic volume.

(3) Design elements encompassing right-of-way width, pavement width, number of travel lanes, bike lane width, use of curb and gutter, sidewalk and pedway width, parking, driveways, buffer strip width, and utility easements must be appropriately selected to provide the function, character, traffic volume and speed desired.

(4) Major streets serve a development pattern that ranges from low density residential to intensely developed commercial centers and corridors. To meet such varied conditions and address neighborhood livability factors requires an array of design approaches. A "one standard fits all" is not consistent with traffic needs or the wide variety of situations encountered.

(5) In several of the street types, an alternative design will be considered or may be required when conditions specified in the standards are found to exist. This language was drafted specifically to allow a design appropriate for the land use and traffic conditions being created by a proposed development. The alternative design may be requested by the developer or recommended by City staff or the Planning and Zoning Commission. Criteria are included to provide guidance in selecting the proper street design to match the expected conditions. If the alternative design exceeds the standard design for a particular street type, it shall be presumed to satisfy these requirements. In all other cases, the final decision shall rest with the City Council.

(b) Application of Design Standards

(1) The design standards are intended to result in a more predictable and acceptable outcome for street improvements. Due to the wide range of circumstances, however, the standards need to be applied with a certain amount of flexibility. Street construction activity consists of building completely new streets as well as making minor improvements to existing

[1114] Contains current Appendix A standards, and some technical standards from current subdivision regulations, new Street Space materials from Ferrell Madden, with changes as noted.

streets. Many existing streets will not be changed at all in the next several years while others will be candidates for additional lanes, intersection reconfiguration, or major reconstruction. Unlike new streets, existing streets have physical constraints to being retrofitted to meet new standards due to a narrow right-of-way or the proximity of buildings, utilities or mature trees. Additionally, adjacent property owners often voice concern about more traffic, speeding, noise, storm water runoff, and other issues.

(2) To deal with the application issue, two categories of improvements have been developed. Major projects consist of significant improvements to the street system and the design standards are to be interpreted as requirements. In situations where it is not feasible, practical or desirable for a proposed street improvement to meet the required standards, a design exception may be considered and approved by the City Council as part of the public hearing process. Major projects include:

(i) Construction of a new street

(ii) Major reconstruction of an existing street (e.g. upgrade to City standards)

(iii) Major widening of an existing street (e.g. addition of one or more lanes)

(3) For minor improvements the design standards are regarded as a guideline rather than an absolute requirement. In such cases, if the standards are not attainable a design exception will not be required. Minor projects include:

(i) Resurfacing or partial reconstruction of the pavement

(ii) Installation of traffic calming devices

(iii) Intersection improvements (e.g. traffic signals, turn lanes, etc.)

(iv) Reconstruction resulting in incidental widening

(v) Installing bike lanes or sidewalks on existing streets

(4) Major projects typically entail significant citizen input in evaluating location and design alternatives. Meetings are held with interested parties such as property owners and residents followed by public hearings by the City Council. Citizen input on Minor projects varies.

(5) Resurfacing usually involves public notice but little citizen involvement whereas traffic calming measures can entail extensive citizen participation in the location and design process.

(6) In regards to private development, the proposed standards would normally only apply to undeveloped land that is being platted for the first time. The standards could, however, apply to a previously developed area under two circumstances: 1) the area is being replatted to create a different street and lot layout for redevelopment and the construction of new buildings; and 2) the area is being rezoned to allow more intensive development (e.g. changing from residential to commercial and thus from residential to non-residential streets).

(7) Development occurring within M-DT shall meet the M-DT Urban Space Standards Section below, unless otherwise approved by the Director.

(c) Local Residential Street Design Standards

(1) **Residential Streets** provide direct access to residential dwellings and other allowed uses. They should be designed for this intended function and exhibit characteristics which contribute to a safe and attractive living environment. This can be achieved by providing a diversity of street types, each serving a specific role. Right-of-way and pavement widths less than the general standard should provide acceptable levels of access, safety and convenience for all users, including emergency service providers, while enabling enhanced site design and creation of attractive streetscapes. Subdivision layouts should avoid the creation of pass through routes for external traffic while allowing local drivers to move easily to and from higher order streets.

(2) The design standard for a **Residential Street** shall be as follows:

(i) Right-of-way: 50 feet wide

(ii) Pavement: 28 feet wide measured from back of curb

(iii) Turnarounds: Terminal streets shall have a turnaround at the closed end with an outside right-of-way diameter of 94 feet and a roadway pavement diameter of 76 feet.

(iv) Drainage: Curb and gutter system.

(v) Sidewalks: 5 feet wide on both sides constructed I foot inside the right-of-way

(vi) Parking: Permitted on both sides of the street.

(vii) Buffer Strip: 5 feet wide with trees permitted in the right-of-way subject to compliance with City policies and regulations.

(viii) Utility Easements: l0 feet on both sides adjacent to the right-of-way. The City and public utility providers will not be responsible for the restoration of any landscaping placed within utility easements that is removed or damaged as a result of constructing, repairing or maintaining public utilities.

(3) In place of the typical **Residential Street**, a request may be submitted at the time of preliminary plat review for approval of one or more of the following alternative streets:

(4) A **Residential Feeder** will be considered or may be required when one or more of the following conditions exist: l) the intended use and adjacent zoning allows duplex or multi-family dwellings; 2) the expected average daily traffic (ADT) exceeds 500; or 3) the street collects localized traffic within a subdivision and leads to a collector or arterial street. A Residential Feeder shall conform to the following design standards:

(i) Right-of-way: 50 feet wide

(ii) Pavement: 32 feet wide measured from back of curb

(iii) Sidewalks: 5 feet wide on both sides constructed I foot inside the right-of-way

(iv) Buffer Strip: 3 feet wide with only ornamental trees permitted.

(v) Other Features: Same as a Residential Street

(5) An **Access Street** will be considered when all of the following conditions exist: l) the intended use and adjacent zoning is single-family detached dwellings; 2) the street is no longer than

750 feet, and 3) the expected average daily traffic (ADT) is less than250. An Access Street shall conform to the following design standards:

(i) Right-of-way: 44 feet wide

(ii) Pavement: 24 feet wide measured from back of curb

(iii) Turnarounds: Terminal streets shall have a turnaround at the closed end with an outside right-of-way diameter of 94 feet and a roadway diameter of 76 feet.

(iv) Sidewalks: Same as a Residential Street, except sidewalks shall not be required on cul-de-sacs less than 250 feet in length.

(v) Parking: Permitted on one side only

(vi) Other Features: Same as a Residential Street

(6) The design standard for **Residential Alleys** shall be as follows:

(i) Right-of-way: 18 feet wide

(ii) Pavement: 16 feet wide measured from edge of pavement (no curb and gutter)

(iii) Travel Lanes: Two-way traffic allowed

(iv) Maximum Length: 500 feet between connecting streets

(v) Parking: Parking in alley prohibited

(vi) Setbacks: Garages, carports and open parking spaces shall be set back at least 5 feet from the right-of-way.

(vii) Utility Lines: Both overhead and underground utility lines may be installed in the right-of-way.

(d) Local Non-Residential Street Design Standards

(1) A **Non-Residential Street** is a low volume, low speed street which provides access to commercial, industrial, institutional, and other intensive land uses. Generally, only two travel lanes are needed. In some cases, these streets may carry considerable truck traffic, require wider driveways for access to loading docks, and have a need for on-street parking. Direct connections to collector and arterial streets are essential.

(2) The design standard for a **Non-residential Street** shall be as follows:

(i) Right-of-way: 66 feet wide

(ii) Pavement: 36 feet wide measured from back of curb

(iii) Turnarounds: Terminal streets shall have a turnaround at the closed end with an outside right-of-way diameter of 94 feet and a roadway diameter of 76 feet.

(iv) Sidewalks: 5 feet wide on both sides constructed I foot inside the right-of-way.

(v) Parking: Permitted on both sides of the street.

(vi) Buffer Strip: 9 feet wide with trees permitted in the right-of-way subject to compliance with City policies and regulations.

(vii) Utility Easements: Same as a standard Residential Street

(3) In place of the typical **Non-residential Street**, a request may be submitted at the time of preliminary plat review for approval of one or more of the following alternatives:

(4) An **Option A** street will be considered when two or more of the following conditions exist: l) the intended use and adjacent zoning is commercial, light industrial, office, and/or multi-family residential; 2) the expected average daily traffic (ADT) is less than 4,000; 3) the street is primarily intended to provide access to property and secondarily to serve through traffic; and 4) there is a nearby collector or arterial street to accommodate future traffic from surrounding land. **Option A** streets shall conform to the following design standards:

(i) Right-of-way: 60 feet wide

(ii) Pavement: 30 feet wide measured from back of curb

(iii) Parking: Not permitted on either side.

(iv) Other features: Same as a typical Non-residential Street

(5) An **Option B** street will be considered when all of the following conditions exist: l) the intended use and adjacent zoning is office and/or multi-family residential; 2) the street is no longer than 750 feet 3) the expected average daily traffic is less than 1,000; 4) the street is intended to provide access to property and not serve through traffic; and 5) there is a nearby collector or arterial street to accommodate future traffic from the development of surrounding land. **Option B** streets shall conform to the following design standards:

(i) Right-of-way: 60 feet wide

(ii) Pavement: 30 feet wide measured from back of curb

(iii) Parking: Permitted on one side only

(iv) Buffer Strip: 9 feet wide with trees permitted as a typical Non-residential Street

(v) Other features: Same as a typical Non-residential Street

(6) An **Option C** street will be considered or may be required when two or more of the following conditions exist: 1) the intended use and adjacent zoning is intensive commercial and/or industrial; 2) the expected average daily traffic exceeds 4,000; 3) the street will serve a significant amount of through traffic; 4) the street will connect to two collector or arterial streets; 5) there will be a significant number of left turns to and from abutting driveways; and 6) there will be a significant amount of truck traffic. **Option C** streets shall conform to the following design standards:

(i) Right-of-way: 66 feet wide

(ii) Pavement: 38 feet wide measured from back of curb to provide for two 13 foot travel lanes and a 12 foot two-way center tum lane

(iii) Turnarounds: Terminal streets are not permitted

(iv) Parking: Not permitted on either side

(v) Other Features: Same as a typical Non-residential Street

(e) Neighborhood Collector Street Design Standards

(1) A **Neighborhood Collector** is intended to collect traffic from surrounding residential areas and connect to major streets; serve local, non-residential land uses such as schools, churches, and parks; and promote neighborhood livability. These streets provide two traffic lanes for shared use by vehicles and bicycles at low to moderate driving speeds (30 mph), accommodate an average daily traffic volume of 1,500-3,500 vehicles, and generally, connect to only one arterial or major collector street. They may also provide direct access to property and contain on-street parking. Two types of **Neighborhood Collector** streets are allowed. Either type may be required or proposed provided a statement of justification is submitted for the subject location.

(2) **Option A** streets are intended to provide direct access to property and provide some periodic on-street parking for abutting uses. The design standard shall be as follows:

(i) Right-of-way: 60 feet wide

(ii) Pavement: 34 feet wide measured from back of curb

(iii) Travel Lanes: Two travel lanes each 13.5 feet wide

(iv) Sidewalks: 5 feet wide on both sides constructed I foot inside the right-of-way.

(v) Parking: Permitted on one side of the street only. A bulb-out may be built near intersections to create recessed parking, calm traffic and assist pedestrians.

(vi) Driveways: Permitted on both sides of the street.

(vii) Buffer Strip: 7 feet wide with trees permitted in the right-of-way subject to compliance with City policies and regulations.

(viii) Utility Easements: Same as a standard Residential Street

(3) **Option B** streets are intended to primarily collect neighborhood traffic and not provide direct access to property. The design standard shall be as follows:

(i) Right-of-way: 60 feet wide

(ii) Pavement: 30 feet wide measured from back of curb

(iii) Travel Lanes: Two shared travel lanes each 15 feet wide

(iv) Sidewalks: 5 feet wide on both sides constructed I foot inside the right-of-way.

(v) Parking/Driveways: Not permitted on either side

(vi) Buffer Strip: 9 feet wide with trees allowed as for Option A streets

(vii) Other features: Same as Option A streets

(f) Major Collector Street Design Standards

(1) A **Major Collector** is a mid-volume, multi- modal street (average daily traffic of 3,500-8,500 vehicles) which collects traffic from several neighborhoods and moves the traffic to the arterial network. These streets provide access to retail centers, office complexes, institutional uses such as colleges and hospitals, and multi-family residential areas. Major collectors typically have two, undivided travel lanes with a left turn lane at key intersections. A two-way center turn lane or intermittent raised median may be provided to manage access at high traffic locations. Typically, direct access to one and two-family residences is

prohibited with consolidated driveways allowed for other uses when controlled as to location. No on-street parking is permitted.

(2) The design standard for a **Major Collector** street shall be as follows:

(i) Right-of-way: 66 feet wide

(ii) Pavement: 36 feet wide measured from back of curb

(iii) Travel Lanes: Two lanes each 12 feet wide

(iv) Bike Lanes: Striped bike lane on both sides 6 feet from back of curb

(v) Sidewalks: 5 feet wide on both sides constructed I foot inside the right-of-way.

(vi) Parking: Not permitted on either side

(vii) Driveways: Controlled as to location and width for access management purposes.

(viii) Buffer Strip: 9 feet wide with trees permitted in the right-of-way located 4 feet from edge of street and sidewalk subject to compliance with City policies and regulations.

(ix) Utility Easements: Same as a standard Residential Street

(3) In place of the typical Major Collector, a request may be submitted at the time of preliminary plat review for approval of one or more of the following alternative streets:

(4) An **Option A** street will be considered or may be required when the following conditions exist: 1) the intended use and zoning of nearby land is one or two-family residential and/or large open land areas such as parks, churches, and schools; and2) the street is intended to serve through traffic and not provide direct access to property. **Option A** streets shall conform to the following design standards:

(i) Right-of-way: 66 feet wide

(ii) Pavement: 32 feet wide measured from back of curb

(iii) Travel Lanes: Two shared use travel lanes each 16 feet wide

(iv) Bike Lanes: No striped bike lanes

(v) Sidewalk/Pedway: A 5 foot wide sidewalk on one side and an 8 foot wide pedway on the other side constructed I foot inside the right-of-way.

(vi) Parking: Not permitted on either side

(vii) Driveways: Not permitted on either side

(viii) Buffer Strip: 9-10 feet wide with trees permitted as for a typical Major Collector

(ix) Other features: Same as a typical Major Collector

(5) An **Option B** street will be considered or may be required when one or more of the following conditions exist: l) the intended use and/or zoning of adjacent land is retail commercial, office, institutional or multi-family residential;2) the expected average daily traffic exceeds 6,000; and 3) the street will or is likely to connect to two arterial streets. **Option B** streets shall conform to the following design standards:

(i) Right-of-way: 76 feet wide

(ii) Pavement: 44 feet wide measured from back of curb

(iii) Travel Lanes: Two shared use travel lanes each 16 feet wide plus a center two-way left-turn lane 12 feet wide.

(iv) Bike Lanes: No striped bike lanes

(v) Pedway/Sidewalk: An 8 foot wide Pedway on one side and a 5 foot wide sidewalk on the other side constructed 1 foot inside the right-of-way.

(vi) Parking: Not permitted on either side

(vii) Driveways: Controlled as to location and width for access management purposes.

(viii) Buffer Strip: 8-9 feet wide with trees permitted as for a typical Major Collector

(ix) Other features: Same as a typical Major Collector

(g) Minor Arterial Street Design Standards

(1) A **Minor Arterial** is a mid-to-high volume multi-modal street (average daily traffic of 7,500-20,000 vehicles) which moves a large portion of internal City traffic. **Minor Arterials** usually connect to **Major Arterials or Expressways** and provide access to such traffic destinations as retail shopping areas, employment centers, and many residential neighborhoods. These streets have a minimum of two, undivided travel lanes but may have up to four travel lanes with a raised median and left turn lane at intersections to manage traffic access. Typically, direct access to property is restricted and no on-street parking is permitted. Three types of **Minor Arterial** streets are permitted. Each type may be allowed or required depending upon the surrounding land use pattern, traffic conditions or other circumstances.

(2) An **Option A** street will be considered or may be required when the intended use or zoning of nearby land is predominantly residential or large open land areas such as parks, churches, and schools. **Option A** streets shall conform to the following design standards:

(i) Right-of-way: 84 feet wide

(ii) Pavement: Total width is 40 feet measured from edge of shoulder.

(iii) Travel Lanes: Two lanes, each 12 feet wide.

(iv) Paved Shoulder: I foot on each side for bikes and emergency parking.

(v) Drainage: Open channel or swale system without curb and gutter.

(vi) Sidewalk: 5 feet wide on one side constructed I foot inside the right-of-way.

(vii) Pedway: 8 feet wide on one side constructed I foot inside the right-of-way.

(viii) Parking: Not permitted on either side.

(ix) Driveways: Controlled as to location and width for access management purposes.

(x) Buffer Strip: 14-15 feet wide on each side. Trees permitted in the right-of-way when located outside of the drainage channel and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.

(xi) Utility Easements: Same as a standard Residential Street.

(3) An **Option B** street will be considered or may be required when the following conditions exist: l) the intended use or zoning of nearby land is residential or large open land areas such as parks, churches, and schools; and 2) the average daily traffic volume of the street is projected to exceed 15,000 vehicles in 20 years. **Option B** streets shall conform to the following design standards:

(i) Right-of-way: 100 feet wide

(ii) Pavement: Total width is 40 feet measured from edge of shoulder.

(iii) Travel Lanes: One 12 foot wide lane on each side of a 12 feet center median

(iv) Other Features: Same as Option A

(4) An **Option C** street will be considered or may be required when the intended use or zoning of adjacent land is predominantly commercial, industrial, office, or institutional. **Option C** streets shall conform to the following design standards:

(i) Right-of-way: 84 feet wide

(ii) Pavement: 48 feet wide measured from back of curb

(iii) Travel Lanes: Two l2 feet wide travel lanes plus a 12 feet wide center, two-way left turn lane.

(iv) Bike Lanes: Striped 6 feet wide bike lane on each side measured from back of curb

(v) Drainage: A curb and gutter system is most common

(vi) Buffer Strip: l0 feet wide on each side. Trees permitted in the right-of-way when located 6 feet from edge of street and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.

(vii) Other Features: Same as Option A

(h) Major Arterial Street Design Standards

(1) A **Major Arterial** is a high volume multi-modal street (average daily traffic of 15,000 or more vehicles) which handles the bulk of through traffic within the City. **Major Arterials** connect to expressways and freeways as well as provide access to major traffic destinations such as regional shopping centers and major universities. These streets usually have at grade intersections which are spaced well apart. It is very common for **Major Arterials** to have four lanes with a continuous raised median except for a left turn lane at major intersections. Direct access to property is usually prohibited or limited to right-in, right-out and no on-street parking is permitted. Two types of **Major Arterial** streets are permitted. Each type may be allowed or required depending upon the surrounding land use, traffic conditions or other circumstances.

(2) **An Option A** will be considered or may be required when vehicle speeds are moderate, right-of-way is limited, and access is restricted thereby mitigating the need for a median. Option A streets shall conform to the following design standards:

(i) Right-of-way: 106 feet wide

(ii) Pavement: Total width of 60 feet measured from back of curb or edge of pavement

(iii) Travel Lanes: Four lanes each 12 feet wide

(iv) Bike Lanes: Striped 6 feet wide bike lane on each side measured from back of curb

(v) Drainage: May be built with curb and gutter or an open swale

(vi) Sidewalk: 5 feet wide on one side constructed I foot inside the right-of-way

(vii) Pedway: 8 feet wide on one side constructed I foot inside the right-of-way

(viii) Parking: Not permitted on either side

(ix) Driveways: Controlled as to location and width for access management purposes

(x) Buffer Strip: 14-17 feet wide on each side. Trees permitted in the right-of-way located l0 feet from edge of street and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.

(xi) Utility Easements: Same as a standard Residential street.

(3) An **Option B** street will be considered or may be required when the projected average daily traffic volume of the street could reasonably exceed 20,000 vehicles in 20 years and/or the street connects to a freeway or expressway. **Option B** streets shall conform to the following design standards:

(i) Right-of-way: 110 feet wide

(ii) Pavement: Total width of 52 feet measured from back of curb or edge of pavement

(iii) Travel Lanes: One 12 feet wide inner lane and one 14 feet wide outer lane on each side of a 16 feet wide center median which may include a 12'wide left-turn lane at intersections.

(iv) Bike Lanes: No bike lane on either side

(v) Sidewalk: 5 feet wide on one side constructed f inside right-of-way

(vi) Pedway: l0 foot wide on one side constructed I foot inside right-of-way

(vii) Buffer Strip: l2-13 feet wide on each side. Trees permitted in the right-of-way located 8 feet from edge of street and 4 feet from edge of sidewalk or Pedway subject to compliance with City policies and regulations.

(viii) Other Features: Same as Option A

(4) Requests for exceptions to the above design standards may be submitted at the time of preliminary plat review and shall be processed as a variance as provided by the Subdivision Regulations.

Street Names and Numbers[1115]

(a) Names

Names of new streets shall not duplicate or sound like existing or platted street names in Boone County unless the new street is a continuation of an existing or platted street. Names of new

[1115] From current Section 25-41.

streets shall not duplicate or sound like any established business or development in Boone County. Names shall be easily spelled and pronounced.

(b) Suffixes

All streets should conform to standard street suffixes as follows:

(1) Major thoroughfares designated as such in the transportation plan should be designated as boulevards or avenues, or other suffixes appropriate to the context.

(2) Thoroughfares of more than one thousand (1,000) feet should be designated as streets, avenues, drives or roads, or other suffixes appropriate to the context.

(3) Streets of less than one thousand (1,000) feet should be designated as courts, places, ways, circles, lanes or terraces, or other suffixes appropriate to the context.

(c) Signs

Street signs shall be installed and readable from each direction of travel.

(d) Addresses

Addresses shall be assigned to comply with the addressing system of the City. Garth Avenue shall be the north-south base line and the designation of north and south shall be indicated on either side of Broadway. Broadway shall be the east-west base line and the designation of east and west shall be shown on either side of Garth Avenue.

Street Widths[1116]

(a) The right-of-way width required to be dedicated and the pavement width required to be constructed for streets, according to street classification, shall be:

	Right-of Way	Pavement Width Face to Face of Curb	
Type of Street	(Minimum Feet)	(Maximum Feet)	(Minimum Feet)
Freeway	Variable	96*	48*
Expressway	Variable	72	48*
Arterial, major**	106—110	68	60
Arterial, minor**	84—100	52	40
Collectors, major**	66—76	44	32
Collectors, neighborhood**	60	34	30
Local, nonresidential, central traffic zone	66		44
Local, nonresidential, all other**	60—66	38	30
Local, residential**	40—50	32	20-32
Cul-de-sacs, residential (stem portion)**	44—50	32	24—28

[1116] From current Section 25-43. Revised for accuracy since Module 3.

	Right-of Way	Pavement Width Face to Face of Curb	
Type of Street	(Minimum Feet)	(Maximum Feet)	(Minimum Feet)
Alleys	18		16
Estate lanes	50		28
Frontage roads	30		20
*In addition to road pavement, two (2) paved, ten (10) foot shoulders are required			

(b) In low density, single-family residential subdivisions, the width of local residential streets may be reduced from thirty-two (32) feet to twenty-eight (28) feet (estate lanes) if the subdivision complies with all of the following criteria:

(1) Lots abutting the proposed estate lane may not exceed an overall density of one (1) dwelling unit per acre.

(2) No lot abutting the proposed estate lane may be less than one hundred twenty-five (125) feet wide at the building line.

(3) The street may not be designed to accommodate through traffic. Cul-de-sac, loop and horseshoe streets beginning and ending within a main block will ordinarily satisfy this requirement.

(4) In all other respects, street paving and related public improvements design for estate lanes shall be according to the design standards for local residential streets contained or referenced herein.

Street Grades[1117]

The grades of streets shall comply with the following range. Where it is impracticable to comply with these standards, a written approval to deviate therefrom must be obtained from the Director of Public Works.

Type of Street	Maximum (percent)	Minimum (percent)
Freeway	4	0.3
Expressway	4	0.3
Arterial, urban	6	0.5
Arterial, rural	7	0.5
Collector	8	0.5
Local, nonresidential	8	0.75
Local, residential	10	0.75

[1117] From current Section 25-44.

Curves[1118]

Curves shall comply with the following design criteria unless the director of public works determines that a more restrictive requirement is necessary to safeguard the public health, safety and general welfare from potentially hazardous street design.

(a) When street pavement lines or street right-of-way lines deflect, the lines shall be connected by a horizontal curve having a maximum degree of center line curvature of 57° 29′ for local residential streets, 25° 00′ for local nonresidential streets, 12° 30′ for collector streets, 7° 30′ for arterial streets, and 5° 00′ for freeways, except that street right-of-way lines may deflect, provided the deflection angle is less than or equal to 10° 00′.

(b) A tangent segment at least two hundred (200) feet in length shall be maintained between curves on all streets, except for local residential streets.

(c) All vertical grade changes shall be connected by vertical curves of sufficient length to provide a smooth transition and proper sight distance. Vertical grade changes of two (2) percent or less algebraically may be connected by chords if the design engineer encounters unusual circumstances such as facilitating drainage; however, sight distances must be maintained.

Intersections[1119]

(a) Streets shall intersect one another at as near a ninety-degree angle as possible. No intersection of streets at angles less than sixty (60) degrees shall be approved.

(b) When streets intersect at a ninety-degree angle or when a street intersects with a cul-de-sac terminal bulb, the intersection right-of-way lines shall be rounded by a curve with a radius of not less than twenty (20) feet for residential streets and not less than thirty (30) feet for nonresidential streets.

(c) When streets intersect at an angle of less than ninety (90) degrees, the director of public works may require the intersecting right-of-way lines to be rounded by a curve with a radius greater than, required for streets intersecting, at a ninety-degree angle.

(d) The intersection of more than two (2) streets at, any one (1) point shall be avoided except where necessary; to secure a proper street system.

(e) Intersecting streets shall have center lines as nearly straight as possible. Streets with center line offsets at intersections shall be offset by less than five (5) feet or more than one hundred twenty-five (125) feet.

Terminal Streets[1120]

[1118] From current Section 25-45.
[1119] From current Section 25-46.
[1120] From current Section 25-47.

(a) Terminal streets shall also have a turnaround at the closed end with an outside roadway diameter of at least seventy-six (76) feet and right-of-way diameter of at least ninety-four (94) feet.

(b) Residential alleys shall be permitted in all residential areas.

(c) Nonresidential alleys shall be provided in commercial and industrial districts when off-street loading and parking are not otherwise provided.

(1) The right-of-way width of an alley shall be twenty (20) feet and the pavement width shall be sixteen (16) feet.

(2) When alleys intersect, the intersection right-of-way lines shall be rounded by a curve with a radius of five (5) feet in length.

Driveway Access Restrictions[1121]

Any subdivision of land intended for single-family or two-family residential development shall be prohibited from taking driveway access onto arterial and collector roadways unless otherwise approved by the Director. The access prohibition shall be indicated on the subdivision plat by a notation on each lot subject to this regulation. This subsection shall not apply to any subdivision with a preliminary plat approved before June 17, 1996.

[1121] From current Section 25-53 Lot Arrangement. Revised since Module 3 to clarify this applies to arterial and collector streets (not all streets), and that the Director may waive or adjust the requirement.

M-DT Urban Space Standards[1122]

(e) Applicability

(1) The Urban Space Standards apply to new development as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.

(2) The Urban Space Standards establish the rules and standards for the Street Space and squares and greens within the M-DT.

(f) Intent

(1) M-DT properties are coded to be "perimeter blocks" with buildings placed along the outer edges of their block. The Urban Space Standards ensure the coherence and appropriateness of the street-space.

(2) Although commonly thought of as just squares, greens or parks, the public realm is much more; it includes the complete street-space—the public domain between the building facades: the travel lanes between the curbs as well as the sidewalks; the squares and greens within the M-DT.

(3) The Urban Space Standards:

(i) Establish an environment that encourages and facilitates pedestrian activity and "walkable" streets that are comfortable, efficient, safe, and interesting.

(ii) Ensure the coherence of the street-space, serving to assist residents, building owners, and managers with understanding the relationship between the street-space and their own property.

(iii) Contribute to ultimate sustainability. Native trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and rainwater management.

(4) Property frontages and facades are part of the public realm, literally forming the walls of the street-space and are therefore subject to more regulation than the other portions of the private property.

(5) The private, interior portions of the lots (toward the alley, rear lot or lot lines) are less controlled to allow residents and operators to utilize these spaces as environments unseen by the public and allow residents to have private open space (semi-private for apartment and condominium dwellers), gardens and courtyards.

(g) Street-Space Standards

(1) General Provisions

(i) All plant material (including trees) shall be in accordance with the requirements of Section 29-4.5 of this Code.

[1122] This Section inadvertently left out of prior drafts and added since Module 3.

(ii) Mechanical and electrical equipment including, but not limited to the following, may not be stored or located within any street space:

- air compressors,
- pumps,
- exterior water heaters,
- water softeners,
- private garbage cans (not including public sidewalk waste bins), and
- storage tanks.

Water pumps for public fountains or irrigation not visible are not included in this prohibition and Temporary placement of private garbage cans within the street-space may be allowed to accommodate scheduled pick-up.

(2) Street Trees

(i) Each street-space must have street trees planted along the street tree alignment line (generally in the centerline of the tree lawn or not less than 3 feet from the back of the curb, unless otherwise specified in the Regulating Plan, and at an average spacing not greater than 30 feet on center (average calculated per block face). Where necessary, spacing allowances may be made to accommodate curb cuts and infrastructure elements; however, at no location may street tree spacing exceed 45 feet on center except where necessary for transit stops or stations. Required street tree planting area configurations are specified in the street type specifications and below.

(ii) Required tree planting area minimum specifications are as follows:

(A) Street tree planting areas shall be at grade or not greater than six inches in height above the sidewalk

(B) Soil surface area shall not be less than 110 square feet per isolated tree or 90 square feet per tree for connected (tree lawn) situations, as illustrated in the following figures.

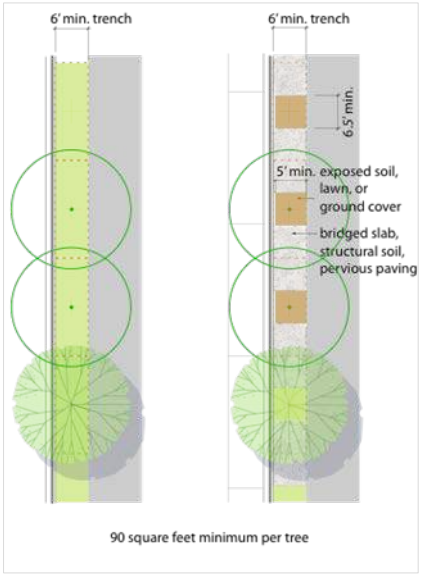


Figure 0-1: Continuous Soil Area Configuration Options: low pedestrian traffic areas (left), high pedestrian traffic areas (right)

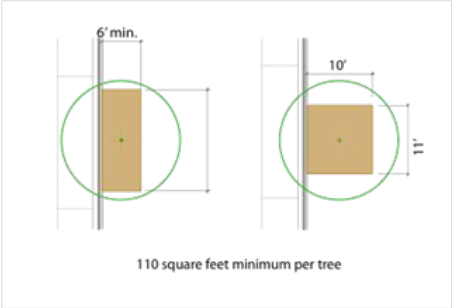


Figure 0-2: Individual Tree Planting

(C) No dimension of the soil surface area may be less than 6 feet unless otherwise specified in this ordinance.

(D) A pervious paving strip, maximum twelve (12) inches wide, may be placed at the back of the curb for access to on-street parking. This pervious strip is not measured against (ii) above.

(E) The street-space types are configured for street tree trenches (connected soil areas). The above requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived street trees. (See figure 4.2-22).

(iii) At planting, street trees shall be at least three and a half (3.5) inches caliper, measured four (4) feet above grade and at least ten (10) feet in overall height. Species shall be selected from the street tree list (see D. Tree Lists below). Consult with the Administrator for the designated tree species for a particular street-space.

(iv) Any unpaved ground area shall be planted with ground cover, flowering vegetation, or climbing vines, not to exceed twelve (12) inches in maturity so as to not interfere with pedestrian or truck travel (minimum seven (7) feet clear over the sidewalk and fourteen (14) feet over any travel lanes) and to maintain visibility.

(3) Street Tree Specifications

(i) Species in the street tree list are for placement as shown in Street Type Specifications, or as specified in the Regulating Plan for placement along a street tree alignment line. The use of alternate species may be permitted, but only if approved by the Administrator.

(ii) Street trees are part of an overall street-space plan designed to provide both canopy and shade and to give special character and coherence to each street. The desired aesthetic shall be achieved through the use of native and/or proven hardy adapted species. The list of appropriate street tree species may change over time and will be periodically amended by the Administrator. Inclusion in this list shall be based on the following criteria:

(A) Structural

Street trees shape and subdivide the street-space, increasing pedestrian comfort and adding (literal) value to the street/community. “canopy shade tree” species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto and pedestrian traffic, form a ceiling-like enclosure, and open a clear view of the street-space at eye-level.

(B) Tree survivability

Proper planting techniques and configurations provide a healthy environment in which the street tree can thrive—this will ensure that the trees increase their value to the community as they grow.

(C) Form

Species are planted consistently along a given street-space to provide a special form and character. This provides species diversity among streets at the same time it provides a specific street character by planting different street-spaces with different tree.

(4) Street Tree List

(i) Invasive species, as identified by the Missouri Department of Conservation's invasive species list, are prohibited.

(ii) The following list contains all approved tree species (Large Canopy Trees with a mature height of 60 feet and above) for use in the M-DT. The list may include native and acceptable adapted species. Species marked with an asterisk may be placed within larger soil area locations such as parks, dooryards, squares, or in the wider tree lawns of the major streets.

▪ Acer saccharum	Sugar Maple
▪ Betula nigra	River Birch
▪ Celtis occidentalis *	Common Hackberry *
▪ Cercidiphyllum japonicum	Katsura Tree
▪ Ginkgo biloba	Ginkgo (male only)
▪ Gleditsia triacanthos var. inermis	Thornless Honey Locust
▪ Liquidambar styraciflua "Rotundiloba'	Seedless Sweetgum
▪ Nyssa Sylvatica	Black Tupelo
▪ Platanus occidentalis 'Bloodgood'	London Plane tree
▪ Quercus bicolor	Swamp White Oak
▪ Quercus coccinea	Scarlet Oak
▪ Quercus falcata	Southern Red Oak
▪ Quercus palustris	Pin Oak
▪ Quercus rubra	Red Oak
▪ Quercus shumardii	Shumard Oak
▪ Quercus velutina	Black Oak
▪ Tilia Americana *	American Linden*
▪ Tilia cordata 'Greenspire' Greenspire	Littleleaf Linden
▪ Tilia euchlora	Crimean Linden
▪ Tilia tomentosa	Silver Linden
▪ Ulmus americana "libertas"	Liberty Elm
▪ Ulmus hollandica "Groenveldt"	Groenveldt Elm

(5) Street-Space Elements

(i) Streetlights shall:

(A) Be installed on both sides of the street-space, aligned with the street trees, except where otherwise designated on the Regulating Plan.

(B) Use the double-globed luminaires on 16 foot poles, for major streets

(C) Use the single-globed luminaires on 14 foot poles, for district streets

(ii) At the time of development, the developer is required to install streetlights and sidewalks, as illustrated in the street type specifications, on the street-space frontage being developed.

(iii) Sidewalks not otherwise designated in the Regulating Plan or street type specifications shall provide a minimum six-foot clear walkway and be constructed to meet all City (and ADA) standards and specifications.

(iv) Street furniture is an element of the overall street-space design—not an afterthought. Street furnishings should be simple, functional, and durable.

(6) Pedestrian Pathway

The area within a pedestrian pathway shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the Regulating Plan.

(h) Street-Space Recommendations

(1) Intent

(i) The street-space is a community's first and foremost public space and should be just as carefully designed and planned as any park or public building. The character of the street-space—both its scale and its details—plays a critical role in determining the pedestrian quality of a given location.

(ii) Street-spaces must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled street-space.

(iii) These are City streets—not "roads, highways, arterials, or collectors"—and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood street-spaces are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The specifications for major streets grant more to the free movement of vehicles, while maintaining good walkability.

(2) Street Design Principles

(i) The appropriate design of streets is one of the most important design elements for a Downtown.

(ii) To design for continuous free-flowing traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.

(iii) With appropriate design techniques, drivers shall choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.

(iv) Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a Downtown it should be that of the pedestrian.

(v) An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.

(vi) Emergency vehicle access shall be maintained, but with an interconnected street network, there shall always be at least two routes of access to any lot or parcel.

(vii) Differences between "requirements" and "preferences" can be significant—increased lane width and the accompanying increased vehicle speeds more often than not decrease overall safety for pedestrians.

(viii) On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians.

(ix) Overall function, comfort, safety and aesthetics of a street are more important than efficiency alone.

(x) In a Downtown, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.

(xi) Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.

(xii) Designing a street to facilitate (rather than accommodate) infrequent users may actually be the wrong design for the frequent users of the space.

(xiii) When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user.

(3) Street Types

The Street Type Recommendations illustrate model configurations for the Street-Spaces within the M-DT. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations.

(i) District Street Types

(A) These are the preferred and recommended models for most streets within the M-DT. The numbers refer to dimensions of the Street-Space, the literal distance between building façades—including travel lanes, any on-street parking, and curb and gutter. The range they represent allows for variations in the street-space per the Regulating Plan. Detailed cross sections are provided in Figures 4.2-24-26 below.

1) DS 66-74 (Most District Streets)

2) DS 53-60 (ROW Constrained District Streets)

3) DS Alley

(B) The M-DT district is designed to be the ideal complement to good transit service.

(C) The district Street-Spaces are configured such that in-lane bicycle travel is appropriate.

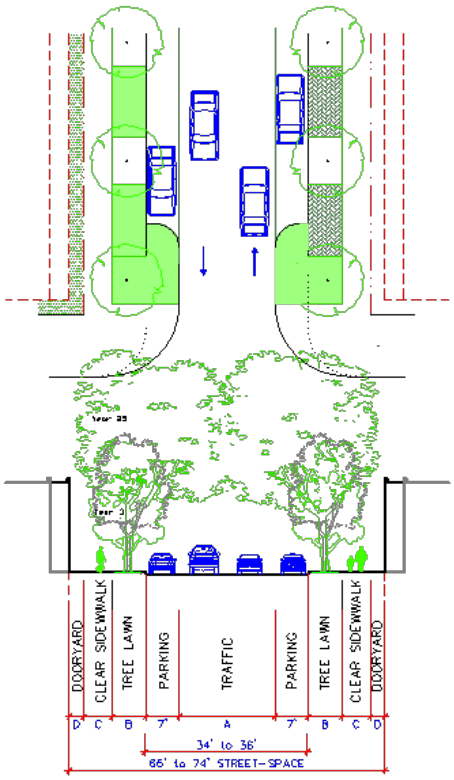
(D) Dooryards and Alleys are generally reserved for utility easements.

(ii) Major Street Type

These are the preferred and recommended models for the major thoroughfares downtown. Detailed cross-sections are provided in Figures 4.2-27 - 28 below.

(A) DS Broadway

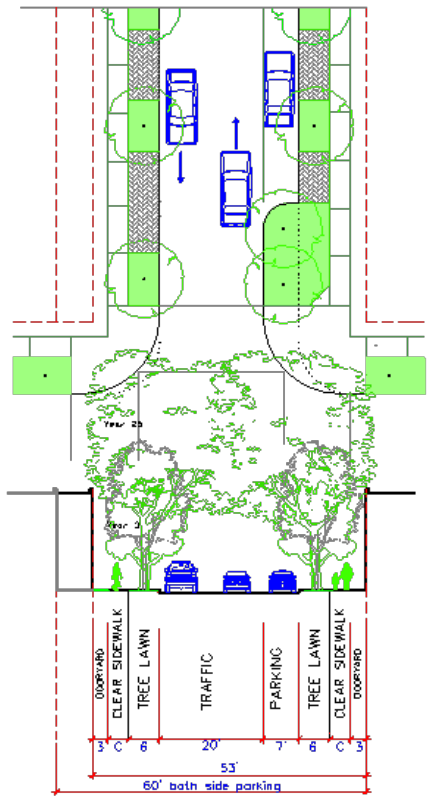
DTS 66-74



STREET-SPACE	66' to 74', per RBL
Traffic Lanes	A. 10' to 11'
TREE LAWN	B 7' to 8'
Clear Sidewalk	C. 6'
DOORYARD	D. 3' to 5'
type	street
movement	Free
design & posted speed	20-25 mph
traffic function	two way
on street parking	Both Sides, Striped
Right of Way	60' (varies)
pavement width	34'
curb type	vertical
curb radius	15' with curb extensions 10' w/o
planting	Street Trees Max Avg 30'ctc
comparative pedestrian crossing time	5.4 to 5.9 seconds w/curb extensions. 9 seconds without

Figure 0-3: DTS 66-74 (Most M-DT District Streets)

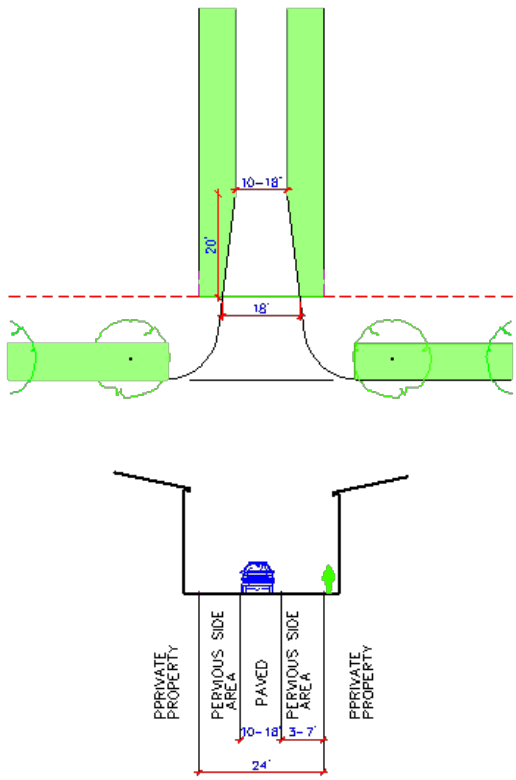
DTS 53-60



STREET-SPACE	53' to 55 or 60'
TREE LAWN	6'
Clear Sidewalk	C. 4' to 5'
DOORYARD	3'
type	street
movement	Free
design & posted speed	20-25 mph
traffic function	two way
on street parking	one sides, striped for 53'
	both sides, striped for 60'
Right of Way	50' (varies)
pavement width	27'
curb type	vertical
curb radius	15' with curb extensions 10' w/o
planting	Street Trees Max Avg 30'ctc
comparative pedestrian crossing	5.4 seconds w/curb extension
	7.3 without (53' version)

Figure 0-4: DTS 53-60 (ROW Constrained M-DT District Streets)

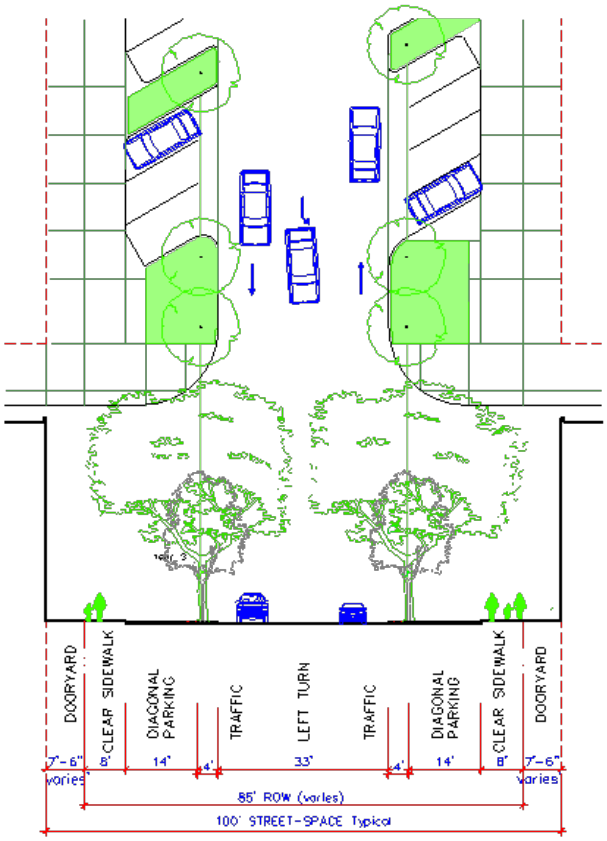
DT Alley



ROW or Easement	24'
PERVIOUS SIDE AREA	3'–7'
type	alley
movement	Slow
design speed	5–10 mph
traffic function	two way– Yield Situation
pavement width	10'–18'
curb type	vertical, at Entry Only
curb radius	10–15"
comparative pedestrian crossing	4.3 seconds

Figure 0-5: DTS Alley

DT Broadway



STREET-SPACE	90' (varies, 78'-90')
TREE LAWN	N/A – as per Regulating Plan
Clear Sidewalk	10' (varies)
DOORYARD	5' (varies)
type	commercial street
movement	Free
design & posted speed	20 mph
traffic function	two way
on street parking	both sides – diagonal parking
right of way	89' (varies)
pavement width	64'
curb type	raised
curb radius	15' with curb extensions
planting	Street Trees per Regulating Plan
comparative pedestrian crossing	11 seconds, 28'

Figure 0-6: DS Broadway