

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.

UC-O Urban Conservation Overlay¹

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:

- 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;
- To promote the efficient use of urban lands including the encouragement of compatible infill development on vacant and passed-over parcels;
- To encourage and to support rehabilitation of the physical environment and programs for the conservation of urban areas; and
- To foster the harmonious, orderly, and efficient growth, development, and redevelopment of Columbia.
- To recognize and protect specific property, neighborhoods and roadway corridors of special historic, architectural or scenic qualities.

Description

Urban Conservation District overlay zoning may be used with any zoning district if approved pursuant to this Section 00. 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.²

¹ 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.

² Last sentence added to clarify that approved UC-O provisions are binding on all development and redevelopment in the area.

Approved UC-O Districts³

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.

Benton-Stephens Neighborhood UC-O



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

SECTION 1. Establishment of Benton Stephens Urban Conservation District. The zoning district map established and adopted by Section 29-1.4 of the Code of Ordinances of the City of Columbia, Missouri is amended so that the land within the following boundaries will become a part of District UC-O (Urban Conservation Overlay District) and shall be known as the Benton Stephens Urban Conservation District:

³ New section.

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

SECTION 2. Exemptions.

- (a) This ordinance shall not apply to any land in zoning districts PD.
- (b) This ordinance shall not apply to any land in zoning districts M-OF, MN, MC, IG except that any new construction within those districts shall comply with the screening requirements of Section 29-4.5.
- (c) This ordinance shall not apply to mosques, synagogues, public schools, private colleges, churches, or homeless shelters operated by religious institutions.

SECTION 3. Home Occupations in District R-1.

- (a) Home occupations within the R-1 district shall be permitted within the Benton Stephens Urban Conservation District subject to the provisions of Section 29-3.3(II) except that the provisions limiting the total floor area of the dwelling unit devoted to the home occupation shall be no more 40 percent.
- (b) Home occupations with non-resident employees may be permitted within the Benton Stephens Urban Conservation District subject to the standards of Section 29-3.3(mm) and upon issuance of a conditional use permit in accordance with the provision of Section 29-5.4(o).

SECTION 4. Standards and Criteria. The following criteria apply to all new development in the Benton Stephens Urban Conservation District. Except where otherwise specifically provided, structures existing before passage of this ordinance may be structurally altered but not enlarged without conforming to the requirements of this section. Additional dwelling units shall not be added to a structure without conforming to the requirements of this section.

(a) **Lot Size.**

- i. R-1 district: 7,000 square feet
- ii. R-2 district:
 - 1. Single-family 5,000 square feet
 - 2. Duplex, 10,000 square feet
- iii. R-MF district:
 - 1. Single-family, 5,000 square feet
 - 2. Duplex, 7,000 square feet
 - 3. Multi-family, 7,500 sq. ft; 2,500 square feet per dwelling unit

(b) **Height and Area.** The intent of yard requirements in the Benton Stephens Urban Conservation District is to promote development that is compatible with surrounding residential property. For the purposes of applying setback regulations, the following shall be applied: the front shall be toward the street or access corridor from which the lot is addressed; the rear is opposite to the front or as nearly so as the lot shape permits; and the sides are ninety degrees to the front or as nearly so as the lot shape permits.

1. Front - Not less than twenty-five (25) feet in depth, except when the median setback of all buildings on the same side of the street, within the same block, is greater than 25-feet such median setback shall become the setback for the lot. Up to 25% of the front elevation measured along the adjacent street front may project a maximum of two feet into the required front yard, if such yard is greater than 25-feet in depth, in order to encourage reasonable variety of front facades.
2. Rear - Not less than twenty-five (25) feet.
3. Side - No modification of the standards for the R-1 and R-2 districts. No less than ten (10) feet in the R-MF district.

All corner lots in the Benton Stephens Urban Conservation District shall provide a side yard adjacent to the side street of not less than twenty-five (25) feet, provided this regulation shall not reduce the buildable width of a corner lot of record at the time of passage of this ordinance to less than sixty-five (65) percent of the total width of such lot, and provided further that the minimum side yard regulations of the underlying zoning district must be observed.

4. Building Spacing –

- (a) In addition to the rear and side yard requirements of the underlying zoning district all structures used as a principle or accessory structure shall be no closer than 30-feet to another structure on the same lot. This provision shall not apply to single-family detached dwellings and their accessory structures provided such accessory structures do not contain additional dwelling units.
- (b) The connection of two buildings by a lightly constructed, covered passage, open on each side, shall not be permitted such that the minimum building separation of this section is reduced to less than 30-feet. This provision shall not apply to a single-family detached dwelling being connected to a customary accessory structure that does not contain additional dwelling units.
- (c) No building shall be constructed across an existing lot line.

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

(c) **Parking.**

1. For all uses other than a single-family detached dwelling, off-street parking shall be provided as follows: 2 spaces per dwelling unit (DU) containing up to 2 bedrooms; 2.5 spaces per (DU) containing 3 or more bedrooms. One additional space for every 4 bedrooms shall be provided for guest parking.

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

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

1. A minimum of fifty (50) percent of the total land area of any tract, parcel or lot shall be retained as green space (non-pervious areas - use of pervious pavement shall not be considered green space). Required screening, buffers, and stormwater management areas may be counted toward meeting this requirement.
2. Parking areas containing more than two (2) spaces within twenty-five (25) feet of a street right-of-way or alley shall be screened from view as required by Section 29-4.5(d) or by the installation of a six (6) feet wide landscaping strip located within the private yard area (street yard) separating the parking area from the abutting street right-of-way or alley that contains no less than four (4) of the categories of planting materials listed in Section 29-4.5(c)(6), whichever is most restrictive. The street yard landscaping strip shall be further improved with street trees in accordance with the Section 29-4.5(d)(ii).
3. In addition to the above, paved areas developed after August 19, 1991, exceeding four thousand (4,000) square feet in area, and additions exceeding four thousand (4,000) square feet in area to paved areas that were developed prior to August 19, 1991, shall contain a minimum of one (1) tree within a growspace/island of at least 170 square feet within the interior for every four thousand (4,000) square feet of paved area.
4. Parking areas containing more than two (2) spaces or loading/unloading areas within fifty (50) feet of a single-family detached dwelling or R-1 or R-2 residential zoning district, not separated by street right-of-way, shall be screened from view of the adjoining use or district in accordance with the standards of Section 29-4.5(e) (Property Edge Buffering).

(e) **Pedestrian Circulation.** The traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel. Provisions shall be made for pedestrian travel within the development and shall connect with existing pedestrian systems and allow for future extensions to activity centers outside the development.

(f) **Porches.** Covered porches facing the front yard are required to be constructed on all newly constructed non-accessory structures in the Benton Stephens Urban Conservation District. The front-facing covered porch shall be a minimum length of 40% of the front

width of each dwelling unit with a minimum depth of six (6) feet, and shall have a railing.

- (g) **Roof Type and Pitch.** All newly constructed non-accessory structures shall have gabled or hip roofs with pitches having a minimum slope of four units vertical in twelve units horizontal.
- (h) **Orientation to the Street.** All new non-accessory structures erected in the Benton Stephens Urban Conservation District shall provide front entrances, windows and porches oriented to the street from which it is addressed.
- (i) **Garages.** Attached garages with garage doors facing the front lot line shall not be more than ten feet in width, nor shall the garage extend forward of the front building wall face.
- (j) **Side Porches, Entrances or Balconies.** Side porches or balconies should not extend into side yards. For all uses other than detached single-family uses, side entrances are allowed only if the side yard building setback is increased to a minimum of fifteen (15) feet.
- (k) **Air Conditioning Units and Heat Pumps -** Air conditioning (A/C) units and heat pumps shall not be located forward of the front building wall face. All A/C units or heat pumps located in a side yard shall be screened from front and side yard view with an appropriate permanent yard structure or evergreen plantings.
- (l) **Building Face Design.** Every building face shall contain a minimum ten (10) percent of the total face square footage in glazing and at least 1 of the following design features shall be incorporated within each 25 feet of horizontal primary façade length: (1) Roof dormers; (2) Gables; (3) Recessed entries; (4) Covered porches; (5) Pillars, pilasters or posts; or (6) Bay windows.
- (m) **Building Face Articulation.** Any building face, or screening or fencing greater than thirty (30) feet in length shall be constructed with a differing projection at least once every thirty (30) linear feet.
- (n) **Prohibited Elements.** The following are prohibited fencing and screening materials: chicken wire, hardware cloth (of any size) and pallets. All fencing in disrepair shall be removed or repaired appropriately.

SECTION 5. Stormwater Management.

- (a) A stormwater management plan shall be required for any lot that undergoes redevelopment or enlarges an existing building (principle or accessory) footprint by more than 25% or 500 square feet, whichever is less. Such management plan, when required, shall be prepared in accordance with the provisions of Section 29-4.6(a)(3). Single-family detached dwellings, on individual lots, shall be exempt from the preparation of a stormwater management plan.
- (b) Facilities required to manage stormwater impacts created by redevelopment or alteration of existing structures may be included within a site's required 50% green space (Section 4, Paragraph D) provided such facility is not also used as sidewalk or parking surface. Facilities that may be included in the 50% green space calculation could include, but are not limited to, a rain garden, bio-swale, or other site feature capable of

fulfilling the intended stormwater management function required that is approved by the Director of Planning.

SECTION 6. Procedure for Review and Approval of Development Plans.

- (a) Prior to the issuance of a building permit for any uses other than a detached single-family use in the Benton Stephens Urban Conservation District, the applicant shall submit a development plan for review and approval by the director of planning and development. Upon receiving the development plan, within 2 business days, the director shall notify the Benton-Stephens Neighborhood Association in writing and send a copy of the development plan for review.
- (b) The development plan submittal shall be clearly drawn in ink on eight and one-half (8-1/2) inch by eleven (11) inch or eighteen (18) inch by twenty-four (24) inch sheets of single or double matted polyester film or an approved equivalent, at a scale of at least one (1) inch equals twenty (20) feet.
- (c) The development plan submittal shall include the following:
 - 1. A legal description of the property to be developed;
 - 2. The boundaries and dimensions of the lot or lots to be developed and the boundaries and dimensions of all adjacent lots;
 - 3. The location of all lot setback lines along street rights-of-way;
 - 4. The location and designation of all easements on the lot to be developed;
 - 5. The location of all existing buildings on, and adjacent to, the lot or lots to be developed;
 - 6. The proposed location of all new structures including the location and dimensions of entrances, windows, porches, balconies and attached garages;
 - 7. The location and dimensions of all existing and proposed parking areas;
 - 8. The location and dimensions of all proposed sidewalks and pedestrian systems;
 - 9. The landscaping plan showing compliance with Paragraph (d), above.
 - 10. The stormwater management plan, when required by these provisions.
 - 11. Other information deemed necessary to show compliance with this section.
- (d) The director of planning and development shall approve a development plan that complies with the items in subsection (c) of this section within 10 working days of receiving the plan. A copy of the approved plan shall then be sent to the building regulations supervisor.

East Campus UC-O



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.

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 designated⁴ and (b) a statement documenting the conditions justifying a UC-O designation and the purposes and intent of the designation.

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).

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.

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).

⁴ 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.

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.

Designation Ordinance⁵

The ordinance designating the UC-O shall identify the district boundaries, which shall be compact, contiguous and uniform, and may also include provisions governing:

Permitted, conditional, or prohibited use of land;

Use-specific Standards for particular uses of land;⁶

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;

Area and bulk restrictions including setbacks, maximum lot coverage, height controls, open space requirements and other related provisions;

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;

Landscaping and screening; and

Sign regulations.

Designation Criteria⁷

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:

A substantial portion of the property owners, residents or tenants of the proposed UC-O area desire and support urban conservation efforts;⁸

District designation conforms to adopted City plans and policies; and⁹

UC-O designation would be an appropriate and effective method for conserving the existing area and preventing development that would erode that character.

⁵ 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.

⁶ New provision to strengthen this tool.

⁷ 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.

⁸ 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.

⁹ Drafting error corrected based on public comment.