

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 43-17

AN ORDINANCE

repealing Article III of Chapter 12A and Chapters 20, 23, 25 and 29 of the City Code; enacting a new Chapter 29 of the City Code to establish a Unified Development Code; amending Chapters 2, 6, 13, 24 and 27 of the City Code as it relates to the Unified Development Code; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Article III of Chapter 12A and Chapters 20, 23, 25 and 29 of the Code of Ordinances of the City of Columbia, Missouri, are hereby repealed in their entirety.

SECTION 2. A new Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri is enacted to establish a Unified Development Code as set forth in "Exhibit A" attached hereto and made a part hereof as if fully set forth hereto.

SECTION 3. Chapter 2 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 2-53. Voting requirements; abstentions.

(a) Except as provided in section 2-53.1, every member who shall be present when a vote is taken on a question shall vote on the question unless excused by a majority of the council.

(b) Except as provided in section 2-53.1, every member who intends to abstain shall state the reasons for the abstention, and shall request council permission to abstain. The council shall vote on the request prior to commencement or continuance of the vote.

(1) Except for votes under section ~~29-34(b)~~ 29-6.4(n)(1)(ii)(E), an abstention shall be counted with the majority and, if the question before the council requires a super majority for passage, the abstention shall be counted to reach the required super majority.

- (2) In the event of an abstention on a tie vote, the abstention shall not be counted with either side to break the tie.

...

Sec. 2-177. Departments listed.

- (a) The following city departments have been established:

Community development. (~~section 20-21-29-6.1(e)~~).

Community relations.

...

SECTION 4. Chapter 6 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 6-17. Amendments.

The code adopted by this article is hereby amended by substituting the following sections in lieu of those sections with corresponding numbers in the code, or, where there is no corresponding section in the code, the following sections shall be enacted as additions to the code:

...

3201.3 Other laws. Add the following additional sentence to this paragraph: All encroachments by balconies into the public rights-of-way shall conform to the requirements of this chapter and the requirements of section 24-2(c) and section ~~29-26(e)~~ 29-4.2(d)(8) of the code of ordinances.

...

3303.8 Historic Preservation Commission review of demolition permits. An application for any permit that authorizes the demolition of an historic resource shall include notice of the application addressed to the Historic Preservation Commission. The notice shall be on a form provided by the building official. The building official, upon verification that the application is complete, shall promptly forward the notice to the Historic Preservation Commission in care of the Community Development Department. The building official shall not issue the permit authorizing the demolition until the lesser of thirty (30) calendar days after the notice has been sent to the Community Development Department or until the Historic Preservation Commission notifies the building official that the Commission has no objection to the immediate demolition of the structure. The thirty (30) day review period

shall not begin until the application requesting demolition has been deemed to be complete.

...

The following definitions apply to this section:

...

"Historic resource" means any structure that:

- (1) Is fifty (50) years old or older; or
- (2) Is located in an 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."

Exceptions: The following shall not be subject to the provisions of this subsection:

- (1) A building or structure that has been determined to be a public nuisance and dangerous to the health, safety, or general welfare under the Property Maintenance Code of Columbia, Missouri.

...

- (6) A building or structure that is subject to the certificate of appropriateness provisions of Sec. ~~29-21.4~~29-2.3(c) of the Code of Ordinances of Columbia, Missouri.

...

Sec. 6-66. Amendments.

The code adopted by this article is hereby amended by substituting the following sections in lieu of those sections with corresponding numbers in the code, or, where there is no corresponding section in the code, the following sections shall be enacted as additions to the code:

...

R322 Flood Resistant Construction. Section ~~29-22~~29-2.3(d) of the Code of Ordinances applies. Delete section in its entirety.

...

SECTION 5. Chapter 13 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 13-18. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

...

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, as defined in section ~~29-3~~29-1.11 of this Code, 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.

...

Sec. 13-246. Screening requirements for motor vehicle wrecker service businesses.

(a) Except as otherwise provided in this section, a permanent screen shall be constructed and maintained on all property:

- (1) Which is used in connection with a motor vehicle wrecker service business;
- (2) Which is used to keep or store more than fifteen (15) motor vehicles at any one (1) time; and
- (3) Which abuts zoning districts R-1, R-2,or R-MF~~R-3 or R-4~~.

The permanent screen shall be located in such a manner that, to the extent possible, the stored vehicles shall not be visible from any ground location in the abutting residentially zoned district which is located within three hundred (300) feet of the stored vehicles. For purposes of this section, "ground location" means any point within six (6) feet of the surface of the earth.

...

SECTION 6. Chapter 24 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 24-2. Obstructing streets and sidewalks.

Any person who shall deposit, place, paint, write, erect or maintain any structure, material, article, substance, decoration or thing on, in or above any street, curb, gutter, park, parkway, sidewalk or public place of the city, except as specifically authorized by the city council by resolution, or as otherwise provided for by ordinance or this Code, shall be deemed guilty of a misdemeanor; provided, however:

...

- (c) That a building permit for the construction of a balcony extending over the public right-of-way in zoning district C-2 or M-DT shall be issued only if the city council has granted a right of use permit for the balcony and the proposed construction complies with section ~~29-26(c)~~ 29-4.2(d)(8) of this code and with the "encroachments into the public right-of-way" provisions of the Building Code of Columbia, Missouri, adopted in chapter 6 of this code.

...

Sec. 24-4. Conducting business in streets, sidewalks, etc.

(a) Whoever shall, upon any street, public place or sidewalk, expose or offer any merchandise or other property for show or sale, by auction or otherwise, except newspapers and pamphlets other than magazines, or conduct any business whatsoever, shall be guilty of a misdemeanor unless those persons are conducting business ~~in~~ on public sidewalks in the central business district and have complied with the business licensing and health ordinances and regulations, where applicable.

(b) "Central business district " shall mean that area set out in section ~~23-4~~ 24-86 of this Code.

(c) These provisions shall not be construed to affect or abrogate section 24-2, prohibiting the erection of structures in city rights-of-way.

...

Sec. 24-11. Stealing, damaging, etc., street signs.

Every person within the city who shall steal, take and carry away or deface or damage any signboard or signpost or any part thereof bearing the name of any street within the city, or who shall place on such signboard or signpost any advertising matter of any nature or description whatsoever, except for banners allowed under section ~~23-8-5~~ 29-4.8(e) of this Code, shall be deemed guilty of a misdemeanor.

...

Sec. 24-151. Mobile food vending allowed with certain restrictions, times and areas.

(a) All mobile food vending operations shall be subject to the following:

...

(d) In the Central Business District, mobile food vending is prohibited except as follows:

(1) In metered mobile food vending zones as lawfully permitted in this Code - between the hours of 6:00 a.m. and 3:00 a.m.; and

(2) As permitted by the director of public works at the Wabash Station - between the hours of 9:30 p.m. and 3:00 a.m. There is no fee for mobile food vending at the Wabash Station between the hours of 9:30 p.m. and 3:00 a.m. The director may establish rules and regulations for the use of the Wabash Station or prohibit use for mobile food vending at any time.

(e) Outside of the Central Business District, and when not prohibited by this Code, mobile food vending is permitted on legal parking areas directly adjacent to and on the same side of the street of property zoned C-2, M-N, M-DT, M-C, PD and IG-C-1, C-2, C-3, C-P, M-1, M-C, M-P and M-R that allow restaurants, between the hours of 6:00 a.m. and 11:00 p.m.

...

SECTION 7. Chapter 27 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 27-71. Extension of distribution water mains, generally.

(a) The extension of distribution water mains may be initiated and made in one of the following ways:

...

(b) All applications for permission to make such extension shall be submitted in writing to the director of the water and light department, who shall approve or disapprove such application. The application shall clearly indicate the desired route and approximate length of the extension and that the applicant agrees to the following:

(1) To construct the entire extension from the end of the existing water main to and across the entire frontage or other dimension of the lot or tract to be served, except as otherwise herein provided. Such extension shall be of pipe

size, as determined by the director, which will provide adequate fire protection and service to the area, but in no case shall the pipe size be less than six (6) inches. Should the department require a pipe size larger than that required to provide adequate fire protection and service to the area, then the department shall pay for the difference in cost of such larger size.

...

- (5) Applicant property owners requesting permission to extend water mains for the purpose of supplying one inch or smaller water service for a homestead, farmstead or recreational property zoned A, O, or R-1-or-A-4 shall:

...

SECTION 8. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2017.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor