

Section 101-203 Ord. 16424; Establishing the Benton Stephens Urban Conservation District

Ordinance No. 16424 Council Bill No. B 112-00A

AN ORDINANCE

establishing the Benton Stephens Urban Conservation District; 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. Establishment of Benton Stephens Urban Conservation District. The zoning district map established and adopted by Section 29-4 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 U-C (Urban Conservation Overlay District) and shall be known as the Benton Stephens Urban Conservation District:

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 PUD, O-P or C-P.
- (b) This ordinance shall not apply to any land in zoning districts O-1, C-1, C-3 or M-1 except that any new construction within those districts shall comply with the screening requirements of section 29-17 (d)(6).
- (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 as Conditional Uses in District R-1.

- (a) The R-1 conditional use provisions of Section 29-6 of the City Code pertaining to home occupations shall not apply in the Benton Stephens Urban Conservation District.
- (b) In addition to the home occupations allowed as permitted uses in District R-1, home occupations may be permitted in those areas of the Benton Stephens Urban Conservation District that are in district R-1 after the issuance of a conditional use permit pursuant to the City Code subject to the following restrictions:

1. A home occupation shall be incidental to the use of a dwelling unit for residential uses.
2. The business owner must reside on the premises.

3. No more than two full time employees who do not reside on the premises may be employed by the business.
 4. The conditional use permit may limit the hours of operation.
 5. Any signs used for identification or advertisement of the business must be attached to the structure and may not be larger than two square feet and may not be illuminated.
 6. No more than forty (40) per cent 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.
 7. 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, nor shall any raw materials, tools or appliances or waste products be stored outside of any building.
 8. 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.
 9. 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 single-family dwelling shall be defined as twenty-four vehicle trips to or from the dwelling unit per twenty-four hour period.
 10. The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.
 11. No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site.
 12. An applicant for a conditional use permit for a home occupation must include with the application appropriate plans 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.
- 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.
13. The Board of Adjustment may grant a conditional use permit for a limited period of time.

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. No modification of the underlying zoning district.

(b) Yards. 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 that 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, in order to encourage reasonable variety of front facades.
2. Rear - No modification of the underlying zoning district.

3. Side - No modification of the underlying zoning district except that for all corner lots in the Benton Stephens Urban Conservation District side streets 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.

In addition to the rear and side yard requirements of the underlying zoning district, for all uses other than detached single-family uses, no building hereafter constructed may be located less than thirty (30) feet from an existing non-accessory structure on the same lot.

(c) Building Height. For all uses other than detached single-family uses, buildings shall be restricted to a maximum of two stories, not to exceed a maximum building height of thirty (30) feet.

(d) Parking.

1. Except as otherwise provided by this section, parking requirements will be in accordance with Section 29-30 of the City Code, Off-Street Parking and Loading.

2. For all uses other than detached single-family uses, off-street parking facilities associated with the construction of a new structure or the alteration or change of use of an existing structure shall not be located in the front of the subject lot or parcel.

3. For all uses other than detached single-family uses, parking shall be located at the rear of a structure, or may be built into a structure.

4. For all uses other than detached single-family uses, parking may be located to the side of a structure if parking to the rear is unavailable. In that event, parking to the side of a structure shall not exceed sixty feet along the adjacent street front.

5. On-street parking directly in front of a lot will count toward fulfilling the off-street parking requirement. One parking space credit will be given for every space provided.

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

1. A minimum of twenty-five (25) percent of the total land area of any tract, parcel or lot shall be landscaped.

2. No new buildings or additions to existing buildings shall be permitted unless additional landscaping is provided on the tract, parcel or lot in an area equal to at least twenty-five (25) percent of the land area occupied by the new building or addition.

3. All parking areas containing more than two (2) spaces within twenty (20) feet of a street right-of-way shall have a six (6) feet wide street yard landscaping strip within private yards separating parking areas from abutting street rights-of-way containing no less than four (4) of the categories of planting materials listed in paragraph (f) of Section 29-25 of the City Code. The street yard landscaping strip shall contain one tree per thirty (30) feet of street frontage. Such trees shall be planted at intervals of thirty (30) to fifty (50) feet on center in the landscaping strip.

4. In addition to the above, parking areas developed after August 19, 1991, and additions to parking areas which were developed prior to August 19, 1991, containing more than twenty (20) parking spaces shall contain a minimum of one (1) tree for every 3,000 square feet of parking area.

5. Parking areas containing more than two (2) spaces, or loading/unloading areas within fifty (50) feet of a residential use or residential zoning district, but not separated by street right-of-way, shall be screened from view of the adjoining use or district, by landscaping materials, ornamental fence and walls in combination with plant materials, properly stabilized earthen berms, or a combination of any of these methods.

(f) 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.

(g) 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.

(h) 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.

(I) Orientation to the Street - All new non-accessory structures erected in the Benton Stephens Conservation District shall provide entrances, windows and porches oriented to the street from which it is addressed.

(j) Garages - Attached garages with garage doors facing the front lot line are discouraged and shall not be more than ten feet in width, nor shall the garage extend any further into the front yard than the front porch.

(k) 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.

(l) Air Conditioning Units and Heat Pumps - Air conditioning units and heat pumps shall not be located in front of the building line. All AC units or heat pumps located in a side yard shall be screened from front and side yard view with appropriate permanent yard structure or evergreen plantings.

(m) Every building face shall contain a minimum five (5) percent of the total face square footage in glazing.

(n) Any building face, or screening or fencing greater than thirty-five (35) feet in length shall be constructed with a differing projection at least once every thirty-five (35) linear feet.

(o) 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. 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, the director shall notify the Benton-Stephens Neighborhood Association in writing.

(b) The development plan submittal shall be clearly drawn in ink on eight and one-half (8½) 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; and
9. 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 and the standards and criteria of section 4 within two weeks of receiving the plan. A copy of the approved plan shall then be sent to the building regulations supervisor.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this 1st day of May, 2000.