

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 34-23

AN ORDINANCE

granting the issuance of a conditional use permit to Nicole and Josh Jacomb to allow for the construction of an attached accessory dwelling unit on property located at 506 S. Garth Avenue in an R-1 (One-family Dwelling) zoning district; providing a severability clause; and fixing the time when this ordinance shall become effective.

WHEREAS, pursuant to Section 29-6.4(m) of the City Code, the Planning and Zoning Commission (hereinafter "Commission") held a public hearing and submitted a written recommendation to the City Council related to issuance of a conditional use permit on property located at 506 S. Garth Avenue and legally described as set forth in "Exhibit A" attached hereto and incorporated by reference; and

WHEREAS, the City Council has considered the recommendation of the Commission along with the criteria set forth in Section 29-6.4(m) of the City Code.

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

SECTION 1. The City Council finds and determines that the criteria established in Section 29-6.4(m) of the City Code have been met and hereby grants the issuance of a conditional use permit to Nicole and Josh Jacomb to allow for the construction of an attached accessory dwelling unit (ADU) on property located at 506 S. Garth Avenue in an R-1 (One-family Dwelling) zoning district, subject to the following conditions:

- a. The conditional use permit is granted to the property owner and shall be valid for the duration of the use or revocation of the permit. Any discontinuance of the use for a period of twelve (12) months or more or any change in the character of the use shall render the permit null and void.
- b. Construction and use of the ADU shall be subject to the use-specific standards of Sec. 29-3.3(gg) of the City Code, which are as follows:
 - (1) No more than two (2) dwelling units, including the accessory dwelling, may be permitted on a single lot;

- (2) The lot must be a minimum of five thousand (5,000) square feet, and lot width must be a minimum of fifty (50) feet;
 - (3) A detached accessory dwelling shall be located a minimum of ten (10) feet behind the principal dwelling, and a minimum of six (6) feet from any side or rear lot line. On corner lots, the accessory dwelling shall be set back from side streets not less than the distance required for the principal residence. For the purpose of providing adequate fire protection access, the distance from the nearest street frontage to the center of the rear wall of the accessory dwelling unit shall not exceed one hundred and fifty (150) feet of travel distance unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the Fire Chief;
 - (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 (3) or more bedrooms; and
 - (8) Prior to issuance of a building permit for an attached 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.
- c. The property owner shall be a resident of either the principal dwelling unit or accessory dwelling unit.
 - d. The property is limited to one (1) rental certificate registered with the Office of Neighborhood Services.
 - e. If any of the conditions of this conditional use permit are not complied with, the City Council, upon recommendation of the Commission following written

notice and a noticed public hearing by the Commission, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit.

SECTION 2. The provisions of this ordinance are severable and if any provision is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor