

# *Engineering Surveys & Services*

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October 26, 2018  
Revised: December 14, 2018

Mr. Timothy Teddy  
Director  
Community Development Department  
City of Columbia  
P.O. Box 6015  
Columbia, MO 65205-6015

RE: Rezoning Request  
Westbury Village  
Columbia, Missouri

Dear Mr. Teddy:

Please find enclosed the rezoning application, Locator Map, and legal description for the above referenced property. On behalf of THM Construction, LLC, we are requesting rezoning of a 45.2-acre parcel from the current PD zoning to M-N, M-C, and R-MF to allow development of a mixed-use development including commercial, office, and residential infill development at the intersection of Scott Boulevard (Arterial Road) and Smith Drive (Collector Road). The property is bound to the north by the Kings Meadows Subdivision (Zoned R-1 and R-2), to the east by Scott Blvd., to the south by The Hamlet and large single-family lot (Zoned R-1), and to the west by the Stone Ridge Subdivision (Zoned R-1). We propose to divide the property into 14 lots for mixed use development including commercial, office, and residential development, two local non-residential streets as well as intersection improvement to Smith Drive and Scott Boulevard are proposed.

This property was rezoned to C-P, O-P, and PUD (currently PD) in 2000. Since its rezoning, no construction or development activity has occurred on the property. Our client believes this lack of activity is due to the cumbersome and undefined nature of planned developments. Specifically, developments are subjected to zoning process with every plan, with little defined requirements. This absence of definition creates enormous risk to developers and business owners. Therefore, they seek properties that can be developed by right.

Until passage of the Unified Development Code in 2017, zoning districts that allowed development by right did not provide adequate neighborhood protection or require mitigation of development impact. Therefore, planned development zoning was often the only practical option. However, the UDC now provides the neighborhood protection and a mechanism to require mitigation of the development impact. With the UDC, planned developments should rarely be required. The following is a summary of the proposed changes between the current PD zoning and the proposed zoning:

1. The specialized zoning conditions required by the PD district will be removed and replaced by clearly defined UDC standards that apply to all developments. This common and unified system will ensure consistent application, aiding staff in proper enforcement of the requirements.
2. Use restrictions defined in the PD district will be removed and replaced by the UDC uses. This change will open-up a wider range of uses on the property, specifically:
  - a. The PUD zoning currently limits the allowed uses to only multifamily development. The proposed RMF district will allow for the proposed senior housing project (independent living, assisted living, and memory care). This senior use is much less intense than multifamily. According to the ITE Traffic Generation Manual 9<sup>th</sup> Edition, the independent senior housing and assisted living generates only 52% and 40%, respectively, of the traffic per unit as compared to multifamily housing.
  - b. A few additional commercial uses will be allowed versus the PD zoning. Attached is a use section from the UDC that highlights the PD allowed uses.
3. Rezoning will allow for a development that is viable in today's market, whereas the current PD zoning restricts development to a similar style as Cherry Hill, which the market cannot support.
4. Neighborhood protection and specific use standards will be required on the property, that are not part of the current PD zoning restrictions. Attached are sections from the UDC highlighting additional restrictions that will likely impact this development that the PD zoning does not have.
5. The area and building heights of each comparable zoning district will change as follows:

	Current Zoning	Proposed Zoning	Existing Area	Proposed Area	PD Allowed Height	UDC Allowed Height
<b>North of Smith</b>						
Residential District	PUD	RMF	22.58	20.3	45	35 *
Office District	O-P	M-C	1.75	0	45	35
Commercial District	C-P	M-C	15.01	19.04	45	45
<b>South of Smith</b>						
Commercial District	O-P	M-N M-C	5.8	3.31 2.49	45 45	35 45

\*allowed height can be increased to 45-ft under specific standards

6. Development along Stone Valley Parkway will no longer be restricted to duplexes with driveways on the roadway.
7. The maximum allowed parking under the UDC will be similar to the minimum required

parking in the PD zoning.

8. The UDC lighting requirements will apply, versus the very limited lighting restrictions in the PD zoning.
9. The UDC landscaping, tree preservation, and buffering requirements will now be applied to the property, rather than the limited standards in the PD zoning.

Should you have any questions or need any additional information, please contact me.

Respectfully submitted,



Matthew A. Kriete, P.E.

Enclosure

cc: 1-McGee  
1-Mendenhall  
1-Farnen  
1-Colbert  
1-ESS file 13885

# Comparison of allowed C-P uses to allowed M-C uses

Permitted Use Table.: 29-3.2

- (9) Each use that exists on the Effective Date 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 the Effective Date is deemed to have a Conditional Use Approval to (a) continue operation in structures and on land areas where the operation was conducted on the Effective Date 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 all other applicable standards of this Chapter.
- (10) 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 to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this Code.

29-3.1(b) - The Permitted Uses and Conditional Uses in the C-2 District located outside the M-DT Regulating Plan boundary are allowed as indicated in Section 29-3.4 hereof and shall be subject to the Use-specific Standards set forth in Section 29-3.4.

## 29-3.2 Permitted Use Table.

Additional restrictions not in C-P zoning

Current approved Uses

**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

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	IG	A	O	PD	
<b>RESIDENTIAL USES</b>														
<b>Household Living</b>														
Dwelling, One-family Detached	P	P	P	P	P	P					P			(a)
Dwelling, One-family Attached		P	P		P	P								(b)
Dwelling, Two-family		P	P		P	P								(c)
Dwelling, Live-work			C		P	P	P	P						(d)
Dwelling, Multi-family			P		P	P	P	P						(e)
Manufactured Home Park				P										
Second Primary Dwelling Unit											C			(e)
<b>Group Living</b>														
Boarding House			P		P	P	P	P						
Continuing Care Retirement Community			P		P	P	P	P						(f)
Dormitory/Fraternity/Sorority			P		P	P	P	P						
Group Home, Large			P		P	P	P	P						(g)
Group Home, Small	P	P	P	P	P	P	P	P			P			(g)
Halfway House			C		C	C	C	C						(h)
Residential Care Facility			C		P	P	P	P						
Temporary Shelter			C		C	C	C	C						(i)

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														
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	IG	A	O	PD	
LAND USE CATEGORY														
<b>PUBLIC and INSTITUTIONAL USES</b>														
Adult and Child Care														
Adult Day Care Center		P	P		P	P	P	P	P				Per PD	
Family Day Care Center	A	A/C	P	A	P	P	P	P	P		A		(j)	
Community Service														
Assembly or Lodge Hall						C	P	P		P			Per PD Approval	
Cemetery or Mausoleum w/ C	C	C	C	C							P			
Community/Recreation Center	P	P	P		P	P	P	P	P	C	P			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P		(hh)
Elementary/Secondary School	P	P	P	P	P	P	P	P	P	P	P	P		
Funeral Home or Mortuary					C	C	P	C		P				(k)
Higher Education Institution			P		P	P	P	P	P	C				(l)
Hospital					P	P	P	C	P	P				
Museum or Library	C	C	C		P	P	P	P	P	C	P			
Police or Fire Station	P	P	P	P	P	P	P	P	P	C	P			
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P			
Public Park, Playground, or Golf Course	P	P	P	P	P	P	P	P	P		P	P		
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P		
Reuse of Place of Public Assembly	C	C	C	C										(m)
Utilities and Communications														
Communication Antenna or Tower as a Principal Use	See 29-33(n)												(n)	
Public Utility Services, Major	C	C	C	C	C	P	P	P	P	P	P	P		
Public Utility Services, Minor	C	C	C	C	P	P	P	P	P	P	P			
Wind Energy Conversion System (WECS) as a Principal Use	See 29-33(o)												(o)	
<b>COMMERCIAL USES</b>														
Agriculture & Animal-Related														
Agriculture											P		Per PD Approval	
Farmer's Market	T	T	T		T	P	P	T	T	P	P	P		
Greenhouse or Plant Nursery							P			P	P			
Pet Store or Pet Grooming						P	P	P	C	C				
Urban Agriculture w/o C			C		P	P	C	C			P			(p)
Veterinary Hospital					C	C	P	P	P	P				(q)
Food & Beverage Service														
Bar or Nightclub						C	P	P		C			Per PD	

**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

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	IG	A	O	PD		
<b>LAND USE CATEGORY</b>															
<b>Restaurant</b>						P	P	P	P	P				(r)	
<b>Guest Accommodations</b>															
<b>Bed and Breakfast</b>		C	C		C	P	P	P					Per PD Approval	(s)	
<b>Hotel</b>							P	P	P	P					
<b>Travel Trailer Park</b>							C				C				
<b>Office</b>															
<b>Commercial or Trade School</b>					P	P	P	P	P	P			Per PD Approval	(t)	
<b>Office</b>					P	P	P	P	P	P					
<b>Research and Development Laboratory</b>					P	P	P	P	P	P					(u)
<b>Wholesale Sales Office or Sample Room</b>							P	P	P	P					
<b>Personal Services</b>															
<b>Personal Services, General</b>					C	P	P	P	P	P			Per PD	(v)	
<b>Self-service Storage Facilities</b>							P	C		P					(w)
<b>Tree or Landscaping Service</b>							P		P	P					(oo)
<b>Recreation &amp; Entertainment</b>															
<b>Indoor Recreation or Entertainment</b>						P	P	P	P	P			Per PD Approval		
<b>Indoor Entertainment, Adult</b>							C			C					(x)
<b>Outdoor Recreation or Entertainment</b>							P		C	P	C	C			(y)
<b>Physical Fitness Center</b>						P	P	P	P	P					
<b>Theatre, Drive-In</b>							C			P					
<b>Retail</b>															
<b>Alcoholic Beverage Sale</b>						P	P	P	P	P			Per PD Approval	(z)	
<b>Retail, Adult</b>							P	P		P					(x)
<b>Retail, General</b>						P	P	P		P					(aa)
<b>Vehicles &amp; Equipment</b>															
<b>Car Wash</b>						C	P	P	P	P			Per PD Approval		
<b>Heavy Vehicle and Equipment Sales, Rental, and Servicing</b>										P					
<b>Light Vehicle Sales or Rental</b>							P	P	P	P					(bb)
<b>Light Vehicle Service or Repair</b>						C	P	P	P	P					(cc)
<b>Major Vehicle Repair and Service</b>							P		P	P					(cc)
<b>Parking Lot, Commercial</b>							P	P	P	P					
<b>Parking Structure, Commercial</b>							P	P	P	P					
<b>INDUSTRIAL USES</b>															
<b>Commercial Services</b>															

**Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE**  
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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	IG	A	O	PD			
LAND USE CATEGORY																
Heavy Commercial Services							P	P		P				Per PD Approval		
Mechanical and Construction Contractors							C			P						
Storage and Wholesale Distribution									P	P						(dd)
Manufacturing, Production and Extraction																
Artisan Industry						P	P	P	P	P				Per PD Approval		
Bakery						C	P	P	P	P						
Heavy Industry										C						
Light Industry										C	P					(ee)
Machine Shop							C			P						
Mine or Quarry										C	C					
Transportation																
Airport											C			Per PD Approval		
Bus Barn or Lot							P			P						
Bus Station							P	P		P						
Rail or Truck Freight Terminal									C	P						
Waste & Salvage																
Sanitary Landfill											C			Per PD		
Vehicle Wrecking or Junkyard										C						(ff)
<b>ACCESSORY USES</b>																
Accessory Dwelling Units	C	A	A											Per PD Approval	(gg)	
Backyard or Rooftop Garden	A	A	A	A	A	A	A	A	A		A					(hh)
Communication Antenna or Tower as an Accessory Use	See 29-3.3(n)															(n)
Customary Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A	A			(ii)
Drive-Up Facility					CA	CA	A	CA	A	A						(jj)
Home Occupation	A	A	A	A	A	A	A	A	A		A					(kk)
Home Occupation with Non-Resident Employees	CA	CA	CA	CA												(ll)
Outdoor Storage in Residential Districts	A	A	A	A												(mm)
Wind Energy Conversion System (WECS) as a Principal Use	See 29-3.3(o)															(o)
<b>TEMPORARY USES</b>																
Temporary Construction Office or Yard	T	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	T			
Temporary Real Estate Sales/Leasing Office	T	T	T	T	T	T	T	T	T			T				(nn)

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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	IG	A	O		PD
<b>LAND USE CATEGORY</b>														
Temporary/Seasonal Sales or Event, Other	T	T	T		T	T	T	T	T	T	T	T		



# Comparison of allowed O-P uses to allowed M-N uses

Permitted Use Table.: 29-3.2

- (9) Each use that exists on the Effective Date 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 the Effective Date is deemed to have a Conditional Use Approval to (a) continue operation in structures and on land areas where the operation was conducted on the Effective Date 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 all other applicable standards of this Chapter.
- (10) 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 to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this Code.

29-3.1(b) - The Permitted Uses and Conditional Uses in the C-2 District located outside the M-DT Regulating Plan boundary are allowed as indicated in Section 29-3.4 hereof and shall be subject to the Use-specific Standards set forth in Section 29-3.4.

## 29-3.2 Permitted Use Table.

**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

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	IG	A	O	PD	
<b>LAND USE CATEGORY</b>														
<b>RESIDENTIAL USES</b>														
<b>Household Living</b>														
Dwelling, One-family Detached	P	P	P	P	P	P					P			(a)
Dwelling, One-family Attached		P	P		P	P								(b)
Dwelling, Two-family		P	P		P	P								(c)
Dwelling, Live-work			C		P	P	P	P						(d)
Dwelling, Multi-family			P		P	P	P	P						(e)
Manufactured Home Park				P										
Second Primary Dwelling Unit											C			(e)
<b>Group Living</b>														
Boarding House			P		P	P	P	P						
Continuing Care Retirement Community			P		P	P	P	P						(f)
Dormitory/Fraternity/Sorority			P		P	P	P	P						(g)
Group Home, Large			P		P	P	P	P						(g)
Group Home, Small	P	P	P	P	P	P	P	P			P			(g)
Halfway House			C		C	C	C	C						(h)
Residential Care Facility			C		P	P	P	P						
Temporary Shelter			C		C	C	C	C						(i)

Additional restrictions not in O-P zoning

**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

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	IG	A	O	PD	
<b>LAND USE CATEGORY</b>														
<b>PUBLIC and INSTITUTIONAL USES</b>														
Adult and Child Care														
Adult Day Care Center		P	P		P	P	P	P	P				Per PD	
Family Day Care Center	A	A/C	P	A	P	P	P	P	P		A		Per PD	(j)
Community Service														
Assembly or Lodge Hall						C	P	P		P			Per PD Approval	
Cemetery or Mausoleum	C	C	C	C							P			
Community/Recreation Center	P	P	P		P	P	P	P	P	C	P			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P		(hh)
Elementary/Secondary School	P	P	P	P	P	P	P	P	P	P	P	P		
Funeral Home or Mortuary					C	C	P	C		P				(k)
Higher Education Institution			P		P	P	P	P	P	C				(l)
Hospital					P	P	P	C	P	P				
Museum or Library	C	C	C		P	P	P	P	P	C	P			
Police or Fire Station	P	P	P	P	P	P	P	P	P	C	P			
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P			
Public Park, Playground, or Golf Course	P	P	P	P	P	P	P	P	P		P	P		
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P		
Reuse of Place of Public Assembly	C	C	C	C									(m)	
<b>Utilities and Communications</b>														
Communication Antenna or Tower as a Principal Use	See 29-3.3 (n)												(n)	
Public Utility Services, Major	C	C	C	C	C	P	P	P	P	P	P	P		
Public Utility Services, Minor	C	C	C	C	P	P	P	P	P	P	P			
Wind Energy Conversion System (WECS) as a Principal Use	See 29-3.3 (o)												(o)	
<b>COMMERCIAL USES</b>														
<b>Agriculture &amp; Animal-Related</b>														
Agriculture												P		
Farmer's Market	T	T	T		T	P	P	T	T	P	P	P	Per PD Approval	
Greenhouse or Plant Nursery							P			P	P			
Pet Store or Pet Grooming						P	P	P	C	C				
Urban Agriculture			C		P	P	C	C			P			(p)
Veterinary Hospital					C	C	P	P	P	P				(q)
<b>Food &amp; Beverage Service</b>														
Bar or Nightclub						C	P	P		C			Per PD	

Current approved Uses

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															
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	IG	A	O		PD	
LAND USE CATEGORY															
Restaurant						P	P	P	P	P				(r)	
Guest Accommodations															
Bed and Breakfast		C	C		C	P	P	P					Per PD Approval	(s)	
Hotel							P	P	P	P					
Travel Trailer Park							C				C				
Office															
Commercial or Trade School					P	P	P	P	P	P			Per PD Approval	(t)	
Office					P	P	P	P	P	P					
Research and Development Laboratory					P	P	P	P	P	P					(u)
Wholesale Sales Office or Sample Room							P	P	P	P					
Personal Services															
Personal Services, General					C	P	P	P	P	P			Per PD	(v)	
Self-service Storage Facilities							P	C		P					(w)
Tree or Landscaping Service							P		P	P			Per PD	(oo)	
Recreation & Entertainment															
Indoor Recreation or Entertainment						P	P	P	P	P			Per PD Approval		
Indoor Entertainment, Adult							C			C					(x)
Outdoor Recreation or Entertainment							P		C	P	C	C			(y)
Physical Fitness Center						P	P	P	P	P					
Theatre, Drive-In							C			P					
Retail															
Alcoholic Beverage Sale						P	P	P	P	P			Per PD Approval	(z)	
Retail, Adult							P	P		P					(x)
Retail, General						P	P	P		P					(aa)
Vehicles & Equipment															
Car Wash						C	P	P	P	P			Per PD Approval		
Heavy Vehicle and Equipment Sales, Rental, and Servicing										P					
Light Vehicle Sales or Rental							P	P	P	P					(bb)
Light Vehicle Service or Repair						C	P	P	P	P					(cc)
Major Vehicle Repair and Service							P		P	P					(cc)
Parking Lot, Commercial							P	P	P	P					
Parking Structure, Commercial							P	P	P	P					
INDUSTRIAL USES															
Commercial Services															

**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

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	IG	A	O		PD
<b>LAND USE CATEGORY</b>														
Heavy Commercial Services							P	P		P				
Mechanical and Construction Contractors							C			P				
Storage and Wholesale Distribution									P	P				(dd)
Manufacturing, Production and Extraction														
Artisan Industry						P	P	P	P	P				
Bakery w/o CA						C	P	P	P	P				
Heavy Industry										C				
Light Industry									C	P				(ee)
Machine Shop							C			P				
Mine or Quarry										C	C			
Transportation														
Airport											C			
Bus Barn or Lot							P			P				
Bus Station							P	P		P				
Rail or Truck Freight Terminal									C	P				
Waste & Salvage														
Sanitary Landfill											C			
Vehicle Wrecking or Junkyard										C				(ff)
<b>ACCESSORY USES</b>														
Accessory Dwelling Units	C	A	A											(gg)
Backyard or Rooftop Garden	A	A	A	A	A	A	A	A	A		A			(hh)
Communication Antenna or Tower as an Accessory Use	See 29-3.3(n)													(n)
Customary Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A		(ii)
Drive-Up Facility w/o CA					CA	CA	A	CA	A	A				(jj)
Home Occupation	A	A	A	A	A	A	A	A	A		A			(kk)
Home Occupation with Non-Resident Employees	CA	CA	CA	CA										(ll)
Outdoor Storage in Residential Districts	A	A	A	A										(mm)
Wind Energy Conversion System (WECS) as a Principal Use	See 29-3.3(o)													(o)
<b>TEMPORARY USES</b>														
Temporary Construction Office or Yard	T	T	T	T	T	T	T	T	T	T	T	T		
Temporary Parking Lot					T	T	T	T	T	T	T	T		
Temporary Real Estate Sales/Leasing Office	T	T	T	T	T	T	T	T			T			(nn)

**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

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	IG	A	O		PD
<b>LAND USE CATEGORY</b>														
Temporary/Seasonal Sales or Event, Other	T	T	T		T	T	T	T	T	T	T	T		

# Comparison of allowed PUD uses to allowed R-MF uses

Permitted Use Table.: 29-3.2

- (9) Each use that exists on the Effective Date 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 the Effective Date is deemed to have a Conditional Use Approval to (a) continue operation in structures and on land areas where the operation was conducted on the Effective Date 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 all other applicable standards of this Chapter.
- (10) 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 to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this Code.

29-3.1(b) - The Permitted Uses and Conditional Uses in the C-2 District located outside the M-DT Regulating Plan boundary are allowed as indicated in Section 29-3.4 hereof and shall be subject to the Use-specific Standards set forth in Section 29-3.4.

## 29-3.2 Permitted Use Table.

Additional restrictions not in PUD zoning

**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

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	IG	A	O	PD		
<b>LAND USE CATEGORY</b>															
<b>RESIDENTIAL USES</b>															
Household Living															
Dwelling, One-family Detached	P	P	P	P	P	P					P			(a)	
Dwelling, One-family Attached		P	P		P	P								(b)	
Dwelling, Two-family		P	P		P	P								(c)	
Dwelling, Live-work			C		P	P	P	P						(d)	
Dwelling, Multi-family			P		P	P	P	P							
Manufactured Home Park				P											
Second Primary Dwelling Unit											C			(e)	
<b>Group Living</b>															
Boarding House			P		P	P	P	P							
Continuing Care Retirement Community			P		P	P	P	P						(f)	
Dormitory/Fraternity/Sorority			P		P	P	P	P							
Group Home, Large			P		P	P	P	P						(g)	
Group Home, Small	P	P	P	P	P	P	P	P			P			(g)	
Halfway House			C		C	C	C	C						(h)	
Residential Care Facility			C		P	P	P	P							
Temporary Shelter			C		C	C	C	C						(i)	

Current approved Uses

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														
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	IG	A	O		PD
LAND USE CATEGORY														
<b>PUBLIC and INSTUTIONAL USES</b>														
Adult and Child Care														
Adult Day Care Center		P	P		P	P	P	P	P				Per PD	
Family Day Care Center	A	A/C	P	A	P	P	P	P	P		A		(j)	
Community Service														
Assembly or Lodge Hall						C	P	P		P			Per PD Approval	
Cemetery or Mausoleum	C	C	C	C							P			
Community/Recreation Center	P	P	P		P	P	P	P	P	C	P			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P		(hh)
Elementary/Secondary School	P	P	P	P	P	P	P	P	P	P	P	P		(k)
Funeral Home or Mortuary					C	C	P	C		P				(l)
Higher Education Institution			P		P	P	P	P	P	C				
Hospital					P	P	P	C	P	P				
Museum or Library	C	C	C		P	P	P	P	P	C	P			
Police or Fire Station	P	P	P	P	P	P	P	P	P	C	P			
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P			
Public Park, Playground, or Golf Course	P	P	P	P	P	P	P	P	P		P	P		
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P		
Reuse of Place of Public Assembly	C	C	C	C									(m)	
<b>Utilities and Communications</b>														
Communication Antenna or Tower as a Principal Use	See 29-3.3(n)											(n)		
Public Utility Services, Major	C	C	C	C	C	P	P	P	P	P	P	P		
Public Utility Services, Minor	C	C	C	C	P	P	P	P	P	P	P			
Wind Energy Conversion System (WECS) as a Principal Use	See 29-3.3(o)											(o)		
<b>COMMERCIAL USES</b>														
<b>Agriculture &amp; Animal-Related</b>														
Agriculture											P		Per PD Approval	
Farmer's Market	T	T	T		T	P	P	T	T	P	P	P		
Greenhouse or Plant Nursery							P			P	P			
Pet Store or Pet Grooming						P	P	P	C	C				
Urban Agriculture			C		P	P	C	C			P			(p)
Veterinary Hospital					C	C	P	P	P	P			(q)	
<b>Food &amp; Beverage Service</b>														
Bar or Nightclub						C	P	P		C			Per PD	

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															
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	IG	A	O		PD	
LAND USE CATEGORY															
Restaurant						P	P	P	P	P				(r)	
Guest Accommodations															
Bed and Breakfast		C	C		C	P	P	P					Per PD Approval	(s)	
Hotel							P	P	P	P			Per PD Approval		
Travel Trailer Park							C				C				
Office															
Commercial or Trade School					P	P	P	P	P	P			Per PD Approval	(t)	
Office					P	P	P	P	P	P					
Research and Development Laboratory					P	P	P	P	P	P					(u)
Wholesale Sales Office or Sample Room							P	P	P	P					
Personal Services															
Personal Services, General					C	P	P	P	P	P			Per PD	(v)	
Self-service Storage Facilities							P	C		P					(w)
Tree or Landscaping Service							P		P	P			Per PD	(oo)	
Recreation & Entertainment															
Indoor Recreation or Entertainment						P	P	P	P	P			Per PD Approval		
Indoor Entertainment, Adult							C			C					(x)
Outdoor Recreation or Entertainment							P		C	P	C	C			(y)
Physical Fitness Center						P	P	P	P	P			Per PD Approval		
Theatre, Drive-In							C			P					
Retail															
Alcoholic Beverage Sale						P	P	P	P	P			Per PD Approval	(z)	
Retail, Adult							P	P		P					(x)
Retail, General						P	P	P		P					(aa)
Vehicles & Equipment															
Car Wash						C	P	P	P	P			Per PD Approval		
Heavy Vehicle and Equipment Sales, Rental, and Servicing										P					
Light Vehicle Sales or Rental							P	P	P	P					(bb)
Light Vehicle Service or Repair						C	P	P	P	P					(cc)
Major Vehicle Repair and Service							P		P	P					(cc)
Parking Lot, Commercial							P	P	P	P					
Parking Structure, Commercial							P	P	P	P					
INDUSTRIAL USES															
Commercial Services															



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														
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	IG	A	O	PD	
LAND USE CATEGORY														
Heavy Commercial Services							P	P		P			Per PD Approval	
Mechanical and Construction Contractors							C			P				
Storage and Wholesale Distribution									P	P				(dd)
<b>Manufacturing, Production and Extraction</b>														
Artisan Industry						P	P	P	P	P			Per PD Approval	
Bakery						C	P	P	P	P				
Heavy Industry										C				
Light Industry									C	P				(ee)
Machine Shop							C			P				
Mine or Quarry										C	C			
<b>Transportation</b>														
Airport											C		Per PD Approval	
Bus Barn or Lot							P			P				
Bus Station							P	P		P				
Rail or Truck Freight Terminal									C	P				
<b>Waste &amp; Salvage</b>														
Sanitary Landfill											C		Per PD	
Vehicle Wrecking or Junkyard										C				(ff)
<b>ACCESSORY USES</b>														
Accessory Dwelling Units	C	A	A										Per PD Approval	(gg)
Backyard or Rooftop Garden	A	A	A	A	A	A	A	A	A		A			(hh)
Communication Antenna or Tower as an Accessory Use	See 29-3.3(n)													(n)
Customary Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A		(ii)
Drive-Up Facility					CA	CA	A	CA	A	A				(jj)
Home Occupation	A	A	A	A	A	A	A	A	A		A			(kk)
Home Occupation with Non-Resident Employees	CA	CA	CA	CA										(ll)
Outdoor Storage in Residential Districts	A	A	A	A										(mm)
Wind Energy Conversion System (WECS) as a Principal Use	See 29-3.3(o)													(o)
<b>TEMPORARY USES</b>														
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	T	T	T	T	T	T	T	T	T		T			(nn)

**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

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	IG	A	O	PD	
<b>LAND USE CATEGORY</b>														
Temporary/Seasonal Sales or Event, Other	T	T	T		T	T	T	T	T	T	T	T		

- (vii) 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.

**29-3.3(b) - Primary Use of Land and Buildings: Dwelling, One-family Attached.**

The structure containing this use is limited to no more than two (2) contiguous attached dwellings in the R-2 zone district, and no more than 6 contiguous attached dwellings in the R-MF zone district. Notwithstanding anything in this Chapter, interior units in a one-family attached dwelling structure shall not be subject to side yard setbacks.

**29-3.3(c) - Primary Use of Land and Buildings: Dwelling, Live-work.**

This use shall be subject to the following additional 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;
- (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; and
- (4) Where a conditional use permit is required, all non-residential uses shall be specifically approved within such conditional use permit.

Additional Restriction under new UDC

**29-3.3(d) - Primary Use of Land and Buildings: Dwelling, Multi-family.**

This use shall be subject to the following additional standards:

**(1) Façade Length and Articulation.**

- (i) At least 1 of the following design features shall be incorporated within each twenty-five (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; and
- (ii) Total length of any multi-family primary façade shall not exceed two hundred (200) feet, and no façade wall shall extend more than eighty (80) horizontal feet without projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade.

**(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 transoms (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.**

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) All-Sided Design.**

The following shall apply to ensure that "all-sided" design is achieved:

- (i) All sides of a building having frontage on public or private streets or internal travel ways shall use the same predominate façade material used on the primary façade of the building and shall incorporate at least two (2) of the façade features listed in subsection 29-3.3(d)(1) above;
- (ii) When any side of a building is 24-feet or less in height and not required to comply with the requirements of item (i), above, and is adjacent to an existing single or two family dwelling in the R-MF District or R-1 or R-2 District zoned land it shall be screened from the adjacent property in accordance with Section 29-4.4(e); and
- (iii) When any side of a side of building greater than 24-feet in height is adjacent to an existing single or two family dwelling in the R-MF District or R-1 or R-2 District zoned land it shall be screened from the adjacent property in accordance with Section 29-4.4(e) and shall use the same predominate façade material used on the primary façade of the building and shall incorporate at least two (2) of the façade features listed in subsection 29-3.3(d)(1) above.

**(5) Parking Garages and Carports.**

No more than fifty (50) percent of required on-site parking may be surface parking visible from a public or private street. Any façade of a parking garage and any end or side of a carport structure visible from a public or private street 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.

**(6) Universal Design.**

In principal 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, and M-DT districts, no principal structure may contain more than two hundred (200) bedrooms in any one structure;
- (ii) Each principal 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, R-2, or R-MF District or a property containing a one-family attached, detached, or duplex dwelling may contain an exterior balcony or patio; and
- (iv) No outdoor activity area such as a swimming pool, tennis court, or game court may be located between any façade of the principal structure and any property line adjacent to an R-1, R-2, or R-MF District or a property containing a one-family attached, detached, or duplex dwelling.

**29-3.3(e) - Primary Use of Land and Buildings: 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.

**29-3.3(f) - Primary Use of Land and Buildings: Continuing Care Retirement Communities (CCRC).**

This use shall be subject to the following additional standards:

- (1) A CCRC shall be planned and constructed as a unified development;
- (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 District shall apply to any proposed component of a CCRC; and
- (4) A twenty-five (25) foot perimeter setback shall be provided around all sides of a CCRC.

**29-3.3(g) - Primary Use of Land and Buildings: Group Home.**

This use shall meet the following additional standards:

- (1) Before operating such Group Home, the owner or operator of the home shall register with the Department; and
- (2) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

**29-3.3(h) - Primary Use of Land and Buildings: Halfway House.**

This use is subject to the following additional 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; and
- (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 character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.

#### 29-3.3(i) - Primary Use of Land and Buildings: Temporary Shelter.

This use is subject to the following additional 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; and
- (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.

#### 29-3.3(j) - Primary Use of Land and Buildings: Family Day Care Center.

This use is subject to the following additional standards:

- (1) In the R-1, R-2, R-MH, and A Districts:
  - (i) 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;
  - (ii) The use shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this section;
  - (iii) The use shall be located in a dwelling used by the operator as his or her private residence;
  - (iv) 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; and
  - (v) A Family Day Care Center may utilize one (1) sign used for identification purposes, but such sign must be attached flat to the structure, may not be larger than one square foot, and may not be illuminated.
- (2) In the R-2 District, a family day care home that exceeds the size limit of item (1)(i), above, may be approved as a conditional use.

#### 29-3.3(k) - Primary Use of Land and Buildings: Funeral Home or Mortuary.

This use is subject to the following additional standards:

- (1) The use shall be conducted within a fully enclosed legally permitted structure and may include a covered exterior entry or porte cochere to shelter users during visitation services or transporting the deceased;
- (2) No outside storage or display of equipment or merchandise used or customarily sold in conjunction with such use shall be permitted; and
- (3) Cremation of the deceased shall be permitted on-site only in the IG District or in other districts as specifically allowed by a conditional use permit.

#### 29-3.3(l) - Primary Use of Land and Buildings: Higher Education Institution.

This use, to the extent subject to this Chapter and applicable state and federal law, shall comply with the following additional 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; and
- (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.

#### 29-3.3(m) - Primary Use of Land and Buildings: Reuse of Place 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 the following additional standards are met:

- (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.

29-3.3(n) - Primary Use of Land and Buildings: Communication Antenna or Tower.

This use is subject to the following additional 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.

(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(n)(5) (Standards), unless otherwise required by law:

- (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;
- (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 of a lease providing for use of structures or land owned by the City;
- (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;
- (v) Satellite receiver dishes up to one (1) meter in diameter; and
- (vi) Any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station which is required to be approved by the City under federal law.

(3) Permitted Uses in Selected Districts.

The following use shall be permitted in any zoning district other than zoning Districts A, R-1, R-2, R-MF, R-MH or PD with a residential development component, subject to the issuance of a building permit by the Department, provided that drawings and other



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
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.

#### 29-3.3(q) - Primary Use of Land and Buildings: Veterinary Hospital.

This use, when domesticated animals or fowl are treated, kept, cared for, bred or board on-site, shall be subject to the following additional standards:

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

- (2) A secondary or perimeter fence or wall shall be constructed around all outside animal run structures, pens, enclosures and outside exercise yards in a manner that protects animals from injury and contain animals securely.
- (3) Veterinary hospitals that provide outside facilities (including but not limited to a run, pen, enclosure or exercise yard) which abut residential uses or residential zoning district, shall be subject to the following setbacks:
  - (i) Two hundred (200) feet from the residential use or residential zoning district to any outside animal run structure, pen, enclosures or outdoor exercise yard with openings; and
  - (ii) One hundred (100) feet from the residential use or residential zoning district to any principle structure or secondary or perimeter fence or wall, which encloses an outdoor exercise yard, without openings.
- (4) All other applicable state regulations shall be met.

**29-3.3(r) - Primary Use of Land and Buildings: Restaurant.**

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

**29-3.3(s) - Primary Use of Land and Buildings: Bed and Breakfast.**

This use is subject to the following additional standards:

- (1) Not more than five (5) guest rooms shall be allowed.
- (2) In addition to meeting all parking requirements of Article 4 there shall be one (1) off-street parking space provided for each guest room.
- (3) There shall be no individual room cooking facilities used for the bed and breakfast stay.
- (4) The establishment shall be owner-occupied and managed. If the owner is not the record owner of the real estate, proof of ownership interest in the bed and breakfast establishment shall be required.
- (5) 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 Department prior to issuance of an occupancy permit.
- (6) Only one (1) wall-mounted sign, not exceeding eight (8) square feet in size, shall be allowed.
- (7) Meals may be served only to residents and overnight guests.

**29-3.3(t) - Primary Use of Land and Buildings: Commercial or Trade School.**

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

**29-3.3(u) - Primary Use of Land and Buildings: 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.

## 29-3.3(v) - Primary Use of Land and Buildings: 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.

## 29-3.3(w) - Primary Use of Land and Buildings: Self-service Storage Facility.

- (1) When such uses are located in the M-C District and are no greater than fourteen (14) feet in height, unless otherwise permitted, shall be subject to the following additional standards:
  - (i) 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.
  - (ii) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-4.4(e).
  - (iii) 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.
  - (iv) 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.
  - (v) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
  - (vi) Building heights shall be limited to fourteen (14) feet, unless the building complies with the following standards, which are intended to ensure that buildings in excess of fourteen (14) feet in height are visually compatible with surrounding developments:
    - (A) Property shall not be adjacent to, and no structure shall be within one hundred (100) feet of a lot that is residentially zoned or used;
    - (B) The exterior of the building shall be constructed entirely of brick, stone, precast concrete panels that include a masonry façade or other architectural elements, split face block or other similar high-quality materials. Prefabricated metal panels and smooth-faced concrete block shall be prohibited;
    - (C) All exterior portions and/or façades, including the roof, shall use colors consisting of a neutral earth tone;
    - (D) In addition to the screening and landscaping standards of Section 29-4.4(e), one (1) street tree shall be placed every forty (40) linear feet of site frontage along any property line that abuts a right of way in order to screen the mass of the building; and
    - (E) Building height shall not exceed forty-five (45) feet or contain more than four (4) stories.
  - (vii) Loading docks shall be prohibited.

**29-3.3(z) - Primary Use of Land and Buildings: Alcoholic Beverage Sales.**

This use is subject to the following additional standards:

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

**29-3.3(aa) - Primary Use of Land and Buildings: Retail, General.**

This use is subject to the following additional standards:

- (1) A retail use in the M-N and M-BP Districts may not exceed a gross floor area of 15,000 sq. ft., except a grocery store may not exceed 45,000 sq. ft. 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 set forth herein;
- (2) A retail use in the IG District may not exceed a gross floor area of 15,000 sq. ft., except upon issuance of a conditional use permit; and
- (3) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.

**29-3.3(bb) - Primary Use of Land and Buildings: Light Vehicle Sales or Rental.**

When such uses are in the M-DT District, all displays, sales and rental activities shall not occur in an area intended to be occupied by a building and shall not be located forward of the Required Building Line (RBL).

**29-3.3(cc) - Primary Use of Land and Buildings: Light Vehicle Service and Repair.**

This use is subject to the following additional standards:

- (1) In the M-N, M-C, M-DT, M-BP, and I-G Districts, all service and repair activities must take place in an enclosed structure;
- (2) Vehicle bodywork or painting, or major engine or transmission repairs shall not be permitted within the M-N or M-DT District. Such activities shall be permitted in the M-C, M-BP, and I-G Districts provided such activities are conducted within a fully enclosed building;
- (3) Inoperable or damaged vehicles awaiting repair shall be screened from view of all adjacent properties;
- (4) No salvage activities shall be permitted; and
- (5) Gas station or fuel centers with a convenience store are permitted within the M-DT Urban General West frontage type, as shown on the M-DT Regulating Plan, and shall not be required to comply with the required building line (RBL) standards.

**29-3.3(dd) - Primary Use of Land and Buildings: 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 District.

**29-3.3(gg) - Accessory and Temporary Uses of Land and Buildings: Accessory Dwelling Units.**

This use is subject to the following additional standards:

- (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 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.

**29-3.3(hh) - Accessory and Temporary Uses of Land and Buildings: 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.

**29-3.3(ii) - Accessory and Temporary Uses of Land and Buildings: Customary Accessory Uses and Related Structures.**

- (1) All Customary Accessory Uses and Accessory Structures shall comply with the following additional standards, unless otherwise provided in this Code:
  - (i) All accessory uses and accessory structures shall be subordinate to the principal structure(s) and primary use(s) on the property. The aggregate first floor square footage of all Accessory Structures on a lot shall not exceed the first floor square

footage of any principal structure on the lot. The aggregate square footage of all areas devoted primarily to accessory uses on a lot shall not exceed the square footage of all areas devoted to the primary use of the lot;

- (ii) All accessory uses and structures shall comply with all dimensional regulations (i.e. building height, lot coverage, and minimum yard) applicable to the principal structure(s) on the property unless this Chapter provides a specific exception to those regulations;
  - (iii) No part of a detached accessory structure shall be closer than ten (10) feet to another structure;
  - (iv) 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 principal structure is constructed on the property; and
  - (v) Driveways, parking areas and loading areas shall comply with the requirements of Section 29-4.3.
- (2) Customary Accessory Uses and Accessory Structures to One-family, Two-family, Live-work, shall also comply with the following standards:
- (i) Detached accessory structures shall not exceed twenty-four (24) feet in height or the height of the principal structure, whichever is less, and may not occupy more than thirty (30) percent of a required rear yard;
  - (ii) For any dwelling there shall be permitted one (1) garage with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area, provided that total garage space shall not exceed the total habitable first-floor floor area of the primary dwelling;
  - (iii) Detached accessory structures and accessory surface improvements (such as tennis courts, basketball courts, swimming pools, or paved patios) shall be located:
    - (A) not forward of the principal structure,
    - (B) not less than three (3) feet from any side lot line, and
    - (C) not less than one (1) foot from any alley line;
  - (iv) Notwithstanding the provision of subparagraph (iii) above, when the rear lot line is common to a side or rear lot line of another lot, detached accessory structures and accessory surface improvements must be located a minimum of three (3) feet from such rear lot line. For corner lots, detached accessory structures and accessory surface improvements must be located not less than the distance required for residences from side streets; and
  - (v) An accessory structure or accessory surface improvement constructed as an integral part of the main building shall be subject to the setback standards affecting the main building, provided that on a corner lot, a garage integrally attached to the main building may extend to a point not less than eighteen (18) feet from the rear lot line, but shall not occupy more than thirty (30) percent of the rear yard.

- (3) In the R-MF District, for-profit or not-for-profit accessory uses and related structures must comply with the following additional standards:
- (i) The use 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 additional provisions contained in this subsection;
  - (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 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 subsection;
  - (iii) The commercial use shall not involve the sale of age-restricted products such as alcohol, tobacco and firearms;
  - (iv) The commercial use shall not generate noise or traffic in excess of the levels expected if the entire premises were used for permitted uses;
  - (v) Hours of operation shall be limited to not earlier than 6:00 a.m. or later than 10:00 p.m. daily; and
  - (vi) There shall be no additional parking required to accommodate the use.
- (4) In the IG district, accessory uses may include retail sales to the public of goods produced on the premises.

29-3.3(jj) - Accessory and Temporary Uses of Land and Buildings: Drive-up Facility.

This use is subject to the following additional standards:

- (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 29-4.4 (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; and
- (2) All Drive-up Facilities shall be subject to all applicable noise control ordinances.

29-3.3(kk) - Accessory and Temporary Uses of Land and Buildings: 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 additional standards:

- (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;
- (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 (1) square foot and may not be illuminated;
- (6) Direct sales to the public shall not be conducted on the premises, provided that off-site orders previously made may be filled on the premises;
- (7) 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 (12) vehicle trips to and/or from the dwelling unit per twenty-four (24) 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 29-4.3(f) of this Chapter;
- (8) The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- (9) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site; and
- (10) 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.

29-3.3(II) - Accessory and Temporary Uses of Land and Buildings: Home Occupation With Non-resident Employees.

This use shall be subject to the standards listed for all home occupations in subsection (kk) above; except that the home occupation may be carried out by occupants of the dwelling unit as well as by one (1) full-time forty (40) hour individual or two (2) one-half (1/2) time (not more than twenty (20) 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 area 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.



**29-3.3(mm) - Accessory and Temporary Uses of Land and Buildings: Outdoor Storage in Residential Districts.**

- (1) No portion of any front yard, except a legal driveway and 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 (2) 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; and
  - (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 additional 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; and
  - (ii) No vehicle shall be used for living or sleeping purposes for a period of more than two (2) consecutive weeks while stored on the premises.
- (4) Vehicles with gross weight exceeding five (5) tons or ten thousand (10,000) pounds, or longer than twenty-four (24) 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.

**29-3.3(nn) - Accessory and Temporary Uses of Land and Buildings: Temporary Real Estate Sales/Leasing Office.**

This use shall be located on property being sold or leased and limited to the period of sale or lease, and shall not exceed a period of two (2) years without issuance of a conditional use permit from the Board.

**29-3.3(oo) - Accessory and Temporary Uses of Land and Buildings: Tree or Landscaping Service.**

When such use is located in the M-C or M-BP District the following additional standards shall apply:

- (1) No grinding or reprocessing of materials or debris shall be permitted on the site;
- (2) Vehicles and equipment used as part of such business operations may be located on the site provided they are screened from adjoining residential property in accordance with the provisions of this UDC and are not located forward of the principal building on the site; and
- (3) Repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure.

Additional Restriction under new UDC

29-4.1: Dimensional Summary Table.

**Table 4.1-1: Dimensional Standards for Residential Districts**

Standard	District				
	R-1	R-2 [1]		R-MF [2]	R-MH
		Current	Cottage		
<b>Maximum Height (ft.)</b>					
<b>Primary Residential Building</b> See also Sec 29-4.7 Neighborhood Protection Standards	35[3]	35[3]	35	35[3]	35
<b>Primary Non-residential Building [4]</b> See also Sec 29-4.7 Neighborhood Protection Standards	75	75		75	

[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. 29-6.4(i).  
 [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.  
 [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 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**

Standard	District						
	M-OF	M-N [1]		M-C [2]		M-BP	M-DT
		Current	Pedestrian	Current	Transit		
<b>Lots</b>							
<b>Minimum Lot Area (sq. ft.)</b>							
<b>Lot Area</b>	0	0	0	0	0	0	
<b>Lot Width at Building Line[3]</b>	0	0	0	0	0	0	
<b>Building Setbacks (ft.)</b>							
<b>Front Yard</b>							
<b>General</b>	Min. 25	Min. 25	Min. 0 Max. 10 [4]	Min. 25	Min. 0 Max. 10 [4]	Min. 15	
<b>From Arterial and Collector Streets</b>	Min. 25	Min. 25	Min. 0 Max. 10 [4]	Min. 25	Min. 0 Max. 10 [4]	Min. 25	
<b>Side Yard</b>							
<b>General</b>	Min. 0	Min. 0	Min. 0	Min. 0	Min. 0	Min. 0	
<b>Adjacent to R District</b>	Min. 10	Min. 10	Min. 10	Min. 20	Min. 20	Min. 20	
<b>Corner Lot with Frontage on Arterial or Collector Street</b>	Min. 15	Min. 15	Min. 0	Min. 15	Min. 10	Min. 25	
<b>Corner Lot with Frontage on Other Streets</b>	Min. 15	Min. 15	Min. 0	Min. 15	Min. 10	Min. 20	
<b>Rear Yard</b>							
<b>General</b>	Min. 25	Min. 0	Min. 0	Min. 0	Min. 0	Min. 0	
<b>Adjacent to R District</b>		Min. 10	Min. 10	Min. 20	Min. 20	Min. 20	
<b>Maximum Height (ft.)</b>							
<b>Primary Building</b> See also Sec 29-4.7 Neighborhood Protection Standards	45	35	35	45	55	45	

See Section 29-4.2 for M-DT Dimensional Standards

[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 29-6.4(i).  
 [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. 29-6.4(i).  
 [3] If direct driveway access is proposed to lots fronting collector or arterial streets see Section 29-5.1(f)(1)(iv)(d)  
 [4] 75% of building frontage width must be located between minimum and maximum setback distances.

<b>Table 4.1-3: Dimensional Standards for Special Districts</b>			
<b>Standard</b>	<b>District</b>		
	<b>IG</b>	<b>A</b>	<b>O</b>
<b>Lots</b>			
<b>Minimum Lot Area (ac.)</b>		2.5	2.5
<b>Minimum Lot Area For Private Open Space (sq. ft.)</b>			7,000
<b>Minimum Lot Width at Building Line (ft.)</b>		60	60
<b>Minimum Setbacks (ft.)</b>			
<b>Front Yard</b>	25	25	25
<b>Side Yard – General</b>	0	25	25
<b>Side Yard – Adjacent to R District</b>	20		
<b>Rear Yard – General</b>	10	25	25
<b>Rear Yard – Adjacent to R District</b>	20		
<b>Maximum Height (ft.)</b>			
<b>Primary Building</b>		35	35
See also Sec 29-4.7 Neighborhood Protection Standards			

### 29-4.1(b) - Special Dimensional Standards or Measurements.

#### (1) Median Front Yard for Multiple Lots.

- (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 such residential buildings shall establish the minimum front yard depth for the subject lot. In no case shall the setback be less than the minimum setback established in Table 4.1-3 unless a reduction is approved by the Board.
- (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 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 the streets had not been so aligned.
- (ii) In a subdivision that meets the requirements for application of the Solar Orientation Density Bonus, the minimum lot size and lot width in the R-1 or R-2 Districts shall be adjusted to allow the parcel to contain ten (10) percent more lots greater than if the streets had not been so aligned.

#### (3) Rural Cluster Density Bonus.

- (i) A subdivision in the R-1 or R-2 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 29-5.1(b) 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 Counselor, or designee, 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.
  - (iii) In a clustered subdivision that meets the requirements for application of the Rural Cluster Density Bonus, the minimum lot size and lot width in the R-1 or R-2 Districts shall be adjusted to allow the parcel to contain ten (10) percent more lots greater than if fifty (50) percent of the gross land area had not been protected from development.
  - (iv) The Rural Cluster Density Bonus may be combined with the Solar Access Density Bonus in Section 29-4.1(b)(2).
- (4) Rear Yards.
- (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) The standards in Subsections (i) and (ii) do not apply in the M-DT District (Section 29-4.2), which has separate provisions for measuring building rear setbacks.
- (5) Official Major Roadway Plan.
- The Major Roadway Plan shall be prepared by CATSO and submitted to the Commission for recommendation and adoption by the Council. Once a Major Roadway Plan has been adopted by Council, where a line on the Major Roadway Plan (MRP) indicates that street widening has been planned 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. The Board may vary the setback lines established in conformance with the Major Roadway Plan if it determines that unwarranted hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided.
- (6) **Detached Accessory Structure.**
- (i) **In any residential district, a detached 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, open on each side, not more than six (6) feet wide, 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.**

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:

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

**29-4.1(c) - Exceptions and Encroachments.**

(1) Height.

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	100	
<ul style="list-style-type: none"> <li>▪ Parapet walls</li> <li>▪ False mansards</li> <li>▪ Flagpoles</li> <li>▪ Chimneys</li> <li>▪ Finial cooling towers</li> <li>▪ Elevator bulkheads</li> <li>▪ Penthouses</li> <li>▪ Stacks</li> <li>▪ Cupolas</li> <li>▪ Antennas</li> <li>▪ Spires, and</li> <li>▪ Rooftop solar energy equipment</li> <li>▪ Rooftop HVAC equipment screened by parapet wall</li> </ul>	6 feet above maximum height limit of District	
Rooftop or yard mounted WECS equipment in M-BP or IG District	30 ft. above maximum height limit in District	
Agricultural uses (e.g. silos, windmills, barns, etc.) in A-1	75 feet	
Radio and television antenna (private, noncommercial) in	45 feet	Must not be located in front yard, and must comply with all other

Table 4.1-4: Height Exceptions		
Structure, Feature, or Use	Maximum Height (ft.)	Conditions or Limits
Residential districts		applicable laws and ordinances.

(2) Yard Areas

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			
Structure, Feature, or Use	Yard Encroachment (maximum)		Conditions or Limits
Building sills, belt courses, cornices, chimneys, buttresses, ornamental features, eaves, and rain barrels	2 ft. into a yard		
Canopies or open porches	6 feet into front or rear yard		Roof area limited to 60 sf or less; Porch cannot be enclosed
Driveways	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
		3-car garage	Permitted to a maximum 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 5 ft. from the side property line and shall not occupy more than 50% of the lot width.			
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	Permitted up to lot line		May not encroach on public right-of-way or adjacent property without consent of owner
Open fire escape	Into side yard, by no more than ½ the side yard width		Cannot extend more than 4 feet from the building
Open paved terraces	10 feet into front or rear yard		
Solar or geothermal energy equipment	Permitted in a side or rear yard		Not within 2 feet of a side or rear property line