



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 21, 2021

Re: Unified Development Code Text Amendment – Office, Personal Services, & Physical Fitness Centers (Case #136-2021, #A3)

Executive Summary

Approval will amend the UDC by refining the definitions for 'Office', 'Personal services, general', and 'Physical Fitness Center' in Section 29-1.11, amend Section 29-3.2, Table 29-3.1 (Permitted Use Table) to allow 'Personal services, general' as a permitted use in the M-OF (Mixed Use- Office) zone subject to use-specific standards, and revise the existing use-specific standard 29-3.3(v) relating to the 'Personal Services, general' use.

Discussion

This amendment has been proposed out of a desire by staff to refine the definitions of office, personal services, and physical fitness centers due to common issues and questions which have arisen during business license review for both staff and applicants. The issues and questions are a result of ambiguities in the UDC relating to these uses as well as changes in modern business practices. Often, there may be overlap or aspects of business practices that fall across use definitions. For example, licensed massage therapists are not clearly permitted in the office zone (which permits medical offices for doctors and dentists) though they have medical credentials and licensure requirements. Other ambiguities exist; for instance, spas are only referenced in the UDC in terms of small animals, not persons.

The second impetus for this revision came from comments of the Planning and Zoning Commission when reviewing recent conditional use permits (CUPs) for personal services in the M-OF (Mixed-Use Office) zone which is current regulatory practice. Personal services are permitted "by-right" (without a CUP) in the M-N, M-C, M-DT, M-BP and IG zones subject to Use-Specific Standard 29-3.3(v).

The staff and Commission saw an opportunity to reduce barriers to market entry for small personal service operators (typically beauty shops and barbers) by permitting them "by-right", instead of the CUP process, in the M-OF zone provided appropriate restrictions relating to size, scale, and manner of operation were incorporated into the existing use-specific standard for personal services. Uses which do not meet the use-specific standards would still be capable of requesting approval of a CUP within the M-OF district. The Commission noted the M-OF zone often allows for smaller spaces and lower rent/purchase opportunities than commercially zoned property, and that the impact of smaller operators was typically not detrimental to the environment of the office zone.

The Planning and Zoning Commission reviewed this proposed amendment at four work sessions (minutes are attached). Feedback from the Commission helped to create revisions



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to identify a clear process for personal service operators seeking to locate in the M-OF or other permitted zones. The Commission also provide feedback on how to differentiate between personal services, office uses (particularly medical office users), and fitness centers in light of modern trends in business practices.

This proposed text amendment was published on the City website on April 1, 2021 and stakeholder comments were solicited. Stakeholders notified included, but were not limited to, the Chamber of Commerce, Community Improvement Districts (CIDs), Neighborhood Associations, places of worship, existing business operators, REDI, and local developers. Approximately 2,779 individuals, businesses, and organizations were included on the listserv soliciting input on the proposed regulations. Existing personal service, office, fitness center and related business license holders were also solicited for feedback.

Public input (phone calls) were positive; comments indicated it was challenging to find affordable rental spaces for small operations, and this would expand options. Per early public comments, staff included information in the newspaper advertisement and on the website that this amendment did not revise the home occupation standards for home-based personal service business (29-3.3(kk)).

The Planning and Zoning Commission considered this request at their May 20, 2021 meeting. Staff presented its report. No member of the public spoke during the public hearing. Following limited discussion, a motion to approve the zoning text amendment passed (8-0).

The Planning and Zoning Commission staff report, proposed text amendment #A3, 2019 Smart Growth America Recommendation for Columbia, Missouri, Commission work session minutes, and public hearing meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable



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Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve UDC text amendment A3 as recommended by the Planning and Zoning Commission.