

## MEMO

**DATE:** March 4, 2022

**TO:** Planning Commission Members

**FROM:** Clint Smith, AICP, Senior Planner

**Re:** UDC Text Changes – Phase 4

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In July of 2021, staff presented several potential text amendments, which would have been Phase 3 of an ongoing text amendment project. However, focus shifted to a revision addressing Light Vehicle Service and Repair. That revision has concluded and the staff desires to prepare for the next phase of revisions which will include the revisions discussed previously. Below are the sections of the zoning text that have been identified as potentially benefitting from revisions. Under each title is a brief explanation on the current issues that caused the section to be identified, a variety of potential solutions, condensed PZC feedback from previous work session, and finally the actual text with specific provisions of interest highlighted, if applicable.

This work session will be used as a refresher on the proposed amendments with the purpose of obtaining general feedback on the amendments that are to be immediately pursued. After the work session, staff will perform additional research on each amendment and return at a future work session with a proposed revision framework that can be discussed prior to conducting a required public hearing.

### **Drive-through Service Window Location**

**Issue:** This provision prohibits drive-through service windows from being located on walls that face public streets. The intent is to require that buildings present a more aesthetic and pedestrian-oriented building facade on walls that face the public realm, generally the public right of way. Service windows are only allowed on sides facing away from streets, thereby blocking the view of the service window and the vehicle stacking areas, at least to a degree. It also encourages better pedestrian accessibility from the street side of a lot, which can be more difficult if the service window and stacking lanes are on the street side, where pedestrians may attempt to access a site from a public sidewalk.

We have had two recent examples of PD plans where the designers suggested it was difficult to accommodate this provision given the lot configuration and/or their business model. In those examples, service windows were permitted on the street side of the building with the conditions that a screening wall block the view of the service window for one of them, and in the other example, the landscaping provided and the distance from the public right of way were considered adequate to permit the service window on the street side of the building.

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Potential revisions to the requirement may be to remove the requirement altogether; include use-specific standards for situations where it may not be required (e.g., along certain street types, at a certain distance, etc.), or allowing mitigation such as a screening wall or additional landscaping. Also consider looking at surrounding residential land use when determining location of service window.

**PZC feedback:** Consider traffic flow; favor keeping prohibition on service windows on front of building; car stacking blocks the view of parking; keep garbage enclosures out of front of the building; increasing stacking; consider additional drive-through regulations for stacking location.

- 29-4.3(i)(2)(iii): Drive Through vehicle stacking; Location and Design of Stacking Lanes
  - (iii) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; **customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building.**

#### **Utility Easement in M-DT**

**Issue:** This provision requires that a 10-foot utility easement be granted along all property lines that about a public street on new subdivision plats. The easement is typically utilized for standard utilities at the time of new development. However, the provision conflicts with the M-DT zoning district's building form requirement that building be located at property lines. This ensures that new construction downtown is consistent with the building form that currently exists downtown, and allows for denser urban development.

Potential revisions to the requirement include removing the provision, or allowing administrative relief when platting includes property zoned M-DT.

**PZC feedback:** Support removing provision; keep along Providence; consider impact on smaller lots.

- **29-5.1(g)(4):** Public Improvements; Utilities
  - (4) *Utilities.* Utilities, including but not limited to water, sewer, natural gas, electric and telephone lines, and fire hydrants, shall be provided to lots in accordance with standards and specifications governing the construction and installation of such utilities adopted by council or promulgated by the city departments or utility companies responsible for those utilities.
  - **Easements for public and private utilities shall be provided adjacent to all street right-of-way** and in other locations in accordance with facility requirements and design standards. To the maximum extent feasible, utilities shall be located in designated easements and not in the street right-of-way.
- **Appendix A.1(c)(1)(i)(H):** Local residential street design standards; Utility easements
  - (H) Utility easements: **Ten (10) feet on both sides adjacent to the right-of-way.** The city and public utility providers will not be responsible for the restoration of any landscaping placed within utility easements that is removed or damaged as a result of constructing, repairing or maintaining public utilities

### **Legal lot definition**

**Issue:** The current definition of legal lot does not allow for commonly used legal descriptions to be considered when evaluating if a lot that is zoned A, R-1 or R-2 meets the definition of a legal lot. It is restricted to a metes and bounds description, even though there are other types of descriptions that are not quite to that standard, but were considered adequate in the past when describing property on deeds, for example. This is important due to the fact that a lot must be considered legal prior to development, and if it is not legal, then the property must be platted, and the site would then be evaluated to see if additional right-of-way must be dedicated, or sidewalks must be constructed.

Potential revisions to the requirement include allowing common legal descriptions that accurately describe the property to be accepted when evaluating the status of a legal lot.

**PZC feedback:** Along certain roadways or street classes, keep current requirement to ensure adequate ROW is secured; in areas such as urban core allow exceptions.

### **• 29-1.11 Definitions**

- *Lot (aka lot of record or legal lot).* A tract or parcel of land whose boundaries are shown on a plat recorded with the county recorder of deeds. Tracts or parcels zoned district A, R-1 or R-2 or any combination thereof, **and were described by a metes and bounds description** accurately describing the location, boundaries and size of the tract or parcel within a recorded instrument prior to annexation into the city or prior to October 5, 1964 shall be considered a lot and entitled to receive permits as though it was shown on a recorded plat. When a portion of a tract of land is acquired for highway or other public purposes, such division of ownership shall not affect the remainder of the tract in meeting the definition of a lot so long as the original tract met the definition of a lot under one of the above provisions. For purposes of this definition, the term "recorded" means recorded in the office of the county recorder of deeds.

### **C-2 Zoning**

**Issue:** All remaining C-2 zoned property has been rezoned so reference to C-2, which was the Downtown zoning designation prior to the adoption of the UDC, is unnecessary. There are currently 16 references in the UDC to C-2.

Potential revisions include removing all unnecessary references to C-2.

- **29-2.2(b)(6):** Base Zoning Districts; Mixed Use Districts; C-2 central business district (outside M-DT regulating plan boundary)
- **29-3.4:** C-2 District Outside the M-DT Regulating Plan Boundary
  - Eliminate references to C-2 since all remaining C-2 properties have been rezoned.



### **Screening roof top units**

**Issue:** The current provision requires that the screening material match the building material. However, in some circumstance this may not be desirable or practical depending on the type of building materials used (e.g., EFIS). Metal screening is widely used but not allowed unless used on the building.

Potential revisions to the requirement include allowing certain materials even if not used on the building, include provision for consistent coloring with building.

**PZC feedback:** Concerns with unattractive materials; allow common materials; produce manual guidelines; considered sight line studies to allow waiver of screening.

- **29-4.4 (c)(10):** General Provisions; Screening of Rooftop Mechanical Equipment.
  - (10) *Screening of rooftop mechanical equipment.* In all R-MF and mixed use districts, rooftop mechanical equipment and appurtenances other than solar collectors located on the principal structure shall be screened on all sides with a structure equal to or exceeding the height of the mechanical equipment or appurtenance, measured from the rooftop. **Screening enclosures shall use at least one of the predominant materials used in the façades of the principal structure** and one of the predominant colors used in the principal structure.

