

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 232-13

**AN ORDINANCE**

amending Chapter 29 of the City Code as it relates to balcony projections over property lines in C-2 zoning districts; and fixing the time when this ordinance shall become effective.

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

SECTION 1. Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 29-26. Height and area exceptions.

The regulations and requirements as to height of buildings and area of lot which may be occupied by buildings, side yards, front yards and rear yards; and other regulations and requirements as established in the sections of this chapter, shall be subject to the following exceptions and additional regulations:

(a) *Height:*

...

(c) Balcony projections over property lines in district C-2:

(1) In district C-2, balconies on new, renovated or retrofitted construction may project into the public right-of-way only if:

a. The improvement complies with section 24-2(c) of this code; and

b. The balcony projects only over a public sidewalk or an alley, provided that such projection does not cause a disruption to any city service or maintenance of the underlying public improvements. No balcony shall project over the travel lanes of any public street ~~or alley~~; and

c. The maximum ~~protection~~projection and minimum height above the public sidewalk shall be governed by the Building Code of Columbia, Missouri, adopted in chapter 6 of this code; and

d. The proposed balcony meets all applicable design standards contained in this code and other ordinances passed by the City Council.

...

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

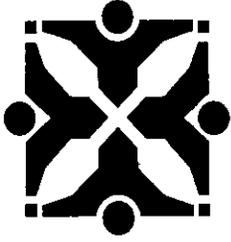
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



Source: Community Development - BSD

Agenda Item No:

To: City Council  
From: City Manager and Staff

Council Meeting Date: Aug 19, 2013

Re: Amendment to Section 29-26 of the City Code as it relates to balcony encroachments (Case 13-141)

**EXECUTIVE SUMMARY:**

Attached for Council consideration is a proposed amendment to Section 29-26 of the Zoning Ordinance regarding balcony encroachments over alleys. Presently the Zoning Ordinance makes allowance for the construction of balconies over the public sidewalk, subject to a right of use permit and compliance with the Building Code. The strict application of the Zoning Ordinance does not permit the balconies to project over public streets or alleys. The proposed text amendment allows balconies to project over an alley, provided such projection does not cause a disruption to any City service or result in maintenance issues.

**DISCUSSION:**

Balconies are permitted by the Building Code to project over public right of way at a specified ratio of height above grade to horizontal projection, up to a total of four feet of horizontal projection. Chapter 24, Streets, Sidewalks, and Public Places, also permits balconies to project over street right of way, provided the building owner receives approval of a right of use agreement from the City Council. When the Zoning Ordinance was amended in 2009 to allow balconies in the C-2 District as a "height and area exception," the more restrictive term "sidewalk" was used rather than "right of way." As an unintended consequence of this usage, staff is unable to issue permits for balconies at 1101 East Walnut Street. The proposed text amendment will correct the inconsistency with the Building Code and the Street Code and recognize the 1101 East Walnut project and others like it as code compliant. Projections over alleys will be reviewed case by case.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

2.1 Goal: Columbia will preserve its existing character and enhance the city's natural and man-made aesthetics

**SUGGESTED COUNCIL ACTIONS:**

Approval of the proposed zoning text amendment

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	<b>Vision Implementation impact</b>	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		<b>Resources Required</b>		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
August 8, 2013**

**SUMMARY**

A request by the City of Columbia to amend Section 29-26 (Height and Area Exceptions) of the City Code as it relates to balcony encroachments into or over public sidewalks, streets, and alleys.  
**(Case # 13-141)**

**DISCUSSION**

Presently the zoning ordinance prohibits the construction of structures with balconies that project over public streets or alleys; however, will allow such improvements to overhang public sidewalks subject to obtaining a "right-of-use" permit and meeting applicable building code provisions. These provisions were added to the zoning ordinance in June 2009, in response to the construction of balconies overhanging the sidewalk and public right-of-way at Quinton's Bar.

A new apartment building at 1101 East Walnut Street is proposing to construct balconies in a portion of the public right-of-way in an unnamed alley. This request was initially submitted to the Director of Public Works for preparation of a Council Bill that would result in the issuance of a right-of-use permit for the encroachment. In reviewing that request, it was determined that the requested encroachment was in violation of the provisions of Section 29-26 of the City Code.

The attached text change is being presented for Commission and Council consideration. The proposed text change would allow balconies to be constructed over public alleys as well as sidewalks on a case by case basis provided such projection will not cause disruption to any City service or maintenance of the underlying public improvements and that the maximum projection and minimum height standards applicable to balconies per the Building Code of Columbia are followed. The proposed amendment would not change the requirement that such projections obtain a right-of-use permit, from Council, prior to building permit issuance.

The proposed construction at 1101 E. Walnut Street will not affect any City services and will align the Zoning Ordinance with the Building Code. If the proposed text change is approved, a request for a right-of-use permit will be prepared and presented to Council for approval.

**RECOMMENDATION**

Approve the proposed ordinance amendment.

Report prepared by Patrick Zenner

Approved by Patrick Zenner

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**AUGUST 8, 2013**

**13-141 A request by the City of Columbia to amend Section 29-26 (Height and Area Exceptions) of the City Code as it relates to balcony encroachments into or over public sidewalks, streets, and alleys.**

MR. WHEELER: And I'm assuming this has something to do with our lovely college student housing. May we have a Staff report, please.

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends approval of the proposed ordinance amendment.

MR. WHEELER: Are there any questions of Staff?

MR. STRODTMAN: So the eight foot is the first height that you --

MR. TEDDY: Yeah. It's -- the International Building Code says that beginning at eight feet above grade, you can go out one inch for every one inch above eight feet. So when you get to 12 feet, you can have a four foot balcony. You can have a three-foot at 11 feet, you know, so that's how it goes. It's kind of an imaginary plane that, you know, progressively widens. The International Building Code will allow actually greater encroachments. We didn't adopt the section that says above 15 feet you can -- there's no limitation. We didn't adopt that in our local building code, but we do have the provision that says you can go out an inch beginning at eight feet for every inch up, up to four-foot balcony.

MR. WHEELER: You know, I don't want to muddy this, but it would appear to me that an alley should be the exception to the rule because if you come out four feet at 12 feet, you have eliminated the ability of a delivery truck to be in an alley. And so I really think that that needs to be thought of, but I'm not going to hold this up.

MR. TEDDY: Well, in fact, Mr. Wheeler, we did think of it and the language does read that, Alley, provided that such projection does not cause a disruption to any city service or maintenance to the underlying improvements. So it's still discretionary with the Council. They're going to consider these case by case as right-of-use agreements. So that -- yeah. They can look at that issue. And also overhead utilities, we don't want to fry anybody on their balcony.

MR. WHEELER: Are there any other questions of Staff?

**PUBLIC HEARING OPENED**

**PUBLIC HEARING CLOSED**

MR. WHEELER: Commissioners?

MR. TILLOTSON: Sounds good to me.

MR. WHEELER: That's a motion?

MR. TILLOTSON: That's a motion.

MR. WHEELER: Motion's been made to approve.

MR. STANTON: Second.

MR. WHEELER: Motion has been made and seconded. Any discussion on the motion?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee,  
Dr. Puri, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.**

MR. WHEELER: Mr. Lee, appreciate you being here.