

MALDEN PLANNING & ZONING BOARD

201 S. MADISON STREET

MALDEN MISSOURI 63863

PHONE: 573-276-4502 FAX 573-276-4109

Wednesday, June 22, 2022 at 12:00 p.m.

Meeting called to Order at 12:00 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
BOARD MEMBER JERRY SMITH(President)	<u>X</u>	<u> </u>
BOARD MEMBER DREW JOYCE	<u>X</u>	<u> </u>
BOARD MEMBER LARRY SMITH	<u> </u>	<u>X</u>
BOARD MEMBER _____	<u> </u>	<u> </u>
BOARD MEMBER WALKER CULP	<u> </u>	<u>X</u>
BOARD MEMBER KAREN HALEY	<u>X</u>	<u> </u>
BOARD MEMBER TOM CHIDISTER	<u>X</u>	<u> </u>
BOARD MEMBER DENTON KOOYMAN (MAYOR)	<u> </u>	<u>X</u>

MEMBERS PRESENT:

4

OTHERS ATTENDING: Director of Public Safety/Chief of Police Jeff Mitchell, Deputy Director of Public Safety/Assistant Chief of Police Bobby Jones and City Clerk Mandy Lewis.

OPEN FORUM

None.

APPROVAL OF MINUTES

MOTION: By Committee Member Chidister to approve the following minutes of the Planning & Zoning Board Meeting:

- a. Public Hearing Minutes of February 23, 2022
- b. Regular Session Minutes of February 23, 2022

SECOND: By Committee Member Haley.

Motion Carried 4/0

REVIEW NEW CONSTRUCTION BUILDING PLANS

Director of Public Safety/Chief of Police Mitchell states Aycorp is requesting to build two houses on the Air Base. The property was purchased from the City of Malden approximately two years ago and the company is ready to move forward. He states Department Heads from the Electrical Department, Water/Wastewater and Fire Department have signed off on the plans as meeting the specific codes associated with their department.

MOTION: By Board Member Haley to approve new construction of houses upon property purchased from the City of Malden.

SECOND: By Board Member Chidister.

Motion Passed 4/0

OTHER BUSINESS DEEMED NECESSARY

City Administrator Smith informs the board there will be discussion at the next Planning & Zoning Meeting regarding changing the Comprehensive Plan Section 400.280(3). This section discusses the time limitations of permits (building, remodel, plumbing, electrical, ect.). She explains that currently a permit can be issued and be current indefinitely. The discussion will be how to limit the time frame of permits.

With no further business to discuss, a motion to adjourn was entertained.

MOTION: By Board Member Haley to adjourn the Special Called Session Planning and Zoning Meeting of June 22, 2022 at 12:15 p.m.

SECOND: By Board Member Chidister.

Motion Passed 4/0

ATTEST:

Jerry Smith, Board President

Mandy Lewis, City Clerk

MALDEN PLANNING & ZONING BOARD

SPECIAL CALLED

201 S. MADISON STREET

MALDEN MISSOURI 63863

PHONE: 573-276-4502 FAX 573-276-4109

Wednesday, July 13, 2022 at 12:00 p.m.

Meeting called to Order at 12:00 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
BOARD MEMBER JERRY SMITH(President)	<u>X</u>	<u> </u>
BOARD MEMBER DREW JOYCE	<u>X</u>	<u> </u>
BOARD MEMBER LARRY SMITH	<u>X</u>	<u> </u>
BOARD MEMBER WALKER CULP	<u>X</u>	<u> </u>
BOARD MEMBER KAREN HALEY	<u>X</u>	<u> </u>
BOARD MEMBER TOM CHIDISTER	<u>X</u>	<u> </u>
BOARD MEMBER DENTON KOOYMAN (MAYOR)	<u> </u>	<u>X</u>
BOARD MEMBER _____	<u> </u>	<u> </u>

MEMBERS PRESENT:

6

OTHERS ATTENDING: Director of Public Safety/Chief of Police Jeff Mitchell, Deputy Director of Public Safety/Assistant Chief of Police Bobby Jones and City Clerk Mandy Lewis.

OPEN FORUM

None.

AMENDMENT TO COMPREHENSIVE PLAN

a. Building Permits

City Administrator Smith states at the last Planning & Zoning Board Meeting a change to the Building Permit timeline was discussed. She explains the permit will be in effect for one-year with the option of a one-year extension if work is in progress. The Building Officials would have discursion to determine if work is sufficiently moving forward. Board Member Culp suggests there is a more detailed explanation of sufficient. Board Member Haley suggests a percentage of the project being completed to explain sufficient.

City Attorney Chidister was consulted by telephone regarding the explanation. He states the definition was left vague due to the many reasons a project could take longer than the permit allows. This was the reason for the Appeal of Denial of Reapplication. This will allow anyone who is in disagreement with the Building Official to have the alternative of presenting the matter directly to the City Council.

MOTION: By Board Member Haley to move forward with the proposed changes to Section 400.280 Building Permit of the Comprehensive Plan.

SECOND: By Board Member Chidister.

Motion Passed 6/0

REQUEST TO RE-ZONE "R-1" TO "C-R"

City Administrator Smith informs the Board, City Hall has received a Request for Rezoning of Property from Ms. Natasha Brown. She has purchased 112 North Madison and would like to turn it into a Bed-n-Breakfast as well as a café/wine bar. Because the property is currently zoned R-1, this type of business is

not allowed. She is requesting the property be re-zoned to C-R. City Administrator Smith's recommendation to rezone not only 112 North Madison, but to extend the C-R zone from the current location just south of the property, north to Howard Street, then east to the railroad tracks and continuing south to the current zone of C-R.

MOTION: By Board Member Culp to move forward with City Administrator Smith's recommendation of rezoning north to Howard Street and east to the railroad tracks.

SECOND: By Board Member Haley.

Motion Passed 6/0

MOTION: By Board Member Haley to set a Public Hearing for the Amendment to Comprehensive Plan and Request to Re-Zone from "R-1" to C-R" for August 10, 2022 at noon and a Special Call Meeting to follow.

SECOND: By Board Member Culp.

Motion Passed 6/0

PUBLIC HEARING FEE DISCUSSION

City Administrator Smith states the current policy for a Request for Conditional Use a fee of \$200 is required. Once the process is complete, \$100 is return to the applicant. She states there is nothing in the Comprehensive Plan detailing this policy. It is her recommendation to stop the policy of returning the \$100 due to the higher costs of publication. However, a Request to Rezone does not currently have a charge associated but requires publication and public hearing. After further discussion, City Administrator Smith will discuss putting the fee of \$200 for both a Request for Conditional Use and Request to Rezone without a refund into Ordinance Form.

OTHER BUSINESS DEEMED NECESSARY

With no further business to discuss, a motion to adjourn was entertained.

MOTION: By Board Member Culp to adjourn the Special Called Session Planning and Zoning Meeting of July 13, 2022 at 12:30 p.m.

SECOND: By Board Member Haley.

Motion Passed 6/0

ATTEST:

Jerry Smith, Board President

Mandy Lewis, City Clerk

PLANNING & ZONING PUBLIC HEARING

201 S. MADISON STREET
MALDEN MISSOURI 63863

PHONE: 573-276-4502 FAX 573-276-4109

Thursday, August 10, 2022 @ 12:00 pm President Jerry Smith opened the public hearing.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
BOARD MEMBER JERRY SMITH(President)	<u>X</u>	<u> </u>
BOARD MEMBER DREW JOYCE	<u>X</u>	<u> </u>
BOARD MEMBER LARRY SMITH	<u>X</u>	<u> </u>
BOARD MEMBER _____	<u> </u>	<u> </u>
BOARD MEMBER WALKER CULP	<u>X</u>	<u> </u>
BOARD MEMBER KAREN HALEY	<u>X</u>	<u> </u>
BOARD MEMBER TOM CHIDISTER	<u>X</u>	<u> </u>
BOARD MEMBER DENTON KOOYMAN (MAYOR)	<u>X</u>	<u> </u>

MEMBERS PRESENT:

7

OTHERS ATTENDING: Building Official Danny Grant and City Clerk Mandy Lewis.

PUBLIC HEARING FOR:

NOTICE IS HEREBY GIVEN THAT beginning at 12:00 Noon on Wednesday, August 10, 2022, the City of Malden – Planning and Zoning Commission will conduct public hearings at the Malden City Hall, 201 S. Madison St., Malden, MO 63863 to consider the following:

I. An Amendment to the City of Malden Comprehensive Plan as follows:

Repeal Section 400.280 relating to Building Permits, which currently reads as follows:

A. Building permits shall be issued in accordance with the following provisions:

1. Building Permit Required. It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to begin construction of any building, or to commence the moving or alteration of any building or to commence the development of land for a use not requiring a building, until the Building Inspector has issued a building permit for such work.
2. Plat Required. All applications for building permits shall be accompanied by a plat in duplicate for dimensioned sketch or to-scale plan signed by the owner or his authorized agent, showing the actual dimensions of the lot to be built upon, the location and size of the building or structure to be erected, the location of adjoining or surrounding buildings or structures, and such other information as may be required by the Building Inspector, which is necessary to provide for the enforcement of this Chapter.
3. Time Limitation. Any building permit issued shall become invalid unless the work authorized by it shall have commenced within six (6) months of its date of issue, or if work authorized by it is suspended or abandoned for a period of one (1) year.

Enact a new Section 400.280 to read as follows:

A. Building permits shall be issued in accordance with the following provisions:

1. Building Permit Required. It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to begin construction of any building, or to commence the moving or alteration of any building or to commence the development of land for a use not requiring a building, until the Building Official has issued a building permit for such work.

2. Plat Required. All applications for building permits shall be accompanied by a plat in duplicate for dimensioned sketch or to-scale plan signed by the owner or his authorized agent, showing the actual dimensions of the lot to be built upon, the location and size of the building or structure to be erected, the location of adjoining or surrounding buildings or structures, and such other information as may be required by the Building Official, which is necessary to provide for the enforcement of this Chapter.
3. Time Limitation. Any building permit shall be valid for a period of one year from its date of issuance unless:
 - A. The work authorized by it shall have failed to commence within six (6) months of its date of issuance; or
 - B. The work authorized by it is suspended or abandoned for a period of six (6) months following commencement.
 - C. Expired Permit, Reapplication. Any expired permit may be extended for one (1) additional year upon application to the Building Official and demonstration of substantial compliance with the original permit.
 - D. Appeal of Denial of Reapplication. The denial of the extension of an expired building permit may be appealed to the City Council upon written application made within ten (10) days of the denial.
- II. **A proposal to rezone the following area currently zoned as "R-1" to "C-R":**

Beginning at the center of the intersection of Howard Street and Madison Street, thence East along Howard Street to the railroad right-of-way line, thence Southerly along the right-of-way line to the boundary line of an existing "C-R" District, thence West along said boundary to Madison Street, thence North to the point of beginning.

Ms. Natasha Brown, the resident making the rezoning request, was present to answer any questions the Planning & Zoning Board may have. She states it is her intention to have the Bed & Breakfast open for Labor Day weekend.

No additional members of the public were in attendance and there were no questions or comments from the public. A Motion to Adjourn was entertained.

MOTION: By Board Member Kooyman to adjourn the P & Z Public Hearing Session of August 10, 2022 at 12:10 pm.

SECOND: By Board Member Haley.

Motion Carried 7/0

ATTEST:

Mandy Lewis, City Clerk

Denton Kooyman, Mayor

MALDEN PLANNING & ZONING BOARD

SPECIAL CALLED

201 S. MADISON STREET

MALDEN MISSOURI 63863

PHONE: 573-276-4502 FAX 573-276-4109

Wednesday, August 10, 2022 at 12:00 p.m.

Meeting called to Order at 12:10 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
BOARD MEMBER JERRY SMITH(President)	<u>X</u>	<u> </u>
BOARD MEMBER DREW JOYCE	<u>X</u>	<u> </u>
BOARD MEMBER LARRY SMITH	<u>X</u>	<u> </u>
BOARD MEMBER WALKER CULP	<u>X</u>	<u> </u>
BOARD MEMBER KAREN HALEY	<u>X</u>	<u> </u>
BOARD MEMBER TOM CHIDISTER	<u>X</u>	<u> </u>
BOARD MEMBER DENTON KOOYMAN (MAYOR)	<u>X</u>	<u> </u>
BOARD MEMBER _____	<u> </u>	<u> </u>

MEMBERS PRESENT:

7

OTHERS ATTENDING: Building Official Danny Grant and City Clerk Mandy Lewis.

OPEN FORUM

None.

DISCUSS COMMENTS OF AUGUST 10, 2022 PUBLIC HEARING

As there were no comments from the public in favor or against the proposed amendment to Section 400.280 of the City of Malden Comprehensive Plan or the proposed rezoning of the described area, a Motion was made.

MOTION: By Board Member Culp to recommend:

- Amendment of Section 400.280 of the City of Malden Comprehensive Plan; and
- Rezoning of the following area: Beginning at the center of the intersection of Howard Street and Madison Street, thence East along Howard Street to the railroad right-of-way line, thence Southerly along the right-of-way line to the boundary line of an existing "C-R" District, thence West along said boundary to Madison Street, thence North to the point of beginning from "R-1" to "C-R"

SECOND: By Board Member Haley.

Motion Passed 7/0

OTHER BUSINESS DEEMED NECESSARY

Board Member Culp questions the possibility of a residential building located within a Commercial Zone being rebuilt after a total loss. City Clerk Lewis states she will place the topic on the next Agenda.

With no further business to discuss, a motion to adjourn was entertained.

MOTION: By Board Member Kooyman to adjourn the Special Called Session Planning and Zoning Meeting of August 10, 2022 at 12:20 p.m.

SECOND: By Board Member Haley.

Motion Passed 7/0

ATTEST:

Jerry Smith, Board President

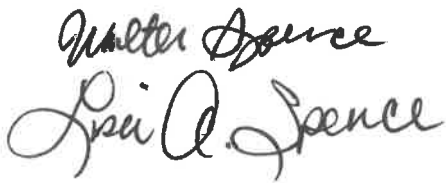
Mandy Lewis, City Clerk

To: Mayor Kooyman and Malden City Council

I am requesting residential conditional use for the development of an apartment complex.
I want to convert existing empty building into apartments.

I have plans to build 5 apartments with one parking spot for each unit.

Thank you for considering my request.

The image shows two handwritten signatures in black ink. The top signature is 'Walter Spence' and the bottom signature is 'Lisa A. Spence'. Both are written in a cursive, flowing style.

Walter Spence

Lisa Spence

Property Owners

CITY OF MALDEN

201 SOUTH MADISON STREET

MALDEN MISSOURI 63863

PHONE: (573) 276-4502 Fax: (573) 276-4109

Email address: cityclerk@maldenmo.com

**\$200.00 Fee Must Accompany This Application
(includes \$100.00 non-refundable processing fee)**

APPLICATION FOR RESIDENTIAL CONDITIONAL USE DEVELOPMENT

Please type or print

Location of Project: Malden Airbase

Project Description: Apartment Complex

PART A: PARTIES OF INTEREST (additional parties may be listed on separate sheets)

Name of Applicant: Walter Spence

Address & E-Mail Address: 502 Mississippi Ave. / waltconstruction@gmail.com

Phone Number: 573-624-9598

Interest in Property: owner

Name of Applicant's Agent – if different than above: _____

Address & E-Mail Address: _____

Phone Number: _____

Name of Owner(s) – if different than above: Walter and Lisa Spence

Address: _____

Phone Number: _____

Name of Architect, Landscape Architect, Planner or Engineer (please specify) _____

Walter Spence

Address & E-Mail Address: 502 Mississippi Ave. / waltconstruction@gmail.com

Phone Number: 573-624-9598

PART B: SITE DESCRIPTION

Legal Address of Property: 3105 Gasconade St.

Map Number: _____ Block Number: _____ Locator Number: _____

Current Zoning: IC

Current Use of Site: none

Are there any restrictions or covenants on the land that will affect the proposed use? If so explain: _____

PART C: PROPOSED PROJECT

Briefly describe the project and intended use: Remodel current building for a apartment complex.

Is this part of a Planned Unit Development (PUD)? Yes _____ No X

How many dwelling units will result from the project? 5

Overall project density in dwelling units per acre: 1 unit per acre

PART D: SITE DEVELOPMENT

Total Square Footage of Site: 65,340

Total Square Footage of Building (s): undetermined 4000 sq. ft

Ratio of Total Square Footage of Building (s) to Total Square Footage of Site Property: undetermined

Building(s) Height: 25' Number of Floors: 1

Total Number of Available Parking Spaces: 5 or more (1 for each unit)

*Is additional Parking part of the project? Yes No X Explain

Number Required by the Zoning Ordinance: 1

Explain the Reason for Requesting a Conditional Use Permit: To Convert to Apartments

*A parking Study by an impartial Engineer must be submitted as part of the application if the supplied parking is less than the number of parking spaces required by the Zoning Ordinance.

Provide a tabulation of the total square footage of the site and what percentage and amount of square footage will be reserved for off-street parking, open spaces, parks, etc.

<u>Intended Use:</u>	<u>Square Footage:</u>	<u>Percentage:</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

SECTION E: AMENDMENT TO A CONDITIONAL USE PERMIT

Please describe in detail the proposed amendment: Conditional use for apartments.

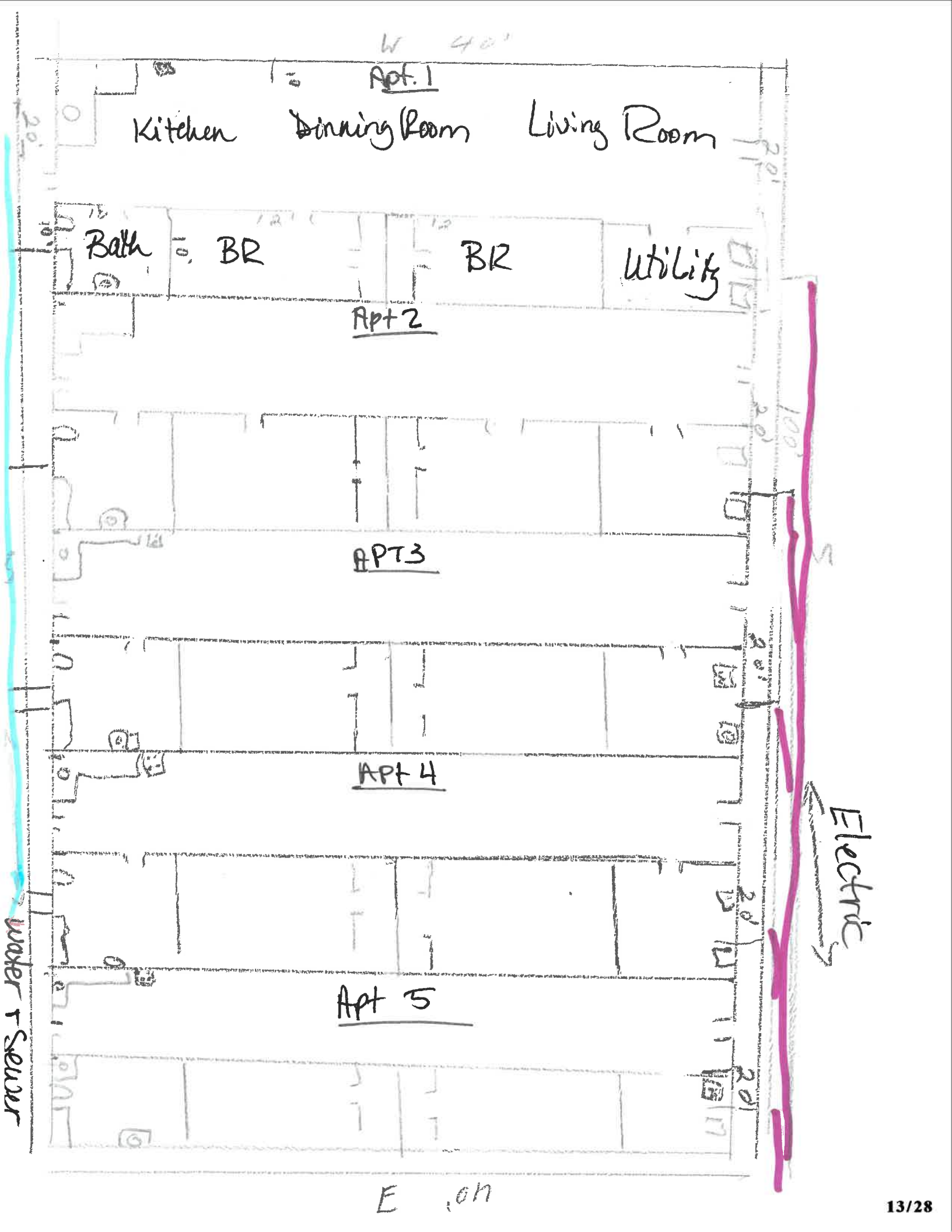
Please describe why amendment is being sought: Want to build apartments.

***A letter addressed to the Mayor & City Council describing the request in detail must accompany this application**

Signature of Applicant (Required): Walter Spence **Date:** 2/7/24

Title: Owner

Signature of Owner (Required): Walter Spence **Date:** 2/7/24



W 40'

Apt. 1

Kitchen

Dining Room

Living Room

Bath

BR

BR

Utility

Apt 2

Apt 3

Apt 4

Apt 5

Electric

Water & Sewer

E on



CITY OF MALDEN

201 S. MADISON

Malden, Missouri 63863-0607

Phone 573-276-4502 / Fax 573-276-4109

Received from:

WALTER SPENCE/LISA SPENCE
17272 BETTY DR.
DEXTER, MO 63841

02/12/2024

Description	Permit Number	Amount
CONDITIONAL USE PERMIT		\$200.00

Total Received	\$200.00
Check Number	5328

Thank You,
Mandy Lewis, City Collector
201 S. Madison
Malden, MO 63863

Chapter 400. Zoning Regulations

Article IV. District Regulations

Section 400.080. "R-1" Residential District.

[Ord. No. 3121, 4-18-2016]

A. Within the "R-1" Residential District, the following regulations shall apply:

1. Permitted uses in "R-1" Residential Districts shall be as follows:

- a. Single-family detached dwelling units, limited to no more than one (1) unit per platted lot, including all lots platted prior to the adoption of this Chapter (March 24, 2016).
- b. Home occupations and home occupation signs as defined in Section **400.030**.
- c. Schools, churches, libraries, fire houses, public and private open space and recreational facilities, and related activities.
- d. Private swimming pools, if they meet setback requirements for principal buildings in the district.
- e. Accessory buildings as defined in Section **400.030**.
- f. Except as otherwise permitted by law, no signs shall be permitted on residential premises except building street numbers and name plate signs.

2. Conditional uses permitted in the "R-1" District shall be as follows:

[Ord. No. 3199, 5-20-2019]

- a. Single-family attached villas [limited to two (2) dwellings per structure].
- b. Duplexes [limited to two (2) dwellings per structure].
- c. Boardinghomes/group homes as defined in Section **400.030** and as permitted by law.

3. Prohibited uses.

- a. Any business except home occupations.
- b. Any industry.
- c. Advertising and commercial signs, other than those permitted in Subsection (A)(1) above.

4. Lot size.

- a. Every single-family detached dwelling lot shall have an area of not less than eight thousand (8,000) square feet and a width at the established building line of not less than seventy-five (75) feet and a minimum depth of not less than one hundred six (106) feet.
[Ord. No. 3199, 5-20-2019]

- b. Churches.

- (1) New Construction. New construction shall have a lot area of not less than two (2) acres and shall meet off-street parking requirements of Article VII. Required parking area in excess of a two-acre lot may be separated from the balance of the property by a street or alley. All property must be contiguous.
 - (2) Relocating Into Existing Building. Relocating into an existing building shall meet off-street parking requirements of Section 400.230. Parking area may be separated from the balance of the property by a street or alley. All property must be contiguous.
5. Setback Lines.
 - a. Front Yard. Not less than twenty (20) feet. In the case of double frontage lots, corner lots or through lots, there shall be a front yard along each street.
 - b. Side Yard. Not less than ten (10) feet on either side, except when Subsection (A)(5)(a) above applies.
 - c. Rear Yards. Not less than ten (10) feet.
6. Height.
 - a. Single-Family Detached Dwelling. Not more than thirty (30) feet plus a roof.
 - b. Churches. Not more than fifty (50) feet for towers or the building.
7. Manufactured Homes. Manufactured homes, as defined in Section 400.030, may be located within the "R-1" District provided they already existed prior to the adoption of this Chapter. When so located, existing manufactured homes shall comply with the same setback requirements as single-family residences. Existing manufactured homes owned and occupied by persons who also own the lot said manufactured home is located on may be replaced or expanded to the extent permitted by this Chapter. Manufactured homes that are not owner-occupied are limited to the one-time replacement via a Conditional Use Permit and subject to all other requirements of this Chapter.
8. All single-family detached dwellings shall be limited to no more than one (1) unit per platted lot, including all lots platted prior to March 24, 2016.
[Ord. No. 3236, 4-19-2021]
9. All single-family attached villas and single-family attached dwellings (duplexes) shall be limited to no more than one (1) structure per platted lot, including all lots platted prior to March 24, 2016.
[Ord. No. 3236, 4-19-2021]

Section 400.090. "R-2" Residential District.

[Ord. No. 3121, 4-18-2016]

A. With the "R-2" Residential District, the following regulations shall apply:

1. Permitted Uses.
[Ord. No. 3199, 5-20-2019]
 - a. Any uses permitted in Section 400.080, "R-1" Residential District.
 - b. Single-family attached villas [limited to two (2) dwellings per structure].
 - c. Duplexes [limited to two (2) dwellings per structure].
2. Conditional Uses.
 - a. Triplexes, townhomes and condominiums.

- b. Apartments.
 - c. Nursing homes.
 - d. New modular homes meeting the following criteria:
[Ord. No. 3199, 5-20-2019]
 - (1) Compliant with all local and State building codes.
 - (2) Compliant with all occupancy codes.
 - (3) No less than eight hundred (800) square feet of living space.
 - e. New manufactured homes meeting the following criteria:
[Ord. No. 3199, 5-20-2019]
 - (1) Accompanied by an original bill of sale dated not more than six (6) months prior to the date of application;
 - (2) Structurally sound in compliance with the provisions of this Code;
 - (3) No less than twenty (20) feet in width;
 - (4) Compliant with all applicable occupancy codes;
 - (5) Placed on an enclosed permanent foundation of concrete, brick, or masonry; and
 - (6) Compliant with minimum standards for tie-downs as set by the Missouri Public Service Commission.
 - f. Boardinghomes/group homes as defined in Section **400.030** and as permitted by law.
3. Prohibited Uses. Any uses prohibited in Section **400.080(A)(3)** "R-1" Residential District.
4. Lot Size.
- a. Every single-family detached dwelling, two-family dwelling or multiple-family dwelling lot shall have a lot area of not less than six thousand (6,000) square feet and a width at the established building line of not less than sixty (60) feet.
 - b. Multiple-family dwellings shall not exceed one (1) dwelling unit or apartment for each one thousand five hundred (1,500) square feet of lot area.
5. Setback Lines.
- a. Front Yard. Not less than twenty (20) feet. In the case of double frontage lots, corner lots or through lots, there shall be a front yard along each street.
 - b. Side Yard. Not less than ten (10) feet on each side, except when Subsection **(A)(5)(b)** above applies.
 - c. Rear Yard. Not less than fifteen (15) feet.
6. All single-family detached dwellings shall be limited to no more than one (1) unit per six thousand (6,000) square feet of platted lot and shall be situated not less than fifty (50) feet from the front of or rear of another single-family detached dwelling.
[Ord. No. 3236, 4-19-2021]
7. All single-family attached villas and single-family attached dwellings (duplexes) shall be limited to no more than one (1) structure per six thousand (6,000) square feet of platted lot and shall be situated not less than fifty (50) feet from the front of or rear of another single-family attached villa or single-family attached dwelling.
[Ord. No. 3236, 4-19-2021]

Section 400.110. "C-1" Business District.

[Ord. No. 3121, 4-18-2016]

A. Within the "C-1" Business District, the following regulations shall apply:

1. Permitted uses.

- a. Existing single-family, two-family, or multiple-family dwellings.
- b. Retail sales.
- c. Personal, professional, and medical services.
- d. Offices.
- e. Gasoline service stations.
- f. Eating places (indoor).
- g. Preparation of bakery and food products sold retail entirely from the premises.
- h. Civic or fraternal clubs or lodges.
- i. Parking lots.
- j. Accessory buildings as defined in Section **400.030**.
- k. Residential or outpatient treatment facility providing full-time residential accommodations and professional therapeutic care for people with substance abuse, mental illness, or other behaviors which may constitute barriers to independent living meeting the following criteria:

[Ord. No. 3255, 2-28-2022]

- (1) The exterior appearance of the treatment facility shall reasonably conform to the exterior appearance of other dwellings in the vicinity;
- (2) The treatment facility must not be located closer than one hundred (100) feet to any other substance abuse treatment facility;
- (3) Any treatment facility shall maintain compliance with all regulations set by the State of Missouri Department of Mental Health; and
- (4) Any treatment facility shall comply with occupancy regulations as set forth by the 2021 International Fire Code.

2. Prohibited Uses.

- a. Drive-in eating facilities serving customers in automobiles.
- b. Any use (except parking lots) not entirely enclosed within building.
- c. Any industry.
- d. Building repair and building maintenance services.
- e. Construction companies.
- f. Any principal use specifically permitted in Sections **400.130** and **400.140**, Industrial Districts.

3. Setback Lines.

- a. Front Yard. None required.

- b. Side Yard. None required, except where the lot abuts an "R" District, in which case the side yard setback shall be not less than twenty-five (25) feet.
- c. Rear Yard. None required.
- 4. Height. No building shall exceed thirty-five (35) feet in height, plus a roof.
- 5. Service Vehicle Access. See Section **400.240** for off-street loading zones and service area requirements.
- 6. Manufactured Homes. Preexisting manufactured homes, as defined in Section **400.030**, may be located within the "C-1" District provided they already existed prior to the adoption of this Chapter. When so located, existing manufactured homes shall comply with the same setback requirements as single-family residences. Existing manufactured homes owned and occupied by persons who also own the lot said manufactured home is located on may be replaced or expanded to the extent permitted by this Chapter. Manufactured homes that are not owner-occupied are limited to the one-time replacement via a conditional use permit and subject to all other requirements of this Chapter.

Section 400.120. "C-2" Business District.

[Ord. No. 3121, 4-18-2016]

A. Within the "C-2" Business District, the following regulations shall apply:

- 1. Permitted Uses.
 - a. Any use permitted in Section **400.110(A)(1)(a) – (k)**, "C-1" Business District.
 - b. Drive-in facilities serving customers in automobiles.
 - c. All other retail businesses.
 - d. Wholesale sales.
 - e. Building improvement products, repairs, and maintenance services. Lumberyards.
 - f. Parking lots.
 - g. Hotels, motels.
 - h. Printing, publishing.
 - i. Accessory buildings as defined in Section **400.030**.
 - j. Residential or outpatient treatment facility providing full-time residential accommodations and professional therapeutic care for people with substance abuse, mental illness, or other behaviors which may constitute barriers to independent living meeting the following criteria:

[Ord. No. 3255, 2-28-2022]

- (1) The exterior appearance of the treatment facility shall reasonably conform to the exterior appearance of other dwellings in the vicinity;
- (2) The treatment facility must not be located closer than one hundred (100) feet to any other substance abuse treatment facility;
- (3) Any treatment facility shall maintain compliance with all regulations set by the State of Missouri Department of Mental Health; and
- (4) Any treatment facility shall comply with occupancy regulations as set forth by the 2021 International Fire Code.

2. Prohibited Uses.

- a. Assembly or processing and finishing of materials for sale.
- b. Any activity not entirely conducted in an enclosed building, except for automobile, trailer, and nursery product sales, farm implements, outdoor recreational facilities, and parking lots.
- c. Any principal use specifically permitted in Sections **400.130** and **400.140**, Industrial Districts.

3. Setback Lines.

- a. Front Yard. Not less than twenty-five (25) feet.
- b. Side Yard. None required, except where the lot abuts an "R" District, in which case the side yard setback shall be not less than twenty-five (25) feet.
- c. Rear Yard. Not less than twenty (20) feet, except where vehicles are stored, loaded, or unloaded under a roof, in which case the rear yard setback shall be not less than five (5) feet.

4. Service Vehicle Access. See Section **400.240** for off-street loading zones and service area requirements.

5. Manufactured Homes. Preexisting manufactured homes, as defined in Section **400.030**, may be located within the "C-2" District provided they already existed prior to the adoption of this Chapter. When so located, existing manufactured homes shall comply with the same setback requirements as single-family residences. Existing manufactured homes owned and occupied by persons who also own the lot said manufactured home is located on may be replaced or expanded to the extent permitted by this Chapter. Manufactured homes that are not owner-occupied are limited to the one-time replacement via a conditional use permit and subject to all other requirements of this Chapter.

Section 400.125. "C-R" Commercial-Residential District.

[Ord. No. 3163, 10-16-2017; Ord. No. 3236, 4-19-2021]

A. Within the "C-R" District, the following regulations shall apply:

1. Permitted Uses.

- a. Any use permitted in Section **400.110(A)(1)(a)** through **(k)**, "C-1" Business District, subject to setback lines, height restrictions, and service vehicle access contained within that Section.
- b. Any use permitted in Section **400.120(A)(1)(a)** through **(j)**, "C-2" Business District, subject to setback lines and service vehicle access contained within that Section.
- c. Any use permitted in Section **400.080(A)(1)(a)** through **(e)**, "R-1" Residential District, subject to lot size, setback line, and height restrictions contained within that Section.
- d. Any use permitted in Section **400.090(A)(1)(a)** through **(c)**, "R-2" Residential District, subject to lot size and setback line restrictions contained within that Section.
- e. Triplexes, townhomes and condominiums.
- f. Loft Apartments.
- g. Apartment Buildings.

2. Conditional Uses.

- a. Any use conditionally permitted in Section **400.090(A)(2)**, "R-2" Residential District, and not otherwise permitted above.
- 3. Prohibited Uses.
 - a. Any use not expressly authorized by this Section.

Section 400.130. "I-1" Light Industrial District.

[Ord. No. 3121, 4-18-2016]

A. Within the "I-1" Light Industrial District, the following regulations shall apply:

- 1. Permitted Uses.
 - a. Preparation of food products; bottling plants.
 - b. Warehousing.
 - c. Assembly, processing and finishing of materials or products.
 - d. Transfer and transportation terminals.
 - e. Accessory buildings as defined in Section **400.030**.
- 2. Prohibited Uses.
 - a. Processing Of Raw Materials.
 - b. All uses permitted in Residential and Commercial Districts.
 - c. Any use that produces excessive smoke, dust, odor, gases, or noise.
- 3. Setback Lines.
 - a. Front Yard. Not less than thirty (30) feet.
 - b. Side Yard. Not less than twenty (20) feet.
 - c. Rear Yard. Not less than twenty (20) feet.
 - d. Yards Adjacent To Residential Districts. All buildings on lots abutting Residential Districts shall provide yard widths of fifty (50) feet.
- 4. Height. No building shall exceed fifty (50) feet in height, plus a roof, above the ground.

Section 400.135. "I-C" Industrial District.

[Ord. No. 3174, 5-21-2018]

A. Within the "I-C" District, the following regulations shall apply:

- 1. Permitted Uses.
 - a. Any use permitted in Section **400.110(A)(1)(a)** through **(k)**, "C-1" Business District, subject to setback lines, height restrictions, and service vehicle access contained within that Section.
 - b. Any use permitted in Section **400.120(A)(1)(a)** through **(j)**, "C-2" Business District, subject to setback lines and service vehicle access contained within that Section.

- c. Any use permitted in Section **400.130(A)(1)(a)** through **(e)**, "I-1" Light Industrial District, subject to setback lines and height restrictions contained within that Section.
- 2. Prohibited Uses.
 - a. Any use not expressly authorized by this Section.

Chapter 400. Zoning Regulations

Article VI. Conditional Uses

Section 400.220. Conditional Uses.

[Ord. No. 3121, 4-18-2016]

- A. Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain conditional uses listed below when found to be in the interest of the public health, safety, morals, and general welfare of the community may be permitted, except as otherwise specified, in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations (April 18, 2016), or permitted as herein provided is made, preliminary plans in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning and Zoning Commission. The Commission shall hold a public hearing and shall review such plans and statements and shall, after a careful study thereof, and of the effect that such buildings, structures, or uses will have upon the surrounding territory, submit a recommendation to the City Council within thirty (30) days following said hearing. Following receipt of the Commission's report, the City Council may, within the specifications herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. Once a conditional use has been approved by the Commission and the City Council, any building or structure approved as a conditional use shall be fully completed or installed no later than six (6) months from date of final approval, or approval is automatically withdrawn. For good cause shown, the City Council may grant an applicant one (1) additional six-month extension to complete a building or structure approved for conditional use.

[Ord. No. 3199, 5-20-2019]

- B. Any conditional use listed in Subsection (C) listed below, existing on the effective date (April 18, 2016) of these regulations, shall be considered a non-conforming use unless it has qualified as provided above, and has been approved as a conditional use by the City Council.
- C. When found to be in the interest of the public health, safety, morals, and general welfare, the City Council is hereby authorized to approve any and all structural alterations to conditional uses after they have qualified and have been approved, provided such alterations do not add materially to the permitted conditional uses.
- D. Standards For Approval. The following criteria will be considered when reviewing each conditional use permit. The burden is placed on the applicant to prove that the proposed conditional use permit complies with the following:
1. Public Welfare. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
 2. Injury To Other Property. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially

diminish and impair property values within the neighborhood.

3. **Impede Other Development.** The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 4. **Provision Of Infrastructure.** Adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
 5. **Traffic Congestion.** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 6. **Consistency.** The conditional use conforms to the applicable regulations of this Chapter, the Comprehensive Plan, and other applicable City regulations, except as such regulations may in each instance be modified by the City Council, pursuant to the recommendation of the Planning and Zoning Commission.
- E. **Planning And Zoning Commission Action.** The appropriateness of the use will be determined in consideration of surrounding uses, activities and conditions of the site and of surrounding areas. The application, and its supporting documentation, will be reviewed and considered by the Village Planning and Zoning Commission. A public hearing will be held by the commission to ensure surrounding property owners have the opportunity to comment on the applicant's plans. The commission will then forward the application and supporting documentation, with recommended action, to the Village Trustees for their approval.
- F. **City Council Action.** The City Council will review the application, supporting documentation, and Planning and Zoning Commission recommendation, conduct a public hearing, and then take final action to approve the application for a conditional use permit. If the application is not approved, the applicant may resubmit the application with changes or appeal the decision to the Board of Adjustment.
- G. The following conditional uses may be approved by the City Council as provided in this Article:
1. Airports and landing fields.
 2. Churches when meeting lot and parking requirements as specified for "R-1" Districts [Section **400.080(A)(3)(a)** and **(b)**]. (Not permitted in "I-1" or "I-2" Zones.)
 3. Circus or carnival grounds, temporary for a specified time.
 4. Day-care centers. (Not permitted in "I-1" or "I-2" Zones).
 5. Extraction, processing, and removal of sand and gravel or stone.
 6. Fairgrounds.
 7. Drive-in theatres.
 8. Hospitals. (Not permitted in "I-1" or "I-2" Zones).
 9. Manufactured home parks, but only when complying with the "Minimum Property Standards for Manufactured Home Courts," as prepared by the U.S. Department of Housing and Urban Development, latest edition.
 10. Multi-family dwellings. (Not permitted in "I-1" or "I-2" Zones).
 11. Nursing/convalescent homes.
 12. Public or governmental buildings or public or governmental use of land.
 13. Public utilities or public service uses, buildings, structures, or appurtenances thereto.

14. Recreational vehicle park, but only when complying with the following and such additional requirements as may be deemed necessary for its proper development and the protection of the surrounding areas:
 - a. All appropriate State and County sanitation regulations shall be strictly observed.
 - b. At least two thousand four hundred (2,400) square feet of lot area per recreational vehicle. [Minimum lot depth shall be eighty (80) feet.] No recreational vehicle shall be parked closer to the street or highway than the required front yard setback, and in a residential or apartment district, no closer than twenty-five (25) feet to any property line; and a clearance of not less than twenty (20) feet shall be maintained between recreational vehicles on all sides.
 - c. Recreational vehicle spaces shall abut upon a hard-surfaced driveway or accessway of not less than twenty-five (25) feet in width.
 - d. Service buildings or other facilities for bathing, laundry, and sanitation as required by State and County regulations, shall be located at least twenty-five (25) feet from the side and rear lot lines and shall be accessible to all recreational vehicles by means of access drives or hard-surfaced walks.
 - e. Space shall be occupied by travelers, transients, or migrants for a period of time to be determined at the discretion of the recreation vehicle park manager.
 - f. The daily rate shall be fifteen dollars (\$15.00) per day.
 - g. The weekly rate [seven (7) days] shall be ninety dollars (\$90.00) per week.
 - h. The monthly rate [four (4) weeks] shall be two hundred fifty dollars (\$250.00) per month and shall consist of no more than twenty-eight (28) days.
15. Sale Of Used Cars At Retail. Each conditional use permit for sale of used cars shall be issued in the name of the owner of the used car lot and the conditional use permit shall not be transferable.
16. Sports arena, stadium, or racetrack.
17. Swimming pool, commercial, or private swimming club.

Proposed Conditional Use Timeline

502 Mississippi Ave, Malden, MO – Walter Spence

February 28, 2024 – P&Z Meeting at 12:00 pm

February 29, 2024 - by 4:00 pm send to Newspaper for Saturday, March 2, 2024 posting

March 16, 2024 – 14 days since Notice published in paper

March 21, 2024 – Public Hearing to be held at 12:00 pm

March 21, 2024 – Special Called P&Z Meeting at 12:15

March 18, 2021 – Regular City Council Meeting to approve ordinance

CITY OF MALDEN PLANNING AND ZONING COMMISSION NOTICE
OF PUBLIC HEARING REGARDING CONDITIONAL USE
APPLICATION

MARCH 21, 2024 BEGINNING AT 12:00 PM
MALDEN CITY HALL

NOTICE IS HEREBY GIVEN THAT beginning at **12:00 P.M.** on **March 21, 2024** the City of Malden – Planning and Zoning Commission will conduct a public hearing at City Hall, 201 S. Madison St., Malden, MO to consider a conditional use request for the following area within the city limits of Malden, MO:

A tract of land having a common address of 502 Mississippi St., Malden, Missouri, 63863

The general nature of the request is to construct a residential addition to an existing commercial structure on the premises.

The hearing will be held in the conference room, space permitting, but may be adjourned to the City Council meeting room

All interested parties are invited to appear and be heard at the time and date of said Public Hearing or to submit written comments to the Planning and Zoning Commission prior to the time and date of said hearing. Copies of the conditional use application and current zoning regulations pertaining to the property may be obtained by contacting the Office of City Clerk, 201 S. Madison, Malden, Missouri, 63863

Notice given this _____ day of February, 2024.

Mayor

City Clerk