

April 24, 2024

Planning & Zoning Board

Public Hearing & Board Meeting Packet

MALDEN PLANNING & ZONING BOARD

201 S. MADISON STREET

MALDEN MISSOURI 63863

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

Wednesday, March 20, 2024 at 12:00 p.m.

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

ROLL CALL

BOARD MEMBER JERRY SMITH(President)
BOARD MEMBER DREW JOYCE (via zoom)
BOARD MEMBER LARRY SMITH
BOARD MEMBER WALKER CULP
BOARD MEMBER JAMES REED (via zoom)
BOARD MEMBER TOM CHIDISTER
BOARD MEMBER DENTON KOOYMAN (MAYOR)
BOARD MEMBER _____

Present

X
X
X

X
X

Absent

X

X

MEMBERS PRESENT:

5

OTHERS ATTENDING: Walter Spence, Lisa Spence, Director of Public Safety/Chief of Police Jeff Mitchell, City Administrator Ivone Smith, 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:

- Regular Session Planning & Zoning Board Meeting Minutes of June 22, 2022
- Special Called Planning & Zoning Board Meeting Minutes of July 13, 2022
- Public Hearing Meeting Minutes of August 10, 2022
- Special Called Planning & Zoning Board Meeting Minutes of August 10, 2022

SECOND: By Committee Member L. Smith.

Motion Carried 5/0

APPLICATION FOR RESIDENTIAL CONDITIONAL USE DEVELOPMENT

City Administrator Smith explains the plans of Mr. and Ms. Spence. It is their intention to turn the former restaurant Fins & Feathers, into a five-apartment complex. She states the zoning is currently I-C and an apartment complex is not permitted without a Conditional Use Permit. Board Member Chidister asks if they are looking to rezone the area. Administrator Smith states if a Conditional Use Permit is granted, there will not be a need to rezone. Board Member Joyce states he appreciates the Spence's continued support of the City.

MOTION: By Board Member Chidister to move forward with setting the Public Hearing for Tuesday, April 9, 2024 12 p.m. at the Malden City Hall.

SECOND: By Board Member Joyce

Motion Passed 5/0

OTHER BUSINESS DEEMED NECESSARY

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

MOTION: By Board Member Chidister to adjourn the Special Called Session Planning and Zoning Meeting of March 20, 2024 at 12:15 p.m.

SECOND: By Board Member Joyce.

Motion Passed 5/0

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

Tuesday, April 9, 2024 @ 12:00 pm Jerry Smith, Planning & Zoning Board President opens the public hearing.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
BOARD MEMBER JERRY SMITH(President)	<u>X</u>	<u> </u>
BOARD MEMBER TOM CHIDISTER	<u> </u>	<u>X</u>
BOARD MEMBER LARRY SMITH	<u>X</u>	<u> </u>
BOARD MEMBER JAMES REED (via zoom)	<u>X</u>	<u> </u>
BOARD MEMBER WALKER CULP	<u> </u>	<u>X</u>
BOARD MEMBER DREW JOYCE (via zoom)	<u>X</u>	<u> </u>
BOARD MEMBER - VACANT	<u> </u>	<u> </u>
BOARD MEMBER DENTON KOOYMAN (MAYOR)	<u> </u>	<u>X</u>

MEMBERS PRESENT:

4

OTHERS ATTENDING: Raymond Fielack, Director of Public Safety Jeff Mitchell, City Administrator Ivone Smith and City Clerk Mandy Lewis.

PUBLIC HEARING FOR:

NOTICE IS HEREBY GIVEN THAT beginning at 12:00 P.M. on April 9, 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

No members of the public were in attendance and there were no questions or comments from the public. The Public Hearing on April 9, 2024 was adjourned at 12:08 p.m.

ATTEST:

Mandy Lewis, City Clerk

Jerry Smith, Board President

MALDEN PLANNING & ZONING BOARD
SPECIAL CALLED MEETING
201 S. MADISON STREET
MALDEN MISSOURI 63863
PHONE: 573-276-4502 FAX 573-276-4109
Tuesday, April 9, 2024 immediately following Public Hearing

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 (via zoom)	<u>X</u>	<u> </u>
BOARD MEMBER LARRY SMITH	<u>X</u>	<u> </u>
BOARD MEMBER WALKER CULP	<u> </u>	<u>X</u>
BOARD MEMBER JAMES REED (via zoom)	<u>X</u>	<u> </u>
BOARD MEMBER TOM CHIDISTER	<u> </u>	<u>X</u>
BOARD MEMBER DENTON KOOYMAN (MAYOR)	<u> </u>	<u>X</u>
BOARD MEMBER _____	<u> </u>	<u> </u>

MEMBERS PRESENT:

4

OTHERS ATTENDING: Raymond Fielack, Director of Public Safety Jeff Mitchell, City Administrator Ivone Smith and City Clerk Mandy Lewis.

OPEN FORUM

None.

DISCUSS PUBLIC COMMENTS OF APRIL 9, 2024 PUBLIC HEARING

City Administrator Smith states no comments were received from the public.

MOTION: By Board Member L. Smith to recommend the City Council approve the Application for Conditional Use Development submitted by Walter Spence.

SECOND: By Board Member Joyce.

Motion Passed 4/0

APPLICATION FOR RESIDENTIAL CONDITIONAL USE DEVELOPMENT

City Administrator Smith explains the plans of Spectrum Inspection Services, Inc. Board Member J. Smith asks if building is sold in the future, if the Conditional Use Permit would go with the building. City Administrator Smith states the Conditional Use Permit goes with the property owner, not the building. If the building is sold, the new owner would have to come back to get a Conditional Use Permit or revert the space to commercial. Administrator Smith explains the proposed timeline for publication, Public Hearing, and approval of City Council.

MOTION: By Board Member Joyce to move forward with scheduling a Public Hearing regarding the Application for Residential Conditional Use Development filed by Spectrum Inspection Services, Inc. on April 24, 2024.

SECOND: By Board Member L. Smith

Motion Passed 4/0

OTHER BUSINESS DEEMED NECESSARY

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

MOTION: By Board Member L. Smith to adjourn the Special Called Session Planning and Zoning Meeting of April 9, 2024 at 12:15 p.m.

SECOND: By Board Member Joyce.

Motion Passed 4/0

ATTEST:

Jerry Smith, Board President

Mandy Lewis, City Clerk

CITY OF MALDEN

201 SOUTH MADISON STREET
MALDEN MISSOURI 63863

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

Email address: cityclerk@maldenmo.com



APPLICATION FOR RESIDENTIAL CONDITIONAL USE DEVELOPMENT

Please type or print

Location of Project: 1905 North Douglas, Malden MO 63863

Project Description: Convert retail area in front of building to open concept two-bedroom residence

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

Name of Applicant: Spectrum Inspection Services, Inc.

Address: PO Box 394, Malden MO 63863

Phone Number: (573) 276-1800

Email Address: rfielack@4semo.com

Interest in Property: Owner

Name of Applicant's Agent- if different than above: Raymond Fielack

Address & E-mail Address: rfielack@4semo.com

Phone Number: (573) 276-8380 (mobile)

Name of Owner(s) – if different than above: _____

Address: _____

Phone Number: _____

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

Raymond Fielack

Address & E-mail Address: rfielack@4semo.com

Phone Number: (573) 276-8380 (mobile)

PART B: SITE DESCRIPTION

Legal Address of Property: 1905 N Douglas, Malden MO 63863 (WALLER: LOT 3 & N 25' LOT 2 BLK 1)

Map Number: 01-8.0-34-003-012-007 **Block Number:** 1 **Locator Number:** 10349

Current Zoning: C-2

Current Use of Site: Until February 29, 2024, the front (east) area of building consisting of approximately 2500 SF which is the subject of this application was being utilized as a church. Currently, it is not rented.

Are there any restrictions or covenants on the land that will affect the proposed use? If so explain: No

PART C: PROPOSED PROJECT

Briefly describe the project and intended use. Spectrum Inspection Services, Inc AKA Spectrum Property Management is respectfully requesting Residential Conditional Use for the front (east) area of the building as a two (2) bedroom residence. The only modifications or construction required to modify the space will entail minimal construction as indicated with hatched walls in the attached blueprint of a shower area to the existing bathroom, a laundry area, kitchen and the installation of egress compliant windows in the bedrooms. (Please see attached letter and blueprint for more detail).

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

How many dwelling units will result from the project? One

Overall project density in dwelling units per acre: 1.92 du/ac

PART D: SITE DEVELOPMENT

Total Square Footage of Site: 24,700 SF

Total Square Footage of Building (s): 10,500 SF, of which 2500 SF is the subject of this application.

Ratio of Total Square Footage of Building (s) to Total Square Footage of Site Property: .43

Building(s) Height: 15' Number of Floors: One

Total Number of Available Parking Spaces: Six (6)

*Is Additional Parking Part of the Project? Yes No X Explain Not Required

Number Required by the Zoning Ordinance: Two (2)

Explain the Reason for Requesting a Conditional Use Permit: Residential Conditional Use for the front (east) area (2500 SF) of the building as a two (2) bedroom residence.

*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>Residence (2500 SF)</u>	<u>Parking (2500 SF)</u>	<u>100%</u>

SECTION E: AMENDMENT TO A CONDITIONAL USE PERMIT

Please describe in detail the proposed amendment: (See above and Attached letter)

Please describe why amendment is being sought: We are respectfully requesting the amendment as our ability to rent the retail or office area which is the subject of this application in the current economy has not been successful these past years with the exception of renting to several churches at a rate below our expenses to maintain occupancy for the sake of maintenance of the buildings heating and air, water and electrical systems. Ultimately, these

churches have also not been able to maintain their leases due to the same economics. Like many other business and building owners, our insurance rates also have increased significantly year after year and this year when our policy, which renews on May 15, 2024, we will have a 100% premium increase. Because Spectrum already offers high quality, affordable residential housing in Malden and we are aware of the demand, we feel this is a solution that will not only assist our economic needs for the property, but also the needs of the City of Malden which is in short supply of quality, affordable and safe residential housing.

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

Signature of Applicant (Required):



Date:

3/28/24

Title: President

Signature of Owner (Required):



Date:

3/28/24



March 28, 2024

Honorable Mayor Denton Kooyman
City Councilwoman Lynette Jenkins
City Councilwoman Debra Wilkerson
City Councilwoman Terri Lefler
City Councilman Bo Beckett
City Councilman Harold Jones
City Councilman Drew Joyce
City Councilman Robert House
City Councilman Casen Coleman
City Administrator Ivone Smith
Planning & Zoning Board

Malden City Hall
201 S Madison St.
Malden, MO 63863

Re: Application For Residential Conditional Use Development – 1905 N Douglas

LETTER OF REQUEST AND SUMMARY

City of Malden

Residential Conditional Use Development Application

Applicant:

Spectrum Inspection Services, Inc.
Aka Spectrum Property Management

Property:

1905 S Douglas
Malden, MO 63863

Parcel ID No.:

01-8.0-34-003-012-007

Submitted for Applicant by:

Raymond Fielack
President
Spectrum Inspection Services, Inc.
PO Box 394
Malden, MO 63863
573-276-8380 (Mobile)
rfielack@4semo.com



I. INTRODUCTION

This letter is to express the intent and details of our application for Residential Conditional Use at 1905 N Douglas, hereafter the "Property" (WALLER: LOT 3 & N 25' LOT 2 BLK 1).

The subject property is located on approximately 0.52 acres located on N Douglas (Narvel Felts Blvd) in the City of Malden, (Dunklin County Parcel Nos. 01-8.0-34-003-012-007. The Property is currently zoned C-2.

The Applicant, Spectrum Inspection Services, Inc. and/or its principal officer ("Applicant"), has owned and operated the property since 2002 which entails a 70' x 150' (10,500 SF) building on a 120' x 190' lot. The building consists of a front retail area (2500 SF) on the east side of building facing N Douglas, an office area (1700 SF) located in the center of the building which is currently occupied by the State of Missouri and the remaining 6300 SF utilized for Applicants storage.

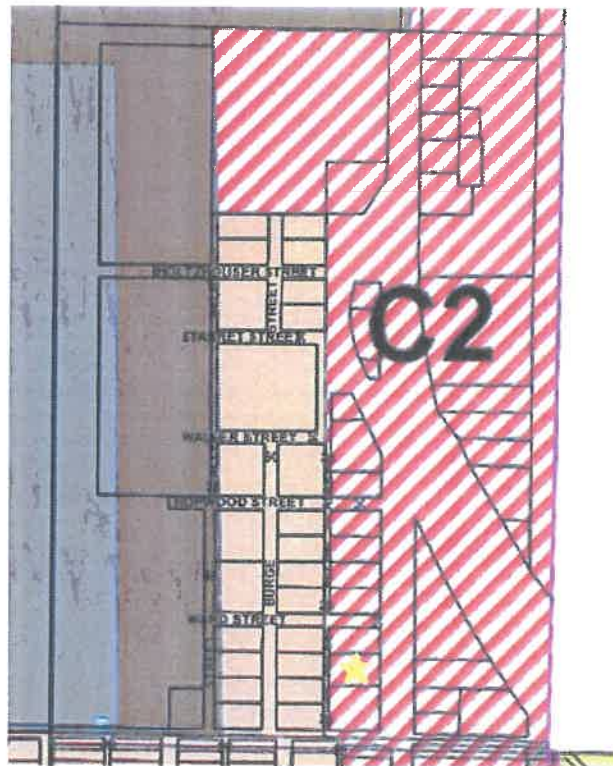
The surrounding neighborhood is comprised of a mix of styles and forms including single story and two-story homes. Our application for a Residential Conditional Use is to modify the current front retail area (2500 SF) space in the building and create a two-bedroom single family dwelling with only limited modifications or construction required. This will entail minimal construction as indicated with hatched walls in the attached blueprint (page 4) of a shower area to the existing bathroom, a laundry area, kitchen, and the installation of egress compliant windows in the bedrooms. Once completed, this single-family dwelling will have a two-bedroom open living style layout with a quality kitchen with appliances and bathroom as well safety amenities that are already present in this building including 110V interconnected smoke detectors with battery backup, emergency exit lighting as well as central station monitored alarm system. It will have six (6) parking spaces that are already present.

We are respectfully requesting the Residential Conditional Use as our ability to rent the retail area located in the front of the building, which is the subject of this application, in the current economy has not been successful these past years with the exception of renting to several churches at a rate below our expenses to maintain occupancy for the sake of maintenance of the buildings heating and air, water and electrical systems. Ultimately, these churches have also not been able to maintain their leases due to the same economics. Like many other business and building owners, our insurance rates also have significantly increased year after year and this year, 2024, when our policy renews on May 15, 2024, we will have a 100% premium increase. Because Spectrum already offers high quality, affordable residential housing in Malden and we are aware of the demand, we feel this is a solution that will not only assist our economic needs for the property, but also be a positive addition to the area as well as the needs of the City of Malden which is in short supply of quality and safe residential housing.

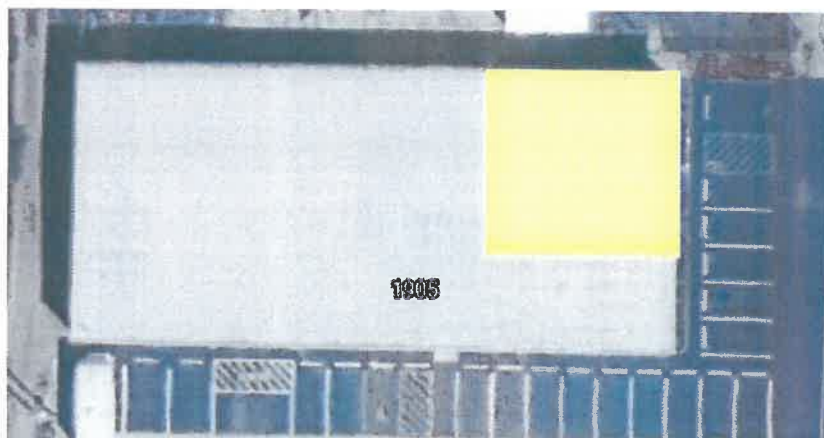
II. REQUEST SUMMARY

Applicant requests approval of Residential Conditional Use Development. The Property (yellow star below) is now designated as C-2 (commercial) on the City of Malden Zone Map. The 2500 SF front retail area (yellow box depicts approximate location in building) that Applicant wishes to utilize as a single-family dwelling as outlined on application is displayed below.

Location of parcel Residential Conditional Use Development change



Location of area (yellow) within building requested Residential Conditional Use



Layout of Proposed Two-Bedroom Residence at 1905 N Douglas

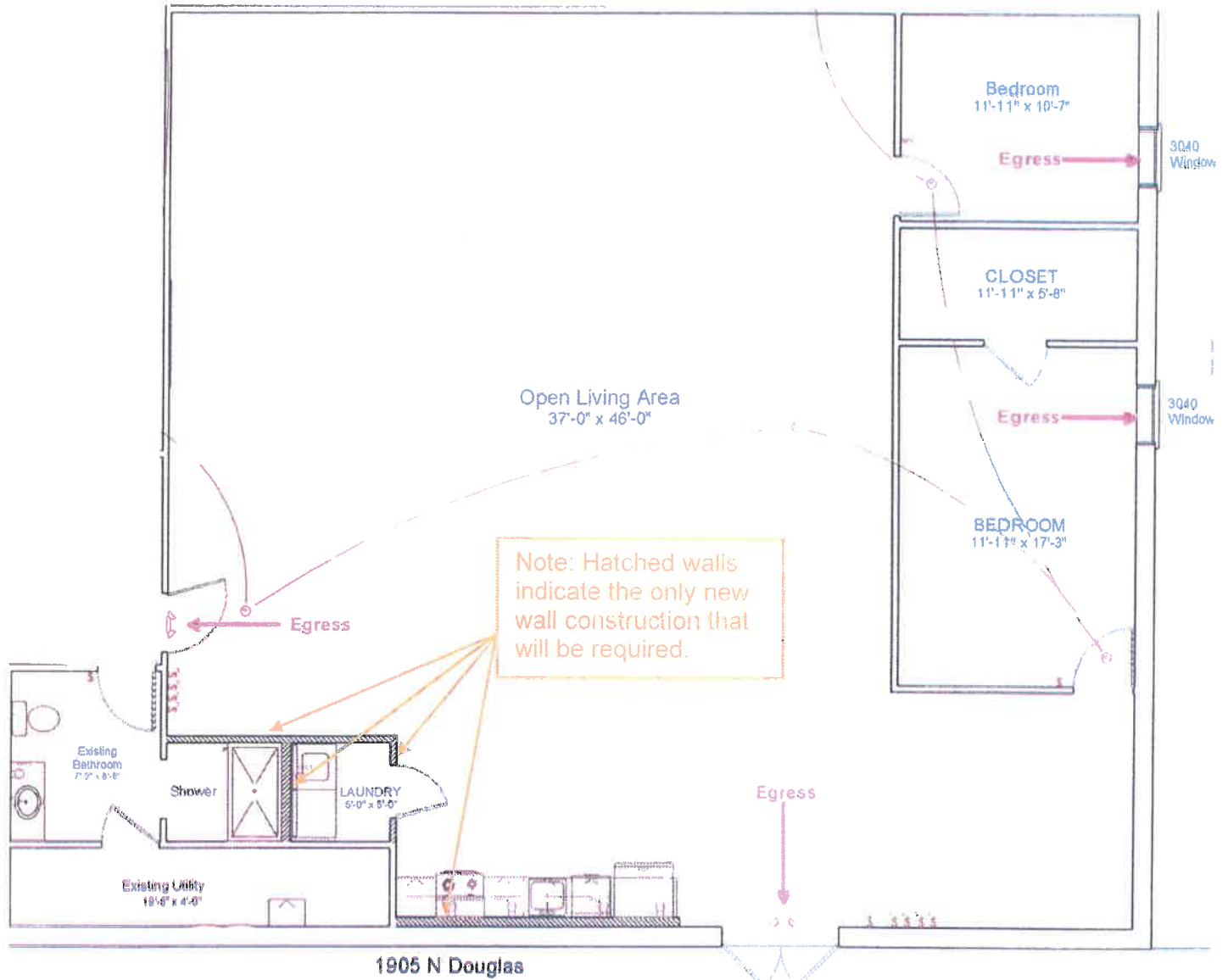


Figure 1



III. STANDARDS FOR APPROVAL

The Applicant fully satisfies the criteria set forth in the City's code for the submitted Conditional Use Permit. This application is not a typical request for Conditional Use on a newly acquired property or development as Applicant has been operating and held ownership of the Property for over two (2) decades in the City of Malden.

Instead, Applicant seeks the required approvals to allow the retail area, with minimal modifications to be used as a single-family residence as the applicant is unable to use the area for its commercial use as a Retail or office area as a primary use of the area.

Additionally, Applicant's document submission for these applications is unique. Typical application submissions include a site development plan showing the new building types and uses proposed by the zoning request. In this circumstance, the Applicant requests only permission to transition its use of the existing Property. No new additional building types or exterior development are proposed by the Applicant.

The applicant's submission completely and accurately represents the site conditions for the current and continuing use of property. The Applicant respectfully requests its applications be granted by the City of Malden.

Residential Conditional Use Development Request (Single Family Dwelling)

The Applicant satisfies all the criteria for a conditional use permit as set forth in the City of Malden Code, Section 400.220 and the Malden Residential Conditional Use Development Permit Application Form.

1. Would the proposed use be detrimental to endanger the public health, safety, or general welfare?

The establishment, maintenance, or operation of the conditional use residence will not be detrimental to or endanger the public health, safety, or general welfare.

2. Would the proposed conditional use cause injury to other property?

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. Applicant's modification and use of the Property as a single-family dwelling will have no adverse impacts on the use or usability of surrounding properties. The additional quality residence will continue to provide a benefit to community residents and families in Malden.



3. How would the proposed use be suitable in view of the use and development of adjacent and nearby property?

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, nor substantially diminish and impair property values within the neighborhood.

4. To what extent will or could the proposed use cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or other public facilities?

Applicant's proposed single-family residence is low impact and will be no greater than the previous or existing use of the Property and will not cause a burden to any public facilities or utilities as no additional facilities or utilities are required including providing ingress and egress so designed as to minimize traffic congestion in the public streets.

5. Is the proposed ingress and egress to the subject property adequate and how will it impact the traffic of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.

Applicant's site provides adequate ingress and egress to the Property through a parking lot entrance and exit located on Narvel Felts Blvd. Applicant plans to maintain this parking lot as the residence site primary access point. Applicant's continued use will not adversely impact traffic patterns or public safety along Narvel Felts Blvd nor N Douglas (Bus 25).

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Malden City Planning and Zoning Commission, Mayor and City Council approve this application. In summary, the application seeks to continue Spectrums two-decade long history of serving Malden residents and businesses. We look forward to working with the city and are available to discuss this application and any questions.

Please do not hesitate to contact me at 573-276-8380 or rfielack@4semo.com.

Sincerely,

/s/ Raymond Fielack

Raymond Fielack

President

Spectrum Inspection Services, Inc.

1905 N Douglas (Narvel Felts), Malden MO 63863



Legend	Notes
--------	-------

Road

<all other values>

US

MO

RT

SP

→ Railroad

Dashed Land Hook

Solid Land Hook

Original Lot

Subdivision

Section

 County Boundary

Notes

WALLER: LOT 3 & N 25' LOT 2 BLK 1
01-8.0-34-003-012-007
Ward 4

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Proposed Conditional Use Timeline

1905 N. Douglas, Malden, MO – Spectrum Inspection Services, Inc.

April 9, 2024 – P&Z Meeting at 12:00 pm

April 9, 2024 - by 4:00 pm send to Newspaper for Thursday, April 11, 2024 posting

April 24, 2024 – 14 days since Notice published in paper

April 24, 2024 – Public Hearing to be held at 12:00 pm

April 24, 2024 – Special Called P&Z Meeting to following Public Hearing

May 20, 2021 – Regular City Council Meeting to approve ordinance

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

APRIL 24, 2024 BEGINNING AT 12:00 PM
MALDEN CITY HALL

NOTICE IS HEREBY GIVEN THAT beginning at **12:00 P.M.** on **April 24, 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:

WALLER: LOT 3 & N 25' LOT 2 BLK 1

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 11th day of April, 2024.

Mayor

City Clerk

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.