BRANSON ZONING CODE

2016 Update

Public Review Draft

LSL Planning | Spencer Fane | BNIM

Table of Contents

Sec. 94-1 Interpretation, Purpose, Fees 7
Sec. 94-2 Administration and Enforcement 7
Sec. 94-3 Conformance to Code 7
Sec. 94-4 Definitions 7
(a) General Interpretation 7
(b) Definitions 8
Sec. 94-5 Common Procedures 34
(a) Pre-Application Conference 34
(b) Application Requirements 34
(c) Reports and Studies 34
(d) Fees 35
(e) Complete and Sufficient Application 35
(f) Review and Approval Criteria 36
(g) Conditions 36
(h) Continuation 36
(i) Termination 37
(j) Lapse 37
(k) Extension 37
Sec. 94-6 Changes in Zoning Districts 37
(a) General Procedure 37
(b) Changes by the Board 37
(c) Changes by Other Individuals or Groups 38
Sec. 94-7 Site Plan Review 38
(a) Purpose 38
(b) Applicability 38
(c) Site Plan Review Required 38
(d) Procedure for Administrative Site Plan Review 39
(e) Post-Approval 40
Sec. 94-8 Conformance to Vicinity; Depreciation 40
Sec. 94-9 Special Use Permit 41
(a) Permit Required 41
(b) Review and Approval Criteria 41
(c) Special Use Permits Site Specific 42
(d) Timeframe for Validity; Expiration 42
Sec. 94-10 Temporary Use Permit 42
(a) Purpose and Applicability 42
(b) Review and Approval 42
Sec. 94-11 Planned Development (PD) 42
(a) Purpose 42
(b) Eligibility Criteria 43
(c) Dimensional and Development Standards 44
(d) General Procedures 45
(e) Review and Decision 46

(f) Preliminary Approval Lapse 47
(g) Final PD Plan 47
(h) Review and Decision 49
(i) Final Approval Lapse 49
(j) Revocation 49
(k) Action by Review and Decision-Making Bodies 49
Sec. 94-12 Certificates of Occupancy and Compliance 50
Sec. 94-13 Authorization by Board Required 50
Sec. 94-14 Reserved 51
Sec. 94-15 Reserved 51
Sec. 94-16 Reserved 51
Sec. 94-17 Reserve 51
Sec. 94-18 Reserved 51
Sec. 94-19 Reserved 51
Sec. 94-20 General Provisions 52
(a) Purposes, Residential Districts 52
(b) Purposes, Mixed-Use Districts 53
(c) Purposes, Commercial and Industrial Districts 54
Sec. 94-21 Applicability 55
Sec. 94-22 Zoning Districts Established 55
Sec. 94-23 Zoning Map 56
(a) Official Title 56
(b) Preparation and Maintenance 57
(c) Public Inspection 57
(d) Interpretation 57
(e) Vacation 57
Sec. 94-24 Annexation 58
Sec. 94-25 Conservation District (CON) 58
(a) Purpose 58
(b) Uses 58
(c) Dimensions 58
Sec. 94-26 Agricultural District (A) 58
(a) Purpose 58
(b) Uses 58
(c) Dimensions 59
Sec. 94-27 Low Density Residential (LDR) 59
(a) Purpose 59
(b) Uses 59
(c) Dimensions 60
Sec. 94-28 Medium Density Residential (MDR) 60
(a) Purpose 60
(b) Uses 60
(c) Dimensions 61
Sec. 94-29 High Density Residential (HDR) 61

(a) Purpose 61
(b) Uses 62
(c) Dimensions 62
Sec. 94-30 Neighborhood Commercial (NC) 63
(a) Purpose 63
(b) Uses 63
(c) Dimensions 63
Sec. 94-31 Mixed-Use (MU) 64
(a) Purpose 64
(b) Uses 65
(c) Dimensions 65
Sec. 94-32 Community Commercial (CC) 66
(a) Purpose 66
(b) Uses 66
(c) Dimensions 66
Sec. 94-33 Downtown (D) 67
(a) Purpose 67
(b) Uses 67
(c) Dimensions 67
Sec. 94-34 Entertainment (ENT) 68
(a) Purpose 68
(b) Uses 68
(c) Dimensions 68
Sec. 94-35 Business (B) 69
(a) Purpose 69
(b) Uses 69
(c) Dimensions 69
Sec. 94-36 Industrial (I) 70
(a) Purpose 70
(b) Uses 70
(c) Dimensions 70
Sec. 94-37 Building Types 70
(a) Applicability 70
(b) Building Type Descriptions 71
Sec. 94-38 Use Specific Dimensional Standards 73
(a) Patio Homes 73
(b) Timeshare 74
Sec. 94-39 Reserved 76
Sec. 94-40 Reserved 76
Sec. 94-41 Reserved 76
Sec. 94-42 Reserved 76
Sec. 94-43 Reserved 76
Sec. 94-44 Reserved 76
Sec. 94-45 Table of Permitted Uses 77

(a) Purpose 77
(b) Explanation of Table Abbreviations 77
(c) Use-Specific Standards 77
(d) Table Organization 77
(e) Classification of New and Unlisted Uses 78
Sec. 94-46 Use and Structure Standards 86
(a) Generally Applicable Standards 86
(b) Residential Uses 86
(c) Civic and Institutional Uses 89
(d) Commercial Uses 92
(e) Vehicles and Equipment 97
(f) Industrial Uses 102
(g) Agricultural Uses 105
Sec. 94-47 Special Use Standards 107
(a) Adult Entertainment 107
(b) Alternative Financial Establishment 108
(c) Home Occupations 108
(d) Food Truck Court 112
(e) Manufactured Homes 113
(f) Mobile Home Community 114
(g) Outdoor Storage 118
Sec. 94-48 Accessory Use Standards 119
(a) Purpose 119
(b) Approval of Accessory Uses and Structures 120
(c) Interpretation of Unidentified Accessory Uses and Structures 120
(d) General Standards 120
Sec. 94-49 Temporary Use Standards 121
(a) Purpose 121
(b) Use Table for Temporary Uses and Special Events 121
(c) General Standards for all Temporary Uses and Structures 122
(d) Supplemental Temporary Use Standards 123
Sec. 94-50 Special Events 131
(a) Permit Required 131
(b) Application for Permit 131
(c) Application for Permit Involving Closure of Streets 133
(d) Issuance of Permit; Conditions; Transfer; Expiration 133
(e) Notice of Denial of Permit; Appeal Procedure 134
(f) Alternative Permit 135
(g) Modification or Rescission of Permit 135
(h) Responsibility for Expenses Incurred by City 135
(i) Period of Operation; Duration 136
(j) Duty to Restore Event Location 136
(k) Exempt Events 136
(l) Temporary Events 136

(m) Event Advertising 136
Sec. 94-51 Nonconformities 137
(a) Nonconforming Uses 137
(b) Nonconforming Structures 137
(c) Nonconforming Uses of Structures and Land in Combination 138
(d) Repairs and Maintenance 138
(e) Special Use Provisions Not Nonconforming Uses 139
(f) Annexed Property 139
Sec. 94-52 Purpose 140
Sec. 94-53 Applicability and Location 140
(a) Scope of Regulations 140
(b) Location of Parking 141
(c) Off-Site Parking 141
Sec. 94-54 Off-Street Parking Standards 142
(a) Computation of Required Off-Street Parking Spaces 142
(b) Determination by Planning and Development Director 143
(c) Off-Street Parking Spaces Required 144
(d) Off-Street Parking Standards for Selected Service and Industrial Uses 147
(e) Uses with Variable Parking Demand 148
(f) Maximum Parking Spaces Allowed 148
(g) Exceptions and Adjustments 150
(h) Bicycle Parking 152
(i) Loading Areas 153
(j) Vehicle Stacking Areas 153
(k) Access 155
Sec. 94-55 Off-Street Parking Design Standards 156
(a) Stall Size and Driveways 156
(b) Design and Materials 156
(c) Off-Street Parking Design and Dimensional Tables 157
(d) Loading Area Dimensions, Design, and Materials 159
(e) Completion 160
(f) Failure to Comply 160
Sec. 94-56 Parking Lot Landscaping and Lighting 160
(a) Lighting 160
(b) Parking Lot Landscaping 160
(c) Parking Lot Landscaping in the D and ENT Districts 162
Sec. 94-57 City Planning Commission 164
(a) Appointment of Planning Commission and Adoption of Plan 164
(b) Members of Planning Commission 164
(c) Elected Officers of Planning Commission and Meetings 164
(d) Planning Commission, Powers and Duties 164
Sec. 94-58 Board of Adjustment 164
(a) Establishment and Membership of Board of Adjustment 164
(b) Meetings 165

(c) Appeals to the Board of Adjustment 165
(d) Powers and Duties 165
(e) Appeals from the Board of Adjustment 167
(f) Appeals and Variance Processing and Costs 167
Sec. 94-59 Enforcement, Violation and Penalty 168
(a) Violations; Penalties 168

Article IV. Temporary Signs (Replaces Existing Ch.70, Art. IV)

Sec. 70-230 Generally 2
(a) Purposes 2
(b) Allowed on Private Property Restrictions 2
(c) Permits 2
(d) Location 3
(e) Removal 3
Sec. 70-231 Permitted Temporary Signage 4
(a) Sign Types 4
(b) Temporary Signage Permitted by District 4
(c) Downtown and Entertainment Districts 5
(d) Temporary Signage Permitted by Use 6
Sec. 70-232 Temporary Signage Standards 7
(a) General 7
(b) Temporary Substitute Signage for Damaged Permanent Signs 7

Article I In General

Sec. 94-1 Interpretation, Purpose, Fees

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, propriety, general welfare and the preservation of personal and property rights. It is not intended that this chapter interfere with, abrogate or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued, pursuant to the law, relating to the use of structures or premises, nor is it intended by this chapter to interfere with, abrogate or annul any easement, covenant or other agreements between parties; provided, however, that where this chapter imposes greater width or size of yards, courts, or other open spaces, or requires a lower height of building or less number of stories, or requires a greater percentage of parcel to be left unoccupied, or imposes other higher standards than are required in any other ordinance or regulation, the provisions of this chapter shall control.

(b) Application fees are in the amount provided in the city fee schedule.

Sec. 94-2 Administration and Enforcement

The administration, interpretation and enforcement of the terms of this chapter shall be vested in the planning and development director, and in the discharge of these duties, the planning and development director shall have power of entry in or upon any premises in all lawful manner and means. The planning and development director shall rule on all questions regarding such enforcement and interpretation, and from his opinion and decision any party shall have the right of appeal.

Sec. 94-3 Conformance to Code

(a) As used in this chapter, the term "all codes" shall include the building code, the electrical code, the mechanical code, the plumbing code, the fire code, the property maintenance code, the environment code and the health and sanitation code currently in effect and approved by Board action by reference or otherwise.

(b) All buildings in any district shall strictly conform to all codes herein defined, and failing such compliance, it shall be the duty of the planning and development director (zoning officer) to initiate appropriate enforcement of such codes and all of them.

Sec. 94-4 Definitions

(a) General Interpretation

For the purpose of this chapter, any words defined in the building code of the city and not specifically defined herein shall be construed as defined in the building code of the city. Any word not defined herein or in the building code of the city shall have its usual meaning unless otherwise provided in this section. For general definitions and rules of construction applicable throughout this Code, see section 1-2.

(b) Definitions

(1) *Abutting* means contiguous or sharing any point of contact. Distance from a contiguous zoning district shall be measured from the common property boundary, or if separated by right-of-way, the width of the right-of-way shall be measured and credited as part of any required separation distance.

(2) *Accessory Building* means any structure which is not the primary structure on a premises, detached but on the same premises as the primary structure.

(3) *Accessory Use* means a use that:

a. Is clearly incidental to and customarily found in connection with a principal use and is located on the same lot as the principal use served;

b. Is subordinate to and serves a principal use and is subordinate in area, extent, or purpose to the use served; and

c. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served.

(4) *Accommodations* means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, or any other private or commercial structure which is situated on real property and designed for occupancy by one or more individuals, which is made available to the purchasers of a timeshare plan.

(5) *Adult Entertainment* means any of the establishments, businesses, buildings, structures or facilities defined in this section.

a. *Adult bookstore*: An establishment having as a ten percent portion of its stock in trade, books, photographs, magazines, films for sale or rental, viewing on the premises by use of motion picture devices, or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.

b. *Adult entertainment facility*: Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, videotapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, videotape or film presentation), where the patrons either:

(i) Engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or

(ii) Observe any live presentation, videotape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.

c. *Bathhouse:* An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state.

d. *Massage establishment*: An establishment which has a fixed place of business having a source of income or compensation of 60 percent or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his/her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist, or professional masseuse, licensed by the state.

e. *Specified sexual activities*:

(i) "Sexual conduct," being acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast;

(ii) "Sexual excitement," being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or

(iii) "Sadomasochistic abuse," being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

(6) *Agriculture* is a use category comprised of uses characterized by general active and on-going agricultural uses, activities, and related uses. An agricultural use, in general, means the use of land for the growing and/or production of field crops, livestock, aquatic, and animal products for the production of income.

(7) *Agritainment* means events and activities that allow for recreation, entertainment, and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activities on-site that are for-profit. Events and activities include the following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), living historical farms, farm tours (for profit), and agricultural festivals.

(8) *Airport and Passenger Terminal* means a facility that provides space for aircraft to take off and land that is usually equipped with a control tower, hangars, and accommodations for passengers and cargo.

(9) *Alcohol and Drug Abuse Treatment Facility* means any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility persons with alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis.

(10) *Alternative Financial Services* means the provision of non-bank financial services, such as check cashing, payday advance or load, money transfer, motor vehicle title loan, pawn shops, rent-to-own, or credit access businesses. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

(11) *Amusement Park or Theme Park* means facility that may include amusement parlors, structures, buildings and premises, where there are various devices for entertainment, which may include rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

(12) *Amusement Parlor/Arcade* means a building or part of a building to which the public may enter in which pinball machines, video games, or other similar coin, token, or app-operated devices operated for amusement, pleasure, test of skill, competition, or sport are maintained.

(13) *Animal Hospital* means a facility for the diagnosis and treatment of pets and other animals including, but not limited to, dogs, cats, birds, and horses. No outside boarding of these animals shall be allowed overnight.

(14) *Animal Raising, Farm or Domestic Use* means land used for the production, keeping or maintenance of livestock for either hobby or recreational purposes and to supplement household food supply to the occupants of a dwelling on the same tract.

(15) Animal Sales and Services is a use category that includes the sale, boarding, and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

(16) *Animal Shelter* means a facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit corporation for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them

(17) *Antique Shop* means an establishment offering articles for sale such as glass, china, furniture or similar furnishing or decorations which have value and significance as a result of age, design or sentiment.

(18) *Art Gallery* means a building or space where artwork is exhibited and sometimes sold.

(19) *Athletic Area* means an outdoor area, along with its incidental buildings and structures, at least part of which is designed, developed, and intended for organized sport or athletic activities and/or other activities or events to which groups of people greater than the family unit might be attracted as participants or spectators.

(20) *Auto Rental* means a facility limited to office space, along with the display of automobiles which, for a fee, are rented or leased.

(21) *Auto Repair* means a facility that may provide and specialize in the repair of certain auto parts such as brakes, mufflers, collision repair or transmissions.

(22) *Auto Sales* means a facility used primarily for the sale of automobiles.

(23) *Auto Salvage and Wrecking* means any location at which:

(i) More than five inoperable vehicles or vehicles under repair are located, and all vehicles are located outside of an enclosed building, and said vehicles have been in a state of disrepair for 45 or more days, continuous or collective.

(ii) Automotive parts are being stored outside of any enclosed building.

(iii) The area is being used for storage of scrap metal, sheet metal, piping, plumbing supplies, construction materials, glass, waste paper, tanks, storage containers or other similar items that are kept outside of a building.

(24) *Automated Teller Machine (ATM)* means an electronic banking outlet, which allows customers to complete basic transactions without the aid of a branch representative or teller.

(25) *Automobile Parts Recycling* means an establishment that is maintained, operated, or used for storing, keeping, buying or selling used automobile parts; for the maintenance or operation of an automobile part recycling; the term shall include salvage yards, automobile graveyards, and used auto parts dealers.

(26) *Barbershop, Beauty Shop, Spa* means a facility licensed by the state where hair cutting, hair dressing, shaving, trimming beards, facials, manicures or related services are performed.

(27) *Bed and Breakfast Inn* means a house, or portion thereof, used by the record owner of the property, who is also a resident of the property where the use is proposed, and where short-term lodging rooms and meals are provided.

(28) *Brewery, Distillery, or Winery* mean an establishment that produces alcoholic beverages in conjunction with a restaurant, retail sales, or tasting room. The liquor may be distributed to other locations and be sold on site.

(29) *Building Line* means the exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of the proposed structure may be built, but shall not

include retaining walls, the face of one-story unoccupied gable-roofed areas over porches, entrance or line appendages.

(30) *Building Maintenance, Sales and Service* means a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

(31) *Building Height* means the vertical distance from the lowest point within twenty-five feet of the tallest side of the structure to the uppermost point of the roof. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building.

(32) *Bus Garage* means a facility where busses and similar modes of transportation are stored and maintained.

(33) *Bus Terminal* means a lot and related building that is a designated location where bus, coach, or similar transportation services start or end. A bus terminal shall not include a location where the bus stops to drop off or take on passengers where there are no operational facilities.

(34) *Cabin* means an area containing one or more structures designed or intended to be used as temporary or transient living facilities of two or more families.

(35) *Campground and Vehicle Park* means any parcel or tract of land upon which two or more campsites are occupied or intended to be occupied for overnight camping.

(36) *Campsite* means a portion of the rentable space of a campground having an area 580 square feet or more.

(37) *Car Wash* means a facility for washing or steam cleaning passenger automobiles (including self-service operation), operating either as a separate facility or when installed and operating in conjunction with another use, and which installation includes equipment customarily associated with a car wash and which is installed solely for the purpose of washing and cleaning automobiles.

(38) *Carport* means an accessory structure space used for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

(39) *Cemetery and Mausoleum* means a facility or area used or intended to be used for the burial of the dead, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

(40) *Charitable Drop Box* means a container used to hold charitable donations.

(41) *Child Care* means the care of a child away from its own home for any part of the day or night.

(42) *Child Care Center* means a child care program where care is provided for 20 or more children not related to the provider for any part of a 24 hour day.

(43) *Day Care Facilities* is a use category that includes a building or structure wherein an agency, person, or persons regularly provides care for a child away from their own home for any part of the 24 hour day for compensation or otherwise. Child day care facilities include family day care homes, group day care homes, and child day care centers. They do not include preschools, nursery schools, facilities operated by a school system or in connection with a business establishment as a convenience for its customers, private or religious organization elementary or secondary schools, religious organization academic preschools or kindergartens for four- and five-year-old children, home schools, weekly Sunday or Sabbath schools, vacation bible schools or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization. Exempt activities:

(i) Babysitting services of a casual, nonrecurring nature or in a child's own home.

(ii) Cooperative, reciprocated child care by a group of parents in their respective residences.

(iii) Caring for four or fewer unrelated children in a home.

(44) *Civic, Social, and Fraternal Organizations* means public, quasi-public, and private organizations that provide unique services that are of benefit to the public as a whole. This category includes organized groups having a membership requirement and specific purpose related to the welfare of the members or community.

(45) *Commercial Livestock* means the raising of domestic animals for profit.

(46) *Commercial Parking* means a facility to provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.

(47) *Commercial Services, General* is a use category that includes uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products. Personal services are not included in this use category.

(48) *Commercial Tent* means any owned or commercially rented tent that is larger than 100 square feet or larger than ten by ten feet.

(49) *Commercial Vehicles* means uses available for large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, or commercial boats that provide the following:

a. *Rental Services*: a facility limited to office space, along with the display of commercial vehicles, which for a fee, are rented or leased.

b. *Repair Services*: a facility that may provide and specialize in the repair of commercial vehicles.

c. *Sales*: a facility used primarily for the sale of commercial vehicles.

(50) *Community Center* means a meeting place used by members of a community for social, cultural or recreational purposes.

(51) *Community Garden* means an area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops for personal or group consumption, for donation, or for sale that is incidental in nature.

(52) *Community Services* is a use category that includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large.

(53) *Congregate Living Facility and Senior Housing* means a non-institutional, independent group living environment that integrates shelter and service needs of functionally impaired and/or socially isolated elders who do not need institutional supervision and/or intensive health care.

(54) *Construction Contractor* means the office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities.

(55) *Convenience Food Store* means a small food store whose primary function is the sale of convenience food items such as bread, milk, etc.

(56) *Crop Raising* means commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables, and wine and table grapes. Also includes associated crop preparation services and harvesting activities: mechanical soil preparation; irrigation system construction; spraying. Does not include greenhouses.

(57) *Cultural Institutions* means buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public and/or preservation and exhibition of objects in one or more of the arts and sciences. This use includes libraries, museums, and art exhibitions.

(58) *Data Center* means a facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including but not limited to web hosting organizations and internet service organizations. A server farm, telecom hotel, carrier hotel, telehouse co-location center, or any other term applicable to facilities which are used for these specified purposes shall be deemed to be a data center.

(59) *Destruction* means damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

(60) *Digital Production* means uses focused on digital production such as software and internet content development and publishing; computer systems design and programming; and graphic and industrial design.

(61) *District* means any section of the city for which the regulations governing use of buildings and premises and the height and area of buildings are uniform.

(62) *Drive Through (Thru)* means the use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use; i.e., in combination with other uses such as a bank or financial institution, restaurant, retail store, dry cleaners, laundry, or pharmacy. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

(63) *Drugstore or Pharmacy* means a facility for preparing, preserving, compounding and dispensing drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, lotions, fountain service and similar items.

(64) *Dry Cleaners* means a facility that cleans clothing and other fabrics with chemical solvents that use little to no water.

(65) *Dwelling* means any building or portion thereof, which is designed or used exclusively for residential purposes.

a. *Dwelling, Single-Family Detached* means a detached building used exclusively for residential purposes having suitable accommodations for only one family which may include, not to exceed, four lodgers or boarders.

b. *Dwelling, Single-Family Attached* means a portion of a residential building having accommodations for one family, and that is located on separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independent of other portions. Typical structures include duplex and townhouse.

c. *Dwelling, Single-Family, Duplex* means a detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include, not to exceed, four lodgers or boarders.

d. *Dwelling, Patio Home* means a single-family detached dwelling shifted to one side of the lot, i.e., placed on the lot so that one side setback is zero or nearly zero and the other side setback is larger than if both side setbacks were approximately equal.

e. *Dwelling, Multi-family* means a building, or portion of a building, having suitable accommodations for three or more families, living independently of each other, who

may or may not have joint uses of utilities, halls, yards, etc. This term includes premises occupied more or less permanently for residential purposes in which rooms are occupied in apartments, suites or groups, such as apartments or dormitories. For purposes of this definition, auto courts, hotels, motels, motor courts, motor hotels or tourist courts shall not be considered dwellings.

f. *Dwelling, Live/Work* means a use that combines a commercial activity allowed in the zone with a residential living space for the owner of the commercial business, or the owner's employee, and that person's household where: (1) the resident owner or their employee is responsible for the commercial activity performed; and (2) the commercial activity conducted takes place subject to a valid business license associated with the premises.

g. *Dwelling, Loft* means a residential dwelling that is located above the ground floor of a multistory building.

(66) *Eating and Drinking* is a use category for businesses that prepare or serve food or beverages prepared for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

(67) *Education Facilities* is a use category for public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

(68) *Electric Vehicle Charging Station* means a public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle.

(69) *Energy Production and Natural Resource Extraction* is a use category that includes energy produced from resources that are regenerative and the extraction or quarrying of oil, gas, coal, ores, stone, minerals, top soil or aggregate resources from the ground.

(70) *Energy Production, Renewable* means energy produced from resources that are regenerative or for all practical purposes cannot be depleted.

a. *Cogeneration Facility*: A structure in which electricity or mechanical power and thermal energy (heating or cooling) are generated from a single fuel source.

b. *Solar Array*: A free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules with a rated capacity of up to 10 kilowatts, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site; however, the energy output may be delivered to a power grid to offset the cost of energy on-site.

c. *Wind Energy, Commercial*: A wind energy conversion system consisting of more than one wind turbine and tower that will be used primarily for off-site consumption of power or a wind energy system that has a rated capacity in excess of 100 kW.

d. *Wind Energy, Small*: A wind energy conversion system consisting of one wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 100 kW and that is intended to primarily reduce on-site consumption of utility power

(71) *Farm Products Warehouse and Storage* means a structure containing an area available for the purpose of storing agricultural materials, goods, or property.

(72) *Farmer's Market* means an outdoor or partially enclosed market open to the public where vendors offer for sale farm products or goods produced from farm products.

(73) *Facility* means any structure, service, improvement, campground, recreational vehicle park or real property, improved or unimproved, which is made available to the purchasers of a timeshare plan.

(74) *Family* means an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

(75) *Family Day Care Home* means a child care program for no more than 10 children not related to the provider for any part of the 24-hour day.

(76) *Feed Store* means a facility for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

(77) *Financial Institution* means a facility which has as its primary purpose the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds, including drive-in facilities and automatic teller machines.

(78) *Floor Area, Gross* means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

(79) *Florist* means a facility for the retail sale of cut or uncut flowers, ornamental plants and accessory items. Enclosure of use required.

(80) *Food Truck* means a business that is limited to the sale of food and non-alcoholic beverages to the public from an enclosed self-contained motorized vehicle whether standalone or as part of a food truck court. The term "food truck" shall include vending carts unless otherwise specified within this Chapter.

(81) *Food Truck Court* means a parcel of land where multiple businesses that are limited to the sale of food and non-alcoholic beverages to the public from an enclosed self-contained motorized vehicle are congregated.

(82) *Fortune Telling* means and includes the telling of fortunes, forecasting of fortunes or futures, or furnishing of any information not otherwise obtainable by ordinary process of knowledge, by means of any occult, psychic power, clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves, or other such reading, mediumship, augury, astrology, palmistry, necromancy, mind reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized ordinance or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic, or other similar means, of any kind or nature. A fortune telling business shall not be considered a home occupation or classified as a religious assembly use.

(83) *Freight Terminal and Warehouse* means a business, service or industry involving the use of commercial vehicles in the loading, unloading and transportation of cargo. May also include the fueling, maintenance, servicing, storage or repair of commercial vehicles or the storage of cargo.

(84) *Frontage* means the length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place.

(85) *Funeral Home/Parlor* means a building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation.

(86) *Garage/Yard/Estate Sale* means a sale of personal property that is conducted on premises within a residential district upon which is located a dwelling, or on any portion of a lot used for residential purposes.

(87) *Go-Cart Track* means a track used for racing go-carts.

(88) *Government Offices and Facilities* means a place for the regular transaction of governmental business that may include emergency services and public services and utilities.

(89) *Grocery Store* means a marketplace or establishment where foods and associated items are kept and displayed for retail sales.

(90) *Group Day Care Home* means a child care program where care is given by a person licensed as a group day care home provider for 11, but not more than 20, children not related to the child care provider for nay part of the 24-hour day.

(91) *Group Home* means any home in which eight or fewer, unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as

houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

(92) *Group Living* is a use category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site.

(93) *Health Care Facilities* is a use category characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.

(94) *Home Occupation* means a gainful activity, resulting in a product or service that is conducted in whole or in part on a property zoned or occupied as residential.

(95) *Home Supply and Lumberyard* means a facility for the retail sale of home, lawn and garden supplies, and construction materials such as brick, lumber and other similar materials.

(96) *Hospital* means a facility or area for providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

(97) *Hotel* means a building which provides a common entrance, lobby, halls and stairways, and in which lodging is provided to transient guests.

(98) *Household Living* is a use category is characterized by residential occupancy of a dwelling unit by one or more persons. Pursuant to RSMo 89.020.2, single family dwellings or residences also include "any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home," defined herein as a Group Home.

(99) *Housekeeping unit* means a building or portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facility for cooking and serving meals and for sleeping quarters, and which may or may not include rooms or facilities.

(100) *Industrial Services* is a use category of firms that are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

(101) *Kennel* means any place, area, building, or structure where pets are boarded, housed, cared for, fed or trained by other than the owner.

(102) *Laundromat* means a coin, credit, or app-operated facility designed for use by the general population for the cleaning of domestic laundry items.

(103) *Laundry Service Station* means a facility for the collection and return of domestic laundry items. This use shall be totally enclosed.

(104) *Library* means an establishment for the loan or display of books which is sponsored by a public or quasi-public agency and which institution is open and available to the general public.

(105) *Lockout Unit* means one or more rooms within a dwelling unit which is under single, undivided ownership, which are connected to the primary dwelling area by a lockable door or doors so as to be capable of occupancy as separate quarters. Such unit may include sleeping and sanitary facilities and kitchenette facilities. A lockout unit will not be considered a separate dwelling unit unless it is conveyed into separate ownership from the rest of the dwelling unit, or it exceeds 195 square feet in area, in either of which cases, it shall be considered a separate dwelling unit for purposes of calculation of dwelling unit densities. Dwelling units containing lockout units which have been conveyed into separate ownership shall be required to provide parking at the rate of one parking space for each separate dwelling unit containing one bedroom and one and one-half; parking spaces for each separate dwelling unit containing two or more bedrooms. In addition, a lockout unit which is conveyed into separate ownership shall be required to pay an additional sewer capacity fee as a separate dwelling unit.

(106) *Lodging Establishment* is a use category including any building, group of buildings, structure, facility, place, or places of business where five or more guestrooms are provided, which is owned, maintained or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, , apartment hotel, , resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests.

(107) *Lot Width* means the average horizontal distance between side lot lines, measured at right angles to the lot depth line. The planning and development director may use reasonable modifications to this procedure when determining the width of an irregular lot.

(108) *Lumberyard* means a facility that sells and stores cut lumber and other associated or accessory building materials.

(109) *Manufactured Home* means any home factory-built in the United States to the HUD Title 6 construction standards.

(110) *Manufactured Structure* means and includes any portable structure, vehicle, trailer, mobile home, modular structure, framework, container, platform or device, vehicular in design, which may be drawn, towed or transported from one location to another without basic change in structure or design, whether on wheels or not, and whether designed or used as living or sleeping quarters or not. The term "manufactured structure" includes any structure above-described used for a commercial or residential purpose.

(111) Manufacturing and Assembly is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.

(112) *Manufacturing, Artisan/Light* means light manufacturing businesses that operate in a fully-enclosed space and do not cause external disturbances or pollution. This category also includes spaces used by artists or craftspeople for the creation of art, craft, or similar endeavors.

(113) *Manufacturing, General,* means establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

(114) *Manufacturing, Heavy,* means a facility or area for generally mass producing goods usually for sale to wholesalers or other industrial or manufacturing uses. A heavy manufacturing use is one which employs the following or similar types of processes:

a. The milling of grain as retail sales and service.

b. Producing animal food and tanning animal hides.

c. Production of large durable goods such as but not limited to motorcycles, cars, manufactured homes, or airplanes.

d. Canning or bottling of food or beverages for human consumption using a mechanized assembly line.

e. Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; and use of a foundry for metals.

f. Production of items made from stone, clay, metal or concrete.

g. Tire recapping or retreading.

h. A facility or area for generally mass producing goods usually for sale to wholesalers or other industrial or manufacturing uses.

(115) *Marina* means a facility or area for storing, servicing, fueling, berthing, and security and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

(116) *Massage Establishment* means any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any therapeutic massage activities.

(117) *Medical and Research Laboratory* means a facility or area for conducting medical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.

(118) *Medical and Dental Offices and Clinics* means a facility for examining, consulting with and treating patients, including offices, laboratories and outpatient facilities, but not including hospital beds for overnight care or treatment.

(119) *Microbrewery* means an establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

(120) *Miniature Golf* means a novelty golf game played with a putter on a miniature course usually having tunnels, bridges, sharp corners and obstacles.

(121) *Mining and Quarrying* means any mine, surface mine, pit, or quarry operation.

(122) *Mobile Home* means a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site.

(123) *Mobile Vending Cart* means a readily movable cart equipped to prepare, store or serve, and sell food and not exceeding a size of four feet in width by ten feet in length, excluding roof overhangs and wheels, by eight feet in height.

(124) *Modular Housing* means a factory-fabricated, transportable building designed to be used or to be incorporated with similar units at the building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated sub-elements such as panels, roof trusses, plumbing trees, or similar sub-elements.

(125) *Motel* means a group of attached or detached permanent structures containing four or more individual sleeping or separate living facilities designed and used for the accommodation of nonpermanent residents. The term "motel" does not include, cabins campground and vehicle parks as defined elsewhere in this chapter.

(126) *Museum* means an institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

(127) *Newsstand* means a stall or other place at which newspapers and other periodicals and publications are sold.

(128) *Nightly Rental* means a building or portion thereof, in which sleeping accommodation is available for four or fewer guestrooms, for legal consideration, for a term less than 30 consecutive days.

(129) *Nonconforming Use* means a structure or premises legally occupied by a use that does not conform to the regulations of the district in which it is situated as established in this chapter or in previously applicable zoning regulations.

(130) *Nonconforming Structure* means a lawfully existing building or portion thereof that does not conform to the provisions of this Code in the zoning district in which it is situated as established in this chapter or in previously applicable zoning regulations.

(131) *Nursing, Convalescent, and Rest Home* means an institution or agency licensed by the state for the reception, board, care or treatment of three or more unrelated individuals who by reason of illness or infirmity are unable to properly care for themselves, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

(132) *Off-Premises Contact, Primary (OPC)* means a stand-alone small building, booth, kiosk, stand or similar structure where offsite timeshare plans, timeshare units or vacation clubs are marketed. OPC, Secondary is the location of this use within the structure of another primary use.

(133) *Office* is a use category for a facility that provides executive, management, administrative, or professional services not specifically listed elsewhere in this Code, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

(134) *Office, Business and Professional* means a place for the regular transaction of business, but not to include the occupation by retail sales, transfer of manufactured goods or the storage of commodities.

(135) *Oil and Gas Development* means the well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration, reclamation and other activities associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; the installation and use of all associated equipment, including tanks, meters and other equipment and structures. whether permanent or temporary; the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment; and other equipment and activities associated with the exploration for, production and transportation of oil and gas.

(136) the city*Outdoor Storage* shall mean the keeping of any goods, materials, merchandise, or equipment outside of an enclosed building for more than 24 hours.

(137) *Parade* means a group of more than five persons or group of more than five vehicles or units assembled for the purpose of marching, walking, or motoring over and along the city streets.

(138) *Parcel* means a building site or plot of land occupied or intended to be occupied by a structure, and including such open spaces as are required under this title and having its principal frontage upon a public street or officially approved place.

a. *Parcel, Corner*, means a parcel abutting upon two or more streets at their intersection.

b. *Parcel, Depth of*, means the mean horizontal distance between the front and rear parcel lines.

c. *Parcel, Frontage*. See Frontage.

d. *Parcel, Interior*, means a parcel other than a corner parcel or triangular parcel.

e. *Parcel Lines* means the lines bounding a parcel as defined herein.

f. *Parcel of Record* means a parcel or portions of one or more parcels which are part of a subdivision, the map of which has been recorded in the office of the recorder of deeds of the county, or a parcel described by metes and bounds, the description of which has been recorded in the office of the recorder of deeds of the county.

g. *Parcel, Through*, means an interior parcel having frontage on two streets.

h. *Parcel, Triangular*, means a parcel abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than 45 degrees.

(139) *Park and Playground* means a facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, lawns, decorative plantings, walkways, passive recreation areas, pavilions, wooded areas, and water courses.

(140) *Park and Ride Lot* means an area or structure intended to accommodate parked vehicles during normal commuting hours, usually 5:00 a.m. to 8:00 p.m., Monday through Friday, where commuters park their vehicles and continue travel to another destination via public transit, carpool, vanpool, or bicycle.

(141) *Parking Lot* means a parcel of land devoted to unenclosed parking space which may include partially enclosed structures.

(142) *Parking Space* means a suitably surfaced area, either within or outside of a building, and sufficient in size to store one standard automobile.

(143) *Parks and Open Space* is a use category with uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures. Accessory uses may include

clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

(144) *Personal Vehicles* means uses available for automobiles, small trucks or vans, motorcycles, motor homes, recreational vehicles, and recreational boats that provide the following:

a. *Rental Services*: a facility limited to office space, along with the display of automobiles, which for a fee, are rented or leased.

b. *Repair Services*: a facility that may provide and specialize in the repair of certain auto parts such as brakes, mufflers, collision repair or transmissions.

c. *Sales*: a facility used primarily for the sale of automobiles and trucks.

(145) *Pet Grooming* means a facility for the grooming of pets where no outside runs are provided.

(146) *Pet Shop* means a facility for the display and sale of any fish, birds, dogs, cats and other small animals as pets without involving commercial boarding or the treating of any animal, fish or bird.

(147) *Place* means an open unoccupied space dedicated to purposes of access for abutting property.

(148) *Planned Development* means land under unified control, planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all lands and buildings for principal and accessory buildings and uses substantially related to the character of the district, according to comprehensive and detailed plans which include not only streets, utilities, parcels or building sites and the like but also site plans, floor plans, and elevations for all buildings intended to be located, constructed, used and related to each other (to the extent required for determinations to be made under these regulations) and detailed plans for other uses and improvements on the land as related to the buildings, and with a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated and maintained at general public expense.

(149) *Plant Nursery and Greenhouse* means a facility or area for the growing, displaying, and sale of plant stock, seeds, or other horticulture items. This may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

(150) *Porch* means a roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosed features except roof supports, railing or screen wire.

(151) *Portable Storage Unit* means any container designed for the outdoor storage of personal property, including a "POD" or similar storage container, which is typically rented to

owners or occupants of property for their temporary use and which is delivered and removed by vehicle.

(152) *Private Property Assembly Event* means either a public or private assembly event held on private property for which a temporary use permit may be required.

(153) *Public Events* means an event or activity open to the public or offered for general public enjoyment with or without an entrance fee. Public events may include but are not limited to performances, competitions, displays of collectable or art, speeches, fundraisers, or tournaments.

(154) *Portable Structure* means a prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled onsite, which can be moved without disassembly to another location.

(155) *Principal Use* means a primary, principal, or dominant use established or proposed to be established on a parcel. In a mixed-use building there may be more than one primary use.

(156) *Public Recreation Areas and Facilities* means facilities or equipment that are used for private or public recreational or natural resource purposes that have a relatively low flood damage potential and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths; benches; ball fields; tennis and basketball courts; interpretive facilities; and golf courses.

(157) *Public Service Facilities* means an organization supplying a community with electricity, natural gas, water, or sewer and their accompanying services.

(158) *Publishing* means a facility engaged in creating and printing newspapers, magazines, periodicals, and brochures.

(159) *Recreation and Entertainment, Indoor* means any indoor establishment that is a primary use whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. This may include, but not be limited to, skating rinks, bowling alleys, billiard halls, and amusement parlors.

(160) *Recreation and Entertainment, Outdoor* means any outdoor establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. This may include, but not be limited to, water slides, water parks, miniature golf courses, go-kart tracks, zip-lines, and zoos.

(161) *Recording Studio* means a facility for sound recording.

(162) *Recreational Vehicle Park* means any property where one or more lots are rented to users of recreational vehicles and which are occupied for temporary purposes.

(163) *Recycling Collection Facility* means a facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes

conducted totally within an enclosed structure or container. This definition does not include processing except for “can banks” that crush cans as they are deposited.

(164) *Religious Assembly* means a facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

(165) *Rental Storage Operations* means a facility for individuals to rent a space for the purpose of storing their goods or belongings.

(166) *Restaurant* means an establishment where food and drinks are available to the general public primarily for consumption within a structure on the premises.

(167) *Retail* is a use category for firms involved in the sale, lease, or rental of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

(168) *Retail, General* means a facility or area for the retail sale of general merchandise or food to the general public for direct consumption and not for wholesale.

(169) *Satellite antenna or dish* means a receiving or broadcasting antenna for television, circular in form and more than three feet in diameter, which may or may not be mounted on wheels for transportation, and, for the purpose of this chapter, shall be considered an accessory building and must meet all regulations concerning such structures.

(170) *Satellite earth station*. The term "satellite earth station" shall not include any antenna which is mounted to a self-supporting, guyed or monopole antenna support structure.

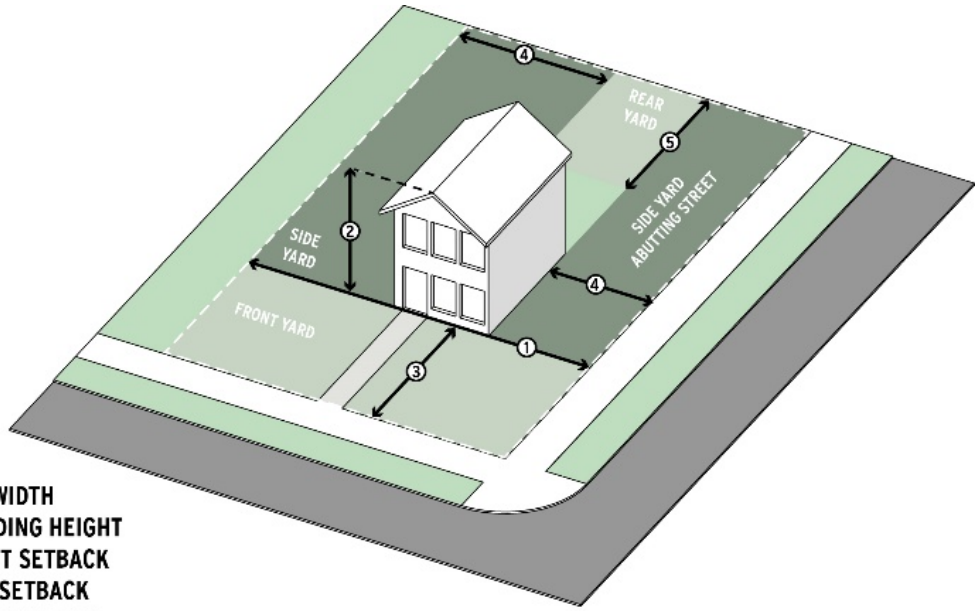
(171) *School, Primary or Secondary* means an institution of learning for minors, whether public or private, which satisfies compulsory education laws of the State of Missouri or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, and senior high school.

(172) *School, Vocational-Technical and Trade* means a facility or area for instruction and training in trades or crafts such as cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities, auto repair, welding, bricklaying, machinery operation, or other similar trades or crafts.

(173) *Seasonal Sales* means Christmas tree sales, pumpkin sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold on property other than on the site where grown, constructed, or assembled.

(174) *Searchlight* means a device, usually consisting of a light and a reflector, for throwing a beam of light in any direction.

(175) *Setback Line* means the line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be placed.



a. *Front Setback* means the minimum distance required or maximum distance allowed between a building, structure, or improvement and the front lot line.

b. *Interior Side* Setback means the minimum distance required between a building, structure, or improvement and a lot line that is shared with another lot.

c. *Side Setback* means the minimum distance required between a building, structure, or improvement and a street on either side of a lot.

d. *Rear Setback* means the minimum distance required between a building, structure, or improvement and the rear lot line.

(176) *Service Station* means a facility where gasoline, oil and other requirements for motor vehicles can be bought, and often where maintenance and minor repair work is also done.

(177) *Shelter Care Facility* means a facility that provides temporary, overnight shelter and accommodations.

(178) *Special Event* means a preplanned, single gathering event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, educational, political, religious or sporting nature, or of any other nature, sponsored by an individual or entity and proposed to be held at a public facility and which could result in activity impeding or impairing the normal flow of vehicles and pedestrians on streets, sidewalks or other public facilities used primarily for travel; require the partial closing or obstruction

of such; or requires the necessity of public safety or traffic control measures not already provided at the proposed site of the event.

(179) *Special Use* means the use of land other than that permitted in a particular zoning district. Special use requires a permit from the Planning Commission as in this chapter.

(180) *Sponsor* means to conduct, stage, present or organize a special event. A sponsor under this definition must be in charge of the event, or have primary control of its conduct, staging, presentation, or organizing.

(181) *Stables* means a structure or land in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

(182) *Story* means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

(183) *Street Line* means the dividing line between a parcel, tract or parcel of land and a street.

(184) *Structural Alterations* means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, floor joists, roof joists or girders, or any substantial change in the roof or exterior walls.

(185) *Studio – Art, Fitness, Music, Dance* means a small-scale facility for the production of or education in a fine art, dance, or performance program. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and fitness centers. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

(186) *Tattoo Parlor* means an establishment whose business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substance that results in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin.

(187) *Temporary Use* means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

(188) *Temporary Office Facilities* means a temporary portable unit for office use which is designed to be transported, after fabrication, on its own wheels, or on a flatbed, other trailer, or have detachable wheels.

(189) Temporary Vehicle Washes means a car or vehicle wash conducted as a temporary activity rather than as a permanent business, typically for fundraising.

(190) *Terrace* means an artificial or natural embankment in the area between a building and a parcel line.

(191) *Theater* means a building, room, or other setting for showing movies or for where plays, dramatic presentations or other live entertainment is performed.

(192) *Thrift Store* means a profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25% of the total floor area devoted to retail sales and whose merchandise is donated or principally donated.

(193) *Timeshare Periods* means all periods of time when a purchaser of a timeshare plan is entitled to the possession and use of the accommodations or facilities, or both, of a timeshare plan regardless of whether such periods are designated as one or more specific days, weeks or months.

(194) *Timeshare Plan* means any arrangement, plan, scheme or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right-to-use agreement or any other means, whereby a purchaser, in exchange for a consideration, receives one or more timeshare periods, or any type of interval or joint ownership in, or a right-to-use, any accommodation or facility for a period of time which is less than a full continuous and uninterrupted year during any given year, and which extends for a period of time more than three years, as to each individual timeshare development subject to purchase.

(195) *Timeshare Unit* means an accommodation or facility of a timeshare plan which is divided into timeshare periods, or is otherwise subject to interval or joint ownership or use by the purchaser of the timeshare plans.

(196) *Trailer Camp* means any parcel, site, place, area or tract of land upon which are located two or more trailers which are under the jurisdiction or management of one person, or which use the same sanitary facilities, utilities and/or services and which are divided into camp sites.

(197) *Transparent* means having the property of transmitting light through its substance so that objects behind can be distinctly seen.

(198) *Transportation* is a use category that includes uses involving public and private modes of vehicular transportation.

(199) *Truck Stop* means a development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. Truck stops are designed to accommodate trucks and truck drivers, and may also be utilized by non-truck traffic. This facility allows for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along a highway or roadway for free or for a fee that may be independent of any other use on the premises. The term "truck" shall mean a commercial vehicle driven by a 'truck driver' who is required to have a Class "A" CDL (Commercial Driver’s License) license or equivalent.

(200) *University or College* means an academic institution of higher learning beyond the level of secondary school.

(201) *Urgent Care Facility* means a facility licensed by the Missouri Department of Health and Senior Services that provides emergency medical services with no provision for continuing care on an inpatient basis.

(202) *Utility* is a use category for the use of land for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

a. Utilities, Major Facilities/Service Yard means infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include but are not limited to water and wastewater treatment facilities, major water storage facilities and electric generation plants. This definition also includes service yards for utility providers.

b. Utilities, Minor Facilities/Office means infrastructure facilities and services that need to be located in the area where the service is to be provided, such as water and sewer pump stations; electrical transforming substations; wind energy conversion systems; solar collector systems; water conveyance systems; or gas regulating stations.

(203) *Vehicles and Equipment* is a use category for uses involving the sale, rental, or repair of personal and commercial vehicles.

(204) *Veterinary Services* means a facility for the diagnosis and treatment of pets and other animals including, but not limited to, dogs, cats, birds, and horses. No outside boarding of these animals shall be allowed overnight.

(205) *Vending cart* means a readily movable, non-motorized cart equipped to prepare, store, serve, or sell food and non-alcoholic beverages, and not exceed a size of eight feet in height, four feet in width, and ten feet in length, excluding roof overhangs and wheels.

(206) *Wares* means an article of merchandise that is being presented outside of the business selling it.

(207) *Warehouse* means:

a. Commercial: The indoor storage of materials, equipment or products. Warehousing does not include self-storage facilities.

b. Self-Storage/Personal Property: a building or group of buildings of one or more levels with, usually, but not limited to, the following characteristics: controlled access and secured areas which contain varying sizes of individual compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or possessions.

(208) *Waste and Salvage* is a use category for uses that collect, store, process, or sell waste or salvage materials or collect and process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.

(209) *Welding and Automobile Body Shop* means a shop that provides substantial motor vehicle body repair, painting or undercoating services, and collision repair services.

(210) *Wholesale Sales and Distribution* is a use category for facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

(211) Wireless Communication Facility

a. *Antenna* means a transmitting and/or receiving device used in telecommunications that radiates or captures radio signals.

b. *Antenna Support Structure* means any building or other structure which can be used for location and support of telecommunication facilities.

c. *Telecommunication Facility* means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications as authorized by the Federal Communications Commission (FCC) located or proposed to be located or installed upon a telecommunications tower. The term "telecommunication facility" does not include:

(i) Any satellite earth station, which is utilized for the reception of broadcast television, video or radio signals and which is on the same premises as and ancillary to the primary use of a television or radio station.

(ii) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes.

(iii) Any satellite earth station antenna one meter or less in diameter, regardless of zoning district.

(iv) Any telecommunications antenna located upon any city-owned structure with the approval of the city Administrator.

d. *Telecommunication Tower* means a self-supporting lattice, guyed or monopole support structure constructed from grade which supports telecommunication facilities. This term shall not include:

(i) Amateur radio operator equipment, as licensed by the Federal Communications Commission.

(ii) Utility poles which are utilized for the support of electrical, telephone, cable television, or other similar cables and wires located in public rights-of-way or other public easements and are part of a system of such poles throughout the city.

(212) *Wrecker Service* means a facility or area in which two or more tow trucks are employed in the hauling of motorized vehicles and for the storage of vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

(213) *Yard* means an open and unoccupied space on a building site, and except as otherwise provided in this title, open and unobstructed from the ground to the sky.

a. *Yard, Front*, means that portion of the yard extending across the front of a parcel between the street line and the front building line, not including steps, terraces, unenclosed balconies, and unenclosed or screened porches.

b. *Yard, Rear*, means that portion of the yard, on the same parcel with a building, between the rear building line and the rear parcel line, for the full width of the parcel (in those locations where an alley is platted in the rear of the parcels, half the width of the platted alley may be included in the rear yard) not including steps, unenclosed balconies and unenclosed porches.

c. *Yard, Side*, means that portion of the yard along each side of a building between the building line and the side line of the parcel extending from the front yard to the rear yard, not including steps, balconies or porches.

Article II. Rules and Regulations

Sec. 94-5 Common Procedures

The following procedures are applicable to all applications submitted to the city pursuant to this chapter.

(a) Pre-Application Conference

(1) A potential applicant may request a pre-application conference with the planning and development director, and shall pay the required fees, if any. The planning and development director shall determine what other city representatives will be necessary to review the proposed application and notify them of the meeting. With the request for a pre-application conference, the applicant shall provide to the planning and development director sufficiently detailed plans and descriptions of the proposal for staff to make informal recommendations regarding the proposed project. The planning and development director may determine that the information provided is insufficient and request additional information. If the applicant fails to provide sufficient information for a pre-application meeting and seeks to proceed with the application process, the planning and development director shall notify the Planning Commission and Board of the applicant's lack of a sufficient submission for pre-application review.

(2) The informal evaluation of the planning and development director and staff provided at the pre-application conference are not binding upon the applicant or the city. A pre-application conference precedes the actual application so some key issues relating to a specific proposal may not be apparent at the pre-application conference and may require additional review, submissions, or studies later in the application process.

(b) Application Requirements

The applicant shall submit the application to the planning and development director. Application submittal requirements for every application type shall be established by the planning and development director on submittal forms available from the Planning and Development Department or on the city's website. The planning and development director may waive submission requirements where appropriate for specific applications.

(c) Reports and Studies

(1) Reports or studies may be necessary to adequately evaluate the consequences of a proposed development, and may be required as part of a specific application. These may include, but are not limited to studies of soils, geological hazards, fiscal impacts, market analysis, traffic impacts, and environmental impacts.

(2) The applicant shall furnish the reports or studies needed at the applicant's cost or, at the city's discretion, pay appropriate cost of the study to the city so that the city many retain a consultant to prepare the required study.

(3) All required reports or studies shall be executed by professionals or other persons qualified to provide the requested reports. Failure of the applicant to select a city-approved professional or consulting firm may result in the city's refusal to consider the report or study, or denial of the application.

(d) Fees

(1) Fees for the review of an application shall be established from time-to-time by the Board. Application fees are in the amount provided in the city fee schedule.

(2) The city may also assess and collect such additional fees as it may deem appropriate; provided that, when operating pursuant to the authority granted by this provision, the city shall base such additional fees upon the actual cost, whether by city employees or independent third parties, of performing related plan and document preparation and review, inspection of construction of public and related improvements, and all related services, including attorney and engineering fees. Such additional fees may be charged on a per-unit basis, such as foot or mile, and the city may also include in such additional fees a factor for overhead or other indirect expenses.

(3) The following fees shall apply to actions taken on a complete application:

a. Withdrawn Application: All fees are forfeited; the fee must be paid again in full if the application is resubmitted.

b. Continuance of Application: Payment of fees may be required to cover the cost of additional notice.

c. Reapplication, Resubmission: Payment of fees shall be required for a reapplication or resubmission where a previous application has been denied.

d. Modification or Revision of Approved Sketch or Preliminary Plan: Payment of the application fee shall be required to cover costs of re-review, less the cost of notice.

(e) Complete and Sufficient Application

(1) Applications shall not be processed until all materials have been submitted and are deemed sufficient in form and content such that recommendations, as required, and a decision may be made on the application by the city officer or body authorized to review the application. The planning and development director shall determine application sufficiency.

(2) If an application is deemed insufficient, the planning and development director shall inform the applicant, within 15 working days, of the specific submittal requirements that have not been met. If the planning and development director fails to act within 15 working days, then the application shall be deemed insufficient but the applicant may appeal the determination to the Planning Commission. The planning and development director may provide notice in writing, electronically, or in conversation with the applicant.

(3) If an application is deemed insufficient, the applicant must resolve and resubmit the materials required to complete the application within 30 days of the original submission of the application. An insufficient application that has not been revised to meet the completeness requirements shall expire on the thirtieth day. An expired application shall be returned to the applicant along with any original documents submitted in support of the application. The city may retain the application fee paid. Once an application has expired, the application must be resubmitted in full.

(f) Review and Approval Criteria

To recommend or approve a development application, the review or decision-making body, as applicable, shall find that the development application has satisfied and followed the applicable requirements of this chapter and meets all of the approval criteria required for the applicable development application as established in the individual application types in this chapter.

(g) Conditions

(1) The review or decision-making authority may recommend or impose such conditions upon the subject development as is necessary to carry out the general purpose and intent of this chapter. Conditions and additional information requirements shall be in written form and attached to the approved plan, plat, or permit.

(2) Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon adopted standards.

(3) The decision-making authority may place specific time limits on the satisfaction of any condition of approval.

(4) The decision-making authority may require financial guarantees from the applicant where it finds such guarantees are necessary to ensure compliance with conditions of approval, and protect the public health, safety, or welfare. The city shall release such guarantees when the planning and development director has determined that all conditions attached to the approval have been, or will be satisfied.

(h) Continuation

The Planning Commission or Board may continue a hearing on its own initiative, or at the request of the applicant.

(1) Where the applicant requests continuation after provision of notice, the cost of re-notification shall be borne by the applicant.

(2) Applicants shall be limited to two requests for continuance. If the application is not heard following the second request, it shall be considered withdrawn and the applicant will be required to resubmit the application for further consideration.

(i) Termination

Approvals granted under this chapter terminate if unused by the applicant after a reasonable period of time.

(j) Lapse

Except as otherwise specified in the specific procedure sections of this chapter, an approval granted under this chapter shall lapse and shall become void two years following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.

(k) Extension

An approval may be extended by body that issued the original approval for up to one year. Requests for extensions of more than one year must show good cause for need for extension. The applicant shall submit a request for an extension in writing to the planning and development director at least 60 days prior to the date of approval termination. This section shall not be applicable to applications and approvals that pre-date the adoption of this section.

Sec. 94-6 Changes in Zoning Districts

(a) General Procedure

(1) Changes in the zoning district of a tract or parcel of land located in the city shall be made by ordinance by the Board upon recommendation by the Planning Commission after notice and hearing as provided by law. Every such ordinance shall legally describe the particular tract or parcel of land and the change being made in its zoning district. Each ordinance may contain more than one change of zoning.

(2) Upon the adoption by the Board of an ordinance change of the district of any tract or parcel of land, the Planning Commission shall cause the change to be made on the official zoning map so that the map shall at all times reflect current zoning district of any district in the city.

(b) Changes by the Board

The Board may from time to time amend the district boundaries or regulations contained in this chapter; provided such proposed change is first submitted to the Planning Commission for recommendation and its report; and provided that no less than 15 days' notice of such proposed change shall first be published in the newspaper in the city and a hearing is granted to any person interested at a time and place specified by such notice. If a protest against such amendment is presented, duly signed and acknowledged by the owners of 30 percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment shall not be passed, except by at least two-thirds vote of the Board.

(c) Changes by Other Individuals or Groups

(1) Application for any change in district boundaries or of any tract or parcel of land shall be filed with the planning and development director and shall be accompanied by such data and information as may be prescribed by the Planning Commission, so as to ensure the fullest practicable presentation of facts for the permanent record.

(2) The application shall only be filed by the owner of the property seeking a change of district or by a person having a contract to buy such a property. In the event of a denial of such application, re-application may be filed within 90 days following such denial.

(3) To defray costs of proceedings prescribed herein, filing and publication fees shall be paid upon the filing of each application for a change of districts.

Sec. 94-7 Site Plan Review

(a) Purpose

The purpose of the site plan review process is to ensure compliance with the development and design standards and provisions of this chapter. It is designed to encourage quality development reflective of the goals, strategies, and actions of the Community Plan 2030.

(b) Applicability

(1) Section 94-7(c) identifies the types of development and design activities that require site plan approval. When site plan review is required, structures and uses may be established, and building permits may be issued only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this section.

(2) Preliminary Planned Development ("PD") review and approval serves as site plan review for the purposes of this section.

(c) Site Plan Review Required

The following applications and projects are subject to site plan approval:

(1) All new uses and structures that are not part of a preliminary PD application or preliminary subdivision plat;

(2) All requests for temporary uses and structures;

(3) Any proposed redevelopment that meets or exceeds 20 percent increase in gross square footage or 50 percent increase in assessed valuation, with either measurement calculated over a five-year period.

(4) Relocation of development pads, buildings, or dwelling units for some practical reasons such as topography, road alignment or easements provided that the modification does

not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans;

(5) An increase or decrease in a proposed setback, provided Code requirements are still met;

(6) A modification to a recreation area or open space design, but not elimination or a significant reduction;

(7) A change in landscape design/plant types or parking lot/site revisions.

(8) Any change that may affect an adjoining residential neighborhood;

(9) Any request that would significantly alter the design of the site and/or building(s); or

(10) A request to change or delete a condition of approval established by the Planning Commission or Board.

(d) Procedure for Administrative Site Plan Review

(1) Action by Planning and Development Director

The planning and development director shall review each site plan application and, as necessary, distribute the application to other reviewers. Taking into account the results of those reviews, the planning and development director shall take final action on the application and approve, approve with conditions, deny, or defer decision on the application based on the applicable approval criteria below.

(2) Approval Criteria

The planning and development director may approve a site plan upon a finding that the application meets all of the following criteria, as applicable:

a. The site plan is consistent with the Community Plan 2030;

b. The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;

c. The site plan complies with all applicable development and design standards set forth in this chapter;

d. Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable;

e. The development proposed in the plan and its general location is, or will be compatible with the character of surrounding land uses and structures; and

f. The development can be adequately served by city services including, but not limited to roads, water, and wastewater.

(3) Referral to Planning Commission

The planning and development director may refer any application to the Planning Commission that, in the planning and development director's opinion, presents issues that require Planning Commission attention.

(e) Post-Approval

(1) Site-Specific and Binding

Approved site plan documents shall be binding upon the applicants and their successors and assigns. No permit shall be issued for any building or structure or use that is not in accord with the approved documents or any approved modifications thereto. The construction, location, use, or operation of all land and structures within the site shall conform to all conditions and limitations set forth in the documents. No structure, use, or other element of approved design review documents shall be eliminated, altered, or provided in another manner unless an amended site plan is approved.

(2) Expiration

Approved site plan documents shall expire one year after approval if a building permit has not been issued or the approved use established. In the event that the documents expire due to the passage of this time period, new site plan review documents must be submitted for approval in the same manner as an original application for development review.

(3) Modifications to Site Plans

The holder of an approved site plan may request a modification to the document or the conditions of approval by submitting amended documents to the planning and development director. The amended documents shall be filed and processed in accordance with the procedures for an initial site plan submittal.

Sec. 94-8 Conformance to Vicinity; Depreciation

(a) All structures in the residential, commercial and downtown districts shall, for the purposes of design, architecture and building materials conform to the area and immediate vicinity. When plans and specifications of any structure or proposed development are such as would, in the opinion and judgment of the planning and development director, cause a general depreciation in the market value of property in the immediate vicinity, the planning and development director shall refer the proposal to the Planning Commission for its decision.

(b) When a new structure or development is proposed in a commercial zoning district that directly abuts a residential district (LDR, MDR, HDR), the planning and development director shall provide a recommendation to the Planning Commission. In rendering a decision the Planning Commission shall give careful consideration to the need for undisturbed natural vegetation buffering to protect the integrity of the neighboring residential zoning district.

(c) In all cases referred to the Planning Commission by the planning and development director, the Planning Commission shall have full authority to approve, deny, approve with conditions, or

require any documentation deemed necessary and appropriate to provide an accurate representation of the effects the proposed structure or development may have on the neighboring properties. Prior to rendering a final decision, citizen input shall be considered through the public hearing process with legal notification to all property owners within 185 feet of the subject property.

Sec. 94-9 Special Use Permit

(a) Permit Required

A special use permit shall be required from the Planning Commission for any use listed as a special use in any zoning district, and for any use not listed as a permitted use in any zoning district. A special use permit review is intended to allow the establishment of uses that have a special impact, uniqueness, or effect on the neighborhood surrounding the subject site.

(b) Review and Approval Criteria

(1) In considering a special use, the Planning Commission shall consider the location and design of the proposed use, configuration of improvements, potential impacts on the surrounding neighborhood, and that development in each zoning district protects the integrity of that district and, following a hearing, the commission shall record the decision in writing and shall recite the findings upon which the decision is based.

(2) The commission may approve or modify a special use permit application in whole or in part, with conditions, only if all the following findings are made:

a. The proposed use is conditionally permitted within, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this chapter;

b. The proposed use is consistent with the Community Plan 2030;

c. There will be no significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored;

d. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience or welfare of the city;

e. The subject site is physically suitable for the type and density/intensity of use being proposed; and

f. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety.

(c) Special Use Permits Site Specific

All special use permits shall be approved for a specific location, and shall be transferable to a new property owner of that location for the same use barring any substantial changes or modifications of the operation. Written notification of any transfer shall be provided to the planning and development department. Any special use permit shall become null and void upon the approval of a different special use at that location. Special use permits shall not be transferred to any other location by the applicant or successor property owners.

(d) Timeframe for Validity; Expiration

All special use permits shall be valid for an unlimited period of time unless a lesser period of time shall be provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request the special use permit be reviewed by the Planning Commission, which may extend it for an unlimited period or for a specified additional period of time.

Sec. 94-10 Temporary Use Permit

(a) Purpose and Applicability

The purpose of a temporary use permit is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner that will not adversely impact the general welfare of persons residing in the community. A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a temporary use permit.

(b) Review and Approval

Temporary use permit applications shall be processed through the site plan review process in this chapter. In addition to the process established in this chapter, the planning and development director shall also review temporary use applications for the following:

(1) Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation;

(2) Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat); and

(3) Regulation of maintenance and site restoration during and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the planning and development director may be required prior to the initiation of the use to ensure cleanup after the use is finished.

Sec. 94-11 Planned Development (PD)

(a) Purpose

This section is intended to encourage flexible development patterns that are not specifically provided for in this chapter. It is the purpose of this section:

(1) To promote and permit flexibility that will encourage innovative and imaginative approaches in land development and renewal that will result in a more efficient, aesthetic, desirable, and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations, and policies of the city;

(2) To promote development within the city that can be conveniently, efficiently, and economically served by existing local utilities and services or by their logical extension;

(3) To promote design flexibility including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size, and proximity;

(4) To provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainage ways, flood plains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks, or structures;

(5) To provide for compatibility with the area surrounding the project site;

(6) To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;

(7) To minimize adverse environmental impacts of development;

(8) To improve the design, quality and character of new development; and

(9) To provide compensating community benefits to offset any impacts of the development and in recognition of design flexibility.

(b) Eligibility Criteria

All of the following criteria must be met for a project to be eligible to apply for PD approval.

(1) Minimum Lot Size

a. Projects located outside of the Downtown and Entertainment districts must be a minimum of 10 acres.

b. Projects located within the Downtown or Entertainment districts may be less than 10 acres provided the PD combines two or more parcels of land.

(2) Consistency with Comprehensive Plan

The proposed development shall be consistent with the Community Plan 2030 and any applicable geographic or specific plan, including area, corridor, or neighborhood plans.

(3) Consistent with PD Intent

The proposed development shall be consistent with the intent and spirit of the PD purpose statement.

(4) Economic Impact

The proposed development shall not impede the continued use or development of surrounding properties for uses permitted in this chapter or planned for in the Community Plan 2030.

(5) Unified Control

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that a unified ownership remains.

(6) Public Benefit

A recognizable and material benefit will be realized by both the future residents and the city as a whole through the establishment of a PD, where such benefit would otherwise be infeasible or unlikely.

(7) Preservation of Site Features

Long-term conservation of natural, historical, architectural, or other significant features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district.

(8) Sufficient Land Area for Proposed Uses

Sufficient land area has been provided to comply with all applicable regulations of this chapter, to adequately serve the needs of all permitted uses in the PD projects, and to ensure compatibility between uses and the surrounding neighborhood.

(c) Dimensional and Development Standards

The following dimensional and development standards shall apply to all PDs.

(1) Overlay District

A PD shall be an overlay district and shall be applied over an underlying zone district. When a site contains land that is in more than one zoning district, the allowed residential and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district.

(2) Setbacks

Setbacks from the exterior boundary line of the PD shall be comparable to or compatible with those of the existing development on adjacent properties. If adjacent properties are

undeveloped, setbacks shall match the underlying zoning or the projections of the Community Plan 2030.

(3) Permitted Uses

PD uses shall be limited to those allowed either as permitted, accessory, or special use in the underlying zone district.

(4) Use Standards

Use Standards as described in this chapter shall be applicable to PD projects.

(5) Sign Regulations

PD approval may not be used to change or vary any of the standards or requirements of Chapter 70, Signs.

(d) General Procedures

All PDs are processed in two stages: 1) the preliminary PD, and 2) the final PD. The final PD can only be filed with the city for review and processing after the preliminary PD has been approved or conditionally approved by the Board. The approval of a final PD plan shall not constitute the effective dedication of easements, rights-of-way, or access control, nor shall the filed plan be neither the equivalent of nor substitute for the final platting of land. Specific procedures for conceptual review, preliminary PD, and final PD are outlined below.

(1) Pre-Application Conference

A pre-application conference is required for a PD application.

(2) Coordination with Subdivision Review

Subdivision review, if applicable, may be carried out concurrently with the review of PD plans under this section. If subdivision approval is required for the subject property, the PD plans required under this section shall be submitted in a form that satisfies the requirements for preliminary and final subdivision plat approvals.

(3) Application without Subdivision Review

a. Where subdivision review is not required, the preliminary development plan shall be reviewed as a zoning change, and shall be processed in the same manner specified by this chapter. The applicant shall submit a PD application that meets the requirements of the PD application form, including but not limited to the following information:

(i) A legal description of the site proposed for PD designation, including a statement regarding present ownership and present zoning.

(ii) A master conceptual plan that indicates tract or parcel locations and dimensions; density per gross and per net acres in the development and in

each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries.

(iii) Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site layouts, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications or easements; any proposed private covenants and restrictions; and any other information required by this article or pertinent to a determination of compliance with this article.

(iv) A circulation plan that indicates roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. The circulation plan may be included as part of the master conceptual plan.

(v) An improvement plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal, including method and location of sewage discharge; methods and facilities for the management of stormwater runoff; improvements to streets and roads; and any other physical improvements required to support the project.

(vi) A statistical summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of development to the site size and location.

b. The following elements are optional at the request of the Planning Commission:

(i) A sign plan that indicates the location, size, design, and other pertinent provisions relating to signs within the project.

(ii) A parking plan that shows the number of parking spaces as well as their general location and design.

(iii) An environmental impact statement indicating possible problem areas within the site as well as solutions to these problems as intended by the developer.

(e) Review and Decision

The Planning Commission may recommend approval of preliminary PD plans, and the Board may approve, if the PD overlay district and the associated preliminary PD plan meets all of the following criteria:

(1) The PD addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this chapter and

represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.

(2) The PD rezoning will promote the public health, safety, and general welfare;

(3) The PD rezoning is consistent with the Community Plan 2030 and the purposes of this chapter;

(4) Facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

(5) The PD rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

(6) The PD rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and

(7) Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

(f) Preliminary Approval Lapse

(1) Submission Deadline for Final PD Plan

Within six months following approval of the preliminary PD plan, the applicant shall initiate the second stage of their application process by filing with the planning and development director a final PD plan, and subdivision plat if necessary, containing in final form all the information required in the preliminary PD plan, along with such other documents as may be necessary to implement the plan or to comply with all applicable requirements of this chapter.

(2) Time Extension

Upon written request by the applicant prior to the application lapsing, the Planning Commission, for good cause, may extend the period for filing the final PD plan for a period not to exceed six months.

(g) Final PD Plan

(1) Contents of Final PD Plan

The final PD plan shall contain all of the materials included in the preliminary PD plan, together with revisions, if any, that may be approved by the Planning Commission without an

additional public hearing, as described in this section. In addition, the final PD plan shall include the following:

(2) Phasing Program

A document describing any proposed phasing program of the development for all structures, recreational and other common facilities, and open space improvements, including time schedule for commencement and completion dates of construction of each phase. Intermediate phases shall not exceed overall project density and a pro rata allocation of public infrastructure and common open space shall be made as each phase is developed.

(3) Common Open Space Agreement

A copy of the formal agreement with a public agency or private association for the ownership and maintenance of the common open space is required.

(4) Plats for Recording

A copy of any subdivision plat, plat of dedication, or plat of vacation that may be necessary part of the PD rezoning is required.

(5) Covenant

A restrictive covenant in a form acceptable to the city Attorney limiting development of construction upon the tract as a whole to such development and construction as shall comply with the final PD plan as approved by the Board, which document shall include a provision granting the city a right to enforce the same.

(6) Permitted Minor Changes from a Preliminary PD Plan

Minor changes in the location, siting, and height of structures, streets, driveways, and open spaces may be authorized by the Planning Commission to be included in the final PD plan in accordance with the following procedures without additional public hearings if such changes are required by engineering or other circumstances not foreseen at the time the preliminary PD plan is approved. No change authorized by this subsection may cause any of the following:

a. A change in the use or character of the development;

b. An increase by more than one percent in the overall coverage of structures;

c. An increase in the density or intensity of use;

d. An increase in the problems of traffic circulation and public utilities;

e. A reduction of not more than one percent in approved common open space;

f. A reduction in off-street parking and loading spaces;

g. A reduction in required pavement widths.

(h) Review and Decision

(1) The Planning Commission shall review the application and recommend approval, approval with modifications or conditions, or denial, and transmit its findings of fact and recommendation to the Board. If the proposed final PD plan does not include any changes from the approved preliminary PD plan that exceed the criteria listed in subsection (g)(2) above, the Planning and Zoning Commission may review the final PD plan without conducting a public hearing. If the proposed plan includes changes that exceed such criteria, the Planning Commission shall conduct a new public hearing in order to review the proposed final PD plan.

(2) The Planning Commission and the Board shall review the final PD plan and PD rezoning according to the same approval criteria listed above for preliminary PD plans.

(i) Final Approval Lapse

Development in the approved PD shall commence within 12 months from the approval of the rezoning. If development has not commenced within 12 months, the planning and development director shall initiate a public hearing process for the purpose of considering whether to rezone the property back to its prior zoning classification, or in light of other conditions, to another zoning classification, and authorize the revocation of all permits issued and action taken.

(j) Revocation

Revocation of a PD may occur if:

(1) The landowner or a majority of the owners of property within the subject PD, petition for revocation of such PD plan in whole or in part;

(2) The project falls more than three years behind the schedule filed with the final PD;

(3) Construction and or application for building permits have not commenced within one year of approval of the final PD by the Board;

(4) Applicants have failed to comply with the approved PD plan or any specific condition of approval; or

(5) The construction and provision of landscaping, buffers, open space, and public streets and facilities that are shown on the final development plan are proceeding at a substantially slower rate than other project components.

(k) Action by Review and Decision-Making Bodies

(1) Planning Commission

The Planning Commission shall hold a public hearing and make a recommendation to revoke the final PD, keep the final PD in force, require an application amendment, or postpone the application. The Planning Commission may recommend the imposition of reasonable

conditions on such revocation in order to advance the health, safety, and welfare of the citizens, such as vacation of the underlying final plat.

(2) Board Public Hearing

The Board shall hold a public hearing and determine whether to revoke, postpone, require amendment, or keep the final PD in force. The Board may impose reasonable conditions on such revocation in order to advance the health, safety, and welfare of the citizens, such as vacation of the underlying final plat.

(3) Effect of Revocation

If the Board revokes a PD approval the zoning on the parcel shall remain in the same base district as it was when the PD overlay was applied.

Sec. 94-12 Certificates of Occupancy and Compliance

(a) The existing use and occupancy of a building shall not be changed or any structure hereafter erected or altered until a building permit has been issued by the planning and development department stating the proposed use of such structure, or structure and land in combination is not inconsistent with the uses allowed in the zoning district.

(b) A certificate of occupancy and compliance shall be applied for coincident with the application for a building permit, and shall be issued within ten days after the erection or alteration of such building in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the city clerk and copies shall be furnished on request to any person having proprietary or tenant interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the building permit; for all other certificates or copies of an original certificate, there shall be a charge in the amount provided in the city fee schedule.

Sec. 94-13 Authorization by Board Required

The following shall be approved by the Board by resolution:

(a) Public building. The authorization of the location of any public building (whether used by any department of the city, county, state or federal government, or any publicly licensed utility) in any district within the city.

(b) Gravel from streams. The authorization of extraction of gravel and sand from a flowing stream within the city.

Sections 94-14 to 94-19 reserved

Article III Zone Districts

Sec. 94-20 General Provisions

This section establishes the zoning districts and contains basic information pertaining to the districts, including statements of purpose and dimensional standards.

(a) Purposes, Residential Districts

Residential districts are intended to:

(1) Generally

a. Provide appropriately located areas for residential development that are consistent with the Community Plan 2030 and with the public health, safety, and general welfare of the community;

b. Ensure adequate light, air, and privacy for all dwelling units;

c. Protect the scale and character of existing residential neighborhoods and the community;

d. Discourage any use that would generate traffic or create congestion on neighborhood streets other than the normal traffic that serves the residents of the district; and

e. Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses.

(2) Applicable Provisions of Community Plan 2030:

a. LU 2.2 Pace of Growth. Direct development and growth to occur at a pace that is aligned with the city's ability to provide essential services (fire, police, sewer, water).

b. LU 3.1 Infill & Redevelopment. Encourage the development of vacant property, redevelopment of underutilized properties and adaptive re-use of existing buildings before annexing new land.

c. LU 5.1 Zoning Regulations. Create zoning regulations that are flexible but require enough specificity in development applications to achieve the desired outcome.

d. CC 4.5 Character. Embrace a diversity of residential character and forms while promoting cohesiveness and livability.

e. CC 4.7 Public Spaces. Provide frequent, connected public spaces in a variety of forms through Branson neighborhoods.

(b) Purposes, Mixed-Use Districts

Mixed-use districts are intended to:

(1) Generally

a. Promote higher-density residential development near and within downtown Branson;

b. Concentrate higher-intensity commercial and office employment growth efficiently in and around the downtown and other centers of community activity;

c. Encourage mixed-use redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available commercial land in the city;

d. Create pedestrian-oriented environments that encourage pedestrian access, bicycle use, and more sustainable land use patterns; and

e. Ensure that the appearance and function of residential and nonresidential uses are of high and unique aesthetic character and quality, and are integrated with one another and the character of the area in which they are located.

(2) Applicable Provisions of Community Plan 2030:

a. LU 3.1 Infill & Redevelopment. Encourage the development of vacant property, redevelopment of underutilized properties and adaptive re-use of existing buildings before annexing new land.

b. LU 4.1.2 Provide mixed-use zoning, via a zoning amendment or an overlay district, in the identified commercial centers to permit vertically mixed-use buildings, compact development and reduced building setbacks.

c. LU 7.2 Sustainable Development Practices. Encourage the use of sustainable design and development practices for all new projects.

d. LU 5.2 Mixed-Use Development. Create a regulatory framework to encourage mixed-use development of compatible uses.

e. H 1.2 Housing Variety. Encourage housing in a variety of forms for all demographics and socioeconomics in Branson.

f. H 1.3. Housing Attainability. Encourage the creation and expansion of attainable housing opportunities within the city.

g. CC 4.2. Pedestrian Experience. Promote a safe, efficient, and enjoyable pedestrian experience through residential neighborhoods.

h. CC 4.4 Compatibility. Promote the compatibility of uses near residential neighborhoods.

i. CC 4.5 Character. Embrace a diversity of residential character and forms while promoting cohesiveness and livability.

j. CC 4.7 Public Spaces. Provide frequent, connected public spaces in a variety of forms through Branson neighborhoods.

(c) Purposes, Commercial and Industrial Districts

The commercial and industrial districts are intended to:

(1) Generally

a. Help implement the Branson Community Plan 2030 by accommodating a full range of office, retail, commercial, service, and mixed-uses as needed by Branson's residents, businesses, visitors, and workers;

b. Encourage site planning, land use planning, and architectural design that create an interesting, pedestrian-friendly environment where appropriate;

c. Maintain and enhance the city's economic base by providing shopping, entertainment, and employment opportunities close to where people live and work;

d. Preserve, protect, and promote employment-generating uses;

e. Create suitable environments for various types of commercial and industrial uses, and protect them from the adverse effects of incompatible uses;

f. Allow flexibility to encourage redevelopment and positive improvements to existing businesses;

g. Minimize potential negative impacts of intense nonresidential development on adjacent residential areas; and

h. Provide suitable locations for public and semipublic uses needed to compliment nonresidential development.

(2) Applicable Provisions of Community Plan 2030:

a. LU 3.1.3 Ensure the design of infill and redevelopment projects is appropriate with surrounding and adjacent buildings in terms of intensity of use, relationship to the street and scale. This should apply to residential and all non-residential buildings.

b. LU 3.2.1 Incentivize reinvestment and building rehabilitation of existing commercial properties public-private partnerships and flexibility on development regulations (i.e. parking requirements).

c. LU 5.1.3 Amend existing zoning code to provide a finer grain of detail in the commercial zoning category (i.e. tourist commercial, general business, neighborhood commercial, big box commercial, etc.) and to update the allowable and special uses within each new commercial zone.

d. LU 6.1.1 Zone sufficient land for office to meet the projected demand.

e. LU 6.1.2 Ensure future commercially zoned land is compatible with the surrounding land uses. Commercial buildings should positively contribute to the area and its building materials, massing and relationship to the street and sidewalks should reinforce the areas character.

f. LU 6.2.1 Zone sufficient land for industrial and light industrial uses to meet the projected demand.

g. LU 6.2.2 Ensure future industrial zoned land is compatible with the surrounding land uses. Industrial property should be easily accessible by multiple forms of transportation, utility infrastructure and not on environmentally sensitive land.

Sec. 94-21 Applicability

(a) This chapter shall not apply to the existing use of any building which shall have complied with all the laws and ordinances in effect prior to the effective date of the ordinance from which this chapter is derived.

(b) All zoning district regulations shall apply to any establishment of a new use or alteration of a building which is intended to change its use and to any enlarging of a building for a nonconforming use.

Sec. 94-22 Zoning Districts Established

In order to regulate and restrict the use and improvement of lands and the location, type, construction and use of building improvements located within the city; to promote the general welfare, public safety and health; and to preserve personal and property rights; all parcels and tracts of land located within the city, together with any and all building improvements located thereon, shall be zoned into one of the following districts:

Table 94-22.1 Zoning Districts				
Classification	**District**		**Abbreviation**	
Base Districts	**Current Code**	**New Code**	**Current Code**	**New Code**
Residential Districts	One-Family Dwelling	Low Density Residential	R-1	LDR
	Two-Family Dwelling	Medium Density Residential	R-2	MDR

Table 94-22.1 Zoning Districts				
Classification	**District**		**Abbreviation**	
Base Districts	**Current Code**	**New Code**	**Current Code**	**New Code**
	Multiple-Family Dwelling	High Density Residential	R-3	HDR
	Mobile Home Community	(relocated to Sec. 94-48(e) use standards; permitted in HDR)	M-H	n/a
Mixed-Use District	Commercial	Neighborhood Commercial	C	NC
	--	Mixed-Use	--	MU
Commercial Districts	Commercial	Community Commercial	C	CC
	Downtown	Downtown	D	D
	Commercial	Entertainment	C	ENT
Commercial/ Industrial Districts	--	Business	--	B
Industrial Districts	Light Industrial	Industrial	M	I
Agriculture and Open Space Districts	Agricultural	Agricultural	A	A
	Wilderness Area	Conservation	WA	CON
Planned Development	Planned Development	Planned Development	PD	PD

Sec. 94-23 Zoning Map

(a) Official Title

The location and boundaries of the zoning districts are established as shown on a map prepared for that purpose designated as the Zoning Map. The Zoning Map, along with all of the notations, references and information shown on the map are incorporated in and made part of this Code.

(b) Preparation and Maintenance

The Planning Commission shall be responsible for the preparation and maintenance of the Zoning Map, which responsibilities the Planning Commission may assign to city staff.

(c) Public Inspection

The Zoning Map shall be available in the planning and development department for inspection and examination by members of the public at all reasonable times.

(d) Interpretation

The district boundaries shown on the Zoning Map are generally along streets, alleys, creeks, property lines or extensions thereof. The following rules shall apply when determining the location of such boundaries. Other questions concerning the exact location of boundaries shall be determined by the planning and development director.

(1) Approximate Lines

Boundaries indicated as approximately following centerlines, creek lines, right-of-way lines, property lines, platted lot lines, or the extension of such lines shall be construed to follow the same, unless otherwise noted.

(2) Boundary Interpretation

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

a. The district boundaries are either streets or alleys unless otherwise shown.

b. Where the boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and parcels, the district boundaries shall be construed to be parcel lines.

(3) Scaled Distance

Distances not specifically indicated shall be determined by using the scale of the map.

(4) Divided Lots

Where a district boundary divides a platted lot or a tract under single ownership, the entire lot shall be construed to be within the least restrictive district.

(e) Vacation

Whenever any street, alley or public way is vacated by official action of the Board, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of

such vacation and all areas included in this vacation shall then be subject to all regulations of the extended district.

Sec. 94-24 Annexation

Any territory hereafter annexed to the city shall be zoned A until changed as provided in this chapter, unless otherwise indicated in the annexation plan of intent.

Sec. 94-25 Conservation District (CON)

(a) Purpose

The conservation district seeks to protect and preserve natural resources, landscapes, and environmentally sensitive areas owned by public entities. Conservation districts may include forests, wetlands, floodplains, and unique habitats and landscapes. To preserve access to clean air, pure water, natural recreation areas and scenic natural beauty, conservation districts restrict the subdivision and development of land. Parks, fish, wildlife, and nature preserves are permitted in conservation districts, as well as limited forestry and agricultural uses. Conservation districts may also accommodate limited structures and infrastructure to support the preservation and enjoyment of the natural areas within them.

(b) Uses

All uses in the CON district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

Development in the CON district shall conform to the site plan approved for the project.

Sec. 94-26 Agricultural District (A)

(a) Purpose

Agricultural districts maintain agricultural operations and preserve agricultural lands used for crop production or the raising of livestock. In some cases agricultural districts may serve as a “holding zone” for land where future urban development is possible, but not yet appropriate due to the unavailability of urban level facilities and services. Exurban, large-lot residential subdivisions are not appropriate in agricultural districts and should instead be focused in residential districts where there is adequate infrastructure and services to accommodate them.

(b) Uses

(1) All uses in the A district shall conform to Table 94-45.1, Permitted Uses.

(2) Livestock standards are located in Sec. xx.xx, Use Standards.

(c) Dimensions

(1) Development in the A district shall conform to the following dimensional standards.

Table 94-26.1: A Dimensional Standards

Structure Type	Lot Size. Min. (sq. ft.)	Setbacks (feet) [1]					Max. Height (feet)
		Front	Side	Abutting Street	Rear	Accessory	
Detached Residential	40,000	35	25	35	50	See 94-67(2)	35 [2]
Civic	40,000	35	25	35	50	n/a	35
Accessory	--	Not permitted	Non-livestock: 5 Livestock: 35	Non-livestock: 5 Livestock: 35; All side street on a corner lot: 35	Non-livestock: 5 Livestock: 35	Livestock must be 75 feet from main family dwelling	50
Notes:	[1]Measured between the parcel line and main building.						

Sec. 94-27 Low Density Residential (LDR)

(a) Purpose

The low density residential district is intended for neighborhoods in the city consisting primarily of single family homes on individual building lots. The low density residential district is the least intense of three residential zoning districts with restrictions on the density and intensity of use to protect and enhance the character of neighborhoods. The average density in this district should not exceed six dwelling units per acre.

Development in low density residential districts should balance development needs with preservation of sensitive environmental features, and encourage clustering of development to preserve open space, take advantage of views, provide access to natural amenities, and minimize infrastructure costs. More compact development may be appropriate to minimize impacts to steep slopes, drainage areas, woodlands, and other valued natural features.

While focused on detached single family homes, the low density residential district is intended to accommodate a variety of housing types, styles, and sizes to provide diverse housing options and accommodate the range of age groups, lifestyles, and economic levels within the community. The low density residential district also accommodates civic, open space, and other limited non-residential uses that are designed to be integrated as part of a complete neighborhood. Low density residential districts should be located and coordinated closely with neighborhood commercial districts that provide convenient local access to shopping, services, and amenities.

(b) Uses

All uses in the LDR district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

(1) Development in the LDR district shall conform to the following dimensional standards.

Table 94-27.1 LDR Dimensional Standards

Building Types	Lot		Setbacks (min. ft.) [1]				Development Coverage (max.)		Height (feet, max.)
				Side					
	Lot Area (min, ft)	Min. Lot Width	Front	Interior	Abutting Street	Rear	Density (min/max) (du/ac)	FAR	
Detached Residential	5,000	40	25	5	25	15	0.5-6	--	35
Civic	7,500	40	25	25	25	15	--	0.5	35
Notes:	[1] In all locations where building lines, setback lines or yard lines are shown on plats that have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.								

(2) Accessory uses and structures in the LDR district shall conform to the following dimensional standards:

a. No accessory buildings, structures, or uses shall be located in front yards.

b. Accessory buildings shall not be less than five feet from the side or rear parcel line and there shall be a minimum of 15 feet between structures.

Sec. 94-28 Medium Density Residential (MDR)

(a) Purpose

The medium density residential district incorporates housing units at a density of six to twelve dwelling units per acre, and includes both attached and detached housing structures. The medium density residential district is intended to accommodate a variety of housing types, styles, and sizes at moderate densities to provide diverse housing options and accommodate the range of age groups, lifestyles, and economic levels within the community. Medium density residential districts also accommodate civic, open space, and other limited non-residential uses that are thoughtfully integrated as part of a complete neighborhood. Medium density residential districts permit smaller lots, smaller units, and more varied housing configurations than low density residential districts, allowing for more flexible infill development, and more attainable housing costs for residents. Established neighborhoods around the downtown, and new neighborhoods adjacent to employment and activity centers are ideal locations for medium density residential districts.

(b) Uses

All uses in the MDR district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

(1) Development in the MDR district shall conform to the following dimensional standards.

Table 94-28.1 MDR Dimensional Standards

Building Types	Lot		Setbacks (min. ft) [1]				Development Coverage (max.)		Height (feet, max.)
	Lot Area (min, ft)	Min. Lot Width	Front	Side: Interior	Side: Abutting Street	Rear [2]	Density (min/max)	FAR	
Detached Residential	5,000	30	15	5	15	15	6/12	--	35
Two Unit	6,000; 2,600/ unit	36	15	5	15	15	6/12	--	35
Attached	2,200	21/unit	15	5	15	15	6/12; 3 unit min.	--	35
Civic	7,500	--	15	15	15	15	--	0.5	35
Notes:	[1] In all locations where building lines, setback lines or yard lines are shown on plats that have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat. [2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building.								

(2) Accessory uses and structures in the MDR district shall conform to the following dimensional standards:

a. No accessory buildings, structures, or uses shall be located in front yards.

b. Accessory buildings shall not be less than five feet from the side or rear parcel line and there shall be a minimum of 15 feet between structures.

Sec. 94-29 High Density Residential (HDR)

(a) Purpose

The high density residential district is the most dense and intense of the city's residential zoning districts, generally consisting of densities of greater than twelve units per acre. High density districts feature a carefully integrated mixture of housing of various styles, sizes, and densities, but are oriented more toward attached multifamily development than detached single-family units. Limited commercial, service, and community uses are also permitted. High density residential districts should be located in close proximity to commercial /or employment zoning districts, and connected with a street network, transit, pedestrian, and bicycle facilities that link residents to employment and activity centers. New high

density residential development projects should include design review to ensure that these projects adequately serve resident needs, provide desired amenities, and support the city's high quality of life.

(b) Uses

All uses in the HDR district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

(1) Development in the HDR district shall conform to the following dimensional standards.

Table 94-29.1 HDR Dimensional Standards

Building Types	Lot		Setbacks [1]				Development Coverage (max.)		Height (feet, max.)
				Side (min, ft.)					
	Lot Area (min, ft)	Min. Lot Width	Front (max, feet)	Interior	Abutting Street	Rear [2] (min ft.)	Density (min/max)	FAR	
Detached Residential	3,000	30	15	5	15	10	8/20	--	35
Two Unit	5,000; 2,6000/ unit	36	15	5	15	10	12/20	--	35; 50 if stacked
Attached	2,200	21/unit	15	5	15	10	12/20; 3 unit min.	--	35; 50 if stacked
Multi-Unit	4,000	--	15	5	15	10	12/20	--	50
Civic	7,500	--	15	15	15	15	--	0.5	50
Notes:	[1] In all locations where building lines, setback lines or yard lines are shown on plats that have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat. [2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building.								

(2) Accessory uses and structures in the MDR district shall conform to the following dimensional standards:

a. No accessory buildings, structures, or uses shall be located in front yards.

b. Accessory buildings shall not be less than five feet from the side or rear parcel line and there shall be a minimum of 15 feet between structures.

Sec. 94-30 Neighborhood Commercial (NC)

(a) Purpose

Neighborhood commercial districts provide needed services, amenities, and community spaces to surrounding neighborhoods. Neighborhood commercial districts are characterized by small scale retail and service uses that may include mixed-use or attached housing development. They are compact, pedestrian-friendly developments that have good connections to the surrounding neighborhoods. Geared toward the convenience needs of immediately surrounding residents, neighborhood commercial districts should be located within a five to ten minute walk of residential neighborhoods. Neighborhood commercial districts are sometimes anchored by a small grocery store, specialty market, or pharmacy. Other supporting uses should match the scale and intensity of the neighborhood setting and may include small offices, restaurants, or other convenience-oriented retail and services.

Neighborhood commercial districts may be developed as a discrete commercial center, or function as infill development within or adjacent to neighborhoods. Neighborhood commercial development should focus on pedestrian-friendly design that connects the business and amenities to their residential neighborhoods. Neighborhood commercial districts are often located near or centered on a civic space that defines the area and provides a focal point for community gathering.

(b) Uses

(1) All uses in the NC district shall conform to Table 94-45.1, Permitted Uses.

(2) Residential uses are encouraged in the development, but are not permitted on the ground floor of a vertical mixed-use structure.

(c) Dimensions

(1) Development in the NC district shall conform to the following dimensional standards.

Table 94-30.1 NC Dimensional Standards

Building Types	Lot		Setbacks (ft.) [1]				Development Coverage (max.)		Height (feet, max.)
				Side (min)					
	Lot Area (min, ft.)	Max Lot Coverage (%)	Front (max)	Interior	Abutting Street	Rear (min)	Density (min/max)	FAR	
Attached House	2,200	70	15	0	15	10	8/20	--	38
Multi-Unit Dwelling	4,000	70	15	0	15	10	8/20	--	40
Live-Work [2]	5,000	70	15	0	15	10	--	1.0	40
Commercial (up to 7,000 sq. ft. total)	[3]	70	0	0	15	10	--	1.0	35
Mixed-Use	[3]	70	0	0	15	10	--	1.0	35
Office	[3]	70	0	0	15	10	--	1.0	35
Civic	[3]	70	0	0	15	10	--	1.0	35

Table 94-30.1 NC Dimensional Standards

Building Types	Lot		Setbacks (ft.) [1]				Development Coverage (max.)		Height (feet, max.)
				Side (min)					
	Lot Area (min, ft.)	Max Lot Coverage (%)	Front (max)	Interior	Abutting Street	Rear (min)	Density (min/max)	FAR	
Notes:	[1] NC abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback. [2] Standards for new construction, the city may permit conversion of existing structures that do not meet these dimensional standards. [3] Must meet structure size and setbacks.								

(2) Floor-to-Ceiling Heights and Floor Area of Ground Floor Space

a. All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

b. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(i) At least 800 sq. ft. or 25% of the buildable lot area, whichever is greater, on lots with street frontage of less than 50 feet; or

(ii) At least 20% of the buildable lot area on lots with 50 feet or more of street frontage.

(3) Parking for mixed-use and non-residential structures shall be located within either side or rear yard.

Sec. 94-31 Mixed-Use (MU)

(a) Purpose

Mixed use districts are intended as dense, diverse, walkable areas that facilitate residential, commercial, employment, and recreation uses in a single location. Mixed use districts should incorporate a variety of complementary uses that are mutually supportive and integrated into the community. The density and precise mix of uses in the mixed use district may vary, but these districts should always be located in, or adjacent to key centers of activity. Successful mixed use districts require an active and inviting public realm, and safe and inviting pedestrian amenities. Design of public and private components is critical in mixed use districts to ensure that the concentrated mix of uses and activities functions efficiently and creates an active, inviting environment. Common mixed use development configurations include active uses such as retail, restaurants, and services at the street level, with residential or office space above.

(b) Uses

(1) All uses in the MU district shall conform to Table 94-45.1, Permitted Uses.

(2) In the mixed-use district, a mix of uses – either within a single building or on a development site – shall be provided unless it can be demonstrated that adjacent properties provide, or will provide a complementary diversity of uses. The uses of adjacent properties can be established through one of the following: (1) existing uses, (2) approved site plan for development, or (3) approved area or neighborhood plan.

(c) Dimensions

(1) Development in the MU district shall conform to the following dimensional standards.

Table 94-31.1 MU Dimensional Standards

Building Types	Lot	Setbacks [1]					Development Coverage (max.)		Height (feet, max.)
				Side					
	Lot Area (min, ft.)	Max Lot Coverage (%)	Front	Interior	Abutting Street	Rear	Density (min/max)	FAR	
Multi-Unit Dwelling	4,000	70	0	0	0	10	8/20	--	40
Live-Work [2]	5,000	70	15	0	15	10	--	1.0	40
Mixed-Use (up to 60,000 sq. ft.)	[3]	70	0	0	0	10	--	1.0	[4]
Office	[3]	70	0	0	0	10	--	1.0	[4]
Civic	[3]	70	0	0	0	10	--	1.0	[4]
Notes:	[1] MU abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback. [2] Standards for new construction, the city may permit conversion of existing structures that do not meet these dimensional standards. [3] Must meet structure size and setbacks. [4] Maximum heights: (a) fronting arterial street: 60 ft, (b) fronting local or collector street: 45 ft, (c) fronting or adjacent to residential: 35 ft.								

(2) Floor-to-Ceiling Heights and Floor Area of Ground Floor Space

a. All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

b. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(i) At least 800 sq. ft. or 25% of the buildable lot area, whichever is greater, on lots with street frontage of less than 50 feet; or

(ii) At least 20% of the buildable lot area on lots with 50 feet or more of street frontage.

(3) Parking for mixed-use and non-residential structures shall be located within either side or rear yard.

Sec. 94-32 Community Commercial (CC)

(a) Purpose

Community commercial districts provide a diversity of retail, service, office, finance and related business uses to serve the needs of community residents and the larger region. In the community commercial district, the size of buildings are larger, and the intensity and density of uses are greater than in neighborhood commercial districts. Community commercial districts should be concentrated at major activity centers and along high traffic transportation corridors, and are ideally served by transit.

Because community commercial districts support multiple neighborhoods, they may include larger-scale tenants, including hardware stores, apparel, sporting goods, and other larger-format retailers. Community commercial districts also accommodate a wide range of commercial uses, including auto-oriented uses. However, the community commercial district enables commercial activity centers and corridors to transform over time into more dense, diverse, and walkable places that incorporate other types of uses.

Community commercial districts should be supported and surrounded by adjacent multifamily and mixed use development that capitalize on the proximity to services and provide a transition to lower density residential neighborhoods.

(b) Uses

All uses in the CC district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

(1) Development in the CC district shall conform to the following dimensional standards.

Table 94-32.1 CC Dimensional Standards

Building Types	Min. Lot Size	Setbacks (feet, max)				FAR/Max. Building Size	Height (feet, max)
		Front	Interior	Abutting Street	Rear		
Multi-Unit Dwelling	4,000	0	0	0	10	Min/Max Density: 8-20 du/ac	40
Comm.	7,500	25	5	20	10	2.0:1	100 [1]
Office	7,500	25	5	20	10	2.0:1	100 [1]
Civic	7,500	25	5	20	10	2.0:1	100 [1]
Notes:	[1] Every building in excess of 50 feet high shall provide an additional one foot of side, rear and front setback for each additional two feet in height above 50 feet.						

Sec. 94-33 Downtown (D)

(a) Purpose

The Downtown district is intended to maintain and enhance the city's downtown as a thriving, charming mixed-use activity center. In the Downtown district, the historic character should be protected and celebrated while providing flexibility for new investment and development that complements the character of the downtown and adjacent neighborhoods. In the Downtown district, pedestrian-oriented streets support the vitality of ground level retail and enhance the quality of life for downtown residents, visitors, and workers. Specially adapted standards for building facades, ground floor uses, infill construction, parking, and other conditions unique to the Downtown area ensure the district remains active, inviting, and functional.

(b) Uses

All uses in the D district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

(1) Development in the D district shall conform to the following dimensional standards.

Table 94-33.1 D Dimensional Standards

Building Types	Lot		Setbacks [1]				Development Coverage (max.)		Height (feet, max.)
	Lot Area (min, ft)	Max Lot Coverage (%)	Front	Interior	Abutting Street	Rear [2]	Density (min du/ac)	FAR	
Live-Work [3]	5,000	70	15	0	15	10 [6]	--	2.0	40
Commercial	[5]	70	0	0	0	10 [6]	--	2.0	75
Office	[5]	70	0	0	0	10 [6]	--	2.0	75
Civic [4]	[5]	70	0	0	0	10 [6]	--	2.0	75

Notes:

[1] D abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback.
[2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building and the rear yard of the rear building shall not be less than 20 feet.
[3] Standards for new construction; the city may permit conversion of existing structures that do not meet these dimensional standards.
[4] Special use/civic use side yard setback is 25 feet. The side yard of a commercial parcel adjoining a residential district shall be no less than five feet. If a side road is provided for a commercial building, it shall be no less than ten feet wide.
[5] Must meet structure size and setbacks.
[6] Rear yard adjoining residential shall be 10 feet. If an alley is provided for a non-residential building, the rear yard setback shall be no less than ten feet from the alley.

Sec. 94-34 Entertainment (ENT)

(a) Purpose

The entertainment district is intended to protect and enhance the city's primary entertainment corridor as a major visitor destination, key economic driver, and important gateway into the community. The entertainment district encompasses a wide range of entertainment uses including theaters, museums, rides, and other attractions. Lodging and retail uses are also major components of the entertainment district. Standards in the entertainment district are focused on enhancing the visitor experience and function of the corridor. The entertainment district supports high quality development and public realm improvements that enhance the visitor experience and function of the corridor. The entertainment district is also specially tailored to support the eclectic character and dynamic creativity that is the hallmark of Branson's entertainment.

(b) Uses

All uses in the ENT district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

Development in the ENT district shall conform to the following dimensional standards.

Table 94-34.1 ENT Dimensional Standards

Building Types	Lot		Setbacks [1a + 1b]				Development Coverage (max.)	Height (feet, max.)
	Lot Area (min, ft)	Max Lot Coverage (%)	Front	Interior	Abutting Street	Rear [2]	FAR	
Commercial	[5]	70	0	0	0	10 [6]	2.0	75
Civic [4]	[5]	70	0	0	0	10 [6]	2.0	75
Theater	[5]	70	0	0	0	10 [6]	As approved by site plan, not to exceed 5.0	100
Amusement	[5]	70	0	0	0	10 [6]		100 [7]
Lodging	[5]	70	0	0	0	10 [6]		100
Notes:	[1a] ENT abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback. [1b] Properties adjacent to the 76 Promenade shall comply with the requirements of the Joint Use Easement Agreement. [2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building and the rear yard of the rear building shall not be less than 20 feet. [3] Standards for new construction; the city may permit conversion of existing structures that do not meet these dimensional standards. [4] Special use/civic use side yard setback is 25 feet. The side yard of a commercial parcel adjoining a residential district shall be no less than five feet. If a side road is provided for a commercial building, it shall be no less than ten feet wide. [5] Must meet structure size and setbacks.							

Table 94-34.1 ENT Dimensional Standards

Building Types	Lot		Setbacks [1a + 1b]				Development Coverage (max.)	Height (feet, max.)
	Lot Area (min, ft)	Max Lot Coverage (%)	Front	Interior	Abutting Street	Rear [2]	FAR	
	[6] Rear yard adjoining residential shall be 10 feet. If an alley is provided for a non-residential building, the rear yard setback shall be no less than ten feet from the alley. [7] Height limit may be increased to 200 feet for entertainment structures and features that are at least 50% transparent.							

Sec. 94-35 Business (B)

(a) Purpose

Business districts accommodate a variety of office and light industrial uses that are not ideally located in retail-focused commercial districts. Business districts include free standing office buildings, office parks, medical facilities, and multi-tenant professional offices. Business districts may also include research or other light industrial uses where these uses are compatible with or accessory to office and professional uses in the area. Light assembly or manufacturing may be appropriate where high-quality planned developments integrate a mix of office and light industrial uses. In business districts, complementary retail and services should be limited in scale and carefully integrated with surrounding business uses.

(b) Uses

All uses in the BUS district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

Development in the BUS district shall conform to the following dimensional standards.

Table 94-35.1 BUS Dimensional Standards

Building Types	Building Size (max, sq. ft.)	Lot Size (min., sq. ft.)	Setbacks (feet, max)				Lot Coverage (max, %)	Max Height (ft)
			Front [1]	Interior [2]	Abutting Street	Rear		
Office Flex	n/a	n/a	25	5	20	10	60	40
	Notes:	[1] Where all the frontage on one side of the street between two intersecting streets is located in the BUS District, no front yard shall be required. Where the frontage on one side of the street between two intersections is located partly in the BUS district and partly in any residential district, the front yard requirements shall be the same as those in the residential district. [2] BUS adjoining residential shall provide a 10-foot side yard setback.						

Sec. 94-36 Industrial (I)

(a) Purpose

Industrial districts are intended for more intensive industrial uses, including manufacturing, assembly, and large-scale distribution. Research, warehousing, and other light industrial uses are also appropriate in industrial districts. In industrial districts, complementary retail and service uses should be limited in scale and carefully integrated with surrounding industrial uses.

(b) Uses

All uses in the I district shall conform to Table 94-45.1, Permitted Uses.

(c) Dimensions

Development in the I district shall conform to the following dimensional standards.

Table 94-36.1 I Dimensional Standards

Building Types	Building Size (max, sq. ft.)	Lot Size (min., sq. ft.)	Setbacks (feet, max)				Lot Coverage (max, %)	Max Height (ft)
			Front [1]	Interior [2]	Abutting Street	Rear		
Industrial	n/a	n/a	25	5	20	10	60	40
	Notes:	[1] Where all the frontage on one side of the street between two intersecting streets is located in the I District, no front yard shall be required. Where the frontage on one side of the street between two intersections is located partly in the I district and partly in any residential district, the front yard requirements shall be the same as those in the residential district. [2] I adjoining residential shall provide a 10-foot side yard setback.						

Sec. 94-37 Building Types

This section describes the building types regulated by this code. Graphics are illustrative only.

(a) Applicability

The following building types are appropriate in the following districts:

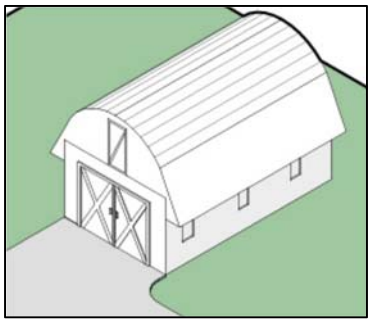
Table 94-37.1: Building Types by Zone District

	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I
Agricultural		●										
Detached House		●	●	●								
Two Unit House				●	●							
Attached House				●	●	●						

Multi-Unit					●	●	●	●				
Live/Work						●		●	●	●		
Commercial						●	●	●	●	●		
Mixed-Use						●		●				
Office and Flex						●	●	●	●	●	●	
Industrial												●
Civic		●	●	●	●	●	●	●	●	●		
Theater										●		
Amusement										●		
Lodging										●		

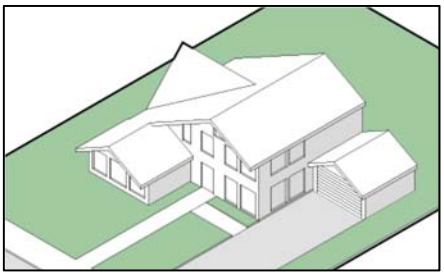
(b) Building Type Descriptions

(1) Agricultural Structure



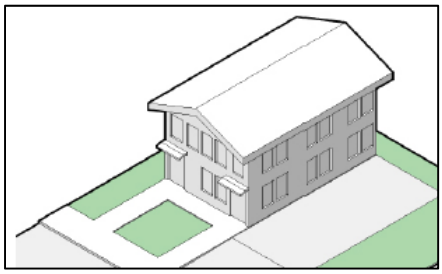
A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.

(2) Detached Residential



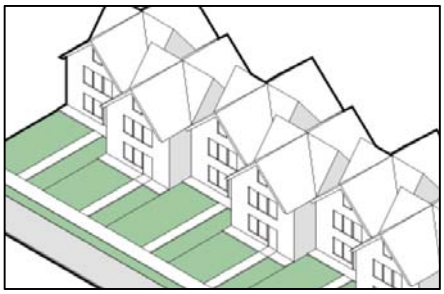
A building, other than a manufactured home or mobile home, designed for residential purposes having suitable accommodations for only one family.

(3) Two Unit House or Duplex



A building that contains two primary dwelling units with separate external entrances.

(4) Attached House or Townhouse

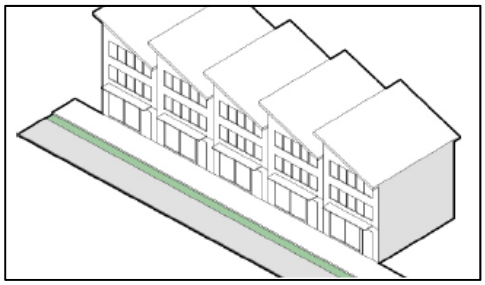


A building that contains a dwelling unit located on its own lot that shares a wall on one or both sides with a neighboring dwelling.

(5) Multi-Unit Building

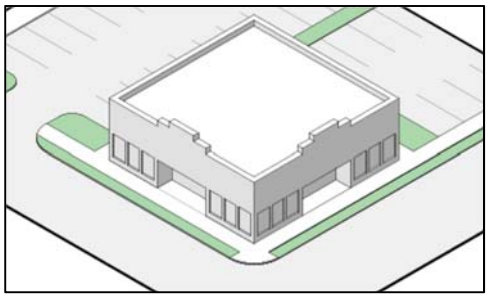
A building that contains three or more dwelling units that share common walls or floor/ceilings with one or more units and where the lot is held in a single ownership.

(6) Live/Work Building



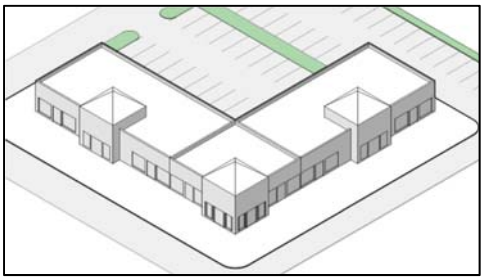
A building that contains a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component.

(7) Commercial Building



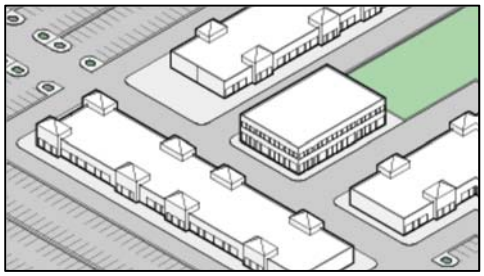
A building designed for a single tenant with a commercial use. Depending on the zone district, the scale of the structure can vary from a few thousand square feet (e.g., a coffee shop) to several hundred thousand square feet (e.g., a department store). A single tenant commercial building may be developed as a stand-alone structure or be incorporated into a larger commercial center.

(8) Neighborhood Commercial Center



A multi-tenant building or buildings designed to accommodate a mix of convenience-oriented retail uses and services. Intended to support and integrate with neighborhoods, neighborhood commercial centers have a modest, pedestrian-oriented scale and typically do not exceed 150,000 square feet in total. Neighborhood commercial centers may contain a small anchor such as a pharmacy or small grocery.

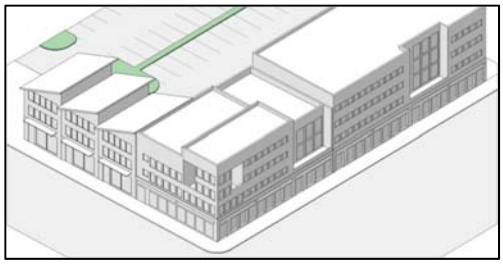
(9) Community Commercial Center



A building or buildings designed to provide a vertical or horizontal mix of uses with ground floor commercial, service, or retail and upper-floor commercial or service. Depending on the zone district, total square footage ranges from 100,000 s.f. to 300,000 s.f.

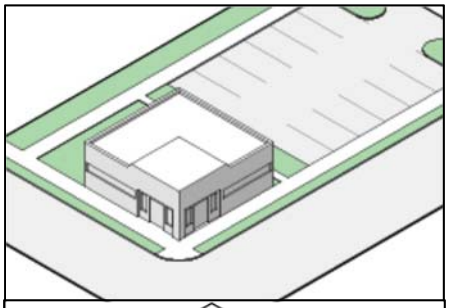
(10) Mixed-Use Center

A building designed to provide a vertical mix of uses with ground floor commercial, service, or retail and upper-floor commercial, service, or residential.



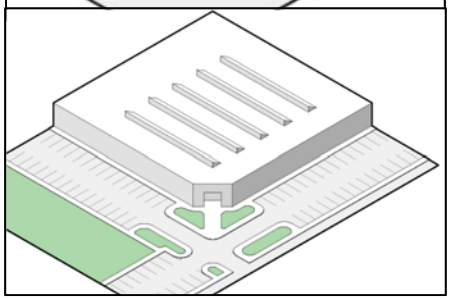
(11) Office and Flex Office

A building designed for office use that may be occupied by one or more tenants for business uses that may include accessory retail uses. May also include flex office that is a building designed to provide a vertical or horizontal mix of uses with ground-floor office or retail.



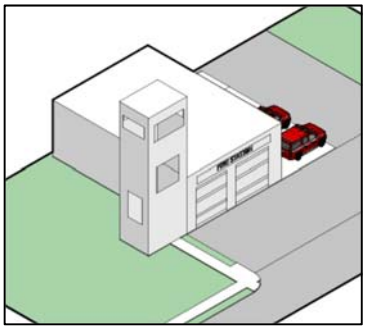
(12) Industrial

A building designed for industrial use including manufacturing, warehousing, and office.



(13) Civic

A building designed to house public, civic, or institutional uses.



Sec. 94-38 Use Specific Dimensional Standards

(a) Patio Homes

Patio homes shall meet the following dimensional standards:

(1) Front Yard

a. The minimum front yard setback shall be 25 feet.

b. No accessory buildings shall be located in front yards.

(2) Side Yard

a. There shall be a side yard on each side of the structures of no less than five feet in width.

b. For corner parcels, there shall be a setback of 15 feet along street frontage.

c. No accessory buildings shall be located in the side yards.

(3) Rear Yard

a. There shall be a rear yard having a depth of not less than 25 feet.

b. Accessory buildings shall not be less than five feet from any rear parcel line, and there shall be a minimum of 15 feet between structures.

(4) Lot Area

The parcel area for a zero parcel line patio home shall be no less than 4,000 square feet.

(b) Timeshare

(1) Maximum Density

The maximum number of timeshare dwelling units within a planned development (PD) District shall not exceed the number calculated by multiplying the entire area of the property to be used for timeshare purposes by the maximum density shown by Table 94-79.1, except as set forth in the exceptions listed 94-79(b)(2-4). The number of timeshare units may be distributed in any manner over the timeshare portion of the PD consistent with the intent and provisions of this chapter. The development plan shall specify distribution of timeshare units for the PD as a whole or for subareas within the PD as appropriate. In making its determination regarding the distribution of timeshare units, the Board may consider compatibility of timeshare densities with other uses within the district as well as outside the district, the impact of timeshare densities on public facilities and services, and the consistency with the master plan and other adopted plans and policies.

Table 94.79-1: Timeshare Density

Abutting Zoning District	Maximum Timeshare Density	Additional Standards
LDR	6 DU/acre	94-78(c)(2)
MDR	12 DU/acre	94-78(c)(3)
HDR	20 DU/acre[3]	94-78(c)(4)
NC/CC/MU	32 DU/acre	--

D/ENT/BUS	32 DU/acre	--
I	32 DU/acre	--

(2) Timeshare Units Abutting LDR Districts

The maximum density of timeshare dwelling units within 300 feet of an abutting LDR district may be increased to 12 DU/acre, but only under the following circumstances:

a. No building within 300 feet of an abutting LDR zoning district shall exceed two stories in height.

b. All buildings must be set back from an LDR zoning district an additional 25 feet for each two DU/acre in excess of six DU/acre to provide additional buffering. Such additional buffering shall be in excess of the 100 feet minimum buffering required by this Code and shall be provided along the entire boundary common to the LDR zoning district.

c. The maximum density of timeshare dwelling units located more than 300 feet from an abutting LDR zoning district shall be 32 DU/acre.

(3) Timeshare Units Abutting MDR Districts

The maximum density of timeshare dwelling units within 300 feet of an abutting MDR district may be increased to 20 DU/acre, but only under the following circumstances:

a. No building within 300 feet of an abutting MDR zoning district shall exceed two stories in height.

b. All buildings must be set back from an MDR zoning district an additional 25 feet for each two DU/acre in excess of ten DU/acre to provide additional buffering. Such additional buffering shall be in excess of the 100 feet minimum buffering required by this Code and shall be provided along the entire boundary common to the MDR zoning district.

c. The maximum density of timeshare dwelling units located more than 300 feet from an abutting MDR zoning district shall be 32 DU/acre.

(4) Timeshare Units Abutting HDR Districts

The maximum density of timeshare dwelling units within 200 feet of an abutting HDR district may be increased to 32 DU/acre, but only under the following circumstances:

a. No building within 200 feet of an abutting HDR zoning district shall exceed four stories in height.

b. All buildings must be set back from an HDR zoning district an additional 25 feet for each four DU/acre in excess of 16 DU/acre to provide additional buffering. Such additional buffering shall be in excess of the 100 feet minimum buffering required by

this Code and shall be provided along the entire boundary common to the HDR zoning district.

c. The maximum density of timeshare dwelling units located more than 200 feet from an abutting HDR zoning district shall be 32 DU/acre.

Article IV Uses

Sec. 94-45 Table of Permitted Uses

(a) Purpose

Table 94-45.1 lists the uses allowed within all base zoning districts. All uses are defined in this chapter as well as additional standards for specific uses. Approval of a use listed in Table 94-45.1 and compliance with the applicable use-specific standards for that use authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 94-45.1 is prohibited unless the use is classified by the planning and development director pursuant to Section 94-45(e), below.

(b) Explanation of Table Abbreviations

(1) Permitted By-Right Uses

/P/ in a cell indicates that the use is permitted by right in the zone district. Permitted uses are subject to all other applicable regulations of this Code, including the use-specific standards in Section 94-46.

(2) Special Uses

/S/ in a cell indicates that the use is allowed in the zone district only if reviewed and approved as a special use in accordance with the procedures of this chapter. Special uses are subject to all other applicable regulations of this chapter, including the use-specific standards.

(3) Prohibited Uses

A blank cell indicates that the use is prohibited in the zone district.

(c) Use-Specific Standards

Regardless of whether a use is allowed by right or as a special use there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table. Cross-references refer to Section 94-46, Use-Specific Standards, or a specific zone district. These standards apply in all districts unless otherwise specified.

(d) Table Organization

In Table 94-45.1, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each category, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

(e) Classification of New and Unlisted Uses

The city recognizes that new types of land use will develop and forms of land use not anticipated in this Code may seek to locate in the city. When application is made for a use category or use type that is not specifically listed in Table 94-45.1, the planning and development director shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:

(1) The planning and development director is authorized to classify uses on the basis of the use category, sub-category and specific use type descriptions of this chapter.

(2) When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the planning and development director is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the planning and development director must consider:

a. The types of activities that will occur in conjunction with the use;

b. The types of equipment and processes to be used;

c. The existence, number and frequency of residents, customers or employees;

d. Parking demands associated with the use; and

e. Other factors deemed relevant to a use determination.

(3) If a use can reasonably be classified in multiple categories, subcategories or specific use types, the planning and development director must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate "fit."

(4) If the planning and development director is unable to determine the appropriate use category for a proposed use, the planning and development director is authorized to submit the request to the Planning Commission for review and determination. The planning and development director shall deny permits and certificates for occupancy of the proposed use pending Planning Commission determination.

Table 94-45.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use | Non-Residential							Supplemental Use Standards
Subcategory Specific Use Type	**CON**	**A**	**LDR**	**MDR**	**HDR**	**NC**	**CC**	**MU**	**D**	**ENT**	**BUS**	**I**	Note: This reference is to use-specific standards only, other code requirements may apply
Residential													
Household Living													
Dwelling													
Single-Family, Detached		P	P	P	P	P							
Single-Family, Attached (3 or more units)				P	P	P		P					
Single-Family, Duplex			P	P	P	P							
Single-Family, Patio Home				P	P	P							94-46(b)
Multi-Family					P	P	P	P	P				94-46(b)
Home Occupation		P	P	P	P	P							94-46(b)
Live/Work						P	P	P	P	P			94-46(b)
Loft						P		P	P				
Manufactured Home			P	P	P								94-47(d)
Modular Housing		S	S	S	S								
Mobile Home					S								94-47(e)
Group Living													
Congregate Living Facility/Senior Housing					P	P	P	P					94-46(b)
Group Home			P										94-46(b)
Nursing, Convalescent, and Rest Home					P	P	P	P					
Shelter Care Facility						S	P						94-46(b)
Civic and Institutional													
Community Services													
Cemetery and Mausoleum		S	S	S	S	S	S		S				
Funeral Home/Parlor							P						
Civic, Social, and Fraternal Organizations						P	P	P					
Community Center	S					P	P	P	P				
Cultural Institutions						P	P	P	P	P			

Table 94-45.1 Permitted Uses													
Use Category	**Ag/Residential**					**Mixed-Use | Non-Residential**							**Supplemental Use Standards**
Subcategory Specific Use Type	**CON**	**A**	**LDR**	**MDR**	**HDR**	**NC**	**CC**	**MU**	**D**	**ENT**	**BUS**	**I**	Note: This reference is to use-specific standards only, other code requirements may apply
Government Offices and Facilities						P	P	P	P	P	P	P	94-13
Public Service Facilities						P	P	P			P	P	
Religious Assembly			S	S	S	P	P	P	P	P			94-46(c)
Day Care Facilities													
Family Day Care Home			S	S	S	P		P					94-46(c)
Group Day Care Home						P	P	P			P		94-46(c)
Child Care Center						P	P	P			P		94-46(c)
Educational Facilities													
School, Primary or Secondary, Public or Private			S	S	S	P	P	P					94-46(c)
School, Vocational-Technical and Trade		S					P	P			P		94-46(c)
University or College		S					P	P			P		94-46(c)
Health Care Facilities													
Alcohol and Drug Abuse Treatment Facility						S	S						
Hospital							P	P					94-46(c)
Medical and Dental Offices and Clinics						P	P	P	P		P		
Urgent Care Facility							P	P					
Parks and Open Space													
Park and Playground	S	S	S	S	S	S	S	S	S	S	S	S	
Athletic Area			S	S	S	S	P	P		P			
Public Recreation Areas and Facilities	S	S	S	S	S	S	S	S	S	S	S	S	
Transportation													
Airport and Passenger Terminal		S					S				S	P	
Park and Ride Lot					S	S	S	S	S	S	P	P	
Bus Garage and Equipment Maintenance											P	P	
Bus Terminal							P	P	P	P	P	P	
Utility													

Table 94-45.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use | Non-Residential							Supplemental Use Standards
Subcategory Specific Use Type	**CON**	**A**	**LDR**	**MDR**	**HDR**	**NC**	**CC**	**MU**	**D**	**ENT**	**BUS**	**I**	Note: This reference is to use-specific standards only, other code requirements may apply
Utility													
Major Facilities/Service Yard		S					S				S	P	94-46(c)
Minor Facilities/Office		S	S	S	S	S	P	P	P		P	P	94-46(c)
Wireless Communication Facility													
Antenna and Antenna Support Structure		S					S	S	S	S	P	P	
Telecommunications Tower and Facility		S					S				S	S	
Commercial													
Animal Sales and Service													
Pet Grooming						P	P	P	P				
Pet Shop						P	P	P	P	P			
Kennel		P					P						94-46(d)
Shelter		S					S						
Stables	S	S											
Veterinary Services													
Indoor Only						P	P	P					94-46(d)
With Outdoor Facilities		P											94-46(d)
Office													
Business and Professional						P	P	P	P		P	P	
Recreation and Entertainment, Outdoor													
Amusement Park or Theme Park							S		S	P			*ENT additional uses and standards to be added*
Recreation and Entertainment, Outdoor							S	S	S	P			
Marina													
Private	S	S					S	S	S				
Public	S	S					S	S	S				
Recreation and Entertainment, Indoor													
Amusement Parlor/Arcade							P	P	P	P			94-46(d)

Table 94-45.1 Permitted Uses													
Use Category	**Ag/Residential**					**Mixed-Use | Non-Residential**							**Supplemental Use Standards**
Subcategory Specific Use Type	**CON**	**A**	**LDR**	**MDR**	**HDR**	**NC**	**CC**	**MU**	**D**	**ENT**	**BUS**	**I**	Note: This reference is to use-specific standards only, other code requirements may apply
Fortune Telling									P	P			
Recreation and Entertainment, Indoor							P	P	P	P			
Theater							P	P	P	P			94-46(d)
Commercial Services													
Commercial Services, General						P	P	P	P	P	P		
Eating and Drinking													
Brewery, Distillery or Winery							P	P	P	P	P	P	94-46(d)
Food Truck Court							S	S	S	S	S		94-46(d)
Microbrewery							P	P	P	P	P	P	94-46(d)
Restaurant						P	P	P	P	P	P	P	94-46(d)
With Drive-Thru							P	P		P	P		94-54(j) vehicle stacking
Financial Services													
Alternative Financial Services							P						94-47(b)
Automated Teller Machine						P	P	P	P	P	P		94-46(d), 94-54(j) vehicle stacking
Financial Institution						P	P	P	P		P		94-46(d)
With drive-thru							P	P			P		94-54(J) vehicle stacking
Off-Premises Contacts (OPC)							P			P			
Adult Entertainment									S				94-47(a)
Retail Sales													
Retail, General						P	P	P	P	P	P	P	
With drive-thru							P	P		P	P		94-54(j) vehicle stacking
Drug-store or Pharmacy						P	P	P	P	P	P	P	
With drive-thru							P	P		P	P		94-54(j) vehicle stacking
Home Supply and Lumberyard							P				P	P	94-47(f), outdoor storage
Plant Nursery and Greenhouse		P				P	P				P	P	94-47(f), outdoor storage
Thrift Store						P	P						94-46(d)

Table 94-45.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use | Non-Residential							Supplemental Use Standards
Subcategory / Specific Use Type	**CON**	**A**	**LDR**	**MDR**	**HDR**	**NC**	**CC**	**MU**	**D**	**ENT**	**BUS**	**I**	Note: This reference is to use-specific standards only, other code requirements may apply
Personal Services													
Barber[shop], Beauty Shop, Spa						P	P	P	P	P	P		
Dry Cleaner/Laundromat/ Laundry Service Station						P	P	P	P		P	P	
With drive-thru							P	P			P	P	94-54(j) vehicle stacking
Massage Establishment						P	P	P	P	P			
Studio – Art, Fitness, Music, Dance						P	P	P	P	P	P		
Tattoo Parlor							P	P		P			
Lodging Establishment													
Bed and Breakfast Inn					P	P	P	P	P	P			
Cabins							P						
Campground & Vehicle Park	S	S					S						
Hotel and Motel							P	P	P	P	P		
Timeshare Unit					P		P	P		P			
Vehicles and Equipment													
Car Wash							P				P	P	94-46(e)
Commercial Vehicles													
Rental Services							P				P	P	94-46(e)
Repair Services							P				P	P	94-46(e)
Sales							P				P	P	94-46(e)
Personal Vehicles													
Rental Services							P				P	P	94-46(e)
Repair Services							P				P	P	94-46(e)
Sales							P				P	P	94-46(e)
Commercial Parking							P	P	P	P	P		
Service Stations							P	P		P	P	P	94-46(e)
Accessory Car Wash							P	P		P	P	P	94-46(e)

Table 94-45.1 Permitted Uses													
Use Category	**Ag/Residential**					**Mixed-Use | Non-Residential**							**Supplemental Use Standards**
Subcategory Specific Use Type	**CON**	**A**	**LDR**	**MDR**	**HDR**	**NC**	**CC**	**MU**	**D**	**ENT**	**BUS**	**I**	Note: This reference is to use-specific standards only, other code requirements may apply
Electric Vehicle Charging Station						P	P	P	P	P	P	P	94-46(e)
Truck Stop												P	94-46(e)
Industrial													
Industrial Services													
Building Maintenance, Sales and Service											P	P	
Construction Contractor											P	P	94-49(d);
Data Center											P	P	
Digital Production											P	P	
Medical and Research Laboratory											P	P	
Wrecker Service												P	94-46(f)
Energy Production and Natural Resource Extraction													
Energy Production, Renewable													
Cogeneration Facility												S	
Solar Array		S									S	S	
Wind Energy Commercial		S									S	S	
Wind Energy Small		S									S	S	
Mining and Quarrying		S										S	
Oil, Gas, and Mineral Exploration and Production		S										S	
Manufacturing and Assembly													
Artisan/Light											P	P	
General													
General Manufacturing												P	
Publishing											P	P	

Table 94-45.1 Permitted Uses													
Use Category	**Ag/Residential**					**Mixed-Use | Non-Residential**							**Supplemental Use Standards**
Subcategory Specific Use Type	**CON**	**A**	**LDR**	**MDR**	**HDR**	**NC**	**CC**	**MU**	**D**	**ENT**	**BUS**	**I**	Note: This reference is to use-specific standards only, other code requirements may apply
Welding and Automobile Body Shop												P	94-46(f)
Heavy													
Heavy Manufacturing												P	94-46(f)
Wholesale, Storage, and Distribution													
Freight Terminal and Warehouse												P	94-46(f)
Warehouse													
Commercial (Non-hazardous)											P	P	
Self-Storage/Personal Property							P				P	P	94-46(f)
Wholesale Sales and Distribution											P	P	
Waste and Salvage													
Automobile Parts Recycling												P	
Recycling Collection Facility												P	
Agricultural													
Agritainment		P											94-46(g)
Animal Raising, Farm or Domestic Use		P											Min. lot size 5 acres; Branson Municipal Code Ch. 14; 94-81(f) Need to discuss animals
Crop Raising		P											Not permitted in front yard
Community Garden		P	P	P	P	P		P		P			94-46(g)
Commercial Livestock		P										P	Min. lot size 20 acres
Farm Products Warehouse and Storage		P										P	

Sec. 94-46 Use and Structure Standards

(a) Generally Applicable Standards

The following standards are applicable to all uses and structures:

(1) No structure shall be erected or structurally altered for use, nor shall any structure or land be used or changed in use which does not comply with all of the district regulations established by the title for the district in which the structure or land is located.

(2) No building, or any addition thereto, shall be erected over or under any public sewer or public utility lines, nor upon any platted or recorded easement, unless permission is granted, in writing, by the city or the public utility whose lines are involved.

(3) Unless otherwise approved as a special event pursuant to this code, no portable platforms, tables, stands or other such temporary structures or fabrications shall be erected in any district for the purpose of establishing a business, whether permanent or temporary and no vehicles shall be used for a like purpose unless classified as a food truck.

(b) Residential Uses

(1) Dwelling, Live/Work

a. The business owner and the resident's occupant in the residential portion of the live-work unit must be the same person.

b. In the Downtown district, the residential living portion of the live/work unit is not permitted on the first floor.

c. The nonresidential portion of a live-work unit may be only a commercial retail, office, personal services, or professional services and counseling activity as defined in these regulations.

d. Scale of Nonresidential Use. The floor area of the nonresidential portion of the use shall not exceed 2,500 square feet.

e. Historic Structures. If located within an existing historic structure, the floor area of the nonresidential portion of the structure shall not exceed 5,500 square feet.

f. Hours of Operation for Nonresidential Use. The nonresidential portion of the use shall not operate between the hours of 9:00 PM and 8:00 AM.

g. Multiple Units. Multiple live-work units may be located on a block face only if developed as a contiguous group with one unit located on a corner lot, and with no more than five units in the group.

h. No Drive-Through Activity. The use shall not include a drive-through component.

(2) Dwelling, Timeshare, Interval Ownership, or Fractional Fee ("Timeshare")

a. All units to be converted to timesharing shall comply with the city's adopted fire, health, and building codes.

b. All units to be converted to timesharing shall comply with the requirements of the zone district in which they are located and all other applicable standards of the code.

c. The marketing and sales practices for a timeshare development shall not include solicitation of prospective purchasers of timeshare units on any street, walking mall, courtyard, or other public property or facility.

d. The parking requirement for a timeshare development shall be calculated by applying the parking standard for the underlying zone district for lodge uses. The parking requirement shall be calculated based on the maximum number of proposed lock-off units in the development, unless an appropriate level of guest transportation services, such as vans, carshare, or shuttle vehicles are offered as an alternative to having owners and guests using their own vehicles in the city.

e. The owner of a timeshare shall be prohibited from storing a vehicle in a parking space on-site when not using the timeshare.

(3) Congregate Care/Senior Living

a. The maximum number of dwelling units shall comply with the zone district in which the facility is located.

b. Private open space shall be provided as follows:

c. Ground level units shall be provided a minimum of 100 sq. ft. of private yard with a minimum interior dimension of 10 feet.

d. Upper level units shall be provided a minimum of 70 sq. ft. balcony, with a minimum dimension on at least one side of eight feet.

(4) Group Homes

a. Group homes shall comply with the requirements found in the Missouri Statutes and regulations for group homes.

b. Group homes shall not be located closer than 1,320 feet from another group home, shall be used exclusively for no more than eight persons, and shall be in compliance with all city, state, and federal building, health, safety, and fire code provisions.

c. Reasonable Accommodation by City Administrator

In consideration of the requirement of the Federal Fair Housing Act ("FHA") (42 U.S.C. § 3601 et seq.) that local governments make reasonable accommodations in order to permit housing for persons with disabilities, the city Administrator, in consultation

with the city Attorney, is authorized to approve minor modifications of building setbacks, height, lot coverage or occupancy limits in order to provide reasonable accommodation for group homes without the need for an additional hearing. The city Administrator may approve a reasonable accommodation other than that requested by the applicant if the city Administrator concludes that an alternative accommodation would have fewer impacts on adjacent neighborhoods. The decision of the city Administrator regarding a FHA application for a reasonable accommodation shall contain written findings of fact as to the need for the accommodation and the authority to approve the requested accommodation.

(5) Shelter Care Facility

a. Physical Characteristics

All shelter facilities shall meet the following requirements:

(i) Compliance with applicable state and local housing, building, and fire code requirements.

(ii) The facility shall have on-site security during all hours when the shelter is open.

(iii) Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

(iv) Facilities shall provide secure areas for personal property.

(v) If the emergency shelter is proposed in conjunction with a religious facility, the area utilized for emergency shelter facilities may not exceed fifty percent of the total floor area used for the religious facility.

(vi) Where a day care facility, elementary school or middle school is operated on the same site as an emergency shelter, the day care and school facilities must be separated from the emergency shelter facilities by means to prevent access from one facility to the other.

b. Limited Number of Beds per Facility

(i) Shelter facilities accessory to a religious facility shall not exceed twenty beds.

(ii) All other shelter facilities shall not exceed forty beds.

c. Limited Terms of Stay

The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.

d. Parking

The shelter facility shall provide on-site parking at a rate of two spaces per facility for staff plus one space per ten occupants allowed at the maximum capacity. The planning and development director may reduce or waive this requirement where on-street parking is reasonably available.

e. Shelter Facility Management

A management plan is required for all shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the planning and development director prior to operation of the shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this Code. The operator of each shelter shall annually submit the management plan to the planning and development director with updated information for review and approval.

(c) Civic and Institutional Uses

(1) Family Day Care Home

A family day care home may be allowed as follows:

a. State and local licensing requirements are met, including those pertaining to building, fire safety, and health codes.

b. Parcel size, building size, setbacks, and parcel coverage conform to those applicable to the zoning district.

c. One off-street parking space is provided for each nonresident or non-family member employee in addition to the two spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.

d. If located on a major arterial street, an off-street drop-off/pickup area, approved by the city engineer, must be provided.

e. Signage, if any, conforms to the requirements of the zoning district.

f. No structural or decorative alteration that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences is permitted.

g. A family day care home may provide care for no more than ten children.

(2) Group Day Care Homes and Child Care Center

A group child care home and child care center may be allowed as follows:

a. Limitation in use of family residence. No group child care home and child care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for children during the hours the center is in operation or is separate from the usual living quarters of the family.

b. A group child care home and child care center is permitted subject to the following restrictions:

(i) State and local licensing standards and requirements are met.

(ii) Parcel size, building size, setbacks, screening, and landscaping shall conform to the zoning district.

(iii) Structure shall meet building, sanitation, health, traffic safety, and fire safety code requirements.

(iv) A minimum of one off-street parking space shall be provided for each employee, plus an off-street drop-off/pickup area, as approved by the city engineer. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided and approved by the city engineer.

(v) Signage, if any, conforms to the requirements of the zoning district.

(vi) A solid fence at least six feet high must be installed along each side yard and rear yard parcel line.

(vii) No structured area for active play or play structures may be located in a front yard or within ten feet of a side or rear parcel line.

(viii) The site must be landscaped in a manner compatible with adjacent residences, as approved by the planning and development director.

(ix) No structural or decorative alteration that will alter the residential character of an existing residential structure used for a group day care home or a child care center is permitted. Any new or remodeled structure must be designated to be compatible with the residential character of the surrounding neighborhood.

(x) A group day care home or a child care center shall not be located within 300 feet of another group day care home or a child care center, excluding any day care that is an accessory use in a license-exempt facility.

(3) Hospital

a. The application shall be accompanied by written proof that the proposal meets all federal, state, and county regulations.

b. A minimum of 25 percent of the net lot area shall be provided in open space.

c. A minimum of three-fourths of the total open space requirement shall be provided as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape. The frontage open space shall not be required to exceed 50 square feet per one foot of public street frontage and shall not be less than 30 square feet per one foot of public street frontage.

d. The remainder of the required open space shall be provided in common open space.

e. When the height of the building exceeds 50 feet, the following yard requirements shall apply:

(i) A side or rear yard of not less than 100 feet shall be maintained where the side or rear of the lot abuts a low density residential district or abuts an alley that is adjacent to a low density residential district. The 100 feet may include the width of the alley.

(ii) A side or rear yard of not less than 75 feet shall be maintained where the side or rear of the lot abuts a high density residential district or abuts an alley that is adjacent to a high density residential district. The 75 feet may include the width of the alley.

f. Pedestrian entrances shall:

(i) Be clearly distinctive from the remainder of the building, and be readily visible from the public street; and

(ii) Include an extended foundation base to provide a patient drop-off area of a minimum 900 sq. ft., extending a minimum 20-feet measured perpendicular from the patient entrance door.

g. Heliports shall be located in a manner to minimize the noise impacts on abutting residential uses, according to the following preferences:

(i) First Preference: Ground on side of building opposite any abutting residential areas.

(ii) Second Preference: Roof level of building less than the highest point on side of building away from residential areas.

(iii) Third Preference: Roof at top of building.

h. Liquid oxygen and other similar materials stored outdoors and in bulk shall be screened from ground-level view by the building, screen wall, or screen walls in combination with landscape materials.

(4) Library

In all residential zone districts, the use shall abut an arterial street. Libraries are permitted gift and coffee shops as accessory uses.

(5) Public Service

In all residential zone districts, the use shall abut an arterial street.

(6) Religious Assembly

a. Accessory Uses

(i) Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use.

(ii) Uses accessory to a religious assembly use in a residential district, other than shelter facilities, may only operate between 9:00 AM and 9:00 PM by right; and between 9:00 PM and 9:00 AM subject to a special use permit.

b. Existing Structure

If the use is proposed to be located in an existing structure, any storefront windows and doors shall remain and all windows shall be transparent.

c. Parking and Access

(i) Parking for the religious assembly use and any accessory use shall be for the use that has the greatest parking requirement.

(ii) Access shall be provided as follows: 1-200 seats shall have access from local or residential streets; 201-1000 seats shall have access from a collector street or higher; 1001 seats and over shall have access from an arterial street.

(7) Schools

All uses under the educational facilities category in Table 94-45.1 shall have their principal vehicular entrance and exit on an arterial or collector street; vehicular ingress and egress to local streets is prohibited.

(d) Commercial Uses

(1) Amusement Parlor/Arcade

a. Primary or Accessory Use

This shall be a primary use where six or more games or machines are located on a premise, or an accessory use where fewer than six games or machines are located on a premise.

b. Standards for Primary Use

(i) There shall be permitted one video/amusement machine for each 15 square feet of public floor space including the space occupied by the machine.

(ii) No noise or vibration that is detectable without the aid of any mechanical device or instrument shall be allowed beyond the outer perimeter of the building.

(iii) No arcade shall be located within a 1,000 foot radius to any public or private grade school (Grades K-12).

(iv) On-site security shall be provided both in the arcade and in the parking lot serving the arcade.

c. Standards for Accessory Use

(i) There shall be no outdoor advertising or signing of the accessory use.

(ii) The floor area devoted to the accessory use shall not impinge or obstruct normal pedestrian traffic within the building and shall not exceed 10 percent of the public floor area of the primary business.

(iii) No noise or vibration that is detectable without the aid of any mechanical device or instrument will be allowed beyond the outer perimeter of the location.

(iv) No additional parking shall be required for an accessory use.

(2) Animal Sales and Services with Outdoor Activity Areas

Any outdoor activity areas such as kennels, runs, or exercise areas shall be subject to the following.

a. General Requirements

The facilities shall:

(i) Only be used between the hours of seven 7:00 AM to 7:00 PM;

(ii) Be supervised by qualified personnel;

(iii) Be located at least 300 feet from any residential zone;

(iv) Not cause loud and incessant noise or fouling of the air by odor thereby creating annoyance or discomfort to the neighbors or others in close proximity;

(v) Not foster an excessive number of flies or other insects; and

(vi) Not otherwise cause any unsanitary conditions in the enclosure(s) or the surroundings where the animals are kept.

b. Kennel

(i) All facilities, including pens, kennels, cages, and exercise runs, in the NC, CC, MU, and D districts shall be maintained within a completely enclosed, soundproof building so that, to the maximum extent feasible, noise and odor are not detectable off-premises.

(ii) Facilities in the A district may have outdoor facilities, including runs and exercise areas, but such facilities must not be located within 1,000 feet of any residential district.

c. Veterinary Clinic, large (with outdoor runs)

(i) Facilities in the A district may have outdoor facilities, including runs and exercise areas, but such facilities must not be located within 1,000 feet of any residential district.

(ii) In all other districts all facilities, including pens, kennels, cages, and exercise runs shall be maintained within a completely enclosed, soundproof building so that, to the maximum extent feasible, noise and odor are not detectable off-premises.

(3) Eating and Drinking

a. Outdoor Seating, on-site

Eating and drinking establishments allowed under this code may provide outdoor seating areas, including rooftop seating, for customers following design review and issuance of a liquor license where applicable. The approval of outdoor seating shall be reviewed against the following criteria:

(i) Outdoor customer seating areas are subject to all applicable building setback requirements and must abut the building wall or roof area of the principal building;

(ii) Outdoor seating areas may not occupy required parking spaces or parking area access aisles;

(iii) An outdoor seating area exceeding 10% of the indoor building floor area is counted as floor area for purposes of determining off-street parking and loading requirements; and

(iv) When outdoor seating is located on a lot abutting a residential district, noise emanating from any outdoor seating areas may not exceed 65 db(A), as measured long the common lot line at the top of the required screening wall or fence

(v) In approving outdoor seating, the Planning Commission may impose reasonable conditions relating to location, configuration, lighting, and other operational features of the use to ensure compatibility with surrounding uses, maintenance, sound, and compliance with other applicable City codes.

b. Sidewalk Café

May be permitted under the following conditions:

(i) The area of occupancy must be abutting and contiguous to the restaurant in which food preparation, sanitation, and related services for the sidewalk cafe will be performed.

(ii) A sidewalk cafe may not be enclosed by fixed walls, unless such walls are necessary to comply with requirements to serve alcohol, and shall be open to the air, except that it may have a canopy.

(iii) There shall be unimpeded sidewalk remaining for pedestrian flow from the face of the curb and the area of temporary occupancy.

(iv) The sidewalk café shall be located a minimum of five feet from driveway and alleys, and ten feet from intersections.

(v) All curbs, alleys, sidewalks and public rights-of-way adjacent to such occupation shall be kept in a clean and orderly condition.

(4) Financial Services

a. Banks and financial institutions may be permitted as an accessory to a major retail sales establishment in the Entertainment District provided that the bank or financial institution is not in a separate, free-standing building.

(i) If the bank is to include drive-through services, a maximum of two drive-through windows lanes shall be permitted.

b. Banks or financial institutions that are located within 100-feet of a residential zoning district shall comply with the following requirements:

(i) The use shall be compatible with the neighborhood and shall not be detrimental to the same due to increased automobile traffic, noise generated from within the site, or character of proposed building.

(ii) The maximum gross floor area of the building shall be 4,000 square feet.

(5) Automated Teller Machines (ATMs)

a. An ATM located away from a bank shall be provided a minimum of two off-street parking spaces except where the planning and development director determines that no parking is necessary because the ATM is to be located in a primarily pedestrian-oriented area.

b. Trash disposal. Each outdoor ATM shall be provided with a receptacle sufficient in size to accommodate trash and any smoking materials discarded by ATM users.

(6) Lodging

a. Hotels

(i) Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system.

(ii) The hotel shall install and maintain, in proper operating order, surveillance cameras in each interior hallway and lobby/lounge area, in the parking lots and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building. Monitors shall be provided for security and other hotel personnel so that on-site activities may be viewed at all times. Surveillance cameras shall be in operation 24 hours a day and records of images recorded shall be kept a minimum of 30 days.

(iii) The hotel shall provide daily housekeeping service and on-site management 24 hours a day to provide check-in/check-out services, custodial and maintenance response, or other guest services.

(7) Off-Premise Contacts (OPC)

a. Shall be located inside a building.

b. No OPC establishment may be opened or relocated within 1,000 feet of an existing OPC establishment as measured lineally between the front door of the two establishments.

(8) Retail Sales Establishment

a. Shall not maintain exterior storage except as provided in Section 94-82(e).

b. Retail sales establishments that sell large items (e.g., furniture, appliances, lumber, etc.) are not permitted in the Downtown or Entertainment districts.

(9) Theater

Shall take access from an arterial or higher street classification.

(10) Thrift Store

All new thrift stores shall observe all development standards of the underlying zoning district, except that they shall also comply with the following additional standards:

a. Enclosed Activities. All activities shall be completely enclosed within the building for the use.

b. Collection/Receiving Area. The collection area shall be located on the side or rear of the building. Adequate directional signage shall be provided from the main entrance

to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods when the store is closed.

(e) Vehicles and Equipment

(1) Automobile Repair Shop

a. Outside storage or repair work is not allowed.

b. Body work and spray painting must be confined to properly ventilated indoor bays that shall be closed from the outdoors during use.

c. Sales of new and used motor vehicle parts are allowed as an incidental use to the repair shop however, no outside storage of product is allowed.

d. Service bay doors shall be located only on a side or rear facade.

e. All storage for impounded vehicles, and the storage of vehicles that are inoperable or disabled vehicles for periods greater than one week, shall be located within a permanent storage area that complies with this chapter.

f. Parking for vehicles to be serviced, and that have been serviced, shall occur on the site.

g. There shall be no on-site dismantling of vehicles for salvage.

h. Major vehicle service shall be set back no less than 150 feet from any residential zoning district.

(2) Car Wash, Full or Self-Service

a. Vacuums, carpet/steam cleaning machines and blowers shall not be located within a required setback.

b. Such use shall be set back no less than 100 feet from any residential zoning district.

(3) Accessory Automatic Car Wash

An automatic car wash shall be subject to the following:

a. The structure shall be completely enclosed except for vehicle ingress and egress.

b. The structure shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.

c. The structure shall be constructed of building materials consistent with that of the principal building, including the roof.

d. The hours of operation shall be limited to between 7:00 AM and 10:00 PM, when located adjacent to any residential zoning district.

(4) Electric Vehicle Charging Stations

a. Classifications

An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle, and is classified based on the following levels:

(i) Level 1 is considered slow charging, and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

(ii) Level 2 is considered medium charging, and operated on a forty to one hundred amp breaker on a two hundred forty volt AC circuit.

(iii) Level 3 is considered fast or rapid charging, and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

b. Where Permitted

(i) Level 1 and 2 electric vehicle charging stations are a permitted use in all non-residential zoning districts.

(ii) Level 3 electric vehicle charging stations are a permitted use in the CC, BUS, and I zoning districts, but require a special use permit in NC, MU, D, and ENT zoning districts.

(iii) Battery exchange stations are permitted in the CC and I zoning districts.

c. Standards

(i) Electric vehicle charging stations utilizing parking stalls located in a parking lot, parking garage, or in on-street parking spaces shall comply with the following standards. Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes with regard to electric vehicles, the planning and development director may authorize variations from these standards, so long as the intent and goal of the standards and this section are addressed.

(ii) Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.

(iii) Signage. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Way finding signs conveniently located to guide motorists to the charging stations are permitted with approval of the planning and development director.

(iv) Accessible charging stations shall be located in proximity to the buildings or facility entrances, and shall be connected to a barrier-free accessible route of travel.

(v) Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.

(vi) Charging station outlets and connectors shall be no less than thirty-six inches or no higher than forty-eight inches from the top of the surface where mounted, and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

(vii) Equipment shall be protected by wheel stops or concrete-filled bollards.

d. Notification

The following information shall be posted at all electric vehicle charging stations:

(i) Voltage and amperage levels;

(ii) Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

(iii) Usage fees;

(iv) Safety information; and

(v) Contact information for reporting when the equipment is not operating or other problems

e. Minimum Parking Requirements

Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required.

(5) Gasoline/Fuel Stations

a. The minimum public street frontage shall be 135 feet on each public street for all new fueling stations.

b. The minimum width for driveways shall be 35 feet. The width shall be expanded to 45 feet whenever the driveway accesses a street with a width of, or with a planned ultimate width of, 84 feet or greater. Driveways shall be no closer than 150 feet from

the nearest intersecting point of street right-of-way lines, or as otherwise determined by the city Engineer.

c. Structures shall observe the height limits of the underlying zoning district, except that canopies constructed over pump islands located outside the buildable area of the lot shall not exceed a maximum height of 17 feet.

d. A fuel pump canopy shall utilize the same architectural design and materials as the principal building(s) on the lot.

e. Light fixtures mounted under canopies shall be cut-off and shielded so that there is no glare or light spillage at the property line. Lights and fixtures shall not extend below the surface of the ceiling of the canopy.

f. Lights shall not be mounted on the top or sides (fascias) of the canopy, and shall not be externally illuminated except as part of an internally illuminated sign that meets the standards of thethis Code.

(6) Truck Stop/Travel Plaza

a. Minimum parcel size shall be 10 acres subject to the following requirements:

(i) The primary parcel of the truck stop shall be not more than 500 feet from the right-of-way limits surrounding afreeway or expressway intersection, with at least 200 feet of direct frontage along the arterial to the property boundary of the primary parcel;

(ii) No more than one truck stop shall have primary access from any freeway or expressway intersection; and,

(iii) The minimum distance between truck stops shall be 7,000 feet, measured from property line to property line.

b. Fuel

(i) Any fuel dispenser, perimeter of underground storage tanks or pumps shall be a minimum of 100 feet from any residential zoning district, and at least 40 feet from any property line or public right of way line.

(ii) Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies shall not exceed 22 feet in height.

c. Site Design

(i) A 15-foot wide landscaped buffer area shall be provided along all property lines. There shall be no parking permitted within this landscaped buffer area.

(ii) A masonry sound attenuation wall at least six feet tall shall be installed along all property lines that abut or are adjacent to a residential zoning district or use.

(iii) Subsidiary business activities may include scales, truck wash, tire repair and sales, barber shop, bar, restaurant, showers, convenience store, truckers lounge, mini-theater, laundry, and gasoline and propane dispensing. Subsidiary business uses at truck stops shall comply with the following standards:

(a) All activities and operations shall be conducted entirely within an enclosed structure, except the dispensing of petroleum products, water and air from pump islands and the provision of emergency service of a minor nature.

(b) A truck wash shall be designed with a water collection and recycling system;

(c) Vehicle service areas shall be completely enclosed;

(d) Service bays shall not open toward public rights-of-way; and

(e) A minimum of four showers shall be provided at truck stops with more than 100 truck parking spaces.

d. Overnight parking is not allowed unless Electrified Parking Spaces (EPS), also known as truck stop electrification, is installed for each overnight space to allow truck drivers to provide power to necessary systems such as heating, air conditioning, or appliances, without idling the engine.

e. A plan must be submitted showing how the truck stop/travel plaza is designed to prevent any spill from the facility, or from vehicles utilizing the facility, from contaminating soil or migrating off-site. The facility shall fully comply with all federal and state regulations regarding the reporting and containment of spills and releases of petroleum and hazardous substances.

(7) Vehicle Sales/Rental/Leasing

a. Location

Such use shall be located on a street classified as a collector or arterial.

b. Outdoor Storage and Display Areas

Outdoor storage and display areas for the sale, rental or lease of vehicles, watercraft or trailers shall comply with the following standards:

(i) Outdoor storage areas shall be screened from residential and mixed-use districts by an opaque wall or fence at least six feet in height, and shall be constructed of one of the following materials: brick, stone, masonry units,

wood or solid vinyl. Wood fences shall provide masonry columns not more than 30 feet on-center.

(ii) Paved areas reserved for the storage of vehicles, watercraft or trailers for sale, rent or lease are not required to be striped for individual spaces.

(iii) Outdoor display areas for vehicles, watercraft or trailers shall conform to the design standards of this chapter. No vehicle, watercraft or trailer for sale, rent or lease shall occupy a required parking space.

(iv) Not more than one vehicle, watercraft or trailer display pad within the front yard setback shall be permitted per 150 linear feet of road frontage. The size of the pad shall accommodate not more than one vehicle, watercraft or trailer. Such pad may be elevated, but no more than three feet in height as measured from grade to the highest point.

(f) Industrial Uses

(1) General

All industrial uses shall be subject to the following standards:

a. All traffic hazards shall be minimized;

b. Lights shall be directed away from adjoining residential areas;

c. Off-street loading areas shall be available as needed; and,

d. No dust, smoke, fumes, gas, noxious odor, excessive noise, or other atmospheric effluent shall exceed in intensity at the boundary of the lot of conditions normally found in a residential neighborhood.

(2) Freight Terminal and Warehouse

a. The use shall be located at least 500 feet from any residential district, school, or child care center.

b. The use shall not locate storage areas within a required setback or perimeter buffer.

c. The use shall have direct access onto a major arterial or collector street.

(3) Heavy Manufacturing

a. Heavy manufacturing uses shall be located at least 1,000 feet from any residential district.

b. A perimeter buffer of at least 25 feet in depth shall be provided along any boundary with another property not zoned for heavy industry.

(4) Recycling Center

a. The area used for recycling activities shall be limited to 500 square feet.

b. Recyclables may be deposited in refuse-type containers, storage igloos, kiosks, or other containers.

c. No processing of the recyclables shall take place except for the depositing of materials and the collection of materials for transport to a different recycling center or other location for sorting and processing.

d. No household hazardous waste shall be accepted at a recycling center.

e. The proposed recycling center cannot remove the required parking for the existing use.

(5) Self-Storage

a. Site Layout

(i) The minimum lot area shall be three acres.

(ii) If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

b. Operation

(i) The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

(ii) Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

(iii) No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.

(iv) Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 AM and 10:00 PM.

c. Parking and Circulation

(i) Interior parking shall be provided in the form of aisleways adjacent to the storage bays. Aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aisleways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.

(ii) The one- or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

(iii) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

(iv) All access ways shall be paved with asphalt, concrete, or comparable paving materials.

d. Building Appearance

(i) Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.

(ii) With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet.

(iii) Windows may not exceed 20 percent of any street-facing façade, and shall not be reflective.

e. Open Storage

Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

(i) The storage shall occur only within a designated area, which shall be clearly delineated;

(ii) The size of the storage area shall not exceed 25 percent of the buildable area of the site;

(iii) Outdoor storage areas shall be located to the rear of the principal structure;

(iv) Storage shall not occur within the areas set aside for minimum building setbacks; and

(v) No dry stacking of boats shall be permitted on-site.

f. Welding and Automobile Body Shop

Welding and automobile body shop uses shall comply with the following standards:

(i) The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child care center.

(ii) Vehicles shall not be parked or stored as a source of parts, or for the purpose of sale or lease/rent.

(iii) Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with this chapter.

(iv) Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

g. Wrecker Service

(i) The use shall be located at least 250 feet from any residential district, school, or child care center.

(ii) Vehicles shall not be stored on-site for more than 90 days.

(iii) Vehicles shall be stored to the rear of the principal structure and screened in accordance with this chapter.

(iv) The storage area shall be located totally within an enclosed building or shall be enclosed by an architecturally designed solid fence of at least six feet in height.

(v) There shall be no dismantling of vehicles on the premises to obtain parts for use or sale.

(g) Agricultural Uses

(1) Agritainment

a. Shall be operated and maintained by the owner, operator, or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for agritainment as long as they are considered a single farm entity.

b. Shall only be permitted in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

(2) Community Gardens

a. Location

(i) Community gardens shall not be located on designated or dedicated park or open space land without approval from the Planning Commission. Exceptions may be granted for park or open space land that does not contain sensitive habitat and is not contiguous to open space land with sensitive habitat.

(ii) Community gardens shall be located in areas that receive adequate sunlight for the intended purpose without the removal or excessive trimming of trees.

b. Use Standards

(i) The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.

(ii) A minimum three foot wide, clearly marked entrance path shall be provided from the public right-of-way to the garden.

(iii) Community gardens shall be located on land that is level enough to support the intended use and meet all Americans with Disabilities Act requirements without the use of retaining walls that exceed three feet in height.

(iv) Unless permitted by the underlying zoning district or approved as a special use, on-site sale of community garden products is prohibited.

(v) Lawn and garden equipment of the type customarily used by consumers for household lawn and garden care is the only type of motorized equipment allowed. The use of motorized equipment is restricted to hours beginning at 8:00 AM and ending at 8:00 PM.

(vi) An on-site trash storage container must be provided and located as close as practicable to the rear lot line. Compost bins or piles must also be located as close as practicable to the rear lot line. Trash must be removed from the site at least once a week.

(vii) The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than October 31 of each year.

(viii) Within a residential zoning district, operating hours for community garden activities are restricted to between 5:00 AM and 11:00 PM daily.

Sec. 94-47 Special Use Standards

(a) Adult Entertainment

(1) The following uses of property are considered adult entertainment activities, and may be located only in districts zoned D as a special use: adult bookstore, adult entertainment facility, bathhouse, massage establishment, modeling studio.

(2) No adult bookstore, adult entertainment facility, bathhouse, massage establishment or modeling studio shall be permitted within 600 feet of any religious institution, school, or public park, or any property zoned for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school, or public park, or the property zoned for residential use.

(3) No adult entertainment establishment shall be allowed to locate or expand within 600 feet of any other adult entertainment use or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined in this article. The distance between any two adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.

(4) All access to and from the adult entertainment establishment shall be provided from a street classified as a thoroughfare.

(5) The property on which such use is located shall have a minimum of 100 feet of street frontage.

(6) The property on which the use is located shall be screened by solid masonry wall, at least six feet in height along all interior property lines.

(7) The facility on which the use is located, and the parking for such facility, shall have a front yard setback of 20 feet, a side yard setback of ten feet, and a rear yard setback of ten feet.

(8) Off-street parking shall be provided at a ratio of one parking space per 75 square feet of interior floor area. All off-street parking requirements shall conform to this chapter. This parking requirement is in effect in all cases, regardless of the parking requirement set forth for a given land use zone.

(9) The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.

(10) The facility in which such a use is located shall be limited to one wall-mounted sign no greater than one square foot of sign per linear foot of wall length, not to exceed a total of 50 square feet; said signs shall not flash, blink or move by mechanical means and shall

not extend above the roofline of the building. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.

(11) Lighting in the parking area must provide a minimum light level of 0.25 footcandle over the entire parking area, but in no point shall the light level exceed 3.0 footcandles, nor shall any increase in light levels or visible glare be permitted at the parcel line.

(12) The hours of operation will not exceed 8:00 AM to 12:00 midnight on Sunday through Thursday; and 8:00 AM to 1:00 AM on Friday and Saturday.

(b) Alternative Financial Establishment

In addition to requiring a special use permit, an Alternative Financial Establishment shall comply with the following regulations:

(1) A lot containing an alternative financial establishment shall be located at least 2,000 feet from any lot containing another alternative financial establishment, as measured in a straight line between the nearest points of one lot to the other lot.

(2) A lot containing an alternative financial establishment shall be located at least 500 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one lot to the other lot

(c) Home Occupations

The intent of this section is to allow low-intensity home occupations that are clearly incidental and secondary to the primary residential use of the property, and that are conducted in a limited manner which creates little exterior indication of the activity and which does not create a nuisance or otherwise adversely impact adjacent properties or the residential character of the neighborhood.

(1) Exemptions

Yard/garage sales and a home day care shall not be classified as home occupations when operating in compliance with all ordinances and regulations in connection with such use.

(2) Application/Inspection

A request for registration or for approval of a special use permit for a home occupation shall constitute the applicant's agreement to allow, upon reasonable request, the inspection of the premises to the extent necessary to determine compliance and compatibility with these regulations. The planning and development director may inspect a premises suspected of violations for the purpose of determining compliance with these regulations. The refusal to allow inspection upon reasonable request shall be an indication of a failure to comply with the terms of this section. A presumption shall therefore exist that there are violations and appropriate enforcement action to terminate the activity may be taken.

(3) Registration or Special Use Permit Required

a. All home occupations shall be required to register upon forms prepared by the planning and development director for the purpose and shall include a description of the nature and extent of the activity. The applicant shall sign the form verifying that the activity will be conducted in compliance with the standards of operation set out below. Home occupations not in compliance with this section may be approved as a special use if they comply with the conditions established in this chapter.

b. Approval of a home occupation, whether by registration or by special use permit, shall be limited to one year, provided that such approval shall automatically be extended in one year increments, based on the anniversary date of the approval, unless a request for review is received prior to the anniversary date. A written request for review may be submitted by any person affected by the home occupation; by the planning and development director, the Board, or Planning Commission. If a request for review is received, a new application for approval as a special use permit shall be required.

c. Whenever there are questions, or there is uncertainty regarding conformance with the intent or requirements of all regulations regarding home occupations, the planning and development director may forward the home occupation to the Planning Commission and the Board for review under the requirements regarding special use permits.

(4) Permitted Home Occupations

The following uses shall require registration, but shall not require approval as a special use permit, provided that full compliance with all standards of operation stated above is required, except as modified herein:.

a. Home Office

An office for the clerical and administrative purposes of receiving mail and telephone calls, maintaining records, and similar functions.

b. Off-Site Sales Offices

An office for direct sales distribution (Amway, Avon, Tupperware, etc.), for manufacturer's representatives, and other similar activities provided that all sales are conducted off-site and that storage and deliveries do not exceed the limitations within this section.

c. Off-Site Services Offices

An office for services provided off-site, including but not limited to such activities as house cleaning service, yard/garden service, locksmiths, appliance repair, contractors, and similar activities, provided that all services are provided off-site, that storage does not exceed the limitations within this section, that no other employees regularly visit the premises, and that no more than one commercial vehicle is parked at the residence on a regular basis.

d. Professional Services

An office/studio for engineers, drafting, and similar services provided that client consultation is conducted off-site.

e. Home Instruction

Individual tutoring or lessons in art, dance, music, swimming, or similar activities are permitted, provided that a maximum of six students per day shall be permitted at the premises.

f. Home Arts/Crafts

The preparation of small arts/crafts items for off-site display and sale, including ceramics with a maximum kiln size of six cubic feet and including dressmaking/sewing with a maximum of two machines, shall be permitted, provided that all ordering, fittings, and deliveries are conducted off-site. The preparation or creation of larger items requiring frequent delivery of materials, movement by vehicles other than passenger vehicles, larger or noisier equipment, or storage does not exceed the limitations within this section.

(5) Standards of Operation

All home occupations shall comply with the following performance standards and limitations, except as specifically modified herein.

a. Employees

No person other than an occupant of the residence shall be engaged in the home occupation at the residence, or shall visit the residence on a regular basis. No more than three occupants at a residence shall be engaged in home occupations.

b. Space and Location

The maximum area used for the home occupation shall not be greater than 25 percent of the living area of the residence; 500 square feet, including storage areas; or two rooms.

c. Storage

The total area used exclusively for storage shall be no larger than 150 cubic feet. Outside storage in conjunction with a home occupation shall be prohibited.

d. Alterations

No alterations of the residential appearance of the property for business purposes, such as the creation of a separate entrance, shall be permitted.

e. Equipment

The installation, storage, or use of any equipment or machinery not normally found in a household or general office shall be prohibited.

f. Sales and Display

Direct, on site sales, retail or wholesale, and the display of goods or products on the premises shall be prohibited.

g. Nuisances

The creation of noise, odors, vibrations, glare, fumes, or electrical interference which is detectable to normal sensory perception outside the structure shall be prohibited.

h. Deliveries

No deliveries related to the conduct of the home occupation shall be permitted by vehicles of more than two axles.

i. Traffic

Home occupations shall not involve the regular visits of clients, other employees, or any other persons to the residence due to the conduct of the home occupation.

j. Advertising/Signs

Home occupations are permitted one on premise wall sign for each side of the home that faces a public street. The sign shall be no more than three square feet and shall not be illuminated.

k. Vehicles

Vehicles supporting the home business must be parked in the driveway and not on the street. This includes vehicles such as taxi cabs, day care vans, catering trucks, or lock smith trucks.

(6) Special Use Permits for Home Occupation

a. A special use permit for a home occupation may be approved only if it is determined that the activity will be incidental and subordinate to the residential purpose of the property, will comply with the spirit and intent of these regulations, will not create adverse impacts on adjacent properties, and will be compatible with the residential character of the area.

b. The following types of uses will not be approved as home occupations unless unusual or special circumstances exist:

(i) Uses involving regular client visits, such as photographic studios, small appliance repair shops, barber/beauty shops, medical offices, etc.;

(ii) Uses involving large goods or materials, such as upholstery or furniture repair, arts/crafts other than small items, etc.;

(iii) Uses involving nuisances (noise, dust, etc.) or which cannot be conducted within a totally enclosed structure, such as automobile, lawn mower, or other engine repair, welding or machine shops, etc.;

(iv) Uses where other employees visit the site, such as operating/dispatch offices for contractors, offices for businesses having employees who are not occupants, etc.;

(v) Uses involving handling or storage of quantities of goods or materials, such as retail/wholesale operations or manufacturing/assembly;

(vi) Uses involving the grooming, breeding, or boarding of animals.

The standards of operation set out in this chapter shall apply to all home occupations; provided however, that the approval of a special use permit may authorize minor modifications, alternative limitations, or special conditions where it is determined that the home occupation can be accommodated in accordance with the spirit and intent of this section.

(d) Food Truck Court

a. Administrative site plan approval is required for the establishment of a food truck court. In addition to the standard site plan requirements, the application shall also identify: the location and orientation of each food truck; the location of any seating areas, restrooms, parking, landscaping, trash enclosures, and utilities; the circulation of all pedestrian and vehicular traffic on the site; and the location and type of water supply and electrical outlets provided to each food truck site.

b. Shall contain a minimum of four and a maximum of eight food trucks.

c. All components shall comply with the underlying zoning district setbacks.

d. Food trucks shall be parked so as to require patrons to walk up to the vending window. Vendors shall not position the food truck to act as a drive-thru business nor solicit business from pedestrians or persons in vehicles or sell to persons in vehicles.

e. Seating shall be provided at a rate of six seats per food truck.

f. Permanent restroom facilities shall be provided and shall be required based on the requirements of this Code.

g. A minimum of two tie-down anchors with concrete footings shall be provided for each food truck.

h. Trucks requiring kitchen exhaust hoods shall be equipped with automatic fire suppression.

i. A 1000-gallon grease interceptor shall be provided for each four food trucks in compliance with City's Fats, Oils and Grease Management Program.

j. Proper waste, water and power connections based on the requirements of this Code for each food truck shall be provided in precast concrete vaults, with traffic worthy lids.

k. Shall provide one trash receptacle and one recycling receptacle for each food truck in a convenient location which does not impede pedestrian or vehicular traffic. Additionally, a trash enclosure shall be provided as required per this Code.

l. Signage located on or inside a food truck shall be allowed. All signs must be secured and mounted against the food truck, and may not project more than six inches from the exterior of the food truck. One temporary A-frame sign shall be permitted per food truck, to be displayed within ten feet of the truck.

(e) Manufactured Homes

(1) New manufactured homes may be placed on any individual lot within a residential zoning district with the following restrictions and regulations:

a. Manufactured homes shall not be placed or occupied on an individual lot without a building permit issued under these regulations.

b. Each manufactured home placed on an individual lot shall:

(i) Be occupied only as a single-family dwelling or business unit.

(ii) Be placed in conformance with all zoning and setback requirements established for the district in which located.

(iii) Accessory structures shall be placed in conformance with the setback and dimensional requirements established for the district in which located. The exterior covering and roofing material of the accessory structure must be the same as that of the dwelling unit.

(iv) Have a minimum width of not less than 24 foundation feet as measured at all points perpendicular to the length of the manufactured home which shall be not less than 42 foundation feet. This standard is intended to restrict units to the type which are brought to the site in parts, typically two halves and at least 1,008 square feet minimum.

(v) Roof must be gable or hip roof of at least three in twelve or greater, and covered with material that is residential in appearance including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roofs; except for permitted deck areas, all roof structures shall provide an eave projection of no less than six inches and no greater than 30 inches.

(vi) Have the main entry door facing the street on which the manufactured home is located. A sidewalk shall be installed from the street, driveway or sidewalk adjoining neighboring lots to the front door. The unit must be oriented on the

lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so the narrow dimension of the unit, as so modified and facing the street, is no less than 50% of the unit's long dimension.

(vii) Have exterior surface and window treatments that are architecturally compatible with those of neighboring properties, excluding smooth, ribbed or corrugated metal or plastic panels.

(viii) Meet applicable off-street parking requirements.

(ix) Be placed on a parcel according to approved, pre-submitted building permit, and have a manufacturer's installation manual and an illustration of the finished appearance of the unit.

(x) Units shall be attached to a continuous permanent foundation, which manner of placement shall be as stated on the building permit, and meet all manufacturer's specifications for support.

(xi) The exterior foundation material shall consist of continuous concrete or masonry suitable for the outer portion of a finished residence.

(xii) Have the tongue and running gear, including axles, removed.

(xiii) Maintain a minimum of 18 inches of crawl space under the entire manufactured home.

(xiv) Have permanent steps set at all exits.

(xv) Be served by a water supply and sewage disposal system meeting the established city requirements.

(xvi) Underground public utilities shall be required.

c. Property owner shall declare the manufactured home as real property and must so record with the Taney County Assessor.

(2) Pre-owned Manufactured Homes. Pre-owned manufactured homes may not be moved onto an individual lot within the city.

(f) Mobile Home Community

(1) Purpose and Intent

The intent of the mobile home community standards is to provide for the orderly and unified planning and development of mobile home communities, to ensure the provision of facilities and amenities appropriate to the needs of residents of mobile home communities, and to ensure a harmonious relationship between mobile home communities and adjoining land uses.

(2) Special Use Permit

Mobile home communities may be permitted in the HDR district through the approval of a special use permit.

(3) Permitted Uses

No building, structure or land shall be used, and no building or structure shall be hereafter erected or structurally altered, unless otherwise provided for in this section, except for one or more of the following uses:

a. Single-family mobile and manufactured homes.

b. Public recreation areas and facilities.

c. Accessory buildings typically found with above permitted uses.

d. Public utility facilities, excluding repair, storage and business facilities.

(4) Prohibited Uses

The following uses are expressly prohibited in any mobile home community:

a. Timeshare operation

b. Nightly or weekly rentals of any nature

c. Commercial uses

(5) Design Standards

The following standards shall be incorporated in the design of the mobile home community:

a. The gross density shall not exceed seven units per acre, unless part of an approved plan which includes other land uses.

b. The minimum parcel size shall be 3,200 square feet.

c. The minimum parcel width shall be 40 feet.

d. The minimum separation between mobile homes shall be ten feet.

e. There shall be no private streets. All streets in the mobile home community shall be public streets dedicated to the city.

f. The minimum setback from a mobile home unit to a boundary that is not a street shall be 20 feet. The minimum setback from a mobile home unit to a boundary that is adjacent to a public street shall be 25 feet.

g. A minimum of two off-street parking spaces per mobile home site, plus one guest space for each five sites, all in conformance with the parking requirements of this chapter, shall be provided in the mobile home community. Uses other than mobile home sites shall be subject to the parking regulations included in this chapter.

h. A minimum street width of 28 feet paved from back of curb to back of curb shall be required on all streets within the mobile home community. All street construction shall be in strict conformance with the city standards and specifications for residential streets, with the exception that the minimum right-of-way width may be reduced from 50 feet to 40 feet when a five-foot utility easement is provided along each side of the right-of-way.

i. A minimum of two accesses to a dedicated street shall be provided per mobile home community.

j. A minimum of 0.3 footcandle lighting shall be provided on all driveways and walks.

k. Sidewalks shall be provided adjacent to all streets, on both sides of the street, shall be a minimum width of four feet, and shall be constructed in conformance with city standards and specifications for sidewalk construction.

l. A minimum of 15 percent of the gross area of the mobile home community shall be provided as park area.

m. A minimum of 30 percent of the gross area of each mobile home parcel shall be provided as usable livability open space.

n. A clubhouse and/or other common recreation facilities shall be provided in accordance with plans submitted for review and recommendation by the Planning Commission and review and approval by the Board.

o. All mobile homes shall have tie-downs in accordance with applicable provisions of this Code.

p. Plans and specifications shall be submitted and permits issued in accordance with all city building or HUD regulations depending upon the date of construction of the unit(s).

q. A landscaping plan shall be submitted for review and approval by the planning and development director with a formal report attached to the submittal for mobile home community.

r. No building or structure hereafter erected or structurally altered in a mobile home community shall exceed 35 feet in height, or two stories above the foundation or basement ceiling level.

s. When adjacent to, or across the street from a residential use other than a mobile home park, or when required by the Board due to location, a decorative fence, wall,

landscaping or earth mounds of six feet in height shall be provided around the perimeter of the site to screen the mobile home community from view.

t. Storage units shall be designed as an integral part of the site and shall be screened. Setback requirements specified in this chapter shall apply to storage units.

u. All electrical, gas and telephone utilities shall be placed underground in accordance with city standards. Provisions shall be made to provide sewer and water service to each mobile home in a manner which shall conform to all governing regulations, including the city technical specifications. Adequate fire protection shall be provided by installing fire hydrants which conform to all governing regulations, including the city technical specifications.

v. Trash and recycle collection receptacles shall be provided and properly screened from view.

w. Provisions shall be made for off-street camper and boat storage either adjacent to the mobile homes or in a central location or locations. One hundred square feet shall be provided for each mobile home site. Covenants or other binding restrictions prohibiting said storage may be provided in lieu of said storage space.

x. Provisions to maintain and manage all common facilities shall be submitted for approval by the Planning Commission and Board.

y. Adequate stormwater control is required per city technical specifications.

(6) Additional Requirements

a. The overnight housing and occupancy of travel trailers, motor homes, truck campers, recreation vehicles, tents and houseboats within a mobile home community is prohibited.

b. Bonding, or some guarantee in a form acceptable to the city attorney may be required to guarantee performance for the construction of the site improvements.

c. If, in the process of reviewing the application for the mobile home community, the Planning Commission or the Board deem it necessary to apply other conditions of approval more restrictive than those outlined herein, such conditions may be required to make the use more compatible with either the existing or proposed environment.

d. Unless specifically approved elsewhere in this Code, the parking of a mobile home on a parcel not located within a mobile home community is prohibited.

e. Application procedures shall conform to the procedures defined in the subdivision regulations of the city.

f. Any communal swimming pool, clubhouse, bathhouse, or other public place within the mobile home community district boundaries shall meet the city and state health codes, rules and regulations.

(g) Outdoor Storage

Any such goods kept outside which are not within the definition or limitations for incidental outdoor display or outdoor display lots shall be regarded as outdoor storage. Outdoor storage shall include the parking/storage of vehicles to be serviced at a collision service or towing/wrecker service use and all parking/storage of vehicular equipment, such as farm or construction machinery or equipment and commercial delivery vehicles. The placement of storage vaults or shipping containers shall be regarded as outside storage, except as may be otherwise permitted herein.

(1) Permitted Outdoor Storage

a. Accessory Outdoor Storage Area

Accessory outdoor storage may be permitted with a special use permit in the CC, B, and I districts. Accessory outdoor storage shall mean storage that is accessory to a lawful business in a permanent building on the premises, that is conducted in accordance with the limitations and conditions set out below, and which covers a maximum of 33 percent of a premises. All other outdoor storage shall be classified as a primary outdoor storage yard.

b. Primary Outdoor Storage Yard

Primary outdoor storage yards shall be permitted with a special use permit in the CC, B, and I districts. A primary outdoor storage yard shall mean storage that: (1) constitutes a principal use on the premises or is conducted without a permanent building on the premises, (2) utilizes more than 33 percent of the premises, or (3) otherwise exceeds the limitation of an accessory storage area. Modification of the conditions set out below may be specified as part of the approval of a special use permit, if noted on the application and required notification, when it is determined that the storage can be accommodated in a modified manner without adverse impacts on adjacent properties and that such storage will still meet the general intent of the limitations.

(2) Commercial/Utility Vehicles

a. Regular parking for commercial and utility vehicles shall be located in service areas that are designed as follows and screened as necessary to meet these standards:

(i) All service areas shall be placed at the rear, on the side of, or inside buildings.

(ii) No service area shall be visible from a public right-of-way or from adjacent residential areas.

(iii) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas or at entries.

(3) Required Conditions

All outdoor storage shall comply with the following conditions.

a. Type of Materials: storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements.

b. Location: Outdoor storage shall not be located in any required front or exterior side yard; shall not obstruct or eliminate any required parking or loading space, access drive, or fire lane; or occupy any street right-of-way.

c. Height: Storage of stacked materials shall not exceed the height of the screening fence or eight feet, whichever is less. Individual items of greater height may be stored, but may not exceed one-half the height of the principal building.

d. Screening: All outdoor storage shall be screened by a permanently maintained solid fence at least six feet in height along any side facing a front or exterior side property line, any side facing a rear or interior side property line which is adjacent to a district which does not allow outdoor storage as a permitted use, or any other side generally open to public view. Fencing for this purpose shall be designed of wood or masonry, provided that chain link with slat inserts may be used if all openings are blocked by slats having a width which is no less than 1/4-inch smaller than the width of the opening.

e. Surfacing: Storage areas shall be surfaced as follows:

(i) Storage of goods and materials shall be conducted only on a paved surface or an approved all-weather surface of crushed rock which is maintained in a dust-free condition.

(ii) The storage of vehicles, trailers, and equipment which is normally intended to be mobile, whether self-propelled or towed, shall be conducted only on an approved asphalt or concrete surface which is provided in accordance with the requirements for parking areas.

Sec. 94-48 Accessory Use Standards

(a) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses, provided that the accessory use complies with all applicable standards in this section.

(b) Approval of Accessory Uses and Structures

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Code. No accessory use may be established prior to establishment of the principal use with which such accessory use is associated. All accessory uses shall be subject to the standards in this section, as well as any use-specific standards applicable to the associated principal use as set forth in this chapter.

(c) Interpretation of Unidentified Accessory Uses and Structures

The planning and development director shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:

(1) The definition of "accessory use" in this chapter, and the general accessory use standards and limitations established in this section;

(2) The purpose and intent of the district in which the accessory use is located;

(3) Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and

(4) The compatibility of the accessory use with other principal and accessory uses permitted in the district.

(d) General Standards

All accessory uses and structures shall comply with the following general standards:

(1) Compliance with this Code

a. All accessory uses and structures shall be subject to the dimensional requirements of the zone district in which they are located. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.

b. Accessory uses shall comply with all standards of this Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.

(2) Location

The accessory use or structure shall be conducted or located on the same lot(s) as the principal use and to the rear of the primary structure, unless otherwise approved by the planning and development director. No accessory structure shall be located within ten feet of the site's principal structure unless otherwise specified in this section. When located to the rear of the primary structure, accessory buildings need not comply with the side or rear setback lines applicable to the primary structure provided that the accessory building is not located closer than ten feet from any alley and not closer than five feet from any property line.

(3) Size and Quantity

The maximum total size of accessory buildings shall be 800 square feet unless approved by special use permit. No accessory building shall exceed the height of the site's principal structure.

(4) Same Ownership Required

The principal use and the accessory use shall be under the same ownership.

(5) Same Utility Meter Required

The principal use and the accessory use shall utilize the same utility meter, with the exception of an approved accessory dwelling unit.

(6) Non-Residential Uses in Residential Districts

Accessory buildings in residential districts shall not be used to conduct a retail business, commercial business or repair business.

Sec. 94-49 Temporary Use Standards

(a) Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

(b) Use Table for Temporary Uses and Special Events

Temporary uses may be approved in the following districts:

Table 94-49.1: Temporary Uses

P = Permitted Use T = Temporary Use Permit

Use Type	LDR, CON, A	MDR	HDR	NC	MU	CC	Downtown	Ent	Business	Industrial	Occurrence per Parcel per Year	Days per Occurrence	Use Stand.
Charitable Drop Box				T	T	T					One year permit, renewable		94-84(d)
Construction Field office/ Storage Yard	T	T	T	T	T	T	T	T	T	T	Up to 3 year permit		94-84(d)
Farmer's Market				T	T	T	T				50	1	94-84(d)

Table 94-49.1: Temporary Uses

P = Permitted Use T = Temporary Use Permit

Use Type	LDR, CON, A	MDR	HDR	NC	MU	CC	Downtown	Ent	Business	Industrial	Occurrence per Parcel per Year	Days per Occurrence	Use Stand.
Food Truck				T	T	T	T	T	T	T	45 days	1 consecutive	
Garage/Yard/ Estate Sale	T	T	T	T	T						3, not more than once every 60 days	4 consecutive	94-84(d)
Portable Storage Units	T	T	T		T	T	T	T	T	T	2 per address	Up to 30	94-84(d)
Private Property Assembly Event	T	T	T		T	T	T	T	T	T	12	2 consecutive	
Public Events													
Outdoor Sales/ Promotional Events					T	T	T	T			7	5 consecutive	
Searchlight						T	T	T			10	1	
Seasonal Sales					T	T	T	T			2	Up to 30	
Sidewalk Sales					T	T		T					
Temporary Office Facilities					T	T	T	T	T	T	Up to 3 year permit		94-84(d)
Temporary Vehicle Washes			T		T	T			T		4	1	

(c) General Standards for all Temporary Uses and Structures

All temporary uses shall be subject to the issuance of a temporary use permit and shall meet the following general requirements, unless otherwise specified in this Code:

(1) Impact on Subject Property and Surrounding Properties and Uses

a. The temporary use shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.

b. Permanent alterations to the site are prohibited.

c. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use, or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

d. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.

e. Off-street parking shall be adequate to accommodate the proposed temporary use.

f. Trash containers shall be provided on site for debris and all waste from the permitted use shall be properly disposed of.

g. The size, nature, or location of the temporary use is not reasonably likely to cause a clear and present danger of injury to persons and property.

(2) Compliance with Applicable Regulations

a. The temporary use shall comply with all applicable general and specific regulations of this section and this Code unless otherwise expressly stated.

b. Temporary uses are only permitted on private property with the written permission of the property owner.

c. All temporary signs associated with the temporary use shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.

d. The temporary use shall not violate any applicable conditions of approval that apply to a principal use on the site.

e. The applicant or operator must obtain any other required permits, such as health or building permits prior to the commencement of the temporary use.

f. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet all requirements of the Code

(d) Supplemental Temporary Use Standards

(1) Charitable Drop Box

a. Permitted on property zoned NC, MU, or CC only.

b. Shall be separated by a distance of at least 500 feet.

c. Shall not obstruct pedestrian or vehicular circulation, nor be located in required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, buffers or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses.

d. Shall be constructed of painted metal, rubber, wood, or plastic, and shall be properly maintained in a safe and good condition. Each drop box shall have a firmly closing lid, and shall have a capacity no greater than six cubic yards. No drop box shall exceed seven feet in height.

e. Shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, the entity responsible for maintenance of the drop-off box and removal of materials and trash from the immediate area, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time. The box shall display a notice stating that no items or materials shall be left outside of the donation drop-off box as well as a notice that shall read "Not for refuse disposal. Liquids are prohibited. Do not use for garbage, candy wrappers, soft drink bottles, etc."

f. Occupation of parking spaces by drop boxes shall not reduce the number of available parking spaces below the minimum number required for the site.

g. All donated items must be collected and stored in the drop box. Donated items or materials shall not be left outside of drop box and the area around each box shall be maintained by the owner or operator, or the property owner, free of litter and any other undesirable materials.

(2) Construction Field Office, Construction Storage Yard

a. In the residential districts and for residential construction in a mixed-use district:

(i) This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.

(ii) The planning and development director may order the use to be discontinued and in no event shall such temporary use continue after subdivision construction is 90 percent complete.

b. In the commercial and industrial districts and for commercial construction in a mixed-use district:

(i) This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.

(ii) The planning and development director may order the use to be discontinued and in no event shall such temporary use continue after construction is substantially complete.

(iii) Sheds, warehouses and open air storage used by contractors in connection with the building of a principal building or the development of an area may be erected and used provided they shall be removed from the premises within ten days after substantial completion of the project or unusual suspension of work.

c. The authorization of extended use of construction trailers except to facilitate ongoing construction upon the premises may be granted by the planning and development director subject to the following conditions:

(i) Adequate utilities are connected to construction trailers.

(ii) No construction trailer shall be closer to any public road than 150 feet. However, if, for safety reasons, topography or size of the property prohibits the required 150 feet from any public road, a reduction of the distance may be approved by the planning and development director, but in no case shall the construction trailer be closer than 25 feet from any public road.

(iii) Temporary use permits shall be issued for not to exceed six months. One extension of the temporary permit may be approved by the planning and development director upon written request from the applicant, not to exceed an additional six months.

(iv) Any extension of the construction trailer after the first year must be by resolution of the Board. The Board may extend the use of the construction trailer for one year. After the first year, the Board may, by resolution, continue to allow for the continued use of the construction trailer at one-year intervals.

(3) Farmer's Market

a. Shall be operated by the property owner or occupant.

b. Number of Vendors - limited to a maximum of 15 agricultural vendors, and up to three non-agricultural vendors; only one non-agricultural vendor is allowed for every five vendors of agricultural products.

c. Operating Hours - shall only operate, including any setup or breakdown activities, a total of six hours per day between the hours of 7:00 AM and 9:00 PM.

d. Maximum Area- shall not occupy an area larger than 10,000 square feet, and shall meet the zone district required setbacks and off-street parking.

(4) Garage, Yard or Estate Sale

a. No person shall advertise, conduct, hold, carry on or permit any outdoor display or outdoor sale of used merchandise or other items of used personal property in any commercial district, unless such display or sale is as follows:

(i) Antiques or used merchandise or other personal property which is part of the business's normal stock of inventory; or

(ii) On the grounds of a dwelling used for residential purposes, permitted pursuant to subsection (b) of this section.

b. No person shall advertise, conduct, hold, carry on or permit any home, garage, patio, yard or rummage sale on the grounds of or within any dwelling within the city without a permit.

c. Such permit issued by the planning and development director shall set forth, in writing, the name of the person holding or conducting such sale, the location of the sale, and the date such sale is to be held.

d. No permit shall be issued by the city to any person or premises more often than once every 60 days and the permit shall be subject to the limitations provided in this division; provided, however, that schools, churches and bona fide nonprofit organizations may carry on rummage sales with no restrictions as to number of or duration of the sales if the sale is held on school or church property.

(5) the citythe citythe citythe cityFood Truck

a. Site Standards

(i) Shall not conduct business or operate in the public right-of-way.

(ii) Shall be limited to one per parcel unless approved as part of a special event.

(iii) Shall be located at least 100 feet from any restaurant, outdoor dining area, and other establishment which sells or offers food (such as a grocery store, amusement park, lodging establishment, etc.) unless permission has been given by the property owner.

(iv) Shall not operate within 500 feet of the parcel boundary of any primary or secondary school.

(v) Shall be located at least 20 feet from fire hydrants, utility boxes, mailboxes and traffic control boxes.

(vi) All measurements shall be made by the city from the closest point on a food truck to the closest point on the relative building, object or parcel boundary.

(vii) Within a parcel containing an active use, food trucks shall be located within approved off-street parking spaces, not including required handicap parking spaces, or parking spaces required to fulfill the minimum requirements of the

principal use, unless the hours of operation of the principal use do not coincide with those of the food truck. A minimum of two additional parking spaces shall be provided adjacent to the food truck. Vending carts shall not operate within a vehicular use area or impede the safe movement of vehicular and pedestrian traffic.

b. Operation Standards

(i) Shall not exceed 45 days per calendar year, and not more than 1 consecutive day per parcel.

(ii) Shall only operate between 7:00 AM and 11:00 PM, Sunday through Thursday, and 7:00 AM and midnight, Friday through Saturday.

(iii) Shall not solicit business from pedestrians or persons in vehicles, or sell to persons in vehicles.

(iv) Shall provide one trash receptacle and one recycling receptacle in a convenient location a maximum of three feet of the mobile food truck which does not impede pedestrian or vehicular traffic. All liter or debris generated within a minimum 25 foot radius of the food truck shall be collected and removed by the operator.

(v) No outdoor seating shall be allowed except for seating that may already be located on the parcel that is not associated with the food truck.

(vi) Exterior lighting shall be provided to ensure the safety of patrons, and shall be so arranged so as to minimize illumination onto adjoining residential property and so as to prevent glare directed at vehicles on streets and alleys.

(vii) No signage other than exhibited on or inside the food truck shall be allowed. All signs must be secured and mounted against the food truck, and may not project more than six inches from the exterior of the food truck.

(viii) Shall comply with the city's Fats, Oils and Grease Management Program.

c. Private Catering

Food trucks may operate as a private caterer in accordance with the following:

(i) Service shall be limited to private guests of the catering event only. No walk-up customers shall be permitted.

(ii) Payment shall occur directly between the catering event host and the food truck operator. No payment transactions shall occur for individual orders.

(6) Outdoor Sales/Promotional Events

Displaying of wares, including for temporary parking lot sales, shall only be permitted in the NC, MU, CC, ENT, and D districts within the front or side parking area by temporary use permit provided the following conditions are met:

a. Shall be located within the confines of the retailer's owned or leased property;

b. A sub-lessee may not occupy a parking lot for the purpose of conducting independent sales activity;

c. Shall be located set back at least 25 feet from all property lines;

d. Shall not block any sight triangle or the view of on-coming traffic;

e. No merchandise shall not block any public pedestrian way and a minimum clearance width of three feet from any public sidewalk shall be provided;

f. No merchandise may be placed on landscaping or within three feet of either side or a working doorway or within 10 feet directly in front of a working doorway;

g. Minimum off-street parking requirements shall be maintained;

h. Merchandise shall not be hung resulting in a clearance less than eight feet above a pedestrian way. Additionally, any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm, including movement driven by the movement of air or by mechanical or electrical means.

i. This section shall not apply to the sale of motor vehicles, trailers, or boats; and

j. Hours of operation shall coincide with the hours of operation for the principal use

k. All merchandise shall be secured during non-operational hours

(7) Portable Storage Unit

a. A portable storage unit may be permitted on a residential premises subject to the following:

(i) A portable storage unit is intended to be used only for temporary storage. It is not intended to be used for long-term on-site storage and any such use in any zoning district is expressly prohibited.

(ii) The outside dimensions shall not exceed 16 feet in length, eight feet in width, and nine feet in height.

(iii) The unit must be placed on a paved surface. Portable storage units are prohibited on city streets or within any street right-of-way.

b. A portable storage unit may be placed on a non-residential zoned premises provided:

(i) It is located for a period of time not to exceed 30 consecutive days in duration from the time of delivery to the time of removal, up to maximum of two times per calendar year; and

(ii) The unit is located in a manner which does not hinder pedestrian or vehicular access to the premises and does not obstruct intersection sight distance.

(iii) In emergency situations, the planning and development director may extend the length of time a portable storage unit can be located on a site.

(8) Private Property Assembly Event

a. This category of temporary use may not be applied when any other temporary use standards are applicable. Event uses that include the use of public property are regulated as special events.

b. A temporary use permit is required when either:

(i) The private property assembly event is anticipated to displace more than 10 percent of the required parking for an existing residential use or 25 percent of the required parking for an existing non-residential use on the site, or

(ii) The private property assembly event requires a permit from either the Branson Fire Department or Police Department.

(9) Real Estate Sales Office

a. This use may be located in a “Model Home" or a portable building within the subdivision.

b. The planning and development director may order the use discontinued and in no event shall such temporary use continue after subdivision sales are 90 percent complete.

c. The permit shall identify specifically what is to be sold (i.e., the lots, condominium, apartment units, or dwelling units), the total number to be sold by unit type, and the specific lots and block of the development.

(10) Searchlights

a. A searchlight display is limited to two searchlights.

b. No searchlight shall be illuminated at any time when the angle between its beam and the ground surface is less than sixty degrees.

c. May not be located within 150 feet of a residential district.

d. Shall only be operated between 5:00 PM and midnight.

e. Shall not interfere with normal airport operations.

f. There shall be no advertising located on any part of the searchlight or its supporting structure.

(11) Seasonal Sales

a. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use. The use shall not operate as an accessory to a principal residential use on a lot. In addition, the use shall not be located on a lot which adjoins a residential use unless the lot is located on a major thoroughfare.

b. The use shall be located on an arterial street classification or higher.

c. The use shall not involve or require the construction of a permanent building. A portable building may be permitted on site and shall be removed within 48 hours of the expiration of the temporary use permit. Where required for security purposes as identified by the city, a recreational vehicle may be parked on the site for the duration of the use; the recreational vehicle used for security purposes may not be used as a residence.

d. Goods or merchandise displayed in conjunction with a seasonal sale shall not exceed nine feet in height

e. Any signage which identifies the use shall be in accordance with the temporary sign standards.

f. Five off-street parking spaces shall be provided for the use.

g. The use, including all sale items, parking and maneuvering shall observe a setback of 15 feet and sale items shall not be located in the sight distance triangle.

h. The operator is responsible for the removal of any vestige upon cessation of the seasonal sale, including signage.

(12) Sidewalk Display

The temporary, accessory outdoor display of goods shall be subject to administrative site plan review and shall meet all of the following requirements:

a. Shall be located within the property limits of the business from which it is being sold;

b. Shall not extend beyond the front of that business's building frontage;

c. Shall not extend more than ten feet outward from the front of the business's building;

d. Shall not be placed within, or interfere with any parking area or space(s);

e. Shall not block any sight triangle or the view of on-coming traffic;

f. Shall not block any pedestrian way and a minimum clearance width of three feet shall be provided;

g. Shall not be hung resulting in a clearance less than eight feet above a pedestrian way; and

h. Any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm, including movement driven by the movement of air or by mechanical or electrical means.

(13) Temporary Vehicle Washes

(14) Temporary Office

The authorization of a manufactured structure to be utilized in any district for commercial activities is subject to the following conditions:

a. Only when a valid and active building permit is in place for the construction of a permanent business structure.

b. The Board shall approve or disapprove the use of the manufactured structure for a year upon application for above business purposes. Any extensions to the first year will be at one-year increments and approved by the board by resolution.

Sec. 94-50 Special Events

(a) Permit Required

It shall be unlawful for any person to sponsor or knowingly participate in any special event without a special event permit issued by the planning and development director to the special event sponsor.

(b) Application for Permit

(1) Forms. The application form for a special event permit shall be available in the planning and development department.

(2) Special events application procedure. Applications for special events shall be submitted to the planning and development department a minimum of 15 days prior to the event for review by staff. Exceptions to the 15-day requirement may be granted at the discretion of the planning and development director.

(3) Information included in applications. The application for an event permit shall include:

a. The name and contact information of the applicant, and for any persons acting as sponsors of the special event who will be responsible for its conduct, staging, presentation or organizing. If the applicant is a company, corporation or civic organization, then the name of the company, corporation or civic organization, and names contact information of its directors and officers, shall also be included.

b. The purpose or description of the event, the estimated number of participants or those attending.

c. The dates the event is to be held, and the time it is to commence and terminate, including setup and shutdown times.

d. The location of the event, including a drawing or plan showing the entire location to be utilized by the event in relation to existing buildings, location within the parcel, drive areas, layout of parking areas, and the amount of space available for off-street parking.

e. The specific streets, or portions thereof, to be closed, if any, for the event.

f. A plan for and description of the use of event advertising.

g. A public notification plan.

h. Whether alcoholic beverages will be allowed, provided or sold by vendors during the event, and the plan or description for such allowance or provision for the purpose of assessing city police, fire, and finance department, and county health department responses.

i. A plan or description for the use of lighting, music, loudspeakers, a live band, or sound system, if any, during the event, and the type and location of speakers and other audio and lighting equipment.

j. The name and address of the security company, if any, engaged for the event, and a description of the duties to be performed.

k. A plan or description for fire protection for the event, including a map specifying the location of 18-foot fire lanes, water supply for fire control and the use of commercial tents.

l. A plan or description for emergency medical services for the special event.

m. A plan or description for the handling of food.

n. A plan or description for the compliance with the city's fats, oils and grease management program, including the location where the fats, oils and grease will be disposed of per this Code.

o. A plan or description for the use or allowance of animals during or as a part of the event.

p. A plan for the disposal of sanitary waste and sewage for the event, including toilet facilities, and the disposal of garbage, trash, and refuse.

q. Compliance with this Code relating to business licenses for the event.

r. For events to be located upon or require the closing or blocking of any street, alley, or road, or the use of any city-owned property or right-of-way areas, submission of an insurance policy in accordance with section 2-287. The policy shall not be canceled without 30 days' written notice to the city. The city shall be the named additional insured and the event sponsor shall execute a hold harmless agreement indemnifying the city.

s. A plan or description for compliance with the city's horse-drawn carriages for hire requirements per this Code and including the proposed route.

t. Any additional information which the planning and development director shall find reasonably necessary to make a fair determination as to whether a permit should be issued.

(c) Application for Permit Involving Closure of Streets

In addition to other provisions of this chapter:

(1) Any event requiring the closure of streets or roadways within the city shall require approval of the Board. Application for such an event must be submitted to the planning and development department a minimum of 90 days prior to the event, for review by staff. Exceptions to the 90-day requirement may be granted at the discretion of the city administrator.

(2) Once staff has done the review of the completed application, it will be submitted to the Board. Approval given by the Board shall be in the form of a resolution, stating any specific requirements or restrictions to be followed.

(d) Issuance of Permit; Conditions; Transfer; Expiration

(1) Granting or denial; conditions. Special event permits shall be granted or denied by the planning and development director, unless approval is required from the Board under this article and shall contain terms and conditions as may be deemed necessary to ensure a neat, safe and orderly event in accordance with the terms of this article. Such terms may include specific locations in which possession and consumption of alcoholic beverages will be confined, and regulations concerning prohibited noises.

(2) Transfer; expiration; effect of noncompliance. Special event permits are not transferable, and shall expire at the close of the last date of the event for which the permit has been issued. Failure of the sponsors of the event to comply with the terms and conditions of a special event permit and the applicable ordinances and laws of the state shall immediately void the permit.

(3) Standards for issuance. The planning and development director shall issue a special event permit as provided for in this section when, from a consideration of the application, upon the approval of the applicable city departments, including, without limitation, fire, police, and finance department, and approval of the county health department, and from such other information as may otherwise be obtained, he finds that:

a. The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location unless approved by the police chief;

b. The conduct of the event will not require the diversion of so great a number of police officers of the city to properly police the event and the areas contiguous thereto as to prevent police protection to the city unless approved by the police chief;

c. The conduct of such event will not require the diversion of so great a number of ambulances or emergency medical services not otherwise provided for by the event sponsor as to prevent normal ambulance and emergency medical service to portions of the city other than that to be occupied by the proposed event and areas contiguous thereto;

d. The concentration of persons, animals and vehicles at the location of the event will not unduly interfere with proper fire and police protection or ambulance and emergency medical services to the area of the event and the areas contiguous thereto unless approved by the fire chief and police chief;

e. The conduct of such event will not interfere with the movement of firefighting equipment en route to a fire unless approved by the fire chief;

f. The conduct of the event, as provided for by the submitted application and plans, is not reasonably likely to cause or create any significant public health risks unless approved by the county health department;

g. The conduct of the event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance beyond the capacity of the police department to protect the general public or those participating in the event; and

h. Verification that the information contained in the permit application by the event sponsor is true and does not omit any material detail for the consideration of the factors listed in this section.

(e) Notice of Denial of Permit; Appeal Procedure

(1) The planning and development director shall act upon the application for a special event permit within ten business days after the date filed. If the planning and development director disapproves the application, the denial shall be mailed to the applicant, within ten business days after the date upon which the application was filed, a notice of the action, stating the reasons for the denial of the permit.

(2) Any disapproval of a special event permit application must first be reviewed by the city administrator.

(3) Any person aggrieved by the decision of the planning and development director shall have the right to appeal the denial of a special event permit to the Board. The appeal shall be filed with the city clerk no later than 30 days after the date of the notice issued by the planning and development director. The Board shall hear the appeal of the applicant as an agenda item at a Board meeting, not to exceed 30 days after its receipt by the city clerk.

(f) Alternative Permit

The planning and development director, in denying an application for a special event permit, may issue an alternative event permit for the conduct of the event on a date, at a time, at a place or in a manner different from that named by the applicant. Any applicant desiring to accept an alternate permit shall, within five business days after notice of the action of the planning and development director, file a written notice of acceptance with the planning and development director. An alternative special event permit shall conform to the requirements of, and shall have the effect of, a special event permit under this chapter.

(g) Modification or Rescission of Permit

(1) The planning and development director may modify or rescind any special event permit for good cause, including, but not limited to:

a. A determination that any representation or statements by the event sponsor contained in the event permit application are false or misleading in any material detail.

b. A determination of noncompliance by the event sponsor of any terms or conditions of the permit.

c. A determination that the event as applied for and described upon the submitted plans may pose an immediate threat to public health, welfare or safety due to reasons including, but not limited to, weather conditions, overcrowding, traffic considerations, or violations of this Code or the laws of the state by the event sponsor.

d. A determination that the event sponsor is in violation of any ordinance.

(2) The appeal from the decision to modify or rescind a special event permit by the planning and development director shall proceed in accordance with this article, relating to the issuance of notifications, times and procedures to be followed.

(h) Responsibility for Expenses Incurred by City

The special event sponsors, and any other individuals or organizations named in the permit, may be responsible for any expenses incurred by the city as a result of their event. The city may require a deposit or bond prior to the issuance of a special event permit.

(i) Period of Operation; Duration

(1) Generally. Events shall take place only between the hours of 8:00 AM and 11:00 PM, Sunday through Thursday, and 8:00 AM and midnight, Friday through Saturday.

(2) Special events. Permits shall be valid for a maximum of five days within a consecutive 14-day period. A repeat special event shall not occur more frequently than once every 60 days.

(j) Duty to Restore Event Location

(1) Special event sponsors shall be responsible for the cleaning and restoration of the location the event occupies, and/or causes debris or litter upon, within 48 hours of the conclusion of the event, or at such other time as may be set forth in the permit, to the condition which existed prior to the event, and shall provide waste disposal receptacles and toilet facilities for use of those attending the event.

(2) Special event sponsors may be required to submit to the planning and development director a deposit for the cleaning and restoration of areas adjacent to the special event location by the public works department.

(k) Exempt Events

Any event sponsored by the city, as well as any emergency services program, military exercise simulation, funeral process, picketing, training drill, activities held inside a building or facility intended for such activities, or any governmental agency acting within the scope of its functions, shall be exempt from complying with the requirements of this chapter.

(l) Temporary Events

Any activity or event defined as a temporary event or regulated in this Chapter shall not be considered a special event.

(m) Event Advertising

(1) Event signage shall comply with this Code.

(2) Generally

a. Advertising shall not be installed without an approved event banner sticker from the planning and development department.

b. Weathered or torn advertisements shall not be permitted, and staff of the planning and development department may remove any event advertising in violation of this subsection.

c. The advertising shall not block any line of sight and must not be located within a right-of-way.

d. Depending on the location of the advertising, special restrictions may apply, including, but not limited to, restricted distance from the right-of-way or pavement and restricted angle of the advertisement facing the road.

e. Special events. Special event advertising shall be installed for a maximum of seven days, in addition to the days of the event, and a maximum of two days after the event. Each event may have a maximum of three off-premises and one on-premises event advertisements.

Sec. 94-51 Nonconformities

(a) Nonconforming Uses

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter or amendments to this chapter, the use may be continued so long as it remains otherwise lawful, provided:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

(2) No such nonconforming use shall be moved, in whole or in part, to any portion of the parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

(3) If any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(b) Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, parcel coverage, height, yard, site location on the parcel, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to any extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(c) Nonconforming Uses of Structures and Land in Combination

If lawful use of structure and land in combination exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

(1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such a building.

(3) If no structural alterations are made, any nonconforming use of a structure and land may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making finding in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

(4) Any structure and land in combination, in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(5) When a nonconforming use of a structure and land in combination is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), they shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(d) Repairs and Maintenance

(1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent of the current replacement cost of the nonconforming structure or portion

of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, or rebuilt except in conformity with the regulations of the district in which it is located.

(3) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(e) Special Use Provisions Not Nonconforming Uses

Any use which is permitted as a special use in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

(f) Annexed Property

When territory, which is the subject of a current Division I, Division II or Division III permit previously issued by the county, is annexed into the city, such territory shall be deemed zoned within the city in accordance with the land use authorized under such Division I, Division II or Division III permit. Following annexation, such territory shall be developed in accordance with the density, parking, building height, building construction and landscaping regulations of the city.

Article V Off-Street Parking

Sec. 94-52 Purpose

The purpose of this section is to promote safe access, regulate the amount and location of vehicle parking and maneuvering areas in order to promote a more efficient use of land, enhance urban form, encourage the use of alternative modes of transportation, provide for better pedestrian movement, and protect air and water quality. The provisions of this section are intended to:

(a) Prevent and alleviate the congestion of public streets;

(b) Encourage the incorporation of alternative modes of transportation by emphasizing pedestrian circulation and establishing requirements for bicycle parking;

(c) Minimize the detrimental effects of vehicular use areas on adjacent properties;

(d) Promote the health, safety, and public welfare by establishing minimum requirements for off-street parking and loading areas; and

(e) Limit parking to encourage more compact, walkable developments.

Sec. 94-53 Applicability and Location

(a) Scope of Regulations

(1) Off-street parking space shall be provided for all new buildings and structures, for changes in use which increase the capacity, available gross floor area, intensity of use, or other unit of measurement specified herein, and for additions to existing structures.

(2) The term "addition" as used in this subsection shall include any alteration intended to enlarge or increase capacity by adding or creating dwelling units, guestrooms, floor area or seats.

(3) Required parking space for the structure with addition may include existing parking space from the original form of the structure, and must be the same as for a new structure when completed.

(4) Any building completed, and in use at the time of passage of the ordinance from which this article is derived, shall not be required to furnish any additional parking spaces that may be required by this chapter. When the use of a structure is in any way altered, all restrictions of this code shall pertain.

(5) Accessory off-street parking and loading facilities in existence on the effective date of this Code, and located on the same lot as the building or use served, shall not hereafter be reduced below the requirements of this section for a similar new building or use. If such existing facilities are already below the required amount, they shall not be hereafter further reduced.

(b) Location of Parking

(1) Generally

a. Parking spaces required for dwellings shall be located on the same parcel or site as the main dwelling and located either in a garage or on a paved driveway or parking area.

b. New parking spaces created in residential districts after the effective date of these regulations shall not occupy any part of any required front yard except for the driveway. Parking on a non-paved surface in the front yard is prohibited.

c. Parking in commercial and mixed-use districts shall be located to the side or rear of the primary structure. One double-loaded row of surface parking may be allowed between the front of a commercial structure and the front setback provided 50% additional landscaping is provided pursuant to this chapter.

d. Parking spaces shall be reserved for the sole use of the occupants and employees of the building and their visitors. However, churches, theaters, stadiums, auditoriums and other similar places of assembly may make arrangements for joint use of parking space with other uses herein specified.

(2) Structured Parking

The off-street parking required by this section may be located in a parking structure, whether on the same or on a different lot than the uses which it serves. Such structure shall be subject to the following:

a. Ground floor parking provided in a parking structure shall be landscaped and screened, insofar as practicable, from surrounding uses and from public view. In addition, for uses located on the same lot as the structure, the conditions required for shared parking shall apply. For uses located on a different lot as the structure, the conditions required for off-site parking shall apply.

b. Parking structures with ground floors that are not completely wrapped with commercial, office, institutional, public uses, or civic uses on the side facing an intersection (except sides abutting alleys) shall not:

(i) Abut street intersections or public/civic use areas or

(ii) Occupy sites that are the terminus of a street vista.

(c) Off-Site Parking

All off-street parking areas for any use shall be provided on the same lot as the use it serves. However, parking may be allowed on another lot where there are practical difficulties in the location of the parking area or if public safety or public convenience, or both, are better served by a remote location. Off-site parking shall be approved by the planning and development director and shall comply with the following standards:

(1) Same Ownership

The parking area is located on land under the same ownership as the use it serves, or a recorded easement in perpetuity that has been established for the use of an off-site location for parking and filed with city clerk and county recorder.

(2) Distance Between Off-Site Parking Area and the Proposed Use

a. Off-site parking for multiple-family dwellings shall not be located more than 200 feet from any normally used entrance of the principal use served.

b. Off-site parking for nonresidential or mixed uses shall not be located more than 300 feet from any normally used entrance of the principal use served.

c. The above distances shall be measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

(3) No Undue Hazard

The off-site parking area shall be convenient to use without causing unreasonable:

a. Hazard to pedestrians,

b. Hazard to vehicular traffic,

c. Traffic congestion,

d. Interference with commercial activity or convenient access to other parking areas in the vicinity,

e. Detriment to the appropriate use of business lands in the vicinity, or

f. Detriment to any abutting residential neighborhood.

Sec. 94-54 Off-Street Parking Standards

(a) Computation of Required Off-Street Parking Spaces

(1) Fractions

When measurements of the number of required parking spaces result in fractions, the space standard shall be rounded upward to the next highest whole number.

(2) Different Use Areas

Except as provided for in this section, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.

(3) Combinations of Uses

If the planning and development director determines that a proposed use represents a combination of uses listed in Table 94-54.1, Off-Street Parking Standards, the parking space standards shall be those that would apply if the two (or more) uses were developed separately, unless the planning and development director determines that a lower standard would be adequate because of differences in peak operating hours pursuant to this chapter.

(4) On-Street Parking

Except as permitted as part of an approved Alternative Parking Plan, on-street parking on streets, shall not be used to satisfy the off-street parking standards of this subsection.

(5) Parking Based on Seating

When the standards use seating as a unit of measurement, all calculations shall be based on the occupant load of the areas used for seating.

(6) Parking Based on Floor Area

Except as provided for in this section, when the standards use amount of square footage in buildings as a unit of measurement, all calculations shall be based on gross floor area minus 10 percent except as may hereinafter be modified.

(7) Parking Based on Occupants

Except as provided for in this section, when the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum fire-rated capacity.

(8) Fleet Parking

For the purpose of calculating parking requirements, fleet vehicle parking spaces shall not count against either the minimum or maximum requirements.

(b) Determination by Planning and Development Director

(1) Parking standards for uses not specifically listed in Table 94-54.1, Off-Street Parking Standards, shall be determined by the planning and development director based on the standards for the closest comparable use or by reference to standard parking resources published by the National Parking Association, the American Planning Association, or similar organization.

(2) The planning and development director may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(c) Off-Street Parking Spaces Required

Off-street parking spaces shall be provided in accordance with Table 94-54.1, Off-Street Parking Standards. Where this table does not specify a parking requirement, the standards of Section 94-54(d) apply.

Table 94-54.1: Off-Street Parking Standards

Use	Parking Requirements
Household Living	Dwelling Unit = du
Dwelling	Gross Floor Area = GFA
Single-Family, Detached	2 per du
Single-Family, Attached (3 or more units)	2 per du
Single-Family, Duplex	2 per du
Single-Family, Patio Home	2 per du
Multi-Family	1 per studio; 1.5 per 1 br; 2.0 per 2 br; 2.5 per 3 br; 2.5 + .5 for each br more than 3
Home-Based Occupation	As required for dwelling type and Sec. 94.47(c)
Live/Work	1 plus parking for work use
Loft	1 per du
Manufactured Home	2 per du
Modular Housing	2 per du
Mobile Home	Per 94-47(e)
Group Living	
Congregate Living Facility/Senior Housing	1 per 2 beds plus 1 per 100 sf of assembly area
Group Home	1 per 4 beds plus 1 per 100 sf of assembly area
Nursing, Convalescent, and Rest Home	1 per 2 beds plus 1 per 100 sf of assembly area
Shelter Care Facility	1 per 4 beds
Civic and Institutional	
Community Services	
Cemetery and Mausoleum	94-54(e)
Civic, Social, and Fraternal Organizations	1 per 300 sf GFA
Community Center	1 per 250 sf GFA
Cultural Institutions, Public	1 per 400 sf GFA
Government Offices and Facilities	1 per 300 sf gfa of space used by the public + 1 per 600 sf gfa of space not used by the public
Public Service Facilities	94-54(e)
Religious Assembly	1 space per 5 seats, plus 1 space per 50 sf of gfa of assembly area without seats, plus additional spaces as required for accessory uses based on parking standards for such use. If no fixed seating, then based on maximum capacity under the provisions of the International Building Code.
Day Care	
Family Day Care Home	94-46(c)
Group Day Care Home	94-46(c)
Child Care Center	1 per 400 sf gfa, plus 1 additional per 800 sf gfa for pickup/delivery

Table 94-54.1: Off-Street Parking Standards

Use	Parking Requirements
Educational Facilities	
School, Primary or Secondary, Public or Private	Elementary Schools: 2 per classroom; Middle Schools: 2 per classroom; High Schools: 6 per classroom and 1 per 300 sf of administrative office space
School, Vocational-Technical and Trade	1 per 300 sf of enclosed floor space
University or College	1 per 300 sf of enclosed floor space
Health Care Facilities	
Alcohol and Drug Abuse Treatment Facility	1 per 1,000 sf GFA
Hospital	1 per 2 beds based on maximum capacity, plus 1 per 350 sf of office and administrative area, plus parking as required for accessory uses
Medical and Dental Clinics and Offices	1 per 250 sf gfa
Urgent Care Facility	1 per 200 sf GFA treatment plus 1 per 300 sf GFA remaining area
Parks and Open Space	
Park and Playground	94-54(e)S
Athletic Area	94-96(d); Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.
Public Recreation Areas and Facilities	94-96(d); Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.
Transportation	
Airport and Passenger Terminal	1.0 per 400 sf GFA passenger terminal area
Bus Garaging and Equipment Maintenance	1.0 per 2,000 sf GFA for indoor and outdoor storage areas plus 1 per 300 sf GFA interior office
Bus Terminal	1.0 per 200 sf GFA
Utility	
Utility	
Major Facilities/Service Yard	94-54(e)
Minor Facilities/Office	94-54(e)
Wireless Communication Facility	
Antenna and Antenna Support Structure	None
Telecommunications Tower and Facility	1 per location
Commercial	
Animal Sales and Service	
Pet Grooming	1 per 300 sf GFA
Pet Shop	1 per 300 sf GFA
Kennels	1 per 1,000 sf GFA
Shelter	1 per 1,000 sf GFA
Stables (commercial)	1 per 5 stalls
Veterinary Services	
Indoor Only	4 per 1,000 sf GFA
With Outdoor Facilities	Indoor plus 1 per 1,000 sf outdoor GFA
Office	
Business and Professional	3 per 1,000 sf GFA
Recreation and Entertainment, Outdoor	
Amusement Park or Theme Park	1 per 1,000 sf GFA
Golf Course	4 per hole plus 2.5 per 1,000 sf GFA in club house

Table 94-54.1: Off-Street Parking Standards

Use	Parking Requirements
Recreation and Entertainment, Outdoor	1 per 1,000 sf GFA
Marina	.75 spaces per boat slip plus parking as required for other uses
Recreation and Entertainment, Indoor	
Amusement Parlor/Arcade	9 per 1,000 sf GFA
Fortune Telling and Palm Reading	1 per 250 sf GFA
Recreation and Entertainment, Indoor	1 per 250 sf GFA
Theater	.25 per seat
Commercial Services	
Adult Entertainment	1 per 250 sf GFA
Commercial Parking	None
Eating and Drinking	
Brewery, Distillery or Winery	1 per 100 square feet of floor area accessible to customers
Food Truck Court	94-46(d)
Microbrewery	1 per 250 sq. ft. of floor including outside dining/drinking areas.
Restaurant	1 per 250 sq. ft. of floor including outside dining/drinking areas.
With Drive-Thru	Restaurant plus stacking spaces, see Section 94-54(j)
Financial Services	
All Financial Services	1 per 400 sq. ft. of floor area plus stacking as necessary, see Section 94-54(j)
General Commercial Services	1 per 500 sf GFA
Off-Premises Contacts (OPC)	1 per 250 sf GFA
Retail Sales and Personal Services	
Personal Services	
Personal services	1 per 250 sf GFA
Dry Cleaner/Laundromat/ Laundry	1 per 250 sf GFA plus stacking as necessary, see Section 94-54(j)
Retail	
General Retail, no drive-thru, up to 100,000 sf GFA	4 per 1,000 sf GFA
100,00-399,999 sf GFA	3.8 per 1,000 sf GFA
400,000 sf and greater	3.6 per 1,000 sf GFA
With drive-thru	Stacking requirements 94-54(j)
Home Supply and Lumberyard	1.5 per 1,000 sf GFA
Plant Nursery and Greenhouse	1.5 per 1,000 sf GFA
Vehicles and Equipment	
Car Wash	Stacking requirements 94-54(j)
Vehicles	
Rental Services	1.5 per 1,000 sf GFA
Repair Services	1.5 per 1,000 sf GFA
Sales	1.5 per 1,000 sf GFA plus 0.7 per 1,000 sf open air display up to 4,500 sf plus 0.2 per each additional 1,000 sf open display or storage area
Gasoline Service Stations	1.8 per 1,000 sf GFA, minimum 5 spaces

Table 94-54.1: Off-Street Parking Standards

Use		Parking Requirements
	Accessory Car Wash	Stacking requirements 94-54(j)
	Electric Vehicle Charging Station	none
Truck Stop		1 per 200 sf of building area (excluding car wash area) and required stacking spaces per 94-54(j)
Lodging Establishment		
Bed and Breakfast Inn		1 per guest room in addition to those required for principal residence
Campground & Vehicle Park		RV: 1 per RV parking space plus 1 per each 10 RV parking spaces Campground: 1 per 350 sf w/in campground area plus 1 per 10 campground spaces
Hotel and Motel		1 per guest room or residence unit up to 100 units, then .75 per unit over 100; 50% of spaces may be counted to satisfy parking requirements of accessory uses
Timeshare Unit		Unit with 2 or fewer bedrooms, not lock-off: 1 per unit Unit with 2 or fewer bedrooms with lock-off: 1.5 per unit Unit with three or more bedrooms: 2 per unit
Industrial		
Industrial Service and Manufacturing Assembly		
All uses		94-54(d)
Energy Production and Natural Resource Extraction		
All uses		94-54(d)
Wholesale, Storage, and Distribution		
All uses		94-54(d)
Waste and Salvage		
Automobile Parts Recycling Business		94-54(d)
Recycling Collection Facility		94-54(e), minimum 2 spaces
Agricultural		
All uses		94-54(e)

(d) Off-Street Parking Standards for Selected Service and Industrial Uses

Uses that reference this subsection in Table 94-54.1, Off-Street Parking Standards, shall provide the minimum number of spaces identified in Table 94-54.2, Off-Street Parking Standards for Selected Service and Industrial Uses:

Table 94-54.2: Off-Street Parking Standards for Selected Service and Industrial Uses

Use or Activity		Required Number of Spaces
Office or administrative area		1.0 space per 300 square feet
Indoor sales area		1.0 space per 200 square feet
Indoor storage, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 square feet of floor area	1.0 space per 250 square feet
	3,001-5,000 square feet of floor area	1.0 space per 500 square feet
	5,001-10,000 square feet of floor area	1.0 space per 750 square feet
	10,001or more square feet of floor area	1.0 space per 1,250 square feet
Outdoor sales, display, or storage area (3,000 square feet or less)		1.0 space per 750 square feet

Table 94-54.2: Off-Street Parking Standards for Selected Service and Industrial Uses	
Use or Activity	**Required Number of Spaces**
Outdoor sales, display, or storage area (more than 3,000 square feet)	1.0 space per 1,000 square feet
NOTE: The total number of required spaces is cumulative based on the variety of different functions present in a single use.	

(e) Uses with Variable Parking Demand

Uses that reference this subsection in Table 94-54.1, Off-Street Parking Standards, have widely varying parking demand characteristics making it difficult to establish a single off-street parking standard. Upon receiving a development application for a use subject to this subsection, the planning and development director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking standards on the basis of a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the planning and development director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

(f) Maximum Parking Spaces Allowed

(1) Applicability

Off-street vehicle parking spaces shall not be provided in an amount that is more than the amount specified in Table 94-54.1 unless the maximum parking requirement is waived or mitigated as provided in this section.

(2) Maximum Parking Calculation Exceptions

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:

a. Accessible parking;

b. Vanpool and carpool parking;

c. Spaces with electrical vehicle charging stations, up to a maximum of two per 50 parking spaces;

d. On-street parking adjacent to the lot or lots on which the parking located; and

e. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

(3) Maximum Parking Waiver

a. Parking Demand Study

Requests to exceed the maximum parking requirement shall be accompanied by a parking demand study demonstrating how the maximum number of parking spaces specified in Table 94-54.1 is insufficient for the proposed development.

b. Review Criteria

A waiver to the maximum parking requirement may be allowed by the planning and development director in situations that meet the following criteria:

(i) The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;

(ii) The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;

(iii) The request is the minimum necessary variation from the standards; or

(iv) If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

(4) Design Requirements for Excess Parking

Parking that is provided in excess of the maximum parking requirement shall be required to include increased internal landscaping and incorporate pervious pavement as described below.

a. Pervious Surfaces

Where parking spaces in excess of the maximum specified in Table 94-54.1 are constructed, an area equal to the total area required for the number of spaces that exceed the maximum parking requirement shall be constructed of pervious surfaces as approved by the city Engineer.

b. Additional Trees and Landscaping

(i) Applicants that request parking that exceeds the number of spaces required by Table 94-54.1 shall provide additional parking lot trees and landscaping as follows:

Table 94-54.3: Additional Landscaping Requirement for Overparking

Amount of Excess Parking Requested Over Maximum (percent)	Additional Landscaping (percent)
5	5
6-10	10
11-15	15
16-20	20

a. Any required additional landscaping shall be distributed throughout the site as determined by the planning and development director and in accordance with Table 94-54.3. The additional landscaping shall be integrated with the parking lot and site design.

b. Where the provision of additional landscaping is restricted for infill and redevelopment projects due to site constraints, the applicant may provide sidewalk amenities or streetscape features as determined by the planning and development director. Acceptable amenities shall have a value equal to or greater than the price of the additional landscaping features required in Table 94-54.3, and may include but are not limited to:

(i) Sidewalk planters between the parking area and building, or the parking area and the street;

(ii) Public art including but not limited to sculptures, fountains, clocks, or murals; or

(iii) Decorative fencing (such as wrought iron) around the perimeter of the parking area provided with seasonal plantings.

(g) Exceptions and Adjustments

(1) Change in Permitted Uses

A permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces provided:

a. The applicant provides the maximum amount of parking spaces possible without being required to remove or partially remove a structure.

b. If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking spaces necessary towards fulfilling the requirements of Table 94-54.1.

(2) Small Use Exception

Any individual use in a space that is 2,000 square feet or smaller shall be exempt from the minimum parking requirement of Table 94-54.1 except for uses in the Eating and Drinking use category.

(3) Shared Parking

a. Where two land uses listed in separate use categories in Table 94-45.1 share a parking lot, parking lots, or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 94-96.4, Shared Parking. Total off-street

parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 94-96.4. For example, where a development includes both (a) civic and (b) retail sales uses, the amount of parking required is the sum of the parking required for the two uses divided by 1.3. The minimum parking requirements listed in Table 94-54.1 may be adjusted as follows:

Table 94-54.4: Shared Parking

(Add the two parking requirements and divide by these factors)					
Property Use	**Multi-Family or Group Living**	**Civic, and Institution**	**Eating & Drinking, Entertainment, or Visitor Accom.**	**Retail Sales**	**Office**
Multi-family or Group living	-	1.1	1.1	1.2	1.3
Civic	1.1	-	1.2	1.3	1.3
Eating and Drinking, Entertainment, or Visitor Accommodation	1.1	1.2	-	1.3	1.7
Retail Sales	1.2	1.3	1.3	-	1.2
Office	1.3	1.5	1.7	1.2	-

b. Shared parking spaces shall be located within 500 linear feet of the primary entrance of all uses served as measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk. Such distance shall not apply if a remote parking shuttle bus service is provided. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.

(4) Reduced Need Populations

a. The required minimum number of off-street parking spaces may be reduced by 33 percent for any group living use or multi-family use in which occupancy of at least 80 percent of the units is restricted for use by those 60 years of age or older.

b. The required minimum number of off-street parking spaces may be reduced by 50 percent for any group living use or multi-family use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of "handicapped" individuals under the federal Fair Housing Act Amendments.

(5) Bus Transportation

When a commercial establishment can document (to the satisfaction of the planning and development director) that a notable percentage of their customers will be transported to and from their premises in buses, the planning and development director may approve the substitution of bus spaces for required parking spaces. Bus spaces must be a minimum of ten feet in width and 36 feet in length, shall be unobstructed from the surface up to a height of at least 15 feet, shall be so located to ensure the furthest possible distance from any adjacent residential area, and shall be clearly marked. Unless the commercial establishment adopts a policy and posts a notice that buses are banned from idling during the time passengers are in the establishment, no more than ten total bus spaces may be located in one single location on an approved parking lot. When approved by the planning and development director, one bus parking space may be substituted for 11 required parking spaces to a maximum of ten total bus spaces in lieu of a maximum of 110 total required parking spaces. No substitution of required parking spaces shall be approved for any bus spaces in excess of ten.

(6) Tandem Parking with Valet

An off-street parking program utilizing limited tandem parking for commercial uses shall comply with the following standards:

a. The development served shall provide 75 or more parking spaces;

b. No more than 30 percent of the total number of spaces shall be designated as tandem; and

c. A valet parking attendant must be on duty during hours of operation.

(h) Bicycle Parking

(1) Required Number of Spaces

Bicycle parking shall be provided as follows:

Table 94-54.5: Required Bicycle Parking

Use	Bicycle Parking Spaces [1]
Multiple-family	2 or 1 per 20 units
Group home	1 per 4 bedrooms
Office	2 or 1 per 40,000 sq. ft. (net area)
Commercial sales and service	2 or 1 per 5,000 sq. ft. (net area)
Community use (non-utility)	2 or 1 per 10,000 sq. ft. (net area)
Schools	2 per classroom
Notes: [1] Whichever measurement results in the higher number of spaces.	

(2) Design and Location

Bicycle parking facilities shall include a rack or storage facility (e.g., locker) that enables bicycles to be secured. Where racks are used, they shall meet the following standards:

a. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;

b. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and

c. The rack must be securely anchored.

d. Bicycle racks and storage facilities shall be accessible without moving another bicycle.

e. Bicycle racks and storage facilities shall be located in convenient, visible, well-lit areas with easy access and near main entrances of all commercial, residential, and institutional buildings. Such locations shall be clearly noted with signage.

f. The racks and storage facilities shall be located so they do not interfere with pedestrian traffic and shall be protected from potential damage by motor vehicles.

g. Bicycle parking shall not be within any required landscape area nor interfere with any pedestrian pathway.

(i) Loading Areas

A permanently maintained usable off-street loading space shall be provided on the same parcel when structures for the following uses are erected, established or altered:

(1) Hospitals or similar institutions with a gross floor area (GFA) of 10,000 square feet or more shall provide one space, exclusive of ambulance space.

(2) Hotels and office buildings with a GFA of 10,000 square feet or more shall provide one space.

(3) Undertakers and funeral parlors shall provide one space for each 5,000 square feet of GFA.

(4) All commercial and industrial uses with a GFA of 5,000 square feet or more shall provide one space for the first 25,000 square feet, and one additional space for each 50,000 square feet GFA thereafter, or any portion thereof.

(j) Vehicle Stacking Areas

The following standards shall apply to businesses that contain a drive-through establishment, regardless if the drive-through is part of another use (e.g., restaurant or financial institution), or if it is a stand-alone use (e.g., automatic teller machine).

(1) General Standards

a. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 250 feet of any residential dwelling unit.

b. No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers served in vehicles shall be parked to the sides or rear of the principal building.

c. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

(2) Stacking Space and Lane Requirements

Stacking lanes shall comply with the following design standards:

a. Drive-through stacking lanes shall have a minimum width of eight feet and length of 20 feet.

b. The first position in a drive through station, located at the window, is counted as a stacking space.

c. When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.

d. Stacking lanes shall be set back 25 feet from right-of-ways.

e. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

f. The number of required stacking spaces shall be as provided for in Table 94-96.6, Stacking Space Requirements. See Figure 94-96.A for an illustration of stacking spaces:

Table 94-54.6: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Retail Sales, Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	Pick-Up Window
Full Service Vehicle Washing Establishment	6	Outside of Washing Bay

Table 94-54.6: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Self-Service or Automated Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the planning and development director	

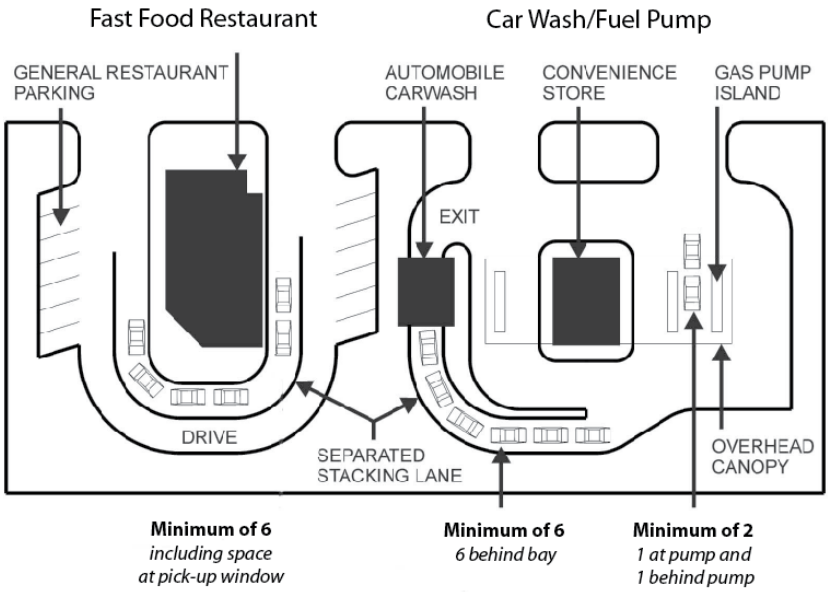


Fig. 94-54.A: Stacking Lanes

(k) Access

(1) All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance. The city Engineer may determine that a right in, right out entrance is permitted closer than fifty feet from an intersection.

(2) The entrance to a stacking lane shall be located so as to avoid conflicting with the street access.

(3) Access driveways on a corner site shall be located as far as possible from the abutting street intersection.

(4) Pedestrian/barrier-free access to building entrances shall provide direct pedestrian links to main parking areas and public sidewalks that do not pass through a stacking lane.

Sec. 94-55 Off-Street Parking Design Standards

(a) Stall Size and Driveways

The required minimum area for off-street parking spaces and the required minimum area for driveways or other access serving off-street parking spaces shall be as follows:

(1) The first ten spaces and 80 percent of the spaces over and above the first ten must be nine-foot by 19-foot "full-size" spaces.

(2) Twenty percent of the required off-street parking spaces over and above the first ten required spaces may be provided in eight-foot by 16-foot "compact" spaces.

(3) All compact spaces must be permanently marked for "compacts only."

(4) The required minimum area for compact and full-size off-street parking spaces and the required minimum area for driveways and other access serving off-street parking spaces are shown in the charts which are included in this chapter.

(b) Design and Materials

(1) Mixed-Use and Non-Residential Development

a. Except as provided in this Code, off-street parking spaces shall be surfaced with either:

(i) A minimum of two inches of asphalt over a four-inch gravel base;

(ii) Five inches of concrete; or

(iii) Interlocking concrete paver stones of strength equal to five inches of concrete.

b. All parking areas shall provide concrete curb and gutter that meets the city engineering specifications.

c. All surfacing shall be over an approved compacted subgrade and shall be graded so as to eliminate drainage problems.

d. Parking or storage areas used exclusively for heavy construction equipment, such as track-loaders, cranes, bulldozers, road graders, track-hoes and other similar large heavy construction machinery or machinery with steel-track propulsion, may be surfaced with a compacted granular material or gravel of sufficient depth to prevent mud or silt from leaving the site. These parking areas shall be enclosed with a solid fence, no less than six feet in height.

e. Each space shall be equipped with wheel guards when necessary to prevent vehicles from extending beyond the boundary of the space and from coming in contact with other vehicles, walls, fences or plantings. In addition to wheel guards, any abrupt

change in elevation, at a height of 18 inches or greater, shall require the provision and installation of guard rails in compliance with all adopted codes and ordinances of the city.

(2) Residential Development

Parking areas as required for dwellings shall be surfaced with either:

a. A minimum of two inches of asphalt; or

b. Four inches of concrete.

c. All surfacing shall be over an approved compacted subgrade and shall be graded so as to eliminate drainage problems.

(c) Off-Street Parking Design and Dimensional Tables

Internal stall and driveway layout shall conform to the following standards:

(1) Full-Sized Cars

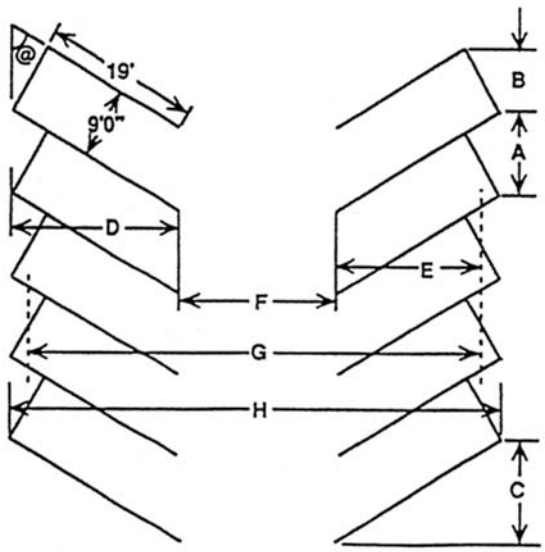


Fig. 94-55.A: Layout and Dimensions for Full-Size Car

Table 94-55.1: Full-Size Car, 9 feet by 19 feet								
	A	B	C	D	E	F	G	H
At Parking Angle (degrees)	Curb Length per Car (feet)	Curb Length Short Dimension (feet)	Curb Length Long Dimension (feet)	Stall to Back Rows (feet)	Stall to Curb (feet)	Aisle Width (feet)	Back to Back Rows (feet)	Total Width (feet)
0	23.0'	0.0'	23.0'	9.0'	9.0'	12.0'	30.0'	30.0'
20 [1]	26.3'	3.1'	17.9'	15.0'	10.8'	11.0'	32.5'	41.0'
30 [1]	13.0'	4.5'	16.5'	17.3'	13.4'	11.0'	37.8'	45.6'
40 [1]	14.0'	5.8'	14.6'	19.1'	15.7'	12.0'	43.3'	50.2'
45	12.7'	6.4'	13.4'	19.8'	16.6'	13.0'	46.2'	52.6'
50	11.7'	6.9'	12.2'	20.4'	17.5'	12.0'	47.0'	52.8'
60	10.4'	7.8'	9.5'	21.0'	18.8'	18.0'	55.5'	60.0'
70	9.6'	8.5'	6.5'	21.0'	19.5'	19.0'	57.9'	61.0'
90	9.0'	9.0'	0.0'	19.0'	19.0'	23.0'	61.0'	61.0'
Notes:	[1] Must be approved by City Engineer							

(2) Compact Cars

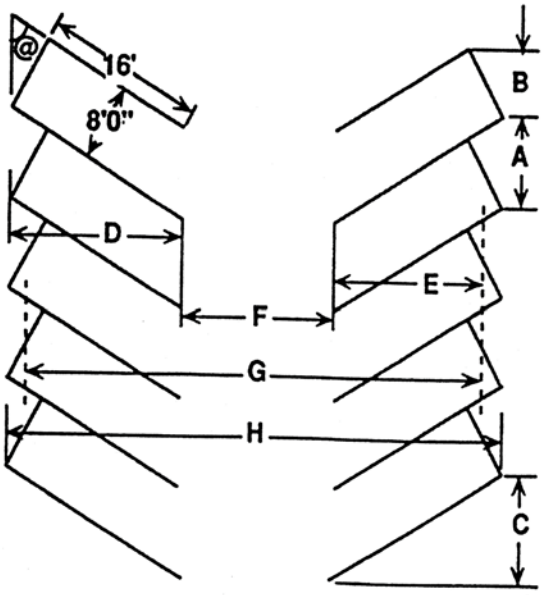


Fig. 94-55.B: Layout and Dimensions for Compact Car

Table 94-55.2: Compact Car, (8 feet by 16 feet)								
	A	B	C	D	E	F	G	H
At Parking Angle (degrees)	Curb Length per Car (feet)	Curb Length Short Dimension (feet)	Curb Length Long Dimension (feet)	Stall to Back Rows (feet)	Stall to Curb (feet)	Aisle Width (feet)	Back to Back Rows (feet)	Total Width (feet)
0	21.0'	21.0'	21.0'	8.0'	8.0'	11.0'	27.0'	27.0'
20 [1]	24.0'	3.0'	37.0'	13.0'	9.4'	10.0'	28.8'	36.0'
30 [1]	16.0'	4.8'	26.0'	15.0'	11.5'	10.0'	33.0'	40.0'
40 [1]	12.5'	5.1'	18.8'	16.4'	12.2'	11.0'	37.6'	43.8'
45	11.5'	5.8'	11.5'	17.0'	14.0'	12.0'	40.0'	46.0'
50	10.3'	6.1'	14.8'	17.6'	14.8'	13.0'	40.6'	46.2'
60	9.5'	7.0'	10.0'	18.0'	16.0'	17.0'	49.0'	52.0'
70	9.0'	8.0'	6.6'	18.0'	16.5'	18.0'	51.0'	54.0'
90	8.0'	8.0'	0.0'	16.0'	16.0'	21.0'	53.0'	53.0'
Notes:	[1] Must be approved by City Engineer							

(d) Loading Area Dimensions, Design, and Materials

(1) Each off-street loading space shall be at least 53 feet in length and ten feet in width, and shall be unobstructed from the surface up to a height of at least 15 feet.

(2) Off-street loading spaces shall be surfaced with either:

a. A minimum of two inches of asphalt over a four-inch gravel base; or

b. Six inches of concrete.

(3) All surfacing shall be over an approved compacted subgrade and shall be graded so as to eliminate drainage problems. Each space shall be equipped with wheel guards when, in the opinion of the city engineer, they are necessary to prevent vehicles from extending beyond the boundary of this space and from coming into contact with other vehicles, walls, fences or plantings. In addition to wheel guards, any abrupt change in elevation, at a height of 18 inches or greater, shall require the provision and installation of guard rails in compliance with all adopted codes and ordinances of the city.

(4) Lighting provided for off-street loading spaces shall be so arranged so as to minimize illumination onto adjoining residential property and so as to prevent glare directed at vehicles on streets and alleys.

(5) Off-street loading spaces shall be located in such a way that no part of the vehicle will occupy an adjacent street or sidewalk, when the spaces are being used to load or unload a vehicle.

(e) Completion

(1) Off-street parking to be in place prior to occupancy permit. All parking lot surfacing and striping shall be completed in accordance with this section prior to issuance of the certificate of occupancy. If seasonal limitations prevent completion and, if security as described in this subsection is provided, a temporary certificate of occupancy may be issued by the planning and development director.

(2) Security in the form of cash, a performance bond, cashier's check, or irrevocable letter of credit acceptable to the city equal to the cost of the parking lot surfacing and striping shall be provided by the permittee prior to issuance of the certificate of occupancy. Upon completion of the parking lot surfacing and striping and with final approval by the planning and development director, the security will be returned to the permittee. In addition, the permittee shall be required to provide a construction easement, in a form acceptable to the city engineer, prior to issuance of certificate of occupancy. Should the permittee fail to complete, by the date required upon the temporary certificate of occupancy, the parking lot surfacing and striping as required by the plan submitted and approved, the city may use said security to complete the parking lot surfacing and striping as required by the plan or revoke the temporary certificate of occupancy, or both. Any excess funds from the security not used to complete the parking lot surfacing and striping shall be returned to the permittee.

(f) Failure to Comply

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, resurface or restripe any off-street parking lot or facility regulated by this code, or cause same to be done in a manner that is in conflict with or in violation of any of the provisions of this code, or without first obtaining a permit from the planning and development department.

Sec. 94-56 Parking Lot Landscaping and Lighting

(a) Lighting

Lighting provided for off-street parking spaces shall be so arranged so as to minimize illumination onto adjoining residential property and so as to prevent glare directed at vehicles on streets and alleys.

(b) Parking Lot Landscaping

The following landscaping requirements shall be met for all off-street surface parking lots, except those in the D and ENT districts as provided below.

(1) Perimeter Landscaping

a. Perimeter parking lot landscaping a minimum width of ten feet shall be required for all parking lots having more than three spaces where the parking lot is adjacent to a public street or a non-retail or industrial use such as a residential area, institutional use (e.g., hospital), or office.

b. The parking lot perimeter landscaping shall include one canopy tree per 50 lineal feet of landscape area. Where the calculation of the number of trees results in a fraction, the number shall be rounded up to the nearest whole number. Trees shall be planted at evenly spaced intervals along the perimeter landscape area to the greatest extent practicable. The remainder of the landscape area shall be grass, ground cover, or shrubs. No more than 20% of the landscape area shall be mulch, decorative rocks, or other non-living materials. The use of concrete is not permitted in the landscape area.

c. Where lots are being developed in a mixed-use district, the parking lot perimeter landscaping requirement may be reduced along an interior lot line, at the discretion of the planning and development director, provided that interior parking lot landscaping applies to both parking lots.

(2) Curbs

Landscaped areas within parking lots, or along the perimeter of the property, must be protected from vehicular traffic through the use of permanent barriers. Barriers can be made of concrete curbs, large stones, bollards, or other rigid, permanent systems, not including asphalt curbs. If the barriers are continuous, adequate breaks, as determined by the city Engineer, shall be designed to allow runoff inflows to enter the landscape area while still providing adequate protection from traffic.

(3) Internal Landscaping Design

Landscape islands shall be installed for every row exceeding 15 parking spaces, either within the parking row or at the end of the parking row and shall be designed as follows:

a. Be a minimum of eight feet in width.

b. Be at least 200 square feet.

c. Allow for runoff capture.

d. Have a minimum of four, five-gallon deciduous shrubs and one canopy tree that is a minimum of two and one-half inch caliper per 200 square feet.

e. Incorporate perennials and grasses for seasonal color.

f. Contain a minimum of 50 percent living landscaping material, with a maximum of 50 percent nonliving landscaping material. Approved sidewalks are not counted toward the non-living landscape material percentage.

g. Internal landscape strips shall be installed between the parking rows of every other double row of parking when parking rows exceed 50 parking spaces, and shall meet the following standards:

(i) Be a minimum of 10 feet in width and shall extend the length of the parking row.

(ii) Include a four- foot wide sidewalk and a six-foot wide planting strip.

(iii) Meet planting requirements for interior landscape islands, as outlined above.

(4) Sight Distance Triangle

A site distance triangle within the off-street parking area must be established at street intersections by maintaining a maximum height for shrubs and ground cover of 30 inches. No obstructions are permitted in the site distance triangle including tree branches that must be trimmed within eight feet of the ground. All applicable sight distance requirements must be met for parking lot internal circulation and access points to the public right of way.

(c) Parking Lot Landscaping in the D and ENT Districts

Any boundary of a surface parking lot in the D and ENT districts that abuts a public street, the 76 Promenade, public alley, or lot used for detached residential dwellings, shall be landscaped according to this subsection.

(1) Corner-lot buildings with side-yard parking, the boundary between the parking lot and the street-facing side property line shall be landscaped or screened adjacent to the right-of-way according to one of the following options:

a. A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern; or

b. A minimum two-foot-wide planting strip containing an ornamental metal fence or masonry wall, with a minimum height of three and one-half feet and a maximum height of four feet, combined with a single row of evergreen shrubs planted a minimum of three feet on-center.

(2) For all other parking lot boundaries, the boundary shall be landscaped or screened according to one of the following options:

a. A minimum two-foot-wide planting strip containing a single row of shrubs planted a minimum of three feet on-center combined with a minimum three-foot high ornamental metal fence or masonry wall of materials compatible with the primary structure. In the place of shrubs, deciduous shade trees may be planted a minimum of 10 feet on-center along the common boundary line; or

b. A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern.

(3) As applicable, landscaping materials shall be planted on the side of the fence/wall closest to the street, alley, or residential property.

(4) The interior landscaping requirements of Section 94-98(b)(3) shall apply to all parking areas that meet the applicability standards of that section.

Sec. 94-57 City Planning Commission

(a) Appointment of Planning Commission and Adoption of Plan

The Board shall adopt, amend, and carry out the city plan and appoint a Planning Commission with the powers and duties as described in this article.

(b) Members of Planning Commission

The Planning Commission shall consist of 11 members, including the mayor, if the mayor chooses to be a member, one member of the board appointed by the mayor and approved by the board annually during its first organizational meeting, and nine citizen members appointed by the mayor and approved by the board. All citizen members shall serve without compensation. The term of each citizen member shall be four years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in the membership shall be filled by appointment as above for the remainder of the expiring term. It shall be necessary for at least six members of the Planning Commission to be present at any meeting for the conduct of business, and a majority of those six members shall make a quorum to enact any business or pass upon recommendations.

(c) Elected Officers of Planning Commission and Meetings

The Planning Commission shall elect a chairperson, vice-chairperson, and secretary from among its citizen members. Their terms shall be for one year with eligibility for reelection. The Planning Commission shall hold regular meetings and special meetings as they provide by rules, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The Planning Commission shall appoint employees and staff as necessary for its work and may contract with city planners and other professional persons for the services that it requires. The expenditures of the Planning Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board.

(d) Planning Commission, Powers and Duties

The Planning Commission shall be guided by and set under the applicable laws of the state. The commission shall report on any and all proposed changes in the zoning code when adopted; shall review all proposed subdivisions of land; and may recommend plans and physical improvement programs for the city to the Board.

Sec. 94-58 Board of Adjustment

(a) Establishment and Membership of Board of Adjustment

A Board of Adjustment is hereby established, which shall consist of five members appointed by the board who are residents in the city. The membership of the first Board of Adjustment appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for a term of five years. Members of the Board of Adjustment may be removed from office by the board for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the board for the length of the unexpired term.

(b) Meetings

(1) The Board of Adjustment shall adopt rules necessary to the conduct of its affairs. The Board of Adjustment shall elect its own chairman who shall serve for one year. Meetings shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(2) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board of Adjustment for that purpose.

(c) Appeals to the Board of Adjustment

(1) Appeals to the Board of Adjustment concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the planning and development director or Planning Commission. Such appeals shall be taken within a reasonable length of time, not to exceed 30 days, or such lesser period as may be provided by the rules of the Board of Adjustment, by filing with the planning and development director a notice of appeal specifying the grounds thereof. The planning and development director shall forthwith transmit to the Board of Adjustment a copy of the record of the action being appealed.

(2) The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give seven days' public notice thereof as due notice to the interested parties, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless the planning and development director certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, or notice to the planning and development director from whom the appeal is taken and on due cause shown.

(d) Powers and Duties

The Board of Adjustment shall have the following powers and duties:

(1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, interpretation, or determination made by the planning and development director in the enforcement of this chapter.

(2) Variances—conditions governing applications, procedures. To authorize upon appeal in specific cases such variance from the bulk or area regulations of this chapter, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

a. A written application for a variance is submitted demonstrating:

(i) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other land or structures in the same district;

(ii) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(iii) That the special conditions and circumstances do not result from the actions of the applicant;

(iv) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district.

No nonconforming use of neighboring lands or structures in the same district, and no permitted or nonconforming use of land or structures in other districts, shall be considered grounds for the issuance of a variance.

b. Notice of public hearing shall be given as is outlined in the proceedings of the Board of Adjustment.

c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

d. The Board of Adjustment shall make findings that the requirements of subsection (2)(a) of this section have been met by the applicant for the variance.

e. The Board of Adjustment shall further make a finding that the granting of the variance is the minimum variance that will make possible the reasonable use of the land or structure.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this Code.

(3) The Board of Adjustment has powers of administrative officials on appeals—reversing of administrative official. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this title, reverse

or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

(4) The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decisions, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

(e) Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, department, or bureau of the city, aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record, in the manner provided by the laws of the state.

(f) Appeals and Variance Processing and Costs

(1) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the administrative official and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by state law.

(2) It is further the intent of this chapter that the duties of the board in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter, the board shall have only the following duties:

a. Considering the adopting or rejecting of proposed amendments or the repeal of this chapter, as provided by law; and

b. Establishing a schedule of fees and charges as stated below:

(i) Appeal fee. Application for an administrative appeal to the Board of Adjustment shall be made in writing to the planning and development department. Such application shall be accompanied by a fee in the amount provided in the city fee schedule to cover the cost of mailing and posting notices. An appeal shall be construed as having been perfected once the application and fee has been received.

(ii) Variance fee. Application for a variance to a piece of property from the zoning code shall be made in writing to the planning and development department by the owner of the property or with the written permission of the property owner. Such application shall be accompanied by a fee in the amount provided in the city fee schedule.

(iii) Other fees. To defray costs of proceedings prescribed in this article, fees shall be paid upon the filing of each application for posting and publishing all notices before the Board of Adjustment as required by law.

Sec. 94-59 Enforcement, Violation and Penalty

(a) Violations; Penalties

(1) In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of state statute, or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of the state statute.

(2) The owner or general agent of a building or premises where a violation of any provision of this chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall, upon conviction, be punishable by section 1-13.

(3) Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of the state statute, in the respect named in such order shall also be subject to a civil penalty of $250.00.

Sec. 70-230 Generally

(a) Purposes

The purposes of these temporary sign regulations are as follows:

(1) Enhance opportunities for visual communication, including promoting the legibility of such communications;

(2) Create a more attractive economic and business climate within the city;

(3) Enhance and protect the physical appearance of all areas of the city; and

(4) Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs.

(b) Allowed on Private Property Restrictions

Temporary signs,[1] including, but not limited to, those specified within this article are allowed on private property provided they meet the following requirements:

(1) The sign conforms to all requirements of this chapter,

(2) The sign does not interfere with automobile traffic or pedestrians,

(3) The sign is not placed in the public right-of-way,

(4) Only one sign is permitted per corner of an intersection and it shall be placed at least 10 feet from the edge of the street pavement,

(5) When a sign placed on private property, is done with the express permission of the property owner, and

(6) The sign is not a public danger or nuisance during high winds or inclement weather.

(c) Permits

(1) Required. A temporary sign permit is required unless otherwise specified within this article.

[1] We will add the following definition for temporary signs: "A sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, (2) if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure that is permanently installed."

(2) Display duration

a. Unless otherwise defined within this article, the display of temporary signs shall be limited to a maximum of 30 days per address, cumulative total per calendar year.

b. The 30-day per address cumulative total per calendar year requirement shall be restarted when a business at a specific address changes ownership within any given year.

(3) Number of signs. Unless otherwise specified in this section, a maximum of one temporary sign shall be allowed per premises at any time.

(4) Printing and placement. Signs may be printed on both sides or two-single sided banners may be placed back-to-back. V-type configurations are not allowed.

(5) Permit sticker. A permit sticker will be provided and shall be placed on the sign where visible.

(d) Location

Unless otherwise specified within this article, temporary signs may only be placed on the parcel for which the temporary sign permit is issued.

(1) Except in the D and ENT districts, all temporary signs shall be located on private property, and setback from the front property line a minimum of ten feet.

(2) A-Frame signs shall be located within 10 feet of a pedestrian entrance, and shall be removed when the business is closed and during severe weather events.

(e) Removal

Temporary signs shall be subject to removal as provided in this chapter.

draft

Sec. 70-231 Permitted Temporary Signage

(a) Sign Types

(1) A-Frame Sign

A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shaped structure that tapers from a wide base to a narrow top. See Fig. 70-231.A.

Fig.70-231.A: A-Frame sign

(2) Banner Sign

A sign constructed of plastic or fabric of any kind that is attached to supports, a frame or a flat surface. See Fig. 70-231.B.

Fig. 70-231.B: Banner sign

(3) Yard Sign

A temporary sign placed upon, or supported by the ground independently of any other structure, but not including an A-Frame sign. See Fig. 70-231.C.

Fig. 70-231.C: Yard sign

(b) Temporary Signage Permitted by District

The following temporary signage is permitted by lot, by district, and by use:

Table 70-231.1: Temporary Signs: Maximum Sign Number and Area

Zone District	Land Use	Sign Type			Duration
		Yard	Banner	A-Frame	
Residential					
LDR MDR HDR	Single-Family, Two-Family, Rowhouse	Max. No.: 2 Max. Area: 6 sq. ft. per sign	Not permitted	Not permitted	30 days
HDR	Multi-family	Max. No.: 2 Max. Area: 6 sq. ft. per sign	Max. No.: 1 per street frontage Max. Area: 16 sq. ft.	Not permitted	30 days
Commercial					
NC MU	All	Max. No.: 1 per public street frontage. Max. Area: 32 sq. ft. per sign	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign	Max. No.: 1 per licensed business	30 days
CC	All	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign	Max. No.: 1 per licensed business	30 days
D	Commercial	Not permitted	Max. No.: 1 per lot Max. Area: 16 sq. ft. total	Max. No.: 1 per licensed business	30 days
	Residential	Not permitted	Max. No.: 1 per lot Max. Area: 8 sq. ft. total	Not permitted	30 days
ENT	All	Not permitted	Max: 1 per public street frontage	Max. No.: 1 per licensed business	30 days
Office and Industrial					
BUS, I	All	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign	Not permitted	30 days

(c) Downtown and Entertainment Districts

The following standards shall apply to temporary signs in the Downtown and Entertainment Districts:

(1) Yard signs are prohibited.

(2) A-Frame signs may be placed on the public sidewalk Downtown but shall be placed so they do not interfere with or impede the flow of pedestrian movement.

(d) Temporary Signage Permitted by Use

(1) Community Event Signs

Community events are local activities that do not otherwise qualify as a special event that are open to the public either by general invitation or through ticket sales or give-away and are planned for a time period of more than two hours but less than two days. .

a. A maximum of two banner signs may be issued in conjunction with a community event.

b. Signs may be placed no more than seven days before the event and shall be removed within two days after the event.

c. Banner signs shall be limited to 32 square feet in area. Yard signs shall not exceed 6 square feet in area per side. A-Frame signs are not permitted as a community event sign.

(2) Open House Signs

Temporary signs may be permitted in conjunction with a staffed real estate open house as follows:

a. Signs shall be located within a 1000-foot radius of the open house.

b. Signs may only be displayed on the same day as the open house event.

c. Open House signs are permitted in addition to the maximum of temporary signage permitted on a parcel.

(3) Real Estate Sale or Leasing Signs

One temporary sign permitted on a property that is subject to an active real estate sale or rental listing may remain posted on the site for the duration of the listing period.

(4) Special Event Signs

a. A maximum of four banner signs and 10 yard sign permits may be issued in conjunction with a special event permit.

b. The special event permit shall specify the installation and removal dates of the temporary signs allowed in conjunction with the permit.

draft

c. Banner signs shall not exceed 32 square feet of sign area per side. Yard signs shall not exceed six square feet in area per side.

d. Temporary signs permitted with a Special Event Permit may also be allowed in the community sign locations pursuant to Section 70-230(d).

Sec. 70-232 Temporary Signage Standards

(a) General

The following standards shall apply to all temporary signs:

(1) No more than two temporary signs in any combination shall be allowed for each parcel at any one time. The temporary sign permit application must be signed by the parcel's owner. If the parcel has more than one business who wishes to put up signs at the same time, the parcel owner must determine who can display the signs.

(2) Temporary signs shall not be used as a method to circumvent the regulations that apply to permanent signs, or to add a permanent sign to a parcel in addition to the permanent signage permitted on that parcel.

(3) Temporary signs shall not be illuminated.

(4) Temporary signs shall not contain any digital components or a changeable message component or mechanism.

(5) Display of temporary signs is calculated on a calendar year from January to December. Temporary sign permits must be renewed annually.

(b) Temporary Substitute Signage for Damaged Permanent Signs

In the event that a permanent sign is substantially damaged through fire, natural disaster, or similar emergency, or in the case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary sign may be allowed for display for a period of time not exceeding 60 days. Temporary signage is limited to a maximum of 32 square feet per address, unless the temporary signage is affixed to any wall face of the main structure. When temporary signage is affixed to any wall face of the main structure, the maximum size of temporary signage may be increased to allow for a maximum coverage of 20 percent of the area of the wall face to which it is affixed. In no case shall any temporary signage exceed a maximum size of 250 square feet.

draft