

# SECTION

## 20

### CONDITIONAL USES

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#### **Section 20-1. Application of Conditional Uses**

**20-1.01** Recognizing that certain uses may be desirable when located in the City but that these uses may be incompatible with other uses permitted in a district, certain Conditional Uses listed herein, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted by Conditional Use Permit, except as otherwise specified, in any district from which they are not prohibited.

**20-1.02** Before the location or establishment of, or before any changes in a Conditional Use Permit, the application procedures, site plan requirements, public hearing requirements and actions as outlined in these regulations shall be followed. All applications for Conditional Use Permits shall be reviewed by the Planning Commission. The Commission shall make a recommendation to the Board of Aldermen, which may approve, approve conditionally or deny the application for a Conditional Use Permit.

**20-1.03** In case a protest against such Conditional Use Permit is presented, duly signed and acknowledged (properly notarized) by the owners of thirty (30) percent or more, either of the areas of land (exclusive of streets and alleys) included in such proposed permit, or within an area determined by lines drawn parallel to and one hundred eighty five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.

**20-1.04** The City may, within the specifications herein provided, permit such buildings, structures or uses where requested. In considering any application for a conditional use permit, the City shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the City, including but not limited to, the following factors:

1. The stability and integrity of the various zoning districts;

2. Conservation of property values;
3. Protection against fire and casualties;
4. Observation of general police regulations;
5. Prevention of traffic congestion;
6. Promotion of traffic safety and the orderly parking of motor vehicles;
7. Promotion of the safety of individuals and property;
8. Provision for adequate light and air;
9. Prevention of overcrowding and excessive intensity of land uses;
10. Provision for public utilities and schools;
11. Invasion by inappropriate uses;
12. Value, type and character of existing or authorized improvements and land uses;
13. Encouragement of improvements and land uses in keeping with overall planning; and
14. Provision for orderly and proper renewal, development and growth.

In this regard, the City may impose reasonable conditions on the approval of a Conditional Use Permit. Such conditions may include a provision approving a Conditional Use Permit limited to an individual property owner or owners alone or a provision approving a Conditional Use Permit for a specific period of time.

**20-1.05** Upon approval of a Conditional Use Permit, the Zoning District Map shall be changed in the manner outlined in Section 23 of these regulations.

### **Section 20-2. Conditional Uses Enumerated**

**20-2.01** The following conditional uses may be approved by the City as provided in this section in the following zoning districts. If no zoning district is listed after a particular conditional use, it may be placed in any zoning district consistent with the procedures contained in these regulations.

1. Amusement Parks and Race Tracks in districts Neighborhood Commercial (NC), and Industrial (M).
2. Auction facilities in districts Neighborhood Commercial (NC), and Industrial (M).

3. Auditoriums, arenas, exhibit halls, assembly rooms and athletic fields in districts Neighborhood Commercial (NC), and Industrial (M).
4. Aviation fields and airports, including helicopter pads and helicopters in the Industrial (M) district.
5. Boat sales in districts Neighborhood Commercial (NC), and Industrial (M).
6. Bed and breakfast homes with or without a related tearoom in the Low Density Residential (R-1), Medium-Density Residential (R-2) and High-Density Residential (R-3) districts.
7. Car washes in districts Neighborhood Commercial (NC), Highway Commercial (HC), and Industrial (M).
8. Cemeteries, crematories and mausoleums.
9. Commercial and retail uses that are not permitted by district regulations.
10. Communications towers in all districts except Low Density Residential (R-1), if they conform to the following performance standards, in addition to any other standards contained in or referenced in these regulations:
  - a. The tower is to be a freestanding monopole design without guy wires and designed for the co-location of three (3) telecommunications antennas. The color of the tower shall be blue, gray, galvanized steel or similar color.
  - b. Only basic security lighting shall be permitted and shall not result in glare on adjacent properties. A lighting ring chart shall be provided as part of the final site plan submitted for the tower.
  - c. The design of the tower and associated facilities shall maximize the use of building materials, textures, screening and landscaping to blend the tower effectively into the surrounding setting and built environment and to have a neutral aesthetic impact. All building exteriors shall be masonry; no metal buildings are permitted.
  - d. Landscaping is required to screen any equipment from adjacent property. Barbed, razor or similar types of wire are prohibited on the tower site.

- e. Because the technology in personal communication services is advancing so rapidly that in five (5) years a tower may perhaps be lowered or removed, a Conditional Use Permit shall be for a term not to exceed five (5) years. The applicant may seek to renew the permit.
- f. Access drives to the site must be asphalt or concrete and be at least twelve (12) feet wide.
- g. Any tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide a copy to the City of any federal notice requiring the ceasing of operations. The owner shall have ninety (90) days in which to remove the tower from the date operations cease. In the case of multiple users of a single tower, this provision shall not become effective until all users cease operations. The equipment on the ground shall not be removed until the tower has been dismantled and removed from the site.
- h. An applicant for a Conditional Use Permit for a tower shall provide technical data to show the demand for the tower at the proposed location and the need to maintain the integrity of the entire communication system.
- i. Only one (1) tower shall be located within a one (1) lineal mile radius of the center of the base of the communications tower. However, a tower may be located within the one (1) mile radius of another tower if a technical study acceptable to the City proves there are no suitable sites available within that distance. Multiple providers are encouraged to use a tower.
- j. Communications providers are encouraged to work to develop a network of towers that all providers share to minimize disruption to the community, to limit the number of towers and to speed up the approval process for tower installations.
- k. No tower shall be situated within three hundred (300) feet of any residential structure.
- l. A tower and antenna structure can be placed on a building in any appropriate zoning district, provided the structure does not exceed the height of the building by more than twenty-five (25) feet.
- m. New technologies and designs, known as stealth designs, that disguise towers and antenna structures to mitigate intrusion on the built environment and comply with current City development regulations will be considered on a case-by-case basis.

- n. Towers may be permitted in residential zones other than R-1 only if they can be incorporated into or disguised as part of an existing building, attached to or be part of a utility installation, or attached to a building and provide a neutral aesthetic impact to surrounding neighborhoods.
  - o. No tower shall be situated so that if a tower falls it would strike or cause damage to any power line, or so that any part of the tower exceeds the parameters of the property after the tower has fallen.
11. Condominium dwelling houses containing more units than a two-household condominium in the High-Density Residential (R-3) district. The declaration and all details of covenants, by-laws and administrative provisions pertinent to the maintenance of all buildings, structures, land, and other physical facilities shall be reviewed and approved by the Planning Commission prior to the issuance of a building permit.
  12. Dance halls, discotheques, and night clubs in districts Neighborhood Commercial (NC), Highway Commercial Corridor (HC), and Town Square Overlay District (TS).
  13. Dormitories and fraternity or sorority houses in districts Medium-Density Residential (R-2) and High-Density Residential (R-3).
  14. Drive-through restaurants in districts Neighborhood Commercial (NC), and Industrial (M).
  15. Dwelling units constructed on a second or higher story of a building in conjunction with commercial uses established on the first floor of such structures in district Central Business District Overlay (CBD).
  16. Elderly housing structures not otherwise permitted by Section 7 of these zoning regulations.
  17. Financial institutions in districts Neighborhood Commercial (NC), and Industrial (M).
  18. Fortune tellers, palm readers, psychics, tarot card readers and similar uses in district Neighborhood Commercial (NC).
  19. Fraternal club, service club, private club and/or tavern.
  20. Golf-driving ranges or miniature golf courses, commercial or illuminated, in districts Neighborhood Commercial (NC), and Industrial (M).

21. Government buildings, police stations, emergency medical service facilities, fire stations, except in the Neighborhood Commercial (NC) district where these uses are allowed by right.
22. Dwelling used for large group living in the Low Density Residential (R-1) and Medium Density Residential (R-2) Districts, subject to the following requirements or approved by the Board of Aldermen as a requirement of the conditional use permit:
  - a. No more than sixteen (16) total residents at any one time.
  - b. The applicant must demonstrate that the use will be consistent with the residential character of the neighborhood by presenting information regarding:
    - i. The number of residents.
    - ii. The number of employees.
    - iii. The number of additional vendors or service providers anticipated to visit the home each day, week, and month including but not limited to pharmacy deliveries, barbers, therapists, doctors, food deliveries, transportation of residents, and special activity providers.
    - iv. The total number of vehicle trips to and from the home per day, including all of the above.
  - c. At least 500 square feet for every five (5) residents, of contiguous, compact outside recreation area in the rear yard of the premises must be available for outside recreation.
  - d. Rear yard must be fenced with a fence at least sixty (60) inches in height.
  - e. Parking: Parking shall be met by off-street parking areas not located in a required front yard, as determined by the requirements of the zoning district.
  - f. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.
  - g. No traffic shall be generated between the hours of 10:00 P. M. and 6:00 A. M. in greater volumes than would normally be expected in a residential neighborhood.
  - h. A dwelling used for large group living shall not be located within twelve hundred (1200) feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

- i. A dwelling used for large group living must otherwise comply with all requirements of the base zoning district.
- j. A dwelling used for large group living must be licensed by the state of Missouri and continuously maintain a current license with the State of Missouri, if applicable.

23. Outdoor Gun Clubs in the Industrial (M) district.

24. Hospitals in a Planned District, and subject to such conditions as the Board of Aldermen may require as part of the approval of a conditional use permit.

25. Junk yards or salvage yards in the Industrial (M) district, provided:

- a. The junk yard or salvage yard occupies a minimum lot size of ten (10) acres.
- b. All such uses shall be located at least three hundred (300) feet from a boundary line or five hundred (500) feet from a boundary line if the property adjoins land in districts Low Density Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3) and Elderly Housing Residential District (RE).
- c. All such uses shall be completely surrounded on all sides by a fence or wall at least eight (8) feet high. The fence or wall shall be of uniform height, uniform texture and color and shall be maintained so as to insure maximum safety to the public, obscure the junk or salvage from normal view of the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may be piled so as to exceed the height of this enclosing fence or wall.
- d. No materials shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the fence or wall.
- e. No hazardous or toxic materials shall be stored or handled in a junkyard or salvage yard unless they are located in such use(s) on a temporary basis not to exceed ninety (90) days until other disposal can be arranged.

26. Kennels in districts Neighborhood Commercial (NC), and Industrial (M) provided:

- a. The kennel occupies a minimum lot size of five (5) acres.

- b. No kennel building or runs shall be located nearer than two hundred (200) feet to any property line.
  - c. All kennel runs or open areas shall be screened completely from view around such areas or at the property lines to prevent the distraction or excitement of the animals.
  - d. All kennel runs shall be surrounded by a fence of at least eight (8) feet in height.
  - e. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.
  - f. All state licensing and operation requirements are met.
27. Multi-household dwellings, either constructed originally as multi-household structures or converted from structures originally intended for other purposes (e.g., duplexes).
28. Outdoor storage uses in districts Neighborhood Commercial (NC), and Industrial (M).
29. Penal, reformatory or other correctional uses in districts Neighborhood Commercial (NC), and Industrial (M).
30. Pre-schools, nursery schools, childrens day care or facilities of five (5) persons but not more than ten (10) persons in the districts Low-Density Residential (R-1), Medium-Density Residential (R-2) and High-Density Residential (R-3).
31. Public and private sanitary landfills not involving any hazardous or toxic waste material in the Industrial (M) District.
32. Public and private resource recycling centers not involving any hazardous or toxic waste material in districts Neighborhood Commercial (NC), and Industrial (M).
33. Residential care facilities in Low Density Residential (R-1) and Medium Density Residential (R-2) if they conform to the following performance standards, in addition to any other standards contained in or referenced in these regulations or approved by the Board of Aldermen as a requirement of the conditional use permit:
- a. No more than sixteen (16) total residents at any one time.

- b. The applicant must demonstrate that the use will be consistent with the residential character of the neighborhood by presenting information regarding:
    - i. The number of residents.
    - ii. The number of employees.
    - iii. The number of additional vendors or service providers anticipated to visit the home each day, week, and month including but not limited to pharmacy deliveries, barbers, therapists, doctors, food deliveries, transportation of residents, and special activity providers.
    - iv. The total number of vehicle trips to and from the home per day, including all of the above.
  - c. At least 500 square feet for every five (5) residents, of contiguous, compact outside recreation area in the rear yard of the premises must be available for outside recreation.
  - d. Rear yard must be fenced with a fence at least sixty (60) inches in height.
  - e. Parking: Parking shall be met by off-street parking areas not located in a required front yard, as determined by the requirements of the zoning district.
  - f. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.
  - g. No traffic shall be generated between the hours of 10:00 P. M. and 6:00 A. M. in greater volumes than would normally be expected in a residential neighborhood.
  - h. No residential care facility may be located within twelve hundred (1200) feet of another residential care facility, or dwelling used for group living, large or small, as measured from the nearest property line to the nearest property line.
  - i. The residential care facility must be licensed by the State of Missouri and continuously maintain a current license with the State of Missouri.
34. Residential or outpatient facilities for the treatment of alcohol or drug abuse, subject to the requirements of the base zoning district and such conditions as the Board of Aldermen may required as part of the approval of the conditional use permit. Such facilities must be in reasonable conformance with the general standards of the neighborhood.

35. Riding stable (private) in districts Neighborhood Commercial (NC), and Industrial (M), provided that it is located not less than one hundred (100) feet from the front lot line or less than thirty (30) feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each forty thousand (40,000) square feet of lot area, provided however, there is a minimum lot size of two (2) acres, and further provided, however, that when any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.
36. Riding stable and academy (public) in the districts Neighborhood Commercial (NC), and Industrial (M), providing no structure housing horses shall be located nearer than five hundred (500) feet to the boundary of any residential district with "R" in its title.
37. Schools, public or parochial and non-profit.
38. Service stations in districts Neighborhood Commercial (NC), Highway Commercial (HC), and Industrial (M). The term "service stations" means an establishment primarily engaged in the retail sale of gasoline or other motor fuels, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of motor vehicles.
39. Single-household dwellings, either constructed originally as single-household structures or converted from structures originally intended for other purposes (e.g., duplexes).
40. Swimming pools, public or commercial, in district Neighborhood Commercial (NC).
41. Tattoo parlors and body-piercing businesses in district Neighborhood Commercial (NC).
42. Two-household dwellings either constructed originally as duplexes or converted from structures originally intended for other purposes (e.g., single-household dwellings).
43. Vehicle and Equipment Rental in districts Neighborhood Commercial (NC), Highway Commercial (HC) and Industrial (M). The term "Vehicle and Equipment Rental" means an establishment engaged in the rental from the premises of:
  - a. Motorized vehicles
  - b. Trailers; or

- c. Equipment, including construction equipment, home improvement equipment or any rental equipment stored outside.

Typical uses include car rental and equipment rental businesses.

44. Vehicle and Equipment Sales in districts Neighborhood Commercial (NC), Highway Commercial (HC) and Industrial (M). The term "Vehicle and Equipment Sales" means an establishment engaged in the retail or wholesale sale, from the premises, of new or used:

- a. Motorized vehicles;
- b. Boats;
- c. Motorcycles;
- d. Trailers;
- e. Farm equipment; or
- f. Equipment including construction equipment, home improvement equipment or any other equipment stored outside

Typical uses include new and used automobile, motorcycle, truck or trailer sales, farm equipment, machinery, and/or equipment sales.

45. Vehicle Repair, General in the Industrial (M) District. The term "vehicle repair, general" means an establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

46. Vehicle/Equipment Storage Yard in the Industrial (M) District. The term "vehicle/equipment storage yard" means an outdoor area used or intended to be used for long-term storage of vehicles and equipment, other than a "Commercial Parking Lot" or accessory parking to principal use.

47. Veterinary and small animal hospitals with outdoor containment in districts Neighborhood Commercial (NC), Industrial (M).

48. Water towers.

### **Section 20-3. Continuance of a Conditional Use**

**20-3.01** A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of its authorization, as long as all conditions placed on it are met; however, if after a public hearing the City finds that a particular use ceases to exist for a period of six (6) months, or if the use is no longer in

compliance with the conditions placed upon such conditional use permit by the Planning Commission and/or the Board of Aldermen, the property forfeits its Conditional Use Permit. The Permit will not be allowed to exist again unless a new application is made, a public hearing held as provided for in these regulations and a new Conditional Use Permit approved.

**Section 20-4. Parking Regulations**

**20-4.01** Parking requirements for Conditional Uses shall be approved by the City. The following shall be taken into consideration when reviewing and approving parking requirements.

1. The use of the facility.
2. The square footage of the building.
3. The surrounding land uses and zoning districts.

**20-4.02** Where appropriate, the parking regulations of the underlying zoning district or the most analogous zoning district shall be followed.

**20-4.03** Additional parking requirements are contained in Section 22 of these regulations.