

Eastport

016976

Introduced by Hindman

First Reading 7-16-01

Second Reading 8-6-01

Ordinance No. 016976

Council Bill No. B 240-01

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located generally east of the present city limits, along both sides of I-70; placing portions of the property annexed in Districts R-1, R-2, C-P and C-3; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The City Council hereby finds that verified petitions were filed with the City on May 22, 2001, requesting the annexation of land which is contiguous and compact to the existing corporate limits of the City and which is described in Section 4 of this ordinance. The petitions were signed by the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on July 16, 2001. Notice of this hearing was published more than seven days prior to the hearing in two newspapers of general circulation qualified to publish legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation.

SECTION 2. The Council determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

SECTION 3. The Council determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

SECTION 4. The City Council hereby extends the city limits by annexing the land described in Section 1-11.84 of the Code of Ordinances of the City of Columbia, Missouri, which is hereby added to Chapter 1 of the City Code and which reads as follows:

Section 1-11.84. August, 2001 Extension of Corporate Limits.

Permanent Record
Filed in Clerk's Office

SECTION 10, TOWNSHIP 48 NORTH, RANGE 12 WEST EXCEPT THAT PART CONVEYED BY WARRANTY DEED RECORDED IN BOOK 468, PAGE 774 RECORDS OF BOONE COUNTY, MISSOURI ALSO EXCEPT A TRACT OF LAND CONTAINING 1.025 ACRES AS SHOWN BY SURVEY RECORDED IN BOOK 414, PAGE 38, RECORDS OF THE BOONE COUNTY AND CONVEYED TO THOMAS A. ALGIERE AND VIVIAN C. ALGIERE, HUSBAND AND WIFE BY DEED RECORDED IN BOOK 413, PAGE 528 RECORDS OF BOONE COUNTY.

TRACT E

THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 10, TOWNSHIP 48, RANGE 12, BOONE COUNTY, MISSOURI; EXCEPT THAT PART CONVEYED TO DAVID G. MCNEILL AND LORNA R. MCNEILL BY WARRANTY DEED DATED JANUARY 16, 1970, AND RECORDED IN BOOK 387, PAGE 15, RECORDS OF BOONE COUNTY, MISSOURI; AND

THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 10, TOWNSHIP 48, RANGE 12, BOONE COUNTY, MISSOURI.

TRACT F

A TRACT OF LAND CONTAINING 51.49 ACRES, MORE OR LESS, LOCATED IN THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TEN (10), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, OF THE FIFTH (5TH) PRINCIPAL MERIDIAN, IN BOONE COUNTY, MISSOURI, BEING SHOWN AND DESCRIBED AS TRACT ONE (1) OF THE SURVEY RECORDED JANUARY 18, 2000 AS DOCUMENT NO. 1033 IN BOOK 1593, PAGE 206, RECORDS OF BOONE COUNTY, MISSOURI.

A TRACT OF LAND CONTAINING 40.08 ACRES, MORE OR LESS, LOCATED IN THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER, (SE 1/4) OF SECTION TEN (10), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, OF THE FIFTH (5TH) PRINCIPAL MERIDIAN, IN BOONE COUNTY, MISSOURI BEING SHOWN AND DESCRIBED AS TRACT TWO (2) OF THE SURVEY RECORDED JANUARY 18, 2000 AS DOCUMENT NO. 1033 IN BOOK 1593, PAGE 206, RECORDS OF BOONE COUNTY, MISSOURI EXCEPT A STRIP OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 816, PAGE 992; THENCE S89°38'45"W, 15.37 FEET; THENCE

TRACT J

LOT 2 OF LOGAN ACRES ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED IN PLAT BOOK 11, PAGE 302 OF THE BOONE COUNTY RECORDS. CONTAINING 1.38 ACRES, MORE OR LESS.

SECTION 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the Clerk of Boone County, Missouri.

SECTION 6. The property described in Section 4 is in the Third Ward.

SECTION 7. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following property:

TRACT A

TWENTY-EIGHT (28) ACRES, MORE OR LESS, IN BOONE COUNTY, MISSOURI, BEING ALL THAT PART OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 10; TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, LYING SOUTH OF THE ST. CHARLES ROAD, EXCEPTING THEREFROM 15 ACRES, MORE OR LESS, CONVEYED TO CHESTER L. MCGEE AND WIFE BY DEED RECORDED IN BOOK 313, PAGE 19, AND 28 ACRES, MORE OR LESS CONVEYED TO GEORGE A. HOLDSWORTH, JR. AND WIFE BY DEED RECORDED IN BOOK 313, PAGE 427, BOONE COUNTY RECORDS.

will become a part of District R-1 (One-Family Dwelling District).

SECTION 8. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following property:

TRACT F-1

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1599, PAGE 712 AND BEING PART OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 10-48-12, BEING THE NORTHEAST CORNER OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206; THENCE WITH THE SECTION LINE AND THE EAST LINE OF SAID

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1599, PAGE 712 AND BEING PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 10-48-12, BEING THE SOUTHEAST CORNER OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206; THENCE WITH THE SOUTH LINE OF SAID TRACT 1, N88°59'10"W, 1335.66 FEET TO THE NORTHEAST CORNER OF LAKE OF THE WOODS SUBDIVISION PLAT 2, RECORDED IN PLAT BOOK 11, PAGE 35; THENCE WITH THE NORTH LINE OF SAID SUBDIVISION, S89°56'00"W, 1095.30 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206; THENCE WITH THE WEST LINE OF SAID TRACT 1, N0°04'00"W, 478.20 FEET; THENCE LEAVING SAID WEST LINE, N89°56'00"E, 2445.94 FEET TO THE EAST LINE OF SAID TRACT 1 BEING THE EAST LINE OF SAID SECTION 10-48-12; THENCE WITH SAID EAST LINE, S1°39'55"W, 503.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 27.16 ACRES

will become a part of District C-P (Planned Business District). Hereafter the property may be used for all of the permitted uses in District C-3 except farm machinery sales and services.

SECTION 11. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following property:

TRACT F-4

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1599, PAGE 712 AND BEING PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206, INCLUDING LOTS 101 THROUGH 108, LAKE OF THE WOODS SOUTH PLAT 1, RECORDED IN PLAT BOOK 34, PAGE 112 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 10-48-12, BEING THE SOUTHEAST CORNER OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206; THENCE WITH THE SECTION LINE AND THE EAST LINE OF SAID TRACT 1, N1°39'55"E, 503.62 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID SECTION LINE, S89°56'00"W, 2445.94 FEET TO THE WEST LINE OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206; THENCE WITH THE LINES OF SAID TRACT

NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI. BEING ACROSS PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 1593, PAGE 206 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 816, PAGE 992; THENCE S89°38'45"W, 15.37 FEET; THENCE N0°41'00"E, 305.03 FEET TO THE WEST LINE OF SAID TRACT 1; THENCE WITH SAID WEST LINE, S17°09'50"E, 85.96 FEET; THENCE S3°30'10"W, 223.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.13 ACRES.

will become a part of District C-3 (General Business District).

SECTION 13. This ordinance shall be in full force and effect from and after its passage.

PASSED this 6th day of August, 2001.

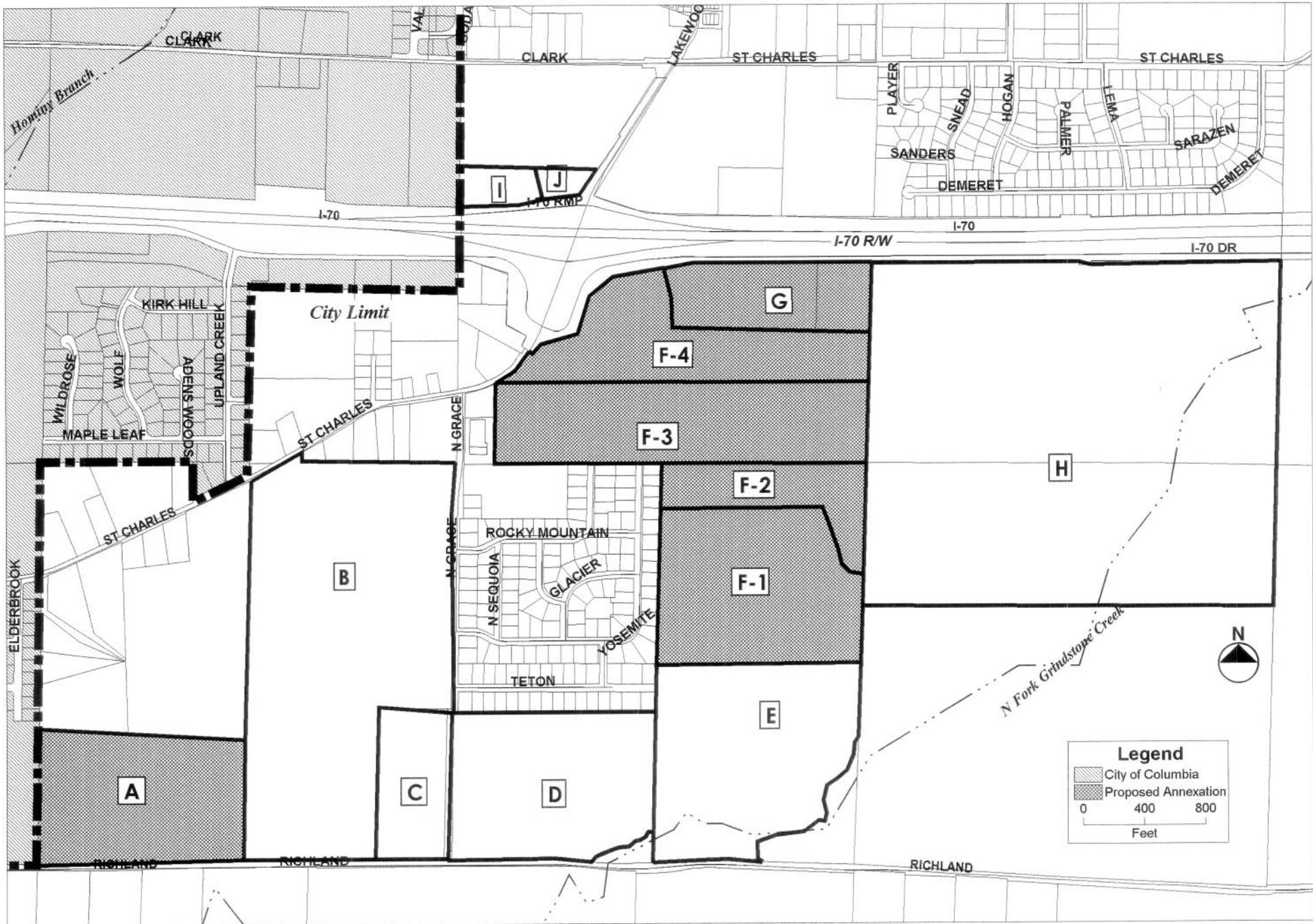
ATTEST:

Sherry Stouman
City Clerk

Larry Windman
Mayor and Presiding Officer

APPROVED AS TO FORM:

Fred Beckman
City Counselor



Proposed 'Lake of the Woods' Annexation Zoning

on or after December 17, 1991 shall be subject to the O-P regulations in effect at the time of filing.

- (2) An approved final O-P plan shall not be required to comply with O-P regulations adopted after the plan was approved.
- (3) Buildings constructed in accordance with an approved final O-P plan are lawful conforming uses.
- (4) Proposed revisions to final O-P plans approved under regulations in effect before December 17, 1990 shall be reviewed under the procedural provisions of this section.

Sec. 29-14. District C-1, Intermediate Business District.

(a) Purpose. This district is intended to provide commercial shopping and service facilities in or near a residential neighborhood. The principal land use is a small shopping area with sales and services oriented to the needs of a local population.

(b) Permitted Uses. In District C-1, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses (for exceptions, see Section 29-28, Non-Conforming Uses, and Section 29-31, Board of Adjustment):

All Permitted Uses in District O-1.

Alcoholic beverage sales by the package or as an accessory use to a restaurant.

Alcoholic beverage sales in the original package or by the drink on licensed premises shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of Chapter 4 of this Code.

Barber and beauty shops.

Buildings and premises for public utility services or public service corporations.

Cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used.

Laundries, coin operated.

Pet stores and grooming shops, for small animals.

Photographic service shops and studios.

Physical fitness centers, private gymnasiums and reducing salons.

Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower.

Radio and television sales and services.

Repair of household appliances.

Restaurants, cafes or cafeterias, which provide no form of entertainment.

Restaurants, cafes or cafeterias which provide live or recorded music, provided that such music is played indoors only and further provided that the music from any such restaurant, café or cafeteria shall not be plainly audible at the property line of the property on which the building housing such restaurant, café or cafeteria is located.

Schools operated as a business, except trade schools.

Shoe repair shops.

Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.

Accessory uses, including drive-up facilities, customarily incidental to any of the above uses.

Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-27 of this chapter.

(c) Conditional Uses. The following uses shall be permitted in District C-1 only after the issuance of a conditional use permit pursuant to the provisions of Section 29-23.

Assembly or lodge halls.

Bakeries.

Car washes, coin-operated or attendant-operated.

Halfway houses for not more than fifteen (15) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Halfway houses for young offenders for not more than forty (40) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, halfway houses and other halfway houses for young offenders.

Hospitals for small animals, if within an enclosed building.

Process laboratories within an enclosed building.

Research laboratories.

Self-service storage facilities, subject to the following conditions:

- (1) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
- (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-17 (d)(6).
- (3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
- (4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
- (5) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
- (6) Building heights shall be limited to fourteen (14) feet.
- (7) Loading docks shall be prohibited.

Service stations, provided all fuel storage tanks are located underground.

Trade schools.

(d) Height and Area Regulations. In District C-1, any building or portion of a building hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see Section 29-26, Height and Area Exceptions):

- (1) Lot Size. No minimum requirement.
- (2) Yards.
 - a. Front - Not less than twenty-five (25) feet.
 - b. Rear - Not less than ten (10) feet, except that no rear yard is required where the lot line of the rear yard abuts property in a nonresidential district.
 - c. Side - No minimum requirement, except that:
 1. On corner lots there shall be a side yard adjacent to the side street of not less than fifteen (15) feet; and
 2. Where a C-1 District abuts any residential district, there shall be a side yard of not less than ten (10) feet.
- (3) Height. Not over thirty-five (35) feet.
- (4) Vision. On any corner lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the street right-of-way lines.
- (5) Parking. (See Section 29-30, Off-Street Parking and Loading.)

(Code 1964, Sec. 19.162; Ord. No. 9958, Sec. 1, 10-3-83; Ord. No. 10041, Sec. 1, 1-3-84; Ord. No. 11702, Sec. 1, 12-7-87)

Sec. 29-15. District C-2, Central Business District.

(a) Purpose. This district is intended to provide for commercial facilities in the Central Business District. The principal land uses are retail sales, services, offices and public facilities.

(b) Permitted Uses. In District C-2, no building, land, or premises shall be used and no building shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses (for exceptions, see Section 29-28, Non-Conforming Uses, and Section 29-31, Board of Adjustment):

All permitted uses in District C-1, with the exception that dwelling units shall also be subject to Section 29-8(d)(6).

Armories.

Assembly and lodge halls.

Automobile repair facilities, provided that all repair shall take place within an enclosed building.

Bakeries.

Bars, cocktail lounges and night clubs.

Billiard halls and game arcades.

Bicycle repair shops.

Bus stations.

Car washes, coin-operated or attendant-operated.

Electrical repair shop.

Garment storage facilities.

Government buildings and facilities.

Hospitals for small animals, if within an enclosed building.

Hotels.

Laundries, commercial.

Lumberyards.

Multi-level, underground or covered commercial parking for automobiles and light trucks.

Newspaper Publishing Plants.

Printing Shops.

Process laboratories within an enclosed building.

Research laboratories.

Restaurants, cafes and cafeterias.

Service stations, provided all fuel storage tanks are located underground.

Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Sign painting shops.

Theaters, not including drive-in theaters.

Trade schools.

Wholesale sales offices and sample rooms.

Customary accessory uses including drive-up facilities, subject to the provisions of Section 29-27.

Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in District C-2 only after the issuance of a conditional use permit pursuant to the provisions of Section 29-23:

Halfway houses for not more than fifteen (15) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Mortuaries, which may include a crematory.

Uncovered, surface commercial parking for automobiles and light trucks, except for publicly-owned parking facilities.

Uncovered, surface off-street parking areas, except for publicly-owned parking facilities.

(d) Height and Area Regulations. In District C-2, any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see Section 29-26, Height and Area Exceptions):

(1) Lot Size. No minimum requirement.

- (2) Yards. No minimum requirement.
- (3) Building Height. No maximum height.
- (4) Vision Clearance. No requirement.
- (5) Floor Area. No minimum requirement.
- (6) Parking. (See Section 29-30, Off-Street Parking and Loading.)

(Code 1964, Sec. 19.163; Ord. No. 9958, Sec. 1, 10-3-83; Ord. No. 11702, Sec. 1, 12-7-87; Ord. No. 12088, Sec. 1, 12-12-88)

Sec. 29-16. District C-3, General Business District.

(a) Purpose. This district is intended to allow for a broad range of commercial activities that may often be oriented toward automobile access and visibility. The principal land uses are sales and service activities.

(b) Permitted Uses. In District C-3, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses (for exceptions, see Section 29-28, Non-Conforming Uses, and Section 29-31, Board of Adjustment):

All permitted uses in District C-2 except that dwelling units shall be subject to Section 29-8(d).

Bowling alleys.

Car washes.

Commercial greenhouses and plant nurseries.

Commercial parking for automobiles and light trucks.

Commercial swimming pools.

Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-23.

Farm machinery sales and services, provided no repair facilities shall be maintained or used outside the building.

Hospitals, medical or dental clinics, sanitariums, and medical laboratories.

Kennels for the boarding of animals, subject to the following conditions:

- (1) The minimum site size shall be two (2) acres.
- (2) The maximum density shall be fifty (50) animals, cared for at full capacity, per acre.
- (3) Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).
- (4) A secondary or perimeter fence or wall shall be constructed around all outside animal runs.
- (5) The minimum yard, when the facility abuts residential uses and/or zoning, shall be one hundred (100) feet to an unvoided wall or two hundred (200) feet to outside animal runs.

Miniature golf courses or driving ranges.

Mortuaries, which may include a crematory.

Motels.

Motor vehicle or trailer sales and service, provided no dismantling or storage of parts or inoperable vehicles occurs outside.

Rental services.

Self-service storage facilities, subject to the following conditions:

- (1) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
- (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-17 (d)(6).
- (3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.

- (4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
- (5) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
- (6) Building heights shall be limited to fourteen (14) feet.
- (7) Loading docks shall be prohibited.

Any retail or wholesale business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in District C-3 only after the issuance of a conditional use permit pursuant to the provisions of Section 29-23:

Drive-in theaters.

Halfway houses for not more than fifteen (15) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Halfway houses for young offenders for not more than forty (40) occupants, provided that the Board find that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, halfway houses and other halfway houses for young offenders.

Live adult entertainment businesses, subject to the following:

- (1) Such uses shall not be located within seven hundred fifty (750) feet of any church, mosque, synagogue, school, college, university, park, athletic field, recreational facility for children, residence or residentially zoned district. Such uses shall not be located within one thousand (1,000) feet of any other live adult entertainment business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the live adult entertainment business to the nearest point on the property line of such church, mosque, synagogue, school, college, university, park, athletic field, recreational facility for children, residence, residentially zoned district or other live adult entertainment business.

- (2) Notwithstanding any provision in Chapter 23 to the contrary, a live adult entertainment business shall have no more than one (1) on-premise sign which shall be a wall sign approved by the Board of Adjustment as part of the conditional use permit. The surface area of the sign shall not exceed ten percent (10%) of the area of the wall to which it is attached. The sign shall not be a neon or similar sign. The sign may be illuminated but shall not be a flashing sign. The sign shall not depict any portion of the human anatomy.
- (3) No sign shall be placed in any window.
- (4) No flashing lights or colored lights or string of lights shall be placed on the outside of the building or on the inside of the building so that the lights can be viewed from outside the building.
- (5) The premises of all live adult entertainment businesses shall be constructed to include a partition or other physical barrier on all customer entrances, that will ensure that the interior of the business is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with a partition or other physical barrier shall be covered so as to prevent observation of the interior of the premises from the exterior of the building. No live adult entertainment business shall be conducted in a manner that permits the observation of entertainers, servers or employees from the exterior of the building.
- (6) On-premise advertisement, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- (7) Notwithstanding the provisions of section 29-30(g), required off-street parking for a live adult entertainment business shall be located on the premises of the business.

Machine shops.

Plumbing, heating, air conditioning, and electrical businesses, which may include related customary activities such as contracting, retail and wholesale sales and distribution.

(d) Height and Area Regulations. In District C-3 any building or portion of a building hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see Section 29-26, Height and Area Exceptions).

- (1) Lot Size. No minimum requirement.
- (2) Yards:

- a. Front - Not less than twenty-five (25) feet.
 - b. Rear - Not less than ten (10) feet, except that no rear yard is required where the rear lot line abuts property in a nonresidential district.
 - c. Side - No minimum requirement, except that;
 - 1. On corner lots there shall be a side yard adjacent to the side street of not less than fifteen (15) feet; and
 - 2. Where a C-3 District abuts any residential district, there shall be a side yard of not less than ten (10) feet.
- (3) Building Height. Not over forty-five (45) feet, except that the height may exceed forty-five (45) feet provided that for each additional foot of height, one additional foot of setback shall be provided for all yards.
- (4) Vision Clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three feet above the curb level, within 15 feet of the intersection of the street right-of-way lines.
- (5) Parking. (See Section 29-30, Off-Street Parking and Loading.)

(Code 1964, Sec. 19.164; Ord. No. 9958, Sec. 1, 10-3-83; Ord. No. 11703, Sec. 1, 12-7-87; Ord. No. 11767, Sec. 2, 2-1-88; Ord. No. 12088, Sec. 1, 12-12-88)

Sec. 29-17. District C-P, Planned Business District.

(a) Purpose. This district is intended to provide for commercial and recreational activities that warrant special consideration due to their scale or potential impacts, or for certain sites due to their location or environmental characteristics. The major objectives of a C-P District are:

- (1) To promote flexibility in the design and location of structures.
- (2) To promote the efficient use of land and to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities.
- (3) To ensure compatibility with surrounding areas.
- (4) To encourage a higher quality of landscaping and sign control.

(b) Permitted Uses. In District C-P, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of