

## ARTICLE 3 PERMITTED USES

### 29-3.1 General.

29-3.1(a) - The Permitted Uses and Conditional Uses in each zone district, with the exception of the C-2 District located outside the M-DT Regulating Plan boundary, are allowed as indicated in Table 3.1 below. Additional uses of property or restrictions on the use of property may be contained in Section 29-3.3 (Use Specific Standards) or in an Overlay zone district applicable to the property in Section 29-2.3. If the property is located in a PD (Planned Development) zone district, the permitted uses and any conditions on those permitted uses are allowed as set forth in the rezoning ordinance and related documents for that property on file with the Department.

- (1) A “P” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted by-right in that zone district, subject to compliance with the Use-specific Standards in the right-hand column of that line of the table and all other applicable standards of this Chapter.
- (2) A “C” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted only after the applicant obtains Conditional Use approval pursuant to Section (Conditional Use Permit), and subject to the Use-specific Standards in the right-hand column of that line of the table and all other applicable standards of this Chapter.
- (3) An “A” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is only permitted as an accessory to a Permitted use and subject to the Use-specific Standards in the right-hand column of that line of the table and all other applicable standards of this Chapter.
- (4) A “CA” in a cell in the Permitted Use Table in Section 29-3.2 indicates that the use is only permitted as an accessory to a use that is first approved as a Conditional use on the same property and subject to the Use-specific Standards in the right-hand column of that line of the table and all other applicable standards of this Chapter.
- (5) A “T” in a cell of the Permitted Use Table in Section 29-3.2 indicates that the use is permitted subject to a Temporary Use Permit issued pursuant to Section 29-6.4, and subject to the Use-specific Standards in the right-hand column of that line of the table and all other applicable standards of this Chapter.
- (6) Uses not listed and those with a blank cell in the Permitted Use Table in Section 29-3.2 indicate that the use is not permitted in that zone district.
- (7) A development may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either a Permitted Use or a Conditional Use in that zone district, that a Conditional Use Approval is obtained for any Conditional Use, all Use-specific Standards applicable to each use are met, the development complies with all applicable density, dimensional, impervious surface, development, and performance standards of this Chapter.
- (8) The Director has the authority to interpret whether a proposed land use is included within a listed land use shown in the Permitted Use Table in Section 29-3.2 based on its scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts on surrounding properties.

- (9) Each use that exists on the Effective Date that is required by this Code to obtain Conditional Use Approval, but that was a Permitted Use (without the need for Conditional Use Approval) prior to the Effective Date is deemed to have a Conditional Use Approval to (a) continue operation in structures and on land areas where the operation was conducted on the Effective Date and (b) to expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-specific Standards and all other applicable standards of this Chapter.
- (10) All uses required by the State of Missouri to have an approval, license, or permit to operate issued by the State or by another public or quasi-public or regulatory agency are required by the City to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this Code.

29-3.1(b) - The Permitted Uses and Conditional Uses in the C-2 District located outside the M-DT Regulating Plan boundary are allowed as indicated in Section 29-3.4 hereof and shall be subject to the Use-specific Standards set forth in Section 29-3.4.

**29-3.2 Permitted Use Table.**

**Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE**  
 P=Permitted use | C=Conditional use | A=Accessory use | CA=Conditional Accessory use | T=Temporary use

Zoning District	Residential				Mixed Use					Special Purpose				Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD		
<b>LAND USE CATEGORY</b>															
<b>RESIDENTIAL USES</b>															
<b>Household Living</b>															
Dwelling, One-family Detached	P	P	P	P	P	P					P		Per PD Approval	(a)	
Dwelling, One-family Attached		P	P		P	P								(b)	
Dwelling, Two-family		P	P		P	P								(c)	
Dwelling, Live-work			C		P	P	P	P						(d)	
Dwelling, Multi-family			P		P	P	P	P							
Manufactured Home Park				P											
Second Primary Dwelling Unit											C			(e)	
<b>Group Living</b>															
Boarding House			P		P	P	P	P					Per PD Approval		
Continuing Care Retirement Community			P		P	P	P	P						(f)	
Dormitory/Fraternity/Sorority			P		P	P	P	P							
Group Home, Large			P		P	P	P	P						(g)	
Group Home, Small	P	P	P	P	P	P	P	P			P			(g)	
Halfway House			C		C	C	C	C						(h)	
Residential Care Facility			C		P	P	P	P							
Temporary Shelter			C		C	C	C	C							(i)

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD		
LAND USE CATEGORY															
<b>PUBLIC and INSTUTIONAL USES</b>															
Adult and Child Care															
Adult Day Care Center		P	P		P	P	P	P	P				Per PD		
Family Day Care Center	A	A/C	P	A	P	P	P	P	P		A		Per PD	(j)	
Community Service															
Assembly or Lodge Hall						C	P	P		P			Per PD Approval		
Cemetery or Mausoleum	C	C	C	C							P				
Community/Recreation Center	P	P	P		P	P	P	P	P	C	P				
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P			(hh)
Elementary/Secondary School	P	P	P	P	P	P	P	P	P	P	P	P			
Funeral Home or Mortuary					C	C	P	C		P					(k)
Higher Education Institution			P		P	P	P	P	P	C					(l)
Hospital					P	P	P	C	P	P					
Museum or Library	C	C	C		P	P	P	P	P	C	P				
Police or Fire Station	P	P	P	P	P	P	P	P	P	C	P				
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P				
Public Park, Playground, or Golf Course	P	P	P	P	P	P	P	P	P		P	P			
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P			
Reuse of Place of Public Assembly	C	C	C	C											(m)
Utilities and Communications															
Communication Antenna or Tower as a Principal Use	See 29-3.3(n)													(n)	
Public Utility Services, Major	C	C	C	C	C	P	P	P	P	P	P	P			
Public Utility Services, Minor	C	C	C	C	P	P	P	P	P	P	P				
Wind Energy Conversion System (WECS) as a Principal Use	See 29-3.3(o)													(o)	
<b>COMMERCIAL USES</b>															
Agriculture & Animal-Related															
Agriculture											P		Per PD Approval		
Farmer's Market	T	T	T		T	P	P	T	T	P	P	P			
Greenhouse or Plant Nursery							P			P	P				
Pet Store or Pet Grooming						P	P	P	C	C					
Urban Agriculture			C		P	P	C	C			P				(p)
Veterinary Hospital					C	C	P	P	P	P					(q)
Food & Beverage Service															
Bar or Nightclub						C	P	P		C			Per PD		

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Zoning District	Residential				Mixed Use					Special Purpose				Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD		
<b>LAND USE CATEGORY</b>															
Restaurant						P	P	P	P	P				(r)	
Guest Accommodations															
Bed and Breakfast		C	C		C	P	P	P					Per PD Approval	(s)	
Hotel							P	P	P	P					
Travel Trailer Park							C				C				
Office															
Commercial or Trade School					P	P	P	P	P	P			Per PD Approval	(t)	
Office					P	P	P	P	P	P					
Research and Development Laboratory					P	P	P	P	P	P					(u)
Wholesale Sales Office or Sample Room							P	P	P	P					
Personal Services															
Personal Services, General					C	P	P	P	P	P			Per PD	(v)	
Self-service Storage Facilities							P	C		P					(w)
Tree or Landscaping Service							P		P	P					(oo)

Recreation & Entertainment															
Indoor Recreation or Entertainment						P	P	P	P	P			Per PD Approval		
Indoor Entertainment, Adult							C			C					(x)
Outdoor Recreation or Entertainment							P		C	P	C	C			(y)
Physical Fitness Center						P	P	P	P	P					
Theatre, Drive-In							C			P					
Retail															
Alcoholic Beverage Sale						P	P	P	P	P			Per PD Approval	(z)	
Retail, Adult							P	P		P					(x)
Retail, General						P	P	P		P					(aa)
Vehicles & Equipment															
Car Wash						C	P	P	P	P			Per PD Approval		
Heavy Vehicle and Equipment Sales, Rental, and Servicing										P					
Light Vehicle Sales or Rental							P	P	P	P					(bb)
Light Vehicle Service or Repair						C	P	P	P	P					(cc)
Major Vehicle Repair and Service							P		P	P					(cc)
Parking Lot, Commercial							P	P	P	P					
Parking Structure, Commercial							P	P	P	P					
<b>INDUSTRIAL USES</b>															
Commercial Services															

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD	
LAND USE CATEGORY														
Heavy Commercial Services							P	P		P			Per PD Approval	
Mechanical and Construction Contractors							C			P				
Storage and Wholesale Distribution									P	P				(dd)
Manufacturing, Production and Extraction														
Artisan Industry						P	P	P	P	P			Per PD Approval	
Bakery						C	P	P	P	P				
Heavy Industry										C				
Light Industry										C	P			(ee)
Machine Shop							C			P				
Mine or Quarry										C	C			
Transportation														
Airport											C		Per PD Approval	
Bus Barn or Lot							P			P				
Bus Station							P	P		P				
Rail or Truck Freight Terminal									C	P				
Waste & Salvage														
Sanitary Landfill											C		Per PD	
Vehicle Wrecking or Junkyard										C				(ff)
<b>ACCESSORY USES</b>														
Accessory Dwelling Units	C	A	A										Per PD Approval	(gg)
Backyard or Rooftop Garden	A	A	A	A	A	A	A	A	A		A			(hh)
Communication Antenna or Tower as an Accessory Use	See 29-3.3(n)													(n)
Customary Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A		(ii)
Drive-Up Facility					CA	CA	A	CA	A	A				(jj)
Home Occupation	A	A	A	A	A	A	A	A	A		A			(kk)
Home Occupation with Non-Resident Employees	CA	CA	CA	CA										(ll)
Outdoor Storage in Residential Districts	A	A	A	A										(mm)
Wind Energy Conversion System (WECS) as a Principal Use	See 29-3.3(o)													(o)
<b>TEMPORARY USES</b>														
Temporary Construction Office or Yard	T	T	T	T	T	T	T	T	T	T	T	T	Per PD Approval	
Temporary Parking Lot					T	T	T	T	T	T	T	T		
Temporary Real Estate Sales/Leasing Office	T	T	T	T	T	T	T	T	T		T			(nn)

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	
LAND USE CATEGORY													
Temporary/Seasonal Sales or Event, Other	T	T	T		T	T	T	T	T	T	T	T	

### 29-3.3 Use-specific Standards.

All uses for which the Permitted Use Table in Section 29-3.2 shows Use-specific Standard(s) shall comply with the applicable standards(s) in this section. In addition, all development shall comply with all other applicable provisions of this Chapter.

In the event of a conflict between these Use-specific Standards and the requirements of Chapter 29-4, the Use-specific Standards set forth in this section shall apply, except in the M-DT District, where the standards of the M-DT District will apply.

Where these Use-specific Standards require spacing between uses, no existing use that complied with applicable spacing requirements when the primary use was established on the property shall be made nonconforming because of the later location of any facility closer than the required spacing or because of an amendment to this Chapter changing any applicable spacing distance.

#### 29-3.3(a) - Primary Use of Land and Buildings: Dwelling, One-family Detached.

- (1) Single family dwellings developed in accordance with the "Cottage" standards shall be permitted only in the R-2 District in accordance with the procedural requirements of Section 29-5.4(j).
  - (i) An Accessory Dwelling Unit (ADU) shall not be permitted on any lot in the R-2 District developed in accordance with the "Cottage" standards.
- (2) A Manufactured Home or Modular Home may be placed on a lot in the R-1, R-2, R-MF, or A Districts if the structure meets the following standards:
  - (i) The longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension;
  - (ii) The roof shall be double-pitched with a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run, and shall be covered with wood, asphalt, composition or fiberglass roofing material;
  - (iii) The roof shall have a minimum eave projection or overhang of ten (10) inches on at least two (2) sides, which may include a four (4) inch gutter;
  - (iv) The exterior siding shall be made of non-reflective material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboards, conventional vinyl or metal lap siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior foundation or curtain wall;
  - (v) The home shall be installed in accordance with the recommended installation procedures of the manufacturer and City building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry foundation or permanent masonry piers with masonry curtain wall, un-pierced except for required ventilation and access, shall be installed under the perimeter of the home;
  - (vi) The home shall have a garage if fifty (50) percent or more of existing homes on the same block face have a garage; and

- (vii) The home shall have a covered porch at the main entrance if fifty (50) percent or more of existing homes on the same block face have a covered porch.

**29-3.3(b) - Primary Use of Land and Buildings: Dwelling, One-family Attached.**

The structure containing this use is limited to no more than two (2) contiguous attached dwellings in the R-2 zone district, and no more than 6 contiguous attached dwellings in the R-MF zone district. Notwithstanding anything in this Chapter, interior units in a one-family attached dwelling structure shall not be subject to side yard setbacks.

**29-3.3(c) - Primary Use of Land and Buildings: Dwelling, Live-work.**

This use shall be subject to the following additional standards:

- (1) Not more than three (3) people may be engaged in the making, servicing or selling of goods, or provision of personal and professional services, within a single unit;
- (2) At least one (1) person shall reside in the dwelling unit where the nonresidential activity or activities occur;
- (3) The residential unit must be located above or behind the non-residential areas of the structure; and
- (4) Where a conditional use permit is required, all non-residential uses shall be specifically approved within such conditional use permit.

**29-3.3(d) - Primary Use of Land and Buildings: Dwelling, Multi-family.**

This use shall be subject to the following additional standards:

- (1) Façade Length and Articulation.
  - (i) At least 1 of the following design features shall be incorporated within each twenty-five (25) feet of horizontal primary façade length: (1) Roof dormers; (2) Gables; (3) Recessed entries; (4) Covered porches; (5) Pillars, pilasters or posts; or (6) Bay windows; and
  - (ii) Total length of any multi-family primary façade shall not exceed two hundred (200) feet, and no façade wall shall extend more than eighty (80) horizontal feet without projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade.
- (2) Entryway Design.

The front entry of each multiple-family building shall be emphasized by the use of at least one of the following: (1) Side-lights (glazed openings to the side of the door), and transom-lights (glazed opening above the door); or (2) Changes in the texture or color of materials from the predominant façade materials at least twelve (12) inches in width above and to both sides of the door; or (3) Projections extending at least eight (8) inches in front of the primary façade of the building above and to both sides of the door.
- (3) Roof Articulation and Design.



Rooflines longer than one hundred (100) horizontal feet shall include at least one (1) vertical elevation change of at least two (2) vertical feet per one hundred (100) horizontal feet or part thereof. All sloped roofs shall have overhanging eaves of at least one (1) foot, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall.

(4) All-Sided Design.

The following shall apply to ensure that "all-sided" design is achieved:

- (i) All sides of a building having frontage on public or private streets or internal travel ways shall use the same predominate façade material used on the primary façade of the building and shall incorporate at least two (2) of the façade features listed in subsection 29-3.3(d)(1) above;
- (ii) When any side of a building is 24-feet or less in height and not required to comply with the requirements of item (i), above, and is adjacent to an existing single or two family dwelling in the R-MF District or R-1 or R-2 District zoned land it shall be screened from the adjacent property in accordance with Section 29-4.4(e); and
- (iii) When any side of a side of building greater than 24-feet in height is adjacent to an existing single or two family dwelling in the R-MF District or R-1 or R-2 District zoned land it shall be screened from the adjacent property in accordance with Section 29-4.4(e) and shall use the same predominate façade material used on the primary façade of the building and shall incorporate at least two (2) of the façade features listed in subsection 29-3.3(d)(1) above.

(5) Parking Garages and Carports.

No more than fifty (50) percent of required on-site parking may be surface parking visible from a public or private street. Any façade of a parking garage and any end or side of a carport structure visible from a public or private street shall use the same predominant building materials used on the primary façade of the primary multi-family parking structure. No parking garage or carport shall be located closer than the primary façade of a multi-family building to the street adjacent to the front property line.

(6) Universal Design.

In principal structures containing more than one hundred (100) bedrooms, at least twenty-five (25) percent of the dwelling units shall incorporate at least two (2) of the following elements of "universal design": (1) At least one no-step entrance; (2) Interior doorways with at least 32 inch wide openings; (3) At least one bathroom with thirty-two (32) inch counter height; (4) At least one (1) bathroom with wall reinforcements for handrails; and/or (5) All light switches between forty-four and forty-eight (44-48) inches in height.

(7) Additional Standards.

If more than over fifty (50) percent of the dwelling units in the structure have four (4) or more bedrooms, the following additional standards shall apply:

- (i) In the R-MF and M-N, and M-DT districts, no principal structure may contain more than two hundred (200) bedrooms in any one structure;
- (ii) Each principal structure must include at least one (1) operable entry/exit door for each one hundred (100) linear feet of each street frontage, or part thereof;

- (iii) No façade of a primary multi-family structure facing an R-1, R-2, or R-MF District or a property containing a one-family attached, detached, or duplex dwelling may contain an exterior balcony or patio; and
- (iv) No outdoor activity area such as a swimming pool, tennis court, or game court may be located between any façade of the principal structure and any property line adjacent to an R-1, R-2, or R-MF District or a property containing a one-family attached, detached, or duplex dwelling.

**29-3.3(e) - Primary Use of Land and Buildings: Second Primary Dwelling on a Lot.**

This use must be located on a lot of two and a half (2.5) acres or more, and may not be a manufactured home.

**29-3.3(f) - Primary Use of Land and Buildings: Continuing Care Retirement Communities (CCRC).**

This use shall be subject to the following additional standards:

- (1) A CCRC shall be planned and constructed as a unified development;
- (2) Uses located within a CCRC shall be owned and operated by a single, properly licensed entity or provided under a direct contract with the owner;
- (3) The height and area requirements applicable to the R-MF District shall apply to any proposed component of a CCRC; and
- (4) A twenty-five (25) foot perimeter setback shall be provided around all sides of a CCRC.

**29-3.3(g) - Primary Use of Land and Buildings: Group Home.**

This use shall meet the following additional standards:

- (1) Before operating such Group Home, the owner or operator of the home shall register with the Department; and
- (2) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

**29-3.3(h) - Primary Use of Land and Buildings: Halfway House.**

This use is subject to the following additional standards:

- (1) In the R-MF District, this use is limited to not more than eight (8) occupants, and shall only be permitted if 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 Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses;
- (2) In the Mixed Use districts, this use is limited to not more than fifteen (15) occupants, and shall only be permitted if 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 Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses; and
- (3) Halfway houses serving individuals between the ages of seventeen (17) and twenty-five (25) who have not been imprisoned (except for "shock probation" terms) and have not been convicted of adult or juvenile violent crimes (as defined by the Missouri Department

of Corrections), are only permitted in the M-N and M-C Districts, and are limited to not more than forty (40) occupants. In the M-N and M-C Districts, halfway houses for youth offenders are only permitted if the Board finds that facility will have 24-hour on-duty staff and the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to Elementary/Secondary Schools, Religious Institutions, Dwellings, and other Halfway Houses.

**29-3.3(i) - Primary Use of Land and Buildings: Temporary Shelter.**

This use is subject to the following additional standards:

- (1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided. These items shall be used to determine if the facility is in conformance with the character of the adjacent area;
- (2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter; and
- (3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure.

**29-3.3(j) - Primary Use of Land and Buildings: Family Day Care Center.**

This use is subject to the following additional standards:

- (1) In the R-1, R-2, R-MH, and A Districts:
  - (i) Not more than ten (10) children not related to the operator shall be kept. Up to three (3) additional children over the age of two (2) may be kept for up to two (2) hours per day. Up to three (3) additional school-age children may be kept on unscheduled days of school closings; provided that at no time shall more than thirteen (13) children not related to the operator be kept;
  - (ii) The use shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this section;
  - (iii) The use shall be located in a dwelling used by the operator as his or her private residence;
  - (iv) The operator shall not employ more than one (1) full-time (forty (40) hours per week) assistant who does not reside on the premises or more than two (2) half-time (twenty (20) hours per week) assistants who do not reside on the premises; and
  - (v) A Family Day Care Center may utilize one (1) sign used for identification purposes, but such sign must be attached flat to the structure, may not be larger than one square foot, and may not be illuminated.
- (2) In the R-2 District, a family day care home that exceeds the size limit of item (1)(i), above, may be approved as a conditional use.

**29-3.3(k) - Primary Use of Land and Buildings: Funeral Home or Mortuary.**

This use is subject to the following additional standards:

- (1) The use shall be conducted within a fully enclosed legally permitted structure and may include a covered exterior entry or porte cochere to shelter users during visitation services or transporting the deceased;
- (2) No outside storage or display of equipment or merchandise used or customarily sold in conjunction with such use shall be permitted; and
- (3) Cremation of the deceased shall be permitted on-site only in the IG District or in other districts as specifically allowed by a conditional use permit.

**29-3.3(l) - Primary Use of Land and Buildings: Higher Education Institution.**

This use, to the extent subject to this Chapter and applicable state and federal law, shall comply with the following additional standards:

- (1) Before any building or structure shall be constructed on a campus of an institution of higher learning, a development plan of the campus shall be submitted to the Commission, and after a public hearing, such Commission shall report its recommendations to the Council. If the Council shall approve the development plan by ordinance, and that plan shall be filed with the permanent records of the City;
- (2) The development plan shall show existing and future buildings, parking areas, streets and drives, athletic facilities, and other features which may affect surrounding property or the public interest; and
- (3) No building permit within the boundaries of the development plan shall be issued until the Director determines that any building or structure constructed on the campus (a) substantially conforms to the approved development plan, or (b) is a minor structure or expansion of an existing structure related to the operation of buildings and facilities shown on the development plan and does not create impacts beyond the boundaries of the development plan. If at any time a major deviation from the approved development plan is proposed, an amended plan shall be submitted to the Commission and the Council for approval in the same manner as the original plan, and no building permit for a building based on the substantial deviation shall be issued until the Council's approval of the amended plan has been obtained.

**29-3.3(m) - Primary Use of Land and Buildings: Reuse of Place of Public Assembly.**

Religious institutions or any property used primarily as a place of public assembly as a permitted use in the R-1 District may be reused as a place of public assembly subject to such restrictions as the Board may impose, and provided that the following additional standards are met:

- (1) The building or structure was constructed and used primarily as a place of public assembly;
- (2) The reuse shall be primarily as a place of public assembly, provided that uses which are ordinarily accessory uses to a place of public assembly may be permitted;
- (3) The reuse shall be for not-for-profit and for noncommercial purposes by a charitable, philanthropic, eleemosynary, or other organization which could be organized as a not-for-profit corporation under state law; and

- (4) The reuse shall not constitute a more burdensome use nor impose a greater adverse impact on the neighborhood than the existing or prior use in terms of traffic congestion, parking, storm drainage, and neighborhood impacts.

**29-3.3(n) - Primary Use of Land and Buildings: Communication Antenna or Tower.**

This use is subject to the following additional standards:

- (1) Purposes.

These standards are intended to provide for the appropriate location and development of communications facilities and systems to serve the citizens and businesses of the City; to minimize adverse visual impacts of communications antennas and towers through careful design, siting, landscape screening and innovative camouflaging techniques; to protect residential areas/land uses from potential adverse impacts of towers; to maximize and encourage the use of disguised support structures and antenna support structures so as to ensure the architectural integrity of designated areas within the City and the scenic quality of protected natural habitats; to promote and encourage shared use/co-location of towers as a primary option rather than construction of additional towers; and to comply with the federal Telecommunications Act of 1996, as amended and interpreted by the courts, and related regulations.

- (2) Permitted Uses in All Districts.

The following uses shall be permitted in any zoning district subject to the issuance of a building permit by the Department, provided that drawings and other documentation are submitted showing compliance with subsection 29-3.3(n)(5) (Standards), unless otherwise required by law:

- (i) The collocation, addition, or replacement of antennas on any tower; or the addition of accessory equipment to any tower in accordance with these regulations;
- (ii) The mounting of antennas on any existing antenna support structure. This shall not include the mounting of antennas on signs;
- (iii) The installation of antennas or towers on structures or land owned by the City, following approval by the Council of a lease providing for use of structures or land owned by the City;
- (iv) The replacement or modification, as defined under this code, of any tower, on the same site, so long as the purpose of the replacement is to accommodate shared use of the tower or to eliminate a safety hazard;
- (v) Satellite receiver dishes up to one (1) meter in diameter; and
- (vi) Any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station which is required to be approved by the City under federal law.

- (3) Permitted Uses in Selected Districts.

The following use shall be permitted in any zoning district other than zoning Districts A, R-1, R-2, R-MF, R-MH or PD with a residential development component, subject to the issuance of a building permit by the Department, provided that drawings and other

documentation are submitted showing compliance with subsection 29-3.3(n)(5)(Standards):

- (i) The construction of an enclosed support structure designed to match the architecture, material, and color of existing adjacent accessory structures which renders antennas and accessory equipment disguised from public view; and
  - (ii) Satellite receiver dishes up to two (2) meter in diameter.
- (4) Conditional Uses.

The following uses shall be available only after the issuance of a conditional use permit pursuant to Section 29-6.4 (Conditional Use Permit):

- (i) Construction of new communications towers or any alteration of a communications tower not permitted under the previous two subsections shall be allowed in all Districts except for A, R-1, R-2, R-MF, R-MH or PD with a residential development component; and
- (ii) Construction of disguised support structures shall be allowed in zoning districts A, R-1, R-2, R-MF, R-4, R-MH, and PD with residential development.

Decisions on applications for conditional use permits shall be rendered within the time required by applicable state or federal law.

- (5) Standards.

All antenna towers installed, built or altered after December 15, 1997 shall comply with the following standards to the fullest extent permitted by law:

- (i) Security.

All antennas and towers shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or alter antennas or towers. Additional measures may be required as deemed necessary by the Board in the case of a conditional use permit.

- (ii) Lighting.

Antennas and towers shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or alter the antenna or tower. Strobe lights shall not be used unless required by the FAA or other state or federal agency with authority to regulate.

- (iii) Advertising.

Placement of advertising on structures regulated by this section is prohibited.

- (iv) Collocation.

All new towers shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one provider based upon the following tower heights:

- (A) 40 to 120 feet – shall support at least four (4) antenna arrays;
- (B) 121 to 150 feet – shall support at least five (5) antenna arrays; and
- (C) Greater than 151 feet – shall support at least six (6) antenna arrays.

(v) Height.

The height of a tower shall be governed by the underlying District; however, when rendering its decision on a conditional use permit for a new tower, the Board, as a condition of issuance of the permit, may allow an increase in height as it deems appropriate to allow effective functioning of the equipment as required by the federal Telecommunications Act, while still protecting the public health, safety, and general welfare.

(vi) Color and Finish.

Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable state or federal agency, be painted a neutral color consistent with the natural or built environment of the site.

(vii) Screening.

Equipment shelters, cabinets and guy anchors shall be screened from view by a permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height. The required screening shall have an opacity of eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity and eight-foot minimum height shall be achieved within four (4) full growing seasons.

(viii) Setbacks.

All towers shall meet the setback and yard requirements of the applicable zoning district. In addition, all towers shall be separated from any off-site residential structure, or the boundary of any residentially zoned property, either (a) a distance equal to the height of the tower, or (b) if the tower is of a self-collapsing design, then the maximum distance from the base of the tower that any portion of the tower or ice accumulation from the tower could fall, based on information provided by the tower manufacturer. The required setback shall be met upon the property which the tower is located and may not include adjacent public right of way.

(ix) Anchoring.

Ground anchors of all guyed towers shall be located on the same parcel as the tower and meet the setback and yard requirements of the applicable zoning district.

(x) Cabinets.

The horizontal dimensions of a communication equipment cabinet shall not exceed four (4) feet by six (6) feet and vertical height shall not exceed six (6) feet.

## (6) Obsolete Tower Structures and Antennas.

- (i) Any tower or disguised support structure that is not occupied by active antennas for a period of three hundred sixty-five (365) days or any antenna which is not used for a period of three hundred sixty-five (365) days shall be deemed abandoned and shall be removed at the expense of the property owner. The Director is authorized to order removal of any abandoned tower or antenna within a reasonable time as specified in writing to the property owner by the Director. The order shall require the tower or antenna to be removed unless the owner, within ten (10) days of receipt of the order, appeals the matter to the Board pursuant to Section 29-6.3 (Appeals). If the Board finds that a tower has not been occupied by active antennas for three hundred sixty-five (365) days or an antenna has not been used for three hundred sixty-five (365) days, it shall order the tower or antenna to be removed within a specified time.
- (ii) If the unused tower or antenna is not removed as specified in an unappealed order of the Director or as specified by the Board, the Director may cause the tower or antenna to be removed. The Director shall submit the actual cost of such removal to the owner of the property. If the owner does not pay the cost within thirty (30) days of receipt, the Director shall certify the cost to the Director of Finance who shall cause a special tax bill against the property to be prepared and collected. The tax bill shall be due and payable from the date of issuance and shall be a lien on the property from the date of issuance until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of nine (9) percent per annum.

## (7) Commercial Operation of Unlawful Towers or Antennas.

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or disguised support structure in violation of any provision of this section regardless of whether such antenna or structure is located on land belonging to a governmental entity.

## 29-3.3(o) - Primary Use of Land and Buildings: Wind Energy Conversion System (WECS).

This use shall be subject to the following additional standards:

## (1) Permitted Uses. WECS are allowed as a permitted use as follows:

- (i) One (1) noncommercial wind energy system (WECS) shall be allowed as an accessory use to a permitted principal use on the same lot, on lots meeting setback and fall zone requirements, in Districts R-1, R-2, R-MF, R-MH, A, and PD with residential development;
- (ii) Two (2) noncommercial WECS shall be allowed as accessory uses to a permitted principal use on the same lot, on lots meeting setback and fall zone requirements, in Districts M-OF, M-N, M-C, M-DT, M-BP, IG, and PD without residential development.
- (iii) Notwithstanding subsections (i) and (ii), WECS shall not be permitted uses within the boundaries of the Downtown Community Improvement District as defined in the petition approved by Ordinance No. 20866, as amended.
- (iv) Commercial WECS are not allowed as a permitted use as a matter of right in any District.



- (2) Conditional Uses. WECS which are not allowed as a permitted use may be allowed by issuance of a conditional use permit by the Board as follows:
- (i) In all locations where WECS are not allowed as permitted uses, a WECS shall be allowed only after the issuance of a conditional use permit. Where one or two WECS are allowed as permitted uses, additional WECS shall be allowed only after the issuance of a conditional use permit.
  - (ii) Applications for conditional use permits shall include all items required by the submittal requirements list on file at the Department.
  - (iii) A request for issuance of a conditional use permit shall include the following supplemental materials, as may be applicable, based upon the specific WECS application:
    - (A) A Missouri-licensed engineer's certification that the monopole structure, foundation, and design are appropriate, given local soil and climate conditions. Manufacturer certification and specification sheets may, at the discretion of the building official, be used in place of engineering certification, if these provide sufficient information on the installation of the monopole (e.g. size and depth of hole to dig, type of soil or bearing needed to support the pole and turbine). For building-mounted WECS, a written structural analysis from an engineer or contractor determining that installation of a WECS will not cause damage to the structure and that the WECS design is suitable for the structure based on the analysis of the roof's structural members. A certification from a Missouri-licensed engineer on the general design of a building-mounted WECS shall be required.
    - (B) A copy of the interconnection agreement application between the applicant and the applicable utility if connecting to the grid.
    - (C) A copy of the shadow flicker analysis, if required. This shall apply only to systems greater than ten (10) kW in nameplate generating capacity. No WECS shall be installed and operated in a manner that causes shadow flicker to fall on or in any residential dwelling existing at the time the application to install a WECS is received by the city. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses, either through siting or mitigation. Shadow flicker expected to fall on an adjacent parcel or roadway may be acceptable if the flicker does not exceed thirty (30) hours per calendar year. If such flicker is likely, the applicant shall, at the applicant's sole expense, furnish a flicker study for city review.
- (3) Procedures for Permits.
- (i) It shall be unlawful to construct, erect, install, alter or locate any WECS within the City unless a building permit has been obtained. The building permit may be revoked by the building official if it is determined at any time the approved system does not comply with the rules set forth in this section 29-3.3(o).
  - (ii) Authorization for interconnection to the electric grid is independent of the approval for the WECS building permit. If an interconnected system is planned, the applicable utility's interconnection requirements must also be satisfied, and no building permit

shall be issued until the building official has been provided with that utility's written authorization.

- (iii) Building permits and, if necessary, conditional use permits and variances shall be applied for and reviewed under the procedures established in Chapter 6 (Buildings and Building Regulations) and Chapter 29, Article 6 (Procedures and Enforcement), except where noted below. The Director, upon written request of the applicant, may waive any of the submittal requirements that the Director deems not applicable after reviewing the request. An applicant desiring such a waiver shall provide supporting documentation from a licensed engineer justifying the waiver. The Director may also require additional information as minimally needed to determine compliance with this Code.
- (iv) The application for any WECS building permit shall include the information found in the list of application requirements maintained by the Department.

(4) General Requirements and Construction.

- (i) Tower.

Only monopole towers are permitted for freestanding WECS. Guyed or any other types of towers are not permitted.
- (ii) Color and Surface.

Freestanding WECS monopole towers shall be a neutral color such as white or light gray. Supporting structures for building-mounted WECS shall match the color of the building on which they are mounted. Surfaces of the WECS and building-mounted supporting structures shall be a non-reflective, matte finish.
- (iii) Signage and Visual Impact.

No lettering, advertising, or graphics other than a standard manufacturer's insignia shall be on any part of the tower, hub, or blades. No other signage or message may be displayed, other than for safety or apparatus identification (e.g. nameplate, serial number or emergency instructions). The applicant shall avoid state or federal scenic areas and significant visual resources listed in the City's comprehensive plan.
- (iv) Climbing Apparatus.

The tower must be designed to prevent climbing within the first ten (10) feet.
- (v) Lighting.

No lights shall be installed on the tower, unless required to meet Federal Aviation Administration (FAA) guidelines, where lighting intensity and frequency of strobe shall adhere to requirements established by FAA permits and regulations. Red strobe lights are preferred for nighttime illumination and to reduce impacts on migrating birds. Red pulsating incandescent lights shall be prohibited unless required by the FAA.
- (vi) Compliance.

All WECS equipment and connections must comply with all applicable local and state regulations and relevant national and international codes. In case of noncompliance,

the applicant may be required to hire outside inspectors as deemed necessary by the building official or Board.

(vii) Maintenance.

Facilities shall be installed and maintained in accordance with manufacturer's specifications. The property owner of any WECS shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and function of such a system. Failure to maintain the WECS may result in enforcement action including, but not limited to, citations, fines, or revocation of permits in accordance with this Code.

(viii) Interconnection and Utility Considerations.

The applicant shall notify and apply with the appropriate electric utility in making a WECS application to install an interconnected, customer-owned WECS. The WECS shall meet the requirements for interconnection and operation as set forth by the utility, and shall not be interconnected to any utility-operated power line or by any other means of conveyance until so authorized by the utility. Interconnected WECS shall require the approval of the applicable utility before receiving a conditional use or building permit from the City. Off-grid (not connected to the utility) systems shall be exempt from this application requirement. A response from the utility is not required to approve or deny an off-grid WECS application.

(ix) Restriction on Use of Electricity Generated.

A WECS shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the WECS and not presently needed for use by the owner, may be used by the utility in accordance with laws and regulations governing interconnection and utility approval.

(x) Feeder Lines.

All communications and feeder lines installed as part of a WECS shall be buried where feasible.

(xi) Displacement of Parking and Landscaping Prohibited.

The location of the WECS shall not result in the net loss of required parking or landscaping as specified elsewhere in this Chapter.

(5) Noise, Vibration, And Sound Pressure Level.

A WECS shall be designed, installed and operated so that any noise or vibration has minimal impact on adjacent properties. A WECS shall not exceed fifty-five (55) dB(A) at any adjacent property line. This sound pressure level may be exceeded during short-term events such as utility outages or severe wind storms. If the ambient sound level for the WECS location exceeds fifty-five (55) dB(A), the maximum standard shall be ambient dB(A) plus five (5) dB(A). No WECS shall emit low frequency sound at or below twenty (20) Hertz. The process for reporting and investigating a noise complaint is as follows:

- (i) Upon written notification of a complaint of excessive noise, the building official or designated representative of the Department (the "enforcing person"), shall record the filing of such complaint and promptly investigate the complaint. If noise levels are determined to be in excess of the maximum standard, the enforcing person shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest off-site, inhabited residence.
  - (ii) If the noise levels are found to have exceeded the allowable limit, the enforcing person shall notify, in writing, the owner of the WECS site to correct the violation. If the noise violation is not remedied within thirty (30) days, the WECS shall remain inactive until the noise violation is remedied, which may include (but is not limited to) relocation or removal at the owner's expense.
  - (iii) If it is determined that maximum noise limits have not been exceeded, notice in writing shall be provided to the person who filed such complaint and the owner of the WECS property stating that no further action is required, within twenty-one (21) days of the receipt of the request. Any person aggrieved by the decision may appeal the decision to the Board in accordance with Section 29-6.3(f) (Appeals). Any such appeal must be filed within thirty (30) days of receipt of the enforcing person's decision.
- (6) Safety Design Requirements and Standards.
- (i) A WECS shall have automatic braking, governing, and a feathering system to prevent uncontrolled rotation or over-speeding. All WECS shall have lightning protection and shall comply with FAA standards. The system shall also be capable of stopping power generation in the event of a power outage so as to prevent back-feeding of the grid.
  - (ii) A clearly marked and easily accessible power shut off/disconnect will be required as determined by the building official. Any battery or energy storage device will be clearly marked and a sign indicating the presence of such device(s) shall be posted at the site's electric meter.
  - (iii) No portion of the WECS swept area shall be closer than twenty (20) feet to the ground. The swept area shall extend no closer than twenty (20) feet horizontally to the nearest tree, structure, or aboveground utility facility. No WECS shall be constructed so that any part thereof can extend within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops).
  - (iv) A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. A sign shall also be posted at the property's electric meter, noting the presence of a WECS and any battery system. Signs with emergency contact information shall also be posted on the turbine, or at another suitable point, such as the entrance to the WECS's service area.
  - (v) No WECS installation shall cause electromagnetic interference. If interference is established, the building official shall notify the owner of the property in writing to correct the violation. If the interference is not remedied within thirty (30) days, the WECS shall remain inactive until the interference is remedied, which may include, but is not limited to, relocation or removal at the WECS owner's expense.

## (7) Setback and Area Regulations.

- (i) WECS and their associated outbuildings and cabinets shall meet all setback requirements for principal structures for the zoning district in which the WECS is located. A WECS and its associated outbuildings and accessories shall not be located forward of the principal structure on a lot.
- (ii) The minimum distance between any freestanding WECS and any property line shall be the distance equivalent to the fall zone, which is ninety (90) percent of the WECS system height. No part of the fall zone shall cross an adjacent property line. The setback shall be measured from the property line to the point of the WECS structure closest to the property line.
- (iii) For building-mounted WECS, no part of the fall zone shall cross an adjacent property line. The fall zone for a building-mounted WECS shall be fifty (50) percent of the height as measured from the lowest attachment to the building/structure to the highest point of the blades or rotors.
- (iv) The fall zone shall be entirely contained on the subject parcel. In no case may the fall zone radius include an overhead electric power line. The setback from underground electric distribution lines shall be at least five (5) feet; the fall zone radius may include the underground line(s). The provisions of this Chapter regarding allowable minor projections into required setbacks, is not applicable.

## (8) Height Regulations.

The maximum height for any WECS (freestanding or building-mounted) shall be the total system height as set forth below:

- (i) In the R-1, R-2, R-MF, R-MH, and M-N Districts, forty-five (45) feet;
- (ii) In the M-C District, sixty (60) feet;
- (iii) In the M-OF District, ninety (90) feet;
- (iv) In the M-DT, M-BP, and IG Districts, one hundred twenty (120) feet;
- (v) In the A District, a maximum height of seventy-five (75) feet is allowed for windmills on agriculturally-used parcels under allowable zoning district standards. This standard shall apply to all WECS applications on parcels of three (3) acres or fewer in the A District;
- (vi) For lots greater than three (3) acres, one hundred fifty (150) feet; and
- (vii) In all PD Districts, height shall be as set forth in the approved statement of intent.

Maximum height may be exceeded, subject to approval of a conditional use permit by the Board. The applicant must demonstrate that additional height is necessary and that the benefits of the taller WECS do not increase any adverse impacts to neighboring properties.

## (9) Additional Regulations.

- (i) No other apparatus or mechanical and electronic equipment, such as telecommunication antennas, microwave dishes, or satellite dishes, shall be attached to a WECS tower or its associated components, such as the nacelle.

- (ii) No part of a WECS shall be located within or over public drainage, utility or other established easements.
  - (iii) No WECS shall be constructed, altered, or maintained so as to project above any of the airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
  - (iv) No part of the WECS, including the swept area, shall be within or overhang any portion of the property that is within a required building setback.
- (10) Discontinuation and Decommissioning.

A WECS shall be considered abandoned after six (6) months without energy production, unless a plan is developed and submitted to the enforcing person outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed in their entirety within ninety (90) days of abandonment. If this is not done, the City's standard procedures for nuisance removal may be followed at the discretion of the building official or the official's designee.

#### 29-3.3(p) - Primary Use of Land and Buildings: Urban Agriculture.

This use is subject to the following additional standards:

- (1) Greenhouses, hoop houses, cold frames, storage sheds, and other accessory structures are limited to a maximum height of 12 feet, shall be setback at least 10 feet from any abutting lot with an occupied residential use.
- (2) The cumulative area covered by structures more than 4 feet above grade shall not exceed 25% of the site.
- (3) Operation of power equipment or generators may occur between 7:00 am and no later than 10:00 pm.
- (4) Sales of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than 100 square feet and is not located in a required yard area.
- (5) Food products may be grown in soil native to the site if a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Missouri direct-contact standards for lead; and either:
  - (i) The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or
  - (ii) A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the tables in subsection (6) below, as amended.
- (6) Soil testing requirements:
  - (i) Clean soil is soil that has less than 200ppm of lead content. At least 5 samples of the native soil from the proposed planting area shall be tested for lead content and heavy metals. If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has only been used for residential or

agricultural purposes in the past, the following gardening techniques may be conducted based upon the lead content test results.

Lead content	Permitted Activity
Less than 200ppm	Soil native to the site may be used
200ppm to 400ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400ppm to 600ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600ppm and higher	Urban Agriculture shall be prohibited.

- (ii) If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has been used for purposes other than residential or agricultural in the past, soil shall be tested for metal content using the US EPA 3050B, 3051, or a comparable method. Gardening may be conducted if the test results for the following chemicals are below the levels identified in the following table.

Chemical Name	CASRN	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000

- (iii) As an alternative to meeting the standards above, food products may be grown in clean soil six (6) inches deep brought to the site without completing a soil test of the native soil.

#### 29-3.3(q) - Primary Use of Land and Buildings: Veterinary Hospital.

This use, when domesticated animals or fowl are treated, kept, cared for, bred or board on-site, shall be subject to the following additional standards:

- (1) Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).

- (2) A secondary or perimeter fence or wall shall be constructed around all outside animal run structures, pens, enclosures and outside exercise yards in a manner that protects animals from injury and contain animals securely.
- (3) Veterinary hospitals that provide outside facilities (including but not limited to a run, pen, enclosure or exercise yard) which abut residential uses or residential zoning district, shall be subject to the following setbacks:
  - (i) Two hundred (200) feet from the residential use or residential zoning district to any outside animal run structure, pen, enclosures or outdoor exercise yard with openings; and
  - (ii) One hundred (100) feet from the residential use or residential zoning district to any principle structure or secondary or perimeter fence or wall, which encloses an outdoor exercise yard, without openings.
- (4) All other applicable state regulations shall be met.

**29-3.3(r) - Primary Use of Land and Buildings: Restaurant.**

In the M-N District, live or recorded music may only be played indoors and must be inaudible on the property line.

**29-3.3(s) - Primary Use of Land and Buildings: Bed and Breakfast.**

This use is subject to the following additional standards:

- (1) Not more than five (5) guest rooms shall be allowed.
- (2) In addition to meeting all parking requirements of Article 4 there shall be one (1) off-street parking space provided for each guest room.
- (3) There shall be no individual room cooking facilities used for the bed and breakfast stay.
- (4) The establishment shall be owner-occupied and managed. If the owner is not the record owner of the real estate, proof of ownership interest in the bed and breakfast establishment shall be required.
- (5) The establishment shall comply with all applicable adopted City fire and building codes and shall be inspected for such compliance by the building and site development division of the Department prior to issuance of an occupancy permit.
- (6) Only one (1) wall-mounted sign, not exceeding eight (8) square feet in size, shall be allowed.
- (7) Meals may be served only to residents and overnight guests.

**29-3.3(t) - Primary Use of Land and Buildings: Commercial or Trade School.**

In the M-OF District, this use is not permitted to offer retail goods or services to the public.

**29-3.3(u) - Primary Use of Land and Buildings: Research and Development Laboratory.**

In the M-OF, M-N, M-C, M-DT Districts, this use is limited to those not involving use of hazardous materials.



**29-3.3(v) - Primary Use of Land and Buildings: Personal Services, General.**

In the M-OF, M-N, M-C, and M-DT Districts, this use may not involve the use of explosive or hazardous materials.

**29-3.3(w) - Primary Use of Land and Buildings: Self-service Storage Facility.**

- (1) When such uses are located in the M-C District and are no greater than fourteen (14) feet in height, unless otherwise permitted, shall be subject to the following additional standards:
  - (i) 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.
  - (ii) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-4.4(e).
  - (iii) 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.
  - (iv) 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.
  - (v) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
  - (vi) Building heights shall be limited to fourteen (14) feet, unless the building complies with the following standards, which are intended to ensure that buildings in excess of fourteen (14) feet in height are visually compatible with surrounding developments:
    - (A) Property shall not be adjacent to, and no structure shall be within one hundred (100) feet of a lot that is residentially zoned or used;
    - (B) The exterior of the building shall be constructed entirely of brick, stone, precast concrete panels that include a masonry façade or other architectural elements, split face block or other similar high-quality materials. Prefabricated metal panels and smooth-faced concrete block shall be prohibited;
    - (C) All exterior portions and/or façades, including the roof, shall use colors consisting of a neutral earth tone;
    - (D) In addition to the screening and landscaping standards of Section 29-4.4(e), one (1) street tree shall be placed every forty (40) linear feet of site frontage along any property line that abuts a right of way in order to screen the mass of the building; and
    - (E) Building height shall not exceed forty-five (45) feet or contain more than four (4) stories.
  - (vii) Loading docks shall be prohibited.

- (2) When such uses are located in the M-C District and proposed to be greater than fourteen (14) feet in height they shall be subject to the following additional standards:
  - (i) Approval of a conditional use permit in accordance with the procedures of Article 6 of this Chapter is required. When considering a conditional use, in addition to meeting the conditional use standards required by this Chapter, the Commission shall also consider the context of the surrounding land uses and building forms, and impose any conditions and restrictions needed to assure that proposed self-service storage facilities are compatible with the surrounding area. The standards included in item 1(i) through (vi), above, shall be considered as standards for a conditional use as well; however, they may be waived if the applicant shows that due to special circumstances unique to the property, they are not required to ensure the visual compatibility of the proposed building with surrounding properties. Additional conditions may include, but are not limited to, limits on signage, additional setbacks, additional screening or fencing, orientation of buildings, and maximum height.
- (3) When such uses are located in the I-G District they shall be subject to:
  - (i) 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;
  - (ii) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-4.4(e);
  - (iii) Where the site is adjacent to residentially-zoned land, twenty-five (25) feet of required yard shall be provided, and if the building exceeds forty-five (45) feet in height, one (1) additional foot of setback shall be provided for each foot of height in excess of forty-five (45) feet;
  - (iv) 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;
  - (v) 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;
  - (vi) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited; and
  - (vii) Loading docks shall be prohibited.

**29-3.3(x) - Primary Use of Land and Buildings: Indoor Entertainment, Adult and Retail, Adult.**

This use is subject to the following additional standards:

- (1) Adult Retail shall be conducted in a completely enclosed structure (i.e., no outdoor display or storage);
- (2) Indoor Adult Entertainment shall not be located within 1,000 feet of any pre-existing Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling Unit, or other Indoor 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 Indoor Adult Entertainment business to the nearest point on the property line of the Elementary/Secondary School, Religious Institution, state-licensed Family Day Care Center, Public Library, Public Park, Dwelling unit, or other Indoor Adult Entertainment business;

- (3) Notwithstanding any provision in Section 29-4.8 to the contrary, an Indoor Adult Entertainment business shall have no more than one (1) on premise sign which shall be a wall sign approved by the Board as part of the conditional use permit. The surface area of the sign shall not exceed ten (10) percent 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;
- (4) No sign shall be placed in any window;
- (5) 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;
- (6) The premises of all Indoor 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 Indoor Adult Entertainment business shall be conducted in a manner that permits the observation of entertainers, servers or employees from the exterior of the building;
- (7) 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;
- (8) Notwithstanding the other provisions of this Chapter, off street parking for an Indoor Adult Entertainment business shall be located on the premises of the business;
- (9) No operator shall allow or permit this use to be or remain open between the hours of 12:00 midnight and 6:00 a.m. on any day;
- (10) No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business; and
- (11) No person shall knowingly allow a person under the age of eighteen (18) years on the premises of a sexually oriented business.

#### 29-3.3(y) - Primary Use of Land and Buildings: Outdoor Recreation or Entertainment.

This use is subject to the following additional standards:

- (1) Golf courses are permitted in the A and O Districts only; and
- (2) Accessory uses and structures may provide those types of services generally associated with such clubs and facilities to their members.

**29-3.3(z) - Primary Use of Land and Buildings: Alcoholic Beverage Sales.**

This use is subject to the following additional standards:

- (1) This use 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; and
- (2) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.

**29-3.3(aa) - Primary Use of Land and Buildings: Retail, General.**

This use is subject to the following additional standards:

- (1) A retail use in the M-N and M-BP Districts may not exceed a gross floor area of 15,000 sq. ft., except a grocery store may not exceed 45,000 sq. ft. A single structure may contain more than these amounts of gross floor area, as long as no use within the structure exceeds the applicable size set forth herein;
- (2) A retail use in the IG District may not exceed a gross floor area of 15,000 sq. ft., except upon issuance of a conditional use permit; and
- (3) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential zoning district.

**29-3.3(bb) - Primary Use of Land and Buildings: Light Vehicle Sales or Rental.**

When such uses are in the M-DT District, all displays, sales and rental activities shall not occur in an area intended to be occupied by a building and shall not be located forward of the Required Building Line (RBL).

**29-3.3(cc) - Primary Use of Land and Buildings: Light Vehicle Service and Repair.**

This use is subject to the following additional standards:

- (1) In the M-N, M-C, M-DT, M-BP, and I-G Districts, all service and repair activities must take place in an enclosed structure;
- (2) Vehicle bodywork or painting, or major engine or transmission repairs shall not be permitted within the M-N or M-DT District. Such activities shall be permitted in the M-C, M-BP, and I-G Districts provided such activities are conducted within a fully enclosed building;
- (3) Inoperable or damaged vehicles awaiting repair shall be screened from view of all adjacent properties;
- (4) No salvage activities shall be permitted; and
- (5) Gas station or fuel centers with a convenience store are permitted within the M-DT Urban General West frontage type, as shown on the M-DT Regulating Plan, and shall not be required to comply with the required building line (RBL) standards.

**29-3.3(dd) - Primary Use of Land and Buildings: Storage and Wholesale Distribution.**

Storage of feed, fertilizer, grain, soil conditioners, hazardous materials, asphalt, brick, cement, gravel, rock, sand, and similar construction materials, or fuels is only permitted in the IG District.

**29-3.3(ee) - Primary Use of Land and Buildings: Light Industry.**

This use shall be subject to the following additional standards:

- (1) In all zone districts where this is a permitted use:
  - (i) No use or activity shall result in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere;
  - (ii) No use or activity shall be conducted in a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious or offensive by reason of the creation of a fire, explosion or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, vibration, radiation or fumes;
  - (iii) No outside storage shall be allowed; and
  - (iv) Eighty percent (80%) of the use activity shall occur within an enclosed building and hazardous materials are a minor component of its business activity.
- (2) In the M-BP District, this use may include plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing or treatment of equipment, materials, merchandise or products; except for the following:
  - (i) Bone, fat, meat or tallow rendering plants; fish, meat or poultry packing houses; and slaughterhouses;
  - (ii) Foundries or mills for sand casting, forging, primary or secondary processing, reduction, reprocessing or electroplating ferrous or nonferrous metal;
  - (iii) Manufacture, milling or processing of feed, fertilizer, grain or soil conditioners;
  - (iv) Manufacture, compounding or processing of hazardous materials;
  - (v) Manufacture, milling, mixing or processing of asphalt, brick, cement, gravel, rock, sand, and similar construction materials; and
  - (vi) Manufacture, processing or refining of fuels.

**29-3.3(ff) - Primary Use of Land and Buildings: Vehicle Wrecking or Junkyard.**

This use is subject to the following additional standards:

- (1) The facility must be enclosed by a solid fence or wall at least ten (10) feet in height, sufficient to block all views of stored or stacked vehicles, vehicle parts, and wrecking equipment when viewed from adjacent public rights-of-way;
- (2) If located within five hundred (500) feet of a residential zoning district or residential use, any equipment used for crushing or dismantling vehicles shall be located in a completely enclosed structure, or if not enclosed, shall meet the operating hours established in Chapter 11 (Health and Sanitation) of the City Code; and
- (3) In addition to the above, any vehicle wrecking or junkyard facility shall meet all applicable provisions of Chapter 11 (Health and Sanitation) of the City Code.

**29-3.3(gg) - Accessory and Temporary Uses of Land and Buildings: Accessory Dwelling Units.**

This use is subject to the following additional standards:

- (1) No more than two (2) dwelling units, including the accessory dwelling, may be permitted on a single lot;
- (2) The lot must be a minimum of five thousand (5,000) square feet, and lot width must be a minimum of fifty (50) feet;
- (3) A detached accessory dwelling shall be located a minimum of ten (10) feet behind the principal dwelling, and a minimum of six (6) feet from any side or rear lot line. On corner lots, the accessory dwelling shall be set back from side streets not less than the distance required for the principal residence. For the purpose of providing adequate fire protection access, the distance from the nearest street frontage to the center of the rear wall of the accessory dwelling unit shall not exceed one hundred and fifty (150) feet of travel distance unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the Fire Chief;
- (4) An accessory dwelling shall not exceed seventy-five (75) percent of the total square feet of the principal dwelling, as shown in the Boone County Assessor's records, or eight hundred (800) square feet, whichever is less. In addition, a detached accessory dwelling shall not occupy more than thirty (30) percent of the rear yard;
- (5) A detached accessory dwelling shall not exceed the height of the principal dwelling or twenty-four (24) feet, whichever is less;
- (6) When an accessory dwelling is attached to a principal dwelling, only one entrance may face the front lot line;
- (7) In addition to the parking required for the principal dwelling, a minimum of one (1) additional off-street parking space shall be provided on the subject lot for accessory dwellings having not more than two (2) bedrooms, and two (2) additional parking spaces shall be provided for accessory dwellings having three (3) or more bedrooms; and
- (8) Prior to issuance of a building permit for an accessory dwelling, application shall be made to the City, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above listed criteria.

**29-3.3(hh) - Accessory and Temporary Uses of Land and Buildings: Backyard, Rooftop, or Community Garden.**

Each of these uses shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business shall be conducted upon the premises, and no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted.

**29-3.3(ii) - Accessory and Temporary Uses of Land and Buildings: Customary Accessory Uses and Related Structures.**

- (1) All Customary Accessory Uses and Accessory Structures shall comply with the following additional standards, unless otherwise provided in this Code:
  - (i) All accessory uses and accessory structures shall be subordinate to the principal structure(s) and primary use(s) on the property. The aggregate first floor square footage of all Accessory Structures on a lot shall not exceed the first floor square

footage of any principal structure on the lot. The aggregate square footage of all areas devoted primarily to accessory uses on a lot shall not exceed the square footage of all areas devoted to the primary use of the lot;

- (ii) All accessory uses and structures shall comply with all dimensional regulations (i.e. building height, lot coverage, and minimum yard) applicable to the principal structure(s) on the property unless this Chapter provides a specific exception to those regulations;
  - (iii) No part of a detached accessory structure shall be closer than ten (10) feet to another structure;
  - (iv) An accessory use may not begin operation before a permitted primary use or an approved conditional primary use begins operation on the property. An accessory structure may not be constructed before a permitted principal structure is constructed on the property; and
  - (v) Driveways, parking areas and loading areas shall comply with the requirements of Section 29-4.3.
- (2) Customary Accessory Uses and Accessory Structures to One-family, Two-family, Live-work, shall also comply with the following standards:
- (i) Detached accessory structures shall not exceed twenty-four (24) feet in height or the height of the principal structure, whichever is less, and may not occupy more than thirty (30) percent of a required rear yard;
  - (ii) For any dwelling there shall be permitted one (1) garage with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area, provided that total garage space shall not exceed the total habitable first-floor floor area of the primary dwelling;
  - (iii) Detached accessory structures and accessory surface improvements (such as tennis courts, basketball courts, swimming pools, or paved patios) shall be located:
    - (A) not forward of the principal structure,
    - (B) not less than three (3) feet from any side lot line, and
    - (C) not less than one (1) foot from any alley line;
  - (iv) Notwithstanding the provision of subparagraph (iii) above, when the rear lot line is common to a side or rear lot line of another lot, detached accessory structures and accessory surface improvements must be located a minimum of three (3) feet from such rear lot line. For corner lots, detached accessory structures and accessory surface improvements must be located not less than the distance required for residences from side streets; and
  - (v) An accessory structure or accessory surface improvement constructed as an integral part of the main building shall be subject to the setback standards affecting the main building, provided that on a corner lot, a garage integrally attached to the main building may extend to a point not less than eighteen (18) feet from the rear lot line, but shall not occupy more than thirty (30) percent of the rear yard.

- (3) In the R-MF District, for-profit or not-for-profit accessory uses and related structures must comply with the following additional standards:
  - (i) The use must be accessory and subordinate in floor area to a permitted use, and must be primarily an amenity or service to the occupants and users of the permitted use, subject to the additional provisions contained in this subsection;
  - (ii) The commercial use, alone or in combination with other small-scale commercial uses, shall not exceed the smaller of twenty-five (25) percent of the total floor area of the building or five hundred (500) square feet. Where the proposed location of the conditional accessory use is within a unified development of multiple buildings under single ownership and control, or a single building totaling greater than fifty thousand (50,000) square feet, the Board may consider a larger space for the ancillary commercial use provided it complies with the other standards of this subsection;
  - (iii) The commercial use shall not involve the sale of age-restricted products such as alcohol, tobacco and firearms;
  - (iv) The commercial use shall not generate noise or traffic in excess of the levels expected if the entire premises were used for permitted uses;
  - (v) Hours of operation shall be limited to not earlier than 6:00 a.m. or later than 10:00 p.m. daily; and
  - (vi) There shall be no additional parking required to accommodate the use.
- (4) In the IG district, accessory uses may include retail sales to the public of goods produced on the premises.

**29-3.3(jj) - Accessory and Temporary Uses of Land and Buildings: Drive-up Facility.**

This use is subject to the following additional standards:

- (1) Any Drive-up Facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require buffering meeting the requirements of Section 29-4.4 (Landscaping Screening) and along the property line with the R-1 or R-2 district, shall have no speakers facing the R-1 or R-2 Districts, and shall have no menu boards or other signs visible from the R-1 or R-2 Districts; and
- (2) All Drive-up Facilities shall be subject to all applicable noise control ordinances.

**29-3.3(kk) - Accessory and Temporary Uses of Land and Buildings: Home Occupation.**

This use is permitted if compatible with the residential character of the neighborhood, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas all home occupations must meet the following additional standards:

- (1) A home occupation shall be incidental to the use of a dwelling unit for residential uses. No person other than a person residing at the dwelling unit shall be directly involved with or work in the home occupation. If the home occupation employs persons to work at other locations, the dwelling unit shall not be used as an assembly point for any employees who may work at sites outside of the dwelling;



- (2) No alteration of the residential appearance of the premises shall be made, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation;
- (3) No more than twenty (20) percent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A garage shall not be used for a home occupation if such use has the effect of eliminating required parking;
- (4) The home occupation shall be conducted entirely within the dwelling unit or garage and no stock in trade shall be displayed or visible outside, or stored outside of any building, and no raw materials, tools or appliances or waste products shall be stored outside of any building;
- (5) Signs may be used for identification or advertisement of the home occupation but such signs must be attached flat to the structure, may not be larger than one (1) square foot and may not be illuminated;
- (6) Direct sales to the public shall not be conducted on the premises, provided that off-site orders previously made may be filled on the premises;
- (7) The use shall not generate traffic in volumes greater than would normally be expected in a residential neighborhood. For purposes of this section, the normal volume of traffic generated by a single-family dwelling shall be defined as twelve (12) vehicle trips to and/or from the dwelling unit per twenty-four (24) hour period. The use shall not use commercial or business vehicles to deliver finished products from the dwelling unit. All parking necessarily generated by the use shall be off the street in accordance with Section 29-4.3(f) of this Chapter;
- (8) The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- (9) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site; and
- (10) All persons desiring to have a home occupation must first present appropriate plans to the building regulations supervisor detailing how the dwelling will be used or altered to accommodate the use. Thereafter, whenever any permit or license is to be renewed, the dwelling may be inspected to determine how it has been altered to accommodate the use.

**29-3.3(II) - Accessory and Temporary Uses of Land and Buildings: Home Occupation With Non-resident Employees.**

This use shall be subject to the standards listed for all home occupations in subsection (kk) above; except that the home occupation may be carried out by occupants of the dwelling unit as well as by one (1) full-time forty (40) hour individual or two (2) one-half (1/2) time (not more than twenty (20) hours each) individuals who do not reside in the dwelling unit. In addition, the Board may allow that not more than forty (40) percent of the total floor area of the dwelling unit and garage area shall be devoted to the home occupation. A conditional use permit for a home occupation shall expire three (3) years from the date of approval, after which a new conditional use permit may be requested.

**29-3.3(mm) - Accessory and Temporary Uses of Land and Buildings: Outdoor Storage in Residential Districts.**

- (1) No portion of any front yard, except a legal driveway and for not more than two consecutive weeks, shall be used for the storage of motor vehicles, boats, trailers, recreational vehicles, camper trailers, camper shells, commercial vehicles.
- (2) A maximum of two (2) inoperative motor vehicles intended for repair or restoration may be kept on a property provided all of the following conditions are satisfied:
  - (i) The vehicles are not stored on any part of a front yard;
  - (ii) The vehicles shall be kept in an enclosed garage, under an opaque cover designed for the vehicle, or otherwise screened from view from public streets; and
  - (iii) No vehicular parts shall be stored outdoors.
- (3) Storage of recreational vehicles, trailers, boats, camper trailers, and camper shells shall comply with the following additional standards:
  - (i) In residential districts, the above listed vehicles and items shall be stored only in the side or rear yard, and shall not be stored within two (2) feet of any property line; and
  - (ii) No vehicle shall be used for living or sleeping purposes for a period of more than two (2) consecutive weeks while stored on the premises.
- (4) Vehicles with gross weight exceeding five (5) tons or ten thousand (10,000) pounds, or longer than twenty-four (24) feet, or containing more than six (6) wheels, or over twelve thousand (12,000) pounds licensed gross vehicle weight, shall not be permitted to be stored outside in any residential district.

**29-3.3(nn) - Accessory and Temporary Uses of Land and Buildings: Temporary Real Estate Sales/Leasing Office.**

This use shall be located on property being sold or leased and limited to the period of sale or lease, and shall not exceed a period of two (2) years without issuance of a conditional use permit from the Board.

**29-3.3(oo) - Accessory and Temporary Uses of Land and Buildings: Tree or Landscaping Service.**

When such use is located in the M-C or M-BP District the following additional standards shall apply:

- (1) No grinding or reprocessing of materials or debris shall be permitted on the site;
- (2) Vehicles and equipment used as part of such business operations may be located on the site provided they are screened from adjoining residential property in accordance with the provisions of this UDC and are not located forward of the principal building on the site; and
- (3) Repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure.

**29-3.4 C-2 District Outside the M-DT Regulating Plan Boundary.**

- (a) The Permitted Uses and Conditional Uses for property in the C-2 District located outside the M-DT Regulating Plan boundary shall be allowed as set forth in this section.
- (1) Permitted Uses. In the C-2 District located outside the M-DT Regulating Plan boundary, 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:
- (i) All permitted uses in District M-N with the exception that dwelling units shall also be subject to the following floor area requirements:
    - (A) One-family—Not less than six hundred fifty (650) square feet excluding basements, porches and garages.
    - (B) Two-family—Not less than five hundred (500) square feet per dwelling unit excluding basements, porches and garages.
    - (C) Multiple-family—Not less than four hundred (400) square feet per dwelling unit, excluding basements, porches and garages.
  - (ii) Armories.
  - (iii) Assembly and lodge halls.
  - (iv) Automobile repair facilities provided that all repair shall take place within an enclosed building.
  - (v) Bakeries.
  - (vi) Bars, cocktail lounges and nightclubs.
  - (vii) Billiard halls and game arcades.
  - (viii) Bicycle repair shops.
  - (ix) Bus stations.
  - (x) Car washes, coin-operated or attendant-operated.
  - (xi) Electrical repair shop.
  - (xii) Garment storage facilities.
  - (xiii) Government buildings and facilities.
  - (xiv) Hospitals for small animals, if within an enclosed building.
  - (xv) Hotels.
  - (xvi) Laundries, commercial.
  - (xvii) Lumberyards.
  - (xviii) Multi-level, underground or covered commercial parking for automobiles and light trucks.
  - (xix) Newspaper publishing plants.

- (xx) Printing shops.
  - (xxi) Restaurants, cafes and cafeterias.
  - (xxii) Service stations, provided all fuel storage tanks are located underground.
  - (xxiii) 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) per cent 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.
  - (xxiv) Sign painting shops.
  - (xxv) Theatres, not including drive-in theatres.
  - (xxvi) Trade schools.
  - (xxvii) Wholesale sales offices and sample rooms.
  - (xxviii) Customary accessory uses, including drive-up facilities, subject to the Use-Specific Standards of section 29-3.3.
  - (xxix) 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.
- (2) Conditional Uses. The following uses shall be permitted in C-2 District located outside the M-DT Regulating Plan boundary only after the issuance of a conditional use permit pursuant to the provisions of section 29-6.4(m):
- (i) 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.
  - (ii) Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.
  - (iii) Mortuaries, which may include a crematory.
  - (iv) Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.
  - (v) Self-service storage facilities, subject to the following conditions:
    - (A) The application required by section 29-6.4(m) shall include a conceptual design plan that shows:
      - 1) The location of the proposed facility in relation to the existing uses of the building.
      - 2) The square footage of the total building and area that will be allocated for the proposed facility.

- 3) The means of ingress and egress to the proposed facility.
- 4) The use group or groups that the building is currently permitted for as defined in Chapter 6 (Building and Building Regulations) of this code.
- 5) How the altered building will address parking and loading demands generated by the proposed facility.

The conceptual design plan is not required to be "sealed" by a registered design professional. The plan may be drawn by the applicant. The plan shall be prepared in a manner that all details are legible.

- (B) The facility is incidental to the primary use of the building in which it is located (i.e., a mixed use occupancy building shall be required).
- (C) The facility shall not be used to store flammable gases, aerosols, paints, thinners, feed, fertilizer, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, construction materials, inoperable vehicles, or for bulk storage of any kind.
- (D) The use of power tools, paint sprayers, or servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment is prohibited in the facility.
- (E) The facility shall be used exclusively for the storage of goods. No individual tenant may convert, use, or otherwise alter a leased or rented unit to sell any stored item from the facility or to conduct any type of commercial activity at the facility.
- (F) When the facility is located on the first floor of a building, it shall not be located in front of the primary use so that it is the visible storefront of the building.
- (G) When the facility is located in the basement or on any floor higher than the first floor of a building, it may occupy the entire basement or floor only if existing exterior windows remain intact and are "blacked-out" to ensure that stored items are not visible and that the architectural integrity of the building façade is maintained. Building facades on new or renovated construction shall incorporate design elements that break-up the façade so it does not create a blank elevation.
- (H) When the facility is located in an existing or renovated building, loading and unloading activities, on public rights-of-way, shall not occur between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. (Monday thru Friday).
- (I) When the facility is located in a newly constructed building, provision for off-street loading/unloading facilities shall be incorporated into the design of the structure. The facility shall be of adequate depth from the right-of-way so that no blockage of the travel way will occur during loading/unloading activities. When such provision is made, the limitation on hours of loading and unloading, stated in item H, above, shall not apply. On-site parking requirements shall be governed by the provisions of section 29-4.3.
- (J) All proposed construction, renovation, or alteration activities necessary to permit the facility to occupy an existing or new structure shall be in accordance with the requirements of chapter 6 and chapter 9 of the City Code. Activities begun before submission, review and approval of professionally sealed plans and the issuance

of a building permit shall be a violation of the conditional use permit conditions and this code.

- (vi) Uncovered, surface commercial parking for automobiles and light trucks abutting a public street, except for publicly-owned parking facilities. Parking areas located behind buildings, not directly adjacent to a public street (except an alley), are permitted.
- (vii) Uncovered, surface off-street parking areas, except for publicly-owned parking facilities.

(b) 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 29-4.1(c), Exceptions and Encroachments):

- (1) Lot size. No minimum requirement.
- (2) Yards. No minimum requirement.
- (3) Building height. Buildings shall have a minimum of two (2) stories consisting of a minimum of twenty-four (24) feet. One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the planning and zoning commission and approval by the city council according to the standards and procedures in item 7, below.
- (4) Vision clearance. No requirement.
- (5) Floor area. No minimum requirement.
- (6) Parking. On-site parking is required for dwelling units in new buildings and buildings expanded after August 18, 2014. There shall be no parking requirement for new dwelling units created in buildings or enclosed portions of buildings that are at least fifty (50) years old. There shall be no parking requirement for buildings or portions of buildings that exist as of August 18, 2014 that are removed and rebuilt, in whole or in part, to restore but not expand the previously existing building, and there shall be no parking requirement for buildings that have been issued a building permit prior to August 18, 2014. (See section 29-4.3, Parking and Loading.)
- (7) Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require council approval. Requests for tall structure approval in District C-2 shall require a petition on a form provided by the director and shall be referred to the planning and zoning commission for a recommendation and city council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in section 29-6.4(n) of this code.

Petitioners shall provide the planning and zoning commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study. A "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent properties and streets, by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building.

A tall building may be approved by the city council if it satisfies the following criteria:

- (i) The height is consistent with adopted city plan recommendations for maximum building height in the specific location;
- (ii) The additional height will not impair emergency response to the subject building or other places in the immediate vicinity in the opinion of the fire code official and chief of police;
- (iii) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces;
- (iv) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it; and
- (v) Public sidewalks, crosswalks, and streets adjacent to the site are of sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.