Bill No. 2018-45 **Ordinance No. 18-45**

AN ORDINANCE TO AMEND ZONING REGULATIONS APPENDIX 1 "C-2" COMMERCIAL DISTRICT PERMITTED AND CONDITIONAL USES OF THE CODE OF THE CITY OF HOLLISTER, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI AS FOLLOWS:

ZONING REGULATIONS

APPENDIX 1
"C-2" Commercial District Permitted and Conditional Uses

"C-2 Commercial District Permitted Uses

1. Air-conditioning and heating sales and service.

2. Alcoholic (intoxicating) beverages

   a. Establishments that serve alcoholic (intoxicating) beverages for consumption on the premises: bars, lounges, taverns, restaurants and private clubs shall be permitted in this zoning district.

   b. Sale of package beer, wine or liquor sales for consumption off the premises shall be permitted in this zoning district, unless the property is adjacent to a residential zone.

3. Amusement establishments — bowling alleys, dance halls, and other similar places of recreation when conducted wholly within a completely enclosed building.

4. Art, book, school supply and stationery stores.

5. Bakery shop, including the baking and processing of food products when prepared for retail use on the premises only.

6. Banks, financial institutions, savings and loan associations.

7. Barber and beauty shops.

8. Bicycle repair, sales and rental.

9. Blueprinting and photocopying business.

10. Bus passenger terminal.

11. Camera and photographic supply shops for retail sales.

12. Candy and ice cream stores.

13. Clubs and fraternal organizations, catering establishments.

14. Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.

15. Drug stores.

16. Dry goods store, haberdashery and wearing apparel stores.

17. Dry cleaning and pressing establishments, when employing facilities for the cleaning and pressing of dry goods received on the premises from retail trade only and not including any wholesale cleaning or pressing business, and when using carbon tetrachloride, perchlorethylene, or other similar non-flammable solvents approved by the Fire Department.

18. Dyeing, dry cleaning and laundry works having a boiler with a steam-generating capacity no greater than one thousand five hundred (1,500) pounds of steam per hour, having no more than five (5) employees employed at any one time on the premises, having a portion of the premises devoted to the pickup and delivery to customers of items to be dyed, dry cleaned or laundered and which does not operate before the hours of 7:00 A.M. nor after the hour of 9:00 P.M. and which utilizes only underwriter approved non-flammable solutions and materials in its operations.

19. Electrical appliance store and repair, but not including appliance assembly or manufacturing.

20. Feed and seed store/farm supply.

21. Florist shop for retail trade on premises only.

22. Food and fruit stores.

23. Funeral home/mortuary.

24. Furniture store and upholstery.

25. Furrier, when conducted for retail trade on the premises only.

26. Garden supplies and seed stores.

27. Gift shops.

28. Hardware stores.

29. Hobby stores.

30. Hotels, including dining and meeting rooms, when business uses occupy the street frontage except for an entrance to the hotel lobby.

31. Household appliance store and repair shop.

32. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the main use.

33. Jewelry store and watch repair.

34. Launderette, laundromat, or similar self-service dry cleaning establishment.

35. Leather goods and luggage store.

36. Library.

37. Meat markets.

38. Medical clinics.

39. Merchandise establishments — adult.

40. Messenger or telegraph service station.

41. Mobile Food Vendor

42. Motel.

43. Newsstand.

44. Off-street parking facilities in an open lot or a covered building.

45. Offices, business and professional.

46. Paint and wallpaper store.

47. Pet shop or animal hospital when conducted wholly within an enclosed building.

48. Photography studio, art gallery or studio, including the developing of film and pictures when conducted as part of the retail business on the premises.

49. Plumbing, heating and roofing supply shops when conducted wholly within a building.

50. Post office.

51. Public utility collection offices.

52. Recreation places, including bowling alley, dance hall, gymnasium, skating rink, archery range, miniature golf, or other similar places of amusement or entertainment when operated for pecuniary profit.

53. Restaurant, non-drive-in and drive-in car service.

54. Shops for outdoor recreational or utility vehicles not exceeding 1500 lbs., to include rentals, lease, or retail sales. All incidental repairs, replacement of parts and motor services shall be conducted completely within a building. No painting, restoration or overhaul.

55. Sporting goods store.

56. Tailor shop.

57. Theaters, indoor.

58. Tobacco shop

59. Variety store.

60. Wearing apparel store.

61. Any similar business not listed shall be zoned accordingly.

"C-2" Commercial District
Conditional Uses

A. Adult day care facilities may be permitted provided they shall meet the general requirements of this Code listed in Section 400.180 (B) and find the following conditions are present or establish provisions therefore.

1. The following as defined in Missouri Statute 660.400 and the current adopted edition of the International Building Code shall apply for adult day care facilities:

a. *"Adult"*, an individual over the age of eighteen (18).

b. *"Adult day care program"*, a group program designed to provide care and

supervision to meet the needs of five (5) or more functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home.

c. *"Adult day care provider"*, the person, corporation, partnership, association or organization legally responsible for the overall operation of the adult day care program.

d. *"Department"*, the Missouri Department of Social Services.

e. *"Adult day care facilities"*, shall include buildings and structures occupied by more than five (5) persons over the age of eighteen (18) who receive custodial care for fewer than twenty-four (24) hours per day by persons other than parents or guardian, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for.

f. *"Custodial care"*, assistance with day-to-day living tasks.

g. *"Participant"*, means a functionally impaired adult who is enrolled in an adult day care program.

h. *"Related"*, any of the following by blood, marriage or adoption: parent, child, grandchild, brother, sister, half-brother, half-sister, stepparent, uncle, aunt, niece, nephew, or first (1^{st}) cousin.

2. The facility shall be licensed per Missouri Statutes 660.402 to 660.420.

3. Shall be on a parcel of land or lot sized appropriately based on the number of participants and staff to meet these requirements: a drop-off and pick-up area large enough to allow for multiple vehicles to be off the right-of-way, off-street parking, providing outdoor recreation area, and where this use is adjacent to residential uses a landscaped buffer per Appendix 6 of Chapter 400 of the City Code if a privacy fence is not used. In no case shall this use be on a residentially zoned parcel that is less than fifteen thousand (15,000) square feet.

4. The side and rear property lines shall be fenced. Preferably by a privacy fence that shall act as a buffer.

5. The side and rear setback (yard area) shall be a minimum of twenty-five (25) feet for a newly constructed facility.

6. The facility shall provide an outdoor recreation or relaxation area. This may be in the twenty-five (25) feet wide area of the setbacks.

7. The building shall be designed to meet the requirements for an I-4 Institutional use per the current adopted edition of the International Codes as adopted by the City.

This requirement shall apply to existing buildings proposed to be used for this purpose. This requirement meets or exceeds the State minimum.

8. The facility shall provide a paved parking at a rate of one (1) space for each employee on the largest shift plus one (1) visitor parking space for every four (4) participants. An adequately sized paved drop-off/pick-up area shall also be provided to accommodate participants who needed assistance and can move through the process without causing traffic to back up onto a street.

9. No adult care business shall be permitted in an occupied dwelling or home.

B. Adult merchandise establishments.

1. Purpose. The purpose of these regulations is to protect residential property values by restricting the location of adult merchandise establishments. National studies indicate that such businesses are perceived to have a negative impact on residential property values. Dispersion of adult merchandise establishments is required in order to avoid concentration of uses that have a negative impact on adjoining property values.

2. *Location.* An adult merchandise establishment as defined in Section 400.020. Such uses are prohibited within the area circumscribed by a circle that has a radius of five hundred (500) feet from any residential zoning district, school, park, or church. Adult merchandise establishments shall not be located within the area circumscribed by a circle that has a radius of one thousand (1,000) feet from any other adult merchandise establishment or any establishment that is licensed to sell alcoholic beverages within the City limits of Hollister.

3. Distances. The distances provided in this Subsection shall be measured by following a straight line, without regard to intervening structures or objects, from the adult merchandise establishment to the nearest point of the parcel of property containing a school, park, or church, or the residential zoning district boundary line the nearest other adult merchandise establishment.

C. Campground – Real property, other than State-owned property, which contains parcels for rent to transient guests for pay or compensation, which may include temporary utility hookups for use by transient guests, and where such transient guests generally use tents, recreational vehicles or some other form of temporary shelter while on the rented premises. Campground shall be construed to include tourist camps, tourist cabins and tourist courts.

1. Commercial business license shall be obtained from the City of Hollister to operate a campground.

2. Pursuant to the authority granted by Sections 67.1360 and 67.1362, RSMo., a tax for tourism purposes is hereby imposed on charges for sleeping rooms to be paid by transient guests of hotels, motels, nightly rentals, bed and breakfast inns, campgrounds and any

docking facility which rents slips to recreational boats which are used for sleeping to the extent and in the manner provided for in Sections 37.1360 and 67.1362., RSMo. The rate of the tax shall be five percent (5%).

3. Minimum of three (3) acres.

4. One RV unit and one (1) vehicle parking per site.

5. Utilities (electrical, water, and sewer) hook-ups shall be provided.

6. Provisions of an on-site waste disposal.

7. Registration office shall provide adequate paved parking for RV's and patrons.

8. A campground map layout to include each site clearly numbered and consistent with the placement shown on map layout with dimensions.

9. A campground may have a home for the owner/manager's private use.

10. The campground shall not be expanded except by conditional permit review.

D. Car wash businesses.

1. Location shall be on a lot or parcel that is not next to or directly across a street from an existing residential structure.

2. The exterior of all buildings associated with the car wash shall be finished in stucco, brick or brick veneer (no metal siding).

3. All other requirements of Section 400.180 (B) shall be met.

E. Child care facility may be permitted provided the following conditions are present or establish provisions therefore.

1. Use as proposed or specific plans filed with the application conforms to these regulations and other ordinances of the City.

2. Day care centers shall be licensed by the Division of Family Services according to Sections 210.201 – 210.245, RSMo., prior to the issuance of a business license.

3 A day care center may have one (1) unlighted identification sign, not exceeding four (4) square feet in area, attached to and parallel with the wall of the day care home. No part of the sign shall extend into the required setback area of the structure.

4. The use of all lands or buildings arranged, designed or intended for recreational space, required parking for staff and patrons shall be located behind the front yard setback line.

At least one (1) on-site parking space shall be provided for each on-duty staff person.

5. Outdoor activities shall be provided within a fenced area and limited to the hours between 8:00 A.M. and 8:00 P.M. No structured area for active recreational structures shall be located in a front yard or within ten (10) feet of a side or rear lot line.

F. Churches or similar places of worship with their accessory structures.

1. Not including mission or revival tents.

2. Churches shall not operate day cares, kindergartens or schools (grades 1-12) without first receiving special use permit for this use, meet the State of Missouri requirements, and business license from the City of Hollister.

G. Massage therapists.

1. Shall be licensed in the Missouri Division of Professional Registration: Board of Therapeutic Massage and submit copies of their license.

2. Shall keep their license current with the Missouri Division of Professional Registration through the required continuing education.

3. May work in a doctor's office in any zone where the office is physically located.

H. Multiple-family dwellings.

1. For new structures built as multi-family dwellings in C-2 zone – maximum density, lot dimensions, setbacks and building height shall meet the requirements of Appendix 5 for the "R-4" zone.

2. For structures built as mixed commercial and residential in C-2 zone only. The residential use shall be above the commercial uses and shall not be accessed through the commercial uses.

3. All other zoning regulations would apply such as parking and buffering requirements.

I. Open-air flea market (Temporary).

1. Shall be licensed to operate for not more than sixty (60) days in a calendar year.

2. Days of operation shall not exceed fourteen (14) consecutive days at any one (1) time.

3. All requirements of Section 400.180 (B) of this Section and other ordinances of the City of Hollister shall be followed.

4. With the application a site plan shall be submitted showing the layout of the sales area

with approximate number of vendor spaces, parking with approximate number of spaces available, circulation routes and location of restroom facilities.

5. All parking shall be off-street parking.

J. Outdoor amusement/recreation establishments operated for pecuniary profit.

1. Hours of operation shall be limited from 10:00 am to 12:00 pm.

2. Adequate restroom facilities for both sexes shall be provided on the premises of such amusement or entertainment. Such facilities may be of a temporary nature.

3. All electrical wiring and lighting ~~must~~ shall be inspected and approved by the City Building Department and shall meet ~~2011~~ the current edition of the NEC Section 590 code.

4. Adequate facilities for the disposal of trash and debris shall be provided on the premises.

5. The area or premises where such amusement or recreation is conducted shall be cleaned and policed after the cessation of such amusement or recreation and all trash, litter and debris shall be removed.

K. Pets grooming businesses.

1. Pets shall be on a leash or in a carrier at all times while in transit from a vehicle to the shop and from the shop to a vehicle.

2. The pet owners and shop operator are responsible for any necessary cleaning up after the pets whether on sidewalk, street, grass or inside the shop.

3. Pets shall not be boarded at the shop.

4. Any outside waste containers shall have lids that seal to avoid the potential to draw insects or other animals. Excess flies, rodents or other animals around the exterior area shall be considered a nuisance.

5. A purpose-built hair strainer shall be used to eliminate clogging and contamination of wastewater transfer infrastructure.

L. Picnic areas and/or fishing lakes.

1. All parking shall be off-street parking.

2. Adequate restroom facilities shall be provided to accommodate the number of people anticipated in the facility's design.

M. Private school facilities may be permitted provided they meet the general requirements of this Code listed in Section 400.180 (B) and the following conditions are present or establish provisions therefore.

1. The following as defined in the current adopted edition of the International Building Code shall apply here for educational facilities;

a. *"Educational facility"*, the use of a building or structure, or a portion thereof, by six (6) or more person at any one time for educational purposes through the 12th grade.

b. *"Educational day care facility"*, buildings or structures or portions thereof occupied by more than five (5) children older than two and one-half (2 ½) years of age who receive educational, supervision or personal care services for fewer than twenty-four (24) hours per day.

2. The program shall be an accredited program through a recognized accreditation source such as National Private Schools Accreditation Alliance (NPSAA), American Council on Private School Accreditation (ACPSA), or North Central Accreditation just to name a few.

3. The facility shall be on a lot or land parcel of three (3) acres or larger for elementary education facilities; five (5) acres or large for middle school and high school facilities.

4. The building shall be designed to meet the requirements for the appropriate use group per the current adopted edition of the International Codes as adopted by the City. The appropriate use group is based on such factors as age and self-sufficiency of the students. This requirement shall apply to existing buildings proposed to be use for this purpose even if major renovation would be required.

5. The facility shall provide a paved parking and loading/unloading area as prescribed by Chapter 400 of this Code.

N. Tanning beds as an accessory use to beauty/barber shops shall comply with City Code Section 605.210.

O. Tanning salons shall comply with City Code Section 605.210.

P. Tattoo parlors.

1. The facility, operator and all artists shall comply with the provisions of City Code Chapter 640.

2. Tattoo artists shall comply and show proof of compliance with all State Statutes regulating such work.

Q. Recreational vehicle parks

1. Commercial business license shall be obtained from the City of Hollister to operate a campground.

2. Pursuant to the authority granted by Sections 67.1360 and 67.1362, RSMo., a tax for tourism purposes is hereby imposed on charges for sleeping rooms to be paid by transient guests of hotels, motels, nightly rentals, bed and breakfast inns, campgrounds and any docking facility which rents slips to recreational boats which are used for sleeping to the extent and in the manner provided for in Sections 37.1360 and 67.1362., RSMo. The rate of the tax shall be five percent (5%).

3. Minimum of five (5) acres.

4. Recreational vehicle shall be less than four hundred (400) square feet in area.

5. Shall have one (1) additional vehicle parking space per each recreational vehicle site.

6. Utilities (electrical, water, and sewer) hook-ups shall be provided.

7. Provisions for on-site waste disposal.

8. Registration office shall provide adequate paved parking for RV's and patrons.

9. A recreational vehicles park map layout to include each site clearly numbered and consistent with the placement shown on map layout with dimensions.

10. A recreational vehicles park may have a home for the owner/manager's private use.

11. The recreational vehicles park shall not be expanded except by conditional permit review.

13. Only on land shown in the designated floodplain as shown on Hollister's Flood Insurance Rate Map (FIRM – official floodplain map)

14. The recreational vehicle shall not be anchored down.

15. The recreational vehicle shall be fully licensed and ready for highway use.

16. There can be no additions built on to any recreational vehicle.

"C-2" Commercial District Minimum Requirements.

A. The minimum requirements in the C-2 Commercial District are as follows:

1. Minimum lot size: None

2. Maximum density building area per floor: 12,000 square feet

3. Minimum lot width: 100 feet

4. Minimum lot depth: 100 feet

5. Minimum front setback: 25 feet

6. Minimum side setback: None

7. Minimum back setback: 10-25 feet

8. Maximum building height: 40 feet/3 stories

B. Except as hereinafter provided:

1. No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.

a. Commercial businesses that rely on outside sales such as lumberyards, auto dealership, boat sales lot, manufactured home sales lot, etc., shall be on property that is zoned properly.

b. Commercial businesses that wish to have goods displayed outside may do so if: the square footage of the outside display area does not exceed twenty percent (20%) of the square footage of the inside display area up to a maximum of one thousand (1,000) square feet of outside display area, the outside display does not block sidewalks, drives or required parking and the use is an approved use in the district. This is not permitted in"H-1" Historic District,"C-1" Commercial District, home occupations, food service and tavern type establishments. Businesses wishing to exceed these limits need a Special Use Permit.

2. No building shall be erected or altered to have a narrower or smaller rear yard, front yard, side yard, inner or outer court than is specified for the district in which such building is to be located.

3. No part of a yard or other open space about any buildings required for the purpose of complying with the provisions of the standards in this Chapter shall be included as a part of a yard or other open space similarly required for another building.

C. Within the "C-2" Commercial District, the following regulations shall apply:

1. *Intended Purpose.* This district is for general uses that provide community wide personal and business service, also specialty shops and production of hand-crafted items in conjunction with retail sales.

2. *District area.* This district area includes Business Highway 65 and lower portion of BB Highway, Evergreen and Presbyterian.

3. *Buffer zone.* On lots abutting any residential use, there shall be provided one (1) twenty (20) foot wide landscaped buffer planted in accordance with Appendix 6 of Chapter 400. A landscape plan shall be submitted along with the site plan and the owner shall maintain all plantings. A combination of plantings and fencing or other methods (such as berms or ornamental walls) may also be used if approved by the Planning Commission as long as the desired effect of shielding residential areas from commercial areas is accomplished.

1. No less than twenty percent (20%) of the total lot area shall be devoted to open space including required buffer zones. Open space shall contain living ground cover and other landscaping and materials.

2. Maximum impervious surface of all buildings, structures, parking, loading or any other surfaces which reduce and prevent absorption of stormwater shall not exceed eighty percent (80%) of this total area.

4. *Use limitations.*

1. No use shall emit noise or odor that will or may create a nuisance considered detrimental to the neighborhood. Maximum sound level measured at the boundary of any residential district shall not exceed sixty (60) dbA.

2. All refuse storage areas shall be screened from view.

3. Lighting shall be designed to reflect away from residential areas.

5. *Parking requirements.* See Section 400.160.

1. Each owner shall keep available on their building site a maintained parking lot large enough to prevent on-street parking.

2. Accessible parking spaces shall be provided in compliance with the Accessibility Chapter of the current adopted edition of the International Building

Code and ICC A117.1 Accessible and Usable Buildings and Facilities.[Ord. No. 14-05, 8-7-2014]

READ THIS FIRST AND SECOND TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI THIS 5TH DAY OF JULY, 2018.

_____
David G. Tate, Mayor

ATTEST:

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Bridget Epps, City Clerk