

AN ORDINANCE TO AMEND CHAPTER 400 ATTACHMENT 2 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

400 Attachment 2

City of Hollister

APPENDIX 1

"C-2" Commercial District Permitted And Conditional Uses

B. "C-2" Commercial District Conditional Uses.

2. Adult Merchandise Establishments.

a. 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.

b. 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.

c. 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.

3. Brewery.

- a. A building or establishment for producing (brewing) beer, ale or other malt liquors. This facility may include retail sales of any beer, ale or other malt liquors produced at that location.
 - b. No Brewery shall be located within five hundred (500) feet of any then-existing elementary or secondary school, state licensed day care, church or any residentially zoned parcel.
 - c. For purposes of determining distances, used in Subsection (B.) of this Section, from elementary or secondary schools, state licensed day cares or churches, the distance will be measured in a straight line from the nearest, exterior, structural surface of the primary building; excluding steps, overhangs, awnings, entryways, etc., of a school, church or daycare to the nearest, exterior, structural surface of the primary brewery building; excluding steps, overhangs, awnings, entryways, etc. This measurement will be expressed in feet.
 - d. For purposes of determining distances, used in Subsection (B.) of this Section, from residentially zoned parcels, the distance will be measured in a straight line from the nearest, boundary of the residentially zoned parcel to the nearest boundary of the parcel on which the brewery is sited. This measurement will be expressed in feet.
4. 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.
- a. Commercial business license shall be obtained from the City of Hollister to operate a campground.
 - b. 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%).
 - c. Minimum of three (3) acres.
 - d. One (1) RV unit and one (1) vehicle parking per site.
 - e. Utilities (electrical, water, and sewer) hook-ups shall be provided.
 - f. Provisions of an on-site waste disposal.
 - g. Registration office shall provide adequate paved parking for RV's and patrons.
 - h. A campground map layout to include each site clearly numbered and consistent with the placement shown on map layout with dimensions.

- i. A campground may have a home for the owner/manager's private use.
- j. The campground shall not be expanded except by conditional permit review.

5. Car wash businesses.

- a. Location shall be on a lot or parcel that is not next to or directly across a street from an existing residential structure.
- b. The exterior of all buildings associated with the car wash shall be finished in stucco, brick or brick veneer (no metal siding).
- c. All other requirements of Section 400.180(B) shall be met.

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

- a. Use as proposed or specific plans filed with the application conforms to these regulations and other ordinances of the City.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

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

- a. Not including mission or revival tents.
- b. 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.

8. Distillery.

- a. A building or establishment producing (distilling) alcohol (liquors) for human consumption. This facility may include retail sales of any liquor, or product containing distilled spirits manufactured at that location.

b. No Distillery shall be located within five hundred (500) feet of any then-existing elementary or secondary school, state licensed day care, church or any residentially zoned parcel.

c. For purposes of determining distances, used in Subsection (B.) of this Section from elementary or secondary schools, state licensed day cares or churches, the distance will be measured in a straight line from the nearest, exterior, structural surface of the primary building; excluding steps, overhangs, awnings, entryways, etc., of a school, church or daycare to the nearest, exterior, structural surface of the primary distillery building; excluding steps, overhangs, awnings, entryways, etc. This measurement will be expressed in feet.

d. For purposes of determining distances, used in Subsection (B.) of this Section, from residentially zoned parcels, the distance will be measured in a straight line from the nearest, boundary of the residentially zoned parcel to the nearest boundary of the parcel on which the distillery is sited. This measurement will be expressed in feet.

9. Massage therapists.

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

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

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

10. Microbrewery.

a. A building or establishment for producing (brewing) beer, with an annual production of ten thousand barrels or less. This facility may include retail sales of beer produced at that location.

b. No Microbrewery shall be located within five hundred (500) feet of any then-existing elementary or secondary school, state licensed day care, church or any residentially zoned parcel.

c. For purposes of determining distances, used in Subsection (B.) of this Section, from elementary or secondary schools, state licensed day cares or churches, the distance will be measured in a straight line from the nearest, exterior, structural surface of the primary building; excluding steps, overhangs, awnings, entryways, etc., of a school, church or daycare to the nearest, exterior, structural surface of the primary microbrewery building; excluding steps, overhangs, awnings, entryways, etc. This measurement will be expressed in feet.

d. For purposes of determining distances, used in Subsection (B.) of this Section, from residentially zoned parcels, the distance will be measured in a straight line from the

nearest, boundary of the residentially zoned parcel to the nearest boundary of the parcel on which the microbrewery is sited. This measurement will be expressed in feet.

11. Multiple-family dwellings.

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

b. Existing non-conforming use (mobile homes or manufactured homes or mobile home parks) shall be considered as compliant ("grandfathered") uses and once removed may only be replaced if the mobile homes, manufactured homes or mobile home parks are destroyed as a result of a fire or an Act of God and:

(1) The replacement home or homes possess a valid title, stating they were manufactured within a ten-year period prior to the current calendar year.

(2) The replacement home or homes shall have a valid certificate of occupancy within one (1) year subsequent to the date of destruction of the original home.

c. 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.

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

12. Open-air flea market (temporary).

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

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

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

d. 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.

e. All parking shall be off-street parking commercial uses.

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

a. Hours of operation shall be limited from 10:00 A.M. to 12:00 P.M.

b. 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.

c. All electrical wiring and lighting shall be inspected and approved by the City Building Department and shall meet the current Edition of the NEC Section 590 code.

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

e. 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.

14. Pets grooming businesses.

a. 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.

b. 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.

c. Pets shall not be boarded at the shop.

d. 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.

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

15. Picnic areas and/or fishing lakes.

a. All parking shall be off-street parking.

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

16. 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.

a. The following as defined in the current adopted Edition of the International Building Code shall apply here for educational facilities:

(1) "Educational Facility," the use of a building or structure, or a portion thereof, by six (6) or more person at any one (1) time for educational purposes through the 12th grade.

(2) "Educational Day Care Facility," buildings or structures or portions thereof occupied by more than five (5) children older than two and one-half (2 1/2) years of age who receive educational, supervision or personal care services for fewer than twenty-four (24) hours per day.

b. 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.

c. 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.

d. 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.

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

17. Recreational vehicle parks.

a. Recreational vehicle parks may be permitted provided they meet the general requirements of this Code.

(1) Commercial business license shall be obtained from the City of Hollister to operate a RV park.

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

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

(6) Provisions for waste/trash/garbage disposal in an enclosed area.

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

(8) A recreational vehicle park map layout to include each site clearlynumbered and consistent with the placement shown on map layout with dimensions.

(9) Provide the City a written copy of park rules prior to issue of conditional use permit.

(10) The recreational vehicles park shall not be expanded except by conditional use permit review.

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

b. RVs designed to be self-propelled or permanently towable by a vehicle shall be fully licensed and ready for highway use:

(1) RVs ready for highway use means that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.

(2) All vehicles required to tow a towable RV shall be fully licensed and ready for highway use.

(3) No tie-downs.

c. RVs shall not be on a lot site more than one hundred eighty (180) consecutive days. They may change to another lot site that is not adjacent to current lot site.

d. Well-maintained sites:

(1) Appliances shall not be permitted outside of a RV.

(2) Any furnishings to be assembled with tools shall not be permitted outside of a RV.

(3) External storage sheds, outbuilding, racks or shelves shall not be permitted outside of a RV.

(4) There shall be no additions built on to any recreational vehicle.

(5) Storage under a RV shall not be permitted.

(6) Temporary tents (easy ups or similar assemblies) shall be allowed for weather coverage only but are not to be used for overnight lodging or storage.

(7) No construction materials shall be permitted outside of a RV.

(8) Tarps shall not be permitted to cover up a RV, items on picnic tables or covering up items on lot.

(9) No washing of a RV or motor vehicle.

(10) No permanent fences allowed. Only portable fence shall be permitted for pets.

(11) No RV or vehicle repairs or maintenance shall be permitted on the premises.

(12) Sewer connections on the lot site shall be constructed with a threaded end for a screw on cap. Connections to sewer or water shall not have leaks. No discharge of sewage or gray water on the ground.

(13) Skirting on RVs shall not be permitted except during the time period from October 1st thru March 31st. All skirting shall be removed during all other times of the year. Plastic sheeting, plywood, tarps or other makeshift skirting items which require tools to attach to RV shall not be permitted.

e. One RV to be use for year around employee housing may be placed on a site and shall meet the elevation and anchoring requirements for manufactured homes.

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

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

20. Tattoo parlors.

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

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

21. Winery.

a. A building or establishment for producing (fermenting) wine. This facility may include retail sales of any wine produced at that location.

b. No Winery shall be located within five hundred (500) feet of any then-existing elementary or secondary school, state licensed day care, church or any residentially zoned parcel.

c. For purposes of determining distances, used in Subsection (B.) of this Section, from elementary or secondary schools, state licensed day cares or churches, the distance will be measured in a straight line from the nearest, exterior, structural surface of the primary building; excluding steps, overhangs, awnings, entryways, etc., of a school, church or daycare to the nearest, exterior, structural surface of the primary winery building; excluding steps, overhangs, awnings, entryways, etc. This measurement will be expressed in feet.

d. For purposes of determining distances, used in Subsection (B.) of this Section, from residentially zoned parcels, the distance will be measured in a straight line from the nearest, boundary of the residentially zoned parcel to the nearest boundary of the parcel on which the winery is sited. This measurement will be expressed in feet.

READ THIS FIRST AND SECOND TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI THIS 7TH DAY OF DECEMBER, 2023.

Lamar Patton, Mayor

ATTEST:

Bridget Epps, City Clerk