

Planning and Zoning Commission Agenda

Aurora City Hall
City Council Chambers
2 W. Pleasant
Aurora, Missouri

Tuesday, March 3, 2026 - 6 P.M.

1. CALL TO ORDER

2. ROLL CALL

Chairman Vacancy

Vice Chairwoman Regina Payne

Commission Member Vacancy

Commission Member Justin Cox

Commission Member David Cox

Councilwoman Theresa Pettit

Commission Member William Gold

3. APPROVAL OF MINUTES

3.I. Approval Of Minutes From Meeting Held January 6, 2026

Documents:

[COVER SHEET AGENDA ITEM MINUTES FROM MEETING HELD JANUARY
6, 2026.PDF](#)
[DRAFT 1.6.26.PDF](#)

4. NEW BUSINESS

4.I. Appointment Of Chairman

Documents:

[COVER SHEET AGENDA ITEM ELECT CHAIRMAN TO P AND Z.PDF](#)

4.II. Public Hearing - Minor Subdivision/Lot Split

Documents:

[COVER SHEET AGENDA ITEM BRETT HEMAN LOT SPLIT 332 N ELLIOTT
3.3.26.PDF](#)
[ATTACHMENT LIST.PDF](#)
[APPLICATION AND RECEIPT.PDF](#)

PROPERTY REPORT CARD.PDF
DEED FROM COUNTY.PDF
NEWSPAPER NOTICE.PDF
PUBLIC HEARING LETTER TO 185.PDF
ORIGINAL PLAT.PDF
SURVEY.PDF
STAFF REPORT BRETT HEMAN LOT SPLIT 332 N ELLIOTT.PDF

4.III. Commercial/Manufacturing Code Revision

Documents:

COVER SHEET AGENDA ITEM CODE REVISION DRAFT.PDF
COMMERCIAL AND MANUFACTURING CODE REVISION - DRAFT.PDF
CARL JUNCTION CODES.PDF
BRANSON WEST CODES.PDF

5. PUBLIC COMMENT/DISCUSSION

6. ADJOURNMENT

City of Aurora Agenda Item Cover Sheet

To: City of Aurora Planning and Zoning Commission
From:
Department:
Date:

AGENDA ITEM NARRATIVE

BACKGROUND

SPECIFIC ACTION REQUESTED

ATTACHMENTS

Planning and Zoning Commission Minutes

Aurora City Hall

City Council Chambers

2 W Pleasant Street

Aurora Missouri

Tuesday, January 6, 2026 - 6 PM

1/6/2026 - Minutes

1. CALL TO ORDER

6 PM

2. ROLL CALL

Chairman Vacancy

Vice Chairwoman Regina Payne - Present

Commission Member Vacancy

Commission Member Justin Cox - Present

Commission Member David Cox - Absent

Councilwoman Theresa Pettit - Present

Commission Member William Gold - Present

3. APPROVAL OF MINUTES

3.I. Approval Of Minutes From Meeting Held December 2, 2025

Councilwoman Pettit made a motion to approve the minutes from the meeting held December 2, 2025. Motion seconded by Commission Member J. Cox. Motion passed with all members voting aye.

4. NEW BUSINESS

4.I. Public Hearing - Zoning Request 931 S Elliott

Manager Howlett address the Commission regarding the zoning request. Applicant wishes to rezone 931 S Elliott Avenue, along with 4 other neighboring properties from C-1 (Retail Services) to C-2 (General Business).

Applicant, Larry Tomlin, is present at the meeting.

Draft

Councilwoman Pettit made a motion to open the public hearing at 6:05 PM. Motion seconded by Commission Member J. Cox. Motion passed with all members voting aye.

Mr. Tomlin has owned the property for 9 years and is hoping to rezone to open possibilities for potential buyers and to expedite selling the property. At this time, he does not have any active interested buyers and no contracts are pending.

Councilwoman Pettit has concerns over some of the possible uses listed under C-2 that could be allowed on this property in the future. Manager Howlett advised the Commission that if they were to approve the rezone request, the Commission can place restrictions on certain business types at this location if they are not specifically listed under the C-2 City Code zoning. Discussion was made regarding code revision. The Commission would like City Staff to review all Commercial and Manufacturing Codes and recommend revisions to be brought back to the Planning and Zoning Commission, which would then be taken to Council following the Commission for Council's final approval.

Vice Chairwoman Payne made a motion to close the public hearing at 6:24 PM. Motion seconded by Commission Member J. Cox. Motion passed with all members voting aye.

Finding of Fact is addressed with the Commission. The rezone request does serve the convenience and general welfare of the public. However, it could possibly make an adverse impact on the neighborhood and it could possibly adversely affect surrounding property and property values, depending on the type of business that could be placed at the location. The rezone could possibly serve the neighborhood in some degree, but it would not protect the neighborhood interest. The rezone would alter the character or nature of the development of the neighborhood, but would be in basic harmony with the various elements and objectives of the Master Plan.

Commission Member J. Cox made a motion to approve the rezone request from C-1 to C-2. Motion seconded by Commission Member Gold. Motion failed with all members voting the following:

AYES: J. Cox, Gold

NAYS: Pettit, Payne

ABSENT: D. Cox

Councilwoman Pettit made a motion to table all remaining agenda items. Commission Member J. Cox seconded the motion. Motion passed with all members voting aye.

Councilwoman Pettit made a motion for City Staff to review and edit all Commercial and Manufacturing codes to bring back to the Commission for review and voting. Motion seconded by Commission J. Cox. Motion passed with all members voting aye.

Vice Chairwoman made a motion to rescind the previous motion and vote regarding the rezone request for 931 S Elliott Avenue. Motion to rescind seconded by Commission Member J. Cox. Motion passed with all members voting aye.

All agenda items are tabled and City Staff with bring revision of Commercial and Manufacturing Zone Codes to the Planning and Zoning Commission. Following, the Code revisions will go to Council. Furthermore, the Council will request to bring back the tabled items from Mr. Tomlin's requests to the Planning and Zoning Commission following all code revisions and adoption.

4.II. Public Hearing - Zoning Request 137 E Pearl

All agenda items are tabled and City Staff with bring revision of Commercial and Manufacturing Zone Codes to the Planning and Zoning Commission. Following, the Code revisions will go to Council. Furthermore, the Council will request to bring back the tabled items from Mr. Tomlin's requests to the Planning and Zoning Commission following all code revisions and adoption.

4.III. Public Hearing - Zoning Request 129 E Pearl

All agenda items are tabled and City Staff with bring revision of Commercial and Manufacturing Zone Codes to the Planning and Zoning Commission. Following, the Code revisions will go to Council. Furthermore, the

Council will request to bring back the tabled items from Mr. Tomlin's requests to the Planning and Zoning Commission following all code revisions and adoption.

4.IV. Public Hearing - Zoning Request 124 E Springfield

All agenda items are tabled and City Staff with bring revision of Commercial and Manufacturing Zone Codes to the Planning and Zoning Commission. Following, the Code revisions will go to Council. Furthermore, the Council will request to bring back the tabled items from Mr. Tomlin's requests to the Planning and Zoning Commission following all code revisions and adoption.

4.V. Public Hearing - Zoning Request 142 E Springfield

All agenda items are tabled and City Staff with bring revision of Commercial and Manufacturing Zone Codes to the Planning and Zoning Commission. Following, the Code revisions will go to Council. Furthermore, the Council will request to bring back the tabled items from Mr. Tomlin's requests to the Planning and Zoning Commission following all code revisions and adoption.

5. PUBLIC COMMENT/DISCUSSION

No public comment

6. ADJOURNMENT

Councilwoman Pettit made a motion to adjourn; time noted 6:59 PM. Motion seconded by Vice Chairwoman Payne. Motion passed with all members voting aye.

APPROVED:

Draft

Regina Payne, Vice Chairwoman

ATTEST:

Crystal Gregory, Administrative Assistant

City of Aurora Agenda Item Cover Sheet

To: City of Aurora Planning and Zoning Commission
From:
Department:
Date:

AGENDA ITEM NARRATIVE

BACKGROUND

SPECIFIC ACTION REQUESTED

ATTACHMENTS

City of Aurora Agenda Item Cover Sheet

To: City of Aurora Planning and Zoning Commission
From:
Department:
Date:

AGENDA ITEM NARRATIVE

BACKGROUND

SPECIFIC ACTION REQUESTED

ATTACHMENTS

Attachment List

1. Planning and Zoning Application and Receipt
2. Property Report Card
3. Deed from County
4. Public Hearing Newspaper Notice
5. Public Hearing Letter to 185'
6. Original Plat
7. Survey
8. Staff Report



Planning & Zoning Commission Application

PROJECT TYPE AND TITLE (Check ONE)

New Subdivision, Zoning and Concept Plan (Requires Preliminary Plat).

Title on Plans: _____

Annexation

Zoning Code Amendment

Minor Subdivision / Lot Split / Lot Combination

Vacate: Street / Alley / Right of Way

Special Use Permit

Other: _____

Fees Table (See ORD 500.030 for complete list of fees)

Plan Review (Commercial)	\$100.00 plus \$50.00 per hour
Plan Review (Residential)	\$25.00
Plat Review	\$150.00 plus \$10.00 per lot
Minor subdivision/Lot Split	\$100.00 fee (per application)
Annexation/Zoning Amendment	\$100.00 fee (per application)
Vacate Request	\$100.00 fee (per application)
Special Use Permit	\$100.00 fee (per application)
Building Board of Appeals	\$100.00 fee (per appeal)

Corresponding amount paid to the City of Aurora listed in fee table must accompany application for processing by check or money order, debit or credit payment arrangements also can be made by calling the City Collector at (417)-678-5121

APPLICANT INFORMATION

Date: 12-5-25

Applicant Name: Brett Herman

Address: 2733 E. Battleground Rd #259 Springfield MO 65804

Phone: 417-812-5672 Email: Brett@HermanProperties.com

Relationship to Owner: Owner

Address of Property: 332 N Elliott

Description of Project: Lot split at 332 N. Elliott. Lots to face Elliott. Will have 75' of width

PROPERTY OWNER(S)

Name	Address	Phone	Email
<u>Herman Properties</u>	<u>2733 E. Battleground Rd #259</u>	<u>Springfield MO</u>	<u></u>

Mortgagees/Consultants

Contact Person

Identify one person to serve as the contact for the Community Development Department during the review process. This will be the only person notified by the Community Development Department of meeting schedules. It will be his/her responsibility to notify the other parties, who may be involved in the project.

Name	Address	Phone	Email
<u>Brett Hemmer</u>	<u>417-812-5672</u>	<u>Brett@HemmerProperties.com</u>	

Owners Certification

I certify that I am the person in interest and the information, exhibits herewith are true and correct to the best of my knowledge, and that in filing this application, I am acting with the knowledge and consent of all persons in interest. Without the consent of persons with interest, this requested action cannot lawfully be accomplished.

Name	Signature
<u>Brett Hemmer</u>	<u>[Signature]</u>

For Office Use Only:

Received Date: 1/5/26 Received by: Cynthia Gregory

P&Z Meeting Scheduled for: 3/3/26

Determination of P&Z Commission/Recommendation to City Council: APPROVE or DENY

Community Development Director to sign after final determination by Planning & Zoning Commission and City Council.

Approved Denied _____

Signature: _____ Date: _____
Community Development Director

holding for survey 12-5-25 before beginning meeting prep. CB

.00

CITY OF AURORA
2 N PLEASANT ST
AURORA, MO 65604
United States
[HTTPS://AURORA-CITYHALL.ORG/](https://aurora-cityhall.org/)

Received From: BRETT HEMAN
Date: 01/06/2026 Time: 10:08:06 AM
Receipt: 000002065 *** REPRINT ***
Cashier: twasham

ITEM REFERENCE	AMOUNT
BDIV Invoices: Community Development	
0000000022	\$100.00
TOTAL	\$100.00
Check 10891	\$100.00
Total Tendered:	\$100.00
Change:	\$0.00

Lawrence County, MO

Property Report Card

Parcel Number: 203007002003006000

Owner Name: HEMAN HOUSES LLC

Situs Address: 332 N ELLIOTT

Mail To Address: 1011 S VENTURE AVE

Mail To Address 2:

Mail To City State Zip: SPRINGFIELD MO 65804

Database Acres: 0

Book/Page: 2025-5605

Section: 7

Township: 26

Range: 25

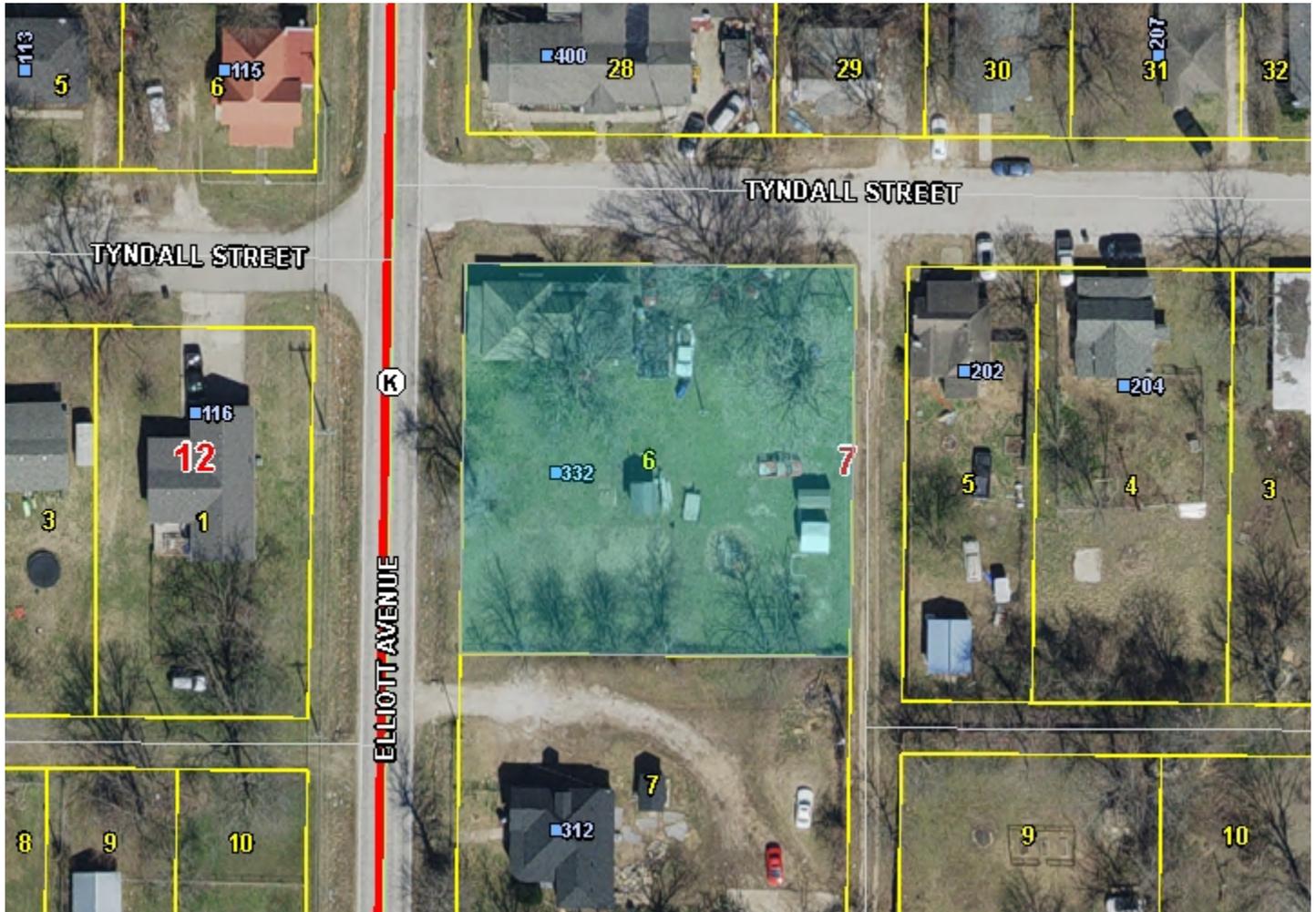
Date Acquired: 2025-11-13

Land Assessed: 1200

Total Assessed Including Land: 6120

Legal Description: TRACT A. LOTS 20,21,22, & 23 OF RANDALL'S ADD - AURORA

Printed
1.6.26
-CG



Data contained within this web site was created from record research provided by the county and/or city. Lawrence County, Missouri does not guarantee any accuracies to the data or attribute information displayed, queried, or printed from this web site. This web site is only intended for informational purposes.

Recording Date/Time: 11/13/2025 at 12:20:33 PM

Book: 2025 Page: 5605

Instr #: 2025005605

Pages: 2
Fee: \$27.00 S



Electronically Recorded

Denise Massie
Recorder of Deeds

PERSONAL REPRESENTATIVE'S DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, Karen Luney died intestate and an application for letters of administration as a supervised administered estate was filed in the Probate Division of the Circuit Court of Lawrence County, Missouri in Case/Estate No. 25LW-PR00136; and

WHEREAS, letters of administration as a supervised administration were granted to the undersigned on August 4, 2025, according to law; and

WHEREAS, the Probate Division of the Circuit Court of Lawrence County, Missouri, by its order to sell real property made on October 20, 2025, did order, authorize and direct the undersigned, as personal representative of the estate of Karen Luney, deceased, to sell, at public or private sale, for cash the real property hereinafter described belonging to the estate of said decedent, first having said real property appraised according to law, and

WHEREAS, in obedience to said order I, did on October 6, 2025, agree to sell said real property at private sale to Heman Houses LLC, (mailing address of which Grantee is 1011 South Venture Ave, Springfield, MO 65804) of Lawrence County, Missouri for Forty Thousand dollars (\$40,000.00) in cash, with said sale being for more than three-fourths of the appraised value of said real property, as shown by the inventory filed on October 6, 2025, and

WHEREAS, on October 9, 2025, I, as personal representative did make and file with said court a full report of my proceedings under said order to sell real property, and on October 20, 2025, said court made its order approving and confirming said sale and my report thereof and ordering and directing me, as such personal representative to make, execute, acknowledge and deliver a deed to said real property to the purchaser thereof at said sale

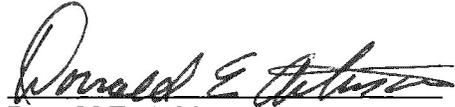
NOW, THEREFORE, in obedience to the orders of said court and in consideration of the sum of FORTY THOUSAND DOLLARS (\$40,000.00) and other good and valuable consideration, in hand paid by the said Purchaser, the receipt of which is hereby acknowledged, I, Donald E. Atkinson, Personal Representative do by these presents grant, bargain, sell, convey and confirm unto the said Heman Houses LLC, Buyer, and their successors and assigns forever, the following described real property, lying, being and situate in Lawrence County, Missouri, to-wit:

ALL OF LOTS 20, 21, 22 AND 23 RANDALL'S ADDITION TO THE CITY OF AURORA, MISSOURI; ALSO TRACT "A" DESCRIBED AS BEGINNING 30 FEET SOUTH AND 30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTH HALF (S 1/2) OF LOT 2 OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 7, TOWNSHIP 26, RANGE 25, LAWRENCE COUNTY, MISSOURI, RUNNING THENCE SOUTH 50 FEET, EAST 150 FEET, NORTH 50 FEET, WEST 150 FEET TO THE PLACE OF BEGINNING.

Terry L. Luney died on March 19, 2020

TO HAVE AND TO HOLD the same unto the said Heman Houses LLC, Buyer, and their successors and assigns forever.

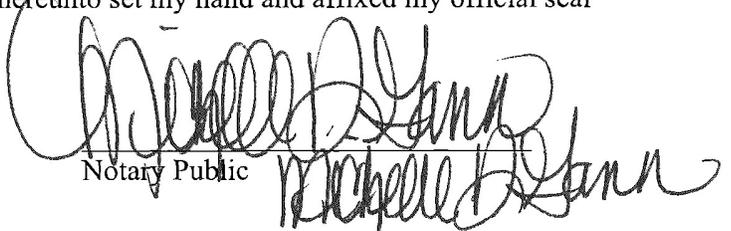
IN WITNESS WHEREOF, I, Donald E. Atkinson, as Personal Representative of the estate of Karen Luney, deceased, have hereunto set my hand and seal on this 13 day of November, 2025.


Donald E. Atkinson,
Personal Representative of the Estate of
Karen Luney, Deceased

STATE OF MISSOURI)
) ss.
COUNTY OF LAWRENCE)

On this 13 day of December, 2025, before me, the undersigned, a notary public in and for said county and state, personally appeared Donald E. Atkinson, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed as personal representative of the estate of Karen Luney, deceased.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.


Notary Public

MICHELLE D. GANN
Notary Public – Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Dec.30, 2027
Commission #15368126

NOTICE OF PUBLIC HEARING

NOTICE is hereby given to all citizens and parties in interest that the Aurora Planning and Zoning Commission will conduct a PUBLIC HEARING at 6:00 p.m. on Tuesday, March 3, 2026, in the City Council Chambers at Aurora City Hall, 2 West Pleasant, Aurora, Missouri 65605.

A PUBLIC HEARING will be conducted to consider a request from **Brett Heman with Heman Properties**. The request is to discuss a minor subdivision/lot split involving 332 N Elliott Avenue, also known as:

TRACT A. LOTS 20,21,22, & 23 OF RANDALL'S ADD – AURORA

All people wishing to speak either for or against this request should attend the meeting.

2 W. PLEASANT ST.
P. O. BOX 30
AURORA, MO 65605



PH: 417-678-5121
FAX: 417-678-6599
AURORA-CITYHALL.ORG

Date: January 21, 2026

To Whom It May Concern:

This letter is to inform you that a public hearing has been called by the Planning and Zoning Commission to consider a request from Brett Heman to discuss a minor subdivision/lot split involving 332 N Elliott Avenue, more particularly described herein as follows;

TRACT A. LOTS 20,21,22, & 23 OF RANDALL'S ADD – AURORA

Petitioner: Brett Heman with Heman Properties

As a property owner within 185 feet of these properties, you are hereby notified of this Public Hearing. If you wish to have any input into this hearing, either for or against the request, you may do so at this hearing. If you cannot attend the hearing but want to voice an opinion, you can send a letter to the Planning and Zoning Commission at Aurora City Hall, P.O. Box 30, Aurora, MO 65605.

The Public Hearing will be held on the third floor, Council Chambers at City Hall on Tuesday, March 3, 2026, at 6:00 p.m.

If you have any questions concerning this request, please contact the Community Development office at 417-678-5121, extension 310.

Thank You,

A handwritten signature in cursive script that reads "Carrie Howlett".

Carrie Howlett
City Manager

RANDALL'S ADDITION -to-AURORA-MO.

The Plat of Randall's Addition to the City of Aurora, County of Lawrence and State of Missouri comprises the north 823 feet of the South half of Lot 2 in NW $\frac{1}{4}$ of Section 7, Township 26, North Range 25 West of the 5th P.M. except tracts "A" and "B" as herein shown.

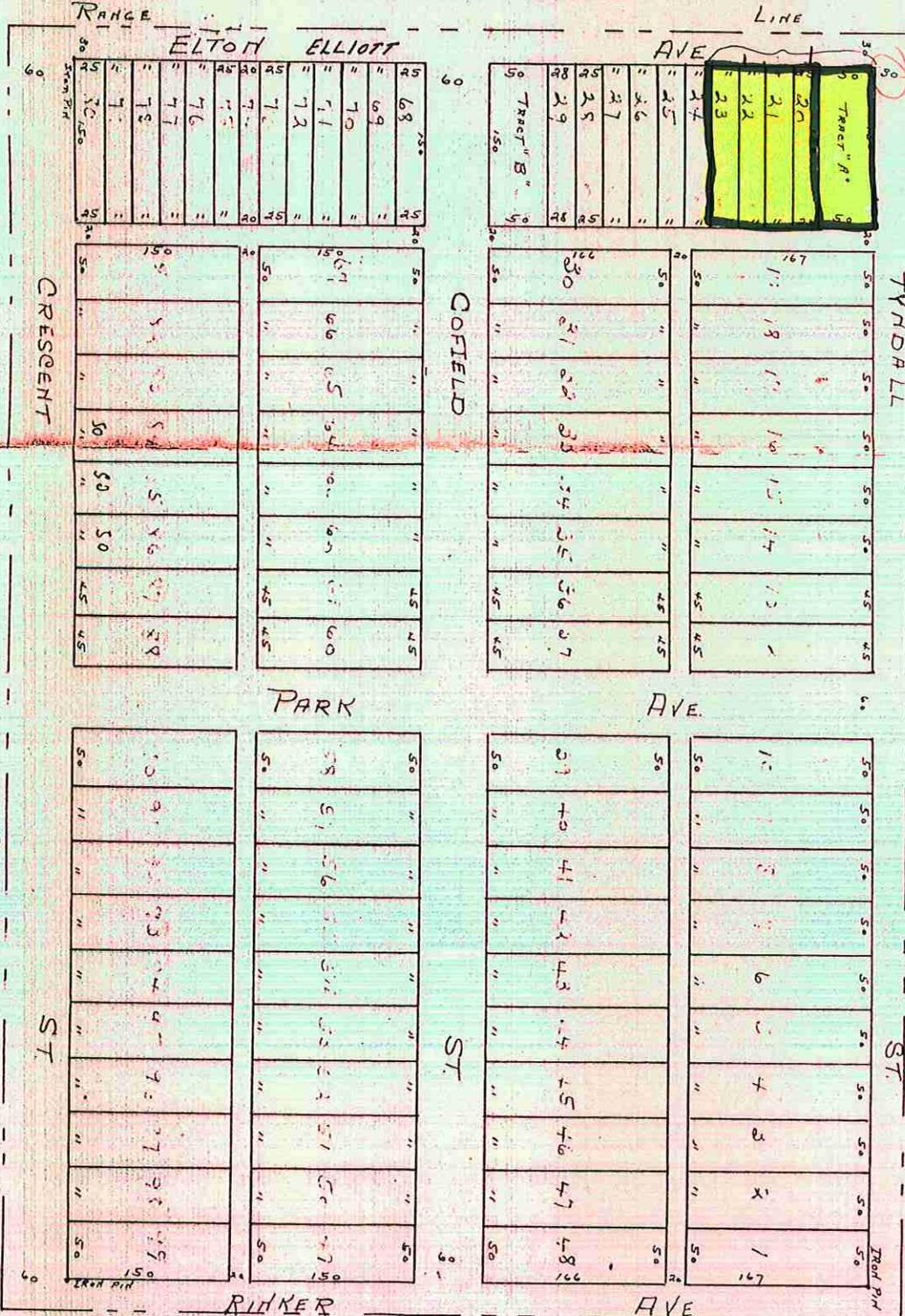
The width of the Streets and Alleys, and the width and length of Lots are marked in feet on said plat herewith filed, said land has been subdivided as herein shown and the streets and alleys as herein laid down are hereby relinquished to the public.

Witness our hands and seals this 12th day of March, A.D. 1904

E. C. Jones (seal)
Mary A. Jones (seal)

State of Missouri) S.S.
County of Greene)

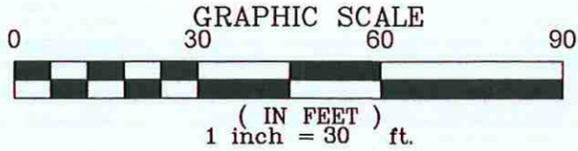
On this 12th day of March A.D. 1904 before me personally appeared E.C. Jones and Mary A. Jones his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed. In testimony whereof I have hereunto set my hand and affixed my official seal at my office in



Springfield, the day and year first above written.
(L.S.)

W.A. Rathbun, Notary Public

Bearings are Grid North based on the Missouri Coordinate System of 1983, West Zone.



Owners:
Heman Houses LLC
2733 East, E Battlefield Rd #259,
Springfield, MO 65804
Property Class: Rural
Source Deed: Book 2025 Page 5605
Reference Documents:
Book A-1 Page 25
Cab 3 Dr 4

LEGEND

- = FOUND IRON PIN
- ⊙ = FOUND PIPE
- = SET 5/8" X 18" IRON PIN

ACKNOWLEDGMENT:

State of Missouri, County of Lawrence, ss.
Be it remembered on this _____ day of _____, 202____, before me, a Notary Public in and for said County and State, came the persons who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto affixed my Notarial Seal the day and year first written above.

Notary Public

My Commission expires:

MAYOR AND CITY CLERK'S CERTIFICATION:

We, _____ Mayor of the City of Aurora, Missouri, and _____ City Clerk of the City of Aurora, Missouri, hereby certify that this subdivision plat was duly adopted to the City of Aurora, Missouri, by ordinance duly passed by the City Council of the City of Aurora, Missouri on the _____ day of _____, 20____, and we hereby endorse the same as provided by said ordinance numbered _____.

Mayor

City Clerk

OWNER'S CERTIFICATION:

I hereby certify that I, Brett Heman "Heman Houses LLC", am the owner of the property described hereon, which property is within the subdivision jurisdiction of the City of Aurora, Missouri, County of Lawrence, and that we freely adopt this plan of subdivision. I hereby dedicate all easements and any and all rights-of-way to the public forever.

1/5/2026
Date

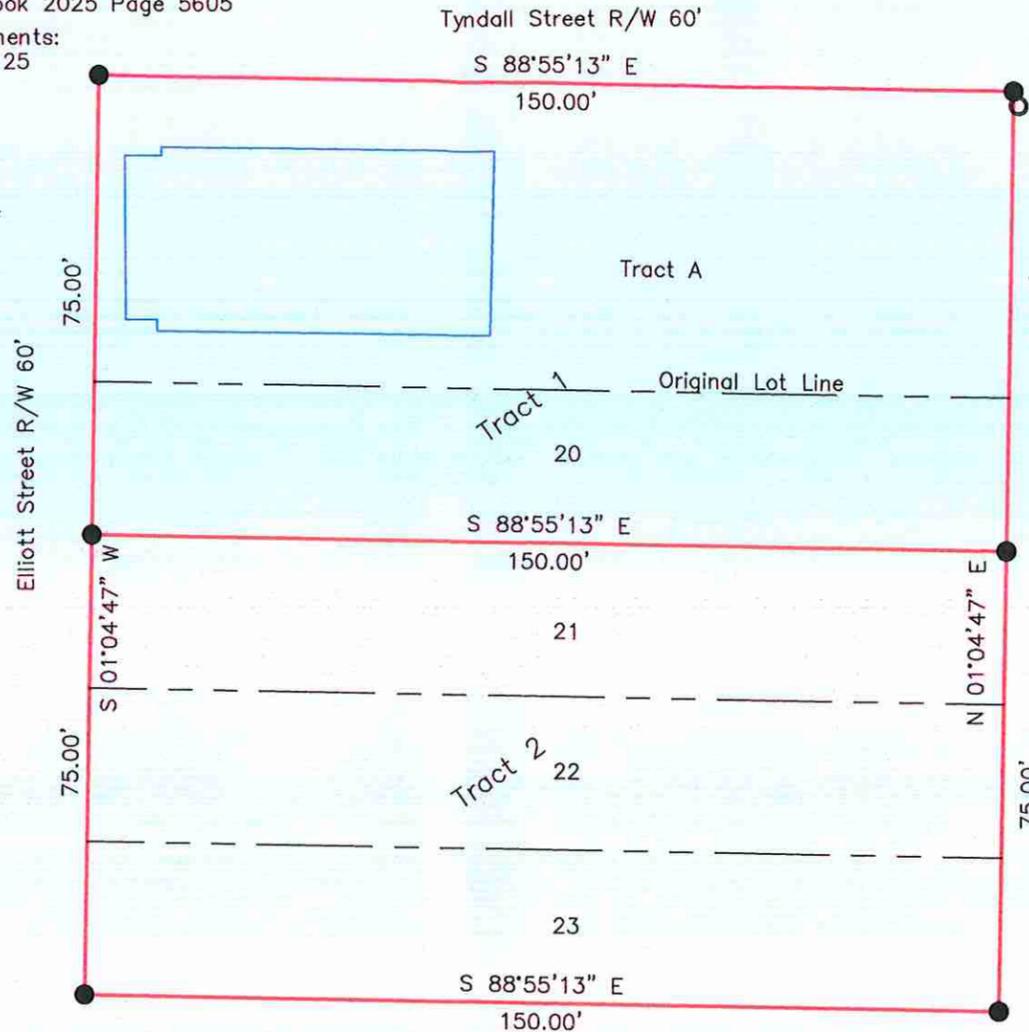
Brett Heman
Owner

_____ Date

_____ Owner

Surveyor's Note:

With this survey, I do not guarantee that the ownership is to the survey lines depicted hereon. This survey is a graphic representation of the opinion of the surveyor as to the location of the recorded description. No opinion as to the validity of title is given or implied.



Survey Description: Tract 1

A tract of land in the Randalls Addition to Aurora in Cabinet 3 at Drawer 4 of Section 7, Township 26 North, Range 25 West, as shown in a Deed in Book 2025 at Page 5605 in the Lawrence County Recorder's Office in Mount Vernon, Missouri and being more particularly described as follows:

All of Tract A and Lot 20 in Randalls Addition to Aurora

Subject to any easements, covenants, restrictions, or rights-of-way of record.

This description prepared by Jim Herre, PLS MO 2000147864, on December 23, 2025.

Survey Description: Tract 2

A tract of land in the Randalls Addition to Aurora in Cabinet 3 at Drawer 4 of Section 7, Township 26 North, Range 25 West, as shown in a Deed in Book 2025 at Page 5605 in the Lawrence County Recorder's Office in Mount Vernon, Missouri and being more particularly described as follows:

All of Lots 21-23 in Randalls Addition to Aurora

Subject to any easements, covenants, restrictions, or rights-of-way of record.

This description prepared by Jim Herre, PLS MO 2000147864, on December 23, 2025.

Certificate of Survey and Accuracy
I hereby certify that this map was drawn under my supervision from an actual survey made by me; and meets the current "Standards for Property Boundary Surveys" of the "Missouri Department of Agriculture" and the Standards adopted by the "Missouri Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects". Witness my signature, registration number and seal this 23rd day of December, 2025.



Jim Herre

Jim Herre, P.L.S. 2000147864

Drawing No.: BCLD-25-83	Surveyed for: Heman House LLC	
	Randalls Addition Section 7 Township 26-North, Range 25-West Lawrence County, Missouri	
	Surveyed by: Brush Creek Land Development, L.L.C. 11744 Lawrence 1174 Mount Vernon, Missouri 65712 Phone: 417-540-3444 MO COA 2025001674 Email: Brushcreekld@gmail.com	
	Drawn by: KL	Date: 12-23-2025
Field by: KL	Fld Bk: BCLD	
Checked by: JH	Job No.: 2025-83	

2 W. PLEASANT ST.
P. O. BOX 30
AURORA, MO 65605



PH: 417-678-5121
FAX: 417-678-6599
AURORA-CITYHALL.ORG

Staff Report

To: Planning & Zoning Commission & Council Members
From: Community Development Director
Date: January 21, 2026
Re: Minor Subdivision/Lot Split – 332 N Elliott Ave - Brett Heman/Heman Properties

City Code Section 400.440 Amendments outlines the legal procedure for amendments to the various districts established within the chapter.

Applicant wishes to subdivide an existing parcel of land into two parcels. Formal survey has been submitted by the applicant reflecting two lots; Tract 1 measuring approximately 11,250 square feet; Tract 2 measuring approximately also 11,250 square feet. These lot sizes surpass the minimum required lot size as outlined in City Code.

Staff Recommendation: Approval

Public Hearing notices mailed to all property owners within 185'.

City of Aurora Agenda Item Cover Sheet

To: City of Aurora Planning and Zoning Commission
From:
Department:
Date:

AGENDA ITEM NARRATIVE

BACKGROUND

SPECIFIC ACTION REQUESTED

ATTACHMENTS

to existing subdivision regulations and other applicable ordinances and regulations [see Section 400.430 (F), Amendments Involving A Planned Development District].

Section 400.180. "C-O" Non-Retail District. [R.O. 1993 § 400.180; Ord. No. 85-1897, App. B § III, 11-11-1985; Ord. No. 2004-2600 § 1, 6-22-2004; Ord. No. 2025-3339, 1-28-2025]

- A. Purpose. This District is intended to provide professional or service offices for the general population of the City of Aurora.
- B. Uses Permitted.
1. Any use permitted in Districts "R-1," "R-2," or "R-3," including those permitted on review, if approved, **with the exception that residential use is only allowed in upper stories or in the rear portion of existing store front businesses. Any lawful use currently existing at the time of enactment of this Chapter, April 1, 2026, may be continued, although such use does not conform with the provisions of this Chapter.**
 2. Office buildings to be used only for the administrative functions of groups, companies, corporations, social or philanthropic organizations or societies.
 3. Other offices such as:
 - a. Accountants;
 - b. Architects and engineers;
 - c. Brokers;
 - d. Dentists;
 - e. Lawyers;
 - f. Physicians, osteopaths, chiropractors, optometrists, and others of the healing arts;
 - g. Real estate and insurance.
 - h. Hospitals and medical care facilities.**
- C. Regulations.
1. No merchandise shall be displayed or handled except inside the buildings. No equipment or vehicles other than those utilized daily shall be stored on the premises.
 2. A nameplate and sign relating only to the occupations practiced therein are allowed per Section 530.030. No lighting or flashing signs shall be permitted. Any nameplate or sign shall be permanently affixed to the structure.
 3. In District "C-O," the height of buildings, the minimum dimensions of yards and the minimum lot requirements permitted on any lot shall be as follows:
 - a. Height. Three (3) stories, but not exceeding forty (40) feet.
 - b. Rear Yard. The depth of the rear yard shall be not less than twenty percent (20%) of the depth of the lot; provided such depth need not be more than twenty (20) feet. Setbacks shall be measured from the nearest point on the foundation wall to the property line.
 - c. Front Yard. The front yard needs to be of no greater depth than the least depth established by an adjacent district or twenty-five (25) feet, as applicable. Setbacks shall be measured

from the nearest point on the foundation wall to the property line.

- d. Side Yard. There shall be a side yard on each side of a building in this district of not less than eight (8) feet except twelve (12) feet when a business is adjacent to any residential district or structure. Setbacks shall be measured from the nearest point on the foundation wall to the property line.
- 4. Floor Space. There shall be a minimum of eight hundred (800) square feet of floor space provided per structure except those structures designed, erected, or intended for use as a residence shall comply with the requirements for the intended use.
- 5. Automobile Storage Or Parking Space. One (1) off-street parking space shall be provided for each two hundred (200) square feet of floor space except that medical facilities shall provide not less than one (1) off-street parking space for each one hundred fifty (150) square feet of floor space (see off-street parking requirements, Section 400.340).
- 6. Materials. In District "C-O," no building used, designed, or intended to be used shall be hereafter erected, moved, altered, or structurally changed unless the building shall meet the requirements set forth in the Building Code for Fire Zone II except that this requirement shall not apply to structures used principally for residential purposes.

Section 400.190. "C-1" Retail Services District. [R.O. 1993 § 400.190; Ord. No. 85-1897, App. B § III, 11-11-1985; Ord. No. 2004-2600 § 1, 6-22-2004; Ord. No. 2025-3340, 1-28-2025]

- A. Purpose. This District is intended to provide retail and service establishments serving primarily the local neighborhood and to provide retail space for activities serving the general community.
- B. Uses Permitted.
 - 1. Any use permitted, in Districts "R-1," "R-2," "R-3," and "C-O," including those permitted on review, if approved.
 - 2. Auto sales, excluding repair facilities.
 - 3. Banks or other financial institutions.
 - 4. Bakeries employing not more than five (5) persons each.
 - ~~5. Cleaning, pressing and dyeing plants employing not more than five (5) persons each; provided that only non-explosive cleaning fluids shall be used.~~
 - 6. Food service establishments, including drive-in service.
 - 7. Beauty shops or barbershops.
 - 8. Newspaper, magazine, or book publishing, ~~including job printing.~~
 - 9. Mortuaries or funeral homes.
 - 10. General business offices.
 - 11. Stores and shops for the sale of products at retail only.
 - 12. Studios or broadcasting facilities (no towers).
 - 13. Theaters ~~or moving picture shows.~~

14. Shops for custom work or the manufacture of articles to be sold at retail on the premises; provided that in such manufacture total mechanical power shall not exceed five (5) horsepower for the operation of any shop and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the entire building or the equivalent of the ground floor area thereof and provided, further, that such manufacturing use is not noxious or offensive by reason of vibrations, noise, or emission of odor, dust, smoke, or gas.
15. Such accessory retail, professional, or service uses that are necessary for convenience of residential districts subject to the review by the Planning and Zoning Commission to ensure conformity to the intent of the ordinance.

C. Regulations.

1. Signs. A nameplate and sign relating only to the use of the store and premises or to products sold on the premises is permitted per Section 530.030. Lighted signs of flashing or intermittent type shall be prohibited; provided, however, that this shall not prevent the use of animated or lighted signs located entirely within the building which can be seen only from the street side of the building.
2. Height. Same as District "R-3."
3. Rear Yard. The depth of the rear yard shall be not less than twenty percent (20%) of the depth of the lot; provided such depth need not be more than a total of twenty (20) feet. Setbacks shall be measured from the nearest point on the foundation wall to the property line.
4. Front Yard. The front yard need be of no greater depth than the least depth established by existing buildings in District "C-1" within the same block and fronts upon the same street which may be adjacent to Districts "R-1," "R-2," and "R-3"; and if no lot within said District "C-1" is occupied by a building with a front yard of less depth than that required in Districts "R-1," "R-2," and "R-3," adjoining them, the front yard requirements of such adjoining Districts "R-1," "R-2," and "R-3" shall likewise be applicable to such portion of District "C-1." Setbacks shall be measured from the nearest point on the foundation wall to the property line.
5. Side Yards. Same as District "C-O."
6. Lot Area And Garage Area Required. Every building or portion of a building hereafter erected, moved, or altered for residential purposes in District "C-1" shall provide a lot area and garage area of not less than is required in District "R-3" for multi-family use.
7. Materials. In District "C-1," no building used, designed, or intended to be used shall be hereafter erected, moved, altered or structurally changed unless the building shall meet the requirements set forth in the Building Code for Fire Zone II; except that this provision shall not apply to buildings used, designed, or intended for uses as enumerated herein for Districts "R-1," "R-2," and "R-3," which are constructed, erected, moved, or altered in District "C-1."
8. Off-Street Parking. See Section 400.340.

Section 400.200. "C-2" General Business District. [R.O. 1993 § 400.200; Ord. No. 85-1897, App. B § III, 11-11-1985; Ord. No. 97-2286 § 2, 8-26-1997; Ord. No. 2004-2592 § 1, 5-25-2004; Ord. No. 2004-2600 § 1, 6-22-2004; Ord. No. 2025-3341, 1-28-2025]

A. Purpose. This District is intended to provide retail and service establishments serving the central

business district and to provide space for activities serving the general population of Aurora.

B. Uses Permitted.

Any use shall not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or gas and all uses not listed specifically in this Chapter are subject to conditions applied by the Planning and Zoning Commission.

1. Any use permitted in Districts "C-O" or "C-1," except that in public garages, no repair facilities shall be maintained on the front portion of the lot, or in the front portion of the first story of the building within thirty (30) feet of the front street.
2. ~~Awning manufacture.~~
3. Billboards and advertising signs.
4. Department, variety, discount, or specialty stores.
5. ~~Laundries employing more than five (5) persons each.~~ **Laundromats and dry cleaner services.**
6. Manufacture of products to be sold at retail upon the premises; provided such use is not obnoxious **or offensive by emitting** vibration, smoke, dust, gas, or noise.
7. ~~Automobile or light truck sales.~~
8. Radio or television broadcasting stations.
9. Storage in bulk of, or warehouse for, such material as household goods, clothing, drugs, glass, dry goods, furniture, hardware, groceries, millinery, ~~pipe, rubber,~~ shop supplies, and tobacco.
10. Hotels or motels.
11. ~~Bottling operations.~~
12. Wholesale sales rooms and **enclosed storage facilities.**
13. Gasoline filling stations **and convenience stores.**
14. Accessory wholesale and service uses necessary to the convenience of the general public subject to conditions deemed appropriate by the Planning and Zoning Commission to ensure conformity to the intent of this Chapter.
15. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above **upon review and approval by the Community Development Director, the City Manager, or their designee.**
16. Any retail use or business not included in Districts "C-O," "C-1," or "C-2" may be established; ~~provided its use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.~~ Uses are subject to conditions deemed appropriate by the Planning and Zoning Commission to ensure conformity to the intent of this Chapter. **Such operations must go before the Planning and Zoning Commission and are permitted as conditional uses, subject to the provisions of this Chapter and approval by the Planning and Zoning Commission, followed by City Council, including but not limited to:**
 - a. Commercial greenhouses or nurseries.
 - b. Farm implement sales and service.

- c. Boat or marine sales and service.
- d. Bowling alley or recreation center.
- e. Animal hospital or veterinary clinic.

- f. Travel trailer camp.
- g. Lumberyards or building material sales.
- h. Storage yard for heavy equipment.
- i. Trucking operations.
- j. Storage and sales of grain, feed, or fuel.
- k. Substance abuse treatment facilities.
- l. Rescue Missions, overnight shelters, halfway houses.

~~17. Manufacture of products allowed in "M-1" Light Industrial District, subject to a special use permit. In no case shall a special use permit under this Subsection be approved for new structures.~~

C. Regulations.

1. Height. No building hereafter erected or structurally altered shall exceed eight (8) stories or one hundred (100) feet in height, except as provided hereinafter.
2. Front Yard. For buildings or portions of buildings used for residential purposes, fifteen (15) feet. No front yard is required on other buildings. Setbacks shall be measured from the nearest point on the foundation wall to the property line.
3. Rear Yard. For buildings or portions of buildings used for residential purposes, fifteen (15) feet. No rear yard is required on other buildings. Setbacks shall be measured from the nearest point on the foundation wall to the property line.
4. Side Yards. Same as District "C-O."
5. Lot Area Per Family. Every family or portion of building hereafter erected, moved, or altered for multi-family residential purposes in District "C-2" shall provide a lot area of not less than five hundred (500) square feet per family.
6. Garage Area Per Family. See off-street parking requirements, Section 400.340.
7. Materials. Same as in District "C-1."
8. Parking And Loading Regulations. See the supplemental regulations on off-street automobile and vehicle parking and loading, Section 400.340.
9. Signs. A nameplate and sign relating only to the use of the store and premises or to products sold on the premises are permitted per Section 530.030. Lighted signs of flashing or intermittent type shall be reviewed and approved or disapproved by the Planning and Zoning Commission. This shall not prevent the use of animated or lighted signs located entirely within the building which can be seen only from the street side of the building.

D. Provisions.

- ~~1. All open storage and display of merchandise, material, and equipment shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on the ground in a residential district when located to the side or rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required, in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the~~

~~above screening requirements, be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street.~~ All business, servicing, storage and display of materials, goods, and equipment, except for off-street parking and loading, shall be conducted within completely enclosed structures. All planting shall be kept neatly trimmed and maintained in good condition. Merchandise and materials which are not completely assembled, or which are not immediately and actively being offered for sale shall, in addition to complying with the above storage requirements, shall be screened by ornamental fences or evergreen planting or by permanent buildings so that it cannot be seen from a public street.

2. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year round.
3. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved and maintained in such a manner that no dust will be produced by continued use.
4. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
5. Driveways used for ingress and egress shall not exceed twenty-five (25) feet, in width, exclusive of curb returns.
6. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be a flashing or intermittent type.

Section 400.210. "C-3" Commercial District. [R.O. 1993 § 400.201; Ord. No. 96-2251 § 2, 10-22-1996; Ord. No. 2004-2592 § 1, 5-25-2004; Ord. No. 2004-2600 § 1, 6-22-2004; Ord. No. 2025-3342, 1-28-2025]

- A. Purpose. This district is intended to provide retail and service establishments serving the central business district and to provide space for activities serving the general population of Aurora; and is intended to allow for the sale of mobile homes for the general population of the City of Aurora and outlying areas.
- B. Uses Permitted.
 1. Any use permitted in Districts "C-O," "C-1," or "C-2," except that in public garages, no repair facilities shall be maintained on the front portion of the lot, or in the front portion of the first story of the building within thirty (30) feet of the front street.
 2. Mobile home sales.
- C. Regulations.
 1. Signs. A nameplate and sign relating only to the use of the store and premises or to products sold on the premises is permitted per Section 530.030. Lighted signs of flashing or intermittent type shall be reviewed and approved or disapproved by the Planning and Zoning Commission. This shall not prevent the use of animated or lighted signs located entirely within the building which can be seen only from the street side of the building.
 2. Front Yard. For buildings or portions of buildings used for residential purposes, fifteen (15) feet. No front yard is required on other buildings. Setbacks shall be measured from the nearest point on the foundation wall to the property line.

3. Rear Yard. For buildings or portions of buildings used for residential purposes, fifteen (15) feet. No rear yard is required on other buildings. Setbacks shall be measured from the nearest point on the foundation wall to the property line.
4. Side Yards. Same as District "C-O."

D. Provisions.

1. ~~All open storage and display of merchandise, material, and equipment shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on the ground in a residential district when located to the side or rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required, in excess of seven (7) feet in height.~~ **All business, servicing, storage and display of material, goods, and equipment, except for off-street parking and loading, shall be conducted within completely enclosed structures.** All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street.
2. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year round.
3. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
4. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be a flashing or intermittent type.
5. The width of driveways used for ingress and egress shall be approved by the Planning and Zoning Commission.
6. All customer parking areas shall be paved; all other display areas shall be graveled and treated with a dust abatement product **and be approved by the City.**

Section 400.220. "C-P" Planned Shopping Center District. [R.O. 1993 § 400.210; Ord. No. 85-1897, App. B § III, 11-11-1985]

- A. In General. A bond commitment equal to one and one half (1 1/2) times the estimated cost of curb and gutter, paving, sewer hookup, and storm drainage, and extension of other utility connections in an amount approved by the City Council shall be posted prior to approval of any shopping center development. The estimated time required for the entire construction shall be submitted together with the bond commitment on the date the proposal is submitted to the Planning and Zoning Commission for approval. [Also see Section 400.430(F), Amendments Involving A Planned Development District.]
- B. General Description. This Commercial District is intended for a unified grouping in one (1) or more buildings of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.
- C. Uses Permitted.
 1. Property and buildings in a "C-P" Planned Shopping Center District shall be used only for the uses enumerated below; provided, however, that these uses shall be located in a unified shopping center which shall have not less than five (5) shops and stores, at least one (1) of which shall be a major outlet of not less than seven thousand five hundred (7,500) square feet of gross floor area. The shops and stores of the shopping center shall have a combined total gross floor

area of not less than fifteen thousand (15,000) square feet.

2. Any of the following uses may be permitted:

- Antique shop
- Apparel store-family, men or women
- Appliance store
- Automobile parking lot
- Bakery goods store
- Bank
- Barbershop
- Beauty shop
- Book or stationery store
- Camera shop
- Candy shop
- Cleaning and pressing collection station
- Dairy products or ice cream store
- Delicatessen
- Drugstore
- Florist shop
- Furniture store
- Gift shop
- Grocery store
- Hardware store
- Help-yourself laundry
- Jewelry store
- Meat market
- Medical facility
- Music store
- Newspaper or magazine sales
- Notions store
- Office supply store
- Paint and decorating shop
- Pharmacy
- Photography studio
- Radio and television sales and service

- Restaurant
 - Sewing machine sales and service
 - Shoe store or shoe repair shop
 - Specialty shop
 - Supermarket
 - Tailor shop
 - Toy store
 - Variety store
3. Office Uses. Provided, however, that the total gross floor area of all office uses, exclusive of those listed in Subsection (C)(2) above, shall not exceed twenty percent (20%) of the gross floor area of the shopping center.
 4. Gasoline service or filling station which shall be planned as an integral part of the center, but may be constructed in advance.
 5. Advertising signs must relate to the shopping center, the stores and shop and products sold therein. All advertising signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other features of the center.
 6. Accessory buildings and uses customarily incidental to the above uses.
 7. **Any other use permitted upon review.**

D. Regulations.

1. Minimum Area. The parcel of land on which a planned shopping center is located shall not be less than three (3) acres in area.
2. Yards. It is intended that the grouping of the buildings and parking area be designed to protect, insofar as possible, adjacent residential areas, and that ornamental screening from noise and light be provided where necessary; provided, however, that in no case shall the design of the shopping center provide less than the following standards:
 - a. All buildings shall set back from all street rights-of-way lines not less than twenty-five (25) feet.
 - b. On the side of a lot adjoining a dwelling district, there shall be a side yard of not less than twenty (20) feet.
 - c. There shall be a rear yard, alley, service court, or combination thereof, of not less than twenty (20) feet in width, and all of the service area of all buildings shall be completely screened from public view with permanent ornamental screening materials.
3. Coverage. Buildings shall not cover more than twenty percent (20%) of the site on which the shopping center is located.
4. Height Regulations. No building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet in height.
5. Common Parking. Off-street parking requirements set forth in Section 400.340 may be complied with by providing a permanent common off-street parking facility for all the uses

within the shopping center; provided that the lot contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements; provided, however, that in no case shall the amount of off-street parking area, including driveways, required for ingress and egress and circulation be less than two and one-half (2 1/2) times the gross floor area of the shopping center. (See off-street parking regulations, Section 400.340.)

Section 400.230. "M-1" Light Industrial District. [R.O. 1993 § 400.220; Ord. No. 85-1897 App. B § III, 11-11-1985; Ord. No. 2004-2592 § 1, 5-25-2004; Ord. No. 2004-2600 § 1, 6-22-2004]

- A. General Description. This Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesale, and service uses. These operations do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air, or street transportation routes.
- B. Uses Prohibited. Those uses are prohibited which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, glare, noise, or disposal of waste materials.
- C. Uses Permitted.
1. Any of the following uses:
 - a. Agricultural, commercial, and ~~multiple-family~~ other uses permitted upon review, if approved.
 - b. Building materials sales yard, and lumberyard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant.
 - c. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 - d. Freighting or trucking yard or terminal.
 - e. Oil field equipment storage yard.
 - f. Public utility service yard or electrical receiving or transforming station.
 - g. Sale barn for livestock.
 2. The following uses when conducted within a completely enclosed building:
 - a. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, soaps, toiletries, and food products.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious, and semiprecious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

- d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts, and equipment, metal buildings, wood buildings, and wood products.
 - e. Manufacture of musical instruments, toys, novelties.
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping and battery manufacture.
 - g. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
 - h. Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.
 - i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.
 - j. Wholesale storage or manufacture of alcoholic beverages or non-alcoholic beverages.
3. Buildings, structures, and uses which are customarily incidental to any of the above uses.
4. The uses permitted under this Section shall be conducted in such a manner that no noxious odor, noise, fumes, or dust will be emitted beyond the property line of the lot on which the use is located. No use shall be permitted or so operated as to produce or emit:
- a. Smoke or particulate matter of a Number 1 or darker on the Ringelmann Chart.
 - b. Dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans or property at the property line.
 - c. Vibrations or perceptible concussion with instruments at the property line.
 - d. The noise level shall not exceed the following levels, at any point along the property line:

Octave Band (CPS)	Maximum Level (db)
0 to 75	55
75 to 1,200	40
1,200 to 4,800	25
Above 4,800	22

- e. Industrial wastes shall be of a quantity and nature as to not overburden the public sewage disposal facilities or cause odor and unsanitary effects beyond the property line.

D. Regulations.

- 1. Height Regulations. Fifty (50) feet.
- 2. Percentage Of Lot Coverage. All buildings, including accessory buildings, shall not cover more than sixty percent (60%) of the lot.

3. Yard Requirements. Front yard: twenty-five (25) feet; rear yard: ten (10) feet.
 4. Off-Street Parking And Loading Facilities. See supplemental regulations on off-street automobile and vehicle parking and loading, Section 400.340.
 5. Outside Storage Of Equipment And Materials. No article or material permitted in this district shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
 6. Signs. A nameplate and sign relating only to the use of the store and premises or to products sold on the premises is permitted per Section 530.030. Lighted signs of flashing or intermittent type shall be reviewed and approved or disapproved by the Planning and Zoning Commission. This shall not prevent the use of animated or lighted signs located entirely within the building which can be seen only from the street side of the building.
- E. Application. A written application shall be filed with the City Planning and Zoning Commission for approval of any contemplated use within said district; said application shall be accompanied by the following information:
1. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, and other necessary use.
 2. Preliminary architectural plans for the proposed building or buildings.
 3. An estimation of the maximum number of employees for the proposed development and the number of shifts during which they would work.
 4. Any other information the City Planning and Zoning Commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the area.

Section 400.240. "M-2" General Industrial District. [R.O. 1993 § 400.230; Ord. No. 85-1897 App. B § III, 11-11-1985; Ord. No. 95-2173 § 1, 2-14-1995; Ord. No. 2004-2592 § 1, 5-25-2004; Ord. No. 2004-2600 § 1, 6-22-2004; Ord. No. 2005-2698 § 1, 11-8-2005]

- A. General Description. This industrial district is intended to provide for heavy industrial use not otherwise provided for in the districts established by this Chapter. The intensity of uses permitted in this district makes it desirable that they be located downwind and separated from residential and commercial uses whenever possible.
- B. Uses Prohibited. No residences or other places of habitation are permitted, nor shall any schools, churches or hospitals be permitted.
- C. Uses Permitted. A building or premises may be used for any purpose not otherwise prohibited by law; provided, however, that no building or occupancy permits will be issued for any use until and unless the location of such use shall have been approved by the Planning and Zoning Commission. Some examples are:
 1. Acid or chemical manufacture or processes.
 2. Cement, lime, gypsum or plaster of Paris manufacture, including concrete batch plant or transit mix plant.

3. Explosives manufacture or wholesale storage of explosives.
 4. Gas manufacture or storage.
 5. Petroleum or its products, refining of.
 6. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.
 7. Uses permitted in "M-1" District and not specifically prohibited herein.
- D. Uses Permitted On Review. The following uses may be reviewed and approved by the Planning and Zoning Commission, subject to such additional conditions and safeguards as it may deem appropriate:
1. Automobile salvage yard or junk yard.
 2. Building materials salvage yard.
 3. Junk yard or salvage yard of any kind.
 4. Public or private refuse dumps and landfills.
 5. Scrap metal storage yard.

Property and buildings in the "M-2" District, when used for the above purposes, shall have the uses thereon conducted in such a manner that all operations, display or storage of materials shall be screened by ornamental fences, walls and/or permanent evergreen planting so that it cannot be seen from a public street.

- E. Regulations.
1. Front And Side Yards. Same as "M-1" District.
 2. Rear Yard. When a building is to be serviced from the rear, there shall be provided an alleyway, service court or rear yard of not less than thirty (30) feet in width to provide for maneuvering of service vehicles. If service is not required, ten (10) feet shall be provided.
 3. Height Regulations. Maximum height of two hundred fifty (250) feet.
 4. Parking And Loading Regulations. See Section 400.340.
 5. Materials. Same as in District "M-1."
 6. Signs. A nameplate and sign relating only to the use of the store and premises or to products sold on the premises is permitted per Section 530.030. Lighted signs of flashing or intermittent type shall be reviewed and approved or disapproved by the Planning and Zoning Commission. This shall not prevent the use of animated or lighted signs located entirely within the building which can be seen only from the street side of the building.

Section 400.250. "AE" Adult Entertainment District. [R.O. 1993 § 400.235; Ord. No. 99-2366 § 2, 1-26-1999]

- A. Purpose. The purpose of District "AE" is to identify and prescribe specific requirements and conditions for the location of certain defined adult entertainment activities. The district is designed as an overlay district in a certain zoning district. Adult entertainment uses do not occur on a frequent basis and require separate and specifically designed regulations for their development. Such adult

Chapter 405. Zoning Regulations

Section 405.020. Districts.

[Ord. No. 99-10 §2, 5-18-1999; Ord. No. 06-09 §2, 3-7-2006]

- A. In order to regulate and restrict the location of buildings and other structures and of premises to be used for trade, industry, residence or other specific uses; to regulate and limit the height and bulk of buildings and other structures hereafter erected or altered; and to regulate and determine setback building lines and the area of yards and other spaces, the City of Carl Junction is hereby divided into districts of which there shall be four (4) known as:
1. *Residential districts.*
 - a. "R-1" Single-Family Residential.
 - b. "R-2" Two-Family Residential.
[Ord. No. 17-17, 8-15-2017]
 - c. "R-3" Multi-Family Residential.
 - d. "R-4" Planned Unit Development.
 2. *Commercial districts.*
 - a. "C-1" Non-Retail Commercial.
 - b. "C-2" Retail Commercial.
 3. *Industrial District.* "M-1" Industrial District.
 4. *Undeveloped Land District.* "UD" Undeveloped Land District.
- B. The City of Carl Junction is hereby divided into the districts aforesaid. The boundaries of such districts are shown upon the map on file in the office of the City Clerk and made a part of this Chapter, being designated as the "*Zoning District Map*", and said map and all the notations, references and other information shown thereon shall be as much a part of this Chapter as if the matters and information set forth by said map were all fully described herein.
- C. Except as herein provided:
1. No building shall be erected, converted, reconstructed or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
 2. No building shall be erected, converted, reconstructed or structurally altered to exceed the height or bulk limit herein established for the district in which such building is located.
 3. No building shall be erected, converted, reconstructed or structurally altered so as to intrude upon the area required for the front, side and rear yards as herein established; provided further that no yard or open space on adjoining property shall be considered as providing a yard or open space for a lot wherever a building is to be erected.

4. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.
5. Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one (1) building on one (1) lot except as hereinafter provided.
6. When construction occurs on a lot or parcel which is adjacent to a residential district which has a zoning classification of a lesser density, the owner of the lot or parcel with the higher density residential, commercial or industrial use will be required to construct and maintain an opaque buffer between the lots or parcel to screen the new construction from view. The buffer may be:
 - a. A fence of stockade or shadowbox construction, no less than eight (8) feet in height. All posts and supports on a stockade fence must face to the interior of the lot or parcel considered the higher density.
 - b. An evergreen vegetative screen which, at time of planting, must provide a six (6) foot screen from the adjacent property.
 - c. A combination of a six (6) foot fence of stockade or shadowbox construction and evergreen vegetative buffer providing the proper screening.

Section 405.030. Off-Street Parking and Loading Spaces.

[Ord. No. 99-10 §2, 5-18-1999]

- A. *Required Off-Street Parking.* The following off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which is hereafter erected, enlarged or altered for use in any district for any of the following purposes:
 1. *Class 1. Residential units.*
 - a. For each dwelling unit there shall be one (1) permanently maintained parking space on the same lot or parcel.
 - b. For any hotel, apartment hotel or similar use or establishment there shall be provided at least one (1) parking space for each three (3) guest sleeping accommodations.
 - c. For any motel, tourist home or similar use or establishment there shall be provided one (1) parking space on the same parcel of land for each individual sleeping or living unit in addition to such unit.
 2. *Class 2. Hospitals.* For any hospital, sanitarium, convalescent home or other similar use or establishment there shall be provided not less than one (1) parking space for each five (5) beds, or any portion thereof.
 3. *Class 3. Assembly and entertainment places.*
 - a. For any general auditorium, gymnasium, church, stadium, theater or other similar place of assembly there shall be provided at least one (1) parking space for each five (5) seats provided for its patrons, based on the maximum seating capacity.
 - b. For any meeting, exhibition or entertainment hall; labor temple; lodge hall; or assembly hall without fixed seats there shall be provided one (1) parking space for each two hundred fifty (250) square feet of gross floor area.
 - c. For any bowling alley there shall be provided four (4) parking spaces for each bowling lane thereof.

4. *Class 4. Offices.* For any bank, clinic, funeral home, business or professional office, welfare institution or any similar use or establishment there shall be provided not less than one (1) parking space for each four hundred (400) square feet of gross floor area or part thereof for the first (1st) four thousand (4,000) square feet of building. Any building which has a gross floor area greater than four thousand (4,000) square feet shall first provide ten (10) parking spaces for the first (1st) four thousand (4,000) square feet and then provide one (1) parking space for each additional five hundred (500) square feet of gross floor area.
 5. *Class 5. Food serving places.* For any eating or drinking establishment or any similar use there shall be provided not less than one (1) parking space for each two hundred fifty (250) square feet of gross floor area thereof.
 6. *Class 6. Retail sales use.*
 - a. For any retail store, except a food market, there shall be provided not less than one (1) parking space for each six hundred (600) square feet of gross floor area thereof for the first (1st) eighteen thousand (18,000) square feet or part thereof; any building in excess of eighteen thousand (18,000) square feet shall comply with the requirement up to eighteen thousand (18,000) square feet and then provide one (1) parking space for each additional one thousand (1,000) square feet of gross floor or part thereof.
 - b. For any food market establishment or any similar use with a gross floor area of less than seven thousand five hundred (7,500) square feet there shall be provided not less than one (1) parking space for each two hundred fifty (250) square feet of gross floor area thereof. Each establishment having a gross floor area in excess of seven thousand five hundred (7,500) square feet shall comply with the requirement up to seven thousand five hundred (7,500) square feet and then shall provide one (1) parking space for each additional one hundred (100) square feet of gross floor area thereof.
 7. *Class 7. Laundromats.* For any laundromat, launderette, washerette, washateria or any similar use or establishment under a different name there shall be provided one (1) parking space for each two hundred fifty (250) square feet of gross floor area thereof.
 8. *Class 8. Automotive services.*
 - a. For any gasoline, oil or lubricating service station; motor vehicle service and repair establishment; or any similar use there shall be provided not less than one (1) parking space for each one thousand (1,000) square feet of gross plot-plan area thereof.
 - b. For any automobile washing or cleaning establishment or any similar use there shall be provided not less than one (1) parking space at the location of ingress and egress for each one hundred (100) square feet of gross floor area thereof and in no case less than six (6) spaces.
 9. *Class 9. Production, processing and storage uses.* For any manufacturing, processing, wholesaling or any other use or establishment, including any printing or engraving establishment or any warehouse or storage building, there shall be provided two (2) parking spaces plus one (1) parking space for each eight hundred (800) square feet of floor area above two thousand (2,000) square feet.
- B. *Unlisted And Mixed Uses.* In case of any use not listed herein, the number of parking spaces required for such use shall be the same as for a similar use which is listed. In the case of mixed uses in the same building or structure, the total requirement for off-street parking facilities shall be the sum of the requirements of the various uses computed separately from the items set out in this Section, and off-street parking facilities shall be the sum of the requirements of the various uses computed separately from the items set out in this Section, and off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for collective use.

- C. *Collective Parking Facilities.* Nothing in this Section shall be construed to prevent collective provision of any off-street parking facility for two (2) or more buildings or uses, providing however, that the total number of off-street parking spaces shall not be less than the sum of requirements for the various individual uses computed separately in accordance with the items set out in this Section.
- D. *General.* All parking spaces provided pursuant to this Section shall be on the same lot with the building or within three hundred (300) feet thereof.
- E. *Off-Street Loading.* On the same premises with every building, structure or part thereof hereafter erected, established or enlarged or occupied in such a way as to involve the receipt or distribution by vehicles of materials or merchandise in any district, there shall be provided and maintained adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a twelve (12) foot by thirty-five (35) foot loading space with fourteen (14) foot height clearance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of floor and land area used for the above mentioned purposes.
- F. *Remodeling Or Construction.* Nothing herein contained shall be construed to apply to the remodeling or construction for the same use of an existing structure.
- G. *Parking Areas.* Every parcel of land which, after the effective date of this Section, is changed to a parking area; automobile, motor vehicle or trailer sales or storage area; or automobile or motor vehicle service station or garage shall be developed as follows:
 - 1. Such area, where subject to wheeled traffic, shall be paved with bituminous, concrete or other all-weather surfacing and shall have appropriate bumper guards where needed.
 - 2. Where such area adjoins a lot in a residential zone a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than four (4) feet shall be erected and maintained between such area and the property in residential zones.
 - 3. Any light used to illuminate said parking area shall be so arranged so as to reflect the light away from the adjoining premises in a residential zone.
- H. *Permanency Of Spaces Provided.* Any off-street parking or loading space established prior to the effective date of this Chapter and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this Chapter for any such main building or structure erected after such effective date shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this Chapter.

Section 405.040. Use Regulations.

[Ord. No. 99-10 §2, 5-18-1999; Ord. No. 00-33 §2, 12-5-2000; Ord. No. 06-09 §3, 3-7-2006; Ord. No. 11-32 §1, 12-6-2011]

- A. *"R-1" Single-Family District.* In the "R-1" Single-Family Residential District, no building, structure or land shall be used and no building or structure shall be hereafter erected, converted or structurally altered, unless otherwise provided for in this Chapter, except for one (1) or more of the following uses:
 - 1. Single-family.
 - 2. Churches.
 - 3. Public schools, elementary, high and other educational institutions which curriculum are equivalent to a public elementary school or public high school.

4. Museums, libraries, parks, playgrounds or community centers owned and operated by a public agency.
5. Golf courses.
6. Group homes, provided that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Provided further that no group home shall be located within two thousand five hundred (2,500) feet of any other group home.
7. Crop farming and truck gardening, but not including livestock or other farming activities.
8. Accessory buildings, including detached garages, private stables, permanent storage buildings, servant quarters occupied only by servants employed on the premises, or other subordinate structures shall be erected (subject to Section 405.080 Height and Area Exceptions) and maintained only as accessories to the dwelling situated on the same lot or grounds and shall not involve the conduct of a business nor contain kitchen facilities.
9. Uses customarily incident to any of the above uses and including minor and major home occupations as set forth in Sections 610.230 through 610.270 of this Code.

Permitted minor home occupations include, but are not necessarily limited to, the following: artists and sculptors; authors and composers; home crafts for sale off-site; office facility of minister, rabbi or priest; office facility of a salesperson, sales representative or manufacturer's representative provided that no transactions are made in person on the premises; professional office facilities; individual tutoring; preserving and home cooking for sale off-site; individual instrument instruction provided that no instrument may be amplified; telephone solicitation work; family daycare home not involving more than three (3) children; and computer and bookkeeping services and transcribing services.

Permitted major home occupations shall include but are not necessarily limited to the following: any use allowed as a minor home occupation; single-chair beauty parlors and barber shops; photo developing; organized classes with up to six (6) students at one time; television and other electrical repairs excluding major appliances such as refrigerators, or storage; small engine repairs, excluding major automobiles, motorcycles and snowmobiles; upholstery; dressmaking; woodworking excluding cabinet making; and daycare facilities caring for more than three (3) children.

Any of the above uses may be conducted in the main building provided such use shall not occupy a floor area greater than one-half (½) the floor area of the first (1st) story of the building. There shall be no commercial display visible from the street and no signs present on the property except one (1) wall sign not to exceed one (1) square foot indicating the address and the occupant's name.

10. Hospitals and clinics, excepting veterinary hospitals and clinics.
 11. Utility uses.
- B. *"R-2" Two-Family Residential District.* In the "R-2" Two-Family Residential District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for in this Chapter, except for one (1) or more of the following uses:
1. Any use permitted in District "R-1".
 2. Two-family private residences.
 3. Accessory buildings — same as District "R-1".
- C. *"R-3" Multi-Family Residential District.* In the "R-3" Multi-Family Residential District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for in this Chapter, except for one (1) or more of the following uses:
1. Any use permitted in District "R-2" except single-family dwelling.

2. Multi-family residences or apartments.
 3. Boarding homes or nursing homes.
 4. Accessory building — same as District "R-1".
- D. *"R-4" Planned Unit Development District.* This district is intended to provide alternate residential housing including residential neighborhood units, clusters, condominiums and zero lot line developments. All planned unit developments must be approved by the City.
- E. *"C-1" Retail Non-Commercial District.* This District is intended to provide professional or service offices for the general population of the City of Carl Junction. In the "C-1" Non-Retail Commercial District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for in this Chapter, except for one (1) or more of the following uses:
1. Any use permitted in District "R-3" or "R-4" except single- and two-family dwellings.
 2. Office buildings to be used only for the administrative functions of individuals, groups, companies, corporations, social or philanthropic organizations or societies.
 3. Other offices such as:
 - a. Accountants and bookkeepers.
 - b. Architects and engineers.
 - c. Brokers.
 - d. Dentists.
 - e. Lawyers.
 - f. Physicians, chiropractors and others in the healing arts.
 - g. Real estate and insurance.
 4. In the "C-1" Commercial District, the following regulations shall apply:
 - a. No merchandise shall be displayed or handled except inside the buildings. No equipment or vehicles other than that utilized daily shall be stored on the premises.
 - b. Nameplate and sign relating only to the occupations practiced therein are allowed. No lighted or flashing signs shall be permitted. Any nameplate or sign shall be permanently affixed to the structure and shall not exceed three (3) feet by five (5) feet (3' x 5').
- F. *"C-2" Retail Commercial District.* This district is intended to provide retail and service establishments serving the general community and others. In the "C-2" Retail Commercial District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for in this Chapter, except for one (1) or more of the following uses:
1. *Uses permitted.*
 - a. Any use permitted in District "R-3" or "R-4" or "C-1" except single- and two-family dwellings.
 - b. Banks or other financial institutions.
 - c. Bakeries.
 - d. Cleaning, pressing and dyeing plants employing not more than five (5) persons each; provided only non-explosive cleaning fluids shall be used.

- e. Gasoline sales.
- f. Greenhouses.
- g. Food service establishments, including drive-in service.
- h. Beauty or barber shops.
- i. Publishing, including job printing.
- j. Mortuaries or funeral homes.
- k. General business offices and stores.
- l. Stores and shops for the sale of products at retail only.
- m. Studios or broadcasting facilities (no towers).
- n. Theaters or moving picture shows.
- o. Wholesale sales and storage.
- p. Shops for custom work or the manufacture of articles to be sold at retail on the premises; provided that in such manufacture total mechanical power shall not exceed five (5) horsepower for the operation of any shop and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the entire building or the equivalent of the ground floor area thereof, and provided further, that such manufacturing use is not noxious or offensive by reason of vibrations, noise or emission of odor, dust, smoke or gas.
- q. Such accessory retail, professional or service uses that are necessary for convenience of citizens subject to review by the Commission to insure conformity to the intent of the regulation.
- r. Marijuana dispensary facility.
[Ord. No. 23-06, 2-28-2023]

2. Marijuana dispensary facility, subject to the following provisions:
[Ord. No. 23-06, 2-28-2023]

- a. In District "C-2," a marijuana dispensary facility shall be permitted, provided it is wholly compliant with State of Missouri laws and regulations within Section 1 and Section 2 of Article XVI of the Missouri Constitution.
- b. Unless allowed by the laws of the State of Missouri, no marijuana facility shall be sited within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care facility, or church. In the case of a freestanding facility, the distance between the facility and the school, day care or church shall be measured from the external wall of the facility structure closest to the proximity to the school, day care, or church to the closest point of the property line of the school, day care or church. If the school, day care or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church to the facility's entrance or exit closest in proximity to the school, day care, or church. If the school, day care, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility. Measurement shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

G. *"M-1" Industrial District.* This district is intended primarily for the conduct of manufacturing, assembling and fabrication and for warehousing, wholesales and service uses. These operations

do not depend primarily on frequent personal visits of customers or clients but may require good accessibility to major rail, air or street transportation routes.

1. *Uses prohibited.* Those uses are prohibited which may be obnoxious or offensive because of emission of odor, dust, smoke, gas, glare, noise or disposal of waste materials.
2. *Uses permitted.*
 - a. Any use permitted in District "C-1" or "C-2" except residential dwellings.
 - b. Building materials sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, including a concrete batch plant or mix plant.
 - c. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 - d. Freighting or trucking yard or terminal.
 - e. Public utility service yard or electrical receiving or transforming station.
 - f. Sale barn for livestock.
3. The following uses are permitted when conducted within a completely enclosed building:
 - a. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candies, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, soaps, toiletries and food products.
 - b. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials.
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 - d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, metal buildings, wood buildings and wood products.
 - e. Manufacture of musical instruments, toys and novelties.
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping and battery manufacturing.
 - g. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines.
 - h. Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.
 - i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
 - j. Wholesale storage or manufacture of alcoholic beverages or non-alcoholic beverages.
 - k. Marijuana cultivation facility.
[Ord. No. 23-06, 2-28-2023]
 - l. Marijuana-infused products manufacturing.
[Ord. No. 23-06, 2-28-2023]
 - m. Marijuana testing facility.
[Ord. No. 23-06, 2-28-2023]

4. Also permitted are any buildings, structures and uses which are customarily incidental to any of the above uses.
5. The uses permitted under this Section shall be conducted in such a manner that no noxious odor, noise, fumes or dust will be emitted beyond the property line of the lot on which the use is located. No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, or particular matter of a Number 1 or darker on the Ringlemann Chart.
 - b. Dust, fly ash, radiation, gases, heat, glare, or other effects, which may be injurious to humans or property at the property line.
 - c. Vibrations or perceptible concussion measured with instruments at the property line.
 - d. The noise level shall not exceed the following levels at any point along the property line.

Octave Band	Maximum Level
0 — 75 CPS	55 db
75 — 1200 CPS	40 db
1200 — 4800 CPS	25 db
Above 4800 CPS	22 db

- e. Industrial wastes shall be of a quantity and nature as not to overburden the public sewage disposal facilities or cause odor and unsanitary effects beyond the property line.

6. Marijuana cultivation facility, marijuana-infused products manufacturing facility and marijuana testing facility, subject to the following provisions:
[Ord. No. 23-06, 2-28-2023]

- a. In District "M-1," a marijuana cultivation facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be permitted, provided it is wholly compliant with State of Missouri laws and regulations within Section 1 and Section 2 of Article XVI of the Missouri Constitution.
- b. Unless allowed by the laws of the State of Missouri, no marijuana facility shall be sited within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care facility, or church. In the case of a freestanding facility, the distance between the facility and the school, day care or church shall be measured from the external wall of the facility structure closest to the proximity to the school, day care, or church to the closest point of the property line of the school, day care or church. If the school, day care or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church to the facility's entrance or exit closest in proximity to the school day care, or church. If the school, day care, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, or church closest in proximity to the facility. Measurement shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

- H. *"UD" Undeveloped Land District.* This district is intended to include land, which for one (1) reason or another has not been developed or used for purposes other than agricultural. Removing land from this district and placing it in one (1) of the other districts requires approval of the Commission and Board.

Section 405.050. Non-Conforming Uses.

[Ord. No. 99-10 §2, 5-18-1999]

- A. The lawful use of land existing at the time of the passage of this Chapter, (October 18, 1972) although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for a period of six (6) months, any future use of said land shall be in conformity with the provisions of this Chapter.
- B. The lawful use of a building existing at the time of the passage of this Chapter may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building life provided no structural alterations, except those required by law or ordinance, are made therein. If such non-conforming building is removed, every future use of land shall be in conformity with the provisions of this Chapter.
- C. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.
- D. Nothing in this Section shall be deemed to prevent the restoration of a building destroyed to the extent of not more than seventy-five percent (75%) of its reasonable value, by fire, explosion, or other casualty, or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

Section 405.070. Height and Area Regulations in the "C-1" Non-Retail Commercial District.

[Ord. No. 99-10 §2, 5-18-1999]

- A. In the "C-1" Non-Retail Commercial District the height of buildings, the minimum dimensions of yards, and the minimum lot area per family shall be as follows:
 - 1. *Height.* No building hereafter erected or structurally altered shall exceed forty-five (45) feet or three (3) stories, except as provided in Section **405.080**.
 - 2. *Front yard.* There shall be a front yard of not less than fifteen (15) feet, except as provided in Section **405.080**.
 - 3. *Rear yard.* There shall be a rear yard of not less than fifteen (15) feet, except as provided in Section **405.080**.
 - 4. *Side yard.* There shall be a side yard of not less than fifteen (15) feet, except as provided in Section **405.080**.

Section 405.071. Height and Area Regulations in the "C-2" Retail Commercial District.

[Ord. No. 99-10 §2, 5-18-1999]

- A. In the "C-2" Retail Commercial District the height of buildings, the minimum dimensions of yards, and the minimum lot area shall be as follows:
 - 1. *Height.* Buildings or structures shall not exceed three (3) stories or forty-five (45) feet in height.
 - 2. *Front yard.* Any building hereafter constructed shall provide a front yard, the minimum depth of which shall be fifteen (15) feet.
 - 3. *Side yard.* No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a residential district in which case a side yard shall then be provided the same as required in the district it abuts. A side yard of fifteen (15) feet shall be provided on the street side of a corner lot.

4. *Rear yard.* No rear yard required, except that when a rear lot line abuts a lot in a residential district, a rear yard of not less than twenty (20) feet shall be provided.
5. *Gasoline sales.* Any commercial operation selling gasoline shall have a minimum of ten thousand (10,000) square feet of lot area to increase safety.

Section 405.075. Height and Area Regulations in the "M-1" Industrial District.

[Ord. No. 99-10 §2, 5-18-1999]

- A. In the "M-1" Industrial District the height of buildings, the minimum dimensions of yards, and the minimum lot area shall be as follows:
 1. *Height.* Any building hereafter erected or structurally modified shall not exceed fifty (50) feet in height. Structures, not buildings, shall not exceed one hundred (100) feet in height and shall be set back from all property lines a distance equal to its height.
 2. *Yard.* Any building hereafter erected or structurally altered shall provide a front yard of not less than twenty-five (25) feet and rear and side yards of not less than ten (10) feet.

Chapter 400. Zoning Regulations

ARTICLE IV. Zoning Districts and Zoning Map

Section 400.280. Zoning Districts Established.

[Ord. No. 1250 §1(401), 10-15-2002]

- A. The City of Branson West is hereby divided into zoning districts in order to prevent the overcrowding of the land; to provide adequate light and air; to facilitate adequate provision of facilities for transportation, utilities and other public requirements; to secure public safety; to promote a more compatible relationship of land uses within the City; to promote the orderly development of the City in accordance with the Comprehensive Plan; and to effectuate the use of other accepted purposes of zoning.
- B. The City of Branson West is divided into the following categories of zoning districts:

- "A-1" *Agricultural District.* Primarily undeveloped land usually found on the periphery of the City.
- "R-1" *Single-Family Residence District.* A zone designed to accommodate single-family residential development at maximum densities of five (5) dwelling units per acre.
- "R-2" *Two-Family Residence District.* A zone intended to accommodate traditional single-family development and cluster development, as well as two-family housing, at maximum densities of six (6) dwelling units per acre.
- "R-3" *Multi-Family Residence District.* A zone intended to accommodate a variety of residential development at higher densities, including town houses and multi-family developments, at maximum densities of up to twelve (12) dwelling units per acre.
- "R-MP" *Manufactured Home Residence District.* A zone designed to accommodate manufactured housing development at maximum densities of up to five (5) dwelling units per acre.
- "C-1" *Neighborhood Commercial District.* A zone intended to accommodate convenience retail and personal service businesses that offer services and goods that are a frequent or daily necessity for residents of surrounding neighborhoods.
- "C-2" *General Commercial District.* A zone intended to accommodate office, business and commercial uses that are dependent on high visibility and accessibility from arterial and highway locations to attract customers.
- "I-1" *Light Industrial District.* A zone designed for the location of industrial activities which do not involve substantial storage of outdoor materials.
- "I-2" *Heavy Industrial District.* A zone intended to accommodate more intensive industrial uses which may also involve outdoor storage and production of materials.
- "PD" *Planned Development District.* A zone in which regulations are designed to provide flexibility and innovation in development while ensuring that the uses developed will be compatible with nearby properties and the intent of this Chapter. A planned development district may involve a mix of land uses.



Chapter 400. Zoning Regulations

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- "R-3" *Multi-Family Residence District.* A zone intended to accommodate a variety of residential development at higher densities, including town houses and multi-family developments, at maximum densities of up to twelve (12) dwelling units per acre.
- "R-MP" *Manufactured Home Residence District.* A zone designed to accommodate manufactured housing development at maximum densities of up to five (5) dwelling units per acre.
- "C-1" *Neighborhood Commercial District.* A zone intended to accommodate convenience retail and personal service businesses that offer services and goods that are a frequent or daily necessity for residents of surrounding neighborhoods.
- "C-2" *General Commercial District.* A zone intended to accommodate office, business and commercial uses that are dependent on high visibility and accessibility from arterial and highway locations to attract customers.
- "I-1" *Light Industrial District.* A zone designed for the location of industrial activities which do not involve substantial storage of outdoor materials.
- "I-2" *Heavy Industrial District.* A zone intended to accommodate more intensive industrial uses which may also involve outdoor storage and production of materials.
- "PD" *Planned Development District.* A zone in which regulations are designed to provide flexibility and innovation in development while ensuring that the uses developed will be compatible with nearby properties and the intent of this Chapter. A planned development district may involve a mix of land uses.

ARTICLE V. Zoning District Regulations

Section 400.360. "C-1" Neighborhood Commercial District.

[Ord. No. 1250 §1(506), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023; Ord. No. 15-2025, 8-12-2025]

- A. *Permitted Uses.* The "C-1" Neighborhood Commercial District is designed to permit small areas of convenience shopping facilities in and near residential neighborhoods. The following uses are permitted in the "C-1" District:
1. Bakeries, delicatessens, and meat markets with on-premise sales.
 2. Convenience store, which shall include gasoline sales, but shall not permit repair facilities for motor vehicles.
 3. Day care center.
 4. Governmental buildings and uses.
 5. Laundry and dry cleaning self-service.
 6. Residential, intermediate or skilled nursing care facilities.
 7. Personal services such as barber or beauty shop, dressmaking, tailoring, shoe repair, household appliance repair, and other similar uses.
 8. Police and fire stations.
 9. Public or private parks, playgrounds and golf courses, excluding miniature golf and driving ranges.
 10. Type I and II wireless telecommunications facilities in accordance with Article VI, Section **400.490**.
 11. Public utilities and governmental buildings, including transformer stations, pumping stations, lift stations, public water reservoirs, standpipes, and elevated and ground-level water storage tanks, but excluding office buildings, garages and shops, loading yards and warehouses.
 12. Accessory uses in accordance with Article VI, Supplemental Use Regulations.
 13. Temporary uses in accordance with Article VI, Supplemental Use Regulations.
 14. Single-family dwellings existing at the time the district is mapped.
 15. Residential dwelling units on the second floor and any floors above in buildings within the "C-1" (Neighborhood Commercial) Zoning District when in compliance with the following:
 - a. Residential dwelling units on the ground floor or below are prohibited.
 - b. Building Code. Residential dwelling units must comply with applicable provisions of Chapter 500, Building Codes and Building Regulations, including but not limited to the International Building Code (IBC), International Residential Code (IRC), and applicable fire/life safety requirements for mixed-use occupancy.
 - c. Access. Access to residential units may be provided through a shared or separate entrance from the commercial use, provided adequate egress and safety standards are met.

- d. **Parking Requirements.** Off-street parking for residential units shall be provided in accordance with existing residential and mixed-use standards outlined in Article IX, Parking and Loading Area Requirements. See Section 400.670 (Joint Use of Parking Facilities) for shared parking provisions.
- e. **Number Of Units.** There shall be at least four thousand five hundred (4,500) square feet of lot area per unit for the first two (2) residential dwelling units and at least one thousand eight hundred (1,800) square feet of lot area per each dwelling unit thereafter. By way of example, a mixed-use building with four (4) accessory dwelling units shall have at least twelve thousand six hundred (12,600) square feet of lot area.

B. **Conditional Uses.** The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

- 1. Type V wireless telecommunications facilities in accordance with Article VI, Section 400.490.
- 2. Other towers, exceeding one hundred (100) feet in height, and related facilities, provided the maximum height does not exceed two hundred (200) feet; only one (1) tower is permitted on a lot, and all other provisions of Article VI, Section 400.490 are met.
- 3. Marijuana dispensary facilities.

C. **Use Limitations.**

- 1. No new residential structures shall be constructed in the "C-1" Neighborhood Commercial District. Existing residential structures may be altered, remodeled or improved subject to the restrictions and regulations applicable to residences in the "R-3" Multi-Family Residence District.
- 2. All business, servicing, storage and display of materials and goods, except for off-street parking and loading, shall be conducted within completely enclosed structures.
- 3. No manufacturing, processing or treating of products other than that which is clearly incidental and essential to retail business shall be conducted and all such products shall be sold at retail on the premises.
- 4. No separate business establishment shall occupy more than five thousand (5,000) square feet of floor space.
- 5. No business establishment shall offer goods or services to customers waiting in parked motor vehicles (drive-through).

D. **Lot Size, Bulk And Open Space Requirements.**

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	
Principal structure	35 feet
Accessory structure	16 feet
Maximum Floor Area Ratio	0.40
Minimum Yard Requirements	
Front yard	40 feet
Rear yard	Twenty percent of the lot depth or 10 feet, whichever is greater, provided that no more than 25 feet shall be required.

Side yard	None, except where a commercial use adjoins a residential use, the setback shall be 15 feet
Maximum Building Coverage (including accessory structures)	40 percent

- E. *Open Space Requirements.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.
- F. *Design Requirements.*
1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.
 2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses shall be screened from view.
 5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.
 6. Off-street parking, vehicular use areas and loading areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.

Section 400.370. "C-2" General Commercial District.

[Ord. No. 1250 §1(507), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023; Ord. No. 12-2025, 8-12-2025; Ord. No. 15-2025, 8-12-2025]

- A. *Permitted Uses.* The "C-2" District is designed for those business and commercial uses that draw their customers from motorists on the highway, or for whom location on a highway or arterial street is necessary. The district also provides for the location of commercial activities that involve outdoor storage of materials and goods. The following uses are permitted in the "C-2" General Commercial District:
1. All uses permitted in the "C-1" Neighborhood Commercial District.
 2. Agricultural implement sales and service.
 3. Arcades and game rooms, bowling alleys, theaters, skating rinks and other such similar places of commercial entertainment.
 4. Banks and financial institutions, including automatic teller machines and drive-through facilities.
 5. Boat sales and rental.
 6. Car wash.
 7. Clinics, marijuana dispensary facilities, dental laboratories, and similar medical service facilities.
 8. Funeral home.
 9. Greenhouse, nursery, or garden stores, on-premises sales permitted.

10. Health and fitness centers, including dance studios.
11. Hardware, home improvement, and builder supply stores.
12. Heating, air-conditioning and plumbing stores.
13. Library, museum, art gallery and similar uses.
14. Liquor store and tavern.
15. Manufactured home sales and rental, but not including the use of a manufactured home as a residence.
16. Monument sales, outside storage permitted.
17. Motels and hotels, when located on a State or Federal highway. See Section 400.496, On-Site Residency For Hotel And Motel Site Managers, for provisions related to this use.
18. New or used automobile, recreational vehicle or motorcycle sales and service facilities, outside storage permitted, but excluding the wrecking of motor vehicles.
19. Offices, clerical, research and services not related to goods and merchandise, such as offices of attorneys, physicians, engineers, accountants, insurance agents, stockbrokers, travel agents, telecommunications and Internet services, and government.
20. Off-street parking facilities.
21. Pest control services.
22. Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
23. Restaurants, including drive-in facilities.
24. General retail sales and rental of goods, merchandise and equipment.
25. Personal self-service storage facilities, provided that there shall be no outdoor storage.
26. Single-family dwellings existing at the time the district was mapped.
27. Service stations or gas stations, including repair shops.
28. Schools, professional, business and trade.
29. Veterinarian, animal hospital or kennel, provided that no such building, kennel or exercise runway is closer than three hundred (300) feet to the boundary of any residence district.
30. Towers other than wireless facilities, less than one hundred (100) feet in height, and related facilities provided telecommunication towers comply with Article VI, Section 400.490.
31. Type I wireless facilities in accordance with Article VI, Section 400.490.
32. Type III wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
33. Type IV wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
34. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
35. Auction sales, flea markets and swap meets.

36. Residential dwelling units on the second floor and any floors above in buildings within the "C-2" (General Commercial) Zoning District when in compliance with the following:

- a. Residential dwelling units on the ground floor or below are prohibited.
- b. Building Code. All residential dwelling units must comply with applicable provisions of Chapter 500, Building Codes and Building Regulations, including but not limited to the International Building Code (IBC), International Residential Code (IRC), and applicable fire/life safety requirements for mixed-use occupancy.
- c. Access. Access to residential units may be provided through a shared or separate entrance from the commercial use, provided adequate egress and safety standards are met.
- d. Parking Requirements. Off-street parking for residential units shall be provided in accordance with existing residential and mixed-use standards outlined in Article IX, Parking and Loading Area Requirements. See Section 400.670 (Joint Use of Parking Facilities) for shared parking provisions.
- e. Number Of Units. There shall be at least four thousand five hundred (4,500) square feet of lot area per unit for the first two (2) residential dwelling units and at least one thousand eight hundred (1,800) square feet of lot area per each dwelling unit thereafter. By way of example, a mixed-use building with four (4) accessory dwelling units shall have at least twelve thousand six hundred (12,600) square feet of lot area.

B. *Conditional Uses.* The following uses are permitted as conditional uses, subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Substance abuse treatment facilities.
2. Rescue missions, overnight shelters, halfway houses.
3. Recreational vehicle parks.
4. Zoo, private.

C. *Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	45 feet
Maximum Floor Area Ratio	1.0
Minimum Yard Requirements	
Front yard	40 feet
Rear yard	None
Side yard	None, except where a commercial use adjoins a residential use, the setback shall be 15 feet
Maximum Building Coverage (including accessory structures)	50 percent

D. *Open Space Requirements.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.

E. *Design Requirements.*

1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.
2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses shall be screened from view.
5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.
6. All parking and loading areas shall be provided in accordance with the requirements set forth in Article IX, Parking and Loading Area Requirements.
7. All outdoor storage, except the storage of motor vehicles in operating condition, shall be enclosed by screening. Off-street parking and loading spaces and the storage of motor vehicles in operating condition shall be enclosed when such use abuts a residence district or is separated from a residence district by only an alley.

Section 400.380. "I-1" Light Industrial District.

[Ord. No. 1250 §1(508), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

- A. *Purpose.* The "I-1" Light Industrial District is intended to allow for industrial operations and related activities that do not create nuisances and hazards. Industrial operations and activities are permitted provided they are conducted inside a building, although outdoor storage is permitted subject to limitations. The following uses are permitted in the "I-1" District:
1. Accessory uses in accordance with Article VI, Supplemental Use Regulations.
 2. Ambulance service offices or garages.
 3. Any storage, manufacturing, processing, assembly, packaging, servicing, testing or repair of goods and materials, and business and sales offices accessory thereto.
 4. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as sign shops, janitorial services, packaging or shipping services, printing, publishing, blueprinting, and similar uses.
 5. Bakeries.
 6. Funeral homes, mortuaries and crematoriums.
 7. Governmental buildings and uses.
 8. Heating, air-conditioning, and plumbing sales and service.
 9. Hardware, home improvement and building supply stores.
 10. Heavy machinery and equipment sales, rental and service.
 11. Laundry, dry cleaning and carpet cleaning services.
 12. Manufactured home sales and rental, but not including the use of a manufactured home as a residence.
 13. Pest control services.

14. Police and fire stations.
15. Recording studios.
16. Schools, business, industrial and trade.
17. Retail sales of products produced by the principal use provided that the gross amount of floor area devoted to sales and display does not exceed twenty-five percent (25%) of the gross floor area of the structure.
18. Self-storage facilities.
19. Veterinary clinics, animal hospitals and kennels.
20. Warehousing, storage and distribution centers.
21. Type I wireless facilities in accordance with Article VI, Section 400.490.
22. Type III wireless facilities in accordance with Article, VI Section 400.490, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
23. Type IV wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
24. Towers other than wireless facilities, less than one hundred (100) feet in height, and related facilities in accordance with Article VI, Section 400.490.
25. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
26. Television and radio studios with transmitting facilities.
27. Marijuana dispensary facilities, marijuana cultivation facilities and marijuana-infused products manufacturing facilities.

B. *Conditional Uses.* The following uses may be permitted as conditional uses, subject to the provisions of this Chapter and approval by the Board of Aldermen:

1. Motor freight terminals.
2. Lumber production yards.

C. *Use Limitations.*

1. There shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line.
2. All operations and activities, except off-street parking, loading and storage, shall be conducted wholly inside a building or buildings.
3. Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets and from other property, except property located in an "I-2" District. All outdoor storage shall be at least one hundred (100) feet from any residence district.
4. No building shall be used for residential purposes, except that a guard or caretaker employed on the premises, and his/her family, may reside on the premises.

D. *Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area

None

Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	50 feet
Maximum Floor Area Ratio	0.50
Minimum Yard Requirements	
Front yard	25 feet
Rear yard	30 feet
Side yard	20 feet
Maximum Building Coverage (including accessory structures)	50 percent

- E. *Open Space Requirements.* Not less than fifteen percent (15%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.
- F. *Design Requirements.*
1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.
 2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 4. Refuse storage areas and mechanical and electrical equipment shall be screened from view.
 5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.
 6. All parking and loading areas shall be provided in accordance with the requirements set forth in Article IX, Parking and Loading Area Requirements.

Section 400.390. "I-2" Heavy Industrial District.

[Ord. No. 1250 §1(509), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

- A. *Purpose.* The "I-2" Heavy Industrial District is the basic manufacturing district for the City of Branson West. This district is intended to accommodate those heavy industries which cannot entirely eliminate objectionable features and impacts, but which, with reasonable care, will be able to comply with the standards of this district.
- B. *Permitted Uses.* The following uses shall be permitted in the "I-2" Heavy Industrial District:
1. Any use permitted in the "I-1" Light Industrial District.
 2. Any storage, manufacturing, processing, assembly, packaging, servicing, testing or repair of goods and materials, and business and sales offices accessory thereto, which conforms to the performance standards established in Subsection (D).
 3. Battery recycling and reprocessing.
 4. Feed stores.

5. Manufacturing and production of paving, roofing and other construction materials using asphaltic and petroleum based coatings and preserving materials.
6. Manufactured and modular home manufacturing.
7. Motor freight terminals.
8. Quarries and central mixing plants for concrete, asphalt and paving materials.
9. Recycling centers.
10. Lumber production yards.
11. Type I wireless facilities in accordance with Article VI, Section 400.490.
12. Type III wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
13. Type IV wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
14. Towers other than wireless facilities, less than one hundred (100) feet in height, and related facilities.
15. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
16. Television and radio studios with transmitting facilities.
17. Marijuana dispensary facilities, marijuana cultivation facilities and marijuana-infused products manufacturing facilities.

C. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and the approval of the Board of Aldermen.

1. Accessory residential structure for a resident watchman and/or caretakers employed on the premises.
2. *Explosives manufacture or storage.* All explosives manufacture or storage shall be subject to the minimum requirements and regulations of the Bureau of Alcohol, Tobacco and Firearms Publication ATFP 5400.7 (6/1990) or any subsequent amendments.
3. Scrap and salvage yards, automobile wrecking yards, provided that no such use shall be located within five hundred (500) feet of any residence district.
4. Refining of petroleum or its product.
5. Acid manufacture, provided that no such facility shall be located within five hundred (500) feet of any residence district.
6. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
7. Type V wireless facilities in accordance with Article VI, Section 400.490.
8. Towers other than wireless facilities, exceeding one hundred (100) feet height, and related facilities in accordance with Article VI, Section 400.490.

D. *Use Limitations.*

1. No use or operation shall disseminate dust, smoke, fumes, gas, vibration, noxious odors, or glare at or beyond the property line.
2. No use or operation shall produce noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point.
3. No use or operation shall create fire hazards on surrounding property.
4. All operations and activities, except off-street parking, loading and storage, shall be conducted wholly inside a building or buildings, unless the nearest point of such operation or activity is more than two hundred (200) feet from the boundary of any other district, except for the "I-1" District.
5. Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets and other property, except property located in an "I-1" District.
6. All outdoor storage shall be at least two hundred (200) feet from any residence district.
7. All salvage and scrap yards and automobile wrecking yards shall be enclosed by a solid board fence or wall not less than ten (10) feet high of new material and well-maintained.

E. *Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	50 feet
Maximum Floor Area Ratio	1.5
Minimum Yard Requirements	
Front yard	25 feet
Rear yard	25 feet
Side yard	20 feet, except where abutting a residence district, then 50 feet
Maximum Building Coverage	None

- F. *Open Space Requirements.* Not less than fifteen percent (15%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.

G. *Design Requirements.*

1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.
2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
3. All off-street parking, vehicular use and loading areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.
4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses shall be screened from view.
5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.

6. All outdoor storage, except the storage of motor vehicles in operating condition, shall be enclosed by screening. Off-street parking and loading spaces, and the storage of motor vehicles in operating condition, shall be enclosed when such use abuts a residence district or is separated from a residence district by only an alley.