

Section 5 – Use Provisions

This section is established in recognition that certain uses cannot be treated in the same manner as other uses due to their nature and unique characteristics which may affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the intent and purpose of this Ordinance. These uses, when properly placed and regulated, can contribute to the economic vitality of the City. Therefore, it is the purpose of this Section to specify minimum standards that shall be required for certain land uses, in addition to the underlying zoning district regulations, to improve compatibility with neighboring properties and discourage incompatible land uses.

5.1 – Applicability

The provisions of this Section apply to all Zoning Districts unless indicated otherwise. If there is a conflict between this Section and the individual requirements of the Zoning District, the City Administrator or his/her designee shall determine which standards control.

5.2 – Car Washes

5.2.1 - Location. The facility shall be located on a major or collector street or a frontage road and shall not be located closer than one hundred and twenty feet (120') of a Residential District boundary.

5.2.2 -Site Standards.

- 1) All car washing facilities shall be within either a completely enclosed building or a canopy structure.
- 2) Curb cuts shall not be permitted within ten feet (10') of a side lot line.
- 3) The sale of automobile accessories not directly related to the cleaning of automobiles shall be prohibited.

5.2.3 – Lighting. All exterior lighting shall comply with Chapter 9 of the Sunset Hills Code of Ordinances and shall not increase the intensity of light within ten feet (10') of a Residential District boundary line by more than 1.5-foot candles.

5.2.4 - Building Height. The maximum permitted building height shall be twenty feet (20') or one story whichever is lower.

5.2.5 –Site Design Standards. The following minimum site design standards shall be required for the siting and development of any car washes.

CAR WASHES BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10,000 sq. ft.	70 ft.	40 ft.	15 ft.	20 ft.

5.3 – Cemeteries

5.3.1 – Site Standards.

- 1) Water shall be available within four hundred feet (400') of all grave sites.
- 2) Trash receptacles shall be located adjacent to internal roadways and not more than two hundred feet (200') apart. No rubbish shall be allowed to accumulate upon the site except within trash receptacles.
- 3) Storage of any maintenance machinery or other equipment shall be within completely enclosed buildings.

4) In addition to compliance with Chapter 9 of the Sunset Hills Code of Ordinances, any security lighting on premises shall be no greater than a residential streetlight (4,000 lumens) and shall have fixtures that direct light away from adjoining residential structures.

5.3.2 – Roadways. All roadways shall meet the paving engineering standards established in Section 7.1.3(3).

5.3.3 - Building or Structure Height. The maximum permitted height for any building or structure shall be thirty feet (30') or two stories, whichever is lower.

5.3.4 – Lot Standards. The following lot standards shall be required for the siting and development of any cemetery.

CEMETERY LOT STANDARDS	
Min. Lot Area	Min. Lot Width
2 acres	150 ft.

5.4 – Educational Uses

5.4.1 - Parking. Access to the parking areas shall be located on non-residential streets when possible.

5.4.2 – Screening. Playgrounds shall be separated from adjacent residential properties by a Transition Area A as defined in Section 4.2.2.4 of this Title.

5.4.3 – Site Design Standards. The following minimum site design standards shall be required for the siting and development of any educational use.

EDUCATIONAL USES SITE DESIGN STANDARDS		
Site Design Standards		
Front Yard	Side Yard	Rear Yard
As required per district	150 ft.	150 ft.

5.5 - Hospitals

5.5.1 – Parking. Parking areas shall be located no closer than one hundred feet (100’) from any residential properties. Access to parking areas shall be located on nonresidential streets, when possible.

5.5.2 –Site Design Standards. The following minimum site design standards shall be required for the siting and development of any hospital.

HOSPITAL SITE DESIGN STANDARDS		
Site Design Standards		
Front Yard	Side Yard	Rear Yard
As required per district	350 ft.	350 ft.

5.6 - Hotels or Motels

5.6.1 - Site Design Standards. The following minimum site design standards shall be required for the siting and development of any hotel or motel.

HOTEL AND MOTEL BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
20,000 sq. ft. or 1,000 sq. ft. per guest room, whichever is greater	100 ft.	40 ft.	40 ft.	40 ft.

5.7 – Libraries

5.7.1–Site Design Standards. The following minimum site design standards shall be required for the siting and development of any library.

LIBRARY SITE DESIGN STANDARDS		
Site Design Standards		
Front Yard	Side Yard	Rear Yard
As required per district	150 ft.	150 ft.

5.8 – Motor Vehicle Oriented Businesses

5.8.1 –Site Design Standards. The following minimum site design standards shall be required for the siting and development of any motor vehicle use.

MOTOR VEHICLE ORIENTED BUSINESSES STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Frontage	Front Yard	Side Yard	Rear Yard
20,000 sq. ft.	150 ft. ¹	30 ft.	15 ft. ²	15 ft. ²
1. Frontage requirements shall apply to one side of corner lots. 2. Requirements shall be seventy-five feet (75’) where use abuts a residential district.				

5.8.2 – Traffic Study Required. All applicants shall be required to submit a traffic impact study or analysis. Such traffic impact study or analysis shall be performed by the City’s contracted traffic engineer. The applicant shall be required to deposit with the City an amount estimated by the Public Works Director or his/her designee to reimburse the City for the cost of such traffic impact study or analysis.

5.8.3 – Used Oil Storage. All used oil and other similar materials shall be stored only in underground or indoor areas.

5.8.4 – Vehicular Areas.

- 1) The entire area used by vehicles for parking, storage, service, etc. shall be paved with asphaltic concrete, concrete, Portland cement, or other material approved by the Public Works Director.
- 2) A raised curb shall be placed at the edge of all pavements.
- 3) All hydraulic hoists, pits, lubrication, washing, repair, and service, not of an emergency nature shall be conducted entirely within a building.

5.8.5– Ingress and Egress

- 1) The minimum width of driveways at the property line shall be twenty-four feet (24’), and the maximum shall be fifty feet (50’).
- 2) The minimum distance of any driveway to any side property line shall be twenty-four feet (24’). This distance shall be measured from the side property line to the intersection of the street right-of-way and the edge of the driveway.
- 3) Driveway openings shall be limited to one drive per one hundred feet (100’) of lot frontage. For parcels with frontage on more than one street the number of driveway openings shall be based on the frontage length on each street individually.
- 4) The minimum distance a driveway into the site from a street intersection shall be thirty feet (30’) measured from the intersection of the street rights-of-way to the nearest end of the curb radius of the proposed driveway.
- 5) The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and shall be approved by the Director of Public Works Director.
- 6) Motor vehicle uses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

5.8.6 – Storage of Flammable Materials. Flammable materials used in the conduct of motor vehicle uses when stored above ground, shall be stored within the building setback lines. All storage of flammable materials shall be subject to the approval of the appropriate fire district.

5.8.7 – Lighting. All exterior lighting shall comply with Chapter 9 of the Sunset Hills Code of Ordinances and shall not increase the intensity of light within ten feet (10’) of a Residential District boundary line by more than 1.5-foot (1.5’) candles.

5.9 – Temporary Portable Outdoor Storage Units

Temporary Portable Outdoor Storage Units are permitted accessory uses in residential districts, subject to the following restrictions.

5.9.1 – Permit Required. A permit shall be obtained prior to the setting of the temporary portable outdoor storage unit on the property. A site drawing shall be submitted showing the location on the property where the unit will be placed, size of the unit, and distance to all applicable property lines and all other buildings and structures.

5.9.2 – Size. No temporary portable outdoor storage unit shall be greater than twenty feet (20’) in length, eight feet (8’) in width, or eight feet (8’) in height.

5.9.3 – Placement. The temporary portable outdoor storage unit cannot encroach on City property, City right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, gravel, or hard paved surface between the front property line and the rear building line of the principal structure. The visual distance between the portable temporary storage unit and the side yard property line is four feet (4') or upon the approval by the Public Works Director or his/her designee and as agreed upon by written consent by the neighboring property owner.

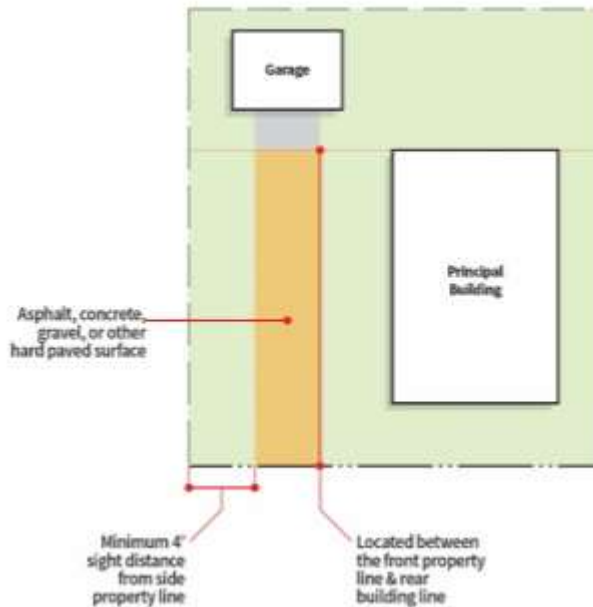
5.9.4 – Duration. Temporary portable outdoor storage units may be placed in a residential district for no more than 30 days in any consecutive 12-month period. Extensions beyond the 30-day limit may be granted by the Public Works Director or his/her designee.

5.9.5 – Number of Units. A maximum of one temporary portable outdoor storage unit is permitted on a lot.

5.9.6 – Signage. A temporary portable outdoor storage unit shall have no signage other than the name, address, and telephone number of the person or firm engaged in the business of renting or otherwise placing the temporary portable outdoor storage unit.

Placement of Temporary Portable Outdoor Storage Units

5.10.3



5.10 – Drive Through Facility

The following provisions shall be applicable to any use with a drive-through facility.

5.10.1 – Traffic Study Required. All applicants shall be required to submit a traffic impact study or analysis. Such traffic impact study or analysis shall be performed by the City’s contracted traffic engineer. The applicant shall be required to deposit with the City an amount estimated by the Public Works Director or his/her designee to reimburse the City for the cost of such traffic impact study or analysis.

5.11 – Medical Marijuana

The purpose of this section is to regulate the placement and licensing of facilities for the dispensing, selling, cultivating, manufacturing, storing, and testing of marijuana and marijuana-infused products, to the extent permitted by the Missouri Constitution, applicable statutes enacted by the general assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health, safety, and welfare of the residents, businesses, and property owners in the City.

5.11.1 – No marijuana related use, activity or facility shall emit an odor or in any way cause a public nuisance per Chapters 7, 24 or 27 of this Ordinance. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.

5.11.2 - No more than a total of three (3) medical marijuana dispensary facilities, three (3) medical marijuana cultivation facilities and three (3) medical marijuana-infused products manufacturing facilities will be allowed within the City limits.

5.11.3 - Each medical marijuana cultivation facility, medical marijuana-infused products manufacturing facility or medical marijuana dispensary facility shall be located on properties that meet the following distance requirements:

- 1) No medical marijuana dispensary facility shall be operated or maintained within five hundred (500) feet of any school, child day-care center or church.
- 2) No medical marijuana cultivation facility, manufacturing facility or testing facility shall be operated or maintained within one thousand (1,000) feet of any school, child day-care center or church.
- 3) No marijuana-related uses shall be operated or maintained within one thousand five hundred (1,500) feet of another marijuana related use except when marijuana sales represents less than five (5) percent of the dollar volume of business in a state or federally licensed pharmacy. Marijuana related uses under the same ownership and on the same property are exempt from this requirement.
- 4) The distances described in this section shall be computed by direct measurement from any building on land used for the above purposes to the nearest portion of the building housing the medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused products manufacturing facility or medical marijuana dispensary facility, using a straight line.

5.11.4 - The waiting area and the area of a medical marijuana dispensary facility where marijuana or marijuana-infused products are physically delivered to a qualifying patient or primary caregiver shall be separated by a solid wall and solid door so that persons in the waiting area are obstructed from observing the delivery of the marijuana or marijuana infused products to the qualifying patient or primary caregiver. No loitering will be permitted at any facility.

5.11.5 - No marijuana or marijuana-infused product shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of a facility.

5.11.6 - Paraphernalia as defined in RSMo. § 215.610, excluding (1)f, as may be amended, may be lawfully sold at a medical marijuana dispensary facility. Such items may not be publicly displayed and may be sold, displayed and provided only to patients or primary caregivers of patients.

5.11.7 - The sale or consumption of alcohol within a facility is prohibited.

5.11.8 - No person under the age of eighteen (18) shall be allowed in any portion of a medical marijuana cultivation facility, medical marijuana testing facility or medical marijuana-infused products manufacturing facility. The entrance to a facility shall be clearly and legibly posted with notice indicating that persons under the age of eighteen (18) are precluded from entering the premises.

5.11.9 - A medical marijuana dispensary facility shall not dispense more than four (4) ounces of a usable form of medical marijuana per patient in a thirty-day period, except as otherwise allowed by law [Art. 2, sec 3(13)]. All marijuana sold or otherwise distributed shall be in a sealed container. Such packaging shall have a label that indicates the quantity and advises the purchaser that the marijuana is intended for use solely by the patient, and that any resale or redistribution to any third person is a criminal violation.

5.11.10 - The consumption, inhalation or other personal use of marijuana or medical marijuana-infused products on or within the premises of a medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused products manufacturing facility or medical marijuana dispensary facility is prohibited, except that a medical marijuana testing facility may consume marijuana during the testing process and only as the consumption relates to the testing process.

5.11.11 - Dispensaries can be on the same property as a cultivation facility, a medical marijuana-infused products manufacturing facility or a medical marijuana testing facility but are not permitted to be within the same building as any other marijuana related use.

5.11.12 - Security plans. Medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused products manufacturing facility or medical marijuana dispensary facility shall provide adequate security on the premises including, but not limited to, the following:

- 1) Surveillance. Security surveillance cameras installed to monitor each entrance to the facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days, and be made available to law enforcement officers upon demand.
- 2) Inventory. All salable inventory of marijuana must be kept and stored in a secured, locked manner.
- 3) Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
- 4) Alarm system. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the facility at all times.
- 5) Emergency contact. Each facility shall provide the chief of police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site facility employee to whom the City may provide notice of any operating problems associated with the facility. It shall be the responsibility of the licensee to keep up to date the contact information of the facility employee.

5.11.13 - Operating plans. As a condition of processing of a business license application, a facility operator shall provide at the time of filing the business license application a detailed operations plan and, upon issuance of a license, shall operate the facility in accordance with the plan. Such plan shall include:

- 1) Floor plan. A plan showing the layout of the facility and the principal uses of the floor area depicted. A medical marijuana dispensary facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways. All storage areas shall be shown and labeled.
- 2) Odor controls. A facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from a facility. Such plan shall describe the ventilation system for the premises. Appropriate ventilation systems to prevent any odor of marijuana fumes from leaving the premises of a facility or other changes to a facility may be required to abate a public nuisance.

5.11.14 - Signage.

- 1) A sign for a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall comply with the requirements of this Ordinance, or any Ordinance enacted hereafter regulating signs.
- 2) A sign for a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall be located on the same premises as the facility.

5.11.15 - Each facility shall provide off-street parking and comply with all parking regulations for the zoning district in which the facility is located.

5.11.16 - Each facility shall at all times possess a current City business license. By obtaining a City business license, the facility licensee irrevocably consents to the immediate closure and cessation of operation of the facility in addition to all other penalties or remedies available by law for the failure to possess a current City business license.

5.11.17 - It shall be unlawful for any person to distribute, transmit, give, dispense or otherwise provide medical marijuana as a home occupation.

5.11.18 - No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.

5.11.19 - Application review process.

- 1) Site review permit. This preliminary permit reviews the proposed marijuana related use for compliance with the City's zoning and location standards prior to issuance of state license. A draft of proposed security and floor plans should also be provided. Site review approval shall expire, and be of no effect, one (1) year after the date of issuance thereof. Site review and approval shall be conducted administratively.
- 2) Business license. Once a state licensing has been received, the business license shall include all relevant state approvals and approved operating plans and security plans.