

REGULAR CITY COUNCIL MEETING
APRIL 26, 2021

The regular Sikeston City Council meeting of April 26, 2021 was called to order at 5:00 p.m. in the Council Chambers at City Hall, located at 105 E. Center Street in Sikeston, MO. Present at the meeting were: Mayor Greg Turnbow, Vest Baker, Ryan Merideth, Brian Self, Brandon Sparks, David Teachout and Onethia Williams. Staff in attendance were: City Manager Jonathan Douglass, City Clerk Rhonda Council, Finance Director Karen Bailey, HR Director Amanda Groves, City Collector Vicky Lewis, Public Works Director Jay Lancaster, Street Supervisor Darren Martin, Parks & Recreation Director Dustin Care, Public Safety Director James McMillen, Captain Ryan Smith, Community Development Director Lorenzo Ware and Code Enforcement Operations Specialist Amy Gosnell.

ITEMS OF BUSINESS

Authorization to Renew Commercial Property & Casualty Insurance

Marsh Wortham provided the renewal quote for the City's liability and casualty coverages. Costs increased \$6,375.00 above last year. For the past three years, the City has been insured with Brit Global Specialties, but during renewal process they indicated our auto deductible would increase from \$20,000 to \$50,000 for a total premium cost of \$307,437.00. Travelers Insurance would offer a deductible of \$10,000.00 with their total premium cost of \$313,812.00. Effective dates are May 1, 2021 through May 1, 2022.

Councilman Merideth moved to authorize payment to Marsh Wortham in the amount of \$313,812 for property and liability insurance for the period of May 1, 2021 through May 1, 2022. The motion was seconded by Councilman Sparks and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Authorization to Change Accounting Basis from Modified Accrual to Modified Cash

Modified accrual accounting recognizes revenues when they become available and measurable. This results in an overstatement of the current revenues. With a modified cash approach, revenue is not credited to the revenue account until it is received.

Councilman Sparks moved to authorize changing the accounting basis for the City of Sikeston from modified accrual to modified cash beginning with the Fiscal Year 2020-2021 Audit. The motion was seconded by Councilman Self and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Resolution 21-04-01, Authorize Special Obligation Refunding & Improvement Bonds

A RESOLUTION OF OFFICIAL INTENT OF THE CITY OF SIKESTON, MISSOURI, TOWARD THE ISSUANCE OF SPECIAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS AND AUTHORIZING AND APPROVING CERTAIN ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Sikeston, Missouri (the "City"), finds it necessary to issue approximately \$13,560,00 principal amount of Special Obligation Refunding and Improvement Bonds, Series 2021 (the "Bonds") to provide funds, together with other legally available funds of the City, to (a) pay the costs of certain capital improvements within the City, including industrial park, highway, and road and bridge

improvements (collectively, the "Project") and (b) currently refund certain outstanding loans of the City; and

WHEREAS, the City has selected Piper Sandler & Company as financial advisor to the City (the "Financial Advisor") in connection with the sale of the Bonds; and

WHEREAS, the City desires to authorize City staff, Financial Advisor and Gilmore & Bell, P.C. ("Bond Counsel") to proceed with the preparation, review and distribution of documents related to the Bonds and to authorize the offering for sale of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI, AS FOLLOWS:

Section 1. Declaration of Intent. The City Council hereby declares the intent of the City to issue the Bonds in a principal amount of approximately \$13,560,000 for the purposes described above.

Section 2. Preparation of Documents. City staff, Financial Advisor and Bond Counsel are hereby directed to prepare all documentation necessary and desirable for the sale of the Bonds, including, without limitation, a preliminary official statement (the "Preliminary Official Statement") related to the offering of the Bonds. Upon completion of the Preliminary Official Statement, the underwriter is authorized to proceed with the use and distribution of the Preliminary Official Statement in connection with the offering of the Bonds. The final terms of the Bonds shall be determined and approved by a subsequent ordinance of the City Council.

Section 3. Rule 15c2-12(b)(1) of the Securities and Exchange Commission. For the purpose of enabling the underwriter to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the Mayor, the City Manager or Finance Director is hereby authorized, if requested, (a) to provide the underwriter a letter or certification to the effect that the City deems the information contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1) and (b) to take such other actions or execute such other documents as such officer or official in his or her reasonable judgment deems necessary to enable the underwriter to comply with the requirements of such Rule.

Section 4. Reimbursement of Capital Expenditures. The City has incurred and/or may incur after the date hereof capital expenditures related to the Project. The City intends to reimburse itself for such expenditures with proceeds of the Bonds. The maximum net proceeds of the Bonds expected to be issued for the Project is \$12,890,000.

Section 5. Further Authority. The Mayor, City Manager, Finance Director and other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to carry out the offering for sale of the Bonds.

Councilman Baker moved to adopt Resolution 21-04-01, authorizing and approving certain actions in connection with the issuance of special obligation refunding and improvement bonds. The motion was seconded by Councilman Self and the following vote recorded:

Sparks Aye, Merideth Abstain, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

Councilman Sparks moved for the second reading of Bill Number 6218. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL Number 6218

ORDINANCE Number 6218

AN ORDINANCE OF THE CITY OF SIKESTON ADOPTING THE 2012 EDITION OF THE INTERNATIONAL ZONING CODE, REGULATING AND GOVERNING THE DEVELOPMENT, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVEMENT, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, USE, HEIGHT AREA AND MAINTENANCE OF ALL BUILDINGS, STRUCTURES AND LOTS IN THE CITY OF SIKESTON, MISSOURI, PROVIDING FOR THE ISSUANCE OF PERMITS, INCLUDING CONDITIONAL USE PERMITS, AND COLLECTION OF FEES THEREFOR; AMENDING CHAPTER 405 ZONING REGULATIONS OF THE CITY OF SIKESTON, MISSOURI AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI, AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: ADOPTION OF ZONING CODE

A certain document, a copy of which is on file in the office of the City Clerk of the City of Sikeston, Missouri, being marked and designated as the "International Zoning Code, 2012 edition", as published by the International Code Council, be and is hereby adopted as the Zoning Code of the City of Sikeston, in the state of Missouri for regulating and governing the development, erection, construction, enlargement, alteration, repair, movement, removal, demolition, conversion, occupancy, use, height, area and maintenance of all buildings, structures and lots in the City of Sikeston; providing for the issuance of permits, including conditional use permits, and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Zoning Code on file in the office of the City of Sikeston are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section V of this Ordinance.

SECTION III: INCONSISTENT ORDINANCE REPEALED:

That any ordinance or parts of ordinances in conflict herewith are hereby repealed effective May 26, 2021.

SECTION IV: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION V: ADDITIONS, INSERTIONS AND CHANGES

That the following sections are hereby revised as follows:

Section [A] 101.1 Title (page 1, second line)

Insert: "City of Sikeston, Missouri"

Section [A] 105.8, Appeals and hearings (page 3, 5th line):

Amend to read: "Any person with standing aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

- a. Board of Adjustment
- b. City Council"

Section [A] 107.7.1 Errors. (page 3, first line)

Amend to read: " The board of appeals shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation by the code official."

Section [A] 108 Hearing Examiner (page 4, first line)

Clarification, the term hearing examiner may also be referred to as "The City Manager or City Attorney"

Section [A] 109.2.2 Time Limit (page 4, second line)

Insert: "forty-five (45)"

Section [A] 109.4 Voting and notice of decision. (page 4, second line)

Amend to read: "There shall be a vote of a supermajority (80%) of the board present in order to decide any matter under consideration by the board of adjustment. Each decision shall be entered in the minutes by the secretary. All appeals shall be kept in accordance with state regulations and such appeals shall be open to the public. Notice in writing of the decision and the disposition of each appeal shall be given to the code official and each appellant by mail or otherwise."

Section 201.1 Scope (page 7)

Amend to read: "Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter, in addition to the definitions found in the City of Sikeston Municipal Code Title IV Land Use - Chapter 405 Zoning Regulations - Article II Definitions."

Section 202 General Definitions (page 8-9)

Amend to read:

"a. Day care, family – The keeping for part-time care and/or instruction, whether or not for compensation, number of children shall be determined by the Missouri Department of Health & Senior Services.

b. Day Care, Group – An establishment for the care and/or instruction, whether or not for compensation, as determined by the Missouri Department of Health & Senior Services. Child nurseries, preschools and adult care facilities are included in the definition."

Section 301.1 Classification (page 13)

Amend to read: "Classifications shall be determined by the City of Sikeston Municipal Code Title IV Land Use Section 405."

Section 302.1 Minimum areas (page 13)

Amend to read: "The minimum areas that may constitute a separate or detached part of any of the following zoning districts on the zoning map or subsequent amendments to said zoning map shall be as shown in Table 450.1 (City of

Sikeston Municipal Code). When a nonresidential district is directly across the street from or abuts the district with the same or less restrictive classification, the area of the land directly across the street or abutting the property may be included in the calculations in meeting the minimum district size requirements.”

Section Table 302.1 Minimum Areas for Zoning Districts (page 13)

To reference: “Table 450.1 Minimum Areas for Zoning Districts”

Insert: “The use districts are shown in the Sikeston Municipal Code Article IV Land Use – Chapter 405 Zoning Regulations – Article VII District Regulations

Delete Chapter 4 – Agricultural Zones (page 15)

Delete Chapter 5 – Residential Zones (page 17)

Delete Chapter 6 – Commercial and Commercial/Residential Zones (page 19)

Delete Chapter 7 – Factory/Industrial Zones (page 21)

Section 802.1 General (page 24)

Amend to read: “Fence and retaining wall heights in required yards shall not exceed those found in Table 802.1 Maximum Fence Heights Supplement.”

TABLE 802.1 Fence Heights Supplement

MAXIMUM FENCE HEIGHTS	
YARDS HEIGHT (feet)	YARDS HEIGHT (feet)
Front	3
Rear	6
Lot Side ^a	6
Street Side ^b	3

- a. Fence may be parallel with further most front portion of main house structure
- b. Corner and double frontage lots may have multiple street sides

Section 802.1.2 Fence Regulations (page 24)

Amend to read:

- a) Fence must be located on private property built with consent of the property owner.
- b) Fencing or shrubs along sight triangle of yard cannot exceed 3 feet in height.
- c) Fence may not be located in public right-of-way or any easement.
- d) No fence may be located within a sight triangle. (See Illustration Below)
- e) Fence height cannot exceed 6’ (feet) above grade without permit.
- f) Owner should consult restrictive neighborhood covenants.
- g) Finished surfaces must face outward from the property (where fronting public right-of-way).
- h) Fences used to enclose pools and spas must be installed per the International Swimming Pool and Spa Code

Section 902.2 4. Provisions (page 27)

Amend to Read: “Said business shall be located in C3 Zone only on lots or parcels of land fronting on Malone or Main Streets and shall not be permitted as a home occupation.”

Section 1008.1.1 Wall Signs (page 37)

Amend to read: “Every single-family residence, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 1008.1.1(1). For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be greater than sixty (60) percent of the building element width.”

Table 1008.1.1 (1) Identification Sign Standards – Wall Signs (page 37)

Land Use	Aggregate Area (Square Feet)
Single-Family Residential	10
Multiple-Family Residential	10
Nonresidential in a residential zone	10
Commercial and Industrial	See Table 1008.1.1(2)

For SI: square foot = 0.0929 m²

Table 1008.1.1 (2) Sign Area (page 37)

DISTANCE OF SIGN FROM ROAD OR ADJACENT COMMERCIAL OR INDUSTRIAL ZONE	BUILDING PERMITTED SIGN AREA
0 to 100 feet	6’ height / 32sq/ft
101 to 300 feet	20’ height / 100sq/ft
Over 301 feet	26’ height / 130sq/ft

For SI: 1 foot = 304.8 mm

Table 1008.1.2 Identification Sign Standards – Free Standing Signs^{a,b,c} (page 38)

Land Use	Number of Signs	Height (feet)	Area (Square feet)	Spacing
Single family residential	1	5	6	1 per subdivision entrance ^a
Multiple family residential	1	5	6	1 per driveway ^a
Nonresidential in a residential zone	1	10	60	300 ^a
Commercial and industrial	1	See Figures 1008.1.2 (1), (2), and (3)	See Figures 1008.1.2 (1), (2), and (3)	150 ^b

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929m², 1 acre = 4047m²

a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.

b. For shopping center or planned industrial parks, two monument – style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table 1008.1.2.

c. For any commercial or industrial development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping

centers, auto malls or planned industrial parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

Section 1008.1.3 Directional Signs (page 37)

Amend to read: "No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be four (4) square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be six (6) square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area."

Section 1008.2.1 1. Real estate Signs (page 37)

Amend to read: "Real estate signs located on a single residential lot shall be limited to one sign, not greater than two and one-half (2 ½) feet in height and eight (8) square feet in area."

Section 1008.2.1 2. Real estate Signs (page 37)

Amend to read: "Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than twelve (12) square feet in area nor six (6) feet in height. All signs permitted under this section shall be removed within ten (10) days after sale of the last original lot."

Section 1008.2.1 3. Real estate Signs (page 38)

Amend to read: "Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than thirty-two (32) square feet in area nor eight (8) feet in height, and shall be limited to one sign per street front"

Section 1008.2.1 4. Real estate Signs (page 38)

Amend to read: "Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than eight (8) feet in height, and fifty (50) square feet for property of 10 acres (40 470 m²) or less, or 100 square feet (9.3 m²) for property exceeding 10 acres (40 470 m²)"

Section 1008.2.2 1. Development and Construction Signs. (page 38)

Amend to read: "Such signs on a single residential lot shall be limited to one sign, not greater than six (6) feet in height and twelve (12) square feet in area."

Section 1008.2.2 2. Development and construction signs. (page 38)

Amend to read: "Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than six (6) feet in height and twelve (12) square feet in area."

Section 1008.2.2 3. Development and construction signs. (page 38)

Amend to read: "Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than six (6) feet in height and twelve (12) square feet in area."

Section 1008.2.2 4. Development and construction signs. (page 38)

Amend to read: "Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed eight (8) feet in height and thirty-two (32) square feet for projects on parcels 5 acres (20 235 m²) or less in size, and not to exceed eight (8) feet in height and fifty (50) square feet for projects on parcels larger than 5 acres (20 235 m²)."

Section 1008.2.3 3 Special promotion, event and grand opening signs. (page 38)

Amend to read: "The total area of all such signs shall not exceed ten (10) square feet in any single-family residential district, fifteen (15) square feet in any multiple-family residential district and thirty-two (32) square feet in any commercial or industrial district"

Section 1008.2.5 1 Portable Signs (page 42)

Amend to read: "No more than one such sign may be displayed on any property, and shall not exceed a height of six (6) feet nor an area of twelve (12) square feet."

Section 1008.2.6 1. Political Signs (page 42)

Amend to read: "Such signs shall not exceed a height of six (6) feet nor an area of twelve (12) square feet."

Section 1008.3.3 1. Projecting signs. (page 42)

Amend to read: "Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to one and one-half (1 ½) square feet per each one (1) lineal feet of building frontage, except that no such sign shall exceed an area of one hundred (100) square feet."

Section 1008.3.3 2. Projecting signs. (page 42)

Amend to read: "No such sign shall extend vertically above the highest point of the building facade upon which it is mounted by more than two (2) percent of the height of the building facade"

Section 1008.3.3 3. Projecting signs. (page 42)

Amend to read: "Such signs shall not extend over a public sidewalk in excess of four (4) feet from building face"

Section 1008.3.3 4. Projecting signs. (page 42)

Amend to read: "Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of eight (8) feet"

Section 1008.3.4 1 Under Canopy Signs (page 42)

Amend to read: "Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed sixty (60) percent of building element width"

Section 1008.3.4 2 Under Canopy Signs (page 42)

Amend to read: "Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of eight (8) feet".

Section 1008.3.5 2 Roof Signs (page 42)

Amend to read: "Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of no more than two (2) percent of the height of

the roofline in commercial districts, and three (3) percent of the height of the roofline in industrial districts.”

SECTION VI: General Repealer Section. Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION VII: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VIII: Record of Passage:

- A. Bill Number 6218 was introduced and read the first time this 5th day of April 2021.
- B. Bill Number 6218 was read the second time and discussed on this 26th day of April, 2021. Following discussion, Councilman Self moved to approve Bill Number 6218. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

- C. Ordinance 6218 shall be in full force and effect from and after May 26, 2021.

2nd Reading & Consideration, Bill #6219, Amending Article XVII – Planning & Zoning Commission

Councilman Sparks moved for the second reading of Bill Number 6219. The motion was seconded by Councilman Merideth and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL Number 6219

ORDINANCE Number 6219

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6219 AND SHALL AMEND TITLE I, ARTICLE XVII PLANNING AND ZONING COMMISSION IN THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Article XVII Planning and Zoning Commission. shall be amended to read as follows:

Section 130.1310 Organization and Composition.

Amend to read: “The Commission shall consist of eleven (11) members and shall include the Mayor or his/her Council designee, a member of the City Council, the Director of Community Development and eight (8) citizens appointed by the Council. The City Manager shall interface with the Commission upon request and/or may approach the Commission if and when he/she deems necessary. All citizen members shall serve without compensation. The term of each of the citizen members appointed under this

Chapter shall be four (4) years; which shall have staggered beginnings and termination dates. All expiring terms shall terminate on the first (1st) Monday of October. Any vacancy in the membership shall be filled for the unexpired term by appointment by Council. The Council may remove any citizen member for cause stated in writing and after public hearing.

SECTION III: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION IV: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

- A. Bill Number 6219 was introduced and read the first time this 5th day of April 2021.
- B. Bill Number 6219 was read the second time and discussed on this 26th day of April, 2021. Following discussion, Councilman Baker moved to approve Bill Number 6219. The motion was seconded by Councilman Teachout, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

- C. Ordinance 6219 shall be in full force and effect from and after May 26, 2021.

2nd Reading & Consideration, Bill #6220, Amending Chapter 405 – Zoning Regulations

Councilman Teachout moved for the second reading of Bill Number 6220. The motion was seconded by Councilman Sparks and the following vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

City Clerk Rhonda Council presented the bill for reading.

BILL Number 6220

ORDINANCE Number 6220

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6220 AND SHALL AMEND TITLE IV LAND USE, CHAPTER 405 ZONING REGULATIONS IN THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Title IV Land Use – Chapter 405. shall be amended to read as follows:

Article I General Provisions

Section 405.010. – Section 405.040. Reserved [Ord. No. 6220, 5-26-2021]

Article II Definitions**Section 405.050 Definitions.**

[R.O. 2009 §§ 17.02.010 - 17.02.720; Prior Codes §§ 10-102(1-6) (8-9) (11-14) (18-19) (21-26) (28) (30-31) (33-41) (44-45) (47-55) (57-58), 10-120; Ord. No. 4888 § 2, 2-3-1992; Ord. No. 5883 §§ II-III, 7-2-2012, Ord. No. 6220, 5-26-2021]

Generally for the purpose of this regulation, certain terms and words are to be used and interpreted as defined herein. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

ACCESSORY BUILDING OR USE

A subordinate building or use customarily incidental to the main building or use of the lot. The accessory building or use shall not house a separate business nor involve the conduct of a separate business. Such accessory building shall not be constructed in the required front or side yard of the principal structure. These same restrictions shall apply to communication satellite dishes.

AGRICULTURE

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing of the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards, auction yards and agricultural marketing and processing establishments shall be deemed an industrial and not an agricultural use.

ALCOHOLIC BEVERAGES

Beverages controlled by the Bureau of Alcohol, Tobacco and Firearms.

ALLEY

A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes. Usually less than twenty (20) feet in width.

APARTMENT

See "*FAMILY UNIT*".

APARTMENT HOTEL

A building containing both family units and non-family units in which services customarily furnished in hotels are available to the tenants.

APARTMENT HOUSE

See "*DWELLING, MULTIPLE*".

AUTOMOBILE REPAIR, MAJOR

General repair, rebuilding or reconditioning of engines, collision services including, body, frame or fender repair, vehicle painting or steam cleaning.

AUTOMOBILE REPAIR, MINOR

Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) ton capacity.

AUTOMOBILE WRECKING OR SALVAGE YARD

An area where motor vehicles are disassembled, dismantled, junked or wrecked or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

BASEMENT

A story having part but not more than half of its height below grade. A basement is counted as a story when the distance from finished grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty percent (50%) of the total perimeter or more than twelve (12) feet at any point.

BOARDING HOUSE

A dwelling, other than a hotel, where, for compensation and prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twelve (12) persons on a weekly or monthly basis.

BUILDABLE WIDTH OR DEPTH

The width or depth respectively of that part of the lot not included within the open spaces required in this Title.

BUILDING

Any structure having a roof supported by columns, piers or walls, designed and intended for the support, enclosure, shelter or protection of persons, animals or chattels. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

BUILDING LINE

A line established by law or on a plat between which line and the street right-of-way, no portion of the building may be erected; nor shall a building extend past, subject, however, to the further requirements of the zoning ordinance of the City of Sikeston, Missouri.

CHILD DAY CARE CENTER

A child day care center or center, whether known or incorporated under another title or name, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, and licensed by the Department of Health and Senior Services of the State of Missouri where care is provided for children not related to the child care provider for any part of the twenty-four (24) hour day. [Ord. No. 6158, 7-29-2019]

CHURCH

At a minimum, a church includes a body of believers or communicants that assembles regularly in order to worship. Unless the organization is reasonably available to the public in its conduct of worship, its educational instruction, and its promulgation of doctrine, it cannot fulfill the associational role that Courts have increasingly adopted as a threshold for determining when an organization qualifies as a church. Other key factors to consider include whether the organization has a distinct legal existence, recognized creed and form of worship, definite and distinct ecclesiastical government, a formal code of doctrine and discipline, distinct religious history, membership not associated with any other church or

denomination, organization of ordained ministers, ordained ministers selected after completing prescribed studies, literature of its own, established places of worship, regular congregations, and regular religious services. No single factor is controlling but having regular meetings with a regular congregation should be weighted more heavily than some of the other factors. They City may use a combination of these characteristics, together with other facts and circumstances, to determine whether an organization is considered a church for the purposes of this Chapter. [Ord. No. 6158, 7-29-2019]

COURT

An unoccupied space, open and uncovered at the top, wholly or partially enclosed by the walls of a building or group of buildings. It may begin at the grade level or at the level of any floor of an adjacent building which it serves.

COURT, INNER

A court entirely within a building or surrounded by walls or by walls and an interior lot line. It shall be not less than two and one-half (2½) inches in width or length for each foot of its height and in no case shall its least dimension be less than five (5) feet.

COURT, OUTER

A court with at least one (1) side open to a street, alley or yard. It shall be not less than two (2) inches in width or length for each foot of its height and in no case shall its least dimension be less than five (5) feet.

CURB, LEVEL

The mean level of the curb in front of the lot or in the case of a corner lot, along that abutting street where the mean curb level is the highest.

DAY CARE

Care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care is a voluntary supplement to parent responsibility for the child's protection, development and supervision. Day care may be given in a day care home or day care center.

DAY CARE CENTER

See definition for "CHILD DAY CARE CENTER." [Ord. No. 6158, 7-29-2019]

DAY CARE HOME

A family home, occupied as a permanent residence by the day care provider, in which family-like care is given to no more than ten (10) children, not related to the day care provider, for any part of the twenty-four (24) hour day. Must be licensed by and operated according to the rules established by the Missouri Department of Health & Senior Services. Valid home occupation upon review. [Ord. No. 6220, 5-26-2021]

DISTRICT

A section or sections of the City for which the regulations governing the use of buildings and premises, the height of buildings and required open spaces are uniform.

DWELLING

Any building or portion thereof which is designed or used exclusively for residential purposes.

DWELLING, ATTACHED

A dwelling having any portion of a wall or walls in common with an adjoining dwelling or dwellings.

DWELLING, MULTIPLE

A dwelling designed for or occupied by more than two (2) families.

DWELLING, ROW HOUSE OR TOWN HOUSE

Three (3) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied by one (1) family.

DWELLING, SINGLE-FAMILY

A detached or attached dwelling designed to be occupied by one (1) family.

DWELLING, TWO-FAMILY

A dwelling designed to be occupied by not more than two (2) families living independently of each other.

FAMILY

One (1) or more individuals related by blood, marriage or adoption or not more than three (3) individuals who are not so related, living together as a single housekeeping unit in a dwelling and maintaining or using the same and certain other housekeeping facilities in common, as distinguished from a group occupying a boarding house, lodging house or hotel as defined in this Chapter.

FAMILY UNIT

A suite of one (1) or more rooms having separate cooking facilities, used as the domicile or home of one (1) family or household.

FRONTAGE

All the property on one (1) side of a street or place between two (2) intersecting streets or places (crossing or terminating) or if the street or place is a dead end, then all of the property abutting on one (1) side between an intersecting street or place and the dead end.

GARAGE, COMMUNITY

Any building or premises, other than a public, private or storage garage, providing storage for power-driven vehicles, having no service facilities other than for washing; such garage to be in lieu of private garages for occupants of abutting properties.

GARAGE, PRIVATE

An accessory building used exclusively for housing power-driven vehicles which are the property of and are used by the occupants of the lot on which the same is located.

GARAGE, PUBLIC

Any building or premises used for the storage or care of power-driven vehicles where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GARAGE, STORAGE

Any building or premises, except those defined as a community, private or public garage, providing storage of power-driven vehicle and having no service facilities other than for washing.

GROUP HOME

Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians

who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HEIGHT OF BUILDING

The vertical distance measured from the highest of:

1. The curb level;
2. Mean street grade in case curb has not been constructed; and
3. The average level of the finished surface of the ground within ten (10) feet of the building where the building sets back ten (10) feet or more from the street line to the level of the highest point of the roof beams of flat roofs or roofs not inclining more than one (1) inch to the foot and the mean height level between eaves and ridges for other roofs.

HEIGHT OF YARD OR COURT

The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

HOME OCCUPATION

Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof and which is conducted entirely within the main or accessory buildings; providing that no trading in merchandise is carried on and there is no display of merchandise or advertising sign other than one (1) non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, no mechanical equipment is used such as is customary for purely domestic or household purposes.

HOTEL

A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged with or without meals and in which there are more than twelve (12) sleeping rooms and no provisions for cooking in individual rooms.^[1]

INSTITUTIONAL USES

Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social or philanthropic activity and normally operated on a non-profit basis.

KENNEL

Any lot or premises on which are kept four (4) or more dogs more than six (6) months of age.

LODGING HOUSE

A residential building where lodging only is provided for compensation to four (4) or more, but not exceeding twenty (20) persons and which does not contain more than twelve (12) sleeping rooms for the accommodation of paying guests.

LOT

A parcel of land occupied or intended for occupancy by a use permitted in the zoning ordinance, including one (1) main building together with its accessory buildings, the open space and parking spaces required by the zoning ordinance and having its principal frontage upon a street or upon an officially approved place. Each lot shall have a separate parcel number assigned according to the requirements of the City of Sikeston.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE OR THROUGH

A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT FRONTAGE

A lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the City Engineer.

LOT, INTERIOR

A lot with frontage on only one (1) street.

LOT LINE

A line dividing one lot from another or from a street or any public place, the legal boundary line of a parcel of land. No person shall build across a lot line without first subdividing the property according to the requirements of the City of Sikeston.

LOT WIDTH

The mean horizontal distance between the side lot lines measured at right angles to the depth.

MANUFACTURED HOME, CLASS A

A transportable structure intended for permanent occupancy as a residential unit, fabricated in a factory in compliance with Federal Manufactured Home Construction and Safety Standards, adopted June 15, 1976, as amended. It must carry the HUD seal of approval and comply with minimum standards for tie-down systems published by the Missouri Public Service Commission, and being fifteen (15) years old or newer at time of permit application for placement or relocation of the manufactured home on an appropriately zoned lot, except as further provided for in this Chapter. [Ord. No. 5961 §§I—II, 8-25-2014]

MARIJUANA or MARIHUANA

Cannabis Indica, Cannabis Sativa, and Cannabis Ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (3/10 of 1%) on a dry weight basis, or commodities or products manufactured from industrial hemp. [Ord. No. 6158, 7-29-2019]

MARIJUANA-INFUSED PRODUCTS

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates. [Ord. No. 6158, 7-29-2019]

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility. [Ord. No. 6158, 7-29-2019]

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this Chapter to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana- Infused Products Manufacturing Facility. [Ord. No. 6158, 7-29-2019]

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility. [Ord. No. 6158, 7-29-2019]

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana. [Ord. No. 6158, 7-29-2019]

NON-CONFORMING USE, BUILDING OR YARD

One that does not, by reason of design or use conform to the regulations of the district in which it is situated.

OFF-STREET PARKING AREA

An area including one (1) or more parking spaces, but not including any part of a public right-of-way.

OPEN PORCH

A roofed space attached to a building on one (1) side and open on the three (3) remaining sides.

PARKING SPACE OR STALL

A parcel of land or floor space containing a minimum area of one hundred sixty (160) square feet and having additional area adequate for ingress, egress and maneuvering of vehicles.

PERMIT

An official document issued by the City of Sikeston which authorizes permission for the construction, alteration, or demolition of any structure. The building permit application and review process ensures that the plans for construction comply with the City of Sikeston's land use and construction standards. A permit is required if a person, firm, corporation is erecting, constructing, enlarging, altering, repairing, improving, removing, converting, moving, demolishing any building or structure. Each new residential or commercial structure shall be required to have its own lot and its own parcel number.

PLATTING EXCEPTIONS

Recording of a subdivision plat shall not be required in case of the sale or exchange of parcels or land between owners of adjoining properties for the purpose of adjustments in boundaries, provided that additional lots shall not thereby be created, that the exchange does not create additional building sites, that the original lots shall not be reduced below the minimum sizes required by this Chapter or the zoning ordinance, that the administrative officer shall have approved such adjustments of boundaries, and that a survey of the adjustments of boundaries is recorded with the Recorder of Deeds of Scott County, Missouri, and New Madrid County, Missouri.

QUALIFYING PATIENT

A Missouri resident diagnosed with at least one (1) qualifying medical condition. [Ord. No. 6158, 7-29-2019]

RECREATIONAL VEHICLE

All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreation and vacation use, including tent trailers, travel trailers and motor-driven vehicles.

RECREATIONAL VEHICLE PARK

Any plot of ground on which two (2) or more recreational vehicles, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

RESUBDIVISION

A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

SCHOOL

Any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school. [Ord. No. 6158, 7-29-2019]

STABLE, PRIVATE

A stable with a capacity for not more than two (2) horses or animals.

STABLE, PUBLIC

A stable with a capacity for more than two (2) horses or animals.

STORY

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

STORY, HALF

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level; a half-story containing an independent family unit shall be counted as a full story for the purpose of height regulations.

STREET

A public thoroughfare fifty (50) feet or more in width which affords principal means of access to abutting property.

STREET LINE

The dividing line between the street and the abutting property.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls and partitions, columns, beams or girders or any substantial change to the roof.

STRUCTURE

Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a permanent location on the ground.

TRACT

An area or parcel of land which the developers intend to subdivide or improve, or to cause to be subdivided or improved, pursuant to the requirements of this Chapter.

YARD

An open space, other than a court, on the same lot with a building, unoccupied and obstructed by any portion of a building from the ground upward, except as otherwise provided for in this Chapter. In measuring a yard for the purpose of determining its width or depth, the mean horizontal distance between the respective lot line and building shall be used.

YARD, FRONT

A yard extending across the front of a lot between the side lot lines and being the mean horizontal distance between the street line and the building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.

YARD, REAR

A yard extending across the rear of a lot measured between lot lines and being the mean horizontal distance between the rear lot line and the rear of the building or any projection other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of lot from the front yard.

YARD, SIDE

A yard between the building and the side line of the lot and extending from the front line on the building of the rear yard.

[1] *Editor's Note: The former definition of "house trailer," which immediately followed this definition, was repealed 8-25-2014 by Ord. No. 5961 §§I—II.*

Article III Certificates of Occupancy, Plats and Plans

Section 405.060 - Section 405.090 Reserved [Ord. No. 6220, 5-26-2021]

Section 405.100 – Permit Application – Plats and Plans [Ord. No. 6220, 5-26-2021]

A. Residential Building Permit Application. All applications for a residential building permit shall be submitted to the office of Building Inspector and accompanied by a site plan and/or floor plan showing the actual dimensions of the lot to be built upon, the size of the building to be erected with such other information as may be necessary to provide for the enforcement of these regulations.

B. Commercial Building Permit

1. All applications for a commercial building permit shall be accompanied by a plat, with two (2) copy submitted as a paper document and a pdf document formatted for large-scale printing. The plat shall be drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. Plats shall tie into the State plane coordinates of Scott and/or New Madrid County's geographic information system (GIS).

2. Additionally, a properly sealed set of plans shall be submitted to the office of Building Inspector on a pdf document along with two (2) large-scale hard copies for those structures that meet the criteria outlined in Chapter 327, RSMo., as amended.

C. *Yard, Court Or Other Open Space.* No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court or other open space for another building.

Article IV Districts and Boundaries

Section 405.110 Generally [R.O. 2009 § 17.06.010; Ord. No. 5618 §II, 9-27-2004; Ord. No. 6220, 5-26-2021]

The following is hereby established to regulate and define the height and bulk of the buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts and other open spaces within and surrounding such building. The City is divided into districts of which there shall be fifteen (15) in number. Additionally, one (1) special category are provided that when combined with the provisions of selected districts will provide a mechanism for more creative use of land. These districts and special categories shall be known as:

"R-1"	Single-Family Residential District
"R-2"	Single-Family Residential District
"R-3"	Single-Family/Manufactured Home District
"R-4"	Two-Family Residential District
"R-5"	Multiple-Family Residential District
"R-6"	Residential, Planned Manufactured Housing District
"R-7"	Condominium Residential District
"AG"	Agricultural/Open District
"TZ"	Transitional Office District
"O"	Office District
"C-1"	Neighborhood Shopping District
"C-2"	General Commercial District
"C-3"	Highway Commercial District
"IL"	Light Industrial District
"IH"	Heavy Industrial District
"ZLL"	Zero Lot Line Provision

Section 405.120 **Zoning District Map.**

[R.O. 2009 § 17.06.020; Prior Code § 10-103(6)]

The boundaries of the districts are shown upon the Zoning District Map on file in the office of the Building Inspector and all notations, references and other information shown thereon are made a part of this Chapter and shall have the same force and effect as is fully set forth or described in this Chapter.

Section 405.130 **Restrictions** [Ord. No. 6220, 5-26-2021]

A. Unless specifically provided for otherwise, the following restrictions shall apply:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
3. The minimum yards and open spaces and included lot area per family requirements required by the Chapter for each and every building existing at the time of passage of the ordinance codified in this Article or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building.
4. No building or structure for any use for other than public park purposes may be erected, constructed, moved or located on the following described property, nor shall the property be used for any purpose other than as a public park:
 - a. All of that strip of land known as the Cotton Belt Trail. [Ord. No. 6220, 5-26-2021]
 - b. That parcel of land known as Legion Park and that parcel of land known as Malone Park in the City.

Section 405.140 **Determination.**

[R.O. 2009 § 17.06.040; Prior Code § 10-122]

- A. The boundaries of the various districts as shown on the map made a part hereof shall be determined by use of the scale contained on such map, except in the following codes:
 1. Where the designations on the map are approximately bounded by a street or alley line, said street or alley line shall be construed to be the boundary of such district.
 2. Where the designations on the map are approximately bounded by lot lines, the lot lines or an extension of same shall be construed to be the boundary of such district.
 3. Provided however, that in all cases where the frontage on one of the streets is in a commercial, business or industrial district, the frontage adjacent thereto on the intersecting street except the corner or corners is in a residential district, any commercial, business or industrial use shall be limited to the frontage on the street zoned commercial, business or industrial throughout the block. Any property in the rear thereof fronting or facing the intersecting street, even though it appears from the use of the scale to be in the commercial, business or industrial district, shall be governed by the use prevailing on that street in that block. It is the purpose of these regulations to limit the commercial, business and industrial use and to prohibit

commercial, business or industrial uses from facing or fronting the street zoned for residential use.

4. In all cases of ambiguity or uncertainty, the Board of Adjustment shall have the authority to determine on which street the commercial, business or industrial use shall face or front, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

Section 405.150 Council's Amendatory Authority.

[R.O. 2009 § 17.06.050; Prior Code § 10-123(a)]

The Council may from time to time amend, supplement or change the boundaries of districts or the regulations established in this Chapter. Any proposed amendment, supplement or change shall first be submitted to the Planning and Zoning Commission for its recommendation and report. Prior to approval of any rezone application, a determination must be made that the application meets the spirit and intent of the City Comprehensive Plan and the rezone request does not constitute spot zoning. There must be a clear showing of a reasonable basis for such action. Factors to be considered in determining whether such a reasonable basis exists are a change in conditions in the immediate area, particular characteristics of the area being rezoned and the classification and development of nearby property. Actual site of the tract to be rezoned is a factor, but is not limiting in and of itself.

Section 405.160 Public Hearing Before Council Action.

[R.O. 2009 § 17.06.060; Prior Code § 10-123(6)]

A public hearing shall be held by the City Council before adoption of any proposed amendment, supplement or change. Notice of such hearings shall be given by publication in some local newspaper of general circulation, stating the time and place of such hearing which shall not be earlier than fifteen (15) days from the date of such application.

Section 405.170 Rezone Application — Process and Fee.

[R.O. 2009 § 17.06.070]

Applications or requests for rezoning may be initiated by individual citizens, municipal officials, the Planning and Zoning Commission, the Board of Adjustment or the City Council. The application or request shall include a written statement outlining the specific nature of the request, a verified list containing the names and addresses of all persons, firms or corporations who own property or real estate within the subject area within one hundred eighty-five (185) feet of the subject area, all of whom shall be mailed a notice of such hearing within the time and under the conditions provided above with respect to publication of the hearing. A fee of thirty-five dollars (\$35.00), plus postage cost, associated with mailing letters to property owners must accompany the request. The fee will cover the costs of publication and other incidental expenses associated with processing the application. The application

and associated fees will be processed through and filed with the Planning Division. The City Planning Coordinator will in turn submit all required information to the Planning and Zoning Commission for its consideration and recommendation. The Planning and Zoning Commission will forward the application and the Commission's recommendation to the City Council for action.

Section 405.180 Conformance With State Statutes.

[R.O. 2009 § 17.06.080]

Actions taken by the Planning and Zoning Commission and the City Council shall be in conformity with the provisions of Title 7, Chapter 89, RSMo., as amended.

Article V Board of Adjustments

Section 405.185 Established

[R.O. 2009 § 17.08.010; Prior Code § 10-118(a); Ord. No. 6220, 5-26-2021]

A Board of Adjustment is established to consist of five (5) members, who shall be residents of the City except as provided in Section 305.410, RSMo., to be appointed by the Mayor and confirmed by the City Council. The Board shall have full power to adopt all rules for the transaction of its business and the regulations of procedure before it and the carrying out of its powers granted to it by the provisions herein set forth and not inconsistent therewith.

Section 405.190 Appointment and Terms.

[R.O. 2009 § 17.08.020; Prior Code § 10-118(6); Ord. No. 4383 § 2, 1983]

All members at the Board shall serve without pay. One (1) member of the first (1st) Board shall be appointed for one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, one (1) member for four (4) years and one (1) member for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or in the event of disqualification of regular members. All members and alternates shall be removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner of original appointment.

Section 405.200 Administration.

[R.O. 2009 § 17.08.030]

Upon appointment and annually thereafter, the Board shall meet and organize and shall elect its own Chairman and Vice Chairman, each of whom shall serve for one (1) year or until his/her successor duly qualifies. The City Planner will serve as ex officio member of the Board without power of vote and shall act as Secretary and shall set up and maintain a separate file for each application and shall record therein the names and addresses of all persons and further keep a record of all notices and proceedings.

Section 405.210 Meetings — Generally.

[R.O. 2009 § 17.08.040; Prior Code § 10-118(d)]

Meetings of the Board shall be held at such times and at such times within the City as the Board may designate, and may meet at any time on call of the Chairman. The Chairman of the Board, or in his/her absence the Acting Chairman, shall administer oaths to all persons offering testimony. He/she may also compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating each fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

Section 405.220 Meetings — Quorum.

[R.O. 2009 § 17.08.050; Prior Code § 10-118(d)]

The presence of four (4) members shall be necessary to constitute a quorum and the concurring vote of at least four-fifths (4/5) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning regulations or to effect any variations in such regulations.

Section 405.230 Meetings — Representation of Building Inspector.

[R.O. 2009 § 17.08.060; Prior Code § 10-118(d)]

The Building Inspector or his/her representative shall attend each meeting of the Board and shall bring with him/her all plans, specifications, plats and papers relating to any case before the Board for determination.

Section 405.240. Dimensional Variance Procedure — Hearing, Notice and Fees.

[R.O. 2009 § 17.08.070; Prior Code § 10-118(e); Ord. No. 6220, 5-26-2021]

Whenever an appeal or application for variation or application for conditional use is made to the Board, the Board shall cause to be published a notice of a time and place of a public hearing upon such appeal or application, which notice shall be published at least once, not less than ten (10) days preceding the date of such hearing, in an official paper or a paper of general circulation in the City, the notice to contain the particular location for which the variation or use is requested, as well as a brief statement of what the proposed variance or use consists. The Board shall also give such additional notice of such hearing to interested persons and organizations as it deems feasible and practicable. The appellant or applicant shall be required to pay a filing fee of fifteen dollars (\$15.00) plus postage costs associated with providing notice to cover costs as may be incurred in connection with such appeals or applications. The secretary of the Board shall deposit with the City Treasurer, upon receipt, all fees collected. Public hearings may be adjourned from time to time and if the time and

place of the adjourned meeting be publicly announced when the adjournment is had, no further notice of such adjournment meeting need be published.

Section 405.250 Building Permit Procedures – Time Limitation

[Ord. No. 6220, 5-26-2021]

Upon order of the Board permitting the erection or alteration of a building a permit must be obtained within thirty (30) days or the order will be forfeited.

Section 405.260 Appeals Alternatives

[Ord. No. 6220, 5-26-2021]

Decisions rendered by the Planning & Zoning Commission may be appealed to either the Board of Adjustment or the City Council.

Section 405.270 Reporting.

[R.O. 2009 § 17.08.100]

The Board shall report to the Mayor and City Council all cases considered and action taken. This reporting will consist of a presentation of the minutes of every meeting to the City Council after such minutes have been approved by the Board.

Section 405.280 Appeal Authority

[Ord. No. 6220, 5-26-2021]

The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by the Planning & Zoning Commission.

Section 405.290 Appeals – Generally

[Ord. No. 6220, 5-26-2021]

The Board of Appeals shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Inspector or Zoning Officer in the enforcement of this Chapter.

Section 405.300 - Section 405.330 Reserved [Ord. No. 6220, 5-26-2021]

Article VI Non-Conforming Uses

Section 405.340 - Section 405.430 Reserved [Ord. No. 6220, 5-26-2021]

Article VII District Regulations

Division 1 “R-1 and “R-2” Single-Family Residential Districts

Section 405.440 Purpose.

[R.O. 2009 § 17.12.010]

These districts are intended to promote and preserve urban one-family residential development. The principal use of land is for single-family dwellings and related recreational, educational and religious facilities normally required to provide orderly and attractive

residential areas. The permitted uses, conditional uses and design standards are the same for each district except as otherwise provided for in this Chapter.

Section 405.450 **Permitted Uses**

[Ord. No. 6220, 5-26-2021]

A. In Districts "R-1" and "R-2," no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or altered, except for one (1) or more of the following uses:

1. In District "R-1" single-family dwellings, but not Class A manufactured homes.
2. In District "R-2" single-family dwellings, including Class A manufactured homes, subject to the provisions and restrictions of Section **405.460**, Conditional Uses, of this Chapter. [Ord. No. 5961 §§I, III, 8-25-2014^[1]
[1] *Editor's Note: Pursuant to Sections I and III of this ordinance, former Subsection (A)(2) through (8) were renumbered as Subsection (A)(3) through (9).*
3. Accessory buildings, clearly subordinate and incidental to the main building, such as private garages or storage buildings, any portion of which is not located in a required front yard or within five (5) feet from any other lot line and 10 feet from any other structure.
4. Churches and synagogues.
5. Group homes. [Ord. No. 6077, 1-8-2018]
6. Public buildings and places owned and operated exclusively by the City, State or Federal Government:
 - a. Police and fire stations;
 - b. Administrative buildings;
 - c. Libraries and museums;
 - d. Parks and playgrounds, to include accessory buildings, structures and fixtures;
 - e. *Public and private schools.* Private schools shall be properly licensed by the State of Missouri and shall have a curriculum equivalent to a public school. Additionally, applications for both public and private schools shall be processed through the Planning and Zoning Commission to ensure that the spirit and intent of Chapter 415 Subdivisions are complied with.
7. Customary home occupations, subject to the following restrictions:
 - a. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

- b. No business hours shall be permitted after 8:00 P.M.
 - c. Be licensed in accordance with the provisions of Chapter **605** of the Sikeston Municipal Code.
8. Agricultural uses, to include farming, truck gardening and nurseries, not including the erection or construction of a building or structure to be used for the on-premise storage, processing or sale of agricultural or agricultural-related products. The intent of this provision being to provide for the production, but not the storage and/or merchandising of such products.

Section 405.452 Regulations For Group Home Providers.

[Ord. No. 6077, 1-8-2018; Ord. No. 6220, 5-26-2021]

- A. Purpose. It is necessary and desirable to provide suitable sites for group homes in residential areas provided that, in furtherance of the goals of de-institutionalization and dispersal, group homes are not unduly concentrated in neighborhoods so as to ensure that mentally or physically disabled persons are afforded the opportunity to be integrated in the community.
1. The exterior appearance of the home and property, occupancy limitation, signage and other standards applicable to single-family residences shall apply equally to group homes.
 2. In order to achieve the de-institutionalization and dispersal goals referenced herein, owners and operators of group homes must register the facility with the Code Enforcement Department on forms provided for that purpose and certify compliance with all applicable ordinances of the City. Owners and operators of group homes must also notify the Code Enforcement Department of any change of use, transfer or termination of a group home use and revise the facility registration as appropriate.
 3. Notwithstanding any other provision of this Section to the contrary, any individual, group or entity may make a request for reasonable accommodation from the provisions of this Section pursuant to the procedures set forth in Section 405.455 of this Code.

Section 405.455 Reasonable Accommodation Policy And Procedure.

[Ord. No. 6077, 1-8-2018]

A. Purpose.

1. This Section implements the policy of the City of Sikeston on requests for reasonable accommodation in its rules, policies and procedures for persons with disabilities as required by the Fair Housing Act, as amended, 42 U.S.C. §

3604(f)(3)(B) and Title II of the Americans with Disabilities Act., 42 U.S.C. § 12132. The policy of the City of Sikeston is to comply fully with the provisions of the Fair Housing Act and Title II of the Americans with Disabilities Act.

2. Any person with disabilities and eligible under the Fair Housing Act or Title II of the Americans with Disabilities Act may request a reasonable accommodation with respect to the various land use or zoning laws, rules, policies, practices and/or procedures of the City as provided by the Fair Housing Act and Title II of the Americans with Disabilities Act pursuant to the procedures set out in this Section.
3. Nothing in this Section requires persons with disabilities or operators of group homes for persons with disabilities acting or operating in accordance with applicable zoning, licensing or land use laws or practices to seek reasonable accommodation under this Section.

B. Definitions. For the purposes of this Section, certain terms and words are hereby defined as follows:

ACTS Collectively, the FHA and the ADA.

ADA Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq., and its implementing regulations. 28 C.F.R. Part 35.

APPLICANT An individual, group or entity making a request for reasonable accommodation pursuant to this Section.

CODE The Sikeston City Code.

DEPARTMENT The Code Enforcement Department of the City of Sikeston.

DISABLED PERSON Any person who is "handicapped" within the meaning of 42 U.S.C. § 3602(h) or a "qualified individual with a disability" within the meaning of 42 U.S.C. § 12131(2).

DWELLING A "dwelling" as defined in 42 U.S.C. § 3602(b).

FHA The Fair Housing Act, Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 et seq., as may be amended.

- C. Notice To The Public Of Availability Of Accommodation Process.** The Department shall prominently display it notice in the Department advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Section.
- D. Requesting Reasonable Accommodation.** In order to make specific housing available to one (1) or more individuals with disabilities, a disabled person or a person acting on his or her behalf at his or their request (collectively, the "Applicant") may request a reasonable accommodation relating to the various land use or zoning rules, policies, practices and/or procedure of the City applicable to such housing.
1. A request by an applicant for reasonable accommodation relating to land use or zoning rules, policies, practices and/or procedures shall be made orally or in writing on a reasonable accommodation request form provided by the Department. The form shall contain:
 - a. The current zoning for the property;
 - b. The name, phone number and address of the owner of the fee interest of the property (if other than the Applicant);
 - c. The nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside at the property are not known to the Applicant in advance of making the application, the Applicant shall not be precluded from filing the application, but shall submit details describing the range of disabilities that prospective residents are expected to have to qualify for the housing. The Applicant shall notify the Department in the event the residents at the location are not within the range described. The Department shall then determine if an amended application and subsequent determination of reasonable accommodation is appropriate;
 - d. The specific type of accommodation requested by the Applicant. To the extent practicable, this portion should include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the persons(s) with disabilities at the property on an on-going basis, whether or not this type of reasonable accommodation is required to obtain a license from any State or County authority to operate, and any other information the Applicant thinks would assist in determining the reasonableness of the accommodation;

- e. The Applicant should also note, if known, whether this accommodation requires any additional licensure from the City (e.g., business license); and
- f. Whether the accommodation requested may be necessary to afford one (1) or more disabled persons equal opportunity, to use and enjoy a specific dwelling.

The Department will assist the Applicant with furnishing the Department all information necessary for processing the reasonable accommodation request, including that information which the Department deems necessary to complete a reasonable accommodation request form. Upon the City's receipt of the necessary information to process the Applicant's request for reasonable accommodation, the Department shall use the information to complete a reasonable accommodation request form

- 2. The Department will provide the assistance necessary to an Applicant in making request for reasonable accommodation. The Department will provide any reasonable assistance necessary to any Applicant wishing to appeal a denial of a request for reasonable accommodation to ensure the process is accessible to the Applicant. The Applicant is entitled to be represented at all stages of the proceedings identified in this Section by a person designated by the Applicant.
- 3. Should the information provided by the Applicant to the Department include medical information or records of the Applicant, including records indicating the medical condition, diagnosis or medical history of the Applicant, the Applicant may, at the time of submitting such medical information, request that the Department to the extent allowed by law, treat such medical information as confidential information of the Applicant.
- 4. The Department shall provide written notice to the Applicant, and any person designated by the Applicant to represent the Applicant in the application proceeding, of any request received by the Department for disclosure of the medical information or documentation which the Applicant has previously requested be treated as confidential by the Department. The Department will cooperate with the Applicant, to the extent allowed by law, in actions initiated by the Applicant to oppose the disclosure of such medical information or documentation.

E. Jurisdiction.

- 1. Supervisor/Designee. The Supervisor of the Department, or his/ her designee (Supervisor/Designee), shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed

with the Department, it will be referred to the Supervisor/Designee for review and consideration. The Supervisor/Designee shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may: (1) grant the accommodation request, or (2) deny the request, in accordance with Federal law. Any such denial shall be in writing and shall state the grounds therefor. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation in the appeals process. The notice of determination shall be sent to the Applicant by certified mail, return receipt requested and by regular mail.

2. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Supervisor/Designee may, prior to the end of the thirty (30) day period, request additional information for the Applicant, specifying in detail what information is required. The Applicant shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the thirty (30) day period to issue a written determination shall be stayed. The Supervisor/Designee shall issue a written determination within thirty (30) days after receipt of the additional information. If the Applicant fails to provide the requested additional information within said fifteen (15) day period, the Supervisor/Designee shall issue a written determination within thirty (30) days after expiration of said fifteen (15) day period.

F. Findings For Reasonable Accommodation. The following findings, while not exhaustive of all considerations and findings that may be relevant, must be made before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record relating to such approval or denial:

1. Whether the accommodation requested may be necessary to afford one (1) or more persons with disabilities equal opportunity to use and enjoy a specific dwelling;
2. Whether the requested accommodation would require a fundamental alteration to the City's zoning scheme; and
3. Whether the requested accommodation would impose undue financial or administrative burdens on the City.

A request for a reasonable accommodation shall not be denied for reasons which violate the provisions of the Acts. This Section does not obligate the City to grant any accommodation request unless required by the provisions of the Acts or applicable Missouri State law.

G. Appeals.

1. Within thirty (30) days after the date the Supervisor/Designee mails a written adverse determination under Subsection **(E)** of this Section, to the Applicant, the Applicant requesting reasonable accommodation may appeal the adverse determination.
2. All appeals shall contain a statement of the grounds for the appeal.
3. If an individual Applicant needs assistance in appealing a determination the Department will provide reasonable assistance necessary to ensure that the appeal process is accessible to the Applicant. All Applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the Applicant.
4. Appeals shall be to the Board of Adjustment who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than forty-five (45) days after an appeal has been filed. All determinations on appeal shall address and be based upon the findings identified in Subsection **(F)** of this Section and shall be consistent with the Acts.
5. An Applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

H. Fee. The City shall not impose any additional fees or costs in connection with a request for reasonable accommodation under the provisions of this Section or an appeal of a denial of such request by the Supervisor/Designee. Nothing in this Section obligates the City to pay an applicant's attorney fees.

I. Stay Of Enforcement. While an application for reasonable accommodation or appeal of a denial of said application is pending before the City, the City will not enforce the subject zoning ordinance against the Applicant.

J. Record-Keeping. The City shall maintain records of all oral and written requests submitted under the provisions of this Section, and the City's responses thereto, as required by State law.

Section 405.460 Conditional Uses

[R.O. 2009 § 17.12.030; Ord. No. 6220, 5-26-2021]

A. The following uses may be permitted in District "R-1" (but not Class A manufactured homes), and District "R-2" after proper permit application for placement or relocation of

the manufactured home on an appropriately zoned lot, review and approval pursuant to the provisions of this Section and Article V, Board of Adjustment, of this Chapter.

1. Family day care homes, provided they are licensed by and operated according to the rules and regulations established by the Missouri Department of Health & Senior Services. Additionally, the restrictions applied to customary home occupations within this Article shall be complied with except for some concessions in the areas of increased traffic and outside activity normally associated with day care facilities. Proximity of other family day care homes will also be considered in the review process. A five hundred (500) foot separation distance may be used as a guideline.
2. Buildings and premises for public utility services or public service corporations, whose buildings or uses the Board deems reasonably necessary for public convenience or welfare.
3. Private lakes.
4. Private stables, subject to all other applicable ordinances.

Section 405.470 **Height and Area Regulations**

[Ord. No. 6220, 5-26-2021]

- A. In District "R-1" and District "R-2", any building, dwelling or portion thereof hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions see Article **VIII** "Height And Area Exceptions" of this Chapter): *Also See Reference Table 450.1*
 1. The minimum lot area in District "R-1" shall not be less than ten thousand (10,000) square feet; the minimum lot area for District "R-2" shall not be less than seventy-two hundred (7,200) square feet; provided however, that where a lot in either district has less area than required by this Section and the plat thereof has been duly recorded as provided by law in the office of the Recorder of Deeds of Scott or New Madrid County at the time of passage of this regulation, this regulation shall not prohibit the erection of a one-family dwelling.
 2. The minimum lot width in District "R-1" shall not be less than ninety (90) feet at the building line; the minimum lot width in District "R-2" shall not be less than sixty (60) feet at the building line; except that where a lot in either district has less width than herein required and in separate ownership at the time of passage of this Chapter, this regulation will not prohibit the erection of a one-family residence.
 3. *Yards.* The following yard area regulations shall apply in this district. Exceptions or special conditions are provided for in Article **VIII** "Height And Area Exceptions" of this Chapter.
 - a. *Front yard.* Not less than twenty-five (25) feet to the front line of the building and not less than fifteen (15) feet to the front line of an open porch, balcony or paved

terrace. Lots having double frontage shall provide the required front yard on both streets.

- b. *Rear yard.* There shall be a rear yard of not less than twenty-five (25) feet.
- c. *Side yard.* There shall be a side yard on each side of every dwelling having a minimum width of not less than twelve and one-half percent (12½%) of the width of the lot, except that this minimum width need not exceed ten (10) feet. In no case will the required side yard be less than five (5) feet unless approval is granted by the Board of Adjustment.

Section 405.471 Foundation, Anchoring and Underpinning (Skirting) Requirements.
[Ord. No. 5961 §§, V, 8-25-2014]

- A. All manufactured homes located within the City of Sikeston shall be set upon a permanent foundation properly designed and enclosed in accordance with the International Building Code.
 - 1. Manufactured homes shall be attached to a permanent footing, which manner of placement shall be as stated on the building permit, and meet all manufacturer's specifications for support.
 - a. Pier pads are not permitted.
 - b. All footings shall have reinforced steel, as dictated by appropriate building code.
 - c. A minimum of eighteen (18) inches of crawl space must be maintained under the entire manufactured unit.
- B. Manufactured home anchors shall be embedded in the footing or foundation to HUD, Missouri Public Service Commission and manufacturer's specifications.
- C. Within ninety (90) days of the manufactured home's setup, underpinning shall be installed in such a way that all areas directly under the home are enclosed.
 - 1. Underpinning shall be similar in appearance to materials used for the siding of the manufactured home to which it is attached.
 - 2. Said underpinning/foundation shall have permanently installed venting in accordance with the manufacturer's specifications. Deletions or omissions of vents are not allowed, and homes will not be approved for occupancy without appropriate venting.

Division 2 “R-3” Single-Family Residential Manufactured Home District**Section 405.480 Purpose.**

[R.O. 2009 § 17.14.010; Ord. No 5961 §§, VI 8-25-2014; Ord. No. 6220, 5-26-2021]

- A.** It is the purpose and intent of this Chapter to allow the placement of Class A manufactured homes within this district to increase the options available for low- to moderate income-households in select residential areas of the City. The placement of manufactured housing would be permitted subject to the requirements and procedures set forth herein. Single ownership of the lot and manufactured housing unit must be demonstrated before a building permit will be issued, and in no case shall a manufactured home pad or lot be rented out in this district.

Section 405.490 Permitted Uses.

[R.O. 2009 § 17.14.020; Ord. No. 5961 §§I, VII 8-25-2014]

- A.** In District "R-3," no building, structure or premises shall hereafter be erected, constructed, reconstructed or altered, located, or relocated except for one (1) or more of the following uses:
1. Any use permitted in Districts "R-1" or "R-2."
 2. Class A manufactured home unit as defined by this regulation, and installed per regulations established by the City of Sikeston, and the Missouri Public Service Commission.

Section 405.500 Conditional Uses.

[R.O. 2009 § 17.14.030; Ord. No. 5961 §§I, VIII 8-25-2014]

All conditional uses permitted in Districts "R-1" and "R-2" are also permitted in this district subject to the same provisions for application for placement or relocation of manufactured housing on appropriately zoned lots, review and approval, except that the provisions for zero lot line construction will not be permitted for the installation or construction of manufactured housing.

Section 405.510 Height and Area Regulations.

[R.O. 2009 § 17.14.040; Ord. No. 6220, 5-26-2021]

- A.** In District "R-3", the height and area regulations for District "R-2" shall apply to all conventionally built structures. The following additional height and area provisions shall apply to manufactured housing units hereafter erected, constructed, reconstructed or altered within this district. *Also See Reference Table 450.1*
1. *Yard and area regulations.* Placement of the manufactured housing unit on a lot within this district shall be made only after the submission and approval of a site plan detailing the precise location of the housing unit in relation to all property lines,

rights-of-way and easements. In no case will less than fifty percent (50%) of the lot be allocated for the placement of yards and open spaces in order to comply with the spirit and intent of yard and area requirements established for residential districts. The rulings and decisions of the City zoning officer in these matters are final except as provided for in Article V "Board of Adjustment" of this Chapter.

2. *Building height.* In District "R-3", no building manufactured housing unit shall hereafter be erected or structurally altered to exceed one (1) story or sixteen (16) feet in height.

Section 405.511 Foundation, Anchoring and Underpinning (Skirting) Requirements.

[Ord. No. 5961 §§, IX, 8-25-2014]

- A. All manufactured homes located within the City of Sikeston shall be set upon a permanent foundation properly designed and enclosed in accordance with the International Building Code.
 1. Manufactured homes shall be attached to a permanent footing, which manner of placement shall be as stated on the building permit, and meet all manufacturer's specifications for support.
 - a. Pier pads are not permitted.
 - b. All footings shall have reinforced steel, as dictated by appropriate building code.
 - c. A minimum of eighteen (18) inches of crawl space must be maintained under the entire manufactured unit.
- B. Manufactured home anchors shall be embedded in the footing or foundation to HUD, Missouri Public Service Commission and manufacturer's specifications.
- C. Within ninety (90) days of the manufactured home's setup, underpinning shall be installed in such a way that all areas directly under the home are enclosed.
 1. Underpinning shall be similar in appearance to materials used for the siding of the manufactured home to which it is attached.
 2. Said underpinning/foundation shall have permanently installed venting in accordance with the manufacturer's specifications. Deletions or omissions of vents are not allowed, and homes will not be approved for occupancy without appropriate venting.

Division 3 "R-4" Two-Family Residential District**Section 405.520 Purpose.**

[R.O. 2009 § 17.16.010]

This district is intended to provide for one- and two-family residential developments of various types and mixes. This district is designed to create a buffer between lower density single-family areas and more intense uses such as commercial, industrial or multi-family developments. Population, density and height of buildings are low enough to be generally compatible with single-family residential developments.

Section 405.530 Permitted Uses.

[R.O. 2009 § 17.16.020]

A. In District "R-4", no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or altered, except for one (1) or more of the following uses:

1. Any use permitted by right in the "R-1" and "R-2" Districts.
2. Two-family dwellings.

Section 405.540 Conditional Uses.

[R.O. 2009 § 17.16.030; Ord. No. 5961 §§I, X, 8-25-2014]

A. The following uses may be permitted in District "R-4" after proper application for placement or relocation of manufactured housing on appropriately zoned lots, review and approval pursuant to the provisions of this Section and Article **V**, Board of Adjustment, of this Chapter:

1. Any conditional use provided for in Districts "R-1" and "R-2" except that the provision for manufactured home class A units in District "R-2" shall be limited to the installation or construction of single-family dwellings as infill development or unit replacement only.
2. Single-family attached housing and zero lot line construction as provided for in Chapter **405**, Article **VII**, Division 15.
3. Boarding and lodging houses.

Section 405.550 Height and Area Regulations.

[R.O. 2009 § 17.16.040; Ord. No. 6220, 5-26-2021]

- A.** In District "R-4", any building, dwelling or portion thereof, hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions see Article **VIII** "Height And Area Exceptions" of this Chapter): *Also See Reference Table 450.1*
1. The minimum lot area in District "R-4" shall provide six thousand (6,000) square feet for single-family detached units and thirty five hundred (3,500) square feet for each unit in a two-family structure; provided however, that where a lot in this district has less area than required by this Section, but not less than five thousand (5,000) square feet and the plat thereof has been duly recorded as provided by law in the office of the Recorder of Deeds of Scott or New Madrid County, then this regulation shall not prohibit the erection of a one-family dwelling.
 2. The minimum lot width in District "R-4" shall not be less than sixty (60) feet at the building line; except that where a lot has less width than herein required and in separate ownership at the time of passage of this Chapter, this regulation shall not prohibit the erection of a one-family residence.
 3. *Yards.* All buildings in District "R-4" hereafter erected or structurally altered shall comply with the front, rear and side yard regulations of District "R-1".
 4. *Building height.* In District "R-4", no building shall hereafter be erected or structurally altered to exceed two and one-half (2½) stories or thirty-five (35) feet in height.

Section 405.551 **Foundation, Anchoring and Underpinning (Skirting) Requirements.**
[Ord. No. 5961 §§, XI, 8-25-2014]

- A.** All manufactured homes located within the City of Sikeston shall be set upon a permanent foundation properly designed and enclosed in accordance with the International Building Code.
1. Manufactured homes shall be attached to a permanent footing, which manner of placement shall be as stated on the building permit, and meet all manufacturer's specifications for support.
 - a. Pier pads are not permitted.
 - b. All footings shall have reinforced steel, as dictated by appropriate building code.
 - c. A minimum of eighteen (18) inches of crawl space must be maintained under the entire manufactured unit.

- B.** Manufactured home anchors shall be embedded in the footing or foundation to HUD, Missouri Public Service Commission and the manufacturer's specifications.
- C.** Within ninety (90) days of the manufactured home's setup, underpinning shall be installed in such a way that all areas directly under the home are enclosed.
 - 1.** Underpinning shall be similar in appearance to materials used for the siding of the manufactured home to which it is attached.
 - 2.** Said underpinning/foundation shall have permanently installed venting in accordance with the manufacturer's specifications. Deletions or omissions of vents are not allowed, and homes will not be approved for occupancy without appropriate venting.

Division 4 "R-5" Multiple-Family Residential District

Section 405.560 **Purpose.**

[R.O. 2009 § 17.18.010]

The intent of this district is to provide for a variety of housing types ranging from single-family units to apartment buildings. This district is designed to create a buffer between lower density one- and two-family districts and more intensive uses of land such as commercial and industrial developments.

Section 405.570 **Permitted Uses.**

[R.O. 2009 § 17.18.020]

- A.** In District "R-5", no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or altered except for one (1) or more of the following uses:
 - 1.** Any use permitted by right in Districts "R-1", "R-2" and "R-4";
 - 2.** Multiple-family dwellings;
 - 3.** Boarding or lodging houses;
 - 4.** Convalescent homes, nursing homes or homes for the aged;
 - 5.** Community garages;
 - 6.** Privately operated libraries, museums or mortuaries;

7. Public or private hospitals, clinics or orphanages; and
8. Family day care homes in compliance with State Statutes and local codes.

Section 405.580 **Conditional Uses.**

[R.O. 2009 § 17.18.030; Ord. No. 5327 §III, 5-18-2000; Ord. No. 5961 §§I, XII, 8-25-2014]

- A.** The following uses may be permitted in District "R-5" after proper application for placement or relocation of manufactured housing on appropriately zoned lots, review and approval pursuant to the provisions of this Section and Article **V**, Board of Adjustment, of this Chapter:
1. Any conditional use provided for in Districts "R-1," "R-2" and "R-4" except that the provisions for manufactured home class A units in District "R-2" shall be limited to the installation or construction of single-family dwellings as infill development or unit replacement only.
 2. Single-family attached housing and zero lot line construction as provided for in Chapter **405**, Article **VII**, Division 15.
 3. Office buildings.

Section 405.590 **Height and Area Regulations.**

[R.O. 2009 § 17.18.040; Ord. No. 6220, 5-26-2021]

- A.** In District "R-5", any building, dwelling or portion thereof hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions see Article **VIII** "Height And Area Exceptions" of this Chapter): *Also See Reference Table 450.1*
1. The minimum lot area in District "R-5" shall provide five thousand (5,000) square feet for single-family detached units, two thousand seven hundred fifty (2,750) square feet for each unit in a two-family structure and three thousand (3,000) square feet for each unit in a multi-family structure.
 2. The minimum lot width in District "R-5" shall not be less than seventy-five (75) feet at the building line; except that where a lot has less width than herein required and in separate ownership at the time of passage of this Chapter, this regulation shall not prohibit the erection of a one-family dwelling.
 3. *Yards.* All buildings in District "R-5" hereafter erected or structurally altered shall comply with the front, rear and side yard regulations of District "R-1", except as provided for in Article **VIII** of this Chapter.
 4. *Building height.* In District "R-5", no building shall hereafter be erected or structurally altered to exceed three (3) stories or forty (40) feet in height, provided that the requirements established in the current City Building Code are complied with, otherwise the maximum height for this district shall be the same as District "R-4".

Section 405.591 **Foundation, Anchoring and underpinning (Skirting) Requirements.**
[Ord. No. 5961 §§ I, XIII, 8-25-2014]

- A.** All manufactured homes located within the City of Sikeston shall be set upon a permanent foundation properly designed and enclosed in accordance with the International Building Code.
1. Manufactured homes shall be attached to a permanent footing, which manner of placement shall be as stated on the building permit, and meet all manufacturer's specifications for support.
 - a. Pier pads are not permitted.
 - b. All footings shall have reinforced steel, as dictated by appropriate building code.
 - c. A minimum of eighteen (18) inches of crawl space must be maintained under the entire manufactured unit.
- B.** Manufactured home anchors shall be embedded in the footing or foundation to HUD, Missouri Public Service Commission and manufacturer's specifications;
- C.** Within ninety (90) days of the manufactured home's setup, underpinning shall be installed in such a way that all areas directly under the home are enclosed.
1. Underpinning shall be similar in appearance to materials used for the siding of the manufactured home to which it is attached.
 2. Said underpinning/foundation shall have permanently installed venting in accordance with the manufacturer's specifications. Deletions or omissions of vents are not allowed, and homes will not be approved for occupancy without appropriate venting.

Division 5 "R-6" Planned Manufactured Housing District

Section 405.600 **Purpose.**
[R.O. 2009 § 17.20.010]

This district is intended to provide for well designed manufactured housing development in areas where public utilities are available and to establish basic standards which will provide the occupants with a suitable living environment and minimize its effect on surrounding properties.

Section 405.610 Permitted Uses.

[R.O. 2009 § 17.20.020; Ord. No. 5961 §§I, XIV, 8-25-2014]

A. In District "R-6," no manufactured home, building, land or premises shall be erected, constructed, reconstructed, located, relocated or altered except in conformance with the final development plan and one (1) or more of the following uses:

1. Single-family, manufactured home class A units for residential purposes.
2. Accessory buildings, clearly subordinate and incidental to the main buildings, any portion of which is not located in a required front yard or within five (5) feet of any other lot line.
3. Churches and synagogues.
4. Customary home occupations, agricultural uses and signs subject to the restrictions detailed in Section **405.450** for their uses.
5. Recreational uses for the exclusive use of the occupants of this district.

Section 405.620 Conditional Uses.

[R.O. 2009 § 17.20.030; Ord. No. 5961 §§I, XV, 8-25-2014]

A. The following uses may be permitted in District "R-6" after proper application for placement or relocation of manufactured housing on appropriately zoned lots, review and approval pursuant to the provisions of this Section and Article **V**, Board of Adjustment, of this Chapter:

1. Family day-care homes subject to the provisions detailed in Section **405.450**.
2. Private lakes.
3. Buildings and premises for public utility services or public service corporations, whose buildings or uses the Board deems reasonably necessary for public convenience or welfare.

Section 405.630 Height and Area Regulations.

[R.O. 2009 § 17.20.040; Ord. No. 5961 §§I, XVI, 8-25-2014; Ord. No. 6220, 5-26-2021]

A. In District "R-6," any building, dwelling or portion thereof hereafter erected, constructed, reconstructed, altered, located or relocated shall be subject to the following regulations:
Also See Reference Table 450.1

1. *Minimum tract size and location.* Not less than five (5) acres in area and under single ownership or unified control. Outer boundaries of the tract shall be not less than twenty-five (25) feet from any public street and not less than fifteen (15) feet from all other property lines.
2. *Minimum lot area.* Not less than four thousand (4,000) square feet.
3. *Minimum lot width.* Not less than forty-five (45) feet at the building line.
4. *Minimum setback requirements.*
 - a. Front yard: twenty (20) feet.
 - b. Side yard: five (5) feet.
 - c. Rear yard: ten (10) feet.
5. *Building height.* In District "R-6," no building or manufactured housing unit shall hereafter be erected or structurally altered to exceed one (1) story or sixteen (16) feet in height.

Section 405.631 Foundation, Anchoring and Underpinning (Skirting) Requirements.
[Ord. No. 5961 §§1, XVII, 8-25-2014]

- A. All manufactured homes located within the City of Sikeston shall be set upon a permanent foundation properly designed and enclosed in accordance with the International Building Code.
 1. Manufactured homes shall be attached to a permanent footing, which manner of placement shall be as stated on the building permit, and meet all manufacturer's specifications for support.
 - a. Pier pads are not permitted.
 - b. All footings shall have reinforced steel, as dictated by appropriate building code.
 - c. A minimum of eighteen (18) inches of crawl space must be maintained under the entire manufactured unit.
- B. Manufactured home anchors shall be embedded in the footing or foundation to HUD, Missouri Public Service Commission and manufacturer's specifications.
- C. Within ninety (90) days of the manufactured home's setup, underpinning shall be installed in such a way that all areas directly under the home are enclosed.

1. Underpinning shall be similar in appearance to materials used for the siding of the manufactured home to which it is attached.
2. Said underpinning/foundation shall have permanently installed venting in accordance with the manufacturer's specifications. Deletions or omissions of vents are not allowed, and homes will not be approved for occupancy without appropriate venting.

Section 405.640 **General Conditions, Plans and Approval.**

[R.O. 2009 § 17.20.050]

All of the provision of Chapter **415**, "Subdivisions" of the Sikeston Municipal Code, except as specifically provided for in this Chapter, shall be complied with. The purpose being to ensure that any development within this district meets the minimum requirements for the promotion and preservation of public health, safety and general welfare as provided for in the subdivision ordinance.

Division 5 "R-6" Planned Manufactured Housing District

Section 405.650 **Purpose.**

[R.O. 2009 § 17.21.010]

The intent of this district is to provide for condominium development pursuant to the requirements set forth in the Missouri State Statutes.

Section 405.660 **Permitted Uses.**

[R.O. 2009 § 17.21.020]

A. In District "R-7", no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or altered except for the following uses:

1. Condominiums that comply with the provisions of Chapter 448, RSMo
2. The Condominium Property Act and the provisions of Chapter **405**, Article **VII**, Division 15 of the Sikeston Municipal Code.

Section 405.670 **Conditional Uses.**

[R.O. 2009 § 17.21.030]

No conditional uses are provided for in this Division.

Section 405.680 **Height and Area Regulations.**

[R.O. 2009 § 17.21.040; Ord. No. 5327 §II, 5-18-2000; Ord. No. 6220, 5-26-2021]

- A. In District "R-7", any building, dwelling or portion thereof hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions see Article VIII "Height And Area Exceptions" of this Chapter): *Also See Reference Table 450.1*
1. The minimum lot area in District "R-7" shall provide five thousand (5,000) square feet for single-family detached units, two thousand seven hundred fifty (2,750) square feet for each unit in a two-family structure and three thousand (3,000) square feet for each unit in a multi-family structure.
 2. The minimum lot width in District "R-7" shall not be less than seventy-five (75) feet at the building line; except that where a lot has less width than herein required and in separate ownership at the time of passage of this Chapter, this regulation shall not prohibit the erection of a one-family dwelling.
 3. *Yards.* All buildings in District "R-7" hereafter erected or structurally altered shall comply with the front, rear and side yard regulations of District "R-1", except as provided for in Article VIII, Height and Area Exceptions.
 4. *Building height.* In District "R-7", no building shall hereafter be erected or structurally altered to exceed three (3) stories or forty (40) feet in height, provided that the requirements established in the building codes as currently adopted by the City are complied with, otherwise the maximum height for this district shall be the same as District "R-4".

Division 7 "AG" Agricultural/Open Space

Section 405.690 Purpose.

[R.O. 2009 § 17.22.010]

The purpose of this district is to provide for agricultural activities, spacious residential development for those who choose this environment and to prevent untimely or inappropriate development of more dense urban uses which should be confined to areas where the planned extensions of public services has been provided for.

Section 405.700 Permitted Uses.

[R.O. 2009 § 17.22.020; Ord. No. 4888 § 2, 2-3-1992]

- A. In District "AG", no building, land or premises shall be hereafter erected, constructed, reconstructed or altered except for one (1) or more of the following uses:
1. All permitted and conditional uses provided for in District "R-1" except for the provisions permitting zero lot line construction.
 2. Agricultural activities on a farm or open land that consists of five (5) or more acres including general farming, truck gardening, cultivation of field crops, orchards, nurseries for growing or propagation of plants, turf, trees and shrubs, dairy farming, keeping or raising for sale large or small animals, but not including, public auction

facilities or commercial slaughtering of animals. In no case shall on-premise sales be permitted.

3. Storage facilities for farm use only to include provisions for grain fertilizer and other farm products, but not the milling, manufacture or processing of these products, such activities being more appropriately associated with commercial or industrial uses.
4. One (1) single-family dwelling unit and accessory buildings or structures normally associated with farm uses to include barns, sheds, tool houses and any other facility ancillary to farming or open land, not to include a manufactured home.
5. Medical Marijuana Cultivation Facility. See Section **405.1490** of this Chapter for regulations regarding same.
[Ord. No. 6158, 7-29-2019]

Section 405.710 **Conditional Uses.**

[R.O. 2009 § 17.22.030]

- A. The following uses may be permitted in District "AG" after proper application, review and approval pursuant to the provisions of this Section and Article V "Board of Adjustment" of this Chapter.
 1. Carnival or carnival grounds for temporary or specified time periods subject to other applicable provision of the Sikeston Municipal Code.
 2. Exposition center, fairgrounds or rodeo grounds to include associated commercial vendors in compliance with all applicable provision of the Sikeston Municipal Code.
 3. Wildlife reservation and other similar conservation projects.
 4. Cemetery on a site of not less than ten (10) acres.
 5. Radio or television transmission or receiving station or tower constructed in accordance with local building codes and other applicable regulations.
 6. Hospital or clinic for large or small animals, provided that all buildings, structures, pens or open kennels shall be located at least two hundred (200) feet from any lot lines.

Section 405.720 **Height and Area Regulations.**

[R.O. 2009 § 17.22.040; Ord. No. 6220, 5-26-2021]

- A.** In District "AG", any, building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations: (For exceptions, see Article **VIII**, Height and Area Regulations.) *Also See Reference Table 450.1*
1. Minimum lot size, not less than five (5) acres, provided however, that where a lot in this district has less area than required by this Section and the plat thereof has been accepted by the Sikeston City Council duly recorded as provided by law in the office of the Recorder of Deeds of Scott or New Madrid County at the time of passage of this Chapter, this regulation shall not prohibit the construction of a single-family dwelling.
 2. *Lot width.* No minimum requirements.
 3. *Yards.* Minimum setback requirements:
 - a. *Front yard setback.* Fifty (50) feet.
 - b. *Side yard setback.* Twenty (20) feet.
 - c. *Rear yard setback.* Fifty (50) feet.
 4. *Building height.* Not over two and one-half (2½) stories or thirty-five (35) feet.
 5. Facilities for sanitary sewer and other required utilities shall be installed in accordance with and otherwise comply with the applicable provision of the Sikeston Municipal Code.

Division 8 "TZ" Transitional District

Section 405.730 **Purposes.**

[R.O. 2009 § 17.24.010; Ord. No. 5020 §II, 8-31-1994]

- A.** This district is established to provide the orderly conversion of older structures no longer useful, serviceable or desirable in their present uses to uses permitted or conditionally permitted in this Chapter. The area standards provided in this district anticipate that such uses will be located in established areas of the City and in close proximity to apartments and other residential uses. Height, area and off-street parking regulations are designed to assure that such uses will be compatible with adjacent residential districts.
- B.** New construction within the district shall be designed to reinforce existing desirable characteristics of the neighborhood properties for residential purposes. No building permit for new construction will be issued unless the Planning Coordinator has certified that in his/her judgment the plans for the structure's exterior, including finishing material, color and landscaping, are visually harmonious and compatible with

surrounding land uses; the intent being to reduce the adverse impact of uncoordinated development and protect and enhance surrounding neighborhoods.

Section 405.740 **Permitted Uses.**

[R.O. 2009 § 17.24.020; Ord. No. 5961 §§I, XVIII, 8-25-2014]

- A.** In District "TZ," no building or land shall be used, and no building shall hereafter be erected, constructed, reconstructed or altered except for one (1) or more of the following uses as reflected in the Transitional District "TZ" Table of Uses set out in Subsection **(B)** of this Section.
- B.** Any downtown district, as may be designated by ordinance of the Sikeston City Council and located in whole or in part within a Transitional District "TZ," shall be subject to additional use restrictions as set forth in the Transitional District "TZ" Table of Uses below and shall be designated on City Zoning Maps as "TZ DT."

**Transitional District "TZ"
Table Of Permitted Uses**

Category/Use	"TZ" Transitional	"DT" Downtown District
Executive, administrative and professional offices	P	P
Medical offices, including clinics and medical laboratories	P	P
Facilities for human care, such as convalescent and nursing home	P	P
Cosmetics and toiletries (compounding only)	P	P
Libraries and government office buildings and public utility offices, but not storage yards or post offices	P	P
Private social or fraternal clubs or lodges that do not provide for the sale or consumption of alcoholic beverages	P	P
Churches and related facilities	P	P
Nursery schools and day-care facilities	P	P
Photographic and interior decorating studios	P	P
Funeral homes	P	P
Establishments that perform personal services on the premises, such as beauty parlors and barbershops	P	P
Facilities for private lessons in art, music and dance	P	P
Accessory buildings or uses customarily incidental to any of the above permitted uses	P	P
Bed-and-breakfast homes and bed-and-breakfast inns as defined in City Code Section 405.860	P	P
Uses not listed above, but have similar characteristics	CU	P
Small, low-volume retail sale facilities (a) such as:		

CITY COUNCIL MINUTES
Transitional District "TZ"
Table Of Permitted Uses

Category/Use	"TZ" Transitional	"DT" Downtown District
Bookstores	CU	P
Antique stores	CU	P
Dress shops	CU	P
Manufactured home class A units, single-family	CU	P
Veterinary clinics and hospitals, provided all activities are conducted within a totally and permanently enclosed building	CU	

P— Permitted as a matter of right

CU— May be permitted by the Board of Adjustment

(a) This does not include businesses that prepare food or food items for take out or on-premises consumption or provides for the sale or consumption of alcoholic beverages.

Section 405.750 **Conditional Uses.**

[R.O. 2009 § 17.24.030; Ord. No. 5961 §§I, XIX, 8-25-2014]

A. The following uses may be permitted in District "TZ" after proper application, review and approval pursuant to the provisions of this Section and Article V, Board of Adjustment, of this Chapter:

1. Uses not listed above, but have similar characteristics.
2. Small, low-volume retail sale facilities such as bookstores, antique stores or dress shops. This does not include businesses that prepare food or food items for takeout or on-premises consumption or provides for the sale or consumption of alcoholic beverages.
3. Manufactured home class A units, single-family.
4. Veterinary clinics and hospitals, provided all activities are conducted within a totally and permanently enclosed building.

Section 405.760 **Height and Area Regulations.**

[R.O. 2009 § 17.24.040; Ord. No. 6220, 5-26-2021]

The height, yard and lot area requirements of this district shall comply with the restrictions outlined in District "R-5". *Also See Reference Table 450.1*

Section 405.770 – 405.780 Reserved [Ord. No. 6220, 5-26-2021]

Section 405.790 **Special Uses.**

[R.O. 2009 § 17.24.070; Ord. No. 5432 §II, 11-2001]

- A.** The City Council may, by resolution, after public hearing by the Planning and Zoning Commission, authorize a special permit for the location of buildings or uses in any transitional zoning district:
1. Applications for permits shall be filed with the Director of Public Works or designee and then submitted to the Planning and Zoning Commission.
 2. A public hearing on said application shall be held before the Planning and Zoning Commission with notice and publication of the time and place to conform to the procedures prescribed for rezoning requests.
 3. A report and recommendation shall be forwarded to the City Council within forty-five (45) days of submission of the application.
 4. Said report to include the effect of such building or use upon the current Comprehensive Plan, traffic, utilities, fire hazards, the character of the neighborhood and the general welfare of the community.
 5. The City Council shall determine whether such building or use will:
 - a. Substantially increase traffic hazards or congestion;
 - b. Substantially increase fire hazards;
 - c. Adversely affect the character of the neighborhood;
 - d. Adversely affect the general welfare of the community;
 - e. Overtax public utilities; or
 - f. Be in conflict with the current Comprehensive City Plan.
 6. If the Council's findings are negative to all of the questions in Subsection **(5)** above, then the application shall be approved. If the findings are affirmative as to any question in Subsection **(5)** above, then the application shall be denied.
 7. Any building and/or use authorized by special permit shall comply in all respects with all other applicable laws, ordinances or regulations.

8. This permit may be held jointly, but is not transferable except where such transfer is involuntary by operation of law.
9. Any voluntary transfer of the permit is not automatic, but requires the prospective transferee to submit an application for City Council determination pursuant to Subsections **(5)** and **(6)** of this Section.

Division 9 Adult Entertainment Establishments Conditional Use

Section 405.800 Adult Entertainment As A Conditional Use.

[R.O. 2009 § 17.24.500]

Reserved [Ord. No. 6220, 5-26-2021]

Section 405.810 **Definitions.**

[R.O. 2009 § 17.24.510]

As used in this Division, the following terms shall have these prescribed meanings:

ADULT BOOKSTORE

An establishment having as a ten percent (10%) portion of its stock in trade books, photographs, magazines or films for sale or viewing on the premises by use of motion picture devices or other coin-operated mechanism or any other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.

ADULT ENTERTAINMENT ESTABLISHMENTS

Any of the establishments, businesses, buildings, structures or facilities defined in this Section.

ADULT ENTERTAINMENT FACILITY

Any building, structure or facility which contains or is used entirely or partially as commercial entertainment, including theaters used for presenting live presentations, video tapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities and exotic dance facilities (regardless of whether the theater or facility provides a live presentation or video tape or film presentation), where the patrons either:

1. Engage in personal physical or visual contact with employees, devices, equipment or personnel provided by the establishment which appeals to the prurient interest of the patrons;

2. Observe any live presentation, video tape or film presentation of persons wholly or partially nude or with their genital or pubic regions exposed or covered only with transparent or opaque covering or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering;
or
3. Are enabled to observe specified sexual activities.

BATHHOUSE

An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State.

MASSAGE SHOP

An establishment which has a fixed place of business having a source of income or compensation sixty percent (60%) or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or the stimulation of external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the treatment or service is provided or some third (3rd) person on his/her behalf will pay money or give any other consideration or gratuity, provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

MODELING STUDIO

An establishment or business which provides for a fee or compensation the services of models on the premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to certified State licensed (by the State of Missouri) public or private schools where persons are enrolled in classes.

SPECIFIED SEXUAL ACTIVITIES

1. *SEXUAL CONDUCT*: Acts of masturbation, homosexuality, sodomy, sexual intercourse or having physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast;
2. *SEXUAL EXCITEMENT*: The condition of human male or female genitals when in a state of sexual stimulation or arousal; or

3. *SADOMASOCHISTIC ABUSE*: Flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

Section 405.820 **Conditional Use Permit Required.**

[R.O. 2009 § 17.24.520]

Reserved [Ord. No. 6220, 5-26-2021]

Section 405.830 **Special Conditions**

[R.O. 2009 § 17.24.530; Ord 6220 5-26-2021]

- A. The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.
- B. All off-street parking requirements shall conform to other ordinances contained within the City Code of Sikeston, Missouri.
- C. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities by any pedestrian and from any sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the structure of the adult entertainment establishment for which it is licensed.
- D. Further, no merchandise or pictures or products, services or entertainment offered or provided on the premises shall be displayed on the exterior of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.
- E. Lighting of the parking area must be maintained and provided a minimum light level of twenty-five hundredths (0.25) foot-candles over the entire parking area; but in no point shall the light level exceed three (3.0) foot-candles, nor shall any increase in light levels or visible glare be permitted beyond the lot line.

Section 405.840 **Site/Floor Plan Required**

[R.O. 2009 § 17.24.540] [Ord. No. 6220, 5-26-2021]

- A. Each application for a conditional use permit shall require the submission of an accompanying site plan. The site/floor plan shall include, as a minimum, the following information:
 1. The site plan shall delineate the property lines of the proposed project and shall indicate the zoning and present use of abutting properties.
 2. The site plan shall delineate existing rights-of-way and easements.
 3. The site plan shall delineate the general locations and width of all adjoining streets and public rights-of-way, such as alleys, pedestrian ways and easements.
 4. The site plan shall delineate the proposed building layout with the front, side and rear building setbacks.
 5. The site plan shall characterize the proposed usage of the building.

6. The site plan shall delineate the location, number of parking spaces and the proposed parking and loading ratio and its location.
7. The floor plan shall delineate all points of access and egress.
8. The floor plan shall delineate the gross floor area of the building or structure.
9. The site plan shall describe the landscaping to be provided.
10. The site plan shall delineate the proposed exterior lighting in accordance with Subsection **405.830(J)** above.
11. The site plan shall indicate the signage
12. The site/floor plan shall set forth any other information necessary for determination of the suitability of the proposed use for the site.
13. The site plan shall show that the measurements from the building to surrounding structures and property lines comply with this Division.

Section 405.850 Penalty.

[R.O. 2009 § 17.24.550; Ord. No. 5046 §II, 2-24-1995]

Any person, who violates any provision of this Division shall be subject to the general penalty provided of the Sikeston Municipal Code.

Division 10 Bed and Breakfast Homes and Inns

Section 405.860 Definitions.

[R.O. 2009 § 17.25.010]

As used in this Division, the following terms shall have these prescribed meanings:

BED AND BREAKFAST HOME

An establishment dwelling unit having not more than four (4) guest rooms where travelers for compensation are lodged for sleeping purposes with a morning meal provided. The structure must meet all necessary City building codes as adopted by the City Council.

BED AND BREAKFAST INN

An establishment dwelling having at least five (5) but no more than ten (10) guest rooms where travelers for compensation are lodged for sleeping purposes with a morning meal provided. This establishment may offer facilities for meetings, showers, receptions, weddings and similar activities as long as all aspects of the Municipal Code regarding health, safety and building code requirements are met. The structure must meet all necessary City building codes as adopted by the City Council and all regulations and permitting criteria of the Department of Health of the State of Missouri.

Section 405.870 Limited Use.

[R.O. 2009 § 17.25.020]

No bed and breakfast home or bed and breakfast inn may be maintained or operated within any residential zone. Persons wishing to maintain and operate such businesses within a transitional district shall petition the Planning and Zoning Commission for authority to do so. Such petition shall contain detailed plans including lot plans, site plans, floor plans and plans detailing plumbing, heating, sewage, water and electrical services with which the structure wherein said business is to be conducted is equipped. Said petition shall, likewise, include such permits and approvals, if any, as may be required by the Department of Health, State of Missouri. Upon receipt of said petition, plans and permits, the Commission shall publish notice of a public hearing at which said petition shall be considered, following which said Commission shall determine whether the granting of such permit is in the public interest in light of impact and effect upon the effected neighborhood. Should such determination be in the affirmative, the Commission shall recommend to the City Council the approval and licensing of such home or inn, conditional upon compliance with all State and municipal laws, to be established within commercial and industrial zones. Bed and breakfast homes and inns are allowed as a matter of right in all commercial and industrial zones.

Section 405.880 General Guidelines.

[R.O. 2009 § 17.25.030; Ord. No. 5018 § 2, 8-8-1994; Ord. No. 6220, 5-26-2021]

- A.** Bed and breakfast establishments shall be registered on or before July first (1st) of each year with the City on a form provided by it. Any necessary business license shall first be obtained.
- B.** No other type of occupation or profession shall be permitted within the building where a bed and breakfast establishment is located.
- C.** No more than fifty percent (50%) of the livable floor area (excluding porches and eaves) of a single unattached structure may be used for the conduct of a bed and breakfast establishment. An applicant shall provide a detailed floor plan of the structure showing dimensions and the specific areas within the structure to be used for bed and breakfast guests.
- D.** No person who is not a member of the operator's family and who does not live at the location of the bed and breakfast may be employed in any part of its operation.
- E.** No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
- F.** No additions shall be added to the residence to establish this use without petition to and approval by appropriate bodies (Planning and Zoning and City Council). Single-Family character must be maintained.

- G. No guest within a bed and breakfast operation shall be domiciled thereat more than fourteen (14) days in any calendar month.
- H. Bed and breakfast homes may serve only breakfast meals to overnight guests.
- I. The operator of a bed and breakfast establishment shall require all guests therein to report their name, residence, address and driver's license and automobile registration numbers in a permanent guest register to be maintained by the operator and made available for inspection by appropriate agents of the City.
- J. Upon approval for the establishment of a bed and breakfast business, an applicant shall commence operation of said business within sixty (60) days

Division 11 "C-1", "C-2" and "C-3" Commercial Districts

Section 405.890 "C-1" Neighborhood Shopping District.

[R.O. 2009 § 17.26.010; Ord. No. 4888 § 2, 2-3-1992; Ord. No. 6220, 5-26-2021]

A. General Description. This commercial district is for the conduct of retail trade and personal enterprises to meet the regular needs and for the convenience of the people of the adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood and closely associated with residential requirements for light, requirements are more restrictive than in other commercial districts.

B. Uses Permitted. See Table I in Section **405.920** of this Chapter.

C. Area Regulations. Also See Reference Table 450.1

1. The area requirements for dwellings shall be the same as the requirements of the "R-2" Residential District.
2. See Table II in Section **405.920** of this Chapter for the area regulations for all other uses permitted in this district.

D. Height Regulations. Also See Reference Table 450.1

1. The height regulations for dwellings and buildings accessory to dwellings shall be the same as those of the "R-2" Residential District.
2. For uses other than dwellings and buildings accessory to dwellings, see the Table in Section **405.920** of this Chapter.

Section 405.900 "C-2" General Commercial District.

[R.O. 2009 § 17.26.020; Ord. No. 6220, 5-26-2021]

A. General Description. This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent

access. Traffic generated by the uses will be primarily passenger vehicles and only those delivery of retail goods.

B. Uses Permitted. See Table I in Section **405.920** of this Chapter.

1. Any downtown district, as may be designated by ordinance of the Sikeston City Council and located in whole or in part within a General Commercial "C-2" District, shall be subject to additional restrictions as set forth in Table I, Table of Uses and shall be designated on City Zoning Maps as "C-2^{DT}".

C. Area Regulations. Also See Reference Table 450.1

1. The area requirements for dwellings shall be the same as the requirements of the "R-5" Residential District.
2. See Table II in Section **405.920** of this Chapter for the area regulations for all other uses permitted in this district.
3. See the Tables in Section **405.920** of this Chapter for the area regulations for all uses other than dwellings.

D. Height Regulations. Also See Reference Table 450.1

1. The height regulations for dwellings and buildings accessory to dwellings shall be the same as those of the residential district.
2. For uses other than dwellings and buildings accessory to dwellings, see the Table in Section **405.920** of this Chapter.

Section 405.910 "**C-3**" Highway Commercial.

[R.O. 2009 § 17.26.030; Ord. No. 4888 § 2, 2-3-1992; Ord. No. 6220, 5-26-2021]

A. General Description. This commercial district is for the conduct of commercial enterprises catering to the traveling public, for personal and business services, for general retail trade and for a limited number of other uses that are compatible with commercial activity. Because of the relationship of these uses to the adjacent highway and residential districts, appropriate considerations are necessary to protect the integrity of the function of the highway and to reduce the adverse impact on adjacent residential districts.

B. *Uses Permitted.* See the Table in Section **405.920** of this Chapter.

1. Any downtown district, as may be designated by ordinance of the Sikeston City Council and located in whole or in part within a Highway Commercial "C-3" District, shall be subject to additional restrictions as set forth in Table I Table of Uses and shall be designated on City Zoning Maps as "C-3 ^{DT}".

C. *Area Regulations.* Also See Reference Table 450.1

1. The area requirements for dwellings shall be the same as the requirements of the "R-4" Residential District.
2. See the Table in Section **405.920** of this Chapter for the area regulations for all other uses permitted in this district.

D. *Height Regulations.* Also See Reference Table 450.1

1. The height regulations for dwellings and buildings accessory to dwellings shall be the same as those for the "R-5" Residential District.
2. For uses other than dwellings and buildings accessory to dwellings, see the Table in Section **405.920** of the Chapter.

Section 405.920 Tables — Use, Height and Area Regulations.

[R.O. 2009 § 17.26.040; Ord. No. 6220, 5-26-2021]

- A. *Table I—Uses.* The uses provided for in the "C-1" Neighborhood Shopping, the "C-2" General Commercial and the "C-3" Highway Commercial Districts are set forth in the table below. Where the letter "P" appears on the line of a use and in the column of a district, the listed use is permitted as a matter of right. Where the letters "CU" appears on the line of a use and in the column of a district, the listed use may be permitted by the Board of Adjustment as provided in Article **V** of this Chapter. In both cases, all uses shall be in compliance with all applicable provisions of this zoning ordinance and the Code of the City of Sikeston. Also See Reference Table 450.1 [Ord. No. 5961 §§I, XX, 8-25-2014; Ord. No. 6158, 7-29-2019; Ord. No. 6187, 5-4-2020; Ord. No. 6195, 5-4-2020; Ord. 6220, 5-26-2021]

Table 1. Permitted Uses

A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
P = Permitted as a matter of right CU = May be permitted by the Board of Adjustment	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown District
Residential				
Any use permitted in any residential district	P	P	P	P
Any use permitted on review in any residential district (a)	P	P	P	P
Commercial, miscellaneous (b)(c)				
Adult use, by license only (f)		CU		
Alcohol sales	CU	P	P	P
Antique shop	P	P	P	P
Appliance shop		P	P	P
Arts school, gallery or museum	P	P	P	P
Artists materials, supply studio	P	P	P	P
Automobile parking lot	P	P	P	P
Automobile service station	CU	P	P	
Automobile repair, minor in conjunction with a service station	CU	P	P	
Baby shop	P	P	P	P
Bakery goods store	P	P	P	P
Bank	P	P	P	P
Barbershop	P	P	P	P
Beauty shop	P	P	P	P
Book or stationery store	P	P	P	P
Camera shop	P	P	P	P
Candy store	P	P	P	P
Catering establishment	P	P	P	P
Curio or gift shop	P	P	P	P

Table 1. Permitted Uses

A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
P = Permitted as a matter of right CU = May be permitted by the Board of Adjustment	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown District
Drug shop or fountain	P	P	P	P
Dry goods store	P	P	P	P
Dairy products or ice cream store	P	P	P	P
Delicatessen	P	P	P	P
Dress shop	P	P	P	P
Fireworks sales			P	P
Florist shop, greenhouse, nursery	P	P	P	P
Furniture store		P	P	P
Funeral Home/Mortuary	P	P	P	P
Grocery store, quick shop	P	P	P	P
Hardware store		P	P	P
Jewelry or notion store	P	P	P	P
Lodge hall		P	P	P
Machine shop		P	P	P
Meat market	P	P	P	P
Medical facility (g)	P	P	P	P
Medical Marijuana Dispensaries (h)		P	P	
Messenger or telegraph service	P	P	P	P
Musical instrument sales	P	P	P	P
Office business	P	P	P	P
Optometrist sales and service	P	P	P	P
Photographer sales and service	P	P	P	P
Restaurant, conventional		P	P	P

Table 1. Permitted Uses

A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown District
P = Permitted as a matter of right CU = May be permitted by the Board of Adjustment				
Self-service laundry or dry cleaning	CU	P	P	P
Sewing machine sales, instruction		P	P	P
Sporting goods sales		P	P	P
Shoe repair shop	CU	P	P	P
Tailor shop	P	P	P	P
Toy store		P	P	P
Variety store		P	P	P
Name plate and sign relating to the use of the store and premises or to products on the premises		P	P	P
Accessory buildings and uses customarily incidental to the above uses	P	P	P	
Frozen food locker		P	P	P
Kennel		CU	CU	
Laboratories, testing		P	P	
Laboratories, research		P	P	
Printing, publishing, and allied industries		P	P	P
Veterinary clinic for small animals all within enclosed structures (e)		P	P	
Open Display Commercial (d)				
Boat sales, service and minor repair		P	P	
Farm implement and machinery, new and used sales		P	P	

Table 1. Permitted Uses

A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown District
P = Permitted as a matter of right CU = May be permitted by the Board of Adjustment				
Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales		P	P	
Mobile home and travel trailer sales		P	P	
Monument sales		P	P	
New and used automobile sales		P	P	
Prefabricated house sales		P	P	
Trailers for hauling, rental and sales		P	P	
Wholesale Trade				
Motor vehicles and automotive equipment		P	P	
Drugs and allied products		P	P	CU
Piece goods, notions, apparel		P		
Groceries and related products		P	P	P
Electrical goods		P	P	P
Hardware, plumbing and heating equipment and supplies		P	P	P
Machinery equipment and supplies		P	P	
Retail Trade				
Building materials, hardware and farm equipment dealers		P	P	P
General merchandise		P	P	P
Automobile dealers		P	P	

Table 1. Permitted Uses

A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
P = Permitted as a matter of right CU = May be permitted by the Board of Adjustment	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown District
Apparel and accessory stores		P	P	P
Furniture, home furnishings and equipment sales		P	P	P
Eating Places		P	P	P
Drinking places				
Bars/taverns		P	P	P
Beer gardens		P	P	P
Private clubs		P	P	P
Nightclubs		P	P	
Miscellaneous retail stores	CU	P	P	
Finance, Insurance and Real Estate				
Banking	P	P	P	P
Credit agencies, other than banks	P	P	P	P
Security and commodity brokers, dealers, exchanges and services	P	P	P	P
Insurance carriers	P	P	P	P
Insurance agents, brokers and services	P	P	P	P
Real estate	P	P	P	P
Holding and other investment companies	P	P	P	P
Services				
Hotels, tourist courts and motels	CU	P	P	P
Rooming and boarding houses	P	P	P	P
Personal services	CU	P	P	P
Miscellaneous business services	CU	P	P	

Table 1. Permitted Uses

A	B			
CATEGORY USE	Zoning District—Conditional Or Permitted Use			
	"C-1", "C-2", "C-3", "DT"			
	"C-1"	"C-2"	"C-3"	"DT"
	Neighborhood	General	Highway	Downtown District
P = Permitted as a matter of right CU = May be permitted by the Board of Adjustment				
Automobile repair, automobile services, garages		P	P	
Miscellaneous repair services	CU	P	P	
Motion pictures		P	P	P
Amusement and recreation services except motion pictures		P	P	P
Medical and other health services	P	P	P	P
Legal services	P	P	P	P
Educational services	P	P	P	P
Museums and art galleries	P	P	P	P
Non-profit membership organizations	P	P	P	P
Miscellaneous services	CU	P	P	
Transportation, Communication, Electric, Gas and Sanitary Services				
Railroad transportation		P	P	P
Local and suburban transit and interurban highway passenger transportation		P	P	P
Motor freight transportation and warehousing		P	P	
Arrangement of transportation		P	P	P
Communication		P	P	P
Electric, gas and sanitary services		P	P	P
Accessory (DT)				

Table 1. Permitted Uses

A	B Zoning District—Conditional Or Permitted Use "C-1", "C-2", "C-3", "DT"			
CATEGORY USE	"C-1" Neighborhood	"C-2" General	"C-3" Highway	"DT" Downtown District
P = Permitted as a matter of right CU = May be permitted by the Board of Adjustment Buildings, structures and uses incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than those expressly permitted except those that are customarily incidental and essential to commercial establishments		P	P	

- (a) Include all uses listed as permitted or conditional uses in a residential district, except the provision for Class A manufactured housing shall remain in a conditional use.
- (b) Retail stores and shops which do not exceed seven thousand (7,000) square feet of gross floor area per floor and which supply the regular customary needs of the residents of the neighborhood and which are primarily for their convenience.
- (c) In the "C-1" Neighborhood Shopping District, a building used for any of the uses enumerated in this category may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses of this category shall be displayed or stored outside of a building.
- (d) The uses enumerated in this category shall comply with the following provisions:
 - (1) All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
 - (2) Driveways used for ingress and egress shall be a minimum of twenty-five (25) feet in width, exclusive of curb returns.
 - (3) Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets and shall not be of the flashing or intermittent type.
- (e) Subject to regulations and laws of the State of Missouri and the City of Sikeston.
- (f) Shall not be allowed (1) within one thousand (1,000) feet of another existing adult use or (2) within three hundred (300) feet of a pre-existing school, public park, church or tavern.
- (g) Drug and alcohol residential or outpatient treatment facilities may be permitted in "C-2" and "C-3" Commercial Districts as a conditional use subject to the following conditions and success:

- (1) An application must be submitted to the City Manager specifying the location of intended use, number of occupants (not to exceed (4)), number of staff (sufficient to provide adequate supervision), proposed design of structure must reasonably conform to the exterior appearance of dwellings in the vicinity and compliance with Missouri State Statute governing the operations of such facility.
 - (2) The proposed facility, either new or existing structure, must conform to current building codes of the City of Sikeston. Plans prepared by a Missouri certified architect will be required.
 - (3) Adequate off-street parking must be provided.
 - (4) Such facility shall not be located closer than one thousand (1,000) feet to any other similar substance abuse treatment facility.
 - (5) After review of above-stated requirements, the City Manager will refer such application for public hearing to the City Planning and Zoning Commission for their consideration, review and recommendations.
 - (6) The Planning Commission will forward a recommendation to the City Council on the application for their action.
 - (7) The City Planner will issue or deny building permit for the application dependent upon Council action.
- (h) As to regulations regarding Medical Marijuana Dispensaries, see Section **405.1490** of this Chapter.

B. Yard Setback Requirements. All buildings and structures in the "C-1" Neighborhood Shopping District, the "C-2" General Commercial and the "C-3" Highway Commercial Districts shall be set back from the centerline of State and Federal highways and lot lines to comply with the following yard requirements. (See Article VIII Height and Area Exceptions.)

Table II. Yard Setback Requirements

Minimum Yards	"C-1" Neighborhood	"C-2" General	"C-3" Highway
Front yard depth			
Major road (a)	25 feet	The greater of 75 feet from centerline or 25 feet from lot line	
Minor road (b)	25 feet		25 feet
Side yard (c)	10 feet		
Rear yard	25 feet		

- (a) State or Federal highway.
- (b) All public streets and roads other than a State or Federal highway.
- (c) Ten (10) feet or twelve and one-half percent (12½%) of the width of the lot, which ever is less.

C. Intensity Of Use, Lot Width, Coverage And Height Regulations. Uses and lots in the "C-1" Neighborhood Shopping, "C-2" General Commercial and "C-3" Highway Commercial Districts, other than those uses and lots regulated by reference to the mandated requirements of the Residential District, shall comply with the following requirements:

Table III. Intensity of Use, Lot Width, Coverage and Height Regulations

Item	"C-1" Neighborhood	"C-2" General	"C-3" Highway
Area minimum	Adequate to provide yards and parking as required (a)		
Lot width, minimum			
Coverage, Maximum (b)			
Stories	2½		
Feet	35	45	45

(a) See Art. X Off-Street Parking for off-street parking requirements.

(b) See Art. VIII Height and Area Exceptions for exceptions to those height limitations.

Division 12 Office District Zoning "O"

[Ord. No. 6220, 5-26-2021]

Section 405.930 Purpose.

[R.O. 2009 § 17.27.010]

Office district zoning will provide additional commercial opportunities but be more restrictive than present commercial districts.

Section 405.940 Generally — Office District Zoning "O".

[R.O. 2009 § 17.27.020; Ord. No. 6220, 5-26-2021]

The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations of the "O" Office District zoning. The purpose of the "O" Office District zoning is to provide adequate space in appropriate locations suitable for accommodating medical, dental and similar service, as well as professional offices. Bulk limitations are designed to provide maximum compatibility with less intensive land use in adjacent residential districts and with more intensive land use in adjacent commercial districts.

Section 405.950 Use Regulations.

[R.O. 2009 § 17.27.030; Ord. No. 6220, 5-26-2021]

A. A building or premises shall be used only for the following purposes:

1. Professional services and offices, including medical, dental and other health-related services; legal, engineering, surveying, architectural; research, accounting and planning services.
2. Finance, insurance and real estate services and offices, including banking and saving and loan institutions, credit services, security and commodity brokers and dealers, insurance carriers, agents, brokers and services, real-estate and real-estate related activities and holding and investment services.

3. Government services and offices, including executive, legislative and judicial functions; protective functions; post offices.
 4. Educational services and offices, including public schools or private schools having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial schools, but excluding driving education schools.
 5. Churches and similar places of worship, including religious Sunday school buildings.
 6. Publicly owned or operated parks, playgrounds, community building, museums, libraries or art galleries and municipal facilities, including Police and Fire stations.
 7. Child or day care centers or nursery schools.
 8. Gymnasiums and multi-purpose recreational facilities typically associated and appurtenant to public or private schools, churches or similar places of worship.
 9. Restaurants, cafeterias, gift shops, magazine stands, drugstores and medical prescriptions centers will be permitted, provided they are operated as an accessory use to and located within a permitted use of the "O" (Office District) zoning and, further provided, that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such building.
 10. Any other type of business, institutional, governmental, professional or medical use not specifically permitted herein, when authorized by the City Council after receipt of review and recommendations from the Planning and Zoning Commission and only when consistent with the intent and purpose of the "O" (Office District) zoning regulations.
 11. Accessory buildings and accessory uses customarily incidental to the above uses, subject to the restrictions established in the City Municipal Code.
- B.** The following are specifically excluded from use in the "O" (Office District) zoning:
1. Nursing, rest or convalescent homes;
 2. Prisons and military bases;
 3. Animal hospitals and animal clinics; and
 4. Retail and/or wholesale sales.

Section 405.960 - 450.970 [R.O. 2009 § 17.27.040]

Reserved [Ord. No. 6220, 5-26-2021]

Section 405.980 **Height, Area and Lot Size Regulations.** *Also See Reference Table 450.1*

[R.O. 2009 § 17.27.060; Ord 6220, 5-26-2021]

A. The maximum height of buildings permitted shall be as follows:

1. *All building other than churches and similar places of worship.* Thirty-five (35) feet and not over two and one-half (2½) stories.
2. *Churches and similar places of worship.* Seventy-five (75) feet for towers or steeples and not more than forty-five (45) for the principal building.

B. Area. No building or structures shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement for each lot:

1. *Front yard.* Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
2. *Side yard.* Each lot upon which a building is constructed shall have a side yard of not less than twelve and one-half percent (12.5%) of the width of the lot.
3. *Rear yard.* Each lot upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

C. Lot Size. The minimum lot size permitted shall be as follows:

1. All uses shall be on a lot having an area of not less than fifteen thousand (15,000) square feet and a width at the front lot line of not less than one hundred (100) feet.
2. The maximum lot size permitted shall be two (2) acres or four (4) acres as required

These area requirements and restrictions apply to each lot regardless of the number of lots owned or used.

Any exceptions to these regulations may be authorized by the City Council after receipt, review and recommendations of the Planning and Zoning Commission and only if consistent with the overall intent and purpose of these regulations.

Section 405.990 **Floor Area.**

[R.O. 2009 § 17.27.070; Ord. No. 6220, 5-26-2021]

In the "O" Office District zoning, a building used for any of the uses enumerated in this Chapter may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses of this category shall be displayed or stored outside of a building.

Section 405.1000 [R.O. 2009 § 17.27.080]

Reserved [Ord. No. 6220, 5-26-2021]

Section 405.1010 **Outdoor Lighting.**

[R.O. 2009 § 17.27.090; Ord. No. 5522 §II, 11-2-2002]

Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets and shall not be of the flashing or intermittent type.

Division 13

Section 405.1020 – 405.1100 – Reserved
[Ord. No. 6220, 5-26-2021]

Division 14 "IL" and "IH" Industrial Districts

Section 405.1110 "**IL**" **Light Industrial District.**
[R.O. 2009 § 17.28.010; Ord. No. 6220, 5-26-2021]

A. General Description. This industrial district is to provide wholesale and retail trade, service industries and light industries that manufacture, process, store and distribute goods and materials and are, in general, dependent on raw materials refined elsewhere; and the manufacture, compounding, processing, packaging or treatment of products specified in the uses permitted tables that follow.

B. Uses Permitted.

1. See Table I in Section **405.1130** of this Chapter.
2. Any Downtown District, as may be designated by ordinance of the Sikeston City Council and located in whole or in part within a Light Industrial District (IL), shall be subject to additional restrictions as set forth in Table I, Table of Uses and shall be designated on City Zoning Maps as "IL DT".

C. Area Regulations. Also See Reference Table 450.1

1. The lot area and yard requirements for dwellings shall be the same requirements established for the "R-5" Residential District.

2. See Table I in Section **405.1130** of this Chapter for the area regulations for all other uses permitted in this district.
3. For exceptions to these requirements, refer to Article **VIII** of this regulation, Height and Area Exceptions.

D. Height Regulations. Also See Reference Table 450.1

1. See Table III in Section **405.1130** of this Chapter.
2. For exceptions to these regulations, refer to Article **VIII** of this regulation, Height and Area Regulations.

Section 405.1120 "IH" Heavy Industrial District.

[R.O. 2009 § 17.28.020; Ord. No. 6220, 5-26-2021]

A. General Description. This industrial district provides for the manufacture, compounding, processing, packaging or treatment of the products when not in conflict with any Missouri Statute or ordinance of this City, that regulate nuisances and are not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas or otherwise.

B. Uses Permitted. See Table I in Section **405.1130** of this Chapter.

C. Area Regulations. Also See Reference Table 450.1

See Table II in Section **405.1130** of this Chapter. For exceptions to those regulations, refer to Article **VIII** of this regulation, Height and Area Exceptions.

D. Height Regulations. Also See Reference Table 450.1

1. See Table III in Section **405.1130** of this Chapter.
2. For exceptions to these regulations, refer to Article **VIII** of this regulation, Height and Area Exceptions.

Section 405.1130 Tables — Use, Height and Area Regulations.

[R.O. 2009 § 17.28.030; Ord. No. 6055, 5-1-2017; Ord. No. 6220, 5-26-2021]

A. Table I – Uses The use provided for in the "IL" Light Industrial and "IH" Heavy Industrial Districts are set forth in the table below. Where the letter "P" appears on the line of a use and in the column of a district, the listed use is permitted as a matter of right. Where the letters "CU" appears on the line of a use and in the column of a district, the listed use may be permitted by the City Council pursuant to the provisions of

Sections **405.390—405.420** of this regulation. *Also See Reference Table 450.1*

[Ord. No. 6158, 7-29-2019; Ord. No. 6164, 9-30-2019]

Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Category Use	"IL" Light Industrial	"IH" Heavy Industrial	"DT" Downtown District
Residential			
Any use permitted in any residential district	CU	NA	NA
Any use permitted on review in any residential district	CU	NA	NA
Chemical and Allied Products			
Cosmetics and toiletries (compounding only)	P	P	NA
Ice manufacture, including dry ice	P	P	NA
Ink manufacture (mixing only)	P	P	NA
Insecticides, fungicides, disinfectants and related industrial and household chemical compounds (blending only)	P	P	NA
Medical Marijuana Cultivation Facility (See Section 405.1490 for regulations)	P	P	NA
Perfumes and perfumed soap (compounding only)	P	P	NA
Pharmaceutical products	P	P	NA
Soap, washing or cleaning, powder or soda (compounding only)	P	P	NA
Food Beverage and Products			
Chewing gum manufacture	P	P	NA
Category Use	"IL" Light Industrial	"IH" Heavy Industrial	"DT" Downtown District
Chocolate, cocoa and cocoa products, processing and packaging only	P	P	NA
Coffee, tea and spices, processing and canning only	P	P	NA
Fruit and vegetable processing (including canning, preserving, drying and freezing)	P	P	NA
Gelatin products	P	P	NA
Glucose and dextrine products	P	P	NA

Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Macaroni and noodle manufacture	P	P	NA
Meat products, packaging and processing (no slaughtering)	P	P	NA
Medical Marijuana-Infused Products Manufacturing Facility (See Section 405.1490 for regulations)	P	P	NA
Medical Marijuana Testing Facility (See Section 405.1490 for regulations)	P	P	NA
Oleo margarine (compounding and packaging only)	P	P	NA
Poultry packing	P	P	NA

Metals and Metal Products

Automobile, truck, trailer, motorcycle and bicycle assembly	P	P	NA
Boat manufacture (vessels less than five (5) tons)	P	P	NA
Container (metal)	P	P	NA
Fasteners (metal) manufacture	P	P	NA
Foundry products manufacture (electrical only)	P	P	NA
Iron (ornamental only) fabrication	P	P	NA
Plating, electrolytic process	P	P	NA
Sheet metal products manufacture	P	P	NA
Silverware and plated ware	P	P	NA

Category Use

"IL"	"IH"	"DT"
Light Industrial	Heavy Industrial	Downtown District

Tool, die, gauge and machine shops	P	P	NA
Vitreous enameled products	P	P	NA

Textiles, Bedding and Fibers

Hat bodies of fur and wool felt (including men's hats), manufacture	P	P	NA
Knitting, weaving, printing, finishing of textiles and fibers into fabric goods	P	P	NA
Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing)	P	P	NA
Yarn, threads and cordage	P	P	NA
Clothing manufacture	P	P	NA

Wood and Paper Products

Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Basket and hamper (wood, reed, rattan, etc.)	P	P	NA
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Pencil manufacture	P	P	NA
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Shipping container (corrugated board, fiber or wire bound)	P	P	NA
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Veneer manufacture	P	P	NA
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Unclassified Uses

Animal pound	P	P	NA
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Animal, poultry and bird raising, commercial	P	P	NA
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Bulk storage of petroleum products for a local distribution as distinguished from a petroleum products terminal for extensive storage and regional distributing purposes	P	P	NA
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Button manufacture	P	P	NA
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Carbon paper and inked ribbons manufacture	P	P	NA
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Cigar and cigarette manufacture	P	P	NA
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Coal and coke storage and sales	P	P	NA
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Category Use

	"IL"	"IH"	"DT"
	Light Industrial	Heavy Industrial	Downtown District

Contractor's shop and storage yard	P	P	NA
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Exposition building	P	P	NA
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Fairgrounds	P	P	NA
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Fur finishing (but not including a tanning operation)	P	P	NA
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Industrial vocations training school, including internal combustion engines	P	P	NA
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Leather goods manufacture, but not including tanning operations	P	P	NA
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Motion picture production	P	P	NA
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Tire retreading and vulcanizing (other uses similar when approved by the Board of Adjustment, per Article <u>V</u> of Chapter <u>405</u>)	P	P	NA
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Chemical, Petroleum, Coal and Allied Products

Adhesives	P	P	NA
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Alcohol, industrial	P	P	NA
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Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Bleaching	P	P	NA
Bluing	P	P	NA
Calcimine	P	P	NA
Candles	P	P	NA
Cleaning and polishing preparation (non-soap dressing and blackings)	P	P	NA
Dye-stuff	P	P	NA
Essential oils	P	P	NA
Exterminating agents and poisons	P	P	NA
Fertilizers (non-organic)	P	P	NA
Fuel briquettes	P	P	NA
Glue and size (vegetable)	P	P	NA
Ink manufacture from primary raw materials (including colors and pigments)	P	P	NA

Category Use**"IL"****Light Industrial****"IH"****Heavy Industrial****"DT"****Downtown
District**

Soap and soap products	P	P	NA
Clay, Stone and Glass Products			
Abrasive wheels, stones, paper, cloth and related products	P	NA	NA
Asbestos products	P	P	NA
Brick, fire brick and clay products	P	P	NA
Concrete products or central mixing and proportioning plant	P	P	NA
Glass and glass products	P	P	NA
Graphite and graphite products	P	P	NA
Monument and architectural stone	P	P	NA
Pottery and porcelain products (coal fired)	P	P	NA
Refractories (other than coal fired)	P	P	NA
Sand-lime products	P	P	NA
Stone products	P	P	NA
Wallboard and plaster, building insulation and composition flooring	P	P	NA
Food and Beverage			
Casein	P	P	NA

Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Chocolate and Cocoa	P	P	NA
Cider and vinegar	P	P	NA
Distilleries (alcoholic) breweries and alcoholic spirits	P	P	NA
Flour, feed and grain milling or storage	P	P	NA
Gelatin	P	P	NA
Glucose or dextrine	P	P	NA
Malt extracts	P	P	NA
Meat packing	P	P	NA
Molasses	P	P	NA
Oil, shortening and fats (including oleo margarine)	P	P	NA

Category Use

"IL"	"IH"	"DT"
Light Industrial	Heavy Industrial	Downtown District

Pickles, vegetables relish and sauces	P	P	NA
Poultry (including slaughter)	P	P	NA
Sauerkraut	P	P	NA
Sugar refining	P	P	NA
Yeast manufacture	P	P	NA

Metal and Metal Products

Agriculture and farm implement manufacture	P	P	NA
Aircraft and aircraft parts and manufacture	P	P	NA
Aluminum extrusion, rolling, fabrication and forming	P	P	NA
Boiler manufacture (other than welded)	P	P	NA
Culvert manufacture	P	P	NA
Firearms manufacture	P	P	NA
Forge plant, pneumatic, drop and forging hammering	P	P	NA
Foundries	P	P	NA
Galvanizing or plating (hot dip)	P	P	NA
Heating, ventilating, cooking and refrigeration supplies and appliances	P	P	NA
Lead oxide	P	P	NA

Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Locomotive and railroad car building and repair	P	P	NA
Machinery manufacture	P	P	NA
Motor testing (internal combustion motors)	P	P	NA
Nails, brads, tacks, spikes and staples manufacture	P	P	NA
Ore dumps and elevators	P	P	NA
Plumbing supplies	P	P	NA
Safe and vault manufacture	P	P	NA
Category Use	"IL"	"IH"	"DT"
	Light Industrial	Heavy Industrial	Downtown District
Shipyards	P	P	NA
Stove and range manufacture	P	P	NA
Structural iron and steel fabrication and manufacture	P	P	NA
Tool, die, gauge and machine shops	P	P	NA
Tool and hardware products	P	P	NA
Trailers	P	P	NA
Wire rope and cable	P	P	NA
Textiles, Fibers and Bedding			
Bedding (mattress, pillow and quilt) manufacture	P	P	NA
Bleachery	P	P	NA
Carpet, rug and mat manufacture	P	P	NA
Cordage and rope	P	P	NA
Hair and felt products washing, curling and dyeing	P	P	NA
Hosiery mill	P	P	NA
Jute, hemp and sisal products	P	P	NA
Linoleum and other hard-surfaced floor covering	P	P	NA
Nylon	P	P	NA
Oilcloth, oil-treated products and artificial leather	P	P	NA
Rayon	P	P	NA
Shoddy	P	P	NA

Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Wool pulling or scouring	P	P	NA
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Wood and Paper Products

Barrels	P	P	NA
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Box and crate manufacture	P	P	NA
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Carriages and wagons	P	P	NA
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Charcoal and pulverizing	P	P	NA
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Category Use**"IL"****"IH"****"DT"****Light Industrial****Heavy Industrial****Downtown
District**

Cooperage works	P	P	NA
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Excelsior	P	P	NA
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Furniture	P	P	NA
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Paper and paperboard products	P	P	NA
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Planing and millwork	P	P	NA
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Pulp goods, pressed or molded (including paper-mache products)	P	P	NA
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Sawmill (including cooperage stock mill)	P	P	NA
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Wallboard	P	P	NA
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Wood preserving treatment	P	P	NA
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Miscellaneous Industries

Carbon papers and ribbons	P	P	NA
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Chewing tobacco	P	P	NA
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Leather tanning and curing	P	P	NA
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Rubber (natural and synthetic), gutta percha, chicle and balata processing	P	P	NA
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Shell grinding	P	P	NA
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Storage battery (wet cell)	P	P	NA
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Other Uses

Bag cleaning	P	P	NA
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Coal pocket	P	P	NA
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Railroad yard, roundhouses, repair and overhaul shops	P	P	NA
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Oils, vegetable and animal (non-edible) and storage	P	P	NA
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Paint, lacquer, shellac and varnish (including colors and pigments, thinners and removers)	P	P	NA
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Table Of Uses

P = Permitted as a matter of right

CU = May be permitted by the Board of Adjustment

NA = Not allowed

Roofing materials, building paper and felt (including asphalt and composition)	P	P	NA
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Category Use	"IL" Light Industrial	"IH" Heavy Industrial	"DT" Downtown District
Salt tanning materials and allied products	P	P	NA
Tar products (except distillation)	P	P	NA
Special Permit Required			
Acid manufacture	NA	CU	NA
Automobile wrecking, cars and parts, storage and sale	NA	CU	NA
Cement, lime, gypsum or plaster of Paris manufacture	NA	CU	NA
Distillation, manufacture or refining of bones, coal or tar asphalt	NA	CU	NA
Explosives, manufacture or storage	NA	CU	NA
Fat, grease, lard or tallow rendering or refining	NA	CU	NA
Fertilizer, the manufacture or storage of fertilizer made from organic matter	NA	NA	NA
Glue or size manufacture	NA	CU	NA
Garbage, offal or dead animal reduction or dumping	NA	CU	NA
Junk and salvage (metal, paper, rags, waste or glass) storage, treatment, baling	NA	CU	NA
Paper manufacture	NA	CU	NA
Petroleum or asphalt refining	NA	CU	NA
Petroleum products terminal	NA	CU	NA
Smelting of tin, copper, zinc or iron ores	NA	CU	NA
Storage or processing raw hides or fur	NA	CU	NA
Stockyards or slaughter of animals (except poultry)	NA	CU	NA

B. Table II – Yard Setback Requirements. All buildings and structures in the "IL" Industrial and "IH" Heavy Industrial Districts shall be set back from the centerline of State and Federal highways and lot lines to comply with the following yard requirements. (See Article VIII Height and Area Exceptions.) *Also See Reference Table 450.1*

Table II. "IL" Light Industrial and "IH" Heavy Industrial Setback Requirements

Minimum yards	"IL" Light Industrial	"IH" Heavy Industrial
Front yard depth		
Major road (a)	25 feet	40 feet
Minor road (b)	25 feet	40 feet
Side yard (see Table III)		
Rear yard		
(a) State or Federal highway.		
(b) All public streets and roads other than a State or Federal highway		

- C.** Table III – Intensity of Use, Lot Width, and Height Regulations. Other than those uses and lots regulated by reference to the mandated requirements of the applicable Residential District, shall comply with the following requirements: *Also See Reference Table 450.1*

Table III. Intensity of Use, Lot Width and Height Regulations

Item	"IL" Light Industrial	"IH" Heavy Industrial
Area Minimum—Adequate to provide yards and parking as required (a)		
Lot width, minimum		
Height, maximum (b)		
Stories	3 (b)	8
Feet	50	100

- (a) See Article **X** for off-street parking requirements.
 (b) See Article **VIII** for exceptions to those height limitations.

Division 15 Zero Lot Line Residential

Section 405.1140 [R.O. 2009 Zoning Regulations Div. 15]

Reserved [Ord. No. 6220, 5-26-2021]

Section 405.1150 **Process and Provisions For Single-Family Attached Housing.**
 [R.O. 2009 Ch. 17.30; Ord. No. 5327 §IV, 5-18-2000]

- A.** Permitted use in "R-7" Condominium Residential District.
- B.** Administrative review by Zoning Officer required prior to issuance of a building permit.
1. Ownership of land (determined).
 2. Density (lot area), height and yard standards comply with standards set for the particular district and zero lot line provision.

3. Design for common walls, duplex ("R-4") and design for entire structure three- or four-plex ("R-5") certified by architect or engineer. The walls separating the dwellings must be masonry construction providing for a two (2) hour fire-resistant rating. The center of this wall must be on the property line. The wall shall extend from its footing to two (2) feet, eight (8) inches above the roof line. The wall may terminate at the underside of the rood deck if the roof sheathing or deck is constructed of approved non-combustible materials or fire-retardant treated wood for a distance of four (4) feet on either side of the wall.
4. Each unit will have totally independent utilities. (No common facilities)
5. Declaration of covenants, conditions, restrictions and deeds comply with the Condominium Property Act and Uniform Condominium Act of Missouri, as amended. Certified by Missouri licensed attorney.

C. Conversion Of Existing Structures.

1. If an existing structure is a non-conforming structure in either use and/or failure to meet current design standards in terms of minimum area regulations, conversion will not be permitted.
2. In all other cases, the provisions of Subsection **(B)** above shall apply.
3. Structures to be converted must meet current Building Code requirements.

Division 16 Planned Unit Development

Section 405.1160 [R.O. 2009 Ch. 17.32]

Reserved [Ord. No. 6220, 5-26-2021]

Section 405.1170 **Generally.**

[R.O. 2009 § 17.34.010; Prior Code § 10-112 (part); Ord. No. 6220, 5-26-2021]

Height and area requirements shall be subject to the exceptions and regulations of this Chapter. *Also See Reference Table 450.1*

Section 405.1180 **Height — Districts With Forty Foot or Fifty Foot Limitations.**

[R.O. 2009 § 17.34.020; Prior Code § 10-112(1)(a)]

In districts where the height is limited to forty (40) feet or fifty (50) feet, public buildings, hospitals, sanitariums or eleemosynary nature may be erected to a height not exceeding sixty (60) feet where front and rear yards are increased in depth and side yards are increased in

width one (1) additional foot for each foot in height that the building exceeds the height regulation of the district in which it is to be erected.

Section 405.1190 Height — Towers, Chimneys and Elevators.

[R.O. 2009 § 17.34.030; Prior Code § 10-112(1)(b); Ord. No. 4893 § 2, 3-2-1992]

Chimneys, cooling towers, elevators, bulk heads, fire towers, gas tanks, grain elevators, lighthouses, solariums, penthouses, stacks, stage towers or scenery lofts, sugar refineries, radio towers, tanks, water towers, ornamental towers and spires, wireless towers and necessary mechanical appurtenances, also stadia owned and operated by institutions of higher learning, may be erected as to their height in accordance with existing or hereafter adopted City ordinances; provided no tower other than a church spire or tower of a public building shall exceed the height limit of the district in which it is located by more than twenty-five percent (25%). No tower shall be used as a place of habitation or for tenant purposes. No illuminated sign shall be attached to any chimney, tower, tank or other structure which extends above the height limit of the district in which it is located. Communications antennae for the purpose of receiving microwave signals will be permitted in residentially zoned areas of the City with the following conditions. The maximum height for such structure shall be limited to fifty (50) feet above grade level. No guy wires required to support such a structure shall be attached to the ground. Electrical grounding shall comply with the Electrical Code currently adopted by the City.

Section 405.1200 Height — On Through Lots.

[R.O. 2009 § 17.34.040; Prior Code § 10-112(1)(c)]

On through lots of one hundred forty (140) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots more than one hundred forty (140) feet in depth, the height regulation and basis of height measurement for the streets permitting the greater height shall apply to a depth of not more than one hundred forty (140) feet from the street.

Section 405.1210 Area — Definition of Two-Family and Multiple-Family Dwelling.

[R.O. 2009 § 17.34.050; Prior Code § 10-112(2)(a)]

For purposes of the area regulations, a two-family dwelling or multiple-family dwelling may be considered as one (1) building and occupying one (1) lot.

Section 405.1220 Area — Side Yards.

[R.O. 2009 § 17.34.060; Prior Code § 10-112(2)(b)]

The side yard requirements for dwellings not more than two (2) rooms in depth shall be waived when such dwellings are erected above stores and shops. If dwelling units more than

two (2) rooms in depth are erected above stores or shops, the portion of the building used for dwelling purposes shall comply with side yard requirements of the "R-5" Multiple-Family Residence District.

Section 405.1230 Area — Side Yards Between Districts.

[R.O. 2009 § 17.34.070; Prior Code § 10-112(2)(c); Ord. No. 4888 § 2, 2-3-1992]

When the commercial and industrial district adjoin a residence district, a side yard of ten (10) feet shall be required on that side of the lot adjoining the residence district.

Section 405.1240 Area — Rear Yard — Open Space Equivalent.

[R.O. 2009 § 17.34.080; Prior Code § 10-112(2)(d)]

A building occupying a through lot may waive the requirements for a rear yard by furnishing other open space equivalent to such required rear yard.

Section 405.1250 Area — Rear Yard — Computation of.

[R.O. 2009 § 17.34.090; Prior Code § 10-112(2)(e)]

In computing the depth of a rear yard or the width of a side yard for any building where such yard opens into an alley, one-half ($\frac{1}{2}$) of such alley may be assumed to be a portion of the yard.

Section 405.1260 Court Development — Yard Requirements.

[R.O. 2009 § 17.34.100; Prior Code § 10-112(2)(f)]

In the case of the court development, side yard may be used as the rear yard; provided that one (1) foot additional shall be added to the required side yard for each family unit opening onto or served by such side yard.

Section 405.1270 Yards and Courts To Be Kept Open.

[R.O. 2009 § 17.34.110; Prior Code § 10-112(2)(g)]

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the projections of sills, belt courses, cornices and ornamental features not to exceed four (4) inches; provided however, that open balconies or cornices may project into a front yard not more than three and one-half ($3\frac{1}{2}$) feet.

Section 405.1280 [R.O. 2009 § 17.34.120; Prior Code § 10-112(2)(h)]

Reserved [Ord. No. 6220, 5-26-2021]

Section 405.1290 Accessory Building.

[R.O. 2009 § 17.34.130; Prior Code § 10-112(2)(i)]

A detached accessory building may occupy not more than thirty percent (30%) of a required rear yard and shall be located at least ten (10) feet from any building.

Section 405.1300 Theaters — Parking.

[R.O. 2009 § 17.34.140; Prior Code § 10-112(2)(j)]

All theaters hereafter erected shall provide an accessible parking space in the form of a surfaced area or garage in accordance with Article VIII.

Section 405.1310 Loading and Unloading Space.

[R.O. 2009 § 17.34.150; Prior Code § 10-112(2)(k)]

In the "C-3" Commercial District, the "C-2" Commercial District and the "IL" Light Industrial District, all buildings erected or structurally altered for commercial or industrial purposes shall provide an adequate space on the premises for the loading and unloading of goods or material used in connection with such commercial or industrial uses.

Article IX Special Prohibitions**Section 405.1320 Prohibited Structures.**

[R.O. 2009 § 17.36.010; Prior Code § 10-115(1)]

It is unlawful for any person to erect any barn, stable or other objectional building within the City limits, nor shall any privy or outdoor toilet be constructed or situated within the City where water and sanitary sewerage facilities are available.

Section 405.1330 Livery or Livestock Feed Stable.

[R.O. 2009 § 17.36.020; Prior Code § 10-115(2)]

It is unlawful for any person to erect or operate any livery or livestock feed or sales stable within one hundred fifty (150) feet of any dwelling.

Section 405.1340 Declaration of Public Nuisance.

[R.O. 2009 § 17.36.040; Prior Code § 10-115(4)]

Any building erected or use operated in violation of this Chapter is declared a nuisance and may be abated in the same manner as provide by ordinance for abatement of other nuisances; provided that nothing contained in this Section shall apply to any of the above mentioned buildings or uses that were in existence or in operation when the ordinance codified in this Chapter went into effect.

Article X Off-Street ParkingSection 405.1350 **Generally.**

[R.O. 2009 § 17.38.010; Prior Code § 10-116(a)(part)]

Except in Zoning District with "DT" restrictions, all buildings and structures hereafter erected, constructed, reconstructed or altered shall be provided with off-street parking space, either in the form of parking garages or open parking area, for parking of motor vehicles in accordance with the following minimum requirements. In a residence district, no part of an off-street parking area, driveways excluded, shall be located in the required front yard. All loading areas shall be so located that delivery or loading vehicles shall not obstruct streets, walks or public rights-of-way.

Section 405.1360 – 405.1400

Reserved [Ord. No. 6220, 5-26-2021]

Article XI

Section 405.1410 – 405.1480

Reserved [Ord. No. 6220, 5-26-2021]

Article XII Medical MarijuanaSection 405.1490 **Medical Marijuana.**

[Ord. No. 6158, 7-29-2019]

A. Medical Marijuana Dispensaries.

1. Commercial-2 ("C-2") and Commercial-3 ("C-3") Zones of Section **405.920**, Tables — Use, Height and Area Regulations of the Code of Sikeston, Missouri, is hereby amended to add a new designation, Medical Marijuana Dispensary Facility.
2. Light Industrial ("IL") and Heavy Industrial ("IH") Districts of Section **405.1130**, Tables — Use, Height and Area Regulations of the Code of Sikeston, Missouri, is hereby amended to add a new designation, Medical Marijuana Dispensary Facility.
3. Standards For Medical Marijuana Dispensaries. No building shall be constructed, altered or used for a Medical Marijuana Dispensary without complying with the following regulations this Article.

- a.** No Medical Marijuana Dispensary shall be located within five hundred (500) feet of a then existing elementary or secondary school, child day care center, or church*. Measurements shall be in a method consistent with the following:
[Ord. No. 6164, 9-30-2019]

(1) The distance between the facility and the school, day care, or church shall be measured between the closest public entrances of the facility and the school, day care or church.

(2) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

"Then existing" shall mean any school, child day care center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Dispensary first applies for either zoning or a building permit, whichever comes first.

- b.** On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Dispensary building.
- c.** Hours Of Operation. All sales or distribution of Medical Marijuana and any other products sold to the public through a Medical Marijuana Dispensary shall take places between the hours of 7:00 a.m. and 7:00 p.m., Monday – Sunday. Medical Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this Subsection and no persons not employed by the Medical Marijuana Dispensary may be present in such a facility at any time it is closed to the public.
- d.** Display Of License Required. The Medical Marijuana Dispensary license issued by the State of Missouri shall be prominently in a highly visible location, easily seen by patients on the dispensary's sales floor.
- e.** Zoning Limitations. Medical Marijuana Dispensaries shall be in any Commercial-2 ("C-2"), Commercial-3 ("C-3") Zones, Light Industrial Districts ("IL") and Heavy Industrial ("IH") Districts located in the City of Sikeston.
- f.** Site Plan Review. Any plans for a Medical Marijuana Dispensary shall meet the standard new construction or new business requirements of all General Business and Commercial District construction outlined in this Title and approved subject to the standard procedures of the 2012 International Code Council and local ordinances of the City of Sikeston, general business and commercial zoning code.

B. Medical Marijuana-Infused Products Manufacturing Facilities And Medical Marijuana Testing Facilities.

[Ord. No. 6164, 9-30-2019]

1. Light Industrial (IL) District and Heavy-Industrial (IH) District of the City Code of Sikeston, Missouri, is hereby amended to add to Section **405.1130**, Tables — Use, Height and Area Regulations, Standards for Medical Marijuana-Infused Products Manufacturing Facilities and Medical Marijuana Testing Facilities. The standards which apply to said facilities shall be as set forth in Subsection **(B)(2)**, below.
2. No building shall be constructed, altered or used for a Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility without complying with the following regulations:
 - a. Distance Requirement. No Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility using any combustible gases or CO² in the extraction process shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, licensed child day care center, or church. Any other Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility may be located in any location where a Medical Marijuana Dispensary may be located as detailed above, and subject to zoning restrictions. Measurements shall be in a method consistent with the following:
 - (1) The distance between the facility and the school, day care, or church shall be measured between the closest public entrances of the facility and the school, day care or church.
 - (2) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

"Then existing" shall mean any school, child day care center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility first applies for either zoning or a building permit, whichever comes first.

- b. Outdoor Operations Or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
 - c. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Testing Facility during regular business hours.
 - d. Hours Of Operation. All Medical Marijuana-Infused Products Manufacturing Facilities and Medical Marijuana Testing Facilities shall be closed to the public and no persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
 - e. Display Of Licenses Required. The Medical Marijuana-Infused Products Manufacturing Facility license or Medical Marijuana Testing Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.
 - f. Site Plan Review Required. Any plans for a Medical Marijuana-Infused Products Facility or Medical Marijuana Testing Facility using combustible gases or CO² in the extraction process shall meet the standard new construction requirements of the Light Industrial District outlined in this Title and approved subject to the standard procedures of the 2012 International Building Code and local ordinances of the City of Sikeston for Light Industrial Districts ("IL") or Heavy Industrial Districts ("IH"). Furthermore, this Section clarifies that Medical Marijuana-Infused Products Facility may be built in either a Light Industrial ("IL") or Heavy Industrial District ("IH").
- C. Medical Marijuana Cultivation Facility.**
- 1. Heavy Industrial ("IH") District and Agricultural/Open Space ("AG") District of the City Code of Sikeston, Missouri, is hereby amended to add to Section **405.700**, Permitted Use, a new designation for Medical Marijuana Cultivation Facilities. The standard which shall apply to said facilities shall be as set forth in Subsection **(C)(2)**, below.

2. No building shall be constructed, altered or used for a Medical Marijuana Cultivation Facility without complying with the following regulations of the Heavy Industrial ("IH") District and Agricultural/Open Space ("AG") District or the City Code of Sikeston, Missouri.

a. Distance Requirement. No Medical Marijuana Cultivation Facility shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, State licensed child day care center or church.

Measurements shall be consistent with the following:

(1) 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 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.

(2) 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.

(3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

"Then existing" shall mean any school, child day care center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Cultivation Facility first applies for either zoning or a building permit, whichever comes first.

b. Outdoor Operations Or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.

- c. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility during regular business hours.
- d. Hours Of Operation. All Medical Marijuana Cultivation Facilities shall be closed to the public and no persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- e. Display Of Licenses Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
- f. Site Plan Review Required. Any plans for an indoor Medical Marijuana Cultivation Facility shall meet the standard new construction requirements of the Heavy Industrial ("IH") District outlined in this Title and approved subject to the standard procedures of the 2012 International Code Council and local ordinances of the City of Sikeston. In the Agricultural/Open Space ("AG") District, any outdoor Medical Marijuana Cultivation Facility shall meet the standard requirements for of any other crop, except as otherwise set forth herein.

Insert::

See "Exhibit A"

Table 450.1 – Minimum Areas for Zoning Districts

Insert: See "Exhibit B"

Table 802.1 Fence Heights Supplement

802.1.2 – Fence Regulations

SECTION III: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION IV: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

- A. Bill Number 6220 was introduced and read the first time this 5th day of April 2021.
- B. Bill Number 6220 was read the second time and discussed on this 26th day of April, 2021. Following discussion, Councilwoman Williams moved to approve Bill Number 6220. The motion was seconded by Councilman Merideth, discussed and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

C. Ordinance 6220 shall be in full force and effect from and after May 26, 2021.

Award Street Improvement Bids – Waters Engineering

On April 2, 2021, the City opened bids for the cold milling, pavement replacement and bituminous overlay on Adams, Jefferson and Osage (Bid #21-25) and for Greer & Ranney and Greer & Warner intersection replacement with associated drainage work. (Bid #21-26)

For Bid #21-25, Apex Paving of Cape Girardeau, Missouri submitted a low bid with a price of \$160,210.12. We ask that Council award Bid #21-25 to Apex Paving.

For Bid #21-26, Kleusner Construction of Kelso, Missouri submitted a low bid with a price of \$212,135.50. We ask that Council award Bid #21-26 to Kleusner Construction.

Councilman Self moved to award Bid #21-25 to Apex Paving in the amount of \$160,210.12 and Bid #21-26 to Kleusner Construction in the amount of \$212,135.50. The motion was seconded by Councilman Merideth and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

Award Street Improvement Bids – Lambert Engineering

On April 2, 2021, the City opened bids for the milling and asphaltting of Pine Street and Edmondson Street. (Bid #21-29). This bid also included two alternates: Alternate 1 includes the

milling and asphaltting of Campanella from N. Ingram halfway to Gehrig; Alternate 2 includes the milling and asphaltting of the other half of Campanella from N. Ingram to Gehrig.

Apex Paving of Cape Girardeau, Missouri submitted a low bid with a price of \$257,686.63 for the Base Bid plus Alternate 1 and Alternate 2.

Councilman Sparks moved to award Bid 21-29 to Apex Paving for the base bid plus Alternates 1 and 2 in the amount of \$257.686.63. The motion was seconded by Councilman Merideth and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the City Council, Councilman Sparks moved to adjourn into executive session for personnel. The motion was seconded by Councilman Merideth and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

Mayor Burch called the executive session to order. Present were: Mayor Greg Turnbow and Councilmen Ryan Merideth, Brandon Sparks, Brian Self, Onethia Williams, Vest Baker and David Teachout. Staff present were: City Manager Jonathan Douglass and Finance Director Karen Bailey.

Councilman Self moved to increase Jonathan Douglass' annual salary to \$125,000 per year, effective the first pay period in May. The motion was seconded by Councilman Williams and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT OUT OF EXECUTIVE SESSION

Councilman Merideth moved to adjourn from executive session. The motion was seconded by Councilman Self and the following roll call vote recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT

There being no further business before the City Council, Councilman Self moved to adjourn. The motion was seconded by Councilwoman Williams and the following roll call vote was recorded:

Sparks Aye, Merideth Aye, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

APPROVED:

GREG TURNBOW, MAYOR

ATTEST:

RHONDA COUNCIL, CITY CLERK

SEAL: