

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE  
OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU,  
MISSOURI, REGARDING C-2, HIGHWAY COMMERCIAL  
DISTRICT

---

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

ARTICLE 1. Section 30-67, entitled "C-2, Highway Commercial  
District", of Article III of Chapter 30 of the City Code,  
reading as follows:

Sec. 30-67. C-2, Highway Commercial District.

(a) *Purpose.* The C-2 district provides for commercial uses  
typically found along major thoroughfares, which are  
generally more intensive than uses permitted in the other  
commercial districts. As such, this district is primarily  
intended for areas of the city located in high-volume traffic  
corridors. In addition to uses permitted in the C-1 district,  
the C-2 district permits commercial developments requiring  
long-term outdoor display of merchandise. Other uses having  
the potential to significantly affect adjacent residential  
and commercial districts may be allowed with approval of a  
special use permit.

(b) *Permitted principal uses.*

- (1) Arenas or stadiums.
- (2) Art galleries or museums.
- (3) Auditoriums or theaters.
- (4) Banks or other financial institutions.
- (5) Banquet facilities.
- (6) Bed and breakfasts.
- (7) Commercial day cares.
- (8) Commercial recreation facilities.
- (9) Driving ranges.
- (10) Funeral homes or mortuaries.
- (11) Governmental facilities.
- (12) Health or fitness centers.
- (13) Helicopter landing pads, heliports or other landing  
areas in relationship with a hospital.

- (14) Hospitals.
- (15) Hotels or motels.
- (16) Institutions of higher education, including business, career or technology schools.
- (17) Instructional schools for art, dance, music, martial arts or other disciplines.
- (18) Kennels.
- (19) Libraries.
- (20) Medical marijuana dispensary facilities, as permitted in section 30-118.
- (21) Meeting halls.
- (22) Microbreweries.
- (23) Mini warehouses or self-storage units.
- (24) Nurseries or greenhouses.
- (25) Nursing homes.
- (26) Offices.
- (27) Outdoor storage facilities for recreation vehicles or watercraft.
- (28) Parks or playgrounds.
- (29) Personal service establishments.
- (30) Pet grooming facilities.
- (31) Police or fire stations.
- (32) Residential treatment facilities.
- (33) Restaurants or bars.
- (34) Retail or rental establishments.
- (35) Television or radio studios, including any transmitting facilities.
- (36) Transit terminals.
- (37) Transitional housing.
- (38) Vehicle fueling, service or repair facilities, excluding body or paint shops.
- (39) Veterinary clinics or animal hospitals.
- (40) Warehouses or distribution centers.
- (41) Wineries.

(c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-106.
- (2) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (3) Solar energy systems, as permitted in section 30-113.

(d) *Special uses.*

- (1) Amusement parks.
- (2) Billboards, as permitted elsewhere in the city Code.
- (3) Campgrounds, travel trailer or recreation vehicle parks.
- (4) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (5) Manufactured business units, for office use only.
- (6) Public utilities, except for buildings or accessory structures that are normal and customary in a zoning district which would allow other buildings or structures of the same nature as a use-by-right.
- (7) Short-term or long-term use of shipping containers for principal uses, as permitted in section 30-105.
- (8) Telecommunication towers, as permitted in section 30-107.
- (9) The allowance of additional height up to a total of 100 feet, not to exceed a total of eight stories.
- (10) Vehicle body or paint shops.
- (11) Vehicle washing facilities, automatic or hand wash.
- (12) Wind energy conversion systems, as permitted in section 30-113.

(e) *Standards.*

- (1) Outdoor display of merchandise is permitted in accordance with the following provisions:
  - a. Displays shall not be located in a right-of-way.
  - b. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the city Code. Vehicles for sale or rental and displays that are part of a bazaar, craft sale, garage or yard sale, or similar temporary event are exempt from this requirement, as determined by the city manager.

- c. Displays shall not impede vehicular or pedestrian access.
- d. Displays shall not alter the structure of any building.
- e. Displays shall not create a health or safety hazard.
- f. Displays shall be well kept and orderly.
- g. Signs may be displayed as permitted elsewhere in the city Code.
- h. The display of seasonal items shall be limited to a time period that is customary for the season associated with the display, which shall be at the discretion of the city manager.

(2) Outdoor service areas and equipment such as loading docks, mechanical equipment, storage areas, or waste containers shall be located in the rear or side yard and screened as required elsewhere in the city Code.

(f) *Height, area, width, setback and open space requirements.*

(1) Maximum height: 60 feet, not to exceed five stories.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Minimum setbacks:

a. Front yard: 25 feet.

b. Rear yard: None, except 20 feet when adjacent to a residential use or district, or ten feet when adjacent to an agricultural use or district.

c. Side yard: None, except 20 feet when adjacent to a residential use or district, or ten feet when adjacent to an agricultural use or district.

(5) Minimum open space: 15 percent of the lot area.

~~is hereby repealed in its entirety~~ and a new Section 30-67, entitled "C-2, Highway Commercial District", of Article III of Chapter 30 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-67. C-2, Highway Commercial District.

(a) *Purpose.* The C-2 district provides for commercial uses typically found along major thoroughfares, which are generally more intensive than uses permitted in the other commercial districts. As such, this district is primarily intended for areas of the city located in high-volume traffic corridors. In addition to uses permitted in the C-1 district,

the C-2 district permits commercial developments requiring long-term outdoor display of merchandise. Other uses having the potential to significantly affect adjacent residential and commercial districts may be allowed with approval of a special use permit.

(b) *Permitted principal uses.*

- (1) Arenas or stadiums.
- (2) Art galleries or museums.
- (3) Auditoriums or theaters.
- (4) Banks or other financial institutions.
- (5) Banquet facilities.
- (6) Bed and breakfasts.
- (7) Commercial day cares.
- (8) Commercial recreation facilities.
- (9) Driving ranges.
- (10) Funeral homes or mortuaries.
- (11) Governmental facilities.
- (12) Health or fitness centers.
- (13) Helicopter landing pads, heliports or other landing areas in relationship with a hospital.
- (14) Hospitals.
- (15) Hotels or motels.
- (16) Institutions of higher education, including business, career or technology schools.
- (17) Instructional schools for art, dance, music, martial arts or other disciplines.
- (18) Kennels.
- (19) Libraries.
- (20) Medical marijuana dispensary facilities, as permitted in section 30-118.
- (21) Meeting halls.
- (22) Microbreweries.
- (23) Mini warehouses or self-storage units.
- (24) Nurseries or greenhouses.
- (25) Nursing homes.

- (26) Offices.
- (27) Outdoor storage facilities for recreational vehicles or watercraft.
- (28) Parks or playgrounds.
- (29) Personal service establishments.
- (30) Pet grooming facilities.
- (31) Police or fire stations.
- (32) Residential treatment facilities.
- (33) Restaurants or bars.
- (34) Retail or rental establishments.
- (35) Television or radio studios, including any transmitting facilities.
- (36) Transit terminals.
- (37) Transitional housing.
- (38) Vehicle fueling, service or repair facilities, excluding body or paint shops.
- (39) Vehicle washing facilities, automatic or hand wash.
- (40) Veterinary clinics or animal hospitals.
- (41) Warehouses or distribution centers.
- (42) Wineries.

(c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-106.
- (2) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (3) Solar energy systems, as permitted in section 30-113.

(d) *Special uses.*

- (1) Amusement parks.
- (2) Billboards, as permitted elsewhere in the city Code.
- (3) Campgrounds, travel trailer or recreational vehicle parks.
- (4) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (5) Manufactured business units, for office use only.

- (6) Public utilities, except for buildings or accessory structures that are normal and customary in a zoning district which would allow other buildings or structures of the same nature as a use-by-right.
- (7) Short-term or long-term use of shipping containers for principal uses, as permitted in section 30-105.
- (8) Telecommunication towers, as permitted in section 30-107.
- (9) The allowance of additional height up to a total of 100 feet, not to exceed a total of eight stories.
- (10) Vehicle body or paint shops.
- (11) Wind energy conversion systems, as permitted in section 30-113.

(e) *Standards.*

- (1) Outdoor display of merchandise is permitted in accordance with the following provisions:
  - a. Displays shall not be located in a right-of-way.
  - b. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the city Code. Vehicles for sale or rental and displays that are part of a bazaar, craft sale, garage or yard sale, or similar temporary event are exempt from this requirement, as determined by the city manager.
  - c. Displays shall not impede vehicular or pedestrian access.
  - d. Displays shall not alter the structure of any building.
  - e. Displays shall not create a health or safety hazard.
  - f. Displays shall be well kept and orderly.
  - g. Signs may be displayed as permitted elsewhere in the city Code.
  - h. The display of seasonal items shall be limited to a time period that is customary for the season associated with the display, which shall be at the discretion of the city manager.
- (2) Outdoor service areas and equipment, storage areas, and waste containers shall be located in the rear or side yard and screened as required elsewhere in the city Code.

(f) *Height, area, width, setback and open space requirements.*

- (1) Maximum height: 60 feet, not to exceed five stories.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Minimum setbacks:

a. Front yard: 25 feet.

b. Rear yard: None, except 20 feet when adjacent to a residential use or district, or ten feet when adjacent to an agricultural use or district.

c. Side yard: None, except 20 feet when adjacent to a residential use or district, or ten feet when adjacent to an agricultural use or district.

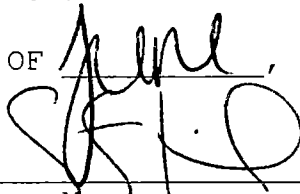
(5) Minimum open space: 15 percent of the lot area.

ARTICLE 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20th DAY OF June, 2022.

  
\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

  
\_\_\_\_\_  
Bruce Taylor, Deputy City Clerk

