

Bill No. 4236, an Ordinance of the City of Wentzville, Missouri, Amending Title IV Land Use, Chapter 405 Zoning Regulations; Article III Supplementary District Regulations, Section 405.480 Temporary Uses; Article V Off Street Parking and Loading Requirements, Section 405.550 Design Requirements; Article XII Signs, Section 405.1250 Residential Signage, Section 405.1280 Commercial and Industrial Signage; Article III Supplementary District Regulations, Section 405.380 Yard and Setback Exceptions, Section 405.405 Medical Marijuana Land Use Separation Requirements; Article I in General, Section 405.050 Definitions, and Matters Relating Thereto, as Per Application 19-73-PZ.

WHEREAS, pursuant to Article XII - Amendments, the City's Planning Division has been directed to draft Text Amendments to Chapter 405 of the City of Wentzville's Zoning Code (the zoning "Text Amendments"); and

WHEREAS, The City's Comprehensive Plan, Land Use Chapter, as a Growth Management objective directs the community to update and monitor the Community's zoning ordinance to ensure compatibility, desired development activities, and to maintain a progressive ordinance, and

WHEREAS, that after proper notice in accordance with applicable legal provisions, a public hearing was held in regard to the Text Amendments by the City's Planning and Zoning Commission (the "Commission") on October 29, 2019, and the Commission made a recommendation to the Board of Aldermen (the "Board") that the Board approve the Text Amendments; and

WHEREAS, the Board, after careful and due deliberation, following a duly noticed public hearing held on November 6, 2019, has concluded that the proposed Text Amendments are desired and necessary and accordingly would be in the interests of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI, AS FOLLOWS:

Section 1: Sub-part 6 Special Events of Subsection (d) Temporary Uses Permitted of Section 405.480 Temporary Uses within Title IV Land Use, Chapter 405 Zoning Regulations, Article III Supplementary District Regulations is hereby repealed and a new Subsection (d) (6) Special Events is enacted in its place to read as follows:

(6) *Special events.*

a. *Duration.* Special events within the city shall be permitted not to exceed four days in any zoning district except as provided in subsection (e) of this section.

b. *Permits/approvals.* Any temporary structures to be used in conjunction with the

special event shall receive a building permit and occupancy approval, as applicable, and shall be located in compliance with applicable zoning district setbacks and sight triangle provisions of these regulations. Applicants shall receive business license approval and shall comply with applicable provisions of Chapter 605. Individual Permit approvals for the sale of merchandise regularly offered for sale on the premises shall not exceed four in any calendar year. A special event on public property shall receive Board of Aldermen approval. Exceptions: Road Closures less than six hours in duration or use of any City Park.

c. *Signage.* In addition to any on-premises signage, the special events shall be permitted to display up to three temporary off-premises directional signs advertising the event. Such temporary off-premises directional signage shall not exceed thirty-two (32) square feet in area per individual sign and may only be located at intersections of primary public streets (outside of the right-of-way) with approval of property owners or upon a city-approved location with approval of property owners. Multiple signs at any one location shall not exceed one hundred twenty-eight (128) square feet in total sign area. These signs shall pertain to the special event only and shall not contain any commercial/business advertisement unrelated to the event. No signs, whether on-premises or off-premises, shall be located in a sight triangle as defined in Section 405.380(f). Signage may not be displayed more than two weeks prior to an event and all signs shall be removed immediately following the special event. The city shall review signage in connection with a special event, although a separate sign permit is not required unless otherwise required by the sign regulations.

Section 2: Sub-part (h) "Fee" of Section 405.480 Temporary Uses within Title IV Land Use, Chapter 405 Zoning Regulations, Article III Supplementary District Regulations is hereby repealed and a new Subsection (h) is enacted in its place to read as follows:

(h) *Fee.* A fee of \$50.00 shall be paid to the city for administration of city services associated with applications for approval of temporary uses or special events permitted in subsections (d)(5) through (7) of this section, and a fee of \$25.00 shall be required for applications submitted by nonprofit organizations, as defined by the Internal Revenue Code, section 501(c)3, with satisfactory evidence being provided to the permit official.

Section 3: Sub-part (d.5) "Carnivals and Circuses; festivals", and Subsection (b) "City Days" of Section 405.480 Temporary Uses within Title IV Land Use, Chapter 405 Zoning Regulations, Article III Supplementary District Regulations is hereby repealed and a new Subsection (b) is enacted in its place to read as follows:

b. *City Operated Festivals and Events.* The intent of this section is to establish vehicular and use restrictions within a defined area during the City operated Festival and event to ensure

public safety. The festival area and street closures for the festival shall be as specified by the board of aldermen from year to year by ordinance. Skateboards, skates and bicycles are prohibited from the festival area unless participating in official scheduled activities. In addition, no vehicular traffic is permitted on the streets within the festival area unless participating in official scheduled activities or required for official festival business or to provide goods or services to a business located within the festival area.

Section 4: Sub-part (1)(b) Exceptions of Subsection (a) Surface Material of Section 405.550 Design Standards within Title IV Land Use, Chapter 405 Zoning Regulations, Article V Off Street Parking and Loading Requirements is hereby repealed and new sup-part (1)(b) is hereby enacted in its place to read as follows:

(a) *Surface material.*

(1.) b. Exceptions: Existing residential gravel driveways may continue to exist, so long as they are legally installed and properly maintained. Proposed new residential driveways upon property zoned Agricultural may be gravel if greater than 100 feet in length and properly installed and maintained. The first twenty feet of the approach to a public street of a qualifying gravel driveway shall be paved.

Section 5: Subsection (a)(11) Electronic Message Centers of Section 405.1200 Prohibited Signs within Title IV Land Use, Chapter 405 Zoning Regulations, Article XII Signs, is hereby repealed and a new Subsection (a) (11) is enacted in its place to read as follows:

(11). Electronic message centers (EMC) or animated signs, except as allowed by sections 405.1250.(2), 405.1260(a)(3) and (8) and 405.1270(c);

Section 6: Sub-part (2) Church, Public or Semi-Public Buildings, or Public Park Identification Sign of subsection (a) Allowable Signs of Section 405.1250 Residential Signage within Title IV Land Use, Chapter 405 Zoning Regulations, Article XII Signs is hereby repealed and a new Subsection (a) (2) is enacted in its place to read as follows:

(2) *Church, public or semi-public buildings, or public park identification sign.* Not more than one ground sign not exceeding 50 square feet in size per face. Said sign may include an electronic message center provided it complies with the provisions of section 405.1260(a)(3)(b). Attached building signage is permitted provided such signs comply with the provisions of section 405.1260(a)(2).

Section 7: Title IV Land Use, Chapter 405 Zoning Regulations; Article XII Signs, is hereby amended in all sections of the Article to repeal all references to VC-1 Village Center Core, VC-2 Village center Corridor, and VC-3 Village Center Light Industrial/Loft Zoning Districts, and enact

in all areas in the Article the amended district titles to read as follows:

HD-1 Historic Downtown Core District, HD-2 Historic Downtown Corridor District, and HD-3 Historic Downtown Light Industrial/Loft District.

Section 8: Title IV Land Use, Chapter 405 Zoning Regulations, Article XII Signs, Section 405.1270 Special Use Signage, subsection (a) (2) is hereby amended to strike the following:

~~(2) Self-service and/or full-service signs. Two self-service or full-service signs per pump island not exceeding ten square feet per sign, located at the ends of pump islands may be affixed to the canopy, canopy supports, poles, or end pumps.~~

Section 9: Title IV Land Use, Chapter 405 Zoning Regulations; Article XII Signs, Section 405.1270 Special Use Signage, subsection (a) Allowable signs (4) (a) Canopy use is hereby repealed and a new Subsection (a) (4) (a) is enacted in its place to read as follows:

4. *Other requirements.*

- a. *Canopy use.* An attached or detached canopy may be used for the location of brand identification sign(s), or as an alternative location for price signs, or company logos, not to exceed twenty square feet per canopy face.

Section 10: Title IV Land Use, Chapter 405 Zoning Regulations; Article III Supplementary District Regulations Section 405.380 Yard and Setback Exceptions, Subsection (c) Structural Projections is hereby repealed and a new Subsection (c) is enacted in its place to read as follows:

- c. *Structural projections.* Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features, bayed areas (such as bay windows, doors and other interior space, with or without usable floor space), and roof eaves; provided, however, that none of the above projections shall extend into a minimum yard more than 24 inches or as otherwise provided for in this chapter; and provided further that outside stairways, balconies, canopies, fire escapes or open porches may project a maximum of six feet into the required front yard, and shall not be enclosed; and provided further that no dwelling unit shall have a bayed area that exceeds 20 square feet in area or that encroaches into an easement. Mechanical units are specifically excluded from this exception as it applies to front and side yard areas, whether attached or detached. For structures other than single-family, single-family attached and two-family dwellings, outside stairways, fire escapes and balconies may project into a required side yard not more than half the width of such yard, but not more than six feet from the building. Notwithstanding anything to the contrary above, no projection allowed hereunder shall project or extend into a side yard more than five feet from

any side yard property line.

Section 11: Title IV Land Use, Chapter 405 Zoning Regulations; Article I In General, Section 405.050 Definitions, whereby the definition for Deck, Attached and is hereby repealed and a new definition is enacted in its place to read as follows:

Deck, Attached, means an outdoor space built as an above ground platform or porch being attached or immediately adjacent to, accessible and accessory to the principal structure or other building, which shall not be enclosed with walls or screen but may be roofed.

Section 12: Title IV Land Use, Chapter 405 Zoning Regulations; Article III Supplementary District Regulations, Section 405.405 "Medical marijuana land use separation requirements" is hereby repealed and a new Section 405.405 is enacted in its place to read as follows:

Sec. 405.405. - Medical marijuana land use separation requirements.

New medical marijuana cultivation, manufacturing, dispensary, or testing facilities located within the city shall not be sited, at the time of application for license or for local zoning approval, whichever is earlier within one thousand (1,000) feet of any then existing elementary or secondary school, daycare, or church. Measurement methods shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot in accordance with the following:

a) Freestanding Facilities

In the case of freestanding medical marijuana cultivation or dispensary facilities this distance shall be measured from the external wall of the medical marijuana facility structure closest in proximity to the school, daycare or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, 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, daycare or church closest in proximity to the medical marijuana facility.

b) Facilities within Larger Structures

In the case of marijuana cultivation or dispensary facilities which are part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the closest medical marijuana facility's entrance or exit. If the school, daycare, 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, daycare or church closest in proximity to the medical marijuana facility.

Section 13: This ordinance shall be in full force and effective immediately upon enactment

and approval.


READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 20 DAY OF November, 2019.


Mayor, Nickolas Guccione

Attest:


City Clerk, Kathryn Bowman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 21 DAY OF November, 2019.


Mayor, Nickolas Guccione

Attest:


City Clerk, Kathryn Bowman

Approved as to Form:


Attorney

