



CITY OF CAPE GIRARDEAU, MISSOURI

City Council Agenda

Bob Fox, Mayor
Dan Presson, Ward 1
Shelly Moore, Ward 2
Victor R. Gunn, Ward 3
Robbie Guard, Ward 4
Ryan Essex, Ward 5
Stacy Kinder, Ward 6

City Council Chambers
City Hall
401 Independence Street

Agenda Documents, Video
Minutes, and Other Information
www.cityofcape.org/citycouncil

July 1, 2019
5:00 PM

Invocation

Pastor Jim Rudolph of First General Baptist Church in Cape Girardeau

Pledge of Allegiance

Study Session

No action will be taken during the study session

Presentations

- Beautiful Business Property of the Month
- Parks and Recreation Month Proclamation
- Recognition of Service - Council Member Victor R. Gunn

Communications/Reports

- City Council
- Staff

Items for Discussion

- Appearances regarding items not listed on the agenda

This is an opportunity for the City Council to listen to comments regarding items not listed on the agenda. The Mayor may refer any matter brought up to the City Council to the City Manager if action is needed. Individuals who wish to make comments must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. The timer will buzz at the end of the speaker's time.

- Agenda review

Regular Session

Call to Order/Roll Call

Adoption of the Agenda

Public Hearing

1. A public hearing to consider a request to rezone property at 3567/3569 and 3575/3577 Baldwin Drive from C-2 (Highway Commercial District) to R-3 (High Density Single-Family Residential District). (Item 17; BILL NO. 19-106)
2. A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding medical marijuana facilities and the personal cultivation of medical marijuana. (Item 18; BILL NO. 19-107)

Appearances regarding Items Listed on the Agenda

Individuals who wish to make comments regarding items listed on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes and must stand at the public microphone and state his/her name and address for the record. The timer will buzz at the end of the speaker's time.

Consent Agenda

The Consent Agenda is a meeting method to make City Council meetings more efficient and meaningful to the members of the audience. All matters listed within the Consent Agenda have been distributed to each member of the Cape Girardeau City Council for reading and study, are considered to be routine, and will be enacted by one motion of the council with no separate discussion. Staff recommends approval of the Consent Agenda. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council.

3. Approval of the June 17, 2019, City Council regular session minutes and closed session minutes.
4. BILL NO. 19-95, an Ordinance approving the Record Plat of Ahrens First Subdivision. Second and Third Readings.
5. BILL NO. 19-96, an Ordinance approving the Record Plat of Midamerica Crossings Second Subdivision. Second and Third Readings.
6. BILL NO. 19-97, an Ordinance approving the Record Plat of Teresa Connell Subdivision. Second and Third Readings.
7. BILL NO. 19-99, an Ordinance approving the Record Plat of Randolph Subdivision. Second and Third Readings.

8. BILL NO. 19-100, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Bicycle and Motorcycle Parking. Second and Third Readings.
9. BILL NO. 19-102, an Ordinance appropriating funds for operating expenditures, capital expenditures, debt service expenditures, and transfers for the fiscal year ending June 30, 2019, in the City of Cape Girardeau, Missouri. Second and Third Readings.
10. Bill NO 19-108, a Resolution authorizing the City Manager to execute an Agreement with Lappe Cement Finishing, Inc., for the 2018 Sidewalk Gap Program, in the City of Cape Girardeau, Missouri. Reading and Passage.
11. Accept Improvements and Authorize Final Payment to Lappe Cement Finishing Inc., for the Sidewalk Point Repair 2018 Project.
12. Accept Improvements and Authorize Final Payment to American Structures, Inc., for the New Gordonville Tank No. 1 Project.
13. Acceptance of public improvements to serve The Highlands at Hopper Crossing Phase 1.

Items Removed from Consent Agenda

New Ordinances

14. BILL NO. 19-103, an Ordinance annexing unincorporated land into the City limits of the City of Cape Girardeau, Missouri, located at 4195 and 4196 Stone Crest, and 4150 Thousand Oaks Lane, upon the request of the property owners. First Reading.
15. BILL NO. 19-104, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning the newly annexed properties located at 4195 and 4196 Stone Crest, and 4150 Thousand Oaks Lane, as R-1, Single Family Residential District. First Reading.
16. BILL NO. 19-105, an Ordinance extending the boundaries of Ward 4 to include properties newly annexed into the City Limits of the City of Cape Girardeau, Missouri. First Reading.
17. BILL NO. 19-106, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 3567/3569 and 3575/3577 Baldwin Drive, in the City and County of Cape Girardeau, Missouri, from C-2 to R-3. First Reading
18. BILL NO. 19-107, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Medical Marijuana Facilities and the Personal Cultivation of Medical Marijuana. First Reading.

Other Business

19. City Council process to fill vacant Office of Ward 3

Meeting Adjournment

Closed Session

The City Council of the City of Cape Girardeau, Missouri, may, as a part of a study session or regular or special City Council meeting, vote to hold a closed session to discuss issues listed in RSMo. Section 610.021, including but not limited to: legal actions, causes of legal action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining, personnel issues, or confidential or privileged communications with its attorneys.

- Legal actions and litigation, confidential communications with legal counsel, and property transactions, pursuant to RSMo. Sections 610.021(1), and (2).

Memos

- Appointment to the Historic Preservation Commission
- Appointment to the Public Library Board of Directors

Advisory Board Minutes

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-143

SUBJECT

A public hearing to consider a request to rezone property at 3567/3569 and 3575/3577 Baldwin Drive from C-2 (Highway Commercial District) to R-3 (High Density Single-Family Residential District).

EXECUTIVE SUMMARY

A public hearing has been scheduled for July 1, 2019 to consider a request to rezone property at 3567/3569 and 3575/3577 Baldwin Drive. An ordinance approving the rezoning is on this agenda as a separate item.

BACKGROUND/DISCUSSION

An application has been submitted to rezone property at 3567/3569 and 3575/3577 Baldwin Drive from C-2 (Highway Commercial District) to R-3 (High Density Single-Family Residential District). The immediately surrounding properties are zoned R-3 (High Density Single-Family Residential District) to the north, RUMD (Residential Urban Mixed Density District) to the northeast, and C-2 (Highway Commercial District) to the east, west, and south. This area consists of a mix of residential, commercial, and agricultural uses. The Comprehensive Plan's Future Land Use and Infrastructure Map shows the subject property as Mixed Density Residential.

A public hearing has been scheduled for July 1, 2019 to consider the rezoning request. An ordinance approving the rezoning is on this agenda as a separate item.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

In considering a rezoning request, both the Planning and Zoning Commission and the City Council must determine if the proposed zoning district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. A record plat has been submitted for the subject property, which is a continuation of the Baldwin Place subdivision. Baldwin Place is zoned R-3 and contains duplexes. The proposed zoning district is reasonable and in reasonable conformity with the immediately surrounding properties because it allows the subject property to be developed and used consistent with the rest of the Baldwin Place subdivision.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the rezoning request.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing on June 12, 2019 and recommended approval of the rezoning request by a vote of 8 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on June 16, 2019. In addition, a sign containing the date, time, location and subject of the Planning and Zoning Commission and City Council

public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

ATTACHMENTS:

Name:	Description:
☐ Staff_Review-Referral-Action_Form.pdf	3567/3569 & 3575/3577 Baldwin Drive - Staff RRA Form
☐ Map - Zoning - 3567-3569 3575-3577 Baldwin Drive.pdf	3567/3569 & 3575/3577 Baldwin Drive - Zoning Map
☐ Map - FLU - 3567-3569 3575-3577 Baldwin Drive.pdf	3567/3569 & 3575/3577 Baldwin Drive - FLU Map
☐ Application - Baldwin Drive Rezoning.pdf	3567/3569 & 3575/3577 Baldwin Drive - Application

CITY OF CAPE GIRARDEAU, MISSOURI

City Staff Review, Referral and Action on Rezoning/Special Use Permit Application

FILE NO. **1386**

LOCATION: 3567/3569 & 3575/3577 Baldwin Drive

STAFF REVIEW & COMMENTS:

Meyr Properties, LP is requesting to rezone property along Baldwin Drive from C-2 (Highway Commercial) to R-3 (High Density Single-family Residential). SEE STAFF REPORT FOR FURTHER INFORMATION

[Signature]
City Planner

5/29/19
Date

W. Eric Cunningham
City Attorney

MAY 30, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

May 30, 2019
Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: _____ Public Hearing Date: _____

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

[Signature]
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

Posting Dates: Sign _____ Newspaper _____ Public Hearing Date: _____
Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ **Effective Date:** _____

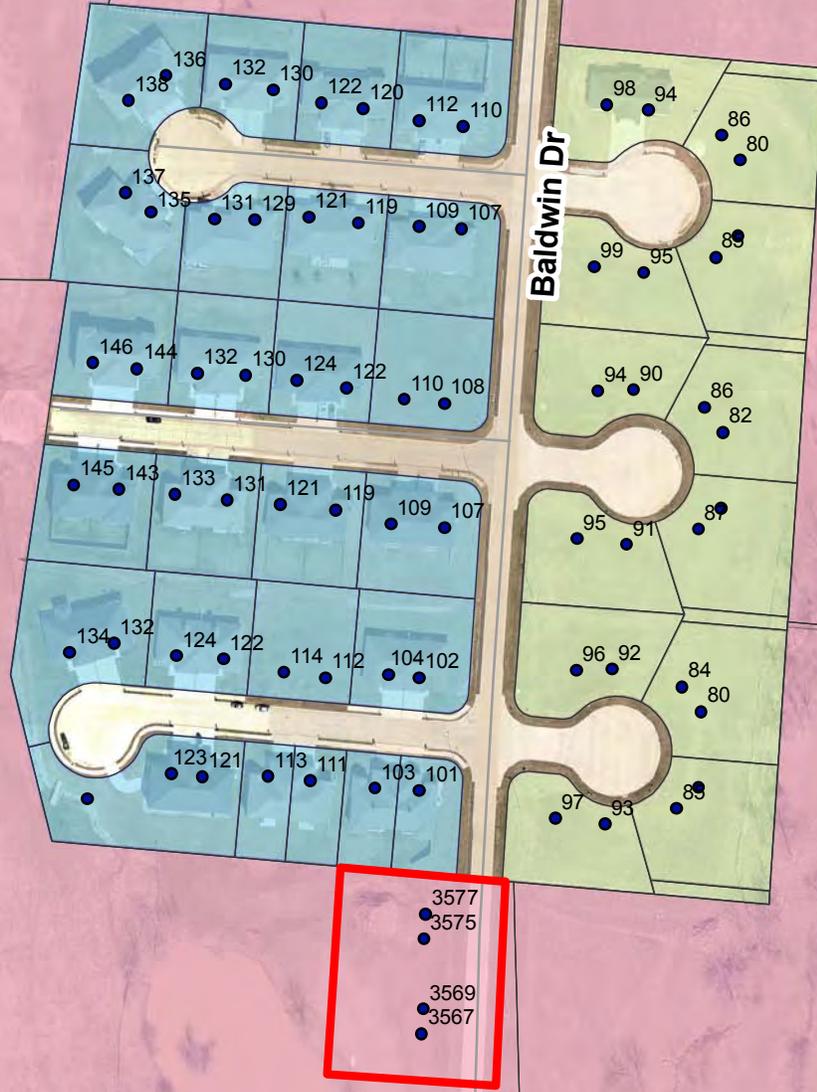
Rezoning Request - 3567/3569 & 3575/3577 Baldwin Drive

Requested Rezoning:
from C-2 (Highway Commercial District)
to the R-3 (High Density Single-family Residential District)
Future Land Use Recommendation: Mixed Density Residential

LaSalle Ave

Baldwin Dr

- 3589
- 3585
- 3581
- 3577
- 3573
- 3569
- 3565
- 3561
- 3555
- 3553
- 3549



 **CITY of CAPE GIRARDEAU**
Created by: Development Services
Carol Peters
May 24, 2019

Legend

-  Property to be rezoned
-  Parcels
- Zoning District**
-  RUMD
-  R3
-  C2

Rezoning Request - 3567/3569 & 3575/3577 Baldwin Drive

Requested Rezoning:
from C-2 (Highway Commercial District)
to the R-3 (High Density Single-family Residential District)
Future Land Use Recommendation: Mixed Density Residential

LaSalle Ave

Baldwin Dr



CITY of CAPE GIRARDEAU

Created by: Development Services
Carol Peters
May 24, 2019

Legend

 Property to be rezoned

 Parcels

FLU Recommendation

 Mixed Density Residential



REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Property Address/Location

Baldwin Drive (Baldwin Place Phase III)

Applicant Meyr Properties, LP		Property Owner of Record (if other than Applicant)	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
966 County Road 616	Jackson, MO 63755		
Telephone 573.225.9901	Email	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Ryland "Dutch" Myer		(Attach additional owners information, if necessary)	
Type of Request: Rezoning, Special Use Permit, or Both Rezoning			
Existing Zoning District C-2		Proposed Zoning District (Rezoning requests only) R-3 High Density Single Family Residential	

Legal description of property to be rezoned and/or upon which the special use is to be conducted

THAT PART OF UNITED STATES PRIVATE SURVEY NO. 790, IN TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF CAPE GIRARDEAU, OF CAPE GIRARDEAU COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BALDWIN PLACE PHASE II-A, AS SHOWN BY PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2015-04856 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI; THENCE SOUTH 084°57'40" EAST, 50.01 FEET TO THE SOUTH EAST CORNER OF THE RIGHT OF WAY OF BALDWIN DRIVE; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 84°57'40" EAST, 3.34 FEET; THENCE SOUTH 02°44'42" WEST, 222.83 FEET; THENCE NORTH 86°15'02" WEST, 184.24 FEET; THENCE NORTH 03°44'58" EAST, 226.86 FEET TO A POINT ON THE SOUTH LINE OF LOT 1 OF SAID BALDWIN PLACE PHASE II-A SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 & 2, SOUTH 84°57'40" EAST, 127.03 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.94 ACRES, MORE OR LESS.

Describe the proposed use of the property.

This property will be subdivided into two multi-family (duplex) lots, similar construction to Baldwin Place Phase II.

Application continues on next page

OFFICE USE ONLY

Date Received & By 5-22-19 File No. 1386 MUNIS Application No. _____
 Planning & Zoning Commission Recommendation _____ Date _____
 City Council Final Action _____ Date _____

Special Use Criteria (Special Use Permit requests only)

Explain how the Special Use Permit request meets the criteria below. Attach additional sheets, if necessary.

- 1) The proposed special use will not substantially increase traffic hazards or congestion.
- 2) The proposed special use will not substantially increase fire hazards.
- 3) The proposed special use will not adversely affect the character of the neighborhood.
- 4) The proposed special use will not adversely affect the general welfare of the community.
- 5) The proposed special use will not overtax public utilities.

ADDITIONAL ITEMS REQUIRED

See Instructions for more information.

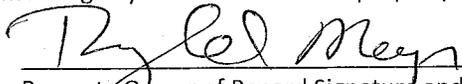
In addition to this completed application form, the following items must be submitted:

- Application fee (\$135.00 payable to City of Cape Girardeau + additional \$80 for Planned Development rezonings)
- One (1) list of names and mailing addresses of adjacent property owners
- One (1) set of mailing envelopes, stamped and addressed to adjacent property owners
- One (1) full size copy of a plat or survey of the property, if available
- One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
- Digital file of the plans in .pdf format (Planned Development rezonings and Special Use Permits only; can be emailed)
- One (1) set of Planned Development documents (Planned Development rezonings only)

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that an approved Special Use Permit becomes null and void if the use for which the permit was granted does not commence within twelve (12) months of the approval date, unless an extension has been granted; and
- 3) They acknowledge that they are responsible for ensuring that all required licenses and permits are obtained prior to commencing any use or work on the property.



Property Owner of Record Signature and Printed Name

Date

(Provide additional owners signatures and printed names in the space below, if applicable)

The undersigned hereby certifies that they are an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf, and that the Property Owner(s) of Record hereby agree to the above certifications.

Applicant Signature and Printed Name

Date

MEYR PROPERTIES LP
966 CO RD 616
JACKSON MO 63755

BRANDON ANDERSON
2256 CO RD 638
CAPE GIRARDEAU MO 63701

BALDWIN ENTERPRISES
215 KRAMER DR.
SIKESTON MO 63801

ODIS E RUBEL JR & CHARLOTTE RUBEL TRUST
111 AUTUMN LEAF DR
CAPE GIRARDEAU MO 63701

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-144

SUBJECT

A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding medical marijuana facilities and the personal cultivation of medical marijuana.

EXECUTIVE SUMMARY

A public hearing has been scheduled for July 1, 2019 to consider a proposed amendment to Chapter 30 of the Code of Ordinances regarding medical marijuana facilities and the personal cultivation of medical marijuana. The first reading of an ordinance approving the amendment is on this agenda as a separate item.

BACKGROUND/DISCUSSION

On November 6, 2018, Missouri voters approved Amendment 2, which legalized the use of marijuana for the treatment of certain specified medical conditions. Pursuant to Article XIV of the Missouri Constitution, local governments must establish regulations for medical marijuana facilities and the personal cultivation of medical marijuana. The attached ordinance amends the Zoning Code (Chapter 30 of the Code of Ordinances) to establish such regulations. The amendment is based on discussions at recent Planning and Zoning Commission and City Council meetings as well as public input received at these meetings and from a City-conducted survey.

The amendment adds a new section to the Supplemental District Regulations (Article 4) entitled "Sec. 30-415. - Medical Marijuana Facilities and Personal Cultivation of Medical Marijuana". This section contains the requirements for medical marijuana facilities, which have been compiled into a single table. The table reflects the Planning and Zoning Commission's recommendation on June 12, 2019. The footnotes explain how the distance is to be measured (taken directly from the State regulations). This section also contains a general requirement to comply with all applicable State laws and regulations as well as all other applicable requirements of the City Code to the extent authorized by State laws and regulations.

In addition to medical marijuana facilities, the amendment contains requirements for the personal cultivation of medical marijuana. Section 30-415 states that it is a permitted accessory use in all zoning districts in accordance with the requirements in Section 30-403 (Accessory Structures and Uses). The State laws and regulations provide for the cultivation of marijuana by a qualifying patient or primary caregiver. Similar to the general requirement in Section 30-415 pertaining to medical marijuana facilities, Section 30-403 contains a general requirement to comply with all applicable State laws and regulations as well as the City Code.

The remaining portions of the amendment add the appropriate medical marijuana facility type(s) to the permitted principal uses list in the AG, AG-1, CBD, C-1, C-2, M-1, and M-2 sections. Also included are minor changes to these sections for purposes of clarity and consistency.

A public hearing has been scheduled for July 1, 2019 to consider the proposed amendment. The first reading of an ordinance approving the amendment is on this agenda as a separate item.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 12, 2019 meeting, recommended approval of the amendment, with one change, with a vote of 7 in favor, 1 in opposition, and 0 abstaining. The amendment proposed by staff established a minimum distance requirement of two hundred (200) feet for medical marijuana dispensary facilities in the CBD (Central Business District) and a requirement of one thousand (1,000) feet for such facilities in the C-1 (General Commercial), C-2 (Highway Commercial), and M-1 (Light Manufacturing/Industrial) zoning districts. The Commission changed these to a single minimum distance requirement of five hundred (500) feet for medical marijuana dispensary facilities in the CBD, C-1, C-2, and M-1 districts. The Commission kept the minimum distance requirement for all other facility types at one thousand (1,000) feet.

PUBLIC OUTREACH

The City Council's public hearing on the amendment was advertised in the Southeast Missourian on June 16, 2019.

ATTACHMENTS:

Name:	Description:
Chapter 30 Amendment Regarding Medical Marijuana Facilities Personal Cultivation of Medical Marijuana (Edits Copy) - July 1 2019.pdf	Chapter 30 Amendment Regarding Medical Marijuana Facilities & Personal Cultivation of Medical Marijuana (Edits Copy)
Chapter 30 Amendment Regarding Medical Marijuana Facilities Personal Cultivation of Medical Marijuana (Clean Copy) - July 1 2019.pdf	Chapter 30 Amendment Regarding Medical Marijuana Facilities & Personal Cultivation of Medical Marijuana (Clean Copy)

TEXT TO BE DELETED IS SHOWN IN STRIKETHROUGH

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT:

ARTICLE 4. - SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 30-401. - Special use permits.

Sec. 30-402. - Shipping containers.

Sec. 30-403. - Accessory structures and uses.

Sec. 30-404. - Telecommunication towers; standards.

Sec. 30-405. - Home occupations.

Sec. 30-406. - Temporary uses.

Sec. 30-407. - Nonconforming uses.

Sec. 30-408. - Home day cares.

Sec. 30-409. - Excursion or floating gambling facilities.

Sec. 30-410. - Alternative energy systems.

Sec. 30-411. - In-home elderly care.

Sec. 30-412. - Guest houses.

Sec. 30-413. - Height and area exceptions and modifications.

Sec. 30-414. - Recreational vehicles.

Sec. 30-415. - Medical marijuana facilities and personal cultivation of medical marijuana.

Sec. 30-310. - AG, ~~Agricultural District~~ **agricultural district**.

- (a) *Purpose.* The purpose of the AG (~~agricultural~~) district is to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. This district is intended for land of ten (10) acres or more. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use, **use** is not permitted in the AG district.
- (b) *Permitted principal uses.*
- (1) Farming, pastureland and agriculture, except commercial feedlots, stockyards and confinement operations.
 - (2) Orchards.
 - (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept, shall be two hundred (200) feet from the property line. Commercial slaughtering business is not allowed.
 - (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm.
 - (5) Police and fire stations.
 - (6) Bed and breakfasts.
 - (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
 - (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
 - (9) Veterinarian facilities, provided that all buildings, structures, pens or open kennels shall be located at least two hundred (200) feet from any lot line.
 - (10) Riding stables, provided that any building for keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (11) Wineries.
 - (12) Public parks, playgrounds and recreational facilities.
 - (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
 - (14) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.**
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory ~~structures~~, **structures and uses, as permitted in section 30-403, supplemental regulations.** ~~provided that any~~ Any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (2) Agricultural product storage.
 - (3) Roadside stands for sale of agricultural products.
 - (4) Home occupations, as permitted in section 30-405, supplemental regulations, but not including typical farming operations.
 - (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
 - (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (7) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

- (d) *Special uses.*
 - (1) Commercial day care facilities.
 - (2) Manufactured home, for the purpose of agricultural related residence.
 - (3) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
 - (4) Cemeteries on a minimum of ten (10) acres of land.
 - (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (6) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (7) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
 - (1) *Maximum Height:* Forty (40) feet.
 - (2) *Minimum District Size:* Ten (10) acres.
 - (3) *Maximum Density:* One (1) unit per five (5) acres.
 - (4) *Minimum Lot Width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum Lot Area:* Five (5) acres for each single-family detached dwelling; no subdivision is required for such lots.
 - (6) *Minimum Yard Requirements:*
 - a. *Front yard:* Sixty (60) feet.
 - b. *Rear yard:* Fifty (50) feet.
 - c. *Side yard:* Fifty (50) feet.
- (f) *Prohibited uses.*
 - (1) Single-family subdivision.

Sec. 30-311. - AG-1, exclusive agricultural district.

- (a) *Purpose.* The purpose of the AG-1 district is to provide for agricultural activities, and to provide for untimely scattering of more dense urban uses, which should be confined to areas planned for efficient extension of public services. The district is established to preserve, in agricultural uses, lands suited for future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use, where the opening of new streets or roadways is contemplated to accomplish this purpose, is not permitted in an AG-1 district. The subdivision of land for a purpose that relates to a use provided for in the AG-1 district may be allowed. Change of zoning from AG-1 to any other zoning district shall be accompanied by a site plan for development and be subject to provisions of the Code of Ordinances of the City of Cape Girardeau.
- (b) *Permitted principal uses.*
- (1) Farming, pastureland and agriculture, except animal feeding operations (AFO) and concentrated animal feeding operations, (CAFO), feedlots, stockyards and confinement operations.
 - (2) Orchards.
 - (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept. High volume wholesale commercial slaughtering business is not allowed.
 - (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm, which includes manufactured homes.
 - (5) Police and fire stations.
 - (6) Bed and breakfasts.
 - (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
 - (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
 - (9) Veterinarian facilities.
 - (10) Riding stables.
 - (11) Wineries.
 - (12) Public parks, playgrounds and recreational facilities.
 - (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
 - (14) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, structures and uses, as permitted in section 30-403, supplemental regulations. provided that any Any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (2) Agricultural product storage.
 - (3) Roadside stands for sale of agricultural products.
 - (4) Home occupations, so long as they do not create nuisance, hazardous or dangerous conditions on the property, to adjoining landowners, or impact public health and welfare.

- (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
 - (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (7) Timber harvest.
 - (8) Hunting pursuant to Missouri Department of Conservation guidelines.
 - (9) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Commercial day care facilities.
 - (2) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
 - (3) Cemeteries on a minimum of ten (10) acres of land.
 - (4) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (5) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (6) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
- (1) *Maximum height:* Forty (40) feet.
 - (2) *Minimum district size:* Twenty-five (25) acres.
 - (3) *Maximum density:* One (1) unit per five (5) acres.
 - (4) *Minimum lot width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum lot area:* Ten (10) acres for each single-family detached dwelling; no subdivision is required for such lots.
 - (6) *Minimum yard requirements:* None
- (f) *Prohibited uses.*
- (1) Single-family subdivision.

Sec. 30-332. - CBD, central business district.

- (a) *Purpose.* The central business district [CBD] provides for the development of high density, compact, pedestrian oriented shopping, office, service, entertainment and residential districts. The districts are intended to be mixed-use districts that accommodate a variety of uses. It is intended specifically for the older downtown areas including: Broadway, Riverfront and Good Hope/Haarig areas of the City of Cape Girardeau. It is intended to allow flexible setbacks, smaller lot sizes, and increased lot coverage to encourage dense development in the urban core of the community. This district is designed to protect the small community appeal, integrity, character, and charm within the central business district by encouraging redevelopment that focuses on architecturally appropriate design standards typical of the city's early development history. These areas may also be experiencing or be in need of rehabilitation or redevelopment. This district is intended to accommodate the transition that must occur if these areas are to continue to contribute to the vitality of the city. The regulations of the central business district are intended to allow greater flexibility for tracts of land in the central business district than is permitted by other district regulations, where the planned development of such tracts would better reflect the character of the site and enhance the appearance and economic vitality of the downtown area.
- (b) *Permitted principal uses.*
- (1) Any business that provides, displays, advertises and sells goods, supplies or services to the general public, as long as all activities associated with said business are contained entirely indoors as stated in the standards set forth in section 30-332(e)(2).
 - (2) General retail and office, including banks and financial institutions.
 - (3) Any governmental building, including police and fire stations.
 - (4) Residential uses.
 - (5) Hotels.
 - (6) Medical facilities.
 - (7) Health and fitness centers.
 - (8) Public parks, playgrounds and recreational facilities.
 - (9) Private institutions of higher education.
 - (10) Nursing homes, senior citizen housing or retirement homes.
 - (11) Commercial day cares.
 - (12) Microbrewery.
 - (13) Bed and breakfasts.
 - (14) Restaurants, bars.
 - (15) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses including, but not limited to, garages, and dumpster storage facilities as permitted in section 30-403, supplemental regulations.
 - (2) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (3) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*

- (1) Helicopter landing pad, heliport or other landing areas in relationship with medical facilities.
 - (2) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (3) Marina or dock.
 - (4) The allowance of additional height, not to exceed sixty (60) feet or five (5) stories.
 - (5) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (6) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.
 - e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
 - (2) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.
 - e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
 - (3) Alteration of existing buildings:
 - a. Original window openings on public facing elevations should be maintained or retained.
 - b. Original upper story design details and features shall not be removed or obscured.
 - (4) New construction shall be compatible with the existing buildings in scale, height, materials, massing and rhythm and proportion of openings.
 - (5) Storefronts shall maintain traditional size, shape, spacing, patterns and alignment of openings of storefronts.
 - (6) The primary entrance for commercial buildings shall be oriented toward the street.
 - (7) Building setbacks:
 - a. *Residential:* Should be aligned by a uniform distance from sidewalks.
 - b. *Commercial:* Maintain alignment of facades along sidewalks.

- (8) Height:
 - a. The height of additions or new construction should be within a similar range of the buildings in the surrounding blocks.
 - b. Corner buildings or buildings on the ends should be similar in height to buildings on adjoining corners.
- (9) Materials that are comparable in quality, color, texture, finish and dimension to existing materials and buildings within the district should be used.
- (10) Consistent rooflines should be maintained with adjacent buildings.
- (f) *Height, area, bulk and setback requirements.*
 - (1) *Maximum height:* Three (3) stories not to exceed forty (40) feet.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Maximum density:* None.
 - (5) *Minimum yard requirements:*
 - a. *Front yard:* None, except fifteen (15) feet when across from a residential zoning district.
 - b. *Rear yard:* None, except fifteen (15) feet when adjacent to a residential zoning district.
 - c. *Side yard:* None, except fifteen (15) feet when adjacent to a residential zoning district.
 - (6) *Maximum building coverage, including accessory buildings:* One hundred (100) percent of the lot.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) Open space requirements: No minimum percentage required.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2 or R-3 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific use set forth in section 25-202.

Sec. 30-333. - C-1, general commercial district.

(a) *Purpose.* The C-1 district is primarily intended for areas of the city located along minor thoroughfares and adjacent to residential districts. Appropriate uses for this district include commercial developments not requiring long term outdoor display of merchandise, as well as certain governmental, institutional, and community service facilities. Other uses having the potential to significantly affect adjacent residential districts may be allowed with approval of a special use permit.

(b) *Permitted principal uses.*

- (1) Art galleries or museums.
- (2) Banks or other financial institutions.
- (3) Bed and breakfasts.
- (4) Commercial day cares.
- (5) Commercial recreation facilities, excluding driving ranges or outdoor shooting or racing.
- (6) Funeral homes or mortuaries.
- (7) Governmental facilities.
- (8) Health or fitness centers.
- (9) Institutions of higher education, including business, career or technology schools.
- (10) Instructional schools for art, dance, music, martial arts or other disciplines.
- (11) Libraries.
- (12) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
- ~~(12)~~ (13) Microbreweries.
- ~~(13)~~ (14) Middle schools, secondary schools, or development centers for people with physical, mental or developmental disabilities.
- ~~(14)~~ (15) Nurseries or greenhouses.
- ~~(15)~~ (16) Nursing homes.
- ~~(16)~~ (17) Offices.
- ~~(17)~~ (18) Parks or playgrounds.
- ~~(18)~~ (19) Personal service establishments.
- ~~(19)~~ (20) Pet grooming facilities, excluding kennels.
- ~~(20)~~ (21) Police or fire stations.
- ~~(21)~~ (22) Residential treatment facilities.
- ~~(22)~~ (23) Restaurants or bars.
- ~~(23)~~ (24) Retail or rental establishments, excluding the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
- ~~(24)~~ (25) Television or radio studios, including any transmitting facilities.
- ~~(25)~~ (26) Transit terminals.
- ~~(26)~~ (27) Veterinary clinics or animal hospitals, excluding livestock.
- ~~(27)~~ (28) Wineries.

(c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (d) *Special uses.*
- (1) Banquet facilities.
 - (2) Hotels or motels.
 - (3) Kennels.
 - (4) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (5) Meeting halls.
 - (6) Mini warehouses or self-storage units.
 - (7) 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.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (10) The allowance of additional height up to a total of sixty (60) feet, not to exceed a total of five (5) stories.
 - (11) Transitional housing.
 - (12) Uses involving the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (13) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - (14) Vehicle washing facilities, including automatic or hand wash.
 - (15) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (e) *Standards.*
- (1) All storage of merchandise, materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the items being stored are not visible from the street or any adjacent property.
 - (2) Outdoor display of merchandise is prohibited, except as follows:
 - a. Merchandise may be displayed outdoors as part of a temporary use, as permitted in section 30-406, supplemental regulations. Nursery stock, accessory landscaping decorations, and seasonal and holiday decorations may also be displayed outdoors during the appropriate season. Such displays are permitted in accordance with the following provisions:
 1. Displays shall not be located in a right-of-way.
 2. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the City Code. 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.
 3. Displays shall not impede vehicular or pedestrian access.

4. Displays shall not alter the structure of any building.
 5. Displays shall not create a health or safety hazard.
 6. Displays shall be well kept and orderly.
 7. Signs may be displayed as permitted elsewhere in the City Code.
 8. 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.
- (3) 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: Forty (40) feet, not to exceed three (3) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

Sec. 30-334. - 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 30-415, supplemental regulations.
 - ~~(20)~~ (21) Meeting halls.
 - ~~(21)~~ (22) Microbreweries.
 - ~~(22)~~ (23) Mini warehouses or self-storage units.
 - ~~(23)~~ (24) Nurseries or greenhouses.
 - ~~(24)~~ (25) Nursing homes.
 - ~~(25)~~ (26) Offices.
 - ~~(26)~~ (27) Outdoor storage facilities for recreation vehicles or watercraft.
 - ~~(27)~~ (28) Parks or playgrounds.
 - ~~(28)~~ (29) Personal service establishments.

- ~~(29)~~ (30) Pet grooming facilities.
 - ~~(30)~~ (31) Police or fire stations.
 - ~~(31)~~ (32) Residential treatment facilities.
 - ~~(32)~~ (33) Restaurants or bars.
 - ~~(33)~~ (34) Retail or rental establishments.
 - ~~(34)~~ (35) Television or radio studios, including any transmitting facilities.
 - ~~(35)~~ (36) Transit terminals.
 - ~~(36)~~ (37) Transitional housing.
 - ~~(37)~~ (38) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - ~~(38)~~ (39) Veterinary clinics or animal hospitals.
 - ~~(39)~~ (40) Warehouses or distribution centers.
 - ~~(40)~~ (41) Wineries.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (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 30-402, supplemental regulations.
 - (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 30-402, supplemental regulations.
 - (8) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (9) The allowance of additional height up to a total of one hundred (100) feet, not to exceed a total of eight (8) stories.
 - (10) Vehicle body or paint shops.
 - (11) Vehicle washing facilities, automatic or hand wash.
 - (12) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (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: Sixty (60) feet, not to exceed five (5) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

Sec. 30-335. - M-1, light manufacturing/industrial district.

- (a) *Purpose.* This district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
 - (3) Health and fitness centers.
 - (4) Cemeteries.
 - (5) Commercial day cares.
 - (6) Funeral homes and mortuaries.
 - (7) Government buildings and uses, including police and fire stations.
 - (8) Heavy machinery and equipment sales, rental and service.
 - (9) Offices, administrative, business, finance and professional.
 - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
 - (11) Public service and public utility uses as follows:
 - a. Wireless facilities.
 - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (12) Industrial schools and business schools.
 - (13) ~~Miniwarehouse~~ **Mini warehouses** or self-storage units.
 - (14) Residential treatment facilities.
 - (15) Television and radio studios including any transmitting facilities.
 - (16) Veterinary clinics, animal hospitals, and kennels.
 - (17) Warehouses, storage and distribution centers.
 - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (19) Recycling centers.
 - (20) ~~Marina or dock.~~ **Marinas or docks.**
 - (21) Transitional housing.
 - (22) Restaurants and bars.
 - (23) Retail, including vehicle sales.
 - (24) **Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.**
 - (25) **Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.**

- (26) Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.
 - (27) Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.
 - (28) Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Emergency shelters, transitional service shelters for fifty (50) or fewer residents.
 - (2) Manufactured business units, for office use only.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least one hundred (100) feet from any residential zoning district or use.
 - (3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.
 - (4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.
 - (5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*

- (1) *Maximum height:* Forty (40) feet excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district there shall be a side yard of not less than ten (10) feet on the side of the lot abutting the residential district.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
- (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

Sec. 30-336. - M-2, heavy manufacturing/industrial district.

- (a) *Purpose.* This district is intended for heavy industrial uses and many other uses which are not otherwise provided for in the other industrial district. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts, whenever possible. Good accessibility should be provided to major rail, air facilities and highways.
- (b) *Permitted principal uses.*
- (1) Manufacturing, fabrication, assembly, processing, or packaging of any commodity, except: facilities producing or processing explosives or flammable gases or liquids; animal slaughtering, meat packing, or rendering; sulphur plants, rubber reclamation plants, steel mills, foundries or smelters.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - (3) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and any business and sales offices accessory thereto.
 - (4) Bulk storage of flammable liquids for wholesale, subject to the provisions of the city and state fire codes.
 - (5) Central mixing plants for cement, asphalt, or paving material.
 - (6) The extraction of sand, gravel, and other raw materials requiring the removal of an overburden above the deposit, however, any bulk storage of extraction material or overburden, any processing or extraction machinery, and the open face of any cut, shall be at least twenty-five (25) feet from the property line.
 - (7) Heavy machinery and equipment sales, rental and service.
 - (8) Junk yards, scrap and salvage yards.
 - (9) Manufacturing and production of paving, roofing and other construction material, using asphalt or petroleum based coatings or preserving materials.
 - (10) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and nonferrous metals.
 - (11) Recycling ~~center-~~ **centers.**
 - (12) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (13) Wastewater and water treatment facilities.
 - (14) Terminals for trucks, buses, rail and watercraft.
 - (15) ~~Marina or dock.~~ **Marinas or docks.**
 - (16) **Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.**
 - (17) **Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.**
 - (18) **Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.**
 - (19) **Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.**
- (c) *Permitted accessory uses.*

- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Collection and transfer facilities for hazardous wastes, and solid wastes that contain hazardous substances from off-site sources.
 - (2) Jails, prisons or detention facilities.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) No junk yard, scrap, or salvage yard shall be located within five hundred (500) feet of any residential use.
 - (3) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*
- (1) *Maximum height:* Forty (40) feet, excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district or use there shall be a side yard of not less than twenty (20) feet on the side of the lot abutting the residential district or use.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*

- (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD, RMH and C-1 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

Sec. 30-403. - Accessory structures and uses.

- (a) *General provisions.* All accessory structures and uses shall be incidental and subordinate to the ~~primary~~ principal use permitted in the district and shall be located on the same lot as the principal use or structure. ~~structure or use.~~ No accessory structure or use shall be allowed unless it satisfies the requirements of the zoning district in which it is to be located. Accessory structures and uses shall not be constructed or established upon a lot until the principal ~~buildings,~~ structure or use has been constructed or established, and shall not be used unless the principal structure or use is being used or operated.
- (b) *Standards; residential districts.* Except as set out in subsection (1)(d) below, no more than one (1) accessory structure shall be allowed per lot. All accessory structures shall meet the setback requirements of the ~~underlying zoning district.~~ district in which they are located. In addition, one minor accessory structure no larger than one hundred fifty (150) square feet in area shall be allowed at any location on each lot. Lots zoned AG, ~~agriculture~~ agricultural district or AG-1, exclusive agricultural district, shall not be subject to the limitations contained in this ~~section.~~ subsection.
- (1) Maximum size: All accessory structures within any residential district shall comply with the following maximum building footprint requirements:
- No greater than eight hundred (800) square feet on lots less than one-half ($\frac{1}{2}$) acre;
 - No greater than one thousand (1,000) square feet on lots one-half ($\frac{1}{2}$) acre to one (1) acre;
 - No greater than one thousand five hundred (1,500) square feet on lots greater than one (1) acre, but less than two (2) acres; and
 - Lots having two (2) or more acres ~~are~~ shall be allowed up to four (4) accessory structures, ~~providing~~ provided that the footprints of all accessory structures do not exceed a total of two thousand five hundred (2,500) square feet.
- (2) Maximum height: All accessory structures within any residential district shall comply with the following maximum height requirements:
- On lots up to one (1) acre, the maximum height shall be fifteen (15) feet.
 - On lots with one (1) or more acres, the maximum height shall not exceed the height of the ~~primary~~ principal structure.
- (3) Residential swimming pools and landscape features with water greater than two (2) feet in depth shall be allowed in the rear or side ~~yard with the following provisions:~~ yard, subject to the following requirements:
- It must be located at least five (5) feet from the property line;
 - It must be located at least twenty (20) feet from the ~~primary~~ nearest principal structure on any adjoining lot; and
 - It must be enclosed ~~by a four-foot high fence with a secured gate.~~ in accordance with chapter 7, article IIIa of the city code.
- (c) *Personal cultivation of medical marijuana.* The personal cultivation of medical marijuana, as defined in section 30-415, supplemental regulations, shall comply with all applicable State of Missouri laws and regulations including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of medical marijuana shall comply with all other applicable requirements of the city code to the extent authorized by State of Missouri laws and regulations.

Sec. 30-415. - Medical marijuana facilities and personal cultivation of medical marijuana.

- (a) *Purpose.* This section provides for the establishment and operation of medical marijuana facilities and the personal cultivation of medical marijuana pursuant to Article XIV of the Missouri Constitution.
- (b) *Definitions.* For the purposes of this section, the below terms shall have the meanings ascribed to them as follows:

Church. A permanent building primarily and regularly used as a place of religious worship.

Daycare. A child-care facility, as defined by section 210.201, RSMo., that is licensed by the State of Missouri.

Elementary or secondary school. Any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

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 resin extracted from the plant and marijuana-infused products. This term shall not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

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.

Medical marijuana cultivation facility. A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

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 under State of Missouri laws and regulations 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.

Medical marijuana facility. A medical marijuana cultivation facility, a medical marijuana dispensary facility, a medical marijuana-infused products manufacturing facility, a medical marijuana testing facility, or a medical marijuana transportation facility.

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.

Medical marijuana testing facility. A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

Medical marijuana transportation facility. A facility certified by the State of Missouri to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

Personal cultivation of medical marijuana. The cultivation of marijuana by a qualifying patient or a primary caregiver as authorized by the State of Missouri.

Primary caregiver. A person meeting the primary caregiver requirements for medical marijuana under State of Missouri laws and regulations, and possessing a current, valid primary caregiver identification card issued by the State of Missouri.

Qualifying patient. A person meeting the qualifying patient requirements for medical marijuana under State of Missouri laws and regulations, and possessing a current, valid qualifying patient identification card issued by the State of Missouri.

(c) *Medical marijuana facilities.*

(1) Medical marijuana facilities shall be subject to the requirements in the following table:

Medical Marijuana Facility Type ¹	Location Requirements	Minimum Distance from Elementary or Secondary School, Daycare, or Church ^{2, 3, 4, 5}	Permitted Hours of Operation
Medical Marijuana Cultivation Facility	Permitted principal use in AG, AG-1, M-1, and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Dispensary Facility	Permitted principal use in CBD, C-1, C-2, and M-1 districts; prohibited in all other districts	Five hundred (500) feet	7:00 a.m. to 7:00 p.m. daily
Medical Marijuana-Infused Products Manufacturing Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Testing Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Transportation Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction

¹ Facilities containing more than one (1) medical marijuana facility type shall be permitted as long as each facility type complies with the corresponding requirements in this table.

² The minimum distance requirement shall apply to any then-existing elementary or secondary school, daycare, or church. For the purposes of this requirement, “then-existing” shall include an elementary or secondary school, daycare, or church in a building already constructed or for which a building permit or other authorization has been issued by the city.

³ In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the 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 facility.

⁴ 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, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to 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 facility.

⁵ Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(2) Except as provided for in section 30-415(c)(1), medical marijuana facilities shall comply with all applicable State of Missouri laws and regulations including, but not limited to, licensing and

certification, safety, security, screening, storage, odor control, waste disposal, operations, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, medical marijuana facilities shall comply with all other applicable requirements of the city code to the extent authorized by State of Missouri laws and regulations.

- (d) *Personal cultivation of medical marijuana.* The personal cultivation of medical marijuana shall be a permitted accessory use in all zoning districts in accordance with the requirements set forth in section 30-403, supplemental regulations.

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/1/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

Approval of the June 17, 2019, City Council regular session minutes and closed session minutes.

ATTACHMENTS:

Name:	Description:
📄 2019.06.17_RegularsessionMinutes.pdf	Minutes 2019-06-17 regular session

STUDY SESSION – June17, 2019**NO ACTION TAKEN DURING THE STUDY SESSION**

The Cape Girardeau City Council held a study session at the Cape Girardeau City Hall on Monday, June 17, 2019, starting at 5:00 p.m. with Mayor Bob Fox presiding and Council Members Ryan Essex, Victor Gunn, Robbie Guard, Shelly Moore, and Dan Presson present. Stacy Kinder was absent.

REGULAR SESSION – June17, 2019**CALL TO ORDER**

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, June17, 2019, at 6:00 p.m., with Mayor Bob Fox presiding and Council Members Ryan Essex, Victor Gunn, Robbie Guard, Shelly Moore, and Dan Presson present. Stacy Kinder was absent.

ADOPTION OF THE AGENDA

A Motion was made by Dan Presson, Seconded by Shelly Moore to approve and adopt the Agenda.

Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

PUBLIC HEARING

A public hearing to consider the proposed voluntary annexation of property located at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane as requested by the City of Cape Girardeau, Ryland R. Meyr, and the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017, and the proposed zoning of the same property as R-1, Single-Family Suburban Residential District.

Mayor Bob Fox opened the Public Hearing.

There being no appearances, the Public Hearing was closed.

APPEARANCES

None.

CONSENT AGENDA

Approval of the June 3, 2019, City Council regular session minutes.

BILL NO. 19-87 , an Ordinance adopting the annual operating budget for the City of Cape Girardeau, Missouri, for the fiscal year beginning July 1, 2019. Second and Third Readings.

BILL NO. 19-88 , an Ordinance establishing utility rates for the City of Cape Girardeau, Missouri, by amending Chapter 22 relating to solid waste fees, and Chapter 29 relating to water rates. Second and Third Readings.

Regular**June 17, 2019****KK-246**

BILL NO. 19-89, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 151 South Spanish Street, in the City and County of Cape Girardeau, Missouri, from R-4 to CBD. Second and Third Readings.

BILL NO. 19-90, an Ordinance authorizing the City Manager to execute a Transportation Planning Consolidated Grant Agreement with the Missouri Highways and Transportation Commission for Southeast Metropolitan Planning Organization expenses, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-91, an Ordinance accepting four Permanent Utility Easements from SEMO Development, LLC, for the Highlands at Hopper Crossing, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-92, an Ordinance accepting a Permanent Drainage Easement from Terry McDowell and Cynthia McDowell, for 2601 Hopper Road, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-94, a Resolution authorizing the City Manager to execute an agreement with BFA, Inc., for Stormwater Consultant Services, in the City of Cape Girardeau, Missouri. Reading and Passage.

BILL NO. 19-98, a Resolution authorizing the City Manager to execute an Amendment to an Agreement with Marquette Tech District Foundation Inc., for installation of fiber optic cable, in the City of Cape Girardeau, Missouri. Reading and Passage.

BILL NO. 19-101, a Resolution authorizing the City Manager to execute a First Amendment to Performance Guarantee Agreement with Drury Properties, Inc., for Deerfield Estates Phase 1, in the City of Cape Girardeau, Missouri. Reading and Passage.

Accept Improvements and Authorize Final Payment to Lappe Cement Finishing Inc., for the Concrete Street Repair 2018 Project

A Motion was made by Victor Gunn, Seconded by Robbie Guard to approve and adopt. Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

BILL NO. 19-87 will be Ordinance No. 5195; BILL NO. 19-88 will be Ordinance No. 5196; BILL NO. 19-89 will be Ordinance No. 5197; BILL NO. 19-90 will be Ordinance No. 5198; BILL NO. 19-91 will be Ordinance No. 5199; BILL NO. 19-92 will be Ordinance No. 5200; BILL NO. 19-94 will be Resolution No. 3264; BILL NO. 19-98 will be Resolution No. 3265; and BILL NO. 19-101 will be Resolution No. 3266.

NEW ORDINANCES

BILL NO. 19-95, an Ordinance approving the Record Plat of Ahrens First Subdivision. First Reading.

A Motion was made by Ryan Essex, Seconded by Dan Presson to approve. Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

BILL NO. 19-96, an Ordinance approving the Record Plat of Midamerica Crossings Second Subdivision. First Reading.

Robbie Guard abstained for financial reasons, due to his employment with MRV Banks.

A Motion was made by Dan Presson, Seconded by Victor Gunn to approve.
Motion passed. 5-0. Ayes: Essex, Fox, Gunn, Moore, Presson. Abstain: Guard. Absent: Kinder.

BILL NO. 19-97, an Ordinance approving the Record Plat of Teresa Connell Subdivision. First Reading.

A Motion was made by Dan Presson, Seconded by Robbie Guard to approve.
Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

BILL NO. 19-99, an Ordinance approving the Record Plat of Randolph Subdivision. First Reading.

A Motion was made by Dan Presson, Seconded by Robbie Guard to approve.
Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

BILL NO. 19-100, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Bicycle and Motorcycle Parking. First Reading.

Council Member Ryan Essex requested staff to explain the proposed amendment. City Planner Ryan Shrimplin explained that the current code allowed administrative relief for some uses to substitute bicycle and motorcycle parking for some vehicle parking. This amendment would increase the type of uses with that option.

A Motion was made by Dan Presson, Seconded by Robbie Guard to approve.
Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

BILL NO. 19-102, an Ordinance appropriating funds for operating expenditures, capital expenditures, debt service expenditures, and transfers for the fiscal year ending June 30, 2019, in the City of Cape Girardeau, Missouri. First Reading.

A Motion was made by Victor Gunn, Seconded by Robbie Guard to approve.
Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

APPOINTMENTS

Appointment to the Public Library Board of Directors

Mayor Bob Fox appointed Emily Vines, David Dively, and John Voss to the Public Library Board of Directors for terms expiring June 30, 2022, with the consent of the Council Members present.

Regular

June17, 2019

KK-248

MEETING ADJOURNMENT

A Motion was made by Victor Gunn, Seconded by Robbie Guard to adjourn from regular session and to convene to closed session for legal actions and litigation, confidential communications with legal counsel, and leasing, purchasing or sale of real estate, pursuant to RSMo. Sections 610.021(1) and (2).

Motion passed. 6-0. Ayes: Essex, Fox, Guard, Gunn, Moore, Presson. Absent: Kinder.

The Regular Session ended at 6:15 p.m.

Bob Fox, Mayor

Bruce Taylor, Deputy City Clerk



Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-099

SUBJECT

An Ordinance approving the Record Plat of Ahrens First Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for combining two tracts at 1834 Good Hope Street.

BACKGROUND/DISCUSSION

A record plat has been submitted for Ahrens First Subdivision, located at 1834 Good Hope Street. The subdivision is zoned R-2 (Single-Family Urban Residential). The plat combines two tracts to form one new lot. The plat shows variances for reduced lot area and width. Staff supports the variances due to this being an existing parcel with no additional land available. The plat also shows an exception for the omission of the required 10 foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 8, 2019 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name:	Description:
Record Plat Ahrens First Subdivision.doc	Ordinance
Staf Review-Referral-Action Form.pdf	Ahrens First Subdivision - Staff RRA Form
Map - Ahrens First Subdivision.pdf	Ahrens First Subdivision - Map
Application - Ahrens First Subdivision.pdf	Ahrens First Subdivision - Application
Ahrens First.pdf	Ahrens First Subdivision - Record Plat

BILL NO. 19-95

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
AHRENS FIRST SUBDIVISION

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

ARTICLE 1. The record plat of Ahrens First Subdivision, being a resubdivision of part of Lots 1 and 2 of Block 6 of Vogelsang's Second Subdivision as recorded in Plat Book 3 at Page 44 of the County Land Records, in the City and County of Cape Girardeau, State of Missouri, submitted by Jacqueline R. Ahrens, bearing the certification of Timothy J. Sander, a Registered Land Surveyor, dated the 1st day of March, 2019, including all exceptions and variances, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI
 City Staff Review, Referral and Action - Subdivision Application

FILE: **Ahrens First Subdivision**

LOCATION: 1834 Good Hope Street

STAFF REVIEW & COMMENTS:

A record plat has been submitted which combines two (2) lots at 1834 Good Hope Street. SEE STAFF REPORT FOR MORE DETAILS.

By 856.
 City Planner

4/25/19
 Date

W. ERIC CUNNINGHAM
 City Attorney

APRIL 29, 2019
 Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
 City Manager

April 29, 2019
 Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
 Kevin Greaser
 Planning & Zoning Commission Secretary

City Council Action

Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

ORDINANCE # _____ Effective Date: _____

Ahrens First Subdivision



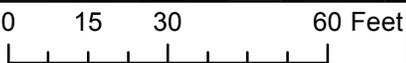
Koch Ave

Penny Ln

Good Hope St



 **CITY of CAPE GIRARDEAU**
Created by: Development Services
Carol Peters
April 16, 2019



Legend

-  Parcels
-  Lot Line



SUBDIVISION PLAT APPLICATION
CITY of CAPE GIRARDEAU

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Name of Subdivision Ahrens First Subd.		Type of Plat: Preliminary, Record , or Boundary Adjustment	
Applicant Jacqueline R Ahrens		Property Owner of Record (if other than Applicant)	
Mailing Address 1531 Mississippi St	City, State, Zip Cape Gir. MO 63701	Mailing Address	City, State, Zip
Telephone 573-450-0048	Email jrahrens@sbcglobal.net	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Jackie		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Tim Sander		Developer (if other than Applicant)	
Mailing Address 20052 US Hwy 61	City, State, Zip Sikeston MO 63801	Mailing Address	City, State, Zip
Telephone 573-450-2000	Email	Telephone	Email

ADDITIONAL ITEMS REQUIRED

See Instructions for more information.

- In addition to this completed application form, the following items must be submitted:
- Review Fee (payable to City of Cape Girardeau)
 - Single-Family or Two-Family Residential: \$20.00 per lot (**\$100.00** minimum)
 - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
 - Non-Residential : \$20.00 per acre (\$100.00 minimum)
 - Recording Fee Deposit (payable to City of Cape Girardeau)

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)
 - Two (2) full size prints of the plat
 - Digital file of the plat in .pdf format (can be emailed)

CERTIFICATION

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

Applicant Signature and Printed Name

4-9-19
 Date

OFFICE USE ONLY	
Date Received & By 4-8-19	MUNIS Application No. 8699
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

Scale: 1" = 20'



Record Plat: Ahrens First Subdivision

A Resubdivision of Part of Lots 1 and 2 of Block 6
of Vogelsang's Second Subdivision in the City of
Cape Girardeau in Cape Girardeau County, Missouri

LOT SIZES
 TOTAL NUMBER OF LOTS = 1
 SMALLEST LOT = 5,000 Sq Ft ±
 LARGEST LOT = 5,000 Sq Ft ±
 TOTAL AREA = 5,000 Sq Ft ±

ZONING
 CURRENT ZONING = R2
 (SINGLE-FAMILY URBAN RESIDENTIAL DISTRICT)

BUILDING SETBACKS (SINGLE-FAMILY)
 FRONT YARD = 25'
 REAR YARD = 25'
 SIDE YARD = 5'

MAXIMUM HEIGHT = 2 1/2 STORIES / 35'
 MINIMUM LOT AREA = 8,000 Sq Ft
 MINIMUM LOT WIDTH = 60'
 MAXIMUM DENSITY = 5 UNITS PER ACRE

VARIANCES SHOWN FOR THE FOLLOWING:

1. MINIMUM LOT AREA FOR LOT 1 (8,000 S.F. REQUIRED; 5,000 S.F. PROPOSED)
2. MINIMUM LOT WIDTH FOR LOT 1 (60 FEET REQUIRED; 50 FEET PROPOSED)

EXCEPTION SHOWN FOR THE FOLLOWING:

1. OMISSION OF THE REQUIRED 10 FOOT UTILITY EASEMENT ALONG THE FRONT AND REAR LOT LINES OF LOT 1.

TITLE REFERENCES

DOC. NO. 2019-002039 (SUB)
 DOC. NO. 2015-11293 (ADJ)
 DOC. NO. 2008-07689 (ADJ)
 DOC. NO. 2009-06380 (ADJ)

REFERENCES

1. NORTH BASIS PER GPS OBSERVATION ALONG THE EAST RIGHT OF WAY LINE OF KOCH STREET (N 06°31'02" E) - MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 1983 - ZONE EAST.
2. ABSTRACT OF TITLE.
3. P.O.C. = POINT OF COMMENCEMENT.
4. P.O.B. = POINT OF BEGINNING.
5. (N.T.S.) = NOT TO SCALE.
6. N/F = NOW OR FORMERLY.
7. LOT 4 = ORIGINAL LOT NUMBERS.
8. LOT 1 = NEW LOT NUMBERS.

SUBDIVISION DEDICATION

I, THE UNDERSIGNED, JACQUELINE R. AHRENS, OWNER IN FEE OF PART OF LOTS 1 AND 2 OF BLOCK 6 OF VOGELSSANG'S SECOND SUBDIVISION AS RECORDED IN PLAT BOOK 3 AT PAGE 44 OF THE COUNTY LAND RECORDS, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, CONTAINING 5,000 SQUARE FEET, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the Southwest Corner of Lot 1, Block 6 of said Vogelsang's Second Subdivision, thence, along the South Line of said Lot 1, S 83°57'53" E, 58.00 feet to the POINT OF BEGINNING; thence N 06°31'02" E, 100.00 feet to the North Line of Lot 2 of Block 6; thence, along the North Line of said Lot 2, S 83°57'53" E, 50.00 feet; thence S 06°31'02" W, 100.00 feet to the South Line of Said Lot 1; thence, along the South Line of said Lot 1, N 83°57'53" W, 50.00 feet to the POINT OF BEGINNING, being subject to any easements of record, do hereby subdivide said tract into one lot as shown hereon and do hereby name said subdivision "AHRENS FIRST SUBDIVISION".

JACQUELINE R. AHRENS

STATE OF MISSOURI
 COUNTY OF CAPE GIRARDEAU

On this _____ day of _____, 2019, before me, a Notary Public for said State and County, appeared Jacqueline R. Ahrens, to me known to be the person described herein, who did execute the foregoing instrument, and who acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this _____ day of _____ A.D., 2019.

My commission expires _____

Notary Public

I, _____, City Clerk of the City of Cape Girardeau, Missouri, hereby certify that this plat was approved by the City of Cape Girardeau, Missouri, by Ordinance No. _____ passed and approved this _____ day of _____ A.D., 2019.

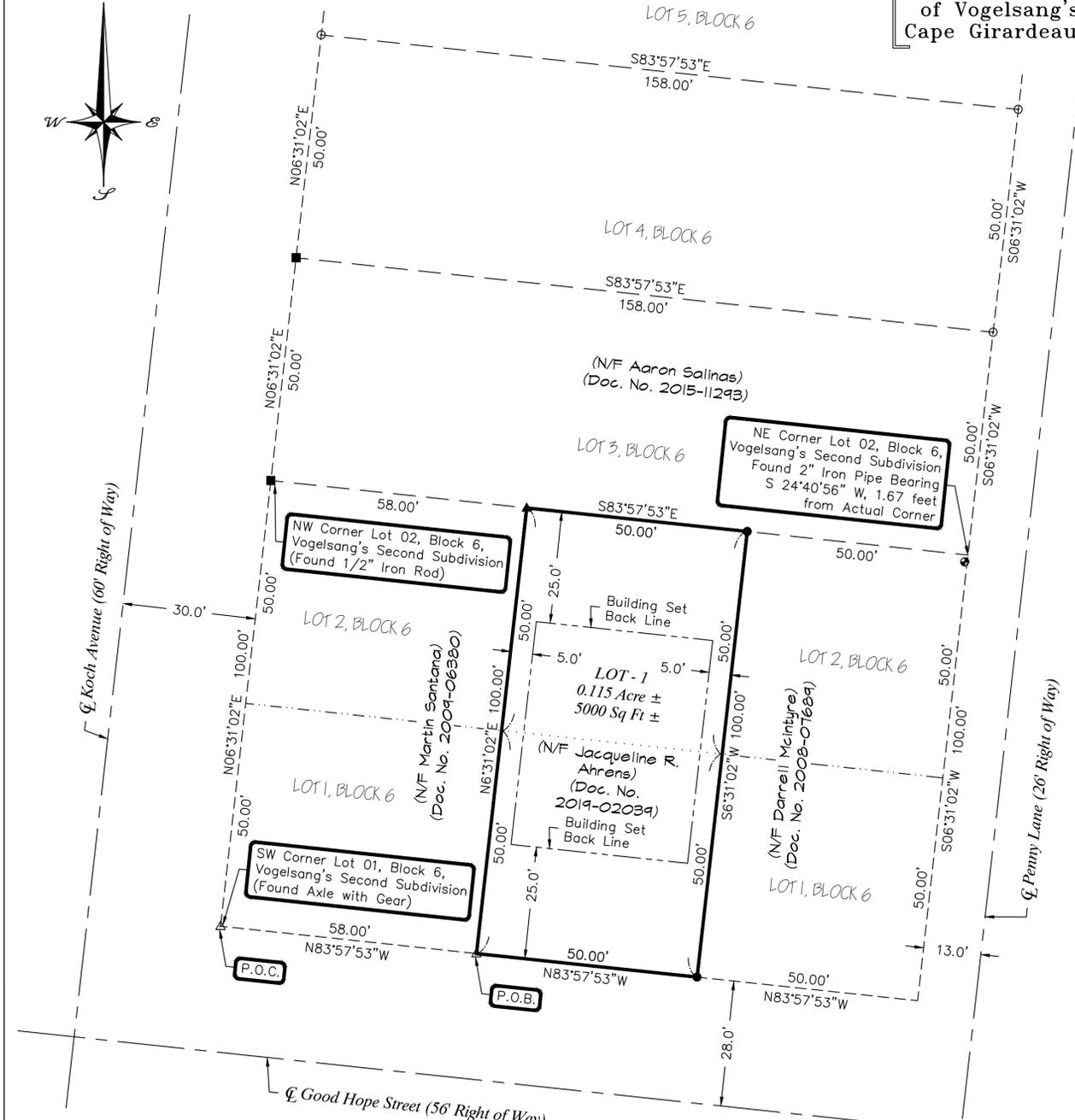
City Clerk, City of Cape Girardeau, Missouri

STATE OF MISSOURI
 COUNTY OF CAPE GIRARDEAU

Filed for record this _____ day of _____ A.D., 2019 in Document Number _____

Andrew David Blattner, Recorder of Deeds
 Cape Girardeau County, Missouri

NO PORTION OF THE ABOVE DESCRIBED PARCEL LIES WITHIN THE 100 YEAR FLOOD PLAN, AS INDICATED ON THE FLOOD INSURANCE RATE MAP NUMBER 29031C0266E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.



SURVEYOR CERTIFICATION

THIS IS TO CERTIFY THAT I, TIMOTHY J SANDER, HAVE SURVEYED THE FORGOING DESCRIBED PARCEL OF LAND AT THE REQUEST OF JACQUELINE R. AHRENS AND HAVE PREPARED THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY ABILITY AND THAT SAID PLAT AND SURVEY WERE DONE IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF MISSOURI AS MADE EFFECTIVE JUNE 30, 2017.

DONE THIS 1 st. DAY OF MARCH, 2019.

TIMOTHY J. SANDER, MO-PLS 2003013179
 20052 US HIGHWAY 61
 SIKESTON, MISSOURI 63801

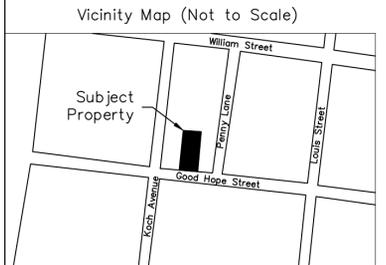
RECORD OWNER
 JACQUELINE R. AHRENS
 DOCUMENT NUMBER 2019-02039

DEVELOPER OF SUBDIVISION
 JACQUELINE R. AHRENS
 1531 MISSISSIPPI STREET
 CAPE GIRARDEAU MO 63701

PLAT PREPARED BY
 SANDER LAND SURVEYING
 TIMOTHY J SANDER, PLS
 20052 US HIGHWAY 61
 SIKESTON, MO 63801

SYMBOL LEGEND

1. ● = 1/2" IRON RODS (SET).
2. ■ = 1/2" IRON RODS (FND).
3. ⊙ = 1" IRON PIPES (FND).
4. ⊕ = 2" IRON PIPES (FND).
5. △ = AXLE WITH GEAR (FND).
6. ▲ = 3/8" IRON RODS (FND).
7. ——— = SUBDIVISION BOUNDARY LINE.
8. ——— = STREET CENTERLINE.
9. - - - - - = ADJOINER PROPERTY LINE.
10. - - - - - = BUILDING SETBACK LINE.
11. ······ = LOT LINE TO BE ELIMINATED.
12. ······ = LOT LINE TO REMAIN.
13. - - - - - = RIGHT OF WAY LINE.



ASSESSOR'S MAP NUMBER 21-105 PROPERTY SURVEY CLASS...."URBAN"

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-138

SUBJECT

An Ordinance approving the Record Plat of Midamerica Crossings Second Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for a three-lot subdivision along Interstate 55, North Kingshighway, and Veterans Memorial Drive.

BACKGROUND/DISCUSSION

A record plat has been submitted for Midamerica Crossings Second Subdivision, located along Interstate 55, North Kingshighway, and Veterans Memorial Drive. The subdivision is zoned C-2 (Highway Commercial). The plat subdivides a lot into three lots.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 8, 2019 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name:	Description:
Record_Midamerica_Crossing_Second_Subdivision.doc	Ordinance
Staff_Review-Referral-Action_Form.pdf	Midamerica Crossings Second Subdivision - Staff RRA Form
Map - Midamerica Crossings Second Subdivision.pdf	Midamerica Crossings Second Subdivision - Map
Application - Midamerica Crossings Second Subdivision.pdf	Midamerica Crossings Second Subdivision - Application
34470-Resub_6-11-19.pdf	Midamerica Crossings Second Subdivision - Record Plat

BILL NO. 19-96

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
MIDAMERICA CROSSINGS SECOND SUBDIVISION

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

ARTICLE 1. The record plat of Midamerica Crossings Second Subdivision, being a resubdivision of all of Lot Number 4 of Midamerica Crossings as recorded in Document Number 2016-14260 of the County Land Records, in the City and County of Cape Girardeau, State of Missouri, submitted by Midamerica Hotels Corporation, bearing the certification of Christopher L. Koehler, a Registered Land Surveyor, dated the 10th day of June, 2019, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI
 City Staff Review, Referral and Action - Subdivision Application

FILE: **Midamerica Crossings Second Subdivision**

LOCATION: Veterans Memorial Drive & North Kingshighway

STAFF REVIEW & COMMENTS:

A record plat has been submitted to split a parcel into three (3) new lots along Veterans Memorial Drive. SEE STAFF REPORT FOR MORE DETAILS.

By sgc.
 City Planner

4/25/19
 Date

W. Eric Cunningham
 City Attorney

APRIL 29, 2019
 Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
 City Manager

April 29, 2019
 Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
 Kevin Greaser
 Planning & Zoning Commission Secretary

City Council Action

Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

ORDINANCE # _____ Effective Date: _____



SUBDIVISION PLAT APPLICATION
CITY of CAPE GIRARDEAU

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Name of Subdivision Midamerica Crossings Second Subdivision		Type of Plat: Preliminary, Record, or Boundary Adjustment Record Plat	
Applicant Midamerica Hotels Corporation		Property Owner of Record (if other than Applicant) Midamerica Hotels Corporation	
Mailing Address 105 South Mount Auburn Rd.	City, State, Zip Cape Girardeau MO 63703	Mailing Address 105 South Mount Auburn Rd.	City, State, Zip Cape Girardeau MO 63703
Telephone 573-334-0546 x206	Email mcantrell@midamcorp.com	Telephone (573) 334-0546	Email
Contact Person (If Applicant is a Business or Organization) Melanie Cantrell, PE		<i>(Attach additional owners information, if necessary)</i>	
Professional Engineer/Surveyor (if other than Applicant) Chris Koehler PE/PLS		Developer (if other than Applicant) Midamerica Hotels Corporation	
Mailing Address 194 Coker Ln	City, State, Zip Cape Girardeau MO 63701	Mailing Address 105 South Mount Auburn Rd.	City, State, Zip Cape Girardeau MO 63703
Telephone 573-335-3026	Email ckoehler@koehlerengineering.com	Telephone (573) 334-0546	Email

**ADDITIONAL ITEMS
REQUIRED**

See Instructions for more information.

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
 - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
 - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
 - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)

- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

CERTIFICATION

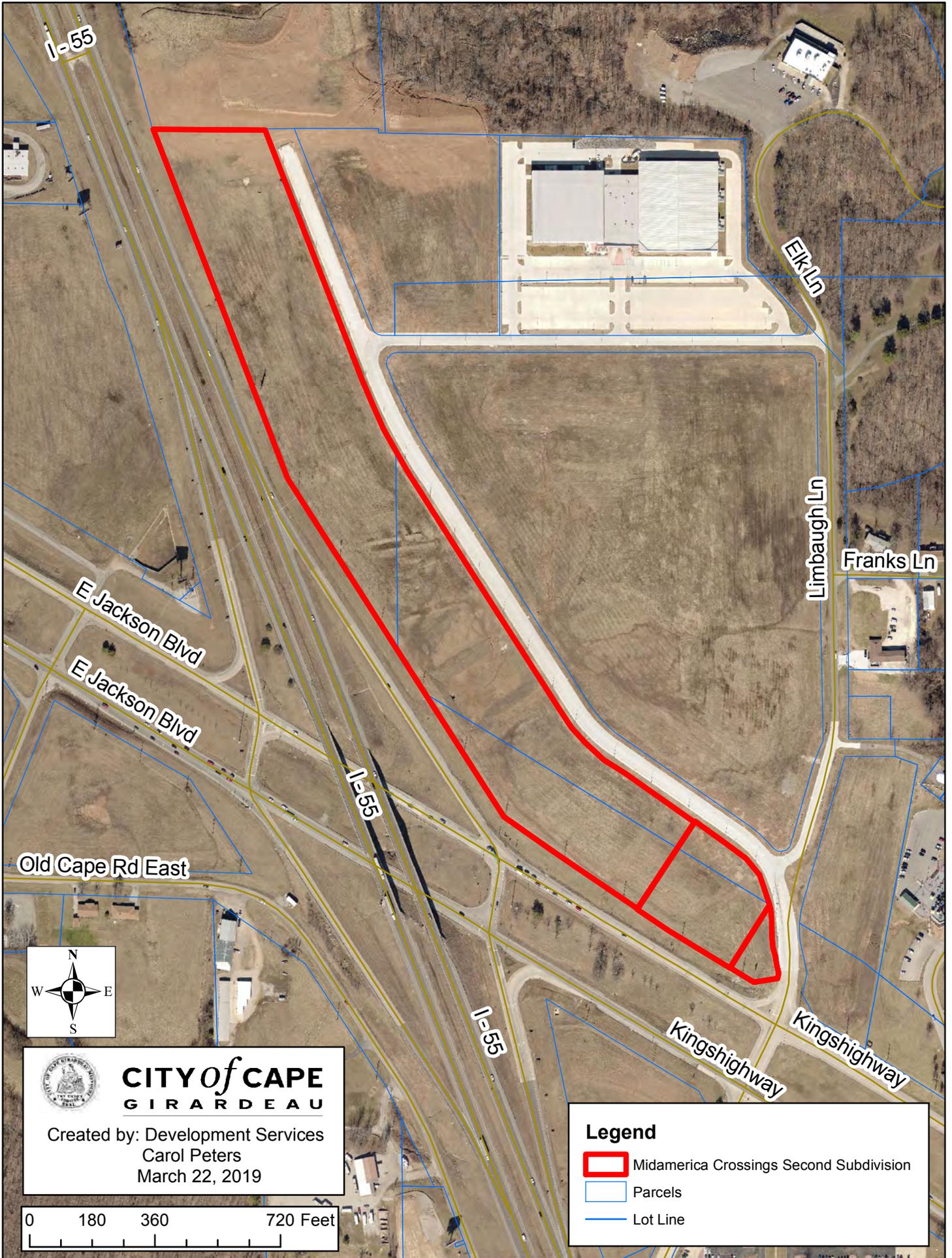
I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

Melanie Cantrell Melanie Cantrell
 Applicant Signature and Printed Name

4-17-19
 Date

OFFICE USE ONLY	
Date Received & By <u>4-17-19</u>	MUNIS Application No. _____
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

Midamerica Crossings Second Subdivision



Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

An Ordinance approving the Record Plat of Teresa Connell Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for combining two tracts at 222 Good Hope Street.

BACKGROUND/DISCUSSION

A record plat has been submitted for Teresa Connell Subdivision, located at 222 Good Hope Street. The subdivision is zoned R-4 (Medium Density Multifamily Residential). The plat combines two tracts to form one new lot. The plat shows an exception for the omission of the required 10 foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required. The plat also shows a variance for a reduced rear yard setback along the north lot line (25 feet required; 10 feet proposed). Staff supports the variance because there is an existing building located 10 feet from this lot line.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its May 8, 2019 meeting, recommended approval of the record plat with a vote of 7 in favor, 0 in opposition, and 1 abstaining.

ATTACHMENTS:

Name:	Description:
Record Plat Teresa Connell Subdivision.doc	Ordinance
Staff Review-Referral-Action Form.pdf	Teresa Connell Subdivision - Staff RRA Form
Map - Teresa Connell Subdivision.pdf	Teresa Connell Subdivision - Map
Application - Teresa Connell Subdivision.pdf	Teresa Connell Subdivision - Application
Teresa Connell 2018-175-Sub Plat 20190506.pdf	Teresa Connell Subdivision - Record Plat

BILL NO. 19-97

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
TERESA CONNELL SUBDIVISION

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

ARTICLE 1. The record plat of Teresa Connell Subdivision, being that part of Lots 19 and 20, Block 3, Range "G", U.S.P.S. 2199, Township 30 North, Range 14 East of the Fifth Principal Meridian, in the City and County of Cape Girardeau, State of Missouri, submitted by Teresa Connell, bearing the certification of Matthew D. Dejournett, a Registered Land Surveyor, dated the 4th day of April, 2019, including all variances and exceptions, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk



SUBDIVISION PLAT APPLICATION
CITY of CAPE GIRARDEAU

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Name of Subdivision Teresa Connell Subdivision		Type of Plat: Preliminary, Record, or Boundary Adjustment	
Applicant Teresa Connell		Property Owner of Record (if other than Applicant)	
Mailing Address 222 Good Hope St.	City, State, Zip Cape Girardeau, MO 63701	Mailing Address	City, State, Zip
Telephone 382-1105	Email	Telephone	Email
Contact Person (If Applicant is a Business or Organization)		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Matt DeJournett		Developer (if other than Applicant)	
Mailing Address 331 S. Highway 61	City, State, Zip Scott City, MO 63780	Mailing Address	City, State, Zip
Telephone 573-579-4524	Email mattdejournett@hotmail.com	Telephone	Email

**ADDITIONAL ITEMS
REQUIRED**

See Instructions for more information.

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
 - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
 - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
 - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)

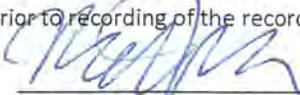
Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)

- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

CERTIFICATION

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.


 Applicant Signature and Printed Name

4-11-19
 Date

OFFICE USE ONLY	
Date Received & By <u>4-12-19</u>	MUNIS Application No. <u>8720</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

Teresa Connell Subdivision

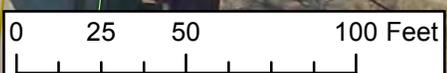


Lorimer St

Good Hope St



 **CITY of CAPE GIRARDEAU**
Created by: Development Services
Carol Peters
April 16, 2019



Legend

-  Parcels
-  Lot Line

CITY OF CAPE GIRARDEAU, MISSOURI
 City Staff Review, Referral and Action - Subdivision Application

FILE: **Teresa Connell Subdivision**

LOCATION: 222 Good Hope Street

STAFF REVIEW & COMMENTS:

A record plat has been submitted which combines two (2) lots at 222 Good Hope Street. SEE STAFF REPORT FOR MORE DETAILS.

By 558-
 City Planner

4/25/19
 Date

W. ERIC CUNNINGHAM
 City Attorney

APRIL 29, 2019
 Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
 City Manager

April 29, 2019
 Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 7 Favor 0 Oppose 1 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

Kevin Greaser
 Kevin Greaser
 Planning & Zoning Commission Secretary

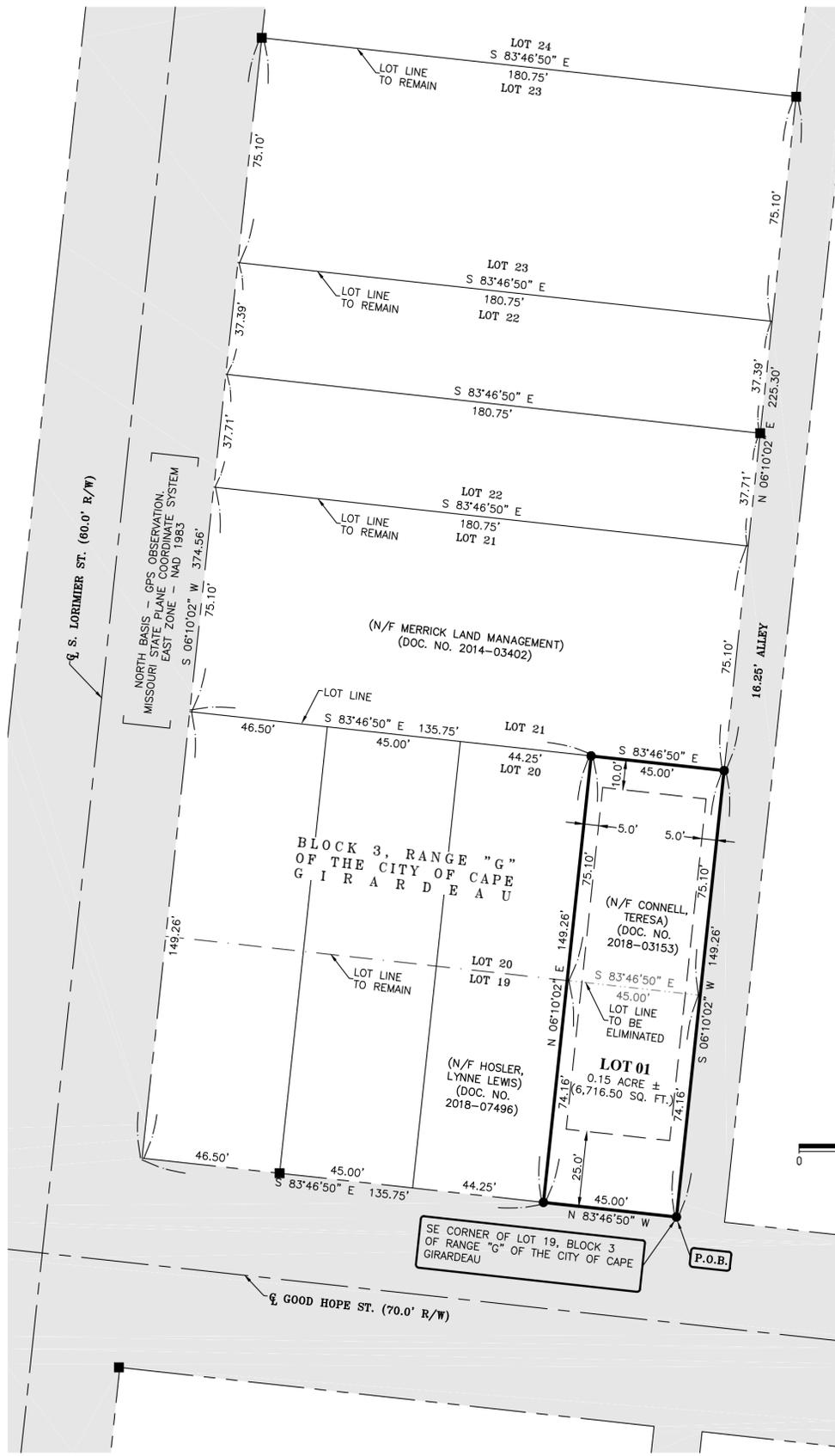
City Council Action

Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

ORDINANCE # _____ Effective Date: _____

RECORD PLAT OF: TERESA CONNELL SUBDIVISION

**PART OF LOTS 19 AND 20, BLOCK 3, RANGE "G",
U.S.P.S. 2199, TOWNSHIP 30 NORTH,
RANGE 14 EAST OF THE FIFTH PRINCIPAL MERIDIAN,
IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI**



SUBDIVISION DEDICATION

THE UNDERSIGNED, TERESA CONNELL, OWNER IN FEE OF PART OF LOTS 19 AND 20, BLOCK 3, RANGE "G", U.S.P.S. 2199, TOWNSHIP 30 NORTH, RANGE 14 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI CONTAINING 0.15 ACRES (MORE OR LESS), DESCRIBED AS FOLLOWS: BEGINNING at the southeast corner of said Lot 19 (1/2" iron rod); thence N 83°46'50" W along the South Line of said Lot 19, 45.00 feet to the southeast corner of a parcel described in Document Number 2018-07496; thence N 06°10'02" E along the East Line of said parcel, 149.26 feet to the northeast corner of said parcel and a point in the North Line of said Lot 20; thence S 83°46'50" E along said North Line, 45.00 feet to the northeast corner of said Lot 20; thence S 06°10'02" W along the East Line of Lots 20 and 19, 149.26 feet to the POINT OF BEGINNING, hereby declare that I have caused these presents to be subdivided into one (1) lot as numbered and designated on the annexed plat, which is a true and correct representation of said subdivision, and I have named said Subdivision "Teresa Connell Subdivision", subject to all existing easements, rights of way, restrictions and licenses which may exist thereon, either written or implied.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20__.

TERESA CONNELL

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)SS

On this _____ day of _____, 20__, before me, a notary public for the said State and County, appeared Teresa Connell, to me personally known, who did state that she executed the foregoing instrument as her free act and deed.

In witness whereof, I hereby set my hand and affix my official seal in the State and County aforesaid, the date first above written.

NOTARY PUBLIC
My commission expires _____

FLOOD PLAIN STATEMENT

THE ENTIRE TRACT OF THE PROPOSED SUBDIVISION IS SHOWN TO BE WITHIN ZONE "X" AS SET FORTH ON COMMUNITY PANEL NO. 29031C0267F WITH AN EFFECTIVE DATE OF 01/20/2016. ZONE "X" IS NOT WITHIN A FLOOD PRONE AREA.

SYMBOLS LEGEND

- = 1/2" IRON RODS (SET).
- = 1/2" IRON RODS (FND).
- RIGHT OF WAY LINE.
- CENTERLINE.
- EXISTING PROPERTY LINE.
- BUILDING SET BACK LINE.
- SUBDIVISION BOUNDARY LINE.
- LOT LINE TO REMAIN.
- LOT LINE TO BE ELIMINATED.

SUBDIVISION NOTES

ZONING
R-4, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

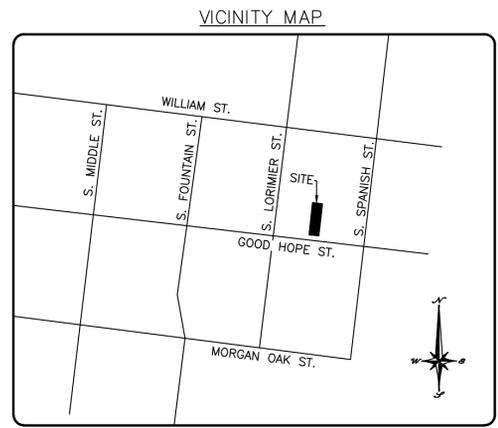
MAXIMUM HEIGHT: 5 STORIES NOT TO EXCEED 60 FEET
MINIMUM LOT AREA: 3,750 SQ. FEET
MINIMUM LOT WIDTH: NONE
MAXIMUM DENSITY: 18 UNITS PER 1 ACRE

PROPOSED USE = SINGLE-FAMILY RESIDENTIAL

MINIMUM SETBACKS
FRONT = 25 FEET
REAR = 25 FEET
SIDE = 5 FEET

LOT SIZES
TOTAL SUBDIVISION AREA = 6,716.50 SQ. FEET (0.15 ACRE)
TOTAL NUMBER OF LOTS = 1
LARGEST LOT SIZE = 6,716.50 SQ. FEET (0.15 ACRE)
SMALLEST LOT SIZE = 6,716.50 SQ. FEET (0.15 ACRE)

SUBDIVISION PLAT PREPARED FOR:
TERESA CONNELL
222 GOOD HOPE ST.
CAPE GIRARDEAU, MO 63703



REFERENCES

- NORTH BASIS = PER GPS OBSERVATION MISSOURI STATE PLANE COORDINATE SYSTEM - EAST ZONE, NAD 1983 ALONG THE EAST LINE OF LORIMER STREET (S 06°10'02" W)
- RECORD PLAT BOOK 01, PAGE UNLISTED (LAND SURVEY INDEX DOCUMENT NAME = 6514131A)
- P.O.B. = POINT OF BEGINNING.
- P.O.C. = POINT OF COMMENCEMENT.
- N/F = NOW OR FORMERLY.
- (NTS) = NOT TO SCALE.
- (M) = MEASURED QUANTITY.
- (P) = PLATTED QUANTITY.

I, _____, City Clerk of the City of Cape Girardeau, Missouri hereby certify that this plat was approved by the City of Cape Girardeau, Missouri by Ordinance No. _____ passed and approved this _____ day of _____, 20__.

CITY CLERK, CITY OF CAPE GIRARDEAU, MISSOURI

SURVEY CERTIFICATION

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE FOREGOING DESCRIBED PARCEL OF LAND AND HAVE PREPARED THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY ABILITY AND THAT SAID PLAT AND SURVEY WERE DONE IN ACCORDANCE WITH THE CURRENT MISSOURI SURVEY STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY LIMITATION: THIS SURVEY IS BASED ON CONVEYANCES SHOWN ON THIS PLAT. (SEE TITLE REFERENCES) THE UNDERSIGNED LICENSED LAND SURVEYOR DOES NOT WARRANT THAT ALL RELEVANT CONVEYANCES HAVE BEEN DISCOVERED OR ARE KNOWN.

THIS LIMITATION MAY BE REMOVED UPON PRESENTATION OF A CERTIFIED RECORD SEARCH OF THE LAND DESCRIBED IN THIS SURVEY PRESENTATION.

DONE THIS 04 th. DAY OF APRIL, 2019.

MATTHEW D. DEJOURNETT
MO-PLS-2015000226
331 S. HIGHWAY 61
SCOTT CITY, MISSOURI 63780

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)SS

Filed for record in the office of the county Recorder of Deeds of Cape Girardeau County, Missouri duly recorded under document number _____, at Jackson, Missouri, on this _____ day of _____, 20__ A.D.

ANDREW DAVID BLATTNER, RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MISSOURI

EXCEPTION AND VARIANCE NOTES:

AN EXCEPTION IS SHOWN FOR THE OMISSION OF THE REQUIRED 10 FOOT UTILITY EASEMENT ALONG THE FRONT AND REAR LOT LINES OF LOT 01.

A VARIANCE IS SHOWN FOR A REDUCED REAR YARD SETBACK ALONG THE NORTH LOT LINE OF LOT 01.

TITLE REFERENCES

DOC. NO. 2018-03153 (SUB)
DOC. NO. 2018-07496 (ADJ)
DOC. NO. 2014-03402 (ADJ)

SURVEY AND PLAT PREPARED BY:
DOWDY AND DEJOURNETT SURVEYING
331 S. HIGHWAY 61
SCOTT CITY, MISSOURI 63780
(573) 579-4524
mattdejournett@hotmail.com

DOWDY AND DEJOURNETT SURVEYING LARRY D. DOWDY, PLS MATT DEJOURNETT, PLS	DEJOURNETT SURVEYING, LLC. (LS-2015007724) 331 S. HIGHWAY 61, SCOTT CITY, MO 63780 Ph: (573) 579-4524 mattdejournett@hotmail.com	DATE: 04/04/19	COMMENTS	ASSESSORS MAP No.: 21-111
		REVISION 1:		JOB NUMBER: 2018-175
		REVISION 2:		DRAWN BY: MDD
				SURVEY CLASS: URBAN

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-139

SUBJECT

An Ordinance approving the Record Plat of Randolph Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for combining two tracts at 2421 Albert Rasche Drive.

BACKGROUND/DISCUSSION

A record plat has been submitted for Randolph Subdivision, located at 2421 Albert Rasche Drive. The property is zoned R-1 (Single-Family Suburban Residential). The plat combines two tracts to form one new lot. The plat shows variances for reduced lot area and width. Staff supports the variances due to this being an existing parcel with no additional land available.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 12, 2019 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name:	Description:
Record Plat Randolph Subdivision.doc	Ordinance
Staff Review-Referral-Action Form.pdf	Randolph Subdivision - Staff RRA Form
Map - Randolph Subdivision.pdf	Randolph Subdivision - Map
Application - Randolph Subdivision Record Plat.pdf	Randolph Subdivision - Application
RANDOLPH_SUB_52819.pdf	Randolph Subdivision - Record Plat

BILL NO. 19-99

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
RANDOLPH SUBDIVISION

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

ARTICLE 1. The record plat of Randolph Subdivision, being that part of Lot numbered Ten (10), and part of Lot numbered Eleven (11), in Block numbered Two (2) of Suburban Heights, a subdivision in the City of Cape Girardeau as shown by Plat recorded in Plat Book #6, at page numbered #16, of the land records of Cape Girardeau County, Missouri, submitted by Charles E. Randolph, bearing the certification of Scott A. Richards, a Registered Land Surveyor, dated the 17th day of March, 2019, including all exceptions and variances, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

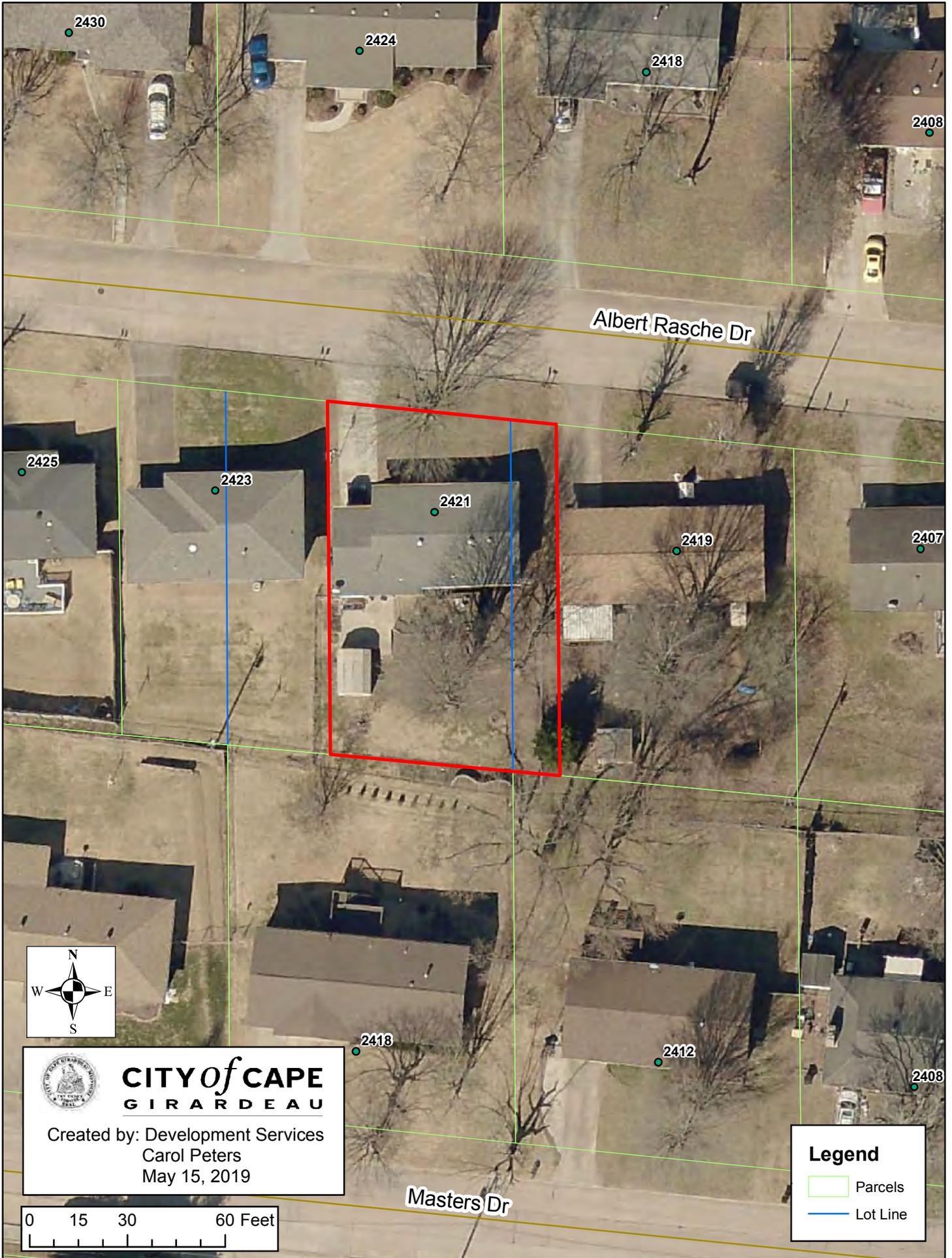
PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Randolph Subdivision



CITY of CAPE
GIRARDEAU

Created by: Development Services
Carol Peters
May 15, 2019



Legend

- Parcels
- Lot Line



SUBDIVISION PLAT APPLICATION

CITY of CAPE GIRARDEAU

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Name of Subdivision Randolph Miner Subd.		Type of Plat: Preliminary, Record, or Boundary Adjustment	
Applicant Charles E Randolph		Property Owner of Record (if other than Applicant)	
Mailing Address 2421 Albert Rasche	City, State, Zip Cape Girardeau MO 63701	Mailing Address	City, State, Zip
Telephone 573-576-7486	Email chaz2457@yahoo.com	Telephone	Email
Contact Person (If Applicant is a Business or Organization)		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Richards Land Surveying		Developer (if other than Applicant)	
Mailing Address 1813 Greenbrier Dr Cape Girardeau MO	City, State, Zip 63701	Mailing Address	City, State, Zip
Telephone 573-339-7473	Email rlsurvey@charter.net	Telephone	Email

ADDITIONAL ITEMS REQUIRED

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
 - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
 - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
 - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)

- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

CERTIFICATION

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

Diane Randolph **Diane Randolph** **5-15-19**
 Applicant Signature and Printed Name Date

OFFICE USE ONLY

Date Received & By **5-15-19 CP** MUNIS Application No. **8810**
 Planning & Zoning Commission Recommendation _____ Date _____
 City Council Final Action _____ Date _____

CITY OF CAPE GIRARDEAU, MISSOURI
 City Staff Review, Referral and Action - Subdivision Application

FILE: **Randolph Subdivision**

LOCATION: 2421 Albert Rasche Drive

STAFF REVIEW & COMMENTS:

A record plat has been submitted which combines two (2) lots at 2421 Albert Rasche Drive. SEE STAFF REPORT FOR MORE DETAILS.

By 836.
 City Planner

5/28/19
 Date

W. ERIC JENNINGS
 City Attorney

MAY 28, 2019
 Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
 City Manager

5-28-19
 Date

Planning & Zoning Commission

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

[Signature]
 Kevin Greaser
 Planning & Zoning Commission Secretary

City Council Action

Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

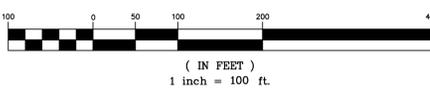
ORDINANCE # _____ Effective Date: _____

RECORD PLAT OF MIDAMERICA CROSSINGS SECOND SUBDIVISION

A RESUBDIVISION OF ALL OF LOT NUMBER 4 OF MIDAMERICA CROSSINGS AS RECORDED IN DOCUMENT NUMBER 2016-14260 OF THE COUNTY LAND RECORDS, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI.



GRAPHIC SCALE



SUBDIVISION DEDICATION

I, Daniel M. Drury, President of Victorian Inns Inc. NKA Midamerica Hotels Corporation, a Missouri Corporation, owner in fee of all of Lot Number 4 of Midamerica Crossings as recorded in Document Number 2016-14260 of the County land records, in the City and County of Cape Girardeau, State of Missouri, do hereby subdivide said tract into lots as shown hereon, and do hereby name said subdivision, "Midamerica Crossings Second Subdivision".

Daniel M. Drury
President of Victorian Inns Inc. NKA Midamerica Hotels Corporation

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)

On this ___ day of _____, 20___, before me, a Notary Public for said County and State, appeared Daniel M. Drury, President of Victorian Inns Inc. NKA Midamerica Hotels Corporation, a Missouri Corporation, to me known to be the person described herein, and who executed the foregoing instrument as the free act and deed of said Corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this ___ day of _____ A.D., 20___.

My commission expires _____

Notary Public _____

I, _____, City Clerk of the City of Cape Girardeau, Missouri, hereby certify that this plat was approved by the City of Cape Girardeau, Missouri,

by Ordinance No. _____, passed and approved

this ___ day of _____, A.D., 20___.

City Clerk, City of Cape Girardeau, Missouri

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU)

Filed for record this ___ day of _____, A.D., 20___, in Document Number _____.

Andrew David Blattner, Recorder of Deeds
Cape Girardeau County, Missouri

THIS SURVEY OF A TRACT OF URBAN PROPERTY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF MISSOURI AS MADE EFFECTIVE JUNE 30, 2017.

LOT #1
Midamerica Crossings

LOT #2
Midamerica Crossings

LOT #3
Midamerica Crossings

LOT #4C
17.56 ACRES

LOT #4B
199 ACRES

LOT #4A
0.35 ACRES

LINE TABLE			
LINE #	DIRECTION	LENGTH	
L1	S58° 55' 05"E	75.17'	
L2	N80° 43' 57"E	70.55'	
L3	N11° 04' 02"E	14.00'	
L4	S12° 17' 16"E	56.39'	
L5	N05° 18' 47"W	17.62'	
L6	N31° 06' 26"E	215.90'	

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	96.78'	341.25'	S04° 10' 06"E	96.45'
C2	30.08'	260.00'	N08° 37' 40"W	30.07'
C3	196.60'	260.00'	N33° 36' 17"W	191.95'

SUBDIVISION NOTES

LOT SIZES
TOTAL NUMBER OF LOTS: 3
SMALLEST LOT SIZE: 15,509 SQ. FT. (0.35 ACRES)
LARGEST LOT SIZE: 785,223 SQ. FT. (17.56 ACRES)

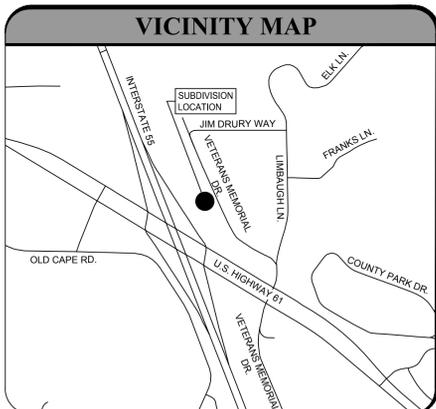
ZONING
C-2 (HIGHWAY COMMERCIAL DISTRICT)
BUILDING SETBACKS FOR C-2 ZONING
FRONT: 25 FEET
REAR & SIDE: NONE, EXCEPT 20 FEET WHEN ADJACENT TO A RESIDENTIAL USE OR DISTRICT, OR 10 FEET WHEN ADJACENT TO AN AGRICULTURAL USE OR DISTRICT

AREA AND BULK FOR C-2 ZONING
MINIMUM LOT AREA: None
MINIMUM LOT WIDTH: None

RECORD OWNER
MIDAMERICA HOTELS CORPORATION
DEED BOOK 464 PAGE 554
DEED BOOK 407 PAGE 271
DOC. #2008-11929

DEVELOPER OF SUBDIVISION AND PLAT PREPARED FOR:
MIDAMERICA HOTELS CORPORATION
105 SOUTH MOUNT AUBURN ROAD
CAPE GIRARDEAU, MO 63703
(573) 334-0546

PLAT PREPARED BY AND LAND SURVEYING SERVICES PROVIDED BY:
KOEHLER ENGINEERING AND LAND SURVEYING, INC.
194 COCKER LANE
CAPE GIRARDEAU, MO 63701
(573) 335-3026



LEGEND	
	= FOUND 1/2" IRON ROD
	= FOUND 5/8" IRON ROD
	= SET 1/2" IRON ROD
	= ROAD RIGHT-OF-WAY LINE
	= ROAD CENTERLINE
	= SUBDIVISION BOUNDARY LINE
	= PROPOSED LOT LINE
	= BUILDING SETBACK LINE
	= EXISTING EASEMENT LINE
	= EXISTING LOT LINE
	= SECTION LINE

NOTE: 1/2" RODS SET AT ALL LOT CORNERS, UNLESS OTHERWISE INDICATED.

FLOODPLAIN NOTE

NO PORTION OF THE PROPERTY FALLS WITHIN THE 100 YEAR FLOODPLAIN, AS INDICATED ON THE FLOOD INSURANCE RATE MAP NUMBER 29031C0251E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

PLAT REFERENCE

Midamerica Crossings
Doc. No. 2016-14260

KOEHLER
ENGINEERING AND LAND SURVEYING, INC.

Civil Engineering and Surveying Services
194 Cocker Lane - Cape Girardeau, MO 63701
Phone: 573-335-3026 - Fax: 573-335-3049
www.koehlerengineering.com

RECORD PLAT OF:
MIDAMERICA CROSSINGS SECOND
SUBDIVISION

MIDAMERICA HOTELS CORPORATION - C/O MR. DANIEL M. DRURY, PRESIDENT
105 SOUTH MOUNT AUBURN ROAD - CAPE GIRARDEAU, MO 63703

RECORD PLAT

KELS PLOT NO. 34476	OWNER NO.
SURVEYED BY CK	
DRAWN BY EB	SHEET NO.
CHECKED BY CK	
DATE 05.14.2019	

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
6/17/2019

AGENDA REPORT
Cape Girardeau City Council

19-140

SUBJECT

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Bicycle and Motorcycle Parking.

EXECUTIVE SUMMARY

The attached ordinance amends the bicycle and motorcycle parking regulations in the Development Code (Chapter 25 of the Code of Ordinances).

BACKGROUND/DISCUSSION

Attached is an amendment to the Development Code (Chapter 25 of the Code of Ordinances) regarding bicycle and motorcycle parking. Currently, Section 25-210(a) of the Code allows bicycle and motorcycle parking spaces to be substituted for vehicle (car and truck) parking spaces up to ten percent (10%) of the required vehicle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space. Substitution is only allowed for parking lots with at least ten (10) vehicle parking spaces serving any of the following uses: offices, manufacturing, regional shopping centers, colleges and universities, medical centers, and health and fitness centers.

Staff believes this substitution provision provides flexibility in meeting the parking requirements for the uses listed. Staff does not see why it should be restricted to certain uses, however. The provision incentivizes developers to incorporate bicycle and motorcycle parking into their developments, thus accommodating these modes of transportation and potentially reducing impervious surface area. Staff believes these benefits should be made available to all uses. The amendment removes the use restriction and reorganizes/rewords the bicycle and motorcycle parking requirements.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 12, 2019 meeting, recommended approval of the amendment with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The Director of Development Services holds quarterly roundtable discussions with local developers to discuss challenges experienced in the development process. Developers attending those meetings have expressed support for more flexibility in the City Code for meeting parking requirements.

ATTACHMENTS:

Name:	Description:
Amending_Ch_25_Bicycle_and_motorcycle_parking.docx	Ordinance
Chapter_25_Amendment_Regarding_Bicycle_and_Motorcycle_Parking_(Edits_Copy).-	Chapter 25 Amendment Regarding Bicycle & Motorcycle

[June 12 2019.pdf](#)

Parking (Edits Copy)

[Chapter 25 Amendment Regarding Bicycle and Motorcycle Parking \(Clean Copy\) - June 12 2019.pdf](#)

Chapter 25 Amendment Regarding Bicycle & Motorcycle Parking (Clean Copy)

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE
OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU,
MISSOURI, REGARDING BICYCLE AND MOTORCYCLE
PARKING

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

ARTICLE 1. Section 25-210, entitled "Bicycle and motorcycle
parking", of Article II of Chapter 25 of the City Code, reading
as follows:

Sec. 25-210. - Bicycle and motorcycle parking.

(a) Bicycle and motorcycle parking reduction allowance. Up
to ten (10) percent of required vehicle parking may be
substituted with bicycle or motorcycle parking at a rate of
two (2) bicycle or motorcycle spaces for each required
vehicle space. The reduction allowance is applicable only
to parking lots that contain at least ten (10) or more
vehicle parking spaces and to the following uses: office,
manufacturing, regional shopping centers, colleges and
universities, medical centers, and health and fitness
centers.

(b) Bicycle parking facilities shall be equipped with
either a lockable enclosure (bicycle locker) or a
permanent, secure, and stationary structure (bicycle rack)
that supports the bicycle frame and to which the frame and
both bicycle wheels can be locked (with the removal of the
front wheel) or where the frame and one (1) wheel can be
locked (if both wheels remain on the bicycle). Each bicycle
parking space shall be at least six (6) feet long, two (2)
feet wide and shall have a minimum overhead clearance of
seven (7) feet. If more than one (1) bicycle rack is used,
an access aisle five (5) feet wide at a minimum is required
beside or between each row of bicycle racks.

(c) Each motorcycle parking space shall be at least eight
(8) feet long, five (5) feet wide and shall have a minimum
overhead clearance of seven (7) feet.

(d) Bicycle and motorcycle parking facilities shall be
surfaced with all-weather material and maintained in a safe
and neat condition. Bicycle and motorcycle parking
facilities shall be clearly designated, safely separated
from vehicle maneuvering areas, and located near the main

and employee entrances to the principle use. Bicycle and motorcycle parking facilities in parking structures shall be located on the ground level.

is hereby repealed in its entirety and a new Section 25-210, entitled "Bicycle and motorcycle parking", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-210. - Bicycle and motorcycle parking.

(a) *Bicycle and motorcycle parking standards.* Bicycle and motorcycle parking facilities shall comply with the following standards:

(1) Facilities shall be surfaced with all-weather material.

(2) Facilities shall be maintained in a safe and neat condition.

(3) Facilities shall be located near the main entrance of the building(s) they are intended to serve.

(4) Facilities located in parking structures shall be located on the ground level.

(5) Bicycle parking facilities shall be safely separated from vehicle maneuvering areas.

(6) Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with the removal of the front wheel) or to which the frame and one (1) wheel can be locked (if both wheels remain on the bicycle).

(7) Each bicycle parking space shall be at least six (6) feet long, two (2) feet wide, and shall have a minimum overhead clearance of seven (7) feet. If more than one (1) bicycle rack is used, an access aisle having a minimum width of five (5) feet shall be provided beside or between each row of bicycle racks.

(8) Motorcycle parking facilities shall be clearly delineated and contain signage designating the parking spaces for motorcycle parking.

(9) Each motorcycle parking space shall be at least eight (8) feet long, five (5) feet wide, and shall have a minimum overhead clearance of seven (7) feet.

(b) *Bicycle and motorcycle parking substitution allowance.* Up to ten (10) percent of required vehicle parking may be substituted with bicycle or motorcycle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space.

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.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

TEXT TO BE DELETED IS SHOWN IN STRIKETHROUGH

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT: None

Sec. 25-210. - Bicycle and motorcycle parking.

~~(a) —Bicycle and motorcycle parking reduction allowance. Up to ten (10) percent of required vehicle parking may be substituted with bicycle or motorcycle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space. The reduction allowance is applicable only to parking lots that contain at least ten (10) or more vehicle parking spaces and to the following uses: office, manufacturing, regional shopping centers, colleges and universities, medical centers, and health and fitness centers.~~

~~(b) —Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with the removal of the front wheel) or where the frame and one (1) wheel can be locked (if both wheels remain on the bicycle). Each bicycle parking space shall be at least six (6) feet long, two (2) feet wide and shall have a minimum overhead clearance of seven (7) feet. If more than one (1) bicycle rack is used, an access aisle five (5) feet wide at a minimum is required beside or between each row of bicycle racks.~~

~~(c) —Each motorcycle parking space shall be at least eight (8) feet long, five (5) feet wide and shall have a minimum overhead clearance of seven (7) feet.~~

~~(d) —Bicycle and motorcycle parking facilities shall be surfaced with all-weather material and maintained in a safe and neat condition. Bicycle and motorcycle parking facilities shall be clearly designated, safely separated from vehicle maneuvering areas, and located near the main and employee entrances to the principle use. Bicycle and motorcycle parking facilities in parking structures shall be located on the ground level.~~

(a) *Bicycle and motorcycle parking standards.* Bicycle and motorcycle parking facilities shall comply with the following standards:

- (1) Facilities shall be surfaced with all-weather material.
- (2) Facilities shall be maintained in a safe and neat condition.
- (3) Facilities shall be located near the main entrance of the building(s) they are intended to serve.
- (4) Facilities located in parking structures shall be located on the ground level.
- (5) Bicycle parking facilities shall be safely separated from vehicle maneuvering areas.
- (6) Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked (with the removal of the front wheel) or to which the frame and one (1) wheel can be locked (if both wheels remain on the bicycle).
- (7) Each bicycle parking space shall be at least six (6) feet long, two (2) feet wide, and shall have a minimum overhead clearance of seven (7) feet. If more than one (1) bicycle rack is used, an access aisle having a minimum width of five (5) feet shall be provided beside or between each row of bicycle racks.
- (8) Motorcycle parking facilities shall be clearly delineated and contain signage designating the parking spaces for motorcycle parking.

- (9) Each motorcycle parking space shall be at least eight (8) feet long, five (5) feet wide, and shall have a minimum overhead clearance of seven (7) feet.
- (b) *Bicycle and motorcycle parking substitution allowance.* Up to ten (10) percent of required vehicle parking may be substituted with bicycle or motorcycle parking at a rate of two (2) bicycle or motorcycle spaces for each required vehicle space.

SUBJECT

This ordinance would appropriate funds for operating expenditures, capital expenditures, debt service expenditures and transfers for the fiscal year ending June 30, 2019.

EXECUTIVE SUMMARY

The attached appropriation ordinance is routinely submitted each year at this time and covers expenditures incurred in the fiscal year ending June 30, 2019 that were not included in that year's original adopted budget. Although Council approved a majority of the expenditures during the current or previous fiscal years, appropriations have not previously been made to the fiscal year ending June 30, 2019 budget. Some of the expenditures included in this ordinance were for expenditures appropriated in previous years' budgets but not encumbered or incurred until this year. Since appropriations expire at the end of each fiscal year, portions encumbered or incurred this year should be re-appropriated.

BACKGROUND/DISCUSSION

Article 1 of the attached ordinance appropriates the following operating expenditures:

General Fund Departments totaling \$793,751.00 - This appropriation covers increased administrative, development services, public safety, public works and parks and recreation expenditures and can be broken down as follows:

- (1) \$36,096.00 for non-personnel expenditures that were covered by grants not assumed in the original budget.
- (2) \$64,700.00 for expenditures related to a City Hall space study and analysis of possible use of the Common Pleas Courthouse that had not been included in the original budget.
- (3) \$40,000.00 for expenditures related to an award paid on a claim against the City that had not been included in the original budget.
- (4) \$19,855.00 for expenditures related to a telecommunication audit that had not been included in the original budget.
- (5) \$55,000.00 for expenditures related to development payments due per the Convention Center development agreement that has not been included in the original budget.
- (6) \$315,000.00 of police and fire personnel expenditures that exceed their budgets as a result of unbudgeted grant covered personnel costs, providing fire coverage at the Airport that had not been assumed in the budget, using additional overtime to provide adequate 911 service, and using additional overtime and part-time hours used as a result of increasing staffing levels for the City's jailing operation. Approximately \$40,000 of these expenditures will be covered by revenues not included in the original budget.
- (7) \$48,000.00 for expenditures related to the purchase of turn out gear and the replacement of a washer extractor that had not been included in the original budget. A portion of the proceeds from the sale of a retired fire vehicle funded the purchase of these items.

(8) \$30,250.00 for expenditures related to I-Cloud storage for the City's new body camera system that had not been included in the original budget.

(9) \$29,000.00 for expenditures related to legal costs for outside counsel relating to items not assumed by the original budget.

(10) \$13,500.00 for expenditures related to insurance coverage of the City's street lights not assumed by the original budget. This was the first year of this coverage.

(11) \$60,000.00 for additional public safety fleet maintenance costs.

(12) \$22,500.00 for additional public safety utility expense.

(13) \$28,350.00 for additional fire operating expenses.

(14) \$22,000.00 for additional park overtime and part-time costs.

(15) \$9,500.00 for additional park operating expense.

The Airport and Parks and Recreation funds totaling \$102,350.00 and \$68,896.00 respectively –The increased costs in these funds that are not covered by revenues or assigned fund balances in their respective funds are covered by additional operating transfers included in Article 4 of this ordinance. Additional operating transfers from the General Fund to these funds are \$73,035 and \$105,000 respectively in Article 4.

The remaining operating expense appropriations included in this Article are either covered by additional current year revenue or unencumbered fund balances in their respective funds.

Article 2 of the attached ordinance appropriates the following capital expenditures:

Public Safety related expenditures totaling \$62,380.00 - \$17,880 of these expenditures were covered by grant revenues. The remaining expenditures were covered by a portion of the proceeds from the sale of a retired fire vehicle.

Parks and Recreation related expenditures totaling \$133,803.00 - All of these expenditures were covered by the operating portion of the parks stormwater sales tax.

Equipment and capital improvements for the Cape Regional Airport expenditures totaling \$127,751.00 - These expenditures were covered by grant revenues, insurance claims and airport fund balance.

Public Safety equipment, plan review software, truck routing software totaling \$88,144 – These costs were funded by Casino Fund revenues.

Various transportation related projects totaling \$825,500.00. These expenditures were funded using various funding sources across various funds.

General Capital Improvement Fund totaling \$91,500.00 – This appropriation covers the completion of the police headquarters and jail and were funded by transfers from the Public Safety Trust Fund II.

Sewer Fund totaling \$600,000.00 – This appropriation covers the cost of completing the Gordonville Booster Pump Station.

Water Fund totaling \$140,435.00 – This appropriation covers the cost of replacing a wrecked solid waste collection vehicle from insurance compensation.

Article 3 of the attached ordinance appropriates the following debt service expenditures:

Convention and Tourism Fund totaling \$300.00 – This appropriation covers the handling costs related to the bonds issued to construct the SportsPlex that had not been included in the original budget.

Article 4 of the attached ordinance authorizes additional transfers between funds. Additional transfers totaling \$423,035.00 are from the general fund to other funds. The general fund transfers covers potential operating deficits in the airport, parks and recreation, and sports complex funds, and transfers to cover internal charges from Parks and Recreation to various capital projects.

The remaining transfers totaling \$299,287 fund other capital projects, equipment purchases, and transfer the public safety equipment sales proceeds to the public safety trust fund.

STAFF RECOMMENDATION

Staff recommends approval of this ordinance.

ATTACHMENTS:

Name:	Description:
Year End Appropriation 6-30-19.docx	Ordinance

BILL NO. 19-102

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FUNDS FOR
OPERATING EXPENDITURES, CAPITAL
EXPENDITURES, DEBT SERVICE EXPENDITURES, AND
TRANSFERS FOR THE FISCAL YEAR ENDING JUNE
30, 2019, IN THE CITY OF CAPE GIRARDEAU,
MISSOURI

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

ARTICLE 1. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for the operating expenditures of the departments specified, in the following amounts:

Administrative (General Fund) - One Hundred Fifty-three Thousand Five Hundred Fifty-five Dollars (\$153,555.00) for unbudgeted costs related to the City Hall space study, legal fees, a telecommunication audit, and a claim against the City.

Development Services (General Fund) - Fifty-five Thousand Dollars (\$55,000.00) for unbudgeted expenditures related to economic development payments related to the new convention center.

Public Safety (General Fund) - Five Hundred Forty Thousand One Hundred Ninety-six Dollars (\$540,196.00) for costs related to unbudgeted grant funded public safety expenditures, unbudgeted I-cloud storage costs for body cameras, unbudgeted turn out gear costs, unbudgeted costs of a washer extractor, additional police expenditures related to overtime costs, fleet maintenance, and utility costs, and additional fire expenditures related to overtime costs, fleet maintenance, vehicle and building insurance, telephone, utility, and vehicle fuel costs.

Public Works (General Fund) - Thirteen Thousand Five Hundred Dollars (\$13,500.00) for unbudgeted

expenditures related to insurance coverage related to street lighting.

Parks and Recreation Works (General Fund) - Thirty-one Thousand Five Hundred Dollars (\$31,500.00) for additional expenditures related to part-time and over-time salaries, building and contents insurance, and land maintenance supplies.

Development Services (Airport Fund) - One Hundred Two Thousand Three Hundred Fifty Dollars (\$102,350.00) for unbudgeted costs related to bad debts, janitorial services, lease of an additional fuel truck, and additional expenditures related to building repairs and maintenance, utilities, fire training, and the air show.

Parks and Recreation (Parks and Recreation Fund) - Sixty-eight Thousand Eight Hundred Ninety-six Dollars (\$68,896.00) for unbudgeted special event costs, park sales tax funded Cape Splash furniture and fixture purchases, air conditioner repair, and additional expenditures related to small equipment purchases, utility, and special event costs.

Development Services (Capital Improvement Sales Tax - Sewer System Improvement Fund) - Twenty-seven Thousand Five Hundred Dollars (\$27,500.00) for additional payments required by economic development agreements

Public Works (Sewer Fund) - One Hundred Twenty-five Thousand Dollars (\$125,000.00) for additional sludge disposal costs

Public Works (Water Fund) - One Hundred Twenty-five Thousand Dollars (\$125,000.00) to cover additional chemical and water line supply costs.

Public Works (Solid Waste Fund) - Four Hundred Eighteen Thousand One Hundred Dollars (\$418,100.00) for costs related to unbudgeted software maintenance, recycling processing, baler repair expenditures, and additional expenditures to cover additional part-time and over-time salaries, fleet maintenance, disposal and tub grinding costs.

Parks and Recreation (Golf Fund)- Nine Thousand Forty-five Dollars (\$9,045.00) to cover additional fleet maintenance and small equipment costs.

Internal Service (Fleet Maintenance Fund) - Ninety-seven Thousand Five Hundred Dollars (\$97,500.00) to cover additional external repair, lubricant, parts and building repair costs.

Internal Service (Employee Fringe Benefit Fund) - Three Hundred Thousand Dollars (\$300,000.00) to cover additional estimated claims.

Internal Service (Workmen's Compensation Fund) - One Hundred Eight Thousand Dollars (\$108,000.00) to cover additional estimated claims and Second Injury Fund payments.

ARTICLE 2. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for additional capital expenditures of the departments specified, in the following amounts:

Public Safety (General Fund) - Sixty-two Thousand Three Hundred Eighty Dollars (\$62,380.00) for costs related to unbudgeted grant funded public safety communication equipment purchases, and fire mechanics truck purchase.

Parks and Recreation (General Fund) - Seventy-six Thousand Dollars (\$76,000.00) for unbudgeted costs related to purchases of two parcels of land at 1237 N. Water for future potential parks funded by the operating portion of the Parks and Stormwater Sales Tax.

Development Services (Airport Fund) - One Hundred Twenty-seven Thousand Seven Hundred Fifty-one Dollars (\$127,751.00) for unbudgeted grant funded equipment and runway improvement expenditures, costs to replace the door on the Cape Aviation building, and upgrades

to the airport access gate, fencing, and security system funded by proceeds from an insurance claim.

Parks and Recreation (Parks and Recreation Fund) - Fifty-seven Thousand Eight Hundred Three Dollars (\$57,803.00) for unbudgeted building improvements and equipment purchases funded by the operating portion of the Parks and Stormwater Sales Tax.

Capital Projects (Casino Revenue Fund) - Eighty-eight Thousand One Hundred Forty-four Dollars (\$88,144.00) for the unbudgeted costs of public safety equipment, plan review software, and truck routing software.

Capital Projects (Motor Fuel Tax Fund) - Three Hundred Thirty-five Thousand Five Hundred Dollars (\$335,500.00) for unbudgeted costs related to the City's contribution to MODOT's Diverging Diamond Project.

Capital Projects (Transportation Trust Fund IV) - Two Hundred Forty Thousand Dollars (\$240,000.00) for the carryover of unused portions of previous years' appropriations for various projects.

Capital Projects (Transportation Trust Fund V) - Two Hundred Fifty Thousand Dollars (\$250,000.00) to cover costs of a sidewalk point repair project.

Capital Projects (General Capital Improvements Fund) - Ninety-one Thousand Five Hundred Dollars (\$91,500.00) to cover costs of completing the police headquarters and jail.

Public Works (Sewer Fund) - Six Hundred Thousand Dollars (\$600,000.00) to cover costs of completing the Gordonville Booster Pump Station.

Public Works (Solid Waste Fund) - One Hundred Forty Thousand Four Hundred Thirty-five Dollars (\$140,435.00) to cover costs of replacing a wrecked solid waste collection vehicle from insurance proceeds.

ARTICLE 3. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the

unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for additional debt service expenditures of the departments specified, in the following amounts:

Debt Service (Convention and Tourism Fund) - Three Hundred Dollars (\$300.00) to cover unbudgeted handling costs of bonds issued to construct the SportsPlex.

ARTICLE 4. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates from the unappropriated balance of the identified funds for expenditure during the fiscal year ending June 30, 2019, for additional transfer between funds, in the following amounts:

General Fund to Airport Fund - Seventy-three Thousand Thirty-five Dollars (\$73,035.00) to cover estimated net cost of the air show and potential additional operating subsidy.

General Fund to Parks and Recreation Fund - One Hundred Five Thousand Dollars - (\$105,000.00) to cover potential additional operating subsidy.

General Fund to Sports Complex Fund - Twenty Thousand Dollars (\$20,000.00) to cover potential additional operating subsidy.

Parks and Stormwater Sales Tax - Operating Fund to Golf Fund - Thirty Thousand Dollars (\$30,000.00) to cover potential additional operating subsidy.

Public Safety Trust Fund to Public Safety Trust Fund II - Six Thousand Five Hundred Fifty Dollars (\$6,550.00) to cover the transfer of proceeds of the sale of police vehicles.

Public Safety Trust Fund II to General Capital Improvements Fund - Twenty-three Thousand One Hundred Forty-one Dollars (\$23,141.00) to cover a portion of the cost of new fire facilities.

Public Safety Trust Fund II to General Capital Improvements Fund - Fifty-seven Thousand Twelve Dollars (\$57,012.00) to cover a portion of the cost of the new police headquarters.

Parks and Stormwater Sales Tax - Operating Fund to General Fund - Seventy-seven Thousand Nine Hundred Seventeen Dollars (\$77,917.00) to cover costs related to various unbudgeted one-time expenditures.

Parks and Stormwater Sales Tax - Operating Fund to Parks and Recreation Fund - Ninety-two Thousand Six Hundred Eighty-five Dollars (\$92,685.00) to cover costs related to various unbudgeted one-time expenditures.

Parks and Stormwater Sales Tax - Operating Fund to Sports Complexes Fund - Eleven Thousand Nine Hundred Eighty-two Dollars (\$11,982.00) to cover costs related to various unbudgeted one-time expenditures.

General Fund to Parks Improvement Capital Project Fund - Two Hundred Twenty-five Thousand Dollars (\$225,000.00) to cover additional internal charges to the various park improvement projects to be completed during the year.

ARTICLE 5. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Staff: Kelly Green, P.E., City Engineer
Agenda: 7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-145

SUBJECT

Resolution authorizing the City Manager to enter into a contract with Lappe Cement Finishing, Inc. for the 2018 Sidewalk Gap Program.

EXECUTIVE SUMMARY

The improvements consist of installation of 5 foot wide concrete sidewalks, installation of ADA accessibility ramps, and all other necessary appurtenances and adjustments on Walnut Street between Sprigg Street and Ranney Avenue; Linden Street between Sprigg Street and Ranney Avenue; South Pacific Street between Elm Street and Walnut Street; Silver Springs Road between Themis Street and Whitener Street; Ellis Street between Hickory Street and Hackberry Street; and Hackberry Street between Pacific Street and Sprigg Street in the City of Cape Girardeau, Missouri as stated in the Specifications or shown on the Project Plans for the 2018 Sidewalk Gap Program.

BACKGROUND/DISCUSSION

The City has designated a portion of the Transportation Trust Fund monies for the repair and rejuvenation of existing City streets, alleys and sidewalks under each of the Transportation Trust Fund Programs voted in to date. This work is being covered by the Transportation Trust Fund Phase V. The work has been designed by City staff and the call for bids was publicly advertised. On June 25, 2019 three (3) bids were received; the high bid was \$315,988.20 and \$275,473.50 was the low bid. One (1) bid was below the Engineer's Estimate of Cost. All work will be done within existing right-of-way or easements.

FINANCIAL IMPACT

The construction contract will be issued to the low bidder, Lappe Cement Finishing, Inc., for the bid amount of \$275,473.50 with funding from Transportation Trust Fund V.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The City has long term plans for the construction of the new sidewalks and maintenance of the existing ones to provide more convenient and safer routes for the pedestrian use of its citizens and visitors. The Complete Street Policy was adopted in September 2018. The installation of 5 foot wide concrete sidewalks, installation of ADA accessibility ramps, and other improvements made with this project align with the principles of pedestrian safety and user accessibility. The Transportation Trust Fund Programs utilize the sales tax authorized by the voters for these purposes.

STAFF RECOMMENDATION

Staff recommends the Council pass and approve a resolution authorizing the City Manager to enter into a contract with Lappe Cement Finishing, Inc. in the amount of \$275,473.50 for the 2018 Sidewalk Gap Program.

PUBLIC OUTREACH

Presentations were made to the public and to civic organizations prior to each election to continue the Transportation Trust Fund Sales Taxes.

ATTACHMENTS:

Name:	Description:
📎 Agreement_Lappe_Cement_2018_Sidewalk_Gap_Program.doc	Resolution
📎 Agreement_with_Lappe.pdf	Contract Agreement
📎 bid_tabulation_6219.pdf	Bid Tabulation

BILL NO. 19-108

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LAPPE CEMENT FINISHING, INC., FOR THE 2018 SIDEWALK GAP PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

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

ARTICLE 1. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute an Agreement with Lappe Cement Finishing, Inc., for the 2018 Sidewalk Gap Program, in the City of Cape Girardeau, Missouri. The Agreement shall be in substantially the form attached hereto, which document is hereby approved by the City Council, and incorporated herein by reference, with such changes therein as shall be approved by the officers of the City executing the same.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

CITY OF CAPE GIRARDEAU

2018 SIDEWALK GAP PROGRAM

**STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR
ON THE BASIS OF A STIPULATED PRICE**

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2019 by and between the City of Cape Girardeau, Missouri (hereinafter called OWNER) and Lappe Cement Finishing, Inc. (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The improvements consist of installation of 5 foot wide concrete sidewalks, installation of ADA accessibility ramps, and all other necessary appurtenances and adjustments on Walnut Street between Sprigg Street and Ranney Avenue; Linden Street between Sprigg Street and Ranney Avenue; South Pacific Street between Elm Street and Walnut Street; Silver Springs Road between Themis Street and Whitener Street; Ellis Street between Hickory Street and Hackberry Street; and Hackberry Street between Pacific Street and Sprigg Street in the City of Cape Girardeau, Missouri as stated in the Specifications or shown on the Project Plans for the 2018 Sidewalk Gap Program.

Article 2. ENGINEER.

The City Engineer or his designee is to act as OWNER'S representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

Article 3. CONTRACT TIMES.

3.1 The work will be substantially completed within ninety (90) calendar days after the date when the Contract Times commence to run as provided in paragraph 2.3 of the General Conditions, and completed and ready for final payment in accordance with paragraph 14.13 of the General Conditions within one hundred twenty (120) days after the date when the Contract Times commence to run.

3.2 *Liquidated Damages.* OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER seven hundred dollars (\$700.00) for each calendar day that expires after the time specified in paragraph 3.1 until the Work is complete and the CONTRACTOR is ready for final payment.

Article 4. CONTRACT PRICE.

OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 4.1 and 4.2 below:

4.2 For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in the bidding documents.

TOTAL OF ALL UNIT PRICES: Two hundred seventy-five thousand, four hundred seventy-three dollars and fifty cents (\$275,473.50)

As provided in paragraph 11.9 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classification are to be made by ENGINEER as provided in paragraph 9.10 of the General Conditions. Unit prices have been computed as provided in paragraph 11.9.2 of the General Conditions.

Article 5. PAYMENT PROCEDURES.

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1 *Progress payments; Retainage.* OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR'S Application for Payment as recommended by ENGINEER, on or about the 10th day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below. All such payments will be measured by the schedule of values established in paragraph 2.9 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1 Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments

previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.7 of the General Conditions.

95% of Work completed (with the balance being retainage). If Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of Work completed, in which case, the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work completed.

95% (with the balance being retainage) of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentations satisfactory to OWNER as provided in paragraph 14.2 of the General Conditions).

5.1.2 Upon Substantial Completion, as agreed to by the OWNER and CONTRACTOR, in an amount sufficient to increase total payments to CONTRACTOR to 98% of the Contract Price (with the balance being retainage), less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.7 of the General Conditions.

5.2 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraph 14.13 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.13.

Article 6. INTEREST.

All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

Article 7. CONTRACTOR'S REPRESENTATIONS.

In order to induce OWNER to enter into the Agreement, CONTRACTOR makes the following representations:

7.1 CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in paragraph 8) and the other related data identified in the Bidding Documents, including "technical data".

7.2 CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the Work.

7.3 CONTRACTOR is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.

7.4 CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified. CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR'S purposes. CONTRACTOR acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.

7.5 CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.

7.6 CONTRACTOR has correlated the information known to CONTRACTOR, information and observation obtained from visits to the site, reports and drawings identified in the Contract documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

7.7 CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 8. CONTRACT DOCUMENTS.

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

8.1 This Agreement (pages 1 to 7 inclusive).

8.2 Exhibits to this Agreement (pages BF- 1 to BF- 8, inclusive).

8.3 Performance, Payment, and other Bonds, identified as exhibits ____ and consisting of ____ pages.

8.4 Notice to Proceed.

8.5 General Conditions (pages 1 to 55, inclusive). (EJCDC No. 1910-8 1990 Edition)

8.6 Supplementary Conditions (pages SC-1 to SC-5, inclusive).

8.7 Specifications bearing the title 2018 Sidewalk Gap Program.

8.8 Drawings.

8.9 Addenda numbers 1 to 1, inclusive.

8.10 CONTRACTOR'S Bid (pages BF- 1 to BF- 8, inclusive) marked exhibit A.

8.11 Pursuant to 285.530 R.S. Mo, the contractor must affirm its enrollment and participation in a federal work authorization program with respect to the employees proposed to work in connection with the services requested herein by 1) submitting a completed, notarized copy of AFFIDAVIT OF WORK AUTHORIZATION and 2) providing documentation affirming the bidder's enrollment and participation in a federal work authorization program with respect to the employees proposed to work in connection with the services requested herein.

8.12 Documentation submitted by CONTRACTOR prior to Notice of Award (pages ____ to ____, inclusive).

8.13 The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraphs 3.5 and 3.6 of the General Conditions.

The documents listed in paragraphs 8.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in the Article 8. The Contract Documents may only be amended, modified or supplemented as provided in paragraphs 3.5 and 3.6 of the General Conditions.

Article 9. MISCELLANEOUS.

9.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

9.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.3 OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

9.4 Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

9.5 Pursuant to 292.675, R.S. Mo, the contractor is informed that all contractors or subcontractors doing work on this project to provide, and require its on-site employees to complete, a ten (10) hour course in construction safety and health approved by the Occupational Safety and Health Administration ("OSHA") or similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program. The training must be completed within sixty (60) days of the date work on the project commences. On-site employees found on the worksite without documentation of the required training shall have twenty (20) days to produce such documentation.

9.6 The General Contractor shall provide to the City of Cape Girardeau City Engineer's Office weekly certified payrolls from the General Contractor and all Subcontractors during the course of the project. These must be provided on a weekly basis; if no work was done, then a payroll stating "No Work Done" must be submitted.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed the Agreement in multiple copies, one counterpart each has been delivered to CONTRACTOR and ENGINEER and two counterparts to the OWNER. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.

This Agreement will be effective on _____, 20__ (which is the Effective Date of the Agreement).

OWNER City of Cape Girardeau
Scott Meyer, City Manager

CONTRACTOR Lappe Cement Finishing, Inc.

By: _____
[CORPORATE SEAL]

By: _____
[CORPORATE SEAL]

Attest _____
Bruce Taylor, Deputy City Clerk

Attest _____

Address for giving notices
401 Independence Street
Cape Girardeau, MO 63703

Address for giving notices
2710 County Road 413
Friedheim, MO 63747

(If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement.)

License No. _____

Agent for service of process:

(If CONTRACTOR is corporation, attach evidence of authority to sign.)

EXHIBIT A
CITY OF CAPE GIRARDEAU

2018 SIDEWALK GAP PROGRAM

BID FORM
(EJCDC 1910-18) (1990)

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The improvements consist of installation of 5 foot wide concrete sidewalks, installation of ADA accessibility ramps, and all other necessary appurtenances and adjustments on a portion of the following streets: 1) Ellis Street, 2) South Pacific Street, 3) Hackberry Street, 4) Walnut Street, 5) Linden Street, and 6) Silver Springs Road in the City of Cape Girardeau, Missouri as stated in the Specifications or shown on the Project Plans for the 2018 Sidewalk Gap Program.

THIS BID IS SUBMITTED TO: CITY OF CAPE GIRARDEAU, MO.
401 INDEPENDENCE STREET
CAPE GIRARDEAU, MO. 63703

1. The undersigned BIDDER proposes and agrees, if the Bid is accepted, to enter into an agreement with OWNER in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price and within the Bid Times indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

2. BIDDER accepts all of the terms and conditions of the Advertisement or Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for sixty days after the day of Bid opening. BIDDER will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within fifteen days after the date of OWNER'S notice of Award.

3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:

(a) BIDDER has examined and carefully studied the Bidding Documents and the following:

Addenda, receipt of all which is hereby acknowledged: (List Addenda by Addendum Number and Date)

Addendum #1 - Dated 6/11/19

(b) BIDDER has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the Work;

(c) BIDDER is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.

(d) BIDDER has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified. BIDDER acknowledges that such reports and drawings are not Contract Documents and may not be complete for BIDDER'S purposes. BIDDER acknowledges that OWNER and Engineer do not assume responsibility for accuracy or completeness of information and data shown or indicated in the Bidding Documents with respect to Underground Facilities at or contiguous to the site. BIDDER has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by BIDDER and safety precautions and programs incident thereto. BIDDER does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the determination of this Bid for performance and furnishing of the Work in accordance with the times, price and other terms and conditions of the Contract Documents.

(e) BIDDER is aware of the general nature of Work to be performed by Owner and others at the site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

(f) BIDDER has correlated the information known to BIDDER, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

(g) BIDDER has given Engineer written notice of all conflicts, errors, ambiguities or discrepancies that BIDDER has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to BIDDER, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

Any questions, comments, or concerns regarding the design of this project should be addressed to Tom Wiesner, City of Cape Girardeau at 573-339-6327.

(h) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.

(i) Pursuant to 285.530 RSMo, the bidder must affirm its enrollment and participation in a federal work authorization program with respect to the employees proposed to work in connection with the services requested herein by

- submitting a completed, notarized copy of **AFFIDAVIT OF WORK AUTHORIZATION** and
- providing documentation affirming the bidder's enrollment and participation in a federal work authorization program with respect to the employees proposed to work in connection with the services requested herein.
- <http://www.uscis.gov/portal/site/uscis>

(j) Bidders are informed that the Project is subject to the requirements of Section 292.675, R.S. Mo, which requires all contractors or subcontractors doing work on the Project to provide, and require its on-site employees to complete, a ten (10) hour course in construction safety and health approved by the Occupational Safety and Health Administration ("OSHA") or similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program. The training must be completed within sixty (60) days of the date work on the Project commences. On-site employees found on the worksite without documentation of the required training shall have twenty (20) days to produce such documentation.

4. BIDDER will complete the Work in accordance with the Contract Documents for the following price(s):

UNIT PRICE BID

NO	ITEM	UNIT	EST. QTY.	UNIT PRICE	TOTAL EST. PRICE
1	Adjust AT&T Manhole	EA	1	\$ 750. ⁰⁰	\$ 750. ⁰⁰
2	Adjust Gas Gate Valves	EA	3	\$ 240. ⁰⁰	\$ 720. ⁰⁰
3	Adjust Sanitary Sewer Manholes	EA	2	\$ 340. ⁰⁰	\$ 680. ⁰⁰
4	4" Thick 5' Wide PCC Sidewalk	SY	2,584	\$ 48. ⁰⁰	\$ 124,032. ⁰⁰
5	Single Curb Ramp with Truncated Domes	EA	34	\$ 925. ⁰⁰	\$ 31,450. ⁰⁰
6	Excavation and Grading	LS	1	\$ 9,800. ⁰⁰	\$ 9,800. ⁰⁰
7	4" Thick Aggregate Base	SY	3,170	\$ 4.25	\$ 13,472. ⁵⁰
8	Remove and Replace Concrete Driveways	SY	371	\$ 55. ⁰⁰	\$ 20,405. ⁰⁰
9	New 7" Thick Concrete Driveways	SY	131	\$ 54. ⁰⁰	\$ 16,902. ⁰⁰
10	Traffic Control	LS	1	\$ 4,200. ⁰⁰	\$ 4,200. ⁰⁰
11	Seed and Straw	LS	1	\$ 7400. ⁰⁰	\$ 7400. ⁰⁰
12	6" Upright Curb and Gutter Replacement	LF	117	\$ 32. ⁰⁰	\$ 3,744. ⁰⁰
13	Remove Trees	LS	1	\$ 15,000. ⁰⁰	\$ 15,000. ⁰⁰
14	New 7" Thick Alley Stub Outs	SY	43	\$ 71. ⁰⁰	\$ 3,053. ⁰⁰
15	Modular Block Retaining Wall	SF	385	\$ 50. ⁰⁰	\$ 19,250. ⁰⁰
16	6" Thick Gravel Parking Area	SY	152	\$ 7.50	\$ 1,140. ⁰⁰
17	12" Concrete Pipe	LF	10	\$ 63. ⁰⁰	\$ 630. ⁰⁰
18	12" Flared End Section	EA	2	\$ 410. ⁰⁰	\$ 820. ⁰⁰
19	6" Thick 5' Wide Sidewalk	SY	101	\$ 53. ⁰⁰	\$ 5,353. ⁰⁰
20	Adjust 4" Gutter Drain	LS	1	\$ 500. ⁰⁰	\$ 500. ⁰⁰
21	6" Striping - Cross Walks	LS	1	\$ 3,600. ⁰⁰	\$ 3600. ⁰⁰
22	New Sign Installation	EA	6	\$ 400. ⁰⁰	\$ 2,400. ⁰⁰
				275,473.50	
TOTAL BID FOR ALL UNIT PRICES				\$ 285,301. 50	

7074.00

Two hundred eighty-five thousand three hundred one and 50/100

(Written figure)

(Total bid amount is to be shown in both words and figures. In case of discrepancy, the amount shown in words will govern. In case of error in extension, the unit and lump sum prices under each Pay Item will be considered correct, and these sums when properly extended, shall constitute the Bid.)

Unit Prices have been computed in accordance with paragraph 11.9.2 of the General Conditions.

BIDDER acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.

5. BIDDER agrees that the Work will be substantially complete within 90 calendar days after the date when the Contract Times commences to run as provided in paragraph 2.3 of the General Conditions, and completed and ready for final payment in accordance with paragraph 14.13 of the General Conditions within 120 calendar days after the date when the Contract Times commences to run.

BIDDER accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the time specified in the Agreement.

6. The following documents are attached to and made a condition of this Bid:

- (a) Required Bid Security in the form of bid bond or cashiers check.
- (b) Acknowledgement of any addenda issued.
- (c) Exhibit Affidavit of Work Authorization
- (d) Exhibit Affidavit of Excessive Unemployment (if applicable)
- (e) The E-Verify Program for Unemployment Verification Memorandum of Understanding <http://www.uscis.gov/files/nativedocuments/MOU.pdf>
- (f) Exhibit Affidavit of OSHA Training
- (g) Certification Regarding Debarment, Suspension and Other Responsibility Matters

7. Bidder agrees to submit the following documents within three (3) business days after the opening of Bids if requested:

- (a) BIDDER'S Qualification Statement with supporting data.

8. Communications concerning this Bid shall be addressed to:

Name Randy Lappe

Address 2710 County Road 413 • Friedheim, MO
63747

(a) Performance and Payment Bonding Company

Name United Fire + Casualty Company

Address 118 Second Ave SE • P.O. Box 73909 • Cedar Rapids, IA
52407

Agent/Power of Attorney Name (if used) _____

Address _____

9. Terms used in the Bid which are defined in the General conditions or Instructions will have the meanings indicated in the General Conditions or Instructions.

SUBMITTED on June 25, 2019.

State Contractor License No. _____

IF BIDDER is:

An Individual

By _____ (SEAL)
(Individual's Name)

doing business as _____

Business address: _____

Phone No.: _____

A Partnership

By _____ (SEAL)
(Firm Name)

_____ (General Partner)

Business address: _____

Phone No.: _____

A Corporation

By Lappe Cement Finishing, Inc.
(Corporation Name)

Missouri

(State of Incorporation)

By Randy Lappe, Randy Lappe
(Name of Person Authorized to Sign)

President

(Title)

(Corporate Seal)

Attest

Melissa L. Hayden
(Secretary)

Business address: 2710 County Road 413
Friedheim, MO 63747

Phone No.: 573-547-5713

Date of Qualification to do business is March, 1976

A Joint Venture

By _____ (SEAL)
(Name)

(Address)

By _____ (SEAL)
(Name)

(Address)

Phone Number and Address for receipt of official communications:

(Each joint venturer must sign. The manner of signing for each individual, partnership and corporation that is a party to the joint venture should be in the manner indicated above.)

BREAKDOWN OF WORK FORCE (Required):

The Contractor shall be registered with the Missouri Secretary of State in order to work on this project.

BIDDER hereby states that he will perform the following items of work directly without employment of subcontractors:

Lappe Cement will complete the following
items: Items # 1 ~ # 12 + Items # 14 - # 22

It is anticipated that the following subcontractors will be employed for work on this project:

***SUBCONTRACTORS:**

(Name of Company)

(Type of Work)

Quality Tree Service

Remove Trees

* All subcontractors shall be registered with the Missouri Secretary of State in order to work on this project.

ADDENDUM #1

1.0 PROJECT INFORMATION

- A. Project Name: 2018 Sidewalk Gap Program
- B. Owner: The City of Cape Girardeau, Missouri
- C. Owner Project Number: 6192
- D. Engineer: N/A
- E. Date of Addendum: **June 11, 2019**

1.1 NOTICE TO BIDDERS

- A. This Addendum is issued to all registered plan holders pursuant to the Instructions to Bidders and Conditions of the Contract. This Addendum serves to clarify, revise, and supersede information in the Bidding and Contract Documents (Bid Documents), Drawings, and any previously issued Addenda. Portions of the Addendum affecting the Contract Documents will be incorporated into the Contract by enumeration of the Addendum in the Owner/Contractor Agreement.
- B. The Bidder shall acknowledge receipt of this Addendum as required at the top of page BF-2 of the BID FORM.

1.2 GENERAL

- A. This Addendum provides comments, clarifications, questions and answers as a result of the Pre-Bid Meeting held June 6, 2018. Subsequent questions and changes to documents are also noted below.

1.3 ATTACHMENTS

- A. SUPPLEMENTARY CONDITIONS REPLACEMENT
- B.
- C.

1.4 REVISIONS TO PREVIOUS ADDENDA

A. None.

1.5 REVISIONS TO BIDDING DOCUMENTS, CONTRACT DOCUMENTS AND SPECIFICATIONS

REVISIONS TO BIDDING DOCUMENTS

DELETE SC-5.4.4. OWNER'S PROTECTIVE LIABILITY INSURANCE

-- There are no other changes to the contract documents in this addendum. --

-- END OF ADDENDUM #1 --

EXHIBIT
AFFIDAVIT OF OSHA TRAINING

COMES NOW (Name) Randy Lappe as (Office Held) President of (Company Name/Contractor) Lappe Cement Finishing, Inc. and first being duly sworn, on my oath, affirm in connection with the contracted services related to 2018 Sidewalk Gap Program (Project Name) for the duration of the contract, as follows:

1. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the Project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department for Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, RSMo.
2. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the Project commences, as required by Section 292.675, RSMo.
3. Contractor acknowledges and agrees that any of Contractor's employees found on the Project site without documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the Project.
4. Contractor shall require all of its Subcontractors to comply with the requirements of Section 292.675, RSMo.
5. Contractor acknowledges that pursuant to Section 292.675, RSMo., Contractor shall forfeit to City as a penalty two thousand five hundred dollars (\$2,500.00), plus one hundred dollars (\$100.00) for each on-site employee employed by Contractor for its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Section 292.675, RSMo.
6. Contractor acknowledges that violations of Section 292.675, RSMo, and imposition of penalties described therein shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.
7. Contractor acknowledges that in the event that the Missouri Department of Labor and Industrial Relations has determined that a violation of Section 292.675, RSMo., has occurred and that a penalty shall be assessed, the City shall withhold and retain all sums and amounts due and owing when making payments to Contractor under this Contract.

FURTHER AFFIANT SAITH NOT.

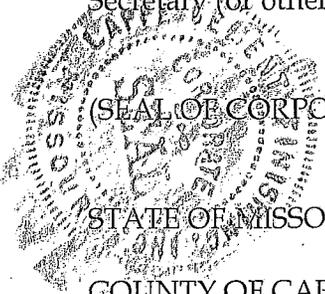
IN AFFIRMATION THEREOF, the facts stated above are true and correct (the undersigned understands that false statements made in this filing are subject to the penalties provided in Section 575.040, RSMo.)

Lappe Cement Finishing, Inc.
(Name of Corporation)

BY: Randy Lappe, President
(Name of Officer of Corporation and Title)

ATTEST:

Russell Lappe
Secretary (or other officer)



SEAL OF CORPORATION)

STATE OF MISSOURI

COUNTY OF CAPE GIRARDEAU

)
) ss.
)

On this 21st day of June, 2019, before me appeared Randy Lappe to me personally known, who, being by me duly sworn, did say that he/she is the President of Lappe Cement Finishing, Inc, a Missouri Corporation, and that the seal affixed to the foregoing instrument is the seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Perryville, Missouri, the day and year first above written.

Melissa L. Hayden
Notary Public

My Commission Expires:

April 23, 2020

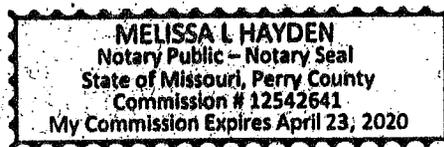


EXHIBIT
AFFIDAVIT OF WORK AUTHORIZATION

COMES NOW (Name) Randy Lappe as (Office Held) President of (Company Name/Contractor) Lappe Cement Finishing, Inc. and first being duly sworn, on my oath, affirm as follows:

1. (Company name/Contractor) Lappe Cement Finishing, Inc. is enrolled in and will continue to participate in a federal work authorization program in respect to the employees that will work in connection with the contracted services related to (Project Name) 2018 Sidewalk Gap Program for the duration of the contract in accordance with RSMo Chapter 258.530(2).
2. I also affirm that (Company Name/Contractor) Lappe Cement Finishing, Inc. does not and will not knowingly employ a person who is an unauthorized alien in connection with the contracted services related to (Project Name) 2018 Sidewalk Gap Program the duration of the contract.
3. Attached hereto is documentation affirming Contractor's enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services.

FURTHER AFFIANT SAITH NOT.

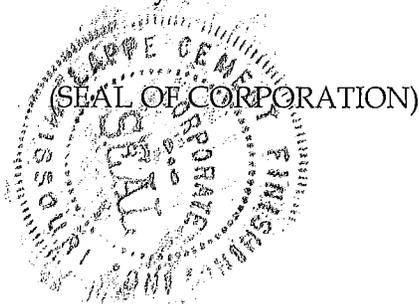
IN AFFIRMATION THEREOF, the facts stated above are true and correct (the undersigned understands that false statements made in this filing are subject to the penalties provided in Section 575.040, RSMo.)

Lappe Cement Finishing, Inc.
(Name of Corporation)

BY: Randy Lappe, President
(Name of Officer of Corporation and Title)

ATTEST:

Russell Lappe
Secretary



STATE OF MISSOURI

)
) ss.
)

COUNTY OF CAPE GIRARDEAU

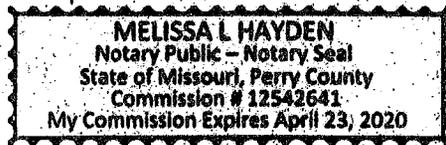
On this 21st day of June, 2019, before me appeared Randy Lappe to me personally known, who, being by me duly sworn, did say that he/she is the President of Lappe Cement Finishing, Inc, a Missouri Corporation, and that the seal affixed to the foregoing instrument is the seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Perryville, Missouri, the day and year first above written.

Melissa L. Hayden
Notary Public

My Commission Expires:

April 23, 2020





Company ID Number: 189854

**THE E-VERIFY PROGRAM FOR EMPLOYMENT VERIFICATION
MEMORANDUM OF UNDERSTANDING**

ARTICLE I

PURPOSE AND AUTHORITY

This Memorandum of Understanding (MOU) sets forth the points of agreement between the Department of Homeland Security (DHS) and Lappe Cement Finishing, Inc. (Employer) regarding the Employer's participation in the Employment Eligibility Verification Program (E-Verify). This MOU explains certain features of the E-Verify program and enumerates specific responsibilities of DHS, the Social Security Administration (SSA), and the Employer. E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of the Employment Eligibility Verification Form (Form I-9). For covered government contractors, E-Verify is used to verify the employment eligibility of all newly hired employees and all existing employees assigned to Federal contracts.

Authority for the E-Verify program is found in Title IV, Subtitle A, of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, as amended (8 U.S.C. § 1324a note). Authority for use of the E-Verify program by Federal contractors and subcontractors covered by the terms of Subpart 22.18, "Employment Eligibility Verification", of the Federal Acquisition Regulation (FAR) (hereinafter referred to in this MOU as a "Federal contractor") to verify the employment eligibility of certain employees working on Federal contracts is also found in Subpart 22.18 and in Executive Order 12989, as amended.

ARTICLE II

FUNCTIONS TO BE PERFORMED

A. RESPONSIBILITIES OF SSA

1. SSA agrees to provide the Employer with available information that allows the Employer to confirm the accuracy of Social Security Numbers provided by all employees verified under this MOU and the employment authorization of U.S. citizens.
2. SSA agrees to provide to the Employer appropriate assistance with operational problems that may arise during the Employer's participation in the E-Verify program. SSA agrees to provide the Employer with names, titles, addresses, and telephone numbers of SSA representatives to be contacted during the E-Verify process.
3. SSA agrees to safeguard the information provided by the Employer through the E-Verify program procedures, and to limit access to such information, as is appropriate by law, to individuals responsible for the verification of Social Security Numbers and for evaluation of the E-Verify program or such other persons or entities who may be authorized by SSA as governed by the Privacy Act (5 U.S.C. § 552a), the Social Security Act (42 U.S.C. 1306(a)), and SSA regulations (20 CFR Part 401).



E-VERIFY IS A SERVICE OF DHS

Company ID Number: 189854

To be accepted as a participant in E-Verify, you should only sign the Employer's Section of the signature page. If you have any questions, contact E-Verify at 888-464-4218.

Employer Lappe Cement Finishing, Inc.

Randy Lappe

Name (Please Type or Print)

Title

Electronically Signed

Signature

02/12/2009

Date

Department of Homeland Security – Verification Division

USCIS Verification Division

Name (Please Type or Print)

Title

Electronically Signed

Signature

02/12/2009

Date

CITY of CAPE GIRARDEAU

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The contractor hereby certifies to the best of its knowledge and belief and that it and its principals and its subcontractors and their principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal or State department or agency;
- (b) Have not within a three (3) year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this subcontract had one or more public transactions (Federal, State or Local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this contractor or termination of the contract. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$ 10,000 or imprisonment for up to five (5) years or both.

Randy Lappe, President

Typed Name & Title of Authorized Representative

Randy Lappe
Signature of Authorized Representative

6/21/19
Date

I am unable to certify to the above statement. My explanation is attached.



UNITED FIRE & CASUALTY COMPANY
 118 Second Avenue SE, PO Box 73909
 Cedar Rapids, Iowa 52407-3909 319-399-5700
 (A Stock Company)

BID BOND

KNOW ALL BY THESE PRESENTS, that we
 LAPPE CEMENT FINISHING, INC.

2710 COUNTY RD 413, FRIEDHEIM, MO 63747

as Principal, hereinafter called the Principal, and the UNITED FIRE & CASUALTY COMPANY, a corporation duly organized under the laws of the State of IOWA, as Surety, hereinafter called the Surety, are held and firmly bound unto CITY OF CAPE GIRARDEAU

401 INDEPENDENCE, CAPE GIRARDEAU, MO 63701

as Obligee, hereinafter called the Obligee, in the sum of Five and 00/100 Percent of the Bid Amount Dollars (\$5%), for the payment of which sum well and truly to be made, the said principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for

2018 SIDEWALK GAP PROGRAM

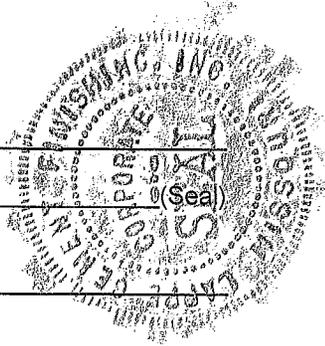
NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 25th day of June, 20 19.

LAPPE CEMENT FINISHING, INC.

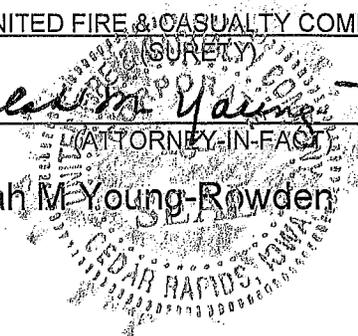
Melissa L. Hayder
 (WITNESS)

By Karl Zg
 (PRINCIPAL)
President
 (TITLE)



 (WITNESS)

UNITED FIRE & CASUALTY COMPANY (Seal)
 (SURETY)
 By Beulah M. Young-Rowden
 (ATTORNEY-IN-FACT)
Beulah M. Young-Rowden





UNITED FIRE & CASUALTY COMPANY, CEDAR RAPIDS, IA Bond No.: 00016452
 UNITED FIRE & INDEMNITY COMPANY, WEBSTER, TX Obligor: CITY OF CAPE GIRARDEAU 401 INDEPENDENCE
 FINANCIAL PACIFIC INSURANCE COMPANY, ROCKLIN, CA CAPE GIRARDEAU, MO 63701
CERTIFIED COPY OF POWER OF ATTORNEY
 (original on file at Home Office of Company – See Certification)

KNOW ALL PERSONS BY THESE PRESENTS, That UNITED FIRE & CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Iowa; UNITED FIRE & INDEMNITY COMPANY, a corporation duly organized and existing under the laws of the State of Texas; and FINANCIAL PACIFIC INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of California (herein collectively called the Companies), and having their corporate headquarters in Cedar Rapids, State of Iowa, does make, constitute and appoint

TODD A WARD, NANCY STRAUSSER, BRISCELLA B HUNTER, CHARLES W DECKER, ALAN H RAUSENBERGER, BEULAH M. YOUNG-ROWDEN, EACH INDIVIDUALLY

their true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature provided that no single obligation shall exceed \$50,000,000.00 and to bind the Companies thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Companies and all of the acts of said Attorney, pursuant to the authority hereby given and hereby ratified and confirmed. The Authority hereby granted shall expire October 24th, 2019 unless sooner revoked by UNITED FIRE & CASUALTY COMPANY, UNITED FIRE & INDEMNITY COMPANY, and FINANCIAL PACIFIC INSURANCE COMPANY.

This Power of Attorney is made and executed pursuant to and by authority of the following bylaw duly adopted on May 15, 2013, by the Boards of Directors of UNITED FIRE & CASUALTY COMPANY, UNITED FIRE & INDEMNITY COMPANY, and FINANCIAL PACIFIC INSURANCE COMPANY.

“Article VI – Surety Bonds and Undertakings”

Section 2, Appointment of Attorney-in-Fact. “The President or any Vice President, or any other officer of the Companies may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Companies in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Companies as the original signature of such officer and the original seal of the Companies, to be valid and binding upon the Companies with the same force and effect as though manually affixed. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Companies by their signature and execution of any such instruments and to attach the seal of the Companies thereto. The President or any Vice President, the Board of Directors or any other officer of the Companies may at any time revoke all power and authority previously given to any attorney-in-fact

IN WITNESS WHEREOF, the COMPANIES have each caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 12th day of June, 2019

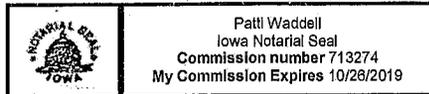


UNITED FIRE & CASUALTY COMPANY
 UNITED FIRE & INDEMNITY COMPANY
 FINANCIAL PACIFIC INSURANCE COMPANY

By: *Dennis J. Richmann*
 Vice President

State of Iowa, County of Linn, ss:

On this 12th day of June, 2019 before me personally came Dennis J. Richmann to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of UNITED FIRE & CASUALTY COMPANY, a Vice President of UNITED FIRE & INDEMNITY COMPANY, and a Vice President of FINANCIAL PACIFIC INSURANCE COMPANY the corporations described in and which executed the above instrument; that he knows the seal of said corporations; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporations and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporations.



Patti Waddell
 Notary Public
 My commission expires: 10/26/2019

I, Mary A. Bertsch, Assistant Secretary of United Fire & Casualty Company and Assistant Secretary of United Fire & Indemnity Company, and Assistant Secretary of Financial Pacific Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the bylaws and resolutions of said Corporations as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID CORPORATIONS, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Corporations. this 25th day of June, 2019



By: *Mary A. Bertsch*
 Assistant Secretary,
 UF&C, UF&I & FPIC

ACKNOWLEDGMENT OF SURETY

State of Illinois

ss.

County of Jackson

On this 12th day of June, 2019.

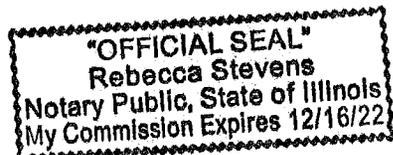
personally appeared before me Beulah M Young-Rowden who being duly sworn did depose and say that she is the attorney-in-fact of the United Fire & Casualty Company of Cedar Rapids, Iowa, that the seal affixed to the attached instrument is the Corporate Seal of said Corporation, and that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors and the said Beulah M Young-Rowden acknowledged that she executed said instrument as such attorney-in-fact and as the free act and deed of said Corporation.

Rebecca Stevens

Notary Public, Jackson

County, Illinois

My commission expires: 12/16/22



BID OPENING

DATE: JUNE 25, 2019
 TIME: 10:00 AM
 PLACE: DEVELOPMENT SERVICES

SUMMARY OF PROPOSALS RECEIVED FOR: 2018 SIDEWALK GAP PROGRAM

COMPUTED BY: KJ

				ENGINEER'S ESTIMATE		LAPPE CEMENT FINISHING INC		KLUESNER CONSTRUCTION INC		NIP KELLEY EQUIPMENT CO INC	
						2710 COUNTY ROAD 413		PO BOX 95		41 N SPRIGG ST	
						FRIEDHEIM MO 63747		KELSO MO 63758		CAPE GIRARDEAU MO 63701	
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
				PRICE		PRICE		PRICE		PRICE	
1	Adjust AT&T Manhole	EA	1	\$ 225.00	\$ 225.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 100.00	\$ 100.00
2	Adjust Gas Gate Valves	EA	3	\$ 225.00	\$ 675.00	\$ 240.00	\$ 720.00	\$ 300.00	\$ 900.00	\$ 75.00	\$ 225.00
3	Adjust Sanitary Sewer Manholes	EA	2	\$ 375.00	\$ 750.00	\$ 340.00	\$ 680.00	\$ 450.00	\$ 900.00	\$ 250.00	\$ 500.00
4	4" Thick 5' Wide PCC Sidewalk	SY	2,584.00	\$ 50.00	\$ 129,200.00	\$ 48.00	\$ 124,032.00	\$ 51.30	\$ 132,559.20	\$ 54.00	\$ 139,536.00
5	Single curb Ramp with Truncated Domes	EA	34	\$ 850.00	\$ 28,900.00	\$ 925.00	\$ 31,450.00	\$ 1,000.00	\$ 34,000.00	\$ 1,200.00	\$ 40,800.00
6	Excavation and Grading	LS	1	\$ 12,366.40	\$ 12,366.40	\$ 9,800.00	\$ 9,800.00	\$ 20,000.00	\$ 20,000.00	\$ 14,520.00	\$ 14,520.00
7	4" Thick Aggregate Base	SY	3,170.00	\$ 4.25	\$ 13,472.50	\$ 4.25	\$ 13,472.50	\$ 4.05	\$ 12,838.50	\$ 4.00	\$ 12,680.00
8	Remove and Replace concrete Driveways	SY	371	\$ 55.00	\$ 20,405.00	\$ 55.00	\$ 20,405.00	\$ 73.45	\$ 27,249.95	\$ 58.00	\$ 21,518.00
9	New 7" Thick Concrete Driveways	SY	131	\$ 45.00	\$ 5,895.00	\$ 54.00	\$ 7,074.00	\$ 64.80	\$ 8,488.80	\$ 61.00	\$ 7,991.00
10	Traffic Control	LS	1	\$ 21,000.00	\$ 21,000.00	\$ 4,200.00	\$ 4,200.00	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00
11	Seed and Straw	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 7,400.00	\$ 7,400.00	\$ 11,000.00	\$ 11,000.00	\$ 8,815.00	\$ 8,815.00
12	6" Upright Curb and Gutter Replacement	LF	117	\$ 4.00	\$ 468.00	\$ 32.00	\$ 3,744.00	\$ 48.65	\$ 5,692.05	\$ 35.00	\$ 4,095.00
13	Remove Trees	LS	1	\$ 20,140.00	\$ 20,140.00	\$ 15,000.00	\$ 15,000.00	\$ 14,000.00	\$ 14,000.00	\$ 11,925.00	\$ 11,925.00
14	New 7" Thick Alley Stub Outs	SY	43	\$ 45.00	\$ 1,935.00	\$ 71.00	\$ 3,053.00	\$ 115.00	\$ 4,945.00	\$ 79.00	\$ 3,397.00
15	Modular Block Retaining Wall	SF	385	\$ 30.00	\$ 11,550.00	\$ 50.00	\$ 19,250.00	\$ 38.50	\$ 14,822.50	\$ 38.00	\$ 14,630.00

ITEM NO.	DESCRIPTION	UNIT	QTY	ENGINEER'S ESTIMATE		LAPPE CEMENT FINISHING INC		KLUESNER CONSTRUCTION INC		NIP KELLEY EQUIPMENT CO INC		
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
						2710 COUNTY ROAD 413 FRIEDHEIM MO 63747		PO BOX 95 KELSO MO 63758		41 N SPRIGG ST CAPE GIRARDEAU MO 63701		
16	6" Upright Curb and Gutter Replacement	SY	152	\$ 4.75	\$ 722.00	\$ 7.50	\$ 1,140.00	\$ 17.15	\$ 2,606.80	\$ 11.00	\$ 1,672.00	
17	12" Concrete Pipe	LF	10	\$ 112.00	\$ 1,120.00	\$ 63.00	\$ 630.00	\$ 90.00	\$ 900.00	\$ 112.00	\$ 1,120.00	
18	12" Flared End Section	EA	2	\$ 325.00	\$ 650.00	\$ 410.00	\$ 820.00	\$ 750.00	\$ 1,500.00	\$ 690.00	\$ 1,380.00	
19	6" Thick 5' Wide Sidewalk	SY	101	\$ 52.00	\$ 5,252.00	\$ 53.00	\$ 5,353.00	\$ 95.40	\$ 9,635.40	\$ 57.00	\$ 5,757.00	
20	Adjust 4" Gutter Drain	LS	1	\$ 350.00	\$ 350.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 4,790.00	\$ 4,790.00	
21	6: Striping - Cross Walks	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 3,600.00	\$ 3,600.00	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	\$ 1,000.00	
22	New Sign Installation	EA	6	\$ 250.00	\$ 1,500.00	\$ 400.00	\$ 2,400.00	\$ 450.00	\$ 2,700.00	\$ 390.00	\$ 2,340.00	
					\$ 293,075.90		\$ 275,473.50		\$ 315,988.20		\$ 301,791.00	
AMOUNT OF PROPOSAL GUARANTEE							5% OF BID		5% OF BID		5% OF BID	
SURETY							UNITED FIRE & CASUALTY COMPANY		WEST BEND MUTUAL INSURANCE CO		MERCHANTS BONDING CO (MUTUAL)	
<i>I hereby certify that the above is a true and correct summary of proposals received</i>												
PROJECT MANAGER <u>Thomas Wiesner</u>							MATHEMATICAL ERROR ***LOW BIDDER***					

Staff: Kelly Green P.E., City Engineer
Agenda: 7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-146

SUBJECT

Accept Improvements and Authorize Final Payment to Lappe Cement Finishing Inc., for the Sidewalk Point Repair 2018 Project.

EXECUTIVE SUMMARY

This project consisted of removal and replacement of portions of sidewalk, curb, gutter, alleys, and driveways; adjustments to existing manholes, inlets, and utility castings as noted for each location, as described in the contract documents. The sidewalks were located in various areas within the City of Cape Girardeau, Missouri.

BACKGROUND/DISCUSSION

The City designated a portion of the Transportation Trust Fund monies for the repair and rejuvenation of existing City sidewalks under the Transportation Trust Fund Phase 5. The work has been designed by City staff and the call for bids was publicly advertised. On October 16, 2018, six (6) bids were received; the high was \$426,022.60 and \$217,685.44 was the low. Four (4) bids were below the Engineer's Estimate. All work was done within existing right-of-way or easements.

FINANCIAL IMPACT

Funding for this project was provided by Transportation Trust Fund Phase 5.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The City has long term plans for the maintenance of the existing sidewalks to provide more convenient and safer routes for pedestrian use of its citizens and visitors. The Transportation Trust Fund Programs utilizes the sales tax authorized by the voters for these purposes.

STAFF RECOMMENDATION

Staff recommends the Council, by motion, accept the improvements as indicated and approve final payment to Lappe Cement Finishing, Inc.

PUBLIC OUTREACH

Presentations were made to the public and to civic organizations prior to each election to continue the Transportation Trust Fund Sales Taxes.

ATTACHMENTS:

Name:	Description:

June 24, 2019

Engineer's Final Report on the Sidewalk Point Repair 2018

To the City Manager
Of the City of Cape Girardeau, Missouri

Dear Sir:

I hereby report that the improvements under the Sidewalk Point Repair 2018, Project # 6224 have been completed by Lappe Cement Finishing, Inc. The improvements consisted of removal and replacement of portions of sidewalk, curb, gutter, alleys, and driveways; adjustments to existing manholes, inlets, and utility castings as noted for each location, as described in the contract documents. The sidewalks were located in various areas within the City of Cape Girardeau, Missouri.

Change Order #1 in the amount of \$43,012.41 allowed for additional repairs due to deteriorated conditions of sidewalks, driveways and curb and gutter adjacent to the areas of noted repairs, additional ADA ramps were added to meet ADA regulations and provided for the update of as-built quantities.

The contractor, Lappe Cement Finishing, Inc., completed the work on June 5, 2019 in accordance with the plans, specifications and agreement documents as modified by one (1) change order.

The original contract amount for the Sidewalk Point Repair 2018 Project was \$217,685.44. The adjustments in Change Order 1 increased the contract by \$43,012.41 for a total construction contract amount of \$260,697.85.

The original contract time for the Sidewalk Point Repair 2018 Project was one hundred fifty (150) calendar days for substantial completion and one hundred eighty (180) days for final completion, July 11, 2019 and August 10, 2019 respectively. The contractor successfully met these deadlines.

I have computed the cost of said improvement as follows:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Remove and Replace Concrete Sidewalk	23238	SF	\$ 5.88	\$ 136,639.44

2	Remove and Replace Alleys and Driveways	4376	SF	\$	6.00	\$	26,256.00
3	Remove and Replace Concrete Curb and Gutter	95	LF	\$	34.00	\$	3,230.00
4	ADA Ramp	5	EACH	\$	1,240.00	\$	6,200.00
5	Tree Removal	28	EACH	\$	1,265.00	\$	35,420.00
6	Stump Removal	8	EACH	\$	195.00	\$	1,560.00
7	Storm Inlet Lid and Adjustment	7	EACH	\$	590.00	\$	4,130.00
8	Temporary Traffic Control	1	LS	\$	4,250.00	\$	4,250.00
Change Order #1 and Final							
Additional Quantities:							
1	Remove and Replace Concrete Sidewalk	295.29	SF	\$	5.88	\$	1,736.31
2	Remove and Replace Alleys and Driveways	4,681.45	SF	\$	6.00	\$	28,088.70
3	Remove and Replace Concrete Curb and Gutter	68.60	LF	\$	34.00	\$	2,332.40
4	ADA Ramp	2.00	EA	\$	1,240.00	\$	2,480.00
5	Tree Removal	3.00	EA	\$	1,265.00	\$	3,795.00
6	Stump Removal	2.00	EA	\$	195.00	\$	390.00
7	Storm Inlet Lid and Adjustment	1.00	EA	\$	590.00	\$	590.00
Additional Items:							
CO 1	Utility Adjustment	3.00	EA	\$	1,200.00	\$	3,600.00
TOTAL CONTRACT AMOUNT						\$	260,697.85
LESS PREVIOUS PAYMENTS				\$	157,894.23		
AMOUNT DUE CONTRACTOR				\$	102,803.62		
CITY ENGINEERING ADMINISTRATION / DESIGN COSTS						\$	7,306.96
CONSTRUCTION ENGINEERING / INSPECTION COSTS						\$	467.99
OTHER COSTS						\$	319.56
TOTAL CONSTRUCTION CONTRACT COSTS						\$	268,792.36

The call for bids was publicly advertised on October 16, 2018, six (6) bids were received for this work ranging from the high of \$426,022.60 to the low of \$217,685.44. On November 7, 2018 by Resolution No. 3210, the City Manager was authorized to enter into a contract with the low bidder, Lappe Cement Finishing, Inc.

Sidewalk Point Repair 2018 was funded by the Transportation Trust Fund Phase 5 Program. No easements or right-of-way acquisitions were necessary. City staff prepared the project plans and specifications.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. Green', with a horizontal line extending to the right.

Kelly Green P.E.
City Engineer

KG/cr

Sidewalk Point Repair 2018
Project Reference Code: 1747025-71162-6224
Purchase Order No. 191700
Engineering Division Project Code No. 6224

Staff: Kelly Green, P. E., City Engineer
Agenda: 7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-147

SUBJECT

Accept Improvements and Authorize Final Payment to American Structures, Inc., for the New Gordonville Tank No. 1 Project in Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

This project consisted of the construction of a nominal one million gallon stainless steel ground storage water tank at 2990 Gordonville Road. The project included site work, electrical, and all the appurtenances as indicated in the Project Specifications prepared by Horner & Shifrin, Inc., dated May 2017 for the City of Cape Girardeau, Missouri.

BACKGROUND/DISCUSSION

The Engineer's Final Report for this work is attached and provides further details. These improvements were inspected by the City's Engineering Division, were satisfactorily completed and are ready for acceptance into the City's systems.

FINANCIAL IMPACT

The construction work was completed for a total of \$946,583.00. Funding for this project is provided by the Enterprise Water Fund.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

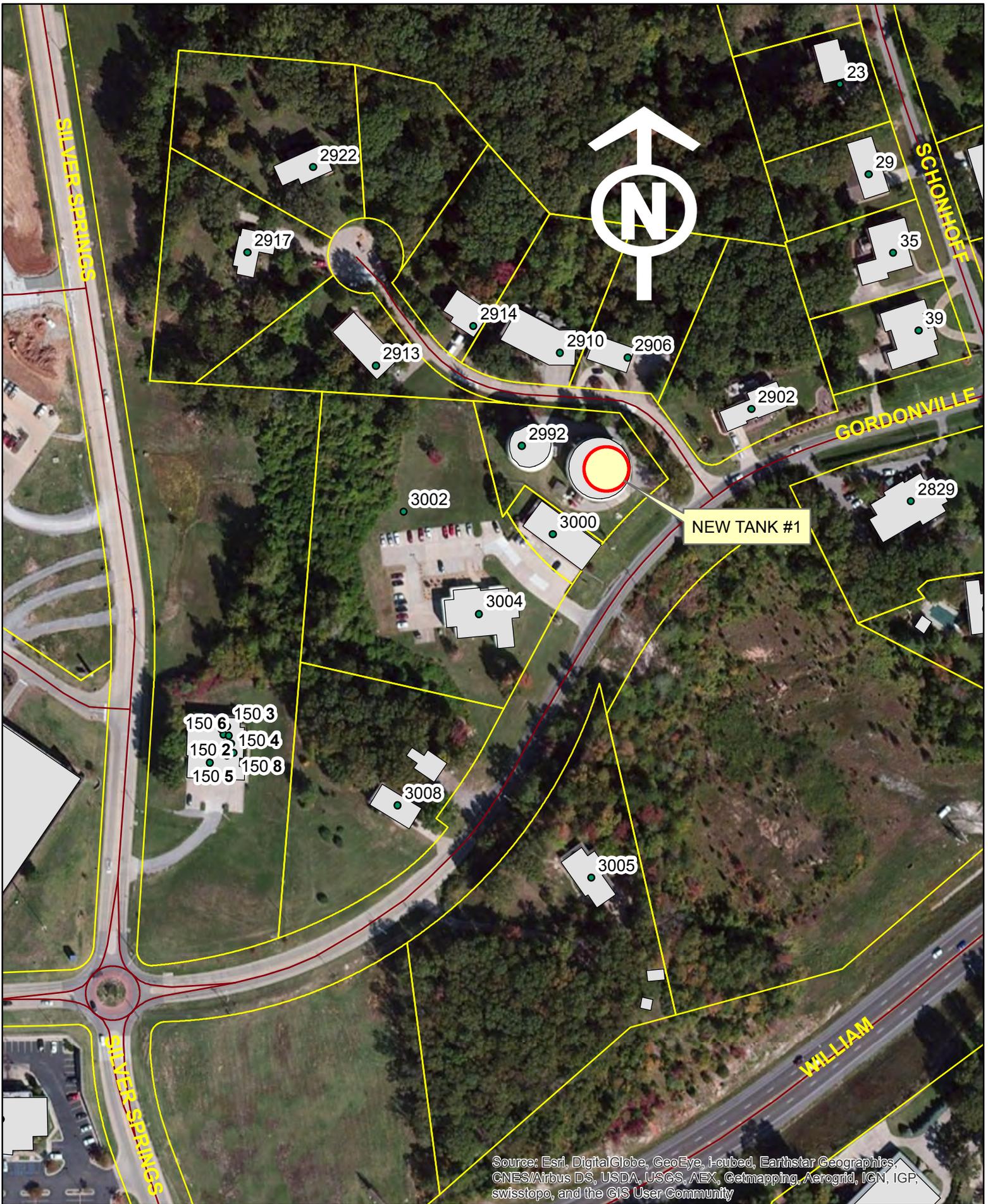
The New Gordonville Water Tank No. 1 will be a lower maintenance tank and more suitably sized for water demand needs.

STAFF RECOMMENDATION

Staff recommends the Council, by motion, accept the improvements as indicated and approve the final payment to American Structures, Inc., for the construction of the New Gordonville Water Tank No. 1.

ATTACHMENTS:

Name:	Description:
New_Gordonville_Tank_#1_Location.pdf	Location Map - New Gordonville Tank No. 1
Eng_Final_Report_-_New_Gordonville_Tank_#1.pdf	Engineer's Final Report New Gordonville Tank- 6190



New Gordonville Tank #1 Location

June 24, 2019

Engineer's Final Report on the New Gordonville Tank #1

To the City Manager
Of the City of Cape Girardeau, Missouri

Dear Sir:

I hereby report that the improvements under the New Gordonville Tank #1 Project have been completed by American Structures. This project consisted of the construction of a nominal 1,000,000 gallon stainless steel ground storage tank including electrical, and all appurtenances. This project is located at 2990 Gordonville Road on the same property upon which the previous tank existed. The new tank replaced the original Tank No. 1 which was demolished in November 2016. This new tank will be a lower maintenance tank and more suitably sized for water demand needs in this area.

American Structures was the general contractor and the work was satisfactorily completed on April 19, 2019 in accordance with the plans, specifications, contract and ordinances adopted by the City Council as modified by two (2) Change Orders.

The original contract time was two hundred and ten (210) calendar days for substantial completion and two hundred and forty (240) for final completion which were March 13, 2018 and April 12, 2018 respectively. Change Order No. 1 increased both the substantial and final completion dates by 45 days which were April 27, 2018 and May 27, 2018 respectively. Following final inspection, the tank was permanently placed into service on May 26, 2018. However on June 6, 2018 Missouri Department of Natural Resources retracted final approval specifying that the tank dome soffit design did not meet minimum water quality standards, but allowed the tank to remain in service until retrofitted. Change Order No. 2 provided for the Dome Soffit Retrofit and added 29 calendar days for substantial completion and 369 calendar days for final completion which were May 26, 2018 and May 31, 2019 respectively. The contractor successfully met these adjusted deadlines.

I have computed the cost of said construction which is as follows:

No.	Item	Qty	Unit	Unit Price	Completed Price
A.	1 MG Gordonville Tank No. 1	1	Lump Sum	\$914,958.00	\$ 914,958.00
Change Order #1					
	Time only				
Change Order #2					
	Retrofit for Dome Soffit Screen	1	Lump Sum	\$ 31,625.00	\$ 31,625.00
TOTAL CONTRACT ITEMS					\$ 946,583.00

LESS PREVIOUS PAYMENTS	\$ 927,651.34
AMOUNT DUE THE CONTRACTOR	\$ 18,931.66

CONSULTANT DESIGN COSTS	\$ 77,500.00
CITY ENGINEERING / ADMINISTRATION COSTS	\$ 23,496.18
CITY CONSTRUCTION ENGINEERING / INSPECTION COSTS	\$ 18,178.67
OTHER COSTS	\$ 552.13

TOTAL CONSTRUCTION CONTRACT COSTS \$ 1,066,309.98

On November 28, 2016, the City Manager entered into Task Order No. 12 with the consultant engineering firm of Horner & Shifrin, Inc. for the Preliminary and Final Design services for a new 1,000,000 gallon welded steel water storage tank. The task order was for \$ 74,500.00. On July 10, 2018, the City Manager entered into Task Order No. 5 for additional hours for Construction Phase in the amount of \$3,000.00. The design and construction was completed for a total of \$ 77,500.00.

The call for bids was publicly advertised on May 30, 2017, four (4) bids for this work were received ranging from the high of \$1,105,000.00 to the low of \$914,958.00. On June 5, 2017 by Resolution No. 3084, the City Manager was authorized to enter into a contract with the low bidder, American Structures, Inc. This project was funded by the Enterprise Water Fund.

Sincerely,



Kelly Green P.E.
City Engineer

KG/cr

Project Reference Code – 62040603-71184-6190
Purchase Order No. – 180461
Engineering Division Project # 6190

Staff: Kelly Green P.E., City Engineer
Agenda: 7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-148

SUBJECT

Acceptance of public improvements to serve The Highlands at Hopper Crossing Phase 1, in the City of Cape Girardeau.

BACKGROUND/DISCUSSION

SEMO Development, LLC (Mike Peters) constructed public improvements to serve The Highlands at Hopper Crossing. These improvements consisted of **water, sanitary sewer, storm sewer, street, sidewalk infrastructure and lighting.**

Water

1704 LF of 8 inch C-900 PVC Water Line
4 - Fire Hydrant Assemblies

Sanitary Sewer

13 - Standard Manholes
1852 LF of 8 inch SDR-35 PVC Sanitary Sewer Main

Storm Sewer - Contingent upon receipt of As-Built Drawings

2 - Area Inlets
35 LF of 18 inch RCP Storm Pipe

Streets - Contingent upon receipt of As-Built Drawings

675 LF of Lochinvar Lane Concrete Street

Sidewalk

2 - ADA Ramps

Lighting

2 - Street lights - **Not installed at this time.**

Per The Highlands at Hopper Crossing Performance Guarantee Agreement, if the developer does not complete all the public sidewalks in two years, as approved by Resolution 3240 on 3-4-19 (unless otherwise amended by City Council), the City may complete the outstanding improvements and draw from the developer's letter of credit to cover costs.

The improvements are complete and ready to be accepted into the City's system. These improvements were inspected by City Staff and were completed generally in accordance with the approved plans.

FINANCIAL IMPACT

The improvements were installed by private contract. Once accepted into the City's system, the City will be responsible for routine maintenance and, if necessary, any repairs.

STAFF RECOMMENDATION

Staff recommends the Council accept, by motion, the public improvements to serve The Highlands at Hopper Crossing.

ATTACHMENTS:

Name:	Description:
-------	--------------

No Attachments Available

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-149

SUBJECT

An Ordinance annexing unincorporated land located at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane into the City Limits of the City of Cape Girardeau, Missouri, upon the request of various property owners.

EXECUTIVE SUMMARY

The attached ordinance annexes the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane into the city limits. A public hearing was held on June 17, 2019 to consider the proposed annexation and zoning of the properties. Ordinances for the zoning and ward boundary extension for the properties (to be effective upon annexation) are on this agenda as separate items.

BACKGROUND/DISCUSSION

On May 20, 2019, the City Council acknowledged receipt of annexation petitions for the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane. This group of properties is contiguous to the city limits. A public hearing was held on June 17, 2019 to consider the proposed annexation and zoning of the properties to R-1 (Single-Family Suburban Residential District). Ordinances for the zoning and ward boundary extension for the properties (to be effective upon annexation) are on this agenda as separate items.

FINANCIAL IMPACT

Annexing the properties will generate additional revenue for the City in terms of taxes and fees, which will be used toward the cost of providing City services to the properties.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Annexing the properties is necessary for the orderly growth of the City. By annexing and zoning the properties, the property owners and the community as a whole will benefit from regulations intended to protect the public health, safety and general welfare.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance annexing the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane into the city limits.

PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on June 2, 2019. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the properties.

ATTACHMENTS:

Name:	Description:

4195 4196 Stone Crest 4150 Thousand Oaks Lane Ord Annexation.doc	Ordinance
Map - Zoning - Stone Crest-Thousand Oaks Lane to be annexed.pdf	4195 Stone Crest, 4196 Stone Crest & 4150 Thousand Oaks Lane - Map
Annexation Petition - 4195 Stone Crest - Signed.pdf	Annexation Petition - 4195 Stone Crest
Recorded Annexation Petition - 4196 Stone Crest (Meyr).pdf	Annexation Petition - 4196 Stone Crest
Recorded Annexation Petition - 4150 Thousand Oaks Lane.pdf	Annexation Petition - 4150 Thousand Oaks Lane

BILL NO. 19-103

ORDINANCE NO. _____

AN ORDINANCE ANNEXING UNINCORPORATED LAND INTO THE CITY LIMITS OF THE CITY OF CAPE GIRARDEAU, MISSOURI, LOCATED AT 4195 AND 4196 STONE CREST, AND 4150 THOUSAND OAKS LANE, UPON THE REQUEST OF THE PROPERTY OWNERS

WHEREAS, the City of Cape Girardeau, Missouri, Ryland R. Myer, and the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017, have presented to the City Council of the City of Cape Girardeau, Missouri, their Verified Petitions requesting annexation as the owners of all fee interest of record of certain tracts of land which they propose to be annexed to the City of Cape Girardeau, Missouri; and

WHEREAS, a public hearing was held on June 17, 2019, after due notice was given according to Chapter 71.012 RSMo.; and

WHEREAS, at said public hearing all interested persons were allowed to present evidence regarding the proposed annexations; and

WHEREAS, the City Council has determined that the annexations are reasonable and necessary to the proper development of the City and, further, that the City has the ability to furnish normal municipal services to the areas to be annexed within a reasonable time; and

WHEREAS, the City Council has determined that the properties proposed to be annexed are contiguous and compact and adjacent to the existing corporate limits of the City of Cape Girardeau, Missouri, and further, the land proposed to be annexed is in an unincorporated area.

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

ARTICLE 1. That the corporate limits of the City of Cape Girardeau, Missouri, shall be extended so as to annex the following described unincorporated areas of land which are adjacent to and contiguous and compact with the existing corporate limits of the City of Cape Girardeau, and to extend the limits of the City over said territories as described herein below, to-wit:

A certain tract of land owned by the City of Cape Girardeau, Missouri, and more particularly described as follows:

4195 Stone Crest

THAT PART OF FRACTIONAL SECTION 3 AND THAT PART OF FRACTIONAL SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCE AT A SQUARE CUT STONE WITH CROSS CUT MARK MARKING THE SOUTHWEST CORNER OF FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF FRACTIONAL SECTION 10; THENCE SOUTH 04°58'46" WEST ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10, 69.78 FEET TO A FOUND 5/8" ROD; THENCE LEAVING SAID LINE AND ALONG THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 278 AT PAGE 10 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, SOUTH 88°28'34" EAST, 654.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°31'20" EAST, 208.71 FEET; THENCE SOUTH 88°28'41," EAST, 208.71 FEET; THENCE SOUTH 01°31'20" WEST, 208.71 FEET TO SAID SOUTH LINE; THENCE WITH SAID SOUTH LINE, NORTH 88°28'41" WEST, 208.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0 ACRE, MORE OR LESS.

ALSO, a certain tract of land owned by Ryland R. Myer, and more particularly described as follows:

4196 Stone Crest

THAT PART OF THE FRACTIONAL SECTIONS 3 & 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SQUARE CUT STONE WITH CROSS CUT MARK, MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 10, THENCE WITH THE WEST LINE OF SAID FRACTIONAL SECTION 10, SOUTH 04°56'59" WEST, 69.75 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 88°28'36" EAST, 512.72 FEET TO THE SOUTHEAST CORNER OF ROCK GARDENS SUBDIVISION ON FILE IN THE CAPE GIRARDEAU LAND RECORDS IN DOCUMENT #2017-02114, BEING THE POINT OF BEGINNING; THENCE WITH THE EAST LINE OF SAID

SUBDIVISION, NORTH 01°29'01" EAST, 378.24 FEET; THENCE NORTH 04°45'44" EAST, 322.43 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION AND BEING A POINT ON THE SOUTH RIGHT OF WAY OF LASALLE AVENUE; THENCE WITH SAID SOUTH RIGHT OF WAY, ALONG THE ARC OF A NON-TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1565.00 FEET, A LENGTH OF 82.05 FEET (THE CHORD OF SAID ARC BEARS SOUTH 73°27'17" EAST, 82.04 FEET); THENCE SOUTH 71°57'10" EAST, 263.39 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY, SOUTH 01°29'01" WEST, 395.27 FEET TO THE NORTHEAST CORNER OF A 1 ACRE TRACT AS RECORDED IN DOC. #2015-04873; THENCE NORTH 88°28'36" WEST, 208.71 FEET TO THE NORTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE SOUTH 01°31'25" WEST, 208.71 FEET TO THE SOUTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE NORTH 88°28'36" WEST, 141.26 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.20 ACRES, MORE OR LESS.

ALSO, a certain tract of land owned by the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017, and more particularly described as follows:

4150 Thousand Oaks Lane

That part of the Fractional Sections 3 & 10, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a square cut stone with cross cut mark, marking the Southwest corner of said Fractional Section 3 and the Northwest corner of said Fractional Section 10, thence with the West line of said Fractional Section 10, South 04°56'59" West, 69.75 feet; thence leaving said West line, South 88°28'36" East, 862.69 feet to the Southeast corner of a 1 acre tract as recorded in Document # 2015-04873 of the County Land Records, being the Point of Beginning; thence North 01°31'25" East, 208.71 feet to the Northeast corner of said 1 acre tract; thence North 01°29'01" East, 395.27 feet to a point on the South right of way of LaSalle Avenue; thence with said South right of way, South 71°57'10" East, 997.02 feet; thence leaving said South right of way, South 60°53'56" West, 531.22 feet; thence South 88°59'58" West, 104.67 feet; thence South 01°19'19" West, 45.19

feet; thence North 88°28'36" West, 394.04 feet to the Point of Beginning, and containing 8.08 acres, more or less.

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. That the City Clerk is authorized and directed to cause three (3) certified copies of this ordinance in its final form to be filed with the Clerk of Cape Girardeau County as provided by Section 71.012 RSMo.

ARTICLE 4. That the City Council of the City of Cape Girardeau, Missouri, does hereby find and determine that the annexation of the tracts of land is reasonable and necessary to the proper development of the City and further, that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time. Further, the City Council hereby finds and determines that with respect to the land to be annexed into the City of Cape Girardeau, Missouri, that all of the owners of all fee interest of record have requested such annexation by appropriate Petition.

ARTICLE 5. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

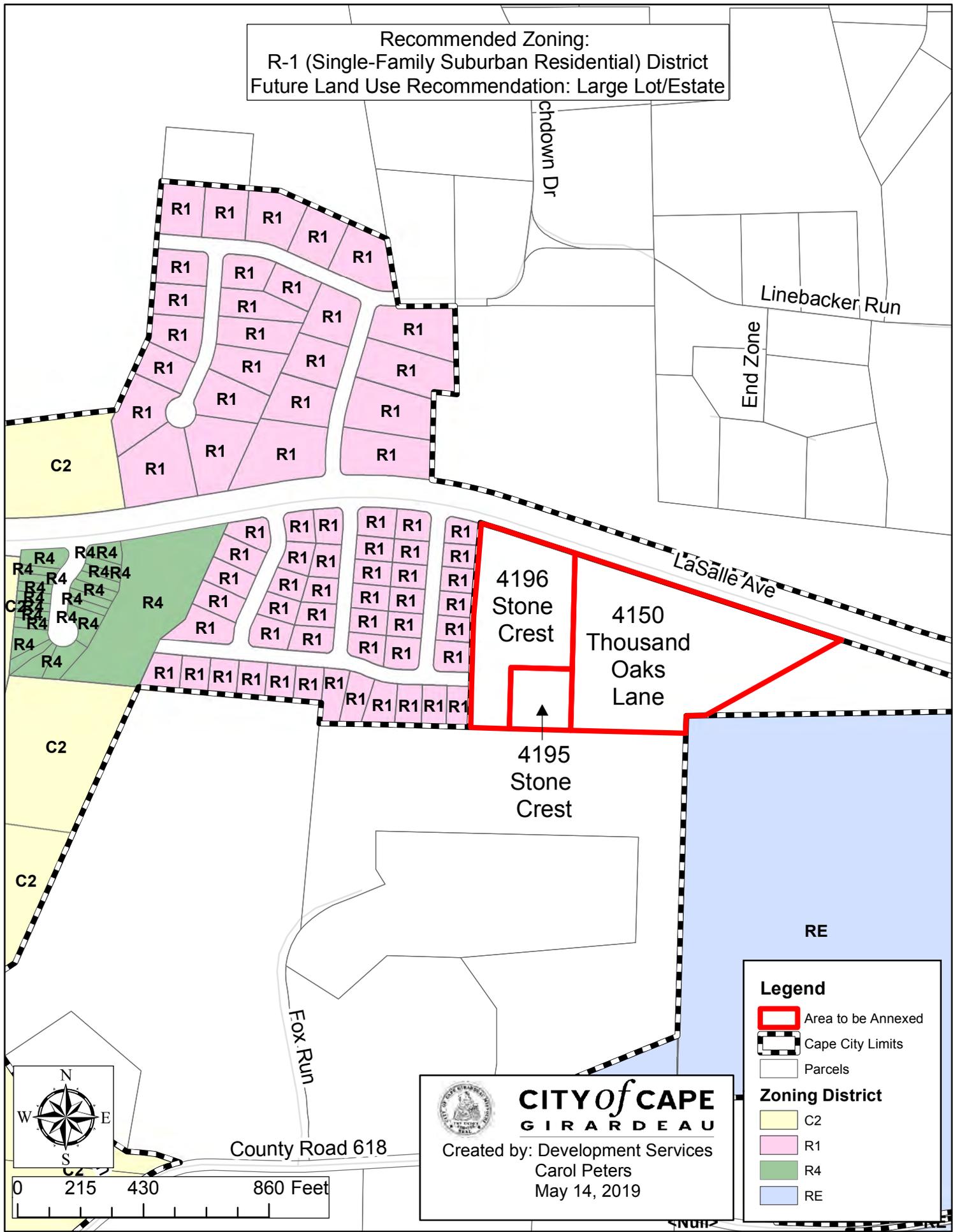
Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Zoning Recommendation for Property to be Annexed

Recommended Zoning:
 R-1 (Single-Family Suburban Residential) District
 Future Land Use Recommendation: Large Lot/Estate



Legend

- Area to be Annexed
- Cape City Limits
- Parcels

Zoning District

- C2
- R1
- R4
- RE


CITY of CAPE GIRARDEAU
 Created by: Development Services
 Carol Peters
 May 14, 2019

IN RE: ANNEXATION

CITY OF CAPE GIRARDEAU, MISSOURI, Petitioner.

PETITION FOR ANNEXATION

1. Comes now the City of Cape Girardeau, Missouri, a Municipal Corporation, and states that it is the owner of all fee interest of record of the following described real property, being in Cape Girardeau County, Missouri:

THAT PART OF FRACTIONAL SECTION 3 AND THAT PART OF FRACTIONAL SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE COUNTY, OF CAPE GIRARDEAU, STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCE AT A SQUARE CUT STONE WITH CROSS CUT MARK MARKING THE SOUTHWEST CORNER OF FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF FRACTIONAL SECTION 10; THENCE SOUTH 04°58'46" WEST ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10, 69.78 FEET TO A FOUND 5/8" ROD; THENCE LEAVING SAID LINE AND ALONG THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 278 AT PAGE 10 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, SOUTH 88°28'34" EAST, 654.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°31'20" EAST, 208.71 FEET; THENCE SOUTH 88°28'41," EAST, 208.71 FEET; THENCE SOUTH 01°31'20" WEST, 208.71 FEET TO SAID SOUTH LINE; THENCE WITH SAID SOUTH LINE, NORTH 88°28'41" WEST, 208.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0 ACRE, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS OF RECORD.

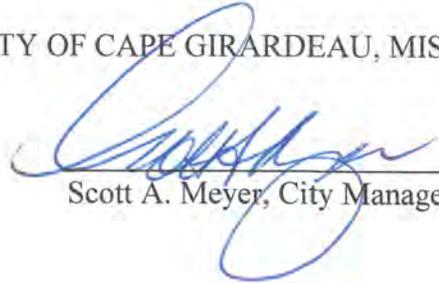
2. The City of Cape Girardeau, Missouri does hereby petition to have the above described real property annexed to and included within the city limits of the City of Cape Girardeau, Missouri.
3. This Petition shall be a continuing obligation running with the land, and shall bind the subsequent owners and their heirs, executors, administrators, successors, assigns, and/or legal representatives. It is understood that this instrument will be recorded in the Office of the Recorder of Deeds of Cape Girardeau County and shall be of record.

WHEREFORE, the City of Cape Girardeau, Missouri agrees that the city limits of the City of Cape Girardeau, Missouri should be extended by ordinance to include the above described real property, and that the City should take whatever action necessary to facilitate said annexation.

IN WITNESS WHEREOF, the undersigned has executed this Petition on this 14th day of May, 2019.

{Signature on page 2}

CITY OF CAPE GIRARDEAU, MISSOURI

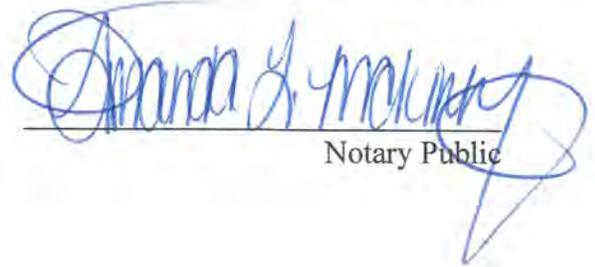


Scott A. Meyer, City Manager

STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

BE IT REMEMBERED, that on this 14th day of May, 2019, before me, the undersigned notary public, personally appeared Scott A. Meyer, who, being by me duly sworn, did state that he is the City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation, and that said instrument was signed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.



Notary Public

My Commission Expires:

AMANDA L. MCKINNEY
Notary Public - Notary Seal
STATE OF MISSOURI
Cape Girardeau County
My Commission Expires March 3, 2022
Commission #14588193

CG



8 2 2 2 9 0 7
Tx:4120729



**DOCUMENT #
2018-09705**

**ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
RECORDED ON
09/25/2018 03:03:14 PM
REC FEE: 30.00
PAGES: 3**

**RECORDER OF DEEDS
COVER PAGE**

Title of Document: Annexation Petition

Date of Document: September 21, 2017

Grantor(s) Name & Address: Ryland R. Meyr
4196 Stone Crest
Cape Girardeau, MO 63701

Grantee(s) Name & Address: City of Cape Girardeau
401 Independence Street
Cape Girardeau, MO 63703

Legal Description: See page 1 of Annexation Petition

Reference Book & Page, if Required:

IN RE: ANNEXATION

RYLAND R. MEYR, Petitioner.

PETITION FOR ANNEXATION

1. Comes now Ryland R. Meyr, and states that he is the owner of all fee interest of record of the following described real property, being in Cape Girardeau County, Missouri:

THAT PART OF THE FRACTIONAL SECTIONS 3 & 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SQUARE CUT STONE WITH CROSS CUT MARK, MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 10, THENCE WITH THE WEST LINE OF SAID FRACTIONAL SECTION 10, SOUTH 04°56'59" WEST, 69.75 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 88°28'36" EAST, 512.72 FEET TO THE SOUTHEAST CORNER OF ROCK GARDENS SUBDIVISION ON FILE IN THE CAPE GIRARDEAU LAND RECORDS IN DOCUMENT #2017-02114, BEING THE POINT OF BEGINNING; THENCE WITH THE EAST LINE OF SAID SUBDIVISION, NORTH 01°29'01" EAST, 378.24 FEET; THENCE NORTH 04°45'44" EAST, 322.43 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION AND BEING A POINT ON THE SOUTH RIGHT OF WAY OF LASALLE AVENUE; THENCE WITH SAID SOUTH RIGHT OF WAY, ALONG THE ARC OF A NON-TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1565.00 FEET, A LENGTH OF 82.05 FEET (THE CHORD OF SAID ARC BEARS SOUTH 73°27'17" EAST, 82.04 FEET); THENCE SOUTH 71°57'10" EAST, 263.39 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY, SOUTH 01°29'01" WEST, 395.27 FEET TO THE NORTHEAST CORNER OF A 1 ACRE TRACT AS RECORDED IN DOC. #2015-04873; THENCE NORTH 88°28'36" WEST, 208.71 FEET TO THE NORTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE SOUTH 01°31'25" WEST, 208.71 FEET TO THE SOUTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE NORTH 88°28'36" WEST, 141.26 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.20 ACRES, MORE OR LESS, AND BEING SUBJECT TO AN ACCESS AND UTILITY EASEMENT ON FILE IN SAID LAND RECORDS IN DOCUMENT #2017-04988 AND ANY OTHER EASEMENTS OR RIGHT OF WAYS OF RECORD.

2. Ryland R. Meyr does hereby petition to have the above described real property annexed to and included within the city limits of the City of Cape Girardeau, Missouri.
3. This Petition shall be a continuing obligation running with the land, and shall bind the subsequent owners and their heirs, executors, administrators, successors, assigns, and/or legal representatives. It is understood that this instrument will be recorded in the Office of the Recorder of Deeds of Cape Girardeau County and shall be of record.

WHEREFORE, Ryland R. Meyr agrees that the city limits of the City of Cape Girardeau, Missouri should be extended by ordinance to include the above described real property, and that the City should take whatever action necessary to facilitate said annexation.

IN WITNESS WHEREOF, the undersigned has executed this Petition on this 21st day of September, 2018.

Ryland R. Meyr
Ryland R. Meyr

STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

BE IT REMEMBERED, that on this 21st day of September, 2018, before me, the undersigned notary public, personally appeared Ryland R. Meyr, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged that he executed the same as his free act and deed for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

Carola A. Peters
Notary Public

My Commission Expires:



CAROLA. PETERS
My Commission Expires
November 19, 2020
Cape Girardeau County
Commission #12684121

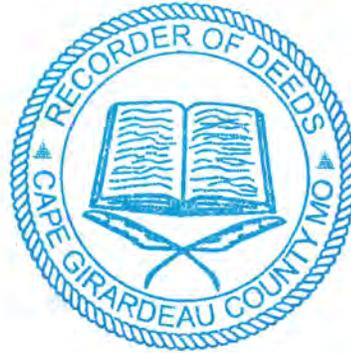


8 2 4 2 1 8 7

Tx:4127633

DOCUMENT #
2019-03115

ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
RECORDED ON
04/09/2019 12:17:10 PM
REC FEE: 30.00
PAGES: 3



RECORDER OF DEEDS
COVER PAGE

Title of Document: Annexation Petition

Date of Document: April 2, 2019

Grantor(s) Name & Address: Jerad and Heather Busch
518 Monterra
Cape Girardeau, MO 63701

Grantee(s) Name & Address: City of Cape Girardeau
401 Independence Street
Cape Girardeau, MO 63703

Legal Description: See page 1 of Annexation Petition

Reference Book & Page, if Required:

CG

IN RE: ANNEXATION

REVOCABLE TRUST AGREEMENT OF JERAD BUSCH AND HEATHER BUSCH DATED JANUARY 19, 2017, Petitioners.

PETITION FOR ANNEXATION

1. Come now Jerad and Heather Busch, Trustees of the Revocable Trust Agreement of Jerad Busch and Heather Busch Dated January 19, 2017, and state that they are the owners of all fee interest of record of the following described real property, being in Cape Girardeau County, Missouri:

That part of the Fractional Sections 3 & 10, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a square cut stone with cross cut mark, marking the Southwest corner of said Fractional Section 3 and the Northwest corner of said Fractional Section 10, thence with the West line of said Fractional Section 10, South 04°56'59" West, 69.75 feet; thence leaving said West line, South 88°28'36" East, 862.69 feet to the Southeast corner of a 1 acre tract as recorded in Document # 2015-04873 of the County Land Records, being the Point of Beginning; thence North 01°31'25" East, 208.71 feet to the Northeast corner of said 1 acre tract; thence North 01°29'01" East, 395.27 feet to a point on the South right of way of LaSalle Avenue; thence with said South right of way, South 71°57'10" East, 997.02 feet; thence leaving said South right of way, South 60°53'56" West, 531.22 feet; thence South 88°59'58" West, 104.67 feet; thence South 01°19'19" West, 45.19 feet; thence North 88°28'36" West, 394.04 feet to the Point of Beginning, and containing 8.08 acres, more or less.

2. Jerad and Heather Busch do hereby petition to have the above described real property annexed to and included within the city limits of the City of Cape Girardeau, Missouri.
3. This Petition shall be a continuing obligation running with the land, and shall bind the subsequent owners, their heirs, executors, administrators, successors, assigns, and/or legal representatives. It is understood that this instrument will be recorded in the Office of the Recorder of Deeds of Cape Girardeau County and shall be of record.

WHEREFORE, Jerad and Heather Busch agree that the city limits of the City of Cape Girardeau, Missouri should be extended by ordinance to include the above described real property, and that the City should take whatever action necessary to facilitate said annexation.

IN WITNESS WHEREOF, the undersigned have executed this Petition on this 2nd day of April, 2019.

(Signatures on the following page)

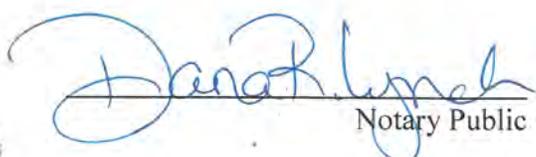


Jerad Busch, Trustee

STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

BE IT REMEMBERED, that on this 2nd day of April, 2019, before me, the undersigned notary public, personally appeared Jerad Busch, Trustee of the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged that he executed the same as his free act and deed for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.



Notary Public



My Commission Expires:

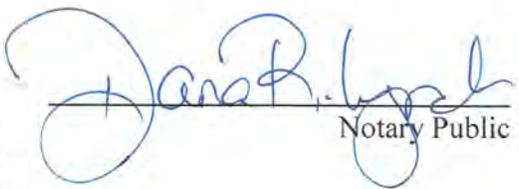


Heather Busch, Trustee

STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

BE IT REMEMBERED, that on this 2nd day of April, 2019, before me, the undersigned notary public, personally appeared Heather Busch, Trustee of the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged that she executed the same as her free act and deed for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.



Notary Public



My Commission Expires:

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-150

SUBJECT

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning property located at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane, in the City and County of Cape Girardeau, Missouri, as R-1, Single-Family Suburban Residential District.

EXECUTIVE SUMMARY

The attached ordinance zones the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane upon annexation. A public hearing was held on June 17, 2019 to consider the proposed annexation and zoning of the properties to R-1 (Single-Family Suburban Residential District). Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

BACKGROUND/DISCUSSION

On May 20, 2019, the City Council acknowledged receipt of annexation petitions for the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane. This group of properties is contiguous to the city limits. As part of the annexation process, each property must be assigned a City zoning district.

The properties adjacent to the west side of 4196 Stone Crest are zoned R-1 (Single-Family Suburban Residential District). The property adjacent to the southeast corner of 4150 Thousand Oaks Lane is zoned RE (Rural Estate Single-Family District). The remaining adjacent properties are outside the city limits and are not zoned. This area consists of a mix of residential and agricultural uses. The Comprehensive Plan's Future Land Use and Infrastructure Map shows the subject properties as Large Lot/Estate.

The attached ordinance zones the properties as R-1 (Single-Family Suburban Residential District) upon annexation. Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

In considering a proposed zoning district for each property to be annexed, the Planning and Zoning Commission and the City Council must determine if the district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. The properties at 4196 Stone Crest and 4150 Thousand Oaks Lane contain or will contain single-family residences. The property at 4195 Stone Crest contains the City's LaSalle Water Tank facility. Given the zoning district options for this property, staff felt it would be best to zone it the same as the other two properties. Additionally, the City has other water tanks on property zoned R-1. For these reasons, staff believes the R-1 zoning district is reasonable and in reasonable conformity with the immediately surrounding properties and uses.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended R-1 zoning for the properties to be annexed.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 12, 2019 meeting, held a public hearing and recommended R-1 zoning for the properties to be annexed with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on June 2, 2019. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the properties.

ATTACHMENTS:

Name:	Description:
Zoning_R-1_4195_4196_Stone_Crest_4150_Thousand_Oaks.doc	Ordinance
Map - Zoning - Stone Crest- Thousand Oaks Lane to be annexed.pdf	4195 Stone Crest, 4196 Stone Crest & 4150 Thousand Oaks Lane - Zoning Map
Map - FLU - Stone Crest- Thousand Oaks Lane to be annexed.pdf	4195 Stone Crest, 4196 Stone Crest & 4150 Thousand Oaks Lane - FLU Map

BILL NO. 19-104

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ZONING THE NEWLY ANNEXED PROPERTIES LOCATED AT 4195 AND 4196 STONE CREST, AND 4150 THOUSAND OAKS LANE, AS R-1, SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT

WHEREAS, the City Planning and Zoning Commission has recommended zoning the properties described in Article 1 of this Ordinance as R-1, Single-Family Suburban Residential District, and

WHEREAS, Public Notice of such change was given as prescribed in Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and public hearing was held on June 17, 2019, and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri, has elected to zone the property described herein as set out below;

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

ARTICLE 1. Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby amended to zone properties located at 4195 & 4196 Stone Crest, and 4150 Thousand Oaks Lane as R-1, Single-Family Suburban Residential District, said areas including the following described properties:

4195 Stone Crest

THAT PART OF FRACTIONAL SECTION 3 AND THAT PART OF FRACTIONAL SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCE AT A SQUARE CUT STONE WITH CROSS CUT MARK MARKING THE SOUTHWEST CORNER OF FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF FRACTIONAL SECTION 10; THENCE SOUTH 04°58'46" WEST ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10, 69.78 FEET TO A FOUND 5/8" ROD; THENCE LEAVING SAID LINE AND ALONG THE SOUTH LINE

OF A TRACT OF LAND DESCRIBED IN DEED BOOK 278 AT PAGE 10 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, SOUTH 88°28'34" EAST, 654.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°31'20" EAST, 208.71 FEET; THENCE SOUTH 88°28'41," EAST, 208.71 FEET; THENCE SOUTH 01°31'20" WEST, 208.71 FEET TO SAID SOUTH LINE; THENCE WITH SAID SOUTH LINE, NORTH 88°28'41" WEST, 208.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0 ACRE, MORE OR LESS.

AND,

4196 Stone Crest

THAT PART OF THE FRACTIONAL SECTIONS 3 & 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SQUARE CUT STONE WITH CROSS CUT MARK, MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 10, THENCE WITH THE WEST LINE OF SAID FRACTIONAL SECTION 10, SOUTH 04°56'59" WEST, 69.75 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 88°28'36" EAST, 512.72 FEET TO THE SOUTHEAST CORNER OF ROCK GARDENS SUBDIVISION ON FILE IN THE CAPE GIRARDEAU LAND RECORDS IN DOCUMENT #2017-02114, BEING THE POINT OF BEGINNING; THENCE WITH THE EAST LINE OF SAID SUBDIVISION, NORTH 01°29'01" EAST, 378.24 FEET; THENCE NORTH 04°45'44" EAST, 322.43 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION AND BEING A POINT ON THE SOUTH RIGHT OF WAY OF LASALLE AVENUE; THENCE WITH SAID SOUTH RIGHT OF WAY, ALONG THE ARC OF A NON-TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1565.00 FEET, A LENGTH OF 82.05 FEET (THE CHORD OF SAID ARC BEARS SOUTH 73°27'17" EAST, 82.04 FEET); THENCE SOUTH 71°57'10" EAST, 263.39 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY, SOUTH 01°29'01" WEST, 395.27 FEET TO THE NORTHEAST CORNER OF A 1 ACRE TRACT AS RECORDED IN DOC. #2015-04873; THENCE NORTH 88°28'36" WEST, 208.71 FEET TO THE NORTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE SOUTH 01°31'25" WEST, 208.71 FEET TO THE SOUTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE NORTH 88°28'36" WEST, 141.26 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.20 ACRES, MORE OR ~~LESS,~~ LESS.

AND,

4150 Thousand Oaks Lane

That part of the Fractional Sections 3 & 10, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a square cut stone with cross cut mark, marking the Southwest corner of said Fractional Section 3 and the Northwest corner of said Fractional Section 10, thence with the West line of said Fractional Section 10, South 04°56'59" West, 69.75 feet; thence leaving said West line, South 88°28'36" East, 862.69 feet to the Southeast corner of a 1 acre tract as recorded in Document # 2015-04873 of the County Land Records, being the Point of Beginning; thence North 01°31'25" East, 208.71 feet to the Northeast corner of said 1 acre tract; thence North 01°29'01" East, 395.27 feet to a point on the South right of way of LaSalle Avenue; thence with said South right of way, South 71°57'10" East, 997.02 feet; thence leaving said South right of way, South 60°53'56" West, 531.22 feet; thence South 88°59'58" West, 104.67 feet; thence South 01°19'19" West, 45.19 feet; thence North 88°28'36" West, 394.04 feet to the Point of Beginning, and containing 8.08 acres, more or less.

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. The City Council hereby finds and declares that the properties described in Article 1 hereof are at the present time particularly suitable for the purposes and uses of an R-1, Single-Family Suburban Residential District, and that such designation authorized hereby is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

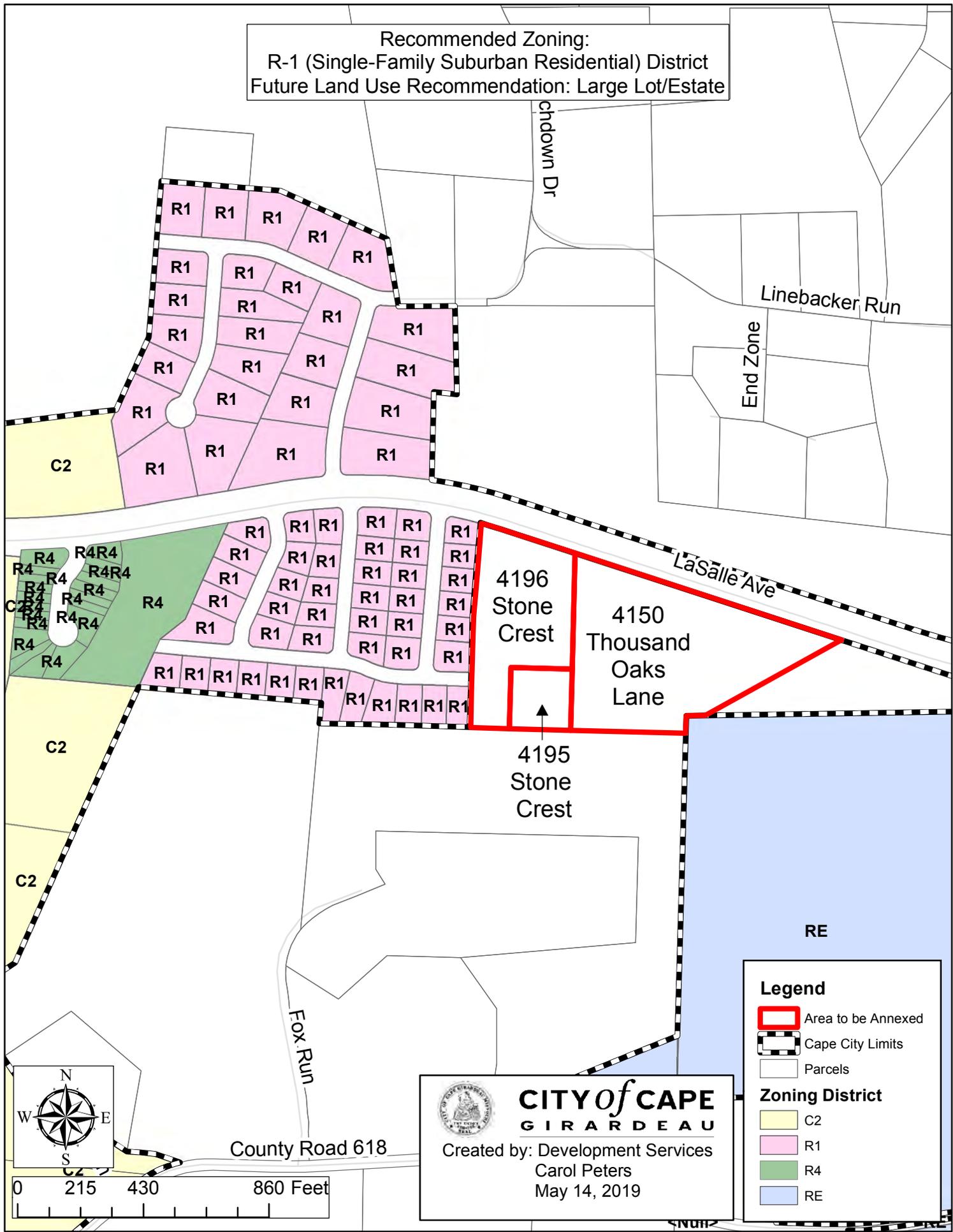
Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Zoning Recommendation for Property to be Annexed

Recommended Zoning:
 R-1 (Single-Family Suburban Residential) District
 Future Land Use Recommendation: Large Lot/Estate



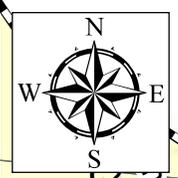
Legend

- Area to be Annexed
- Cape City Limits
- Parcels

Zoning District

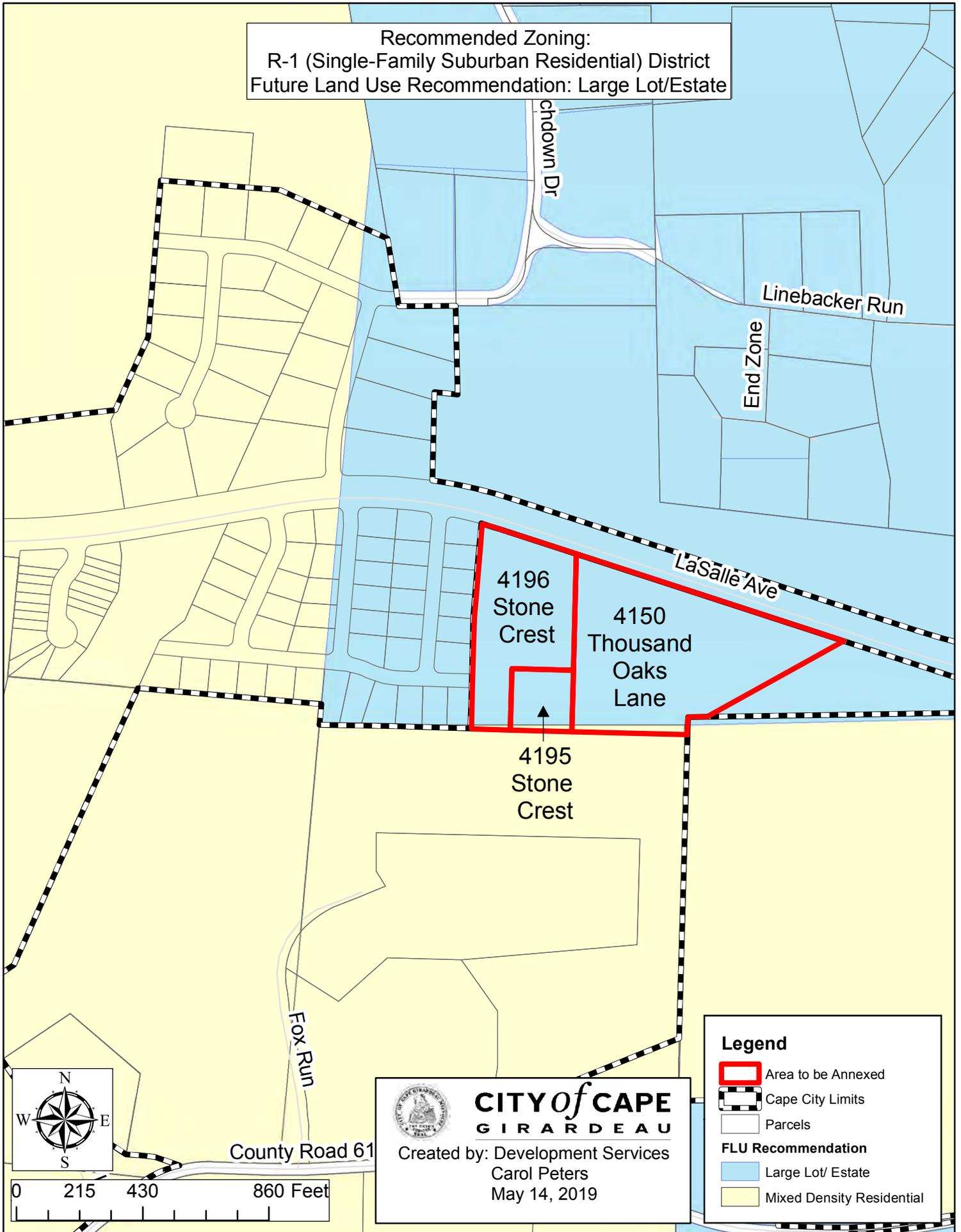
- C2
- R1
- R4
- RE

CITY of CAPE GIRARDEAU
 Created by: Development Services
 Carol Peters
 May 14, 2019



Zoning Recommendation for Property to be Annexed

Recommended Zoning:
R-1 (Single-Family Suburban Residential) District
Future Land Use Recommendation: Large Lot/Estate



Legend

- Area to be Annexed
- Cape City Limits
- Parcels
- FLU Recommendation**
- Large Lot/ Estate
- Mixed Density Residential

 **CITY of CAPE GIRARDEAU**
Created by: Development Services
Carol Peters
May 14, 2019



Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-151

SUBJECT

An Ordinance extending the boundaries of Ward 4 to include property newly annexed into the City Limits of the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached ordinance extends the boundaries of Ward 4 to include the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane upon annexation. A public hearing was held on June 17, 2019 to consider the proposed annexation and zoning of the properties. Ordinances for the annexation and zoning of the property to R-1 (Single-Family Suburban Residential District) are on this agenda as separate items.

BACKGROUND/DISCUSSION

On May 20, 2019, the City Council acknowledged receipt of annexation petitions for the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane. This group of properties is contiguous to the city limits. A public hearing was held on June 17, 2019 to consider the proposed annexation and zoning of the properties. Ordinances for the annexation and zoning of the property to R-1 (Single-Family Suburban Residential District) are on this agenda as separate items.

FINANCIAL IMPACT

Annexing the properties will generate additional revenue for the City in terms of taxes and fees, which will be used toward the cost of providing City services to the properties.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Annexing the properties is necessary for the orderly growth of the City. By annexing and zoning the properties, the property owners and the community as a whole will benefit from regulations intended to protect the public health, safety and general welfare.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance extending the boundaries of Ward 4 to include the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane upon annexation.

PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on June 2, 2019. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the properties.

ATTACHMENTS:

Name:	Description:
4195_4196_Stone_Crest_4150_Thousand_oaks_lane_Ward_Boundary.doc	Ordinance

AN ORDINANCE EXTENDING THE BOUNDARIES OF WARD 4 TO INCLUDE PROPERTIES NEWLY ANNEXED INTO THE CITY LIMITS OF THE CITY OF CAPE GIRARDEAU, MISSOURI

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

ARTICLE 1. The boundary of "Ward 4" is hereby amended by adding the legal description of the following properties newly annexed into the City of Cape Girardeau, Missouri:

ADDITION TO WARD 4

4195 Stone Crest

THAT PART OF FRACTIONAL SECTION 3 AND THAT PART OF FRACTIONAL SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCE AT A SQUARE CUT STONE WITH CROSS CUT MARK MARKING THE SOUTHWEST CORNER OF FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF FRACTIONAL SECTION 10; THENCE SOUTH 04°58'46" WEST ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10, 69.78 FEET TO A FOUND 5/8" ROD; THENCE LEAVING SAID LINE AND ALONG THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 278 AT PAGE 10 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, SOUTH 88°28'34" EAST, 654.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°31'20" EAST, 208.71 FEET; THENCE SOUTH 88°28'41," EAST, 208.71 FEET; THENCE SOUTH 01°31'20" WEST, 208.71 FEET TO SAID SOUTH LINE; THENCE WITH SAID SOUTH LINE, NORTH 88°28'41" WEST, 208.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0 ACRE, MORE OR LESS.

Also,

4196 Stone Crest

THAT PART OF THE FRACTIONAL SECTIONS 3 & 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL

MERIDIAN, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SQUARE CUT STONE WITH CROSS CUT MARK,
MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL
SECTION 3 AND THE NORTHWEST CORNER OF SAID FRACTIONAL
SECTION 10, THENCE WITH THE WEST LINE OF SAID
FRACTIONAL SECTION 10, SOUTH 04°56'59" WEST, 69.75
FEET; THENCE LEAVING SAID WEST LINE, SOUTH 88°28'36"
EAST, 512.72 FEET TO THE SOUTHEAST CORNER OF ROCK
GARDENS SUBDIVISION ON FILE IN THE CAPE GIRARDEAU LAND
RECORDS IN DOCUMENT #2017-02114, BEING THE POINT OF
BEGINNING; THENCE WITH THE EAST LINE OF SAID
SUBDIVISION, NORTH 01°29'01" EAST, 378.24 FEET; THENCE
NORTH 04°45'44" EAST, 322.43 FEET TO THE NORTHEAST
CORNER OF SAID SUBDIVISION AND BEING A POINT ON THE
SOUTH RIGHT OF WAY OF LASALLE AVENUE; THENCE WITH SAID
SOUTH RIGHT OF WAY, ALONG THE ARC OF A NON-TANGENT
CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS
OF 1565.00 FEET, A LENGTH OF 82.05 FEET (THE CHORD OF
SAID ARC BEARS SOUTH 73°27'17" EAST, 82.04 FEET);
THENCE SOUTH 71°57'10" EAST, 263.39 FEET; THENCE
LEAVING SAID SOUTH RIGHT OF WAY, SOUTH 01°29'01" WEST,
395.27 FEET TO THE NORTHEAST CORNER OF A 1 ACRE TRACT
AS RECORDED IN DOC. #2015-04873; THENCE NORTH
88°28'36" WEST, 208.71 FEET TO THE NORTHWEST CORNER OF
SAID 1 ACRE TRACT; THENCE SOUTH 01°31'25" WEST, 208.71
FEET TO THE SOUTHWEST CORNER OF SAID 1 ACRE TRACT;
THENCE NORTH 88°28'36" WEST, 141.26 FEET TO THE POINT
OF BEGINNING, AND CONTAINING 4.20 ACRES, MORE OR LESS.

Also,

4150 Thousand Oaks Lane

That part of the Fractional Sections 3 & 10, Township
31 North, Range 13 East of the Fifth Principal
Meridian, County of Cape Girardeau, State of Missouri,
being more particularly described as follows:
Commencing at a square cut stone with cross cut mark,
marking the Southwest corner of said Fractional
Section 3 and the Northwest corner of said Fractional
Section 10, thence with the West line of said
Fractional Section 10, South 04°56'59" West, 69.75
feet; thence leaving said West line, South 88°28'36"
East, 862.69 feet to the Southeast corner of a 1 acre
tract as recorded in Document # 2015-04873 of the

County Land Records, being the Point of Beginning; thence North 01°31'25" East, 208.71 feet to the Northeast corner of said 1 acre tract; thence North 01°29'01" East, 395.27 feet to a point on the South right of way of LaSalle Avenue; thence with said South right of way, South 71°57'10" East, 997.02 feet; thence leaving said South right of way, South 60°53'56" West, 531.22 feet; thence South 88°59'58" West, 104.67 feet; thence South 01°19'19" West, 45.19 feet; thence North 88°28'36" West, 394.04 feet to the Point of Beginning, and containing 8.08 acres, more or less.

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.

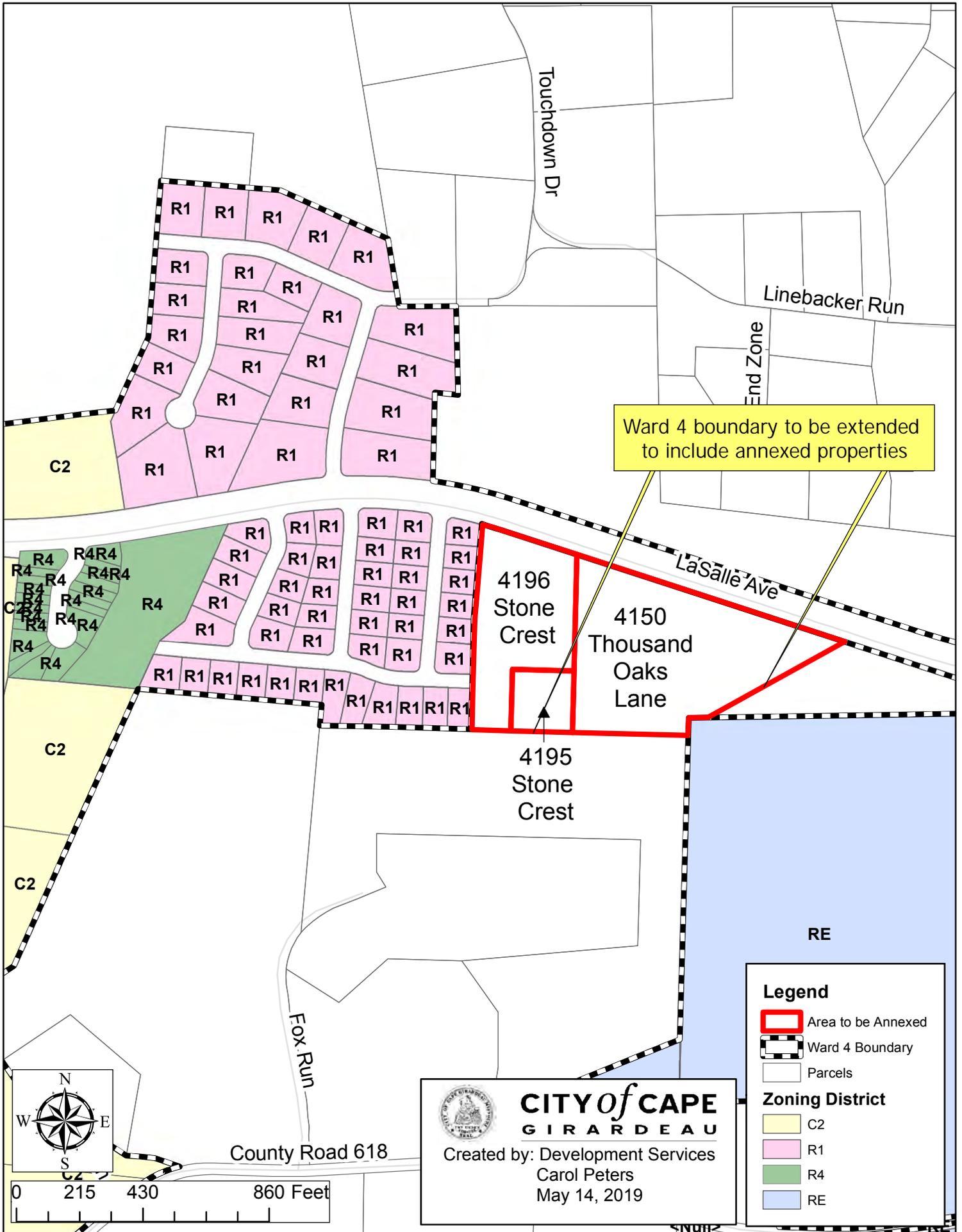
PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Ward 4 Boundary Extension for Annexed Properties



Ward 4 boundary to be extended to include annexed properties

Legend

- Area to be Annexed
- Ward 4 Boundary
- Parcels

Zoning District

- C2
- R1
- R4
- RE


CITY of CAPE GIRARDEAU
 Created by: Development Services
 Carol Peters
 May 14, 2019

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-152

SUBJECT

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 3567/3569 and 3575/3577 Baldwin Drive, in the City and County of Cape Girardeau, Missouri, from C-2 to R-3.

EXECUTIVE SUMMARY

The attached ordinance rezones property at 3567/3569 and 3575/3577 Baldwin Drive from C-2 (Highway Commercial District) to R-3 (High Density Single-Family Residential District). The City Council's public hearing on the rezoning request was held on July 1, 2019.

BACKGROUND/DISCUSSION

An application has been submitted to rezone property at 3567/3569 and 3575/3577 Baldwin Drive from C-2 (Highway Commercial District) to R-3 (High Density Single-Family Residential District). The immediately surrounding properties are zoned R-3 (High Density Single-Family Residential District) to the north, RUMD (Residential Urban Mixed Density District) to the northeast, and C-2 (Highway Commercial District) to the east, west, and south. This area consists of a mix of residential, commercial, and agricultural uses. The Comprehensive Plan's Future Land Use and Infrastructure Map shows the subject property as Mixed Density Residential.

The attached ordinance rezones the property from C-2 to R-3. The City Council's public hearing on the rezoning request was held on July 1, 2019.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

In considering a rezoning request, both the Planning and Zoning Commission and the City Council must determine if the proposed zoning district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. A record plat has been submitted for the subject property, which is a continuation of the Baldwin Place subdivision. Baldwin Place is zoned R-3 and contains duplexes. The proposed zoning district is reasonable and in reasonable conformity with the immediately surrounding properties because it allows the subject property to be developed and used consistent with the rest of the Baldwin Place subdivision.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the rezoning request.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission held a public hearing on June 12, 2019 and recommended approval of the rezoning request by a vote of 8 in favor, 0 in opposition, and 0 abstaining.

PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on June 16, 2019. In addition, a sign containing the date, time, location and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

ATTACHMENTS:

Name:	Description:
Baldwin Drive Rezone.doc	Ordinance
Staff_Review-Referral-Action_Form.pdf	3567/3569 & 3575/3577 Baldwin Drive - Staff RRA Form
Map - Zoning - 3567-3569 3575-3577 Baldwin Drive.pdf	3567/3569 & 3575/3577 Baldwin Drive - Zoning Map
Map - FLU - 3567-3569 3575-3577 Baldwin Drive.pdf	3567/3569 & 3575/3577 Baldwin Drive - FLU Map
Application - Baldwin Drive Rezoning.pdf	3567/3569 & 3575/3577 Baldwin Drive - Application

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF PROPERTY LOCATED AT 3567/3569 AND 3575/3577 BALDWIN DRIVE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM C-2 TO R-3

WHEREAS, the City Planning and Zoning Commission has recommended rezoning all of the property described in Article 1 of this Ordinance from C-2, Highway Commercial District, to R-3, High Density Single-Family Residential District; and

WHEREAS, Public Notice of such change was given as prescribed in Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and a public hearing was held on Monday, July 1, 2019; and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri, has elected to rezone the property described in Article 1 from C-2, Highway Commercial District, to R-3, High Density Single-Family Residential District.

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

ARTICLE 1. Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby amended to change the zoning from the present C-2, Highway Commercial District, to R-3, High Density Single-Family Residential District, for the following described property:

THAT PART OF UNITED STATES PRIVATE SURVEY NO. 790, IN TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF CAPE GIRARDEAU, OF CAPE GIRARDEAU COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BALDWIN PLACE PHASE II-A, AS SHOWN BY PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2015-04856 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI; THENCE SOUTH 84°57'40" EAST, 50.01 FEET TO THE SOUTHEAST CORNER OF THE RIGHT OF WAY OF BALDWIN DRIVE; THENCE LEAVING SAID RIGHT OF

WAY, SOUTH 84°57'40" EAST, 3.34 FEET; THENCE SOUTH 02°44'42" WEST, 222.83 FEET; THENCE NORTH 86°15'02" WEST, 184.24 FEET; THENCE NORTH 03°44'58" EAST, 226.86 FEET TO A POINT ON THE SOUTH LINE OF LOT 1 OF SAID BALDWIN PLACE PHASE II-A SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOTS 1 AND 2, SOUTH 84°57'40" EAST, 127.03 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.94 ACRES, MORE OR LESS.

ARTICLE 2. The City Council hereby finds and declares that the property described in Article 1 hereof is at the present time particularly suitable for the purposes and uses of the R-3, High Density Single-Family residential District, and that such changes authorized hereby are reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

CITY OF CAPE GIRARDEAU, MISSOURI

City Staff Review, Referral and Action on Rezoning/Special Use Permit Application

FILE NO. 1386

LOCATION: 3567/3569 & 3575/3577 Baldwin Drive

STAFF REVIEW & COMMENTS:

Meyr Properties, LP is requesting to rezone property along Baldwin Drive from C-2 (Highway Commercial) to R-3 (High Density Single-family Residential). SEE STAFF REPORT FOR FURTHER INFORMATION

[Signature]
City Planner

5/29/19
Date

[Signature]
City Attorney

MAY 30, 2019
Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:

[Signature]
City Manager

May 30, 2019
Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: _____ Public Hearing Date: _____

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:

[Signature]
Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

Posting Dates: Sign _____ Newspaper _____ Public Hearing Date: _____
Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ **Effective Date:** _____

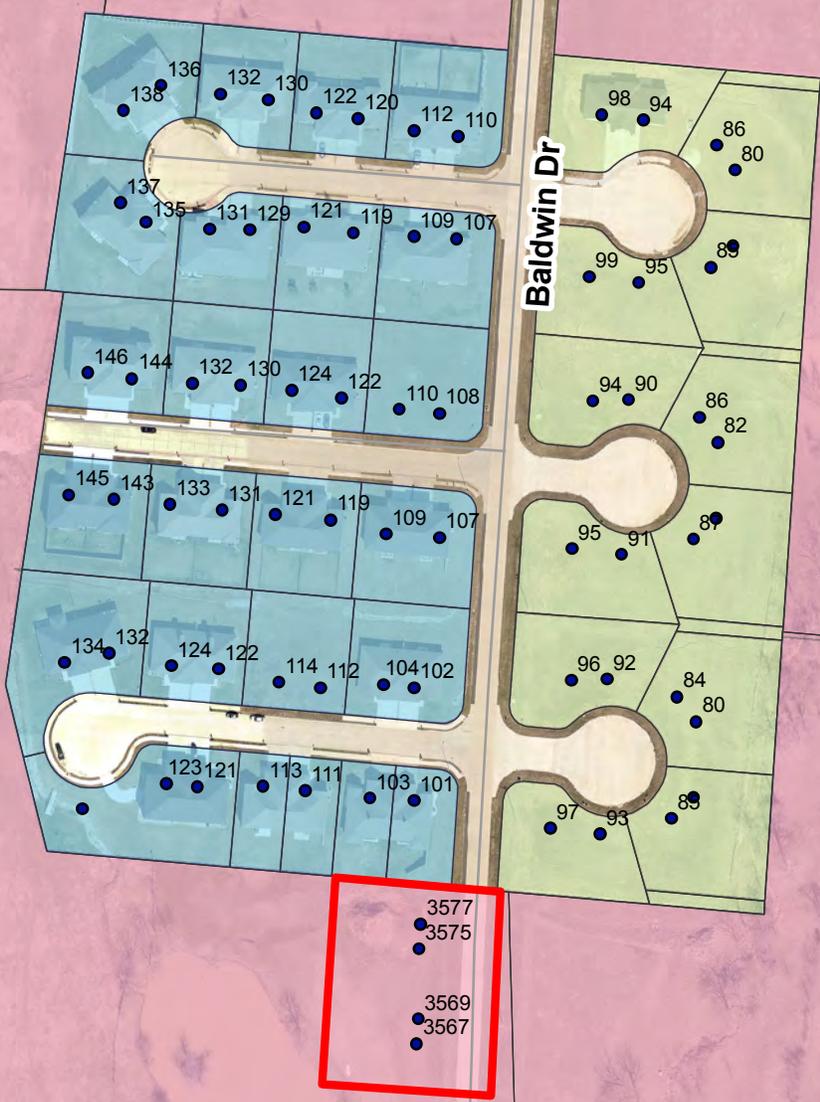
Rezoning Request - 3567/3569 & 3575/3577 Baldwin Drive

Requested Rezoning:
from C-2 (Highway Commercial District)
to the R-3 (High Density Single-family Residential District)
Future Land Use Recommendation: Mixed Density Residential

LaSalle Ave

Baldwin Dr

3589
3585
3581
3577
3573
3569
3565
3561
3555
3553
3549



 **CITY of CAPE GIRARDEAU**
Created by: Development Services
Carol Peters
May 24, 2019

Legend

-  Property to be rezoned
-  Parcels
- Zoning District**
-  RUMD
-  R3
-  C2

Rezoning Request - 3567/3569 & 3575/3577 Baldwin Drive

Requested Rezoning:
from C-2 (Highway Commercial District)
to the R-3 (High Density Single-family Residential District)
Future Land Use Recommendation: Mixed Density Residential

LaSalle Ave

Baldwin Dr



CITY of CAPE GIRARDEAU

Created by: Development Services
Carol Peters
May 24, 2019

Legend

Property to be rezoned

Parcels

FLU Recommendation

Mixed Density Residential



REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Property Address/Location Baldwin Drive (Baldwin Place Phase III)			
Applicant Meyr Properties, LP		Property Owner of Record (if other than Applicant)	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
966 County Road 616	Jackson, MO 63755		
Telephone	Email	Telephone	Email
573.225.9901			
Contact Person (If Applicant is a Business or Organization) Ryland "Dutch" Myer		(Attach additional owners information, if necessary)	
Type of Request: Rezoning, Special Use Permit, or Both Rezoning			
Existing Zoning District C-2		Proposed Zoning District (Rezoning requests only) R-3 High Density Single Family Residential	

Legal description of property to be rezoned and/or upon which the special use is to be conducted
 THAT PART OF UNITED STATES PRIVATE SURVEY NO. 790, IN TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF CAPE GIRARDEAU, OF CAPE GIRARDEAU COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BALDWIN PLACE PHASE II-A, AS SHOWN BY PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2015-04856 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI; THENCE SOUTH 084°57'40" EAST, 50.01 FEET TO THE SOUTH EAST CORNER OF THE RIGHT OF WAY OF BALDWIN DRIVE; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 84°57'40" EAST, 3.34 FEET; THENCE SOUTH 02°44'42" WEST, 222.83 FEET; THENCE NORTH 86°15'02" WEST, 184.24 FEET; THENCE NORTH 03°44'58" EAST, 226.86 FEET TO A POINT ON THE SOUTH LINE OF LOT 1 OF SAID BALDWIN PLACE PHASE II-A SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 & 2, SOUTH 84°57'40" EAST, 127.03 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.94 ACRES, MORE OR LESS.

Describe the proposed use of the property.
 This property will be subdivided into two multi-family (duplex) lots, similar construction to Baldwin Place Phase II.

Application continues on next page

OFFICE USE ONLY			
Date Received & By	File No.	MUNIS Application No.	
5-22-19	1386		
Planning & Zoning Commission Recommendation	Date		
City Council Final Action	Date		

Special Use Criteria (Special Use Permit requests only)

Explain how the Special Use Permit request meets the criteria below. Attach additional sheets, if necessary.

- 1) The proposed special use will not substantially increase traffic hazards or congestion.
- 2) The proposed special use will not substantially increase fire hazards.
- 3) The proposed special use will not adversely affect the character of the neighborhood.
- 4) The proposed special use will not adversely affect the general welfare of the community.
- 5) The proposed special use will not overtax public utilities.

ADDITIONAL ITEMS REQUIRED

See Instructions for more information.

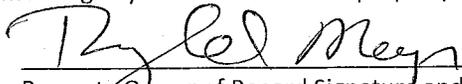
In addition to this completed application form, the following items must be submitted:

- Application fee (\$135.00 payable to City of Cape Girardeau + additional \$80 for Planned Development rezonings)
- One (1) list of names and mailing addresses of adjacent property owners
- One (1) set of mailing envelopes, stamped and addressed to adjacent property owners
- One (1) full size copy of a plat or survey of the property, if available
- One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
- Digital file of the plans in .pdf format (Planned Development rezonings and Special Use Permits only; can be emailed)
- One (1) set of Planned Development documents (Planned Development rezonings only)

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that an approved Special Use Permit becomes null and void if the use for which the permit was granted does not commence within twelve (12) months of the approval date, unless an extension has been granted; and
- 3) They acknowledge that they are responsible for ensuring that all required licenses and permits are obtained prior to commencing any use or work on the property.



Property Owner of Record Signature and Printed Name

_____ Date

(Provide additional owners signatures and printed names in the space below, if applicable)

The undersigned hereby certifies that they are an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf, and that the Property Owner(s) of Record hereby agree to the above certifications.

_____ Applicant Signature and Printed Name

_____ Date

MEYR PROPERTIES LP
966 CO RD 616
JACKSON MO 63755

BRANDON ANDERSON
2256 CO RD 638
CAPE GIRARDEAU MO 63701

BALDWIN ENTERPRISES
215 KRAMER DR.
SIKESTON MO 63801

ODIS E RUBEL JR & CHARLOTTE RUBEL TRUST
111 AUTUMN LEAF DR
CAPE GIRARDEAU MO 63701

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-153

SUBJECT

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Medical Marijuana Facilities and the Personal Cultivation of Medical Marijuana.

EXECUTIVE SUMMARY

The attached ordinance amends the Zoning Code (Chapter 30 of the Code of Ordinances) to establish regulations for medical marijuana facilities and the personal cultivation of medical marijuana pursuant to Article XIV of the Missouri Constitution.

BACKGROUND/DISCUSSION

On November 6, 2018, Missouri voters approved Amendment 2, which legalized the use of marijuana for the treatment of certain specified medical conditions. Pursuant to Article XIV of the Missouri Constitution, local governments must establish regulations for medical marijuana facilities and the personal cultivation of medical marijuana. The attached ordinance amends the Zoning Code (Chapter 30 of the Code of Ordinances) to establish such regulations. The amendment is based on discussions at recent Planning and Zoning Commission and City Council meetings as well as public input received at these meetings and from a City-conducted survey.

The amendment adds a new section to the Supplemental District Regulations (Article 4) entitled "Sec. 30-415. - Medical Marijuana Facilities and Personal Cultivation of Medical Marijuana". This section contains the requirements for medical marijuana facilities, which have been compiled into a single table. The table reflects the Planning and Zoning Commission's recommendation on June 12, 2019. The footnotes explain how the distance is to be measured (taken directly from the State regulations). This section also contains a general requirement to comply with all applicable State laws and regulations as well as all other applicable requirements of the City Code to the extent authorized by State laws and regulations.

In addition to medical marijuana facilities, the amendment contains requirements for the personal cultivation of medical marijuana. Section 30-415 states that it is a permitted accessory use in all zoning districts in accordance with the requirements in Section 30-403 (Accessory Structures and Uses). The State laws and regulations provide for the cultivation of marijuana by a qualifying patient or primary caregiver. Similar to the general requirement in Section 30-415 pertaining to medical marijuana facilities, Section 30-403 contains a general requirement to comply with all applicable State laws and regulations as well as the City Code.

The remaining portions of the amendment add the appropriate medical marijuana facility type(s) to the permitted principal uses list in the AG, AG-1, CBD, C-1, C-2, M-1, and M-2 sections. Also included are minor changes to these sections for purposes of clarity and consistency.

STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 12, 2019 meeting, recommended approval of the amendment, with one change, with a vote of 7 in favor, 1 in opposition, and 0 abstaining. The amendment proposed by staff established a minimum distance requirement of two hundred (200) feet for medical marijuana dispensary facilities in the CBD (Central Business District) and a requirement of one thousand (1,000) feet for such facilities in the C-1 (General Commercial), C-2 (Highway Commercial), and M-1 (Light Manufacturing/Industrial) zoning districts. The Commission changed these to a single minimum distance requirement of five hundred (500) feet for medical marijuana dispensary facilities in the CBD, C-1, C-2, and M-1 districts. The Commission kept the minimum distance requirement for all other facility types at one thousand (1,000) feet.

PUBLIC OUTREACH

The City Council's public hearing on the amendment was advertised in the Southeast Missourian on June 16, 2019.

ATTACHMENTS:

Name:	Description:
Amending_CH_30_Medical_Marijuana.doc	Ordinance
Chapter_30_Amendment_Regarding_Medical_Marijuana_Facilities_Personal_Cultivation_of_Medical_Marijuana_(Edits_Copy)_-July_1_2019.pdf	Chapter 30 Amendment Regarding Medical Marijuana Facilities & Personal Cultivation of Medical Marijuana (Edits Copy)
Chapter_30_Amendment_Regarding_Medical_Marijuana_Facilities_Personal_Cultivation_of_Medical_Marijuana_(Clean_Copy)_-July_1_2019.pdf	Chapter 30 Amendment Regarding Medical Marijuana Facilities & Personal Cultivation of Medical Marijuana (Clean Copy)

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING MEDICAL MARIJUANA FACILITIES AND THE PERSONAL CULTIVATION OF MEDICAL MARIJUANA

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

ARTICLE 1. Section 30-310, entitled "AG, Agricultural District", of Article 3 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-310. - AG, Agricultural District.

- (a) *Purpose.* The purpose of the AG (agricultural) district is to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. This district is intended for land of ten (10) acres or more. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use, is not permitted in the AG district.
- (b) *Permitted principal uses.*
 - (1) Farming, pastureland and agriculture, except commercial feedlots, stockyards and confinement operations.
 - (2) Orchards.
 - (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept, shall be two hundred (200) feet from the property line. Commercial slaughtering business is not allowed.
 - (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm.
 - (5) Police and fire stations.
 - (6) Bed and breakfasts.
 - (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
 - (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
 - (9) Veterinarian facilities, provided that all buildings, structures, pens or open kennels shall be located at least two hundred (200) feet from any lot line.
 - (10) Riding stables, provided that any building for keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (11) Wineries.
 - (12) Public parks, playgrounds and recreational facilities.
 - (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
- (c) *Permitted accessory uses.*

- (1) Private garages, carports and accessory structures, provided that any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (2) Agricultural product storage.
 - (3) Roadside stands for sale of agricultural products.
 - (4) Home occupations, as permitted in section 30-405, supplemental regulations, but not including typical farming operations.
 - (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
 - (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (7) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Commercial day care facilities.
 - (2) Manufactured home, for the purpose of agricultural related residence.
 - (3) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
 - (4) Cemeteries on a minimum of ten (10) acres of land.
 - (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (6) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (7) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
- (1) *Maximum Height:* Forty (40) feet.
 - (2) *Minimum District Size:* Ten (10) acres.
 - (3) *Maximum Density:* One (1) unit per five (5) acres.
 - (4) *Minimum Lot Width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum Lot Area:* Five (5) acres for each single-family detached dwelling; no subdivision is required for such lots.
 - (6) *Minimum Yard Requirements:*
 - a. *Front yard:* Sixty (60) feet.
 - b. *Rear yard:* Fifty (50) feet.
 - c. *Side yard:* Fifty (50) feet.
- (f) *Prohibited uses.*
- (1) Single-family subdivision.

is hereby repealed in its entirety and a new Section 30-310, entitled "AG, agricultural district", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-310. - AG, agricultural district.

- (a) *Purpose.* The purpose of the AG district is to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provision of public utilities and community

facilities to ensure compact and orderly land use development. This district is intended for land of ten (10) acres or more. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use is not permitted in the AG district.

(b) *Permitted principal uses.*

- (1) Farming, pastureland and agriculture, except commercial feedlots, stockyards and confinement operations.
- (2) Orchards.
- (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept, shall be two hundred (200) feet from the property line. Commercial slaughtering business is not allowed.
- (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm.
- (5) Police and fire stations.
- (6) Bed and breakfasts.
- (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
- (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
- (9) Veterinarian facilities, provided that all buildings, structures, pens or open kennels shall be located at least two hundred (200) feet from any lot line.
- (10) Riding stables, provided that any building for keeping of animals shall be located at least two hundred (200) feet from any lot line.
- (11) Wineries.
- (12) Public parks, playgrounds and recreational facilities.
- (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
- (14) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.

(c) *Permitted accessory uses.*

- (1) Private garages, carports and accessory structures and uses, as permitted in section 30-403, supplemental regulations. Any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
- (2) Agricultural product storage.
- (3) Roadside stands for sale of agricultural products.
- (4) Home occupations, as permitted in section 30-405, supplemental regulations, but not including typical farming operations.
- (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
- (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (7) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

(d) *Special uses.*

- (1) Commercial day care facilities.
- (2) Manufactured home, for the purpose of agricultural related residence.
- (3) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
- (4) Cemeteries on a minimum of ten (10) acres of land.

- (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (6) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (7) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
- (1) *Maximum Height:* Forty (40) feet.
 - (2) *Minimum District Size:* Ten (10) acres.
 - (3) *Maximum Density:* One (1) unit per five (5) acres.
 - (4) *Minimum Lot Width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum Lot Area:* Five (5) acres for each single-family detached dwelling; no subdivision is required for such lots.
 - (6) *Minimum Yard Requirements:*
 - a. *Front yard:* Sixty (60) feet.
 - b. *Rear yard:* Fifty (50) feet.
 - c. *Side yard:* Fifty (50) feet.
- (f) *Prohibited uses.*
- (1) Single-family subdivision.

ARTICLE 2. Section 30-311, entitled "AG-1, exclusive agricultural district", of Article 3 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-311. - AG-1, exclusive agricultural district.

- (a) *Purpose.* The purpose of the AG-1 district is to provide for agricultural activities, and to provide for untimely scattering of more dense urban uses, which should be confined to areas planned for efficient extension of public services. The district is established to preserve, in agricultural uses, lands suited for future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use, where the opening of new streets or roadways is contemplated to accomplish this purpose, is not permitted in an AG-1 district. The subdivision of land for a purpose that relates to a use provided for in the AG-1 district may be allowed. Change of zoning from AG-1 to any other zoning district shall be accompanied by a site plan for development and be subject to provisions of the Code of Ordinances of the City of Cape Girardeau.
- (b) *Permitted principal uses.*
 - (1) Farming, pastureland and agriculture, except animal feeding operations (AFO) and concentrated animal feeding operations, (CAFO), feedlots, stockyards and confinement operations.
 - (2) Orchards.
 - (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept. High volume wholesale commercial slaughtering business is not allowed.
 - (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm, which includes manufactured homes.

- (5) Police and fire stations.
 - (6) Bed and breakfasts.
 - (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
 - (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
 - (9) Veterinarian facilities.
 - (10) Riding stables.
 - (11) Wineries.
 - (12) Public parks, playgrounds and recreational facilities.
 - (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, provided that any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (2) Agricultural product storage.
 - (3) Roadside stands for sale of agricultural products.
 - (4) Home occupations, so long as they do not create nuisance, hazardous or dangerous conditions on the property, to adjoining landowners, or impact public health and welfare.
 - (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
 - (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (7) Timber harvest.
 - (8) Hunting pursuant to Missouri Department of Conservation guidelines.
 - (9) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Commercial day care facilities.
 - (2) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
 - (3) Cemeteries on a minimum of ten (10) acres of land.
 - (4) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (5) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (6) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
- (1) *Maximum height:* Forty (40) feet.
 - (2) *Minimum district size:* Twenty-five (25) acres.
 - (3) *Maximum density:* One (1) unit per five (5) acres.
 - (4) *Minimum lot width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum lot area:* Ten (10) acres for each single-family detached dwelling; no subdivision is required for such lots.

- (6) *Minimum yard requirements:* None
- (f) *Prohibited uses.*
 - (1) Single-family subdivision.

is hereby repealed in its entirety and a new Section 30-311, entitled "AG-1, exclusive agricultural district", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-311. - AG-1, exclusive agricultural district.

- (a) *Purpose.* The purpose of the AG-1 district is to provide for agricultural activities, and to provide for untimely scattering of more dense urban uses, which should be confined to areas planned for efficient extension of public services. The district is established to preserve, in agricultural uses, lands suited for future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use, where the opening of new streets or roadways is contemplated to accomplish this purpose, is not permitted in an AG-1 district. The subdivision of land for a purpose that relates to a use provided for in the AG-1 district may be allowed. Change of zoning from AG-1 to any other zoning district shall be accompanied by a site plan for development and be subject to provisions of the Code of Ordinances of the City of Cape Girardeau.
- (b) *Permitted principal uses.*
 - (1) Farming, pastureland and agriculture, except animal feeding operations (AFO) and concentrated animal feeding operations, (CAFO), feedlots, stockyards and confinement operations.
 - (2) Orchards.
 - (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept. High volume wholesale commercial slaughtering business is not allowed.
 - (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm, which includes manufactured homes.
 - (5) Police and fire stations.
 - (6) Bed and breakfasts.
 - (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
 - (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
 - (9) Veterinarian facilities.
 - (10) Riding stables.
 - (11) Wineries.
 - (12) Public parks, playgrounds and recreational facilities.
 - (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
 - (14) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*

- (1) Private garages, carports and accessory structures and uses, as permitted in section 30-403, supplemental regulations. Any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (2) Agricultural product storage.
 - (3) Roadside stands for sale of agricultural products.
 - (4) Home occupations, so long as they do not create nuisance, hazardous or dangerous conditions on the property, to adjoining landowners, or impact public health and welfare.
 - (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
 - (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (7) Timber harvest.
 - (8) Hunting pursuant to Missouri Department of Conservation guidelines.
 - (9) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Commercial day care facilities.
 - (2) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
 - (3) Cemeteries on a minimum of ten (10) acres of land.
 - (4) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (5) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (6) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
- (1) *Maximum height:* Forty (40) feet.
 - (2) *Minimum district size:* Twenty-five (25) acres.
 - (3) *Maximum density:* One (1) unit per five (5) acres.
 - (4) *Minimum lot width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum lot area:* Ten (10) acres for each single-family detached dwelling; no subdivision is required for such lots.
 - (6) *Minimum yard requirements:* None
- (f) *Prohibited uses.*
- (1) Single-family subdivision.

ARTICLE 3. Section 30-332, entitled "CBD, central business district", of Article 3 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-332. - CBD, central business district.

- (a) *Purpose.* The central business district [CBD] provides for the development of high density, compact, pedestrian oriented shopping, office, service, entertainment and residential districts. The districts are intended to be mixed-use districts that accommodate a variety of uses. It is intended specifically for the older downtown areas including: Broadway, Riverfront and Good Hope/Haarig areas of the City

of Cape Girardeau. It is intended to allow flexible setbacks, smaller lot sizes, and increased lot coverage to encourage dense development in the urban core of the community. This district is designed to protect the small community appeal, integrity, character, and charm within the central business district by encouraging redevelopment that focuses on architecturally appropriate design standards typical of the city's early development history. These areas may also be experiencing or be in need of rehabilitation or redevelopment. This district is intended to accommodate the transition that must occur if these areas are to continue to contribute to the vitality of the city. The regulations of the central business district are intended to allow greater flexibility for tracts of land in the central business district than is permitted by other district regulations, where the planned development of such tracts would better reflect the character of the site and enhance the appearance and economic vitality of the downtown area.

(b) *Permitted principal uses.*

- (1) Any business that provides, displays, advertises and sells goods, supplies or services to the general public, as long as all activities associated with said business are contained entirely indoors as stated in the standards set forth in section 30-332(e)(2).
- (2) General retail and office, including banks and financial institutions.
- (3) Any governmental building, including police and fire stations.
- (4) Residential uses.
- (5) Hotels.
- (6) Medical facilities.
- (7) Health and fitness centers.
- (8) Public parks, playgrounds and recreational facilities.
- (9) Private institutions of higher education.
- (10) Nursing homes, senior citizen housing or retirement homes.
- (11) Commercial day cares.
- (12) Microbrewery.
- (13) Bed and breakfasts.
- (14) Restaurants, bars.

(c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses including, but not limited to, garages, and dumpster storage facilities as permitted in section 30-403, supplemental regulations.
- (2) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (3) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

(d) *Special uses.*

- (1) Helicopter landing pad, heliport or other landing areas in relationship with medical facilities.
- (2) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
- (3) Marina or dock.
- (4) The allowance of additional height, not to exceed sixty (60) feet or five (5) stories.
- (5) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
- (6) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.

- (8) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.
 - e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
 - (2) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.
 - e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
 - (3) Alteration of existing buildings:
 - a. Original window openings on public facing elevations should be maintained or retained.
 - b. Original upper story design details and features shall not be removed or obscured.
 - (4) New construction shall be compatible with the existing buildings in scale, height, materials, massing and rhythm and proportion of openings.
 - (5) Storefronts shall maintain traditional size, shape, spacing, patterns and alignment of openings of storefronts.
 - (6) The primary entrance for commercial buildings shall be oriented toward the street.
 - (7) Building setbacks:
 - a. *Residential:* Should be aligned by a uniform distance from sidewalks.
 - b. *Commercial:* Maintain alignment of facades along sidewalks.
 - (8) Height:
 - a. The height of additions or new construction should be within a similar range of the buildings in the surrounding blocks.
 - b. Corner buildings or buildings on the ends should be similar in height to buildings on adjoining corners.
 - (9) Materials that are comparable in quality, color, texture, finish and dimension to existing materials and buildings within the district should be used.
 - (10) Consistent rooflines should be maintained with adjacent buildings.
- (f) *Height, area, bulk and setback requirements.*
- (1) *Maximum height:* Three (3) stories not to exceed forty (40) feet.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.

- (4) *Maximum density:* None.
- (5) *Minimum yard requirements:*
 - a. *Front yard:* None, except fifteen (15) feet when across from a residential zoning district.
 - b. *Rear yard:* None, except fifteen (15) feet when adjacent to a residential zoning district.
 - c. *Side yard:* None, except fifteen (15) feet when adjacent to a residential zoning district.
- (6) *Maximum building coverage, including accessory buildings:* One hundred (100) percent of the lot.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) Open space requirements: No minimum percentage required.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2 or R-3 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific use set forth in section 25-202.

is hereby repealed in its entirety and a new Section 30-332, entitled "CBD, central business district", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-332. - CBD, central business district.

- (a) *Purpose.* The central business district [CBD] provides for the development of high density, compact, pedestrian oriented shopping, office, service, entertainment and residential districts. The districts are intended to be mixed-use districts that accommodate a variety of uses. It is intended specifically for the older downtown areas including: Broadway, Riverfront and Good Hope/Haarig areas of the City of Cape Girardeau. It is intended to allow flexible setbacks, smaller lot sizes, and increased lot coverage to encourage dense development in the urban core of the community. This district is designed to protect the small community appeal, integrity, character, and charm within the central business district by encouraging redevelopment that focuses on architecturally appropriate design standards typical of the city's early development history. These areas may also be experiencing or be in need of rehabilitation or redevelopment. This district is intended to accommodate the transition that must occur if these areas are to continue to contribute to the vitality of the city. The regulations of the central business district are intended to allow greater flexibility for tracts of land in the central business district than is permitted by other district regulations, where the planned development of such tracts would better reflect the character of the site and enhance the appearance and economic vitality of the downtown area.
- (b) *Permitted principal uses.*
 - (1) Any business that provides, displays, advertises and sells goods, supplies or services to the general public, as long as all activities associated with said business are contained entirely indoors as stated in the standards set forth in section 30-332(e)(2).
 - (2) General retail and office, including banks and financial institutions.
 - (3) Any governmental building, including police and fire stations.
 - (4) Residential uses.
 - (5) Hotels.
 - (6) Medical facilities.
 - (7) Health and fitness centers.
 - (8) Public parks, playgrounds and recreational facilities.

- (9) Private institutions of higher education.
 - (10) Nursing homes, senior citizen housing or retirement homes.
 - (11) Commercial day cares.
 - (12) Microbrewery.
 - (13) Bed and breakfasts.
 - (14) Restaurants, bars.
 - (15) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses including, but not limited to, garages, and dumpster storage facilities as permitted in section 30-403, supplemental regulations.
 - (2) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (3) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Helicopter landing pad, heliport or other landing areas in relationship with medical facilities.
 - (2) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (3) Marina or dock.
 - (4) The allowance of additional height, not to exceed sixty (60) feet or five (5) stories.
 - (5) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (6) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.
 - e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
 - (2) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.

- e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
- (3) Alteration of existing buildings:
 - a. Original window openings on public facing elevations should be maintained or retained.
 - b. Original upper story design details and features shall not be removed or obscured.
- (4) New construction shall be compatible with the existing buildings in scale, height, materials, massing and rhythm and proportion of openings.
- (5) Storefronts shall maintain traditional size, shape, spacing, patterns and alignment of openings of storefronts.
- (6) The primary entrance for commercial buildings shall be oriented toward the street.
- (7) Building setbacks:
 - a. *Residential*: Should be aligned by a uniform distance from sidewalks.
 - b. *Commercial*: Maintain alignment of facades along sidewalks.
- (8) Height:
 - a. The height of additions or new construction should be within a similar range of the buildings in the surrounding blocks.
 - b. Corner buildings or buildings on the ends should be similar in height to buildings on adjoining corners.
- (9) Materials that are comparable in quality, color, texture, finish and dimension to existing materials and buildings within the district should be used.
- (10) Consistent rooflines should be maintained with adjacent buildings.
- (f) *Height, area, bulk and setback requirements.*
 - (1) *Maximum height*: Three (3) stories not to exceed forty (40) feet.
 - (2) *Minimum lot area*: None.
 - (3) *Minimum lot width*: None.
 - (4) *Maximum density*: None.
 - (5) *Minimum yard requirements*:
 - a. *Front yard*: None, except fifteen (15) feet when across from a residential zoning district.
 - b. *Rear yard*: None, except fifteen (15) feet when adjacent to a residential zoning district.
 - c. *Side yard*: None, except fifteen (15) feet when adjacent to a residential zoning district.
 - (6) *Maximum building coverage, including accessory buildings*: One hundred (100) percent of the lot.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) Open space requirements: No minimum percentage required.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2 or R-3 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific use set forth in section 25-202.

ARTICLE 4. Section 30-333, entitled "C-1, general commercial district", of Article 3 of Chapter 30 of the Code of

Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-333. - C-1, general commercial district.

- (a) *Purpose.* The C-1 district is primarily intended for areas of the city located along minor thoroughfares and adjacent to residential districts. Appropriate uses for this district include commercial developments not requiring long term outdoor display of merchandise, as well as certain governmental, institutional, and community service facilities. Other uses having the potential to significantly affect adjacent residential districts may be allowed with approval of a special use permit.
- (b) *Permitted principal uses.*
- (1) Art galleries or museums.
 - (2) Banks or other financial institutions.
 - (3) Bed and breakfasts.
 - (4) Commercial day cares.
 - (5) Commercial recreation facilities, excluding driving ranges or outdoor shooting or racing.
 - (6) Funeral homes or mortuaries.
 - (7) Governmental facilities.
 - (8) Health or fitness centers.
 - (9) Institutions of higher education, including business, career or technology schools.
 - (10) Instructional schools for art, dance, music, martial arts or other disciplines.
 - (11) Libraries.
 - (12) Microbreweries.
 - (13) Middle schools, secondary schools, or development centers for people with physical, mental or developmental disabilities.
 - (14) Nurseries or greenhouses.
 - (15) Nursing homes.
 - (16) Offices.
 - (17) Parks or playgrounds.
 - (18) Personal service establishments.
 - (19) Pet grooming facilities, excluding kennels.
 - (20) Police or fire stations.
 - (21) Residential treatment facilities.
 - (22) Restaurants or bars.
 - (23) Retail or rental establishments, excluding the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (24) Television or radio studios, including any transmitting facilities.
 - (25) Transit terminals.
 - (26) Veterinary clinics or animal hospitals, excluding livestock.
 - (27) Wineries.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.

- (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (d) *Special uses.*
- (1) Banquet facilities.
 - (2) Hotels or motels.
 - (3) Kennels.
 - (4) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (5) Meeting halls.
 - (6) Mini warehouses or self-storage units.
 - (7) 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.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (10) The allowance of additional height up to a total of sixty (60) feet, not to exceed a total of five (5) stories.
 - (11) Transitional housing.
 - (12) Uses involving the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (13) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - (14) Vehicle washing facilities, including automatic or hand wash.
 - (15) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (e) *Standards.*
- (1) All storage of merchandise, materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the items being stored are not visible from the street or any adjacent property.
 - (2) Outdoor display of merchandise is prohibited, except as follows:
 - a. Merchandise may be displayed outdoors as part of a temporary use, as permitted in section 30-406, supplemental regulations. Nursery stock, accessory landscaping decorations, and seasonal and holiday decorations may also be displayed outdoors during the appropriate season. Such displays are permitted in accordance with the following provisions:
 - 1. Displays shall not be located in a right-of-way.
 - 2. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the City Code. 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.
 - 3. Displays shall not impede vehicular or pedestrian access.
 - 4. Displays shall not alter the structure of any building.
 - 5. Displays shall not create a health or safety hazard.
 - 6. Displays shall be well kept and orderly.
 - 7. Signs may be displayed as permitted elsewhere in the City Code.

8. 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.
- (3) 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: Forty (40) feet, not to exceed three (3) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

is hereby repealed in its entirety and a new Section 30-333, entitled "C-1, general commercial district", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-333. - C-1, general commercial district.

- (a) *Purpose.* The C-1 district is primarily intended for areas of the city located along minor thoroughfares and adjacent to residential districts. Appropriate uses for this district include commercial developments not requiring long term outdoor display of merchandise, as well as certain governmental, institutional, and community service facilities. Other uses having the potential to significantly affect adjacent residential districts may be allowed with approval of a special use permit.
- (b) *Permitted principal uses.*
 - (1) Art galleries or museums.
 - (2) Banks or other financial institutions.
 - (3) Bed and breakfasts.
 - (4) Commercial day cares.
 - (5) Commercial recreation facilities, excluding driving ranges or outdoor shooting or racing.
 - (6) Funeral homes or mortuaries.
 - (7) Governmental facilities.
 - (8) Health or fitness centers.
 - (9) Institutions of higher education, including business, career or technology schools.
 - (10) Instructional schools for art, dance, music, martial arts or other disciplines.
 - (11) Libraries.
 - (12) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
 - (13) Microbreweries.
 - (14) Middle schools, secondary schools, or development centers for people with physical, mental or developmental disabilities.

- (15) Nurseries or greenhouses.
 - (16) Nursing homes.
 - (17) Offices.
 - (18) Parks or playgrounds.
 - (19) Personal service establishments.
 - (20) Pet grooming facilities, excluding kennels.
 - (21) Police or fire stations.
 - (22) Residential treatment facilities.
 - (23) Restaurants or bars.
 - (24) Retail or rental establishments, excluding the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (25) Television or radio studios, including any transmitting facilities.
 - (26) Transit terminals.
 - (27) Veterinary clinics or animal hospitals, excluding livestock.
 - (28) Wineries.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (d) *Special uses.*
- (1) Banquet facilities.
 - (2) Hotels or motels.
 - (3) Kennels.
 - (4) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (5) Meeting halls.
 - (6) Mini warehouses or self-storage units.
 - (7) 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.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (10) The allowance of additional height up to a total of sixty (60) feet, not to exceed a total of five (5) stories.
 - (11) Transitional housing.
 - (12) Uses involving the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (13) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - (14) Vehicle washing facilities, including automatic or hand wash.
 - (15) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.

(e) *Standards.*

- (1) All storage of merchandise, materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the items being stored are not visible from the street or any adjacent property.
- (2) Outdoor display of merchandise is prohibited, except as follows:
 - a. Merchandise may be displayed outdoors as part of a temporary use, as permitted in section 30-406, supplemental regulations. Nursery stock, accessory landscaping decorations, and seasonal and holiday decorations may also be displayed outdoors during the appropriate season. Such displays are permitted in accordance with the following provisions:
 1. Displays shall not be located in a right-of-way.
 2. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the City Code. 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.
 3. Displays shall not impede vehicular or pedestrian access.
 4. Displays shall not alter the structure of any building.
 5. Displays shall not create a health or safety hazard.
 6. Displays shall be well kept and orderly.
 7. Signs may be displayed as permitted elsewhere in the City Code.
 8. 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.
- (3) 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: Forty (40) feet, not to exceed three (3) stories.
- (2) Minimum lot area: None.
- (3) Minimum lot width: None.
- (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
- (5) Minimum open space. Fifteen (15) percent of the lot area.

ARTICLE 5. Section 30-334, entitled "C-2, highway commercial district", of Article 3 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-334. - 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) Meeting halls.
 - (21) Microbreweries.
 - (22) Mini warehouses or self-storage units.
 - (23) Nurseries or greenhouses.
 - (24) Nursing homes.
 - (25) Offices.
 - (26) Outdoor storage facilities for recreation vehicles or watercraft.
 - (27) Parks or playgrounds.
 - (28) Personal service establishments.
 - (29) Pet grooming facilities.
 - (30) Police or fire stations.
 - (31) Residential treatment facilities.
 - (32) Restaurants or bars.
 - (33) Retail or rental establishments.
 - (34) Television or radio studios, including any transmitting facilities.

- (35) Transit terminals.
 - (36) Transitional housing.
 - (37) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - (38) Veterinary clinics or animal hospitals.
 - (39) Warehouses or distribution centers.
 - (40) Wineries.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (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 30-402, supplemental regulations.
 - (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 30-402, supplemental regulations.
 - (8) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (9) The allowance of additional height up to a total of one hundred (100) feet, not to exceed a total of eight (8) stories.
 - (10) Vehicle body or paint shops.
 - (11) Vehicle washing facilities, automatic or hand wash.
 - (12) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (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: Sixty (60) feet, not to exceed five (5) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

is hereby repealed in its entirety and a new Section 30-334, entitled "C-2, highway commercial district", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-334. - 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 30-415, supplemental regulations.
 - (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 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (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 30-402, supplemental regulations.
 - (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 30-402, supplemental regulations.
 - (8) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (9) The allowance of additional height up to a total of one hundred (100) feet, not to exceed a total of eight (8) stories.
 - (10) Vehicle body or paint shops.
 - (11) Vehicle washing facilities, automatic or hand wash.
 - (12) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (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: Sixty (60) feet, not to exceed five (5) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

ARTICLE 6. Section 30-335, entitled "M-1, light manufacturing/industrial district", of Article 3 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-335. - M-1, light manufacturing/industrial district.

- (a) *Purpose.* This district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
 - (3) Health and fitness centers.
 - (4) Cemeteries.
 - (5) Commercial day cares.
 - (6) Funeral homes and mortuaries.
 - (7) Government buildings and uses, including police and fire stations.
 - (8) Heavy machinery and equipment sales, rental and service.
 - (9) Offices, administrative, business, finance and professional.
 - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
 - (11) Public service and public utility uses as follows:
 - a. Wireless facilities.
 - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (12) Industrial schools and business schools.
 - (13) Miniwarehouse or self-storage units.
 - (14) Residential treatment facilities.
 - (15) Television and radio studios including any transmitting facilities.
 - (16) Veterinary clinics, animal hospitals, and kennels.
 - (17) Warehouses, storage and distribution centers.
 - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (19) Recycling centers.
 - (20) Marina or dock.
 - (21) Transitional housing.
 - (22) Restaurants and bars.
 - (23) Retail, including vehicle sales.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.

- (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Emergency shelters, transitional service shelters for fifty (50) or fewer residents.
 - (2) Manufactured business units, for office use only.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least one hundred (100) feet from any residential zoning district or use.
 - (3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.
 - (4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.
 - (5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*
- (1) *Maximum height:* Forty (40) feet excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district there shall be a side yard of not less than ten (10) feet on the side of the lot abutting the residential district.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
- (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.

- (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

is hereby repealed in its entirety and a new Section 30-335, entitled "M-1, light manufacturing/industrial district", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-335. - M-1, light manufacturing/industrial district.

- (a) *Purpose.* This district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
 - (1) Light manufacturing facilities.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
 - (3) Health and fitness centers.
 - (4) Cemeteries.
 - (5) Commercial day cares.
 - (6) Funeral homes and mortuaries.
 - (7) Government buildings and uses, including police and fire stations.
 - (8) Heavy machinery and equipment sales, rental and service.
 - (9) Offices, administrative, business, finance and professional.
 - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
 - (11) Public service and public utility uses as follows:
 - a. Wireless facilities.
 - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (12) Industrial schools and business schools.
 - (13) Mini warehouses or self-storage units.
 - (14) Residential treatment facilities.
 - (15) Television and radio studios including any transmitting facilities.
 - (16) Veterinary clinics, animal hospitals, and kennels.
 - (17) Warehouses, storage and distribution centers.
 - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (19) Recycling centers.
 - (20) Marinas or docks.

- (21) Transitional housing.
 - (22) Restaurants and bars.
 - (23) Retail, including vehicle sales.
 - (24) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
 - (25) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
 - (26) Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.
 - (27) Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.
 - (28) Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Emergency shelters, transitional service shelters for fifty (50) or fewer residents.
 - (2) Manufactured business units, for office use only.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least one hundred (100) feet from any residential zoning district or use.
 - (3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.
 - (4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.

- (5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*
 - (1) *Maximum height:* Forty (40) feet excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district there shall be a side yard of not less than ten (10) feet on the side of the lot abutting the residential district.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

ARTICLE 7. Section 30-336, entitled "M-2, heavy manufacturing/industrial district", of Article 3 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-336. - M-2, heavy manufacturing/industrial district.

- (a) *Purpose.* This district is intended for heavy industrial uses and many other uses which are not otherwise provided for in the other industrial district. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts, whenever possible. Good accessibility should be provided to major rail, air facilities and highways.
- (b) *Permitted principal uses.*
 - (1) Manufacturing, fabrication, assembly, processing, or packaging of any commodity, except: facilities producing or processing explosives or flammable gases or liquids; animal slaughtering, meat packing, or rendering; sulphur plants, rubber reclamation plants, steel mills, foundries or smelters.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - (3) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and any business and sales offices accessory thereto.
 - (4) Bulk storage of flammable liquids for wholesale, subject to the provisions of the city and state fire codes.
 - (5) Central mixing plants for cement, asphalt, or paving material.

- (6) The extraction of sand, gravel, and other raw materials requiring the removal of an overburden above the deposit, however, any bulk storage of extraction material or overburden, any processing or extraction machinery, and the open face of any cut, shall be at least twenty-five (25) feet from the property line.
 - (7) Heavy machinery and equipment sales, rental and service.
 - (8) Junk yards, scrap and salvage yards.
 - (9) Manufacturing and production of paving, roofing and other construction material, using asphalt or petroleum based coatings or preserving materials.
 - (10) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and nonferrous metals.
 - (11) Recycling center.
 - (12) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (13) Wastewater and water treatment facilities.
 - (14) Terminals for trucks, buses, rail and watercraft.
 - (15) Marina or dock.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Collection and transfer facilities for hazardous wastes, and solid wastes that contain hazardous substances from off-site sources.
 - (2) Jails, prisons or detention facilities.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) No junk yard, scrap, or salvage yard shall be located within five hundred (500) feet of any residential use.
 - (3) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.

- (f) *Height, area, bulk and setback requirements.*
- (1) *Maximum height:* Forty (40) feet, excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district or use there shall be a side yard of not less than twenty (20) feet on the side of the lot abutting the residential district or use.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
- (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD, RMH and C-1 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

is hereby repealed in its entirety and a new Section 30-336, entitled "M-2, heavy manufacturing/industrial district", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-336. - M-2, heavy manufacturing/industrial district.

- (a) *Purpose.* This district is intended for heavy industrial uses and many other uses which are not otherwise provided for in the other industrial district. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts, whenever possible. Good accessibility should be provided to major rail, air facilities and highways.
- (b) *Permitted principal uses.*
- (1) Manufacturing, fabrication, assembly, processing, or packaging of any commodity, except: facilities producing or processing explosives or flammable gases or liquids; animal slaughtering, meat packing, or rendering; sulphur plants, rubber reclamation plants, steel mills, foundries or smelters.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - (3) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and any business and sales offices accessory thereto.
 - (4) Bulk storage of flammable liquids for wholesale, subject to the provisions of the city and state fire codes.
 - (5) Central mixing plants for cement, asphalt, or paving material.

- (6) The extraction of sand, gravel, and other raw materials requiring the removal of an overburden above the deposit, however, any bulk storage of extraction material or overburden, any processing or extraction machinery, and the open face of any cut, shall be at least twenty-five (25) feet from the property line.
 - (7) Heavy machinery and equipment sales, rental and service.
 - (8) Junk yards, scrap and salvage yards.
 - (9) Manufacturing and production of paving, roofing and other construction material, using asphalt or petroleum based coatings or preserving materials.
 - (10) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and nonferrous metals.
 - (11) Recycling centers.
 - (12) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (13) Wastewater and water treatment facilities.
 - (14) Terminals for trucks, buses, rail and watercraft.
 - (15) Marinas or docks.
 - (16) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
 - (17) Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.
 - (18) Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.
 - (19) Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Collection and transfer facilities for hazardous wastes, and solid wastes that contain hazardous substances from off-site sources.
 - (2) Jails, prisons or detention facilities.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

- (e) *Standards.*
 - (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) No junk yard, scrap, or salvage yard shall be located within five hundred (500) feet of any residential use.
 - (3) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*
 - (1) *Maximum height:* Forty (40) feet, excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district or use there shall be a side yard of not less than twenty (20) feet on the side of the lot abutting the residential district or use.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD, RMH and C-1 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

ARTICLE 8. Section 30-403, entitled "Accessory structures and uses", of Article 4 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 30-403. - Accessory structures and uses.

- (a) *General provisions.* All accessory structures and uses shall be incidental and subordinate to the primary use permitted in the district and shall be located on the same lot as the principal use or structure. No accessory structure or use shall be allowed unless it satisfies the requirements of the zoning district in which it is to be located. Accessory structures and uses shall not be constructed or established upon a lot until the principal buildings, structure or use has been constructed or established, and shall not be used unless the principal structure or use is being used or operated.
- (b) *Standards; residential districts.* Except as set out in subsection (1)(d) below, no more than one (1) accessory structure shall be allowed per lot. All accessory structures shall meet the setback requirements of the underlying zoning district. In addition, one minor accessory structure no larger than one hundred fifty (150) square feet in area shall be allowed at any location on each lot. Lots zoned AG, agriculture district or AG-1, exclusive agricultural district, shall not be subject to the limitations contained in this section.

- (1) Maximum size: All accessory structures within any residential district shall comply with the following maximum building footprint requirements:
 - a. No greater than eight hundred (800) square feet on lots less than one-half (½) acre;
 - b. No greater than one thousand (1,000) square feet on lots one-half (½) acre to one (1) acre;
 - c. No greater than one thousand five hundred (1,500) square feet on lots greater than one (1) acre, but less than two (2) acres; and
 - d. Lots having two (2) or more acres are allowed up to four (4) accessory structures, providing the footprints of all accessory structures do not exceed a total of two thousand five hundred (2,500) square feet.
- (2) Maximum height: All accessory structures within any residential district shall comply with the following maximum height requirements:
 - a. On lots up to one (1) acre, the maximum height shall be fifteen (15) feet.
 - b. On lots with one (1) or more acres, the maximum height shall not exceed the height of the primary structure.
- (3) Residential swimming pools and landscape features with water greater than two (2) feet in depth shall be allowed in the rear or side yard with the following provisions:
 - a. It must be located at least five (5) feet from the property line;
 - b. It must be located at least twenty (20) feet from the primary structure on any adjoining lot;
 - c. It must be enclosed by a four-foot high fence with a secured gate.

is hereby repealed in its entirety and a new Section 30-403, entitled "Accessory structures and uses", is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-403. - Accessory structures and uses.

- (a) *General provisions.* All accessory structures and uses shall be incidental and subordinate to the principal use permitted in the district and shall be located on the same lot as the principal structure or use. No accessory structure or use shall be allowed unless it satisfies the requirements of the zoning district in which it is to be located. Accessory structures and uses shall not be constructed or established upon a lot until the principal structure or use has been constructed or established, and shall not be used unless the principal structure or use is being used or operated.
- (b) *Standards; residential districts.* Except as set out in subsection (1)(d) below, no more than one (1) accessory structure shall be allowed per lot. All accessory structures shall meet the setback requirements of the zoning district in which they are located. In addition, one minor accessory structure no larger than one hundred fifty (150) square feet in area shall be allowed at any location on each lot. Lots zoned AG, agricultural district or AG-1, exclusive agricultural district, shall not be subject to the limitations contained in this subsection.
 - (1) Maximum size: All accessory structures within any residential district shall comply with the following maximum building footprint requirements:
 - a. No greater than eight hundred (800) square feet on lots less than one-half (½) acre;
 - b. No greater than one thousand (1,000) square feet on lots one-half (½) acre to one (1) acre;
 - c. No greater than one thousand five hundred (1,500) square feet on lots greater than one (1) acre, but less than two (2) acres; and
 - d. Lots having two (2) or more acres shall be allowed up to four (4) accessory structures, provided that the footprints of all accessory structures do not exceed a total of two thousand five hundred (2,500) square feet.

- (2) Maximum height: All accessory structures within any residential district shall comply with the following maximum height requirements:
 - a. On lots up to one (1) acre, the maximum height shall be fifteen (15) feet.
 - b. On lots with one (1) or more acres, the maximum height shall not exceed the height of the principal structure.
- (3) Residential swimming pools and landscape features with water greater than two (2) feet in depth shall be allowed in the rear or side yard, subject to the following requirements:
 - a. It must be located at least five (5) feet from the property line;
 - b. It must be located at least twenty (20) feet from the nearest principal structure on any adjoining lot; and
 - c. It must be enclosed in accordance with chapter 7, article IIIa of the city code.
- (c) *Personal cultivation of medical marijuana.* The personal cultivation of medical marijuana, as defined in section 30-415, supplemental regulations, shall comply with all applicable State of Missouri laws and regulations including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of medical marijuana shall comply with all other applicable requirements of the city code to the extent authorized by State of Missouri laws and regulations.

ARTICLE 9. There is hereby enacted a new Section 30-415 of Article 4 of Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, entitled "Medical marijuana facilities and personal cultivation of medical marijuana", in words and figures, to read as follows:

Sec. 30-415. - Medical marijuana facilities and personal cultivation of medical marijuana.

- (a) *Purpose.* This section provides for the establishment and operation of medical marijuana facilities and the personal cultivation of medical marijuana pursuant to Article XIV of the Missouri Constitution.
- (b) *Definitions.* For the purposes of this section, the below terms shall have the meanings ascribed to them as follows:

Church. A permanent building primarily and regularly used as a place of religious worship.

Daycare. A child-care facility, as defined by section 210.201, RSMo., that is licensed by the State of Missouri.

Elementary or secondary school. Any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

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 resin extracted from the plant and marijuana-infused products. This term shall not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

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.

Medical marijuana cultivation facility. A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility,

medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

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 under State of Missouri laws and regulations 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.

Medical marijuana facility. A medical marijuana cultivation facility, a medical marijuana dispensary facility, a medical marijuana-infused products manufacturing facility, a medical marijuana testing facility, or a medical marijuana transportation facility.

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.

Medical marijuana testing facility. A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

Medical marijuana transportation facility. A facility certified by the State of Missouri to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

Personal cultivation of medical marijuana. The cultivation of marijuana by a qualifying patient or a primary caregiver as authorized by the State of Missouri.

Primary caregiver. A person meeting the primary caregiver requirements for medical marijuana under State of Missouri laws and regulations, and possessing a current, valid primary caregiver identification card issued by the State of Missouri.

Qualifying patient. A person meeting the qualifying patient requirements for medical marijuana under State of Missouri laws and regulations, and possessing a current, valid qualifying patient identification card issued by the State of Missouri.

(c) *Medical marijuana facilities.*

(1) Medical marijuana facilities shall be subject to the requirements in the following table:

Medical Marijuana Facility Type ¹	Location Requirements	Minimum Distance from Elementary or Secondary School, Daycare, or Church ^{2, 3, 4, 5}	Permitted Hours of Operation
Medical Marijuana Cultivation Facility	Permitted principal use in AG, AG-1, M-1, and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Dispensary Facility	Permitted principal use in CBD, C-1, C-2, and M-1 districts; prohibited in all other districts	Five hundred (500) feet	7:00 a.m. to 7:00 p.m. daily
Medical Marijuana-Infused Products Manufacturing Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Testing Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Transportation Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction

¹ Facilities containing more than one (1) medical marijuana facility type shall be permitted as long as each facility type complies with the corresponding requirements in this table.

² The minimum distance requirement shall apply to any then-existing elementary or secondary school, daycare, or church. For the purposes of this requirement, "then-existing" shall include an elementary or secondary school, daycare, or church in a building already constructed or for which a building permit or other authorization has been issued by the city.

³ In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the 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 facility.

⁴ 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, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to 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 facility.

⁵ Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(2) Except as provided for in section 30-415(c)(1), medical marijuana facilities shall comply with all applicable State of Missouri laws and regulations including, but not limited to, licensing and certification, safety, security, screening, storage, odor control, waste disposal, operations, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, medical marijuana facilities shall comply with all other applicable requirements of the city code to the extent authorized by State of Missouri laws and regulations.

(d) *Personal cultivation of medical marijuana.* The personal cultivation of medical marijuana shall be a permitted accessory use in all zoning districts in accordance with the requirements set forth in section 30-403, supplemental regulations.

ARTICLE 10. 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 11. 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 12. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

TEXT TO BE DELETED IS SHOWN IN STRIKETHROUGH

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT:

ARTICLE 4. - SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 30-401. - Special use permits.

Sec. 30-402. - Shipping containers.

Sec. 30-403. - Accessory structures and uses.

Sec. 30-404. - Telecommunication towers; standards.

Sec. 30-405. - Home occupations.

Sec. 30-406. - Temporary uses.

Sec. 30-407. - Nonconforming uses.

Sec. 30-408. - Home day cares.

Sec. 30-409. - Excursion or floating gambling facilities.

Sec. 30-410. - Alternative energy systems.

Sec. 30-411. - In-home elderly care.

Sec. 30-412. - Guest houses.

Sec. 30-413. - Height and area exceptions and modifications.

Sec. 30-414. - Recreational vehicles.

Sec. 30-415. - Medical marijuana facilities and personal cultivation of medical marijuana.

Sec. 30-310. - AG, ~~Agricultural District~~, **agricultural district**.

- (a) *Purpose.* The purpose of the AG (~~agricultural~~) district is to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. This district is intended for land of ten (10) acres or more. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use, **use** is not permitted in the AG district.
- (b) *Permitted principal uses.*
- (1) Farming, pastureland and agriculture, except commercial feedlots, stockyards and confinement operations.
 - (2) Orchards.
 - (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept, shall be two hundred (200) feet from the property line. Commercial slaughtering business is not allowed.
 - (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm.
 - (5) Police and fire stations.
 - (6) Bed and breakfasts.
 - (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
 - (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
 - (9) Veterinarian facilities, provided that all buildings, structures, pens or open kennels shall be located at least two hundred (200) feet from any lot line.
 - (10) Riding stables, provided that any building for keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (11) Wineries.
 - (12) Public parks, playgrounds and recreational facilities.
 - (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
 - (14) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.**
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory ~~structures~~, **structures and uses, as permitted in section 30-403, supplemental regulations.** ~~provided that any~~ Any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (2) Agricultural product storage.
 - (3) Roadside stands for sale of agricultural products.
 - (4) Home occupations, as permitted in section 30-405, supplemental regulations, but not including typical farming operations.
 - (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
 - (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (7) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

- (d) *Special uses.*
 - (1) Commercial day care facilities.
 - (2) Manufactured home, for the purpose of agricultural related residence.
 - (3) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
 - (4) Cemeteries on a minimum of ten (10) acres of land.
 - (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (6) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (7) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
 - (1) *Maximum Height:* Forty (40) feet.
 - (2) *Minimum District Size:* Ten (10) acres.
 - (3) *Maximum Density:* One (1) unit per five (5) acres.
 - (4) *Minimum Lot Width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum Lot Area:* Five (5) acres for each single-family detached dwelling; no subdivision is required for such lots.
 - (6) *Minimum Yard Requirements:*
 - a. *Front yard:* Sixty (60) feet.
 - b. *Rear yard:* Fifty (50) feet.
 - c. *Side yard:* Fifty (50) feet.
- (f) *Prohibited uses.*
 - (1) Single-family subdivision.

Sec. 30-311. - AG-1, exclusive agricultural district.

- (a) *Purpose.* The purpose of the AG-1 district is to provide for agricultural activities, and to provide for untimely scattering of more dense urban uses, which should be confined to areas planned for efficient extension of public services. The district is established to preserve, in agricultural uses, lands suited for future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential use, where the opening of new streets or roadways is contemplated to accomplish this purpose, is not permitted in an AG-1 district. The subdivision of land for a purpose that relates to a use provided for in the AG-1 district may be allowed. Change of zoning from AG-1 to any other zoning district shall be accompanied by a site plan for development and be subject to provisions of the Code of Ordinances of the City of Cape Girardeau.
- (b) *Permitted principal uses.*
- (1) Farming, pastureland and agriculture, except animal feeding operations (AFO) and concentrated animal feeding operations, (CAFO), feedlots, stockyards and confinement operations.
 - (2) Orchards.
 - (3) Keeping or raising of large or small animals or poultry, including structures for storage and processing, and including accessory structures where animals are kept. High volume wholesale commercial slaughtering business is not allowed.
 - (4) Single-family detached dwellings, not to exceed four (4) dwellings per farm, which includes manufactured homes.
 - (5) Police and fire stations.
 - (6) Bed and breakfasts.
 - (7) Golf courses and driving ranges; this shall not include separate miniature golf courses and other similar activities operated as a business.
 - (8) Nurseries and greenhouses; for growing, propagation or sale of plants, turf, trees and shrubs.
 - (9) Veterinarian facilities.
 - (10) Riding stables.
 - (11) Wineries.
 - (12) Public parks, playgrounds and recreational facilities.
 - (13) Dog kennels, commercial or noncommercial; provided any commercial open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any lot line.
 - (14) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, structures and uses, as permitted in section 30-403, supplemental regulations. provided that any Any accessory structures used for the keeping of animals shall be located at least two hundred (200) feet from any lot line.
 - (2) Agricultural product storage.
 - (3) Roadside stands for sale of agricultural products.
 - (4) Home occupations, so long as they do not create nuisance, hazardous or dangerous conditions on the property, to adjoining landowners, or impact public health and welfare.

- (5) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
 - (6) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (7) Timber harvest.
 - (8) Hunting pursuant to Missouri Department of Conservation guidelines.
 - (9) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Commercial day care facilities.
 - (2) Wind energy conversion systems, as permitted by section 30-410, supplemental regulations.
 - (3) Cemeteries on a minimum of ten (10) acres of land.
 - (4) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (5) Short term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (6) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Height, area, bulk and setback regulations.*
- (1) *Maximum height:* Forty (40) feet.
 - (2) *Minimum district size:* Twenty-five (25) acres.
 - (3) *Maximum density:* One (1) unit per five (5) acres.
 - (4) *Minimum lot width:* Two hundred (200) feet at building setback line.
 - (5) *Minimum lot area:* Ten (10) acres for each single-family detached dwelling; no subdivision is required for such lots.
 - (6) *Minimum yard requirements:* None
- (f) *Prohibited uses.*
- (1) Single-family subdivision.

Sec. 30-332. - CBD, central business district.

- (a) *Purpose.* The central business district [CBD] provides for the development of high density, compact, pedestrian oriented shopping, office, service, entertainment and residential districts. The districts are intended to be mixed-use districts that accommodate a variety of uses. It is intended specifically for the older downtown areas including: Broadway, Riverfront and Good Hope/Haarig areas of the City of Cape Girardeau. It is intended to allow flexible setbacks, smaller lot sizes, and increased lot coverage to encourage dense development in the urban core of the community. This district is designed to protect the small community appeal, integrity, character, and charm within the central business district by encouraging redevelopment that focuses on architecturally appropriate design standards typical of the city's early development history. These areas may also be experiencing or be in need of rehabilitation or redevelopment. This district is intended to accommodate the transition that must occur if these areas are to continue to contribute to the vitality of the city. The regulations of the central business district are intended to allow greater flexibility for tracts of land in the central business district than is permitted by other district regulations, where the planned development of such tracts would better reflect the character of the site and enhance the appearance and economic vitality of the downtown area.
- (b) *Permitted principal uses.*
- (1) Any business that provides, displays, advertises and sells goods, supplies or services to the general public, as long as all activities associated with said business are contained entirely indoors as stated in the standards set forth in section 30-332(e)(2).
 - (2) General retail and office, including banks and financial institutions.
 - (3) Any governmental building, including police and fire stations.
 - (4) Residential uses.
 - (5) Hotels.
 - (6) Medical facilities.
 - (7) Health and fitness centers.
 - (8) Public parks, playgrounds and recreational facilities.
 - (9) Private institutions of higher education.
 - (10) Nursing homes, senior citizen housing or retirement homes.
 - (11) Commercial day cares.
 - (12) Microbrewery.
 - (13) Bed and breakfasts.
 - (14) Restaurants, bars.
 - (15) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses including, but not limited to, garages, and dumpster storage facilities as permitted in section 30-403, supplemental regulations.
 - (2) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (3) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*

- (1) Helicopter landing pad, heliport or other landing areas in relationship with medical facilities.
 - (2) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (3) Marina or dock.
 - (4) The allowance of additional height, not to exceed sixty (60) feet or five (5) stories.
 - (5) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (6) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.
 - e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
 - (2) All activities and permitted uses except the following shall be conducted entirely within a closed building.
 - a. Off-street parking and loading facilities.
 - b. Banks and financial institutions including automatic teller machines and drive-thru facilities with a maximum of two (2) teller stations or lanes.
 - c. Outdoor eating and drinking facilities.
 - d. Public parks, playgrounds and recreational facilities.
 - e. Outdoor live or amplified music provided that they are in compliance with the city's nuisance ordinance.
 - (3) Alteration of existing buildings:
 - a. Original window openings on public facing elevations should be maintained or retained.
 - b. Original upper story design details and features shall not be removed or obscured.
 - (4) New construction shall be compatible with the existing buildings in scale, height, materials, massing and rhythm and proportion of openings.
 - (5) Storefronts shall maintain traditional size, shape, spacing, patterns and alignment of openings of storefronts.
 - (6) The primary entrance for commercial buildings shall be oriented toward the street.
 - (7) Building setbacks:
 - a. *Residential:* Should be aligned by a uniform distance from sidewalks.
 - b. *Commercial:* Maintain alignment of facades along sidewalks.

- (8) Height:
 - a. The height of additions or new construction should be within a similar range of the buildings in the surrounding blocks.
 - b. Corner buildings or buildings on the ends should be similar in height to buildings on adjoining corners.
- (9) Materials that are comparable in quality, color, texture, finish and dimension to existing materials and buildings within the district should be used.
- (10) Consistent rooflines should be maintained with adjacent buildings.
- (f) *Height, area, bulk and setback requirements.*
 - (1) *Maximum height:* Three (3) stories not to exceed forty (40) feet.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Maximum density:* None.
 - (5) *Minimum yard requirements:*
 - a. *Front yard:* None, except fifteen (15) feet when across from a residential zoning district.
 - b. *Rear yard:* None, except fifteen (15) feet when adjacent to a residential zoning district.
 - c. *Side yard:* None, except fifteen (15) feet when adjacent to a residential zoning district.
 - (6) *Maximum building coverage, including accessory buildings:* One hundred (100) percent of the lot.
- (g) *Open space, landscaping and bufferyard requirements.*
 - (1) Open space requirements: No minimum percentage required.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2 or R-3 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific use set forth in section 25-202.

Sec. 30-333. - C-1, general commercial district.

(a) *Purpose.* The C-1 district is primarily intended for areas of the city located along minor thoroughfares and adjacent to residential districts. Appropriate uses for this district include commercial developments not requiring long term outdoor display of merchandise, as well as certain governmental, institutional, and community service facilities. Other uses having the potential to significantly affect adjacent residential districts may be allowed with approval of a special use permit.

(b) *Permitted principal uses.*

- (1) Art galleries or museums.
- (2) Banks or other financial institutions.
- (3) Bed and breakfasts.
- (4) Commercial day cares.
- (5) Commercial recreation facilities, excluding driving ranges or outdoor shooting or racing.
- (6) Funeral homes or mortuaries.
- (7) Governmental facilities.
- (8) Health or fitness centers.
- (9) Institutions of higher education, including business, career or technology schools.
- (10) Instructional schools for art, dance, music, martial arts or other disciplines.
- (11) Libraries.
- (12) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.
- ~~(12)~~ (13) Microbreweries.
- ~~(13)~~ (14) Middle schools, secondary schools, or development centers for people with physical, mental or developmental disabilities.
- ~~(14)~~ (15) Nurseries or greenhouses.
- ~~(15)~~ (16) Nursing homes.
- ~~(16)~~ (17) Offices.
- ~~(17)~~ (18) Parks or playgrounds.
- ~~(18)~~ (19) Personal service establishments.
- ~~(19)~~ (20) Pet grooming facilities, excluding kennels.
- ~~(20)~~ (21) Police or fire stations.
- ~~(21)~~ (22) Residential treatment facilities.
- ~~(22)~~ (23) Restaurants or bars.
- ~~(23)~~ (24) Retail or rental establishments, excluding the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
- ~~(24)~~ (25) Television or radio studios, including any transmitting facilities.
- ~~(25)~~ (26) Transit terminals.
- ~~(26)~~ (27) Veterinary clinics or animal hospitals, excluding livestock.
- ~~(27)~~ (28) Wineries.

(c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (d) *Special uses.*
- (1) Banquet facilities.
 - (2) Hotels or motels.
 - (3) Kennels.
 - (4) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (5) Meeting halls.
 - (6) Mini warehouses or self-storage units.
 - (7) 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.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (10) The allowance of additional height up to a total of sixty (60) feet, not to exceed a total of five (5) stories.
 - (11) Transitional housing.
 - (12) Uses involving the sale or rental of outbuildings, vehicles, or large agricultural or construction equipment.
 - (13) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - (14) Vehicle washing facilities, including automatic or hand wash.
 - (15) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (e) *Standards.*
- (1) All storage of merchandise, materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the items being stored are not visible from the street or any adjacent property.
 - (2) Outdoor display of merchandise is prohibited, except as follows:
 - a. Merchandise may be displayed outdoors as part of a temporary use, as permitted in section 30-406, supplemental regulations. Nursery stock, accessory landscaping decorations, and seasonal and holiday decorations may also be displayed outdoors during the appropriate season. Such displays are permitted in accordance with the following provisions:
 1. Displays shall not be located in a right-of-way.
 2. Displays shall not be located in parking spaces used to meet the minimum number of parking spaces as required elsewhere in the City Code. 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.
 3. Displays shall not impede vehicular or pedestrian access.

4. Displays shall not alter the structure of any building.
 5. Displays shall not create a health or safety hazard.
 6. Displays shall be well kept and orderly.
 7. Signs may be displayed as permitted elsewhere in the City Code.
 8. 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.
- (3) 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: Forty (40) feet, not to exceed three (3) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

Sec. 30-334. - 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 30-415, supplemental regulations.
- ~~(20)~~ (21) Meeting halls.
- ~~(21)~~ (22) Microbreweries.
- ~~(22)~~ (23) Mini warehouses or self-storage units.
- ~~(23)~~ (24) Nurseries or greenhouses.
- ~~(24)~~ (25) Nursing homes.
- ~~(25)~~ (26) Offices.
- ~~(26)~~ (27) Outdoor storage facilities for recreation vehicles or watercraft.
- ~~(27)~~ (28) Parks or playgrounds.
- ~~(28)~~ (29) Personal service establishments.

- ~~(29)~~ (30) Pet grooming facilities.
 - ~~(30)~~ (31) Police or fire stations.
 - ~~(31)~~ (32) Residential treatment facilities.
 - ~~(32)~~ (33) Restaurants or bars.
 - ~~(33)~~ (34) Retail or rental establishments.
 - ~~(34)~~ (35) Television or radio studios, including any transmitting facilities.
 - ~~(35)~~ (36) Transit terminals.
 - ~~(36)~~ (37) Transitional housing.
 - ~~(37)~~ (38) Vehicle fueling, service or repair facilities, excluding body or paint shops.
 - ~~(38)~~ (39) Veterinary clinics or animal hospitals.
 - ~~(39)~~ (40) Warehouses or distribution centers.
 - ~~(40)~~ (41) Wineries.
- (c) *Permitted accessory uses.*
- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (2) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
- (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 30-402, supplemental regulations.
 - (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 30-402, supplemental regulations.
 - (8) Telecommunication towers, as permitted in section 30-404, supplemental regulations.
 - (9) The allowance of additional height up to a total of one hundred (100) feet, not to exceed a total of eight (8) stories.
 - (10) Vehicle body or paint shops.
 - (11) Vehicle washing facilities, automatic or hand wash.
 - (12) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (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: Sixty (60) feet, not to exceed five (5) stories.
 - (2) Minimum lot area: None.
 - (3) Minimum lot width: None.
 - (4) Minimum setbacks:
 - a. Front yard: Twenty-five (25) feet.
 - b. Rear yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - c. Side yard: None, except twenty (20) feet when adjacent to a residential use or district, or ten (10) feet when adjacent to an agricultural use or district.
 - (5) Minimum open space. Fifteen (15) percent of the lot area.

Sec. 30-335. - M-1, light manufacturing/industrial district.

- (a) *Purpose.* This district is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing, wholesaling and retail trade, and service operations which conduct all activities within a building with no external impact or effect. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multifamily residential development.
- (b) *Permitted principal uses.*
- (1) Light manufacturing facilities.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing, electrical, heating, plumbing and binding establishments.
 - (3) Health and fitness centers.
 - (4) Cemeteries.
 - (5) Commercial day cares.
 - (6) Funeral homes and mortuaries.
 - (7) Government buildings and uses, including police and fire stations.
 - (8) Heavy machinery and equipment sales, rental and service.
 - (9) Offices, administrative, business, finance and professional.
 - (10) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
 - (11) Public service and public utility uses as follows:
 - a. Wireless facilities.
 - b. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (12) Industrial schools and business schools.
 - (13) ~~Miniwarehouse~~ Mini warehouses or self-storage units.
 - (14) Residential treatment facilities.
 - (15) Television and radio studios including any transmitting facilities.
 - (16) Veterinary clinics, animal hospitals, and kennels.
 - (17) Warehouses, storage and distribution centers.
 - (18) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (19) Recycling centers.
 - (20) ~~Marina or dock.~~ Marinas or docks.
 - (21) Transitional housing.
 - (22) Restaurants and bars.
 - (23) Retail, including vehicle sales.
 - (24) Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.
 - (25) Medical marijuana dispensary facilities, as permitted in section 30-415, supplemental regulations.

- (26) Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.
 - (27) Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.
 - (28) Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.
- (c) *Permitted accessory uses.*
- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Emergency shelters, transitional service shelters for fifty (50) or fewer residents.
 - (2) Manufactured business units, for office use only.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) All storage shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or adjoining property. Any outdoor storage shall be at least one hundred (100) feet from any residential zoning district or use.
 - (3) No building shall be used for residential purposes, except for a night watchman or a caretaker employed on the premises.
 - (4) Utilitarian areas such as loading docks, mechanical equipment, storage areas, mechanical and electrical equipment, and dumpsters shall be located in the rear or side yard of the building.
 - (5) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*

- (1) *Maximum height:* Forty (40) feet excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district there shall be a side yard of not less than ten (10) feet on the side of the lot abutting the residential district.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*
- (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD and RMH zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

Sec. 30-336. - M-2, heavy manufacturing/industrial district.

- (a) *Purpose.* This district is intended for heavy industrial uses and many other uses which are not otherwise provided for in the other industrial district. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts, whenever possible. Good accessibility should be provided to major rail, air facilities and highways.
- (b) *Permitted principal uses.*
- (1) Manufacturing, fabrication, assembly, processing, or packaging of any commodity, except: facilities producing or processing explosives or flammable gases or liquids; animal slaughtering, meat packing, or rendering; sulphur plants, rubber reclamation plants, steel mills, foundries or smelters.
 - (2) Any establishment which provides supplies or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping services, locksmiths, or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - (3) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and any business and sales offices accessory thereto.
 - (4) Bulk storage of flammable liquids for wholesale, subject to the provisions of the city and state fire codes.
 - (5) Central mixing plants for cement, asphalt, or paving material.
 - (6) The extraction of sand, gravel, and other raw materials requiring the removal of an overburden above the deposit, however, any bulk storage of extraction material or overburden, any processing or extraction machinery, and the open face of any cut, shall be at least twenty-five (25) feet from the property line.
 - (7) Heavy machinery and equipment sales, rental and service.
 - (8) Junk yards, scrap and salvage yards.
 - (9) Manufacturing and production of paving, roofing and other construction material, using asphalt or petroleum based coatings or preserving materials.
 - (10) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and nonferrous metals.
 - (11) Recycling ~~center-~~ **centers.**
 - (12) Vehicle fueling stations, including service, repair, body and fender repair, and paint shops.
 - (13) Wastewater and water treatment facilities.
 - (14) Terminals for trucks, buses, rail and watercraft.
 - (15) ~~Marina or dock.~~ **Marinas or docks.**
 - (16) **Medical marijuana cultivation facilities, as permitted in section 30-415, supplemental regulations.**
 - (17) **Medical marijuana-infused products manufacturing facilities, as permitted in section 30-415, supplemental regulations.**
 - (18) **Medical marijuana testing facilities, as permitted in section 30-415, supplemental regulations.**
 - (19) **Medical marijuana transportation facilities, as permitted in section 30-415, supplemental regulations.**
- (c) *Permitted accessory uses.*

- (1) Dwelling or lodging units, but only for watchman, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use.
 - (2) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-403, supplemental regulations.
 - (3) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (4) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (d) *Special uses.*
- (1) Collection and transfer facilities for hazardous wastes, and solid wastes that contain hazardous substances from off-site sources.
 - (2) Jails, prisons or detention facilities.
 - (3) Telecommunication tower, as permitted in section 30-404, supplemental regulations.
 - (4) Excursion gambling boat or floating gambling facility, as permitted in section 30-409, supplemental regulations.
 - (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
 - (6) Billboards, as permitted in section 25-401.
 - (7) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
 - (8) Short term or long term use of shipping containers for principal uses, as permitted in section 30-402, supplemental regulations.
 - (9) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.
- (e) *Standards.*
- (1) A site plan, meeting the requirements of chapter 25 of the City Code shall be submitted and approved.
 - (2) No junk yard, scrap, or salvage yard shall be located within five hundred (500) feet of any residential use.
 - (3) Lighting shall be designed to shine and reflect away from any adjacent residential areas and shall meet the requirements of chapter 25 of the City Code.
- (f) *Height, area, bulk and setback requirements.*
- (1) *Maximum height:* Forty (40) feet, excluding silos, smoke stacks, and dust collection systems.
 - (2) *Minimum lot area:* None.
 - (3) *Minimum lot width:* None.
 - (4) *Minimum yard requirements:*
 - a. *Front yard:* Twenty-five (25) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* None, except on a lot abutting a residential district or use there shall be a side yard of not less than twenty (20) feet on the side of the lot abutting the residential district or use.
 - (5) *Maximum building coverage:* None.
- (g) *Open space, landscaping and bufferyard requirements.*

- (1) A minimum of fifteen (15) percent of the total lot area shall be devoted to open space, including required yard and bufferyards.
 - (2) Landscaping shall be provided as required in chapter 25 of the City Code.
 - (3) A twenty-foot wide bufferyard shall be required adjacent to any property in the AG, AG-1, RE, R-1, R-2, R-3, R-4, R-5, RUMD, RMH and C-1 zoning districts. This bufferyard shall comply with the requirements of chapter 25 of the City Code.
- (h) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202.

Sec. 30-403. - Accessory structures and uses.

- (a) *General provisions.* All accessory structures and uses shall be incidental and subordinate to the ~~primary~~ principal use permitted in the district and shall be located on the same lot as the principal ~~use or structure.~~ structure or use. No accessory structure or use shall be allowed unless it satisfies the requirements of the zoning district in which it is to be located. Accessory structures and uses shall not be constructed or established upon a lot until the principal ~~buildings,~~ structure or use has been constructed or established, and shall not be used unless the principal structure or use is being used or operated.
- (b) *Standards; residential districts.* Except as set out in subsection (1)(d) below, no more than one (1) accessory structure shall be allowed per lot. All accessory structures shall meet the setback requirements of the ~~underlying zoning district.~~ district in which they are located. In addition, one minor accessory structure no larger than one hundred fifty (150) square feet in area shall be allowed at any location on each lot. Lots zoned AG, ~~agriculture~~ agricultural district or AG-1, exclusive agricultural district, shall not be subject to the limitations contained in this ~~section.~~ subsection.
- (1) Maximum size: All accessory structures within any residential district shall comply with the following maximum building footprint requirements:
- No greater than eight hundred (800) square feet on lots less than one-half ($\frac{1}{2}$) acre;
 - No greater than one thousand (1,000) square feet on lots one-half ($\frac{1}{2}$) acre to one (1) acre;
 - No greater than one thousand five hundred (1,500) square feet on lots greater than one (1) acre, but less than two (2) acres; and
 - Lots having two (2) or more acres ~~are~~ shall be allowed up to four (4) accessory structures, ~~providing~~ provided that the footprints of all accessory structures do not exceed a total of two thousand five hundred (2,500) square feet.
- (2) Maximum height: All accessory structures within any residential district shall comply with the following maximum height requirements:
- On lots up to one (1) acre, the maximum height shall be fifteen (15) feet.
 - On lots with one (1) or more acres, the maximum height shall not exceed the height of the ~~primary~~ principal structure.
- (3) Residential swimming pools and landscape features with water greater than two (2) feet in depth shall be allowed in the rear or side ~~yard with the following provisions:~~ yard, subject to the following requirements:
- It must be located at least five (5) feet from the property line;
 - It must be located at least twenty (20) feet from the ~~primary~~ nearest principal structure on any adjoining lot; and
 - It must be enclosed ~~by a four foot high fence with a secured gate.~~ in accordance with chapter 7, article IIIa of the city code.
- (c) *Personal cultivation of medical marijuana.* The personal cultivation of medical marijuana, as defined in section 30-415, supplemental regulations, shall comply with all applicable State of Missouri laws and regulations including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of medical marijuana shall comply with all other applicable requirements of the city code to the extent authorized by State of Missouri laws and regulations.

Sec. 30-415. - Medical marijuana facilities and personal cultivation of medical marijuana.

- (a) *Purpose.* This section provides for the establishment and operation of medical marijuana facilities and the personal cultivation of medical marijuana pursuant to Article XIV of the Missouri Constitution.
- (b) *Definitions.* For the purposes of this section, the below terms shall have the meanings ascribed to them as follows:

Church. A permanent building primarily and regularly used as a place of religious worship.

Daycare. A child-care facility, as defined by section 210.201, RSMo., that is licensed by the State of Missouri.

Elementary or secondary school. Any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

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 resin extracted from the plant and marijuana-infused products. This term shall not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

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.

Medical marijuana cultivation facility. A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

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 under State of Missouri laws and regulations 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.

Medical marijuana facility. A medical marijuana cultivation facility, a medical marijuana dispensary facility, a medical marijuana-infused products manufacturing facility, a medical marijuana testing facility, or a medical marijuana transportation facility.

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.

Medical marijuana testing facility. A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

Medical marijuana transportation facility. A facility certified by the State of Missouri to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

Personal cultivation of medical marijuana. The cultivation of marijuana by a qualifying patient or a primary caregiver as authorized by the State of Missouri.

Primary caregiver. A person meeting the primary caregiver requirements for medical marijuana under State of Missouri laws and regulations, and possessing a current, valid primary caregiver identification card issued by the State of Missouri.

Qualifying patient. A person meeting the qualifying patient requirements for medical marijuana under State of Missouri laws and regulations, and possessing a current, valid qualifying patient identification card issued by the State of Missouri.

(c) *Medical marijuana facilities.*

(1) Medical marijuana facilities shall be subject to the requirements in the following table:

Medical Marijuana Facility Type ¹	Location Requirements	Minimum Distance from Elementary or Secondary School, Daycare, or Church ^{2, 3, 4, 5}	Permitted Hours of Operation
Medical Marijuana Cultivation Facility	Permitted principal use in AG, AG-1, M-1, and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Dispensary Facility	Permitted principal use in CBD, C-1, C-2, and M-1 districts; prohibited in all other districts	Five hundred (500) feet	7:00 a.m. to 7:00 p.m. daily
Medical Marijuana-Infused Products Manufacturing Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Testing Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction
Medical Marijuana Transportation Facility	Permitted principal use in M-1 and M-2 districts; prohibited in all other districts	One thousand (1,000) feet	No restriction

¹ Facilities containing more than one (1) medical marijuana facility type shall be permitted as long as each facility type complies with the corresponding requirements in this table.

² The minimum distance requirement shall apply to any then-existing elementary or secondary school, daycare, or church. For the purposes of this requirement, “then-existing” shall include an elementary or secondary school, daycare, or church in a building already constructed or for which a building permit or other authorization has been issued by the city.

³ In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the 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 facility.

⁴ 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, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to 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 facility.

⁵ Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(2) Except as provided for in section 30-415(c)(1), medical marijuana facilities shall comply with all applicable State of Missouri laws and regulations including, but not limited to, licensing and

certification, safety, security, screening, storage, odor control, waste disposal, operations, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, medical marijuana facilities shall comply with all other applicable requirements of the city code to the extent authorized by State of Missouri laws and regulations.

- (d) *Personal cultivation of medical marijuana.* The personal cultivation of medical marijuana shall be a permitted accessory use in all zoning districts in accordance with the requirements set forth in section 30-403, supplemental regulations.

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/1/2019

AGENDA REPORT
Cape Girardeau City Council

19-154

SUBJECT

City Council process to fill vacant Office of Ward 3

EXECUTIVE SUMMARY

During the June 17, 2019, Council Member Victor Gunn announced he will moving outside of Ward 3 and plans to tender his resignation prior to the July 15, 2019 City Council Meeting.

Per the City Charter:

Section 3.07 (b) (6) A member of the city council shall forfeit that member's office if that member shall cease to be a resident and registered voter of the ward from which he or she is elected.

Section 3.07 (c) Filling of vacancies. A vacancy in the council or in the office of mayor shall be filled by the council for a period running until a special election can be held to fill the vacancy for the balance of the unexpired term, or until the normal expiration date for that term, whichever occurs first. The council shall fill said vacancy within sixty (60) days after the date of its occurrence. Any council member so appointed must have been a resident of that member's ward for a period of time not less than ninety (90) days immediately prior to the occurrence of the vacancy. For the purpose of filling vacancies, the requirement for a quorum, as provided in Section 3.13 of this Article, shall govern only if sufficient members remain on the council.

Due to the timing of the vacancy, a complete election process cannot occur before the normal expiration of the term in April 2020. Thus, the Council must appoint a Council Member from Ward 3 within 60 days of Mr. Gunn's effective resignation.

BACKGROUND/DISCUSSION

The City Council can formulate a process to solicit interested residents of the Ward having a vacant office. Most recently when an office has been vacant, the Council solicited applications for a set period of time, reviewed the applications, and invited selected applicants to a Study Session to introduce themselves and to take questions. Then the Council made an appointment to completed the unexpired term.

STAFF RECOMMENDATION

Staff recommends the City Council set a process and timeline to appoint a Council Member from Ward 3 within 60 days of Victor Gunn's effective resignation.

ATTACHMENTS:

Name:	Description:
No Attachments Available	

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/1/2019

MEMORANDUM
Cape Girardeau City Council

19-015

SUBJECT

Appointment of one member to the Historic Preservation Commission for an unexpired term set to expire April 16, 2020.

EXECUTIVE SUMMARY

Reanne Spears has resigned her position on the Historic Preservation Commission due to relocating and no longer being a city resident.

BACKGROUND/DISCUSSION

Regarding membership on the Commission, Section 30-117 of the City Code states, “...*the members to be residents of the city, all of whom shall be appointed by and approved by the city council. The council shall make every effort to appoint persons with a demonstrated interest in the historical preservation of the city. To the extent available, the preservation commission shall include professional members representing such disciplines as architecture, law, real estate, history and or any other field related to historic preservation.*” Members on the commission serve three-year terms.

A copy of the roster is attached for your information. The following individuals have expressed interest in on the Historic Preservation Commission, and their board applications are attached for your review.

Applicant	Ward	Citizen Academy Graduate
Peter Reckling	5	No

GENERAL DIRECTION

Unless directed otherwise, one appointment to the Historic Preservation Commission for a term expiring April 16, 2020 will appear on a future agenda for consideration.

ATTACHMENTS:

Name:	Description:
hpc.pdf	HPC Roster
roster_attendance.hpc.pdf	HPC Roster Attendance
Reckling.Peter.06-13-19.pdf	Reckling, Peter

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/1/2019

MEMORANDUM
Cape Girardeau City Council

19-016

SUBJECT

One appointment to the Public Library Board of Directors for a term expiring June 30, 2021.

EXECUTIVE SUMMARY

Anthony Robinson was serving on the Public Library Board of Directors for a term that expires June 30, 2021. He resigned from his position on the board June 30, 2019. A copy of the board roster and attendance roster is attached for your review.

BACKGROUND/DISCUSSION

Appointments to the Public Library Board are made by the Mayor and approved by the City Council. The following individuals have expressed an interest in serving on the board, and their board applications are attached.

Applicant	Ward	Citizen Academy Graduate
Cynthia Heischmidt	5	No
James Newman	5	No
Ashley Roney	3	Yes
Susan Smith	3	Yes

GENERAL DIRECTION

Unless directed otherwise, one appointment to the Public Library Board of Directors for a term expiring June 30, 2020, will appear on a future agenda for consideration.

ATTACHMENTS:

Name:	Description:
Library_Board_roster.pdf	Library Board Roster
roster_attendance.library.pdf	Library Attendance Roster
Heischmidt.Cynthia_03-26-19.pdf	Heischmidt, Cynthia
Newman.James.4-10-19.pdf	Newman, James
Roney.Ashley.10-10-18.pdf	Roney, Ashley
Smith.Susan_Joyce.10-10-18.pdf	Smith, Susan Joyce

AIRPORT BOARD MINUTES
March 12, 2019
Sandy's Place Restaurant

Members Present: Jeff Brune, Justin Davidson, Ryan Dewrock, Joe Hobbs, Richard Knote, Brian Ozark, Mark Seesing, Joe Uzoaru, Mark Welker

Others Present: Bruce Loy, Airport Manager; Derrick Irwin, Flightline Supervisor; Audrey Lorch, Administrative Clerk

I. Minutes of Previous Meeting:

The meeting was called to order at 11:33am. Mr. Brune moved and Mr. Knote seconded the motion to approve the minutes from the February 12, 2019 meeting. The motion was approved with a unanimous vote.

II. Appearances:

There were no appearances, however, new member Justin Davidson was introduced and welcomed to the Board.

III. Old Business:

A. Airport Activity Report – Mr. Loy presented the February 2019 Airport Usage Report. The airline monthly enplanements were up 74%. Mr. Loy had originally projected 77%. The current enplanement projection for 2019 is 11,254, which includes commercial, charter, and potential NCAA flights. The load factor remained unchanged from the previous year with the addition of the third flight. Mr. Loy also reported there were several weather related cancellations along with issues experienced at the Paducah airport.

Mr. Loy noted there have been staffing changes at the airline that have been beneficial. Christos Johnson has been promoted to general manager and has been very proactive in providing weekly reports as well as addressing potential problems before they arise.

Mr. Loy noted the overall air traffic count was down 11% for the month but is up 28% for the year. Mr. Loy mentioned the recent tower renovations resulted in a five (5) day tower closure. The lower monthly traffic count can be mostly attributed to no reporting during the closure.

B. Cape Aviation Report – Mr. Loy presented the Cape Aviation Report to the Board. Mr. Irwin stated current fuels sales are on trend with previous years. The new jet fuel truck lease is expected to be delivered in the next couple of weeks. This will add an additional 3,000 gallons of Jet A fuel on wheels. Mr. Irwin noted that he will need 15,000 gallons during the air show. He has been in contact with Whiteman Air Force Base to see if they have fuel trucks available. There was no other discussion on this topic.

C. Project Update –

- **Hangar Discussion** – Mr. Loy informed the Board that the t-hangar development project has been shelved for the time being. During an informational meeting

concerning the project, local tenants expressed concerns regarding lack of options for leasing versus purchasing the t-hangar units. The investment group was disappointed that they were unable to make this project happen. The City Council fully support improvements being made at the airport. City management is also in favor; however, they have expressed concerns about the overall city budget and operational costs, which is why having an investment group build the t-hangars was highly favored.

Mr. Uzoaru suggested that staff should take an inventory of the airport's hangar needs and then consider re-advertising a Request for Expression of Interest. Discussion continued on the topic.

- **Air Festival Update** – Mr. Loy provided an update on the air festival planning. He noted the dealerships were on board and Mr. Dewrock was coordinating the courtesy cars with staff. It was noted that the fifteen (15) passenger vans may have to be rented.

Mr. Loy noted some of the displays he's been able to confirm including a STEM exhibit from SEMO, Navy simulator, and a NASA display. Mr. Loy is still having difficulty securing military static displays. Mr. Hobbs asked for an overview of what will need to be done prior to the show with regards to set up. Mr. Loy provided an overview of volunteer needs and stated that an email would be sent out shortly with a meeting schedule.

Mr. Knot reported that he has been in contact with the local beer distributors. He needs more detail on the volume of beer needed for the event. Mr. Loy asked that he get with Katrina Amos when she returns to the office. Discussion continued on the topic.

IV. New Business

None.

V. Non-Agenda

None.

Adjournment:

There being no other business, Mr. Brune moved to adjourn the meeting and Mr. Uzoaru seconded the motion. All were in favor. The meeting was adjourned at 12:35pm.

Minutes prepared by:

Katrina Amos
Deputy Airport Manager

(DRAFT)

Parks and Recreation Advisory Board Meeting Monday, April 8, 2019

The Parks and Recreation Advisory Board held their regular meeting on April 8, 2019, at 5:30 p.m. at the Osage Centre.

Board Members Present:

Percy Huston, Chairman
Kenneth Stilson, Secretary
Kevin Noel, Board Member
Beverly Evans, Board Member
David Cantrell, Board Member
Tracey Glenn, Board Member
Brad Labruyere, Board Member
Daniel Presson, Councilman Liason

Staff Present:

Julia Jones, Director of Parks and Recreation
Penny Williams, Recreation Division Manager
Scott Williams, Recreation Division Manager
Brock Davis, Parks Division Manager
Stacey Welter, Administrative Secretary

Absent: Roger Hudson, Pete Frazier, Gunnar Knudtson

1. WELCOME / INTRODUCTIONS

Chairman Huston welcomed everyone and called the meeting to order.

2. OLD BUSINESS

A. Approval Of Minutes

Secretary Kenn Stilson made a motion for the approval of the minutes from March 11, 2019. David Cantrell seconded the motion. All approved.

B. Aquatic Facility Discussion

Director Jones reported that the bond passed so that means there is now \$10 million for an indoor aquatics center at the Jefferson location. There will be a committee formed to discuss design, operation, and funding. They will also be focusing on raising more funds in an effort to build a 50 meter pool.

C. Parks and Recreation Ordinances Update

Board Member David Cantrell reported that the group met and they are doing research. Board Member Brad Labruyere stated that if any board members have any good ideas to email them and let them know. They now have the ordinance in a word document so that we be making changes to it and showing the revisions to the board.

D. Friends of the Parks Day / Great Cape Clean Up

Division Manager Brock Davis reported that the event would be held April 27th. He will have plenty of jobs for the volunteers so if anyone still wants to sign up they are welcomed to do so.

3. NEW BUSINESS

A. Cape Noon Optimist Wheel Park

- i. The ribbon cutting will be held April 30th at 5:00pm. It would be great if there were board members there to attend. City Council approved the official name.

B. Addition to Agenda: Nomination of New Board Member / Board Member Attendance Policy

- i. Kevin Noel made a motion to add an agenda item regarding nominations for a new board member and attendance policies. This motion was seconded by Tracey Glenn. Motion Approved. Director Jones explained that Anne Dohogne was off the board because the policy changed and phone calls no longer counted as being present at any meetings. In order to be considered as present a video chat must occur, where board members can see the person not present and vice versa. Board member applications were then discussed and then voted upon. The board will recommend Anne Dohogne to become a member of the Parks and Recreation Advisory Board.

4. REPORTS

A. Parks and Recreation Project Updates

- i. **Capaha Park Phase 2 and Ballfield** – Parks Division Manager Brock Davis reported that the homerun deck was looking great and they are working on getting more ancillary lighting. When this is complete they will start working on Capaha Phase 3.

B. Golf Course Advisory Board

- i. Parks Division Manager Davis reported that all is going well and business is busy.

C. Tree Advisory Board

- i. Division Manager Brock Davis reported that for Arbor Day they planted 19 trees along the Osage Trail. These trees would coordinate with the tree interpretive panels. They also planted a tree in memory of Loretta Schneider at the Red House.

D. Red House Interpretive Center Committee

- i. Director Jones reported that the Red House is struggling with docents and keeping up with everything. Their members are elderly and they are looking for some young blood.

E. Parks and Recreation Foundation

- i. Division Manager Scott Williams reported that their goal was \$10,000 for the annual membership program. Currently they are at \$9,500.00 They are anticipating to break through \$10,000.00. This money will help subsidize operational costs. He also reported that the sponsorship committee met and they are working to gain more sponsors. Currently the foundation has a balance over \$500,000.00, which is the highest it's ever been.

F. Council Report

- i. Councilman Dan Presson stated that he will discuss options for attendances at park board meetings. He said that because the park board is asked to volunteer at other events, could that count as credit towards attendance. They have the council retreat on Friday.

G. Monthly Staff Report/Calendar Update

- i. Staff briefs were handed out to board members to review. Recreation Division Manager Penny Williams reported on the upcoming events. She mentioned that the Special Olympics Spring Games went really well, and youth leagues are getting started. They are starting the Explorers Program and hoping to get participants for it.

H. Other Items

- i. David Cantrell sees great benefits and participation in pickle ball. He would like to see if they could get outdoor courts and he has potential partners to help fund them.
- ii. Tracey Glenn liked how the board had taken tours last year to review projects the department is working on, or potential locations for new project. Director Jones suggested that next meeting they take a tour. The board agreed with this.

4. OTHER BUSINESS

A. Next Board Meeting

The next board meeting is scheduled for May 13th, at the Osage Centre.

6. ADJOURNMENT

There being no further business, the meeting was adjourned with a motion from Kevin Noel and seconded by David Cantrell. Motion passed. Meeting adjourned.

Submitted by:

Kenneth Stilson, Secretary

(DRAFT)

Parks and Recreation Advisory Board Meeting Monday, May 13, 2019

The Parks and Recreation Advisory Board held their regular meeting on May 13, 2019, at **5:00 p.m.** at the Osage Centre.

Board Members Present:

Roger Hudson, Vice Chairman
Kenneth Stilson, Secretary
Pete Frazier, Board Member
Beverly Evans, Board Member
David Cantrell, Board Member
Tracey Glenn, Board Member
Brad Labruyere, Board Member
Anne Dohogne, Board Member
Pete Frazier, Board Member
Nick Snider, Board Member

Staff Present:

Julia Jones, Director of Parks and Recreation
Brock Davis, Parks Division Manager
Stacey Welter, Administrative Secretary

Absent: Kevin Noel, Gunnar Knudtson, Dan Presson

1. WELCOME / INTRODUCTIONS

Vice Chairman, Roger Hudson welcomed everyone and called the meeting to order. He then introduced Nick Snider as the newest park board member.

2. OLD BUSINESS

A. Approval Of Minutes

Secretary Kenn Stilson made a motion for the approval of the minutes from April 8, 2019. Pete Frazier seconded the motion. Discussion then occurred. Tracey Glenn offered suggested changes to the minutes. There was then a motion to table the minutes until next meeting when corrections have been made. Beverly Evans made the motion, seconded by Tracey Glenn. Motion approved.

3. NEW BUSINESS

A. Nomination of Park Board Chair Person

- i. Director Jones reported that Kevin Noel expressed interest in becoming Chairman. David Cantrell also expressed interest if no one else was wanted to take the role. After discussion Tracey Glenn nominated Kevin Noel as Chairman. The board will make a motion at the next meeting when Kevin is present. Director Jones mentioned that the removal of Percy Huston was unexpected and if anyone wanted to discuss more about it, they could contact her anytime.

4. REPORTS

A. Parks and Recreation Project Updates

- i. **Capaha Park Phase 2 and Ballfield** – Parks Division Manager Brock Davis reported that they were finishing up projects at Capaha Ballfield and will have most completed by the

ribbon cutting on June 3rd. When this is complete they will start working on Capaha Phase 3. Capaha restroom and splash pad are making progress and they hope to be done this summer.

B. Golf Course Advisory Board

- i. Parks Division Manager Davis reported that all is going well and business is busy.

C. Tree Advisory Board

- i. Board did not meet this month.

D. Red House Interpretive Center Committee

- i. No Report

E. Parks and Recreation Foundation

- i. Board Member David Cantrell reported that Bike to Work day was really good and a lot of fun. He has some ideas for next year. Global Running day will be held June 5th and they will be looking for volunteers for this event.

F. Council Report

- i. No Report

G. Monthly Staff Report/Calendar Update

- i. Staff briefs were handed out to board members to review. Parks Division Manager Brock Davis reported that the Friends of the Parks Day/ Great Cape Clean Up had the biggest crowd ever with around 500. Beverly Evan volunteered at the event and said it really went well but she would like to see recycling containers there for next year.

H. Other Items

- i. David Cantrell would like to invite someone to speak on outdoor pickle ball courts at a future meeting.

4. OTHER BUSINESS

A. Park Tours

- i. The group took a tour of the Cape Noon Optimist Wheel Park, the Arena Drainage Project, Capaha Park Projects, the location for the Indoor Aquatics Center, and the Shawnee Park Sports Complex.

B. Next Board Meeting

The next board meeting is scheduled for May 13th, at the Osage Centre.

6. ADJOURNMENT

There being no further business, the meeting was adjourned with a motion from David Cantrell and seconded by Tracey Glenn. Motion passed. Meeting adjourned.

Submitted by:

Kenneth Stilson, Secretary

(DRAFT)

RED HOUSE INTREPRETIVE CENTER

May 2 2019

The Red House Interpretive Center Board met at the Osage Centre at 3:30 p.m. on May 2, 2019.

Present:

Julia Jones, Director of P & R Debra Baughn, Board Member Stan Baughn, Board Member
Dana Deisher, Board Member Stan Downs, Board Member Beverly Hahs, Board Member
Lisa Seyer, Adm. Secretary

Board Absenteeism:

Brenda Schloss, Chairman (PN) Linda Nash, Board Member (PN) Christy Mershon, Board Member (PN)
Dr. Frank Nickell, Board Member (PN)

Guest:

INTRODUCTIONS:

- I. **APPROVAL OF MINUTES** – tabled until June 6, 2019 meeting.
- II. **NEW BUSINESS:**
 1. **New Board Member Positions**
No report.
 2. **Speaker Series Update**
No report.
 3. **Paid Part-Time Site Manager/Internship Update**
Nothing has materialized thus far. This will be discussed further at the June meeting.
 4. **May 4, Opening Day Ceremony Review**
The plaque presentation set for May 4 will be held off until after discussion at the June 6 meeting.
- III. **OLD BUSINESS**
 1. **New Display Subcommittee**
No report.
 2. **Traveling Trunks**
No report.
 3. **Friends of the Park Day/Spring Cleaning**
Saturday was a great day for Friends of the Park Day and Spring Cleaning. There were a record number of participants this year.
- IV. **REPORTS**
 1. **April Staff Briefs**
The May Staff Briefs were distributed to the members' review.
 2. **Historic Home Tour**
No report.

RED HOUSE INTERPRETIVE CENTER MINUTES

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3. Docent Report

Deb reported that a good number of docents have signed up for events/weekends after the last docent meeting. It looks like the majority of them will be covered at this point. Stan reported that he and Anne spoke to the Jackson 3rd/4th graders this past month. The 2019 boat schedule is out and it looks like there are quite a few boats coming in this summer. Julia will find out from the CVB which ones will be touring the Red House.

4. Rose Hill Garden Report

Beverly Hahs and the garden club worked until they were tired on Friends of the Park Day. Everything on their to-do list was not completed, but Beverly said she/they will go back weekly to finish up. Someone from the city took a considerable amount of the mulch pile left for the Red House. Julia will notify Brock Davis to get more to the site. "Colonial White" roses will be planted next to the Red House sign.

V. OTHER BUSINESS

Stan Baughn will be going to Houston, TX on May 20th to look at some furniture that has direct ties to the Lorimer Family. The family that has the furniture has offered to donate whatever pieces the Red House would like to have as they are moving and downsizing.

VI. ADJOURNMENT

There being no further discussion the meeting adjourned at 4:15 pm with a motion from Stan Baughn and second from Stan Downs. Motion passed. The next meeting will be held on Thursday, June 6, 2019 at the Osage Centre.

Respectfully submitted,

Lisa Seyer, Recording Secretary

(DRAFT)

TREE ADVISORY BOARD MEETING June 10, 2019

The City of Cape Girardeau Tree Advisory Board held their regular meeting on June 10, 2019, at 12:00 noon at the Osage Centre.

Present:

Jennifer Behnken, Chairman
Dr. Sven Svenson, Vice Chairman
Robert Harris, Board Member

Dr. Beverly Evans, Board Member
Brock Davis, Parks Division Manager
Julia Jones, Director of Parks & Recreation

Absent:

Laura Klipfel, Board Member
Stan Polivick, Public Works Director/Member

Staff Present:

Diane Boyer, Recording Secretary

Guests:

Ceylon Herath

OPENING

Chairman Behnken called the meeting to order and welcomed our guest, Ceylon Herath. Ceylon is an Intern with the City of Cape Girardeau. She will be graduating from SEMO in December with a Master's Degree in Public Administration and a Minor in Political Science and Policy.

MINUTES

Chairman Behnken requested the approval of the April 5, 2019, minutes. Dr. Evans made a motion; seconded by Vice Chairman Svenson to approve the minutes. Motion passed with no one opposed.

NEW BUSINESS

Public Works asked Parks Division Manager Davis to evaluate a tree located at 1832 Thilenius. They received a request from the homeowner to have this street tree removed. They said it is diseased and falling. His finding was a perfectly healthy sugar maple. The roots are beginning to get into the sidewalk, heaving it a bit. Director Jones agreed stating the tree in question does not show any stress and has no root decay. Director Jones asked the board to evaluate the tree and email their opinion to her. Parks Division Manager Davis and Director Jones will review the ordinance and see exactly how it reads regarding when the Tree Advisory Board should get involved. Vice Chairman Svenson invited the board to attend a webinar tomorrow titled Dangerous Trees? Separating Fact from Fiction in Professional Risk Assessments. He will provide the board with the link.

Director Jones reported on the removal of a tree at Capaha Park. While trimming branches for the renovation project, the crew found it was rotten on the inside. The sugar maples and crepe myrtles planted

at the I-55 Cape Girardeau/Jackson junction have been dug up due to the upcoming construction of the new interchange and replanted at Capaha Park.

Director Jones discussed making tree care a priority at Capaha Park and asked for suggestions since the maintenance crews are extremely busy with projects and upkeep of the other parks. The board discussed the possibility of contracting it out. Chairman Behnken conveyed the deadline has already passed to apply for a grant this year, but with as heavily used as Capaha Park is, it could qualify as a larger project and be a viable option to pursue for a grant next year. Chairman Behnken said this particular grant would cover inventory and assessment or tree trimming and tree removal. The board agreed this would be a great option and tabled the discussion for a later meeting.

Director Jones reported Phase 3 is getting ready to begin at Capaha Park with the excavation of the pond this fall. After emptying the pond, they will be reshaping a portion of the edge to make more of a natural edge around the pond as well as widening the sidewalk. Director Jones and Parks Division Manager Davis will take a look at what is documented on I-Trees for Capaha Park as well as do a site walk-through and see how to proceed from there. A portion of the Master Plan includes the renovation of the Rose Garden. Planning Design Studios is willing to work on a new design. Vice Chairman Svenson felt this could be a good fit for his Landscape Maintenance students this fall. Director Jones explained the Parks crew will be pulling up some of the pathways to level and make them ADA accessible. She also reported the Master Gardeners are having difficulty maintaining roses in the existing garden. Vice Chairman Svenson thinks they may be declining because of the soil conditions. He conveyed all roses are under attack from a virus. He has containerized 12 of them that are not in good health and has been making progress identifying the problem.

OLD BUSINESS

A. Update on "Next Steps" for the KCB Tree Planting Project

Chairman Behnken reported the trees planted for Arbor Day are doing pretty well; one of the dogwoods may be questionable. The next phase is creating the concrete area and putting up the interpretive panels. Director Jones will email the board the mock up design for the interpretive panels and would like them to review and approve via email by the end of June. The Keep Cape Beautiful logo will be placed on the panels since they provided grant funding. Parks Maintenance Staff will fabricate the interpretive panel holders and attach them. After this process is complete, the board has met their obligation for the project.

REPORTS

A. Staff Briefs / Project Updates

Staff Briefs were handed out to the board members informing them of the upcoming events and projects in the Parks & Recreation Department through August 2019. Parks Division Manager Davis reported Youth Catch & Release was held Saturday at Capaha Park with over 50 kids participating. Director Jones conveyed the Shawnee Park Community Garden is feeding the homeless and expressed her gratitude to Jamie and Melissa for all their help.

Chairman Behnken reported on the Thousand Cankers Disease. It is an emerging disease causing widespread mortality of walnut trees in the western United States. Since Missouri is the largest exporter of walnuts, a seasonal employee with the Missouri Department of Conservation, will be setting five to six traps on walnut trees per county. Nine will be set in different locations throughout Cape County. She will be doing surveys and taking data from all traps placed. The Missouri Department of Conservation will be banding the geese at Capaha Park at the end of the month.

OTHER BUSINESS

A. Next Board Meeting

The next board meeting will be held on August 12, 2019, at 12:00 p.m. at the Osage Centre.

ADJOURNMENT

There being no other business to come before the board, Dr. Evans made a motion to adjourn the meeting; seconded by Vice Chairman Svenson. Motion passed with no one opposed. The meeting was adjourned.

Transcribed by:
Diane Boyer, Recording Secretary

(DRAFT)

GOLF COURSE ADVISORY BOARD MEETING April 25, 2019

The City of Cape Girardeau Golf Course Advisory Board held their regular meeting on April 25, 2019, at 12:00 noon at the Osage Centre.

Present:

Nate Saverino, Vice Chairman
Jerry Grim, Board Member
Keith Sander, Board Member
Mark Matthews, Board Member
Ken House, Board Member
Brad Wittenborn, Board Member
Gary Wren, Board Member

Absent:

Callie Welker, Chairman; JJ Schulz, Secretary

Staff Present:

Julia Jones, Randy Lueder, Barb Cagle, Penny Williams, Brock Davis, Cody Hinkebein, Adam Halter, Jordan Eastridge

Opening

Nate Saverino, Vice Chairman called the meeting to order and thanked everyone for coming.

Minutes

Vice Chairman Nate Saverino requested the approval of the December 13th, 2018, minutes. Jerry Grim made a motion; seconded by Ken House to approve the minutes. Motion passed with no one opposed.

New Business

Randy Lueder reported that the sand is not holding in the sand traps. He is recommending repairing #2 first as that is the most affected. Then in prioritized order, the others will be fixed as budgeted money becomes available over the next 6 years. Randy will put together a cost and how long the repairs would take and present at our June 27th meeting.

Cody Hinkebein and Randy Lueder recommended changing the winter closing due to weather from 32 degrees and below to 40 degrees and below for closing. Penny suggested the Rainout line would be a good option for notification of a closing. Mark Matthews made a motion; seconded by Ken House to approve changing the temperature requirements. Motion passed with no one opposed.

Penny Williams announced that Adam Halter will be the Pro Shop assistant in addition to his rec coordinator duties. Brock reminded everyone of the Friends of Park Day this Saturday and some Jaycees were participating out at the golf course planting flowers and other scenic maintenance. Food and drinks will be available at Capaha Park at 11:30am at Shelter #3.

Old Business

Penny Williams recommended changing our Tee Markers. We currently use engraved granite which is costly and it takes up to 8 months. Perryville uses the granite with a replaceable plate on the bottom. The cost is \$800 vs \$35. The idea is to replace as new sponsors are obtained.

Julia suggested some type of memorial item for Gene Farrar. Some type of tree possible. The fall would be a good time to plant. Finalize in August board meeting.

Committee Reports/Project Updates:

Cody Hinkebein would like to start utilizing Jordan Eastridge in Marketing using social media options. Also, uploading pictures on Facebook will be starting as well. Cody would like to start running National Specials (example: National Pretzel Day). Junior Golf is filling up and they added another class to accommodate. Cody implemented the lightening policy the previous day and clearing the course without incident. Randy reported that the greens are back almost 100%. Work on 5 and 15 still continues.

Brock Davis updated on department projects. Wheel Park completed and ribbon cutting next Tuesday at 5:00pm. Capaha Ballfield improvements are going well. Completion should be first of June. Completion of Phase II of Shelter 1 at Capaha should be 2nd week of June. Future phases of Capaha Park include renovating pond and Bandshell. Julia announced we are under consideration for a \$250,000 grant for Capaha Park renovation.

Cody Hinkebein reviewed monthly reports. Nate suggested the subscription passes. Cody is considering yearly private cart membership.

Other Business

Next meeting – June 27th, 2019

Adjournment

There being no other business to come before the board, Keith Sander made a motion to adjourn the meeting; seconded by Jerry Grim. Motion passed with no one opposed. The meeting was adjourned.