



CITY OF CAPE GIRARDEAU, MISSOURI

City Council Agenda

Bob Fox, Mayor
Dan Presson, Ward 1
Shelly Moore, Ward 2
Vacant, 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 15, 2019
5:00 PM

Invocation

Pastor Phil Roop of Bethel Assembly of God Church in Cape Girardeau

Pledge of Allegiance

Study Session

No action will be taken during the study session

Presentations

- Recognition of John Richbourg for Retirement from the City of Cape Girardeau

Communications/Reports

- City Council
- Staff

Items for Discussion

- Planning and Zoning Commission Report
- 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

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.

1. Approval of the July 1, 2019, City Council regular session minutes and closed session minutes.
2. 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. Second and Third Readings.
3. 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. Second and Third Readings.
4. 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. Second and Third Readings.
5. 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. Second and Third Readings.
6. 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. Second and Third Readings.

7. BILL NO. 19-109, a Resolution authorizing the City Manager to execute a Demolition Contract with Ronald Kucera, Jr., for the demolition of a building located at 1018 Good Hope Street, in the City of Cape Girardeau, Missouri. Reading and Passage.
8. BILL NO. 19-110, a Resolution authorizing the City Manager to execute a Demolition Contract with Steve's Hauling and Excavating, for the demolition of a building located at 1418 North Spanish Street, in the City of Cape Girardeau, Missouri. Reading and Passage.
9. BILL NO. 19-111, a Resolution authorizing the City Manager to execute a Performance Guarantee Agreement with Cape Girardeau Behavioral Health, LLC, for Southeast Health West Campus, in the City of Cape Girardeau, Missouri. Reading and Passage.
10. BILL NO. 19-114, a Resolution authorizing application to the Missouri Housing Development Commission under the 2020 Emergency Solutions Grant Program, for The Salvation Army, Safe House for Women, Inc., Community Partnership of Southeast Missouri, and Catholic Charities of Southern Missouri, and authorizing the City Manager to execute all necessary grant documents. Reading and Passage.
11. BILL NO. 19-115, a Resolution authorizing the City Manager to execute an agreement with Counsilman-Hunsaker for design services relating to the Indoor Aquatic Facility Project, in the City of Cape Girardeau, Missouri. Reading and Passage.
12. BILL NO. 19-116, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Bradley Schlosser Trust, for improvements located at 55 Themis Street/46 North Main Street, in the City of Cape Girardeau, Missouri. Reading and Passage.
13. Approval of the Partial Release of Performance Guarantee Agreement for The Highlands at Hopper Crossing - Phase 1.
14. Appoint William Victor Brownlees as City Treasurer pursuant to Section 3.11 of the City Charter, and ratify all actions previously taken by him while acting in that capacity.

Items Removed from Consent Agenda

New Ordinances

15. BILL NO. 19-112, an Ordinance approving the Record Plat of Southeast Health West Campus. First Reading.
16. BILL NO. 19-113, an Ordinance approving the Record Plat of U-Haul of Cape Girardeau Subdivision. First Reading.

Appointments

17. Appointments to the Historic Preservation Commission
18. Appointment to the Public Library Board of Directors

Other Business

19. City Council to elect, from its Members, a Mayor Pro Tempore.

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.

Advisory Board Minutes

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/15/2019

AGENDA REPORT
Cape Girardeau City Council

SUBJECT

Approval of the July 1, 2019, City Council regular session minutes and closed session minutes.

ATTACHMENTS:

Name:	Description:
☐ 2019.07.01_RegularsessionMinutes.pdf	Minutes 2019-07-01 regular session
☐ 2019.07.01_ClosedSessionMinutes.pdf	Minutes 2019-07-01 closed session

Regular**July 1, 2019****KK-251****STUDY SESSION – July 1, 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, July 1, 2019, starting at 5:00 p.m. with Mayor Bob Fox presiding and Council Members Ryan Essex, Victor Gunn, Robbie Guard, Stacy Kinder, Shelly Moore, and Dan Presson present.

REGULAR SESSION – July 1, 2019**CALL TO ORDER**

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, July 1, 2019, at 5:35 p.m., with Mayor Bob Fox presiding and Council Members Ryan Essex, Victor Gunn, Robbie Guard, Stacy Kinder, Shelly Moore, and Dan Presson present.

ADOPTION OF THE AGENDA

A Motion was made by Victor Gunn, Seconded by Robbie Guard, to approve and adopt the Agenda with Bill NO. 19-102 removed from Consent Agenda.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

PUBLIC HEARING

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).

Mayor Bob Fox opened the Public Hearing.
There being no appearances, the Public Hearing was closed.

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.

Mayor Bob Fox opened the Public Hearing.

Mayor Fox said that the recommendation of the Planning and Zoning Commission was for spacing limitation of 500 feet for dispensaries, and 1,000 feet for all other types of facilities. Council Member Robbie Guard asked if there was a provision for appealing these limitations. City Attorney Eric Cunningham responded that these limitations are subject to the City Code provisions regarding obtaining variances from the Board of Adjustment.

There being no appearances, the Public Hearing was closed.

APPEARANCES

None.

Regular**July 1, 2019****KK-252****CONSENT AGENDA**

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

BILL NO. 19-95, an Ordinance approving the Record Plat of Ahrens First Subdivision. Second and Third Readings.

BILL NO. 19-96, an Ordinance approving the Record Plat of Midamerica Crossings Second Subdivision. Second and Third Readings.

BILL NO. 19-97, an Ordinance approving the Record Plat of Teresa Connell Subdivision. Second and Third Readings.

BILL NO. 19-99, an Ordinance approving the Record Plat of Randolph Subdivision. Second and Third Readings.

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.

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.

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

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

Acceptance of public improvements to serve The Highlands at Hopper Crossing Phase 1.

Robbie Guard abstained for financial reasons on BILL NO. 19-96, due to his employment with MRV Banks.

A Motion was made by Victor Gunn, Seconded by Robbie Guard, to approve and adopt. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-95 will be Ordinance No. 5201; BILL NO. 19-96 will be Ordinance No. 5202; BILL NO. 19-97 will be Ordinance No. 5203; BILL NO. 19-99 will be Ordinance No. 5204; BILL NO. 19-100 will be Ordinance No. 5205; and BILL NO. 19-108 will be Resolution No. 3267.

ITEMS REMOVED FROM CONSENT AGENDA

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.

A Motion was made by Dan Presson, Seconded by Robbie Guard, to approve and adopt as amended as recommended by City staff. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

NEW ORDINANCES

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.

A Motion was made by Stacy Kinder, Seconded by Dan Presson, to approve.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

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.

A Motion was made by Robbie Guard, Seconded by Dan Presson, to approve.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

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.

A Motion was made by Robbie Guard, Seconded by Dan Presson, to approve.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

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

A Motion was made by Robbie Guard, Seconded by Shelly Moore, to approve.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

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.

A Motion was made by Robbie Guard, Seconded by Dan Presson, to approve.

Council Member Robbie Guard thanked City staff their work on mapping the different zoning possibilities, soliciting public input, and preparing information from the Planning and Zoning Commission.

A Motion was made by Stacy Kinder, Seconded by Victor Gunn, to amend the Ordinance to make the buffer area 1,000 feet for all facility types and in all Zoning Districts.

Council member Robbie Guard said that the Planning and Zoning Commission has made their recommendation, and that the input received from the public favored a reduced buffer area for dispensaries. Council Member Victor Gunn stated that he has received several calls from his constituents that are not in favor of more lenient regulations. Council Member Stacy Kinder stated that in addition to concerns she has received about the reduced buffer area, she fears that soon there will be a push for recreational use dispensaries and the buffer area will already have been reduced.

Regular

July 1, 2019

KK-254

Motion to amend failed. 2-5. Ayes: Gunn, Kinder. Nays: Essex, Fox, Guard, Moore, Presson.

Motion to approve passed. 5-2. Ayes: Essex, Fox, Guard, Moore, Presson. Nays: Gunn, Kinder.

OTHER BUSINESS

City Council process to fill vacant Office of Ward 3

City Manager Scott Meyer summarized the upcoming vacancy in the Ward 3 Council seat and the Charter requirement for the Council to fill that vacancy within 60 days. Ward 3 Council Member Victor Gunn confirmed that July 8, 2019, is the effective date of his resignation. Mr. Meyer gave his recommendation on the process and time line, based on the process used for filling previous vacancies. The Council agreed to accept applications from interested Ward 3 residents through July 31, 2019, and to invite those applicants to the August 5, 2019, Study Session. Appointment of the Ward 3 Council Member is to be made no later than the September 3, 2019, City Council Meeting.

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. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

The Regular Session ended at 5:55 p.m.

Bob Fox, Mayor

Bruce Taylor, Deputy City Clerk



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.

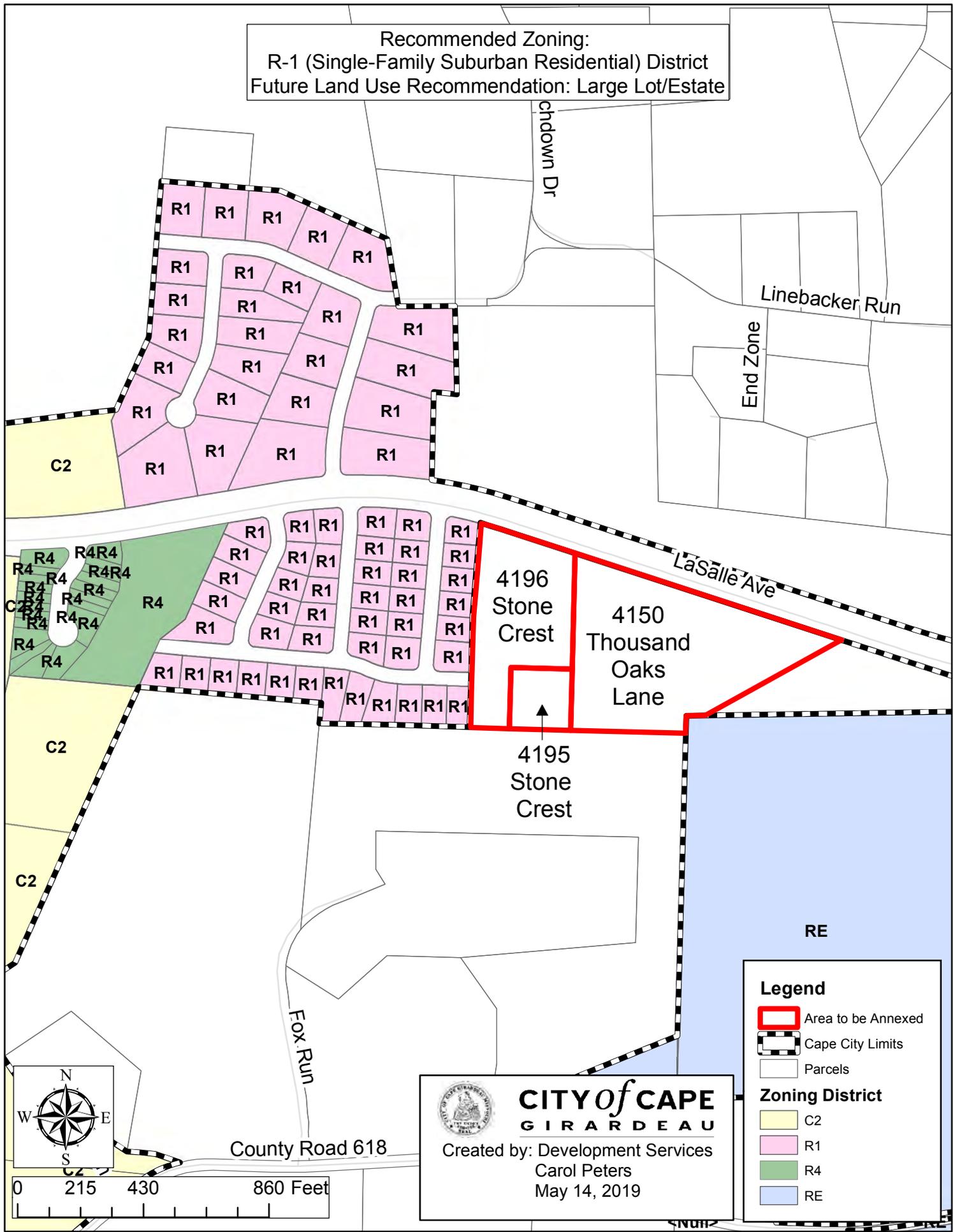
Bob Fox, Mayor

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



0 215 430 860 Feet

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.

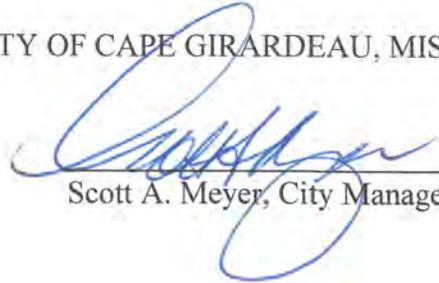
2. The City of Cape Girardeau, Missouri does hereby petition to have the above described real property annexed to and included within the city limits of the City of Cape Girardeau, Missouri.
3. This Petition shall be a continuing obligation running with the land, and shall bind the subsequent owners 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

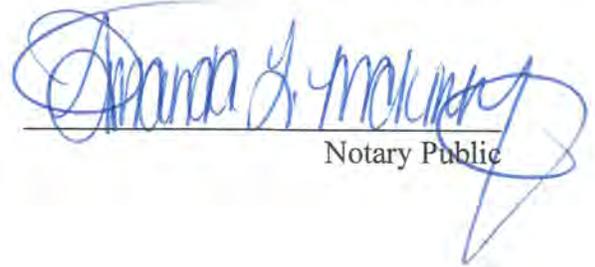


Scott A. Meyer, City Manager

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.

Carol A. Peters
Notary Public

My Commission Expires:



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

CG



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:

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)

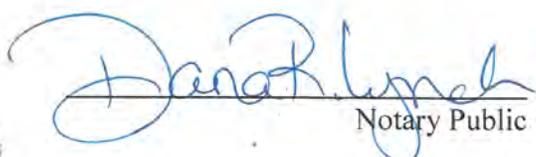


Jerad Busch, Trustee

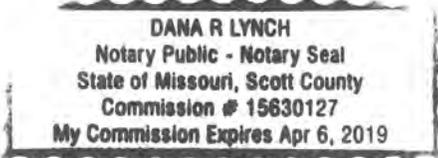
STATE OF MISSOURI)
) ss.
COUNTY OF CAPE GIRARDEAU)

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.

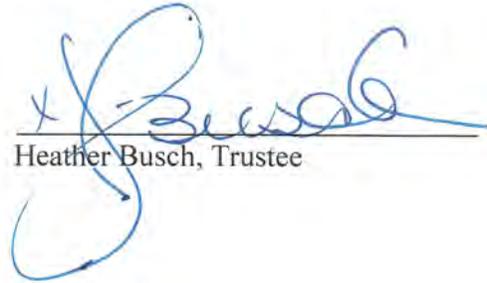
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.



Notary Public



My Commission Expires:

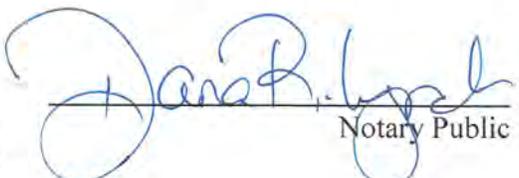


Heather Busch, Trustee

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

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.

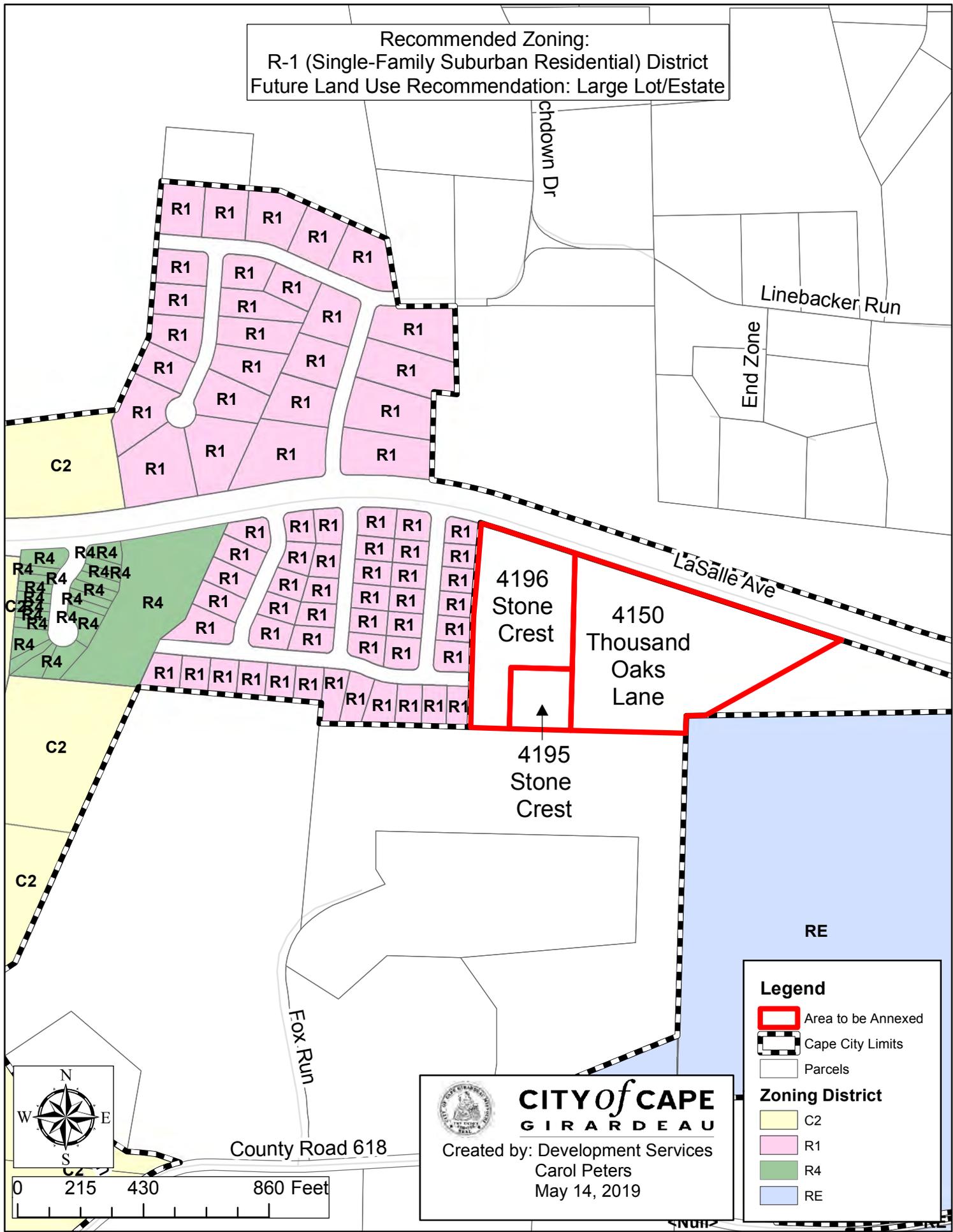
Bob Fox, Mayor

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



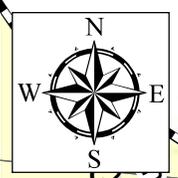
Legend

- Area to be Annexed
- Cape City Limits
- Parcels

Zoning District

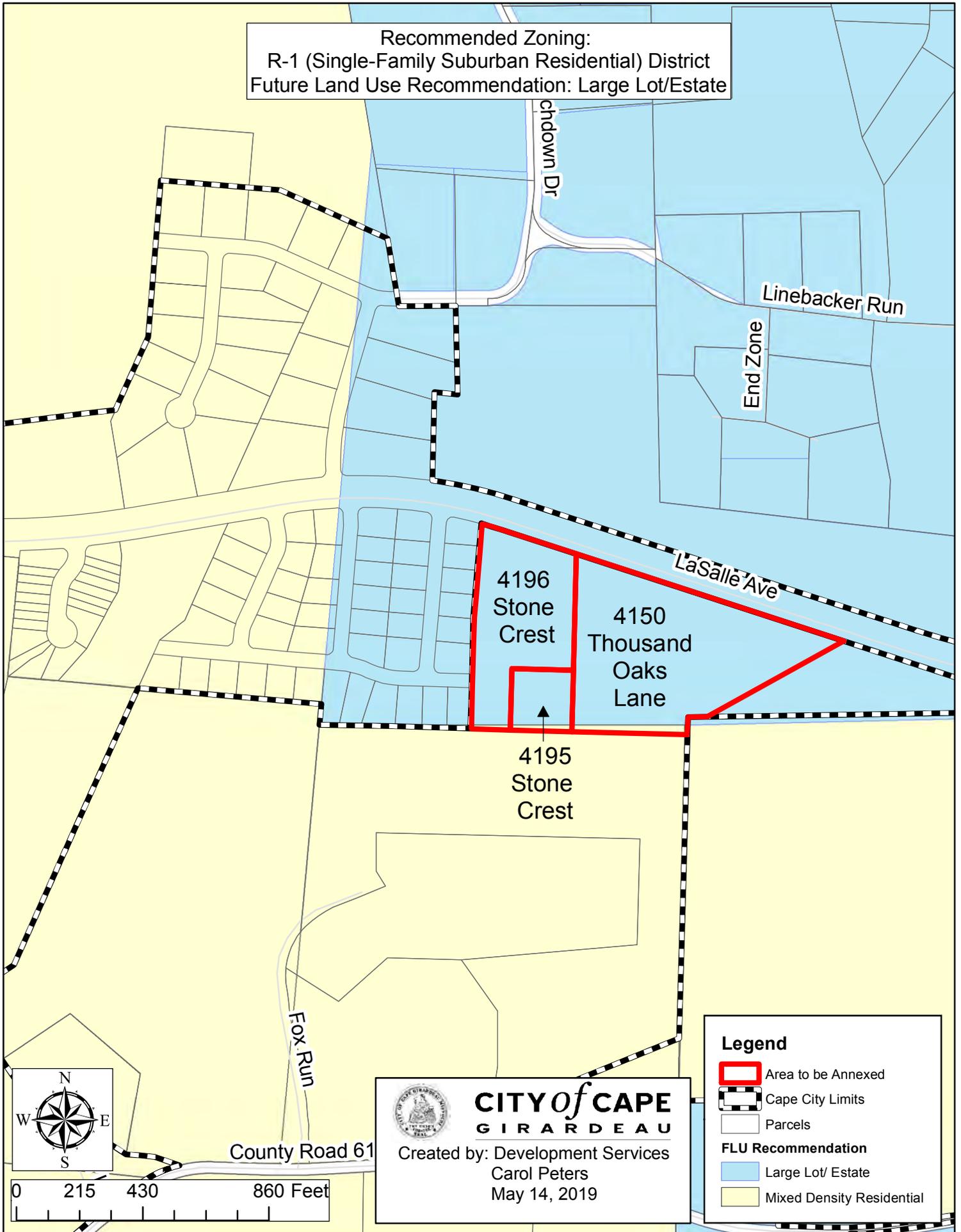
- C2
- R1
- R4
- RE

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



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
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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.

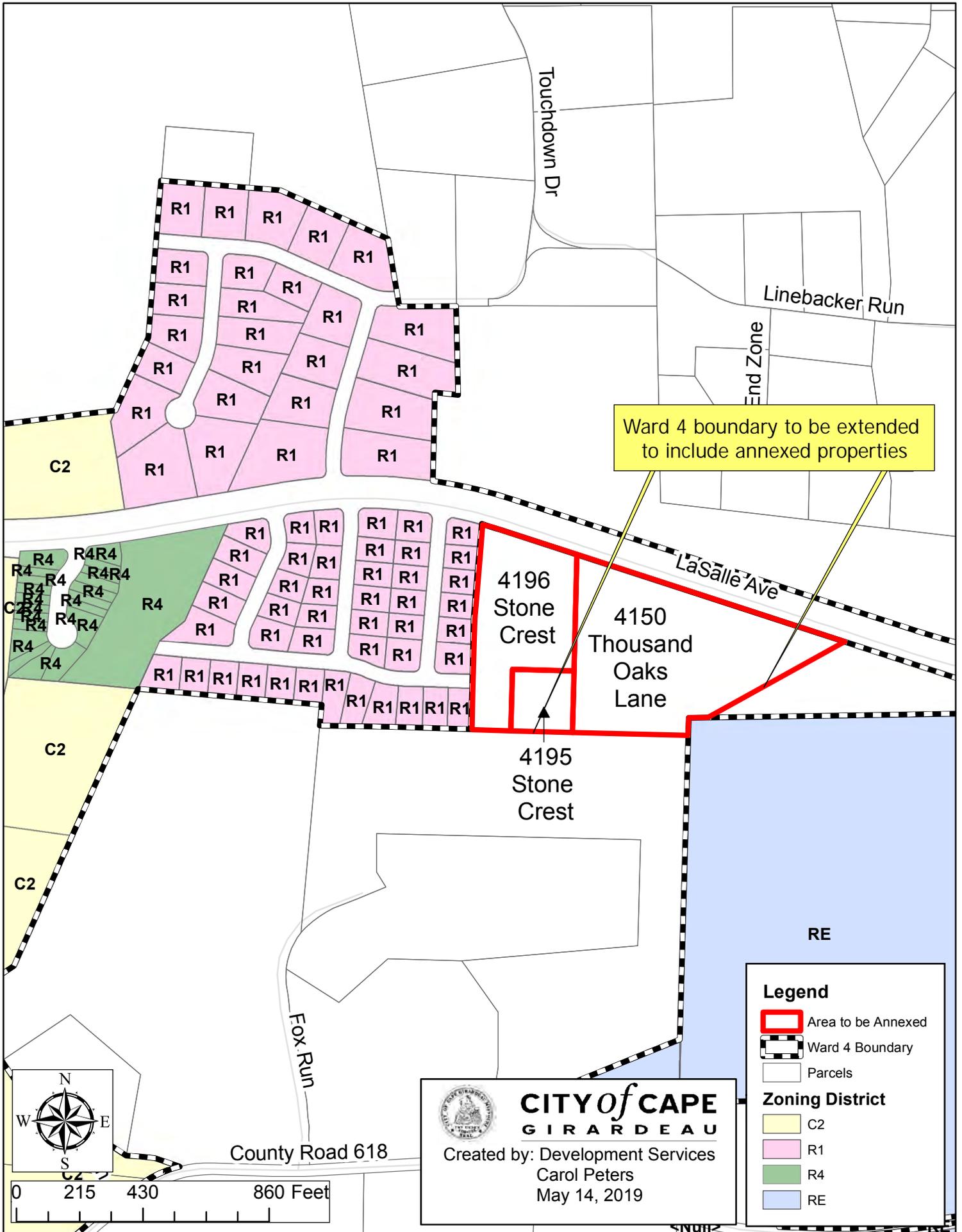
PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

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

By 832.
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	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.

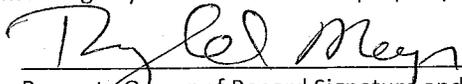
In addition to this completed application form, the following items must be submitted:

- 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: Ryan Shrimplin, AICP - City
Agenda: Planner
7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-155

SUBJECT

A Resolution authorizing the City Manager to execute a Demolition Contract with Ronald Kucera, Jr., for the demolition of a building located at 1018 Good Hope Street, in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached resolution authorizes the City Manager to execute a contract with the lowest bidder for the demolition of a condemned building at 1018 Good Hope Street.

BACKGROUND/DISCUSSION

A certain building located at 1018 Good Hope Street has been declared a "dangerous building" per Chapter 7, Article VII of the City's Code of Ordinances. Pursuant to the Code, a public hearing for the building was held on April 8, 2019. The Building Supervisor issued an order to repair or demolish the building by June 6, 2019. To date, the property owner has not taken action to comply with the order. As provided for in the Code, the City may cause the building to be demolished and a special tax bill issued for the cost of the demolition. The proposed demolition of the building was advertised, and three bids were received. A copy of the Tabulation of Bids is attached along with the Demolition Contract. The bids ranged from \$9,710.00 to \$17,000.00. Ronald Kucera, Jr. was the lowest bidder. References have been submitted and approved.

FINANCIAL IMPACT

The City will use funds from the condemnation budget to cover the demolition cost. A special tax bill will be issued to recover the cost.

STAFF RECOMMENDATION

Staff recommends approval of the resolution authorizing the City Manager to execute the demolition contract for 1018 Good Hope Street

ATTACHMENTS:

Name:	Description:
Demolition-1018_Good_Hope_Street.doc	Resolution
Bid_Tabulation.pdf_7-8-2019.pdf	Bid Tabulation
Demolition_Contract-Ronald_Kucera_Jr-7-8-2019.pdf	Demolition Contract-Ronald Kucera, Jr.

BILL NO. 19-109

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEMOLITION CONTRACT WITH RONALD KUCERA, JR., FOR THE DEMOLITION OF A BUILDING LOCATED AT 1018 GOOD HOPE STREET, 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 a Demolition Contract with Ronald Kucera, Jr., for the demolition of a building located at 1018 Good Hope Street, 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

DEMOLITION CONTRACT

This agreement, entered into this ____ day of _____, 2019, by and between the City of Cape Girardeau, Missouri, a Municipal Corporation, hereinafter referred to as "City", and Ronald Kucera, Jr., 160 Tolbert Drive Jackson, MO 63755, hereinafter referred to as "Contractor."

In consideration of the mutual covenants contained herein and other good and valuable consideration, City and Contractor agree as follows:

1. Contractor shall totally demolish the following building:

1018 Good Hope Street (Tract No. 982)

Remove two (2) story wood frame single family residence with basement and attached storage shed. Remove footing and foundation concrete steps, sidewalks, all concrete slabs, all rubbish and debris. All rubbish and debris to be hauled to an approved landfill. Bury concrete on the site with a minimum of 2 ft. of fill. Fill, grade, seed and straw.

2. All debris and rubbish shall be removed from the demolition site and deposited at a site satisfactory to the City. All holes left by removal of the foundations shall be filled with good dirt, free of debris, and compacted to a density equal to the surrounding ground. Dirt required for filling any holes shall be obtained at a site satisfactory to the City Engineer. Contractor will be responsible for any damage done to the sidewalks, alleys or streets adjoining the property. All utilities shall be disconnected prior to demolition. Contractor shall take all necessary care to protect nearby buildings, drives, motor vehicles, and all adjoining property, and the Contractor is to leave same in condition equal to that which now exists.

3. Contractor shall provide all labor and materials, and furnish and direct at its own expense, whatever equipment or work may be necessary for the expeditious and proper execution of its duties under this contract.

4. Contractor shall secure, at its own expense, all permits, licenses and consents required by law or necessary to perform this work and will give all notices and pay all fees and otherwise comply with applicable city, county and state laws, ordinances, rules and regulations.

5. Should Contractor at any time refuse or neglect to supply adequate materials or equipment or a sufficient number of properly skilled workmen, or fail in any respect to prosecute the work with promptness and diligence, or fail to perform any of the agreements of this contract, City may, at its election, immediately terminate this agreement, giving notice to Contractor in writing of such election, and enter on the premises and take possession for the purpose of completing the work included under this agreement, and

may employ any other person or persons to finish the work and to provide the materials therefor at the expense of Contractor.

6. Contractor shall indemnify City from all claims, demands, suits and actions of every name and description brought against the City for or on account of any injuries or damages received or sustained by any parties by or as a result of the acts or omission of Contractor, his servants or agents, in doing the work herein described, or by or as a result of any negligence in guarding the same, or on account of any improper equipment or materials utilized in performing the work.

7. Contractor shall prior to commencing work furnish to City a certified check or a surety bond, the form of the bond and surety company to be approved by the City, in the amount of Nine Thousand Seven Hundred Ten Dollars (\$9,710.00), conditioned on the performance by Contractor of all its duties hereunder.

8. Contractor agrees to file with the City prior to commencement of work, a certificate of insurance naming the City as coinsured and showing that the Contractor has in force for a period equal to the period of the contract a policy of general liability insurance insuring Contractor against liability for personal injuries and property damage arising out of the contract in a minimum amount of \$100,000.00 for injury or damage to any one person and \$2,000,000.00 for injuries or damages received in any one accident. Contractor agrees to provide and maintain during the entire term of the contract and until final acceptance of the work by the City, workers compensation insurance for all of its employees at the site of the work.

9. Upon satisfactory performance by Contractor of its duties under this contract, and acceptance of said work by the City Engineer or his or her designee, City will pay Contractor the sum of Nine Thousand Seven Hundred Ten Dollars (\$9,710.00).

10. Time is of the essence of this agreement and Contractor agrees to begin working within ten (10) days after the date of this contract and to complete the work within Sixty (60) days, and in case the contract is not completed within this length of time, excepting extensions granted to the Contractor for delays caused by conditions beyond his control, Contractor will pay the City for damages the sum of Fifty Dollars (\$50.00) per day for each day over Sixty (60) days it is required to complete the work covered under this contract.

11. Contractor shall not assign or sublet this contract or any portion thereof without the prior written consent of the City.

12. Failure of the City to insist in any one or more instance on a strict performance of all of the terms or conditions of this contract, or to exercise any right herein contained, shall not be construed as a future waiver or a relinquishment of the provisions or rights, but the same shall continue and remain in full force and effect. None of the terms or conditions of this contract shall be altered, waived, modified or abandoned in any manner except by written instrument executed by both parties.

IN WITNESS WHEREOF, the parties have executed this agreement at Cape Girardeau, Missouri, the day and year first above written.

CITY OF CAPE GIRARDEAU, MISSOURI

Scott A. Meyer, City Manager

ATTEST:

Gayle L. Conrad, City Clerk

Ronald Kucera, Jr

Ronald Kucera, Jr.
[Typed Name of Signer]

ATTEST:

[Typed Name of Secretary]

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-156

SUBJECT

A Resolution authorizing the City Manager to execute a Demolition Contract with Steve's Hauling and Excavating, for the demolition of a building located at 1418 North Spanish Street, in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached resolution authorizes the City Manager to execute a contract with the lowest bidder for the demolition of a condemned building at 1418 North Spanish Street.

BACKGROUND/DISCUSSION

A certain building located at 1418 North Spanish Street has been declared a "dangerous building" per Chapter 7, Article VII of the City's Code of Ordinances. Pursuant to the Code, a public hearing for the building was held on October 22, 2018. The Building Supervisor issued an order to repair or demolish the building by December 5, 2018. To date, the property owner has not taken action to comply with the order. As provided for in the Code, the City may cause the building to be demolished and a special tax bill issued for the cost of the demolition. The proposed demolition of the building was advertised, and three bids were received. A copy of the Tabulation of Bids is attached along with the Demolition Contract. The bids ranged from \$5,734.00 to \$6,820.00. Steve's Hauling and Excavating was the lowest bidder. References have been submitted and approved.

FINANCIAL IMPACT

The City will use funds from the condemnation budget to cover the demolition cost. A special tax bill will be issued to recover the cost.

BOARD OR COMMISSION RECOMMENDATION

Staff recommends approval of the resolution authorizing the City Manager to execute the demolition contract for 1418 North Spanish Street.

ATTACHMENTS:

Name:	Description:
Demolition-1418_North_Spanish_Street.doc	Resolution
Demolition_Contract-Stev_s_Hauling_and_Excavating_7-8-2019.pdf	Demolition Contract-Steve's Hauling and Excavating
Bid_Tabulation.pdf_7-8-2019.pdf	Bid Tabulation

BILL NO. 19-110

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEMOLITION CONTRACT WITH STEVE'S HAULING AND EXCAVATING, FOR THE DEMOLITION OF A BUILDING LOCATED AT 1418 NORTH SPANISH STREET, 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 a Demolition Contract with Steve's Hauling and Excavating, for the demolition of a building located at 1418 North Spanish Street, 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

DEMOLITION CONTRACT

This agreement, entered into this ____ day of _____, 2019, by and between the City of Cape Girardeau, Missouri, a Municipal Corporation, hereinafter referred to as "City", and Steve's Hauling & Excavating, 789 County Road 416, Oak Ridge, MO. 63769, hereinafter referred to as "Contractor."

In consideration of the mutual covenants contained herein and other good and valuable consideration, City and Contractor agree as follows:

1. Contractor shall totally demolish the following building:

1418 North Spanish Street (Tract No. 978)

Remove one (1) story wood frame single family residence. Remove footing and foundations, all concrete steps, slabs, and sidewalks, asphalt, rubbish and debris on the site. All rubbish and debris to be hauled to an approved landfill. Bury concrete on the site with a minimum of 2 ft. of fill. Fill, grade, seed and straw.

2. All debris and rubbish shall be removed from the demolition site and deposited at a site satisfactory to the City. All holes left by removal of the foundations shall be filled with good dirt, free of debris, and compacted to a density equal to the surrounding ground. Dirt required for filling any holes shall be obtained at a site satisfactory to the City Engineer. Contractor will be responsible for any damage done to the sidewalks, alleys or streets adjoining the property. All utilities shall be disconnected prior to demolition. Contractor shall take all necessary care to protect nearby buildings, drives, motor vehicles, and all adjoining property, and the Contractor is to leave same in condition equal to that which now exists.

3. Contractor shall provide all labor and materials, and furnish and direct at its own expense, whatever equipment or work may be necessary for the expeditious and proper execution of its duties under this contract.

4. Contractor shall secure, at its own expense, all permits, licenses and consents required by law or necessary to perform this work and will give all notices and pay all fees and otherwise comply with applicable city, county and state laws, ordinances, rules and regulations.

5. Should Contractor at any time refuse or neglect to supply adequate materials or equipment or a sufficient number of properly skilled workmen, or fail in any respect to prosecute the work with promptness and diligence, or fail to perform any of the agreements of this contract, City may, at its election, immediately terminate this agreement, giving notice to Contractor in writing of such election, and enter on the premises and take possession for the purpose of completing the work included under this agreement, and

may employ any other person or persons to finish the work and to provide the materials therefor at the expense of Contractor.

6. Contractor shall indemnify City from all claims, demands, suits and actions of every name and description brought against the City for or on account of any injuries or damages received or sustained by any parties by or as a result of the acts or omission of Contractor, his servants or agents, in doing the work herein described, or by or as a result of any negligence in guarding the same, or on account of any improper equipment or materials utilized in performing the work.

7. Contractor shall prior to commencing work furnish to City a certified check or a surety bond, the form of the bond and surety company to be approved by the City, in the amount of Five Thousand Seven Hundred Thirty-four Dollars (\$5,734.00), conditioned on the performance by Contractor of all its duties hereunder.

8. Contractor agrees to file with the City prior to commencement of work, a certificate of insurance naming the City as coinsured and showing that the Contractor has in force for a period equal to the period of the contract a policy of general liability insurance insuring Contractor against liability for personal injuries and property damage arising out of the contract in a minimum amount of \$100,000.00 for injury or damage to any one person and \$2,000,000.00 for injuries or damages received in any one accident. Contractor agrees to provide and maintain during the entire term of the contract and until final acceptance of the work by the City, workers compensation insurance for all of its employees at the site of the work.

9. Upon satisfactory performance by Contractor of its duties under this contract, and acceptance of said work by the City Engineer, City will pay Contractor the sum of Five Thousand Seven Hundred Thirty-four Dollars (\$5,734.00).

10. Time is of the essence of this agreement and Contractor agrees to begin working within ten (10) days after the date of this contract and to complete the work within Sixty (60) days, and in case the contract is not completed within this length of time, excepting extensions granted to the Contractor for delays caused by conditions beyond his control, Contractor will pay the City for damages the sum of Fifty Dollars (\$50.00) per day for each day over Sixty (60) days it is required to complete the work covered under this contract.

11. Contractor shall not assign or sublet this contract or any portion thereof without the prior written consent of the City.

12. Failure of the City to insist in any one or more instance on a strict performance of all of the terms or conditions of this contract, or to exercise any right herein contained, shall not be construed as a future waiver or a relinquishment of the provisions or rights, but the same shall continue and remain in full force and effect. None of the terms or conditions of this contract shall be altered, waived, modified or abandoned in any manner except by written instrument executed by both parties.

IN WITNESS WHEREOF, the parties have executed this agreement at Cape Girardeau, Missouri, the day and year first above written.

CITY OF CAPE GIRARDEAU, MISSOURI

Scott A. Meyer, City Manager

ATTEST:

Gayle L. Conrad, City Clerk

Steve's Hauling & Excavating

Steve Pleiman
[Typed Name of Signer]

ATTEST:

[Typed Name of Secretary]

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-157

SUBJECT

A Resolution authorizing the City Manager to execute a Performance Guarantee Agreement with Cape Girardeau Behavioral Health, LLC, for Southeast Health West Campus, in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

The attached resolution authorizes the City Manager to execute a performance guarantee agreement for public improvements (water, sanitary sewer, and sidewalks) in the Southeast Health West Campus subdivision.

BACKGROUND/DISCUSSION

Cape Girardeau Behavioral Health, LLC, developer of the Southeast Health West Campus subdivision, has submitted public improvement plans for the subdivision. The plans have been approved by the City's engineering staff. Per Section 25-1308 of the City's Code of Ordinances, all of the public improvements for a subdivision must be completed and/or covered under a performance guarantee agreement in order for the City Council to review a record plat of that subdivision. The developer has chosen to execute a performance guarantee agreement for all of the public improvements (water, sanitary sewer, and sidewalks). As part of the agreement, the developer has obtained a site improvement bond in the amount of \$145,620.00 based on a cost estimate prepared by the City's engineering staff. The agreement (with the cost estimate) is attached.

FINANCIAL IMPACT

Per the agreement, if the developer does not complete the improvements in two years, the City may complete them and request payment from the bond to recover its costs.

STAFF RECOMMENDATION

Staff recommends approval of the resolution authorizing the City Manager to execute the performance guarantee agreement for Southeast Health West Campus.

ATTACHMENTS:

Name:	Description:
Performance Guarantee Agreement Southeast Health Cape Behavioral Health LLC.doc	Resolution
Performance Guarantee Agreement Southeast Health West Campus (Water Sanitary Sewer Sidewalks) Partially Executed.pdf	Performance Guarantee Agreement - Southeast Health West Campus

BILL NO. 19-111

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PERFORMANCE GUARANTEE AGREEMENT WITH CAPE GIRARDEAU BEHAVIORAL HEALTH, LLC, FOR SOUTHEAST HEALTH WEST CAMPUS, 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 a Performance Guarantee Agreement with Cape Girardeau Behavioral Health, LLC, for Southeast Health West Campus, 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

PERFORMANCE GUARANTEE AGREEMENT

This Performance Guarantee Agreement, hereinafter referred to as the "Agreement", is made and entered into this 26th day of June, 2019, by and between CAPE GIRARDEAU BEHAVIORAL HEALTH, LLC, a Missouri Limited Liability Company, having its principal office and place of business at 10200 NE 132nd Street, Kirkland, WA 98034, hereinafter referred to as the "Developer", and the CITY OF CAPE GIRARDEAU, MISSOURI, a Missouri Municipal Corporation, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Developer proposes to construct certain public site improvements within Southeast Health West Campus, a proposed subdivision located within the City of Cape Girardeau, Missouri; and

WHEREAS, the Developer proposes to meet the ordinance requirements of the City with respect to the posting of this Agreement prior to the approval by the City of the plat proposed for said subdivision.

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and agreements contained herein, the Developer and the City stipulate and agree as follows:

1. The Developer has submitted to the City a record plat of Southeast Health West Campus, hereinafter referred to as the "Proposed Subdivision", with request that said plat be approved by the City. The Developer has also submitted improvement plans and specifications for the Proposed Subdivision, which have been approved by the City.
2. A Site Improvement Bond, hereinafter referred to as the "Bond", has been issued for the cost of the improvements in the Proposed Subdivision by Fidelity and Deposit Company of Maryland, hereinafter referred to as the "Surety". The Bond is attached to this Agreement as "Exhibit A" and incorporated herein by reference. The Bond guarantees that the City will receive payment in the event the Developer fails to complete the improvements per the terms of this Agreement. A summary of the improvements is attached to this Agreement as "Exhibit B".
3. A copy of the most recent financial statement of the Surety is made available for the purpose of guaranteeing to the City that the Surety, as the issuer of the Bond, has sufficient resources with which to uphold its guarantee.
4. The City may authorize one or more partial releases of this Agreement (thus reducing the required Bond amount) as portions of the improvements are completed and ready for acceptance by the City. In no case shall the City release more than ninety-five percent (95%) of the original Bond amount until such time all of the improvements

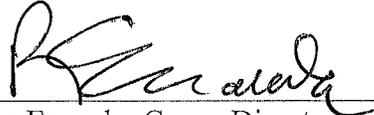
covered by the Bond, as shown in the approved improvement plans and specifications, are completed and ready for acceptance by the City.

5. Upon the full release of this Agreement, the Developer and the Surety shall be released of any further obligation to the City insofar as the provisions of this Agreement are concerned.
6. If, after two (2) years from the date of this Agreement, all of the improvements, as shown in the approved improvement plans and specifications, are not completed and ready for acceptance by the City, then the City may request payment from the Bond as necessary in order to complete the improvements. Said request for payment shall be per the terms of the Bond.
7. This Agreement shall not in any fashion be construed to limit the powers, rights, or duties of the City, but shall be construed in the light of the applicable City ordinances.
8. No part of this Agreement may be assigned by the Developer without first obtaining the express written consent of such assignment by the City, but the City agrees to not unreasonably withhold such consent.

IN WITNESS WHEREOF, the Developer and the City have executed this Agreement as of the above date.

(Signatures on following pages)

DEVELOPER
Cape Girardeau Behavioral Health, LLC



Ron Escarda, Group Director

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 28th day of June, 2019, before me personally appeared Ron Escarda, Group Director of Cape Girardeau Behavioral Health, LLC, a Missouri Limited Liability Company, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as the free act and deed of said Limited Liability Company.

IN TESTIMONY 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

Name/My Commission Expires: Inseok Cheong. 03/19/2022

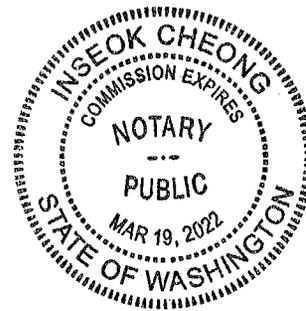


EXHIBIT A
SITE IMPROVEMENT BOND
(on following pages)

Site Improvement Bond

KNOW ALL MEN BY THESE PRESENTS: That we, Cape Girardeau Behavioral Health, LLC, as Principal, and Fidelity and Deposit Company of Maryland, a corporation authorized to do business in the City of Cape Girardeau, Missouri, an office and place of business at 1299 Zurich Way, Schaumburg, IL 60196 as Surety, are held and firmly bound unto City of Cape Girardeau, Missouri as Obligee, in the sum of Ninety-one Thousand One Hundred Five and 00/100 Dollars (\$91,105.00), lawful money of the United States of America, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by these presents.

Signed, sealed and dated this 30th day of May, 2019.

Whereas, the Principal has entered into an agreement with the City of Cape Girardeau, Missouri, guaranteeing only that the Principal will complete site improvements as per the site improvement plans _____ specifications, that are attached to and made part hereto at a certain land location known as Southeast Health West Campus all of which improvements shall be completed on or before the date set forth in the agreement or any extension thereof.

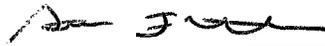
Now, therefore, the condition of this obligation is such, that if the Principal shall carry out all the terms of said agreement relating to the site improvements only and perform all the work as set forth in the attached agreement(s) then this obligation shall be null and void, otherwise to remain in full force and effect.

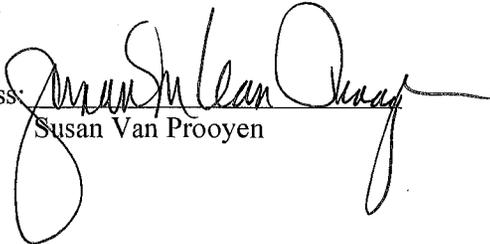
No party other than the Obligee shall have any rights hereunder as against the Surety.

The aggregate liability of the Surety on the bond obligation shall not exceed the penal sum for any reason whatsoever.

Cape Girardeau Behavioral Health, LLC

Attest: _____

By:  _____

Witness: 
Susan Van Prooyen

Fidelity and Deposit Company of Maryland

By:  _____
Cori Riddle, Attorney-in-Fact

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **ROBERT D. MURRAY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Susan M. VAN PROOYEN and Cori RIDDLE, both of Minneapolis, Minnesota, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 20th day of March, A.D. 2019.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By:

Dawn E. Brown

*Assistant Secretary
Dawn E. Brown*

Robert D. Murray

*Vice President
Robert D. Murray*

State of Maryland
County of Baltimore

On this 20th day of March, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **ROBERT D. MURRAY, Vice President, and DAWN E. BROWN, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019

SURETY RIDER

To be attached to and form a part of

Bond No. 9318819

dated 5/30/2019
effective (MONTH-DAY-YEAR)

executed by Cape Girardeau Behavioral Health, LLC, as Principal,
(PRINCIPAL)

and by Fidelity and Deposit Company of Maryland, as Surety,

in favor of City of Cape Girardeau
(OBLIGEE)

in consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

The Bond Amount to:

One Hundred Forty-five Thousand Six Hundred Twenty And No/100 (\$145,620.00)

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider is effective 6/27/2019
(MONTH-DAY-YEAR)

Signed and Sealed 6/27/2019
(MONTH-DAY-YEAR)

Cape Girardeau Behavioral Health, LLC
(PRINCIPAL)

By: _____
(PRINCIPAL)

Fidelity and Deposit Company of Maryland
(SURETY)

By:  _____
Cori Wilson, Attorney-in-Fact

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **ROBERT D. MURRAY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Susan M. VAN PROOYEN and Cori WILSON, both of Minneapolis, Minnesota, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 16th day of May, A.D. 2019.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Dawn E. Brown*
Assistant Secretary
Dawn E. Brown

Robert D. Murray
Vice President
Robert D. Murray

State of Maryland
County of Baltimore

On this 16th day of May, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **ROBERT D. MURRAY, Vice President, and DAWN E. BROWN, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019



EXHIBIT B
SUMMARY OF IMPROVEMENTS
(on following page)

Escrow Amount for Universal Health Services Hospital

Paving

Item	Unit Cost	Unit	Quantity	Total
4" Thick 6' Wide Concrete Sidewalk	\$45.00	SY	603	\$27,149
Single Curb Ramp	\$875.00	EA	4	\$3,500
4" Thick Type 5 Aggregate Base	\$5.25	SY	703.9	\$3,695
Slit Fence	\$3.50	LF	0	\$0
Seed & Mulching	\$4,750.00	Acre	0	\$0

Present Construction Cost Estimate **\$34,344**

Sanitary Sewers

Item	Unit Cost	Unit	Quantity	Total
Standard Manholes	\$2,550.00	Each	4	\$10,200
8" PVC Sanitary Sewer Pipe	\$46.00	LF	841	\$38,686
6" PVC Service Line	\$20.00	LF	20	\$400
Wyes 8" X 4"	\$125.00	Each	1	\$125
Existing Manhole Connection	\$800.00	Each	1	\$800

Present Construction Cost Estimate **\$50,211**

Storm Sewers (Private)

Item	Unit Cost	Unit	Quantity	Total
Single Curb Inlet	\$3,100.00	Each	0	\$0
Storm Junction Box	\$2,650.00	Each	0	\$0
30" RCP	\$78.00	LF	0	\$0

Present Construction Cost Estimate **\$0**

Water

Item	Unit Cost	Unit	Quantity	Total
8" C-900 Water Main	\$38.00	LF	50	\$1,900
8" Gate Valve	\$1,000.00	Each	1	\$1,000
Hydrant Assembly & Valve	\$3,650.00	Each	1	\$3,650
8"x8"x8" Tee	\$325.00	Each	0	\$0

Present Construction Cost Estimate **\$6,550**

Street Lights

Item	Unit Cost	Unit	Quantity	Total
Street Light Assembly	\$ 10,500.00	EA.	0	\$0

Total Estimated Project Cost **\$91,105**

Escrow No. 2 for Universal Health Services Hospital

Paving

Item	Unit Cost	Unit	Quantity	Total
4" Thick 6' Wide Concrete Sidewalk	\$45.00	SY		\$0
Single Curb Ramp	\$875.00	EA		\$0
4" Thick Type 5 Aggregate Base	\$5.25	SY		\$0
Silt Fence	\$3.50	LF		\$0
Seed & Mulching	\$4,750.00	Acre		\$0

Present Construction Cost Estimate **\$0**

Sanitary Sewers

Item	Unit Cost	Unit	Quantity	Total
Standard Manholes	\$2,550.00	Each		\$0
8" PVC Sanitary Sewer Pipe	\$46.00	LF		\$0
6" PVC Service Line	\$20.00	LF		\$0
Wyes 8" X 4"	\$125.00	Each		\$0
Existing Manhole Connection	\$800.00	Each		\$0

Present Construction Cost Estimate **\$0**

Storm Sewers

Item	Unit Cost	Unit	Quantity	Total
Single Curb Inlet	\$3,100.00	Each		\$0
Storm Junction Box	\$2,650.00	Each		\$0
30" RCP	\$78.00	LF		\$0

Present Construction Cost Estimate **\$0**

Water

Item	Unit Cost	Unit	Quantity	Total
8" C-900 Water Main	\$38.00	LF	1145	\$43,510
8" Gate Valve	\$1,000.00	Each	2	\$2,000
Hydrant Assembly & Valve	\$3,650.00	Each	3	\$10,950
8"x8"x8" Tee	\$325.00	Each	2	\$650

Present Construction Cost Estimate **\$57,110**

Street Lights

Item	Unit Cost	Unit	Quantity	Total
Street Light Assembly	\$ 10,500.00	EA.		\$0

Total Estimated Project Cost **\$57,110**

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-158

SUBJECT

A Resolution authorizing application to the Missouri Housing Development Commission under the 2020 Emergency Solutions Grant Program, for The Salvation Army, Safe House for Women, Inc., Community Partnership of Southeast Missouri, and Catholic Charities of Southern Missouri, and authorizing the City Manager to execute all necessary grant documents.

EXECUTIVE SUMMARY

The attached resolution authorizes the City to apply for 2020 Emergency Solutions Grant funds as well as allocate the funds necessary for the City's share of the matching funds (\$1,900.00, with an additional \$1,900.00 to be provided by the County Commission and the City of Jackson).

BACKGROUND/DISCUSSION

Last year, the City was awarded a grant through the 2019 Emergency Solutions Grant Program in the amount of \$144,357.20. The City and the County agreed to a joint program, with the City applying for the grant funds and administering the program. This year, the City and the County are eligible to apply for up to \$150,000.00 in grant funds to cover the sub-grantees and administration for the grant. The application will be for four sub-grantees (three at \$46,400.00 each and one at \$7,000.00) plus \$3,800.00 for administration, for a total of \$150,000.00. The City will once again apply for and administer the program. Housing Assistance Coordinator Stephen Williams met with Lieutenants Degonia of The Salvation Army, Jessica Hill of Safe House for Women, Inc., Melissa Stickel of Community Partnership of Southeast Missouri, and Kyle Schott of Catholic Charities of Southern Missouri to complete the required forms. If awarded, the grant will be used to fund The Salvation Army for Street Outreach services, Safe House for Women, Inc. for Emergency Shelter services, Community Partnership of Southeast Missouri for Rapid Re-Housing services, and Catholic Charities of Southern Missouri for Homelessness Prevention services. Awarded funds are paid on a reimbursement basis. The application deadline is August 16, 2019.

FINANCIAL IMPACT

The total program cost is \$300,000.00 (\$150,000.00 in grant funds plus \$150,000.00 in required matching funds). The breakdown is as follows:

The Salvation Army = \$7,000.00 grant with \$7,000.00 match
Safe House for Women, Inc. = \$46,400.00 grant with \$46,400.00 match
Community Partnership of Southeast Missouri = \$46,400.00 grant with \$46,400.00 match
Catholic Charities of Southern Missouri = \$46,400.00 grant with \$46,400.00 match
City of Cape Girardeau = \$3,800.00 grant for administrative costs with up to \$1,900.00 match by the City and \$1,900.00 match by the County and the City of Jackson.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Emergency Solutions Grant funds help support a number of important community services benefitting individuals and families who are experiencing personal and/or financial crises.

STAFF RECOMMENDATION

Staff recommends approval of the resolution authorizing the City to apply for 2020 Emergency Solutions Grant funds.

ATTACHMENTS:

Name:	Description:
 EmerSol_Grant_SafeHouse.Comm_Part.SalvArmy.Catholic2020.doc	Resolution

BILL NO. 19-114

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION TO THE MISSOURI HOUSING DEVELOPMENT COMMISSION UNDER THE 2020 EMERGENCY SOLUTIONS GRANT PROGRAM, FOR THE SALVATION ARMY, SAFE HOUSE FOR WOMEN, INC., COMMUNITY PARTNERSHIP OF SOUTHEAST MISSOURI, AND CATHOLIC CHARITIES OF SOUTHERN MISSOURI, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

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 a grant application to the Missouri Housing Development Commission under the 2020 Emergency Solutions Grant Program for The Salvation Army, Safe House for Women, Inc., Community Partnership of Southeast Missouri, and Catholic Charities of Southern Missouri, and is hereby authorized to execute all necessary grant documents. A Summary of said Application is attached to this Resolution and made a part hereof.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Staff: Scott A. Meyer, City Manager
Agenda: 7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-159

SUBJECT

A Resolution authorizing the City Manager to execute an agreement with Counsilman-Hunsaker to perform professional design services for the indoor aquatic facility project.

EXECUTIVE SUMMARY

The City issued a Request for Qualifications (RFQ) seeking interest from firms to assist in providing professional expertise and research on type, size, design, site location options, cost and other capital and operational recommendations for a new indoor aquatics facility to replace the aging Central Municipal Pool last summer. Ohlson Lavoie Collaborative with Ballard King was selected to conduct the first phase of the study last summer and fall. As the City and the School District move into the design and construction phase, the City recommends contracting with the St. Louis firm Counsilman Husaker, who also submitted qualifications and were a close second choice for the first phase. The attached draft agreement will be modified to fit our standard agreement language per the City Attorney.

BACKGROUND/DISCUSSION

The initial Request for Qualifications and an agreement with OLC was the first step in helping the original Aquatics Committee to move forward in determining the priorities and potential partners that would be a part of developing and operating a new indoor Aquatic venue. Finalizing the location at Jefferson School was the culmination of the study along with proposing several conceptual ideas and cost estimates. At that time, additional work on the proposed facility could not be completed until after the School Districts Public Bond Referendum which passed in April of this year. The passage of the bond referendum allowed the City and School District to move forward into a stronger planning process with a new Aquatics Committee established to help reaffirm priorities. Counsilman and Hunsaker's scope includes working with the new committee, the City and the School District to confirm a proposed design, cost estimates for design and construction. The agreement will also provide for a phased approach that once recommendations have been presented and approved by both the City and School Board, the agreement may be modified pending the City and the School District desire to continue use Counsilman and Hunsaker, to include development of construction documents.

FINANCIAL IMPACT

The fee for the next phase of the study for design/cost estimation/operational study is \$25,750 and will include needs assessment evaluations based on current committee, city and school district input, amenity prioritization, programming and economic impact opportunities, site(s) conceptual design, capital and operational cost estimation and final recommendations report and presentation to City Council and the School Board.

SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

The City of Cape Girardeau citizens and aquatic advocates have voiced strong support for replacing the Central Municipal Pool to provide for growing aquatics usage and to improve access, safety, and new opportunities to provide program and event enhancements. The City and School District will work together to provide for

sustainability factors that most benefit the community and each jurisdiction from a capital construction and operational standpoint.

STAFF RECOMMENDATION

To adopt a Resolution authorizing the City Manager to negotiate an agreement with Councilman Hunsaker to perform the next phase of the Aquatics facility study.

PUBLIC OUTREACH

The City and the School District in partnership will provide opportunities for stake holders and the community to provide input to each jurisdiction regarding the final proposed design for the Aquatics Facility.

ATTACHMENTS:

Name:	Description:
☐ Councilman-Hunsaker Indoor Aquatic Facility Project.doc	Resolution
☐ CA 11b.pdf	Proposal - DRAFT agreement

BILL NO. 19-115

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH COUNSILMAN-HUNSAKER FOR DESIGN SERVICES RELATING TO THE INDOOR AQUATIC FACILITY PROJECT, 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 Counsilman-Hunsaker to perform professional design services for the indoor aquatic facility project, in the City of Cape Girardeau. Said Contract shall contain the terms set out in the proposal from Counsilman-Hunsaker. A copy of the proposal information is attached hereto and made a part hereof.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk



AQUATIC CENTER STUDY AGREEMENT

THIS AGREEMENT made and entered into at St. Louis, Missouri this 24th day of June 2019, by and between **THE CITY OF CAPE GIRARDEAU, MO**, hereinafter referred to as "the Owner" and COUNCILMAN-HUNSAKER a Missouri corporation, doing business at 10733 Sunset Office Drive, Suite 400, St. Louis, Missouri 63127-1018, hereinafter referred to as "the Consultant".

WHEREAS, **THE CITY OF CAPE GIRARDEAU, MO** is undertaking a Conceptual and Operational Study for an aquatic center partnership between the City of Cape Girardeau and Cape Girardeau Public Schools, located in **CAPE GIRARDEAU, MO** and,

WHEREAS, the Consultant is a consultant in the field of swimming pool complex planning and design, and

WHEREAS, **THE CITY OF CAPE GIRARDEAU, MO** is desirous of retaining the Consultant as its independent contractor for purposes of planning the aquatic center.

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, the parties hereto agree as follows:

I. SERVICES.

THE CITY OF CAPE GIRARDEAU, MO hereby retains the Consultant as its aquatic planning and design consultant for the proposed project. The scope of the Consultant's services are:

1. NEEDS ANALYSIS: (1 trip)

- A. Meet with the steering committee, plus any designated community groups and/or individuals involved in the project to analyze needs and determine objectives. The discussion will include images and/or video presentations with commentary on features of other aquatic centers like that being considered for this project, background information on historic and contemporary issues in the industry. A matrix of programming priorities will be developed and discussed to prioritize programming and facility features. The Consultant will use the results of the meeting(s) to develop a needs profile.
- B. Review desired elements from committee prioritization and develop conceptual design/options based on the agreed upon priorities.
- C. Work with project committee to help determine meaningful conceptual program priorities for sustainability such as partnership opportunities, alternative revenue

opportunities, case studies of other current projects/facilities, options and opportunities for design/phasing/operational efficiencies if other funding is challenging for the desired elements.

- D. The Consultant will collaborate with the Cape Public Schools architect to brainstorm/conceptualize potential for shared common areas and public access during school hours. A site tour of proposed facility location with the architect will be scheduled to discuss potential site placement for conceptual ideas and site development opportunities and constraints.
 - E. Compile demographic information necessary to appropriately evaluate the proposed facility, including population, age distribution, income, weather analysis and economic considerations that could affect the project's viability.
 - F. Prepare and submit an outline of a Design Program of spaces and features for the proposed aquatic center describing the natatorium, pool size, shape and support spaces based on preliminary discussions and meetings noted above. The Design Program will address the following items:
 - 1. Pool (or pools) or Spaces Design: Size, Depth, Configuration, Water Features, etc.
 - 2. User Populations and Programs to be Supported
 - 3. Lighting
 - 4. Pool Markings
 - 5. Traffic Patterns
 - 6. Deck Equipment
 - 7. Underwater Features
 - 8. Mechanical Features, Filter System Options, Water Treatment and Automatic Water Treatment Control
 - 9. Spectator Facilities
 - 10. Dressing Room Features and User Spaces
 - 11. Storage
 - 12. Customer Service/Reception
 - 13. Staff Offices
 - 14. Lifeguard room
 - 15. Building support (i.e. technology, mechanical, etc.)
2. CONCEPTUAL PLAN: (1 trip)
- A. Based on the agreed upon program, the Consultant will prepare two aquatic facility options. The Consultant will provide a conceptual plan of each option. The purpose of the plans will be to illustrate ways to organize the spaces in a functional arrangement and to confirm that the building footprint will contain the areas proposed in the Design Program.
 - B. The Consultant will meet a second time with the committee to participate in a design workshop. Preliminary concepts and program features will be reviewed and

confirmed. Following the meeting, the Consultant will make revisions to the selected plan and send it to the Committee.

3. COST ANALYSIS: (1 trip)

- A. The Consultant will prepare an Opinion of Probable Construction Cost for the pool(s) and building. Recent project bid figures of similar projects will be used as well as national estimating guides and local cost adjustment factors. The hard **construction cost** figures will be supplemented by a development cost factor, which will include such "soft" costs as professional fees, survey, geotechnical report, document reproduction, advertisement for bids and all anticipated expenses related to the administration of the project. The sum of these two cost figures will be the **total project cost** so that the Owner will have a comprehensive overview before making an informed decision about the project.
- B. Confirm feasibility/market study/conceptual design/capital cost estimation and ROI per programming elements/operational considerations for optimal revenue generation/programming assumptions with multi-user groups/schedules etc.
- C. The Consultant will develop an opinion of operations protocol for the final selected option. The following will be researched and analyzed:
 - 1. Operational data including attendance levels and trends, visitor mix, per capita expenditures, revenue, operating expenses, net operating income and net income after capital costs.
 - 2. Proposed marketing strategies, pricing policies and sponsorship efforts.
 - 3. Analysis of market penetration and compilation of demographic trends in the Cape Girardeau market area, including population levels and trends, incomes, age distribution and ethnic composition based on the Consultant's demographic data bank.
 - 4. A review of local school year schedules.
 - 5. A review of competing indoor and outdoor aquatic facilities in the Cape Girardeau area.
 - 6. Projections of attendance potential at the aquatic center over a 5-year period.
 - 7. Projections of design level attendance figures and required capacity requirements.
 - 8. Projections of facility operational expenses including, personnel, chemical demand, operating supplies, maintenance and repair, utility demand, marketing, food and beverage and retail.
 - 9. Projections of financial performance for the indoor aquatic center.
- D. Provide final recommendations/options for consideration to project committee and potentially City Council/School Board.
- E. The Consultant will make a final presentation to the project committee and/or City Council/School Board outlining the methods and results of the study.

II. DRAWINGS.

Except for reference and coordination purposes in connection with future additions or alterations to the work, drawings, specifications and other documents prepared by Counsilman-Hunsaker are instruments of the service for use solely with respect to this project and, unless otherwise provided, Counsilman-Hunsaker shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including copyright. The Consultant’s drawings, specifications or their documents shall not be used by the Architect or others on other projects except by agreement in writing and with appropriate compensation to the Consultant. The Architect shall be permitted to retain copies, including reproducible copies of the reports.

III. DELIVERABLES:

- 1. Base Deliverables (included in lump sum listed under IV. FEES):
 - i. Copy of all presentations in PDF format and graphics for Owner use
 - 1. Kickoff Presentation
 - 2. Options Presentation
 - 3. Final Presentation

IV. FEES.

Total fees shall be \$25,750 including three (3) site visits and including related travel expenses.

Additional Services Rates:

Principal	\$220.00/hour
Director	\$200.00/hour
Project Manager	\$175.00/hour
Project Engineer/Architect	\$150.00/hour
Design Associate	\$125.00/hour
Administrative	\$70.00/hour
Site Visit	\$1,500.00 /day *
* Excluding travel expenses	

- 2. Additional Deliverables
 - i. Written report in PDF format (\$1,500)
 - ii. Written report in PDF format + ten (10) bound colored copies (\$2,500)

The Consultant shall submit monthly invoices for services and reimbursable expenses incurred, based upon the percentage of the Consultant's services completed at the time of billing. Owner shall make payments to Consultant within forty-five (45) days of the invoice date. If payment is not received with forty-five days (45) from the invoice date, interest will begin to accrue from the date of the invoice at the rate of 1.5% per month. Consultant may, after giving seven (7) days written notice to the Owner, suspend services until payment is made in full of all past due invoices for this project.

The Consultant shall submit monthly statements of basic and additional services and for reimbursable expense incurred, based upon the Consultant's hourly rate schedule for services completed at the time of billing. Reimbursable expenses shall include qualifying travel expenses, postage, express mailings, printing expenses for copies in excess of 10 of the final report and 5 draft copies, and any artwork desired, such as renderings, cad imaging including fly-through segments that might be used in community publicity. Telephone and fax services are included in the basic fee. Owner shall make payment within thirty (30) days after receipt of invoice from Counsilman-Hunsaker. If Owner fails to make any payment due Consultant for services and expenses within forty-five (45) days after receipt of invoice, Consultant may, after giving seven (7) days written notice to the Owner, suspend services under his Agreement until payment in full of amounts due Consultant for services and expenses have been paid.

To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of Counsilman-Hunsaker and Counsilman-Hunsaker's officers, directors, partners, employees, agents and Counsilman-Hunsaker's Consultants, and any of them, to OWNER and anyone claiming by, through or under OWNER for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from, or in a any way related to the conclusions and recommendations expressed in the Conceptual Plan Study shall not exceed the total compensation received by Counsilman-Hunsaker under this Agreement.

V. TERMINATION:

Each party agrees that upon the occurrence of a material breach or default of the other under the terms of this Agreement, it shall provide written notice of such default to the other. Such written notification given by the party shall specifically state the material breach or default under the terms of this Agreement. The notified party shall have thirty (30) days after such notice is given to remedy the specific breach or default. Upon the failure by the defaulting party to cure the specified breach or default within the allotted time, or recurrence of the same breach within thirty (30) days after its initial cure, the other party shall have the right to terminate this Agreement except with respect to any liabilities or obligations which, under the terms of this Agreement are to survive its termination.

VI. SCHEDULE OF WORK:

The Consultant shall execute all of the tasks listed above within 120 calendar days of receipt of a signed agreement and authorization to proceed. Review periods by the Owner, postponement of meetings, submittal of Owner information or other delays not caused by the Consultant, will be added to the 120 calendar days.

VII. DESIGN PHASE:

In the event the owner moves forward for design, Counsilman-Hunsaker will be retained as the aquatic design and engineering consultant. Upon selection of the architect-led consultant team, Counsilman-Hunsaker will serve as the aquatic consultant.

The professional fee for the remainder of the design phases (program confirmation, schematic design, design development, construction documents, bid phase, construction administration) will be negotiated at the conclusion of this initial phase that determines the scope and complexity of the project.

VIII. ENTIRE AGREEMENT:

This agreement constitutes the entire understanding between the parties and cannot be modified except by their mutual written consent. In the event of a conflict between his Agreement and the terms of any other agreement or document pertaining to the Project, the terms and provisions of this Agreement will be controlling.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the day and year first above written.

ACCEPTED:

COUNSILMAN-HUNSAKER

CITY OF CAPE GIRARDEAU, MO

BY: _____
George Deines – Studio Director

BY: _____

Date: _____

Date: _____

Contact Information:

Scott A. Meyer
City Manager
City of Cape Girardeau
401 Independence
P.O. Box 417
Cape Girardeau, MO 63702-0617
573-339-6320
smeyer@cityofcape.org

Staff: Kelly Green, P.E., City Engineer
Agenda: 7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-160

SUBJECT

A Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Bradley Schlosser Trust for placing an illuminated 36" circular sign 12 feet above street level at 46 N. Main, improvements will be located on 55 Themis side in the City of Cape Girardeau, Missouri.

EXECUTIVE SUMMARY

Bradley Schlosser, trustee of Bradley Schlosser Trust, has requested the City Manager to execute a License and Indemnity Agreement to place an illuminated 36" circular sign 12 feet above street level at 46 N. Main, improvements will be located on the 55 Themis side in the City of Cape Girardeau, Missouri. The attached License and Indemnity Agreement sets out the responsibilities, conditions, and liabilities assumed by Bradley Schlosser Trust right-of-way as requested.

FINANCIAL IMPACT

There will be no financial impact for the City of Cape Girardeau.

STAFF RECOMMENDATION

Staff recommends approval of the attached Resolution authorizing the City Manager to enter into a License and Indemnity Agreement with Bradley Schlosser Trust to place improvements on the City Right Of Way.

ATTACHMENTS:

Name:	Description:
L_I_55_Themis-46_N_Main.doc	Resolution
46_and_55_N_Themis_L_Lpdf	46 N. Main 55 N. Themis L&I

BILL NO. 19-116

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH BRADLEY SCHLOSSER TRUST, FOR IMPROVEMENTS LOCATED AT 55 THEMIS STREET/46 NORTH MAIN STREET, 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 a License and Indemnity Agreement with Bradley Schlosser Trust for sign placement and other improvements, at 55 Themis Street/46 North Main Street, 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

LICENSE AND INDEMNITY AGREEMENT
46 N. Main Street/55 N. Themis, Cape Girardeau, MO

In consideration of the City Council of the City of Cape Girardeau, Missouri, hereinafter known as "City", granting Bradley Schlosser Trust, hereinafter known as "Licensee", permission to use and place certain improvements on City property which is located at 46 N. Main, improvements will be placed on the 55 N. Themis side of the building, in the City of Cape Girardeau, Missouri, Cape Girardeau County, Missouri, the parties hereto state as follows:

1. The City of Cape Girardeau, Missouri, hereby grants to Licensee a license to use and place certain improvements to-wit:

To install 6" from the building double sided, illuminated blade sign. 4" deep cabinets, back to back on 2" square tube frame, routed aluminum faces, backed with white acrylic. Sign and mounting frame painted gloss black. White LED illumination, 8"x30" x 1/2" mounting plate, with appropriate non-corrosive fasteners. The sign will be 36" wide and long in a circular shape 12 feet above street level

2. Licensee, and their successors, heirs and assigns all agree as follows:

- A. That they will assume all risk of personal injury or death and property damage or loss from whatever causes arising while any person approaches, enters, uses or leaves the aforementioned property, which may occur directly or indirectly from the placing of said improvements or the conduct of such activities on City property.
- B. That they do hereby release the City of Cape Girardeau, its officers, employees, agents, servants and assigns from any liability which might occur from the placing or use of such improvements or the conduct of such activities.
- C. That they will indemnify and hold harmless the City of Cape Girardeau, its officers, employees, agents and servants from all suits and actions of every name and description brought against the City, its officers, employees, agents and servants for or on account of any injuries or damages received or sustained by any parties or alleged to be received or sustained by any parties or party which may result directly or indirectly from the placing or use of said improvement or the conduct of such activities on City property.
- D. That they will keep said improvements which are placed on the City property in a state of good repair and will cooperate with the City by making necessary repairs as requested by the City so as to protect the health and safety of the Citizens.
- E. That they will not maintain on the property any hazardous or toxic waste or substances, as defined under all applicable federal, state and local environmental laws, including, but not limited to, hazardous waste as defined in the Resource Conservation and Recovery Act of 1976 as amended ("RCRA"), hazardous substances as defined in the Comprehensive Environmental Response Compensation and Liability Act as amended ("CERCLA") and toxic substances as defined in the Toxic Substances Control Act as amended ("TSCA"). Any operations on the property shall not be in violation of any laws, regulations, ordinances, statutes, orders or decrees of any governmental body, arbitration tribunal or court, including, without limitation, RCRA, CERCLA, TSCA and all regulations thereunder. There shall be no conduct of business on the property which constitutes a violation of Environmental Laws or any other laws, regulations, ordinances, statutes, order or decrees of any governmental body.
- F. Nothing in this agreement or actions of the City in granting permission to place said improvements or conduct of such activities on the described property shall be construed to

Bradley Schlosser
Bradley Schlosser, Trustee of Bradley Schlosser Trust

STATE OF Missouri)
COUNTY OF Cape Girardeau) ss.

BE IT REMEMBERED, that on this 10th day of July, 2019, before me, personally appeared Bradley Schlosser, trustee of Bradley Schlosser Trust to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

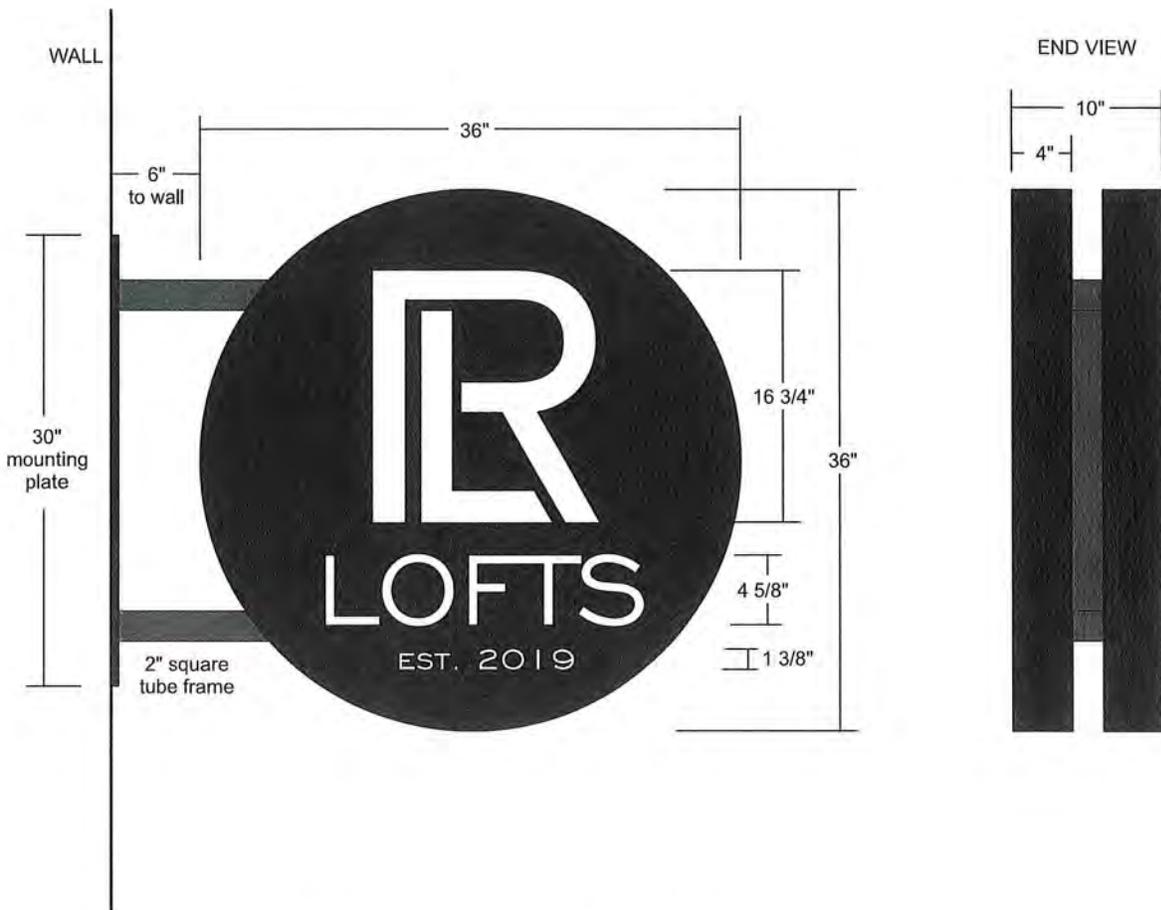
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

Debra Halter
Notary Public

My Commission Expires:
April 23, 2020



DEBRA HALTER
My Commission Expires
April 23, 2020
Cape Girardeau County
Commission #12331056



(1) DOUBLE-SIDED, ILLUMINATED BLADE SIGN

4" DEEP CABINETS. BACK-TO-BACK ON 2" SQUARE TUBE FRAME.
 ROUTED ALUMINUM FACES, BACKED WITH WHITE ACRYLIC.
 SIGN & MOUNTING FRAME PAINTED GLOSS BLACK.
 WHITE LED ILLUMINATION. 8" X 30" X 1/2" MOUNTING PLATE,
 WITH APPROPRIATE NON-CORROSIVE FASTENERS.

NOTE: This drawing has been prepared for viewing by the customer for the express purpose of acquiring the sale of the represented product. Any use other than said viewing including reproduction, scanning, photocopying or other use without the written permission of Coast to Coast Signs is prohibited. Value of the drawing is assessed at \$250.00 and ownership of drawing passes to customer upon the sale of the product.

Coast to Coast Signs
 3180 East Outer Road North • Scott City, MO 63780
 573-335-3939 • 1-888-335-3939 • Fax: 573-335-6070

CUSTOMER APPROVAL	DATE	SALESPERSON	MARTY PLATZ sales@coasttocoastsigns.com	DATE:	6/25/19
		DRAWN BY	JENNIFER MASTERS	DESIGNED FOR:	RIVERWALK LOFTS
REVISIONS & REMARKS	This is an original unpublished drawing, created by Coast to Coast Signs. It is submitted for your personal use in connection with the project being planned for you by Coast to Coast Signs. It is not to be shown to anyone outside your organization, nor is it to be sent, reproduced, copied or exhibited in any fashion whatsoever. All or any part of this design (except registered trademarks) remain the property of Coast to Coast Signs.			PROJECT LOCATION:	CAPE GIRARDEAU, MO
				CONTACT:	
				SCALE:	1" = 1'
				FILE NAME:	17601-RiverwalkLofts
				Terms: 50% down, with balance due upon completion.	

Legal Description 46 N. Main Street, Cape Girardeau

All that part of Lot No. 1 in range "C" in the City and County of Cape Girardeau, Missouri, more particularly described as follows:

Commence at the Northwest corner of Lot 1 in Range "C"; thence South on Main Street 40 Feet, more or less, to the center of a partition wall; thence East parallel with Themis Street, 67 ½ feet; thence North 40 feet, more or less, to Themis Street; thence West along Themis Street, 67 ½ feet, to the place of beginning.

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-162

SUBJECT

Approval of the Partial Release of Performance Guarantee Agreement for The Highlands at Hopper Crossing - Phase 1.

EXECUTIVE SUMMARY

The attached document releases a portion of the performance guarantee amount for public improvements in The Highlands at Hopper Crossing - Phase 1. Staff recommends approval of the partial release document, by motion.

BACKGROUND/DISCUSSION

On February 26, 2019, the City entered into a Performance Guarantee Agreement with SEMO Development, LLC for public improvements in The Highlands at Hopper Crossing - Phase 1. A portion of the improvements have been completed, and SEMO Development, LLC is requesting the City execute a Partial Release of Performance Guarantee Agreement in order to reduce the letter of credit balance. The attached Partial Release of Performance Guarantee Agreement releases \$359,739.00 of the \$442,371.00 letter of credit balance. The Performance Guarantee Agreement is also attached, for reference.

STAFF RECOMMENDATION

Staff recommends approval of the Partial Release of Performance Guarantee Agreement for The Highlands at Hopper Crossing - Phase 1.

ATTACHMENTS:

Name:	Description:
Partial Release of Performance Guarantee Agreement - The Highlands at Hopper Crossing Phase 1 - July 2019.pdf	Partial Release of Performance Guarantee Agreement - The Highlands at Hopper Crossing Phase 1
Performance Guarantee Agreement The Highlands at Hopper Crossing - Phase 1 (All Public Improvements) Fully Executed.pdf	Performance Guarantee Agreement - The Highlands at Hopper Crossing Phase 1
36878 Highlands civil as-builts 06-27-19.pdf	Record Drawings of Improvements

PARTIAL RELEASE OF PERFORMANCE GUARANTEE AGREEMENT
THE HIGHLANDS AT HOPPER CROSSING – PHASE 1

This Partial Release is made this ____ day of _____, 2019, by the CITY OF CAPE GIRARDEAU, MISSOURI, 401 Independence Street, Cape Girardeau, MO 63703, hereinafter referred to as “City”, to SEMO DEVELOPMENT, LLC, hereinafter referred to as “Developer”.

WITNESSETH:

On February 26, 2019, the City and the Developer entered into a Performance Guarantee Agreement for public improvements in The Highlands at Hopper Crossing – Phase 1, in the City of Cape Girardeau, Missouri.

The City Council of the City of Cape Girardeau, Missouri, has determined that a portion of the work covered by the Performance Guarantee Agreement for public improvements in said subdivision, as set out in the improvement plans and specifications therefore, has been satisfactorily completed.

NOW, THEREFORE, in consideration of the satisfactory completion of a portion of the public improvements set forth in the plans and specifications for said subdivision, the City hereby authorizes the release of **\$359,739.00** of the \$442,371.00 secured amount pursuant to the Performance Guarantee Agreement. The Developer is hereby discharged from said portion of its obligations to the City under the Performance Guarantee Agreement but is specifically not released and not discharged from the remainder of its obligations with respect to the Performance Guarantee Agreement, which will remain in effect until the balance of the public improvements have been completed satisfactorily.

IN WITNESS WHEREOF, this Partial Release has been executed on the above date.

CITY OF CAPE GIRARDEAU, MISSOURI

Scott A. Meyer, City Manager

ATTEST:

City Clerk

{NOTARY ON FOLLOWING PAGE}

PERFORMANCE GUARANTEE AGREEMENT

This Performance Guarantee Agreement, hereinafter referred to as this "Agreement", is made and entered into this 26th day of February, 2019, by and between SEMO DEVELOPMENT, LLC, a Missouri Limited Liability Company, having its principal office and place of business at 2480 Benton Hill Road, Cape Girardeau, Missouri, 63701, hereinafter referred to as the "Developer", and the CITY OF CAPE GIRARDEAU, MISSOURI, a Municipal Corporation, hereinafter referred to as the "City". The Developer and the City collectively are hereinafter referred to as the "Parties".

WITNESSETH:

WHEREAS, the Developer is the owner of The Highlands at Hopper Crossing – Phase 1, a proposed subdivision located within the City of Cape Girardeau, Missouri, and has submitted to the City improvement plans and specifications, which have been approved by the City, and has submitted a record plat with request that said plat and the plans and specifications for the improvements in the proposed subdivision be accepted and approved by the City; and

WHEREAS, the Developer proposes to meet the ordinance requirements of the City with respect to the posting of this Agreement prior to the approval by the City of the plat proposed for said subdivision,

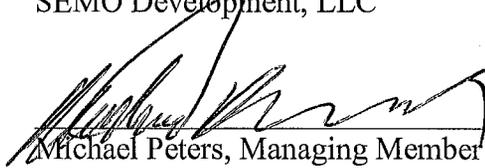
NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and agreements contained herein, the Parties stipulate and agree as follows:

1. The Developer has submitted to the City a record plat of The Highlands at Hopper Crossing – Phase 1, hereinafter referred to as "Proposed Subdivision", with request that said plat be approved by the City. The Developer has also submitted improvement plans for the Proposed Subdivision, which have been approved by the City.
2. An Irrevocable Standby Letter of Credit, hereinafter referred to as the "Letter of Credit", has been issued for the cost of the improvements in the Proposed Subdivision by Bank of Advance, hereinafter referred to as the "Financial Institution". The Letter of Credit is attached to this Agreement as "Exhibit A" and made a part hereof as though fully set out herein. The Letter of Credit is a commitment to the Developer from the Financial Institution that it will serve as the primary lender for the development of the Proposed Subdivision and commits itself for enough funds to complete the improvements in the Proposed Subdivision. Further, the Letter of Credit lists the City as the Beneficiary and provides for payment of funds to the City in the event the Developer is found to be in default under this Agreement.
3. A copy of the most recent financial statement of the Financial Institution is made available for the purpose of guaranteeing to the City that the Financial Institution, as the issuer of the Letter of Credit to the Developer, has sufficient resources with which to uphold its guarantee.

4. The City may, from time to time, authorize a reduction in the balance of the Letter of Credit as improvements are completed and ready for acceptance by the City; such authorization shall be by written notification from the City's Administrative Officer. In no event shall more than ninety-five percent (95%) of the original balance of the Letter of Credit be released by the City until such time all of the improvements shown on the approved improvement plans and specifications are completed and ready for acceptance by the City.
5. Upon approval by the City through its Administrative Officer for the release of the remaining balance of the Letter of Credit, this Agreement shall be terminated and the Developer and the Financial Institution shall be released from any further obligations to the City insofar as the provisions of this Agreement are concerned.
6. If, after two (2) years from the date of this Agreement, all of the improvements shown on the approved improvement plans and specifications have not been completed, the City may request payment from the balance of the Letter of Credit as required in order to complete the improvements. Said request for payment shall be per the terms of the Letter of Credit.
7. This Agreement shall not in any fashion be construed to limit the powers, rights, or duties of the City, but shall be construed in the light of the applicable City ordinances.
8. No part of this Agreement may be assigned by the Developer or the Financial Institution without first obtaining the express written consent of such assignment by the City, but the City agrees not to unreasonably withhold such consent.

IN WITNESS WHEREOF, the Parties have executed this Agreement in duplicate as of the date first above written.

DEVELOPER
SEMO Development, LLC


Michael Peters, Managing Member

STATE OF Missouri)
) ss.
COUNTY OF Cape Girardeau)

On this 26th day of February, 2019, before me personally appeared Michael Peters, Managing Member of SEMO Development, LLC, a Missouri Limited Liability Company, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as the free act and deed of said Limited Liability Company.

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

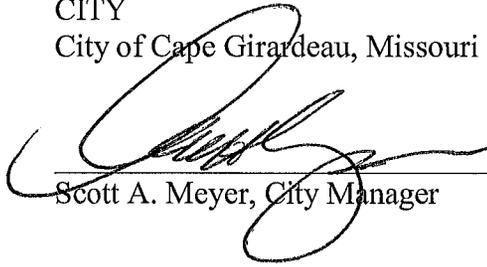

Notary Public

Name/My Commission Expires:



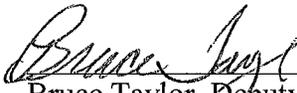
CAROL A. PETERS
My Commission Expires
November 19, 2020
Cape Girardeau County
Commission #12684121

CITY
City of Cape Girardeau, Missouri



Scott A. Meyer, City Manager

ATTEST:



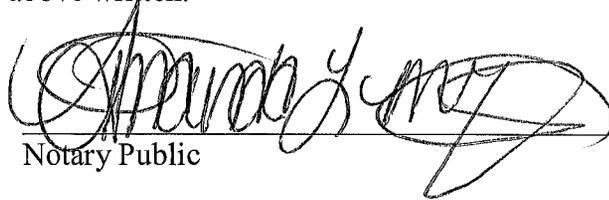
Bruce Taylor, Deputy City Clerk



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

On this this 7th day of March, 2019 before me personally appeared Scott A. Meyer, City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that the foregoing instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged that he executed the same as the free act and deed of said City.

IN TESTIMONY 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

Name/My Commission Expires:
3/3/22

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

EXHIBIT A
IRREVOCABLE STANDBY LETTER OF CREDIT
(on following page)

IRREVOCABLE STANDBY LETTER OF CREDIT

Letter of Credit Number: 10072522

Amount: U.S. \$ 442,371.00 (four hundred and forty two thousand three hundred and seventy one dollars and zero cents U.S. DOLLARS)

This Letter of Credit is issued on February 15, 2019 by Issuer in favor of the Beneficiary for the account of Applicant. The parties' names and their addresses are as follows:

APPLICANT:

SEMO DEVELOPMENT, LLC
Entity Type: Limited Liability Company
2480 Benton Hill Rd
Cape Girardeau, MO 63701

BENEFICIARY:

CITY OF CAPE GIRARDEAU, MISSOURI
Entity Type: Domestic Government Unit
City Hall - 401 Independence Street
Cape Girardeau, MO 63701

ISSUER:

BANK OF ADVANCE
205 S Ash St
P.O. Box 400
Advance, MO 63730-0400

1. LETTER OF CREDIT. Issuer establishes this Irrevocable Standby Letter of Credit (Letter of Credit) in favor of Beneficiary in the amount indicated above. Beneficiary may draw on this Letter of Credit with a Draft (or Drafts, if the maximum number of drawings is greater than one). Each Draft shall be signed on behalf of Beneficiary and be marked "Drawn under Bank of Advance Letter of Credit No. 10072522 dated February 15, 2019." Drafts must be presented at Issuer's address shown above on or before the Expiration Date. The presentation of any Draft shall reduce the Amount available under this Letter of Credit by the amount of the draft.

This Letter of Credit sets forth in full the terms of Issuer's obligation to Beneficiary. This obligation cannot be modified by any reference in this Letter of Credit, or any document to which this Letter of Credit may be related.

This Letter of Credit expires on the Expiration Date.

2. DRAWINGS. Beneficiary shall be permitted to make multiple drawings on this Letter of Credit. The maximum number of drawings that may be made on this Letter of Credit is Unlimited. "Draft" means a draft drawn at sight.

3. DOCUMENTS. Each Draft must be accompanied by the following, in original and two copies except as stated:

A. The original Letter of Credit, together with any amendments.

B. A sight draft drawn by Beneficiary on Issuer.

C. A signed statement by Beneficiary including the following statement: The undersigned hereby certifies that SEMO Development, LLC is in default under the terms of that certain contractual agreement, between the City of Cape Girardeau, Missouri and SEMO Development, LLC and that the applicable period to cure such default has expired.

D. The following other documents: Proof of default by applicant.

Issuer shall be entitled to accept a draft and the documentation described above, as required by the terms of this Letter of Credit, from any person purporting to be an authorized officer or representative of Beneficiary without any obligation or duty on the part of Issuer to verify the identity or authority of the person presenting the draft and such documentation.

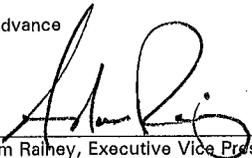
4. EXPIRATION DATE. This Letter of Credit expires at the close of business at Issuer's address at 12:00 A.M. Central Time (Time) on February 15, 2021 (Date). Issuer agrees to honor all Drafts presented in strict compliance with the provisions of this Letter of Credit on or before the Expiration Date. The Expiration Date shall automatically be extended for one (1) year from the Expiration Date, and likewise thereafter one (1) year from any such extended expiration date, unless not less than Thirty (30) days prior to the Expiration Date or any extended Expiration Date shall we send written notice that we have elected not to extend or further extend the Expiration Date. In no event shall the Expiration Date be extended beyond February 15, 2024.

5. NON-TRANSFERABLE. This Letter of Credit is not transferable.

6. APPLICABLE LAW. This Letter of Credit is governed by the International Standby Practices 1998 (ISP98). This Letter of Credit is also governed by the laws of Missouri, except as those laws conflict with the International Standby Practices 1998 (ISP98).

ISSUER:

Bank of Advance

By 
Adam Raihey, Executive Vice President

Date 2/15/2019

SEMO DEVELOPMENT LLC

Standby Letter Of Credit

MO/4XXXXADAM0000000001895034N

Wolters Kluwer Financial Services ©1996, 2019 Bankers Systems™

Page 1



PHASE 1 RECORD PLANS FOR THE HIGHLANDS AT HOPPER CROSSING

PREVIOUSLY LOTS 3A & 3B OF THE CROSSING AT HOPPER ROAD SEMO DEVELOPMENT, LLC C/O: MIKE PETERS

ZONING AND BUILDING SETBACKS

ZONING: R-1, SINGLE FAMILY RESIDENTIAL
FRONT YARD: 30'
REAR YARD: 25'
SIDE YARD: 6'

VICINITY MAP



RECORD

SEMO DEVEL
C/O MIKE P

DOC. NO. 21
DOC. NO. 21

FLOODPLAIN NOTE

THIS PROPERTY IS LOCATED WITHIN ZONE X, AREAS OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON FEMA FIRM MAP COMMUNITY PANEL NO. 29031C 0254E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

PLAN SHE

R0.1 COVER SHEET
R0.2 QUANTITIES, SANITARY
R1.0 INFRASTRUCTURE MAS
R2.1 SANITARY SEWER 'A' PI
R2.2 SANITARY SEWER 'B' PI
R2.3 WATER MAIN 'A' PLAN 8
R2.4 WATER MAIN 'B' PLAN 8
R2.5 STORM SEWER 'A' & 'C'

UTILITY CONTACTS

- | | |
|--|---|
| <p>1. ELECTRIC SERVICE
AMEREN
45 SOUTH MINNESOTA
P.O. BOX 40
CAPE GIRARDEAU, MO 63702
MR. RAY PEREZ
(573) 651-5723</p> <p>2. NATURAL GAS
AMEREN
P.O. BOX 40
CAPE GIRARDEAU, MO 63702
MR. JOSH BEUSSINK
(573) 651-5730</p> <p>3. TELEPHONE SERVICES
AT&T
800 BROADWAY
CAPE GIRARDEAU, MO 63701
MR. TOM KILBURN
(573) 339-9476</p> | <p>4. POTABLE WATER SYSTEM
ALLIANCE WATER RESOURCES
2007 SOUTHERN EXPRESSWAY
CAPE GIRARDEAU, MO 63703
MS. ERICA BOGENPOHL
(573) 979-0150</p> <p>5. THE CITY OF CAPE GIRARDEAU
PUBLIC WORKS DEPARTMENT
2007 SOUTHERN EXPRESSWAY
CAPE GIRARDEAU, MO 63703
MR. STAN POLIVICK
(573) 339-6351</p> <p>6. CABLE TELEVISION SERVICE
CHARTER COMMUNICATIONS
3140 WEST NASH ROAD
SCOTT CITY, MO 63780
MR. CHRIS TUCKER
(573) 803-1410</p> |
|--|---|

UTILITY NOTE

UTILITIES SHOWN HEREON DERIVED FROM OBSERVED FIELD EVIDENCE. FIELD LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION.



PURSUANT TO FEDERAL, STATE, AND LOCAL STATUTES, NOTIFY MISSOURI ONE-CALL SYSTEM, INC. AT LEAST 48 HOURS PRIOR TO ANY DIGGING, TRENCHING, EXCAVATION, ETC.

REC

THE SANITARY SEWER AND W.
IN THE FIELD AND IS CONSIDERED
INFORMATION INDICATED
INSPECTORS, AND

STORM SEWER IS PARTIAL

SANITARY SEWER STRUCTURE SCHEDULE				
STRUCTURE	DESCRIPTION	RIM ELEV	INV (IN)	INV (OUT)
MH-1B	STD. MANHOLE (PREVIOUS)	389.29	384.40 SS-2	
MH-2	DROP MANHOLE (PREVIOUS)	413.00	396.30 SS-A1 403.15 SS-C1	396.15 SS-2
MH-A1	STANDARD MANHOLE	406.37	397.87 SS-A2	397.77 SS-A1
MH-A2	OUTSIDE DROP MANHOLE	416.08	401.98 SS-A3 409.68 SS-B1	401.88 SS-A2
MH-A3	STANDARD MANHOLE	416.18	402.48 SS-A4	402.28 SS-A3
MH-A4	STANDARD MANHOLE	409.52	403.22 SS-A5	403.12 SS-A4
MH-A5	STANDARD MANHOLE	419.25	413.75 SS-A6	413.65 SS-A5
MH-A6	STANDARD MANHOLE	423.78	417.48 SS-A7	417.38 SS-A6
MH-A7	STANDARD MANHOLE	431.42	418.12 SS-A8	418.02 SS-A7
MH-A8	STANDARD MANHOLE	430.93	418.83 SS-A9	418.73 SS-A8
MH-A9	STANDARD MANHOLE	439.02		428.52 SS-A9
MH-B1	STANDARD MANHOLE	430.68	417.78 SS-B3 417.78 SS-B2	417.58 SS-B1
MH-B2	STANDARD MANHOLE	428.77		421.37 SS-B2
MH-B3	STANDARD MANHOLE	442.14	428.45 SS-B4	428.35 SS-B3
MH-B4	STANDARD MANHOLE	444.86		430.07 SS-B4

SANITARY SEWER NOTES:

1. STRUCTURES AND PIPES NAMED AS MH-X# OR SS-X# ARE EXISTING.
2. ALL SANITARY STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CAPE GIRARDEAU STANDARD DRAWINGS & SPECIFICATIONS.

SANITARY SEWER PIPE SCHEDULE					
PIPE	SIZE & TYPE	LENGTH	SLOPE	U.S. FL	D.S. FL
SS-2	8" SDR 35 PVC (PREVIOUS)	220.2 LF	5.34%	396.15	384.40
SS-A1	8" SDR 35 PVC	289.3 LF	0.51%	397.77	396.30
SS-A2	8" SDR 35 PVC	252.1 LF	1.59%	401.88	397.87
SS-A3	8" SDR 35 PVC	21.2 LF	1.39%	402.28	401.98
SS-A4	8" SDR 35 PVC	138.1 LF	0.46%	403.12	402.48
SS-A5	8" SDR 35 PVC	246.2 LF	4.24%	413.65	403.22
SS-A6	8" SDR 35 PVC	139.1 LF	2.61%	417.38	413.75
SS-A7	8" SDR 35 PVC	111.9 LF	0.48%	418.02	417.48
SS-A8	8" SDR 35 PVC	102.5 LF	0.59%	418.73	418.12
SS-A9	8" SDR 35 PVC	189.2 LF	5.12%	428.52	418.83
SS-B1	8" SDR 35 PVC	94.6 LF	8.34%	417.58	409.68
SS-B2	8" SDR 35 PVC	82.5 LF	4.35%	421.37	417.78
SS-B3	8" SDR 35 PVC	109.7 LF	9.64%	428.35	417.78
SS-B4	8" SDR 35 PVC	85.1 LF	1.90%	430.07	428.45

STORM SEWER STRUCTURE SCHEDULE				
STRUCTURE	DESCRIPTION	RIM ELEV	INV (IN)	INV (OUT)
AI-A1	AREA INLET	429.66		425.66 ST-A1
AI-C1	AREA INLET	400.00	396.50 ST-C1	396.38 ZZ
CB-A1	CATCH BASIN	429.83	422.53 ST-A2	422.43 ST-A3
CB-A2	CATCH BASIN	429.82	422.42 ST-A3	422.32 ST-A4
JB-A1	JUNCTION BOX	432.10	425.20 ST-A1	425.10 ST-A2
JB-A2	JUNCTION BOX	422.38	418.08 ST-A4	417.98 ST-A5
JB-A3	JUNCTION BOX	419.72	415.22 ST-A5	415.22 ST-A6
OS-1	OUTLET STRUCTURE	402.00		396.75 ST-C1
WQU-1	WATER QUALITY UNIT	404.97	402.30 ST-A6	402.30 ST-A7

WQU-1 SHALL BE HYDRO INTERNATIONAL FIRST DEFENSE HIGH CAPACITY FD-SHC, OR APPROVED EQUAL. TREATMENT FLOW RATE OF 3 CFS AND MINIMUM PEAK FLOW RATE OF 13 CFS.

STORM SEWER NOTES:

1. STRUCTURES AND PIPES NAMED AS ST-X# OR CB-X# ARE EXISTING.
2. ALL CATCH BASINS TO BE 5' MIN. WIDTH AT CURB OPENING, 6' MIN. TOTAL WIDTH.
3. ALL STORM STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CAPE GIRARDEAU STANDARD DRAWINGS & SPECIFICATIONS.

STORM SEWER PIPE SCHEDULE					
PIPE	SIZE & TYPE	LENGTH	SLOPE	U.S. FL	D.S. FL
ST-A1	15" HDPE	55.3 LF	0.84%	425.66	425.20
ST-A2	15" HP	88.2 LF	2.91%	425.10	422.53
ST-A3	18" RCP	36.5 LF	0.03%	422.43	422.42
ST-A4	18" HP	160.3 LF	2.65%	422.32	418.08
ST-A5	18" HDPE	110.2 LF	2.50%	417.98	415.22
ST-A6	18" HDPE	325.0 LF	3.98%	415.22	402.30
ST-A7	18" HDPE	6.1 LF	1.19%	402.30	402.23
ST-C1	18" HDPE	44.0 LF	0.57%	396.75	396.50

Sanitary Sewer Wye Table

From MH	To MH	Station	R/L	Length	Lot Served
MH-2	MH-A1	0+33.0	L 14'		29
MH-2	MH-A1	0+79.0	L 14'		28
MH-2	MH-A1	2+33.0	L 14'		27
MH-A1	MH-A2	1+28.0	L 14'		26
MH-A1	MH-A2	1+74.0	R 14'		20
MH-A3	MH-A4	0+05.0	L 14'		19
MH-A4	MH-A5	0+70.0	R 5' 15-bend 70'		
MH-A4	MH-A5	0+84.0	L 28'		18
MH-A4	MH-A5	1+63.5	L 28'		17
MH-A5	MH-A6	0+05.0	L 28'		16
MH-A5	MH-A6	0+54.5	R 5' 45-bend 70'		
MH-A6	MH-A7	0+10.0	L 28'		15
MH-A7	MH-A8	0+40.0	R 2' 45-bend 81'		1
MH-A7	MH-A8	0+99.0	R 4' 45-bend 70'		2
MH-A8	MH-A9	0+23.5	R 2' 45-bend 60'		3
MH-A8	MH-A9	0+26.5	L 7'		14
MH-A8	MH-A9	0+95.0	R 2' 45-bend 60'		4
MH-A8	MH-A9	1+10.0	L 7'		13
MH-A8	MH-A9	1+81.0	R 2' 45-bend 60'		5
MH-A8	MH-A9	1+89.0	L 7'		12
MH-A2	MH-B1	0+17.5	L 14'		25
MH-B1	MH-B2	0+81.5	R 14'		24
MH-B1	MH-B3	0+05.0	R 14'		10
MH-B1	MH-B3	0+10.0	L 14'		9
MH-B3	MH-B4	0+10.0	L 2' 45-bend 65'		8
MH-B3	MH-B4	0+12.0	L 2' 45-bend 65'		7
MH-B3	MH-B4	0+82.5	R 7'		11
MH-B3	MH-B4	0+84.5	L 14' 45-bend 60'		6

QUANTIT

ITEM NO.	DESCRIPTION
1	Detention Pond Outlet Structure
2A	Area Inlet
2B	Area Inlet (Escrow)
3	Catch Basin
4A	Storm Junction Box
4B	Storm Junction Box (Escrow)
5	15" HDPE Storm Pipe
6	15" HDPP Storm Pipe
7	18" RCP Storm Pipe
8	18" HDPP Storm Pipe
9	18" HDPE Storm Pipe (Escrow)
10	18" Concrete Flared End Section (Escrow)
11	8" SDR-35 PVC Sewer Main
12	Sanitary Sewer Manhole
13	4" Sanitary Sewer Service
14	Directional Bore & Sleeve for sewer se
15	4" Sanitary Sewer 15-bend
16	4" Sanitary Sewer 45-bend
17	8" C-900 PVC Water Main
18	8" 90-degree bends
19	Dry connect to existing water main
20	Fire Hydrant assembly
21	Flush Valve
22	8" Gate Valve
23	7" thick P.C. Concrete Pavement with i
24	4" thick Type 5 Aggregate Base
25A	4" thick Concrete Sidewalk
25B	4" thick Concrete Sidewalk (Escrow)
26	Truncated Domes at Sidewalk Crossing
27	Ramps at Street Intersections
28	Street Lights (Escrow)
29	Stop Signs
30	Street Name Signs
31	No Parking Signs
32	Dead End Signs

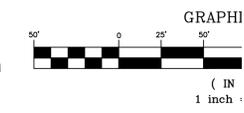
1. STORM SEWER 'A' & 'C' ARE PARTIAL AS-BUILT SURVEYS WILL BE CONDUCTED
2. ITEMS NOTED AS (ESCROW), PROPOSED

RECC

THE SANITARY SEWER AND WATER MAINS ARE LOCATED IN THE FIELD AND IS CONSIDERED AS INFORMATION INDICATED HEREIN BY INSPECTORS, AND IS NOT TO BE CONSIDERED AS PARTIAL.

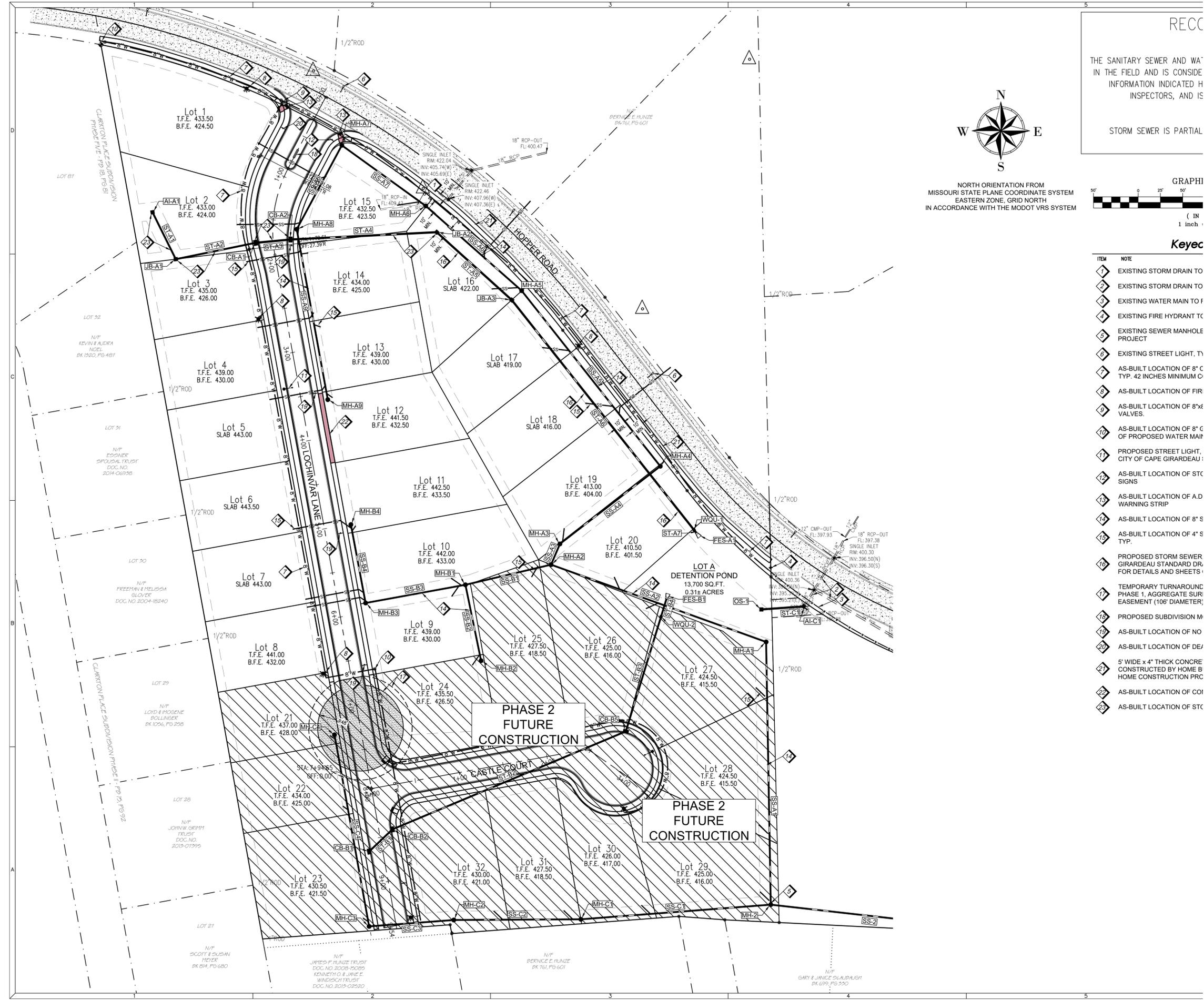


NORTH ORIENTATION FROM MISSOURI STATE PLANE COORDINATE SYSTEM EASTERN ZONE, GRID NORTH IN ACCORDANCE WITH THE MODOT VRS SYSTEM



Keyec

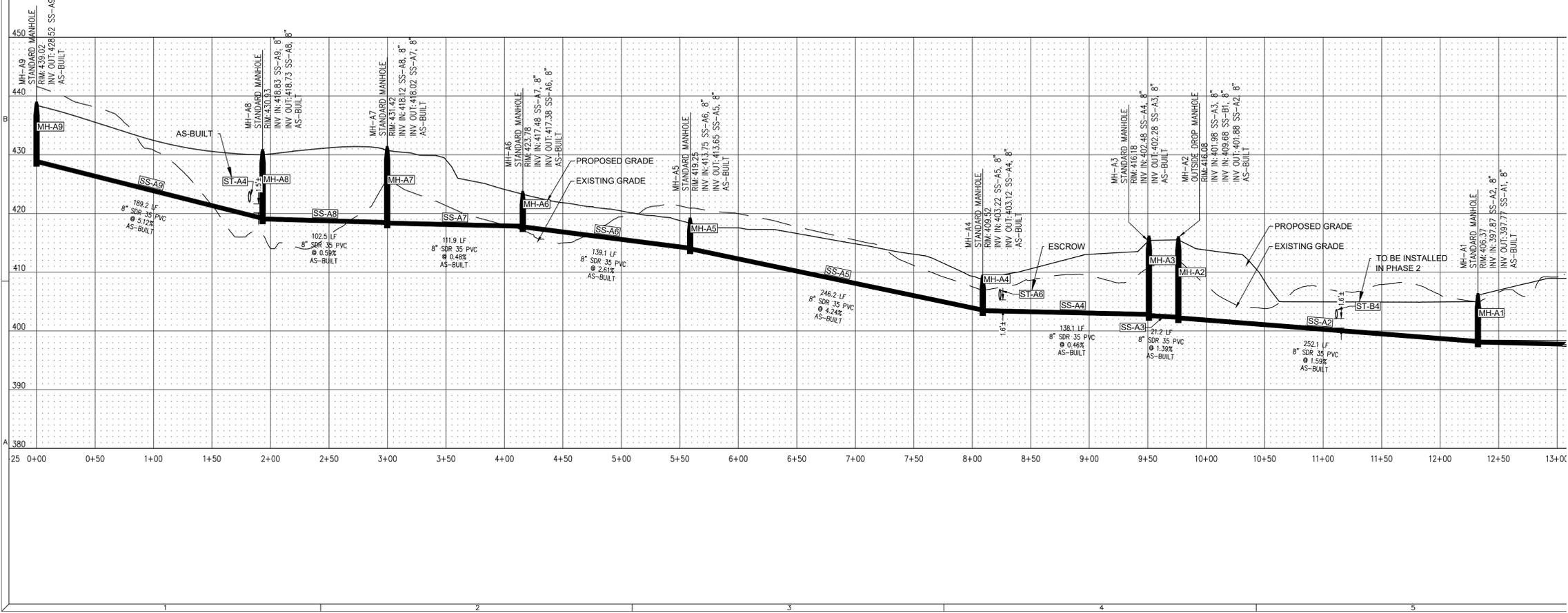
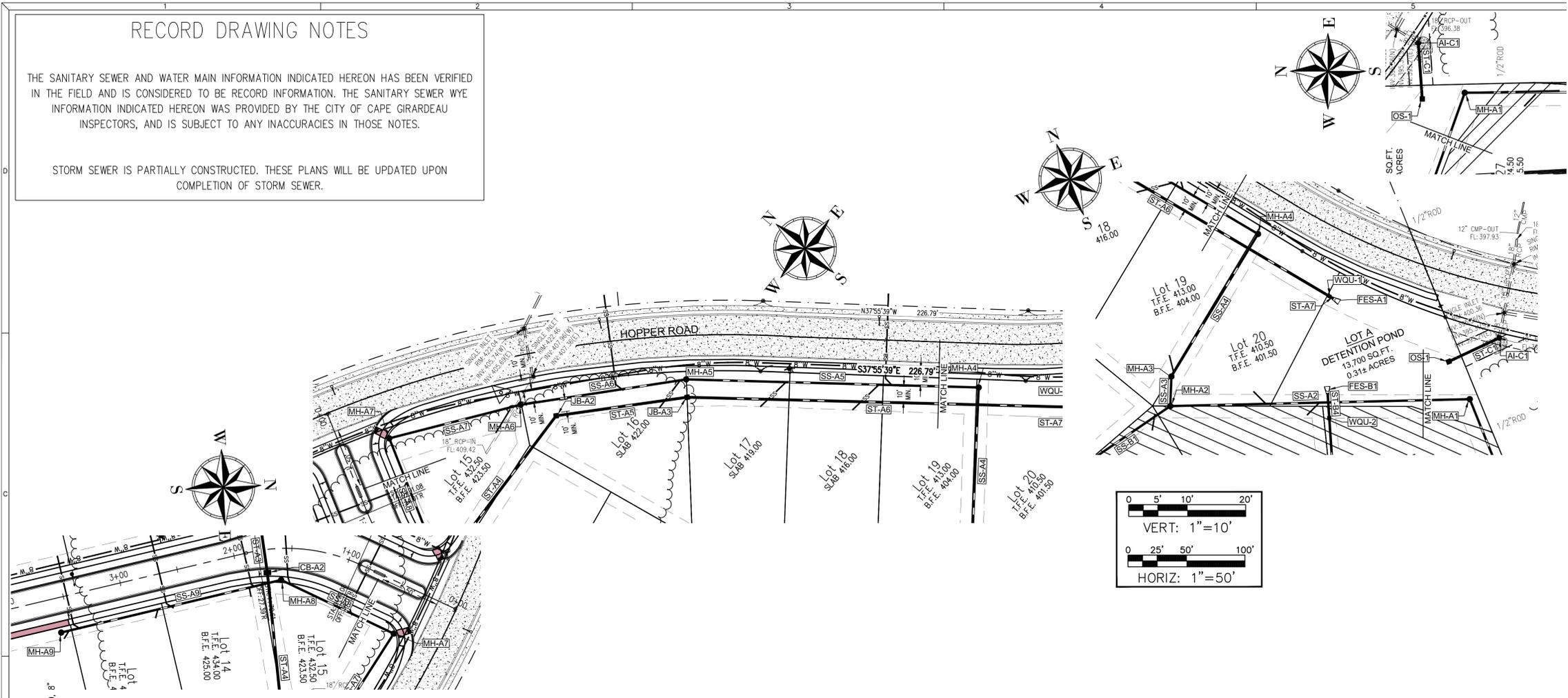
ITEM	NOTE
1	EXISTING STORM DRAIN TO
2	EXISTING STORM DRAIN TO
3	EXISTING WATER MAIN TO F
4	EXISTING FIRE HYDRANT TC
5	EXISTING SEWER MANHOLE PROJECT
6	EXISTING STREET LIGHT, TYP.
7	AS-BUILT LOCATION OF 8" C TYP. 42 INCHES MINIMUM COVER
8	AS-BUILT LOCATION OF FIRE HYDRANT
9	AS-BUILT LOCATION OF 8"x8" VALVES.
10	AS-BUILT LOCATION OF 8" C OF PROPOSED WATER MAIN
11	PROPOSED STREET LIGHT, CITY OF CAPE GIRARDEAU, MISSOURI
12	AS-BUILT LOCATION OF STOP SIGNS
13	AS-BUILT LOCATION OF A.D. WARNING STRIP
14	AS-BUILT LOCATION OF 8" S TYP.
15	AS-BUILT LOCATION OF 4" S TYP.
16	PROPOSED STORM SEWER, GIRARDEAU STANDARD DR. FOR DETAILS AND SHEETS
17	TEMPORARY TURNAROUND PHASE 1, AGGREGATE SURFACE EASEMENT (106' DIAMETER)
18	PROPOSED SUBDIVISION MARKERS
19	AS-BUILT LOCATION OF NO. 10
20	AS-BUILT LOCATION OF DE/
21	5' WIDE x 4" THICK CONCRETE CONSTRUCTED BY HOME BUILDER HOME CONSTRUCTION PRC
22	AS-BUILT LOCATION OF COI
23	AS-BUILT LOCATION OF STC



RECORD DRAWING NOTES

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON HAS BEEN VERIFIED IN THE FIELD AND IS CONSIDERED TO BE RECORD INFORMATION. THE SANITARY SEWER WYE INFORMATION INDICATED HEREON WAS PROVIDED BY THE CITY OF CAPE GIRARDEAU INSPECTORS, AND IS SUBJECT TO ANY INACCURACIES IN THOSE NOTES.

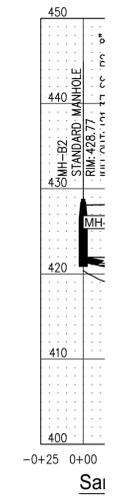
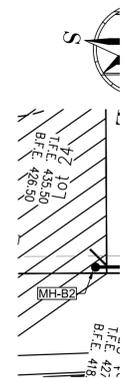
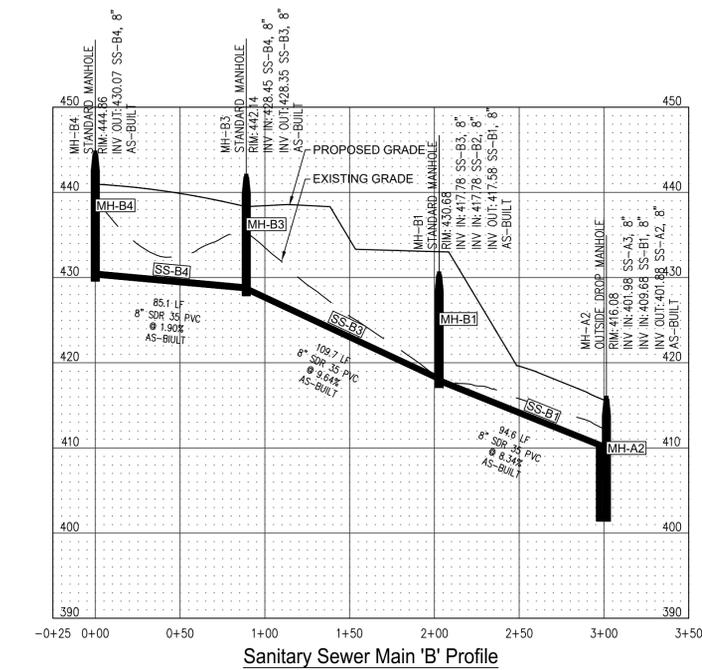
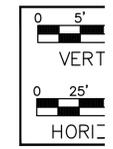
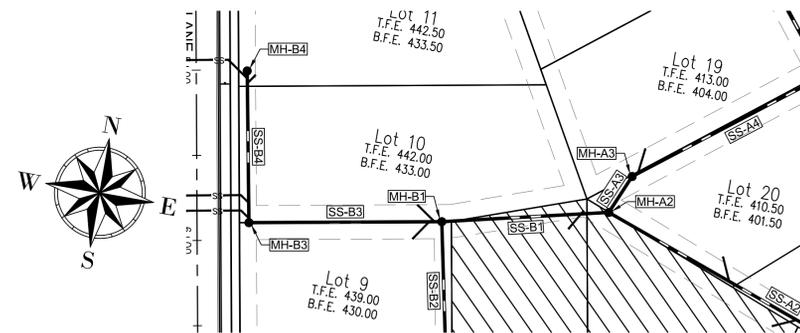
STORM SEWER IS PARTIALLY CONSTRUCTED. THESE PLANS WILL BE UPDATED UPON COMPLETION OF STORM SEWER.



RECO

THE SANITARY SEWER AND WATER MAINS ARE LOCATED IN THE FIELD AND IS CONSIDERED AS INFORMATION INDICATED HEREIN BY INSPECTORS, AND IS

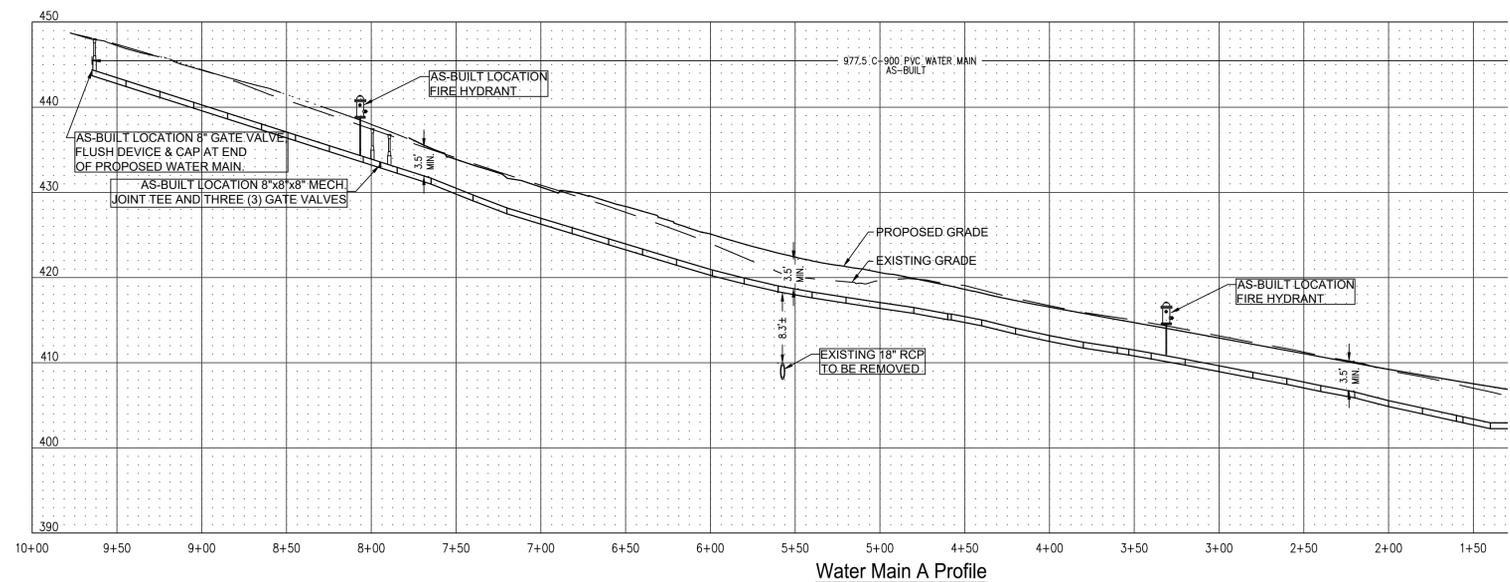
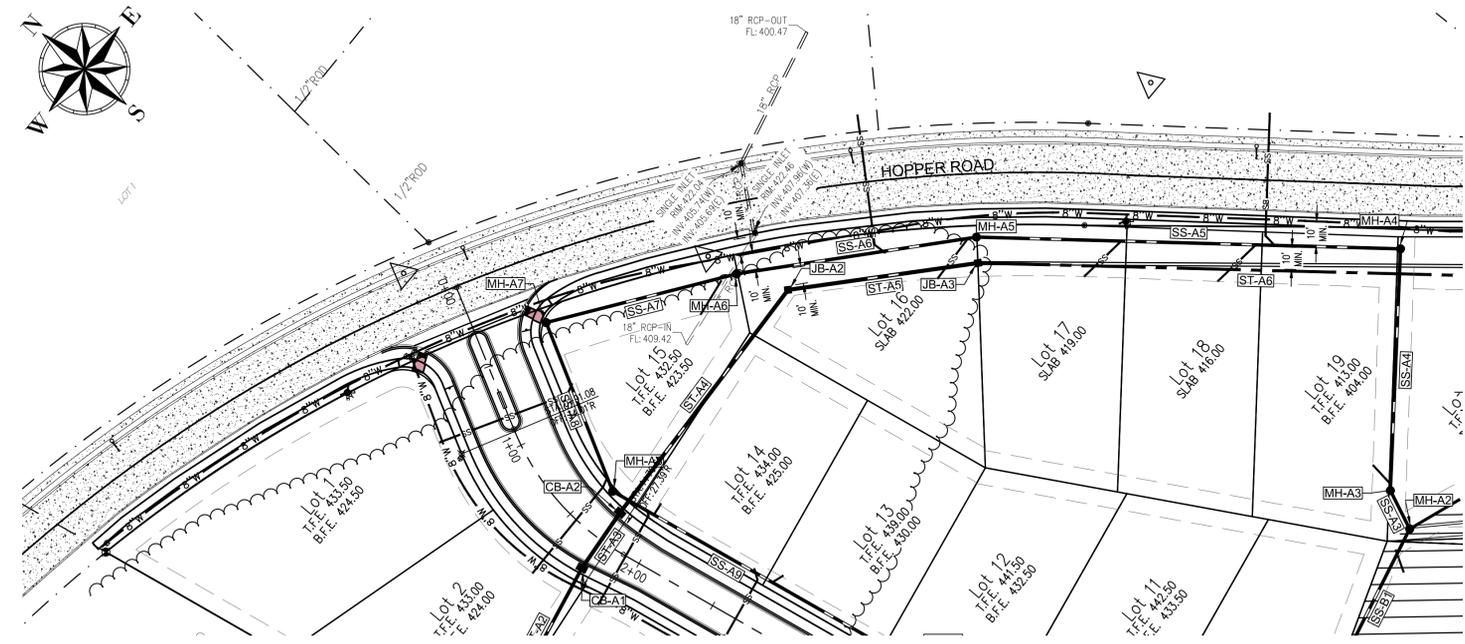
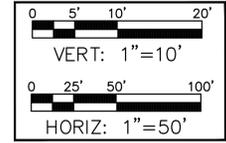
STORM SEWER IS PARTIALLY



RECC

THE SANITARY SEWER AND WATER MAINS ARE LOCATED IN THE FIELD AND IS CONSIDERED AS INFORMATION INDICATED BY INSPECTORS, AND IS

STORM SEWER IS PARTIAL

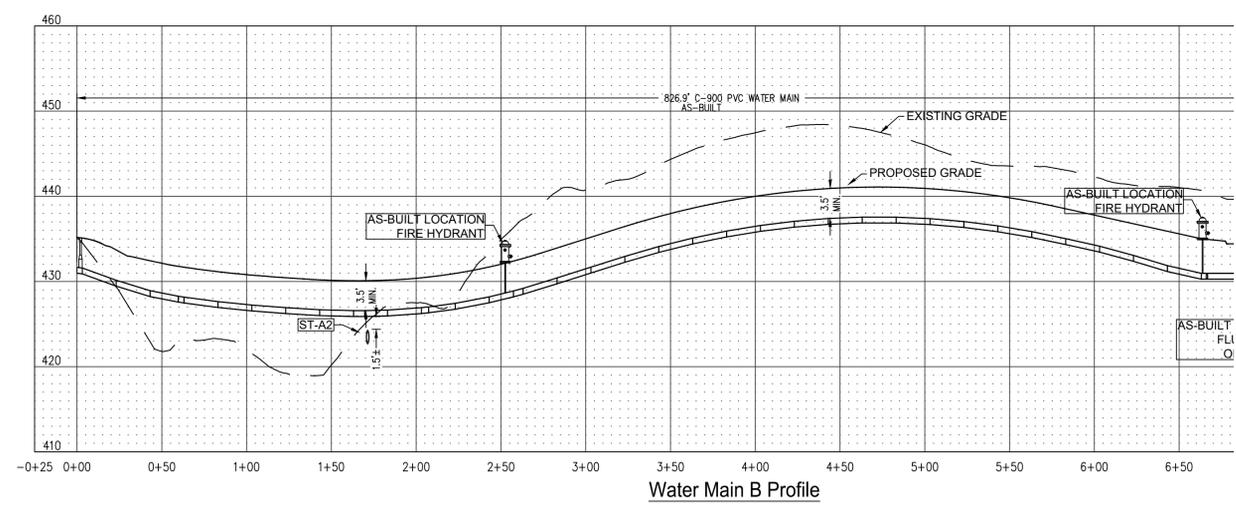
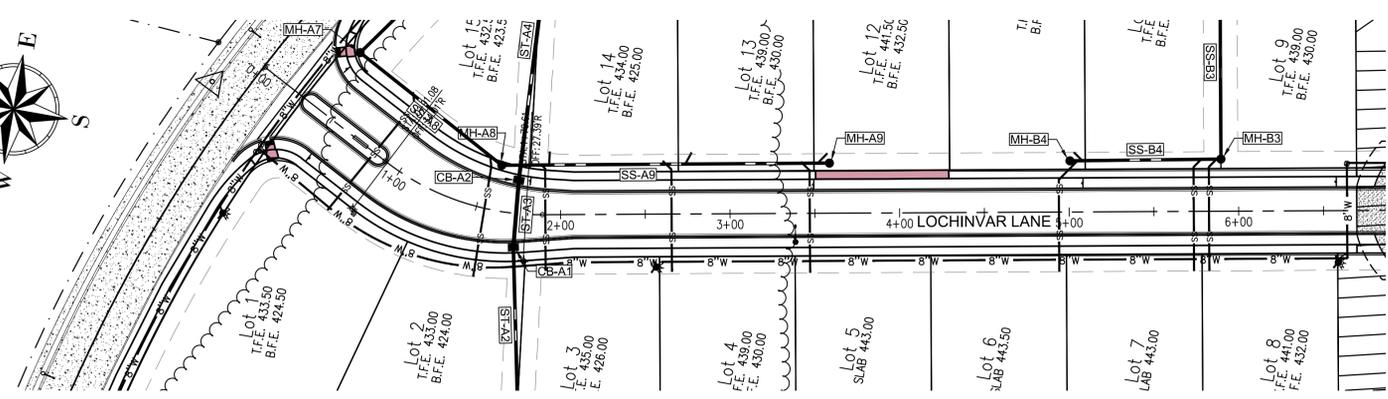
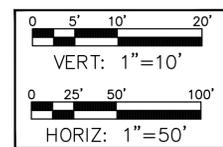
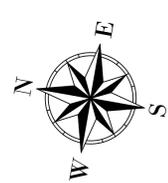


Water Main A Profile

RECO

THE SANITARY SEWER AND WATER MAINS ARE LOCATED IN THE FIELD AND IS CONSIDERED AS INFORMATION INDICATED HEREIN BY THE INSPECTORS, AND IS NOT TO BE CONSIDERED AS A GUARANTEE.

STORM SEWER IS PARTIALLY LOCATED IN THE FIELD AND IS CONSIDERED AS INFORMATION INDICATED HEREIN BY THE INSPECTORS, AND IS NOT TO BE CONSIDERED AS A GUARANTEE.



Water Main B Profile

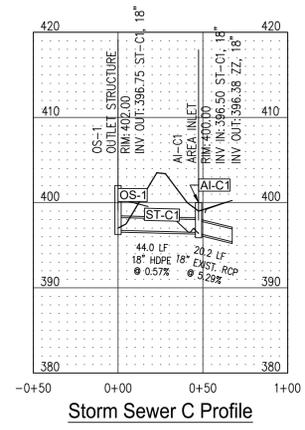
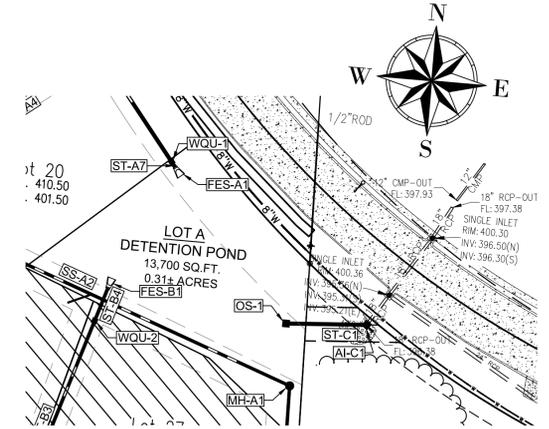
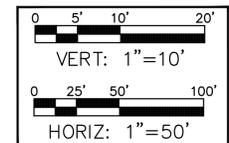
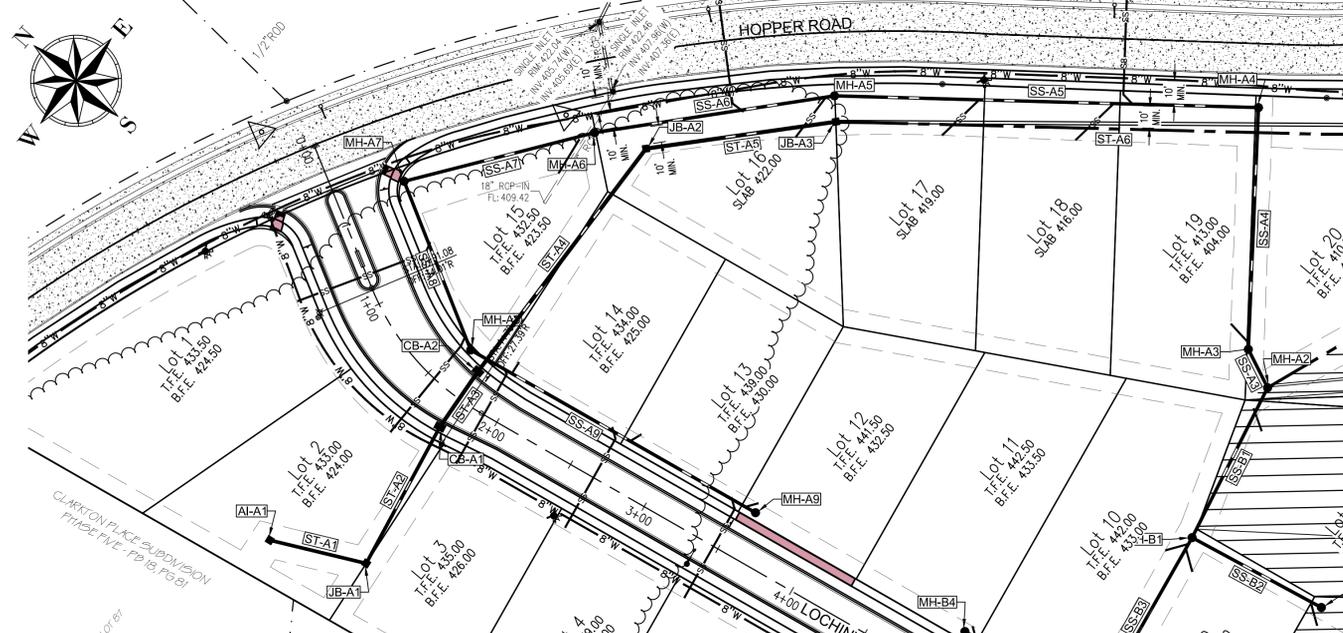
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THE SANITARY SEWER AND WATER
IN THE FIELD AND IS CONSIDERED
INFORMATION INDICATED HEREIN
INSPECTORS, AND IS SUBJECT TO

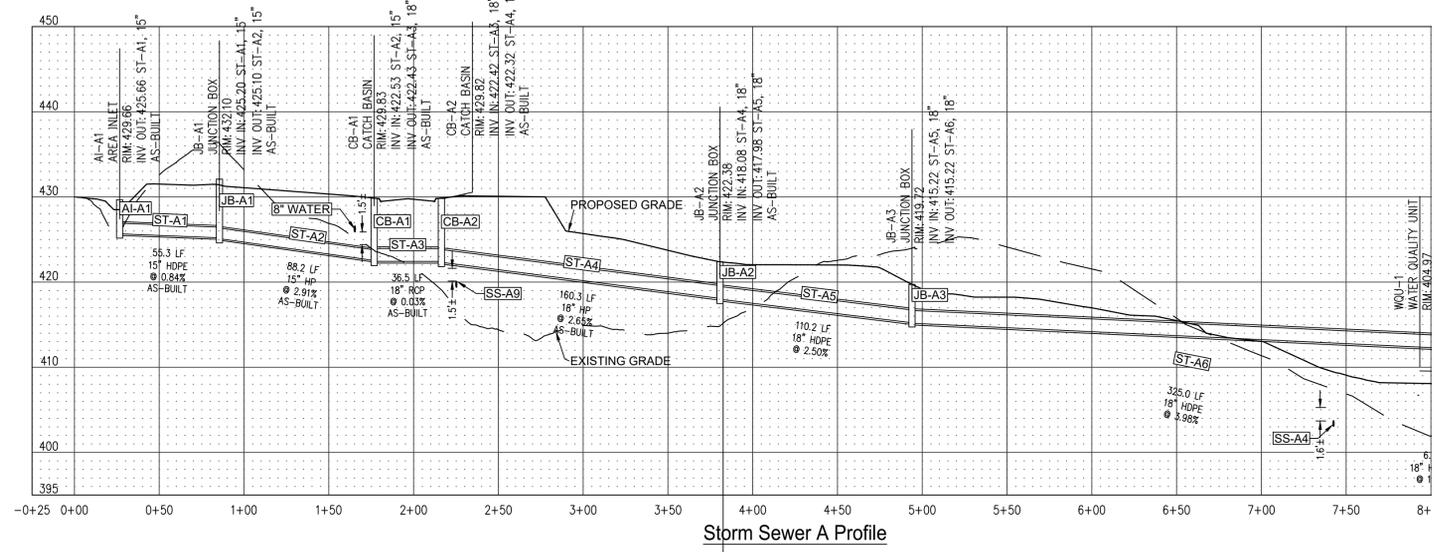
STORM SEWER IS PARTIALLY
CONSTRUCTED

UTILITIES NOTES

1. FULL TRENCH DEPTH GRANULAR BACKFILL AT ANY AND ALL LOCATIONS WHERE UTILITIES WILL BE CROSSING UNDER THE PAVEMENT AREAS.
2. ALL WORK SHALL COMPLY WITH THE CITY OF CAPE GRARDEAU STANDARD SPECIFICATIONS.
3. COORDINATION WITH OTHER UNDERGROUND UTILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR.
4. THE CONTRACTOR IS RESPONSIBLE FOR JOB SITE SAFETY.
5. ALL 8" WATERLINE INDICATED HEREON SHALL BE CLASS 900, PRESSURE CLASS 200 PVC. MAINS SHALL TERMINATE WITH 8" GATE VALVE, CAP AND THRUST BLOCK.
6. THE CONTRACTOR SHALL MAINTAIN A MINIMUM OF 42" OF COVER FOR WATERLINE CONSTRUCTION.
7. WATER MAIN TRACER WIRE SHALL BE #12 THIN THIN WIRE DUCT TAPED TO CENTERLINE OF PIPE AT 10' INTERVALS.
8. WHEN ROCK IS ENCOUNTERED IN PIPE TRENCHES, A MINIMUM 6" CUSHION OF CRUSHED AGGREGATE IS REQUIRED.
9. ALL STORM SEWER STATIONING IS MEASURED FROM THE CENTER OF THE INLET. ALL DIMENSIONS LISTED FOR SANITARY SEWER & STORM SEWER STRUCTURES ARE THE DIMENSIONS OF THE INSIDE OF THE STRUCTURE.
10. ALL SANITARY SEWER & STORM SEWER PIPE LENGTHS ARE MEASURED FROM THE INSIDE FACE OF THE STRUCTURE.



THIS SECTION OF STORM SEWER NOT BUILT AT TIME OF AS-BUILT SURVEY. REMAINS IN ESCROW.



THIS SECTION OF STORM SEWER NOT BUILT AT TIME OF AS-BUILT SURVEY. REMAINS IN ESCROW.

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-162

SUBJECT

A motion authorizing the appointment of William Victor Brownlees as City Treasurer.

EXECUTIVE SUMMARY

William Victor Brownlees was promoted to the position of City Treasurer/Finance Director on July 1, 2019. The title of City Treasurer is an office appointed by the City Council as required by the City Charter Section 3.11. The title of Finance Director is the department head over the Finance Office and is appointed by the City Manager.

BACKGROUND/DISCUSSION

John Richbourg worked in the Finance Office of the City of Cape Girardeau beginning in January 1988. He retired from full time employment on July 1, 2019, at which time, Victor Brownlees was promoted to Finance Director.

STAFF RECOMMENDATION

Staff recommends the Council appoint William Victor Brownlees as City Treasurer, and authorize and ratify the performance of duties of the City Treasurer by William Victor Brownlees from July 1, 2019 and ongoing.

ATTACHMENTS:

Name:	Description:
No Attachments Available	

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-163

SUBJECT

An Ordinance approving the Record Plat of Southeast Health West Campus.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for a two-lot subdivision on South Mount Auburn Road and South Silver Springs Road.

BACKGROUND/DISCUSSION

A record plat has been submitted for Southeast Health West Campus, located south of Shawnee Parkway (Missouri State Highway 74) between South Mount Auburn Road and South Silver Springs Road. The property is zoned C-2 (Highway Commercial). The plat combines several tracts to create two new lots. The plat shows an exception for the omission of the required 10 foot utility easement along the rear lot lines of Lot Nos. 1 and 2. Staff supports the exception because there are no existing or proposed 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 February 13, 2019 meeting, recommended approval of the record plat with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

ATTACHMENTS:

Name:	Description:
Record Plat Southeast Health West Campus.doc	Ordinance
Staff Review-Referral-Action Form.pdf	Southeast Health West Campus - Staff RRA Form
Map - SE Health West Campus.pdf	Southeast Health West Campus - Map
Application - Southeast Health West Campus Record Plat.pdf	Southeast Health West Campus - Application
Southeast Health West Campus Subdivision.pdf	Southeast Health West Campus - Record Plat

BILL NO. 19-112

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
SOUTHEAST HEALTH WEST CAMPUS

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

ARTICLE 1. The record plat of Southeast Health West Campus, being a part of United States Private Survey No. 174, T 30 N, R 13 E, of the Fifth Principal Meridian, City and County of Cape Girardeau, State of Missouri, submitted by Southeast Hospital, bearing the certification of R. Christopher Bowen, a Registered Land Surveyor, dated the 18th day of June, 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.

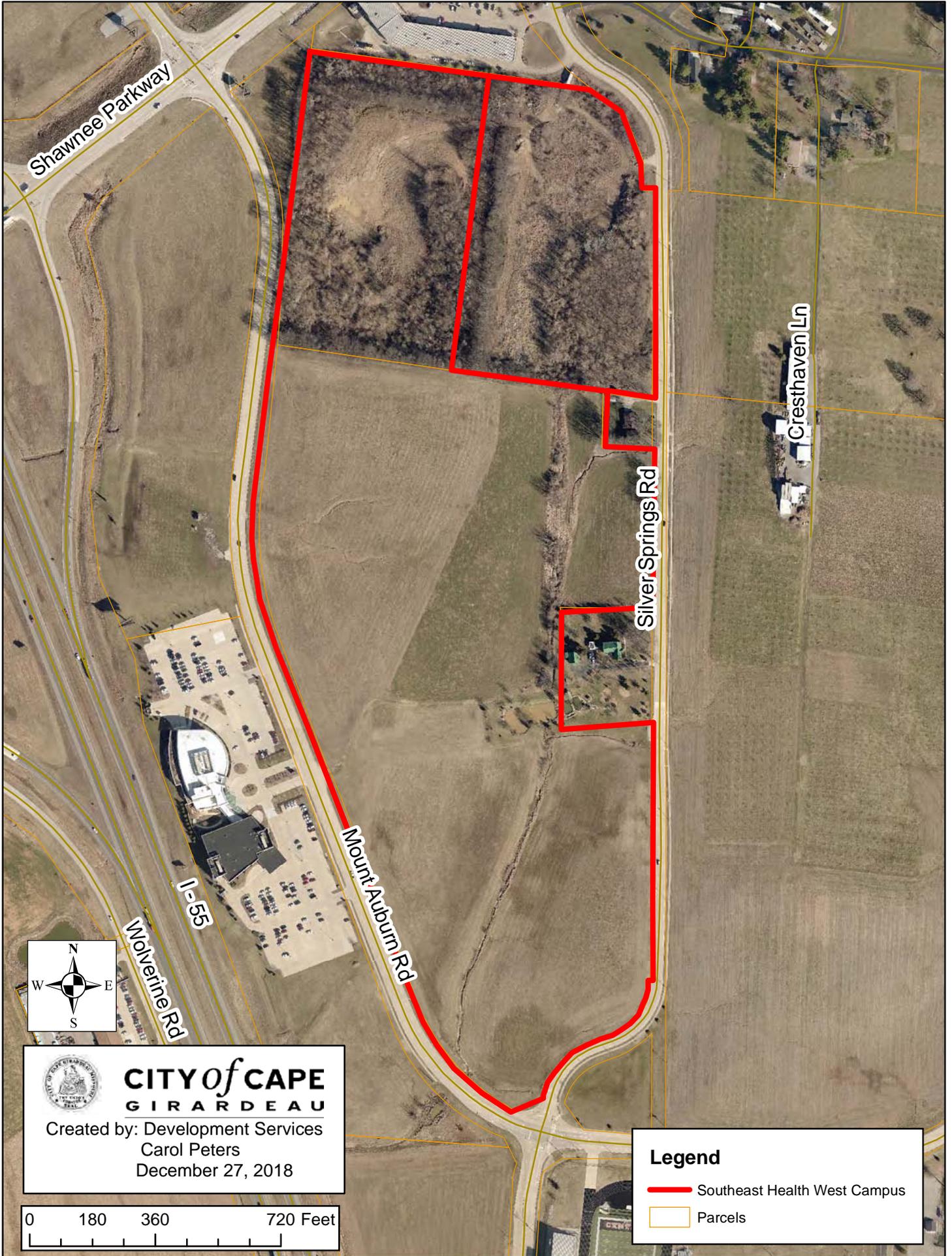
PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Bob Fox, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk

Southeast Health West Campus Record Plat





SUBDIVISION PLAT APPLICATION
CITY of CAPE GIRARDEAU

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

Name of Subdivision SOUTHEAST HEALTH WEST CAMPUS		Type of Plat: Preliminary, Record, or Boundary Adjustment Record Plat	
Applicant SOUTHEAST HEALTH		Property Owner of Record (if other than Applicant)	
Mailing Address 1701 LACEY STREET	City, State, Zip Cape Girardeau, Mo 63701	Mailing Address	City, State, Zip
Telephone 573-651-5528	Email bgilliland@sehealth.org	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Brian Gilliland		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Chris Kelley, Bowen Engineering and Surveying, P.C.		Developer (if other than Applicant)	
Mailing Address 2121 Megan Drive	City, State, Zip Cape Gir. MO 63701	Mailing Address	City, State, Zip
Telephone (573)339-5900	Email chriskelley@bowenengsurv.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)

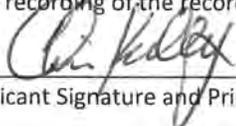
<input checked="" type="checkbox"/> Recording Fee Deposit (payable to City of Cape Girardeau)									
<table border="1"> <thead> <tr> <th>Sheet Size</th> <th>Record Plat</th> <th>Boundary Adjustment Plat</th> </tr> </thead> <tbody> <tr> <td>18" x 24"</td> <td>\$44.00</td> <td>\$24.00</td> </tr> <tr> <td>24" x 36"</td> <td>\$69.00</td> <td>\$29.00</td> </tr> </tbody> </table>	Sheet Size	Record Plat	Boundary Adjustment Plat	18" x 24"	\$44.00	\$24.00	24" x 36"	\$69.00	\$29.00
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.

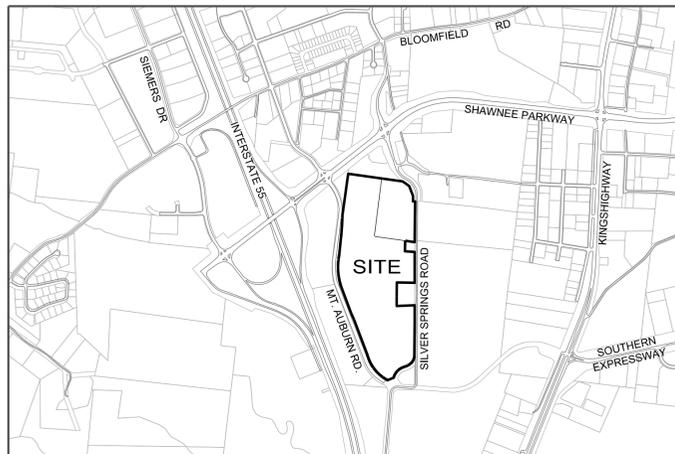

 Applicant Signature and Printed Name

12/19/2018
 Date

OFFICE USE ONLY	
Date Received & By <u>12-19-18</u>	MUNIS Application No. <u>8416</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

RECORD PLAT SOUTHEAST HEALTH WEST CAMPUS

A PART OF UNITED STATES PRIVATE SURVEY NO. 174, T. 30 N, R. 13 E, OF THE FIFTH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI



LOCATION MAP

SUBDIVISION DEDICATION

THE UNDERSIGNED, SOUTHEAST HOSPITAL, A MISSOURI NONPROFIT CORPORATION, OWNER OF A PART OF UNITED STATES PRIVATE SURVEY NO. 174, T. 30 N, R. 13 E, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SHAWNEE CENTER SUBDIVISION AS RECORDED IN PLAT BOOK NO. 21 AT PAGE NO. 91 OF THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE EAST LINE OF A TRACT OF LAND RECORDED IN BOOK NO. 422 AT PAGE NO. 697; THENCE S 07° 17' 30" W, 1,306.24 FEET ALONG SAID EAST LINE TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF MT. AUBURN DRIVE AND BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 860.00 FEET, A CENTRAL ANGLE OF 25° 48' 57" AND FROM WHICH A RADIAL LINE BEARS, S 85° 28' 16" E; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE AND RIGHT OF WAY LINE, 387.49 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES:

S 21° 17' 15" E, 1,130.40 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 860.00 FEET AND A CENTRAL ANGLE OF 42° 16' 10"; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE AND RIGHT OF WAY LINE, 413.13 FEET TO THE WEST RIGHT OF WAY LINE OF SILVER SPRINGS ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES:

N 66° 44' 08" E, 98.65 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 54° 32' 44" AND FROM WHICH A RADIAL LINE BEARS, S 74° 24' 46" E; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE AND RIGHT OF WAY LINE, 218.96 FEET; THENCE N 70° 07' 47" E, 48.84 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF 70° 01' 27"; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE AND RIGHT OF WAY LINE, 207.77 FEET; THENCE S 89° 53' 24" E, 10.48 FEET; THENCE N 00° 16' 09" E, 734.31 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND RECORDED IN BOOK NO. 1307 AT PAGE NO. 146 AND BOOK NO. 1371 AT PAGE NO. 683; THENCE ALONG THE SOUTH, WEST AND NORTH LINES OF SAID TRACT THE FOLLOWING COURSES AND DISTANCES:

S 86° 57' 28" W, 263.08 FEET; THENCE N 00° 16' 58" E, 331.81 FEET; THENCE N 86° 58' 36" E, 263.10 FEET TO THE WEST RIGHT OF WAY LINE OF SILVER SPRINGS ROAD; THENCE N 00° 43' 44" E, 450.83 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTHWEST CORNER OF A TRACT OF LAND RECORDED IN BOOK NO. 562 AT PAGE NO. 703; THENCE ALONG THE SOUTH AND WEST LINES OF SAID TRACT THE FOLLOWING COURSES AND DISTANCES:

N 86° 22' 45" W, 142.99 FEET; THENCE N 02° 41' 47" E, 155.82 FEET TO THE SOUTH LINE OF A TRACT OF LAND RECORDED IN DOCUMENT NO. 2009-10106; THENCE S 81° 49' 57" E, 138.45 FEET ALONG THE SOUTH LINE OF SAID TRACT TO THE WEST RIGHT OF WAY LINE OF SILVER SPRINGS ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES:

N 00° 01' 24" W, 602.05 FEET; THENCE S 89° 58' 08" W, 40.00 FEET; THENCE N 00° 01' 52" W, 73.77 FEET; THENCE N 20° 59' 39" W, 153.84 FEET; THENCE N 56° 37' 04" W, 83.33 FEET; THENCE N 52° 40' 39" W, 30.20 FEET TO THE SOUTHWEST CORNER OF SHAWNEE CENTER SUBDIVISION; THENCE N 82° 00' 53" W, 807.05 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE POINT OF BEGINNING, CONTAINING 61.04 ACRES, MORE OR LESS.

HEREBY DECLARE THAT WE HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN HEREON, AND DO HEREBY NAME SAID SUBDIVISION "SOUTHEAST HEALTH WEST CAMPUS". THE UTILITY AND WATER LINE EASEMENTS SHOWN HEREON ARE HEREBY GRANTED TO THE CITY OF CAPE GIRARDEAU, MISSOURI IN PERPETUITY FOR PUBLIC PURPOSES, INCLUDING THE INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT, AND EXPANSION OF CITY WATER, SANITARY SEWER, AND STORM SEWER SYSTEMS, AND AS MAY BE AUTHORIZED BY THE CITY OF CAPE GIRARDEAU, MISSOURI TO BE USED BY A PUBLIC OR PRIVATE UTILITY PROVIDER FOR PURPOSES RELATED TO THE INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT, AND EXPANSION OF SUCH UTILITY SYSTEMS.

THE ACCESS EASEMENT SHOWN HEREON IS HEREBY DEDICATED TO THE PUBLIC IN PERPETUITY FOR THE PURPOSE OF PEDESTRIAN AND OTHER NON-MOTOR VEHICLE TRAVEL UPON THE SIDEWALKS LOCATED THEREIN.

IN WITNESS WHEREOF, SIGNED THIS ____ DAY OF _____, 20__ A.D.

KEN BATEMAN, PRESIDENT AND CEO
SOUTHEAST HOSPITAL, A MISSOURI NONPROFIT CORP.

STATE OF MISSOURI)
COUNTY OF _____) ss

BEFORE ME, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, APPEARED KEN BATEMAN, PRESIDENT AND CEO OF SOUTHEAST HOSPITAL, A MISSOURI NONPROFIT CORPORATION, KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN, WHO DID EXECUTE THE FOREGOING INSTRUMENT AND WHO ACKNOWLEDGED THAT HE EXECUTED THE SAME 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 _____, 20__ A.D.

NOTARY PUBLIC MY TERM EXPIRES _____

I, _____, CITY CLERK OF THE CITY OF CAPE GIRARDEAU, MISSOURI, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI BY ORDINANCE NO. _____ PASSED AND APPROVED THIS ____ DAY OF _____, 20__ A.D.

CITY CLERK OF CAPE GIRARDEAU, MISSOURI
STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU) ss

FILED FOR RECORD THIS ____ DAY OF _____, 20__ A.D.

AND DULY RECORDED IN DOCUMENT NO. _____

ANDREW DAVID BLATTNER, CAPE GIRARDEAU COUNTY RECORDER OF DEEDS
STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU) ss

THIS IS TO CERTIFY THAT AT THE REQUEST OF SOUTHEAST HEALTH THE TRACTS SHOWN HEREON WERE SURVEYED UNDER MY DIRECT SUPERVISION, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED CORRECTLY ON THIS PLAT; SAID SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS AND MEASURES. THERE MAY EXIST OTHER DOCUMENTS THAT COULD AFFECT THIS PARCEL, OF WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. IN WITNESS WHEREOF, I HEREUNTO SET MY SEAL AND SIGNATURE

THIS 18th DAY OF June, 2019 A.D.

R. CHRISTOPHER BOWEN MO. P.L.S. #2232

SURVEY NOTES:

THIS SURVEY CREATES A NEW 2 LOT SUBDIVISION FROM THE PARENT TRACTS RECORDED IN DOCUMENT NO. 2009-10106 AND DOCUMENT NO. 2013-04723

MEASURED DIMENSIONS SHOWN WITHOUT PARENTHESES DEED OR RECORD DIMENSIONS SHOWN WITH PARENTHESES

BASIS OF SURVEY DATUM - NAD83, M.S.P.C. ZONE 2401 EAST CORS STATION MOJK OF THE MoDOT GPS RTK NETWORK

LATITUDE 37°24'44.45833" NORTH
LONGITUDE 089°39'00.22114" WEST
ELLIPSOID HEIGHT 383.98 U.S. SURVEY FEET
NORTHING 575,956.0987 U.S. SURVEY FEET
EASTING 1,067,057.151 U.S. SURVEY FEET
ELEVATION 477.03 U.S. SURVEY FEET

AS PUBLISHED ON NATIONAL GEODETIC DATA SHEETS, RETRIEVAL DATE FEBRUARY 04, 2015 AND CONVERTED FROM METERS TO U.S. SURVEY FEET.

SURVEY CLASS - URBAN

AN EXCEPTION IS SHOWN FOR THE OMISSION OF THE REQUIRED 10 FOOT UTILITY EASEMENT ALONG THE REAR LOT LINES OF LOT NOS. 1 AND 2.

REFERENCES:

RIGHT OF WAY PLANS FOR ROUTE 74 SUPPLIED BY MoDOT

RIGHT OF WAY AND EASEMENT PLATS FOR MT. AUBURN ROAD FOR DRURY SOUTHWEST, INC. DATED JULY 17, 2000

ABSTRACT OF TITLE FROM CAPE GIRARDEAU COUNTY ABSTRACT AND TITLE COMPANY, FILE NO. 18216328

RECORD PLAT OF SHAWNEE CENTER AS RECORDED IN PLAT BOOK NO. 21 AT PAGE NO. 91

SURVEY OF 4 TRACTS BY BOWEN (PLS 2232) FOR ARMSTRONG HERITAGE INC. DATED JULY 1, 2001

SURVEY OF 4 TRACTS BY BOWEN (PLS 2232) FOR SOUTHEAST MISSOURI HOSPITAL ASSOCIATION DATED JANUARY 25, 2013

SURVEY OF 0.16 ACRE TRACT BY BOWEN (PLS 2232) FOR SOUTHEAST MISSOURI HOSPITAL ASSOCIATION AS RECORDED IN DOCUMENT NO. 2013-03139

GENERAL WARRANTY DEED, BOOK NO. 562 - PAGE NO. 703

GENERAL WARRANTY DEED, BOOK NO. 646 - PAGE NO. 347

GENERAL WARRANTY DEED, BOOK NO. 693 - PAGE NO. 466

GENERAL WARRANTY DEED, BOOK NO. 1371 - PAGE NO. 657

GENERAL WARRANTY DEED, DOCUMENT NO. 2007-04017

GENERAL WARRANTY DEED, DOCUMENT NO. 2008-12771

GENERAL WARRANTY DEED, DOCUMENT NO. 2009-10106

GENERAL WARRANTY DEED, DOCUMENT NO. 2013-01581

GENERAL WARRANTY DEED, DOCUMENT NO. 2013-01583

GENERAL WARRANTY DEED, DOCUMENT NO. 2013-04723

EASEMENT, BOOK NO. 1067 - PAGE NO. 893

EASEMENT, BOOK NO. 1102 - PAGE NO. 969

EASEMENT, BOOK NO. 1140 - PAGE NO. 778

ONLINE MAPPING RECORDS FOR CAPE GIRARDEAU COUNTY, [HTTP://GIS.CAPECOUNTY.US/TAXPARCELVIEWER/](http://GIS.CAPECOUNTY.US/TAXPARCELVIEWER/)

SURVEY MONUMENT NOTES:

- ◆ - FOUND CHISELED "X"
- - PREVIOUSLY SET 1/2" IRON PIN
- - SET 1/2" IRON PIN

ZONING INFORMATION:

ZONING: C-2, HIGHWAY COMMERCIAL DISTRICT

NUMBER OF LOTS = 2

SMALLEST PROPOSED LOT SIZE = 10.00 ACRES - LOT 1
LARGEST PROPOSED LOT SIZE = 51.04 ACRES - LOT 2
TOTAL AREA OF SUBDIVISION = 61.04 ACRES

MAX. HEIGHT: 5 STORIES NOT TO EXCEED 60 FEET
MIN. LOT AREA: NONE
MIN. LOT WIDTH: NONE

MIN. YARD REQUIREMENTS:
FRONT YARD - TWENTY-FIVE (25) FEET

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

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

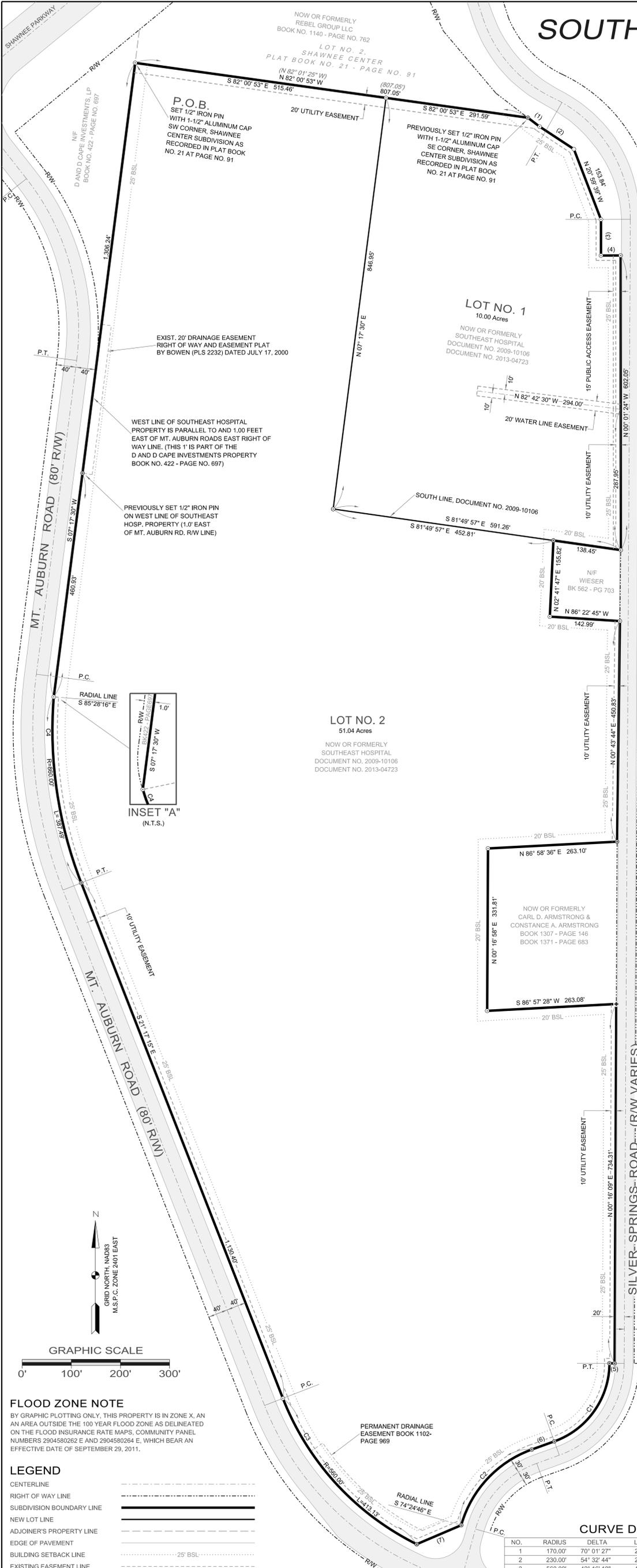
MIN. OPEN SPACE: FIFTEEN (15) PERCENT OF THE LOT AREA

LINE DIMENSION TABLE

NO.	BEARING	DISTANCE
1	N 52° 40' 39" W	30.20'
2	N 56° 37' 04" W	83.33'
3	N 00° 01' 52" W	73.77'
4	S 89° 58' 08" W	40.00'
5	S 89° 53' 24" E	10.48'
6	N 70° 07' 47" E	48.84'
7	N 66° 44' 08" E	98.65'

CURVE DIMENSION TABLE

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
1	170.00'	70° 01' 27"	207.77'	119.09'	135.07'	S 35° 07' 20" W
2	230.00'	54° 32' 44"	218.96'	118.57'	210.78'	S 42° 51' 36" W
3	860.00'	42° 16' 10"	413.13'	216.48'	403.83'	N 42° 25' 55" W
4	860.00'	25° 48' 57"	387.49'	197.09'	384.22'	N 08° 22' 46" W



FLOOD ZONE NOTE
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X, AN AREA OUTSIDE THE 100 YEAR FLOOD ZONE AS DELINEATED ON THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NUMBERS 2904580262 E AND 2904580264 E, WHICH BEAR AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

LEGEND

CENTERLINE	---
RIGHT OF WAY LINE	----
SUBDIVISION BOUNDARY LINE	=====
NEW LOT LINE	=====
ADJOINER'S PROPERTY LINE	-----
EDGE OF PAVEMENT	-----
BUILDING SETBACK LINE	-----
EXISTING EASEMENT LINE	-----
NEW EASEMENT LINE	-----

JOB NO.	S18-154
DATE	JUNE 18, 2019
FILE	S18154.DGN
CAUSE	S18154.ZIP
DWGN BY	JLR
CNO BY	CKK
SCALE	1"=100'

DESCRIPTION	DATE
ADDED W/ ESWMT	6/18/2019

RECORD PLAT
SOUTHEAST HEALTH WEST CAMPUS

SOUTHEAST HEALTH
1701 LACEY STREET
CAPE GIRARDEAU, MO 63701

Bowen
ENGINEERING & SURVEYING
Consulting Engineers • Land Surveyors • Testing Laboratories

2121 Megan Drive
Cape Girardeau, MO 63701
Ph: 573 339 5900
Fax: 573 339 1391
www.bowenengsurv.com

Bowen Engineering & Surveying, P.C.
Engineering Corporation - Missouri State Certificate of Authority #000283
Land Surveying Corporation - Missouri State Certificate of Authority #000166

Staff: Ryan Shrimplin, AICP - City
Agenda: Planner
7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-164

SUBJECT

An Ordinance approving the Record Plat of U-Haul of Cape Girardeau Subdivision.

EXECUTIVE SUMMARY

The attached ordinance approves a record plat for combining two lots at the northeast corner of Industrial Drive and Progress Street.

BACKGROUND/DISCUSSION

A record plat has been submitted for U-Haul of Cape Girardeau Subdivision, located at the northeast corner of Industrial Drive and Progress Street. The property is zoned M-1 (Light Manufacturing/Industrial). The plat combines two lots to form one new lot.

Note: The plat was originally named Amerco Real Estate Subdivision. It was later changed to U-Haul of Cape Girardeau Subdivision.

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 U-Haul Subdivision.doc	Ordinance
Staff Review-Referral-Action Form.pdf	U-Haul of Cape Girardeau Subdivision - Staff RRA Form
Map - U-Haul of Cape Girardeau Subdivision.pdf	U-Haul of Cape Girardeau Subdivision - Map
Application - Greater Cape Gir Comm Center Lot 48 and 49.pdf	U-Haul of Cape Girardeau Subdivision - Application
18-326-01AD (ROS) PLAT (SH1) (1).pdf	U-Haul of Cape Girardeau Subdivision - Record Plat Sheet 1
18-326-01AD (ROS) PLAT (SH2) (1).pdf	U-Haul of Cape Girardeau Subdivision - Record Plat Sheet 2

BILL NO. 19-113

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECORD PLAT OF
U-HAUL OF CAPE GIRARDEAU SUBDIVISION

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

ARTICLE 1. The record plat of U-Haul of Cape Girardeau Subdivision, being all of Lots 48 and 49 of Greater Cape Girardeau Commercial Center as recorded in Plat Book 12 at Page 6 of the County Land Records, in the City and County of Cape Girardeau, State of Missouri, submitted by Amerco Real Estate Company, bearing the certification of James M. Powers, a Registered Land Surveyor, dated the 21st 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: AMERCO REAL ESTATE SUBDIVISION
 LOCATION: Northeast corner of Industrial Drive and Progress Street

STAFF REVIEW & COMMENTS:

A record plat has been submitted to combine two (2) lots at the northeast corner of Industrial Drive and Progress Street. SEE STAFF REPORT FOR MORE DETAILS.

By SCL
 City Planner

5/28/19
 Date

N. 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

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: _____

U-Haul of Cape Girardeau Subdivision



**CITY of CAPE GIRARDEAU**
Created by: Development Services
Carol Peters
April 26, 2019

0 55 110 220 Feet

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 Greater Cape Com Center - U-Haul		Type of Plat: Preliminary, Record, or Boundary Adjustment Record Plat of Lot Consolidation	
Applicant Americo Real Estate		Property Owner of Record (if other than Applicant)	
Mailing Address 701 S Carson Street, Ste. 200	City, State, Zip Carson City NV 89701	Mailing Address	City, State, Zip
Telephone 623-209-7378	Email jon_rice@uhaul.com	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Jon Rice		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) James "Mick" Powers, Red Plains Surveying		Developer (if other than Applicant)	
Mailing Address 1917 S Harvard Avenue	City, State, Zip Oklahoma City OK 73128	Mailing Address	City, State, Zip
Telephone 405-603-7842	Email Alicia@RPSurveying.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.

Alicia G McKay Digitally signed by Alicia G McKay
 Date: 2019.04.18 09:54:28 -05'00'

04/18/2019

Applicant Signature and Printed Name

Date

Alicia G McKay

OFFICE USE ONLY	
Date Received & By <u>4-25-19 gp</u>	MUNIS Application No. <u>8754</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-165

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

FINANCIAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

The Historic Preservation Commission recommends that Peter Reckling is appointed to the board for a term expiring April 16, 2020.

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: 7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-166

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

BOARD OR COMMISSION RECOMMENDATION

The board made a recommendation to appointment Cynthia Heischmidt to the Public Library Board of Directors for a term expiring June 30, 2021.

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

Staff: Bruce Taylor, Deputy City Clerk
Agenda: 7/15/2019

AGENDA REPORT
Cape Girardeau City Council

19-167

SUBJECT

The City Council should elect from its Members a Mayor Pro Tempore to serve in the absence of the Mayor.

EXECUTIVE SUMMARY

Former Council Member, Victor Gunn resigned from his position on the Council because he moved outside of Ward 3. He also held the position of Mayor Pro Tempore. Pursuant to City Charter, Section 3.04, the Council shall elect from its members a Mayor Pro Tempore who shall act as mayor during the absence or disability of the mayor, and, if a vacancy occurs, shall act as mayor until such vacancy is filled.

BACKGROUND/DISCUSSION

The Mayor Pro Tempore, in the absence of the Mayor, has the same duties and rights as Mayor set by the City Charter. The Mayor shall preside at meetings of the Council, shall have the right to vote, and shall be recognized as head of the city government for all legal and ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have no administrative duties and shall have no veto power.

Additionally, the City's alternate member to the Southeast Metropolitan Planning Organization Board of Directors is set by the position of Mayor Pro Tempore. The Mayor Pro Tempore also serves on the Public Facilities Authority Board of Directors

STAFF RECOMMENDATION

Staff recommends the selection of a Mayor Pro Tempore.

ATTACHMENTS:

Name:	Description:
No Attachments Available	