

AN ORDINANCE AMENDING LAND USE REGULATION REGARDING  
MIXED-USE DISTRICTS, C-1 COMMERCIAL DISTRICTS,  
AND ADMINISTRATIVE SUBDIVISIONS;  
FIXING AN EFFECTIVE DATE

WHEREAS, the City of Waynesville's Comprehensive Plan recommended studying and adopting improved Land Use Regulations; and

WHEREAS, the said modifications of the Land Use Regulations has been referred to and considered by the Planning and Zoning Commission of the City of Waynesville; and

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on the proposed changes to the land use regulations; and

WHEREAS, notice of the said public hearing (including a definition of the proposed changes in the land use regulations) has been given by legal notice published in the Daily Guide, a newspaper having general circulation in the City of Waynesville, Missouri, which legal notice was published at least fifteen days prior to the date of said public hearing; and

WHEREAS, the City Council has considered the request and recommendation of the Planning and Zoning Commission submitted following the said public hearing; and

WHEREAS, no protest against such proposed change has been made in the manner provided by law; and

WHEREAS, the City Council hereby determines that it is the best interest of the City for the requested changes in land use regulations to be approved; NOW THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WAYNESVILLE AS FOLLOWS:

SECTION 1. The zoning classification changes are defined on Exhibit "A" which is attached hereto and made a part hereof by reference as fully as if set forth herein

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council on this 18<sup>th</sup> day of March, 2010.



Mayor

ATTEST:



City Clerk

APPROVED by the Mayor on the 18<sup>th</sup> day of March, 2010.

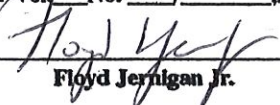


Mayor

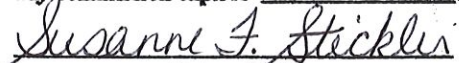
**AFFIDAVIT of PUBLICATION**  
**STATE OF MISSOURI            SS.**  
**County of Pulaski**

I, Floyd Jernigan Jr., being duly sworn according to law, state that I am the Publisher of the Daily Guide, a weekly/daily newspaper of general circulation in the County of Pulaski, State of Missouri, 168 Holly Drive, St. Robert; which newspaper has been admitted to the Post Office as periodical class matter in the City of Waynesville, Missouri, the city of publication; which newspaper has been published regularly and consecutively for period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following consecutive issues:

1st pub. Vol. 50 No. 099/02/19, 2010  
2nd pub. Vol.     No.     /    , 20     
3rd pub. Vol.     No.     /    , 20     
4th pub. Vol.     No.     /    , 20     
5th pub. Vol.     No.     /    , 20   

  
\_\_\_\_\_  
Floyd Jernigan Jr.

Subscribed and sworn to  
before me this 19 day of Feb 202010.  
My commission expires \_\_\_\_\_

  
\_\_\_\_\_  
Notary Public

SUSANNE F. STICKLER  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Phelps County  
My Commission Expires: Sep. 21, 2012  
COMMISSION #08640299

Publication Fee \$ 25.00

**Public Notice**

The City of Waynesville will hold a public hearing by the Planning and Zoning Commission at the Waynesville City Hall, 601 Historic 66 W Waynesville, MO on March 9, 2010 at 5:30 p.m.

The purpose of this hearing is to consider adopting Mixed Use Zoning; amending "C-1" Neighborhood Commercial District to ad Mixed-Use Low Intensity; and adding Administrative Subdivision.

Any person(s) interested in this matter is invited to attend and bring any questions or thoughts.

Insert Dates:  
February 19, 2010  
#7507

## Mixed-Use Districts (DRAFT)

- A. The City of Waynesville Comprehensive Plan identifies within the city for development of mixed-use development areas where compact, pedestrian-scaled, mixed-use residential and commercial districts may be developed. Within these areas of development, and in other appropriate sites, mixed-use zoning helps provide a desirable combination of compatible residential, office, retail, and selected light industrial uses. The development of Mixed-use districts will foster further economic development opportunities; create harmonious and compatible mixed land use types; foster safe and active pedestrian environments; provide residential and employment density to support neighborhood businesses; and attract residents and employers looking for innovative land use amenities.
- B. Intent: These regulations are intended to encourage and provide a means for effecting desirable and quality developments by permitting greater flexibility and design freedom than that permitted under the conventional zoning, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites with a Mixed-Use district. These regulations are established to permit creativity in the design and compatibility of Mixed-Use projects that are found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of adjacent neighborhoods or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of compatible uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects.
- C. Conceptual Plan: Developers of projects shall submit a conceptual plan for review by the Planning and Zoning Commission and final approval by City Council. The conceptual plan must be approved by the City before any development activities can commence. At a minimum, the conceptual plan shall include the following: (if applicable)
1. Conceptual site layout illustrating:
    - a. Proposed open space and public park areas, and
    - b. Proposed locations of all mixed land uses, and
    - c. Proposed locations of any single land uses, and
    - d. Proposed traffic-ways, pedestrian-ways and parking areas, and
    - e. Proposed locations of freestanding and monument sign structures, and
    - f. Proposed conceptual landscape plans
  2. Conceptual drawings illustrating:
    - a. Proposed mixed-use buildings and/or single use building front façade illustrations, and
    - b. Proposed streetscape illustrations and

c. Proposed freestanding pylon and monument sign illustrations

3. Mixed-Use summary detailing :

- a. Descriptions of proposed single and mixed use descriptions and densities, and
- b. Proposed timeline of development activities

4. The conceptual plan shall be approved if it is shown that:

- a. The project includes uses within at least two(2) of the following use categories:
  - 1) Residential (Excluding manufactured homes)
  - 2) Commercial
  - 3) Light industrial
  - 4) Mixed-use buildings
  - 5) Public parks and open space

D. Uses: The proceeding Mixed-Use (MU) classifications are hereby established and delineate the permissible land uses that can be developed within a Mixed-Use project area. Land uses not listed here are determined to be expressly prohibited and incompatible for use within a Mixed-Use development.

1. Mixed-Use Low-Intensity (MU-1)

a. Residential Uses:

- 1) Single-use detached one or two family residential
- 2) Single-Use garden apartments, townhomes and condominiums.
- 3) Mixed-building attached Loft Apartments.
- 4) Mixed-building attached Studio Apartments.
- 5) Mixed-building attached Condominiums.

b. Commercial Uses: Use specified below can be developed in combination as "single-use" and "mixed-building" to comprise the mixed-use project.

- 1) Business associated with lawyers, accountants, appraiser, brokers, realtors, tax preparers, insurance agents and uses of similar character.
- 2) Offices for engineers, architects, landscape architects, interior decorators and uses of similar character.
- 3) Offices for optometrists, physicians, dentists, psychologist, chiropractors.
- 4) Businesses that provide personal services such as drop-off laundry, shoe repair, eyeglass store, hearing aids and business ventures of similar character (excluding second had resale stores, tattoo parlors ad pawn shops).
- 5) Artists, photographers and sculptors.
- 6) Authors, writers and composers
- 7) Sporting goods, dress shops shoe store and clothing shops.
- 8) Museums, libraries, galleries and exhibit halls.

- 9) Banks, credit unions, loan companies and mortgage companies (excluding payday loan and check cashing businesses).
- 10) Art, dance, and music teachers.
- 11) Flower shop, book store, stationary stores, picture frame shop, and craft store
- 12) Cellular phone stores, computer store, electronics store, electronic repair shop, appliance store.
- 13) Beauty parlors, barber shops tanning parlors and day spas.
- 14) Grocery stores, bakery shops and butcher shops.
- 15) Restaurants without drive-thru service, cafes, coffee shops and sandwich shops.
- 16) Daycare, child care facilities and pre-schools
- 17) Churches and other similar places of worship
- 18) Pharmacies, medical and dental clinics (excluding out-patient surgery).
- 19) Swimming pools, fitness centers and public parks.

2. Mixed-Use Medium-Density (MU-2)

a. Residential Uses:

- 1) Permitted residential uses authorized in a Mixed-Use, Low-Density (MU-1) District.

b. Commercial Uses: Use specified below can be developed in combination as "single-use" and "mixed-building" to comprise the mixed-use project.

- 1) Permitted commercial uses authorized in a Mixed-Use, Low-Intensity (MU-1) District.
- 2) Hotels, motels and extended stay inns (excludes outside parking of boats and RV's)
- 3) Convention center, skating rinks, gymnasium, athletic club, miniature golf, bowling alley and cultural centers.
- 4) Community centers, family recreation centers, theaters and video arcades (excluding billiard and pool halls).
- 5) Sports bar and grill, bars and taverns that do not exceed 6,000 square feet in gross floor area
- 6) Treatment centers, medical heliports and medical clinics providing out-patient surgery.
- 7) Green houses, nurseries and farmers market
- 8) Pet stores, dog grooming and veterinary clinics.
- 9) Single-use retail stores.

F. Ownership: The developer shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

G. Open spaces. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either.

1. Dedication of the land as a public park or parkway system; or
2. Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the City Council of Waynesville.

H. Landscaping. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Building Official for approval, together with required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. Landscape plans must show the landscape area's dimensions, screens and buffers, retaining walls, irrigation, plantings, decorative paving, sidewalk furniture and other elements that convey the conceptual plan for the project.

I. Signs: The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the conceptual plan.

J. Desirability: The purposed use of the particular location shall be shown as necessary or desirable, to provide as service of facility that will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the Mixed-Use development.

K. Considerations. In carrying out the intent of this section, the Planning and Zoning Commission shall consider the following principles:

1. Conceptual plans, drawings and illustrations shall be prepared by a registered designer or team of designers having professional competence in urban planning.
2. It is not the intent of this section that control of the design of the Mixed-Use project by the Planning and Zoning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of the Planning and Zoning Commission that the control exercised be the minimum necessary to achieve the purpose of this section.
3. The City Council of Waynesville shall have final approval authority over any proposed Mixed-Use (MU) development.

L. In an approval, the City Council shall be permitted to attach such conditions, as it deems necessary to secure compliance with the purposes set forth in this Section.

M. The City Council, as part of the approval of a Mixed-Use development, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

1. Dedication of land for public park purposes
2. Dedication of land for public road right-of-way and utility easement purposes.
3. Construction of or addition to roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.
4. Installation of required traffic safety devices.
5. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

N. Approval: The Planning and Zoning Commission shall have the authority to require that the following conditions Mixed-Use development (among others it deems appropriate) be met by the applicant:

1. That the proponents intend to start construction within 1 year of either the approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within 4 years from the date, construction begins.
2. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

O. Limitations of application.

1. Upon approval of a Mixed-Use development, construction shall proceed only in accordance with the plans and specifications approved for a Mixed-Use development, and in compliance with any conditions attached to the approval of said Mixed-Use.

## ARTICLE VII N "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

(AMMENDED USES)

### SECTION 405.330 GENERAL DESCRIPTION

This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational elements, more restrictive requirements for air, light, open space and off-street parking are made than are provided in other commercial districts. (Ord., NO. 710, 11-15-90)

### SECTION 405.340 USES PERMITTED

The following uses shall be permitted in "C-1" Districts:

1. Food retail stores
2. Drug stores
3. Personal service uses including shoe repair, beauty parlor, barber shop, professional offices and clinics.
4. Laundromat and dry cleaning outlets.
5. Restaurants, lunch rooms and boarding houses.
6. Accessory retail or service uses that are necessary for convenience of residential districts subject to review by the Planning Commission to insure conformity to the intent of the Chapter
7. Accessory residential use when owner or operator of commercial use has as dwelling unit continuous to business establishment (Ord. No. 710, 11-15-90)

#### **AMMENDED DESCRIPTION**

8. **Mixed Use-Low Intensity to include Residential/Commercial Usage such as:**
  - a. **Single-use detached one or two-family residential**
  - b. **Single-use garden apartments, townhouses, and condominiums**
  - c. **Mixed-building attached Studio Apartments**
  - d. **Mixed -building attached Condominiums**

## Administrative Subdivision

(Draft)

**Administrative Subdivision:** A subdivision of property which the City Administrator or designated representative has the authority to approve in accordance with this Article. Administrative subdivisions are limited to the following and shall meet the conditions for each as described herein:

1. **Administrative Re-Plat:** The subdivision of land shall be classified as an administrative re-plat if an existing lot in a previously recorded subdivision is subdivided into not more than five (5) tracts, parcels or lots, and does not include the dedication of a new street or other public way or change in existing streets, or alleys.
2. **Lot Combination:** The assembly or combination of contiguous existing tracts of record.
3. **Property Line Adjustment:** Movement of a property line to correct an encroachment or property line dispute in which the property line is moved to change the dimensions of a tract while maintaining its original shape.
4. **Tract Certification:** The certification of a property description.
5. **Classification of a subdivision as anything other than a "platted subdivision"** shall not be construed as a waiver of any requirements of these regulations nor the provisions of any other ordinance or statute pertaining to the property.

**Administrative Re-Plats:** The City Administrator or designated representative has the authority to approve an Administrative Re-Plat if it complies with one of the following requirements.

- (a) The configuration of the property was created by a court decree or order resulting from testamentary or intestate provisions.
- (b) The Building Official finds the subdivision of land satisfies all of the following conditions.
  1. The proposed subdivision is part of a previously final platted and recorded subdivision
  2. The proposed subdivision does not:
    - a. Create more than **three (3)** new lots from each lot created by a previously recorded subdivision; and
    - b. The aggregate total of new lots created does not exceed **three (3)** tracts, parcels or lots from each lot created by a previously recorded subdivision if any of the area of the proposed subdivision was part of a prior administrative re-plat or lot division.
  3. The proposed subdivision does not include the dedication of a new street or other public way or change in existing constructed streets or alleys.

4. The right of way adjacent to the proposed subdivision meets the widths prescribed by the City of Waynesville and the proposed subdivision includes the dedication of additional right of way necessary to provide the prescribed right of way.
5. The proposed subdivision includes the dedication of any easements determined necessary by the City of Waynesville or to provide utilities to serve the subdivision.
6. Each lot of the proposed subdivision is already served by public utilities or have a plan approved by the City.
7. The proposed subdivision is in compliance with other provisions of this section, the planning and zoning ordinance and other ordinances and regulations of the City of Waynesville.
8. The proposed subdivision will not result in substantial impact on public infrastructure nor interfere with the maintenance of existing service levels, e.g. additional curb cuts, repaving, etc.
9. The proposed subdivision is consistent with the surrounding area in terms of the size and dimension of lots previously developed the layout and design of existing subdivisions and the degree of deviation from previous development.
10. The administrative re-plat is prepared for recording in accordance with the following standards:
  - a. The document shall be entitled "Administrative Re-plat of Lot \_\_\_\_ of \_\_\_\_ (Prior subdivision name).
  - b. The document shall conform to the requirements of planning and zoning
  - c. If private stormwater conveyance and/or detention facilities are proposed to be deferred, a plat note shall be included which states: "Construction of private stormwater improvements have been deferred for each of the lots included in this Administrative Re-Plat. All private stormwater conveyance and/or detention facilities are required to be designed in accordance with the design standards adopted by the City of Waynesville, inspected and approved prior to issuance of building permits.

**Lot Combinations:** The City Administrator or designated representative has the authority to approve lot combinations in which the configuration of the property is created by the assembly or combination of existing tracts of record under the following circumstances.

1. **Court Decree:** The configuration of the property was created by a court decree or other resulting from testamentary or intestate provisions, or
2. **Lot Combination-No Substantial Impact:** A lot combination upon a finding by the Building Official that the proposed lot combination does not substantially increase the potential for development or does not substantially increase demands on public infrastructure serving existing and proposed tracts, parcels or lots, and the following conditions are satisfied:

- a. The proposed lot combination is in compliance with all other provisions of planning and zoning commission and other ordinances and regulations of the City of Waynesville and no substandard tract, parcel or lot will be created, and
- b. The proposed lot combination will not create any tract, parcel or lot which does not meet the minimum lot standards of zoning district in which it is located
- c. The proposed lot combination shall not cause any construction over a public sanitary sewer line or sewer easement, and
- d. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered.

**Property Line Adjustment:** The City Administrator or designated representative has the authority to approve a property line adjustment under the following circumstances.

- a. The configuration of the property was created by a court decree or other resulting from testamentary or intestate provisions,
- b. Upon a finding by the Building Official that the proposed property line adjustment is in compliance with all other provisions of this section, the zoning ordinance and other ordinances and regulations of the City of Waynesville and no substandard tract, parcel or lot will be created, and that the property line adjustment does not cause any private sewer lateral serving any property to cross another property, and
  1. The property line adjustment is necessary to settle a property line dispute as determined by the Building Official, or
  2. The property line adjustment is necessary to correct an Encroachment of a structure on a property line as determined by the Building Official, or
  3. The property line adjustment is necessary to meet the minimum requirements of this section, the zoning ordinance or other applicable ordinances or regulations, or
  4. The property line adjustment is requested by both adjacent property owners to adjust their common property line provided the adjustment causes no encroachment of either driveway or other structure.

**Tract Certification:** The City Administrator or designated representative has the authority to approve a property description as a tract, parcel or lot of record under the following circumstances

- a. The property existed in its present configuration prior to its annexation into the City (or the date of the adoption of the present subdivision regulations)
- b. The subdivision was lawful under the existing ordinance when property was recorded.