

BILL NO. 23-48

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE
OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU,
MISSOURI, REGARDING R-4, MEDIUM DENSITY
MULTIFAMILY RESIDENTIAL DISTRICT

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

ARTICLE 1. Section 30-60, entitled "R-4, Medium Density
Multifamily Residential District", of Article III of Chapter 30
of the City Code, reading as follows:

Sec. 30-60. R-4, Medium Density Multifamily Residential District.

(a) *Purpose.* The R-4 district provides for multifamily dwellings
and other residential uses with a maximum density of 18 units
per one acre. Single-family detached and two-family (duplex)
dwellings are permitted in order to accommodate existing R-4
zoned lots that either contain such uses or are not large
enough to be developed for multifamily dwellings. It is not
intended for new single-family detached or two-family
subdivisions, which are prohibited.

(b) *Permitted principal uses.*

- (1) Single-family detached dwellings, with only one dwelling
per lot, and excluding new single-family detached
subdivisions.
- (2) Two-family (duplex) dwellings, excluding new two-family
subdivisions.
- (3) Multifamily dwellings.
- (4) Townhouses.
- (5) Cluster subdivisions, as permitted elsewhere in the city
Code.
- (6) Nursing homes, senior citizen housing and retirement
homes.
- (7) Noncommercial, not-for-profit residential neighborhood
facilities consisting of indoor and/or outdoor
recreational facilities, offices of property owners'
associations, and maintenance facilities operated by a
neighborhood or community organization or a property
owners' association.
- (8) Public parks, playgrounds, and recreational facilities.

(9) Police and fire stations.

(10) Elementary, middle and secondary schools, and development centers for elementary, middle and secondary school age children with physical, mental or developmental disabilities.

(11) Commercial day cares.

(c) *Permitted accessory uses.*

(1) Private garages, carports and accessory structures, as permitted in section 30-106.

(2) Home occupations, as permitted in section 30-108.

(3) Solar energy systems, as permitted in section 30-113.

(4) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.

(d) *Special uses.*

(1) Bed and breakfasts.

(2) Cemeteries, on a minimum of ten acres of land.

(3) Transitional housing.

(4) Wind energy conversion systems, as permitted in section 30-113.

(5) Residential treatment facilities.

(6) 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.

(7) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.

(e) *Height, area, bulk and setback regulations.*

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

(2) Minimum lot area:

a. Each townhouse must be on a separate platted lot consisting of at least 1,400 square feet.

b. All other uses: 3,750 square feet.

(3) Maximum density: 18 units per one acre. Higher densities may be approved with a cluster subdivision, as permitted elsewhere in the city Code.

(4) Minimum lot width:

a. Each townhouse: 20 feet.

- b. All other uses: None.
- (5) Minimum yard requirements:

- a. Front yard:
 - 1. Each townhouse: Ten feet.
 - 2. All other uses: 25 feet.
- b. Rear yard:
 - 1. Each townhouse: 20 feet.
 - 2. All other uses: 25 feet.
- c. Side yard:
 - 1. Each townhouse: None.
 - 2. All other uses: Five feet.

(6) Maximum building coverage, including accessory buildings: 50 percent of the lot for all uses except townhouses.

(7) Open space requirements. For any multifamily residential uses or nonresidential uses, a minimum of 20 percent of the total lot area shall be devoted to open space, including required yards and bufferyards.

(f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46. There shall be no parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

is hereby repealed in its entirety and a new Section 30-60, entitled "R-4, Medium Density Multifamily Residential District", of Article III of Chapter 30 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-60. R-4, Medium Density Multifamily Residential District.

(a) *Purpose.* The R-4 district provides for multifamily dwellings and other residential uses with a maximum density of 18 units per one acre. Single-family detached and two-family (duplex) dwellings are permitted in order to accommodate existing R-4 zoned lots that either contain such uses or are not large enough to be developed for multifamily dwellings. It is not intended for new single-family detached or two-family subdivisions, which are prohibited.

(b) *Permitted principal uses.*

- (1) Single-family detached dwellings, with only one dwelling per lot, and excluding new single-family detached subdivisions.
- (2) Two-family (duplex) dwellings, excluding new two-family subdivisions.
- (3) Multifamily dwellings.
- (4) Townhouses.
- (5) Cluster subdivisions, as permitted elsewhere in the city Code.
- (6) Nursing homes, senior citizen housing and retirement homes.
- (7) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and/or outdoor recreational facilities, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association.
- (8) Public parks, playgrounds, and recreational facilities.
- (9) Police and fire stations.
- (10) Elementary, middle and secondary schools, and development centers for elementary, middle and secondary school age children with physical, mental or developmental disabilities.
- (11) Commercial day cares.

(c) *Permitted accessory uses.*

- (1) Private garages, carports and accessory structures, as permitted in section 30-106.
- (2) Home occupations, as permitted in section 30-108.
- (3) Solar energy systems, as permitted in section 30-113.
- (4) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.

(d) *Special uses.*

- (1) Bed and breakfasts.
- (2) Boutique hotels. The term "boutique hotel" shall mean an establishment containing a minimum of five (5) and a maximum of twenty (20) rooming units, which is used or advertised as a place where lodging accommodations are supplied for pay to guests for lodging occupancy with rooms having access to the outside through an interior hallway connected to the main lobby of the building, and

which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

- (3) Cemeteries, on a minimum of ten acres of land.
 - (4) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.
 - (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) Residential treatment facilities.
 - (7) Transitional housing.
 - (8) Wind energy conversion systems, as permitted in section 30-113.
- (e) *Height, area, bulk and setback regulations.*
- (1) Maximum height: Five stories not to exceed 60 feet.
 - (2) Minimum lot area:
 - a. Each townhouse must be on a separate platted lot consisting of at least 1,400 square feet.
 - b. All other uses: 3,750 square feet.
 - (3) Maximum density: 18 units per one acre. Higher densities may be approved with a cluster subdivision, as permitted elsewhere in the city Code.
 - (4) Minimum lot width:
 - a. Each townhouse: 20 feet.
 - b. All other uses: None.
 - (5) Minimum yard requirements:
 - a. Front yard:
 - 1. Each townhouse: Ten feet.
 - 2. All other uses: 25 feet.
 - b. Rear yard:
 - 1. Each townhouse: 20 feet.
 - 2. All other uses: 25 feet.
 - c. Side yard:
 - 1. Each townhouse: None.
 - 2. All other uses: Five feet.
 - (6) Maximum building coverage, including accessory buildings: 50 percent of the lot for all uses except townhouses.

(7) Open space requirements. For any multifamily residential uses or nonresidential uses, a minimum of 20 percent of the total lot area shall be devoted to open space, including required yards and bufferyards.

(f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-46. There shall be no parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

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 _____, 2023.

Stacy Kinder, Mayor

ATTEST:

Gayle Conrad, City Clerk

