

Section 400.161. Mixed-Use Traditional Development District.
[R.O. 2007 §400.161; Ord. No. 4123 §3, 9-19-2000; Ord. No. 4673 §1, 6-14-2004; Ord. No. 4932 §§1–2, 12-14-2005; Ord. No. 4992 §§5–6, 4-14-2006; Ord. No. 5168 §3, 5-10-2007]

A. *Purpose.* The purpose and intent of the Mixed-Use Traditional Development District (MUTDD) is to encourage a variety of land uses in closer proximity to one another than would be permitted under the City's more conventional zoning districts and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are permitted to have a mixture of residential, office, commercial, cultural, entertainment, recreational and institutional uses under a single development plan, either within single structures or within multiple structures. It is the purpose of this district to encourage a diversification of uses and structures which promote innovative and energy-conscious design, efficient and effective circulation systems which minimize automobile travel, offer a variety of housing types, styles and price ranges, encourage the conservation of land resources, and locate employment and retail centers in close proximity to housing. This Mixed-Use Traditional Development District is intended to allow use flexibility and design flexibility and to encourage the following development standards:

1. Provide for an efficient use of land and public resources resulting in co-location of harmonious uses to share facilities and services in a logical network of utilities and streets;
2. Enhance the appearance of land through preservation of natural features, the provision of underground utilities and the provision of recreation areas and open space in excess of existing standards in other zoning districts;
3. Ensure a more rational and compatible relationship between residential and non-residential uses for the benefit of all;
4. Provide a range of residential, commercial, cultural and institutional land uses;
5. Offer a range of housing opportunities;
6. Establish a neighborhood identity and focus;
7. Provide safe and efficient neighborhood identity and focus;

8. Encourage concentrated land use patterns which decrease the length of automobile travel, allow trip consolidation and encourage pedestrian circulation between land uses;
 9. Increase and promote the use of pedestrian routes, bicycle routes, and the use of non-motorized vehicles;
 10. Use vertical or horizontal integration of residential and commercial uses;
 11. Design which provide for the compatible cohabitation of residential and non-residential uses;
 12. Permit flexible property development regulations;
 13. Utilize multiple-family homes to provide a transition area between commercial uses and adjacent residential development; and
 14. Apply certain development regulations to the entire district rather than to individual lots such as, but not limited to:
 - a. Access;
 - b. Parking;
 - c. Lot size and dimensions;
 - d. Lot frontage; and
 - e. Landscaping.
- B. *Permitted Uses.* The Mixed-Use Traditional Development District shall offer a mix of land uses in order to provide commercial services and employment opportunities for the residential population and surrounding areas. Commercial, residential, cultural, recreational and institutional uses shall be in accordance with the following listing of permitted uses:
1. *Residential land uses.* Single-family, multiple-family, senior citizens and apartment dwellings on moderate to small sized lots and, where appropriate, in conjunction with commercial and retail uses are permitted. This form of development permits higher overall densities than permitted under conventional suburban-type development, permits unique dwelling unit types, the size, width and height of which may be limited but only by consistency with the character of the development. This form of development permits and may require slightly smaller lots than permitted within other

zoning districts, higher maximum heights, as well as restricted maximum and minimum setbacks for single-family, multiple-family and apartment dwellings than permitted under other zoning districts. Based on the total acreage of any mixed-use development under a single development plan, the overall residential density of the entire development shall not exceed six (6) dwelling units per acre. However, the maximum density of the residential area within any mixed-use development under a single development plan shall not exceed twenty (20) dwelling units per acre.

2. *Institutional land uses.* Passive outdoor public recreational uses, active outdoor public recreational uses, indoor institutional uses, outdoor institutional uses, public service and utilities uses and institutional residential uses are permitted uses as described below:
 - a. *Passive outdoor public recreational uses.* Passive outdoor public recreational land uses including all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, nature areas, wildlife areas, hiking trails, bike trails, cross-country trails, horse trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, gardens, fishing areas and similar land uses.
 - b. *Active outdoor public recreational uses.* Active outdoor public recreational land uses including all recreational land uses located on public property which involve active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses and similar land uses.
 - c. *Indoor institutional uses.* Indoor institutional land uses include all indoor public and not-for-profit recreational facilities (such as gymnasiums, swimming pools, libraries, museums and community centers), public and private schools, churches, funeral homes, non-profit civic organizations, non-profit fraternal organizations, convention centers, conferencing centers, telecommunication learning centers and similar land uses.

- d. *Outdoor institutional uses.* Outdoor institutional land uses include privately held permanently protected green space areas, country clubs, non-public golf courses, public and/or private art and cultural displays both transient and permanent and similar land uses.
 - e. *Public service and utilities uses.* Public service and utilities land uses include all City, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities and similar land uses.
 - f. *Institutional residential uses.* Institutional residential land uses include group homes, convents, monasteries, senior citizen housing within assisted living or long-term/skilled nursing facilities, and similar land uses not considered to be community living arrangements.
3. *Commercial land uses.* Traditional commercial activities providing employment opportunity to residents of the City, and economic activity primarily to serve adjacent residential areas are permitted uses as described herein. Certain uses which would function more effectively in other districts and which would interfere with the operation of these business activities, adjacent residential areas or the purpose of this Mixed-Use Traditional Development District are excluded. As with residential uses within this district, this form of development permits and may require slightly smaller lots than permitted within other zoning districts, higher maximum heights, as well as restricted maximum and minimum setbacks different from those permitted under other zoning districts. This land use permits commercial uses identified as office, personal or professional service, indoor sales or service, indoor commercial entertainment, invehicle sales and service, outdoor display and sales, commercial animal boarding, commercial indoor lodging, group day care center (six (6) or more children) as described below:
- a. *Office.* Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

- b. *Personal or professional service.* Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include professional services, insurance services, realty offices, financial services, medical offices and clinics, banking and financial institutions, veterinary clinics, barber and beauty shops and related land uses.
- c. *Indoor sales or service.* Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats, artisan craft production, such as consumer ceramics, custom woodmaking, or other production activities directly associated with retail sales are permitted as accessory uses. Other accessory uses include display stands or service areas located outdoors, in limited space, immediately and only adjacent to the primary sales or service facility.
- d. *Indoor commercial entertainment.* Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks and pool halls. All commercial establishments which offer live entertainment shall be required to obtain a live entertainment business license per Chapter 635 of the Municipal Code.
- e. *In-vehicle sales and service.* In-vehicle sales and service land uses include all land uses which conduct sales and/or perform services to persons in vehicles or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up and drive-through facilities, vehicular fuel stations and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory

use. This use shall require approval of a conditional use permit. If this conditional use was not part of the approved area plan, it shall require review and approval of an amended area plan.

- f. *Outdoor display and sales.* Outdoor display and sales land uses are typically permitted only as an accessory use and include all land uses which conduct sales or display merchandise or equipment on a permanent basis outside of an enclosed building accessory to or incidental to a principal use on the lot, including patio seating for restaurants and/or outdoor kiosks. Outdoor display and sales shall be permitted as a primary use such as a farmer's market or similar type use with the approval of a conditional use permit. If this conditional use was not part of the approval area plan, it shall require review and approval of an amended area plan.
- g. *Commercial animal boarding.* Commercial animal boarding land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas and trails associated with such land uses are considered accessory to such land uses and do not require separate approval. This use shall require approval of a conditional use permit. If this conditional use was not part of the approval area plan, it shall require review and approval of an amended area plan.
- h. *Hotels.* Hotels, as such are defined in this Chapter and on-site facilities such as indoor recreational facilities for the exclusive use of the hotel's transient guests. Restaurants, arcades, fitness centers and other on-site facilities available to the general public are considered accessory uses.
- i. *Group day care center (six (6) or more children).* Group day care centers are land uses in which qualified persons provide child care services for six (6) or more children. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church,

school, business or civic organization. This use shall require approval of a conditional use permit. If this conditional use was not part of the approval area plan, it shall require review and approval of an amended area plan.

4. *Additional accessory uses.* Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. With the exception of a carriage house (see (a) and (b), below), in no instance shall an accessory use, cellar, basement, tent or trailer be used as a residence. In addition to the specific regulations below for individual accessory uses and structures, all such uses and structures shall conform with the following standards:
 - a. *Carriage house.* A carriage house means secondary dwelling or office unit located on the same lot as the principal single-family dwelling. Only carriage houses used as a secondary dwelling shall not be considered "dwelling units" for the purpose of calculating maximum allowable density for the Mixed-Use Traditional Development District. A carriage house may be an accessory dwelling that is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping or an accessory office.
 - (1) A carriage house used as a second (2nd) dwelling may include a garage alone, a garage and apartment or an apartment alone and shall comply with the following supplementary use standards:
 - (a) *Number of units.* A maximum of one (1) dwelling may be permitted as an accessory use to a single-family dwelling. The accessory dwelling may be attached to the principal dwelling unit or may be freestanding.
 - (b) *Floor area.* The accessory dwelling shall not exceed eight hundred (800) square feet floor area, except when located on a lot that is at least one (1) acre in size, in which case the dwelling shall not exceed one thousand (1,000) gross square feet floor area. The floor area calculation shall include only that area of the accessory dwelling under a solid roof.

- (c) *Additional floor area.* Floor area under a solid roof that is utilized as a porch, patio, porte cochere or carport shall not exceed five hundred (500) square feet and this area shall not be enclosed.
 - (d) *Number of bedrooms.* Accessory dwellings shall contain a maximum of one (1) bedroom.
 - (e) *Compatibility.* The accessory dwelling shall be architecturally compatible in character and materials and be subordinate in size to the principal dwelling unit.
 - (f) *No separate ownership.* The accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit and shall not be subdivided or sold as a condominium.
- (2) A carriage house used as an office unit may include a garage alone, a garage and apartment, or an apartment alone shall comply with home office use regulations as contained herein and shall comply with the following supplementary use standards:
- (a) *Number of units.* A maximum of one (1) office may be permitted as an accessory use to a carriage house.
 - (b) *Floor area.* The office unit shall not exceed eight hundred (800) gross square feet floor area, except when located on a lot that is at least one (1) acre in size, in which case the dwelling shall not exceed one thousand (1,000) gross square feet floor area. The floor area calculation shall include only that area of the accessory office under a solid roof.
 - (c) *Additional floor area.* Floor area under a solid roof that is utilized as a porch, patio, porte cochere, carport or garage shall not exceed five hundred (500) square feet and this area shall not be enclosed.
 - (d) *Compatibility.* The accessory office unit shall be architecturally compatible in character and

materials and be subordinate in size to the principal dwelling unit.

- (e) *Setbacks.* The accessory office unit shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
 - (f) *No separate ownership.* The accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit and shall not be subdivided or sold as a condominium.
- b. *On-site parking lot.* On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed and operable. Parking lots shall be designed in accordance with Article XII of the Zoning Code.
- c. *Private residential recreational facility.* This land use includes all active outdoor recreational facilities located on a private residential lot including basketball courts, tennis courts, swimming pools and recreation-type equipment. Facilities using night lighting of activity areas shall require approval of a conditional use permit. If this conditional use was not part of the approval area plan, it shall require review and approval of an amended area plan.
- d. *Company cafeteria.* A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets the State of Missouri and/or St. Charles County food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.
- e. *Company provided on-site recreation.* A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use and which is reserved solely for the use of company employees and their guests. Facilities using night lighting of activity areas shall require approval of a conditional use permit. If this conditional use was not part of the approval area plan, it shall require review and approval of an amended area plan.

- f. The collocation of wireless telecommunication antennas on existing wireless telecommunication support structures, disguised telecommunication facilities and mounted antenna telecommunication facilities.
- g. *Home occupations.* Home occupation means a business, profession, occupation, trade, artisan or hand craft conducted within a dwelling unit for gain or support by a resident of the dwelling unit pursuant to the limits of this Section. A home occupation use shall not include those businesses which are required by State agencies to be open to the public such as gun dealers. A home occupation use shall be subject to the following supplementary use standards:
 - (1) *Incidental nature.* The home occupation shall be clearly incidental and secondary to the residential use of the building and shall be confined to no more than ten percent (10%) of the total floor area of the dwelling.
 - (2) *Location.* A home occupation with the exception of outside instructional services shall be conducted within the principal dwelling or off-site and shall not be conducted within any accessory building or structure, other than as provided for carriage houses, or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
 - (3) *Character of dwelling.* The home occupation shall not change the essential residential character of the dwelling in terms of exterior appearance and interior space.
 - (4) *Employee.* Home occupations shall only be conducted by members of the immediate family residing in the dwelling unit. A maximum of one (1) person who is not a member of the immediate family may assist in the operation of the home occupations.
 - (5) *Business license.* Home occupations shall be operated pursuant to a valid business license for the use held by a resident of the dwelling.

- (6) *No advertising.* No external evidence or sign shall advertise, display or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio or newspapers.
- (7) *No on-premises sales.* A home occupation shall not involve the sale of any stock in trade, supplies, products or services on the premises, except for home instructional services.
- (8) *No outside storage.* No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling including driveways.
- (9) *Nuisances prohibited.* No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the home occupation audible at adjoining property lines.
- (10) *Violations or hazard.* If any of the above requirements are violated, or if the use, or any part thereof, is determined by the City to create a health or safety hazard, then the occupational license may be revoked.
- (11) *Vehicles.* One (1) business related vehicle per dwelling unit not over one (1) ton rated capacity may be parked at the home, providing all of the following conditions are met: vehicle is registered or licensed and operable; used by a resident of the premises; gross weight does not exceed ten thousand (10,000) pounds, including load; height does not exceed nine (9) feet, including any load, bed or box; and total vehicle length does not exceed twenty-six (26) feet; the vehicle has no permanent signage related to the home occupation contained anywhere on the vehicle; and the vehicle is not construction equipment (such as a backhoe, bulldozer, forklift, etc.).
- (12) *Temporary uses.*

- (a) *Contractor's project office.* Includes any structure containing an on-site construction management office for an active construction project;
- (b) *Contractor's on-site equipment storage facility.* Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project; and
- (c) *On-site real estate sales office.* Includes any building which serves as an on-site office for a development project.

C. *Development Procedures And Standards.*

1. *Rezoning to the Mixed-Use Traditional Development District.* A petition may be submitted for rezoning to the Mixed-Use Traditional Development District in conjunction with an application for area plan approval or prior to area plan submittal. However, with the exception of grading, no development may take place on a site rezoned to the Mixed-Use Traditional Development District until both an area plan and final plan have been approved by the City Council.
2. *Minimum lot area.* The minimum land area to be developed under any single development plan shall be five (5) acres.
3. *Required mix of uses.* All mixed-use developments shall be designed and developed to provide an appropriate interrelationship between the residential and non-residential uses within the development area in accordance with the following requirements:
 - a. A minimum of twenty percent (20%) of the land area within any mixed-use development under a single development plan shall be devoted to residential use. A minimum of twenty percent (20%) of the land area within any mixed-use development under a single development plan shall be devoted to non-residential development. The remaining development area may go to either residential or non-residential use, up to a maximum of eighty percent (80%). These percentages shall be calculated using the square feet of gross land area devoted to each the residential and non-residential uses, minus the area devoted to public right-of-way. The percentage of land area devoted to buildings with combined residential and

non-residential uses shall be permitted to be calculated towards either the percentage of land area devoted to residential or non-residential use in order to meet this requirement.

- b. Residential land uses in an institutional setting, such as group homes, convalescent homes, rehabilitation centers, limited care facilities, senior citizen housing within assisted living or long-term/skilled nursing facilities, convents, monasteries and similar land uses, shall not be permitted to be calculated towards the minimum twenty percent (20%) land area requirement for residential or non-residential uses outlined above.
4. *Residential density.* Based on the total acreage of any mixed-use development under a single development plan, the overall residential density of the entire development shall not exceed six (6) dwelling units per acre. However, the maximum density of any exclusively residential area within any mixed-use development under a single development plan shall not exceed twenty (20) dwelling units per acre.
5. *Maximum building heights.* No building or structure should exceed fifty (50) feet or three (3) stories. The Planning and Zoning Commission and City Council may allow additional height to a maximum of six (6) stories when it is determined:
[Ord. No. 6023 §2, 8-28-2014]
 - a. The building heights are in appropriate scale to their surroundings both internal and external to the site.
 - b. Building design and orientation effectively preserve clearly identified significant view corridors from and through the development site.
 - c. The applicable fire protection district can provide the necessary emergency fire protection and emergency access.
 - d. The building height will not interfere with St. Charles County's emergency microwave communications system. For purposes of this Subsection, the lack of interference may be shown by submitting a letter from or written findings of the St. Charles County Emergency Communications System Manager after review of the site and building plans.

6. *Off-street parking and loading.* The minimum off-street parking and loading requirements for any use or building in the Mixed-Use Traditional Development District shall not be reduced below that required per Article XII of the Zoning Code for the same use or building in any other zoning district.
7. *Standards for review of the area plan.* The area plan shall be reviewed on the basis of whether or not it is meeting the purposes and intent of the Mixed-Use Traditional Development District including: A balanced land use mix, which develops neighborhoods; treats edged areas as a network of connecting open-spaced corridors; provides a pedestrian orientation in scale within the neighborhoods at a human scale; offers connections between the neighborhoods, residences, shopping, employment and recreational uses so that they are connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes and driveways and local streets; creates neighborhoods where there is mixed use (residential and non-residential uses), buildings having vertical integration and encouraging by design the cloistering of living, working, recreation, open space, shopping and civic uses; and offers a range of housing so that people of different social and economic backgrounds may live in the same neighborhood, including a range of housing types such as single-family detached, town house, multiple-family and accessory structures.
 - a. The area plan for the Mixed-Use Traditional Development District shall show a design for a circulation system based upon a hierarchy of transportation methods. The hierarchy shall attempt to consider pedestrians as the most important followed by cyclists, non-motorized vehicles and then automobiles. This system shall be designed to connect and provide access between different land uses within each neighborhood and the surrounding areas by providing pedestrian and bicycle linkages including, but not limited to, walking paths, sidewalks and bike trails or bike lanes. Parking areas shall be designed to encourage the pedestrian nature of the development. The area plan shall provide facilities for seating, bicycle parking, etc., to encourage non-vehicular on-site circulation.
 - b. As part of the area plan submittal a general summary of the proposed development standards including architectural guidelines for each land use within the

development shall be provided. At the time of final plan approval, detailed information including the covenants and restrictions on the development standards and architectural controls shall be provided. Such standards and controls shall be consistent with the concepts of Mixed-Use Traditional Development District as outlined within this Section.

c. *Public hearing notification and sign posting requirements.* The Area Plan shall be subject to the Public Hearing Notification and Sign Posting Requirements established in Section 400.685 of the Zoning Code.

8. *Standards for review of the final plan.* The area plan shall be followed by the final plan(s). The final plan(s) shall be submitted in accordance with the requirements of Article V—Planned Developments of the Zoning Code. The final plan(s) shall be subject to the public hearing notification and sign posting requirements established in Section 400.685 of the Zoning Code.

D. *Conditional Uses.* The following conditional use procedures and standards apply to all conditional uses identified under Subsection (B) hereof. The purpose of these provisions, modeled on and adopting certain of the provisions of Article VII of Chapter 400 of the City of O'Fallon Zoning Code relating to conditional uses, is to facilitate site planning and community planning within the Mixed- Use Traditional Development District. These procedures and standards are intended to achieve the objectives of the Mixed-Use Traditional Development District and safeguard the present and future use and development of the Mixed-Use Traditional Development District while promoting and protecting the public health, safety and welfare of the City.

1. In addition to those conditional uses identified under Subsection (B) hereof, conditional uses, as defined herein, are those types of uses, not identified on the area plan or the amended area plan, which are considered by the City to be essentially desirable and necessary, or convenient to the community, but which by their natures or in their operation:

a. Adjoin too closely to a permitted use within the Mixed-Use Traditional Development District such that the conditional use could have a detrimental impact on the value or potential development of the adjacent properties;
or

- b. Have a tendency to generate excessive traffic; or
 - c. Have a potential for attracting a large number of persons to the Mixed-Use Traditional Development District, thus creating noise or other pollutants; or
 - d. Have an extraordinary potential for accidents or danger to public health or safety.
2. *Remaining provisions apply.* The provisions of Sections 400.305, 400.310, 400.320 and 400.330 for conditional uses under Article VII of the Zoning Code, shall be applied with the same force and effect for the application and approval process for conditional uses in this Mixed-Use Traditional Development District.
3. *Action by the Planning and Zoning Commission and the City Council.* Upon receiving the application for conditional use permit from the Planning and Zoning Commission, the City Council shall publish notice and hold public hearings on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in Article XVI of the Zoning Code. The decision to recommend approval or denial of the proposed conditional use shall be based on the following criteria:
- a. The proposed conditional use complies with all applicable provisions in place for the area plan of the Mixed-Use Traditional Development District.
 - b. The proposed conditional use at the specified location will contribute to and promote the welfare and convenience of the public.
 - c. The proposed conditional use will not cause substantial injury to the value of other property in the area in which it is to be located.
 - d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not prevent development and use of property within the Mixed-Use Traditional Development District in accordance with uses identified in Subsection (B) hereof.

- e. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 - f. Adequate access, entrance and exit drives will be provided and shall be designed to prevent traffic hazards and to minimize traffic congestion and parking congestion in the area.
 - g. The proposed conditional use complies with all the applicable provisions of Section 400.330 (additional development requirements of certain conditional uses).
 - h. In consideration of requests for any conditional use permit, the Planning and Zoning Commission and City Council shall require such conditions of use, not inconsistent with the approved area plan and the trust indentures/covenants/deed restrictions for the area, as deemed necessary to protect the best interests of the City and the surrounding property and to achieve the objectives of this Mixed-Use Traditional Development District. If this conditional use was not part of the approved area plan, it shall require review and approval of an amended area plan.
4. *Additional development requirements of enumerated conditional uses.*
- a. *In-vehicle sales and services.* This conditional use shall not be permitted in exclusively residential areas within the Mixed-Use Traditional Development District and as identified in the approved area plan. This conditional use shall not be permitted within an area designated as a village center or exclusively residential area on the approved area plan. If this conditional use was not part of the approved area plan, it shall require review and approval of an amended area plan.
 - b. *Commercial animal boarding.* This conditional use shall not be permitted in exclusively residential areas within the Mixed-Use Traditional Development District as identified in the approved area plan. If this conditional use was not part of the approved area plan, it shall require review and approval of an amended area plan.
 - c. *Group day care center (six (6) or more children).* This conditional use shall not be permitted in exclusively residential areas within the Mixed-Use Traditional

Development District as identified in the approved area plan. If this conditional use was not part of the approved area plan, it shall require review and approval of an amended area plan.

- d. *Night lighting of private residential recreational facility.* Any approval for night lighting of activities as an accessory use for private residential recreational facilities within the Mixed-Use Traditional Development District shall require a conditional use permit and be conditioned on:

- (1) That the height of the night lighting not exceed the height of the primary residential unit on the residential lot; and
- (2) That the primary beam of lighting be permanently directed away from sight from other residences and completely comply with the City's exterior lighting standards.
- (3) If this conditional use was not part of the approved area plan, it shall require review and approval of an amended area plan.

- e. *Night lighting of company provided on-site recreation.* Any approval for night lighting of activities as an accessory use for company provided on-site recreation within the Mixed-Use Traditional Development District shall require a conditional use permit and be conditioned on:

- (1) That the height of the night lighting not exceed thirty (30) feet;
- (2) That the primary beam of lighting be permanently directed away from sight from residences and will completely comply with the City's exterior lighting standards;
- (3) That the activity for which nighttime lighting is used shall be limited to company uses and shall not be allowed within exclusively residential areas.
- (4) If this conditional use was not part of the approved area plan, it shall require review and approval of an amended area plan.

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- f. Wireless telecommunication facilities that include new or modified wireless telecommunication support structures.