

**ORDINANCE NO. 2211**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI; PROVIDING FOR PREFABRICATED STRUCTURES AND SHIPPING CONTAINER STRUCTURES AS CONDITIONAL USES IN THE C-3, RETAIL COMMERCIAL DISTRICT; AND ENACTING REGULATIONS PERTAINING THERETO.**

**WHEREAS**, the Planning and Zoning Commission of the City of Dardenne Prairie, Missouri (the “City”), did consider and recommend against certain amendments to Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for prefabricated structures and shipping container structures as conditional uses in the C-3, Retail Commercial District; and

**WHEREAS**, after publishing notice, the Board of Aldermen of the City (the “Board of Aldermen”) and the Planning and Zoning Commission of the City did hold duly advertised public hearings on the proposed amendments to the City’s zoning regulations; and

**WHEREAS**, at these public hearings all interested persons and residents were given an opportunity to be heard on the proposed amendments; and

**WHEREAS**, the Board of Aldermen hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to provide for certain amendments to Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for prefabricated structures and shipping container structures as conditional uses in the C-3, Retail Commercial District;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by adding thereto the following defined terms:

**PREFABRICATED BUILDING**

A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for commercial, educational, or industrial purposes. Prefabricated buildings include shipping container structures, but do not include structures defined as manufactured or mobile homes or constructed with an integral chassis and attached wheels.

## **SHIPPING CONTAINER**

A portable storage container designed and manufactured according to specifications from the International Standards Organization (ISO) as a standard, reusable vessel intended to be loaded on a truck, rail car or ship, used primarily for shipping goods.

## **SHIPPING CONTAINER STRUCTURE**

A structure constructed of one (1) or more shipping containers.

**SECTION 2.** That Subsection (C) of Section 405.195 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby deleted in its entirety and enacted, in lieu thereof, is a new Subsection (C) of Section 405.195, which shall read as follows:

### **Section 405.195 “C-3” Retail Commercial District.**

...

- C. Conditional Uses.
  - 1. Accessory dwelling units, provided that no more than one (1) accessory dwelling unit shall be permitted per lot.
  - 2. Alcoholic beverages (liquor, beer and wine), retail.
  - 3. Automobile and other motor vehicles, fuel sales (without repair services).
  - 4. Automobile and other motor vehicles, drive-through oil-change facilities.
  - 5. Automobile and other motor vehicles, parts and equipment sales, retail.
  - 6. Automobiles and other passenger vehicles, rental services.
  - 7. Banks, savings and loans, and credit unions with drive-through facilities (does not include check-cashing, payday loans and similar facilities).
  - 8. Banquet hall and party centers.
  - 9. Bars, pubs, nightclubs and taverns.
  - 10. Bowling alleys.
  - 11. Car washes (excluding semi-trailer trucks).
  - 12. Commercial recreation not elsewhere listed, provided all buildings are two hundred (200) feet from a "R" District.
  - 13. Convenience stores (with fuel sales).
  - 14. Drive-through facilities (restaurants, pharmacy, grocery, etc.).
  - 15. Electronic entertainment and communication products, repair.
  - 16. Farmers markets.
  - 17. Farms (roadside stands), retail.
  - 18. Garden centers, greenhouses (commercial) and nurseries, retail only.
  - 19. Gun shops and gunsmiths.
  - 20. Hotels, motels, extended-stay hotels.
  - 21. Health and fitness clubs.
  - 22. Microbreweries within restaurants and do-it-yourself beer- and wine-making stores.
  - 23. Mobile Vending Business Eating and Drinking Garden
  - 24. Outdoor storage or display in connection with, and accessory to, a permitted retail use on the site. Material, product, inventory, goods and/or equipment not displayed

for sale or lease on the site may be permitted in the side and/or rear yard, provided items are screened or enclosed by a masonry wall, sight-proof fence or equivalent landscape hedge not less than six (6) feet in height. Outdoor display of merchandise and goods for lease or sale at retail may be approved without screening subject to any conditions of the conditional use permit.

25. Pet stores.
26. Pool and billiard halls.
27. **Prefabricated buildings.**
28. Secondhand merchandise (including consignment, but not including pawnshops), retail.
29. Sign manufacturing conducted in conjunction with retail sales of signs on the premises. Outdoor storage of any material, product, inventory, goods and/or equipment is prohibited.
30. Wholesale establishment or warehouse in a completely enclosed building.
31. Wireless support structures and wireless facilities.
32. Accessory uses customarily incident to any conditional uses in this Section.
33. Veterinarian.

**SECTION 3.** That Article V of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri be and is hereby amended by enacting a new Section 405.437, to read, as follows:

#### **405.437 Prefabricated Structures**

- A. Prefabricated structures are only permitted within the “C-3” Retail Commercial District pursuant to a conditional use permit. The use of prefabricated structures is discouraged, and should only be permitted as a conditional use permit upon demonstration by the applicant that such use is compatible and complimentary to adjacent buildings and structures, will not negatively impact the property values of adjacent properties, and is consistent with the comprehensive plan.
- B. No prefabricated structure may be used for residential purposes.
- C. Prefabricated structures may be used for commercial retail purposes from which any goods, wares, flowers, horticultural products, food, drink or similar items may be sold.
- D. Permit Required.
  1. A building permit is required prior to permanent placement of a prefabricated structure ensuring effective anchoring/foundation/placement on a permanent foundation according to the Building Code.
  2. Prefabricated structures shall meet all the zoning requirements of the underlying zoning district, including placement, fencing, and screening, shall have functioning utilities commensurate with their usage and be included in the calculation of overall lot coverage.
  3. Prior to any construction or placing of any prefabricated structure on the building site, the fabricator of such building shall be required to submit to

the Zoning Administrator a certification that the building or dwelling was assembled as per the approved plans and specifications.

4. Shipping Container structures shall be certified by a Missouri licensed professional engineer as structurally sound, shall be fully compliant with Chapter 500, and shall be a permanent structure.

- E. Appearance And Maintenance. Any prefabricated structure must be designed to have color, scale and proportions compatible and complimentary to adjacent structures and developments. Any prefabricated structure must be a minimum of 1,280 total square feet, but must not exceed a maximum of 3,200 total square feet. Graffiti, words, murals or logos are not allowed. Shipping container structures shall be painted or treated so as to prevent rust.

**SECTION 4. Savings Clause:** Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

**SECTION 5. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 6. Effective Date:** This Ordinance shall be in full force and take effect from and after its final passage and approval.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS.]

Read the first (1<sup>st</sup>) time this 21<sup>st</sup> day of September, 2022.

John W. Gotsman  
As Presiding Officer and as Mayor

Attest:

Kim Clark  
City Clerk

Read the second (2<sup>nd</sup>) time and passed this 5<sup>th</sup> day of October, 2022.

John W. Gotsman  
As Presiding Officer and as Mayor

Attest:

Kim Clark  
City Clerk