

Exhibit C to Zoning Ordinance Change Petition

Summary of Proposed Restrictions

1. In the event any aspects of the proposed site plans are inconsistent with the requirements for property zoned C-1 with a Neighborhood Commercial Overlay, Petitioner respectfully requests that such requirements be waived as to this Neighborhood Commercial Overlay zone.
2. The following uses shall be expressly permitted with this C-1/Neighborhood Commercial Overlay zone:
 - (a) Bakery for the production and sale at wholesale and retail of bakery goods provided that no less than 25% of the gross floor area of the space is utilized exclusively for retail sales on the premises.
 - (b) Massage therapist providing the business produces proof of education and state licensing for all employed practitioners.
 - (c) Business offices.
 - (d) Professional offices including consultation and treatment rooms and related indoor facilities and equipment.
 - (e) Parking lots and multiple-level parking facilities as accessory uses to an existing or proposed adjacent use which is allowed by right or by special use exception in the C-1 District on the same property as the primary use or as part of an approved multiple parcel master development in which the parking use is shared by multiple primary uses when conforming to the standards and requirements specified in article XIV and article XV of the Zoning Ordinance of the City of Ballwin (the "Zoning Ordinance").
 - (f) Store for the indoor display and sale of new merchandise, including wholesale and retail sales and including the service and assembly thereof unless otherwise limited, controlled or permitted by the ordinances of the City of Ballwin.
 - (g) Usual accessory uses and buildings incident to the above uses.
 - (h) Store for the sale of new books, music and other communications media, including the sale of used communications media, but excluding the sale of any obscene material or material infringing upon copyrights or trade marks. The sale of used materials cannot exceed 25 percent of the gross floor area or 25 percent of the annual gross receipts of the business. The business shall provide proof of compliance with this requirement at the time of the annual business license renewal.
 - (i) Establishments for the sale of lottery tickets as permitted by the laws of the State of Missouri, provided that it is only in conjunction with the operation of a commercial business at retail permitted in this district.
 - (j) Banks, Savings and Loan Associations, short term loan establishments and other financial businesses that are regulated by the Missouri Division of Finance subject to the following regulations:
 - (i) Such facilities shall provide and utilize digital video and audio surveillance equipment that observes all interior portions of the unit that are accessible or visible to the general public, all private offices and all exterior perimeters of the building or site including parking lots, alleys, service areas, all exterior windows and doors and similar spaces. Such equipment shall operate 24 hours a day seven days a week and shall be connected to a recording device(s) that permanently retain the recorded data for at least 30 days before

the data is erased or recorded over. Such recording devices must be able to have the data down loaded to another device for long term permanent storage as needed.

- (ii) Such facilities shall be designed to have their public lobby areas fully visible from the adjoining parking lots. No interior or exterior improvements, window tintings and treatment, draperies, blinds, signage, landscaping or other devices shall be utilized to block such visibility.
 - (iii) Such facilities shall provide a vault or safe to protect cash or other liquid assets. Such vault or safe shall have a UL rating of TRTL-15 or better. Such safe or vault shall be installed in such a manner that the area near the safe/vault shall be visible from the parking lot and the surveillance system.
 - (iv) Such facilities shall be equipped with an interior illumination system shall be installed that fully illuminates the area around the vault or safe during all times of darkness.
 - (v) Such facilities shall be equipped with an alarm system that monitors all exterior doors and windows, cash drawers and the vault/safe. The system shall include "hold up" alarm/panic buttons at all teller and manager positions that promptly notify the police department when activated. Such an alarm system must be installed and operated in accordance with the established standards and requirements of the City of Ballwin for such equipment. Such systems shall be tested monthly and a record of such tests maintained on the premises for review.
- (k) Outdoor storage, sales and display only of plants and landscaping materials in the C-1 District provided that any structures shall be no less than 100 feet from all adjoining properties with a residential use or zoning classification.
- (l) Storage, display and/or sale of residential lawn and gardening supplies, materials, fixtures, equipment and similar residential lawn and garden items not kept within a completely enclosed building in the C-1 commercial district, but not including building and construction materials or supplies, fixtures or equipment having a design, quantity or nature for commercial or business purposes.
- (m) Shop where food is served for consumption on the premises on which prepared or to be consumed at a place other than on the premises on which prepared. If the use described herein is to be placed on a site that has been previously approved pursuant to the special use exception site development plan approval process and no changes to the exterior footprint of the building or the approved site development plan are proposed, this special use exception requirement does not apply and the special use exception does not have to be obtained. For the purposes of this ordinance, consumption on the premises on which prepared shall mean and include consumption in an exterior garden or sidewalk type dining area, provided, however that such exterior dining area is accessible to the building in which the food is prepared, is controlled by the business preparing the food and does not interfere with the intended use of the area occupied by such dining.
- (n) Temporary mobile diagnostic or medical treatment equipment for a period in excess of 3 days per calendar year in the C-1 and C-3 districts, provided that:
- (i) Such facility is not used for the treatment of persons having contagious or infectious diseases; and
 - (ii) Offstreet parking and loading facilities shall be provided upon the lot or tract adequate to accommodate employees and visitors; and

- (iii) Except in emergencies declared by the mayor of the City of Ballwin, no mobile diagnostic or medical treatment equipment shall be allowed on the permitted location more than three days per week or more than 15 days per calendar month; and
- (iv) Proper and adequate facilities are provided for the disposal of waste, trash or garbage generated at the facility; and
- (v) Each special use exception shall be for a definite period, not to exceed one year, unless extended by approval of the board of aldermen at a meeting of the board of aldermen on such conditions as determined to be in the public interest.

3. In addition to use restrictions applicable pursuant to the City of Ballwin's zoning ordinances, the following uses shall be prohibited:

- (a) any use which would constitute a public or private nuisance;
- (b) any use which would generate sound or noise that is objectionable due to intermittence, beat, frequency, shrillness or loudness, which sound or noise is audible outside of the Property where such use is located;
- (c) any use which generates an obnoxious odor;
- (d) any use which generates or uses excessive quantities of dust, dirt, or fly ash; provided however, this prohibition shall not preclude the sale of soils, fertilizers, or other garden materials or building materials packaged off-site in sealed containers if incidental to the operation of a home improvement or general merchandise store;
- (e) any use involving distillation, refining, smelting, agriculture, mining, drilling, boring or hazardous materials manufacturing, processing or disposal operations on or about the Property;
- (f) any use involving the dumping of garbage or refuse (other than in enclosed receptacles intended for such purpose), or any land fill, incineration or reduction of garbage;
- (g) any use for the sale of new or used motor-driven vehicles by a factory-franchised dealer, including the outdoor display thereof;
- (h) any use for the sale of new or used recreational trailers, including the outdoor display thereof;
- (i) any use as a cemetery, mortuary or similar service establishment;
- (j) any use as a location for a fire sale, flea market, bankruptcy sale (unless pursuant to a court order), auction operation or as a retail store for "buyout" or "liquidation" merchandise;
- (k) any use for automobile, truck, trailer, or recreational vehicle sales or repair;
- (l) any use for a bar, tavern or liquor store as a primary use (excepting stores whose primary use is the selling of wines);
- (m) any use as a pawn shop, a payday loan shop or short term loan shop;
- (n) any use for a "sexually oriented business" as that term is defined in Section 67.2540(7) RSMo Supp. 2005, adult entertainment, an adult bookstore or any other business engaged in the exhibition, sale or rental of sexually oriented movies, books, novelties, and other such items.