

**FOR CORRECT PRICING – SEE PRICE LIST AT THE END OF THE DOCUMENT.
ZONING**

Section 1.1. Title.

This article shall be known and may be cited as the Zoning Ordinance.

Section 1.2. Purpose.

The zoning regulations and districts as set forth in this ordinance have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 1.3. Authority.

The provisions of this ordinance are adopted under authority granted by Chapter 89 of the Revised Statutes of the State of Missouri.

Section 1.4. Territorial applicability.

The provisions of this ordinance shall be applicable not only within the corporate limits of the City, but also within the territory beyond such corporate limits as now or hereafter fixed, by the Statutes of the State of Missouri.

Section 1.5. Application of regulations.

1. The regulations set forth in this ordinance shall affect all land, every building and every use of land and/or buildings and shall apply as follows:
 - A. New uses or construction. All new construction or use of land shall conform with the use and dimensional requirements for the district in which it is to be located.
 - B. Conforming uses or structures. Land or structures, or the uses of land or structures which conform with the regulations for the district in which it is located may be continued: Provided, that any structural alteration or change in use shall conform with the regulations herein specified.
 - C. Nonconforming uses or structures. All land or structures, or uses of land or structures which would be prohibited under the regulation for the district in which it is located shall be nonconforming as defined in Section 1.6.

Section 1.6. Nonconformities.

1. Definition. A "nonconformity" is any use, building, structure, or lot which lawfully fails to comply with one or more of the applicable regulations or standards of this ordinance. A nonconformity is also any use, building, structure or lot which was lawfully constructed, altered or otherwise created under applicable local zoning ordinances but which was subsequently rendered nonconforming due to circumstances that were not self-created.
2. Extension of use. Nonconformities shall not be enlarged or extended in any way except as provided in Section 1.7.
3. Change of use. Nonconforming uses may be changed to a conforming use by first securing the proper approvals and permits which would have been required in the first instance for the intended or resulting use, building, structure or lot.
4. Continuation, maintenance and minor repair. The continuation and normal maintenance and repair of a nonconformity is permitted provided it does not extend the nonconforming use. Maintenance and minor repair means:
 - A. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
 - B. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses; or
 - C. Signs without changing the exterior message.

Repairs which are required by public safety because of unsafe conditions are permitted.

5. Damage or destruction. If a building or land area, occupied by a nonconforming use, or a nonconforming building is destroyed by any means to an extent of more than fifty (50) per cent of its replacement costs at the time of destruction, such use shall not be restored for any nonconforming use.
6. Cessation. If the active operation of a nonconforming use is discontinued for a period of sixty (60) days, such nonconforming use shall thereafter be occupied and used only for a conforming use. If a nonconforming use is reused or reoccupied within a shorter period of time, the nonconformity may continue so long as the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconformity became unused or unoccupied.
7. Mobile homes. The regulations set forth below provide the conditions under which the nonconforming use of a mobile home may be continued:
 - A. If the mobile home was located on its property on October 31, 1985, the mobile home may be altered, enlarged, maintained, repaired, replaced or conveyed in the same manner as if a mobile home were a permitted use in the C-1 Commercial District. However, if the

placement of a mobile home is discontinued for a period of seven (7) days, such nonconforming use shall thereafter be occupied and used for conforming uses only.

Section 1.7. Special uses for nonconformities.

1. Intent. The intent of this ordinance is to allow the continuation of any nonconformity and the normal maintenance and repair thereof, but to require any expansion, major repair, alteration or change of a nonconformity to obtain a special use permit to determine whether it will substantially injure the value of abutting, adjoining and neighboring properties. All nonconformities relating to signs shall be considered by the Zoning Board of Adjustment
2. Special use procedure. Unless expressly provided otherwise by this ordinance, the altering, expanding, changing or major repair of a nonconformity is only allowed pursuant to a special use permit issued by the Board of Aldermen. The terms "altering, expanding and changing" shall be liberally construed. The procedures shall be as follows:
 - A. Application. An application shall be filed with the City Clerk and shall contain a site plan drawn to scale, which shall show all adjacent property owners, roads, and other natural boundaries and shall also contain a statement of the compatibility of the proposed special use with adjacent properties and the neighborhood and such other information as may be pertinent or required by the Planning and Zoning Commission or appropriate action by the Board of Aldermen;
 - B. Application fee. A fee of One Hundred Fifty Dollars (\$150.00) shall be paid to the City for each application for special use permit to cover the costs of advertising and other administrative expenses involved;
 - C. Action by the Board of Aldermen.
 - (a) Board of Aldermen considerations. The Board of Aldermen shall consider special uses for nonconformities proposed by applicants only at meetings of the Board of Aldermen during the months of February, May, August and November. No nonconforming use may be changed to another nonconforming use unless, the Board of Aldermen finds that the proposed use will have no greater, adverse effect on surrounding property than does the existing use.
 - (b) Notice and public hearing. No special use shall be adopted by the Board of Aldermen until after public notice and hearing. A notice of such public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper published the first time not less than fifteen (15) days prior to the date fixed for such hearing.
 - (c) Notice to adjoining property owners. Prior to the public hearing the applicant shall notify all property owners within two hundred (200) feet and adjacent to all sides and the property across the street from the proposed special uses. This notification shall be prepared on forms furnished by the City and shall be delivered by registered or certified mail and shall indicate the time, date and place of the hearing and the proposed expansion, major repair, alteration or change of the nonconforming use.
 - (d) No application covering the same special use will be considered until after a lapse of twelve (12) months from the date of denial or withdrawal of the application. Similarly, when an application for a special use has been approved by the Board of Aldermen, no application for the same special use will be considered until a lapse of twelve (12) months from the date of approval. This twelve-month provision may be waived for good causes shown by a three-fourth (3/4) vote of the entire council.
3. After holding a public hearing, the Board of Aldermen may take action on the application and in so doing shall consider the evidence for a proposed alteration, expansion or change of the nonconformity and to determine if such nonconformity will substantially injure the value of abutting, adjoining and neighboring properties. The Board of Aldermen shall consider all relevant factors and shall determine in its judgement that adequate provisions and arrangements have been made or will be made concerning the following:
 - A. Access roads or entrance or exit drives with respect to such matters as automotive and pedestrian safety and convenience, traffic flow and control and access in the case of fire or other emergency; and
 - B. Off-street parking, loading areas, refuse collectors and other service areas with respect to their impact on automotive and pedestrian safety, convenience and traffic flow, economic, noise, glare, odor and other impacts on adjoining properties; and
 - C. Utilities, water, sewerage, schools, fire and police protection and other necessary public and private services and facilities with respect to their location, availability and compatibility; and
 - D. Landscaping, screening and fencing with respect to the effectiveness of their type, dimensions and character in minimizing the economic, noise, glare, odor and other impacts on and harmonizing the nonconformity with adjoining properties and properties in the general neighborhood; and
 - E. The type, size and intensity of the proposed special use, including such considerations as storage of items and arrangement, the size of the site and the location of the use upon it and the house of operation and members of people who are likely to utilize or be attached to the use, with respect to the impact upon adjoining properties or properties within the general neighborhood and the purposes of the use district; and
 - F. Changes in surface drainage characteristics with respect to erosion, siltation, pollution, flooding or the detrimental effects both on the site and other properties; and
 - G. Nonconforming uses in residential districts may erect non-illuminated wall signs only.
 - H. The Board of Aldermen may impose any other conditions, safeguards and procedures as it deems necessary to mitigate any potential hazards or problems or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of adjacent and neighboring owners and the public.
4. If the Board of Aldermen permits a nonconforming use to expand, such expansion shall not exceed twenty-five (25) percent of the area of the existing use.
5. In determining if the application will have a substantial injurious impact, the Board of Aldermen shall consider:

- A. The possible detriment or benefit to the owner of the nonconformity resulting from refusing to issue the permit, from issuing it but requiring, either wholly or partially, that the nonconformity be brought into compliance, or from issuing it as requested; and
 - B. The possible detriment or benefit to the owners of adjacent and neighboring properties from refusing to issue permit, from issuing it but requiring, either wholly or partially, that the nonconformity be brought into compliance, or from issuing it as requested; and
 - C. The possible detriment or benefit to the public from refusing to issue the permit, from issuing it but requiring, either wholly or partially, that the nonconformity be brought into compliance, or from issuing it as requested.
6. In acting upon an application for a special use permit the Board of Aldermen cannot order the discontinuance or termination of a nonconformity. If an application is denied, the continuation of the nonconformity and the maintenance and minor repair thereof will still be allowed.

Section 1.8. Newly incorporated areas.

All territory which may hereafter be included within the zoning jurisdiction of the City shall after the proper hearings, be placed in the R-2 Residential District until otherwise classified by the Board of Aldermen.

Section 1.9. One principal building permitted on one lot.

No lot shall be occupied by more than one (1) principal building. No part of a yard, court or other open space provided about any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building or structure.

Section 1.10. Reduction of lot and yard areas prohibited.

No yard or lot existing on October 31, 1985, shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after October 31, 1985, shall meet at least the minimum requirements established by this ordinance.

Section 1.11. Lots of records

Where the owner of a lot on October 31, 1985, or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in a district in which residences are permitted: Provided, that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this ordinance. In any case where the lot area and lot width are more than twenty (20) per cent below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized, and may approve, upon proper application, as a special exception such dimensions as shall conform as closely as possible to the required dimensions.

Section 1.12. Interpretation of district boundaries.

- 1. When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
 - A. Delineation. District boundary lines are intended to be along or parallel to property lines, lot lines, the center line of streets, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.
 - B. Official zoning map. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the official zoning map.
 - C. Zoning Board of Adjustment. When the street or property layout existing on the ground is at variance with that shown on the official zoning map, the Zoning Board of Adjustment shall interpret the district boundaries of this ordinance.

Section 1.13. Interpretation of district regulations.

- 1. Regulations for each district shall be enforced and interpreted according to the following rules:
 - A. Permitted uses. Uses not designated as permitted uses shall be prohibited; except that special or conditional uses are permitted according to the additional regulations imposed.
 - B. Minimum regulations. Regulations set forth by this ordinance shall be minimum regulations. If the district requirements set forth in this ordinance are at variance with the regulations of any other lawfully adopted rules, regulations or other ordinances, the more restrictive or higher standard shall govern.
 - C. Land covenants. Nothing in this ordinance shall modify or repeal any deed restriction, but no such restriction shall constitute a basis for failing to comply with this ordinance.

Section 1.14. Conditional Uses.

Definitions. Any use of a land in a zoned area that is contrary to the permitted uses lying in that zoning district.

Procedure.

Owner will:

- 1. Owner shall make written application to the Planning & Zoning Commission as well as the Board of Aldermen for a Conditional Use Certificate. Application will be provided by the City and shall contain general information about the property and the use to which the property is proposed to be made. A fee shall be paid at the time of filing the application with the City Clerk.

City will:

1. Prepare a notice of publication to be published in the newspaper on a regular basis.
2. A public hearing will be set for not less than 5 days after the date of publication is published in the newspaper.
3. All owners of land within 100' of the property proposed for conditional use shall be notified by regular mail of the application for conditional use and the date and time of the hearing.
4. Within 10 days of the hearing, the Planning and Zoning Commission will advise the Aldermen on whether to approve the application for conditional use.
5. Upon the approval of the conditional use, a Conditional Use Certificate (which includes all owners, legal description, requirements or restrictions set by the Board of Alderman, etc.) should be issued and recorded in the Recorder of Deed's office in the county in which the land lies. Conditional Use Certificates do not effect the subdivision restrictions and covenants.
6. If the Certificate of Conditional Use is terminated for at least 90 days, the Board of Alderman can withdraw the Certificate. The Board of Alderman can hold a public hearing expressing its intent to terminate the Certificate previously issued. Notice must be provided to the owners of the Board's intent at least 10 days prior to the time and date of the hearing.
7. If the owners of the Certificate of Conditional Use permanently violate the provisions, the City may, after notice and hearing, terminate the Certificate. In no more than sixty (60) days the conditional use of the property shall terminate by the owners thereof.
8. The termination of a Certificate of Conditional Use shall be recorded in the Recorder's Office of the county wherein the land lies.
9. The cost is \$50.00 is not refundable and is to be paid at the time the application is submitted.

DEFINITIONS.

Accessory Building – Any accessory or out building, including but not limited to a detached private garage, manufactures storage shed, custom built storage shed, and any other structure designed and constructed for the purpose of storing private property upon a residential lot. No accessory building shall have perimeter dimensions which exceed fifty percent (50%) of the perimeter dimension of any dwelling located on any residential lot where such accessory building is located or proposed to be located. No accessory building height shall exceed fifteen (15) feet. No building, used solely for agricultural purposes, and located on a parcel of land of more than three (3) acres, shall be considered an accessory building and such building shall not be restricted as to placement and use as an accessory building.

Acreage – Any tract or parcel of land which has not been subdivided and platted.

Administrative officer – A person designated by the Board of Aldermen to perform the duties of the administrative officer as described in this ordinance.

Alley – A public thoroughfare, not less than twenty feet wide, and not more than forty feet in width, which affords only a secondary means of access to abutting property.

Alterations – As applied to a building or structure, a change or rearrangement in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or by change in use from that of one district classification to another.

Amusement device – Any device which is either hand, electronically or mechanically operated whether or not a charge is made for its use, and which is primarily intended for the entertainment of the users.

Apartment – A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Area – This term refers to the amount of land surfaces in a lot, plot or parcel.

Automobile repair – General repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

Automobile service station – A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles and marine engines, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Auto wrecking or junkyard – Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavaging of any other goods, articles or merchandise.

Basement – A story partly or wholly underground. Where more than one-half of its height is below the average level of the adjoining ground.

Billboard – Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards used to display official court of public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

Block – A parcel or parcels of land that are surrounded by public streets, roads or highways. Where a block is not entirely surrounded by public streets, etc., a block shall be interpreted as the land between two intersecting streets.

Board of Aldermen – The governing body of a political subdivision created by and known in the Statutes of Missouri as a City. The Board of Aldermen is vested with the corporate powers of the City.

Boarding house – A building other than a hotel or restaurant, where meals are provided for compensation for four or more persons, but not exceeding twelve persons.

Building – Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Building area – The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been complied with.

Building height – The vertical distances measured from the sidewalk level or its equivalent grade opposite the middle of the front of the building to the highest point of the roof in case of a flatroof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building Line – For the purpose of this ordinance the building line is the same as a front yard setback line.

Carport – A structure attached or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than three motor driven vehicles.

Condominium – An apartment building in which the units are owned individually. Also, an apartment in such a building. See also office condominium.

Court – An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

District – A section or sections of the incorporated area of the city for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

Dwelling – A building or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.

Dwelling, one-family – A detached building designed exclusively for occupancy by one family.

Dwelling, two-family – A building designed exclusively for occupancy by two families living independently of each other.

Dwelling, multiple – A building or portion thereof designed for occupancy by three or more families living independently of each other.

Dwelling, row – A row of three to six attached one-family dwellings, not more than two and one-half stories in height, nor more than three rooms deep.

Dwelling unit – One or more rooms in a dwelling or apartment hotel designed primarily for occupancy by one family for living or sleeping purposes.

Family – An individual, or two or more persons related by blood or marriage, or group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Farm - An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, that the operation of such accessory uses shall be secondary to that of the normal farming activities; provided, further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

Floor area – The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

Frontage – All property on one side of a street between two intersecting streets, or natural barriers.

Garage, private – An accessory building for the storage of not more than three motor-driven vehicles, of which not more than one shall be a commercial vehicle of not more than two-ton capacity.

Garage, public – A building other than a private garage, used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale within the structure.

Grade – The average level of the finished surface of the ground adjacent to the exterior walls of a building, except when any wall approximately parallels and is not more than five feet from a street line, when the elevation of the street at the center of the wall adjoining the street shall be grade.

Home occupation – An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade in excess of \$500.00. The office of a physician, surgeon, dentist or other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, should be deemed to be home occupations; and the occupations of dressmaker, milliner, or seamstress, each with not more than one paid assistant, a day care facility which is operated as a family day care home, as that term is defined from time to time under Title 19, Chapter 62, Division 40 of the State of Missouri Code of Regulations, should be deemed to be home occupations; ¶ Dancing instruction, band instrument instruction, instruction in groups, tourist homes, beauty parlors, real estate offices, convalescent homes, mortuary establishments, and stores, trades or businesses of any kind not herein excepted should not be deemed to be home occupations.

Hotel – A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provisions are made for cooking in any individual room or suite.

Institution – A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

Kennel – Any lot or premises on which four or more dogs, at least four months of age, are kept.

Laboratory – A place devoted to experimental study such as testing and analyzing. Manufacturing of product or products is not to be permitted within this definition.

Loading space – An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lodging house – A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or transients.

Lot – A parcel of land occupied or suitable for occupancy by one main building or use with accessory buildings, including the open spaces required by this ordinance, and having its principal frontage upon a public street or highway.

Lot, corner – A lot situated at the intersection of two or more streets.

Lot depth – The horizontal distance between the front and rear lot lines measured in the mean direction on the side lot lines.

Lot frontage – The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.

Lot, interior – A lot other than corner lot.

Lot, width – The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Mall – an enclosed or open common space for pedestrian traffic. See also shopping mall.

Mobile home – A single-family dwelling unit that has the following characteristics:

1. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. Designed to be transported after fabrication and remain on its own wheels, flatbed, frame or detachable wheels.
3. Arrives at site where it is to be occupied as a dwelling unit with or without major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.
4. A mobile home must be located in a Mobile Home Park.

Mobile home park – A parcel of land under single ownership which has been planned and approved for the placement of no less than Five (5) mobile homes for non-transient use.

Office condominium – An office building in which units are owned separately. Also an office unit in such a building.

Parking space off-street – For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

Premises – A lot, together with all buildings and structures thereon.

Shopping center – A shopping center with or without a mall.

Sign – A sign is any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. An on-site sign is a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises, and constructed in conformity with the on-site sign standards contained in this ordinance. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Story – That portion of a building included between the surface of any floor and the surface of the floor next to it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

Street – A public way which affords the principal means of access to abutting property.

Street grade – The official established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grades of the street should be taken as the street grade.

Structural alterations – Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure – Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

Trailer, automobile – A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a trailer coach or house trailer.

Variance – A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Section 2 R-1 PERMITTED USE

Section 2.1. Permitted Uses.

- One family detached dwellings.
- Farming, truck, gardening and nurseries.
- Home occupations, as defined in this ordinance.
- Public School, Elementary and high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school including religious instruction in parochial schools.
- Churches and similar places of worship.
- Convents, monasteries, rectories or parish houses to be occupied by not more than 10 persons.

Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

Libraries.

Private swimming pools appurtenant to a one-family dwelling on the same lot, when they meet yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or the property on which it is located is adequately fenced to prevent access of small children and meets all applicable health and sanitary requirements.

Signs defined as follows: a sign or signboard not exceeding eight (8) square feet in area, appertaining to the sale or lease of the premises or trespassing thereon, a name plate, not exceeding one (1) square foot in area; a sign or bulletin board not exceeding twenty (20) square feet in area, appertaining to the sale or lease of the premises or trespassing thereon.

Section 2.2. Conditional uses.

The following uses of land or structures, or both, may be permitted within an R-1 district, subject to the approval of the Planning and Zoning Commission:

Airport, landing field, or landing strip;

Cemeteries, crematories or mausoleums;

Golf courses, public or private;

Municipal or privately owned recreation building or community center;

Nursery schools, day nurseries, and child care centers, provided there is a minimum of one hundred (100) square feet of outdoor play area for each child to be cared for, and that the play area is fenced and screened with planting from any adjoining lot in any "R" district;

Parking area, public;

Police stations, fire stations, or place for storage of municipal equipment;

Public administration building, auditorium, gymnasium or any other publicly owned structure;

Public or private park or playground;

Section 2.3. Lot Size

1. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected should be on a lot having an area of not less than nine thousand six hundred (9,600) square feet and a width at the established building line of not less than seventy-five (75) feet.
2. Churches and similar places of worship hereafter erected or structurally altered should be on a lot having an area of not less than one (1) acre and a width at the building line of not less than one hundred and fifty (150) feet.
3. Every public school (elementary or high), or private school having a curriculum similar to that ordinarily given in a public elementary or high school (including religious instruction in parochial schools), hereafter erected, should be sited in conformity with the following minimum standards:

Elementary School – 3 acres plus 1 acre per 100 student design capacity.

Junior High School – 8 acres plus 1 acre per 100 student design capacity.

Senior High School – 15 acres plus 1 acre per 100 student design capacity.

Section 2.4. Yard Areas.

No building or structure should be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard. A front yard depth of not less than forty (40) feet should be provided for in siting the construction of a dwelling upon a lot. Where a lot has double frontage, the required front yard depth should be provided on both streets.
2. Side Yard. On each lot upon which a dwelling is constructed, there should be a side yard width on each side of not less than twenty (20) feet. The combined total of the side yards for interior lots should not be less than forty-five (45) feet and the combined total widths of side yards for corner lots should not be less than fifty (50) feet. The width of the side yard on each side of a building on a lot of record which is less than one hundred (100) feet in width should be ten per cent (10%) of the width of the lot, but the side yard should not be less than eight (8) feet wide.
3. Rear Yard. The rear yard depth of every lot or parcel of land upon which a building is constructed should be no less than thirty-five (35) feet, or twenty per cent (20%) of the depth of the lot, whichever is larger, but the depth need not exceed fifty (50) feet.

The lot area for churches, public and private schools, or any permitted eleemosynary institution shall not be less than one (1) acre.

Section 2.5. Lot Coverage.

Not more than thirty-five percent (35%) of the area of a lot may be covered by main buildings, structures or accessory buildings.

Section 2.6. Accessory Buildings.

Accessory buildings shall not encroach upon the front yard. They may encroach upon the side yards, provided no buildings are closer to the lot lines than ten (10) feet, and provided further, that on a corner lot accessory buildings shall not encroach upon the front or side yards adjacent to the abutting streets.

Section 2.7. Dwelling Standards.

Every one-story dwelling hereafter erected in any "R-1" one-family district, shall have a total ground floor area of not less than thirteen hundred and fifty (1,350) square feet measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that rooms intended

for such purposes which are "roughed in" and are to be completed within a reasonable time may be considered in computing such ground floor areas.

Every dwelling of more than one story hereafter erected in any "R-1" one-family district shall have a total floor area, measured from the outside of the exterior wall, of not less than sixteen hundred and eighty (1,680) square feet, including utility rooms, but excluding cellars, basements, open porches, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that rooms intended for such purposes which are "roughed in" and are to be completed within a reasonable time may be considered in computing such ground floor areas.

Section 2.8. Parking Regulations.

The off-street parking required for uses of land and buildings in this District are as follows:

1. Residences – one (1) space for each dwelling unit.
2. Churches – one (1) space for each four (4) person of capacity.
3. Schools – reasonable amount to accommodate average number of persons attending special events.

Off-street parking spaces required in this district shall not be permitted within the required front yard unless upon a drive providing access to a required garage, carport or parking area in back of the required front yard.

Section 3 R-2 Regulations

Section 3.1. Permitted Uses.

A building or premises shall be used only for the following purposes:

Any use permitted in the R-1 residential district.
Two-family and multi-family dwellings.
Hospitals and nursing homes.

Section 3.2. Conditional uses.

The following uses of land or structures or both, may be permitted within an R-2 district, subject of the approval of the Planning and Zoning Commission.

Airport, landing field, or landing strip;
Areas for the dumping or disposal of trash or garbage;
Bus terminal, railroad passenger station, or any other transportation terminal facilities;
Cable television control station or plant;
Cemeteries, crematories or mausoleums;
Extraction of gravel, sand or other raw materials;
Golf courses, public or private;
Sanitariums;
Institutions for the care of the insane or feeble-minded;
Municipal or privately owned recreation building or community center;
Nursery schools, day nurseries, and child care centers, provided there is a minimum of one hundred (100) square feet of outdoor play area for each child to be cared for, and that the play area is fenced and screened with planting from any adjoining lot in any "R" district;
Parking area, public;
Police stations, fire stations, or places for storage of municipal equipment;
Public administration building, auditorium, gymnasium or any other publicly owned structure;
Public or private park or playground;
Public utility facilities, i.e., filtration plant or pumping station, heat or power plant, transformer station and other similar facilities;
Radio and television antenna towers, commercial;
Railroad right-of-way;
Telephone exchange.

Section 3.3. Dwelling standards.

Every one-story dwelling hereafter erected in any "R-2" one-family district, shall have a total ground floor area of not less than nine hundred twenty (920) square feet measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that rooms intended for such purposes which are "roughed in" and are to be completed within a reasonable time may be considered in computing such ground floor areas.

Every dwelling of more than one story hereafter erected in any "R-2" one-family district shall have a total floor area, measured from the outside of the exterior walls, of not less than thirteen hundred (1,300) square feet, including utility rooms, but excluding cellars, basements, open porches, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that rooms intended

for such purposes which are "roughed in" and are to be completed within a reasonable time may be considered in computing such ground floor areas.

Section 3.4. Accessory buildings.

Accessory buildings shall not encroach upon the front yard. They may encroach upon the side yards provided no buildings are closer to the lot lines than five (5) feet. Provided, further, that on a corner lot, accessory buildings shall not encroach upon the front or side yards adjacent to the abutting street.

Section 3.5. Lot Area.

The minimum lot area for a one-family residence shall be seven thousand two hundred (7,200) sq. ft. The minimum lot area for a two-family residence shall be ten thousand eight hundred (10,800) sq. ft. and an additional two thousand four-hundred (2,400) sq. ft. for each additional dwelling unit. A minimum lot width of seventy-five (75) ft. shall be required.

Section 3.6. Yard Areas.

No building or structure should be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front yard. A front yard depth of not less than twenty-five (25) feet should be provided on each lot upon which a dwelling is constructed.
2. Side Yard. On each lot upon which a dwelling is constructed, there should be a side yard width on each side of not less than ten (10) feet. The combined total width of the side yards for interior lots should not be less than twenty-five (25) feet and the combined total width of side yards for corner lots should not be less than thirty (30) feet. The side yard width on each side of a building on a lot of record which is less than sixty-five (65) feet wide should be ten per cent (10%) of the width of the lot, but not less than six (6) feet.

On lots upon which a church or similar place of worship is constructed, or extension made to an existing church or similar place of worship, there should be a side yard not less than fifteen (15) feet wide on each side of the main structure and a combined total width of side yards of not less than thirty-five (35) feet.

3. Rear Yard. The rear yard depth of every lot or parcel of land upon which a building is constructed should be not less than twenty-five (25) feet, or twenty per cent (20%) of the depth of lot, whichever is larger, but need not exceed thirty-five (35) feet.
4. Lot Coverage. Not more than thirty-five per cent (35%) of the area of a lot may be covered by main buildings, structures or accessory buildings.

Section 3.7. Height of Buildings.

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

Section 3.9. Parking Regulations.

The off-street parking required for uses of land and buildings in this District area as follows:

1. Residences – one (1) space of each dwelling unit.
2. Two or more family residence – one and one-half (1 ½) spaces per dwelling unit.
3. Churches – one space for each four (4) persons of capacity.
4. Schools – reasonable amount to accommodate average number of persons attending special events.

**Section 4
R-3 MOBILE HOME PARKS**

Section 4.1. Permitted uses:

1. Mobile Homes
2. Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator primarily for the use and convenience of mobile home occupants.
3. Recreation buildings and areas serving only the mobile home districts in which they are located.
4. Customary accessory buildings and facilities necessary for operation of the mobile home district in which they are located

Section 5

C-I PERMITTED USES

Section 5.1. Permitted Uses.

Stores Retailing:

Antiques;
Appliances;
Automobiles;
Automobile accessories;
Bakeries;
Bicycles;
Bookstores;
Candy;
Clothing;
Drugs;
Dry goods;
Electrical and plumbing fixtures;
Farm equipment sales and services;
Fish;
Furniture;
Gifts;
Groceries;
Hardware;
Hobbies and crafts;
Jewelry;
Leather goods;
Magazines;
Meat;
Motorcycles;
Musical goods;
Notions;
Paint and wallpaper;
Pets;
Radio and television;
Seed and feed;
Shoes;
Sporting goods;
Toys;
Upholstery.

Automobile wash;

Banks;

Barber & beauty shops;

Billboards;

Bottling works;

Bowling alleys;

Bus stations;

Business offices;

Cab stands;

Cafeterias;

Churches and related appurtenances which shall be defined as day care centers, education buildings, social and recreational buildings, church offices and housing quarters for employees of the church, but not houses or other buildings for rental purposes or cemeteries or burial plots;

Clubs & fraternal organizations;

Computer stores;

Group day care home or child day care center as those terms are defined from time to time under Title 19, Chapter 40, Division 62 of the State of Missouri Code of Regulations;

Drive-ins dispensing food;

Dry cleaning pickup stations;

Financial offices;

Florists;

Funeral homes;

Furriers;

Government offices;

Greenhouses & nurseries;
 Guest houses;
 Household equipment;
 Interior decorating shops;
 Laundry and dry cleaning;
 Libraries;
 Liquor stores;
 Lounge or tavern;
 Medical offices;
 Motels;
 Nursing & rest homes;
 Offices;
 Parking lots;
 Photographer studios;
 Plumbing supplies;
 Pool halls;
 Printing;
 Professional offices;
 Publishing and reproduction establishments;
 Radio and television broadcasting stations;
 Radio and television repair;
 Repair and services of offices;
 Restaurants;
 Savings and loan associations;
 Service stations;
 Shoe repair;
 Signs;
 Telephone exchange buildings;
 Theaters;
 Tourist homes;
 Variety stores;
 Washerettes;
 Wholesale and jobbing establishments including retail outlets for only merchandise as is handled at wholesale.

Section 5.2. Conditional Uses.

The following uses shall be permitted subject to the additional regulations imposed:

1. **Auto Storage and Repair.** The intent of this type use in a Business-2 District is to permit the repair and storage of vehicles whereby the only parking and/or storage is for vehicles that have been repaired and awaiting removal or are awaiting repair. It is not the intent to permit parking or storage of vehicles for parts as in auto storage yards or junkyards. Repair and storage of automobiles, trucks, (and) agricultural implements shall be permitted: Provided that all repairs are performed inside a building and that all parking or storage of vehicles is provided off the public right-of-way and at least fifteen (15) feet to the rear of the front property line. In no case shall any vehicle be stored or parked for more than thirty (30) consecutive days. This section does not exclude rental services of automobiles, trucks and trailers.
2. **Animal Hospitals.** No animal shall be stored outside the building and may be stored inside only for such period of time as is reasonably necessary for medical or surgical treatment and care. The animal hospital structure shall be insulated and soundproofed so that all loud, disturbing, and unnecessary noises created by the animals shall be controlled so as to eliminate disturbing the comfort and repose of any person in an adjoining structure or in the vicinity.

This section shall not be subject to variance by the Zoning Board of Adjustment.

Section 5.3. Plan Approval.

A site plan as required by Section 7 of this ordinance shall be submitted.

Section 5.4. Special Uses.

Subject to same requirements as Section 5.3 of this ordinance.

1. **Special Uses.** Commercial recreation facilities, fire stations, police stations, public utilities, railroads, pumping stations, recreation centers, cemeteries, carnivals, circuses, fairs and sideshows, radio and television transmission towers.

Section 5.5. Dimensional Requirements.

1. The first five (5) feet from the property line of any Commercial property shall be developed for grass and plants, and shall not be used for any purpose except for necessary drives, walks or off-street parking behind grass and plants. A minimum side yard of ten (10) feet and when adjacent to residential property, natural planting, hedges or fence to a height of at least six (6) feet. A minimum rear yard of thirty (30) feet

- where abutting residential zoning. Minimum required width of any corner side yard, ten (10) feet. Minimum required rear yard, twenty (20) feet.
2. Building Height. After October 31, 1985, every building erected or structurally altered to exceed fifty (50) feet in height shall be set back from the front lot line on a ratio of one (1) foot for each two (2) feet rise above fifty (50) feet in height.
 3. Off-street Loading Space. Off-street loading and unloading space shall be provided.
 4. Off-street Parking Space. Off-street parking space shall be provided as follows:
 - A. Motels (not included in any rental use). One (1) parking space for each four (4) rooms to be rented plus one (1) additional parking space for each three (3) employees.
 - B. Churches, funeral homes and theaters. One (1) parking space for each four (4) seats of capacity.
 - C. Retail uses not otherwise indicated. One (1) parking space for each two hundred (200) square feet of gross floor area.

Section 6 I-1 PERMITTED USES

Section 6.1. Permitted Uses:

(With site plan as required by Section 7 of this Ordinance).

Animal hospitals.
 Assembly of farm products, such as: granaries and storage bins, but not fertilizer or tallow plants.
 Automobile sales and service.
 Automobile wash.
 Bag manufacture.
 Bottling works.
 Bakery plants.
 Banks.
 Billboards and signs..
 Boat manufacture.
 Building materials storage and sale.
 Bus garages.
 Cabinet making.
 Cemeteries.
 Coal yards.
 Cold storage plant.
 Contractor's plant or storage yard.
 Dairy products processing.
 Diecasting plants.
 Dry cleaning and laundry plants.
 Electrical and industrial equipment repair servicing but not railroad equipment, farms.
 Farm machinery, assembly, repair and sales.
 Food processing in wholesale quantity except meat, fish, poultry, vinegar and yeast.
 Grain elevators.
 Greenhouses and nurseries.
 Grounds and facilities for open air games or sports.
 Hatcheries.
 Ice plant..
 Laundries.
 Leather goods manufacture.
 Lumberyards.
 Machine shops.
 Machine tool manufacture.
 Off-street parking facilities.
 Optical and scientific instrument, jewelry and clocks and musical instrument manufacturer.
 Paint shops.
 Pharmaceutical products manufacture.
 Printing, publishing and reproduction establishments.
 Railroads.
 Repair and servicing of office and household equipment.
 Service stations.
 Sheet metal shops.
 Shirt manufacture.
 Sign manufacture, painting and maintenance.
 Soap, detergent and washing compound manufacture.

Storage warehouses and yards.
Store or office for the rental of personal property other than mobile construction of earthmoving equipment.
Radio or television broadcasting stations and studios.
Textile manufacture.
Tinsmith shops.
Tire recapping and re-treading.
Tool and Die shops.
Truck terminals, repair shops, hauling and storage yards.
Venetian blind manufacture, contractor and cleaning shop.
Warehouses.
Welding shops.
Wholesale and jobbing establishments, including incidental retail outlets for only such merchandise as is handled at wholesale.
Woodworking shops, millwork.

Section 6.2. Conditional Uses.

(With site plan as required by Section 7 of this ordinance). The following uses shall be permitted subject to any additional regulations imposed:

1. Wholesale storage of gasoline or bulk terminal plants for any flammable gases or liquids: Provided, that no storage takes place closer than twenty-five (25) feet to any boundary line of the lot on which said storage is located.
2. Industries, research and educational facilities, subject to approval of the Board of Aldermen.
3. Laboratories for research and testing, subject to approval of the Board of Aldermen.

Section 6.3 Special Uses.

(With site plan as required by Section 7 of this ordinance). Subject to same requirements as Section 6.4 of this ordinance, circuses, carnivals, fairs, sideshows, fire stations, police stations, public utilities, pumping stations, recreation centers.

Section 6.4. Dimensional Requirements:

1. Yard Requirements. No building shall be less than thirty (30) feet from any street right-of-way line. No other yards are required, except where the rear of a lot abuts a residential district there shall be a twenty (20) foot rear yard and where a lot abuts upon the side of a lot zoned residential there shall be a side yard of not less than the minimum required in the district on which it abuts. In cases where a side yard, not required, is provided, it shall be at least five (5) feet in width.
2. Off-street Loading. Off-street loading and unloading space shall be provided.
3. All permitted or conditional or special uses in this district are subject to installation of sidewalks, entrances, and exits.
4. Off-street Parking. Off-street parking shall be provided as follows:
 - A. Retail uses not otherwise indicated. One (1) parking place for each two hundred (200) square feet of gross floor area if goods are sold at retail on the premises.
 - B. If no retail sales are conducted on the premises, one (1) parking space for each employee on the premises at any one time.

**Section 7
Site Plan Approval**

Section 7.1. Plan Approval.

Approval of a site plan is required before any use of property for R-3, Commercial or Industrial purposes, whether such use is a permitted or conditional or special use.

Section 7.2.

No building permit shall be issued unless the required site plan of the proposed use has been approved by the Board of Aldermen.

Section 7.3.

The Board of Aldermen may refuse to approve a site plan on the grounds that it fails to fully comply with any specific requirement of this article or that it fails to adequately protect residentially zoned property, or property in residential use, from the adverse effects of a business operation; or that it fails to provide safe conditions for pedestrians and motorists; but not on the grounds that architectural design or building materials are aesthetically unsatisfactory.

Section 7.4. Procedure.

The owner or developer shall submit to the City Clerk for consideration by the Planning and Zoning Commission a site plan prepared and certified by a registered engineer, architect, landscape architect or land surveyor. Ten (10) prints of the site plan at a scale of not less than one (1) inch equals fifty (50) feet, together with all information required by this section shall be submitted.

Section 7.5. Information required.

1. Plot and location plan with:
 - A. Location and dimensions of building(s) on site showing distance to side lot lines and center lines of adjacent streets.
 - B. Location and dimensions of proposed and existing driveways and curb cuts on site and adjacent properties.
 - C. Location and general design of proposed and existing sidewalks and open space with existing plant material and proposed landscaping.
 - D. Location and dimensions of proposed and existing surface parking and loading areas.
 - E. Boundary of the entire tract by courses and distances with references to true meridian and area of the tract.
 - F. Proposed widths of any streets and sidewalks adjoining the tract, showing right-of-way and pavement widths in accordance with the City thoroughfare plan, and showing curbs and gutters to be constructed.
 - G. Front, side and rear yard setbacks.
 - H. Relation of site to roadway median strips with existing and proposed openings in median strips.
 - I. Proposed elevations at control points such as driveways, ramps, etc.
 - J. Zoning of the tract.
 - K. Present record owner of the tract and contract purchaser, if any.
 - L. Owner, zoning and present use of all contiguous property.
 - M. Vicinity map showing location of tract at scale of not less than one (1) inch equals two thousand (2,000) feet.
 - N. Certified topographic map of parcel at a minimum two-foot contour interval, showing existing and proposed contours.
 - O. Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title.
 - P. Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the City indicating location, sizes, types and grades of ditches, catch basins and pipes, connections to existing drainage.
 - Q. United States Coast and Geodetic Survey datum used for all elevations shown and showing location and elevation of benchmark used.
 - R. Provisions for adequate screened or planted buffer areas, not less than thirty (30) feet in width, along and inside of all boundaries of the site which are adjacent to property located in a residential district or property which is in residential use.
 - S. Location and design of all landscaping requirements.
2. Typical floor plan with dimensions.
3. Plan of each non-typical floor with:
 - A. Location and square foot area of any permitted access or proposed conditional use as permitted by this ordinance.
 - B. Access to any accessory, personal or convenience services uses.
 - C. Number and individual area of guest rooms in any hotel or motor hotel use.
4. Plan of each floor or parking garage, if any.
5. Utility plan with:
 - A. Location of all existing underground utilities such as water, sewer, gas, electric, and telephone cables, etc., both within the property and in adjacent streets.
 - B. Location of all surface facilities such as sidewalks, curbs, gutter, etc.
 - C. Fencing, walls, and screening to be preserved, erected, or planted; type, height, and location.
 - D. All proposed changes, additions or deletions to subsections (A) and (B) above, together with a notation as to any City responsibilities thereto.

Section 7.6. Reviews, standards and regulations.

The Zoning Commission shall review all site plans which are submitted to it pursuant, hereto. The Planning and Zoning Commission shall consider the site plan in conjunction with the following standards and regulations:

1. Compliance with the requirements of the Zoning Ordinance including setbacks, side yards, and rear yards, height of building, lot area and lot coverage, fencing and screening.
2. Location and adequacy of automobile parking as to number of spaces, square footage per space including movement lanes and total area.
3. Adequate provision for traffic circulation and control within the site and providing access to adjoining property.
4. Adequacy of water supply, fire protection and sanitary sewer facilities.
5. Compliance with applicable established design criteria, construction standards and specifications for all required public improvements.
6. Location of walkways so that pedestrians may walk from store to store or building to building within the site and to adjacent sites.
7. Connection wherever possible of all walkways, travel lanes, and driveways with related facilities in adjacent properties.
8. The location and size of any required buffer areas adjacent to property located in a residential district or in residential use, together with a description of proposed screening or plantings adequate to protect such property from noise, dirt, dust and other adverse effects of any business operation.
9. Extension or construction of service roads or drives and access thereto on property bordering a state primary highway, provided the setback requirement shall be no greater if the service road or drive is dedicated or within an easement, than the setback required without the dedication or easements, except that in no event shall the building be erected closer than twenty (20) feet from the closest right-of-way line or easement line.
10. Proof of any easements required in order to develop or use the property as shown on the site plan, clearly defining the purpose intended for each easement.
11. Curb and gutter travel lanes or driveways that provide vehicular travel to and from parking areas of adjacent property.

12. Adequate drainage systems for the disposition of storm and natural waters, including the installation of curbs and gutters on all streets adjoining the tract.

Section 7.7. Approval.

All site plans submitted pursuant hereto and which conform to the requirements and standards contained in this ordinance shall be approved by the Planning and Zoning Board.

Section 7.8. Filing fees.

1. Site plan. Fifty Dollars (\$50.00) plus the following where applicable:
 - A. Twenty-five cents (\$0.25) per dwelling unit for each apartment unit.
 - B. One Dollar (\$1.00) per one thousand (1,000) square feet of gross floor area of all commercial structures.
 - C. Fifty cents (\$0.50) per one thousand (1,000) square feet of gross floor area of all industrial structures.

Section 7.9. Time of validity of approved site plans.

An approved site plan shall become null and void if no significant work is done or development is made on the site within twelve (12) months after approval. The Board of Aldermen may grant a single one-year extension upon written request of the applicant made at least thirty (30) days before the expiration of the approved site plan.

Section 7.10. Landscaping; purpose and intent.

1. The purpose and intent of this subsection is to establish regulations for better control of flooding problems, soil erosion, air and noise pollution, and to make the City a healthier, safer and more aesthetically pleasing place in which to live.
2. For the purpose of this ordinance "landscaping" shall be defined as any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure, areas left in their natural state, or areas where mulch is used as a ground cover.
3. A landscaping plan on all commercial office and institutional, industrial, multifamily, mobile home district and nonresidential uses in a residential district shall be required according to the following minimum specifications:
 - A. Landscaping plans shall be drawn by a person who has knowledge and experience in the field of landscaping such as landscape architects, nurserymen, horticulturists, or any other person that can justify the use and design of plant material for a particular site plan, and shall be drawn at a scale no greater than one inch equals fifty (50) feet.
 - B. Areas left in their natural state or areas utilizing mulch as ground cover around plantings or ornamental displays, may be credited toward satisfying the requirements of this subsection.
 - C. Where a natural buffer is required by ordinance or is provided by the developer, that buffer may be used in satisfying the requirements of this subsection.
 - D. All areas that call for grass planting on a landscaping plan shall be planted in accordance with generally accepted practices.
 - E. Landscape plantings in the City street rights-of-way may be used when satisfying the landscaping requirements of this subsection, provided such plantings and their placement have been approved by the City.
 - F. The owners and their agents shall be responsible for protecting and maintaining all landscaping in a healthy, growing condition, replacing it when necessary, and keeping it free of refuse and debris in accordance with the landscaping plan approved by the Board of Aldermen.

Section 8 Zoning Board of Adjustment

Section 8.1. Zoning Board of Adjustment created; members.

1. There is hereby created a Zoning Board of Adjustment (hereinafter called the Board) consisting of Seven (7) members. Members of the Board shall be appointed by the Board of Aldermen.

Section 8.2. Meetings.

1. The Board shall elect one (1) of the members of the Board as chairman and shall appoint a secretary and such other subordinates as may be authorized. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at such times as the Board may determine. The chairman, or his designee, may administer oaths and compel the attendance of witnesses.
2. All Meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

Section 8.3. Powers and duties of Board.

1. The Zoning Board of adjustment shall have the following powers and duties:
 - A. Administrative review. To hear and decide special uses, variances, and appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative officials in the carrying out or enforcement of any provision of this article. A concurring vote of five (5) members of the Board shall be necessary to approve a special use, variance, or to reverse, wholly or partly, any order, requirement, decision, permit, determination, or refusal pertaining to property.

- B. Special uses. To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for special uses as authorized by the district regulations in this ordinance.
- C. Variances. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary hardship. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the Board unless and until the following findings are made:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (b) The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district.

Section 8.4. Filing and notice.

- 1. Appeals from the enforcement and interpretation of the ordinance and requests for special uses or variances, shall be filed with the City Clerk specifying the grounds thereof. The Building Inspector, or his designee, shall transmit to the Board all applications and records pertaining to such appeals, variances, or special uses. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector, or his designee, certifies to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and due cause shown.
 - A. Notice and hearing. No decisions shall be reached by the Board on an application until after public notice and hearing.
 - (a) Special uses.
 - (i) Publication. Notice of all hearings to consider special uses shall be given not less than five (5) days prior to the date fixed for such hearing in a local newspaper.
 - (ii) Posting. Notice of all hearings to consider special uses shall be made by posting the subject property to indicate the time and place of hearing. Such posting shall occur not less than seven (7) days prior to the date fixed for such hearing.
 - (iii) Written notice. At least seven (7) days prior to the date of the hearing, the City shall provide all owners of property located within one hundred (100) feet of the subject property written notice of the hearing by registered or certified mail. For this purpose, property owners shall be determined by use of Monroe County of City of Monroe City tax records, and the seven-day period shall begin on the date of mailing.
 - (b) Variance. The notice requirements of all hearings to consider variances shall be by written notice with the same provisions as provided for special uses in Section 8.4(1).
 - (c) All other matters. For all other matters heard by the Board, such as appeals for interpretations, there are no notice requirements.
 - B. Fees for appeals or variances. A fee of Fifty Dollars (\$50.00) shall be paid to the town for each application for a variance, special use, or appeal, to cover the necessary administrative costs and advertising. Provided however, no fee shall be due upon an application for a variance to the minimum side yard set back lines in R-1 or R-2 upon lots which were platted and subdivided on October 31, 1985, and provided further only one such application per lot may be submitted without the tender of the Fifty Dollars (\$50.00) administrative fee.
 - (a) Appeal from the decision of the Zoning Board of Adjustment shall be by petition for certiorari to the Monroe County Circuit Court.

**Section 9.
Changes and Amendments**

Section 9.1. Procedure.

- 1. The Board of Aldermen may amend, supplement or change the text regulations and zoning map according to the following procedures:
 - A. Action by the applicant. The following action shall be taken by the applicant:
 - (a) Initiation of amendments. Proposed changes or amendments may be initiated by the Board of Aldermen, Planning and Zoning Commission, Zoning Board of Adjustment, or by one (1) or more interested parties.
 - (b) Application. An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, and the names and addresses of the owner or owners of the property. Such application shall be filed with the City Clerk not later than ten (10) days prior to the Planning and Zoning Commission meeting at which the application is to be considered. All such applications shall be accompanied by three (3) copies of an accurate map, drawn to scale, which shall show all adjacent property owners, road, and other natural boundaries.
 - (c) Application fees. The following fees are established to cover the costs of advertising and other administrative expenses:
 - (i) Regular quarterly public hearings. The application fee shall be One Hundred Fifty Dollars (\$150.00) for each change of zoning classification applied for by the applicant.
 - (ii) Emergency public hearings. The application fee for emergency public hearings, as allowed by Section 9.1C(a), shall be Three Hundred Dollars (\$300.00) for each change of zoning classification applied for by the applicant.
 - B. Action by the Planning and Zoning Commission. The following action shall be taken to the Planning and Zoning Commission:

- (a) Planning Commission consideration. The Planning and Zoning Commission shall consider and make recommendations to the Board of Aldermen concerning each proposed zoning amendment. The Planning and Zoning Commission may hold separate public hearings or may sit concurrently with the public hearing held by the Board of Aldermen.
- C. Action by the Board of Aldermen.
 - (a) Board of Aldermen considerations. The Board of Aldermen shall consider changes and amendments to this ordinance proposed by applicants only at meeting of the Board of Aldermen during the months of February, May, August and November. The Board of Aldermen by vote of four-fifths (4/5) of its total membership may waive this restriction if it finds an emergency exists.
 - (b) Notice and public hearing. No amendment shall be adopted by the Board of Aldermen until after public notice and hearing. A notice of such public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper published in the town, said notice to be published the first time not less than fifteen (15) days prior to the date fixed for such hearing. Notice shall also be made by posting the property concerned with a poster indicating the proposed change and time and place of hearing.
 - (c) Board of Aldermen action. Before taking such lawful action as it may deem advisable, the Board of Aldermen shall consider the Planning and Zoning Commission's recommendation on each proposed zoning amendment. If no recommendation is received from the Planning and Zoning Commission within thirty (30) days after public hearing by the Board of Aldermen the proposed amendment shall be deemed to have been approved by the Planning and Zoning Commission. The Board of Aldermen shall have authority with or without recommendation of the Planning and Zoning Commission to grant zoning changes to any higher classified district than petitioned for. Such zoning changes shall require the consent of the petitioner.
 - (d) Protests.
 - (i) In case of a protest against such change signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Aldermen.
 - (ii) No protest against any change or amendment in a zoning ordinance or zoning map shall be valid or effective for the purpose of this section unless it be in the form of a written petition actually bearing the signatures of the required number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the City Clerk in sufficient time to allow the City at least two (2) normal working days, excluding Saturdays, Sundays, and legal holidays, prior to the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.
 - (e) No application covering the same property will be considered until after a lapse of twelve (12) months from the date of denial or withdrawal of the application. The fact that the new application is for a different zoning classification than the original application shall not serve to waive this rule. Similarly, when an application for rezoning has been approved by the Board of Aldermen, no application for rezoning the same property in some other classification will be considered until a lapse of twelve (12) months from the date of approval. The inclusion of an additional lot or lots in an application shall not be permitted when it is evident that inclusion is for the express purpose of avoiding the regulations. This twelve-month provision may be waived for good causes shown, by a three-fourths (3/4) vote of the entire council.

GENERAL OVERVIEW

BUILDING PERMIT is required for any new construction, installation of new or used manufactured home, or for any type of work on a structure (electrical, remodeling, etc.). The installation of a new roof and siding do not require a building permit.

- Complete Application from City Hall
- The Building Inspector will review the information and contact you regarding the project and any other pertinent information he may need.
- The Building Inspector will include any necessary fees on the Building Permit (building/remodeling permit fee, meter deposits, construction meter, street excavation permit, boring charge, gas hookup fee, gas installation fee, water tap and sewer tap) and will contact you when the permit is ready to be picked up.
- Once the fees are paid and the permit is issued, construction can begin.

DEMOLITION PERMIT is required when a structure is to be demolished.

- Complete Application from City Hall
- The Building Inspector will review the information and contact you regarding the project and any other pertinent information he may need.
- The Building Inspector will include any necessary fees on the Demolition Permit and will contact you when the permit is ready to be picked up.
- Once the fees are paid and the permit is issued, demolition can begin.

NON-CONFORMING USE, EXTENSION OF USE, CHANGE OF USE, CONTINUED MAINTENANCE/MINOR REPAIR, DAMAGE/DESTRUCTION, CESSATION AND MOBILE HOMES

- Application is to be filed with the City Clerk. The application should include a site plan showing the adjacent property owners, roads and other natural boundaries to scale. Also, a statement of compatibility of the proposed special use with adjacent properties and the neighborhood and such other pertinent information required by the Planning and Zoning Commission or the Board of Aldermen/
- Application Fee of \$150.00
- A notice of the public hearing will be run in the newspaper once per week for two successive calendar weeks no less than 15 days between the first publication date and the hearing.
- Notice of the public hearing will be sent to property owners within 200' of property by Registered or Certified mail.
- After the public hearing the Board of Aldermen may take an action on the request. They may approve the application with or without additional stipulations or they may deny the application.

CONDITIONAL USE

- Complete Application from City Hall with \$50.00 non-refundable fee
- Notice of Public Hearing will run in the newspaper not less than 5 days before the hearing.
- Property owners within 100' will be notified by registered mail
- Planning and Zoning Commission will advise Aldermen of their decision within 10 days of the hearing
- If Certificate of Conditional Use is approved, it will be recorded in the County Recorder's office.

SITE PLANS

- 10 sets of prints (not less than 1" equals 50') with all information set out in section 7.5 of this booklet are to be submitted to the City Clerk.
- The filling fee is \$50 and should be paid when the site plans are submitted. Additional fees are required for apartment, commercial and industrial structures.

SPECIAL USES & VARIANCES

- Complete Application and include \$50 fee
- Notice in the paper should run one time not less than 5 days prior to the hearing
- The lot should be posted not less than 7 days prior the hearing
- Property owners within 100' should be notified by registered or certified mail no less than 7 days prior to the hearing
- The Board of Adjustments will make a decision and applicant will be advised

AMEND ZONING MAP

- Complete Application with 3 copies of an accurate map drawn to scale showing all adjacent property owners, roads and other natural boundaries and include \$150 fee
- Should be submitted to the City Clerk not less than 10 days prior to the Planning and Zoning Commission meeting.
- A notice in the paper shall run once per week for 2 successive weeks with the first publication not being less than 15 days prior to the date of the hearing. The lot should also be posted.
- The Planning and Zoning Commission will consider the request and make a recommendation to the Board of Aldermen. The Board of Aldermen will make a decision.

THIS PAGE IS A QUICK REFERENCE ONLY. THE MAIN BOOKLET CONTAINS SPECIFIC INFORMATION REGARDING THESE ITEMS. CONTACT THE BUILDING INSPECTOR IF YOU HAVE ANY QUESTIONS.

**PLANNING & ZONING
& BUILDING PERMIT FEES
EFFECTIVE OCTOBER 1, 2006**

Residential Building Permits – Homes	\$75.00
Residential Building Permits – Utility/Accessory Buildings	\$37.50
Residential Remodeling Permits	\$37.50
Commercial & Industrial Building Permits:	
Per Square Foot	\$.03
Minimum	\$75.00
Maximum	\$300.00
Commercial & Industrial Remodeling Permits	\$75.00
Demolition Permits	\$25.00
Variance Filing Fee	\$100.00
Conditional Use Permit Filing Fee	\$190.00
Re-Zoning Filing Fee	\$190.00
Site Plan Filing Fee	\$50.00
Electric Construction Meter – 100 Amp/240 Volt Service:	
Regular Charge	\$85.00
If have to set pole	\$100.00
Electric Construction Meter – 200 am/240 Volt Service:	
Regular Charge	\$100.00
If have to set pole	\$115.00
Water Tap – Standard 3/4" Meter Set with Pit	\$145.00
Water Tap – Standard 1" Meter Set with Pit	\$160.00
Water Tap – Standard 2" Meter Set with Pit	\$575.00
Water Tap – 3/4" Meter Set with Water Meter in Building	\$255.00
Water Tap – 1" Meter Set with Water Meter in Building	\$325.00
Water Tap – 2" Meter Set with Water Meter in Building	375.00
Gas Installation – Standard 3/4" Steel Main	
Fixed	\$150.00
Per Foot	\$ 1.50
Gas Installation – Standard 3/4" Plastic Main	
Fixed	\$150.00
Per Foot	\$ 1.50
Gas Installation – Standard 2" Steel Main	
Fixed	\$675.00
Per Foot	\$ 2.00

Gas Installation – Standard 2" Plastic Main	
Fixed	\$675.00
Per Foot	\$ 2.00
Sewer Tap	\$50.00
Street Excavation Permit	
Per Foot	\$50.00
Maximum	\$500.00