



CITY OF LAURIE

PLANNING AND ZONING PLANS
AND
SUBDIVISION REGULATIONS

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TITLE 1. ZONING CODE: LAURIE, MISSOURI

CHAPTER 400: ZONING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 410.010 PURPOSE OF CHAPTER

- A. In order to promote the health, safety, morals and the general welfare of the City of Laurie, this chapter divides the city into districts to regulate and restrict the height, number of stories, size of buildings and other structures; the percentage of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population; the preservation of features of historical significance; the location and use of buildings, structures and land for trade, industry and residence or other purposes; and the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.
- B. The regulations of this chapter are made in accordance with RSMo., sections 89.010-140, and amendments thereto, and in accordance with the comprehensive master plan of the city and are designed to:
1. Mitigate effects development might have upon street congestion;
 2. Secure safety from fire, panic and other dangers;
 3. Promote the health and the general welfare;
 4. Provide adequate air and light;
 5. Avoid undue concentration of population;
 6. Prevent the overly dense development of land; and
 7. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities.
- C. The regulations of this chapter are made with reasonable consideration of the character of the district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 420.010 DEFINITIONS

For the purpose of these ordinances, the following words and terms as used herein are defined to mean the following: words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" or the word "must" is always mandatory; the term "used for" includes the meaning "designed for" or "intended for".

ACCESSORY BUILDING OR USE: A subordinate building having a use customarily incidental and located on the lot occupied by the main building; or a use customarily incident to the main use of the property.

ADULT BOOKSTORE: An establishment having as a ten percent (10%) portion of its stock in trade in books, photographs, magazines, films for sale, rental or viewing or by use of motion picture devices or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.

ADULT ENTERTAINMENT: Commercial entertainment in any building, theater or structure which contains or is used entirely or partially for presenting live presentations, films, video tapes, DVDs or other electronic media predominately distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities, as said term is defined herein, or an exotic dance live presentation, video tape, DVD or other electronic media presentation, where the patrons either:

1. Engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or
2. Observe any live presentation, film, video tape, DVD or other electronic media presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said terms are defined herein.

AGRICULTURAL USES – COMMERCIAL: Any enterprise involving the growing of any crops in the open for resale and/or the raising of livestock or poultry. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables or dog kennels be so considered.

AGRICULTURAL USES – NON-COMMERCIAL: The sale of produce grown in no more than ten (10) percent of the backyard of the property.

ALLEY: A passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

APARTMENT: A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single-family or individuals living together as a single housekeeping unit.

APARTMENT HOUSE: A building arranged, intended or designed for more than two (2) family units.

BASEMENT: A story partly underground. A basement shall be counted as a story if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business, including inventory storage or dwelling purposes.

BATHHOUSE: An establishment or business, which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractor practitioner or professional physical therapist licensed by the state.

BOARD: The Board of Aldermen of the City.

BLOCK: A block is one-sixteenth 1/16 of a square mile.

BUILDING: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one (1) or more unpierced wall extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.

BUILDING, HEIGHT OF: The vertical distance from the average ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

CITY PLAN: The comprehensive plan of the City, whether in whole or in part, as adopted by the Planning and Zoning Commission, approved by the Board of Aldermen and duly recorded in the offices of the county recorder of Camden County and Morgan County. It may consist of several maps, data, and other descriptive matter, for the physical development of the City or any portion thereto. Further it includes any amendment, extension, or additions thereto adopted by the Board of Aldermen indicating the general locations for major streets, parks, schools, or other public open spaces, public building sites, routes for public utilities, zoning districts, or other similar information.

CLUB, PRIVATE: A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

CONVERT: To change from one use in a district to another use.

COURT: An open, unoccupied space, other than yard, bounded on three (3) or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

CURB CUTS: Curbs in a pedestrian thoroughfare cut to a slope of twelve (12) inches to one (1) inch.

CURB LEVEL: The mean level of the curb or back of drainage ditch, if there is no curb, in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

COMMISSION: The Planning and Zoning Commission of the City.

CUL-DE-SAC: A short street having one end open to traffic and being terminated at the other end by a vehicular turn-around.

DEVELOPER: Any person, firm or corporation engaged in the dividing or subdividing of land into lots or parcels for the purpose of conveyance or lease within the scope and application of these regulations.

DISTRICT: A part, zone or area within the City within which certain zoning regulations apply and are uniform.

DOUBLE-FRONTAGE: A lot with a street in front of and a street behind the lot.

DRIVE-IN ESTABLISHMENTS: Any restaurant, financial institution or product vending enterprise where the patron does not have to enter and remain within a building during the transaction of this business.

DRIVEWAY: A private access road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

DWELLING, RESIDENCE: A building or portion thereof designed exclusively for residential occupancy, including one or more families, but not including hotels, boarding houses, and rooming houses.

1. Dwelling, one-family. A detached building designed exclusively for occupancy by one family.
2. Dwelling, two family. A building exclusively designed for occupancy by two families living independently of each other.
3. Dwelling, multiple family. A building or portion of a building designed for occupancy by three or more families living independently of each other.

EASEMENT: A grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies, or private individuals.

FAMILY: One or more persons related by blood or marriage (including adopted children), or a group of not more than five persons (excluding servants) not all related by blood or marriage occupying a premises and living together as a single non-profit housekeeping unit by joint agreement, as distinguished from a group occupying a boarding house or lodging house, hotel, club, or similar dwelling for group use. The term family shall include individuals residing in a home for mentally or physically handicapped persons or residing in a foster home, in compliance with and as permitted by state statute.

FENCE: A barrier erected to separate properties or to contain an area or portion of a person's property. Construction may be of PVC, plastic, wire, chain link, wood, or masonry, or equivalent. The use of solid sheet metal is excluded. Barbed wire requires an AG-1 zoning or permit issued by the zoning inspector.

GOVERNING BODY: The Board of Aldermen of the City.

LOT: A parcel of land occupied or to be occupied by one (1) main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having frontage upon a public or private street, alley or easement. A lot as used herein may consist of one (1) or more platted lots, or tract or tracts as conveyed, or parts thereof.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension.

LOT, DEPTH: The mean horizontal distance from the front street line to the rear line.

LOT, INTERIOR: Lot whose sidelines do not abut upon any street.

LOT LINE: The lines bounding a lot as defined herein.

LOT LINE, FRONT: The boundary between a lot and the street on which it fronts.

LOT LINE, REAR: The boundary line, which is opposite and most distant from the front street line.

LOT LINE, SIDE: Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley or place or a side street line.

LOT, THROUGH: An interior lot having frontage on two (2) streets. That interior lot shall be deemed to front on the street which has its least dimension.

LOT WIDTH: The horizontal distance between sidelines, measured at the front building line.

MANUFACTURED HOME: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards, adopted June 15, 1976 (commonly known as the HUD code).

MASSAGE SHOP: An establishment which has a fixed place of business having a source of income or compensation sixty percent (60%) or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment, or other similar preparations commonly used in the practice of massage this being done under such circumstances the person to whom the treatment is being provided or a third person will pay provider money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

MOBILE HOME: A factory built dwelling unit produced prior to June 15, 1976, when the HUD code went in to effect.

MONUMENT: A stone shaft or other object set in the earth to mark a boundary.

MODELING STUDIO: An establishment or business which provides for a fee or compensation for the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not include public or private schools where persons are enrolled in a class.

MOTEL: A building or buildings containing in the aggregate, on one (1) undivided tract or parcel of land, a group of individual private units with individual entrances, each provided with separate sleeping room or rooms, having both lavatory and toilet facilities, designed and to be used primarily for transient guests traveling by automobile, truck, bus, or similar means of travel.

NON-CONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of this ordinance, or any amendment to this ordinance, which does not conform with the use regulations of the district within which it is located.

OPEN SPACE-PUBLIC: Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites and other lands.

PARK: An area of public land laid out with walks, drives, playgrounds, etc for public recreation.

PARKING SPACE: A surfaced area not less than nine (9) feet wide and twenty-two (22) feet long, either within a structure or in the open. The parking space must be served with a driveway which provides access to a street or alley.

PLANNED UNIT DEVELOPMENT (PUD): A tract of land planned and developed as an integral unit, and consisting of a clustered residential development, a residential development varying housing types and densities or a combination of residential and non-residential uses of land.

PLANNING AND ZONING COMMISSION: The City Planning and Zoning Commission.

PLANNING AND ZONING COMMISSION REPRESENTATIVE: The City administrator (zoning inspector) for matters pertaining to the subdivision of land.

PRE-CUT HOME: Factory built housing in which building materials are factory cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local building codes.

RECONSTRUCT: To construct again, rebuild or make over.

RESTAURANT: A building wherein food is prepared and served on-site to the public and regulated, inspected and approved by the appropriate public health department.

REVERSED FRONTAGE: A lot with the back of the structure facing the street.

ROADWAY WIDTH OR SURFACE WIDTH: That portion of any street designated for vehicular traffic and, where curbs are laid, that portion of the street between the curbs.

ROOMING HOUSE: A dwelling occupied by a resident family or resident occupant and three (3) or more rent-paying persons.

SIGN: Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.

SEXUAL ACTIVITIES:

1. **DEVIATE SEXUAL INTERCOURSE** means any act involving the genitals of one person and the mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person;
2. **SEXUAL DEVIATE** means the persons participating in deviate sexual intercourse;
3. **SEXUAL CONTACT** means any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, for the purpose of arousing or gratifying sexual desire of any person;
4. **SEXUAL INTERCOURSE** means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

STORY: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between floor and the ceiling next above it.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided however, that any partial story used for residential purposes shall be deemed a full story.

STREET: A public right of way, which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, court, road, parkway, boulevard, highway, way, trafficway, thoroughfare, or any other similar term. It is the full width between the property lines bounding every way of whatever nature when any part thereof is open to use by the public as a matter of right, for the purpose of vehicular traffic.

1. Major streets and highways are those which are used primarily for fast or heavy traffic.
2. Collector streets are those which provide for traffic movement between major streets and highways and local streets including principal entrance streets to residential developments and streets for circulation within such developments.
3. Local and minor streets are those used primarily to provide direct access to individual lots and for local traffic movements.

STREET LINE: The dividing line between the street and the abutting property.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground; including, but not limited to, signs, and swimming pools, and excepting customary utility poles, retaining walls and fences.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

SUBDIVISION: The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

THOROUGHFARE: A major street.

THOROUGHFARE-PRIMARY, SECONDARY: A major street so designated in the official thoroughfare plan.

TOTAL FLOOR AREA: The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

VARIANCE: A variation from a specific requirement in this chapter, as applied to a specific piece of property, as distinct from rezoning.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used.

YARD, FRONT: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, SIDE: A yard between the main building and the adjacent sideline of the lot, and extending entirely from a front yard to the rear yard.

YARD, REAR: A yard between the rear lot line and the rear line of the main building and the side lot lines.

ZONING ORDINANCE: The official zoning ordinance of the City.

SECTION 420.020 DISTRICTS

For the purposes of this ordinance, the City is divided into the following thirteen (13) zoning districts in accordance with the zoning map, which is included in this section and made a part herein by reference.

A. Agricultural district, A-1.

B. Residence districts:

1. Single-family residential district, R-1;
2. Two-family residential district, R-2;
3. Multiple-family residential district, R-3;
4. Planned residential district, RP; and
5. Planned manufactured home residential district, RP-M.

C. Commercial districts:

1. General commercial district, C-1; and
2. Highway commercial district, C-2.
3. Planned commercial district, CP.

D. Industrial districts:

1. Light industrial district, I-1;
2. Heavy industrial district, I-2; and
3. Planned industrial district, IP.

E. Planned Unit Development district, PUDD

SECTION 420.030 DISTRICT BOUNDARIES

- A. The boundaries of the districts as enumerated above are shown upon the map designated as the Laurie zoning district map. Unless otherwise delineated on the map, C-1 districts are 300 feet from the center line of State Road O and C-2 districts are 350 feet from the center line of Highway 5. The Laurie district map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein. The original of said district map is properly attested and is on file with the City Clerk of Laurie.
- B. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such location, and all areas included in the location shall then henceforth be subject to all appropriate regulations of the extended districts.
- C. All territory which may hereafter be annexed to the City shall automatically be placed in the "A-1" agricultural district unless otherwise designated at the time of annexation.
- D. Where uncertainty exists as to the boundaries of the districts as shown on the Laurie district-zoning map, the following shall apply:
1. Boundaries indicated as approximately following the centerline of streets, highway, alleys, or other public rights of way shall be construed to be said streets, highway, alleys or other public rights of way.
 2. Boundaries indicated as approximately following platted lot lines shall be construed to be said platted lot lines.
 3. Boundaries that divide a lot or a parcel of property, the location of any such boundary shall be determined by the use of the scale appearing on such map.

SECTION 420.040 GENERAL PROVISIONS

Except as hereinafter provided:

1. Buildings and land shall be used for purposes permitted in the district in which the building or land is located. See also Section 420.250 for regulations pertaining to non-conforming uses.

2. A building shall be erected, converted, enlarged, reconstructed or structurally altered in conformity with the height, off-street parking, loading, and area regulations of the district in which the building is located.
3. The density and yard regulations of this chapter are minimum regulations for each and every building at the effective date of this chapter and for any building hereafter erected or structurally altered. Land required or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for that one (1) building.
4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and there shall be only one (1) main building on a lot except as otherwise provided in this chapter.
5. These regulations shall apply to land regardless of the form of ownership.

ARTICLE II. DISTRICTS AND USES

SECTION 420.045 DISTRICT USE REGULATIONS

"A-1" AGRICULTURAL DISTRICT

The agricultural district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes but may be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land use and is intended to be used solely for the raising of crops, livestock, orchards or forestry. However, no commercial production of livestock or poultry is permitted. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm buildings or farm structures used for such purposes and shall define all land presently unimproved in any way unless otherwise specifically identified on the zoning district map. It is not intended that this A district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. Any improvement, reclassification or surveying for purposes other than "R-1" must have zoning approval. This regulation is designed to stabilize all unimproved areas and to bring them under the auspices of the Laurie Planning and Zoning Commission.

SECTION 420.050 "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. The "R-1" district is intended and designed to provide for low-density residential development. This district is designed to protect residential areas now developed with single-family detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas, to promote a suitable environment for family life and to provide a means to regulate the density and distribution of the population in conformance with the comprehensive master plan. For these reasons, the following regulations shall apply.

- B. Permitted uses. The following uses shall be permitted in the “R-1” single family residential district:
1. One-family detached dwellings.
 2. Customary accessory buildings including private garages, carports, gazebos, swimming pools, fireplaces, and similar accessory uses.
 3. Public, private and parochial schools.
 4. Public buildings erected by any public agency except those buildings used primarily for maintenance and storage purposes.
 5. Electric substations, public utility pumping stations, water and sewage treatment facilities and devices for the metering of electrical, gas or water services to dwellings.
 6. Public parks, playgrounds, swimming pools, community centers, athletic fields and recreation buildings therein. Commercial endeavors are prohibited unless they are approved by the City and are conducted in conjunction with an event or activity taking place at the location. (For example, the City may authorize the sale of food, crafts and other merchandise at events, such as, the Hillbilly Fair, the Barbeque cook-off, and the Environmental Expo at the Hillbilly Fairgrounds).
 7. Churches or other places of worship, including religious education buildings or other associated structures. Church signs shall be a permitted use.
 8. Non-commercial agricultural uses.
 9. Temporary buildings to house offices, equipment storage or other functions incidental to construction and development activities provided that such buildings shall be removed within eleven (11) months from date of permit for their erection.
 10. One (1) sign not exceeding thirty-six (36) square feet in area referring to the construction, lease, hire or sale of a building, premise or subdivision lot which sign shall refer to the subdivision or property on which the sign is located and shall be removed as soon as the premises are sold or leased or construction is completed. However, if the lot is a corner lot or is of more than five (5) acres, two signs may be used.
- C. Permitted accessory uses. Customary home occupations including the professional office or studio of an architect, artist, dentist, doctor, engineer, lawyer, salesperson, planner, scientist, teacher, beautician, barber or occupations such as handicraft, dressmaking, millinery, preserving, home cooking and pet grooming, provided animals shall not be boarded at residence; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for such purposes, and that no structural alterations or construction involving features not customarily found in dwellings are required. An unlighted sign of not more than two (2) square foot in area, and attached flat against the building, shall be permitted. No equipment shall be used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the operation of a restaurant or auto body shop. Day care homes shall also be considered a customary home occupation defined as day care homes where care is given by a person as a family day care home provider for no more than ten (10) persons not related to the caregiver. Day care homes may exceed the one-fourth (1/4) of the floor area of a dwelling unit restriction provided that the day care home meets the floor space

requirements of the State of Missouri. Under no circumstances shall any occupation be carried on within a detached accessory building. For all customary home occupations there shall be no regular and steady visitation or concentrated coming and going of clients or off-site employees to or from the premises. Customers are limited to no more than ten (10) per day and are limited to the hours of 5:00 a.m. - 9:00 p.m.

SECTION 420.060 "R-2" TWO-FAMILY RESIDENTIAL DISTRICT

- A. The "R-2" district is designed to allow higher density residential development while retaining the residential character and stability necessary for a suitable environment for family life. For these reasons, the following regulations shall apply.
- B. Permitted uses. The following uses shall be permitted in the "R-2" two-family residential district:
 - 1. Any use permitted in the "R-1" district.
 - 2. Two-family dwellings.

SECTION 420.070 "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. The "R-3" multiple-family residential district is designed to allow a high-density residential development designed specifically for duplexes, apartments and dwellings in groups, commonly referred to as "row houses", "townhouses" or "condominiums."
- B. Permitted uses. The following uses shall be permitted in the "R-3" multiple-family residential district:
 - 1. Any use permitted in the "R-2" district.
 - 2. Apartment houses.
 - 3. Bed and breakfasts.
 - 4. Clubs, lodges and meeting places for other organizations.
 - 5. Rooming and boarding houses but not hotels and motels.
 - 6. Clinics for human care, nursing homes and homes for the aged.

SECTION 420.080 "C-1" GENERAL COMMERCIAL DISTRICT

- A. The "C-1" district is designed to provide convenient retail, finance, personal services and entertainment areas to meet the needs of the citizens of Laurie and the Laurie trade territory with a minimum of adverse effect on surrounding residential and agricultural land uses.
- B. Permitted uses. Structures used for dwelling purposes shall be restricted to one of the stories of those buildings in which the one story is occupied by one (1) of the following permitted uses. A story shall not exceed a height of sixteen (16) feet. The following uses shall be permitted in the "C-1" general commercial district:

1. Appliance stores.
2. Automotive parts sales establishments.
3. Bakeries whose products are sold at retail on the premises.
4. Banks and savings and loan companies.
5. Barber and beauty shops.
6. Bus terminal facilities.
7. Cemeteries.
8. Clothing or wearing apparel shops.
9. Clubs lodges and meeting places for other organizations.
10. Drug stores.
11. Farm feed stores.
12. Funeral homes and mortuaries.
13. Gasoline service stations including those where repair work is a part of the business.
14. Gift, florist and music stores.
15. Grocery stores and supermarkets.
16. Hotels.
17. Laundry and dry cleaning establishments.
18. Lumber and paint stores.
19. Medical and dental offices and clinics.
20. Miscellaneous trades and businesses such as plumbing and heating, upholstery, sheet metal shops, sign paint shops; provided that all materials and supplies are stored within an enclosed building.
21. Parking structures and lots.
22. Printing, publishing and related trades.
23. Professional offices and offices of financial, insurance, real estate and philanthropic organizations.
24. Restaurants and taverns but excluding drive-in eating establishments.
25. Signage limited to those listing the name of, or products, activities or services offered on the premises, and in compliance with all state statutes and city ordinances.
26. Shoe repair shops.
27. Stores or shops for the conducting of a convenience type retail business.
28. Theaters, bowling alleys, golf courses and other commercial recreation establishments.
29. Warehouses and storage buildings.
30. Group day care home where care is given by a person licensed by the State of Missouri as a group day care provider for between ten (10) and twenty (20) persons not related to the caregiver.
31. Electric substations, public utility pumping stations, water and sewage treatment facilities and devices for the metering of electrical, gas or water services to dwellings.
32. Any other use which is determined by the commission to be of the same general character as the above permitted uses but not including any use which is first permitted in the "C-2", "I-1", or the "I-2" districts.

SECTION 420.090 "C-2" HIGHWAY COMMERCIAL DISTRICT

- A. It is the purpose of the "C-2" district to encourage the functional grouping of those commercial enterprises catering to either "local" or "through" highway travelers.
- B. Permitted uses. The following uses shall be permitted in the "C-2" district.
1. Any use permitted in the "C-1" district.
 2. Auto body shops.
 3. Automatic car wash establishments.
 4. Automotive sales and service establishments.
 5. Contractor yards and related establishments, such as building material yards and equipment storage but excluding concrete and asphalt batch plants.
 6. Drive-in eating establishments.
 7. Drive-in theaters.
 8. Farm implement sales and repair.
 9. Frozen food locker.
 10. Mobile home or boat sales lot.
 11. Motels and motor hotels.
 12. New and used car sales lots.
 13. Sales lots for new and used mobile homes and manufactured homes.
 14. Signs of all types shall be permitted, however they must comply with state statutes and city ordinances.
 15. Trucking or motor freight stations or terminals.
 16. Veterinarian, animal hospital or kennels.
 17. Wholesale lumberyards including incidental millwork.
 18. Light PVC extrusion manufacturing and PVC injection molding and assembly incidental to sales. Any PVC extrusion equipment utilized shall be capable of extruding a product of a maximum of one (1) inch in diameter. All manufacturing done under this subsection and any noise resulting from the manufacturing process shall be contained totally within a structure or building.
 19. Welding and machine shops.

SECTION 420.100 "I-1" LIGHT INDUSTRIAL DISTRICT

- A. The "I-1" light industrial district is intended to provide sites for light industrial activities requiring some heavy machinery which, under control, would minimize the effect on nearby residential districts.
- B. Permitted uses. The following uses shall be permitted in the "I-1" light industrial district.
1. Bottling plants.

2. Manufacture or assembly of medical and dental equipment, drafting, and optical instruments, watches, clocks, toys, musical instruments, novelties, metal stamps, and electrical or electronic apparatus.
3. Assembly of small component parts for farm implements, aircraft, automobiles and trucks, such as generators and carburetors.
4. Ice manufacturing plants.
5. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating ventilating ducts and equipment, cornices, eaves, and similar products.
6. Manufacture, compounding, processing, packaging or treatment of bakery goods, candy, cosmetics, perfumes, pharmaceutical, and toiletries.
7. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
8. Industrial research laboratories.
9. Electric substations, public utility pumping stations, water and sewage treatment facilities and devices for the metering of electrical, gas or water services to dwellings.
10. Other uses which in the opinion of the commission are of similar character with respect to the emission of dangerous and offensive elements to the uses listed above.
11. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
12. The above listed uses are permitted in the "I-1" district as long as the uses are not obnoxious or offensive due to emission of noise, odor, dust, gas, smoke or vibration.
13. Large inventories shall be kept in an orderly fashion and shall not be stockpiled in the open without an acceptable means of cover.

SECTION 420.110 "I-2" INDUSTRIAL DISTRICT

- A. The purpose of this district is to provide areas for medium to heavy industrial endeavors to locate, operate and provide employment opportunities in Laurie without damaging the environment or character of the City.
- B. Permitted uses. The following uses shall be permitted in the "I-2" district:
 1. Any use permitted in the "I-1" district.
 2. Automobile and boat salvage and wrecking operations and junk yards, including industrial metal and waste salvage operations, which shall be fenced to be hidden from public view.
 3. Bulk station for propane and butane gas.
 4. Manufacturing, compounding, packaging or treating dairy and food products, except the following: fish products, sauerkraut, vinegar, yeast, soy sauce and the rendering of fats and oils.
 5. Meat and poultry processing and packing.
 6. Ready mix concrete and asphalt mixing plants.

7. Sandblasting or cutting, which releases material into the air.
8. Sawmill, the manufacture of wood products and novelties or sawdust products.
9. Stone and monument works.
10. Sawmill, the manufacture of wood products and novelties or sawdust products.
11. Other uses which in the opinion of the commission are of similar character with respect to the emission of dangerous and offensive elements to the uses listed above.
12. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
13. The above listed uses are permitted in the "I-2" district as long as the uses are not obnoxious or offensive due to emission of noise, odor, dust, gas, smoke or vibration.
14. Large inventories shall be kept in an orderly fashion and shall not be stockpiled in the open without an acceptable means of cover.

SECTION 420.120 PLANNED UNIT DISTRICTS

A. General. Each of the districts aforementioned shall have a separate and distinct counterpart known and herein referred to as a planned unit district. A planned unit district shall be for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district and further providing for and encouraging latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces, etc., subsequent to approval of the plan by local officials. The intent is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations. All planned districts shall have a minimum area of five (5) acres except planned manufactured home districts shall have a minimum area of ten (10) acres and access to a public highway or street and planned unit development districts shall have a minimum of twenty (20) acres. In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population, the parking and loading requirements shall be equal to those in the corresponding equivalent district. The uses permitted shall be the same as in the equivalent district. Variations and departures from normal practice may, however, be permitted. Each building need not face on a public street and more than one (1) building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and cul-de-sacs and private drives may be permitted in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted by approval of the Planning and Zoning Commission provided such buildings are architecturally suitable for such a relationship to adjoining buildings or property and do not impede access by emergency service vehicles. Any building or portion thereof may be owned as a condominium in accordance with RSMo. sections 448.005-448.4-120. The planned districts shall be as follows:

Planned District	Equivalent District
RP-1	R-1

RP-2	R-2
RP-3	R-3
CP-1	C-1
CP-2	C-2
IP-1	I-1
IP-2	I-2
RP-M	R-1 to R-3
PUDD	None

1. Procedure for rezoning property to a planned unit district. A tract of land may be zoned for a planned large-scale district only upon application by the owner or his/her agent and only upon approval of a development plan for the tract. The proponent of a planned development shall prepare and submit to the commission a development plan containing the following elements:
 - a. The boundaries of the tract to be zoned and the area adjacent for a distance of not less than two hundred (200) feet. The proponent shall supply the names of all such adjacent landowners.
 - b. The existing topography of the tract.
 - c. The proposed location and arrangement of buildings, structures and parking areas; existing and proposed streets, drives and other public ways; public property; drainage; easements; water lines; sewer lines; landscaping and other features of the proposed development.
 - d. Sufficient approximate dimensions to indicate the relationship between buildings, streets, drives and property lines.
 - e. Preliminary elevation and plan drawings of proposed buildings if deemed by the commission to be in the public interest.

2. Public hearing. The commission shall advertise and hold a public hearing on the plan as provided in section 89.060, RSMo. At such time as the development plan meets with the approval of the commission, the same shall be duly approved, properly endorsed and identified and sent on to the governing body for action. Upon final approval of the final development plan and the rezoning of the tract as required herein, construction may proceed in conformance with the plan. Deviation from the plan shall require a re-submittal to the commission and governing body in the same manner as the original rezoning procedure. The final development plan shall follow all applicable procedures, standards and requirements governing the subdivision of land. No building permit shall be issued until a final plat of the proposed development is approved and recorded.

B. Planned Manufactured Home Residential District: RP-M.

1. General. A planned manufactured home residential community shall be for the purpose of permitting the establishment of attractive and well-located manufactured home parks in the City. The intent is to promote the development of sound and well planned manufactured home residential communities that will

not cause a depreciation of adjacent values, create congestion, result in overcrowding of the land or in any manner be contrary to the basic intent and purposes of this ordinance.

2. The procedure for rezoning property to a planned manufactured home residential district is the same as for other planned districts. However, prior to the rezoning and approval of the final manufactured home residential plan, the commission and the governing body must find that the plan provides for meeting the following minimum requirements:
 - a. Lot area. Each lot within the manufactured home district has a minimum area of five thousand (5,000) square feet.
 - b. Width of lot. Each lot within the manufactured home court has a minimum width of fifty (50) feet.
 - c. Spacing of manufactured homes. There is a minimum distance of twenty (20) feet between each manufactured home and ten (10) feet from the side lot line.
 - d. Front yard. No manufactured home is located closer than thirty (30) feet to the public highway or street right of way line on which the planned manufactured home park abuts.
 - e. Parking space. There is at least one (1) off-street parking space located on each manufactured home lot.
 - f. Interior streets. All interior streets have a minimum right of way of forty (40) feet and a paved driving surface width of not less than twenty-four (24) feet with eight (8) feet on each side of right of way. Interior streets, as a minimum, have a three (3) inch concrete or compacted asphalt surface.
 - g. Sewer and water. All manufactured home units are to be connected to the city sewer and water systems if available as determined by the City.
 - h. Fire hydrants. These are located in accordance with the current specifications of the national board of fire underwriters provided the city water department has the capability to supply the water required to meet these specifications. In no case shall any manufactured home be located further than six hundred (600) feet from a fire hydrant when available.
 - i. Tie downs and storm shelters. All manufactured homes within the district are to be tied down. Although they are not required to do so, developers are encouraged to equip the planned manufactured home park with a storm shelter meeting or exceeding FEMA 361 requirements.
3. No manufactured home shall be placed in a planned manufactured home leased community until the final manufactured home residential plan has been approved by the governing body and until the streets and other physical improvements as shown on the final manufactured home residential plan have been installed. The commission and the governing body will allow a manufactured home development only after determination that the development will not be detrimental to or endanger the public health, safety, morals or general welfare.

4. Permitted accessory uses. All uses and accessory uses permitted in the "R-1" residential district shall be permitted accessory uses in the "RP-M" district. In addition the following accessory uses shall be permitted in the "RP-M" district:
 - a. Central laundry and washroom facilities.
 - b. Manufactured home court office and maintenance buildings.

C. Planned Unit Development District: PUDD

1. A planned unit development district is a district option that provides a degree of flexibility to larger scale developments than would normally be the case in a single zoning district. The intent is to provide the ability to mix land-uses, modify regulatory design standards and develop a particular theme. This provides advantages to the developer but also to the community by ensuring an enhancement of the developed area with a cohesive or unified nature of such a large development. A PUDD district shall have a minimum area of twenty (20) acres unless the commission determines that topographic or other circumstances warrant a slightly smaller area.
2. The use of land shall be in general conformance with the permitted uses of the zoning district in which the proposed PUDD is to be located. The proposed PUDD shall comply with the requirements set forth in Chapter 405 of this ordinance unless otherwise provided for in this section.
3. The procedure for rezoning property to a PUD is the same as set forth in Section 420.120A. However, the proponent of a PUD shall prepare and submit to the commission the following additional information:
 - a. The substance of any covenants, grants of easements, development controls or restrictions, or other devices proposed to be imposed upon the use of land, buildings and structures, and facilities.
 - b. Proposed phasing plan or stages of development.
 - c. The number, size and location of all lots, land-uses and structures.
 - d. Estimated total and type of residential units.
 - e. Amount of land to be dedicated to each residential land-use.
 - f. Estimated total building square footage and percentage of building coverage by commercial uses.
 - g. Proposed setbacks, height requirements and lot sizes listed with clear representation that they do or do not differ from those required by this ordinance.
 - h. Any other information deemed necessary by the commission to adequately illustrate the proposed development.

SECTION 420.130 NOT USED

SECTION 420.140 MINIMUM AREAS FOR LOT AREA AND WIDTH AND SQUARE FOOTAGE

A. The following minimum lot areas and lot widths must be provided in the districts indicated:

District	Lot Width in Feet	Lot Area in Square Feet
"R-1"	75	9,000
"R-2"	50 Per Unit	6,000 Per Unit
"R-3"	50 Per Unit	6,000 Per Unit
"C-1"	N/A	N/A
"C-2"	N/A	N/A
"I-1"	N/A	N/A
"I-2"	N/A	N/A
"PUD"	N/A	N/A

Measurements for the lot width and lot area are from the property lines without regard to any easements. Survey pins are to be identified before the issuance of a building permit. In the event uncertainty exists as to the location of one or more survey pins, the property owner may procure a new survey or provide an agreement in writing from the owner's neighbor agreeing to the location.

B. Lot area per family in square feet:

District	Single-Family Dwelling	Two-Family Dwelling	Multiple-Family Dwelling
"R-1"	9,000	Not Permitted	Not Permitted
"R-2"	6,000	6,000	Not Permitted
"R-3"	6,000	6,000	2,000

A single family dwelling in R-1 shall have a minimum of one thousand (1,000) square feet of living space for a one level dwelling and one thousand five hundred (1,500) square feet for a two level dwelling. A single family dwelling in R-2 or R-3 shall have a minimum of seven hundred (700) square feet of living space for a one level dwelling and one thousand fifty (1050) square feet for a two level dwelling. Living area excludes decks, porches and garages.

SECTION 420.150 EXCEPTION TO LOT AREA AND WIDTH REQUIREMENTS

Where a lot of record at the time of the effective date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a single-family dwelling or for any non-dwelling use permitted in the district in which it is located.

SECTION 420.160 MINIMUM YARD REQUIREMENTS

A. The following minimum yards excluding sidewalks and driveways measured in feet shall be provided within the districts indicated below:

Districts	Front Yard	Side Yard	Rear Yard
"R-1"	30	8	30
"R-2"	25	5	25
"R-3"	20	5 or 10	20
"C-1"	N/A	N/A	N/A
"C-2"	N/A	N/A	N/A
"I-1"	N/A	N/A	N/A
"I-2"	N/A	N/A	N/A

B. Although uses authorized in an R-1 district may be constructed in an R-2 or R-3 district and uses authorized in an R-2 district may be constructed in an R-3 district, such structures must comply with the minimum yard requirements (setbacks) of the highest use district. For example, if a single-family residence is constructed in an R-3 district, it must comply with the setback requirements for an R-1 district of 30 feet front yard, 30 feet back yard and 8 feet side yard.

SECTION 420.170 EXCEPTIONS TO YARD REQUIREMENTS

- A. Filling station pumps may occupy required yards provided that they are not less than fifteen (15) feet from all lot lines.
- B. A detached accessory building, maximum of two hundred (200) square feet, all of which is located in a rear yard, may be erected no closer than three (3) feet to a side of the rear property lot line.

SECTION 420.180 HEIGHT REGULATIONS

A. Maximum height limits established for buildings and structures are as follows:

Forty-five (45) feet in the "R-1" and "R-2" districts.

- B. Television and radio antenna structures may be authorized to greater height provided:
 1. The height of the structure does not exceed the lesser of the width or depth of the property as determined by a line bisecting said structure and measured from one (1) side of the property line to the other or from the front property line to the rear at the shortest distance there-between, said height not to exceed a maximum height of one hundred (100) feet.
 2. The setback for the central vertical position of the antenna structure shall be a minimum of twenty (20) feet from all property lines for structures up to thirty-five (35) feet in height and then shall increase by one (1) foot for every three (3) feet. Guy wires and anchors may be located within such required yards.

3. The construction shall be of such a type as may be required by the Zoning inspector (ZI) to form a safe and durable structure. Generally towers meeting specifications such as Rohn towers will be accepted.
 4. "Antenna structure" is defined as the rigid portion of the assembly which receives or transmits radio energy and the mast or tower upon which said assembly is mounted, excluding non-rigid items such as wire, cable transmission lines, guy wires or guy wire anchors.
 5. Antenna structures shall conform to all other applicable federal, state and local codes and ordinances.
 6. If an antenna structure is erected to such height that if the structure falls it will fall upon any surrounding property, the written approval of the surrounding property owner(s) must be obtained.
- C. Church spires, belfries, monuments, water towers, chimneys, stacks and flagpoles may be erected to such height as may be authorized by the Planning and Zoning Commission.
- D. Buildings in the "R-3", "C-1", "C-2", "I-1" and "I-2" districts may be increased in height provided that each yard is increased by one (1) foot for each foot of height which exceeds forty-five (45) feet.
- E. Signs of all types in the "C-2" highway commercial district may be erected to a height not to exceed thirty-five (35) feet.

SECTION 420.190 OFF-PREMISES ADVERTISING

Off-premises advertising is governed by City Ordinance No. 99-07 as amended and is incorporated herein by reference.

SECTION 420.200 OFF-STREET PARKING REQUIREMENTS

- A. Off-street parking spaces are as follows:
1. One and one half (1 1/2) spaces shall be provided for each dwelling unit.
 2. One and one half (1 1/2) spaces shall be provided for each four hundred (400) square feet of floor area devoted to office use of commercial businesses.
 3. One (1) space shall be provided for each employee on the premises of any commercial enterprise.
- B. Additional off-street parking requirements beyond A above are as follows:
1. There shall be no additional off-street parking requirements in the existing "C-1" general commercial district; however, any new "C-1" general commercial district shall comply with the provisions of Section 420.080. The indicated number of parking spaces shall be provided for each of the following types of uses:

Use	Number of Spaces
Hotel, Motel, Dormitory, Home for Convalescent or Aged.	One (1) Space for Each Sleeping Room or Suite;
Churches, Assembly Halls, Auditoriums, Theaters, Cafes, Restaurants, Mortuaries, Taverns, Or Night Clubs.	One (1) Space for Each Five (5) Permanent Seats;
Wholesale Sales Offices, Frozen Food Lockers, Furniture Stores, Automobile Service Garages, Machinery and Automobile Sales, Public Buildings.	One (1) Space for Each Eight Hundred (800) Square Feet of Floor Space;
Bowling Alleys.	Three (3) Spaces for Each Alley.

2. In all districts the off-street parking shall be provided on the same lot on which the principal structure is located or on a lot which is not more than one hundred (100) feet from the lot on which the main building is located.

C. Parking spaces must be constructed to comply with the American with Disabilities Act (ADA) of 1990, as amended, with one (1) handicapped parking space for every twenty (20) available spaces or as otherwise required by the ADA.

SECTION 420.210 NOT USED

SECTION 420.220 OBSTRUCTION TO VIEW

At street intersections a triangular area measured forty (40) feet from the corner along each curb line or back of the drainage ditch, if there is no curb, shall be maintained free and clear of fences or other obstructions.

SECTION 420.230 CONDITIONAL USES - GENERAL

A. Applications for conditional use permits for uses specifically authorized for conditional consideration in the district use regulations shall be made to the Zoning Inspector (ZI). The ZI shall refer the application to the Planning and Zoning Commission for investigation and public hearing. The applicant shall notify adjoining property owners within one hundred eighty-five (185) feet by first class mail not less than 10 days prior to

the hearing date and shall provide proof of such notice to the Planning and Zoning Commission. Following a public hearing, the Planning and Zoning Commission shall vote on a recommendation to either approve or deny the request. A record of the recommendation shall be forwarded to the Board of Aldermen and shall include the wording of the motion and the action taken. Upon receipt of a recommendation from the Planning and Zoning Commission, the Board of Aldermen shall conduct a public hearing within 45 days of receipt from the Planning and Zoning Commission and either approve or deny the request or continue action, within 10 days after the public hearing. Should the Planning and Zoning Commission fail to forward a report of their action to the Board of Aldermen within sixty (60) days of the date of referral to the Planning and Zoning Commission, it shall be assumed that the Planning and Zoning Commission has recommended approval of the request.

- B. Before authorizing the issuance for such a conditional use permit, the Board of Aldermen shall satisfy itself that:
1. The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 2. The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
 3. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
 4. All necessary facilities will be available, including but not limited to utilities, roads, road access and drainage.
 5. The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
 6. The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
 7. The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The Board of Aldermen shall find that there is a public necessity for the conditional use permit.
- C. Any approved conditional use permit must be utilized within six months of approval by the Board of Aldermen, unless a longer period of time is approved for initial utilization. Failure to exercise an approved permit within this period of time will automatically invalidate the permit. An invalidated permit can only be renewed by reapplication and approval as outlined herein. If a use authorized by a conditional use permit ceases for twelve (12) months, said permit shall become void.
- D. In the event that it appears to the Zoning Inspector (ZI) that the holder of a conditional use permit is making use of the permit or premises in violation of the permit or is permitting others to use the permit or premises in violation of the permit, the ZI may file a written complaint with the Board of Aldermen which for cause shown, shall have

authority to revoke the permit. The ZI shall send a copy of the complaint to the holder of the permit, by first class mail to the last known address at least fifteen (15) days prior to a scheduled public hearing to consider revocation of a permit. The ZI shall prove by a preponderance of the evidence that violation(s) of one or more conditions of the permit has occurred and shall show cause as to why the permit should be revoked. If the Board of Aldermen finds that one or more conditions have been violated, upon hearing the evidence of the ZI and the permittee, it may revoke the permit. Failure of the permittee to appear at the Board of Aldermen hearing or to present evidence shall not constitute grounds to avoid revocation of the permit. The ZI may, in his discretion, dismiss the complaint prior to hearing if he determines that the violation(s) alleged in the complaint has been corrected.

- E. Applications shall include the following minimum information, and failure to provide any of the required material will result in the rejection of the application:
1. The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the board of directors of the corporation. A copy of the corporate certificate of good standing with the State of Missouri shall be attached.
 2. A legal description of the property and proof of ownership.
 3. The present zoning of the land included in the request.
 4. The present use of land included in the request.
 5. The size of tract included in the request, broken down either by acreage or square feet.
 6. The zoning of land adjacent to the land included in the request.
 7. The proposed use of land if the permit is approved with the description as complete as possible.
 8. The classification of conditional use requested, the reason or the justification for the request being submitted and a sketch of the tract of land showing approximate size, use and location of any existing or proposed structures on the property including wastewater systems and wells.
 9. The approximate size, use and location of any structures on the property, including wastewater systems. This shall include both existing structures as well as structures that will be built if the permit is approved.
 10. The signature of the property owner or his authorized agent and the signature of any potential buyer or lessee or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.
 11. The names and addresses of all property owners owning land within one hundred eighty-five (185) feet of the property under consideration.
 12. A nonrefundable check in the amount of one hundred dollars (\$100.00).
 13. The floor plan and front elevation view of any existing or proposed structure.
- F. It is the applicant's responsibility to demonstrate to the Planning and Zoning Commission and the Board of Aldermen by competent and substantial evidence that the requirements of the standards for granting a conditional use permit set forth in this section are satisfied.

SECTION 420.240 CONDITIONAL USES - ADULT ENTERTAINMENT

- A. Adult Entertainment. The following uses of property are considered adult entertainment activities, and may be located only in districts zoned "C-1" as a conditional use: adult bookstore, adult entertainment facility, bathhouse, massage parlor and modeling studio, and will adhere to the following requirements:
1. No adult bookstore, adult entertainment facility, bathhouse, massage parlor or modeling studio shall be permitted within one thousand two hundred (1,200) feet of any religious institution, school, public park or any property zoned for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest property line of the religious institution, school, public park or the property zoned for residential use.
 2. No adult entertainment activities shall be allowed to locate or expand within one thousand (1,000) feet of any other adult entertainment use or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment activity as defined in this section. The distance between any two (2) adult entertainment activities or between an adult entertainment activity and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
 3. All access to and from the adult entertainment establishment shall be provided from a street classified as a thoroughfare.
 4. The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.
 5. The property on which the use is located shall be screened by a solid wall at least six (6) feet in height along all interior property lines.
 6. The facility in which the use is located shall be designed in such fashion that all openings, entries and windows prevent view into such facilities from any pedestrian sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.
 7. The facility in which such a use is located shall be limited to one (1) wall-mounted sign, not to exceed a total of fifty (50) square feet and shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk, walkway, street or other public area in front of the building.
- B. Application. An application for a conditional use in accordance with this section shall include all the information required in section 420.230E above and shall include a site

plan with the following minimum information. Failure to provide any of the required information will result in the rejection of the application. The site plan shall:

1. Be drawn at a scale of one (1) inch equals fifty (50) feet or larger (i.e. 1:40; 1:30; 1:15).
2. Delineate the property lines of the proposed project and reflect the zoning and present use of abutting property.
3. Delineate existing rights of way and easements.
4. Delineate the general location and width of all proposed streets and public rights of ways, such as alleys, pedestrian ways and easements.
5. Provide a building layout.
6. Describe all points of ingress and egress.
7. Describe the landscaping to be provided.
8. Indicate the signage and lighting to be provided.
9. Include a survey which must have been issued within the last six months by a registered Missouri land surveyor.
10. Show that the measurements from the building to surrounding structures and property lines.

- C. Processing Applications. Applications made under this section shall be processed in accordance with the procedures contained in section 420.230 A-E above.

SECTION 420.250 NON-CONFORMING USES

Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building for which the building footings are in place at the time of the passage of this ordinance. It is the express intent of the Planning and Zoning Commission that the substance of this introductory provision remain unchanged.

- A. Continued and Discontinued Use. The lawful use of land or of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout such portions of buildings as are arranged or designed for such use, provided no structural alterations are made therein. A non-conforming use may be changed to another non-conforming use of a more restricted zoning use. When a non-conforming use has been discontinued for six (6) months or more it shall not be re-established. When the non-conforming use of a manufactured home space, a sign or an open storage lot has been discontinued for sixty (60) days or more it shall not be re-established. If changed to a conforming use or more restricted use, a non-conforming use may not thereafter be changed back to a less restricted use than that to which it was changed. If by amendment to this ordinance any property is hereafter transferred to a more restricted district by a change in the district boundaries or the regulations and restrictions in a district are made more restrictive, the provisions of this chapter relating to the non-conforming use of buildings or premises existing before enactment of this ordinance shall apply to buildings or premises occupied or used at the time of the passage of such amendment.

- B. Repairs and Restoration. Repairs and improvements may be made to a non-conforming building or structure provided that no alterations shall be made, except those required by law or ordinance, unless the building or structure is changed to a conforming or more restricted use; provided that the Planning and Zoning Commission and the Board of Aldermen, in case of evident hardship, may permit an enlargement of a non-conforming use not exceeding fifty percent (50%) of the ground floor area of the building. Nothing in this ordinance shall be taken to prevent the restoration, within one year (1), of a non-conforming building destroyed to the extent of not more than one hundred percent (100%) of its reasonable value by fire, explosion, act of god or public enemy, provided that when such restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the one year (1) allowed for reconstruction. Alterations may be made to residences and customary accessory buildings located in the commercial zone even though they are a non-conforming use. Enlargement may not exceed fifty percent (50%) of existing square foot area.
- C. Any planned unit district the plat for which has been duly recorded as of the effective date of this ordinance shall be within the scope of Section 420.250 as a non-conforming use. The plat for any such district that has not been recorded by such date or for which changes are subsequently sought shall be required to meet the provisions of this ordinance. Any person, firm or corporation engaged in the dividing or subdividing of land into lots or parcels for the purpose of conveyance or lease within the scope and application of these regulations shall be known as the developer.

ARTICLE III. ADMINISTRATION

SECTION 420.300 ENFORCEMENT OF THE CHAPTER

- A. Zoning Inspector (ZI). There is hereby created the position of Zoning Inspector (ZI). The Mayor with the concurrence of the Board of Aldermen shall designate a city employee as the ZI.
- B. Duties. The ZI shall:
1. Enforce the provisions of this ordinance.
 2. Receive applications required by this ordinance and issue permits.
 3. Examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of the law are complied with.
 4. Enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for.
 5. Make, when the interests of the City so require, investigations in connection with matters referred to in this ordinance.
 6. Issue such notices or orders in accordance with these regulations as may be necessary for the purpose of enforcing compliance with this ordinance or other laws.

- C. Rules. The ZI may establish rules consistent with this chapter to carry into effect its provisions subject to the approval of the Planning and Zoning Commission.
- D. Records. The ZI shall keep careful and comprehensive records of applications, of permits issued, of inspections made, of reports rendered and of notices or orders issued and make semi-annual reports to the Planning and Zoning Commission and the Board of Aldermen.
- E. Permits.
1. Building Permits. It shall be unlawful to construct, alter, repair in excess of \$3,000.00, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the ZI an application in writing and obtaining a formal building permit. Repairs pertain to structural work, such as, reconfiguring a structure that impacts on load bearing walls, changes the size and the like. Work in the nature of painting, removing and replacing a roof, changing or adding kitchen cabinets or changing or adding gutters would not require a permit. Permits shall not be required for one story detached structures that do not exceed 120 square feet or as otherwise provided for in section R105.2, Building, of the International Residential Building Code for 2006.
 2. Land Use Permits. A land use permit must be obtained from the ZI for any use of land on which no building or structure is to be erected.
 3. Application for a Permit. An application for a permit shall be submitted in such form as the ZI may prescribe. Such application shall be accompanied by payment of such fees as the governing body may establish. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction, type and extent of repair or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings. Where no building or structure is to be erected, the applicant shall state on the application for a permit the nature of the proposed use of the land.
 4. Commencement of Construction. Any building permit issued hereunder shall provide that commencement of the construction, alteration, removal or demolition of the building or structure covered by the permit shall commence within three (3) months from the date of the issuance of said permit and that all work contemplated by said permit shall be completed within one (1) year from the date of issuance of said permit.
 5. Extension of Permit. For good cause shown, the ZI may extend any permit granted hereunder for a period of up to ninety (90) days both from start date and the expiration of the one (1) year period set forth in subparagraph (4) above.
 6. Issuance of Building Permit. The ZI may issue a building permit only after the plat receives final approval.

7. Issuance of Occupancy Permit. The ZI may issue an occupancy permit for a residence only after all necessary infrastructures to the residence render it habitable.
- F. Amendments to Applications. Nothing in this section shall prohibit the filing of amendments to an application at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- G. Action on Application. If the ZI finds no objection to the application and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the ZI shall approve such application and issue a permit for the proposed work within (30) thirty days of receipt of the application. If the ZI's examination reveals otherwise, the ZI will reject such application noting the findings in a report to be attached to the application and deliver a copy to the applicant.
- H. Condition of the Permit. All work performed under a permit issued by the ZI shall conform to the approved application and plans and approved amendments thereto. The location of all new construction as shown on the approved plot diagrams, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement. It shall be unlawful to change the use of land for which a land use permit has been issued until a revised land use permit has been obtained.
- I. Revocation.
 1. The ZI may revoke a permit or approval issued under the provisions of this chapter in case:
 - a. The work performed under the permit is not in conformance with the permit or condition of the permit as specified in subsection H above, or
 - b. There has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
 2. Prior to such revocation of any permit or approval, the ZI shall provide written notice by certified mail return receipt to the applicant of the reason(s) for the contemplated revocation and inform the applicant that the applicant has ten (10) calendar days from three (3) days after the post office date stamps the certified mail to correct the problem(s).

SECTION 420.310 BOARD OF ADJUSTMENT

- A. Appointment, Term Vacancies, Organization. The Mayor, with the concurrence of the Board of Aldermen, shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of sections 89.010 to 89.140 RSMO. may provide that the Board of Adjustment may determine and vary their application in harmony with their general purpose and intent in accordance with general or specific rules therein contained. The board of adjustment shall consist of five (5) members, who shall be residents of the City. The membership of the first (1st) board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the Mayor with the concurrence of the Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by the Mayor with the concurrence of the Board of Aldermen.
- B. Procedure. The board shall organize and elect a chairman, vice chairman, and secretary from its membership to serve for a term of one year. The board shall then adopt rules for its own governance in accordance with this chapter. All members of the Board shall have equal voting rights. Meetings shall be held at the call of the chairman and at such times as the board deems advisable. The chairman, or in the absence of the chairman the vice chairman, may administer oaths. The board may compel the attendance of witnesses. All meetings of the board shall be open to the public. The secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also the secretary shall keep records of the board's examination and other official actions, all of which are to be immediately filed in the office of the board and become public record. The secretary shall conduct all official correspondence and supervise the clerical work of the board. Three (3) members of the board shall constitute a quorum. The board shall act by resolution; and the concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the board from which there has been an appeal.
- C. Power of the Board. The board shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the ZI or in the enforcement of this ordinance.
 2. To hear and decide all matters referred to it or upon which it is required to pass under this chapter.
 3. In passing upon appeals where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, to vary or modify the application or any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done.

- D. Appeal to the Board of Adjustment. Appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the ZI and with the board a notice of appeal specifying the grounds thereof and providing the board a list of current property owners within an area determined by lines drawn parallel to a one hundred eighty-five (185) foot distance from the boundaries of the property impacted by the appeal. In no event shall said appeal be filed more than 30 calendar days from the date the decision appealed from was made. A fee of five hundred (\$500.00) dollars shall accompany each notice of appeal, and said sum shall be deposited in the general revenue fund. The ZI shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the actions appealed from, unless the ZI certifies to the board after the notice of appeal shall have been filed with the ZI that by reason of facts stated in the certificate a stay would, in the ZI's opinion, cause immediate peril to life or property. The board shall fix a time for the hearing of the appeal within thirty (30) days following its receipt, give public notice thereof, and by letter sent first (1st) class mail to property owners as provided by applicant or by any publication one (1) time in a local newspaper of general circulation in the City, not less than five (5) nor more fifteen (15) days prior to the date of said hearing. Any party may appear in person or by agent or by attorney.
- E. Decision of the Board. The board shall render decisions only on appeals from an action of the ZI. The board shall take action only when it has determined that a permit has been incorrectly issued or denied, when it has determined that the chapter has been incorrectly interpreted or when the appellant proves undue and unnecessary hardship due to a provision or provisions herein contained as applied to a specific lot or tract. In case an unnecessary or undue hardship due to peculiar characteristics of a specific lot or tract is proven, as distinguished from a mere grant of a privilege, the board may issue a variance signed by the chairman, and set out any condition or conditions to be met. A copy of the variance shall be sent to the ZI, the Planning and Zoning Commission and the Board of Aldermen. The ZI shall issue a building permit setting out the terms of the variance. In no case shall the board issue a variance or an order permitting a use to be placed in a district in which it is not permitted in this chapter. In all cases, the spirit and intent of this chapter shall be observed, public safety and welfare secured and substantial justice done. In exercising the above mentioned powers, the board may, in conformity with the provision of this chapter, reverse, affirm wholly or partly or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. If the board grants all of the relief requested by the appellant, the City shall refund the fee without interest.
- F. Appeal from Decision of the Board. Any person or persons jointly or severally aggrieved by any decision of the board or any officer, department or board of the City may present to the circuit court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented

to the court within thirty (30) days after the filing of the decision in the office of the board.

SECTION 420.320 PLANNING AND ZONING COMMISSION – MEMBERSHIP - TERMS - VACANCY - REMOVAL

The Planning and Zoning Commission of the City appointed by the Mayor with the concurrence of the Board of Aldermen shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, a member of the Board of Aldermen selected by the board and not more than thirteen (13) nor less than five (5) citizen members. The citizen members of the commission shall serve without compensation. All members of the Commission shall have equal voting rights. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Mayor with the concurrence of the Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

SECTION 420.330 AMENDMENTS TO THE ZONING ORDINANCE

- A. Application for Amendment. Applications for amendment, revision or change of the City zoning district map may be made by any person or his/her agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the commission and duly filed with the commission. Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of the City zoning ordinance, other than the zoning district map, may be made by any interested person on forms prescribed by the commission and duly filed with the commission.
- B. Fee. A fee of one hundred (\$100.00) shall accompany each application for an amendment, except for those amendments introduced by a member of the Board of Aldermen or the commission, and said sum shall be deposited in the City's general revenue fund and shall not be refundable.
- C. Hearing. Immediately upon receipt of such application, the commission shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing before the commission not later than thirty (30) days from the date of the filing. Any such hearing may, for good cause at the request of the applicant or in the discretion of the commission, be continued. At least fifteen (15) days prior to the hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation within the City. Upon the final hearing of such

application, the commission shall approve or deny it; and a report of such action, together with a recommendation for final approval or denial, shall be made in writing by the commission to the Board of Aldermen. The Board of Aldermen shall approve or deny the application.

- D. Amendment by Commission or Board of Aldermen. Recommendations for revision or amendment of this chapter, including the zoning district map, may also be made by the commission upon its own motion for final determination by the Board of Aldermen. Likewise, the Board of Aldermen may revise, modify or amend this ordinance, including the zoning district map upon its own motion; provided however, such proposed changes shall first be submitted to the commission for recommendations and a report. In either case, final action thereon shall be taken only upon notice and hearing, as provided herein.

- E. Protest of amendment. In case a protest against such revision or amendment is presented, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such revision or amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

SECTION 420.340 INTERPRETATION AND CONFLICT WITH OTHER LAWS

In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare. Whenever this ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or less number of stories, or imposes higher standards than are required by any other statute or local ordinance or regulation, the regulations of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces or requires a lower height of building or a less number of stories or requires a greater percentage of lot to be left unoccupied or imposes other higher standards than are required by this ordinance, the provision of such other ordinance or regulation shall govern.

SECTION 420.350 VIOLATION AND PENALTY

- A. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this chapter, the proper local authorities of the City in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

- B. Penalties. The owner or general agent of a building or premises where a violation of any provision of the regulations of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person commits, takes part or assists in any such violation shall be guilty of a violation of a City ordinance punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or not more than two hundred and fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for up to ninety (90) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. However, for the second and subsequent offenses involving the violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue or by imprisonment for ten day for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Any such person who, having been served with an order to remove any such violation or violations, shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of this chapter in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

CHAPTER 405: SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 430.010 JURISDICTION

The rules and regulations governing plats of subdivisions of land and lot splits contained herein shall apply within the corporate limits of the City in accordance with the provision of RSMo. Section 89.300.

SECTION 430.015 PURPOSE OF SUBDIVISION REGULATIONS

- A. The rules and regulations set out herein are intended to serve the following purposes:
1. To assist orderly, efficient and integrated development within the territorial jurisdiction of the City;
 2. To promote the health, safety, morals and general welfare of the residents of the City;
 3. To ensure conformance of subdivision plans with the public improvement plans of the City and its environs; and

4. To assure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by the subdivider and the Planning and Zoning Commission.
- B. The rules and regulations set out in this article pertain to development of subdivisions within the City and may impose greater or different restrictions than are currently imposed in the corresponding zoning regulations.

SECTION 430.020 DEFINITIONS

For the purpose of interpreting this chapter, words and terms defined in Chapter 400, Section 420.010 of this title are applicable to this Chapter and are incorporated herein by reference.

SECTION 430.030 COMPLIANCE

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this regulation shall be guilty of an ordinance violation as provided for in Section 420.350.

SECTION 430.040 RECORDING

Any owner or any proprietor of any tract of land situated within the corporate limits of the City who subdivides it shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the Office of the Recorder of Deeds of Morgan or Camden County dependent upon which county the land is located. Such owner or proprietor shall provide a digital survey of such plat to the ZI.

SECTION 430.050 APPROVAL

No plat of a subdivision shall be recorded unless and until it shall have been submitted and approved by the commission and Board of Aldermen in accordance with the regulations set forth in this code.

SECTION 430.060 PREPARED BY PROFESSIONAL LAND SURVEYOR

A plat shall be surveyed by a registered professional surveyor, duly licensed by the state, who shall endorse upon each such plat a certificate signed by him/her to set forth the source and chain to the owner of the land subdivided and the place of record of the last instrument in the chain of the title, and shall cause his/her seal to be affixed on the face of the plat, copy of title policy or survey establishing a record or chain of title.

SECTION 430.070 SUBDIVISION AND SALE OF ALL OR PART THEREOF

A. No person, firm or corporation proposing to make or having made a subdivision within the territorial jurisdiction of these regulations shall close on the sale of any subdivision or any part thereof, until he, she or it has obtained from the Planning and Zoning Commission approval of the final plat of the proposed subdivision and the approval made a matter of public record by filing with the recorder's office. Any subdivision plat duly recorded as of the effective date of this ordinance shall be within the scope of Section 420.250 as a non-conforming use. The plat for any subdivision that has not been recorded by such date or for which changes are subsequently sought shall be required to meet the provisions of this ordinance.

B. Subdivision of land may be of two types:

1. Simplified Form: The process of dividing one parcel of land into two or more lots or other division of land generally for the purpose of resale with no specific development planned at that time.
2. Complete Form: The process of dividing one parcel of land into two or more lots for resale or otherwise with the intent to develop such land with residential, commercial or industrial development as a part of the subdivision process.

SECTION 430.080 FEES AND DEPOSITS

- A. Any person, firm or corporation proposing to make a subdivision within the territorial jurisdiction of these regulations shall pay fees to the City Clerk in accordance with the fee schedule at attachment 1.
- B. No fee shall be charged for land to be dedicated to the public.
- C. The fee shall be payable in advance of processing the plat.
- D. The applicant is responsible for payment of any county recording fees, legal fees for review by the City Attorney and any other professional fees required for review prior to approval, such as, engineering, mapping or surveying.

ARTICLE II. PROCEDURE

SECTION 440.010 PROCEDURE

In planning and developing a subdivision the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Article VI of this ordinance, and with the rules and regulations concerning required improvements set forth in Article VII of this ordinance and in every case shall comply with the following procedures.

SECTION 440.020 PRE-APPLICATION PROCEEDING - PLANNING AND ZONING COMMISSION REPRESENTATIVE

Not less than forty-five (45) days before preparing and submitting the preliminary plat to the Planning and Zoning Commission, the developer or his/her surveyor shall consult with the zoning inspector of the Planning and Zoning Commission, while the plat is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself/herself with the commission's requirements. During pre-application proceedings the general features of the subdivision, its layout, facilities and required improvements shall be determined to the extent necessary for preparation of the preliminary plat. Preferences and memoranda, as may be necessary, and copies of such documentation shall be furnished by the developer.

SECTION 440.030 PRELIMINARY PLAT

The developer shall prepare a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Article III of this ordinance at least two (2) weeks prior to the meeting of the Planning and Zoning Commission at which action is desired.

SECTION 440.040 CHECKING AND REVIEWING

The preliminary plat shall be checked by the Planning and Zoning Commission as to its conformity with the comprehensive plan of the City; as to the plat's compliance with the standards, requirements and principles hereinafter prescribed; and with recommendations of the Planning and Zoning Commission's representative for compliance with all applicable additional requirements of city, county, state and federal departments and agencies concerned and with applicable regulations of public utility companies.

SECTION 440.050 FINAL PLAT

Upon completion of all required improvements and changes as stipulated by the Planning and Zoning Commission, the developer shall file with the Planning and Zoning Commission three copies of the final plat of the subdivision.

SECTION 440.060 APPROVAL, DISAPPROVAL OR MODIFICATION BY PLANNING AND ZONING COMMISSION

The commission shall within forty-five (45) days after receipt of the final plat, determine its recommendations as to whether the plat shall be approved, approved with modifications, or disapproved and shall within said forty-five (45) days give notice to the subdividers of its determination. If approved, the commission shall so note on the face of the plat and shall thereupon forward said plat to the Board of Aldermen notifying the subdividers of its action. If

approved with modification or if disapproved, the commission shall attach to the original of said plat a statement of the reasons for such action and shall forthwith return the original of said plat to the subdivider, retaining one (1) copy thereof for its record.

SECTION 440.070 APPEAL

If the final plat is returned to the subdivider as provided in Section 440.060, preceding, said subdivider may appeal the decision to the Board of Aldermen; and the decision of the majority of the board at the meeting to which such appeal is made shall be final.

ARTICLE III. PRELIMINARY PLAT REQUIREMENTS

SECTION 450.010 NUMBER OF COPIES AND REQUIRED SCALE

One (1) black print of the preliminary plat of the proposed subdivision shall accompany an application in writing to the Planning and Zoning Commission. The horizontal scale of the preliminary plat shall be one hundred (100) feet or less to the inch, and the vertical scale of street and sewer profiles ten (10) feet or less to the inch.

SECTION 450.020 VICINITY SKETCH

A vicinity sketch at a scale of four hundred (400) feet or more to the inch shall be drawn on or shall accompany the preliminary plat. The sketch shall show:

- A. All existing subdivisions and the street and tract lines or acreage parcels of land.
- B. The nearest existing highway or thoroughfares, streets and alleys in neighboring subdivisions or unplatted property involved in producing the most advantageous development of the entire neighborhood.
- C. Section, township and range.
- D. Any corporation or ad hoc district lines, such as school or ambulance districts, etc.

SECTION 450.030 REQUIRED INFORMATION ON PLAT

The preliminary plat shall clearly show the following features and information:

- A. Subdivision Name and Key. The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the City.
- B. Designation. The tract designation according to real estate records of the recorder of the county where located.

- C. Owners of Record. The names and addresses of the owner or owners of record, the developer and the engineer or surveyor.
- D. Abutting Owners. The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
- E. Boundary Lines. The boundary lines, accurate in scale, of the tract to be subdivided.
- F. Streets - Other Features. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and important features within the tract such as existing permanent buildings; large trees and watercourses; railroad lines; corporation and township lines; utility lines, etc.
- G. Utilities. Existing and proposed sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe size and grades indicated.
- H. Proposed Design - Street, Drainage, Etc. (1) The layout, names and widths of proposed streets, alleys and easements; (2) the location and approximate sizes of catch basins, culverts and other drainage structures; (3) the layout, numbers and approximate dimensions of proposed lots. Proposed street names shall be established to the satisfaction of the Planning and Zoning Commission representative. The approval obtained from the local U.S. postmaster and 911 addressing shall not duplicate or closely approximate any existing or platted street names in the city, except extensions of existing streets.
- I. Zoning. Zoning boundary lines if any; proposed uses of property and proposed front yard setback lines.
- J. North Point, Etc. North-point, scale, date, title.
- K. Deed Restrictions. Copies of any private restrictions to be included in the deeds are to be attached to the preliminary plat.

ARTICLE IV. FINAL PLAT

SECTION 460.010 FINAL PLAT REQUIREMENTS

In addition to all of the standard requirements for a preliminary plat as indicated in Article III of this ordinance, the altered or additional requirements contained below will be required as part of the final plat.

SECTION 460.020 NUMBER OF COPIES AND REQUIRED SCALE

Two (2) black line or blue line prints of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the Planning and Zoning Commission by the developer together with a written application for approval on forms provided by the Planning and Zoning Commission. The plat shall be drawn at a scale of one hundred (100) feet or less to the inch. Said scale shall be indicated on the plat graphically.

SECTION 460.030 BEARINGS - DISTANCES

True bearings and distances shall be to the nearest established street bounds, other established survey lines or other official monuments, which monuments shall be located or accurately described on the plat. Other established survey or corporation lines shall be accurately monument-marked and located on the plat and their names shall be lettered on them. The length of all arcs-radii, points or curvature and tangent bearings; all easements and rights of way, when provided for or owned by public services (with all limitations of the easement rights definitely stated on the plat); and all lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to the street and alley lines shall be located and accurately described on the plat.

SECTION 460.040 MONUMENTS

The accurate location and material of all permanent reference monuments shall be identified on the plat.

SECTION 460.050 LOTS AND BLOCK NUMBERS

Lots shall be arranged in numerical order. In tracts containing more than one (1) block, the blocks shall be likewise placed in numerical order. In the case of a re-subdivision of lots in any block, such re-subdivided lots shall be designated by their original number or they shall be designated numerically, beginning with the number following the highest lot numbered in the block.

SECTION 460.060 DEDICATED PROPERTY

Suitable sites for parks, schools, playgrounds and any other public requirements should be carefully considered and indicated on the preliminary plat, so that it can be determined which of such sites should be indicated on the final plat and when and in what manner such areas will be acquired by the City. Attention is called to the advantages on a large tract of dedicating a reasonable percent of the property for such use. These would be conditions for a conditional use permit.

SECTION 460.070 SURVEYOR'S CERTIFICATE

Affidavit and certificate by a qualified registered professional surveyor shall be provided to the effect that he/she has fully complied with the requirements of these regulations and the subdivision laws of the State of Missouri governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and that the plat represents a survey by him/her and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.

SECTION 460.080 TAX PAID CERTIFICATE

A certificate shall be issued by the authorized City and county officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid current special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and current special assessments have been paid on all property dedicated to public use.

ARTICLE V. MODIFICATION AND EXCEPTIONS

SECTION 470.010 LOT-SPLITS

Any proposed lot-splitting shall be submitted to the Planning and Zoning Commission for review; and, if the Planning and Zoning Commission is satisfied that such proposed lot-split is not contrary to applicable regulations, it shall, within twenty (20) days after submission, approve such lot-split and, on presentation of a conveyancy of said parcel, shall stamp the same "approved by the City Planning and Zoning Commission, no plat required" and have it signed by the public works director or other official as may be designated by it. In so doing, the Planning and Zoning Commission may require the submission of a sketch plat, record of survey and such other information as it may deem pertinent to its determination hereunder.

SECTION 470.020 MODIFICATION - UNDUE HARDSHIP

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Planning and Zoning Commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided, however, that such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable general development or welfare of the neighborhood and the community in accordance with the comprehensive plan and the zoning ordinance. Any modification thus granted should be included in the minutes of the Planning and Zoning Commission setting forth the reasons, which in the opinion of the Planning and Zoning Commission justified the modification. Any modification granted which is later determined to be in violation of any state or federal regulation, statute, requirement or order shall be void. The applicant assumes all such risks in making the request for a modification.

ARTICLE VI. SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS

SECTION 480.010 PHYSICAL PROBLEM AREAS

In order to protect the health, safety, morals and general welfare of the people, the Planning and Zoning Commission will reject any proposed subdivision located in an area subject to periodic flooding. Whenever a subdivision is proposed to be located in an area having poor drainage or other adverse physical characteristics and impairment and such condition(s) is brought to the attention of the Planning and Zoning Commission, the Planning and Zoning Commission may approve the plat, provided the developer binds himself/herself legally to make such improvements or take such measures as, in the judgment of the Planning and Zoning Commission, will render the subdivision substantially safe and otherwise acceptable for the intended use. In this case the developer shall post with the commission a surety performance bond, payable to the City or other security acceptable to the Planning and Zoning Commission, sufficient to cover the cost of such improvements as estimated by the Planning and Zoning Commission. Such determinations by the Planning and Zoning Commission shall not constitute a warranty or guarantee that these measures will remedy the condition(s).

SECTION 480.020 COMPREHENSIVE PLAN - COMPLIANCE

The subdivision layout shall conform to the official comprehensive plan. Unless otherwise approved by the Board of Aldermen, provision must be made for the extension of main thoroughfares as designated by the Planning and Zoning Commission; and other major or collector streets must provide free circulation within the subdivision and be open to the public.

SECTION 480.030 THE STREET AND BLOCK LAYOUT

The system of streets designated for the subdivision, except in unusual cases where land use will not justify it or in other unusual cases, shall connect with streets already dedicated in adjacent subdivisions; and where no adjacent connections are platted shall in general be the reasonable projections of streets in nearest subdivided tracts, and shall be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

SECTION 480.040 STREET RIGHT OF WAY REQUIREMENTS AND UTILITY EASEMENTS

The following shall be the minimum street right of way requirements and utility easements:

- A. **HIGHWAYS AND MAJOR THOROUGHFARES.** Highways and major thoroughfares as specified in the official thoroughfare plan and not less than seventy-two (72) feet in any case.
- B. **COLLECTOR STREETS.** Sixty (60) feet.

- C. **LOCAL STREETS.** Forty (40) feet.
- D. **MINOR STREETS, DEAD-END STREETS AND CUL-DE-SAC STREETS.** All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of one hundred (100) feet, unless the Planning and Zoning Commission approves a "T" or "Y" shaped gravel space in place of the required turning circle.
- E. **ALLEYS.** Alleys, where platted, shall have a minimum width of twenty (20) feet.
- F. **UTILITY EASEMENTS.**
 - 1. General. Widths of utility easements, where required except as provided for in subsection 2 below, shall be at least fifteen (15) feet wide along front, rear or side lot lines. Easements of adequate width shall be provided for open drainage channels, where required.
 - 2. Developments.
 - a. In any case in which a developer installs or causes the installation of water, sewer, electrical, power, telephone, cable television or other utility and intends that such service shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such service.
 - b. All planned residential, commercial, industrial or PUD districts or any other development that involves a recorded final plat shall provide the following utility easements:
 - (1) Along any state, county, private or subdivision road a fifteen (15) foot wide easement shall be established. Where the development is located on both sides of a right-of-way, the utility easements shall be located on both sides of the roadway.
 - (2) Along any side or rear property line, other than those adjacent to a roadway, a minimum of seven and one-half (7 1/2) feet of utility easement shall be established. Where two lots are adjacent this will create a total utility easement of fifteen (15) feet.
 - c. In all un-subdivided developments, utility easements shall either be established by a recorded instrument similar to the requirements of Subsection 2; or it shall be established that the entire common or open space area within the development is available as a general utility easement.
 - d. No building or structure shall be permitted within the boundaries of any general utility easement. Utility easements that are owned or controlled by a single entity can only be built in with specific permission by that entity.

SECTION 480.050 MINIMUM PAVEMENT AND SIDEWALK WIDTHS

Minimum pavement widths, required to be installed at subdivision expense, shall be as follows:

- A. **MAJOR THOROUGHFARES AND COLLECTOR STREETS.** Twenty-four (24) feet. In the case of a major thoroughfare or collector street requiring pavements wider than twenty-four (24) feet, the matter of financial and other arrangements for installing such wider pavements at the time the developer will make the improvements shall be taken up by the developer with the officials having jurisdiction.

- B. **MINOR, LOCAL, DEAD-END AND CUL-DE-SAC STREETS.** Twenty-four (24) feet. The driving surfaces of a turning circle at the end of a dead-end street shall have a minimum outside diameter of one hundred (100) feet. A "T" or "Y" shaped driving surface, when approved by the Planning and Zoning Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way, except for sidewalk space, and shall be at least ten (10) feet wide with the flared portion rounded by minimum radii of twenty (20) feet.
- C. **ALLEYS AND SERVICE DRIVES.** Twenty (20) feet.
- D. **CONVEYANCE OF STREETS.** Streets the developer intends to convey to the City for maintenance purposes shall meet the requirements of City Ordinance 2002-08, as amended.

SECTION 480.060 STREET GRADES AND CURVES

Except where unusual or exceptional conditions exist and subject to the approval of the Planning and Zoning Commission, the grades of streets shall not exceed the following:

- A. **HIGHWAYS AND MAJOR THOROUGHFARES.** Four percent (4.0%).
- B. **COLLECTOR STREETS.** Ten percent (10%).
- C. **MINOR AND LOCAL STREETS, SERVICE DRIVES AND ALLEYS.** Twelve (12%).
- D. **PEDESTRIAL WAYS AND CROSSWALKS.** Twelve percent (12%), unless steps of an acceptable design are to be constructed. All curbs shall be ramped twelve (12) inches for each inch of vertical height.
- E. **MINIMUM GRADE.** In no event shall the minimum grade of any street or alley be less than four-tenth of one percent (.4%).
- F. **RADI OF CURVATURE.** The radii of curvature on the centerline shall not be less than four hundred (400) feet for major thoroughfares and one hundred (100) feet for collector and minor streets.

SECTION 480.070 LOT DIMENSIONS, SHAPES AND POSITION

The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with the applicable zoning ordinance or regulations.

- A. **DEPTH.** Excessive depth in relation to width shall be avoided (a proportion of 1 to 1 or 2 to 1 will normally be considered appropriate, except in the case of narrow lots.)
- B. **STREET ACCESS.** Every lot shall abut on a street, subject to the requirements of Section 460.050.
- C. **WIDTH.** Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building of practicable width.
- D. **DOUBLE-FRONTAGE.** Unless otherwise provided herein, double-frontage lots and reversed frontage lots shall be avoided.

- E. **SIDE LOT LINES.** Where practicable side lot lines shall be approximately at right angles to the right of way line of the street on which the lot faces.
- F. **CORNER LOTS.** Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements for the applicable section of this ordinance.
- G. **MINIMUM LOT SIZE.** Where not otherwise determined by applicable section of this ordinance, the minimum lot size for residential purposes shall be nine thousand (9,000) square feet with a minimum frontage of seventy-five (75) feet.
- H. **NO UTILITIES.** Where public sanitary facilities and/or water are not accessible, the lot size shall be determined in accordance with the requirements of Article VII of this ordinance.

ARTICLE VII. IMPROVEMENTS INSTALLATION REQUIREMENTS

SECTION 490.010 IMPROVEMENTS INSTALLED – HOW

All improvements required under these regulations shall be constructed in accordance with the specifications and under the supervision of the designated city official in the manner prescribed below.

SECTION 490.020 PERFORMANCE BOND

In lieu of constructing the improvements referred to above, the developer shall furnish the Planning and Zoning Commission with a corporate surety performance bond payable to the City or other security acceptable to the Planning and Zoning Commission, sufficient to cover the developer's proportion of the costs, as estimated by the developer's consultant or subject to approval, as the case may be, of any or all of the improvements immediately after final approval of the final plat or at a time and according to the requirements of the Planning and Zoning Commission.

SECTION 490.030 STREET CONSTRUCTION

All streets constructed after the effective date of this ordinance shall be either concrete or asphalt pavement and *shall* conform to the specifications in City Ordinance 2002-08, as amended. However, if streets are within an approved PUDD, the developer shall be required to pave fifty (50) percent of the streets after twenty-five (25) percent of the lots are sold and the remainder after fifty (50) percent of the lots are sold. Streets not initially required to be paved shall be graded to the full width of the driving surface and shall have a minimum of four (4) inches of compacted gravel surface. If curb and gutters are not installed, the streets must be adequately ditched and culverts installed under driveways to provide adequate street drainage. For requirements for streets that the developer intends to turn over to the City for maintenance, see City Ordinance 2002-08, as amended.

SECTION 490.040 WATER SUPPLY

Where a public water supply main is reasonably accessible, if available in the judgment of the Planning and Zoning Commission, the developer of the subdivision shall provide the subdivision with a complete water distribution system adequate to serve the area being platted. The Planning and Zoning Commission shall not approve the final plat thereof until the city engineer certifies to the Planning and Zoning Commission that such water system is in compliance with the applicable City ordinances.

SECTION 490.050 STORM DRAINAGE

Every subdivision shall provide a storm water drainage system (holding ponds are advantageous) that complies with the requirements of the Missouri Department of Natural Resources and which is adequate to serve the area being platted.

SECTION 490.060 SEWERAGE

- A. City Sewerage - Available. The developer of a subdivision must comply with City ordinances regarding sewer and sanitation. A public sanitary sewer main is presumed to be reasonably accessible, and the subdivision shall be provided by the developer with a complete sanitary sewer system connected with such sewer main and include a service connection for each lot. Appropriate easements shall be provided to the City to connect to the City's sewer line. The developer is responsible for obtaining easements to cross any property for which the City does not have an easement or does not own. Such system and connection shall comply with City ordinances and the regulations of the Department of Natural Resources and Clean Water Commission.
- B. City Sewerage - Not Available. Where a public sanitary sewer system is not reasonably accessible in the opinion of the Planning and Zoning Commission but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Department of Natural Resources, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer system in the City can be made, the use of private sewer treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the City.

SECTION 490.070 STREET LIGHTING - STREET NAME SIGNS

- A. Lighting. Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision, in accordance with any standards and specifications of the Planning and Zoning Commission.
- B. Street Signs. Street name signs shall be installed in accordance with the specifications of the Planning and Zoning Commission, its representative or the 911 addressing system.

SECTION 490.080 ELECTRIC AND TELEPHONE LINES

Easements for poles or underground conduits for electric light, telephone lines, cable TV and internet service shall be provided along front, rear and side lot lines.

SECTION 490.090 MONUMENTS CONSTRUCTION

Permanent and other monuments shall be in accordance with the specifications established by the Planning and Zoning Commission.

- A. Monumentation. The sub-divider's surveyor shall establish or confirm the prior establishment of permanent monuments at each and every controlling corner of the boundaries of the parcel or tract of land being subdivided. In addition the subdivider's surveyor shall establish at least two (2) permanent monuments for each and every block in the subdivision. Such monuments shall be placed so as to create base lines in each block from which all other points and lines in that block are laid out. The permanent monuments will be either concrete monuments, cast iron or aluminum surveyor markers or brass disk as specified in Missouri Department of Natural Resources 10 CSR 320.010 - the three (3) minimum standards for property boundary surveys.
- B. Surveying Standards. All land surveys shall meet the requirement of the current minimum standards for property boundary surveys adopted by the Missouri Department of Natural Resources 10 CSR 30-2.010.

SECTION 490.100 CONSTRUCTION PLANS

Construction plans, including the following, for improvements to be installed shall be prepared by a qualified registered professional engineer licensed in the State of Missouri and submitted in accordance with the specifications of the ZI. No improvements shall be installed until and unless said plans have been received and approved by the said official.

- A. Centerline Profile. The centerline profile of each proposed street, with tentative grades indicated.
- B. Street Cross-section. The cross-section of each proposed street, showing drainage plans, with grades and sizes indicated.
- C. Sewer Plans and Profiles. The plans and profiles of proposed sewers and storm drainage plans, with grades and sizes indicated, with method of sewage or storm water disposal consistent with city master plans.
- D. Water Distribution Plan. A plan of the proposed water distribution system, showing pipe sizes and the location of valves consistent with city master plans.

SECTION 490.110 INSPECTION

Prior to starting any of the work covered by the above plans after their written approval from the Planning and Zoning Commission or the ZI has been obtained, the developer shall make arrangements to provide for inspection of the work sufficient, in the opinion of the designated city official, to assure compliance with the plans and specifications as approved.

SECTION 490.120 COMPLETION OF CONSTRUCTION

The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the final plat by the Planning and Zoning Commission, unless good cause can be shown for the granting of an extension of time by authority of the Planning and Zoning Commission.

SECTION 490.130 MAINTENANCE AFTER APPROVAL

The developer shall maintain and keep in good repair all required improvements for a period of one (1) year from the date the constructed improvements are approved by the Planning and Zoning Commission or the ZI.

SECTION 490.140 MODIFICATIONS

Where unusual or exceptional factors or conditions exist, the Planning and Zoning Commission may modify any of the provisions of these regulations on written application by the developer. The developer's application shall set forth the reasons for such requested modification and shall be attached to all copies of the construction plans. The Planning and Zoning Commission shall notify the Board of Aldermen of any such modifications.

SECTION 490.150 SEVERIBILITY

The invalidity of any section, clause, sentence or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.