

Chapter 400

ZONING REGULATIONS

ARTICLE I In General

Section 400.010. Short Title. [CC 1984 §42.010]

This Chapter shall be known and may be cited as the "Zoning Code of La Plata, Missouri", or simply as the "Zoning Code".

Section 400.020. Definitions. [CC 1984 §42.020; Ord. No. 695 §1, 4-21-1997; Ord. No. 858 §1, 11-25-2003]

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

ACCESSORY BUILDINGS OR USES — A building or land use incidental and subordinate to the principal use or building and located on the same lot with such principal building or land use. Buildings or structures not included as permanent, such as playhouses, small storage sheds, incinerators for residential use, clothesline post and playground equipment with none any bigger than eighty (80) square feet base. All must be predetermined to be in compliance with the residential/commercial/ordinance of the existing area and may require the purchase of a permit. Compliance and necessity of a building permit is to be determined by the Building Inspector prior to construction or placement of said structures.

ADMINISTRATIVE OFFICER — The Building Inspector of this City, unless some other person is designated and authorized by the Board of Aldermen to perform the duties of the Administrative Officer.

ALLEY — A narrow public service way providing secondary access to abutting properties.

ALTERATION — Applying to buildings meaning a change or rearrangement in the structural parts or in the exit facilities, or an enlargement either by extending on a side or by increasing in height, or moving from one location or position to another, or by changing in the use from one zoning district permitted use to another district permitted use.

APARTMENT — A room or suite of rooms in a multi-family building which is arranged, used or intended to be used as a single housekeeping unit containing complete kitchen, bath and toilet facilities permanently installed.

APARTMENT HOUSE — A building arranged or designed to be occupied by three (3) or more apartments.

BLOCK — A parcel or parcels of land that are surrounded by public streets, roads, or highways.

Where a block is not entirely surrounded by public streets, roads or highways, the Administrative Officer shall determine said block.

BOARDING HOUSE — A building other than a hotel where for compensation, meals or lodging and meals are provided for three (3) or more but not exceeding twelve (12) persons. An establishment where meals are served for compensation for more than twelve (12) persons shall be deemed a restaurant.

BUILDING — A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property.

BUILDING AREA — The maximum horizontal projected area of a building and accessory buildings, excluding open steps, terraces, and cornices projecting beyond the building not more than thirty-six (36) inches.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed, or existing or finished grade at the front of the building to the highest point of a flat roof, the deck line of a mansard roof, the mean height between the eaves and ridge for gable or a hip or gambrel roof.

BUSINESS ESTABLISHMENT — Any establishment conducting a profit-making operation entirely within the confines of an enclosed building.

CONDITIONAL USE PERMIT — A conditional use permit may allow a specifically identified land use or building occupancy as being acceptable at a particular place and states the conditions for the acceptability of the permitted non-conforming use or occupancy. A conditional use permit may impose time limits on a non-conforming use.

DISTRICT — A section of the City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and intensity of use are uniform.

DWELLING — A building or portion thereof designed or used exclusively for residential occupancy, but not including home trailers, mobile homes, hotels, motels, boarding and lodging houses, tourist courts, or tourist homes.

DWELLING, MULTIPLE — A building designed for, or occupied exclusively by more than two (2) families.

DWELLING, ONE-FAMILY — A building designed for, or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY — A building designed for, or occupied exclusively by two (2) families.

FAMILY — One (1) or more persons whether or not related to each other by birth, adoption or marriage living as a single housekeeping unit.

FARM — An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "*farming*" includes the operating of such an area for one (1) or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce provided that the

operation of any such accessory use is secondary to the normal farming activities and also that farming does not include the feeding of garbage or offal to swine or other animals.

FRONTAGE — The distance along a street line from one intersection street to another or from one (1) intersecting street to the end of a dead-end street.

GARAGE, PRIVATE — An accessory in use by occupants of the lot on which the private garage is located.

GARAGE, PUBLIC — Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of motor-driven vehicles.

GENERALLY — Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "*building*" shall include the word "*structure*", and the word "*shall*" is mandatory and not directory.

HOME OCCUPATION — Any occupation or profession carried-on on the premises. The home occupation must be secondary to the principal use of the premises as a residence and conducted entirely within the residence or accessory building. A sign displaying any words, letter or number other than the name and address of the occupants shall not exceed two (2) square feet in size. No noise, odor or light shall be made which is noticeable beyond the limits of the property and no storage of goods or equipment shall be outside of the residence or accessory buildings.

HOTEL — A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times.

HOUSEKEEPING UNIT — Any number of rooms assembled under one (1) roof which contains complete kitchen, bath and toilet facilities.

JUNK YARD — An area where waste, discarded, or salvaged material are bought, sold, exchanged, baled or packed, disassembled or assembled, stored or handled, including the dismantling or wrecking of automobile or other vehicles, machinery, housewrecking yards, used lumber yards and places for storage of salvaged housewrecking and structural steel materials and equipment.

LAUNDRY or LAUNDROMAT — A service establishment providing cleaning service to the public either by employed persons or self-service machines.

LOADING SPACE — A space within a building or on the same lot as a main building providing the standing, loading or unloading of vehicles.

LODGING HOUSES — Same as "*boarding house*".

LOT — Land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building, together with its accessory buildings and the yards, loading and parking spaces required by this Chapter, and having its principal frontage upon a public street or place which has been improved to where motor-driven vehicles may move in any weather condition.

LOT, CORNER — A lot abutting upon two (2) or more streets or places at their intersection.

LOT, DEPTH — The mean horizontal distance between the front lot line and the rear lot line.

LOT, DOUBLE FRONTAGE — A lot abutting on two (2) streets or places but do not intersect while abutting the lot.

LOT, INTERIOR — A lot that abuts other lots on either side.

MOTEL — A single building or a group of buildings providing sleeping accommodations to the public for compensation.

NON-CONFORMING USE — Any building or land occupied by a use at the time of the adoption of this Chapter, amendment thereto or subject to the provisions of a conditional use permit, which does not conform to the district regulations established by the Zoning Code as amended.

NURSERY SCHOOL — A school providing daytime care for pre-school children either as a home occupation or conducted in a building not associated with a person's residence and classified as a school.

NURSING HOME, REST HOME, and HOME FOR THE AGED — An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured.

PARKING SPACE — A durably surfaced area, enclosed in the main building, in an accessory building, and if the space is unenclosed, comprising an area of not less than one hundred ninety-eight (198) square feet, exclusive of a durably hard surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile. The minimum area for vehicles other than automobile shall be of sufficient size to adequately provide the required parking space.

SERVICE ESTABLISHMENTS — An establishment conducting a profit-making operation entirely within the confines of an enclosed building. The only exception is for a filling station in which the only outside activity is supplying gasoline, oil and small parts to motor vehicles upon the service drive. Also except for a bank drive-in service window or booth.

SOLID WASTE TRANSFER STATION — Any facility or use of property wherein solid waste, whether in sealed or unsealed containers or otherwise is transferred from one mode or manner of transportation to another mode or manner of transportation. Such facilities or uses shall include, but not necessarily be limited to, the following:

1. A facility where solid waste is transferred from railroad cars to trucks, or other railroad cars.
2. A facility where solid waste is transferred in sealed containers or sealed truck trailers from railroad cars to trucks, or other railroad cars.
3. A facility where solid waste, whether in sealed or unsealed container, is transferred from one truck to another truck.

STORY — That portion of a building included between the surface of any floor and the floor

next above it. If there be no floor above it, then to the ceiling next above the floor. A basement that has less than one-half (½) of its height underground or a basement that is more than half underground and used as a part of the living space of a residence or a business shall be classified as a story.

STORY, HALF — A portion of a story which is not the full height of the story but used in conjunction with the occupancy of the building.

STREET LINE — A dividing line between a lot, tract or parcel of land and a continuous street.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

TRAILER or MOBILE HOME — An occupied or unoccupied dwelling which is on wheels or is permanently mounted but brought to the site on wheels either as a unit or in pre-assembled sections ready for occupancy after minor connections.

TRAILER OR MOBILE HOME PARK OR COURT — A tract of land that is designed to accommodate three (3) or more trailers or mobile homes and meeting the requirements of this Chapter for such use.

YARD — An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the mean horizontal distance between the lot line and the main building shall be used.

YARD, FRONT — A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projection thereof other than for steps. On corner lots, the front yard shall be considered as a parallel to the street upon which the lot has its least dimension.

YARD, REAR — A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps.

YARD, SIDE — A yard between the main building or any projection other than steps and the side lot line, and extending from the front yard line to the rear yard line.

Section 400.030. Interpretation — Purpose — Conflicts. [CC 1984 §42.030]

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annual any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Chapter, nor is it intended by this Chapter to interfere with or abrogate or annual any easements, covenants, or other agreements between parties; provided, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by such ordinances or agreements, the provisions of this Chapter shall control.

Section 400.040. Administration and Enforcement by Administrative Officer With Cooperation of Others — Appeals From Decisions of Administrative Officer. [CC 1984 §42.040]

It shall be the duty of the Administrative Officer to administer and enforce the provisions of this Chapter. It shall also be the duty for all officers and employees of the City to assist the Administrative Officer by reporting to him/her upon new construction, reconstruction, or land uses, or upon seeming violations. Appeal from the decision of the Administrative Officer may be made to the Board of Adjustment as provided in Article XIV of this Chapter.

Section 400.050. Violations and Penalties.

- A. 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, or of any ordinance or other regulation made under authority conferred hereby, 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 such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this Chapter.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations 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 owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor 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 more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority 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).

Section 400.060. Amendments and Changes. [CC 1984 §42.060]

- A. This Chapter may from time to time, be amended, supplemented, changed, modified or repealed.

1. The Board of Aldermen may, from time to time, either on its own action or on petition of interested property owners, after public notice and hearing as provided by law, amend, supplement, change, modify or repeal the boundaries or regulations herein or subsequently established. A fee of fifty dollars (\$50.00) payable to the City shall be filed with each petition of interested property owners requesting any of aforesaid changes.
2. If such proposed amendment, supplement, change, modification or repeal is petitioned for by interested property owners, such petition shall be signed by the owners of fifty percent (50%) of the area of all the real estate included within the boundaries of the tract of real estate described in such petition.
3. Whenever any amendment, supplement, change, modification or repeal is proposed, such proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning Commission, which shall within thirty (30) days after the date of the receipt of such proposed amendment, supplement, change, modification or repeal report back to the Board of Aldermen either approving or disapproving such proposed amendment, supplement, change, modification or repeal.
4. Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change 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 amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the legislative body of such City. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.
5. It shall be the duty of the Board of Aldermen to act upon such proposed amendment, supplement, change, modification or repeal within sixty (60) days after receiving the report from the Planning Commission.
6. If an amendment filed by interested property owners is rejected by the Board of Aldermen, a new application for the same amendment on the same property may not be filed before six (6) months have elapsed.

ARTICLE II
Districts and District Regulations

Section 400.070. Purposes of, Uniformity Within, and Designation of Districts. [CC 1984 §42.100]

- A. In order to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specific uses; to regulate and limit the intensity of use of lot areas; and to regulate and determine the areas of yards and other open spaces surrounding such buildings, the City is hereby divided into classes or "districts".
 1. The uses and area regulations are uniform in each district, and the districts shall be known as:

- a. "AG", Agricultural District.
- b. "R-1", One-Family Dwelling District.
- c. "R-2", Residential Dwelling District.
- d. "C-1", Commercial District.
- e. "C-2", Commercial District.
- f. "M-1", Manufacturing District.

Section 400.080. District Boundaries — District Zoning Map. [CC 1984 §42.110]

The boundaries of the districts designated in Section 400.070 are hereby established as shown upon the District Zoning Map, which is properly attested and is on file in the office of the City Clerk; and such District Zoning Map together with all the notations, references and other information shown thereon is hereby incorporated in and made a part of this Section as fully as if it were set out herein in full.

Section 400.090. Rules Where Uncertainty May Arise With Respect to District Boundaries. [CC 1984 §42.120]

- A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Zoning Map, the following rules apply:
 1. The district boundaries are the centerlines of either streets or alleys unless otherwise shown on the District Zoning Map.
 2. Where the district boundaries are not indicated by street or alley centerlines, and where the property has been divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the District Zoning Map and bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
 3. In unsubdivided property, the district boundary lines on the District Zoning Map shall be indicated by a distance in feet.

Section 400.100. Effect of Vacation of Street, Alley or Public Way. [CC 1984 §42.130]

Whenever any street, alley or other public way is vacated by official action of the Board of Aldermen, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 400.110. Territory Hereafter Annexed to City. [CC 1984 §42.140]

All territory which may hereafter be annexed to the City shall be considered as being in the "AG" Agricultural District until otherwise changed by ordinance.

Section 400.120. Erection and Alteration of Buildings Within Districts. [CC 1984 §42.150]

- A. No building shall be erected or altered:
1. To exceed the height;
 2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area; or
 4. To have a narrower or smaller rear yard, front yard, side yard, inner or outer court, than is specified for the district in which such building is or is to be located.

ARTICLE III
"AG" Agricultural District

Section 400.130. Regulations Applicable Within District. [CC 1984 §42.200]

Within the "AG" Agricultural District, the regulations set out in this Article shall apply.

Section 400.140. Permitted Uses. [CC 1984 §42.210]

- A. Permitted uses in the "AG" Agricultural District are as follows:
1. Farms, truck gardens, nurseries, grain storage facilities and other agricultural uses, including the sale and distribution of agricultural products raised on the farm.
 2. One-family dwellings; provided, that the dwelling is the only residence on the farm and conforms to the yard area requirements set forth in the "R-1" Single-Family District.
 3. Churches and accessory uses, including bulletin boards not exceeding fifty (50) square feet in area and located on the same lot or land as the church and not closer than thirty (30) feet to any public right-of-way.
 4. Public school, elementary or high, or private school having a curriculum the same as ordinarily given in a public school.
 5. Publicly owned or operated park, playground or other property.
 6. Country club or golf course, except a miniature course or driving range for commercial use.
 7. Cemeteries; provided, that the approval of the Planning Commission, which may establish reasonable criteria with respect to location and landscaping, is received.
 8. Airport and/or landing field; provided, that the approval of the Federal Aviation Agency is received.

Section 400.150. Area and Height Regulations. [CC 1984 §42.220]

- A. In District "AG" the minimum dimensions of yards, and the minimum lot area per family permitted on any lot shall be as follows: Exceptions to these regulations are contained in Article IX of this Chapter.

1. *Front yards.* The front yards for all buildings in this district shall have a minimum depth of fifty (50) feet.
2. *Side yards.* There shall be a side yard on each side of every building on an interior lot of fifteen (15) feet. A side yard on the street side of a corner lot shall be the same as the requirements on an interior lot.
3. *Rear yards.* The rear yards in this district shall have a minimum depth of fifty (50) feet. Accessory buildings may be built in the rear yard; provided, that the buildings do not occupy over thirty percent (30%) of the rear yard.
4. *Lot area.* The minimum lot area in this district shall be twelve thousand (12,000) square feet for one-family dwellings and a sufficient size for any other uses permitted in this district to maintain the minimum yard and off-street parking requirements.
5. *Height.* The height of all buildings shall not exceed two and one-half (2½) stories except those buildings or structures outlined in Article IX of this Chapter.

Section 400.160. Off-Street Parking. [CC 1984 §42.230]

- A. The off-street parking required for uses of land and buildings in this district are as follows:
 1. *One-family dwellings.* Two (2) spaces for each dwelling unit.
 2. *Churches or temples.* Two (2) spaces for each eight (8) seats in the main auditorium.
 3. *Schools, high schools and colleges.* Four (4) spaces for each classroom.
 4. *Country clubs and golf courses.* One (1) space for each five (5) members. Public golf courses shall provide two (2) spaces for each hole on the regular playing course.
 5. *Community center, library, museum or art gallery.* Ten (10) spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
- B. Off-street parking spaces required in this district shall not be permitted within the required front yard unless upon a drive providing access to a required garage, carport or parking area in back of the required front yard.

ARTICLE IV
"R-1" Residential Dwelling District

Section 400.170. Regulations Applicable Within District. [CC 1984 §42.240]

Within the "R-1" One-Family Dwelling District, the regulations set out in this Article shall apply.

Section 400.180. Permitted Uses. [CC 1984 §42.241]

- A. Permitted uses in the "R-1" Residential Dwelling District are as follows:
 1. One-family dwellings.

2. Churches and accessory uses including bulletin boards not exceeding fifty (50) square feet in area and located on the same lot or land use as the church and not closer than thirty (30) feet to any public right-of-way.
3. Public school, elementary or high, or private school having a curriculum the same as ordinarily given in a public school.
4. Publicly owned or operated park, playground or other property.
5. Country club or golf course, except a miniature course or driving range for commercial use.
6. Cemeteries; provided, that the approval of the Planning Commission is received, which may establish reasonable criteria with respect to location and landscaping.
7. Public or community buildings, museums, libraries or art galleries.
8. Home occupations.
9. Accessory uses or building, including a private garage customarily incidental to the above uses, but not involving the conduct of a business.
10. Private swimming pools appurtenant to a one-family dwelling on the same lot, when they meet yard depth and width requirements for principal buildings in the district and the pool is adequately fenced to prevent access of small children and meets all applicable health and sanitary requirements.
11. Signs appertaining to the sale or lease of the premises or trespassing thereon. All signs appertaining to any advertising are prohibited.

Section 400.190. Area and Height Regulations. [CC 1984 §42.242]

- A. In District "R-1" the minimum dimensions of yards, and minimum lot area per family permitted on any lot shall be as follows:
 1. *Front yards.* The front yards for all buildings in this district shall have a minimum depth of thirty-five (35) feet.
 2. *Side yards.* There shall be a side yard on each side of every building on an interior lot of fifteen (15) feet. A side yard on the street side of a corner lot shall be the same as the requirements on an interior lot.
 3. *Rear yards.* The rear yards in this district shall have a minimum depth of forty (40) feet. Accessory buildings may be built in the rear yard; provided, that the buildings do not occupy over thirty percent (30%) of the rear yard.
 4. *Lot area.* The minimum lot area in this district shall be twelve thousand (12,000) square feet for one-family dwellings and a sufficient size for any other uses permitted in this district to maintain the minimum yard and off-street parking requirements.
 5. *Height.* The height of all buildings shall not exceed two and one-half (2½) stories except those buildings or structures outlined in Article IX of this Chapter.

Section 400.200. Off-Street Parking. [CC 1984 §42.243]

- A. The off-street parking required for uses of land and buildings in this district are as follows:
1. *One-family dwellings.* Two (2) spaces for each dwelling unit.
 2. *Churches or temples.* Same as required in "AG" District.
 3. *Schools, high schools and colleges.* Same as required in "AG" District.
 4. *Country clubs and golf courses.* Same as required in "AG" District.
 5. *Community center, library, museum or art gallery.* Ten (10) spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
- B. Off-street parking spaces required in this district shall not be permitted within the required front yard unless upon a drive providing access to a required garage, carport or parking area in back of the required front yard.

ARTICLE V
"R-2" Residential Dwelling District

Section 400.210. Regulations Applicable Within District. [CC 1984 §42.250]

Within the "R-2" Residential Dwelling District, the regulations set out in this Article shall apply.

Section 400.220. Permitted Uses. [CC 1984 §42.260]

- A. Permitted uses in the "R-2" Residential Dwelling District are as follows:
1. Any uses permitted in the "R-1" One-Family Dwelling District.
 2. Governmental offices and facilities.

Section 400.230. Area and Height Regulations. [CC 1984 §42.270]

- A. In District "R-2" the minimum dimensions of yards and minimum lot area per family permitted on any lot shall be as follows: Exceptions to these regulations are contained in Article IX of this Chapter.
1. *Front yards.* The front yards for all buildings in this district shall have a minimum depth of twenty-five (25) feet.
 2. *Side yards.* There shall be a side yard on each side of every building on an interior lot, except accessory buildings. If accessory buildings are within twenty (20) feet of the principal building then a ten (10) foot side yard shall be required. If accessory buildings are located over twenty (20) feet from the principal building then such accessory building may be built as close to the property line as desired so long as no part thereof extends beyond the property line either at the ground level or at any height above the ground. A side yard on the interior side of a corner lot should be the same as the requirements on interior lots.

3. *Rear yards.* The rear yard requirements of this district shall be twenty-five (25) feet.
4. *Lot area.* The minimum lot area in this district shall be seven thousand five hundred (7,500) square feet for one-family dwellings and a sufficient size for any other uses permitted in this district to maintain yard and off-street parking requirements. The minimum lot area for buildings containing more than two (2) dwelling units shall be three thousand five hundred (3,500) square feet per unit.
5. *Height.* The height of all buildings shall not exceed two and one-half (2½) stories except those buildings or structures outlined in Article IX of this Chapter.

Section 400.240. Off-Street Parking. [CC 1984 §42.280]

The off-street parking required for uses of land and buildings in this district shall be two (2) spaces per dwelling unit. Off-street parking spaces required in this district shall not be permitted within the required front yard unless upon a drive providing access to a required garage, carport or parking area in back of the required front yard.

ARTICLE VI
"C-1" Commercial District

Section 400.250. Regulations Applicable Within District. [CC 1984 §42.300]

Within the "C-1" Commercial District, the regulations set out in this Article shall apply.

Section 400.260. Permitted Uses. [CC 1984 §42.310]

A. Permitted uses in the "C-1" Commercial District are as follows:

1. Residential buildings designed for two (2) residential dwelling units or more.
2. Medical and health care facilities such as doctors' offices, hospitals and other similar facilities.
3. Business establishments such as banks, department stores, drugstores and hardware stores.
4. Service establishments such as filling stations, restaurants, repair shops and funeral homes.
5. Offices such as insurance agents, realtors, finance companies and attorneys.
6. Similar uses to the above so long as no business is conducted outside the confines of an enclosed building with the exception of a filling station and bank drive-in. Specifically excluded are drive-in restaurants, automobile sales and service establishments and drive-in theatres.
7. *Signs pertaining to permitted uses.* Signs identifying and/or advertising uses of land and buildings in this district may be placed upon the side of a building or projecting from the building or a freestanding sign. Signs may be illuminated; provided, that they do not interfere with the vision of motor vehicle operators or persons on residential property within any "R" District. No signs should be within any public

right-of-way, including temporary advertising signs associated with filling stations. The total aggregate area of all signs on a premises should not exceed twice the total frontage of the property. No highway type billboards shall be permitted in this district.

8. Off-street parking areas or garages.

Section 400.270. Area and Height Regulations. [CC 1984 §42.320]

- A. In District "C-1", the minimum dimensions of yards, and minimum lot area on any lot shall be as follows. Exceptions to these regulations are contained in Article IX of this Chapter.
 1. *Front yards.* In this district there shall be no front yard required for commercial uses except where parking, drives, signs and canopies are proposed in the front of a building. If a portion of a block between two (2) intersecting streets is partially in any "R" District then the front yard required of any use in this block shall be the same as required in the "R" District. Buildings containing two (2) or more dwellings units shall provide the same front yard as required in the "R-2" District.
 2. *Side yards.* In this district there shall be no side yard required for commercial uses except where a lot in this district adjoins any "R" District, in which case there shall be a side yard required equal to that required in the "R" District. Buildings containing three (3) or more dwelling units shall provide the same side yard as required in the "R-2" District.
 3. *Rear yards.* In this district there shall be a rear yard required of twenty-five (25) feet which shall be kept free of any debris associated with the business.
 4. *Lot area.* In this district there shall be no minimum lot area required for commercial uses. Buildings containing one (1) or more dwelling units should provide the same lot area as required in the "R-2" District.
 5. *Height.* The height of all buildings in this district shall not exceed two and one-half (2½) stories except those buildings or structures outlined in Article IX of this Chapter.

Section 400.280. Off-Street Parking. [CC 1984 §42.330]

Off-street parking shall not be required for any building constructed, converted, enlarged or re-opened after the date upon which this Chapter becomes effective.

ARTICLE VII
"C-2" Commercial District

Section 400.290. Regulations Applicable Within District. [CC 1984 §42.350]

Within the "C-2" Commercial District, the regulations set out in this Article shall apply.

Section 400.300. Permitted Uses. [CC 1984 §42.360]

- A. All Commercial District "C-1" uses and all "R-1", "R-2" and the following uses:

1. Commercial recreation facilities such as bowling alleys, recreation centers, swimming pools, skating rinks and miniature golf and driving ranges.
2. Automobile and farm equipment sales and service businesses.
3. Theatres, auditoriums, civic centers and other places of public assembly.
4. Motels and hotels.
5. Drive-in theatres and drive-in restaurants.

Section 400.310. Area and Height Regulations. [CC 1984 §42.370]

- A. In District "C-2", the minimum dimensions of yards and minimum lot area on any lot shall be as follows: Exceptions to these regulations are contained in Article IX of this Chapter.
1. *Front yards.* In this district there shall be a front yard for all permitted buildings and land uses of forty (40) feet.
 2. *Side yards.* In this district there shall be a side yard required for commercial uses of five (5) feet.
 3. *Rear yards.* In this district there shall be a rear yard required for all permitted buildings and land uses of twenty-five (25) feet.
 4. *Height.* The height of all buildings in this district shall not exceed two and one-half (2½) stories except those buildings or structures outlined in Article IX of this Chapter.

Section 400.320. Off-Street Parking. [CC 1984 §42.380]

- A. Off-street parking shall be required for every building and land use in this district in accordance with the following:
1. *Apartments.* Same as required in the "R-2" District.
 2. *Medical and health facilities.* Same as required in the "C-1" District.
 3. *Business establishments.* One (1) space for each commercial vehicle used, four (4) spaces for every one thousand (1,000) square feet of floor area.
 4. *Service establishments.* One (1) space for each commercial vehicle used or one (1) space for every two (2) seats.
 5. *Offices.* One (1) space for every three hundred (300) square feet of floor area.
 6. *Commercial recreation facilities.* One (1) space for every four (4) customers able to be served at a peak period plus one (1) space for every employee and commercial vehicle.
 7. *Automotive and farm equipment sales and service.* One (1) space for each employee and space for all display equipment.
 8. *Places of public assembly.* One (1) space for every four (4) seats at maximum

capacity plus one (1) space for every employee.

9. *Motels and hotels.* One (1) space for each bed for tourist accommodations at maximum capacity.
- B. Off-street parking required in this district shall be provided on the same lot as the building or land use. Joint off-street parking facilities could be provided, however, the buildings or land uses must be on adjoining lots. The required off-street parking cannot be combined in the case of joint lots or parking areas.

ARTICLE VIII
"M-1" Manufacturing District

Section 400.330. Regulations Applicable Within District. [CC 1984 §42.400]

Within the "M-1" Manufacturing District, the regulations set out in this Article shall apply.

Section 400.340. Permitted Uses. [CC 1984 §42.410]

- A. Permitted uses in the "M-1" Manufacturing District are as follows:
1. Business establishments as previously defined.
 2. Service establishments as previously defined.
 3. Automobile and farm equipment sales and service.
 4. Motels and hotels.
 5. Wholesale firms.
 6. Storage and warehousing firms.
 7. Lumber stores and yards.
 8. Contractors' yards.
 9. Bulk storage of feed, fertilizer and petroleum products.
 10. Trucking terminals.
 11. Shops for sheetmetal welding and machining.
 12. Manufacturing or processing of goods and/or materials which the Planning Commission after careful review have determined that the proposed use will not:
 - a. Substantially increase traffic hazards or congestion.
 - b. Substantially increase fire hazards.
 - c. Adversely affect the character of the neighborhood.
 - d. Adversely affect the general welfare of the community.
 - e. Overtax public utilities.

- f. Be in conflict with the future plans for the City.

Section 400.350. Area and Height Regulations. [CC 1984 §42.420]

- A. In District "M-1", the minimum dimensions of yards and minimum lot area on any lot shall be as follows: Exceptions to these regulations are contained in Article IX of this Chapter.
 - 1. *Front yards.* In this district there shall be a required front yard of fifty (50) feet.
 - 2. *Side yards.* In this district there shall be a required side yard of twenty (20) feet.
 - 3. *Rear yards.* In this district there shall be a rear yard required of fifty (50) feet.
 - 4. *Height.* The height of all buildings in this district shall not exceed the height limitations established by the Planning Commission in reviewing the criteria for manufacturing uses. All other uses shall not exceed two and one-half (2½) stories.

Section 400.360. Off-Street Parking. [CC 1984 §42.430]

- A. Off-street parking shall be required for every building and land use in this district in accordance with the following:
 - 1. *Uses previously permitted.* Same as required previously.
 - 2. *Permitted uses 5 through 12.* Parking and/or storage space for all vehicles used in the conduct of such business plus two (2) spaces for each person regularly employed on the premises.

ARTICLE IX
Height, Yard and Lot Width Modifications and Variations

Section 400.370. Construction of Article. [CC 1984 §42.500]

The district regulations set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.

Section 400.380. Height. [CC 1984 §42.510]

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyor and flag poles. Public or semi-public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side yard and rear yard are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.

Section 400.390. Front Yards. [CC 1984 §42.520; Ord. No. 687 §1, 6-18-1996]

- A. When thirty percent (30%) or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have observed a greater or lesser

depth of front yard than required by the district in which it is located, no building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the proposed structure or, if there be buildings upon only one (1) side, then the proposed structure shall observe the same front yard depth as the closest building on that side. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.

- B. On lots having double frontage, the required front yard shall be provided on both streets.
- C. Fences may be erected to a height not exceeding four (4) feet along the front yard boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of a street intersection. Fences may be erected to a height not exceeding six (6) feet along the side and rear boundaries of a lot, except that no fence shall be erected with thirty (30) feet of a street intersection.
- D. An uncovered porch or paved terrace may project into a required front or rear yard for a distance of not more than ten (10) feet. Porches or terraces that are covered or enclosed are considered a part of the main building.
- E. Filling station pumps and pump islands may be located within a required yard; provided, that they are not less than fifty (50) feet from the boundary of any residential district.

Section 400.400. Side Yards. [CC 1984 §42.530]

- A. On a corner lot the width of the yard along the side street shall not be less than one-half ($\frac{1}{2}$) the required front yard on such street. No accessory building shall project beyond the required yard along either street.
- B. An unenclosed porch may project into a required side yard provided it is not less than one-half ($\frac{1}{2}$) the required distance from any side lot line.
- C. For the purpose of side yard regulations, a two-family or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
- D. Where a lot of record at the time of the effective date of this Chapter is less than fifty (50) feet in width, the required side yard may be reduced to ten percent (10%) of the width of the lot.

Section 400.410. Rear Yards. [CC 1984 §42.540]

- A. Where a lot abuts on an alley, one-half ($\frac{1}{2}$) of the alley width may be considered as part of the required rear yard.
- B. Accessory buildings may be built in a required rear yard. Such accessory building shall not be nearer than four (4) feet to any rear lot line or to any alley, nor shall any accessory building occupy more than thirty percent (30%) of the required rear yard. No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises.
- C. The ordinary projection of sills, belt courses, cornices and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.

- D. More than one (1) main building may be erected upon a lot in the case of commercial or industrial buildings or of group of row houses, apartment buildings, hospitals, institutions and public buildings, where such uses are permitted, provided that all yards otherwise required on the lot for a single building are observed.
- E. Where a lot of record at the time of the effective date of this Chapter has less area than herein required in the district in which it is located, and the owner of such lot does not own adjoining land, the lot may be used for uses permitted in this district, provided yard area and off-street parking requirements are met.

ARTICLE X
Off-Street Parking and Loading Requirements

Section 400.420. Number of Off-Street Parking Spaces Required. [CC 1984 §42.550]

In all districts there shall be provided at the time any building is erected or structurally altered (except as otherwise provided in this Chapter) off-street parking space in accordance with the requirements of the zoning district.

Section 400.430. Computation of Number of Parking Spaces. [CC 1984 §42.560]

- A. In computing the number of parking spaces required, the following rules shall govern:
 - 1. *"Floor area"* shall mean the gross floor area of the specific use.
 - 2. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
 - 3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.
 - 4. Whenever a building erected or established after the effective date of this Chapter is enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
 - 5. Whenever a building existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.
 - 6. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Section 400.440. Location of Parking Spaces. [CC 1984 §42.570]

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet therefrom.

ARTICLE XI
Non-Conforming Uses

Section 400.450. Generally. [CC 1984 §42.600]

The lawful use of a building existing at the time of the adoption of this Chapter may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Wherever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 400.460. Buildings Damaged by Fire, Explosion, Etc. [CC 1984 §42.610]

No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than sixty-five percent (65%) of its value, shall be restored except in conformity with the regulations of this Chapter.

Section 400.470. Discontinuance of Non-Conforming Use. [CC 1984 §42.620]

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use thereof shall thereafter conform to the regulations of the district in which it is located.

Section 400.480. Required Removal of Discarded Materials on Properties. [CC 1984 §42.630]

Non-conforming uses include discarded goods and materials placed upon property not officially approved for such use and shall be removed within one (1) year from the effective date of this Chapter.

Section 400.490. Record of Non-Conforming Uses on December 7, 1971 as Determinative of Illegal Uses Thereafter — Appeals. [CC 1984 §42.640]

After the effective date of this Chapter it shall be the duty of the Administrative Officer to make a permanent record of all land uses and building uses which do not conform to the provisions of this Chapter. Any land use or building use not made a part of this record shall be considered an illegal use and thus in violation of this Chapter and subject to provisions of Section 400.050. Appeals from this record may be made to the Board of Adjustment as provided in Article XIV of this Chapter.

ARTICLE XII
Permits

Section 400.500. Building Permits. [CC 1984 §42.700]

No building or structure shall be erected, added to or structurally altered until a permit has been issued by the Administrative Officer. Except upon a written order of the Board of Adjustment, no such building permit shall be issued for any building where such construction, addition or alteration, or use thereof would be in violation of any of the provisions of this Chapter.

Section 400.510. Application for Permit — Papers to Accompany Application — Fees. [CC 1984 §42.710]

There shall be submitted with all requests for permits an application fully completed in accordance with the form furnished by the Administrative Officer, and two (2) copies of a layout or plot shall show the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of the provisions of this Chapter. All requests for permits required by this Chapter shall be accompanied by a fee of fifteen dollars (\$15.00).

Section 400.520. Conditional Use Permits. [CC 1984 §42.720; Ord. No. 695 §2, 4-21-1997]

- A. The division of the City into zoning districts is based upon the principle that similar conditions prevail throughout a particular district. Where a use is not otherwise allowed in a particular district due to the conditions, restrictions or qualifications of the district, other uses may be permitted if authorized pursuant to this Section by obtaining a conditional use permit.
- B. No use under the provisions of this Section may be commenced or continued unless there is a valid permit for that use. No construction or other permit applicable to the proposed use or any part of it shall be issued or considered valid unless a conditional use permit has been issued under the provisions of this Section.
 - 1. Application for a conditional use permit shall be made to the Planning and Zoning Commission in the form and with such information as may be required by the Planning and Zoning Commission. The application for a conditional use permit may be filed by any interested party having a right of use of the land seeking such use. The application shall be endorsed with the approval of the owner of the land (if different) and with the approval of any holder of any debt secured by lien and recorded thereon. Such application shall contain, at a minimum, the following information:
 - a. Names of owners of the land included in the application.
 - b. An accurate legal description of the land for which such use is sought.
 - c. Full, specific and particular description of the use sought, both as to function and operation, and as to any structures, installations, equipment, or surface improvement or change incident to such use.
 - d. A plan or drawing showing the location of such land, and of any structures, installations, equipment or change of surface contemplated, including all public ways, with access thereto.
 - e. Any person, property owner or other interested parties requesting that a tract or parcel of land, lots or blocks be allowed special use, shall provide the Planning and Zoning Commission with a complete list of the names, addresses and legal descriptions of land of all adjacent and adjoining property owners, within one hundred eighty-five (185) feet of the proposed area to be changed or rezoned. Such list shall be certified as to accuracy by an abstractor, and the costs of such list and certification shall be paid by the requesting person, owner or parties,

which shall also include the expense of certified notice to adjacent and adjoining property owners or owner entitled to such notification. The Planning and Zoning Commission and the Board of Aldermen shall have the further right to require the requesting party to provide a scale plat, drawing plat or drawing of the area proposed to be changed and the surrounding area if, in their opinion, the circumstances warrant such change.

2. Each application and accompanying plans shall be filed with the City Clerk with a non-refundable filing fee of fifteen dollars (\$15.00).
3. Upon receipt of the completed application and filing fee the City Clerk shall notify in writing by first (1st) class U.S. mail, postage prepaid, the owners of all property located within the area determined by drawing lines parallel to the boundaries of the property to be devoted to the proposed use, and one hundred eighty-five (185) feet from those boundaries. The notice shall include the statement that the application was filed, the nature of the proposed use, the name of the applicant or applicants and the date the application was filed.
4. The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the neighborhood with special emphasis on traffic and fire hazards, and the general welfare and character of the neighborhood and the community and the criteria hereinafter set forth. The Planning and Zoning Commission shall make a report to the Board of Aldermen within one hundred (100) days of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the completed application with the City Clerk. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application, upon the expiration of the one hundred (100) day period; except that the Commission, with the consent of the applicant for approval, may extend the one hundred (100) day period.
5. Upon the receipt of the report of the Planning and Zoning Commission or upon the expiration of the one hundred (100) day period or extensions thereof, the Board of Aldermen shall call a public hearing and give reasonable notice of the time and place of that hearing at least once in a newspaper in general circulation in the City. The first (1st) publication shall be at least fifteen (15) days before the date of the hearing. At the hearing, the applicant and any interested persons shall have an opportunity to be heard.
6. After the hearing held in accordance with the requirements of Subsection (B)(5) of this Section, the Board of Aldermen, in acting upon the application, shall state findings and conclusions on the following matters for the public record:
 - a. Whether the proposed use is compatible with surrounding uses and with the surrounding neighborhood;
 - b. Whether the comparative size, floor area and mass of the proposed use and/or proposed structure are appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood;
 - c. Whether the frequency and duration of various indoor and outdoor activities and

special events associated with the proposed use will have a deleterious impact on the surrounding area;

- d. Whether streets adjacent to the proposed use have sufficient capacity to service any increased traffic volume associated with the proposed use while maintaining adequate and reasonable levels of service for the community;
- e. Whether the number of transit movements on abutting streets and on minor streets in the neighborhood to be generated by or associated with the proposed use will cause significant increases in hourly or daily traffic levels;
- f. Whether added noise levels generated by activities associated with the proposed use will adversely impact the ambient noise level of the surrounding area and neighborhood;
- g. Whether the activities associated with the proposed use will generate obnoxious odors to the detriment of the surrounding area;
- h. Whether the proposed use will significantly increase demands on fire and Police protection services in excess of the individual demands of adjacent land uses and whether the proposed use will present any real or potential fire or public safety hazard;
- i. Whether the proposed use will adversely affect the general appearance of the neighborhood due to the location of the proposed use on the parcel of ground, or due to the materials used in the construction of any proposed buildings being greatly dissimilar to surrounding appearances of buildings, or due to the architecture of any proposed buildings being of such a nature as to create visual disharmony within the neighborhood;
- j. Whether the intensity, duration or frequency of lighting associated with the proposed use will adversely impact adjacent properties or significantly increase the ambient level of night light in the neighborhood;
- k. Whether the landscape plan for the premises to be occupied by the proposed use is adequate in regard to the creation and maintenance of landscaped areas as opposed to areas to be left in a natural state and the use of buffers and screens as opposed to open land areas;
- l. Whether the proposed use will adversely affect the neighborhood in terms of water runoff, noise transfer, or heat generation due to a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking and service areas;
- m. Whether the proposed use is likely to remain in existence for a reasonable length of time and not become vacant or unused and whether such use involves the presence of unusual, single-purpose structures or components of a temporary nature;
- n. Whether the proposed use constitutes an actual hardship on the owner rather than a mere inconvenience;
- o. Whether the plight of the owner caused by his/her inability to use the premises

as requested is due to unique circumstances which may not apply to other adjoining or nearby property;

- p. Whether the permit if granted, will alter the essential character of the district or reduce property values of nearby property used in conformance with the district's restrictions.
7. If the Board of Aldermen determine that the public health, welfare and safety are adequately served and protected in view of the foregoing criteria then it shall grant the application and the permit shall be issued forthwith, provided however, that the Board may impose such restrictions on the use as are deemed necessary or in the public interest; but if the Board finds in the negative as to any of the stated criteria, the conditional use permit shall be denied. Provided however, that if at least thirty percent (30%) of the persons entitled to notice under the terms of Subsection (B)(3) of this Section, above, protest the granting of such application in a writing filed with the City Clerk no later than one (1) day before the date of the public hearing thereon, such application shall not be granted unless two-thirds ($\frac{2}{3}$) of all the members of the Board of Aldermen vote in favor of its issuance. If the action be to grant a conditional use permit, the form of the ordinance shall constitute such permit, and shall include the following information:
- a. The name of the permittee.
 - b. The name of the owner of the land as to which such permit is granted.
 - c. An accurate legal description of the land for which the same is granted.
 - d. Full, specific and particular description of the use permitted.
 - e. Statement of the period of time for which such use is permitted, if applicable.
 - f. Accurate and detailed statement of special conditions and requirements both as to the issuance of such permit, and as to the continuing validity thereof.

Provided further, that any conditional use permit issued in accordance with this Section shall contain the following general conditions:

- a. The conditional use permit granted hereby shall not be transferable to any other person or entity and shall not run with the land; in the event the non-conforming use shall fail or cease, this permit shall be terminated.
- b. Before construction of the building and appurtenances for the permitted use located on the premises for which the permit is issued, permittee shall submit appropriate architectural and/or engineering plans for review and approval by the City Building Inspector and must secure any necessary building permits.
- c. The permit granted hereby shall be subject to revocation for failure to comply with any of the conditions specified therein or upon a finding that the permitted special use will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the operation of the use permitted thereby.

- C. A conditional use permit under the provisions of this Section shall expire one (1) year from the date upon which it was issued, unless, before that time:

1. The use so permitted has actually commenced;
2. Actual construction or reconstruction of the proposed facilities for the use has been commenced; or
3. An extension of time shall have been granted by the Board of Aldermen.

The Board of Aldermen may grant such extensions for a maximum total period of one (1) year. No further extensions will be allowed. If such extensions have been granted, the permit shall expire at the conclusion of the extended period if the use so permitted or actual construction or reconstruction of the proposed facilities for the use have not been commenced.

D. Notwithstanding any other provision to the contrary contained in the Zoning Code or any other provision of the City of La Plata Code, the operation of a solid waste transfer station shall not be considered a permitted use in any district within the City limits of the City of La Plata. Solid waste transfer stations shall only be permitted following the issuance of a conditional use permit as provided in this Section and subject to the following special rules with regard to solid waste transfer stations:

1. No solid waste transfer station shall continue in operation unless the operator of that solid waste transfer station files with the City Clerk the name, address and telephone number of the actual owner of the land on which the solid waste transfer station is operated and of the actual owner of the solid waste transfer station itself.
2. Any conditional use permit issued in accordance with this Section for a solid waste transfer station shall contain the following special conditions:
 - a. All exterior lighting shall be erected and maintained in such a fashion that no artificial lighting shall fall directly on any property or structures located on any premises other than the property for which the permit is granted.
 - b. Permittee shall file with the City Clerk of the City the name, address and phone number of the person managing or having charge of the facility for which this permit is issued, of the person having supervisory responsibility for the activities of such manager (if different), and any other person(s) such that a responsible person associated with the permittee can be contacted at any time of the day or night on a twenty-four (24) hour basis, in the event that a violation of the conditions of the permit are discovered or if any health hazard in regards to the premises are found. It shall be the responsibility of permittee to notify the City of any changes in the information required hereby; and notices or correspondence from the City relating to this permit or the operation of the solid waste transfer station described in such permit which are addressed to any such person most recently so designated by permittee shall be sufficient notice to permittee.
 - c. No motor vehicles hauling to or from said solid waste transfer station shall stop, park, stand or wait on any public property, except in cases of emergency. Provided further, that no motor vehicle hauling to or from said solid waste transfer station shall stop, park, stand or wait on any private property within the City limits of the City of La Plata for longer than six (6) hours. It shall be the

responsibility of the permittee herein to control and prohibit such stopping, parking, standing or waiting.

- d. The premises for which this permit is granted shall at all times be maintained in conformity with the Property Code of the City and shall be kept free of litter and debris; all landscaping shall be maintained in a healthy condition at all times.
- e. Permittee shall prevent the motor vehicles hauling solid waste to or from the solid waste transfer station, from discharging solid waste on the premises, on any public street that is the regular route for said haulers, or on private property within three hundred (300) feet of the premises, and if this be done, the permittee shall police and clean such areas.
- f. Adequate provision shall be made for the removal of the solid waste as to avoid the creation of a nuisance, the sufferance of any obnoxious, offensive or unhealthy odors, or the presence of any unhealthy or unsanitary conditions on or about the premises; all toxic or hazardous materials or substances must be safely stored at all times and disposed of only in accord with all applicable local, State and Federal laws and regulations. No solid waste, whether in sealed containers or otherwise, shall remain on the premises or on any railroad car under the permittee's control for longer than six (6) hours.
- g. Permittee shall not allow any water (other than rainwater) runoff from the solid waste transfer station to flow or blow off its property and if water does so, such steps as the City deems necessary shall be taken by the permittee to correct this situation.
- h. No unusual, excessive, disturbing, unnecessary or unreasonably loud noise, which would reasonably disturb the peace and repose of persons located on property adjacent to the premises, other than that for which this permit is granted, shall be allowed.
- i. Permittee shall secure all necessary permits, if any, required for operation of a solid waste transfer station from County, State and Federal Governments and shall be responsible for the observance of all County, State and Federal regulations regarding operation of a solid waste transfer station.
- j. Permittee shall submit the facility to inspection by employees of the City of La Plata or their designees, to insure conformance of the use with the provisions of the permit and with the provisions of any applicable Federal, State, County law, or any other ordinance of the City of La Plata.
- k. Permittee shall post a bond with the City in an amount as determined by the Board of Aldermen so as to protect the City in the event that permittee's use of the premises does not comply with the provisions of this Code and for a period of five (5) years following a discontinuance of the permitted use to insure an adequate clean-up of any nuisance or contamination remaining on the property or discovered during said five (5) years.

1. Permittee shall at all times during the permitted use of the premises, maintain public liability insurance with a reputable insurance carrier as approved by the Board of Aldermen, in an amount as determined by the Board of Aldermen. Permittee shall file with the City Clerk a binder or certificate of insurance confirming that said ordinance is in present effect at all times.

ARTICLE XIII
Certificates of Occupancy

Section 400.530. Generally. [CC 1984 §42.800]

After completion of a building or structure for which a building permit has been issued and all requirements of this Code and other ordinances of the City have been met, a certificate of occupancy shall be issued by the Administrative Officer stating that the building or proposed use thereof complies with the provisions of this Chapter. A record of all certificates shall be kept by the Administrative Officer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected. A building shall not be used and land use shall not be made until a certificate of occupancy has been obtained from the Administrative Officer.

ARTICLE XIV
Board of Adjustment

Section 400.540. Created — Composition — Appointment and Term of Members — Board Defined. [CC 1984 §42.900]

A Board of Adjustment is hereby established, which shall consist of five (5) members. Members of the Board of Adjustment shall be residents of the City. The word "*Board*" when used in this Article shall be construed to mean the Board of Adjustment. All members of the Board shall be appointed by the Mayor and approved by the Board of Aldermen. The term of office of the members of the Board shall be for five (5) years. The membership of the first (1st) Board appointed shall serve as follows: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Thereafter members shall be appointed for five (5) year terms.

Section 400.550. Meetings, Hearings and Records Generally — Rules of Procedure — Officers of Board. [CC 1984 §42.910]

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings conducted by the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be indicated in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Chapter or with the Revised Statutes of Missouri in such case made and provided, and may select or appoint such officers as it deems necessary.

Section 400.560. Appeals to Board From Decision of Administrative Officer. [CC 1984 §42.920]

Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the City affected by any decision of the Administrative Officer. Such appeal shall be taken by filing with the Administrative Officer and with the Board a notice of appeal, specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

Section 400.570. Jurisdiction, Powers and Duties — Vote Required to Reverse Administrative Officer or to Decide in Favor of Applicant — Requirements for the Granting of Variances. [CC 1984 §42.930]

- A. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by the Administrative Officer on all matters pertaining to zoning. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is authorized by this Chapter to render a decision.
1. Nothing herein contained shall be construed to give or grant to the Board the power of authority to alter or change this Chapter or the District Zoning Map, such power and authority being reserved to the Board of Aldermen in the manner provided in Section 400.060.
 2. The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises, and to that end the Board shall have all the powers of the officer from whom the appeal is taken.
 3. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, the strict application of any provision of this Chapter would result in peculiar and exceptional practical difficulties and clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to such owner, the Board may authorize, after public hearing, a variation in the strict application of the terms of this Chapter. In its consideration of the standards of practical difficulties or particular hardship, the Board shall require evidence that:
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
 - b. The plight of the owner is due to unique circumstances, which circumstances do not apply to other adjoining or nearby property; and

- c. The variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board, sustains each of the three (3) conditions enumerated.

Section 400.580. Requirements for Public Hearing and Notice Thereof. [CC 1984 §42.940]

The Board shall make no determination except in a specific case and after a public hearing conducted by the Board. The Board shall select a reasonable time and place for the hearing of the appeal and may give a notice thereof by publication in a newspaper of general circulation. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal and the time and place for such hearing.

Section 400.590. Matters to Be Considered in All Cases. [CC 1984 §42.950]

In considering all appeals and all proposed variations to this Chapter, the Board shall, before making any variation from this Chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

Section 400.600. Public Hearings on and Granting of Exceptions. [CC 1984 §42.960]

- A. The Board of Adjustment shall also hold public hearings on, and when in harmony with the general purpose and intent of this Chapter, may authorize the following exceptions to the terms thereof:
 - 1. The extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of this Chapter, but such extension of any district shall not exceed one hundred (100) feet.
 - 2. Interpretation of the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the District Zoning Map.
 - 3. The erection and use of a building or the use of premises in any location for a railroad or public service corporation for public utility purposes which the Board determines reasonably necessary for the public convenience or welfare.
 - 4. The reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty-five percent (65%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
 - 5. The waiving or reduction of the parking or loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an

advantage or a convenience.

Section 400.610. Period of Validity of Order of Board Permitting Erection or Alteration of Building. [CC 1984 §42.970]

No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 400.620. Decisions of Board Subject to Judicial Review. [CC 1984 §42.980]

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the City, shall have recourse to such relief as is provided by Statute.

Chapter 402

PLANNING COMMISSION

Section 402.010. Definitions. [Ord. No. 240A §§1 — 2, 9-26-1968]

A. As used in this Chapter the following terms shall have these prescribed meanings:

BOARD OF ALDERMEN — The chief legislative body of the City of La Plata.

STREETS — Any public ways.

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

B. The Board of Aldermen of the City of La Plata shall adopt, amend and carry out a City plan, and appoint a Planning Commission with the powers and duties herein set forth.

Section 402.020. Planning Commission — Members. [Ord. No. 240A §3, 9-26-1968]

The Planning Commission of the City of La Plata shall consist of nine (9) members, the Building Inspector and eight (8) citizens appointed by the Mayor and approved by the Board. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that terms of the citizen members first appointed shall be for varying periods, so that the succeeding terms will be staggered. Any vacancy in membership shall be filled for the unexpired term by appointment as aforesaid. The Board may remove any citizen member for cause stated in writing, and after public hearing.

Section 402.030. Planning Commission — Duties. [Ord. No. 240A §4, 9-26-1968]

The Commission shall elect a Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year, with eligibility for re-election. The Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. The Commission shall appoint the employees and staff necessary for its work, and may contract with City planners and other professional persons for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

Section 402.040. City Plan. [Ord. No. 240A §§5 — 11, 9-26-1968]

- A. The Commission shall make and adopt a City plan for the physical development of the City of La Plata. The City plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas. The Commission shall also prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density.
- B. In the preparation of the City plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the City. The plan shall be made with the purpose of guiding and accomplishing a coordinated development of the City which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development.
- C. The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole City plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the plan or portion thereof, the Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the City of La Plata. The hearing may be adjourned from time to time. The adoption of the plan requires a majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission, and filed in the office of the Commission, identified properly by file number, and a copy of the plan or part thereof shall be certified to the Board of Aldermen and the City Clerk, and a copy shall be available in the office of the Macon County Recorder of Deeds and shall be available at the City Clerk's office during normal office hours.

- D. All public officials shall, upon request, furnish to the Commission within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote City planning.
- E. Whenever the Commission adopts the plan of the City of La Plata or any department thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the City until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Board, and the Board, by vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership, may overrule the disapproval and, upon the overruling, the Board or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Board, then the submission to the Planning Commission shall be the board having jurisdiction, and the Planning Commission's disapproval may be overruled by that board by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval.
- F. The Commission shall have and perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Commission as outlined in said Chapter.
- G. After the Planning Commission of the City of La Plata adopts a City plan which includes at least a major street plan or progresses in its City planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the Recorder of Deeds of Macon County, then no plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen, and the Board has approved the plat as provided by law.

Section 402.050. Public Hearing. [Ord. No. 240A §12, 9-26-1968]

Before adoption of any subdivision regulations, or any amendment thereof by the Board of Aldermen, a duly advertised public hearing thereon shall be held by the Board.

Section 402.060. Approval or Disapproval. [Ord. No. 240A §§13 — 14, 9-26-1968]

- A. Within sixty (60) days after submission of a subdivision plat to the Commission, the Commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The ground of disapproval of any plat by

the Commission shall be made a matter of record.

- B. The approval of a plat by the Commission does not constitute or effect an acceptance by the City or public of the dedication to public use of any street or other ground shown upon the plat.

Section 402.070. Transfer of Land Restricted — How. [Ord. No. 240A §15, 9-26-1968]

No owner or agent of the owner of any land located within the planning jurisdiction of the City of La Plata, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board or Planning Commission, and recorded in the office of the Macon County Recorder. Any person violating the provisions of this Section shall forfeit and pay to the City a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. Said penalty shall be set by the Board of Aldermen. The City of La Plata may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

Section 402.080. Major Street Plan — Adoption. [Ord. No. 240A §§16 — 18, 9-26-1968]

- A. Upon adoption of a major street plan and subdivision regulations, the City of La Plata shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections and other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of a City plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board or the Planning Commission, or on a street plan made by and adopted by the Commission. The Board may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval, and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds ($\frac{2}{3}$) of the entire membership of the Board of Aldermen.
- B. After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements above-described.
- C. Whenever a plan for major streets has been adopted, the Board of Aldermen upon recommendation of the Planning Commission, is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building being located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Board may prohibit any new building being located within the proposed site or right-of-way when the center line of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board.

Section 402.090. Penalty. [Ord. No. 240A §19, 9-26-1968]

Any person violating the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by confinement in the County Jail for not more than one (1) year, or by both such fine and imprisonment.

Chapter 405

SUBDIVISIONS

Section 405.010. Approval of Plat Prerequisite to Recordation — Sale of Lots Prohibited Prior to Approval of Plat. [CC 1984 §43.010]

No land shall hereafter be subdivided and no street or public street shall hereafter be laid out within the City until the plan, or plat of such subdivision, street or other public space shall have been submitted to and approved by the Board of Aldermen. Such approval must be in writing or stamped on such plan or plat. Any person hereafter subdividing any piece or parcel of land, block or lot, subplot or any part thereof in the City, shall make a map or plat thereof, and before recording the same in the Recorder's office of the County, shall submit it, with a duplicate thereof, to the Planning and Zoning Commission for its recommendations to the Board of Aldermen; thereafter, the map or plat thereof shall be submitted in duplicate to the Board of Aldermen for approval or rejection. If approved, such approval shall be certified thereon, and signed by the Mayor and attested by the City Clerk. No such map or plat shall be valid or entitled to record until it shall have been approved as set forth herein. The duplicate of such plat shall be kept on file with the Clerk and no such map or plat shall be approved as set forth in this Section, until the same shall have been properly certified by a surveyor and acknowledged by the owners. No lot, tract or parcel of land within any such subdivision shall be offered for sale, nor shall any sale, contract for sale or option be made or given until such subdivision has been formally approved as set forth in this Section.

Section 405.020. Installation of Improvements Prerequisite to Approval of Plat — Approval of Improvement Plan Prerequisite to Commencement of Work. [CC 1984 §43.020]

No plat of any subdivision shall be approved unless all street and sidewalk pavements and water and sewer mains have been installed or provision has been made to insure such installation, in compliance with this Code or other ordinances of the City. No improvements, such as water supply, drainage, sewerage, sewage disposal, gas service, electric service and lighting, grading, painting or surfacing of streets, shall hereafter be made within any such subdivision, by any owner or his/her agent, or by the public service corporation at the request of such owner or his/her agent, until the plans for such subdivision and the plans for such improvements have been formally approved by the Board of Aldermen. Such approval shall not be given in any instance hereinabove named unless all the plans and specifications and all the proposed work conforms to the requirements of this Chapter.

Section 405.030. Payment of Taxes Prerequisite to Recordation of Plat. [CC 1984 §43.030]

All taxes and assessments platted must be paid before the plat shall be recorded.

Section 405.040. General Requirements. [CC 1984 §43.040]

- A. In general, the minimum requirements for the subdivision of land and laying out of streets and other public space shall be as follows, but such requirements are not exclusive and may be amended at any time by the amendment of this Chapter:
1. All plans submitted for approval shall be in triplicate drawn to a scale of not more than one hundred (100) feet to the inch and shall be clearly and neatly drawn. Preliminary or tentative plans may be first submitted before the final plans are prepared.
 2. All final plans shall show the proposed street lines, sidewalks and sidewalk lines, lot lines, building lines and all property or subdivision boundaries. They shall show, in accordance with an accurate land survey, the controlling points and lines around and within the subdivision itself and also by distance, bearings and angles, the relation of such controlling points and lines to the other controlling points within or near the City. All survey monuments shall be indicated, and there shall be at least one (1) permanent monument placed at each property corner of the subdivided area and at least one (1) at each street intersection. Such monuments shall be placed when the surveys are made and shall consist of one (1) inch iron pipe driven at least two (2) feet into the ground and preferably imbedded in concrete.
 3. Sufficient topography shall be shown to indicate the natural drainage and the probable finished grades of streets. All existing and proposed streets, alleys and other public spaces shall be shown, with the width and type of pavement or surface and all other important features. Sufficient information shall be drawn to scale on the plans to indicate the relation of the proposed streets and other public spaces to the public street system of the City and also the official City Plan, when and after such City Plan has been adopted.
 4. Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course.
 5. All necessary facilities shall be installed, sufficient to prevent the collection of surface water in any low spot and to maintain any natural watercourse.
 6. The dimensions of all lots, subdivisions and resubdivisions of lots shall be shown.
 7. The proposed use of each lot or group of lots or subdivisions shall be indicated. No lots shall be proposed for the use of a classification lower than the zoning plan. The north point and scale shall be shown and the names and addresses of the petitioner and the engineer or surveyor shall be given on each plan.
 8. Whenever improvements are proposed within any such subdivision or any such street or other public space, detailed plans, profiles and at least outlines of specifications of

such improvements shall be likewise submitted in triplicate. Such plans and specifications shall show or indicate every essential detail of such improvements.

9. One (1) copy of all such plans, profiles and specifications shall be filed with the City Clerk, one (1) shall be preserved in the files of the City and a third (3rd) shall be returned to the petitioner, all with approval or disapproval of the Board of Aldermen clearly indicated.

Section 405.050. Engineering Standards — Appearance. [CC 1984 §43.050]

All improvements shall conform to the best engineering standards. Due consideration shall be given throughout to the appearance of the subdivision, and the various features within its own boundaries and also in its environment in the City.

Section 405.060. Sewer and Water Lines — Minimum Requirements. [CC 1984 §43.060; Ord. No. 833 §1, 10-22-2002]

- A. In general, the minimum requirements for the water and sewer line improvements in subdivisions are as follows, but such requirements are not exclusive and may be amended at any time by the amendment of this Chapter and all requirements shall be in compliance with Missouri Department of Natural Resources at the time the subdivision is planned:
 1. All water lines shall be a minimum of forty-eight (48) inches under ground before and after groundwork is finished.
 2. All water lines shall be a minimum of six (6) inches in diameter; and all water lines shall be PVC SCH. 40 with ring-type joints. All water mains shall be looped or planed to be looped. All City blocks within the subdivision shall have resilient seal water valves upon the water mains to isolate any given City block.
 3. The subdivider shall provide and install all fire hydrants and such hydrants shall be installed so no house or building shall be over three hundred sixty (360) feet from a fire hydrant. Said hydrants shall be steamer connection hydrants capable of supplying as much water volume as the water main produces, said hydrants shall be installed with resilient seal water valves to isolate hydrant from the water main.
 4. All sewer lines shall be a minimum of eight (8) inches in diameter; all sewer lines shall be PVC SCH. 40 with water tight joints; all sewer lines shall be a minimum of twenty-four (24) inches underground after finish ground work and shall have a two (2) inch fall per one hundred (100) feet of sewer line; and a "proper manhole" or "cleanout" every three hundred sixty (360) feet and at the end of all sewer mains. "*Proper manhole*" meaning Missouri Department of Natural Resources approved.
 5. All manholes, sewer and water lines shall be bedded on undisturbed earth, sewer line shall be placed on small rock chips three-eighths ($\frac{3}{8}$ inch and covered with same rock chips.
 6. All sewer lines and water lines shall be a minimum of ten (10) feet apart.
 7. All sewer lines shall be laid straight line of sight from manhole to manhole and should be installed per laser sight level.

8. The subdivider shall provide as-built plans for all utilities.
9. The City Water and Sewer Department personnel shall inspect all water and sewer lines prior to backfilling and an inspection fee per the time involved but no less than twenty dollars (\$20.00) per inspection. Inspection shall include visual of joints, correct fall and proper installation. Final inspection shall include air pressure testing, mantel pull and candling plus any other test the Missouri Department of Natural Resources requires.
10. The subdivider shall pay for and install all materials per utilities within the subdivision and shall connect his/her water and sewer lines to the nearest existing water and sewer lines at his/her own cost.

Section 405.070. Sewer and Water Lines — Fee for Connection to City Mains. [CC 1984 §43.070]

No subdivision shall be connected with the sewer or water mains of the City unless there is paid to the City the sum of five dollars (\$5.00) per lot for connection with the water mains and five dollars (\$5.00) for connection with the sewer mains.

Section 405.080. Streets. [CC 1984 §43.080]

- A. *Width.* The minimum width for any street shall be fifty (50) feet, except by special permit for purely local drivers. Through streets and every street more than six hundred (600) feet long shall be at least sixty (60) feet wide.
- B. *Half Streets.* When adjoining undeveloped property, a half street may be dedicated.
- C. *Alleys — Easements.* The minimum width of any alley, when provided, shall be fifteen (15) feet. Where alleys are not provided, easements may be required along lot lines of or across lots where necessary for the extension of water mains, sewer and similar purposes.
- D. *Continuation Of Existing Streets.* The arrangement of streets in subdivisions shall make provision for the direct continuation of the principal existing streets and adjoining subdivisions, or their proper projection where adjoining property is not subdivided, insofar as they may be necessary for public requirements. In general, such streets shall be of a width at least as great as the existing streets. The street and alley arrangement must also be such as to provide opportunity for use and access by adjoining property owners.
- E. *Dead-Ends.* Whenever a street is stub-ended so that it will not at that end open into another street, an adequate turnaround, either circular or Y-shaped, shall be provided.
- F. *Grade.* Grades of streets shall be the lowest feasible and no grade shall be in excess of five percent (5%) on through traffic streets or more than ten percent (10%) on any other street.
- G. *Surfacing.* All streets shall be paved or surfaced with a blacktop surfacing or pavement and shall be of a type and strength suitable for the volume and character of traffic to be expected.

Section 405.090. Lots. [CC 1984 §43.090]

- A. *Business And Industrial.* No lots shall be subdivided or indicated for sale as business or

industrial lots, except at points designated for these uses on the zoning plan of the City, and the front street line of all such business lots shall be placed not less than fifty-four (54) feet from the center of the street on which they front.

- B. *Size.* All lots shall be sufficiently wide and deep to permit full conformity with zoning ordinances of the City.
- C. *Curb Corners.* At important intersections and at all corners, the property corner shall be rounded or cut off. All curb corners shall have radii of not less than twelve (12) feet and at important corners not less than twenty-four (24) feet.

Section 405.100. Parks, Playgrounds and School Sites. [CC 1984 §43.100]

In subdividing, due consideration shall be given to suitable sites for parks, playgrounds and schools.

Section 405.110. Sales Contract to Be Furnished to City. [CC 1984 §43.110]

A copy of the subdivider's sale contract restrictions shall be furnished to the City before final approval of the subdivision plan. Such contract shall relate that the lot or lots contracted for are subject to the zoning, building and subdivision regulations of this Code or other ordinance of the City.

Section 405.120. Dedication of Streets, Easements, Etc. [CC 1984 §43.120]

The subdivider shall furnish to the City an effective dedication of all streets and other public spaces to be dedicated, and of all easements provided by the subdivision plan or plat, and an ordinance for the acceptance of such streets, public spaces and easements.

Chapter 410

FLOOD HAZARD PREVENTION

ARTICLE I

Findings of Fact, Purpose and Objectives

Section 410.010. Findings of Fact — Statutory Authorization.

- A. The legislature of the State of Missouri has in Chapter 89 (Section 89.020) of the State Statutes delegated the responsibility to local government units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of La Plata, ordains flood regulations as set out herein.
- B. The special flood hazard areas of the City of La Plata, Missouri, are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of

commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- C. *General Causes Of The Flood Losses.* These flood losses are caused by the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and by the occupancy in flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- D. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - 1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated February 14, 1975, as amended, and any future revisions thereto.
 - 2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - 3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - 4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
 - 5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

Section 410.020. Statement of Purpose.

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 410.010(B); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:
 - 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
 - 2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
 - 3. Protect individuals from buying lands that are unsuited for the intended development

purposes due to the flood hazard.

ARTICLE II Definitions

Section 410.030. Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

100-YEAR FLOOD — See "*base flood*".

ACCESSORY STRUCTURE — Means the same as "*appurtenant structure*".

ACTUARIAL OR RISK PREMIUM RATES — Those rates established by the Administrator pursuant to individual community studies and investigation which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

ADMINISTRATOR — The Federal Insurance Administrator.

AGENCY — The Federal Emergency Management Agency (FEMA).

APPEAL — A request for a review of the Code Enforcement Officer's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE — A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING — A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one percent (1%) chance of being equalled or exceeded in any given year.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — See "*structure*".

CHIEF EXECUTIVE OFFICER or CHIEF ELECTED OFFICIAL — The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

COMMUNITY — Any State or area or political subdivision thereof, which has authority to

adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT — Any manmade change to improved or unimproved real estate, including, but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING — For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELIGIBLE COMMUNITY or PARTICIPATING COMMUNITY — A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION (FOR THE PURPOSES OF DETERMINING RATES) — Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "*Existing construction*" may also be referred to as "*existing structures*".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION DETERMINATION — A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY — An examination, evaluation and determination of flood hazards.

FLOOD FRINGE — The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An Official Map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM) — An Official Map of a community, on which the

Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT — The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see "*flooding*").

FLOODPROOFING — Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FLOODWAY or REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT LINES — The lines marking the limits of floodways on Federal, State and local floodplain maps.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE — A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the

historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State Inventory of Historic Places in States with Historic Preservation Programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a Local Inventory of Historic Places in communities with Historic Preservation Programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE or **FAIR MARKET VALUE** — An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION — For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of the floodplain management regulations adopted by the community.

NFIP — The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY — Also known as "*eligible community*", means a community in which the Administrator has authorized the sale of flood insurance.

PERSON — Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

PRINCIPALLY ABOVE GROUND — At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REMEDY A VIOLATION — To bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its non-compliance.

RISK PREMIUM RATES — Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA — See "*area of special flood hazard*".

SPECIAL HAZARD AREA — An area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION — Includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual "*start of construction*" means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY — That agency of the State Government, or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

VARIANCE — Grant of relief to a person from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter where specific enforcement would result in unnecessary hardship. Flood insurance requirements remain in place of any varied use or structure and cannot be varied by the community.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

ARTICLE III General Provisions

Section 410.040. Lands to Which This Chapter Applies.

This Chapter shall apply to all areas within the jurisdiction of the City of La Plata, Missouri, identified as numbered and unnumbered A Zones and AE Zones, on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated February 14, 1975, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and

restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article V.

Section 410.050. Penalties for Non-Compliance.

- A. No development located in the special flood hazard areas of this community shall hereafter be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.
- B. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- C. Nothing herein contained shall prevent the City of La Plata or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 410.060. Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 410.070. Interpretation.

- A. In the interpretation and application of this Chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the Governing Body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

Section 410.080. Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of La Plata or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 410.090. Severability.

If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid in a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

ARTICLE IV
Administration

Section 410.100. Establishment of a Development Permit.

- A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Article III, Section 410.040. No person, firm, or corporation or unit of Government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Article II. Application for a development permit shall be made on forms furnished by the Code Enforcement Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
 2. Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed.
 3. Certification from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria in Article V, Section 410.170.
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 410.110. Application for Floodplain Development Permit.

- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
 2. Identify and describe the work to be covered by the floodplain development permit;
 3. Indicate the use or occupancy for which the proposed work is intended;
 4. Indicate the assessed value of the structure and the fair market value of the improvement;
 5. Specify whether development is located in designated flood fringe or floodway;
 6. Identify the existing base flood elevation and the elevation of the proposed

development;

7. Give such other information as reasonably may be required by the Codes Enforcement Officer;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

Section 410.120. Designation of the Local Administrator.

The Code Enforcement Officer is hereby appointed to administer and implement the provisions of this Chapter, by granting or denying development permit applications in accordance with its provisions.

Section 410.130. Duties and Responsibilities of the Code Enforcement Officer.

A. Duties of the Code Enforcement Officer shall include, but not be limited to:

1. Review all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Chapter have been satisfied.
2. Review all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law.
3. When base flood elevation data has not been provided in accordance with Article III, Section 410.040, then the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source, in order to administer the provisions of Article V.
4. Verify, record and maintain records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
5. Verify, record and maintain records of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.
6. When floodproofing techniques are utilized for a particular non-residential structure the Code Enforcement Officer shall obtain certification from a registered professional engineer or architect.
7. Notify adjacent communities and the State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
8. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field condition) the Code Enforcement Officer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
10. Issue floodplain development permits for all approved applications.
11. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

Section 410.140. Variance Procedures.

- A. The Board of Adjustment as established by the City of La Plata shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirements, decision, or determination made by the Code Enforcement Officer in the enforcement or administration of this Chapter.
- C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of Platte County, Missouri, as provided in Section 89.110, RSMo.
- D. In passing upon such applications, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of a proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the

floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. *Conditions For Variances.*

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided in Subsections (2) through (6) below, have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, or rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or Local Inventory of Historic Places upon a determination that the proposed activity will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) or one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this Chapter.

ARTICLE V
Provisions for Flood Hazard Reduction

Section 410.150. General Standards.

- A. No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- D. In all areas of special flood hazards (Zones A, AE, A1-30) the following provisions are required in all new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other development:
 - 1. All new construction including manufactured homes and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. Shall be constructed with materials resistant to flood damage.
 - 3. Shall be constructed by methods and practices that minimize flood damage.
 - 4. Shall be constructed with electrical, heating, ventilation, plumbing, and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters.
 - 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - 8. *Storage, material and equipment.* The storage or processing of materials within the

special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

9. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.
10. Until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevations of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference, Article III, Section 410.040 of this Chapter.

Section 410.160. Standards for Subdivision Proposals.

- A. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 1. All such proposals shall be consistent with the need to minimize flood damage.
 2. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 3. Adequate drainage provided to reduce exposure to flood hazards.
 4. All proposals for development (including proposals for manufactured home parks and subdivisions), of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

Section 410.170. Specific Standards.

- A. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article III, Section 410.040 the following provisions are required:
 1. *Residential construction.* New construction or substantial improvement of any residential structure including manufactured homes shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation.
 2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure including manufactured homes shall either have the lowest floor, including basement, elevated to or one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Article IV, Section 410.130.

3. *Requirements for all new construction and substantial improvements.* Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. In all areas of special flood hazard, once floodway data is obtained, as set forth in Section 410.040, the following provisions are required:
 - a. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one (1) foot at any point; and
 - b. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
5. *Manufactured homes.*
 - a. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Manufactured homes must be anchored in accordance with State and local Building Codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (1) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - (2) Frame ties be provided at each corner of the home with five (5) additional

- ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
- (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (4) Any additions to the manufactured home be similarly anchored.
- b. Require manufactured homes that are placed or substantially improved within unnumbered A Zones and AE Zones on the community's FIRM on sites:
- (1) Outside of manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of Subparagraph (b) of this Subsection, be elevated so that either:
- (1) The lowest floor of the manufactured home is at or one (1) foot above the base flood level; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
6. *Recreational vehicles.* Recreational vehicles placed on sites within special flood hazard areas on the community's FIRM shall either:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use*; or
 - b. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Section 410.180. Areas of Shallow Flooding (AO and AH Zones).

A. Located within the areas of special flood hazard established in Article III, Section 410.040 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. *Within AO Zones.*

- a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- d. The anchoring requirements for manufactured homes as established in Section 410.170, Subsection 4(a) shall be required.

2. *Within AH Zones.*

- a. The specific standards for all areas of special flood hazard where base flood elevation data has been provided shall be required as set forth in Section 410.170.
- b. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

ARTICLE VI
Non-Conforming Use

Section 410.190. Non-Conforming Use.

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:

1. If such use is discontinued for thirty-six (36) consecutive months, any future use of

the building premises shall conform to this Chapter. The Utility Department shall notify the Code Enforcement Officer in writing of instances of non-conforming uses where utility services have been discontinued for a period of thirty-six (36) months.

2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.
- B. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred unless reconstructed in conformity with the provisions of this Chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE VII Amendments

Section 410.200. Amendments.

- A. The regulations, restrictions, boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of La Plata.
- B. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this Chapter are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

Chapter 420

MANUFACTURED HOMES

Section 420.010. Definitions. [Ord. No. 820 §1, 7-3-2002]

The following words and phrases have the meanings respectively ascribed to them by this Section:

ACCESSORY STRUCTURE — An incidental freestanding building located on the same lot which it serves and is used solely for storage or personal equipment and possessions of the manufactured home occupants, limited to a garage or a shed.

CODE OFFICIAL — Any representative, officer or agency of the City under authority duly invested in him/her or it.

CONDITIONAL USE PERMIT — A conditional use permit may allow a specifically identified land use or building occupancy as being acceptable at a particular place and states the conditions for the acceptability of the permitted non-conforming use or occupancy. A conditional use permit may impose time limits on a non-conforming use.

DWELLING — A building or portion thereof designed or used exclusively for residential occupancy, but not including hotels, motels, boarding houses, tourist courts or tourist homes.

INSTALLATION — Date of installation begins from the moment the manufactured home is delivered to said premises/site.

MANUFACTURED HOME (as defined by Section 700.010, RSMo.) — Structure which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, contains three hundred (300) or more square feet, equipped with the necessary service connections and made for as to be readily movable as a unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner.

MOBILE HOME, TRAILER, MODULAR HOME, DOUBLE WIDE, SINGLE WIDE — The same as manufactured home. The word "*manufactured home*" encompasses all these terms.

PERSON — An individual, partnership, corporation, limited liability company or other legal entity.

PROPERLY BLOCKED — Setting above or on top of a full (width and length to match manufactured home) concrete slab being four (4) inches thick, a minimum of sixteen (16) inches between slab and frame or setting above piers measuring eighteen (18) inches across, four (4) feet deep on a maximum of eight (8) foot centers under the frame work.

SEAL (as defined by Section 700.010, RSMo.) — A device, label or insignia issued by the Public Service Commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home or modular unit to evidence compliance with code.

TIE-DOWN SYSTEM — A method of anchoring and securing manufactured home as stipulated by the Missouri Public Service Commission.

UNFIT FOR HUMAN OCCUPANCY — A manufactured mobile home is unfit for human occupancy whenever the code official finds that it is unsafe, unlawful, or because of the degree to which it is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Chapter and thereby constitutes a hazard to the occupants or to the public.

Section 420.020. Requirements. [Ord. No. 820 §2, 7-3-2002]

A. All manufactured homes located within the corporate limits of the City of La Plata,

Missouri, must comply with the following requirements:

1. All manufactured homes must be constructed according to the standards established by the United States Department of Housing and Urban Development for constructing such structures and bear a seal issued by the United States Department of Housing and Urban Development as required by Chapter 700, RSMo.
2. No manufactured homes may be electrically wired inside with aluminum wiring and shall meet all City Code as per gas service, fresh water service and sewer connections.
3. Electrical connections shall be made and come through a disconnect placed below the meter base with the same size fuses or breakers as of the total amount of the breaker within the manufactured home.
4. All manufactured homes must be minimum of at least fourteen (14) feet by sixty (60) feet for a single wide and twenty-eight (28) feet by thirty (30) feet for a double-wide and shall be less than twenty (20) years old at the time of permit issuance.
5. All manufactured homes must be "properly blocked" with tongue, tires and wheels removed.
6. All manufactured homes must be securely and appropriately anchored with a "tie-down system" in accordance with the manufacturer's recommendations and as approved by the Missouri Public Service Commission.
7. All manufactured homes must be free from loose siding, broken windows or other building material.
8. All manufactured homes must be skirted with non-combustible material, which will keep children and animals from getting under said manufactured home. Skirting, which is acceptable under the terms of this Chapter, would be manufactured style skirting kits. No plywood, corrugated steel or other materials not specifically manufactured for manufactured home skirting shall be used and all skirting shall be maintained at all times.
9. All manufactured homes must have at least one (1) entryway to said manufactured home that must be built in a suitable and safe manner and must be a minimum of four (4) feet by four (4) feet wide landing with steps and safety railing.
10. All construction requirements listed in this Chapter must be completed within sixty (60) days of installation of said manufactured home.
11. All manufactured homes shall be placed in conformance with setback and dimensional requirements established for the zoning district in which located and all shall have house/address numbers(s) attached in plain sight from the access street.
12. "Accessory structures", which are limited to a garage and/or for a shed, shall be placed in conformance with setback and dimensional requirements established for the zoning district in which located.
13. A conditional use permit must be applied for prior to placement of any manufactured

home. A conditional use permit may be denied for any reason/regulation set out or made reference to in this or any other ordinance code or use regulation.

14. Any person whose application for a conditional use permit that has been denied may request and shall be granted a hearing on the matter before the Board of Adjustment under the procedure provided in Article XIV of Chapter 400 of this Code.

Section 420.030. Non-Conforming Uses — Exceptions. [Ord. No. 820 §3, 7-3-2002]

Those manufactured homes existing in the City limits prior to the adoption of this Chapter which possess legal non-conforming uses shall continue as a legal non-conforming use, exceptions are those issues relating to health and safety which should not be subject to legal non-conforming uses.

Section 420.040. Provision in Conflict With Regulations. [Ord. No. 820 §4, 7-3-2002]

- A. In any case where a provision of this Chapter is found to be in conflict with a provision of any other Chapter of this Code or of the ordinance or regulation of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- B. In any case where a provision of this Chapter is found to be in conflict with a provision of State law or a rule, regulation, notice or order promulgated or given pursuant to authority of State law, the more stringent provisions shall prevail, except as may be provided otherwise by State law or by rule, regulation, notice or order promulgated or given pursuant thereto.

Section 420.050. Final Inspection. [Ord. No. 820 §5, 7-3-2002]

Upon the manufactured home being readied for occupancy, a final inspection shall be made by Code Official to determine compliance with the provisions contained in this Chapter and any other ordinance code or regulations made reference to herein.

Section 420.060. Compliance With Chapter. [Ord. No. 820 §6, 7-3-2002]

It shall be unlawful for any person to maintain or occupy or allow another person to maintain or occupy any manufactured home contrary to or in conflict with or in violation of any of the provisions of this Chapter or to fail to obey a lawful order of the Code Official.

Section 420.070. Notice of Violation. [Ord. No. 820 §7, 7-3-2002]

- A. Whenever the Code Official determines that there has been a violation hereunder, notice shall be given to the owner of the manufactured home, the occupant or other person responsible. Such notice shall:
 1. Be in writing;
 2. Include a description of the manufactured home for sufficient identification;
 3. Include a statement of the reason or reasons why the notice is being issued;

4. Include a correction order describing the repairs and improvements required allowing a reasonable time for such remedial action to be commenced and/or completed; and
5. Include a statement of the rights of the violator to a hearing before the Board of Aldermen and the manner in which to obtain the same.

Such notice shall be deemed to have been properly served upon such owner, occupant or other responsible person when a copy thereof has been sent by registered mail to his/her last known address or when served with such notice by any method authorized or required by the laws of this State and a copy shall be submitted to the manufactured home park owner.

Section 420.080. Penalty. [Ord. No. 820 §8, 7-3-2002]

- A. Any person convicted of violating the terms of this Chapter shall be subject to a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.
- B. Every day a violation of this Chapter shall occur shall constitute a separate offense and be subject to separate penalties.

Section 420.090. Condemnation Procedure. [Ord. No. 820 §9, 7-3-2002]

Whenever it shall be found by the Code Official that a manufactured home is "unfit for human occupancy", he shall condemn the same and order the manufactured home vacated. A copy of such order shall be posted on the manufactured home at least ten (10) days before it shall become effective unless the situation is of a character requiring emergency action, in which case the effective date of the order shall be such as the Code Official deems reasonable and necessary. A copy of such order shall be served upon the owner, occupant or other responsible person as provided for herein. The manufactured home shall not again be occupied until a written statement of approval from the Code Official is obtained upon completion of required repairs to abate violation(s). If repairs are not completed and approval is not obtained from the Code Official, it shall be the responsibility of the home owner to remove said unit within thirty (30) days of notification.