

ZONING ORDINANCE

CITY OF PERRYVILLE

July, 2015

TITLE 17 - ZONING

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ZONING ORDINANCE CITY OF PERRYVILLE, MISSOURI

Preamble

The City of Perryville officially adopted a Comprehensive Plan and a City-wide zoning program in June, 1969. The zoning ordinance has been reviewed periodically and supersedes all previous ordinances.

In Missouri, cities of the fourth class are empowered to enact planning and zoning measures under Chapter 89, Revised Statutes of the State of Missouri. The general purpose of zoning is to promote the health, safety, morals, and the general welfare of the community. Zoning also serves specific purposes, which are, as stated in Section 89.040 of the State Statutes, to:

- 1) lessen congestions in the streets;
- 2) secure safety from fire, panic, and other dangers;
- 3) promote health and the general welfare;
- 4) provide adequate light and air;
- 5) prevent the overcrowding of land;
- 6) avoid undue concentration of population;
- 7) preserve features of historical significance;
- 8) facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities;
- 9) conserve the values of buildings; and,
- 10) encourage the most appropriate use of land throughout the municipality.

The official Zoning District Map of the City of Perryville is also a part of this ordinance. Persons using or affected by this ordinance should review the official Zoning District Map, posted in City Hall, to ensure that the latest district and boundary changes are considered.

Chapter 17.04

GENERAL PROVISIONS

Sections:

17.04.010 Short Title.

17.04.020 Definitions.

17.04.030 District boundaries and general regulations.

17.04.010 Short title.

This title shall be known and may be cited and referred to as the "Zoning Ordinance of the City of Perryville, Missouri." (Prior code § 29-1)

17.04.020 Definitions.

For the purposes of this chapter, certain terms and words are defined. 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:

"Accessory building" means a subordinate building which is incidental to the principal building or use and which is located on the same lot with such principal building or use.

"Accessory use" or "structure" means a use or structure incidental to the principal use of a building and which is located on the same lot with the principal building or use.

"Administrator" means the city administrator of Perryville, Missouri.

"Agricultural (farm) use" means an area which is used for the growing of typical farm products, such as vegetables, fruits, 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 or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming

activities, that such land shall consist of at least ten acres in one parcel under common ownership or operation and provided further that farming does not include the feeding of collected garbage or offal to swine or other animals or confined feeding operation.

"Alley" means a permanent public servicerway dedicated for or in public use, other than a street, place, road, crosswalk or easement, and designed to provide a secondary means of access for special accommodation to the back or side of abutting properties and not intended for general traffic circulation.

Apartment/Apartment House. See definition of "Dwelling, multiple."

"Basement" means that portion of a building which is partly below and partly above grade and having one-half or more of its height above grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for business or dwelling purposes.

"Bed and Breakfast" means a dwelling containing guest rooms that are intended to be used for sleeping purposes for occasional guest for compensation, whether paid directly or indirectly, in which meals are made available and which dwelling is used as a permanent residence by its owner.

"Billboard" or "sign" means an outdoor panel, structure, illustration or device designed to carry or display a sign or advertisement for the purpose of making anything known including those in which the origin or point of sale is remote from the display. Billboards and signs shall include walls, fences or other structures on which advertising signs may be painted or attached. Billboards shall be deemed to be any sign or structure used or designed for the outdoor display of commercial or noncommercial messages, the sign face (display area, border and trim) of which exceeds one hundred (100) square feet in area. The term "sign face" shall exclude the sign base, supports or other structural members.

"Boarding, lodging or roominghouse" means a building or place where rooming and lodging, with or without meals, are provided (or which is

equipped to regularly provide such services) by prearrangement for definite periods and for compensation, for more than five persons, but not more than twenty (20) persons. A boarding, lodging or roominghouse is distinguished from a hotel, which is open to transients and has accommodations for six or more persons.

"Buildable width" means the width of the lot left to be built upon after the side yards are provided.

"Building" means any structure having a roof supported by columns or walls built for the support or enclosure of persons, animals or tangible property of any kind but not including any vehicle, mobilehome (with or without wheels), travel trailer nor any moveable device, such as furniture, machinery or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall constructed in accordance with the building code of the city, then each such portion shall be deemed to be a separate building.

"Building area" means the area included within surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor above.

Building, Height of. "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and the ridge for gable, hip and gambrel roofs.

"Building official" means the designated building official of Perryville, Missouri.

"Cellar" means that portion of a building which is partly above and partly below grade and having more than one-half of its height below grade. A cellar shall not be counted as a story for the purpose of height regulation.

"Child- or day-care center" means any place, home or institution which receives five or more children under the age of seventeen (17) years and

not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools, organized, operated or approved under the laws of this state; custody of children fixed by a court of competent jurisdiction; children related by blood or marriage within the third degree of the custodial person; or to churches or other religious or public institutions while their parents or legal guardians are attending services, meetings or classes, or are engaged in church activities.

"City clerk" means the city clerk of Perryville, Missouri.

Clinic Medical or Dental. "Medical or dental clinic" means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians or dentists practicing medicine or dentistry together.

"Club" means a building, or portion thereof, or premises owned or operated by a corporation, association, person or persons for a social, educational, recreational or fraternal purpose but not primarily for profit or to render a service which is customarily carried on as a business.

"Commercial use" means generally, any business of a commercial nature that has as its primary function the direct sale of goods or services to the general public.

"Commission" means the planning and zoning commission of Perryville, Missouri.

"Comprehensive plan" means an official document adopted by the city setting forth a plan for the physical development of the community, including studies of land use, streets, traffic volume and flow, schools, parks and other public buildings.

"Condominium" means a single-dwelling structure intended to be occupied by a number of single families, and within which each single-family dwelling unit is sold to its occupants as an individually subdivided parcel of the entire structure; a type of

building in which the ownership is divided into separate units which may be owned and sold by separate owners.

"Director" means the public works director of the city of Perryville, Missouri.

District, Zoning. "Zoning district" means a section or sections of the city for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of the use are uniform.

"Drive-in restaurant or cafe" means a restaurant, cafe or similar establishment where the facilities or services are designed to permit food or beverages to be consumed on the premises, either inside or outside of the building or in automobiles parked on the premises, or to be purchased and picked up by automobile.

"Driveway" means a minor private way used by vehicles and pedestrians for common access to a single lot or facility.

Dwelling, Attached Single-Family. "Attached single-family dwelling" means one of a series of attached dwellings designed exclusively for occupancy by one family and located on individually subdivided lots of record. Attached single-family dwellings may be of the townhouse, patio house, condominium or similar types, so long as each unit is located on an individual lot of record to be conveyed as part of the property which each unit occupies.

Dwelling, Detached Single-Family. "Detached single-family dwelling" means a building designed for or occupied exclusively by one family and entirely surrounded by a yard or other separation from buildings or adjacent lots.

Dwelling, Multiple or Apartment. "Multiple or apartment dwelling" means a building or portion thereof designed for or occupied by three or more families living independently of each other, exclusive of attached single-family dwellings, ownhouses, patio houses or condominiums on individually subdivided lots of record.

Dwelling, Two-Family. "Two-family dwelling" means a building or portion thereof designed for

and occupied by two families living independently of each other, including a duplex or semi-detached dwelling.

"Dwelling unit" means one or more rooms in a dwelling designed for or intended to be occupied as independent and separate living quarters by a single family as defined herein, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Family" means one or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization, and not more than two other persons not related by blood, marriage or adoption; or a group of not more than three persons (excluding servants) not related by blood, marriage or adoption and living together as a single housekeeping organization in a dwelling unit.

"Filling station" means any building or premises used for the sale at retail of motor vehicle fuels, oil or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors, bodies or fenders of motor vehicles, or painting motor vehicles, and excluding public garages.

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

"Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead end of the street, but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.

Garage, Commercial or Public. "Commercial or public garage" means a building or structure for

the storage or parking of motor-driven vehicles and in which provisions may be made for fueling or normal servicing of such vehicles. The terms "servicing" shall not include an automotive repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

Garage, Private. "Private garage" means a detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises; provided that no business, occupation or service is conducted for profit therein, not space there for more than one automobile is leased to a nonresident of the premises.

Garage, Storage or Parking. "Storage or parking garage" means a building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished to transients, and within which motor fuels and oils may be sold; but no motor-driven vehicles may be equipped, repaired, hired or sold.

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

"High-rise sign" means an on-premise sign with a maximum square footage of one hundred twenty (120) square feet and a maximum height of eighty (80) feet.

"Home occupation" means any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building or an accessory building by an immediate member of the family residing on the premises; provided that no person not a resident on the premises is employed, no stock in trade is kept, or commodities sold, upon the premises. Further, no external alterations or major internal alterations of the premises may be involved; no equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-ray

or electrical disturbance to radio or television instruments; and no generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created. Further, there shall be no advertising sign displayed, other than a nameplate not exceeding one square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling. When within the above requirements home occupations permitted without special permits include the following:

1. Art studio;
2. Babysitting, limited to no more than four children under the age of seventeen (17) at one time;
3. Dressmaking or tailoring;
4. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes;
5. Office of a physician, dentist or similar profession for consultation or emergency treatment but not for general professional practice or normal treatment of patients;
6. Professional office of a real estate agency, insurance agent, engineer, attorney or similar occupation;
7. Teaching, including music instruction, limited to not more than two pupils at one time;
8. Internet business.

When the above home occupations are not within the above requirements, a special use permit shall be required. Additional home occupations other than those listed above may be allowed, provided that a special use permit for such use is granted under the provisions of this title. However, permitted home occupations shall not be interpreted to include nursery schools, auto repairing, antique shops, sign painting, restaurants, plumbing and electrical appliance shops, stables, kennels or animal hospitals, or any light manufacturing or assembling operation.

"Hotel" means any building or portion thereof that contains six or more guest rooms that are intended to be used or occupied, or are occupied

for sleeping purposes, by guests for compensation, whether it is paid directly or indirectly, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

"Industrial park" means a tract of land, the control and administration of which are vested in a single body, suitable for industrial use because of location, topography, proper zoning, availability of utilities and accessibility to transportation. The uses permitted may be regulated by protective minimum restrictions (covenants) including the size of the site, parking and loading regulations, and building setback lines from front, side and rear yards that may be more restrictive than this chapter.

"Industry" or "industrial," as used in this chapter, are restricted to establishments primarily involved in product manufacturing and processing, heavy equipment uses and warehousing. It does not include retail and wholesale trades, agricultural uses, institutional uses and other businesses that are primarily commercial in nature.

"Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

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

"Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building, together with any accessory buildings, open spaces and parking spaces required by this chapter and having its principal frontage upon a street or upon an officially approved place.

Lot, Corner. "Corner lot" means a lot abutting upon two or more streets at their intersection.

"Lot coverage" means that percentage of a lot which, when viewed from above, would be covered by a structure or structures, or any part thereof, excluding roof eaves.

Lot, Depth of. "Depth of lot" means the mean (average) horizontal distance between the front and the rear lot lines.

Lot, Double Frontage. "Double frontage lot" means a lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot Line, Front. "Front lot line" means, in the case of an interior lot, a line separating the lot from a street or place; and in the case of a corner lot, a line separating the narrowest frontage of the lot from a street.

"Lot width" means the dimension (width) of a lot, measured between side lot lines on the required building setback line for the district in which the lot is located.

"Lot of record" means a lot which is a part of a subdivision, the map or plat of which has been recorded in the office of the county recorder of Perry County, Missouri; or a lot or parcel of land, the deed of which has been recorded in the office of the county recorder of Perry County, Missouri, prior to the adoption of this chapter.

"Manufacturer" means an establishment whose primary function is the mechanical or chemical transformation or processing of materials or substances into new products, including the assembly of component parts and the blending of materials.

"Mobile business unit/manufactured business unit" means a factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used for commercial, educational, or industrial purposes 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 unit placed thereon may be moved from time to time at the convenience of the owner.

Mobile business units/manufactured business units are those factory-built structures manufac-

ured under the authority of the Federal Manufactured Home Construction and Safety Standards Act, effective June 15, 1976, and must carry a seal of approval of the U.S. Department of Housing and Urban Development (HUD) as required by the Missouri Public Service Commission.

The term "manufactured home" shall also include units defined as above if such units are in two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components capable of repeated towing and includes two or more manufactured units joined into a single business unit which is kept on separate chassis for repeated towing.

"Mobilehome lot" means the designated area of a parcel of land for the placement of a single mobilehome and the exclusive use of its occupants.

"Mobilehome park" means a parcel of land which has been developed for the placement of more than one mobilehome.

"Mobilehome stand" means that part of a mobilehome lot which has been reserved for the placement of one mobilehome unit.

"Mobile/manufactured home" means a factory-built structure or structures which, in traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling 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/manufactured homes are those factory-built structures manufactured under the authority of the Federal Manufactured Home Construction and Safety Standards Act, effective June 15, 1976,

and must carry a seal of approval of the U.S. Department of Housing and Urban Development (HUD) as required by the Missouri Public Service Commission.

The term "manufactured home" shall also include units defined as above if such units are in two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components capable of repeated towing and includes two or more manufactured home units joined into a single residential unit which is kept on separate chassis for repeated towing.

"Modular unit" means a transportable building unit to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational, or industrial purposes. This definition shall not apply to structures under six hundred fifty (650) square feet used temporarily and exclusively for construction site office purposes. A modular unit may or may not constitute a manufactured home as defined herein.

"Motel," "motor court," "motor lodge" or "tourist court" means any building or group of buildings containing guestrooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building, with garage or parking space conveniently located on the lot and designed, used or intended wholly or in part for the accommodation of transients in automobiles.

"Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of this chapter, or any amendment thereto, which does not conform after the passage of this chapter, or amendment thereto, with the use regulations of the district in which it is situated.

"Nursery school" means a school operated by a person or organization which is conducted primarily for the education of preschool-age children for no more than four hours per child per day and which provides no custodial care.

"Nursing home," "rest home" or "convalescent home" means a home for the aged or infirm, in

which three or more persons, not of the immediate family, are received, kept or provided with food and shelter or care, whether for compensation or not; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured. The definition of "nursing home" shall include any adult boarding facility, intermediate care facility, residential care facility or skilled nursing facility, as defined in Chapter 198 of the Revised Statutes of the state of Missouri.

"Office" means a place where business or services for others is transacted, and not a place where tangible property or goods, wares or merchandise are commonly created, exchanged or sold.

"Parking area" means an open, unoccupied space used or required for use exclusively for the parking of vehicles, and in which no gasoline or vehicular accessories may be sold, nor other business conducted, nor fees charged.

"Parking lot" means an open, paved area used exclusively for the temporary storage of motor vehicles, and within which motor fuels and oils may be sold and fees charged; but no vehicles may be equipped, repaired, rented or sold.

Parking Space, Off-Street. "Off-street parking space" means an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street, road or alley, and permitting the ingress and egress of an automobile.

"Park management" means the person who has charge, care of, or control of the mobilehome park.

"Park street" means a private way which affords principal means of access to individual mobilehome lots or auxiliary buildings.

"Pedestrian sidewalk sign" is defined as any portable outdoor sign providing supplemental business identity or advertisement which is placed upon a public sidewalk or city right-of-way in addition to the types and amount of signage that could otherwise be achieved under the sign regulations of the city of Perryville.

"Place" means any open, unoccupied, officially dedicated space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

"Plat" means a map, plan or layout of a city, township, section or subdivision, indicating the location and boundaries of individual properties.

"Porch" means a covered entrance to a building, usually with a separate roof, that may or may not be enclosed, or a roofed, open gallery attached to the exterior of a building.

"Premises" means a lot, together with all buildings and structures thereon.

"Public building" or "facility" means a building or facility owned or operated by a general unit of a local, state or federal government; or a public building or facility under the laws of the state of Missouri; or a building or facility operated or used by a nonprofit organization and open to general use by the public.

"Recreational vehicle" means a vehicular, portable structure, built on a chassis or designed to be carried by any type of vehicle (whether located on or off such vehicle), traditionally used as a temporary dwelling for travel, recreational, or vacation purposes.

"RV park" means an area designed to provide spaces where one or more recreational vehicles can be temporarily parked for travel, recreation, or vacation purposes.

"Self-service storage facility" means a building or structure used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis.

"Shopping center" or "mall" means a group of architecturally unified commercial establishments in one or more buildings, built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores; and a mall includes a roofed-over common pedestrianway.

Sign. See definition of "billboard."

"Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. "Half story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space, not more than sixty (60) percent of the floor area, is finished off for use. A half-story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.

"Street" means a public right-of-way or thoroughfare which affords the principal means of access to abutting property.

"Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street.

"Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground and including, but not limited to the following: advertising signs, billboards, fences, backstops for tennis courts, pergolas (projecting roofs), satellite television antennas and freestanding solar collectors or equipment.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by existing ordinances.

"Tourist or trailer camp" means an area where one or more tents, auto trailers or recreational vehicles can be or are intended to be parked, designed or intended to be used as temporary living facilities of one or more families and intended primarily for automobile transients.

"Townhouse apartment" means one of a series of three or more attached dwellings, two or three stories in height, for single-family occupancy which are separated from one another by partition walls

extending from basement to roof without openings, but which are not located or sited on individual subdivided lots.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

"Vestibule" or "lobby" means a passage, hall or room between the outer door and the interior of a building.

"Yard" means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this chapter. In measuring required yard widths and depths, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front. "Front yard" means a yard extending across the front of the lot and being the minimum horizontal distance between the front lot line and the main building, or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On corner lots, the front yard shall be considered as being parallel to the street upon which the lot has its least dimension.

Yard, Rear. "Rear yard" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building, or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed portion. On all lots, the rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side. "Side yard" means a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between the side lot line and the side of the main buildings or any projections thereto. (Ord. 3802 § 2, 1998; Ord. 3638 § 4, 1998; Ord. 3637 § 2, 1998; prior code § 29-2) (Ord. No. 5014, § 1, 3-3-09; Ord. No. 5235, §§ 1—6, 6-21-11)

17.04.030 District boundaries and general regulations.

A. In order to classify, regulate and restrict the locations of trades, industries and residences, and the location of buildings designed for specific uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and lot areas; and to regulate and determine the area of yards, courts and other open spaces surrounding such buildings; the city is divided into districts of which there shall be thirteen (13) in number known as:

R-1	Single-family residential district
R-2	Single-family residential district
R-3	Single-family residential district
R-4	Two-family residential district
R-5	General residential district
MH-1	Mobile home park district
C-1	Local commercial district
C-2	General commercial district
C-3	Central business district
C-4	Planned commercial district
I-1	Light industrial district
I-2	Heavy industrial district
I-3	Planned industrial district

B. The boundaries of these districts are shown upon the zoning district map for the city of Perryville, Missouri, which accompanies and is made a part of this chapter. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth and described herein. The original of the zoning district map is properly attested and is on file with the city clerk.

C. All territory which may hereafter be annexed to the city shall be classified in the R-1 single-family residential district until, within a reasonable time after annexation, the annexed

territory shall be appropriately classified by ordinance in accordance with Section 17.64.040.

D. Whenever any street or other public way is vacated by official action of the city, the zoning district adjoining each side of such street 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.

E. Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning district map, the following rules shall apply:

1. Where a boundary line is given a position within a street, alley or stream, it shall be deemed to be in the center of the street, alley or stream; and if the actual location of such street, alley or stream varies slightly from the location as shown on the zoning district map, then the actual location shall control.
2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
3. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines; and where the districts are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of such districts, unless the boundaries are otherwise indicated on the map.
4. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale shown on the zoning district map.

F. Except as hereinafter provided:

1. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any build-

ing or land be used, except for the purpose permitted in the district in which the building or land is located;

2. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except in conformity with the height, yard, area, parking and other regulations prescribed herein for the district in which the building is located;
3. The minimum yards, parking spaces and other open spaces, including lot areas per family required by this title, shall be provided for each and every building or structure hereafter erected; and such minimum yards, parking spaces, open space and lot areas for each and every building or structure, whether existing at the time of passage of this chapter hereafter erected, shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.
4. Every building hereafter erected and structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on one lot, unless otherwise provided in this title.

(Prior code § 29-3)

(Ord. No. 5235, § 7, 6-21-11)

Chapter 17.08

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.08.010** Purpose.
17.08.020 Use regulations.
17.08.030 Parking regulations.
17.08.040 Height, area and lot size regulations.

17.08.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the R-1 single-family residential district. The purpose of the R-1 single-family residential district is to provide areas more or less exclusively for single-family housing with relatively larger lot sizes and relatively more open space, with other allowed uses designed primarily to serve residential areas. (Prior code § 29-4 (part))

17.08.020 Use regulations.

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

- A. Detached single-family dwellings;
- B. Publicly owned or operated parks, playgrounds, community buildings, museums, libraries or art galleries, similar uses of an institutional nature and municipal facilities, including police and fire stations;
- C. Golf courses, except miniature golf courses, and driving ranges operated for commercial purposes, with a special use permit only;
- D. Public schools, or private schools having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial schools, with a special use permit only;
- E. Churches and similar places of worship, including Sunday school buildings, with a special permit only;
- F. Child- or day-care center, or nursery school, with a special use permit only;
- G. Fraternal organizations and other private clubs, with special use permit only, and excluding skeet or gun clubs and those whose chief activity is a service customarily carried on as a business;
- H. Home occupations, customary (see Section 17.04.020);
- I. Private swimming pools appurtenant to single-family dwellings on the same lot, when they meet the yard depth and width requirements for principal buildings in the district in which they are located, and when the swimming pool or the property on which it is located is adequately fenced (see Section 17.56.010(C)) to prevent access by small children, and the swimming pool meets all applicable health and sanitary requirements;
- J. Hospitals and institutions of an educational, religious, charitable or philanthropic nature, with a special use permit only; provided, however, that such buildings shall not be located upon sites containing an area of less than five acres, may occupy not over ten percent of the total area of the lot, and that the buildings shall be set back from all yard lines a distance of not less than two feet for each foot of building height;
- K. Cemeteries, including mausoleums, with special use permit only; provided that mausoleums shall be distant at least two hundred (200) feet from every street line and adjoining lot lines, and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more;
- L. Accessory buildings and accessory uses customarily incidental to the above uses and not involving the conduct of a business, including one private garage or carport, when located not less than sixty (60) feet from the front lot line and not less than ten feet from any other street line, or a private garage constructed as a part of the main building. Accessory buildings and uses are subject to the restrictions established in Section 17.56.010;
- M. Temporary buildings for uses incidental to construction work, which building shall be removed upon occupancy of the completed structure, or

completion or abandonment of the construction work, whichever occurs first;

- N. Bulletin boards and signs, not exceeding ten square feet in area, appertaining to the lease, hire or sale of a building or premises, which boards or signs shall be removed as soon as the premises are leased, hired or sold, or temporary signs pertaining to the sale of products grown on the premises. Church bulletin boards or identification signs for permitted public and semipublic uses may not exceed thirty-two (32) square feet. All signs shall be located on the same lot as the main building and not less than ten feet from any property line, and not more than one sign of the above character shall be permitted on any lot or tract. All signs shall also be in conformance with Section 17.56.010.
- O. Agricultural (farm) uses, such as field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries and apiaries, including a greenhouse or roadside stand offering for sale only farm products that are produced on the premises. Permitted uses include the normal storage of grain and the raising and housing of farm animals but exclude confined feeding operations for cattle, sheep, poultry or swine.
- (Prior code § 29-4(1))

17.08.030 Parking regulations.

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. (Prior code § 29-4(2))

17.08.040 Height, area and lot size regulations.

In addition to the specific requirements for the R-1 single-family residential district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the R-1 single-family residential district, shall be observed.

- A. Height. The maximum height of buildings permitted shall be as follows:
1. Detached single-family dwellings and all buildings other than churches and similar

places of worship: thirty-five (35) feet and not over two and one-half stories.

2. Churches and similar places of worship: seventy-five (75) feet for towers or steeples and not more than forty-five (45) feet for the principal building.
- B. Area. No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement:
1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
 2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than fifteen (15) feet. On lots upon which a church or similar place of worship, community building, museum, library, art gallery, school, fraternal or other private club, or other similar building is constructed, there shall be a side yard of not less than thirty (30) feet on each side of the main structure.
 3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty (30) feet, or twenty (20) percent of the depth of the lot, whichever is greater, but it need not exceed fifty (50) feet.
- C. Lot Size. The minimum lot size permitted shall be as follows:
1. Detached single-family dwellings shall be on a lot having an area of not less than twelve thousand (12,000) square feet and a width at the front lot line of not less than one hundred (100) feet.
 2. Churches and similar places of worship, community buildings, museums, libraries, art galleries, schools, fraternal and other private clubs, and other similar buildings shall be on a lot having an area of not less than one acre and a width at the front lot line of not less than one hundred and fifty (150) feet.

D. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.

(Prior code § 29-4(3))

Chapter 17.12

R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.12.010 Purpose.**
17.12.020 Use regulations.
17.12.030 Parking regulations.
17.12.040 Height, area and lot size regulations.

17.12.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations of the R-2 single-family residential district. The purpose of the R-2 single-family residential district is to provide for more compact single-family housing. (Ord. 4614 § 1 (part), 2005; prior code § 29-5 (part))

17.12.020 Use regulations.

A building or premises shall be used only for any use permitted in the R-1 residential district, to include any restrictions imposed upon such use in the district. (Ord. 4614 § 1 (part), 2005; Ord. 3638 § 1, 1998; prior code § 29-5(1))

17.12.030 Parking regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. (Ord. 4614 § 1 (part), 2005; prior code § 29-5(2))

17.12.040 Height, area and lot size regulations.

In addition to the specific requirements for the R-2 single-family residential district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the R-2 single-family residential district, shall be observed.

A. Height. The maximum height of buildings permitted shall be as follows:

1. Single-family dwellings and all buildings other than churches and similar places of

worship: thirty-five (35) feet and not over two and one-half stories.

2. Churches and similar places of worship: seventy-five (75) feet for towers and steeples and not more than forty-five (45) feet for the principal building.

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

1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than eight feet. On lots upon which a church or similar place of worship, community building, museum, library, art gallery, school, fraternal or other private club, or other similar building is constructed, there shall be a side yard of not less than twenty (20) feet on each side of the main structure.
3. Rear Yard. Every lot or parcel upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is greater, but it need not exceed thirty-five (35) feet.

C. Lot Size. The minimum lot size permitted for detached single-family dwellings shall be an area of not less than seven thousand five hundred (7,500) square feet and a width at the front lot line of not less than seventy-five (75) feet.

D. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.

(Ord. 4614 § 1 (part), 2005; prior code § 29-5(3))

Chapter 17.13

R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

17.13.010 Purpose.

17.13.020 Use regulations.

17.13.030 Parking regulations.

17.13.040 Height, area and lot size regulations.

17.13.010 Purpose.

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the R-3 single-family residential district. The purpose of the R-3 single-family residential district is to provide for more compact single-family housing including detached single-family units, double-wide mobilehomes, and two-family units (duplexes and condominiums).

(Ord. No. 5235, § 8, 6-21-11)

17.13.020 Use regulations.

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

- A. Any use permitted in the R-1 residential district, to include any restrictions imposed upon such use in said district;
- B. Two-family condominiums with a special use permit;
- C. Two-family dwellings, with special use permit only;
- D. Double-wide mobile/manufactured homes in compliance with U.S. Department of Housing and Urban Development codes.

(Ord. No. 5235, § 8, 6-21-11)

17.13.030 Parking regulations.

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60 of this title.

(Ord. No. 5235, § 8, 6-21-11)

17.13.040 Height, area and lot size regulations.

In addition to the specific requirements for the R-3 single-family residential district, all height, area, and lot size regulations and exceptions set forth in Chapter 17.52 of this title, as they apply to uses in the R-3 single-family district, shall be observed.

A. Height. The maximum height of buildings permitted shall be as follows:

1. Single-family, two-family and condominium dwellings, and all buildings other than churches and similar places of worship, thirty-five (35) feet and not over two and one-half stories.
2. Churches and similar places of worship, seventy-five (75) feet for towers and steeples and not more than forty-five (45) feet for the principal building.

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

1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard of each side of not less than eight feet. On lots upon which a church or similar place of worship, community building, museum, library, art gallery, school, fraternal or other private club or other similar building is constructed, there shall be a side yard of not less than twenty (20) feet on each side of the main structure.
3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet, or twenty (20) percent of the depth of the lot, whichever is greater, but it need not exceed thirty-five (35) feet.

- C. Lot Size. The minimum lot size permitted shall be as follows:
 - 1. Detached single-family dwellings shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet and a width at the front lot line of not less than seventy-five (75) feet.
 - 2. Two-family dwellings and all other buildings or structures shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the front lot line of not less than seventy-five (75) feet.
- D. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.
- E. Foundation and Anchorage Requirement. All support and anchorage shall be as per manufacturer's recommendation.
- F. Conversion to Real Estate. All mobilehomes placed in this district shall be converted to real estate as provided for by the Revised Statutes of the State of Missouri.

(Ord. No. 5235, § 8, 6-21-11)

Chapter 17.14

R-4 TWO-FAMILY RESIDENTIAL DISTRICT

Sections:

17.14.010 Purpose.

17.14.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations of the R-4 two-family residential district. The purpose of the R-4 two-family residential district is to provide medium density residential development utilizing detached single-family and two-family units. It is intended that this district shall be so located as to provide a transitional zone between single-family and multi-family or low density commercial and industrial developments. (Ord. 4615 § 1 (part), 2005) (Ord. No. 5235, § 9, 6-21-11)

17.14.020 Use regulations.

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

- A. Any use permitted in the R-1 or R-2 residential district, to include any restrictions imposed upon such use in the district;
- B. Two-family dwellings;
- C. Two-unit condominiums. (Ord. 4615 § 1 (part), 2005) (Ord. No. 5235, § 9, 6-21-11)

17.14.030 Parking regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. (Ord. 4615 § 1 (part), 2005) (Ord. No. 5235, § 9, 6-21-11)

17.14.040 Height, area and lot size requirements.

In addition to the specific requirements for the R-4 two-family residential district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the R-4 two-family residential district, shall be observed.

A. Height. The maximum height of buildings permitted shall be as follows:

1. Detached single-family dwellings, attached single-family dwellings and two-family dwellings: Thirty-five (35) feet and not over two and one-half stories.
2. All other buildings: Forty-five (45) feet and not over three stories, except that towers or steeples on churches or similar places of worship may not exceed seventy-five (75) feet.

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

1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
2. Side Yard. Each lot upon which a building is constructed shall have a side yard on each side of not less than eight feet, except that any building of three stories shall have a side yard on each side of not less than ten (10) feet.
3. Rear Yard. Each lot upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

C. Lot Size. The minimum lot size permitted shall be as follows:

1. Detached single-family dwellings shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet and a width at the front lot line of not less than seventy-five (75) feet.

2. Two-family dwellings shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the front lot line of not less than seventy-five (75) feet.
 3. Two-family condominiums shall be on a lot not less than five thousand (5,000) square feet per family and a width at the front lot line of not less than fifty (50) feet.
 4. All other uses shall be on a lot having an area of not less than fifteen thousand (15,000) square feet and a width at the front lot line of not less than seventy-five (75) feet.
- D. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than forty (40) percent of the area of the lot.

(Ord. 4615 § 1 (part), 2005)

(Ord. No. 5235, § 9, 6-21-11)

Chapter 17.16

R-5 GENERAL RESIDENTIAL DISTRICT

Sections:

17.16.010 Purpose.

17.16.020 Use regulations.

17.16.030 Parking regulations.

17.16.040 Height, area and lot size requirements.

17.16.010 Purpose.

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the R-5 general residential district. The purpose of the R-5 general residential district is to provide for compact residential development, including multifamily housing, with provisions for adequate light, air and open space. (Prior code § 29-6 (part)) (Ord. No. 5235, § 10, 6-21-11)

17.16.020 Use regulations.

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

- A. Detached single-family dwellings;
- B. Condominiums, subject to compliance with Chapter 16.16;
- C. Two-family dwellings;
- D. Multiple-family dwellings;
- E. Rooming, boarding or lodging houses;
- F. Nursing, rest or convalescent homes;
- G. Public schools, or private schools having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial schools;
- H. Churches and similar places of worship, fraternal organizations and other private clubs, excepting those whose chief activity is a service customarily carried on as a business;
- I. Child- or day-care center, or nursery school, with a special use permit only;
- J. Hospital or medical clinic, and institutions of an educational, religious, charita-

ble or philanthropic nature, with a special use permit only, and excepting animal hospitals or clinics;

- K. Publicly owned or operated parks, playgrounds, community buildings, museums, libraries or art galleries and municipal facilities, including police and fire stations;
- L. Home occupations, customary (see Section 17.04.020);
- M. Commercial uses allowed in C-2 general commercial districts, with a special use permit only;
- N. Accessory buildings and accessory uses, customarily incidental to the above uses and not involving the conduct of a business, including parking garages or carports, storage garages associated with multiple-family dwellings, and swimming pools. Accessory buildings and uses are subject to the restrictions established in Section 17.56.010. Parking and storage garages shall be located not less than sixty (60) feet from the front lot line and not less than ten (10) feet from any other street line, or a garage constructed as a part of the main building. Swimming pools must meet all yard depth and width requirements, be adequately fenced to prevent access by small children and meet all applicable health and sanitary requirements;
- O. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon occupancy of the completed structure, or completion or abandonment of the construction work, whichever occurs first;
- P. Bulletin boards and signs, not exceeding ten (10) square feet in area appertaining to the lease, hire or sale of a building or premises, which boards or signs shall be removed as soon as the premises are leased, hired or sold. Church bulletin boards or identification signs for permitted public and semipublic uses may not exceed thirty-two (32) square feet in area. All signs shall

be located on the same lot as the main building and not less than ten (10) feet from any property line, and not more than one sign of the above character shall be permitted on any lot or tract. All signs shall also be in conformance with Section 17.56.010;

Q. Nameplates for multifamily dwellings and rooming, boarding or lodging houses not exceeding five square feet in area and attached to the wall at the entrance of the building and lighted only with indirect, nonintermittent light. (Ord. 3638 § 2, 1998; prior code § 29-6(1))
(Ord. No. 5235, § 10, 6-21-11)

17.16.030 Parking regulations.

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. (Prior code § 29-6(2))
(Ord. No. 5235, § 10, 6-21-11)

17.16.040 Height, area and lot size requirements.

In addition to the specific requirements for the R-5 general residential district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the R-5 general residential district, shall be observed.

A. Height. The maximum height of buildings permitted shall be as follows:

1. Detached single-family dwellings, attached single-family dwellings and two-family dwellings: Thirty-five (35) feet and not over two and one-half stories.
2. All other buildings: Forty-five (45) feet and not over three stories, except that towers or steeples on churches or similar places of worship may not exceed seventy-five (75) feet.

B. Area. No building or structure shall be erected or enlarged, unless the following

yards are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
2. Side Yard. Each lot upon which a building is constructed shall have a side yard on each side of not less than eight feet, except that any building of three stories shall have a side yard on each side of not less than ten (10) feet.
3. Rear Yard. Each lot upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

C. Lot Size. The minimum lot size permitted shall be as follows:

1. Detached single-family dwellings shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet and a width at the front lot line of not less than seventy-five (75) feet.
2. Two-family dwellings shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the front lot line of not less than seventy-five (75) feet.
3. Multiple-family dwellings shall be on a lot having an area of not less than twelve thousand five hundred (12,500) square feet, plus two thousand five hundred (2,500) square feet for each family over three, and a width at the front lot line of not less than seventy-five (75) feet.
4. All other uses shall be on a lot having an area of not less than fifteen thousand (15,000) square feet and a width at the front lot line of not less than seventy-five (75) feet.

D. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not

cover more than forty (40) percent of the
area of the lot. (Prior code § 29-6(3))
(Ord. No. 5235, § 10, 6-21-11)

Chapter 17.18

RESERVED*

*Editor's note—Ord. No. 5235, § 11, adopted June 21, 2011, repealed Chapter 17.18, §§ 17.18.010—17.18.17.18.040, which pertained to the R-4 single-family residential district and derived from Ord. No. 3807, 1998.

Chapter 17.20

MH-1 MOBILEHOME PARK DISTRICT AND MOBILEHOME PARK REGULATIONS

Sections:

Article I. MH-1 Mobilehome Park District

- 17.20.010 Purpose.
- 17.20.020 Use regulations.
- 17.20.030 Park size.
- 17.20.040 Parking regulations.
- 17.20.050 Height, area and lot size requirements.
- 17.20.060 Location.

Article II. Mobilehome Park Regulations

- 17.20.070 Definitions.
- 17.20.080 Permits and restrictions.
- 17.20.090 Grandfathered mobilehome courts.
- 17.20.100 Mobilehome park standards.
- 17.20.110 Application for license.
- 17.20.120 Licenses.
- 17.20.130 Inspection of mobilehome parks.
- 17.20.140 Notices, hearings and orders.
- 17.20.150 Exemptions.
- 17.20.160 Sewage collection and water supply system.
- 17.20.170 Electrical distribution system.
- 17.20.180 Street system and parking.
- 17.20.190 Miscellaneous requirements.
- 17.20.200 Violation—Penalty.
- 17.20.210 Conflict of ordinances—Effect of partial invalidity.

Article I. MH-1 Mobilehome Park District

17.20.010 Purpose.

The regulations set forth in this section, or set forth elsewhere in this chapter are the regulations of the MH-1 mobilehome park district. The pur-

pose of the MH-1 mobilehome park district is to provide suitable locations for the placement of mobilehomes, with safeguards for the health and safety of mobilehome residents. References to lot sizes, setbacks, and lot coverage shall be interpreted to mean the area designated for each mobilehome stand within the mobilehome park. (Ord. 3787 § 1 (part), 1998: prior code § 29-7 (part))

17.20.020 Use regulations.

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

- A. Mobilehome parks conforming to the provisions hereof;
- B. Customary home occupations (see Section 17.04.020 of this title, Definitions);
- C. Private swimming pools appurtenant to mobilehome parks on the same lot, when they meet the yard depth and width requirements for principal buildings in the district in which they are located, and when the swimming pool or the property on which it is located is adequately fenced in accordance with city building codes to prevent access by small children, and the swimming pool meets all applicable health and sanitary requirements;
- D. Accessory buildings and accessory uses customarily incidental to the above uses and not involving the conduct of business. Accessory buildings and uses are subject to the restrictions established in Section 17.56.010 of this title;
- E. Community unit plan with a special use permit.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7(1))

17.20.030 Park size.

All mobilehome parks shall contain no less than five acres, with lots designated for individual mobilehome stands in accordance with the requirements of this section. (Ord. 3787 § 1 (part), 1998: prior code § 29-7(2))

17.20.040

17.20.040 Parking regulations.

Off-street parking space will be provided in accordance with the requirements for single-family dwellings set forth in Chapter 17.60 of this title, as modified by the provisions of this section. (Ord. 3787 § 1 (part), 1998; prior code § 29-7(3))

17.20.050 Height, area and lot size requirements.

In addition to the specific requirements for the MH-1 mobilehome park district, all height, area, and lot size regulations and exceptions set forth in Chapter 17.52 of this title, as they apply to uses in the MH-1 mobilehome park district, shall be observed. (Ord. 3787 § 1 (part), 1998: prior code § 29-7(4))

17.20.060 Location.

No mobilehome shall be located outside of a mobilehome park except for temporary use as provided in this chapter. (Ord. 3787 § 1 (part), 1998: prior code § 29-7(5))

Article II. Mobilehome Park Regulations

17.20.070 Definitions.

The terms used in this chapter are defined in Section 17.04.020 of this title. (Ord. 3787 § 1 (part), 1998: prior code § 29-7.1)

17.20.080 Permits and restrictions.

- A. Mobilehome Park Location. Mobilehome parks will be allowed in the MH-1 mobilehome park zone.
- B. RV Parks. Recreational vehicle parks shall be allowed with a special use permit.
- C. Permit Required.
 1. A building permit shall be required prior to the placement of any mobilehome in a mobilehome park. Any mobilehome placed in a mobilehome park shall meet or exceed the requirements of the applicable state and federal regulations. No permit may be issued for the placement of a mobilehome in a mobilehome park until all utilities and infrastructure improvements have been completed and at least ten mobilehome spaces are completed and ready for occupancy.
 2. A permit is required prior to the occupancy of any newly placed mobilehome. The permit shall be issued by the building official upon approval of all required inspections.

3. All infrastructure improvements installed in the mobilehome park, whether publicly or privately owned, shall be subject to inspection by the city building inspector prior to approval and acceptance.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.2)

17.20.090 Grandfathered mobilehome courts.

All existing mobilehome parks and courts shall be grandfathered, provided, however, that in order to protect the public health and safety and provide for adequate fire protection when any existing mobilehome is removed from a nonconforming mobilehome park or court, any mobilehome replaced must be replaced by a mobilehome of equal size or smaller, or the mobilehome lot upon which the replacement mobilehome is placed must meet the front, rear, and side yard requirements, along with any other setback requirements established by this chapter. Grandfathered mobilehome parks or courts shall comply with annual license requirements. (Ord. 3787 § 1 (part), 1998: prior code § 29-7.3)

17.20.100 Mobilehome park standards.

- A. Site Layout. Site layout should take the following factors into consideration:
 1. Site planning should attempt to adapt to individual site considerations, reflect advances in site planning techniques, and be adaptable to the trends in design of mobilehomes. An informal park type of site planning that conforms to terrain, existing trees, shrubs, and other natural features is preferred. A stylized pattern should be avoided.
 2. The condition of the soil, groundwater level, drainage and topography shall not create hazards to the health and safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

3. Landscaping and Soil and Ground Cover Requirements. All areas of the mobilehome park will be appropriately landscaped. Exposed ground surfaces in all parts of every mobilehome park shall be paved, or covered with stone, screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Trees and shrubs should be planted so as to provide visual buffers between mobilehome lots.
4. Site Drainage Requirements. The ground surface in all parts of every mobilehome park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- B. Minimum Size. No mobilehome park shall be developed in the city of Perryville containing less than five acres.
- C. Area. No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement.
 1. Front Yard. On each lot upon which a building or mobilehome stand is constructed, there shall be a front yard of not less than fifteen (15) feet.
 2. Side Yard. On each lot upon which a building or mobilehome stand is constructed, there shall be a side yard on each side of not less than eight feet.
 3. Rear Yard. Every lot upon which a mobilehome stand or other building is constructed shall have a rear yard of not less than twelve (12) feet.
 4. Mobile/manufactured/modular homes in this park shall be used only for single-family residential purposes.
 5. Height. No mobilehome, building, or accessory structure shall be greater than one story in height.
 6. No mobilehome park shall be permitted an average density greater than eight lots per acre.
7. Each lot on which a mobilehome is set must have a minimum frontage of forty-five (45) feet on an access street in the mobilehome park.
- D. Lot Size. The minimum lot size permitted shall be as follows:
 1. Individual mobilehome stands shall be on lots having an area of not less than four thousand five hundred (4,500) square feet and a width at the front lot line of not less than forty-five (45) feet.
- E. Percentage of Lot Coverage. All structures, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.
- F. Required Setbacks, Buffer Strips and Screening.
 1. All mobilehome parks shall be provided with an adequate buffer or screen to visually screen the mobilehome park from adjacent property with the exception of any public streets. The buffer shall consist of a planting screen or privacy fencing as approved by the city administrator or his designee.
- G. Mobilehome Stands. The area of the mobilehome stand shall provide adequate support for the placement of the mobilehome, thereby securing the superstructure against uplift, sliding, rotation and overturning. The mobilehome support shall not heave, shift or settle unevenly under the weight of the mobilehome due to frost action, inadequate drainage, vibration or other forces acting on the structure. The mobilehome stand shall comply with all applicable building, plumbing and electrical codes, mobilehome manufacturers foundation and anchor requirements, and all other applicable federal, state and city laws and regulations.
- H. Sale of Mobilehomes.
 1. The mobilehome park shall remain a single recorded parcel of land. Lots and stands may be leased to individual occupants. Individual sale of mobilehome lots or stands is prohibited.

2. Nothing contained in this section shall be deemed as prohibiting the sale of a mobilehome located on a mobilehome stand and connected to the pertinent utilities.
- I. **Street System and Parking.**
1. **Street Design.** Street design and on-street parking shall conform to the requirements of the land subdivision regulations of the city of Perryville, Missouri for paved marginal access streets except as modified by this chapter. All streets in a mobilehome park shall be private and shall comply with applicable city pavement and drainage standards.
 2. **Car Parking.** Off-street parking areas shall be provided for the use of park occupants and guests. Such areas shall be:
 - a. Furnished at a rate of at least two spaces for each mobilehome lot.
 - b. Located within a distance of one hundred (100) feet from the mobilehome to be serviced, unless other vehicular access is provided.
 3. **Required Illumination of Park Street Systems.** Street lighting shall be installed in accordance with the land subdivision regulations of Title 16 of this code.
- J. **Recreation Facilities.** Six percent of gross land area shall be developed for recreational purposes, and such percentage shall not include setbacks, buffers, streets, right-of-ways, utility easements or storage areas.
- K. **Park Areas for Nonresident Uses.**
1. No part of any mobilehome park shall be used for any purpose not allowed in Sections 17.20.010 through 17.20.060 of this chapter. Nonresidential uses may include those required for the direct servicing and well being of park residents and for the management and maintenance of the park.
 2. While not required, storage areas may be provided for travel trailers, campers, boats, and recreational vehicles; such equipment shall be permitted only in such areas, and the use of such storage areas is limited to park residents. Such areas shall not be visible from any public street and shall be surrounded by a six-foot high chain link fence or other fence as approved by the city administrator or his designee.
(Ord. 4583 § 4, 2004; Ord. 3787 § 1 (part), 1998: prior code § 29-7.10)
- 17.20.110 Application for license.**
- A. **Required.** It is unlawful for any person to construct, alter or extend any mobilehome park within the limits of the city unless complete engineering plans for the construction, alteration or extension have been approved by the city administrator or his designee.
 - B. **Application—Contents.** All applications for permits shall contain the following:
 1. Name and address of applicant;
 2. Location and legal description of the mobilehome park;
 3. Complete engineering plans and specifications of the proposed park showing, but not limited to, the following:
 - a. The area and dimensions of the tract of land,
 - b. The number, location, and size of all mobilehome lots and stands,
 - c. The location, plans and specifications, and width of roadways and walkways,
 - d. The location of water and sewer lines and riser pipes,
 - e. Plans and specifications of the water supply and refuse and sewage disposal facilities,
 - f. The location, plans and specifications of all buildings constructed or to be constructed within the mobilehome park,
 - g. The location and details of lighting and electrical systems,
 - h. Dedication of utility easements in accordance with specifications of the city of Perryville's subdivision regulations,
 - i. The developer shall grant the city the right to enforce all traffic control ordinances within the mobilehome park.

- C. Fee. All applications shall be accompanied by the deposit of a fee of thirty dollars (\$30.00) plus five dollars for each mobilehome space.
- D. Review of Application. The city administrator or his designee shall review all mobilehome park engineering plans. He shall approve or deny the application subject to the plans' compliance with this chapter.
- E. Denial of Application. Any person whose application under this article has been denied may request and shall be granted a hearing on the matter before the board of aldermen.
- F. Extension, Alteration of Existing Parks. Mobilehome courts existing at the time of the passage of the ordinance codified in this chapter may be expanded in compliance with the city's zoning code, and particularly the provisions concerning the expansion of nonconforming uses.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.11)

17.20.120 Licenses.

- A. Required—To Whom Application Made—Issuance—Duration. It is unlawful for any person to operate any mobilehome park within the city limits unless he holds a valid mobilehome park license issued by the city clerk in the name of such person for the specific mobilehome park. All applications for licenses shall be made to the city clerk, who shall issue a license upon compliance by the applicant with provisions of this article. Such license shall be issued for a period of twelve (12) months.
- B. Transfer. Every person holding a license shall give notice in writing to the city administrator or his designee within twenty-four (24) hours of having sold, transferred, given away, or otherwise disposed of interest in or control of any mobilehome park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobilehome park. Upon application in writing for transfer of the license and deposit of a fee of ten dollars, the license shall be transferred if the mobilehome park is in compliance with all applicable provisions of this article provided, however, that mobilehome parks in existence at the time of passage hereof shall comply with the provisions applicable to preexisting mobilehome parks as provided in this chapter.
- C. Applications for Original and Renewal Licenses—Fees—Contents.
 1. Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant, as to the truth of the application and by the deposit of a fee of thirty dollars (\$30.00) plus five dollars for each designated mobilehome lot, and shall contain the name and address of the applicant; the location and legal description of the mobilehome park; and a site plan of the mobilehome lots, structures, roads, walkways, and other service facilities.
 2. Applications for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of ten dollars plus five dollars for each designated mobilehome lot, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.
- D. Denial of Application. Any person whose application for a license under this article has been denied may request and shall be granted a hearing on the matter before the board of aldermen.
- E. Violation of Article Provisions—Grounds for Suspension of License. Whenever, upon inspection of any mobilehome park, the building inspector finds that conditions or practices exist which are in violation of any provision of this article, the building official shall give notice in writing in accordance with Section 17.20.140(A) of this chapter to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the building official, the license shall be suspended. At the end of such period, the building official

shall reinspect such mobilehome park and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobilehome park (except as provided in Section 17.20.140B of this chapter.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.12)

17.20.130 Inspection of mobilehome parks.

- A. Authorized. The building official is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this article.
- B. Right of Entry. The building official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.
- C. Inspection of Register. The building official shall have the power to inspect the register containing a record of all residents of the mobilehome park.
- D. Duty of Park Management. It shall be the duty of the park management to give the building official free access to all lots at reasonable times for the purpose of inspection.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.13)

17.20.140 Notices, hearings and orders.

- A. Contents, Service of Notice. Whenever the building official determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, the building official shall give notice of such alleged violation to the persons to whom the permit or license was issued, as hereinafter provided. Such notice shall:
 1. Be in writing;
 2. Include a statement of the reasons for its issuance;
 3. Allow a reasonable time for the performance of any act it requires;

4. Be served upon the owner or the park management; provided that such notice or order shall be deemed to have been properly served upon such owner or park management when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state;

5. Contain an outline of suggested remedial action which, if taken, will effect compliance with the provisions of this article.

- B. Request for Hearing Before Board—Filing of Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the board of aldermen, provided that such person shall file with the city clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under subsection D of this section. Upon filing of such petition, the board of aldermen shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

C. Findings—Issuance of Order—Failure to Comply with Order. After such hearing, the board of aldermen shall make findings as to compliance with the provisions of this article and shall issue an order in writing sustaining, modifying or withdrawing the notice. Upon failure to comply with any order sustaining or modifying the notice, the license of the mobilehome park affected by the order shall be revoked.

D. Emergency Situations. Whenever the building official finds that an emergency exists which requires immediate action to protect the public

health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this article, such order shall be effective immediately. Any persons to whom such an order is directed shall comply therewith immediately, but upon petition to the building official shall be afforded a hearing as soon as possible. The provisions of subsection C of this section shall be applicable to such hearing and the order issued thereafter.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.14)

17.20.150 Exemptions.

Where the board of aldermen finds that compliance with provisions of this article would result in undue hardship, an exemption may be granted. Deviations from design, construction and installation provisions shall be brought into compliance with this article within a reasonable period of time specified by the board of aldermen, based on economic feasibility of improvement, nature, significance, and extent of deviation, depreciation of material, improvement, and layout in use and other similar factors. (Ord. 3787 § 1 (part), 1998: prior code § 29-7.15)

17.20.160 Sewage collection and water supply system.

A. General Requirements. The developer shall provide for the disposal of sewage within the mobilehome park and be responsible for the continued maintenance of same. Where a public sanitary sewer main is reasonably accessible, the developer shall provide the park with a complete sanitary sewer system, including the individual connection for each lot, connected to said sewer main and extended to the mobilehome stand. All necessary construction requirements including lift stations, shall be the responsibility of the developer and approved by the city administrator or his designee, commission, and

board of aldermen and shall comply with the regulations of the city of Perryville and the Missouri Department of Natural Resources.

B. Sanitary Sewer System. Where no sanitary system is accessible and no plans for a sewer system have been prepared and approved, or are anticipated, the developer may, upon approval by the Missouri Clean Water Commission, city administrator or his designee, commission, and board of aldermen, install a central treatment facility within the mobilehome park. All such individual devices shall be constructed in accordance with the regulations and requirements of the Missouri Department of Natural Resources and the board of aldermen. In no instance will the city of Perryville be responsible for the construction or maintenance of any central sewage treatment system.

1. Individual Sewer Connections.

- a. Each mobilehome stand shall be provided with at least four inch diameter sewer riser pipe. The sewer riser pipe shall be so located within each slab area that the sewer connection to the mobilehome drain outlet will approximate a vertical position.
- b. The sewer connection (see definition) shall have a nominal inside diameter of at least four inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipeline only, without any branch fittings. All joints shall be watertight.
- c. All materials used for sewer connections shall be Schedule 40 or compatible. The inner surface shall be smooth.
- d. Provision shall be made for plugging the sewer riser pipe when a mobilehome does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above the slab elevation.

C. **Water Distribution.** The developer shall provide the mobilehome park with a complete water distribution system adequate to serve the area being platted. The system shall include a connection for each lot, water mains a minimum of eight inches in diameter, and fire hydrants spaced a minimum of five hundred (500) feet apart. The plan shall not be approved until the Missouri Department of Natural Resources certifies to the commission that said water supply system is in compliance with the applicable regulations of the state of Missouri and city standards. In mobilehome parks where water is supplied by the city of Perryville, the city's responsibility for water service ends at the city water main. The developer shall dedicate the water main to the city along with adequate easements as determined by the city of Perryville. Each water tap within the park shall be subject to a sewer connection fee as set out in Title 13 of this code.

1. **Water Distribution System.**

- a. The water supply system of the mobilehome park shall be connected by pipes to all mobilehomes, buildings, and other facilities requiring water.
- b. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the building official. The materials of all underground water supply lines shall be approved by the building official. Tracer wire shall be required when plastic pipe is used.
- c. The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against hazards of backflow or backsiphonage.

2. **Individual Water Riser Pipes and Connections.**

- a. Individual water riser pipes shall be located within the slab area of the

mobilehome stand at a point where the water connection will approximate a vertical position.

- b. Water riser pipes shall extend at least four inches above ground elevation or be otherwise protected from surface water to a height of four inches above ground elevation. The pipe shall be at least three-fourths inch. The water outlet shall be capped when a mobilehome does not occupy the lot.
- c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- d. A shutoff valve below the frost line shall be provided near the water riser pipe on each mobilehome lot.

D. **Storm Drainage and Erosion Control.** Adequate surface and subsurface drainageways for the removal of stormwater shall be provided by the developer. The extent to which storm drainage facilities are required shall be based upon an analysis of need prepared by a registered professional engineer, and shall be approved by the city administrator or his designee. The analysis shall be based upon the rational method or the Soil Conservation Service (SCS) of computing stormwater runoff. All storm drainage systems shall be designed using a fifteen (15) year recurrence interval. Duration and rainfall frequency shall be in accordance with U.S. Weather Technical Publication 40 (TP40).

Erosion control methods shall be in accordance with this code, and the Department of Natural Resources stormwater regulations, and shall be subject to approval by the city administrator or his designee.

(Ord. 3787 § 1 (part), 1998; prior code § 29-7.16)

17.20.170 Electrical distribution system.

- A. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- B. Power Distribution Lines. Power distribution lines may be provided overhead or underground, at the option of the developer.
1. Where gas, telephone and electric service lines are placed underground throughout the park, the mains, lines, cables, and conduits shall be located within the easements or public right-of-way in a manner which will not conflict with other underground services. All controls, valves, transformers and terminal boxes shall be located so as not to be hazardous to the public. All gas easements will be provided by the developer and the lines will be installed by the developer in accordance with the city's construction guidelines.
 2. All excavations for public utilities made under paved areas shall be properly back-filled with approved granular materials, and street repairs shall be completed at the expense of the developer or utility involved. No excavation of any street may be undertaken until all necessary permits are obtained.
 3. When electric and telephone lines are to be carried on overhead poles, rear and side lot easements or public right-of-ways shall be utilized wherever possible.
 4. Individual electrical connections shall comply with all city codes, and shall be located within the mobilehome slab area. Each mobilehome lot will be individually metered.
- C. Required Grounding. All exposed noncurrent carrying metal parts of mobilehomes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounding metallic wiring. The neutral conduc-

tor shall not be used as an equipment ground for mobilehomes or other equipment.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.17)

17.20.180 Street system and parking.

- A. Street Design. Street design and on-street parking shall conform to the requirements of the land subdivision regulations of Title 16 of this code for paved marginal access streets, except as modified by this chapter. All streets in a mobilehome park shall be private and shall comply with applicable city pavement and drainage standards.
- B. Car Parking. Off-street parking areas shall be provided for the use of park occupants and guests. Such areas shall be:
1. Furnished at a rate of at least two spaces for each mobilehome lot;
 2. Located within a distance of one hundred (100) feet from the mobilehome to be serviced, unless other vehicular access is provided.
- C. Required Illumination of Park Street Systems. Street lighting shall be installed in accordance with the land subdivision regulations of Title 16 of this code.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.18)

17.20.190 Miscellaneous requirements.

- A. Responsibilities of Park Management.
1. The person to whom a license for a mobilehome park is issued shall operate the park in compliance with this article and provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 2. The park management shall notify park occupants of all applicable provisions of this article and inform them of their duties and responsibilities under this article.
 3. The park management shall supervise the placement of each mobilehome on its mobilehome stand which includes securing its stability and installing all utility connections.

4. The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
 5. The park management shall provide adequate trash receptacles, for disposal of the park residents' garbage and trash by commercial vendors.
- B. Responsibilities of Park Occupants.**
1. The mobilehome occupant and the owner shall comply with all applicable requirements of this article and shall maintain his mobilehome lot, its facilities and equipment in good repair and in a clean and sanitary condition.
 2. The mobilehome occupant and the owner shall be responsible for proper placement of his mobilehome on its mobilehome stand and proper installation of all utility connections in accordance with the instructions of the park management.
 3. Skirtings, porches, awnings, and other additions shall be installed in compliance with city zoning ordinances and shall be permitted and approved by the building official. When installed, they shall be maintained in good repair. The space immediately underneath a mobilehome shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - a. The storage area shall be provided with a base of impervious material;
 - b. Stored items shall be located so as not to interfere with the underneath inspection of the mobilehome;
 - c. The storage area shall be enclosed by skirting.
 4. The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner.

C. Occupancy of Travel Trailers Prohibited. Travel trailers shall not be occupied in mobilehome parks.

(Ord. 3787 § 1 (part), 1998: prior code § 29-7.19)

17.20.200 Violation—Penalty.

Any person who violates any provision of this article shall upon conviction be punished by a fine of not less than ten dollars nor more than five hundred dollars (\$500.00). Each day's failure of compliance with any such provision shall constitute a separate violation. (Ord. 3787 § 1 (part), 1998: prior code § 29-7.20)

17.20.210 Conflict of ordinances—Effect of partial invalidity.

In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of this city existing on the effective date of this article, the provision which, in the judgment of the building official, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of this city existing on the effective date of this article which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this article shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this article. (Ord. 3787 § 1 (part), 1998: prior code § 29-7.21)

Chapter 17.24

C-1 LOCAL COMMERCIAL DISTRICT

Sections:

17.24.010 Purpose.

17.24.020 Use regulations.

17.24.030 Access, parking and loading regulations.

17.24.040 Height, area and lot size regulations.

17.24.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the C-1 local commercial district. The purpose of the C-1 local commercial district is to provide for retail trade and personal services to meet the regular needs and for the convenience of residents of adjacent residential areas. C-1 local commercial districts are intended to be a closely associated and integral element of local neighborhoods. (Prior code § 29-8 (part))

17.24.020 Use regulations.

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

- A. Single-family, two-family and multiple-family dwellings, with a special use permit only;
- B. Accessory residential uses, when the owner or operator of a commercial use has a dwelling unit contiguous to, or a part of, a business establishment;
- C. Any nonresidential use allowed in the R-5 general residential district, to include any restrictions imposed upon such use in the district;
- D. Retail food stores, including grocery stores, meat markets, delicatessens, ice-cream or candy stores, and bakeries with baking and processing for retail trade on the premises only;

- E. Drugstores and medical prescription centers;
- F. Restaurants, cafes and lunchrooms, excluding drive-in facilities;
- G. Barbershops and beauty parlors;
- H. Self-service laundries and dry-cleaning outlets;
- I. Branch facilities of banks and savings and loan institutions;
- J. Custom dressmaking and tailoring shops;
- K. Hardware or household appliance sales and repair, shoe sales or repair shops, bicycle sales and repair shops;
- L. Art, book, photo supply, school supply and stationery stores. Artists of photographic studios;
- M. Florist, gift or card shops. Greenhouses associated with florist shops, with a special use permit only;
- N. Apparel and clothing accessories stores, and sporting goods stores;
- O. Business, institutional, governmental, professional or medical offices;
- P. Automobile service and gasoline filling stations, with a special use permit only;
- Q. Any other type of retail store not specifically permitted herein, when authorized by the board of aldermen after receipt of review and recommendations from the city planning and zoning commission, and only when such use is consistent with the intent and purpose of the C-1 local commercial district regulations;
- R. Accessory buildings and accessory uses customarily incidental to the above uses, subject to the restrictions established in Section 17.56.010;
- S. Outdoor advertising sign or structure displayed under the following conditions and in conformance with Section 17.56.010.
 1. Signs shall contain only the name of the business establishment, the principal business conducted on the prem-

ises or commodities, services or products sold or offered on the premises that the sign occupies.

2. Signs shall be painted on a vertical surface of the building or attached flat against a wall of the building. An attached sign shall not project more than twelve (12) inches from the building, if mounted parallel to the wall, or four feet, if mounted perpendicular to the wall.
3. Signs shall not project above the principal roof of a building, except that a sign may be attached flat against or painted on a parapet wall extending not more than three feet above such roofline.
4. The aggregate gross area in square feet of all signs on a lot shall not exceed the number of lineal feet of frontage of such lot, and in no case shall it exceed a total of one hundred (100) square feet on any one street, nor need this area be less than forty (40) square feet.
5. Gasoline filling stations may have one double-faced, freestanding sign not over twelve (12) inches in thickness nor sixty (60) square feet in area, on which shall be advertised only the trade name and price of the product offered for sale. The area of a double-faced sign shall be considered as the area of one face of the sign. All such signs shall not constitute a traffic hazard, as determined by the zoning administrator or the city engineer.

(Prior code § 29-8(1))

(Ord. No. 5235, §§ 12, 13, 6-21-11)

17.24.030 Access, parking and loading regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. Access

requirements shall be the same as those for the C-2 general commercial district. (Prior code § 29-8(2))

17.24.040 Height, area and lot size regulations.

In addition to the specific requirements for the C-1 local commercial district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the C-1 local commercial district, shall be observed.

- A. Height. The maximum height of buildings permitted shall be as follows:
 1. All buildings other than churches and similar places of worship: thirty-five (35) feet and not over two and one-half stories.
 2. Churches and similar places of worship: seventy-five (75) feet for towers or steeples and not more than forty-five (45) feet for the principal building.
- B. Area. No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement:
 1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
 2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than eight feet. On lots upon which a nonresidential building is constructed, there are no side yard requirements, except that a side yard of eight feet shall be provided if and where such lot abuts a residential district.
 3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.
- C. Lot Size. The minimum lot size permitted shall be as follows:
 1. Detached single-family dwellings shall be on a lot having an area of not less

than seven thousand five hundred (7,500) square feet and a width at the front lot line of not less than seventy-five (75) feet.

2. Two-family dwellings shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the front lot line of not less than seventy-five (75) feet.
3. Multiple-family dwellings shall be on a lot having an area of not less than twelve thousand five hundred (12,500) square feet, plus two thousand five hundred (2,500) square feet for each family over three, and a width at the front lot line of not less than seventy-five (75) feet.
4. All other uses shall be on a lot having an area of not less than five thousand (5,000) square feet and a width at the front lot line of not less than fifty (50) feet.

D. Percentage of Lot Coverage. All noncommercial buildings, including accessory buildings, shall not cover more than forty (40) percent of the area of the lot. There are no lot coverage requirements for commercial structures.

(Prior code § 29-8(3))

Chapter 17.28

C-2 GENERAL COMMERCIAL DISTRICT

Sections:

17.28.010 Purpose.

17.28.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the C-2 general commercial district. The purpose of the C-2 general commercial district is to provide areas for general commerce and services typically associated with major thoroughfares. (Prior code § 29-9 (part))

17.28.020 Use regulations.

17.28.020 Use regulations.

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

1. Detached single-family, two-family and multiple-family dwellings;
2. Condominiums, subject to compliance with Chapter 16.16;
3. Any nonresidential use allowed in the Residential districts, without restrictions imposed upon such use in the districts, with the following exception: child- or day-care center, or nursery school, with a special use permit only;
4. Any commercial use allowed in the C-1 local commercial district, without restrictions imposed upon such use in the district;
5. The following uses when located not less than fifty (50) feet from any residential district:
 - a. Drive-in restaurant or drive-in theatre,

- b. Bowling alley, billiard parlor, dance hall or skating rink,
- c. Establishment for the sale of beer or alcoholic beverages;
- d. Micro-distilleries, microbreweries, and wineries offering their product for consumption on premises provided that the facility does not produce more than three thousand (3,000) barrels of product on premises in any twelve-month period and provided further that for a facility producing less than:
 - i. One thousand (1,000) barrels per year that at least twenty (20) percent be consumed on premises;
 - ii. Two thousand (2,000) barrels per year that at least fifteen (15) percent be consumed on premises;
 - iii. Three thousand (3,000) barrels per year that at least ten (10) percent be consumed on premises.
6. Banks and other financial institutions, including drive-in facilities;
7. Business or commercial school, and dancing or music academy;
8. Furniture and home furnishings store;
9. Department or variety store and jewelry or watch repair store;
10. Dressmaking, tailoring, shoe repairing, repair of household appliances and dry cleaning and pressing;
11. Hotel or motel;
12. Theatre or cinema;
13. Newspaper office or printing shop;
14. Frozen food locker or milk distributing station;
15. Veterinarian or animal hospital;
16. Funeral homes or mortuaries;
17. Farm machinery and equipment sales and repair, feed and seed stores;
18. Radio or television broadcasting station or studio;
19. Display room for merchandise to be sold at wholesale where merchandise is stored elsewhere;

20. Bus terminal or taxi station;
21. Automobile service and filling stations, provided that storage tanks are underground;
22. Automobile parking lots and automobile or trailer display and sales office, including used car sales or storage lot;
23. Commercial garage, automobile repair or body shop, or automobile carwash;
24. Bicycle and motorcycle repair, sales and rental;
25. Building material or lumberyards, wholly within enclosed structures and with no millwork done out-of-doors;
26. Wholesale or distributing establishment, or warehouse or wholesale market, with a special use permit only;
27. Tattoo, body piercing, or branding establishments as defined in Title 20 of the Code of State Regulations with a special use permit only;
28. Self-service storage facilities, with a special use permit only;
29. Tourist or trailer camp;
30. When not employing more than ten persons on the premises in a single shift, not including persons whose principal duties are off the premises:
 - a. Dyeing and cleaning establishment or laundry,
 - b. Painting, plumbing or tinsmithing shop,
 - c. Tire sales and service, including vulcanizing,
 - d. Upholstering shop, not involving furniture manufacturing;
31. Any other similar type of retail, general service or repair establishment not specifically permitted herein, when authorized by the board of aldermen after receipt of review and recommendations from the city planning and zoning commission, and only when such use is consistent with the intent and purpose of the C-2 general commercial district regulations;
32. Accessory buildings and accessory uses customarily incidental to the above uses, when located on the same lot subject to the restrictions established in Section 17.56.010;
33. Outdoor advertising sign or structure displayed under the following conditions and in conformance with Section 17.56.010.
 - a. All signs shall contain only the name of the business establishments on the premises, the principal business conducted on the premises or commodities, services or products sold or offered on the premises that the sign occupies.
 - b. Attached signs in excess of thirty-two (32) square feet in area shall be painted on a vertical surface of the building or attached flat against a wall of the building. An attached sign shall not project more than twelve (12) inches from the building, if mounted parallel to the wall, or four feet, if mounted perpendicular to the wall, and shall not project above the principal roof of a building; except that a sign may be attached flat against or painted on a parapet wall extending not more than three feet above such roofline.
 - c. Detached, freestanding ground signs or structures containing not more than one hundred (100) square feet in sign face area [if double-faced, the area of the sign shall be the area of one face of the sign]; provided that any such sign shall not be located within fifty (50) feet of any residential district. Any detached sign, with the base of the sign face less than ten feet above any adjacent street grade, shall be located at least ten feet from the pavement edge or curb line of the adjacent street or streets.
 - d. Gasoline filling and service stations may have one double-faced, freestanding-

ing sign not over twelve (12) inches in thickness and sixty (60) square feet in area, on which shall be advertised only the trade name and price of the product offered for sale. The area of a double-faced sign shall be considered as the area of one face of the sign. All such signs shall not constitute a traffic hazard, as determined by the zoning administrator or the city engineer.

(Ord. 3638 § 3, 1998; prior code § 29-9(1))

(Ord. No. 5014, § 2, 3-3-09; Ord. No. 5235, § 14, 6-21-11; Ord. No. 5513, § 1, 4-15-14)

17.28.030 Access, parking and loading regulations.

- A. Where access to a commercial or multiple-family use or structure will require a driveway and off-street parking, only one point of ingress or egress located at least thirty (30) feet from any intersecting street corner shall be

permitted. Additional points of access may be granted with a special use permit. All driveways for ingress and egress shall have a minimum of twelve (12) feet and a maximum of twenty-four (24) feet in width for each traffic lane, exclusive of curb returns. Two or more property owners having a legal agreement which has been approved by the city attorney describing their joint right to property access may jointly share a driveway or access road.

- B. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. All off-street parking spaces shall be set back a minimum of ten feet from the street right-of-way. Setbacks of less than ten feet may be allowed if a special use permit therefor is granted.

(Prior code § 29-9(2))

(Ord. No. 5235, § 15, 6-21-11)

17.28.040 Height, area and lot size regulations.

In addition to the specific requirements for the C-2 general commercial district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the C-2 general commercial district, shall be observed.

- A. Height. The maximum height of buildings permitted shall be as follows:

1. All buildings, including churches and similar places of worship: thirty-five (35) feet and not over two and one-half stories.
2. Towers and steeples of churches and similar places of worship: seventy-five (75) feet.

- B. Area. No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.

2. Side Yard. On lots upon which a non-residential building is constructed, there are no side yard requirements, except that a side yard of eight feet shall be provided where such lot abuts a residential district. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than eight feet.

3. Rear Yard. Each lot upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

- C. Lot Size. The minimum lot size permitted shall be as follows:

1. All single-family, two-family and multiple-family dwellings shall comply with the minimum lot size and front lot line width requirements of the R-3 general residential district.
2. All other buildings shall be on a lot having an area of not less than five thousand (5,000) square feet and a width at the front lot line of not less than fifty (50) feet.

- D. Percentage of Lot Coverage. All residential buildings, including accessory buildings, shall not cover more than forty (40) percent of the area of the lot. There are no lot coverage requirements for nonresidential buildings and structures.

(Prior code § 29-9(3))

Chapter 17.32

C-3 CENTRAL BUSINESS DISTRICT

Sections:

17.32.010 Purpose.

17.32.020 Use regulations.

17.32.030 Access, parking and loading regulations.

17.32.040 Height, area and lot size regulations.

17.32.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the C-3 central business district. The purpose of the C-3 central business district is to provide for compact commercial development in the core area of the city and to maximize the utilization of this area by minimizing lot restrictions and height requirements. (Prior code § 29-10 (part))

17.32.020 Use regulations.

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

- A. Any residential or nonresidential use allowed in the C-2 general commercial district to include any restrictions imposed upon such use in the district, unless otherwise excluded in this section;
- B. Warehouse, wholesale merchandise or distributing establishment, without special use permit;
- C. Printing, publishing or engraving;
- D. Experimental, film or testing laboratory;
- E. Bakery, creamery or dairy operation;
- F. Bottling works or ice plant;
- G. Bus, truck or freight terminal, commercial garage or repair shop;
- H. Dry-cleaning and pressing establishments, but only if nonflammable solvents, approved by the fire department, are used;
- I. Theatres and assembly halls, indoor;

- J. Any other retail or service use of similar character which is not specifically permitted herein, when authorized by the board of aldermen after receipt of review and recommendations from the city planning and zoning commission and only when such use is consistent with the intent and purpose of the C-3 central business district regulations;
- K. Accessory buildings and accessory uses customarily incidental to the above uses, subject to the restrictions established in Section 17.56.010;
- L. Outdoor advertising sign or structure displayed under the following conditions and in conformance with Section 17.56.010:
 1. Signs shall contain only the name of business establishments on the premises, the principal business conducted on the premises or commodities, services or products sold or offered on the premises that the sign occupies.
 2. Attached signs in excess of thirty-two (32) square feet in area shall be painted on a vertical surface of the building or attached flat against a wall of the building. An attached sign shall not project more than twelve (12) inches from the building if mounted parallel to the wall and shall not project above the principal roof of a building; except that a sign may be attached flat against or painted on a parapet wall extending not more than three feet above such roofline.
 3. Detached, freestanding ground signs or structures, containing not more than one hundred (100) square feet in sign face area (if double-faced, the area of the sign shall be the area of one face of the sign); provided that any such signs shall not be located within ten feet of any residential district, and not more than one such sign shall be permitted on any lot or tract. Provided, further,

that such signs exceeding either six feet in the vertical dimension and/or ten feet in the horizontal dimension shall require a special use permit therefor. Any detached sign with the base of the sign face less than ten feet above any adjacent street grade

shall be located at least ten feet from the pavement edge or curblin of the adjacent street or streets.

4. Gasoline filling and service stations may have one double-faced, freestanding sign not over twelve (12) inches in thickness and sixty (60) square feet in area, on which shall be advertised only the trade name and price of the product offered for sale. The area of a double-faced sign shall be considered as the area of one face of the sign. All such signs shall not constitute a traffic hazard, as determined by the zoning administrator or the city engineer.

(Prior code § 29-10(1))

17.32.030 Access, parking and loading regulations.

- A. Access requirements shall be the same as those for the C-2 general commercial district.
- B. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. In addition, the specific requirements for off-street parking set forth in the C-2 general commercial district shall be observed.

(Prior code § 29-10(2))

17.32.040 Height, area and lot size regulations.

In addition to the specific requirements for the C-3 central business district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the C-3 central business district, shall be observed.

- A. Height. The maximum height of buildings permitted shall be forty-five (45) feet and not over three stories.
- B. Area. No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement:
 1. Front Yard. On each lot upon which a single-family or two-family dwelling is constructed, there shall be a minimum front

yard of not less than thirty (30) feet. On lots upon which a multiple-family dwelling or nonresidential building is constructed, there are no front yard requirements.

2. Side Yard. On each lot upon which a single-family or two-family dwelling is constructed, there shall be a side yard on each side of not less than eight feet. On lots upon which a multiple-family dwelling or nonresidential building is constructed, there are no side yard requirements, except that a side yard of eight feet shall be provided where such lot abuts a residential district.
3. Rear Yard. On each lot upon which a single-family or two-family dwelling is constructed, there shall be a rear yard of not less than twenty-five (25) feet. On lots upon which a multiple-family dwelling or nonresidential building is constructed, there are no rear yard requirements, except that a rear yard of not less than twenty-five (25) feet shall be provided where such rear yard abuts a residential district.
- C. Lot Size. The minimum lot size permitted shall be as follows:
 1. All single-family and two-family dwellings shall comply with the minimum lot size and front lot line width requirements of the R-3 residential district.
 2. There are no minimum lot size or front lot line width requirements for multiple-family dwellings and nonresidential buildings.
- D. Percentage of Lot Coverage. All single-family and two-family dwellings, including accessory buildings, shall not cover more than forty (40) percent of the area of the lot. There are no lot coverage requirements for multiple-family dwellings or nonresidential buildings.

(Prior code § 29-10(3))

Chapter 17.36

C-4 PLANNED COMMERCIAL DISTRICT

Sections:

- 17.36.010** Purpose.
- 17.36.020** Use and development—Plan submittal.
- 17.36.030** Single ownership required.
- 17.36.040** Use and building requirements.
- 17.36.050** Surety bond.

17.36.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the C-4 planned commercial district. The purpose of the C-4 planned commercial district is to provide for modern retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods. (Prior code § 29-11 (part))

17.36.020 Use and development—Plan submittal.

C-4 planned commercial districts shall be laid out and developed as a unit according to an approved plan, as provided below, so as to accomplish the intended purpose.

The owner or owners of any tract of land may submit to the board of aldermen a plan for the use and development of all or part of such tract for the purpose of and meeting the requirements set forth in this chapter, either as a separate proposal or as a part of a community unit plan, as provided for in Section 17.56.040. The plan shall be referred to the planning and zoning commission for study and report. The planning and zoning commission shall then submit its report and recommendations to the board of aldermen for its consideration and action. The planning and zoning commission's recommendations shall be accompanied by a report, stating the reasons for such recommendations and that the application meets the requirements of the C-4 planned commercial district as set forth in this section. If no report is transmitted by the planning and

zoning commission within ninety (90) days of notification, the board of aldermen may take action without further awaiting such report, subject to the provisions for public hearings required for all ordinance amendments (Section 17.64.040). (Prior code § 29-11(1) and (2))

17.36.030 Single ownership required.

In order that the purpose of this district may be realized, the land and buildings and appurtenant facilities shall be in single ownership, or under the management or supervision of a central authority, or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this chapter. (Prior code § 29-11(3))

17.36.040 Use and building requirements.

Within the C-4 planned commercial district, a building or premises may be used only for the retail sale of merchandise, services, recreation, except outdoor theatres, and similar uses, parking areas and other facilities ordinarily accepted as shopping center uses. The shopping center shall be designed as a whole, unified, single project in compliance with the following requirements, and, if built in stages, each stage shall conform with the approved plan:

- A. The aggregate gross area of all buildings shall not exceed twenty-five (25) percent of the entire lot area of the project, and all buildings shall be set back at least thirty (30) feet from all lines of streets adjoining the shopping center site.
- B. Off-street parking spaces shall be provided in the ratio of not less than six parking spaces for every one thousand (1,000) square feet of floor area in the buildings in the project.
- C. All roads, parking and loading areas and walks shall be paved with hard surface material meeting applicable specifications of the city.
- D. Any part of the project area, not used for buildings or other structures, or for parking, loading or accessways, shall be landscaped with grass, trees, shrubs or pedestrian walks.
- E. No building shall exceed three stories or forty-five (45) feet in height.

F. Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, accessways and building setbacks and height limitations may be imposed by the board of aldermen for the protection of adjoining residential property.

(Prior code § 29-11(4))

17.36.050 Surety bond.

If required by the board of aldermen, the applicant shall file a surety bond to ensure the construction of the shopping center within the period specified by the board of aldermen, such period not to exceed three years. No such bond shall be accepted, unless it is enforceable by or payable to the city in a sum at least equal to the estimated cost of constructing the shopping center and in a form with surety and conditions approved by the city attorney. In the event the shopping center is not constructed, it shall revert to the same zoning classification existing prior to the change to the C-4 district; and the district regulations in force prior to the establishment of the commercial district shall thereupon be in full force and effect. (Prior code § 29-11(5))

Chapter 17.40

I-1 LIGHT INDUSTRIAL DISTRICT

Sections:

- 17.40.010 Purpose.**
- 17.40.020 Use regulations.**
- 17.40.030 Storage of products, materials and equipment.**
- 17.40.040 Access, parking and loading regulations.**
- 17.40.050 Height, area and lot size requirements.**
- 17.40.060 Buffer areas.**

17.40.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the I-1 light industrial district. The purpose of the I-1 light industrial district is to provide areas for light industrial uses that create a minimum amount of nuisance outside the plant; are conducted entirely within enclosed buildings; use the open area around such buildings only for limited storage of raw materials or manufactured products and provide for enclosed loading and unloading berths when feasible. (Prior code § 29-12 (part))

17.40.020 Use regulations.

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

- A. Assembly and manufacture from prefabricated parts of household appliances, electronic and similar products, or the processing or assembling of parts for the production of finished small machinery or equipment;
- B. The manufacture, compounding, processing, packaging or storage of such goods, materials and products as the following:
 - 1. Food products, including beverage blending or bottling, bakery products, candy manufacture, ice and dairy products, fruit and vegetable processing and canning, packing and processing of meat and poultry prod-

- ucts, but not distilling of beverages or slaughtering of poultry or animals,
 - 2. Articles made from previously prepared materials, such as bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shells, textiles, wax, wire, yarns and the like,
 - 3. Musical instruments, toys, novelties, rubber or metal stamps and other small, molded products,
 - 4. Fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products and the like,
 - 5. Medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus,
 - 6. Clothing, shoes or other wearing apparel,
 - 7. Any other light industrial use of a similar character which is not specifically permitted herein, when authorized by the board of aldermen after receipt of review and recommendations from the city planning and zoning commission, and only when such use is consistent with the intent and purpose of the I-1 light industrial district;
- C. Warehouse, wholesale merchandise or distributing establishment;
 - D. Freighting, transportation storage and trucking yard or terminal;
 - E. Building material, contractor's equipment storage or lumberyard, but not including mixing plants for concrete, cement or paving materials;
 - F. Research, design and development firms, experimental or testing laboratory;
 - G. Sheet metal, plumbing, welding or machine shops;
 - H. Cabinet making establishments and carpenter shops which use no motors larger than ten horsepower;
 - I. Farm machinery and equipment sales, storage and repair, feed and seed mills;

- J. Newspaper, magazine or similar printing or publishing plant;
- K. Petroleum product storage, with a special use permit only, and only after the location and treatment of the premises have been approved by the fire chief;
- L. Public works buildings, public utility service yards or electrical stations;
- M. Any nonresidential use permitted in the C-2 general commercial district regulations, with a special use permit only;
- N. Accessory buildings and accessory uses customarily incidental to the above uses, subject to the restrictions established in Section 17.56.010;
- O. Outdoor advertising sign or structure displayed under the following conditions and in conformance with Section 17.56.010:
 1. Signs shall contain only the name of business establishments on the premises, the principal business conducted on the premises or commodities, services or products sold or offered on the premises that sign occupies.
 2. Attached signs in excess of thirty-two (32) square feet in area shall be painted on a vertical surface of the building or attached flat against a wall of the building. An attached sign shall not project more than twelve (12) inches from the building, if mounted parallel to the wall, and four feet if mounted perpendicular to the wall, and shall not project above the principal roof of a building; except that a sign may be attached flat against or painted on a parapet wall extending not more than three feet above such roofline.
 3. Detached, freestanding ground signs or structures containing not more than one hundred (100) square feet in sign face (if double-faced, the area of the sign shall be the area of one face of the sign); provided that any such sign shall not be located within fifty (50) feet of any residential district, and not more than one such sign shall be permitted on any lot or tract. Any detached

sign with the base of the sign face less than ten feet above any adjacent street grade shall be located at least ten feet from the pavement edge or curblin of the adjacent street or streets.

4. Gasoline filling and service stations may have one double-faced, freestanding sign not over twelve (12) inches in thickness and sixty (60) square feet in area, on which shall be advertised only the trade name and price of the product offered for sale. The area of a double-faced sign shall be considered as the area of one face of the sign. All such signs shall not constitute a traffic hazard as determined by the zoning administrator or the city engineer;
- P. All uses permitted herein shall not be obnoxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noise or vibrations beyond the confines of the premises.
(Prior code § 29-12(1))

17.40.030 Storage of products, materials and equipment.

The storage of products, materials or equipment incidental to the above uses shall be permitted under the following conditions:

Areas for open storage outside the confines of a building or similar structure shall not constitute more than ten percent of the area of the lot. All products, materials and equipment used in connection with the use shall be enclosed within a building or enclosed by a structural screen, fence, wall or planting sufficient to screen the storage area from view from the adjoining or adjacent properties.
(Prior code § 29-12(2))

17.40.040 Access, parking and loading regulations.

- A. Where access to a use or structure permitted herein will require a driveway or off-street parking, only one point of ingress or egress located at least thirty (30) feet from any intersecting street corner shall be permitted. Additional points of access may be granted with a

special use permit only. All driveways for ingress and egress shall have a minimum of twelve (12) feet and a maximum of twenty-four (24) feet in width for each traffic lane. Two or more property owners having an approved legal agreement describing their joint right to property access may jointly share a driveway or access road.

- B. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. All off-street parking spaces shall be set back a minimum of ten feet from the street right-of-way. Setbacks of less than ten feet may be allowed if a special use permit therefor is granted.

(Prior code § 29-12(3))

17.40.050 Height, area and lot size requirements.

In addition to the specific requirements for the I-1 light industrial district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the I-1 light industrial district, shall be observed.

- A. Height. The maximum height of buildings permitted shall be forty-five (45) feet and not over three stories.
- B. Area. No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement:
1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.
 2. Side Yard. No side yards are required for uses allowed in the I-1 light industrial district, except that a side yard of ten feet shall be provided where such use abuts a residential district.
 3. Rear Yard. Each lot upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

C. Lot Size. There are no minimum lot size or front lot line width requirements for uses allowed in the I-1 light industrial district.

D. Percentage of Lot Coverage. There are no lot coverage requirements for uses allowed in the I-1 light industrial district, other than those specified in this chapter.

(Prior code § 29-12(4))

17.40.060 Buffer areas.

Where industrial uses abut a residential district, an adequate buffer or screen shall be provided to visually screen the industrial use from the residential area. The buffer shall consist of a planting screen of suitable shrubbery maintained at a minimum height of eight feet and being a minimum of eight feet wide, or suitable fencing a minimum of eight feet in height. (Prior code § 29-12(5))

Chapter 17.44

I-2 HEAVY INDUSTRIAL DISTRICT

Sections:

- 17.44.010 Purpose.
- 17.44.020 Use regulations.
- 17.44.030 Storage of products, materials and equipment.
- 17.44.040 Access, parking and loading regulations.
- 17.44.050 Height, area and lot size regulations.
- 17.44.055 Noise and dust limitations.
- 17.44.060 Buffer areas.

17.44.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations on the I-2 heavy industrial district. The purpose of the I-2 heavy industrial district is to provide areas for heavy industries and manufacturers that depend on trucking of materials and products in locations that are buffered, to the extent possible, from residential and general commercial areas. (Prior code § 29-13 (part))

17.44.020 Use regulations.

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

- A. Any nonresidential use permitted in the I-1 light industrial district, excluding uses allowed in the C commercial districts;
- B. Manufacture of clay, stone and glass products;
- C. Manufacture or assembly of boats, bolts, nut, screws, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous-enameled metal products;
- D. Manufacture of boxes, crates, furniture, baskets, veneer and other wood products of a similar nature;
- E. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods;
- F. Central mixing plants for concrete, mortar, plaster or paving materials;
- G. Grain processing or milling;
- H. Office and office buildings incidental to a use allowed in the I-2 district and located within the same district;
- I. Farming and associated agricultural uses, with a special use permit only;
- J. Public works buildings, public utility service yards or electrical stations;
- K. Warehouse storage or distributing facility, including wholesale storage;
- L. Any other industrial use of a similar character which is not specifically permitted herein, when authorized by the city council after receipt of review and recommendations from the city planning and zoning commission, and only when such use is consistent with the intent and purpose of the I-2 heavy industrial district;
- M. The following uses, with a special use permit only. In authorizing any of the uses in this subsection, there may be imposed such reasonable requirements as to landscaping, screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable or hazardous conditions:
 1. Acid manufacture,
 2. Manufacture of cement, lime, gypsum or plaster,
 3. Distillation of bones and glue manufacture,
 4. Explosives manufacture or storage,
 5. Fat rendering, fertilizer manufacture or tannery,
 6. Reduction, dumping or storage of garbage, offal or dead animals,
 7. Refining or storage of petroleum or petroleum products,
 8. Refining or smelting of metal ores,

- 9. Stockyards or the slaughter of animals,
- 10. Junk storage and salvage (metal, paper, rags, waste or glass) storage, treatment or baling,
- 11. Motor vehicle wrecking, salvage, storage and sale,
- 12. Veterinary hospital or animal stable,
- 13. Mining and quarrying,
- 14. Pulp or paper mill,
- 15. Any similar use that would be hazardous to the public health, safety or welfare;

N. Accessory buildings and accessory uses customarily incidental to the above uses, subject to the restrictions established in Section 17.56.010;

O. Outdoor advertising sign or structure, subject to the same restrictions applied in the I-1 light industrial district;

P. All uses permitted herein shall not be noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noise or vibrations beyond the confines of the premises.

(Prior code § 29-13(1))

17.44.030 Storage of products, materials and equipment.

The storage of products, materials or equipment incidental to the above uses shall be permitted under the following conditions: When a use permitted herein adjoins or is adjacent to a residential or commercial district, all products, materials and equipment used in connection with the use shall be enclosed within a building or enclosed by a structural screen, fence, wall or planting sufficient to screen the storage area from view from the adjoining or adjacent district. Exceptions from these requirements may be granted only by a special use permit issued under the procedures in Section 17.56.030. (Prior code § 29-13(2))

17.44.040 Access, parking and loading regulations.

A. Where access to a use or structure permitted herein will require a driveway or off-street

parking, no more than two points of ingress or egress shall be permitted, unless a special use permit for additional points is granted. All points of ingress and egress shall be well-defined and located at least thirty (30) feet from any intersecting street corner. All such driveways shall have a minimum of twelve (12) feet and a maximum of thirty (30) feet in width for each traffic lane. Two or more property owners having an approved legal agreement describing their joint right to property access may jointly share a driveway or access road.

B. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. All off-street parking spaces shall be set back a minimum of ten feet from the street right-of-way. Setbacks of less than ten feet may be allowed if a special use permit therefor is granted.

(Prior code § 29-13(3))

17.44.050 Height, area and lot size regulations.

In addition to the specific requirements for the I-2 heavy industrial district, all height, area and lot size regulations and exceptions set forth in Chapter 17.52, as they apply to uses in the I-2 heavy industrial district, shall be observed.

A. Height. The maximum height of buildings permitted shall be forty-five (45) feet and not over three stories.

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

1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.

2. Side Yard. No side yards are required for uses allowed in the I-2 heavy indus-

trial district, except that a side yard of twenty (20) feet shall be provided where such use abuts a residential district.

3. Rear Yard. Each lot upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

C. Lot Size. There are no minimum lot size or front lot line width requirements for uses allowed in the I-2 heavy industrial district.

D. Percentage of Lot Coverage. There are no lot coverage requirements for uses allowed in the I-2 heavy industrial district.

(Prior code § 29-13(4))

17.44.055 Noise and dust limitations.

The following noise and dust limitations shall apply to all activities within an I-2 heavy industrial district:

A. Limitations on noise shall be as set forth in Section 8.20.180(C)(2) of this code.

B. Limitations on dust shall be as set by the Missouri Department of Natural Resources or other state agency having jurisdiction, and the city shall not set requirements more limiting than those set by the state.

(Ord. No. 5069, § 1, 12-15-09)

17.44.060 Buffer areas.

Where industrial uses abut a residential district, an adequate buffer or screen shall be provided to visually screen the industrial use from the residential area. The buffer shall consist of a planting screen of suitable shrubbery maintained at a minimum height of eight feet and being a minimum of eight feet wide, or suitable fencing a minimum of eight feet in height. (Prior code § 29-13(5))

Chapter 17.48

I-3 PLANNED INDUSTRIAL PARK DISTRICT

Sections:

- 17.48.010 Purpose.
- 17.48.020 Use regulations.
- 17.48.030 Sight obstructions.
- 17.48.040 Handling and storage of waste and refuse.
- 17.48.050 Location of electrical lines.
- 17.48.060 Modification of city property.
- 17.48.070 Storage of products, materials and supplies.
- 17.48.080 Access, parking and loading regulations.
- 17.48.090 Height, area and lot size regulations.

17.48.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations of the I-3 planned industrial park district. The purpose of the I-3 planned industrial park district is to provide for modern industrial warehouse/office complexes of integrated design with attractive landscaping in suitable locations with access to arterial thoroughfares. (Prior code § 29-14 (part))

17.48.020 Use regulations.

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

- A. Any industrial use allowed in the I-2 heavy industrial district, to include any restrictions imposed upon such use in said district, subject to the following conditions:
 1. No building, structure or other improvement shall be erected, placed or altered on any building site until the building or other improvement plans, specifications and plot plans, including landscaping plans, showing the lo-

cation of such building improvements on the particular building site, have been submitted to and approved by the board of aldermen after receipt of review and recommendations from the city planning and zoning commission.

2. Consideration shall be given to conformity and harmony of external design with existing structures in the I-3 planned industrial park district and to the location of the improvements on the building site, giving due regard to the anticipated use thereof, as the same may affect adjoining structures, uses and operations, and as to the location of the improvements with respect to the topography, grade and finished ground elevation.
3. In the event that the board of aldermen fails to approve or disapprove, in writing, the required design, location and improvement plans within sixty (60) days after such plans and specifications have been submitted to the board of aldermen, the provisions of this section shall be deemed to have been fully complied with;
 - B. Wholesale merchandising, with a special use permit only;
 - C. Dwelling for a resident watchman or caretaker employed on the premises;
 - D. Warehouse storage or distributing facility, including wholesale storage;
 - E. Public works buildings, public utility service yards or electrical stations, with a special use permit only;
 - F. Office buildings;
 - G. Accessory buildings and accessory uses customarily incidental to any of the above uses, subject to the restrictions established in Section 17.56.010;
 - H. Outdoor advertising sign or structure, subject to the following conditions and in conformance with Section 17.56.010:
 1. Plans for all signs must be submitted to the city zoning administrator prior

to the issuance of a permit for their erection. All signs will be judged on the purpose and their blending with the overall landscaping plan of the planned industrial park district.

2. Outdoor advertising shall be limited to one sign on each street or road frontage per lot. Signs shall contain only the name of business establishments on the premises, the principal businesses conducted on the premises or commodities, services or products sold or offered on the premises that the sign occupies.
3. A temporary sign relating to the announcement of a proposed building or plant location and not exceeding thirty-two (32) square feet may be located on a lot for a period of not more than one year, unless an extension is authorized in writing by the city zoning administrator;
 - I. All uses permitted herein shall not be noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noise or vibrations beyond the confines of the premises.
(Prior code § 29-14(1))

17.48.030 Sight obstructions.

No sign, fence, wall, hedge or shrub planting which will obstruct sight lines along roadways within a planned industrial park district shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the point of intersection of the extended right-of-way lines. These restrictions shall also apply to all driveways, side and rear entrances and alleys. (Prior code § 29-14(2))

17.48.040 Handling and storage of waste and refuse.

No waste material or refuse shall be placed upon or permitted to remain on any part of the property outside the buildings constructed thereon. Any owner of property within a planned industrial district shall comply with this chapter within fifteen (15) days of receiving written notice from the city zoning administrator to comply. In the event of noncompliance within the fifteen (15) day period, the city shall have the right to enter onto the property of the owner in question and remove such waste or refuse

and charge the cost of such removal to the property owner. If such charge is not paid within ten days after receipt of notification of the charge thereof, it shall become a lien on the property in question as provided elsewhere hereunder. (Prior code § 29-14(3))

17.48.050 Location of electrical lines.

Electric utility poles, lines, and support systems shall be placed on the rear one-third of each lot and positioned in such a manner as to enhance the attractiveness of the area. Any exceptions to this provision must have prior written approval of the board of aldermen, following review and recommendation by the city planning and zoning commission. (Prior code § 29-14(4))

17.48.060 Modification of city property.

No alterations or modifications of streets, curbs, gutters, storm drainage or other city property located in a planned industrial park district shall be undertaken without prior written approval of the city administrator. Portions of the city property altered or modified pursuant to such approval shall be restored as nearly as possible to its original condition, subject to inspection and approval by the city. (Prior code § 29-14(5))

17.48.070 Storage of products, materials and supplies.

No products, materials or supplies shall be stored or permitted to remain on any part of the property outside of the buildings constructed thereon, unless such materials are stored behind a building or on the rear one-third of the lot and screened from view from the adjoining property. Bulk storage of all liquids, including gasoline or petroleum products, may be placed outside of buildings in rear or side yards if completely screened from view and installed and maintained in conformance with all applicable local, state and federal safety standards. Exceptions to these storage and screening requirements must be approved in writing by the board of aldermen, following review and recommendation by

the city planning and zoning commission. (Prior code § 29-14(6))

17.48.080 Access, parking and loading regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.60. In addition, the following provisions shall apply in the I-3 planned industrial park district:

- A. Access. Access requirements shall be the same as those for the I-2 heavy industrial district.
- B. Parking. Employee, customer, owner or tenant parking shall not be permitted on public streets, and all such parking facilities shall be provided in off-street areas. All off-street parking spaces shall be set back a minimum of ten feet from the street right-of-way, and all parking areas and associated drives shall be paved with a sealed-surface pavement and properly maintained. Setbacks of less than ten feet may be allowed if a special use permit therefor is granted. Off-street parking areas shall provide one parking space for every two employees on the maximum working shift, plus one space to accommodate each truck or other vehicle used in connection therewith.
- C. Loading. No loading docks or truck entrance doors shall be constructed or located fronting on any street, unless otherwise approved in writing by the board of aldermen, following review and recommendation by the city planning and zoning commission.

(Prior code § 29-14(7))

17.48.090 Height, area and lot size regulations.

In addition to the specific requirements for the I-3 planned industrial park district, all height, area and lot size regulations set forth in Chapter 17.52, as they apply to uses in the I-3 planned industrial park district, shall be observed.

- A. Height. The maximum height of buildings permitted shall be forty-five (45) feet and not over three stories.

- B. Area. No building or structure shall be erected or enlarged, unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- 1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet. Such yard shall also be provided on any side facing an intersecting street.
- 2. Side Yard. On each lot upon which a building is constructed, there shall be a side yard on each side of not less than twenty (20) feet.
- 3. Rear Yard. Each lot upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.
- 4. Fences and Walls. No fence or wall shall be permitted to extend beyond the yard lines established above, except by written approval by the board of aldermen, following review and recommendation by the city planning and zoning commission.

- C. Lot Size. There are no minimum lot size or front lot line width requirements for uses allowed in the I-3 planned industrial park district.
- D. Percentage of Lot Coverage. There are no lot coverage requirements for uses allowed in the I-3 planned industrial park district.

(Prior code § 29-14(8))

Chapter 17.52

HEIGHT AND AREA REQUIREMENTS

Sections:

17.52.010 Scope.

17.52.020 General area exceptions and modifications.

17.52.030 Front yard exceptions and modifications.

17.52.040 Side yard exceptions and modifications.

17.52.050 Rear yard exceptions and modifications.

17.52.060 Height exceptions and modifications.

17.52.070 Table of height and area requirements.

17.52.010 Scope.

The regulations set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter. (Prior code § 29-16 (part))

17.52.020 General area exceptions and modifications.

- A. Minimum lot area and lot width requirements shall not apply to lots of record as of the effective date of this chapter (see Section 17.04.020, Definitions, "Lot of record").
- B. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
- C. Where a lot or tract is used for farming, commercial or industrial purposes, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- D. In the event that a lot is to be occupied by a group of two or more related buildings to be used for multiple-dwelling, institutional, mo-

tel or hotel purposes, there may be more than one main building on the lot; provided, however, that the open spaces between buildings that are parallel, or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three- or four-story buildings.

- E. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three- and four-story buildings.
- F. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt courses, cornices and ornaments and features which are not to exceed twelve (12) inches. The twelve (12) inch limitation shall apply to commercial and industrial property only.

(Prior code § 29-16(1))

(Ord. No. 5235, § 16, 6-21-11)

17.52.030 Front yard exceptions and modifications.

- A. Where lots have double frontage, the required front yard shall be provided on both streets.
- B. An open, unenclosed porch, balcony or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four feet.
- C. The front yards heretofore established shall be adjusted in the following cases:
 1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed, or may hereafter be developed, with two or more buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the

street than the front yard so established by the existing building nearest the street line.

2. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed, or may hereafter be developed, with two or more buildings that have a front yard of less depth than herein required, then:
 - a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on each side; or
 - b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(Prior code § 29-16(2))

(Ord. No. 5235, § 17, 6-21-11)

17.52.040 Side yard exceptions and modifications.

- A. The required side yard on the street side of a corner lot shall be the same as the required front yard on such street; except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.
- B. For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.
- C. No side yards are required where dwelling units are erected above commercial or industrial structures.
- D. Terraces, uncovered porches, platforms or ornamental features which do not extend more than three feet above the floor level of the

ground story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

- E. Whenever a lot of record as of the effective date of the ordinance codified in this chapter has a width less than that required for the district in which it is located, the side yards may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.
- F. Open or lattice-enclosed fire escapes, required by law, projecting into a side yard may not exceed five feet and the ordinary projection on chimneys and pilasters shall be permitted by the building inspector when placed so as not to obstruct light and ventilation.

(Prior code § 29-16(3))

17.52.050 Rear yard exceptions and modifications.

Open-lattice, enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than five feet may be permitted by the building inspector when placed so as not to obstruct light and ventilation. (Prior code § 29-16(4))

17.52.060 Height exceptions and modifications.

- A. Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, if the building is set back from each yard line at least one foot for every two feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- B. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain eleva-

tors or necessary mechanical appurtenances are exempt from the height regulations contained herein.

(Prior code § 29-16(5))

17.52.070 Table of height and area requirements.

The required height and area regulations as established in this chapter are summarized in this table:

District		Minimum Lot Area per Family in Square Feet	Minimum Lot Area in Square Feet	Minimum Lot Width in Feet	Minimum Requirement in Feet			Maximum Building Height		Maximum Percentage of Lot Covered by All Buildings
					Front	Side	Rear	Feet	Stories	
R-1	Single-Family Residential	12,000	12,000 ⁽¹⁾	100 ⁽¹⁾	30	15 ⁽¹⁾	30 ⁽²⁾	35 ⁽³⁾	2 1/2	30
R-2	Single-Family Residential	7,500	7,500	75	30	8 ⁽⁴⁾	25 ⁽⁵⁾	35	2 1/2	30
R-3	Single-Family Residential	7,500	7,500	75	30	8 ⁽⁴⁾	25 ⁽⁵⁾	35	2 1/2	30
		2-family 5,000	10,000	75	30	8 ⁽⁴⁾	25 ⁽⁵⁾	35	2 1/2	30
R-4	Two-Family Residential	5,000	10,000	75	30	8 ⁽⁶⁾	25	35 ⁽³⁾	2 1/2	40
R-5	General Residential	1-family 7,500	7,500	75	30	8	25	35	2 1/2	40
		2-family 5,000	10,000	75	30	8	25	35	2 1/2	40
		Multiple-family ⁽⁷⁾	12,500 ⁽⁷⁾	75	30	8 ⁽⁶⁾	25	45	3	40
		All others—	15,000	75	30	8 ⁽⁶⁾	25	45 ⁽³⁾	3	40
MH-1	Mobilehome Park	-8	15,000	75	-8	-8	-8	35	2 1/2	—
C-1	Local Commercial	1-family 7,500	7,500	75	30	8	25	35	2 1/2	40
		2-family 10,000	10,000	75	30	8	25	35	2 1/2	40
		Multiple-family ⁽⁷⁾	12,500 ⁽⁷⁾	75	30	8	25	35	2 1/2	40
		All others	5,000	50	30	8 ⁽⁹⁾	25	35 ⁽³⁾	2 1/2	40 ⁽¹⁰⁾
C-2	General Commercial	1-family 7,500	7,500	75	30	8	25	35	2 1/2	40
		2-family 5,000	10,000	75	30	8	25	35	2 1/2	40
		Multiple—	12,500	75	30	8	25	35	2 1/2	40
		All others	5,000	50	30	8 ⁽⁹⁾	25	35	2 1/2	—
C-3	Central Business	1-family 7,500	7,500	75	30	8	25	45	3	40
		2-family 5,000	10,000	75	30	8	25	45	3	40
		Multiple—	—	—	—	-11	-12	45	3	—
		All others—	—	—	—	-11	-12	45	3	—
C-4	Planned Commercial	-13	-13	-13	-13	-13	-13	-13	-13	-13
I-1	Light Industrial	—	—	—	30	-14	25	45	3	—
I-2	Heavy Industrial	—	—	—	30	-15	25	45	3	—
I-3	Planned Industrial Park	—	—	—	30	20	25	45	3	—

Note: Numbers in parentheses in table refer to the following additions or modifications to regulations (other additions and modifications of the height and area requirements are set forth in Sections 17.52.010 through 17.52.060):

- (1) Certain nonresidential buildings and uses must have a minimum lot size of one acre, a minimum lot width of one hundred fifty (150) feet and a minimum side yard of thirty (30) feet.
- (2) Minimum rear yard is thirty (30) feet, or twenty (20) percent of the depth of the lot, whichever is greater, but not over fifty (50) feet.
- (3) Maximum height for churches and similar places of worship is seventy-five (75) feet for towers or steeples and forty-five (45) feet for the principal building.
- (4) All buildings other than dwellings must have a minimum side yard of twenty (20) feet.
- (5) Minimum rear yard is twenty-five (25) feet, or twenty (20) percent of the depth of the lot, whichever is greater, but not over thirty-five (35) feet.
- (6) Any building of three stories or more must have a minimum side yard of ten feet.
- (7) Minimum lot area is twelve thousand five hundred (12,500) square feet, plus two thousand five hundred (2,500) square feet for each family over three.
- (8) Refer to Chapter 17.20 for space requirements and setbacks for mobilehomes.
- (9) There is no side yard required for nonresidential buildings, except that a side yard of eight feet must be provided where a building lot abuts a residential district.
- (10) There are no lot coverage requirements for commercial structures.
- (11) There is no side yard required for multiple-family dwellings or nonresidential buildings, except that a side yard of eight feet must be provided where either type of building lot abuts a residential district.
- (12) There is no rear yard required for multiple-family or nonresidential buildings, except that a rear yard of twenty-five (25) feet must be provided where a building lot abuts a residential district.
- (13) Refer to Chapter 17.36 for specific requirements for planned commercial districts.
- (14) There is no side yard required for uses allowed, except that a side yard of ten feet must be provided where an allowed use abuts a residential district.
- (15) There is no side yard required for uses allowed, except that a side yard of twenty (20) feet must be provided where use abuts a residential district.

(Ord. 4616 § 1, 2005; prior code § 29-15)
(Ord. No. 5235, § 18, 6-21-11)

Chapter 17.54

COMMUNICATIONS TOWER REGULATIONS

Sections:

- 17.54.010 Purpose.**
- 17.54.020 Definitions.**
- 17.54.030 Communications towers in industrial districts.**
- 17.54.040 Communications towers in a C-2 general commercial district constructed on alternative structures.**
- 17.54.050 Communications towers in a C-2 general commercial district with special use permit.**
- 17.54.060 Communications towers in all other commercial districts constructed on alternative structures with a special use permit.**
- 17.54.070 Communications towers prohibited in residential districts.**
- 17.54.080 Security fencing required.**
- 17.54.090 Proof of licensure.**
- 17.54.100 Amateur radio towers.**
- 17.54.110 Existing and replacement towers.**
- 17.54.120 Compliance with city codes.**

17.54.010 Purpose.

The regulations set forth in this chapter or set forth elsewhere in this title and referred to in this chapter are the regulations of communications towers. The purpose of this chapter is to provide an orderly system for the regulation of communications towers and related appurtenances and facilities. (Ord. 4654 § 1 (part), 2005)

17.54.020 Definitions.

For the purposes of this chapter, certain terms and words are defined. Words used in the present tense shall include the future tense, the singular

number shall include the plural and the plural the singular, and the word "shall" is mandatory and not directory:

"Alternative structure" means a structure that is not primarily constructed for the purpose of holding antennas, but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, water tanks, pole signs, billboards, church steeples and electric power transmission towers.

"Amateur radio tower" means any tower used for amateur radio transmissions consistent with the Complete FCC U.S. Amateur Part 97 Rules and Regulations for amateur radio towers.

"Antenna" means any exterior transmitting or receiving device which radiates or captures electromagnetic waves.

"Communications tower (tower)" means any structure that is designed and built for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers and cellular telephone towers.

"Replacement tower" means a new communications tower or part of a communications tower intended to replace an existing tower meeting the requirements of this chapter.

"Structure" means anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

"Tower base" means the foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

"Tower height" means the vertical distance measured from the tower base to the highest point of the tower, including any antenna, lighting, or other

equipment affixed thereto, unless the tower is free standing and in that event the tower height shall be measured from the ground.

"Tower site" means the land area that contains, or will contain, a proposed tower, support structures, and other related buildings and improvements. (Ord. 4654 § 1 (part), 2005)

17.54.030 Communications towers in industrial districts.

Communications towers shall be allowed in all industrial districts (I-1 light industrial district, I-2 heavy industrial district and I-3 planned industrial park district) and a building permit shall be issued therefor provided the following special conditions are met:

- A. If the proposed tower is located within one-half mile of an existing tower(s), evidence must be submitted demonstrating conclusively that the existing tower(s) is not suitable or available for co-use.
- B. The tower shall be designed to accommodate the co-use of at least two other providers and made available to other providers for co-use for reasonable terms. A notarized statement shall be provided as to the ability of the tower for co-use.
- C. The design of the tower and tower site shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the facilities within the surrounding natural setting and environment, and an adequate easement for ingress and egress from the tower site to a public street shall be provided.
- D. Any exterior tower shall be set back from the right-of-way line of any public street at least a distance equal to the height of the tower.
- E. The tower shall be set back from the nearest zoning district boundary of any district not zoned industrial (I-1 light industrial district, I-2 heavy industrial district and I-3 planned industrial park district) at least a distance equal to the height of the

tower, unless all property owners within an area with a radius equal to the height of the tower consent to the location.

- F. The tower and antennas shall meet all federal regulations, including, but not limited to, Federal Communications Commission (FCC) emission standards and Federal Aviation Administration (FAA) lighting requirements.
- G. Any tower that is no longer in use for a telecommunications purpose shall be removed at the owner's expense. The owner of the tower shall provide the city with a copy of the notice to the FCC of intent to cease operations. All obsolete and abandoned towers and accessory facilities shall be removed within six months of cessation of use. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The applicant shall submit an executed agreement to ensure compliance with this requirement. If the owner fails to remove an obsolete tower, the city may cause the tower to be removed and issue a special assessment tax bill for the cost of such removal, which shall be a lien against the real property affected.
- H. All tower designs shall be certified under seal of an engineer licensed in the state of Missouri, and all towers will be designed and constructed in accordance with current standards for steel towers.

(Ord. 4654 § 1 (part), 2005)

17.54.040 Communications towers in a C-2 general commercial district constructed on alternative structures.

Communications towers shall be allowed in a C-2 general commercial district on or in an alternative structure and a building permit shall be issued therefor provided that the following special conditions are met:

- A. If the proposed tower is located within one mile of an existing tower(s), evidence

must be submitted demonstrating conclusively that the existing tower(s) is not suitable or available for co-use.

- B. The tower shall be designed to accommodate the co-use of at least two other providers and made available to other providers for co-use for reasonable terms. A notarized statement shall be provided as to the ability of the tower for co-use.
- C. All antennas shall be constructed in or upon an existing alternative structure. Any towers or antennas located on structures shall not extend more than thirty (30) feet above the highest point of the structure.
- D. Any exterior tower shall be set back from the right-of-way line of any public street at least a distance equal to the height of the tower.
- E. Any exterior tower shall be set back from the property boundary of all adjacent property at least a distance equal to the height of the tower, unless all property owners within an area with a radius equal to the height of the tower consent to the location.
- F. The tower and antennas shall meet all federal regulations, including, but not limited to, Federal Communications Commission (FCC) emission standards and Federal Aviation Administration (FAA) lighting requirements.
- G. Any tower that is no longer in use for a telecommunications purpose shall be removed at the owner's expense. The owner of the tower shall provide the city with a copy of the notice to the FCC of intent to cease operations. All obsolete and abandoned towers and accessory facilities shall be removed within six months of cessation of use. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The applicant shall submit an executed agreement to ensure compliance with this requirement. If the

owner fails to remove an obsolete tower, the city may cause the tower to be removed and issue a special assessment tax bill for the cost of such removal, which shall be a lien against the real property affected.

- H. All tower designs shall be certified under seal of an engineer licensed in the state of Missouri, and all towers will be designed and constructed in accordance with current standards for steel towers.

(Ord. 4654 § 1 (part), 2005)

17.54.050 Communications towers in a C-2 general commercial district with special use permit.

Communications towers may be allowed in a C-2 general commercial district by special use permit issued under the procedures set forth in the code of ordinances of the city provided that:

- A. An engineering report is certified under seal of an engineer licensed in the state of Missouri showing that a significant portion of the city is not served by a telecommunications signal and that tower will provide such service.
- B. If the proposed tower is located within two miles of an existing tower(s), evidence must be submitted demonstrating conclusively that the existing tower(s) is not suitable or available for co-use.
- C. The tower shall be designed to accommodate the co-use of at least two other providers and made available to other providers for co-use for reasonable terms. A notarized statement shall be provided as to the ability of the tower for co-use.
- D. The design of the tower and tower site shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the facilities within the surrounding natural setting and environment, and an adequate easement for ingress and egress from the tower site to a public street shall be provided.

- E. The tower shall be set back from the right-of-way line of any public street at least a distance equal to the height of the tower.
- F. The tower shall be set back from the property boundary of all adjacent property at least a distance equal to the height of the tower unless all property owners within an area with a radius equal to the height of the tower consent to the location.
- G. The tower and antennas shall meet all federal regulations, including, but not limited to, Federal Communications Commission (FCC) emission standards and Federal Aviation Administration (FAA) lighting requirements.
- H. Any tower that is no longer in use for a telecommunications purpose shall be removed at the owner's expense. The owner of the tower shall provide the city with a copy of the notice to the FCC of intent to cease operations. All obsolete and abandoned towers and accessory facilities shall be removed within six months of cessation of use. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The applicant shall submit an executed agreement to ensure compliance with this requirement. If the owner fails to remove an obsolete tower, the city may cause the tower to be removed and issue a special assessment tax bill for the cost of such removal, which shall be a lien against the real property affected.
- I. All tower designs shall be certified under seal of an engineer licensed in the state of Missouri, and all towers will be designed and constructed in accordance with current standards for steel towers.

(Ord. 4654 § 1 (part), 2005)

17.54.060 Communications towers in all other commercial districts constructed on alternative structures with a special use permit.

Communications towers may be allowed in any commercial district (C-1 local commercial district,

C-3 central business district and C-4 planned commercial district) on or in an alternative structure by special use permit issued under the procedures set forth in the code of ordinances of the city provided that:

- A. An engineering report is certified under seal of an engineer licensed in the state of Missouri showing that a significant portion of the city is not served by a telecommunications signal and that tower will provide such service.
- B. If the proposed tower is located within two miles of an existing tower(s), evidence must be submitted demonstrating conclusively that the existing tower(s) is not suitable or available for co-use.
- C. The tower shall be designed to accommodate the co-use of at least two other providers and made available to other providers for co-use for reasonable terms. A notarized statement shall be provided as to the ability of the tower for co-use.
- D. All antennas shall be constructed in or upon an existing alternative structure. Any towers or antennas located on structures shall not extend more than thirty (30) feet above the highest point of the structure.
- E. Any exterior tower shall be set back from the right-of-way line of any public street at least a distance equal to the height of the tower.
- F. Any exterior tower shall be set back from the property boundary of all adjacent property at least a distance equal to the height of the tower, unless all property owners within an area with a radius equal to the height of the tower consent to the location.
- G. The tower and antennas shall meet all federal regulations, including, but not limited to, Federal Communications Commission (FCC) emission standards and Federal Aviation Administration (FAA) lighting requirements.

- H. Any tower that is no longer in use for a telecommunications purpose shall be removed at the owner's expense. The owner of the tower shall provide the city with a copy of the notice to the FCC of intent to cease operations. All obsolete and abandoned towers and accessory facilities shall be removed within six months of cessation of use. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The applicant shall submit an executed agreement to ensure compliance with this requirement. If the owner fails to remove an obsolete tower, the city may cause the tower to be removed and issue a special assessment tax bill for the cost of such removal, which shall be a lien against the real property affected.
- I. All tower designs shall be certified under seal of an engineer licensed in the state of Missouri, and all towers will be designed and constructed in accordance with current standards for steel towers.

(Ord. 4654 § 1 (part), 2005)

17.54.070 Communications towers prohibited in residential districts.

No communications towers shall be allowed in residential districts or any other district not specifically mentioned in this chapter within the city. (Ord. 4654 § 1 (part), 2005)

17.54.080 Security fencing required.

All communications towers not attached to an alternative structure or with the tower base on the ground shall be enclosed by security fencing at least eight feet in height and such enclosed area shall be locked against entry by unauthorized personnel. (Ord. 4654 § 1 (part), 2005)

17.54.090 Proof of licensure.

The owner of any communications tower shall submit to the city, prior to December 31st of each year, a proof that the tower is still in use and still

licensed by the Federal Communications Commission (FCC). (Ord. 4654 § 1 (part), 2005)

17.54.100 Amateur radio towers.

This chapter shall not govern any amateur radio tower used by one individual, not for commercial purposes. (Ord. 4654 § 1 (part), 2005)

17.54.110 Existing and replacement towers.

This chapter shall not govern towers existing prior to April 1, 2005. Any replacement tower erected after April 1, 2005, shall be governed by this chapter. (Ord. 4654 § 1 (part), 2005)

17.54.120 Compliance with city codes.

All construction, modification, or repair of communications towers and tower sites shall comply with all city codes in effect at the time of construction, modification, or repair. (Ord. 4654 § 1 (part), 2005)

Chapter 17.56

SUPPLEMENTARY USE AND DESIGN REGULATIONS

Sections:

17.56.010 Accessory building, use and structure regulations.

17.56.020 Nonconforming uses.

17.56.030 Special use regulations.

17.56.040 Community unit plan.

17.56.010 Accessory building, use and structure regulations.

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

- A. No accessory buildings shall be constructed upon a lot until the construction of the main building has been actually commenced; and no accessory building shall be used for dwelling purposes, other than by domestic servants employed entirely on the premises.
- B. Accessory buildings or structures may be constructed or installed in a required rear yard, but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than five feet to any side or rear lot line; except that when a garage is entered from an alley, it shall not be located closer than ten feet to the alley line. If a garage is located closer than ten feet to the main building, the garage shall be regarded as part of the main building for the purposes of determining side and rear yards. Mobile or modular units for seasonal or periodic use may be placed in a front or side yard in commercially zoned areas upon compliance with all other provisions hereof.
- C. Fences. Property boundary and privacy fences shall not exceed eight feet in height. No fence shall be constructed on the public right-of-way.
- D. Satellite Television Antennas. Satellite television antennas may be constructed or installed in a required rear yard only. The antenna station must also be installed and anchored in conformance with the requirements of the city building code and may not be connected to serve any adjoining property or structure. The antenna must also meet all applicable public utility requirements regarding distances between the antenna and public utility lines.
- E. Portable or Movable Storage Buildings or Sheds. Portable or movable storage buildings or sheds are considered accessory buildings and may be installed in a rear yard only and not nearer than five feet to any side or rear lot line. If the storage building is located closer than ten feet to the main building, the storage building shall be regarded as part of the main building for the purposes of determining side and rear yards.
- F. Solar Access Availability. Under Section 442.012, Revised Statutes of the state of Missouri, the right to utilize solar energy is defined as a property right that can be acquired through negotiation with adjacent property owners but cannot be acquired through eminent domain. Any easements obtained for the purpose of construction, reconstruction, remodeling or acquisition of a solar energy device shall only be created in writing and shall be subject to the same conveyancing and instrument recording requirements as other easements. Any instrument creating a solar easement shall include, but not be limited to, the vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property subject to the solar easement and any terms or conditions or both under which the solar easement is granted or will be terminated. Easements for solar light shall be considered negative easements. A certified

copy of any solar easement negotiated and properly recorded in the city shall be filed with the city building inspector.

G. **Portable Advertising Signs.** Portable advertising signs, whether illuminated or not, may be located in any commercial or industrial district, provided that such sign shall be located at least ten feet from the pavement edge or curblin of the adjacent street or streets. All electrical installations for portable signs shall meet applicable requirements of the city building code. For the purpose of this chapter, a "portable advertising sign" shall be considered as a detached, freestanding ground sign. (Only one portable advertising sign may be located on a lot and only when an existing detached, freestanding sign is not located on said lot. See subsection (H)(7) of this section).

H. **Signs in General.** In addition to other provisions of this chapter, all signs must also meet all applicable provisions of the city building code and all applicable regulations of the Missouri Highway and Transportation Department.

1. The following signs and advertising devices are prohibited:
 - a. Signs that revolve, move laterally or transversely or have flashing lights. This shall not be construed to include stationary signs with moveable electronic letters or graphics. Self-changing electronic display boards or "reader boards" shall not appear to blink, flash or otherwise cycle between off and on phases of illumination more frequently than one cycle per four seconds except to produce the illusion of vertical or horizontal scrolling.
 - b. Signs erected on or over any public right-of-way or easement;

- c. Any sign erected so as to prevent free ingress to or egress from any door, window or other exitway required by the city building code;
 - d. Any sign erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal or other traffic-control device. Nor may any sign imitate any official traffic sign;
 - e. Any sign erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from or travel on the public right-of-way;
 - f. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property.
2. Directional and informational signs of a public nature and not more than two hundred (200) square feet in sign face area may be permitted adjacent to an arterial street.
 3. When any sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on residential property in any residential district.
 4. For the purposes of this chapter, multiple, vertical, joint or combination signs on common supports shall, in aggregate, be considered as one sign and shall not exceed the maximum square footage allowed in the zoning district in which the sign is located.
 5. Billboards and signs that are not maintained in good repair shall be subject to removal. The city zoning administrator shall give written notice to the owner, and the owner shall have thirty (30) days to commence the needed repairs with completion within ninety (90) days. If such evidence of repairs is

not produced, the city zoning administrator shall order the billboard or sign to be removed.

6. No sign, excluding billboards, shall exceed thirty (30) feet above street grade or natural ground level, whichever is highest, unless a special use permit is granted therefor.
7. Only two detached, freestanding ground signs, excluding billboards, shall be permitted on any lot or tract, exclusive of any attached on-premise signs in conformance with provisions of the zoning district in which the lot or tract is located. Additional detached, freestanding ground signs may be allowed if a special use permit is granted therefor.
8. The following signs and advertising devices are exempt from the provisions of this chapter:
 - a. Any sign erected and maintained pursuant to and in the discharge of governmental function or required by law, ordinance or a governmental regulation;
 - b. One sign displaying the street number and/or name of the occupant of the premises not exceeding one square foot in area. Such sign may also include the identification of any accessory use permitted in the zoning district in which the premises are located;
 - c. Signs being manufactured, transported and/or stored; provided that such signs are not used for advertising in any manner at the place or places of manufacture or storage;
 - d. Commemorative plaques of an historical nature;
 - e. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events. Additionally, temporary on-premise and off-premise advertising signs or displays for the sale of goods relative to patriotic, religious or local holidays or events which are properly constructed and maintained for no more than thirty (30) days prior to and ten days after the event to which they pertain shall be exempt. Such signs or displays shall be limited to thirty-two (32) square feet in area and no more than twenty-five (25) percent of the area of the sign may contain other commercial advertising;
 - f. Signs located within malls, courts, arcade porches, patios and similar areas where such signs are not visible from any point on the boundary of the premises;
 - g. Signs designating the premises for sale, rent or lease; provided such signs conform to the provisions of the zoning district in which they are located and are on the premises offered for sale;
 - h. Public service signs limited to the depiction of time, temperature or news; provided such signs conform to the provisions of the zoning district in which they are located;
 - i. Signs on vehicles regulated by the city that provide public services;
 - j. Signs on licensed commercial vehicles, including trailers; provided that such vehicles are not utilized as parked or stationary outdoor display signs;
 - k. Temporary off-premise subdivision directional signs with a special use permit only. Temporary on-premise subdivision signs shall

not exceed thirty-two (32) square feet and shall be removed upon the sale of eighty-five (85) percent of the lots or units within the development;

1. Temporary political campaign signs, including their support structures, which are erected or maintained for no more than one hundred eighty (180) days prior to the election to which they pertain and which are removed within ten days after the election to which they pertain;
- m. Temporary signs advertising yard sales, garage sales or personal property auctions for no more than two days. Temporary signs advertising real property auctions may be allowed for no more than fourteen (14) days. Any such sign shall be removed on the day such sale or auction ends and no such sign shall constitute a traffic hazard as determined by the city zoning administrator;
- n. Any other auxiliary signs such as exit and entrance signs related to the business of less than eight square feet in area and any directional or informational signs related to the business (i.e. menu boards, gasoline price signs) of less than thirty-six (36) square feet in area;
- o. Temporary signs of a contractor contracted to do a phase of the construction, remodeling or repair of a building on the site on which the construction is in progress or has occurred during the construction and for a period of thirty (30) days following the completion of the individual contractor's phase or job. "Contractor"

shall be defined as set out in the city's business license regulations (Chapter 5.04). Such signs shall be no more than four square feet in area in residential zones and thirty-two (32) square feet in area in commercial and industrial zones. There shall be no more than five signs per job site at any one time. Property owners shall control the placement of signs.

- I. Billboards. On-premise and off-premise billboards (signs exceeding one hundred (100) square feet in sign-face area) are permitted in accordance with the following provisions and other applicable provisions of this title. For the purposes of this section, off-premise signs of less than one hundred (100) square feet in sign-face area shall be considered as billboards:
 1. "Off-premise signs and billboards" are defined as those that advertise or direct attention to a business, product, commodity, service, entertainment or the like not located, sold or offered on the premises on which the sign is located.
 2. Billboards shall be permitted only on lots or tracts adjoining the following streets or segments of streets in C-2, C-4, I-1, I-2 or I-3 zoning districts and only when their advertisement is directed toward the following streets or segments of streets:
 - a. Interstate 55, Lake Drive (North Outer Road), and Cinque Hommes Drive (South Outer Road);
 - b. Perryville Boulevard (Highway 51 By-Pass);
 - c. Kingshighway (north of Industrial Drive and south of Sutterer Place).
 3. Billboards may not be erected within two hundred (200) feet in any residential district unless a special use permit is obtained therefor.

4. Billboards may not be erected within thirty (30) feet of any adjacent street pavement edge or curbline.
5. No billboard shall be placed within five hundred (500) feet of another billboard on the same side of the street or within one hundred (100) feet of another detached freestanding sign on the same side of the street as measured along the nearest pavement edge between points directly opposite the signs. The spacing requirements set forth in this chapter shall not apply to on-premise signs (billboards).
6. The maximum area of a billboard sign face and display area shall not exceed three hundred (300) square feet with a maximum length of thirty (30) feet.
7. Billboards with a maximum sign face area of up to four hundred (400) square feet and a maximum length of forty (40) feet shall be permitted in any C-2, C-4, I-1, I-2 or I-3 zoning district when the sign is adjacent to and within three hundred (300) feet of Interstate 55, Lake Drive (North Outer Road) and Cinque Hommes Drive (South Outer Road) and Perryville Boulevard (Highway 51 By-Pass). Billboards with a maximum sign face area of up to eight hundred (800) square feet and a maximum length of sixty (60) feet shall be permitted in any C-2, C-4, I-1, I-2 or I-3 zoning district when the sign is adjacent to and within three hundred (300) feet of Interstate 55, Lake Drive (North Outer Road), Cinque Hommes Drive (South Outer Road) and Perryville Boulevard (Highway 51 By-Pass); provided that a special use permit therefor is granted and all other applicable restrictions of this section, including spacing, are met.
8. Billboards shall have a minimum clearance of twenty (20) feet from the grade of the adjacent street to the bottom of the sign face and a maximum of fifty (50) feet from the grade of the adjacent street to the top of the sign face. Except on-premise high-rise signs along and within one thousand one hundred forty-five (1,145) feet of the centerline of Interstate 55 one thousand five hundred (1,500) feet Northwest and Southeast of its intersection with South Perryville Boulevard (Highway 51 By-Pass) may be a maximum of eighty (80) feet in height with a special use permit.
9. Billboards with two back-to-back sign faces, either parallel or forming a V when viewed from above and with an interior angle of not more than sixty (60) degrees, shall be considered as one billboard; and each sign face may have the maximum square footage allowed for one billboard.
10. Billboards must be constructed of steel frame with a concrete base with no more than two steel vertical supports.
11. Billboards that require more than sixty-five (65) percent repair or replacement shall meet the requirements of this subsection.
12. Within commercial developments in commercial or industrial zoning districts, billboards shall be allowed as follows:
 - a. In any commercial subdivision, a combined sign with a sign face and display area of up to three hundred (300) square feet shall be allowed to advertise the businesses within that commercial subdivision. No individual business sign on a combined sign shall comprise an area of sign face in excess of one hundred (100) square feet per sign;

- b. Within a commercial development maintained as one entity in which there are three or more contiguous business tenant spaces, a combined sign with a sign face and display area of up to three hundred (300) square feet shall be allowed to advertise the businesses within that entity. No individual business sign on a combined sign shall comprise an area of sign face in excess of one hundred (100) square feet per sign;
- c. In a commercial subdivision or commercial development maintained as one entity containing at least three businesses and having road frontage of at least five hundred fifty (550) feet, additional signs with the limitations set forth in this section will be allowed provided that there is a separation between the signs of at least five hundred (500) feet.

J. Sponsorship Signs in City Soccer Park. The city specifically authorizes the erection of sponsorship signs in the city soccer park in accordance with the limitations and requirements set forth in this chapter as follows:

- 1. All sponsorship signs may only be leased by businesses, churches, fraternal organizations or community groups on a renewable five-year basis. The content of the sponsorship signs shall not promote any activity, business or group that is of a sexual, pornographic or racial nature. Each application and lease for any sponsorship shall give the specific content to be placed on each sponsorship sign and the specific size, color and construction of each sponsorship sign. In approving the sponsorship signs, the sign lessor shall take

into consideration the general aesthetics of the park area and the best interests of the city of Perryville.

- 2. All proceeds derived from sponsorship sign space shall be used only for the upkeep or improvement of the city soccer park or park facility in which the sponsorship sign is located. An accounting shall be made to the chief administrative officer of the city no less often than every six months concerning the use and disbursement of all proceeds from the marketing of sponsorship sign space.
 - 3. No sponsorship sign shall be larger than fifteen (15) square feet in face area and shall be no more than eight feet in height at the highest point of the sponsorship sign; provided, however, that the center soccer field may have signs no larger than thirty (30) square feet in face area.
 - 4. All sponsorship signs shall be properly maintained, and any sponsorship sign not maintained in good order shall be removed by the city without the obligation to repay any amounts paid for the sponsorship sign by any advertiser.
- K. Sponsorship Signs in City Park at Baseball Field #1 (a/k/a Legion Field). The city specifically authorizes the erection of sponsorship signs in the city park at Baseball Field #1 (a/k/a Legion Field) under the direction of the board of aldermen or its designee in accordance with the limitations and requirements set forth in this chapter as follows:
- 1. All sponsorship sign space may only be leased by businesses, churches, fraternal organizations or community groups on a renewable year-to-year basis. The content of the sponsorship signs shall not promote any activity, business or group that is of a sexual,

pornographic, political or racial nature. Each application for any sponsorship sign space shall give the specific content to be placed on each sponsorship sign and the specific size, color and construction of each sponsorship sign. In approving the sponsorship signs, the city shall take into consideration the general aesthetics of the park area and the best interests of the city of Perryville.

2. All proceeds derived from sponsorship sign space shall be used only for the upkeep or improvement of the city park or park facility. Regular reports shall be made to the board of aldermen concerning the receipt and use of sign space rental proceeds.
 3. No sponsorship sign shall be larger than thirty-two (32) square feet in face area and shall be no more than eight feet in height at the highest point of the sponsorship sign.
 4. All sponsorship signs shall be properly maintained, and any sponsorship sign not maintained in good order shall be removed by the city without the obligation to repay any amounts paid for said sponsorship sign by any advertiser.
 5. This subsection is in addition to subsection J of this section and shall not affect sponsorship signs in the city soccer park.
- L. Sponsorship Signs in City Park for the Disc Golf Course. The city specifically authorizes the erection of sponsorship signs in the city park at the start and throughout the Disc Golf Course in accordance with the limitations and requirements set forth in this chapter as follows:
1. Sponsorship signs may be leased by individuals, businesses, churches, fraternal organizations, or community groups on a renewable five-year basis. The content of the sponsorship signs shall not promote any activity, business, or group that is of a sexual, pornographic, or racial nature. Each application for sponsorship shall provide the specific content to be placed on the sign, to include details regarding colors, graphics, and written narrative. In approving the sponsorship signs, the city shall take into consideration the general aesthetics of the park area and the best interests of the city of Perryville.
 2. All proceeds derived from sponsorship signs shall be used only for the upkeep and/or improvement of the city park Disc Golf Course and amenities related to the city park Disc Golf Course. An accurate accounting shall be maintained by the city concerning the collection, use, and disbursement of all sponsorship proceeds.
 3. The general size, shape, and design of all signs shall be similar in nature and approved by the city of Perryville. No individual hole sponsorship sign shall be larger than one and one-half square feet in face area and shall be no more than eighteen (18) inches at the highest point of the sponsorship sign; provided, however, that the main Disc Golf layout sign (located at the beginning of the course) may be no larger than twenty (20) square feet in face area.
 4. Once installed, sponsorship signs shall become the property of the city of Perryville and maintained accordingly.
 5. This subsection is in addition to subsections J and K of this section and shall not affect sponsorship signs in other areas of the city park or the city soccer park.
- M. Pedestrian Sidewalk Sign. Any portable outdoor sign providing supplemental busi-

ness identity or advertisement which is placed upon a public sidewalk or city right-of-way in addition to the types and amount of signage that could otherwise be achieved under the sign regulations of the city of Perryville is hereby prohibited except as specifically allowed in this subsection. Allowable pedestrian sidewalk sign uses are as follows:

1. A pedestrian sidewalk sign must be located so that the sign structure is in front of the front part of the business which it advertises. Any pedestrian sidewalk sign located on a public or private sidewalk in a commercially zoned district must be positioned so as to allow at least three feet of unrestricted pedestrian access. A pedestrian sidewalk sign may not be attached to any form of electrical power or lighting. No flags, banners, balloons, or other materials may be attached to a pedestrian sidewalk sign.
2. A pedestrian sidewalk sign must be removed at all times when the business premises are not open for public business activities and during any declared snow emergency. A business may display a pedestrian sidewalk sign in conjunction with the operation of any legally licensed business activity within the city of Perryville. The business using the pedestrian sidewalk sign shall be liable for any and all damage caused by said sign.
3. No pedestrian sidewalk sign shall be of a size any greater than two feet by three feet.
4. All pedestrian sidewalk signs must be constructed of a material that presents a finished appearance. All sign lettering shall be professionally painted and applied except that chalkboard type signs shall be permitted. Any signs

which are in disrepair, contain graffiti, pornography, or offensive material are prohibited.

5. In the event the pedestrian sidewalk sign advertises prices, such numerical price symbols shall not be of a size greater than six inches in height.
- N. Temporary Off-Premise Seasonal Advertising Signs. Any person or business may apply for a permit to place a temporary off-premise seasonal advertising sign. Application shall be made at city hall on forms provided by the city which shall state the name of the business, the sign location, the name of the property owners, and the start date and end date of the sign placement. The application must be signed by both the applicant and at least one record title property owner of the property to be used for placement of the sign. The application shall be accompanied by a nonrefundable fee of fifty dollars (\$50.00) and a penalty deposit of five hundred dollars (\$500.00). The sign shall be of no greater size than ten (10) square feet. The sign shall be presented at city hall along with the application and appropriate fee and deposit. The content of the sign shall not promote any activity, business, or group that is of a sexual, pornographic, political, unlawful, or racial nature. The sign shall be marked by the city with the appropriate ending date of the permit. Thereafter, the applicant may place the sign at the location specified on the permit. The permit shall be for no longer than thirty (30) days and shall not be renewable until one hundred eighty (180) days after the expiration of the permit. If the applicant removes the sign and presents the sign to city hall prior to the end of the thirty (30) day period or the first business day thereafter, then the penalty deposit of five hundred dollars (\$500.00) will be returned to the applicant. If the sign is not presented to city hall

within the timeframe described above, then the applicant shall forfeit the penalty deposit of five hundred dollars (\$500.00). No person or business location shall have more than one sign authorized under this subsection within the city at any one time and no person or business location shall have more than two signs authorized under this subsection within a period of three hundred sixty-five (365) days. No sign shall be permitted on city property or on public right-of-way and no sign shall obstruct driver visibility of traffic. Any person violating this subsection shall be guilty of a misdemeanor punishable under Chapter 1.16 of this Code of Ordinances.

O. Sponsorship Signs in the City Park Ball Fields. The city specifically authorizes the erection of sponsorship signs in the city park at the city park ball fields under the direction of the board of aldermen or its designee in accordance with the limitations and requirements set forth in this chapter as follows:

1. All sponsorship sign space may only be leased by businesses, churches, fraternal organizations or community groups on a renewable year-to-year basis. The content of the sponsorship signs shall not promote any activity, business or group that is of a sexual, pornographic, political or racial nature. Each application for any sponsorship sign space shall give the specific content to be placed on each sponsorship sign and the specific color and design of each sponsorship sign. The city shall determine the size and construction of each sponsorship sign. In approving the sponsorship signs, the city shall take into consideration the general aesthetics of the park area and the best interests of the city of Perryville.

2. All proceeds derived from sponsorship sign space shall be used only for the purchase, erection and maintenance of the sponsorship sign and for the upkeep or improvement of the city park or park facility. Regular reports shall be made to the board of aldermen concerning the receipt and use of sign space rental proceeds.
3. No sponsorship sign shall be larger than thirty-two (32) square feet in face area and shall be no more than eight feet in height at the highest point of the sponsorship sign.
4. All sponsorship signs shall be properly maintained by the city only for the term of the sign space agreement and shall be done in a manner determined by the city in the city's sole discretion.
5. This subsection O is in addition so subsections J, K and L of this Section 17.56.010 and shall not affect sponsorship signs in other areas of the city park or the city soccer park.

(Ord. 4835 § 1, 2007; Ord. 4695 § 1, 2005; Ord. 4602 § 1, 2005; Ord. 4566 § 1, 2004; Ord. 4549 § 1, 2004; Ord. 4307 § 1, 2002; Ord. 4149 § 1, 2001; Ord. 3638 §§ 6, 7, 1998; Ord. 3562 § 1, 1997; prior code § 29-17)

(Ord. No. 5014, §§ 3—17, 3-3-09; Ord. No. 5235, §§ 19—22, 6-21-11; Ord. No. 5407, §§ 1—3, 3-5-13; Ord. No. 5430, § 1, 6-11-13; Ord. No. 5615, § 1, 2-17-15)

17.56.020 Nonconforming uses.

- A. The lawful use of a building existing at the time of the adoption of this chapter (October 21, 1987) may be continued even though such use does not conform with the provisions of this chapter.
- B. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classifications. Whenever a nonconforming 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.

- C. Whenever the use of a building becomes nonconforming through a change in the zoning ordinance or district boundaries, such use may be continued; and, if no structural alterations are made, it may be changed to another nonconforming use of the same or a more restricted classification.
- D. When a building, the use of which does not conform to the provisions of this chapter, is damaged by fire, explosion, an act of God or the public enemy, to the extent of more than sixty-five (65) percent of its fair market value, it may be restored only on the issuance of a variance by the board of adjustment as set forth in Section 17.64.030.
- E. In the event that a nonconforming use of any building or premises is discontinued, or its normal operation is stopped, for a period of two years, the use of the same shall thereafter conform to the use regulations in the district in which it is located.
- F. A nonconforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use previous to the adoption of this chapter or to any affecting amendments thereof.
- G. No existing building devoted to a use not permitted by this title in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located. Existing buildings occupied by a nonconforming use may be extended or enlarged or structurally altered or reconstructed by, not to exceed, a fifty (50) percent increase in the cubical volume of the building as of the effective date of this title or the effective date of any subsequent amendments or changes as a result of which a building becomes nonconforming; pro-

vided that all height and area regulations are observed in any such extension or enlargement or alteration.

- H. The actual ground space occupied by a nonconforming use with which no building is associated may be expanded by up to fifty (50) percent if a special use permit therefor is granted in accordance with Section 17.56.030; provided, that both the existing area occupied by the use and expanded area requested are described by a survey, a metes and bounds description or a plat sufficient to accurately describe the boundaries of the existing use and proposed expansion.
- I. The actual ground space occupied by a nonconforming use that has an associated building may also be expanded by up to fifty (50) percent, in accordance with the provisions of subsection H of this section, either separately or in conjunction with an enlargement of the nonconforming building in accordance with the provisions of subsection G of this section.
- J. Any mobilehome located in a district other than a mobilehome park district from and after the effective date of this title shall be considered as a nonconforming use of the land under the provisions of this title; provided, however, that the replacement of a mobilehome with a newer or improved model mobilehome by an owner occupying the existing mobilehome under the provisions of the special use regulations of Section 17.56.030 shall not be considered such a change so as to alter the preexisting nonconforming use. It is

further provided that the owner referred to hereinabove shall have occupied the existing mobilehome for a period of no less than twelve (12) months preceding the filing of the application for the special use permit required hereunder.

(Prior code § 29-19)

17.56.030 Special use regulations.

A. Subject to the provisions of this section, the board of aldermen of the city may, after a public hearing before the board of aldermen, and after study and report by the city planning and zoning commission, authorize the special uses enumerated in this section in any district as qualified in this chapter from which such uses are otherwise prohibited based on whether such building or use will:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the character of the neighborhood;
3. Substantially increase fire hazards;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities;
6. Be in conflict with the city's comprehensive plan.

If the board's findings should be negative to the above, then the application may be granted; if affirmative as to any subject, then such permit shall be denied. In the granting of a special use permit, the board of aldermen may impose, and the planning and zoning commission may recommend, appropriate conditions and safeguards as may be deemed necessary to ensure compliance with the requirements of this zoning ordinance and to protect adjacent property and conserve values.

B. Applications for special use permits shall be made and processed in the same manner as provided for zoning amendments in Section 17.64.040.

C. The following special uses are authorized, providing they comply with all the regulations set forth in this title for the district in which such use is located:

1. All uses for which special use permits are required by other sections of this title;
2. Child- or day-care center, or nursery school, or in an R-1, R-2, R-3, R-4, R-5, C-1, C-2 or C-3 district;
3. Public schools, or private schools having a curriculum similar to public schools, in an R-1 or R-2 district;
4. Churches and similar places of worship, including Sunday schools, in an R-1 or R-2 district;
5. Fraternal organizations and other private clubs in an R-1 or R-2 district;
6. Certain home occupations under special conditions (see Section 17.04.020, Definitions) in an R-1, R-2, R-3, R-4, R-5, or C-1 district;
7. Hospitals and institutions of an educational, religious, charitable or philanthropic nature in an R-1 or R-2 district;
8. Cemeteries and mausoleums in any R or C district;
9. Hospital or medical clinic in an R-5 or C-1 district;
10. Any C-2 use in an R-5 district;
11. Any R-5 use in an MH district;
12. Single-family, two-family and multiple-family dwelling in a C-1 district;
13. Automobile service or gasoline filling station in a C-1 district;
14. Wholesale or distributing establishment, or warehouse, or wholesale market in a C-2 district;
15. Petroleum product storage in an I-1 district;
16. Any C-2 nonresidential use in an I-1 district;
17. Farming and associated agricultural uses in an I-2 district;

18. Certain heavy industrial uses in an I-2 or I-3 district (see Chapters 17.40 and 17.44, I-2 and I-3 district regulations);
19. Wholesale merchandising in an I-3 district;
20. Public works buildings, public utility service yards and electrical substations in an I-3 district;
21. Replacement of a nonconforming mobilehome with a newer or improved mobilehome by an owner occupying the existing mobilehome (see Section 17.56.020, Nonconforming uses);
22. Single mobilehomes in any district for emergency and temporary use only;
23. Greenhouse or nursery in an R-1, C-1 or C-2 district;
24. Commercial, recreational or amusement development for temporary or seasonal periods only;
25. Commercial radio or television tower or broadcasting station;
26. Riding stables, including "hobby" stables, in residential or C districts;
27. Removal of gravel, topsoil or similar natural materials, with safeguards for the protection of adjoining property and the community as a whole;
28. Buildings in excess of the height and story requirements set forth in Sections 17.52.010 through 17.52.060;
29. Parking lots on land in R districts, within three hundred (300) feet from the boundary of any C or I district, provided the following standards are met:
 - a. Ingress and egress to such lot shall be from a street directly serving the commercial, business or industrial district.
 - b. No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.
 - c. No structures shall be erected on the parking area except as provided for under subsection (29)(g) of this section.
- d. No sign shall be erected on the parking area, except as approved by the board of aldermen.
- e. Parking areas shall be used for the parking of patrons using private passenger vehicles only, and no charge shall be made for parking within such premises.
- f. The parking shall be set back in conformity with the established or required yards for residential uses; and, where a parking area adjoins a dwelling use, it shall have a minimum side yard of ten feet.
- g. The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris;
30. Bed and breakfast dwellings in an R-2, R-3, R-4, R-5, or C district;
31. Commercial radio, television or telecommunication towers in a C-2 or I district with special use permit only;
32. Private radio, television or telecommunication towers in R districts in excess of sixty (60) feet with special use permit only. (Ord. 4616 § 2, 2005; Ord. 3801 § 1, 1998; Ord. 3638 § 5, 1998; prior code § 29-20) (Ord. No. 5235, §§ 23—29, 6-21-11)

17.56.040 Community unit plan.

The owner of any tract of land may request a special use permit for the use of and development of such tract for residential or for residential in combination with shopping center uses, as set forth in the regulations for planned commercial districts in Chapter 17.36. The proposed development plan shall be referred to the planning and zoning commission for study and report. The report of the planning and zoning commission shall include specific evidence and facts relating the conditions and approval enumerated in this section.

A. Approval by the board of aldermen shall be coordinated upon specific findings that the proposed community unit plan meets the following conditions:

1. That the proposed development of any C-4 planned commercial district in-

- cluded as a part of the plan complies with the regulations for those districts as set forth in Chapter 17.36.
2. That the buildings located in the area, other than those within a C-4 district, shall be used only for single-family dwellings, two-family dwellings or multiple-family dwellings and the usual accessory uses, such as private parking or parking garages and storage space, or for community activities, including churches and schools.
 3. That the average lot area per family contained in the site, exclusive of any area within a C-4 district or occupied by streets, will not be less than the lot area per family required in the district in which the development is located.
 4. That the area is adaptable to complete community development, being bounded by major thoroughfares, streets, railroads or other external barriers, and insofar as possible without a major thoroughfare extending through the project, or any other physical feature which would tend to impair the neighborhood or community cohesiveness.
 5. That the plan will provide for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.
 6. That no more than twenty-five (25) percent of the gross area of the project will be devoted to a C-4 district, and that no more than fifty (50) percent of the gross area of the project located within the R-1 or R-2 district will be devoted to multiple-family dwellings.
 7. That sufficient area is reserved for recreational and educational facilities to meet the needs of the anticipated population, or as designated by the city's comprehensive plan.
 8. That property adjacent to the area included in the plan will not be adversely affected; and to this end, the board of aldermen may require, in the absence of any appropriate physical barrier, that uses of least intensity or a buffer of open space or screening will be arranged along the borders of the project.
 9. That the plan is consistent with the intent and purpose of this title to promote public health, safety, morals and general welfare.
- B. If the board of aldermen approves the plan, building permits may be issued, even though the use of the land and the location and height of the buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.
 - C. An application for a special use permit under this section may be made and processed contemporaneously with a proposed amendment of the zoning district or districts in which such site lies.
 - D. A special use permit shall automatically expire upon the failure to develop the use of the land for which the special use permit has been issued, if the use is not substantially developed within two years after the permit has been issued.

(Prior code § 29-21)

(Ord. No. 5235, § 30, 6-21-11)

Chapter 17.60

OFF-STREET PARKING AND LOADING

Sections:

- 17.60.010 Scope.
- 17.60.020 Generally.
- 17.60.030 Procedures and standards.
- 17.60.040 Determination of number of spaces required.
- 17.60.050 Schedule of minimum parking spaces required.

17.60.010 Scope.

The regulations set forth in this chapter are in addition to, qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title. (Prior code § 29-18 (part))

17.60.020 Generally.

Except as otherwise provided in this title, off-street parking and loading spaces shall be provided at the time any building or structure is erected or structurally altered, and all required parking spaces shall be located on the same lot on which the building or use served is located. (Prior code § 29-18(1))

17.60.030 Procedures and standards.

Prior to the issuance of any building permit, the zoning administrator shall ensure that the provisions of this chapter have been met:

- A. Plans. All applications for a building permit for a new or enlarged (fifty (50) percent or more in floor area) building, structure or use, or for a variance involving the construction or enlargement of any building, structure or use, shall include plans for at least the minimum number of parking and loading spaces as herein required and the means of access to the spaces.
- B. Size. A required off-street parking space shall contain an area of not less than one hundred forty-four (144) square feet and be not less than eight feet wide by eighteen (18) feet long, measured perpendicularly to the sides of the parking space, exclusive of access drives or circulation aisles. Aisles between opposed vehicular parking spaces shall be not less than ten feet in width when serving automobiles parked at a forty-five (45) degree angle in one direction nor less than twenty (20) feet in width when serving automobiles parked perpendicularly. An off-street loading space (exclusive of adequate access drives and maneuvering space) shall have minimum dimensions of twelve (12) feet by thirty-five (35) feet and an overhead clearance of not less than fourteen (14) feet in height above grade.
- C. Access. Parking facilities shall be designed with the appropriate means of vehicular access to a street or alley in such a manner as to least interfere with the movement of traffic. No driveway or curb cut in any residential or commercial district shall exceed twenty-four (24) feet in width.
- D. Required Setbacks. For single-family or two-family dwellings, no parking space nor portion thereof established on the same lot with the dwelling shall be located within a required front yard. On corner lots, no parking space shall be permitted in the required side yard adjacent to the street.
- E. Surfacing. All open off-street parking or loading areas, except those accessory to single-family or two-family dwellings, shall be improved with compacted rock not less than four inches thick. All paved parking spaces shall be properly marked with durable paint in strips at a minimum of four inches wide and extending the length of the parking space.
- F. Lighting. Any lighting used to illuminate an off-street parking or loading area shall be arranged so as to reflect the light away from all adjoining properties to the extent possible. No flashing lights or lights simulating movement shall be permitted.
- G. Stormwater Drainage. Adequate stormwater drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk

would be detrimentally affected or inconvenienced.

(Prior code § 29-18(2))

17.60.040 Determination of number of spaces required.

In computing the number of parking and loading spaces required, the following rules shall govern:

- A. "Floor area" shall mean the floor space within the inside line of walls and includes the total of all floors of a building. It does not include porches, garages, space in a basement or cellar, when such basement or cellar space is used for storage, or incidental uses, such as restrooms, kitchens and bar areas.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- C. The parking and loading spaces required for a use not specifically listed herein shall be the same as required for a use of similar nature as determined by the zoning administrator.
- D. Accessory off-street parking and loading spaces in existence on the effective date of this title (October 21, 1987) may not be reduced in number unless already exceeding the requirements of this chapter for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.
- E. Whenever a building or use, constructed or established after the effective date of this title, is changed or 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 or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use, existing prior to the effective date of this title, is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, the building or use shall then and thereafter comply with the parking requirements set forth herein.

- F. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(Prior code § 29-18(3))

17.60.050 Schedule of minimum parking spaces required.

- A. Residential:
 - 1. One-family dwellings: one parking space for each dwelling unit.
 - 2. Two-family and multiple-family dwellings: one and one-half parking spaces for each dwelling unit.
 - 3. Boarding, lodging or rooming house: one parking space for each dwelling unit for permanent residence, plus one parking space for every two sleeping rooms.
- B. Commercial, Industrial and Institutional:
 - 1. Auto sales or garage: one parking space for every one thousand (1,000) square feet of floor area in the building, or one parking space for each employee, plus four parking spaces for each maintenance stall, whichever is greater.
 - 2. Bank or savings and loan institution: one parking space for every two hundred (200) square feet of floor area.
 - 3. Bowling alley, recreation center, skating rink and other similar recreation and amusement facilities: one parking space for every five customers, computed on the basis of maximum servicing capacity at any one time, plus one additional space for every two persons regularly employed on the premises.
 - 4. Business, professional or public office building: three parking spaces for the first one thousand (1,000) square feet of floor area, plus one parking space for every additional four hundred (400) square feet of floor area over one thousand (1,000).
 - 5. Church or similar place of worship: one parking space for every four seats in the

- main auditorium (every thirty (30) inches of pew or bench is considered one seat).
6. Clothing store or shoe repair or service shop: three parking spaces for the first one thousand (1,000) square feet of floor area, plus one parking space for every additional four hundred (400) square feet of floor area.
 7. Clubhouses and permanent meeting places of veterans, business, civic, fraternal, labor or similar organizations: one parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building, plus one additional space for every two persons regularly employed on the premises.
 8. Community center, library, museum or art gallery: ten parking spaces for the first two thousand (2,000) square feet of floor area, plus one parking space for every additional three hundred (300) square feet of floor area.
 9. Dance hall, assembly or exhibition hall without fixed seats: one parking space for every one hundred (100) square feet of floor area used therefor.
 10. Department or variety store: parking or storage for all vehicles used directly in the conduct of business, plus four parking spaces for the first one thousand (1,000) square feet of floor area, and one parking space for every additional five hundred (500) square feet of floor area.
 11. Funeral home, mortuary or undertaking establishment: parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for every two persons regularly employed on the premises, and one space for every four seats in the auditorium or chapel of such establishment.
 12. Furniture, appliance or hardware store: parking or storage space for all vehicles used directly in the conduct of the business, plus three parking spaces for the first one thousand (1,000) square feet of floor area, and one parking space for each additional one thousand (1,000) square feet of floor area.
 13. Golf course: parking or storage for all vehicles directly used in the operation of the course, plus eighteen (18) parking spaces for every nine holes, and one parking space for each person employed on the premises.
 14. Grocery or convenience food store: parking or storage space for all vehicles used directly in the conduct of the business and one parking space for every two employees, plus four parking spaces for every one thousand (1,000) square feet of floor area.
 15. Home occupation: three parking spaces, which number may include the required spaces for the residential dwelling and available driveway space.
 16. Hospital: one parking space for each employee and staff person on the premises, based on the maximum employment on the largest shift, and one parking space for every four beds for patients.
 17. Hotel or motel: one parking space for every two persons regularly employed on the premises, and one parking space for each rental unit, plus one parking space for every two hundred (200) square feet of floor area for any commercial uses contained within or operated in association with the hotel or motel.
 18. Industrial or manufacturing plants and facilities: parking or storage spaces for all vehicles used directly in the conduct of the industrial operation, plus one parking space for every two employees on the premises based on the maximum employment on the largest shift.
 19. Machinery or equipment sales or service: parking or storage space for all vehicles used directly in the operation of the business, plus two parking spaces for the first

- one thousand (1,000) square feet of floor area, and three parking spaces for every additional one thousand (1,000) square feet of floor area.
20. Medical or dental clinic: one parking space for each doctor practicing in the building, and one parking space for every two persons regularly employed in the building, plus four parking spaces for every one thousand (1,000) square feet of floor area, or two parking spaces for each examination room, whichever is greater.
 21. Nursery school: two parking spaces, plus one additional space for every five hundred (500) square feet of floor area.
 22. Nursing, rest or convalescent home: one parking space for every two beds occupied at a maximum capacity, plus one parking space for every two regular employees on the premises.
 23. Outdoor retail or wholesale business: parking or storage for all vehicles used directly in the conduct of the business, plus two parking spaces for each person employed on the premises, based on maximum seasonal employment, and such additional spaces as may be required by the planning and zoning commission, based on the nature of the business and other relevant factors.
 24. Repair shop, plumbing shop, electrical shop or other similar service establishment: parking or storage spaces for all vehicles used directly in the operation of the business, plus two parking spaces for each person regularly employed on the premises.
 25. Research or testing laboratory, creamery, bottling plant or similar establishment: parking or storage for all vehicles used directly in the conduct of the business, plus one parking space for every two employees on the premises, based on the maximum employment on the largest shift.
 26. Restaurant, bar, nightclub, cafe or other similar eating, drinking or amusement establishment: one parking space for every two employees on the premises, based on the maximum employment on the largest shift, and one parking space for every two hundred (200) square feet of floor area.
 27. Retail business or personal service establishment not specifically listed herein: one parking space for each vehicle used directly in the conduct of the business, plus one parking space for every two hundred (200) square feet of floor area.
 28. Self-service laundry: one parking space for every two washing machines.
 29. Service or gasoline filling station: parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for each gas pump or battery of gas pumps, three parking spaces for each grease rack or similar service bay and one parking space for every two employees, based on the maximum employment on the largest shift.
 30. School (elementary or junior high school): one parking space for each staff member and person regularly employed on the premises, plus two parking spaces for each classroom.
 31. School (high school, college or technical school): one parking space for each staff member and person regularly employed on the premises, plus five parking spaces for each classroom.
 32. Theater, auditorium, stadium, gymnasium, sports arena or similar place of public assembly: one parking space for every five seats or seating spaces available at maximum capacity (where bench seating is used, every thirty (30) inches of bench space is considered one seat).
 33. Warehouse, freight or trucking terminal: parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for every two employees on the premises, based on the maximum employment on the largest shift.

34. Wholesale establishment: parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for every two employees on the premises, based on the maximum employment of the largest shift.

C. Exceptions.

1. All parking spaces required herein shall be located on the same lot or parcel of land as the main building or use being served, except that the required parking may be provided on a separate lot or parcel of land not over three hundred (300) feet from the main building or use, if the parking facilities are located in the same zoning district as the principal permitted use or in a less restricted zoning district.
2. Where an increase in the number of parking spaces is required by a change or enlargement in an existing use, or where the required spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained on a separate lot or parcel of land not over three hundred (300) feet from the existing use or any of the establishments jointly or collectively using the parking facilities; provided that the parking facilities are located in the same zoning district or a less restricted zoning district as the uses served, and the provisions of subsection (C)(4) of this section below are met.
3. Up to fifty (50) percent of the parking spaces required for: (i) theaters, public auditoriums, bowling alleys, dance halls, nightclubs or cafes, and up to one hundred (100) percent of the parking spaces required for a church or school auditorium, may be provided and used jointly by: (ii) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in subdivision (i); provided, however, that a written agreement thereto is properly executed and filed as specified below.
4. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and execution by the city attorney, and shall be filed with the application for a building permit.
5. Nonresidential Parking in Residential Districts. Accessory off-street parking facilities serving nonresidential uses of property may be permitted in any residential district, when located not more than three hundred (300) feet from the boundary of any commercial or industrial district and when authorized by the board of aldermen after review and study by the planning and zoning commission. The provision of nonresidential parking in residential districts shall be subject to the special use regulations of this chapter (see Section 17.56.030) and to the following requirements:
 - a. Ingress and egress to such parking lot shall be from a street directly serving the commercial, business or industrial districts in which the uses intended to be served are located.
 - b. The parking lot shall be used solely for the parking of passenger automobiles.
 - c. No commercial repair service or work of any kind shall be conducted on the parking lot, nor shall any sale or display for sale of vehicles be conducted thereon.
 - d. No sign of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on the parking lot.

- e. The parking lot may be open from seven a.m. to nine p.m. and shall be closed at all other times; provided, however, that when supervised by one or more full-time attendants, the parking lot may be kept open until twelve midnight. Parking lot lights shall be turned off when the lot closes.
- f. Each entrance to and exit from the parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district, except where ingress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot.
- g. The parking area shall be set back in conformity with the established or required yards for residential uses; and, where a parking area adjoins a dwelling use, it shall have a minimum side yard of ten feet.
- h. The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.
- i. In addition to the foregoing requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the board of aldermen for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

D. Off-Street Loading Requirements. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the same premises off-street loading space in accordance with the following requirements. Such space shall be in addition to and not considered as meeting a part of the requirements for off-street parking. Each required loading space shall

have minimum dimensions of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet:

1. Retail business, service establishments and similar uses:
 - a. In C-1 and C-2 commercial districts: one off-street loading space for every ten thousand (10,000) square feet, or fraction thereof, of gross floor area.
 - b. In C-3 business and C-4 commercial districts: one off-street loading space for every fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area.
2. Industrial, manufacturing or similar use: one off-street loading space for every fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area.
3. Warehouse or wholesale storage facility: one off-street loading space for every seven thousand five hundred (7,500) square feet, or fraction thereof, of gross floor area.
4. Freight terminal or trucking terminal: one off-street loading space for every five thousand (5,000) square feet, or fraction thereof, of gross floor area.

(Prior code § 29-18(4))

(Ord. No. 5235, §§ 31, 32, 6-21-11)

Chapter 17.64

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.64.010 Site plan review.
- 17.64.020 Enforcement.
- 17.64.030 Zoning board of adjustment.
- 17.64.040 Amendments.
- 17.64.050 Violation—Penalty.

17.64.010 Site plan review.

- A. The purpose of a site plan review is to ensure that the design and layout of certain developments permitted will constitute suitable development and will not result in a detriment to the neighborhood or the environment. All proposals for condominium units are subject to the provisions of this section, and no condominiums shall be erected or externally enlarged except in conformity with a site plan bearing an endorsement of approval from the board of aldermen.
- B. All applications for site plan review shall be made and processed in the same manner as provided for zoning amendments in Section 17.64.040. An applicant for site plan review shall file a copy of an application form and a site plan with the board of aldermen. Unless this requirement is waived by the board of aldermen, the site plan shall be prepared by a registered professional engineer or architect. The site plan shall include and be accompanied by the following items and information:
1. The site plan shall show all existing and proposed buildings, existing and proposed contour elevations, structures, parking spaces, driveway openings, driveways, service areas, facilities for sewage, refuse and other waste disposal and for surface water drainage, and landscape features, such as fences, walls, planting areas, walks and lighting, both existing and proposed. The site plan shall also show the relation of the above features to adjacent ways and prop-

erties. The site plan shall also show all contiguous land owned by the applicant or by the owner of the property which is the subject of the application.

2. The applicant shall submit such material as may be required regarding design features to integrate the proposed development into the existing landscape, to enhance aesthetic assets and to screen objectionable features from neighbors.
3. The applicant shall submit such material as may be required regarding the projected traffic flow patterns into and upon the site for both vehicles and pedestrians, and an estimate of the projected number of motor vehicle trips to and from the site for an average day.

(Ord. 3637 § 3, 1998; prior code § 29-22)

17.64.020 Enforcement.

- A. It is the duty of the person designated by the mayor as building official to administer and enforce the regulations contained in this title.
- B. It is unlawful to commence or proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or structure, or of any portion thereof, without first having applied in writing to the building official for a building permit to do so, and until a building permit has been granted therefor.

(Prior code § 29-23)

17.64.030 Zoning board of adjustment.

- A. A board of adjustment is created. The word "board" when used in this section, shall be construed to mean the board of adjustment. The board shall consist of five members, who shall be residents of the city, appointed by the mayor and approved by the board of aldermen, each to be appointed for a term of five years; excepting that, when the board shall first be created, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of

two years and one for a term of one year. Three alternate members may be appointed to serve in the absence or disqualification of the regular members. All members and alternates shall be removable for cause by the mayor and board of aldermen upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term only of any member whose term becomes vacant. The board shall elect its own chairman and vice chairman who shall serve for one year.

- B. The board of adjustment shall adopt rules for the conduct of its business, establish a quorum and procedure and keep a public record of all findings, decisions and minutes of its meetings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine, and all meetings shall be open to the public. Any meeting at which an appeal is to be heard shall be a public meeting with public notice of such meeting and business to be carried or published in a newspaper of general circulation in the city at least one time, seven days prior to the meeting, as well as due notice to the parties in interest. Upon the hearing, any party may appear in person or by agent or attorney. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- C. An appeal may be taken to the board of adjustment by any person, group or organization, public or private, affected by a decision of the zoning administrator. Such appeal shall be taken within such time as prescribed by the board by general rule by filing with the zoning administrator a notice of appeal specifying the grounds thereof. A fee of forty dollars (\$40.00) shall accompany all notices of appeals. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of adjust-

ment, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the zoning administrator and on due cause shown.

- E. The board of adjustment shall have the following powers:
 1. To hear and decide appeals, where it is alleged that there is an error in any order, requirement, decisions or determination made by the zoning administrator in the enforcement of this chapter; and may affirm or reverse, in whole or part, the decision of the zoning administrator;
 2. To hear and decide all matters referred to it or upon which it is required to pass under the provisions of this title;
 3. To hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship, due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The board of adjustment shall not permit, as a variance, any use in a district that is not permitted under this title. The board of adjustment may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property;
 4. To hold public hearings on and decide the following exceptions to or variations of this chapter:
 - a. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of the adoption of this title,

- b. Interpret the provisions of this title in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning district map, where the street layout on the ground varies from the street layout as shown on this map,
 - c. Permit reconstruction of a nonconforming building otherwise prohibited by Section 17.56.020,
 - d. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition, when related to the yard regulations of this chapter, would prevent a reasonable or sensible arrangement of buildings on the lot,
 - e. Vary the parking regulations by not more than fifty (50) percent, where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this title, or where it can be conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.
- F. In exercising the above-mentioned powers, the board of adjustment may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the zoning administrator. In considering all appeals to the provisions of this title, the board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the zoning district map and will not impair an adequate supply of light and air to adjacent property; or increase congestion in public streets; or increase the danger of fire; or materially diminish or impair established property values within the surrounding area; or in any other respect impair the public health, safety, comfort, morals and welfare of the city. Every change granted or denied by the board shall be accompanied by a written finding of fact, specifying the reason for granting or denying the variation. The decision of the board shall be made a part of any building permit in which the variation is allowed. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this title.
- G. Any person or persons jointly or severally aggrieved by any decision of the board of adjustment, or any officer, department, board or bureau of the municipality, may present to the circuit clerk of Perry County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board of adjustment. Upon presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and materials to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence, or appoint a referee to take such evidence as it may direct, and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence, or in bad faith or with malice in making the decision appealed from.

(Ord. 4592 § 2, 2004; Ord. 3658 § 12, 1998; prior code § 29-24)

17.64.040 Amendments.

- A. The board of aldermen may, by ordinance on its own motion or on application, amend, supplement, change, modify or repeal the boundaries or zoning designation of districts established in this chapter, under the procedures provided in this chapter and following referral thereof to the planning and zoning commission in accordance with this section.
- B. Applications for district changes shall be filed in writing with the city clerk, who shall place the application before the board of aldermen after determining that it is in proper form as provided in this chapter. All applications, except those proposed by the board of aldermen or the city planning and zoning commission, shall be accompanied by a publication fee of seventy-five dollars (\$75.00), which is to be returned to the applicant only if such publication is not made. A copy of the application shall remain on file with the city clerk for public inspection until final action thereon.
- C. The board of aldermen or the city planning and zoning commission may provide forms for applications and may require applicants to provide plats and other documents or other information it may determine to be of value in act-

ing upon the application. The board and planning commission may request the opinions and recommendations of other city boards and officers upon applications.

- D. Upon receipt of an application in proper form, the board of aldermen shall refer it to the planning and zoning commission. The board of aldermen may, by resolution, delegate the duty of such receipt and referral to the city administrator or similar official. The planning and zoning commission shall return the application to the board of aldermen with its recommendations relating thereto, and showing the number of votes for and against its action, and may include a summary of the reasons expressed for and in opposition thereto. The board of aldermen may set a date by which the recommendation shall be returned, no less than twenty (20) days from the date of such setting, and the board of aldermen may proceed without receipt of such recommendations in the absence of receipt by such date.
- E. The board of aldermen may reject an application without referring it to the planning and zoning commission and without publishing a notice of hearing if the application is made within two years of the board's rejection of a previous application seeking an amendment for the same or a larger or smaller included tract.
- F. If the planning and zoning commission recommends approval of an application in whole or in part, the board of aldermen shall set a public hearing, as provided in this section. If the planning and zoning commission recommends rejection of an application in full, the board of aldermen may set a public hearing, as provided in this section, upon its own motion; or the board of aldermen may, by motion, file such recommendation of rejection; and the application shall thereupon be deemed rejected, unless, within ten days from such filing, the applicant files a written request with the city clerk for a public hearing under this section or makes an oral request therefor at a regular or special meeting of the board of aldermen,

- whereupon the board of aldermen shall set such a public hearing. If the board of aldermen fails to approve an application in whole or in part within thirty-five (35) days after the public hearing, such application shall be deemed to have been rejected in full, unless the board of aldermen shall have expressly extended such time period prior to the expiration thereof.
- G. The board of aldermen may, by ordinance on its own motion or application, amend, supplement, change, modify or repeal the regulations or restrictions of districts established in this chapter, following the referral thereof to the planning and zoning commission, as provided in subsection D of this section.
- H. No amendment, supplement or change of the regulations or restrictions or boundaries of districts shall become effective until after the board of aldermen has held a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city. The board of aldermen may provide for the posting of notices of the hearing on the tract and for other means of notifying the public or interested persons of the proceedings.
- I. In case of an adverse report by the city planning and zoning commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the city clerk, duly signed and acknowledged by the owners of thirty (30) percent or more, either of the areas of land (exclusive of streets and alleys) included within 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, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds of all the members of the board of aldermen.
- J. In its action upon an application for change in district boundaries, the board of aldermen may grant a special use permit under Section 17.56.030, rather than the requested change in district boundaries, or may grant a change to a district which is intermediate in restrictiveness between the existing district and the requested district. However, no special use permit or change in district of this nature shall be granted, until the parties in interest have been notified by either public notice or certified mail that such permit or change is contemplated.
(Ord. 4592 § 3, 2004; prior code § 29-25)

17.64.050 Violation—Penalty.

The owner or agent of a building or premises in or upon which a violation of any provision of this title has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation, or who maintains a building or premises in or upon which 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 is wilful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00) for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment, in the discretion of the court. Any such person, having been served with an order to remove any such violation, failing to comply with the order within ten days after such notice, or continuing to violate any provision of the regulations made under authority of this title in the respect named in such order, shall be subject to a civil penalty of two hundred fifty dollars (\$250.00). (Prior code § 29-26)

APPENDIX

ZONING PROCEDURE

CITY ADOPTS ORDINANCE
ESTABLISHING CITY PLANNING
AND ZONING COMMISSION AND
PLANNING AND ZONING PROGRAM



PLANNING AND ZONING COMMISSION
MAKES STUDIES AND PREPARES
COMPREHENSIVE CITY PLAN
ORIGINAL ZONING REGULATIONS
AND DISTRICTS ARE ESTABLISHED
AS A PART OF, AND IN ACCORDANCE
WITH, THE COMPREHENSIVE PLAN



PLANNING AND ZONING COMMISSION
HOLDS PUBLIC HEARINGS ON
COMPREHENSIVE CITY PLAN

PLANNING AND ZONING COMMISSION
APPROVES ALL OR PARTS OF THE
COMPREHENSIVE PLAN AND
FORWARDS ZONING RECOMMENDATIONS
TO THE BOARD OF ALDERMEN



BOARD OF ALDERMEN HOLDS
PUBLIC HEARING ON ZONING
REGULATIONS AND DISTRICTS



BOARD OF ALDERMEN PASSES
ORDINANCE ESTABLISHING ZONING
PROGRAM AND ZONING
BOARD OF ADJUSTMENT

CITIZENS OR PLANNING COMMISSION OR BOARD OF ALDERMEN



CHANGES OR AMENDMENTS
TO
ZONING ORDINANCE



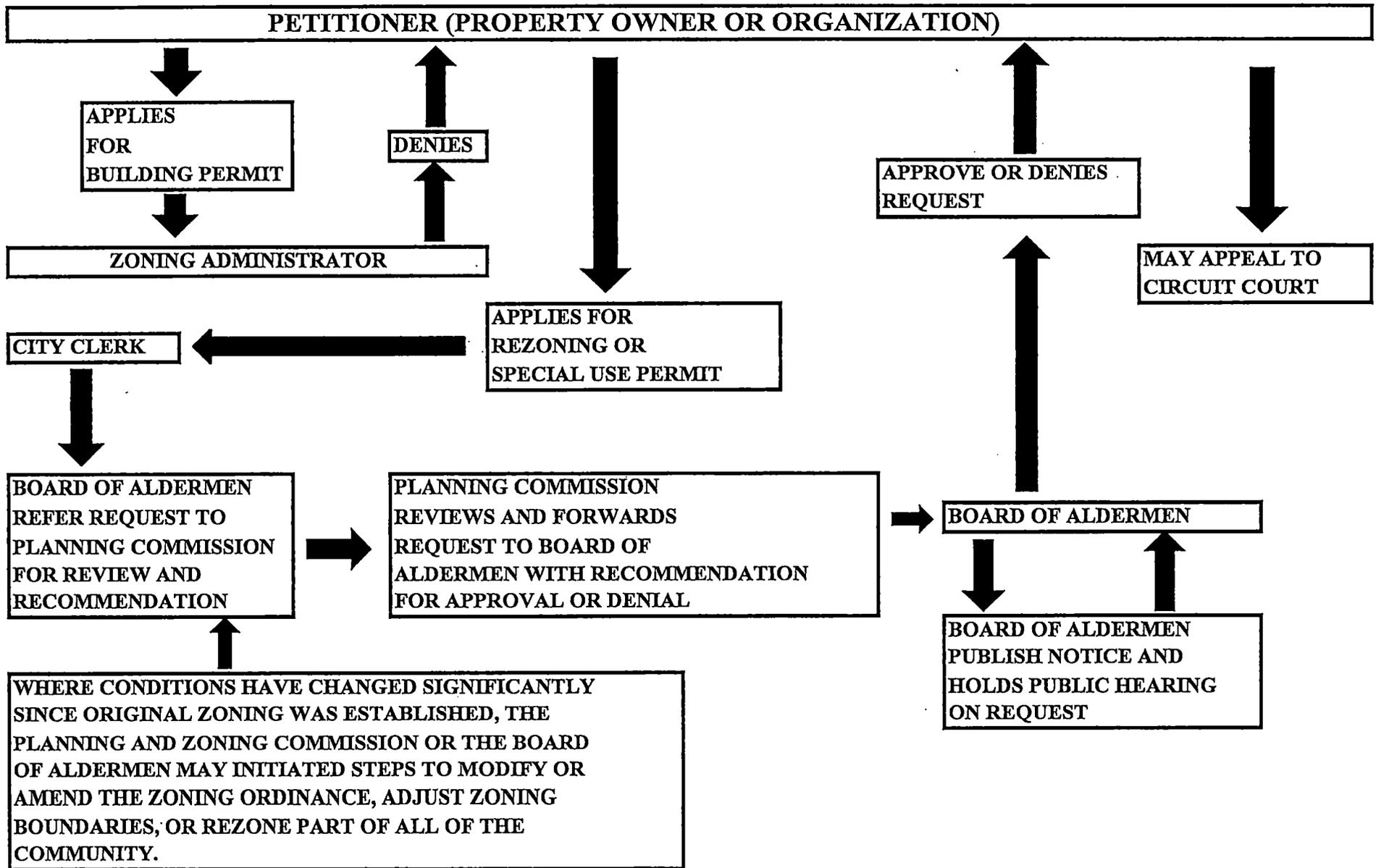
PLANNING AND ZONING COMMISSION
REVIEWS AND FORWARDS RECOMMENDATIONS
TO BOARD OF ALDERMEN



BOARD OF ALDERMEN
APPROVE OR DISAPPROVE
CHANGES OR AMENDMENTS

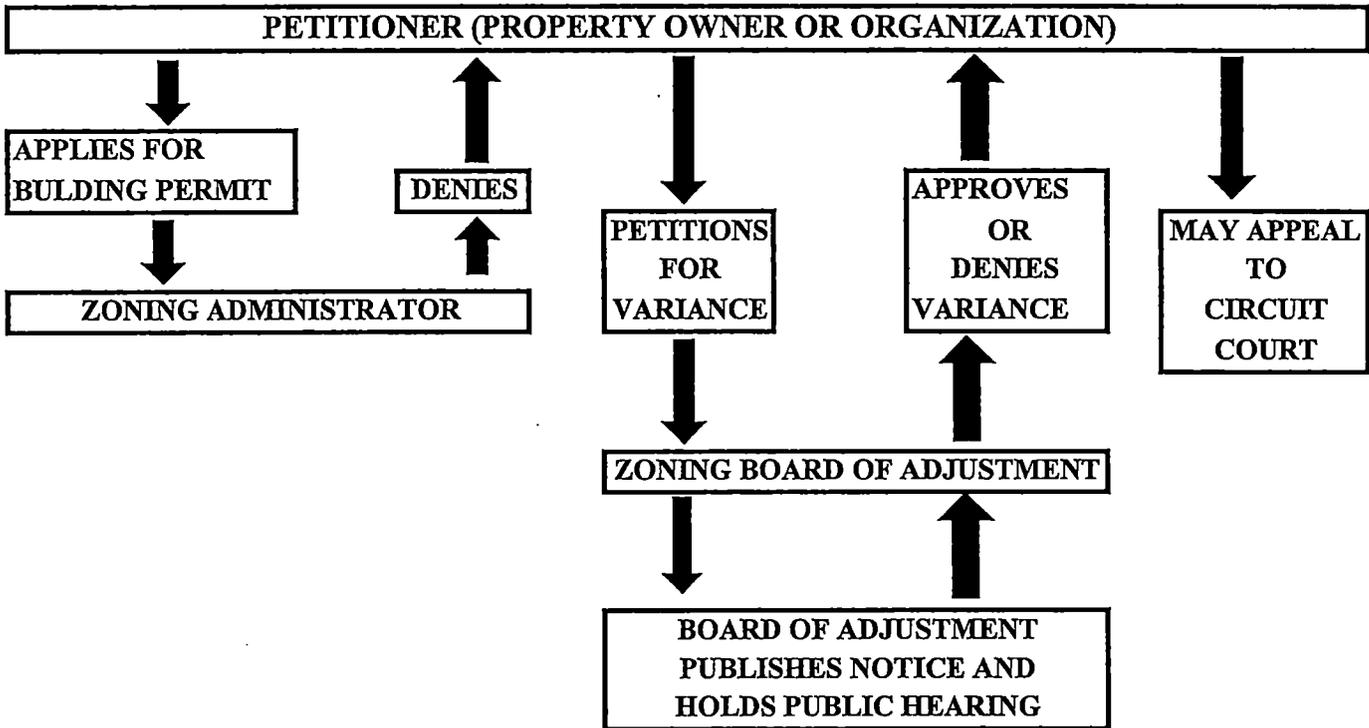


BOARD OF ALDERMEN HOLDS
PUBLIC HEARING ON PROPOSED
CHANGES OR AMENDMENTS

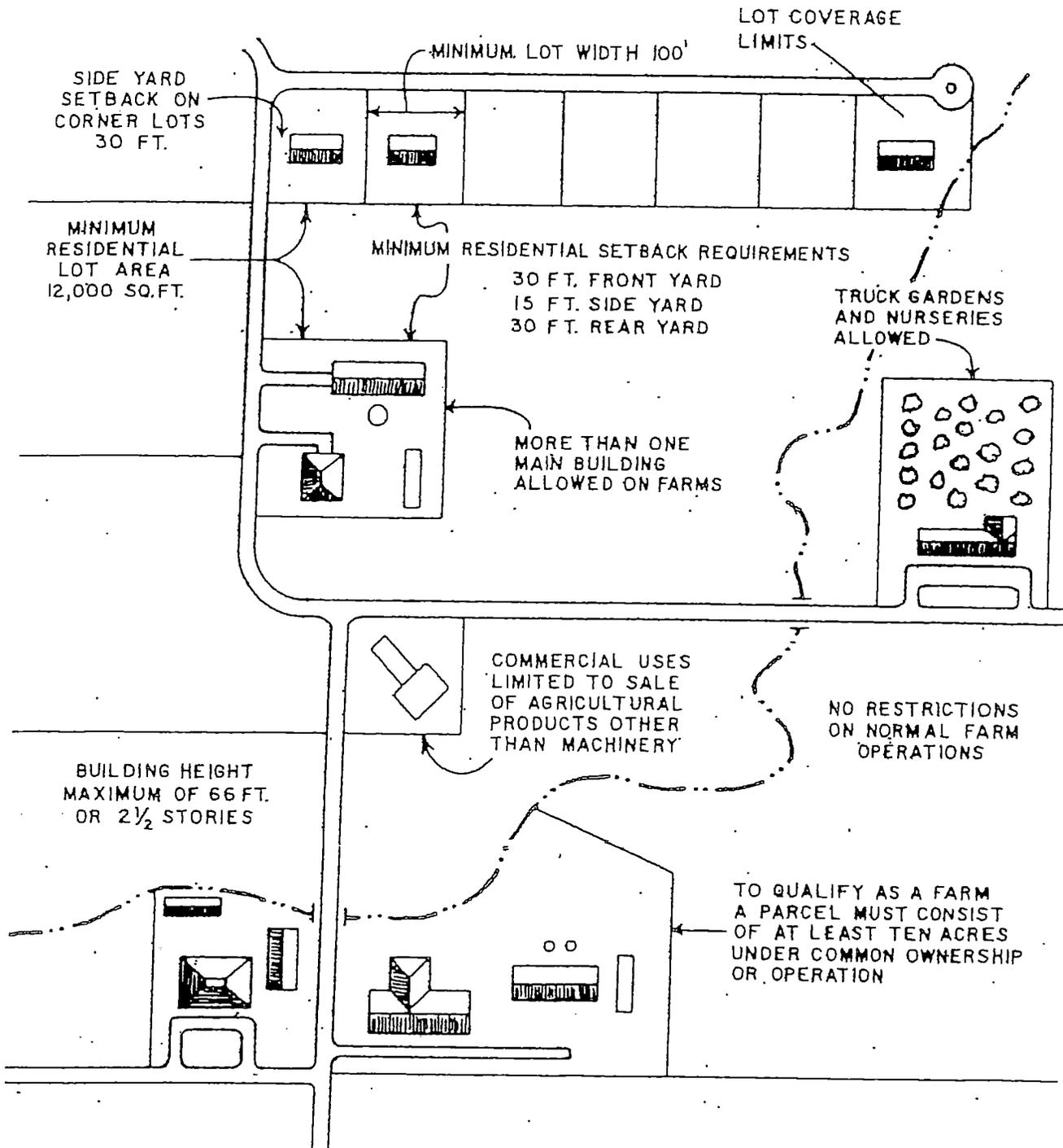


NOTE: ALL LAND ANNEXED BY THE CITY IS AUTOMATICALLY ZONED IN THE "R-1" RESIDENTIAL DISTRICT CATEGORY UNTIL, WITHIN A REASONABLE TIME AFTER ANNEXATION, THE ANNEXED TERRITORY SHALL BE APPROPRIATELY CLASSIFIED BY ORDINANCE ACCORDING TO THE ABOVE PROCEDURE. SUCH RECLASSIFICATION MAY BE INITIATED BY PROPERTY OWNERS, THE PLANNING AND ZONING COMMISSION, OR THE BOARD OF ALDERMEN.

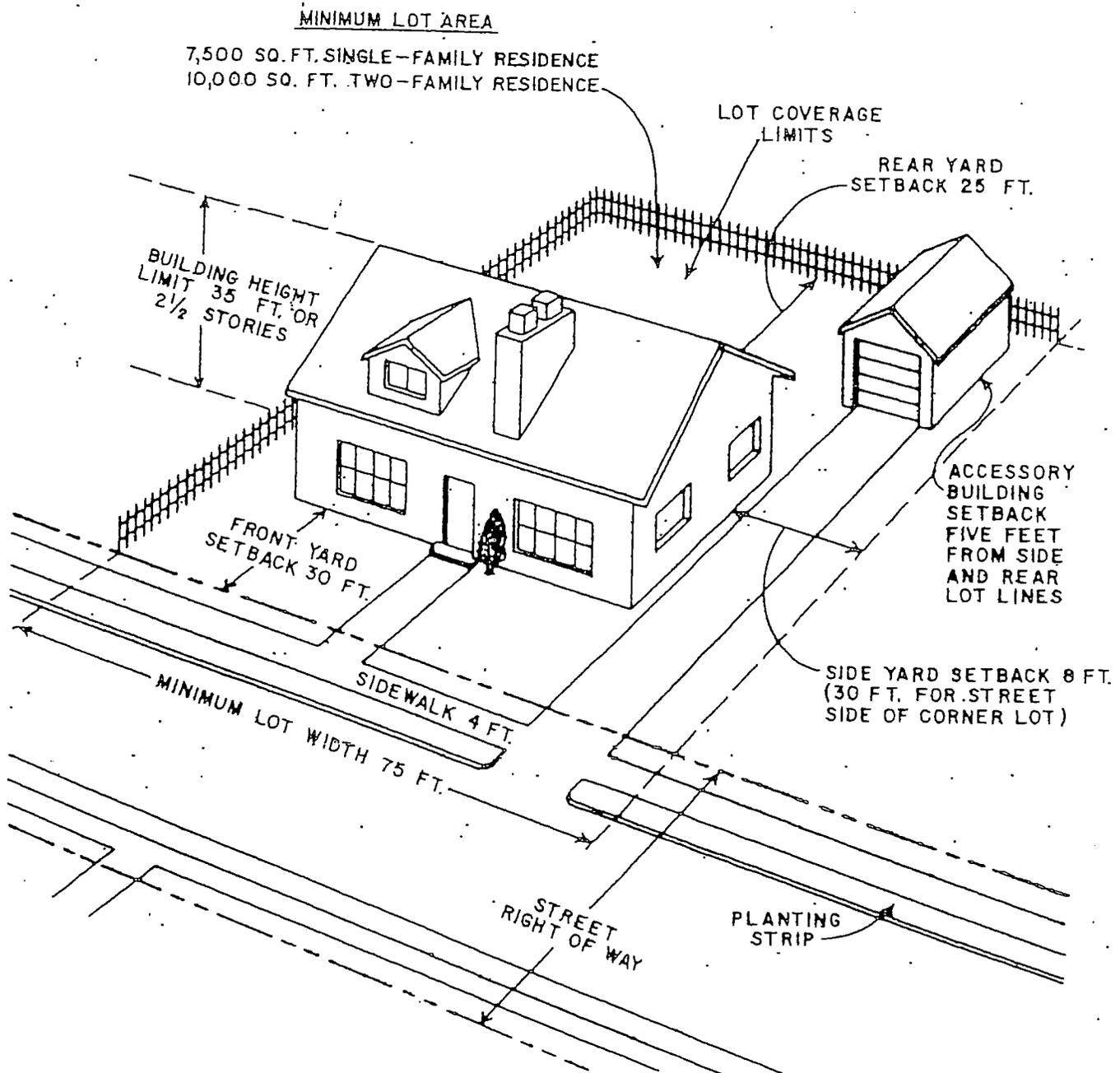
VARIANCE PROCEDURE



GENERAL "R-1" RESIDENTIAL ZONE REQUIREMENTS



GENERAL "R-2" RESIDENTIAL ZONE REQUIREMENTS



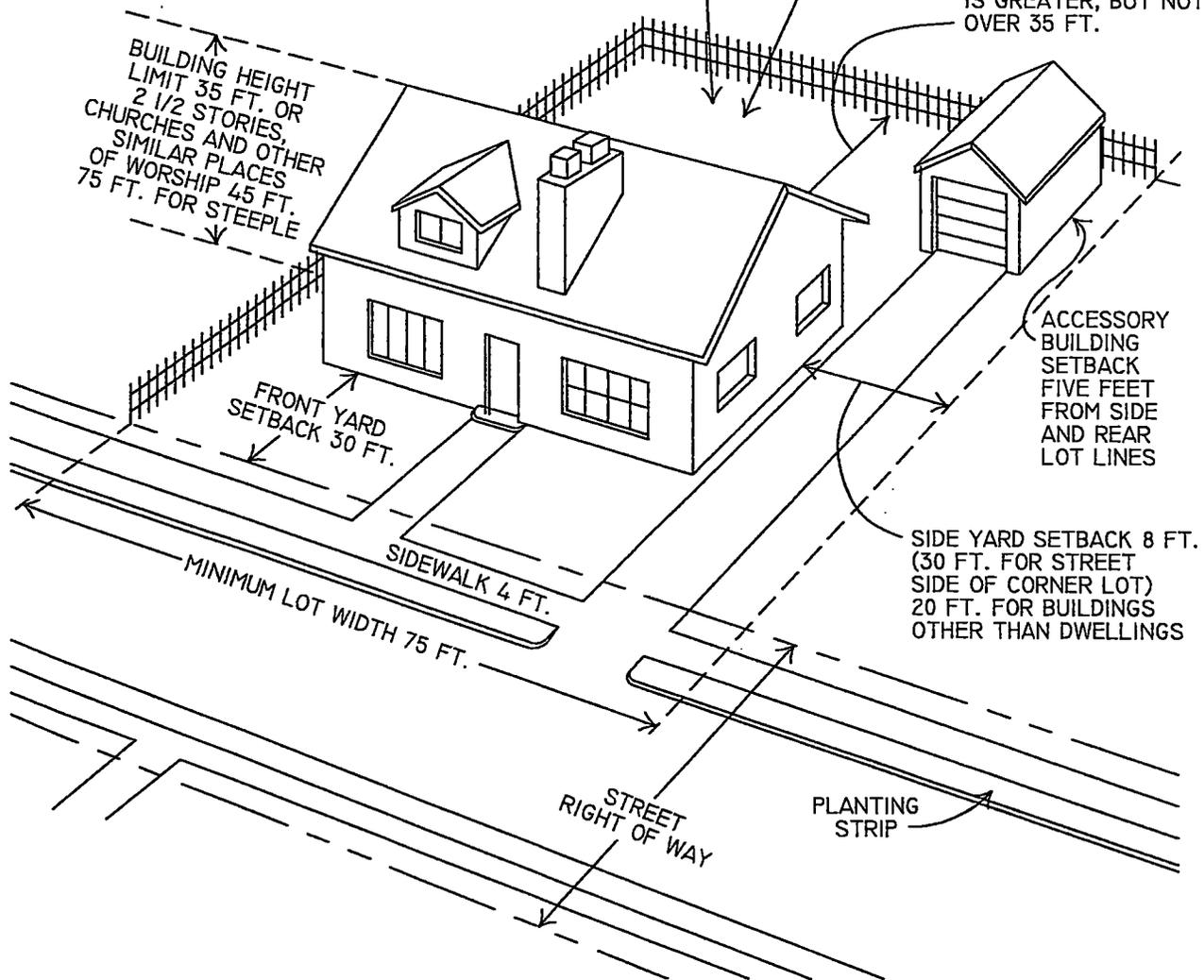
R-3 SINGLE FAMILY RESIDENTIAL ZONE REQUIREMENTS

MINIMUM LOT AREA

7,500 SQ. FT. SINGLE-FAMILY RESIDENCE
10,000 SQ. FT. TWO-FAMILY RESIDENCE
AND OTHER BUILDINGS OR STRUCTURES

LOT COVERAGE LIMITS

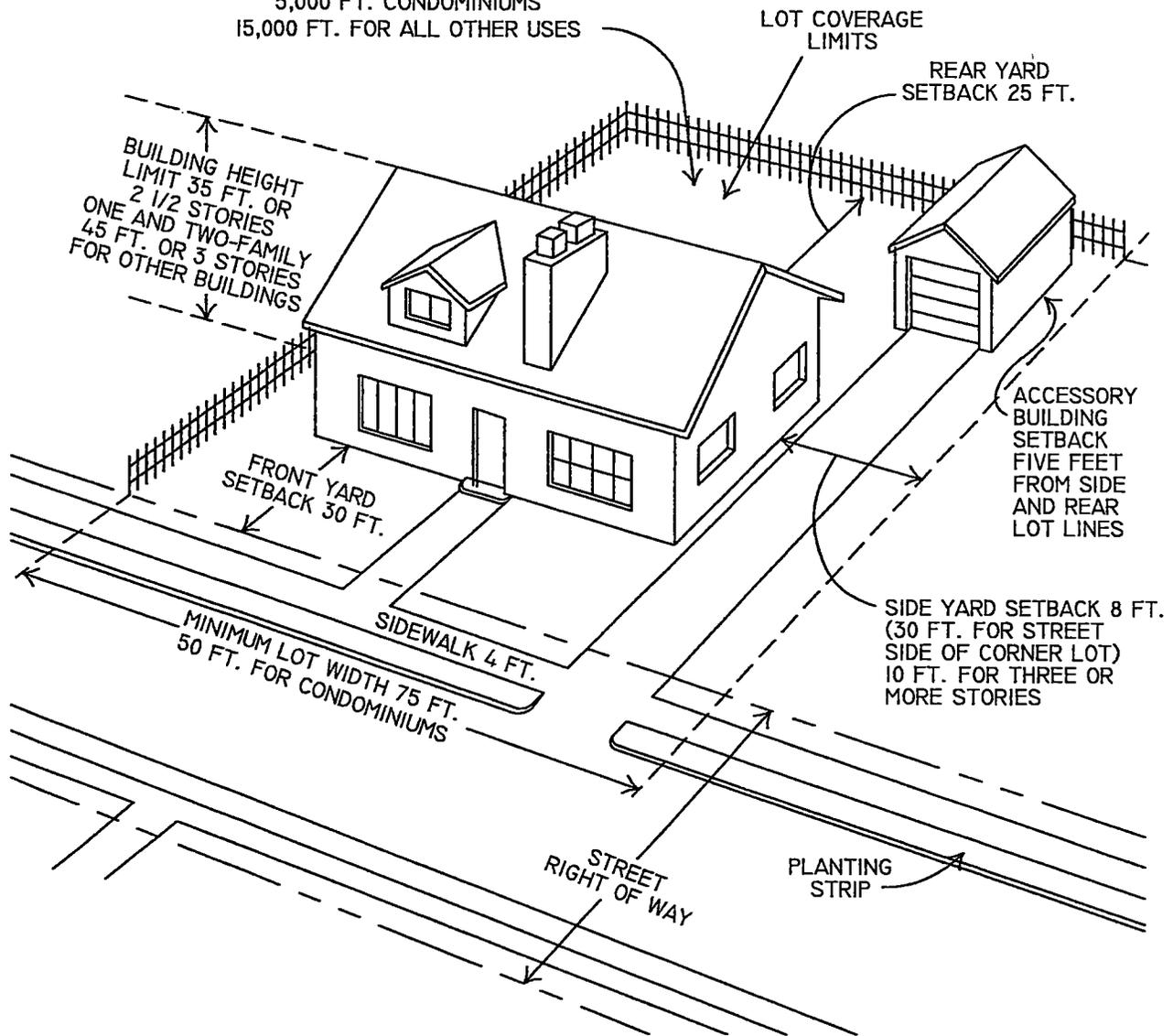
REAR YARD SETBACK
25 FT. OR 20% OF
LOT DEPTH, WHICHEVER
IS GREATER, BUT NOT
OVER 35 FT.



R-4 TWO-FAMILY RESIDENTIAL REQUIREMENTS

MINIMUM LOT AREA

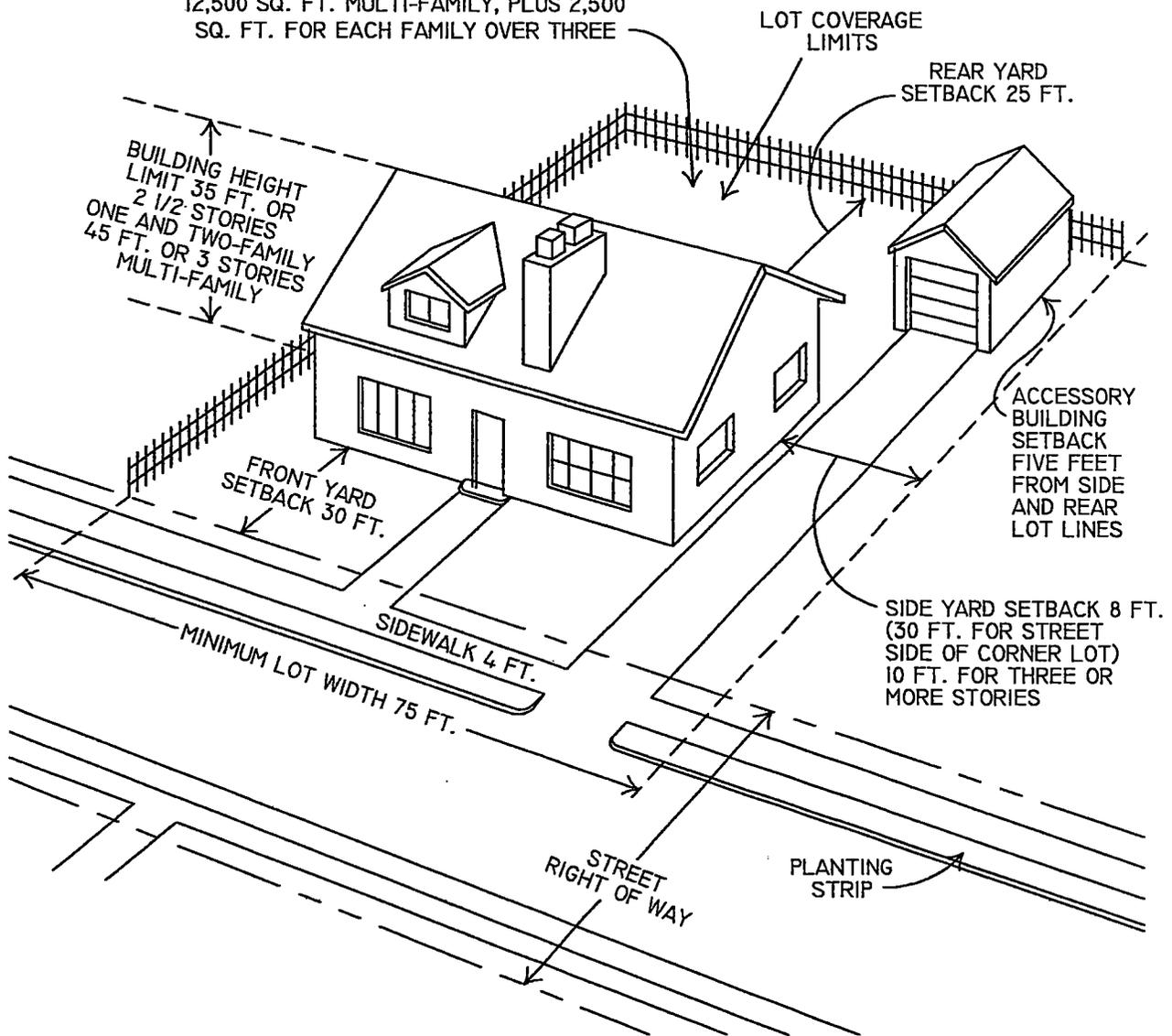
7,500 SQ. FT. SINGLE-FAMILY RESIDENCE
10,000 SQ. FT. TWO-FAMILY RESIDENCE
5,000 FT. CONDOMINIUMS
15,000 FT. FOR ALL OTHER USES



GENERAL "R-5" RESIDENTIAL ZONE REQUIREMENTS

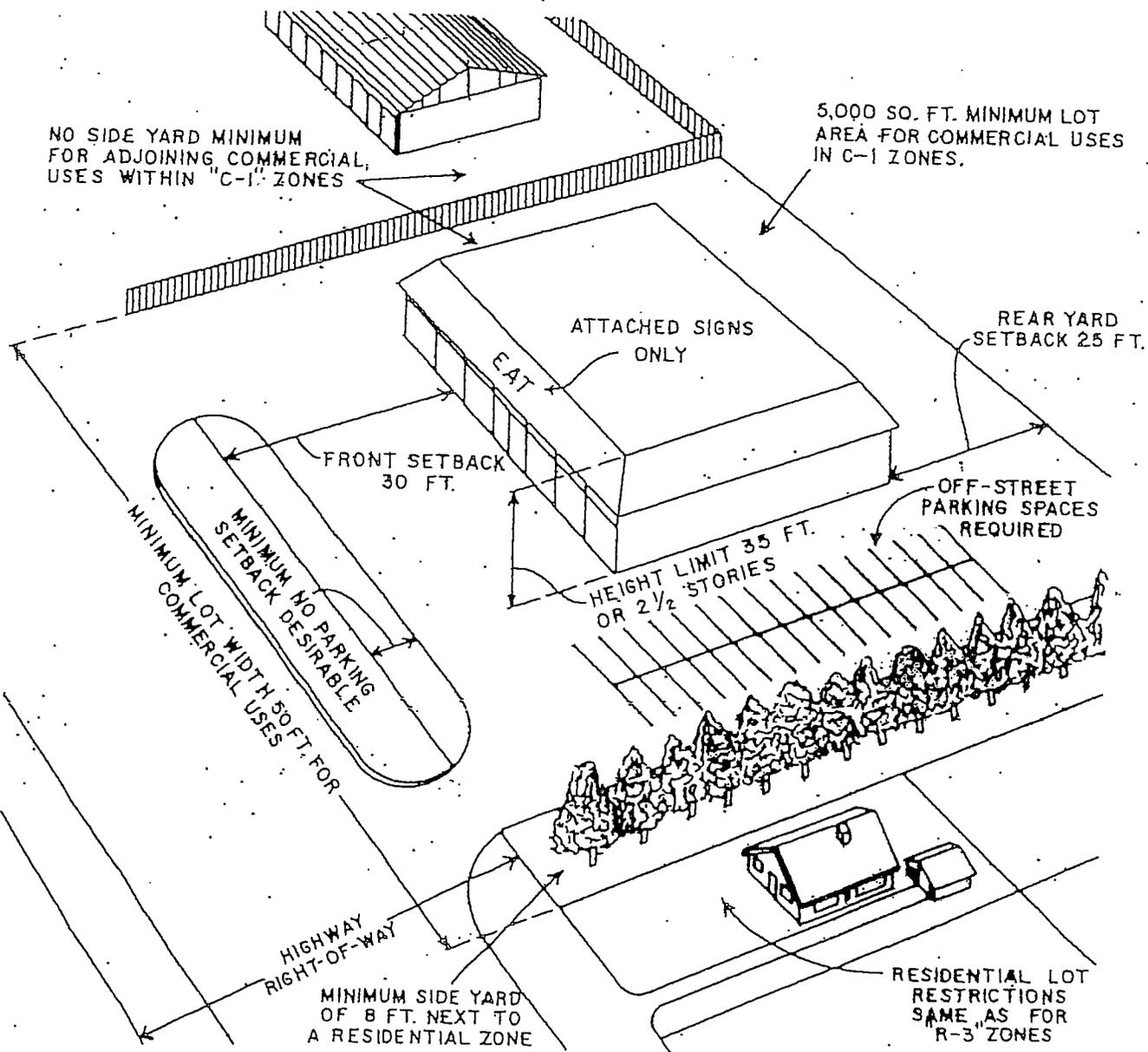
MINIMUM LOT AREA

7,500 SQ. FT. SINGLE-FAMILY RESIDENCE
10,000 SQ. FT. TWO-FAMILY RESIDENCE
12,500 SQ. FT. MULTI-FAMILY, PLUS 2,500
SQ. FT. FOR EACH FAMILY OVER THREE



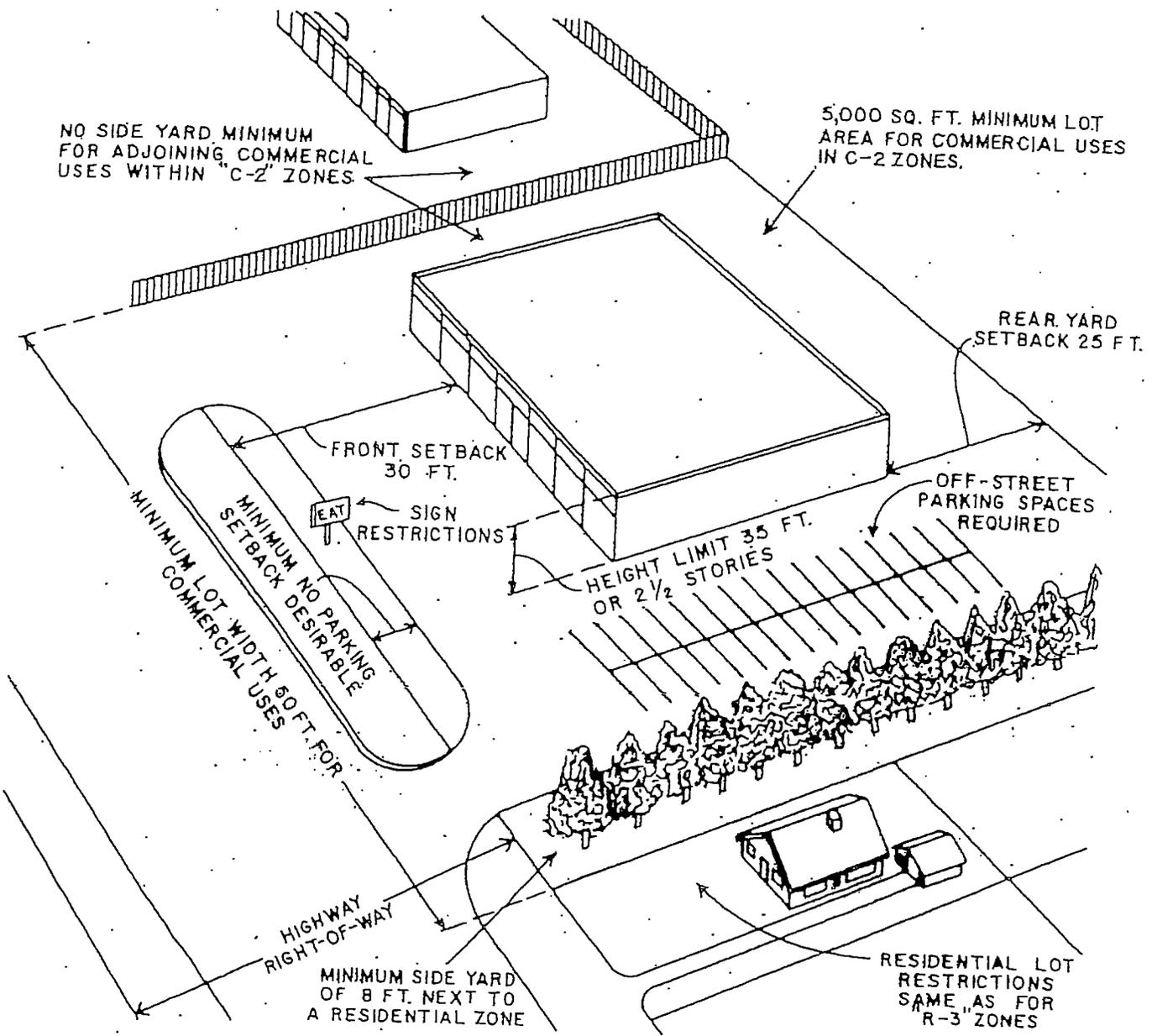
GENERAL "C-1" COMMERCIAL ZONE REQUIREMENTS

RESIDENTIAL ALLOWED WITH SPECIAL USE PERMIT



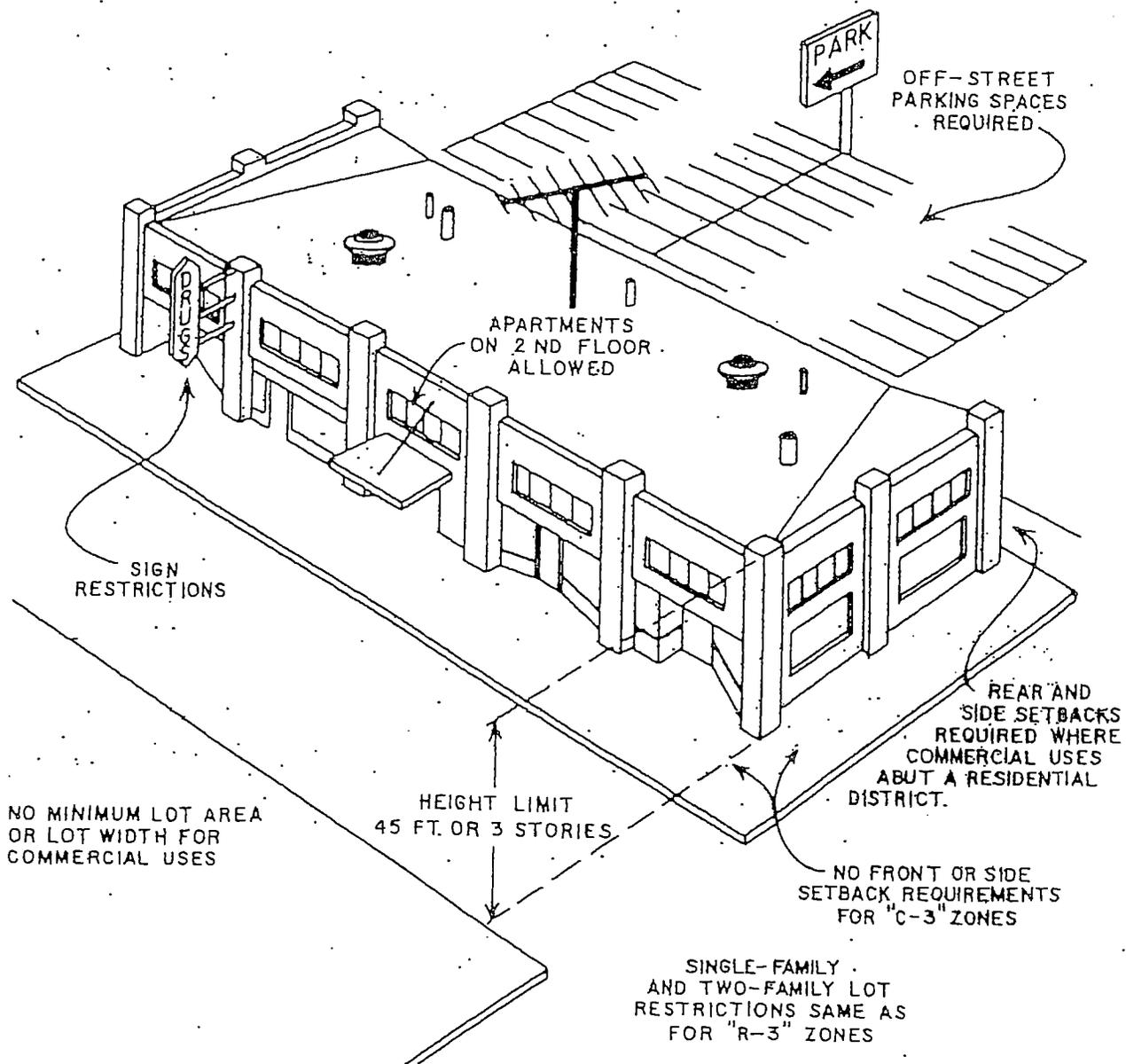
GENERAL "C-2" COMMERCIAL ZONE REQUIREMENTS

COMMERCIAL AND RESIDENTIAL ALLOWED



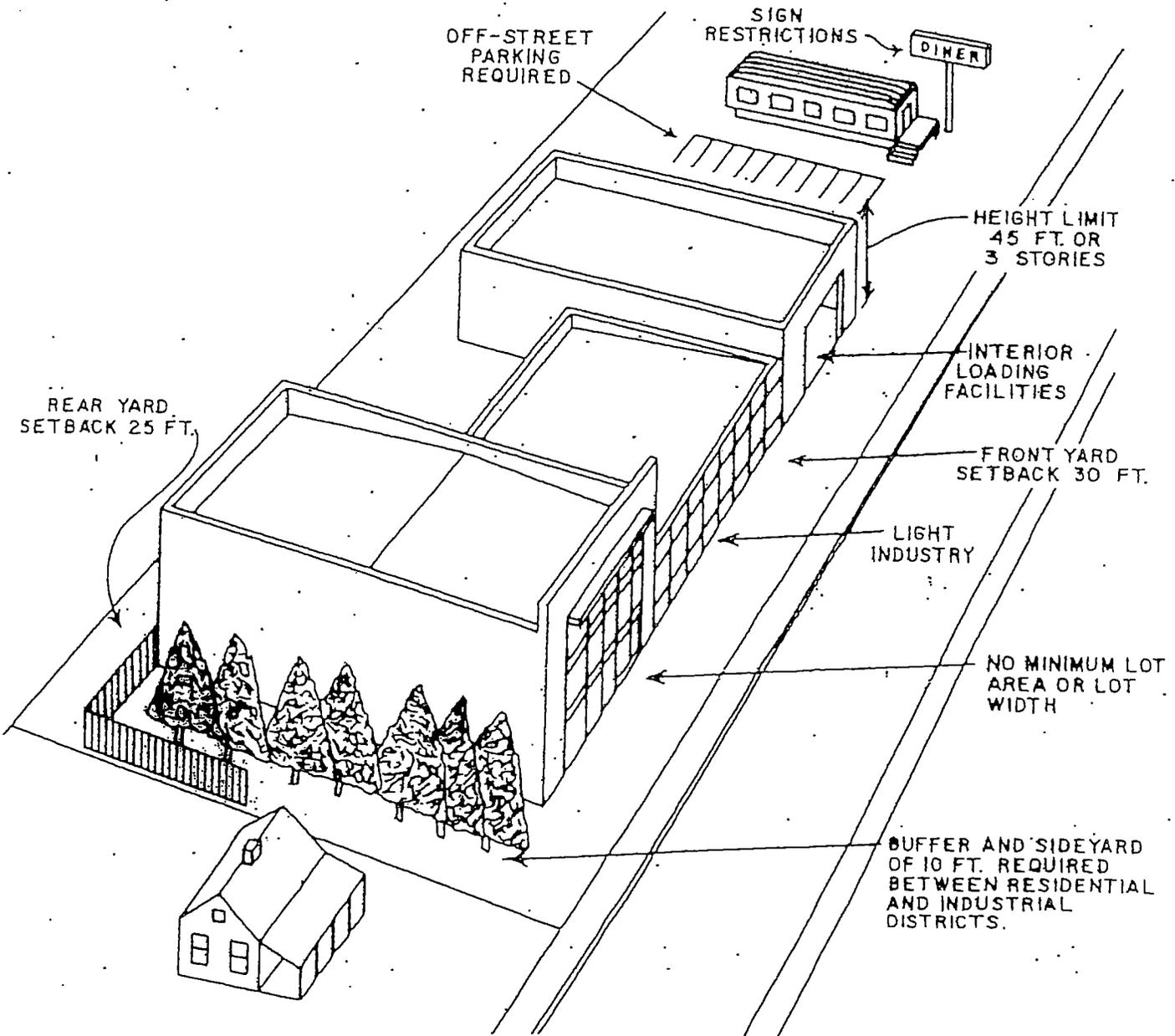
GENERAL "C-3" COMMERCIAL ZONE REQUIREMENTS

COMMERCIAL AND RESIDENTIAL ALLOWED



GENERAL "I-1" LIGHT INDUSTRIAL ZONE REQUIREMENTS

LIGHT INDUSTRIAL USES AND COMMERCIAL USES WITH SPECIAL USE PERMIT



GENERAL "I-2" HEAVY INDUSTRIAL ZONE REQUIREMENTS

LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL USES ONLY

