

outline is defined and used in this document

## **TITLE IV. ZONING CODE**

### **CHAPTER 400: ZONING REGULATIONS**

#### **ARTICLE I. GENERAL PROVISIONS**

##### **SECTION 400.010: TITLE**

An ordinance of the City of Scott City, Scott County, Missouri, regulating and restricting the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the preservation of features of historical significance and the location and use of buildings, structures and land for trade, industry, residence or other purposes; creating districts for said purposes and establishing the boundaries thereof; adopting maps of said City showing boundaries and the classification of said districts; defining certain terms used herein; providing for the method of administration and amendment; providing for the imposition of penalties for the violation of the provisions of this Chapter; and providing for the effective date hereof. (Ord. No. 28 Art. I, 8-18-80)

##### **SECTION 400.020: SHORT TITLE**

This Chapter shall be know and may be cited and referred to as the Scott City Zoning Ordinance. (Ord. No. 28 Art. II, 8-18-80)

##### **SECTION 400.030: DEFINITIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Chapter. 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"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; and the word "shall" is mandatory and not directory.

*ACCESSORY BUILDING OR USE:* A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises.

*AGRICULTURE:* See "*FARM*".

*ALLEY OR LANE:* A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

*APARTMENT/APARTMENT HOUSE:* A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suites. (See also "*DWELLING, MULTIPLE*")

*APARTMENT HOUSE:* See "*DWELLING, MULTIPLE*".

**BASEMENT:** A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

**BASEMENT HOME:** A building in which all four (4) exterior walls are at least one-half (½) of their height below grade.

**BED AND BREAKFASTS:** A bed and breakfast establishment is a dwelling unit having not more than four (4) guest rooms where travelers for compensation are lodged for sleeping purposes with a morning meal provided.

**BILLBOARD OR SIGN:** An outdoor panel, structure, illustration or device designed to carry or display a sign or advertisement for the purpose of making anything known. 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 non-commercial 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 OR LODGING HOUSE:** A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three (3) or more persons for compensation by previous arrangement, but not transients.

**BUILDING:** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

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

**BUILDING LINE:** The line beyond which no building or part thereof shall project, except as otherwise provided by this Chapter.

**CELLAR:** A story having more than one-half (½) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

**CHILD OR DAYCARE CENTER:** Any place, home or institution which receives five (5) 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.

**CLINIC, MEDICAL OR DENTAL:** 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:* A building or portion thereof of premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business.

*COMMISSION:* That Planning Commission of the City of Scott City, Scott County, Missouri.

*COUNCIL:* The Council of the City of Scott City, Scott County, Missouri.

*DISTRICT:* A section or sections of the City of Scott City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

*DWELLING:* Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.

*DWELLING, MULTI-FAMILY:* A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

*DWELLING, SINGLE-FAMILY:* A building designed for or used exclusively for residential purposes by one (1) family or household unit, or by group homes or foster homes, as they are defined by Section 89.020, RSMo.

*DWELLING, TWO-FAMILY:* A building designed for or used exclusively by two (2) families or housekeeping units.

*DWELLING UNIT:* One (1) room, or suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

*EARTH CONTACT HOMES:* A dwelling in which one (1) or more sides are at least one-half (½) of their height below grade and one (1) or more sides above grade.

*FAMILY:* A group of one (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

*FARM:* An area which is used for the growing of the usual farm products, such as vegetables, fruit trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one (1) or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

*FILLING STATION:* Any building or premises used for the sale, at retail, of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles or installing or repairing or replacement of motors, bodies, or fenders of motor vehicles, or painting motor vehicles, and excluding public garages.

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

*FRONTAGE:* All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) 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:* Any building, or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

*GARAGE, PRIVATE:* A detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.

*GRADE:* 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 (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

*HOME OCCUPATION:* An occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as permissible for purely domestic household purposes.

*HOTEL:* A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house as defined herein.

*HOUSE TRAILER:* See "*MANUFACTURED HOME/MOBILE HOME*".

*INDUSTRIAL PARK:* 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 use 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.

*INSTITUTION:* A building occupied by a non-profit corporation or a non-profit establishment for public use.

*LAUNDROMAT:* A business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

**LODGING HOUSE:** A building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods), for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street.

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

**LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

**LOT OF RECORD:** A lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Scott County, Missouri, prior to August 18, 1980.

**MANUFACTURED BUSINESS UNIT/MOBILE BUSINESS UNIT:**

1. A factory-built structure or structures which, in traveling mode, are eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site contains three hundred 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 home placed thereon may be moved from time to time at the convenience of the owner.
2. Manufactured business units/mobile business units 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.
3. The term "*manufactured business unit*" shall also include units defined as above if such units are in two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components capable of repeated towing and includes two (2) or more manufactured home units joined into a single residential unit which are kept on separate chassis for repeated towing.

**MANUFACTURED HOME/MOBILE HOME:**

1. A factory-built structure or structures which, in traveling mode, is fourteen (14) body feet or more in width or sixty (60) body feet or more in length, or when erected on site, contains eight hundred forty (840) 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 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.

2. Manufactured homes/mobile 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.
3. The term "*manufactured home*" shall also include units defined as above if such units are in two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components capable of repeated towing and includes two (2) or more manufactured home units joined into a single residential unit which are kept on separate chassis for repeated towing.

**MANUFACTURED/MOBILE HOME LOT:** The designated area of a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

**MANUFACTURED/MOBILE HOME PARK:** A parcel of land one (1) acre or more which has been developed for the placement of more than one (1) mobile home.

**MANUFACTURER:** 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.

**MODULAR HOME UNIT:**

1. A transportable building 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 eight hundred forty (840) square feet used temporarily and exclusively for construction site office purposes.
2. These units shall be exempt from local building codes only if the unit bears a seal from the Missouri Public Service Commission certifying that it meets construction standards set out by the Building Officials and Code Administrators International, Inc. (BOCA), the International Conference of Building Officials (ICBO) or other national building code recognized by the Missouri Public Service Commission. If this seal is not present, the unit must comply with the local building codes.

**MOTEL, MOTOR COURT, MOTOR LODGE OR TOURIST COURT:** Any building or group of buildings containing guest rooms or dwelling units, all of which have a separate entrance with garage or one and one-half (1½) parking spaces (per room) conveniently located on the lot and designed, used or intended wholly or in part for the accommodation of transients in vehicle.

**NON-CONFORMING USE:** Any building or land lawfully occupied by a use at the time of passage of Ordinance 28 or amendment thereto which does not conform after the passage of Ordinance 28 or amendment thereto with the use regulation of the district in which it is situated.

***NURSERY SCHOOL:*** A school operated by a person or organization which is conducted primarily for the education of preschool-age children. May be referred to as a day care, child care or infant care facility.

***NURSING, REST OR CONVALESCENT HOME:*** A home for the aged or infirm in which three (3) 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, RSMo.

***OFFICE:*** A place where business or service for others is transacted and not a place where tangible property or goods, wares or merchandise are commonly created, exchanged or sold.

***PARKING AREA:*** 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:*** 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:*** An area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of an automobile.

***PREMISES:*** A lot, together with all building and structures thereon.

***RECREATION/TRAVEL VEHICLE:*** A vehicular, portable structure built on a chassis, self-propelled or designed to be pulled by another vehicle, 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, recreation or vacation purposes.

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

***RV PARK:*** An area designed to provide spaces where one (1) or more recreational vehicles can be temporarily parked for travel, recreation or vacation purposes.

***SELF-SERVICE STORAGE FACILITY:*** 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:*** A group of architecturally unified commercial establishments in one (1) 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 pedestrian way.

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

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

*STORY, FIRST:* The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.

*STREET:* A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to August 18, 1980. The term street shall include avenue, drive, circle, court, road, parkway, boulevard, highway, way, trafficway, thoroughfare, or any similar term.

*STRUCTURE:* Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

*STRUCTURAL ALTERATION:* Any change in the structural members of a building, such as walls, columns, beams or girders.

*TRAILER (Including Automobile Trailer and Trailer Coach):* Any vehicle or structure constructed in such a manner as to permit occupancy thereof as short term sleeping quarters or the conduct of any business, trade or occupation or use as selling, or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

*USE:* The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

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

*YARD, FRONT:* A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as a parallel to the street upon which the lot has its least dimension.

*YARD, REAR:* A yard extending across the rear of a lot 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 porches. On all lots, the rear yard shall be in the rear of the front yard.

*YARD, SIDE:* 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 a side lot line and the side of the main building or any projections thereof.

*ZONING INSPECTOR:* The Building Inspector of the City of Scott City, or his authorized representative.

*ZONING MAP:* The Zoning Map of the City of Scott City, together with all amendments subsequently adopted.

*ZONING CERTIFICATE:* A document issued by the Zoning or Building Inspector authorizing buildings, structures or uses consistent with the terms of this Chapter and for the purpose of carrying out and enforcing its provisions. This is the zoning clearance permit. (Ord. No. 28 Art. IV §§1-2, 8-18-80; Ord. No. 382 §1, 9-21-92; Ord. No. 401 §1, 5-3-93; Ord. No. 480 §1, 7-3-95; Ord. No. 718 §6, 3-17-03)

**SECTION 400.040:                    DIVISION OF THE CITY INTO DISTRICTS**

For the purpose of this Chapter, the City of Scott City is divided into eight (8) districts as follows:

*Agriculture.*

"A-1" Agriculture District

*Residential.*

"R-1" Single-Family Residential  
"R-2" Multiple-Family Residential

*Commercial.*

"C-1" General Business District  
"C-2" Highway Commercial District

*Industrial.*

"I-1" Light Industrial District

*Flood Plain.*

"F-1" Flood Plain District

*Manufactured/Mobile Home.*

"M-1" Manufactured/Mobile Home District. (Ord. No. 28 Art. V §51, 8-18-80; Ord. No. 718 §11, 3-17-03)

**SECTION 400.050: INCORPORATION OF THE ZONING MAP**

Said districts are bounded and defined as shown on a map entitled, "Zoning Map of the City of Scott City Missouri" and said map and all its notations, references, and other information shown thereon shall be as much a part of this Chapter as if the notations, references, and other matters set forth by said map were all fully described herein. Where uncertainty exists as to the boundaries of the districts as shown on the Zoning Map, the following rules shall apply.

1. Boundaries indicated as approximately following the center line of streets, highways, alleys or other public rights-of-way shall be construed to be said boundary.
2. Boundaries indicated as approximately following platted lot lines shall be construed to be said boundary.
3. Boundaries that divide a lot or parcel of property, location of any such boundary shall be determined by the use of the scale appearing on such map.  
(Ord. No. 28 Art. V §52, 8-18-80; Ord. No. 212 §1, 8-17-87)

**ARTICLE II. GENERAL ZONING REGULATIONS**

**SECTION 400.060: CONFORMANCE**

Except as hereafter provided, no building or land shall hereafter be used or occupied, and no building nor part thereof shall be erected, converted, enlarged, reconstructed, or structurally altered which does not comply with all the district regulations established by this Chapter for the district in which the building or land is located. (Ord. No. 28 Art. VI §61, 8-18-80)

**SECTION 400.070: NON-CONFORMING USES**

The continuance of non-conforming uses or structures shall be subject to the following limitations:

1. *Continuation.* The use of any land or structure existing on August 18, 1980, may be continued even though such use may not conform with the regulation of this Chapter for the district in which it is located. With special permission of the Planning Commission and Zoning Board, any non-conforming use in existence on August 18, 1980, may continue as the use of right, exercising all privileges of this Chapter pertaining to the use district in which it would normally be included, as limited by the provisions of Subsection (2) hereof.

2. *Restoration.* Ordinary repairs, alterations or modernization may be made to any structure or portion thereof devoted to a non-conforming use, provided that:
  - a. No structural alterations may be made to such structure except those required by the law or other regulations.
  - b. No non-conforming use is extended or enlarged.
  - c. A structure that is devoted to a non-conforming use which is destroyed or damaged in any manner or from any cause whatsoever, to the extent that the cost of restoration to the condition it was before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire structure, shall not be restored unless such structure when restored shall comply with all provisions of this Chapter.
3. *Abandonment.* Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished and any subsequent use shall be in conformity with the provisions of this Chapter.
4. *Substitution.* If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. (Ord. No. 28 Art. VI §62, 8-18-80)

**SECTION 400.080: STREET FRONTAGE**

No lot shall contain any buildings used in whole or in part for any purpose unless such lot abuts for at least twenty (20) feet on at least one (1) street, or unless it has an exclusive, unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall not be more than one (1) single-family dwelling or one (1) non-residential land use for such frontage or easement.  
(Ord. No. 28 Art. VI §63, 8-18-80)

**SECTION 400.090: ACCESSORY BUILDING USE AND STRUCTURE REGULATIONS**

The regulations hereafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter:

1. No accessory buildings shall be constructed upon a lot until the constructions 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.
2. Accessory buildings or structures may be constructed or installed in a required rear yard, but such accessory buildings shall not occupy more than thirty percent (30%) of a required rear yard and shall not be nearer than five (5) 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 (10) feet to the alley line. If a garage is located closer than ten (10)

feet to the main building, the garage shall be regarded as part of the main building for purposes of determining side and rear yards.

3. *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 (5) feet to any side or rear lot line. If the storage building is located closer than ten (10) 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.
4. *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 (10) feet from the pavement edge or curb line of the adjacent street or streets. All electrical installations for portable signs shall meet applicable requirements of the City Building Code. For purpose of this Chapter, a portable advertising sign shall be considered as a detached, freestanding ground sign. (Only one (1) portable advertising sign may be located on a lot and only when an existing detached, freestanding sign is not located on said lot.)
5. *Private swimming pools.* Private swimming pools appurtenant to single-, two- or multiple-family residential dwellings or manufactured/mobile homes on the same lot, provided said swimming pool is constructed or installed in a required rear or side yard. Said swimming pools shall not occupy more than thirty percent (30%) of a rear or side yard and shall not be nearer than five (5) feet to any side or rear lot line, and the swimming pool or the property on which it is located must be fenced in accordance with current building codes of the City and with this Section to prevent access by small children. Swimming pools must also meet all applicable health and sanitary requirements. (Ord. No. 28 Art. VI §64, 8-18-80; Ord. No. 718 §7, 3-17-03)

#### **SECTION 400.100: CORNER LOTS**

For corner lots platted or of record after August 18, 1980, the front yard regulations shall apply to each street side of the corner lot. The rear yard requirements for a corner lot shall apply to the open space adjacent to the two (2) lot lines that do not front upon a street. On corner lots platted or of record prior to August 18, 1980, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty percent (50%) of the front yard required on the lots to the rear of such corner lots, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street and of record or as shown by existing contract of purchase prior to August 18, 1980, to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building. (Ord. No. 28 Art. VI §65, 8-18-80)

#### **SECTION 400.110: REQUIRED YARD REDUCTION**

- A. No yard shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Chapter. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions

of this Chapter shall be included as part of a yard or other open space required under this Chapter for another building or structure.

- B. *Required Open Area.* Notwithstanding any of the above provisions, all front yards shall be one hundred percent (100%) open and all side and rear yards shall be fifty percent (50%) open. Open area includes lawns, gardens, landscaped areas and asphalt or concrete areas. Said open areas do not include accessory buildings, pet kennels or houses, swimming pools or playground equipment. (Ord. No. 28 Art. VI §66, 8-18-80; Ord. No. 893 §1, 4-5-10)

**SECTION 400.120: YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICT**

Along any zoning boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Chapter, shall have minimum width and depth equal to the average of the required minimum width or depth for such side yards, rear yards or courts in the two (2) districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district. (Ord. No. 28 Art. VI §67, 8-18-80; Ord. No. 718 §8, 3-17-03)

**SECTION 400.130: BUILDING LINES ON APPROVED PLATS**

- A. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the Office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Chapter unless specific yard requirements in this Chapter require a greater setback.
- B. *Zoning Districts Dividing Property.* Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification and the purpose of applying the regulations of this Chapter, each portion shall be considered as if in separate and different ownership. (Ord. No. 28 Art. VI §68, 8-18-80)

**SECTION 400.140: ANNEXATION OF LAND**

- A. In the event that new territory becomes a part of the area of jurisdiction of this Chapter by reason of annexation, consolidation or detachment from any municipal corporation or otherwise, such territory shall automatically be classified as an "A-1" District, until and unless otherwise rezoned in accordance with the amendment proceedings hereof, provided however, that any zoning classification in effect prior to such annexation or other extension of jurisdiction shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such change or amendment by this Chapter.
- B. *Territory Not Included.* In case any territory subject to the jurisdiction of this Chapter has not been specifically included in any of the aforesaid districts, such territory shall automatically be classified as an "A-1" District, until or unless otherwise rezoned in

accordance with the amendment proceedings hereof; provided however, that any zoning classification in effect prior to August 18, 1980, shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such changes or amendments by this Chapter. (Ord. No. 28 Art. VI §69, 8-18-80)

### ARTICLE III. DISTRICT REGULATIONS

#### SECTION 400.150: "A-1" AGRICULTURAL ZONING DISTRICT

- A. The "A-1" Agricultural District is designed to prevent haphazard development in areas set aside under the Comprehensive Plan as reserved for future orderly urban development.
- B. *Permitted Uses.*
1. Agriculture, horticulture, nurseries, greenhouses, orchards, general farming and dairy operations.
  2. Wildlife areas, open space, country clubs, regional or county recreational areas, and other such pastoral uses.
  3. Riding Stables and riding paths provided the stables shall be located not less than one hundred (100) feet from any property line.
  4. Fur farming, for the raising of fur bearing animals providing buildings and pens shall be located not less than one hundred (100) feet from any property line.
  5. Kennels, provided that buildings and pens shall be located not less than two hundred (200) feet from any property lines; and fish hatcheries, apiaries and aviaries.
  6. Agricultural accessory uses, including repair shops, sheds, garages, barns, silos, bunkhouses, incidental dwellings, buildings and structures commonly required for any of the above uses.
  7. Rural non-farm single-family dwellings are permitted on lots or other parcels of property ownerships of two and one-half (2½) acres or more.
- C. *Permitted Accessory Uses.*
1. Any building or structure customarily incidental to any of the aforesaid permitted uses.
  2. Temporary produce stands on any premises used for agricultural purposes.
  3. Parking facilities, garages, carports, or other parking spaces for the exclusive use of residences on the premises.
  4. Swimming pools exclusively for the use of the residents.
  5. Professional offices such as artists, lawyers, doctors, engineers, etc., but not including beauty parlors, barber shops, schools of any kind with organized classes or similar activity.

6. Customary home occupation such as handicrafts, dressmaking, millinery, preserving and home cooking provided that such occupations shall be conducted exclusively by resident occupants.
  7. Summer houses and living quarters, used by persons employed on the premises, without kitchen facilities and not rented or otherwise used as separate dwellings.
- D. *Area Regulations.* In District "A-1", all regulations concerning the height of building; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 400.230 unless otherwise stated more restrictively in other Sections of this Chapter. (Ord. No. 28 Art. VII §71, 8-18-80)

**SECTION 400.160: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT**

- A. The "R-1" District is intended and designed to provide for low density residential development. This district is designed to protect residential areas now developed with single-family detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas and to promote a suitable environment for family life. For these reasons, the following regulations shall apply:
- B. *Permitted Uses.*
1. One-family detached dwellings.
  2. Public elementary schools and nursery schools.
  3. Public secondary schools located on major thoroughfares.
  4. Private and parochial schools on property which abuts on major thoroughfares.
  5. Public, private or country club golf courses of not less than forty (40) acres.
  6. Customary accessory buildings.
  7. Public park, playgrounds, swimming pools, community center, athletic fields and recreation building therein.
  8. Temporary buildings to house offices, equipment storage, or other functions incidental to construction and development activities provided that such buildings shall be removed within eleven (11) months from the date of permit for their erection.
  9. Churches or other places of worship, including religious education buildings, or other associated structures fronting or siding on major thoroughfares or collector streets as designated on the major thoroughfare plan.
  10. Fire stations only on major thoroughfares.

11. Electric substations, natural gas regulator stations, and public utility pumping stations and devices for the metering of electrical, gas or water services to dwellings.
12. Recreation vehicles for a period not to exceed seventy-two (72) hours.
13. Funeral homes on property with all points of access and egress on major streets.
14. Agricultural uses, including nurseries, truck gardening and greenhouses, provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises nor the raising of livestock.

C. *Permitted Accessory Uses.*

1. Private garage or carport.
2. Temporary buildings for use during the construction of a specific permitted use which upon completion or abandonment of the construction work shall be removed.
3. One (1) sign not exceeding thirty-six (36) square feet of an area referring to the construction, lease, hire or sale of a building, premise, or subdivision lot which sign shall refer to property on which the sign is located and shall be removed as soon as the premises are sold or leased or construction is completed.
4. Customary home occupations such as handicraft, dress making, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter (¼) of the area of one (1) floor of said residence shall be used for such purposes, that no structural alterations or constructions involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling.
5. Display an advertisement for sale of not more than two (2) motor vehicles owned by the resident or tenant of the premises, provided the motor vehicle is not a damaged or disabled vehicle, as designated by Section 235.030, and further provided the location of the motor vehicle is set back at least ten (10) feet from the property line, and further provided that no said motor vehicle shall be displayed for a period in excess of sixty (60) days, unless a majority of the landowners within two hundred (200) feet of the location consent in writing to a longer period.

D. *Area Regulations.* In District "R-1", all regulations concerning the height of building; lot area; lot width, front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 400.230 unless otherwise stated more restrictively in other Sections of this Chapter. (Ord. No. 28 Art. VII §72, 8-18-80; Ord. No. 640 §1, 11-1-99; Ord. No. 718 §9, 3-17-03)

**SECTION 400.170: "R-2" MULTIPLE-FAMILY RESIDENCE DISTRICT**

A. The "R-2" Multiple-Family Residence District is designed to allow a high density residential development designed specifically for duplexes or single-family dwellings in clusters or groups, commonly referred to as "row houses" or "townhouses."

B. *Permitted Uses.*

1. All uses in the "R-1" Residence District.
2. Duplex dwelling units.
3. Single-family dwelling groups or clusters that do not collectively exceed the total area regulations of this Section.
4. Multiple-family dwellings for any number of families or housekeeping units including row houses, provided that the minimum width of each individual dwelling unit in any row house measured from interior wall to interior wall along the exterior front wall shall not be less than eighteen (18) feet.
5. Offices, professional offices and offices of financial, insurance, real estate, civic, educational, religious and philanthropic organization for single and multiple occupance, but excluding any display of merchandise or retail activity, barber shops, beauty parlors, and schools of any kind with organized classes and similar activity. All buildings shall be bona fide home office buildings with the exception that any person may maintain an office or may carry on a customary home occupation in the dwelling used by him as his private residence provided such does not provide an extension or modification of said dwelling which will alter its outward appearance as a dwelling and provided such use does not involve any outward evidence of such use other than an unlighted sign not over one (1) square foot in area attached flat against the building.
6. Funeral homes and mortuaries only on premises which front on a street officially designated as a major thoroughfare on the official Thoroughfare Plan.
7. Clubs, sororities, fraternities, lodges and meeting places for other organizations not including any use that is customarily conducted as a gainful business.
8. Reserved.

C. *Permitted Accessory Uses.*

1. Any accessory use or structure permitted and as regulated in the "R-1" District, and any accessory use or structure customarily incident or accessory to a principal or conditional use in the "R-2" District.
2. Roomers not to exceed four (4) roomers or boarders by resident family. (Ord. No. 28 Art. VII §73, 8-18-80; Ord. No. 825 §1, 8-6-07)

**SECTION 400.175: MINIMUM WIDTH REQUIREMENTS FOR RESIDENCES**

No building intended for use as a residence shall be allowed to be constructed or placed in any "R-1" or "R-2" zoned district unless said building has a minimum width of twenty-two (22) feet. (Ord. No. 412 §1, 6-8-94)

**SECTION 400.180: "C-1" GENERAL BUSINESS DISTRICT**

A. The "C-1" General Business District is designed primarily to accommodate those business districts and retail centers which are not designed according to an overall plan or are not under a single entity. The Central Business District is an example of the type of commercial activity normally associated with the "C-1" District. The "C-1" District should provide for a variety of retail activities and could act as a banking and financial center, as an entertainment and hotel center, or as a center for professional and business offices.

B. *Permitted Uses.*

1. Appliance stores.
2. Bakeries whose products are sold at retail on the premises.
3. Banks and saving and loan companies.
4. Barber shops.
5. Beauty shops.
6. Bottling works of soft drinks or milk, provided buildings used for processing and distribution shall be at least two hundred (200) feet from any R-District.
7. Bowling alleys.
8. Building and related trades, shops, not including contractor's yards, providing such establishments are at least one hundred (100) feet from any R-District.
9. Bus terminal facilities.
10. Clothing or wearing apparel shops.
11. Commercial recreation establishments provided such establishments shall be at least one hundred (100) feet from any R-District.
12. Contractor's yards and related establishments, such as building material yards, excluding concrete mixing; including contractor's equipment, storage yard or plant, storage yard for rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sales of grain, livestock feed or fuel; cartings, express or hauling establishments, including storage of vehicles, provided such uses are conducted either:

- a. Wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be at least one hundred (100) feet distance from any R-District, unless such building has no openings other than stationary windows and required five (5) exits within such distance, but not within fifty (50) feet of any R-District in any case; or
- b. When conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six (6) feet high; but not within two hundred (200) feet of any R-District; provided further, that all storage yards related to the uses in this paragraph shall be enclosed.

All the uses included within this paragraph are not applicable to "C-1" Business Districts in the Central Business District unless specifically approved by the Planning Commission.

13. Drug stores.
14. Gasoline service stations and repair and service of automobiles.
15. Grocery store, supermarkets.
16. Hotels.
17. Laundry and dry cleaning pick-up stations.
18. Miscellaneous trades and businesses such as sheet metal shops, sign paint shops, monument service shops, provided that such establishments are at least one hundred (100) feet from any R-District.
19. Offices.
20. Other retail service establishments to include mail order houses, used merchandise stores, roadside stands, funeral homes and mortuaries, and similar uses.
21. Parking lots.
22. Post offices.
23. Printing, publishing, and related trades when not within one hundred (100) feet of any R-District.
24. Public and private parking lots.
25. Restaurants.
26. Self-service laundries.
27. Shoe repair shops.
28. Store or shop for the conducting of a convenience type retail business.

29. Any other retail use.
30. Theatres.
31. Trade or business schools provided that the machinery used for instruction is not objectionable due to noises, fumes, smoke, order or vibration. Commercial art studios, animal hospitals, veterinary clinics.
32. Wholesale and warehousing establishments.
33. Any other use which is determined by the Planning Commission to be of the same general character as the above permitted uses, but not including any use which is first permitted in the "I" District or which is prohibited in the "R-1" District.
34. Nursing, rest or convalescent homes.

C. *Permitted Accessory Uses.*

1. Accessory uses in structures customarily accessory to and incidental to any of the foregoing permitted "C-1" District uses.
2. Outdoor advertising for service stations or parking lots or other predominantly open commercial land uses, as follows:
  - a. To the extent that it will include one (1) freestanding identification sign not to exceed one hundred (100) feet in height in all commercial lands within six hundred eighty (680) feet of the right-of-way line of U.S. Interstate 55.
  - b. To the extent it will include one (1) freestanding identification sign not to exceed twenty (20) feet in height in all commercial lands beyond six hundred eighty (680) feet of U.S. Interstate 55.
  - c. All such signs shall set back not less than twelve (12) feet from any City right-of-way line and shall not project over any such City right-of-way lines.
  - d. All such signs erected along a Federal or State right-of-way shall comply with all applicable set back requirements, promulgated by the appropriate Federal or State agency.
  - e. The provisions above are subject to any height limitations promulgated by the FFA.
  - f. Notwithstanding any other provision regulating outdoor advertising, no billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way lines of Route AB (commonly referred to as that portion of Nash Road located east of Interstate 55).
3. Residential uses in multi-story buildings that are in existence and have operated as residential establishments prior to August 18, 1980, and only then when specifically authorized by the Zoning Administration Officer, in compliance with the provisions of Article VII.

D. *Excluded Uses.*

1. Residential uses, other than nursing, rest or convalescent homes use.
2. Industrial uses of all types.

E. *Area Regulations.* In District "C-1", all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 400.230 unless otherwise stated more restrictively in other Sections of this Chapter. (Ord. No. 28 Art. VII §74, 8-18-80; Ord. No. 190 §2, 4-6-87; Ord. No. 519 §1, 7-15-96; Ord. No. 718 §10, 3-17-03; Ord. No. 825 §§2-3, 8-6-07)

**SECTION 400.190: "C-2" HIGHWAY COMMERCIAL DISTRICT**

A. It is the purpose of the "C-2" District to encourage the functional grouping of those commercial enterprises catering primarily to either "local" or "through" highway travelers and to prevent therein location of other uses incompatible with these.

B. *Permitted Uses.*

1. Motels and motor-hotels in conformance with Section 400.210.
2. Restaurants and drive-in eating and drinking establishments provided that the premises shall be enclosed by a solid wall or fence at least six (6) feet high where it abuts in the rear or beside any R-District, public park, church or school.
3. Automotive services and automatic car wash establishments.
4. General retail uses, such as groceries, delicatessens, gift shops.
5. Drive-in theatres with a minimum lot area of ten (10) acres and with special permission from the Planning Commission.
6. Circus and amusement park only with special permission from the Planning Commission.
7. Gun clubs and rifle ranges not less than two hundred (200) feet from any R-District only with special permission from the Planning Commission.
8. Race courses, of any kind, including horse racing and automobile racing only with special permission of the Planning Commission and not less than two thousand (2,000) feet from any R-District.
9. Stadiums, arenas, and other places of assembly.

C. *Permitted Accessory Uses.* Any accessory use or structure customarily accessory and incidental to any of the foregoing permitted "C-2" District uses.

D. *Area Regulations.* In District "C-2", all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-

street loading permitted on any lot shall be as shown in Section 400.230 unless otherwise stated more restrictively in other Sections of this Chapter. (Ord. No. 28 Art. VII §75, 8-18-80)

**SECTION 400.200: "I-1" INDUSTRIAL DISTRICT**

A. The "I-1" Industrial District is intended to provide sites for heavy commercial and light industrial activities requiring some heavy machinery, which, under control would minimize the effect on nearby residential districts. New dwellings are not permitted. Heavy truck traffic, loading and unloading operations are expected to be a part of this district.

B. *Permitted Uses.*

1. Truck terminals.
2. Cold storage structures.
3. Wholesale establishments.
4. Warehouses and grain storage.
5. Laundries and dry cleaning establishments.
6. Trade shops, such as plumbing and electrical shops.
7. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating and manufacture of small parts only, such as coils, condensers, transformers, crystal holders.
8. Assembly of agricultural or farm implements, aircraft and aircraft parts, automobiles, trucks, trailers, and motorcycles.
9. Boat manufacture.
10. Printing and publishing plants.
11. Bottling plants.
12. Only those retail commercial establishments which are a necessary convenience to the industries and their employees, such as restaurants.
13. Living quarters for bona fide caretakers and/or watchmen and their families. All other dwelling or living quarters are expressly prohibited.
14. Blacksmith shop, welding shop, and machine shop.
15. Ice manufacturing plant.
16. Lumber yards.

17. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and similar products.
  18. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, gelatin, perfumes, pharmaceuticals, toiletries, and food products, except the following: Fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
  19. Manufacture of musical instruments, toys, novelties, and rubber or metal stamps.
  20. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  21. Stonework.
  22. Tinsmith and roofing service.
  23. Public utility buildings and major structures, including radio and television broadcasting stations.
  24. Industrial research laboratories.
  25. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
  26. Automobile and truck service stations.
  27. Any other use which is determined by the Planning Commission to be of the same general character as the above permitted uses.
  28. Any use permitted and regulated in the "C-1" or "C-2" Commercial Districts, except as herein prohibited or modified.
- C. *Permitted Conditional Uses.* The following manufacturing uses shall be permitted only if specifically authorized by the Planning Commission.
1. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
  2. Acid manufacture.
  3. Asbestos manufacturing.
  4. Automobile manufacturing.
  5. Bleaching, cleaning and dyeing plant.
  6. Boiler shops, including repair, metal working shops employee reciprocating hammers or presses.
  7. Brewing or distilling of liquors.
  8. Brick, potter, tile and terra cotta manufacturing.

9. Bulk station.
10. Candle or sperm oil manufacturing.
11. Cooperage works.
12. Dextrine, starch or glucose manufacturing.
13. Disinfectant, insecticide or poison manufacturing.
14. Enameling, lacquering or japanning; varnishing.
15. Emery cloth or sandpaper manufacturing.
16. Felt manufacturing.
17. Fish products.
18. Flour or grain mill.
19. Forge or foundry works.
20. Grain drying or poultry feed manufacturing, from refuse, mash or grain.
21. Hair or hair products manufacturing.
22. Incinerators.
23. Jet engine manufacturing or testing.
24. Lime or lime products manufacturing.
25. Linoleum, oil cloth or oiled goods manufacturing.
26. Match manufacturing.
27. Meat packing.
28. Paper and pulp manufacturing.
29. Perfume manufacturing.
30. Pickle, sauerkraut, vinegar or yeast manufacturing.
31. Plaster manufacturing.
32. Poultry slaughter house, including packing and storage for wholesale.
33. Printing ink manufacturing.
34. Radium extraction.

35.

Sandblasting or cutting.

36. Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
  37. Shoddy manufacturing.
  38. Shoe blacking or polish or stove polish manufacturing.
  39. Steam power plant, except where accessory to a permitted principal use.
  40. Stone and monument works.
  41. Slag piles.
  42. Other uses which in the opinion of the Planning Commission and Council is of similar character with respect to the emission of dangerous and offensive elements to the uses listed above.
- D. *Prohibited Uses.* Dwelling and residences of any kind except where they are incidental to a permitted principal use; provided however, that any of the aforesaid uses legally existing in the "I-1" District at the time of the adoption of Ordinance 28 or any amendment thereto, shall not be classified as a non-conforming use as defined in Section 400.030, and be subject to the provisions of Section 400.070.
- E. *Area Regulations.* In District "I-1", all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 400.230 unless otherwise stated more restrictively in other Sections of this Chapter. (Ord. No. 28 Art. VII, §76, 8-18-80)

**SECTION 400.210: "M-1" MANUFACTURED/MOBILE HOME COURTS**

- A. *General Requirements.* The Board of Adjustment may authorize establishment of a manufactured/mobile home park in accordance with the provisions of these Articles. The sanitary regulations prescribed by the authority having jurisdiction, and as may be otherwise required by law, shall be complied with, in addition to the following regulations:
1. *Area and yard requirements.* Manufactured/mobile home parks, motels and camps shall comply with all the area and yard requirements prescribed in Subsection (D) hereof.
  2. *Parking.* All areas used for automobile access and parking shall comply with the applicable provisions of this Chapter, provided that there shall be at least one (1) off-street parking space for each manufactured/mobile home park lot and one (1) additional space for each four (4) such lots to accommodate guests.
  3. *Entrance to manufactured/mobile home parks.* No vehicular entrance to or exit from any manufactured/mobile home park, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
  4. *Landscaping and unused areas.* All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire

site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width, shall be established and maintained within the manufactured/mobile home park along its exterior boundaries.

5. *Enclosure.* Manufactured/mobile home parks shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six (6) feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Board.
- B. *Enlargement—Permit.* Any enlargement or extension to any existing manufactured/mobile home park shall require application for a zoning certificate, as if it were a new establishment.
1. *Enlargement—existing facilities to comply.* No enlargements or extensions to any manufactured/mobile home park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.
  2. *Manufactured/mobile homes prohibited—except.* Except as provided in Subsection (B) (3) hereof, no person shall park or occupy any manufactured/mobile home or any premises in any district outside an approved manufactured/mobile home park. The parking of an unoccupied manufactured/mobile home in an accessory private garage building, or in a rear yard shall be permitted in any district, provided no living quarters shall be maintained or any business conducted in such manufactured/mobile home while so parked or stored.
  3. *Emergency parking—8 hours.* Emergency or temporary stopping or parking of a manufactured/mobile home shall be permitted on any street, alley or highway for not longer than eight (8) hours, subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for such street, alley or highway.
- C. *Manufactured/Mobile Home Parks—Submission of Plans.* An application for the establishment of a manufactured/mobile home park shall be filed with the Zoning Inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide surveyor, civil engineer, landscape architect or architect. The Zoning Inspector shall check the plat, and if he finds the same to be in compliance with the requirements of this Section, forward the same to the Board of Adjustment. The Zoning Inspector shall also advise the Planning Commission of the pending application and the Planning Commission shall review the same and submit its recommendation thereon to the Board of Adjustment. The Board shall hold a public hearing on the application, giving ten (10) days notice thereof in a newspaper of general circulation. Upon completion of said hearing the Board shall approve, conditionally approve, or deny the application. The plat shall contain the following information:
1. Accurate dimensions of the proposed manufactured/mobile home park;
  2. All roads and approaches and the method of ingress and egress from public highways;
  3. The complete electric service installation, wire service outlets and lighting facilities;
  4. The complete location of any natural gas, facilities to serve the manufactured/mobile home park;

5. A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof; and
6. The location of electric power or gas distribution systems, water mains, location of sanitary facilities, garbage disposal units, sanitary systems, sewer drain lines, fire protection and other buildings or structures contemplated to be used by such applicant in connection with said business.
7. Certified engineering plans of said utilities, streets and all other easements necessary for acceptance of municipal maintenance.

D. *Manufactured/Mobile Home Parks—Minimum Standards And Requirements.*

Manufactured/mobile home parks shall be designed and maintained in accordance with the following requirements:

1. *Park area.* The minimum manufactured/mobile home park area shall be ten (10) acres.
2. *Lot area.* The minimum lot area per manufactured/mobile home unit site within the park shall be thirty-two hundred (3,200) square feet. (See Subsection (A)(1) hereof)
3. *Lot width.* The minimum lot width per manufactured/mobile home unit site shall be forty (40) feet. Each lot shall be clearly defined by a permanent marker in the ground.
4. *Access.* Each manufactured/mobile home park shall abut upon a public street and each manufactured/mobile home lot shall have direct access to a private hard surface road.
5. *Distance between manufactured/mobile home.* The minimum distance between neighboring manufactured/mobile homes shall not be less than twenty (20) feet.
6. *Concrete slab.* Each manufactured/mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight by ten (8x10) feet and a minimum thickness of four (4) inches.
7. *Utilities.* Each manufactured/mobile home unit shall be equipped with electric service, municipal sanitary sewer and municipal water system services. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.
8. The minimum roadway width of two-way streets with parking permitted on one (1) side shall be thirty (30) feet. The minimum width of two-way streets without parking permitted shall be twenty (20) feet. Such streets shall be paved according to City specifications for residential streets and maintained in good condition and lighted at night.
9. *Recreation areas.* There shall be provided within each manufactured/mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of one hundred (100) square feet for each manufactured/mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

10. *Length of occupancy.* No manufactured/mobile homes shall remain in a manufactured/mobile home park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.
- E. *Additional Requirements.* In addition to the foregoing, the Board may impose such other conditions, requirements, or limitations concerning the design, development and operation of such manufactured/mobile home parks as it may deem necessary for the protection of adjacent properties and the public interest.
- F. *Fees.* Each application for a manufactured/mobile home park shall be accompanied by a check payable to the Treasurer of the City of Scott City, or cash payment in the amount of ten dollars (\$10.00) per manufactured/mobile home space per year. (Ord. No. 28 Art. VII §78, 8-18-80; Ord. No. 718 §11, 3-17-03)

**SECTION 400.220: MANUFACTURED/MOBILE HOMES**

- A. The manufactured/mobile home shall be anchored with approved straps to concrete anchors as required by law or as approved by the Building Inspector and shall be underpinned only with materials approved by the Building Inspector which shall be of the same or higher quality of industry standards within thirty (30) days of the occupancy permit, weather permitting. All mobile homes placed in the City shall meet the following criteria:
1. The minimum manufactured/mobile home size that is allowed shall be fourteen (14) feet by sixty (60) feet.
  2. No replacement mobile home shall be placed within the City if it has a date of manufacture earlier than the mobile home it replaces.
  3. Until March 5, 2009, no mobile home shall replace an existing mobile home within City limits unless said mobile home has been determined, to the satisfaction of the Building Inspector, to be HUD certified and a 1984 or newer model.
  4. Commencing March 5, 2009, no mobile home shall be replaced within the City limits with a manufacturer date of more than ten (10) years prior to placement.
- Occupancy permits shall not be granted and City services shall not be extended to any manufactured/mobile home not meeting the above specifications.
- B. Individual manufactured/mobile homes situated on individual lots may be replaced in the same location by the owner of the existing manufactured/mobile home provided that the new or replacement manufactured/mobile home meets all of the specifications of these Sections and is so situated that it would not violate any of the requirements for new manufactured/mobile home placement.
- C. In the case of replacement of an existing manufactured/mobile home at any given location in the City, where the manufactured/mobile home is presently lawfully situated, replacement may be made upon application by the owner or occupant to the City Building Inspector as in the case of placement of a new manufactured/mobile home. The application shall be accompanied by a fee of twenty-five dollars (\$25.00), but it shall not be necessary to procure the consent of adjoining property owners as required in the case of new application. The application shall be accompanied by a plot plan showing the location of the existing manufactured/mobile home and the location of the proposed

replacement manufactured/mobile home. Such replacement must be effected within the twenty-one (21) day period of the time after the existing manufactured/mobile home is removed from the lot. An extension of time may be granted for good cause shown, but in no case shall the extension of the time for accomplishment of the replacement be extended for an additional thirty (30) days.

D. In the event a manufactured/mobile home is removed from an individual lot and not replaced as provided in Subsections (B) and (C) above, the lot shall automatically revert to the zoning use of the adjoining lots. If the lot from which the manufactured/mobile home is removed is surrounded by more than one (1) zoning use, said lot shall automatically revert to the use of the adjoining property with highest use.

E. No person shall remove an existing mobile home from a mobile home park or private lot or place a mobile home in any mobile home park or on a private lot without first obtaining a moving permit from the Building Inspector who shall ensure the proposed removal or installation complies with all ordinances of the City. The person requesting the removal or installation of a mobile home shall, prior to inspection by the Building Inspector, pay to the City Clerk a fee of twenty-five dollars (\$25.00) to cover the cost for the issuance of the permit and inspection by the Building Inspector. (Ord. No. 28 Art. VII §78A, 8-18-80; Ord. No. 217 §2, 11-2-87; Ord. No. 426 §1, 9-19-94; Ord. No. 716 §1, 2-3-03; Ord. No. 718 §11, 3-17-03; Ord. No. 785 §1, 7-18-05; Ord. No. 796 §1, 2-6-06; Ord. No. 817 §1, 3-5-07)

**SECTION 400.223: RECREATION/TRAVEL VEHICLES**

A. No recreation/travel vehicle, while located within the City of Scott City, Missouri, may be used for any residential purpose either temporarily or permanently, except as provided in Subsection (E) hereof.

B. No recreation/travel vehicle may be hooked onto City utilities, including water and sewer, except as provided in Subsection (E) hereof.

C. All recreational/travel vehicles shall comply with parking requirements of motor vehicles as set forth in these ordinances. No recreational vehicle shall be parked along the street or on private property in such a manner that it impedes the flow of traffic or impairs the view to oncoming traffic or other motorists driving on said street or entering onto said street from adjoining property.

D. All recreation/travel vehicles parked on public thoroughfares shall be considered motor vehicles and comply with all parking requirements set forth in Chapters 350 and 355 of the Scott City Code.

E. In the event a residence becomes uninhabitable due to fire or other casualty, the building inspector may allow the residents of the uninhabitable structure to reside in a recreation/ travel vehicle and to hook onto City water and sewer, as temporary accommodations for a period not to exceed sixty (60) days. (Ord. No. 382 §2, 9-21-92; Ord. No. 718 §6, 3-17-03; Ord. No. 890 §1, 3-1-10)

**SECTION 400.225: RESERVED**

*Editor's Note—Ord. no. 718 §12, adopted March 17, 2003, repealed section 400.225: "planned unit development" in its entirety. Former section 400.225 derived from ord. no. 289 §§1–9, 11-6-89.*



## ARTICLE IV. SPECIAL REGULATIONS

### SECTION 400.230: AREA REGULATIONS

- A. All regulations concerning the height of buildings; lot area; lot width; front yard; side yard and rear yard dimensions; off-street parking and off-street loading in all zoning districts shall be as stated in the following chart unless otherwise stated more restrictively in other Sections of this Chapter. However, notwithstanding the above, the minimum lot size requirements shall not apply to any building lot in any subdivision whose developer complied with all City requirements for subdivision development and whose subdivision plat was approved by the City and properly recorded. In addition, any owner may construct a replacement building on an existing foundation, which building shall be of equal or greater value than the pre-existing building and which building shall be completed within twelve (12) months from the date of the loss, demolition or removal of the pre-existing building. Footnotes following the chart relate to provisions therein.
- B. *Front Yard Transition.* When this district abuts a residential district along a street line, there shall be provided for any development or structure a distance of fifty (50) feet from the district boundary line into said district plus a front yard equal in depth to one-half ( $\frac{1}{2}$ ) of the required front yard for such residence district.
- C. *Side and Rear Yard Transition.* On every lot in the required district that abuts directly a residence district, there shall be provided side and rear yards equal to that in the abutting residence district or of suitable dimensions to provide for adequate circulation of light, air and traffic as the district may require.
- D. *Transition Yard Requirements.* When this district abuts in the rear or on the sides of any R-District, the rear yard or side yard requirements, whichever the case may be, of any building or structure on the premises of this district shall be set back from its side or rear lot line, whichever the case may be, a distance of two (2) linear feet for each one (1) foot of building or structure height, this will then determine the minimum yard requirements, except as otherwise provided herein. (Ord. No. 28 Art. VIII §81, 8-18-80; Ord. No. 718 §11, 3-17-03; Ord. No. 722 §1, 4-21-03; Ord. No. 782 §1, 6-6-05)

**ZONING DISTRICT AREA REGULATIONS**

District	Maximum Building Height In Feet	Minimum Lot Size		Minimum Yard Requirements In Feet				Off-Street Parking Spaces	C
		Area In Sq. Feet	Lot Width In Feet	Front Yard	One Side	Both Sides	Rear Yard		
"A-1"	35	2½ acres	150	30	15	30	30	N/A	N/A
"R-1"	35	10,000	85	30	8	20	35	N/A	N/A
"M-1"	35	2,500	30	10	10	20	10	1¼ per Manufactured/ Mobile Home	N/A
"R-2"	40	One-family 6,000	60						
		Multi-family 8,000	75	35	8	20	45	1¼ per Dwelling	N/A
"C-1"	40			*	*	*	*	1 per 3 employees plus 1 per 400 sq. ft. of floor space	1 per each floor space
"C-2"	50			*	*	*	*	1 per employee plus 1 per 400 sq. ft. of floor space or 1 per definable unit (e.g. motel)	1 per each floor space required
"I-1"	50			*	*	*	*	1 per 3 employees per shift or 1 per 1,200 sq. ft. of floor space whichever is greater	1 per each floor space required
"F-1"	N/A	N/A		N/A	N/A	N/A	N/A	N/A	N/A

\* See Section 400.230 for the appropriate requirements.

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**SECTION 400.235: BED AND BREAKFASTS**

Bed and breakfast establishments are permitted in "R-1" and "R-2" Zoned Districts subject to the provisions of this Section. A bed and breakfast establishment shall be carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit, shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall conform to the following standards and provisions:

1. No bed and breakfast establishment shall be established until such time as the owner has procured a business license from the City Clerk and obtained a special use permit from the City Council, upon recommendation by the Planning and Zoning Commission, pursuant to the provisions of the Scott City Code.
2. No other type of occupation or profession shall be permitted within the building where the bed and breakfast establishment is located.
3. No more than four (4) bedrooms, and no more than fifty percent (50%) of the livable floor area of the building may be used for the bed and breakfast establishment. In addition to all other requirements set forth in the special use permit ordinance, an applicant for a bed and breakfast establishment shall provide a floor plan showing the specific location of the areas to be used for the bed and breakfast establishment.
4. There shall be no exterior display or sign, except that one (1) sign shall be permitted which shall be an unanimated, nonilluminated, flat or window sign having an area of not more than four hundred (400) square inches. The sign shall be attached flat to the building.
5. One (1) unobstructed off-street parking space shall be provided for each available bedroom in the bed and breakfast establishment, unless it is determined in processing the special use application that adequate parking already exists at the location of the proposed establishment.
6. No lodger shall be rented a room for longer than four (4) consecutive days.
7. No meals shall be served, except for breakfast.
8. Meals may be served only to overnight guests.
9. Each guest room in the bed and breakfast shall contain an operable smoke alarm.
10. Each operator shall keep a register of the boarders, in which shall be recorded the name, drivers license and permanent home address of the guest, which register shall be open for inspection by the City at all reasonable times. (Ord. No. 480 §2, 7-3-95)



**SECTION 400.240: EXCEPTIONS AND MODIFICATIONS****A. *Lots of Record.***

1. *Dwelling on any lot of record.* In any district where dwellings are permitted, the Board of Adjustment in its discretion may allow a one-family detached dwelling to be erected on any lot of official record, notwithstanding the fact that its area does not comply with the minimum lot size or its width does not comply with the minimum yard requirements set forth in Table 1 of this Chapter.
2. In exercising its discretion the Board of Adjustment shall consider the following factors:
  - a. The extent to which the square footage and the yard widths of the dwelling proposed to be built upon the lot of record conforms to the square footage and yard width of existing dwellings in the surrounding neighborhood.
  - b. The feasibility of constructing a marketable one-family detached dwelling upon the lot of record, which would conform to the square footage and minimum yard requirements of Table 1 of this Chapter.
  - c. The extent to which the proposed dwelling to be built upon the lot of record conforms with the square footage and minimum requirements of Table 1 of this Chapter.
  - d. Where two (2) or more adjacent lots of record are owned by the same person or corporation, the Board of Adjustment may consider the feasibility of redividing the land into fewer lots which would permit construction of dwellings which would comply with the square footage and minimum yard requirements of Table 1 of this Chapter.
3. *Minimum Yards.* In no case shall the width of any side yard be less than ten percent (10%) of the width of the lot, and provided; that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or thirty percent (30%) of the frontage, whichever is the greater. In no case shall the depth of the rear yard be less than ten (10) feet. Front, side or rear yard encroachments as specified in Subsection (B) below shall be prohibited in the case of substandard lots of record and the yard width of such lots shall be measured from the edge of any projection or overhang to the lot line.

**B. *Height Modification.*** The height limitations stipulated elsewhere in this Chapter shall not apply to the following:

1. *Farm buildings, architectural features, etc.* Barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas, and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smoke-stacks, flag poles, radio towers, mast and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
2. *Places of public assembly.* Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first (1st) floor of such buildings and provided that for each three (3) feet by which

the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

3. *Elevator penthouses, water tanks, etc.* Elevator penthouses, water tanks, monitors and scenery lofts provided no linear dimension of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height.
4. *Minimum requirements.* All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line not a street lot line.

C. *Yard and Frontage Modifications in Residential Districts.*

1. *Average depth of front yards.* In any R-District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Chapter, the required depth of the front yard on such lot shall be modified. In such cases, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided however, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet; and provided further that in no event shall the depth of a front yard of a corner lot be less than twenty-five (25) feet.
2. *Double frontage lots.* Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided however, on both streets.
3. *Rear and side yards—How computed.* In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half ( $\frac{1}{2}$ ) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be. However, in no event shall any building or structure be erected closer than five (5) feet from any lot line.
4. *Side yard increased.* Each side yard, where required, shall be increased in width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet.
5. *Side yard—Corner lot.* A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in an R-District shall have a width of not less than one-half ( $\frac{1}{2}$ ) the required depth of the front yard on such other lot fronting the side street.

6. *Frontage modifications.* In the case of curvilinear streets and cul-de-sacs, the Board may authorize reductions of the otherwise specified lot frontage in R-Districts, provided that:

- a. The lot width measured at the building line shall equal the frontage required in the district where located;
- b. The front lot line shall be not less than forty (40) feet in any event; and
- c. Such reduction of frontage shall not result in a reduction of the required lot area.

D. *Yard Projections in R-Districts.*

1. Certain architectural features may project into required yards or courts as follows:

- a. Cornices, canopies, eaves or other architectural features, may project a distance not exceeding two (2) feet, six (6) inches.
- b. Fire escape may project a distance not exceeding four (4) feet, six (6) inches.
- c. An uncovered stair, and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.
- d. Bay windows, balconies, uncovered porches, and chimneys may project a distance not exceeding three (3) feet provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

2. *Interior side yards.* Subject to the limitations in Subsection D (1) above, the above-named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.

3. *Rear yards.* Subject to the limitations in Subsection D (1) above, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard.

4. *Fences, walls and hedges.*

- a. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

*FENCE:* A hedge, plant or tree growth, structure or partition erected for the purpose of enclosing or dividing a piece of land or for the purpose of preventing intrusion from without or straying from within.

*FRONT SIDE OF BUILDING:* The side or sides of the main building located on the lot which side or sides face a street.

*REPAIR OR REPLACEMENT:* Repair or reconstruction or substitution of the materials representing fifty percent (50%) or more of the total materials constituting the side of the existing fence to be affected.

b. *Regulations.*

- (1) Fences in which the opening between the materials of which the fence is constructed represent less than seventy percent (70%) of the total surface may be erected as follows:
  - i. To a height not exceeding four feet along the boundaries of a lot; or
  - ii. If of wooden or wood simulated construction to a height of no more than six (6) feet along the property lines of the lot, provided the fence does not extend toward the street beyond the front side or sides of the primary building located on the lot.
- (2) Fences in which the opening between the materials of which the fence is constructed represent more than seventy percent (70%) of the total surface may be erected as follows:
  - i. To a height not exceeding four (4) feet along the boundaries of a lot which extend toward the street beyond the front side or sides of the primary building located on the lot; or
  - ii. To a height not exceeding six (6) feet along the property lines of the lot, provided the fence does not extend toward the street beyond the front side or sides of the primary building located on the lot.
- (3) No fence shall be erected or replaced:
  - i. Within twenty-five (25) feet of the intersection of two (2) street lines (improved streets only); or
  - ii. Within five (5) feet of the property line adjacent to an (improved) alley.
- (4) All fences shall be constructed of materials which are generally accepted and used as and for fencing, excluding those materials which are prohibited by other provisions of the City ordinances of Scott City to be used as fencing materials. All fence material to be approved by the Building Inspector at time of permit approval.
- (5) The percent of opening between the materials of which a fence is constructed shall be considered the openings visible from all exterior points of the fence when viewing the fence along a projected line being extended from each such exterior point perpendicularly to the fence.

c. *Prohibited fences.*

- (1) *Barbed wire fence.* All fences having wire or metal prongs or spikes or cutting points or edges of any kind whatsoever shall be prohibited on property located within the City's residential or commercial districts, except for the following purposes:
  - i. To protect public utilities or City facilities.
  - ii. For the purpose of enclosing pastures of livestock allowed to be maintained on residential property as set forth in Section 215.160 of the Scott City Code.

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(2) No electric fence shall be located in any residential or commercial district within the City, except under the following circumstances:

- i. In any residential or commercial property where livestock is allowed to be kept pursuant to the provisions of Section 215.160 of the Code.
- ii. To protect gardens or flower beds from destruction by wild or domestic animals.
- iii. No electric fence shall be located in any industrial area, except for the express purpose of providing security to unattended buildings.
- iv. Notwithstanding the above provisions, no electric fence shall be erected on any property located within City limits, unless the voltage carried by such fence is less than five (5) volts and the fence is properly flagged to identify its location.

d. *Permit required.* In all instances where a fence is to be erected, a permit shall be obtained prior to such placement or replacement of said fence. An application for such permit shall be delivered to the Building Inspector of the City of Scott City, which said application shall contain a diagram showing the location of the buildings upon the lot and the location of the fence to be erected or replaced on said lot. The application shall then be approved or disapproved by the Building Inspector as required for building permits in Scott City. Enforcement of this ordinance effective as of January 1, 2009.

E. *Lot Area Requirements—Private Sanitary Facilities.* Any other regulations of this Chapter notwithstanding, in any district, except "A-1", where public water and sanitary facilities are not accessible, the lot area per family and lot frontage requirements otherwise specified for residential uses shall be increased as follows:

1. *Sewerage and/or water not available.* Where public sewerage and/or public water supplies are not accessible:

Wells and sewerage disposal systems shall be installed in strict accordance with State of Missouri Division of Public Health, Soil Conservation Service, and Water Pollution Board specifications. On-site percolation test results, site gradient, and subsurface geology shall directly affect the type, design and method of installation of those systems.

2. *"A-1" Standards prevail.* Where public water supply and sewerage are accessible in the "A-1" District, the lot area and frontage requirements specified for "A-1" District shall still apply as set forth in Section 400.150 of this Chapter. (Ord. No. 28 Art. VIII §82, 8-18-80; Ord. No. 123 §1, 3-19-84; Ord. No. 313 §9, 10-1-90; Ord. No. 566 §1, 7-7-97; Ord. No. 567 §1, 7-7-97; Ord. No. 850 §1, 12-15-08)

## ARTICLE V. ZONING ADMINISTRATION

### SECTION 400.250: ENFORCEMENT BY ZONING INSPECTOR

There is hereby established the office of Zoning Inspector and for the purposes of this Chapter, the office of building Inspector of the City of Scott City is hereby designated as said Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this

Chapter in accordance with the Administrative provisions of this Chapter. All departments, officials and public employees of the City of Scott City vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Chapter. Any permit or license, issued in conflict with the provisions of this Chapter, shall be null and void. (Ord. No. 28 Art. IX §91.1, 8-18-80)

**SECTION 400.260:                    FILING PLANS**

Every application for a Zoning Clearance Permit shall be accompanied by plans in duplicate, drawn to scale on the form, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or house-keeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use

to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Chapter.

One (1) copy of such application and plans shall be returned to the applicant when such plans shall have been approved by the Zoning Inspector, together with such Zoning Clearance Permit as may be granted. All dimensions shown on these plans related to the location and size of the lot to be built upon, shall be based on actual survey. The lot and location of the building hereon shall be staked out on the ground before construction is started. (Ord. No. 28 Art. IX §91.2, 8-18-80)

#### **SECTION 400.270: CERTIFICATE OF UTILITY APPROVAL**

In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by Certificate of Approval by the Zoning Inspector of the proposed method of water supply and/or disposal of sanitary wastes and proof of conformance to State and Federal Public Health and Water Pollution Codes. (Ord. No. 28 Art. IX §91.3, 8-18-80)

#### **SECTION 400.280: ZONING CLEARANCE PERMIT**

It shall be unlawful for any owner, lessee or tenant to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Clearance Permit shall have been issued by the Zoning Inspector. Such Zoning Permit shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Chapter. It shall be the duty of the Zoning Inspector to issue a Zoning Clearance Permit, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Chapter. (Ord. No. 28 Art. IX §91.4, 8-18-80)

#### **SECTION 400.290: BUILDING PLAT REQUIRED—FEE**

All applications for Zoning Clearance Permits shall be accompanied by a plat drawn to scale showing the actual dimensions of the lots to be built upon, the size and location of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. No Zoning Clearance Permit shall be issued until a fee of five dollars (\$5.00) shall have been paid. (Ord. No. 28 Art. IX §91.5, 8-18-80)

#### **SECTION 400.300: CERTIFICATE OF OCCUPANCY**

It shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged until an endorsement of the Certificate of Occupancy shall have been accomplished by the Zoning Inspector after inspection. Such Certificate of Occupancy shall show and certify that such building structure or premises has been constructed, altered or

improved in compliance with the provisions of this Chapter, and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Adjustment or other proper authority. (Ord. No. 28 Art. IX §91.6, 8-18-80)

**SECTION 400.310: INSPECTOR TO ACT WITHIN THIRTY DAYS**

The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Chapter within thirty (30) days after they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Clearance Permit within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefor. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Clearance Permit unless the applicant consents to an extension of time.

(Ord. No. 28 Art. IX §91.7, 8-18-80)

**SECTION 400.320: ZONING BOARD OF ADJUSTMENT**

- A. *Appointment.* A Board of Adjustment is hereby created. The Board shall consist of five (5) members appointed by the Mayor and approved by the City Council, each to be appointed for a term of five (5) years, excepting that when the Board shall first be created, one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members shall be removable for cause by the Mayor and City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- B. *Procedure.* 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 and decisions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Each session of the Board of Adjustment, at which an appeal is to be heard, shall be a public meeting with public notice of said meeting and business to be carried or published in a newspaper of general circulation in the City, at least one (1) time seven (7) days prior to the meeting.
- C. *Appeals.* 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 Inspector. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Zoning Inspector, a notice of appeal specifying the grounds thereof. A fee of the cost of publishing a legal notice shall accompany all notices of appeal. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.
- D. *Powers.* The Board of Adjustment shall have the following powers subject to appeals to the Circuit Court of Scott County within thirty (30) days after filing of the decision in the office of the Board:
1. *Decide appeals.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Chapter, and may affirm or reverse, in whole or part, said decision of the enforcement officer.

2. *Hear variances.* To hear request for variances from the literal provisions of this Chapter which 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 this Chapter. The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under this Chapter. The Board of Adjustment may impose conditions in the granting of variance to insure compliance to protect adjacent property.
3. *Hold public hearings.* To hold public hearings on, and decide the exceptions to or variations of this Chapter.
4. *Permit extensions.* To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of this Chapter.
5. *Interpretation.* Interpret the provisions of this Chapter 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.
6. *Permit reconstruction.* Permit reconstruction of a non-conforming building otherwise prohibited by Section 400.070 (2)(c) where such action would not constitute continuation of a monopoly.
7. *Yard variances.* 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.
8. *Parking variances.* Vary the parking regulations by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Chapter, 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.  
(Ord. No. 28 Art. IX §92, 8-18-80)

## **ARTICLE VI. VIOLATIONS AND PENALTIES**

### **SECTION 400.330: VIOLATIONS AND PENALTIES**

The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which such 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 any 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 be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment, in the discretion

of the Court. Any such person, having been served with an order to remove any such violation, failing to comply with said order within ten (10) days after such notice or continuing to violate any provisions of the regulations made under authority of this Chapter in the respect named in such order, shall be subject to a civil penalty of two hundred fifty dollars (\$250.00).

No. 28 Art. X §100, 8-18-80)

(Ord.

## ARTICLE VII. AMENDMENTS

### SECTION 400.340: COUNCIL MAY AMEND CHAPTER

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may by ordinance, after recommendation thereon by the City Planning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district boundaries or classifications or property, now or hereafter established by this Chapter or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this Chapter. (Ord. No. 28 Art. X §111, 8-18-80)

### SECTION 400.350: PROCEDURE FOR CHANGE

- A. *Applications for Change.* Applications for any change of district boundaries or classifications or property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Planning Commission, at its public office, upon such forms, and all shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include in any event a plat or map drawn to a scale of not less than two hundred (200) feet to the inch showing the land in question, its locations, the length and location of each boundary thereof, the location of properties within three hundred (300) feet of such land. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.
- B. *List of Property Owners.* Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within three hundred (300) feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.
- C. *Payment Of Administrative Expenses.* Upon receipt of the application and list of property owners, the City Clerk shall certify the accuracy of the list of property owners to the Planning Commission, City Council and to the applicant, prior to any notices of the public hearing. The application and supporting documents shall be accompanied by a payment to the City in the sum of two hundred dollars (\$200.00) to cover the cost of publication of notice, the cost of mailing the notices to the list of property owners, and to cover the

City's costs to verify the list of property owners, plus an additional five dollars (\$5.00) for each and every property owner on the list in excess of twenty-five (25) property owners. (Ord. No. 28 Art. X §112, 8-18-80; Ord. No. 493 §1, 9-5-95)

**SECTION 400.360: COMMISSION HEARING NOTICE**

- A. *Notice of Public Hearing.* Before submitting its recommendations to the City Council, the Planning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the City at least fifteen (15) days before the date of such hearing.
- B. *Commission—Recommendations.* The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. These recommendations shall then be certified to the Council. (Ord. No. 28 Art. X §113, 8-18-80)

**SECTION 400.370: CITY COUNCIL HEARING**

- A. *Public Hearing.* After receiving from the Commission the certification of said recommendations on the proposed amendment or supplement, and before adoption of such amendment, the City Council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the City.
- B. *Council—Final Action.* Following such hearing and after reviewing the recommendations of the Commission thereon, the City Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of this Chapter or the Zoning Map. The City Council may over-rule the recommendations of the Commission by three-fourths ( $\frac{3}{4}$ ) vote of the full membership of the Council. (Ord. No. 28 Art. X §114, 8-18-80)

**SECTION 400.380: MAP CHANGE PENDING—ZONING CERTIFICATE, BUILDING PERMIT**

Whenever the City Council has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by resolution or record, no zoning certificate or building permit shall be issued within sixty (60) days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become non-conforming under the contemplated redistricting plan. (Ord. No. 28 Art. X §115, 8-18-80)

**SECTION 400.390: SPECIAL USE PERMIT**

- A. Subject to the provisions of this Section, the City Council of the City of Scott City may, after a public hearing before the City Council, and after study and report by the City Planning and Zoning Commission, authorize the special uses enumerated in this Section, which uses are otherwise prohibited in the district in which said use is to be located.

- B. *Application For Permits.* Application for Special Use Permits, along with the necessary legal description, site plan, descriptive materials relating to the intensity and extent of use, and the list of property owners within three hundred (300) feet, shall be made to the City Administrator. All applications shall be accompanied by an application fee in the sum of two hundred dollars (\$200.00) to cover the City's administrative costs, review of the special permit application, verifying the list of property owners, publication costs, mailing expense to property owners on the list, plus an additional five dollars (\$5.00) for each and every property owner to be notified in excess of twenty-five (25) property owners.
- C. *Planning And Zoning Commission Review.* The application and all related materials shall be submitted to the Planning and Zoning Commission for evaluation. All special use permit applications shall contain such information and shall be processed in the same manner as provided for in Section 400.350, Section 400.360 and Section 400.370 of the City Code, relating to zoning changes.
- D. *Zoning Code Districts.* Each of the zoning code districts enumerated in Section 400.040 of the Scott City Code is hereby assigned a use level, as follows:

<u>Zoning Code District</u>	<u>Use Level</u>
"A-1" Agriculture District	Level I
"R-1" Single Family Residence	Level II
"R-2" Multiple-Family Residence	Level III
"C-1" General Business District	Level IV
"C-2" Highway Commercial District	Level V
"I-1" Light Industrial District	Level VI
"F-1" Flood Plain District	Level VII
"M-1" Manufactured/Mobile Home District	Level VIII

- E. *Standards Relating To Special Use Permits.* All applications for Special Use Permits within a Zoning District shall be evaluated based on the following:
  1. The application must be for a special use, which would only be permissible in a zoning code district of a higher use level. For example, a request to construct a single family house (R-1) in a multi-family area (R-2) is permissible since a structure allowed in Level II would be built in a Level III use area.
  2. The site plan meets the standards required of the Zoning Code and other applicable regulations with respect to the proposed development or use.
  3. Existing buildings proposed to be converted to uses requiring a "Special Use Permit" must meet all current fire, health, building, plumbing, and electrical requirements of the City.
  4. The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private rights-of-way.
  5. The proposed site plan does not destroy, damage, detrimentally modify or interfere with the enjoyment and function of significant natural topographical or physical features of the site.
  6. The proposed use is not injurious or detrimental to the use and enjoyment of surrounding property.

7. The proposed use does not create hazards to safety on or off the site, and does not cause undue interference or inconvenience to vehicular and pedestrian travel on or off the site.
  8. The proposed site plan provides adequate shielding, by means of open spaces, buffer strips, screen walls, fences, hedges or landscaping, for the protection of nearby uses which may be incompatible with the proposed use.
  9. The proposed use is compatible with other land uses in the general neighborhood area.
  10. The proposed site plan does not create drainage or erosion problems on or off the site.
  11. The proposed site plan does not substantially increase fire hazards.
  12. The proposed site plan does not overtax public utilities.
- F. In granting a "*Special Use Permit*" the City Council may impose, and the Planning and Zoning Commission may recommend, appropriate conditions and safeguards as may be deemed necessary to insure compliance with the requirements of this Zoning Code and to protect adjacent property and conserve property values.
- G. *Split Uses.* Planning and Zoning Commission may recommend and the City Council may approve a Special Use Permit for a portion of the applicant's premises or separate use permits for different uses on the same premises, provided all standards required in Subsection (E) of this Section are complied with.
- H. *Special Use Permits Are Personal.* All Special Use Permits shall be personal to applicant and applicant's spouse and are not subject to transfer or assignment by the applicant or applicant's spouse and shall not pass to the heirs of the applicant or applicant's spouse upon their death.
- I. *Yearly Review.* The Building Inspector shall review all Special Use Permits previously granted on a yearly basis and report his findings to the Planning and Zoning Commission. Upon receipt of said report, if the Planning and Zoning Commission determines any condition or standard required to be complied with in the grant of the Special Use Permit has been violated, the Planning and Zoning Commission may recommend to the City Council revocation or suspension of the Special Use Permit.
- J. *Revocation Or Suspension.* The City Council may, after reasonable notice to the owner and a hearing, revoke or suspend any Special Use Permit herein granted, with or without the recommendation of the Planning and Zoning Commission, upon the finding that the owner of the premises for which the Special Use Permit has been granted has violated any of the covenants or standards required in granting the Special Use Permit, has allowed any nuisance on the premises as defined by City ordinances, or has permitted criminal activity to be conducted upon the premises. (Ord. No. 469 §1, 4-3-95; Ord. No. 478 §§1-2, 7-3-95; Ord. No. 494 §1, 9-5-95; Ord. No. 718 §11, 3-17-03)



## CHAPTER 405: SUBDIVISION REGULATIONS

### SECTION 405.010: SHORT TITLE

This Chapter shall be known and may be cited as the Subdivision Regulations of the City of Scott City, Missouri. (CC §43.010)

### SECTION 405.020: DEFINITIONS

For the purpose of interpreting this Chapter, certain terms are defined, as follows:

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

*LOT*: A parcel of land occupied or intended for occupancy by a building together with its accessory buildings, including open space for light and air as required by this Chapter.

*MAJOR SUBDIVISION*: A division of a parcel of land into four (4) or more lots or a division of a parcel of land dedicating streets, alleys or utilities to the public.

*MINOR SUBDIVISION*: A division of a parcel of land of less than four (4) lots with no street or utilities to be dedicated to the public.

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

*PLANNING COMMISSION*: The Scott City Planning Commission.

*STREETS*: A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, land, alley, or other way, and for the purpose of this Chapter, "streets" are divided into the following categories:

1. Major streets and highways are those which are used primarily for fast or heavy through traffic.
2. Collector streets are those which provide for traffic movement between major streets and highways and local streets including principal entrance streets of residential developments and street for circulation within such developments.
3. Local streets are those used primarily to provide direct access to individual lots and for local traffic movements.
4. Alleys are passage ways affording generally secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
5. Cul-de-sacs are neighborhood streets with only one (1) outlet, sometimes called "dead-end" streets, having a vehicular turn-around at the terminated end. (CC §43.020; Ord. No. 794 §§1–2, 12-19-05)

**SECTION 405.030: PLATTING AUTHORITY**

The Planning Commission is the official platting authority, and no plat of land subdivision lying within the municipality shall be filed or recorded by the appropriate County Recorder unless the plat has been endorsed by the Planning Commission. The filing or recording of a plat of a subdivision without the approval of the Planning Commission as required by this Chapter is declared to be a misdemeanor, punishable by law. (CC §43.030)

**SECTION 405.032: PROVISIONS RELATING TO MAJOR SUBDIVISIONS**

The provisions set forth in Section 405.040 through Section 405.250 shall apply to all major subdivisions. (Ord. No. 794 §3, 12-19-05)

**SECTION 405.035: PROVISIONS RELATING TO MINOR SUBDIVISIONS**

- A. When a minor subdivision is proposed by any subdivider, the subdivider shall submit a plat to the Planning and Zoning Commission. Said plat shall contain all information required in Section 405.070(D) relating to information contained in a preliminary plat for major subdivisions. The subdivider shall provide five (5) copies of the plat to the Planning and Zoning Commission to be provided to all persons set forth in Section 405.080(4).
- B. The Planning and Zoning Commission shall review the plat as set forth in Section 405.090. Thereafter, if approved, the Planning and Zoning Commission shall cause the plat to be recorded as provided in Section 405.100, after it has been certified by all necessary persons as set forth in Section 405.120 through Section 405.150 and payment of the actual cost involved in the approval of the subdivision as set forth in Section 405.255. (Ord. No. 794 §4, 12-19-05)

**SECTION 405.040: PRE-APPLICATION PROCEDURE**

Whenever a subdivision of a tract of land within the City of Scott City is proposed, the subdivider is urged to consult early and informally with the secretary or a designated member of the Planning Commission. The subdivider may submit comprehensive plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre-application review and no formal application shall be required.

1. The purpose of the pre-application review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans.

At this stage, the subdivider should also consult with any lending institution that will be participating in the financing of his proposed development and with the Federal Housing Administration of the Housing and Home Finance Agency that may be insuring mortgages on houses that may be built in this land subdivision.

2. The various plat reviews required by this Chapter may properly be made by the secretary or a designated member of the Planning Commission. It would be wasteful of time for the entire membership to *review* a proposed land subdivision, except in

cases of conflict or unusual and difficult problems. *Approval* or *disapproval* in every case must be by action of the Commission. (CC §43.070)

**SECTION 405.050: APPLICATION FOR PRELIMINARY PLAT APPROVAL**

Following the pre-application review of a proposed subdivision, the subdivider shall submit to the Chairman of the Planning Commission, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

1. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent;
2. Five (5) copies of the preliminary plat and other documents, as specified in Section 405.070, et seq.
3. A preliminary plat filing fee as set by ordinance.



4. Five (5) copies of the preliminary plat and other documents are suggested to provide a review and record copy for:
  - a. Planning Commission;
  - b. Subdivider;
  - c. City Building Inspector;
  - d. City Maintenance Department (for record);
  - e. County Health Office. (CC §43.080)

**SECTION 405.060: REVIEW OF PRELIMINARY PLAT**

- A. The Planning Commission shall check the plat for conformance to the rules and regulations of this Chapter and shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the secretary of the Planning Commission by registered or certified mail to the person designated in the letter requesting preliminary plat review and approval, not less than five (5) days prior to the date of the hearing.
- B. Thereafter, the Planning Commission shall give tentative approval or disapproval to the preliminary plat. A notation of the action shall be made on two (2) copies of the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the Planning Commission.
- C. Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the Planning Commission.
- D. If action on a preliminary plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.  
(CC §43.090)

**SECTION 405.070: PRELIMINARY PLAT SPECIFICATIONS**

- A. *Scale.* The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.
- B. *Sheet Size.* Sheet size shall be twenty by twenty (20 x 20) inches, or shall be the sheet size required by the appropriate County Recorder for recording purposes. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

- C. *Ground Elevations.* The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey or a datum plane approved by the City Engineer as follows:
1. For land with slopes less than approximately two percent (2%) show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions;
  2. For all slopes more than approximately two percent (2%);
    - a. If the ground slope is irregular, show contours with an interval of not more than two (2) feet; and
    - b. If the ground slope is regular, show contours with an interval of not more than five (5) feet; and
  3. A tie to one (1) or more bench marks shall be shown.
- D. *Information to be Provided on Preliminary Plat.* The preliminary plat shall contain the following information:
1. Title.
  2. Name and address of owner of record and of subdivider.
  3. Proposed name of subdivision and its acreage.
  4. North point and graphic scale and date.
  5. Vicinity map showing location and acreage of subdivision.
  6. Exact boundary lines of the tract by bearing and distances.
  7. Names of owners of record of adjoining land.
  8. Existing streets, utilities, and easements on and adjacent to the tract.
  9. Proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public use, and any land to be used for purposes other than single-family dwellings.
  10. Block numbers and lot numbers.
  11. Provisions for water supply, sewerage, and drainage.
  12. Minimum building front yard set-back lines.
  13. Such street cross-section and center-line profiles as may be required by the City Engineer.
  14. Presenting zoning classification. (CC §43.100)

**SECTION 405.080: APPLICATION FOR FINAL PLAT APPROVAL**

After the preliminary plat of a proposed subdivision has been given tentative approval by the Planning Commission, the subdivider may, within one (1) year from tentative approval, submit to the Planning Commission:

1. A letter requesting review and approval of a final plat, giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the final plat shall be sent.
2. Five (5) copies of the final plat and other documents, as specified in Section 405.050 et seq., plus the original which shall be drawn in permanent ink on permanent reproducible material, equal to the standards required by the appropriate County Recorder.
3. A State plan coordinate systems disk containing the plat of the subdivision, to be retained by the City.
4. A final plat filing fee as set by ordinance.
5. The five (5) copies required here would provide:
  - a. One (1) original plat to be recorded in the files of the appropriate County Recorder;
  - b. One (1) copy of the records of the Planning Commission;
  - c. One (1) copy for Governing Body;
  - d. One (1) copy for the City Engineer; and
  - e. One (1) copy for return to the subdivider with inscriptions of the Planning Commission thereon (a permanent reproducible copy showing the filing reference and approval statement and signature of the Chairman of the Planning Commission). (CC §43.110; Ord. No. 814 §1, 2-5-07)

**SECTION 405.090: REVIEW OF FINAL PLAT**

- A. The Planning Commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of Chapter 400, and shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the secretary of the Planning Commission by registered or certified mail to the person designated in the letter requesting final review and approval, not less than five (5) days prior to the date of the hearing.
- B. Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on the original drawing and all copies of the final plat, including a statement of the reasons for disapproval if the final plat is disapproved. If action on a final plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time. (CC §43.120)

**SECTION 405.100: RECORDING OF FINAL PLAT**

Upon approval of a final plat, the Chairman of the Planning Commission shall have the final plat recorded by the County Recorder at the County Court. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat as provided in Section 405.080. (CC §43.140)

**SECTION 405.110: FINAL PLAT SPECIFICATIONS**

The final plat shall conform to and meet the specifications of the preliminary plat (Section 405.070) with the following additions:

1. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3)) shall be accurately described on the plat.
2. Municipal, County and land-lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close the subdivision.
3. Exact boundary lines of the tract, determined by an engineering field survey, giving distances to the nearest one-tenth (1/10) foot and angles to the nearest minute, which shall be balanced and closed with an error closure not to exceed one (1) to five thousand (5,000).
4. Name of subdivision, exact location, widths, and names of all streets and alleys within and immediately adjoining the tract.
5. Street center lines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
6. Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearings.
7. Lots numbered in numerical order and blocks lettered alphabetically.
8. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use.
9. Accurate location, material and description of existing and proposed monuments and markers.
10. A statement, either directly on the plat or in an identified attached document, of any private covenants. (CC §43.150)

**SECTION 405.120: ENGINEER'S OR SURVEYOR'S CERTIFICATION**

An engineer's or surveyor's certification shall be placed directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "Future", and their location, size, type, and material are correctly shown; and that all engineering requirements of the subdivision regulations of the City of Scott City, Missouri, have been fully complied with." (CC §43.160)

**SECTION 405.130: OWNER'S CERTIFICATION**

An owner's certification shall be placed on the final plat, as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies this plat was made from an actual survey, that all State, City and County taxes or other assessments now due on this land have been paid." (CC §43.170)

**SECTION 405.140: CERTIFICATION OF THE CITY ENGINEER, COUNTY HEALTH OFFICER, OR CITY ATTORNEY**

- A. The City Engineer, or other responsible official shall certify that the streets, drainage, utilities and other improvements indicated on the plat have been completed to proper specifications and per design standards. Where the required improvements have not been completed, the City shall require the owner to post a bond or other security to insure the completion of the required improvements, and the City Attorney shall certify that approved bond, or security has been posted to insure their completion.
- B. Where septic tanks are to be used in lieu of public sewerage, the County Health Officer or local health authority shall certify that adequate septic tanks have been installed to specifications and that lot areas shown on the plat are adequate to accommodate individual septic tanks. (CC §43.180)

**SECTION 405.150: CERTIFICATE OF DEDICATION**

A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating shall be attached to the final plat. This certificate shall be approved as to form by the City Attorney. (CC §43.190)

**SECTION 405.160: COPY OF OFFICIAL ACTION BY GOVERNING BODY**

A copy of the ordinance or resolution adopted by the governing body accepting streets, improvements, easements, and any other property dedicated by the owner for public use, as indicated on the final plat, shall be attached to the final plat before recording. (CC §43.200)

**SECTION 405.170: A CERTIFICATE OF APPROVAL OF THE FINAL PLAT BY THE PLANNING COMMISSION**

The Chairman of the Planning Commission shall include a certificate of approval of the final plat directly on the plat, as follows:

"All the requirements of approval having been fulfilled pursuant to the subdivision regulations of the City of Scott City, Missouri, this final plat was given final approval by the Scott City Planning Commission effective 19\_\_.

\_\_\_\_\_  
Date Chairman, Scott City Planning Commission."  
(CC § 43.210)

**SECTION 405.180: SUITABILITY OF LAND**

Land subject to flooding, improper drainage, erosion or that is, for topographical or other reasons, unsuitable for residential use shall not be platted for residential use nor for any other use that will increase the danger of health, safety, or property destruction, unless the hazards can be and are corrected. (CC § 43.220)

**SECTION 405.190: NAME OF SUBDIVISION**

The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision. (CC § 43.230)

**SECTION 405.200: ACCESS**

Access to every subdivision shall be provided over a public street.  
(CC § 43.240)

**SECTION 405.210: CONFORMANCE TO ADOPTED MAJOR THOROUGHFARE AND OTHER PLANS**

- A. All streets and other features of the major thoroughfare plan of the City of Scott City, Missouri, shall be platted by the subdivider in the location and to the dimensions indicated on the major thoroughfare plan adopted by the Planning Commission.
- B. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks, or other land for public uses) are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
- C. Whenever a plat proposes the dedication of land to public uses that the Planning Commission finds not required or suitable for such public use, the Planning

Commission shall refuse to approve the plat, and shall notify the governing body of the reasons for such action.

1. One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be presently acquired at acreage prices rather than at greatly increased prices in the future and where future improvements would increase the expense to the taxpayer and create inconvenience for the individual property owner and for the neighborhood.
2. Where the public use to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined according to the circumstances because the subdivider should not be required to hold his land idle for an indefinite period far into the future. (CC § 43.250)

**SECTION 405.220: GENERAL REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY**

- A. *Continuation of Existing Streets.* Existing streets shall be continued at the same or greater width, but in no case less than the required width.
- B. *Street Names.* Street names shall require the approval of the Planning Commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.
- C. *Street Jogs.* Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted.
- D. *Cul-De-Sacs:* Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than five hundred (500) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.
- E. *Alleys.* Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one (1) and two (2) family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.
- F. *Easements.* Easements having a minimum width of ten (10) feet shall be provided along each side of rear lot lines and shall be provided, as required, for utility lines and underground mains and cables.

Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm-water or drainage right-of-way of adequate width. Parallel streets may be required by the Planning Commission in connection therewith. (CC § 43.270)

**SECTION 405.230: STREET DESIGN REQUIREMENTS**

A. *Street Right-of-Way Widths.* The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

1. Major streets, one hundred forty (140) feet.
2. Secondary streets, sixty (60) feet.
3. Neighborhood streets, twenty-four (24) feet.
4. Alleys, twenty (20) feet.

B. *Street Pavement Widths.* Street pavement widths shall be as follows:

1. Secondary streets, thirty-six (36) feet.
2. Neighborhood streets, twenty-four (24) feet.
3. Alleys, sixteen (16) feet.

The pavement widths are measured from curb to curb. These widths are considered the minimum necessary to accommodate modern traffic. Street parking must, of course, be considered in the pavement widths. Where no street parking is permitted or none is anticipated, allowances may be made. A parallel parking lane normally requires eight (8) feet. Only on secondary streets a moving traffic lane should have a minimum of ten (10) feet. On neighborhood streets where the abutting property has adequate off-street parking and traffic moves slower, provision for one (1) lane of parking and two (2) nine (9) foot traffic lanes may be adequate. (Pavement widths for major streets are normally a responsibility of the governing body).

C. *Street Grades.* Maximum and minimum street grades shall be twelve percent (12%) and one-half percent (0.5%) respectively.

These street grades maximums are considered to be the median requirements and provide adequate safety. Different topographical situations may necessitate adjustment. The minimum grade requirement is necessary for drainage purposes. In this regard, it should be considered that in addition to accommodating traffic, streets are the heart of the surface drainage system.

D. *Horizontal Curvature.* The minimum radii of center line curvature shall be one hundred fifty (150) feet.

E. *Tangents.* Between reverse curves, there shall be a tangent having a length not less than one hundred (100) feet.

F. *Street Intersections.* Street intersections shall be at right angles when possible. No street intersections shall be at an angle of less than sixty degrees (60°), unless required by unusual circumstances.

- G. *Curb Line Radius.* The curb line radius at street intersection shall be at least fifteen (15) feet. Where the angle of street intersection is less than ninety degrees (90°), a longer radius may be required. (CC §43.280; Ord. No. 723 §§1–2, 4-21-03)

**SECTION 405.240: DESIGN STANDARDS FOR BLOCKS AND LOTS**

- A. *Block Lengths and Widths.* Block lengths and widths shall be as follows:

1. Blocks shall be no greater than one thousand five hundred (1500) feet nor less than six hundred (600) feet in length, except in unusual circumstances.
2. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impracticable.

- B. *Lot Sizes.*

1. Residential lots shall meet the lot width and lot area requirements of Chapter 400 of this Title.
2. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations not practicable.
3. Where individual septic tanks are used, the Health Office shall prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein.
4. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable for use intended.
5. Residential corner lots shall have adequate width to meet building set back requirements from both abutting streets.

- C. *Lot Lines.* All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topographic or other features.

- D. *Building Lines.* A building line meeting the front yard set back requirements of Chapter 400 shall be established on all lots.

- E. *Lots Abutting Public Streets.* Each lot shall abut upon a dedicated public street.

- F. *Double and Reverse Frontage Lots.* Double frontage and reverse frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planted screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other incompatible use. (CC §43.290)

**SECTION 405.250: REQUIRED IMPROVEMENTS**

- A. *Public Utilities and Streets.* Prior to the approval of the final plat, an agreement shall be reached between the subdivider or his agent and the City Government with regard to the installation of any street improvements or utility construction called for on the subdivision plat. In certain cases, where the City Government deems necessary, the subdivider shall be required to have installed by appropriate City agency at his expense, or, with approval of the agency concerned, to install the following street improvements and utilities.
1. Streets, including street grading, street paving, and curbs and gutters.
  2. Sanitary sewer lines and manholes, storm-drainage facilities, sidewalks (when determined by the Planning Commission to be essential for the safety of pedestrians) and monuments and markers.
  3. Water mains within the subdivision with connections to each lot.
  4. All required street improvements, utilities and monuments shall be built to standards specified by the agency responsible for each. All utilities to be installed in the streets shall be placed and compacted prior to paving.
  5. If the required sanitary sewer line cannot be connected to a trunkline sewer at the time of the development of the subdivision, septic tanks shall be installed by and at the expense of the subdivider or lot purchaser for interim use, in conformity with the requirements of the Scott County Health Department or local Health Authority.
- B. *Performance Bond.* In lieu of the completion of such work and installations previous to the final approval of a plat, the City Council shall accept a surety bond providing for and securing the municipality the actual construction and installation of such improvements and utilities within a period specified by the Planning Commission and expressed in the bond. (CC §43.300)

**SECTION 405.255: SUBDIVIDER TO PAY ACTUAL COSTS**

Any subdivider of both minor and major subdivisions shall pay the actual cost incurred by the City associated with the process of approving the subdivision as certified by the City Clerk, prior to the recording of the plat. (Ord. No. 794 §5, 12-19-05)

**SECTION 405.260: AMENDMENTS**

- A. This Chapter may be amended from time to time by the City Government. However, no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendments.
- B. Before enacting an amendment to this Chapter, the City Government shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City. (CC §43.310)

## **CHAPTER 410: PLANNING COMMISSION**

### **SECTION 410.010: DEFINITIONS**

For the purpose of this Chapter the following terms mean or include:

*COUNCIL:* The chief legislative body of the City of Scott City.

*STREETS:* Any public ways.

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

(CC §40.010)

### **SECTION 410.020: CITY COUNCIL TO ADOPT PLAN**

The City Council of the City of Scott City shall adopt, amend and carry out a City Plan, and appoint a Planning Commission with the powers and duties herein set forth. (CC §40.020)

### **SECTION 410.030: COMMISSION ESTABLISHED**

The Planning Commission of the City shall consist of eight (8) members, including the mayor, a member of the City Council selected by the Council annually at its first (1st) organizational meeting, the City Engineer or similar City official, and five (5) citizens appointed by the Mayor and approved by the Council. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods, so that the succeeding terms shall be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Council may remove any citizen member for cause stated in writing and after public hearing. (CC §40.030)

### **SECTION 410.040: OFFICERS, MEETINGS**

The Commission shall elect a Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year, with eligibility for re-election. The Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. The Commission shall appoint the employees and staff necessary for its work, and may contract with City Planners and other professional persons for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Council. (CC §40.040)

**SECTION 410.050: PLAN CONTENTS**

The Commission shall make and adopt a City Plan for the physical development of the City. The City Plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and use of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas. The Commission shall also prepare zoning plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density. (CC §40.050)

**SECTION 410.060: PURPOSE**

In the preparation of the City Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality. The plan shall be made with the purpose of guiding and accomplishing a coordinated development of the municipality which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development. (CC §40.060)

**SECTION 410.070: PROCEDURE TO ADOPT PLAN**

The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole City Plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the plan or portion thereof, the Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the City. The hearing may be adjourned from time to time. The adoption of the plan requires a majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and filed in the office of the Commission, identified properly by file numbers, and a copy of the plan or part thereof shall be certified to the Council and the municipal clerk and a copy shall be recorded in the office of the Scott County Recorder of Deeds. (CC §40.070)

**SECTION 410.080: CITY OFFICIALS TO ASSIST**

All public officials shall, upon request, furnish to the Commission within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning. (CC §40.080)

**SECTION 410.090: CONSTRUCTION LIMITED**

Whenever the Commission adopts the plan of the City or any department thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the municipality until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, and the Council, by vote of not less than two-thirds ( $\frac{2}{3}$ ) of its entire membership, may overrule the disapproval and, upon the overruling, the Council or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Council, then the submission to the Planning Commission shall be by the board having jurisdiction, and the Planning Commission disapproval may be overruled by that board by a vote of not less than two-thirds ( $\frac{2}{3}$ ) of its entire membership. The acceptance, widening, removal, extension, location, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval. (CC §40.090)

**SECTION 410.100: ACT AS ZONING COMMISSION**

The Commission shall have and perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Commission as outlined in said Chapter. (CC §40.100)

**SECTION 410.110: RECORDING PLATS LIMITED**

After the Planning Commission of the City adopts a City Plan which includes at least a major street plan or progresses in its City planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the Recorder of Deeds of Scott County, then no plat of a subdivision of land lying within the municipality shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the City Council, and the Council has approved the plat as provided by law. (CC §40.110)

**SECTION 410.120: SUBDIVISION REGULATIONS**

Before adoption of any subdivision regulations, or any amendment thereof by the City Council, a duly advertised public hearing thereof shall be held by the Council. (CC §40.120)

**SECTION 410.130: APPROVAL OF PLAT BY COMMISSION**

Within sixty (60) days after submission of a subdivision plat to the Commission, the Commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the

applicant for approval, may extend the sixty (60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record. (CC §40.130)

**SECTION 410.140: APPROVAL OF PLAT–NOT ACCEPTANCE OF DEDICATION**

The approval of a plat by the Commission does not constitute or effect an acceptance by the municipality or public of the dedication to public use of any street or other ground shown upon the plat. (CC §40.140)

**SECTION 410.150: SALE OF LAND BY REFERENCE TO UNAPPROVED PLAT**

No owner or agent of the owner of any land located within the platting jurisdiction of the City, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Council or Planning Commission, and recorded in the office of Scott County Recorder. Any person violating the provisions of this Section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. Said penalty shall be set by the City Council. The City may enjoin or vacate the transfer or sale or agreement by legal action and may recover the penalty in such Section. (CC §40.150)

**SECTION 410.160: STREET LOCATION**

Upon adoption of a major street plan and subdivision regulations, the City shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the municipality unless the street has received the legal status of a public street prior to the adoption of a City Plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the council or the Planning Commission, or on a street plan made by and adopted by the Commission. The Council may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval, and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds ( $\frac{2}{3}$ ) of the entire membership of the City Council. (CC §40.160)

**SECTION 410.170: BUILDING PERMITS CONFORM TO STREET PLAN**

After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements above-described. (CC §40.170)

**SECTION 410.180:                   SETBACK LINES**

Whenever a plan for major streets has been adopted, the City Council upon recommendation of the Planning Commission, is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building being located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Council may prohibit any new building being located within the proposed site or right-of-way when the center line of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Council. (CC §40.180)

## **CHAPTER 415: HISTORIC PRESERVATION**

### **SECTION 415.010: GENERAL PROVISION**

The purpose of this Chapter is to promote the educational, cultural, economic and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic characteristics of Scott City which represents elements of the City's cultural, social, economic and political history;
2. Fostering civic pride in the beauty and noble accomplishments of the past, as represented in Scott City landmarks.
3. Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors and shoppers; and thereby supporting and promoting business, commerce, industry and providing economic benefit to the City;
4. Fostering and encouraging preservation, restoration and rehabilitation of structures, areas and neighborhoods, and thereby preventing future urban blight.
5. Promoting the use of landmarks for the education, pleasure and welfare of the people of the City. (Ord. No. 277 §1, 2-2-90)

### **SECTION 415.020: HISTORIC PRESERVATION COMMISSION**

- A. *Composition of Historic Preservation Commission.* The Scott City Historic Preservation Commission shall consist of five (5) members, but no more than thirteen (13). All of the members shall be appointed by the Mayor and approved by the City Council. The Mayor shall make every reasonable effort to appoint persons with a demonstrated interest in the historical preservation of the City of Scott City. To the extent available in the community, the SCHPC shall include professional members representing such disciplines as architecture, law, real estate brokerage, history or any other fields related to historic preservation. Advisors may be selected to assist the Commission.
- B. *Terms.* The term of office of the members of the SCHPC shall be for four (4) years, excepting that the membership of the first SCHPC appointed shall serve respectively for terms of three (3) for one (1) year; three (3) for two (2) years; three (3) for three (3) years and four (4) for four (4) years. Vacancies shall be filled for the unexpired term only.
- C. *Compensation.* The members shall serve without compensation.
- D. *Officers.* Officers shall consist of a Chairman, Vice-chairman and Secretary elected by the SCHPC, who shall each serve a term of one (1) year and shall be eligible for re-election. The Chairman shall preside over meetings. In the absence of the Chairman, the Vice-chairman shall perform the duties of the Chairman. If both are absent, a temporary Chairman shall be elected by those present. The officers shall assure that the following duties of the SCHPC are performed:
  1. Preparation of minutes of each SCHPC meeting.

2. Publication and distribution of copies of the minutes, reports and decisions of the SCHPC to the members of the SCHPC and to the Mayor.
  3. Notification to the Mayor of vacancies on the SCHPC and expiring terms of members, and
  4. Preparation and submission to the City Council of a complete record of the proceedings before the SCHPC on any matter requiring City Council consideration.
- E. *Meetings.* A quorum of the SCHPC shall consist of at least five (5) members. All decisions or actions of the SCHPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the SCHPC at the beginning of each calendar year or at any time upon the call of the Chairman. Any member who misses three (3) or more consecutive meetings, may be subject to dismissal from the Commission upon a majority vote of the Commission. No member of the SCHPC shall vote on any matter which may materially or apparently affect the property, income of business interest of that member. No action shall be taken by the commission which could in any manner deprive or restrict the owner of a property in its use. All meetings of the SCHPC shall be open to the public. The SCHPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall be immediately filed in the office of the SCHPC and shall be a public record.
- F. *Funding.* The City Council may annually appropriate funds, within budget limitations, for the operation of the SCHPC. The SCHPC may apply for, receive, or expend any Federal, State or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this Section.
- G. *Powers and Duties.* The SCHPC shall have the following powers and duties:
1. To adopt its own procedural regulations, provided that such regulations are consistent with this Chapter and the Revised Statutes of the State of Missouri.
  2. To conduct an ongoing survey to identify historically significant properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the Nation, State, or City.
  3. To investigate and recommend to the City Council the adoption or ordinances designating properties or structures having special historic, community or architectural value as "landmarks".
  4. To keep a register of all properties and structures which have been designated as landmarks, including all information required for each designation.
  5. To confer recognition upon the owners of landmarks and property or structures by means of certificates, plaques or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or structure to another.

6. To inform and educate the citizens of Scott City concerning the historic heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets and by holding programs and seminars.
7. To administer on behalf of the City of Scott City any property, or full or partial interest in real property, including easements, which the City of Scott City may accept as a gift or otherwise acquire, upon authorization and approval by the City Council.
8. To make recommendations to the City Council concerning the application for an utilization of any Federal, State or private grant, grant-in-aid, gift or bequest furthering the general purposes of this Chapter.
9. To call upon available City staff members as well as other experts for technical advice.
10. To testify before the Mayor and City Council on any matter affecting historically significant property, structures and areas.
11. To periodically review the Scott City Historic Preservation Ordinance and to recommend to the Mayor and City Council any amendments appropriate for the protection and continued use of landmarks or property. (Ord. No. 277 §2, 2-2-90)